



UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF NEW YORK ECF NEWSLETTER

JUNE 2014

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APPOINTMENT OF LOUIS A. SCARCELLA AS BANKRUPTCY JUDGE

The judges of the United States Bankruptcy Court for the Eastern District of New York are pleased to announce that Louis A. Scarcella was sworn in as a bankruptcy judge in this district on May 16, 2014.

Judge Scarcella's formal induction ceremony will be held Tuesday, June 24, 2014, at 4:30 p.m. in the Ceremonial Courtroom of the United States District Court, Brooklyn, New York.

AMENDMENTS TO THE BANKRUPTCY COURT MISCELLANEOUS FEE SCHEDULE

Several bankruptcy fees increased June 1, 2014, under amendments to the Bankruptcy Court Miscellaneous Fee Schedule that were approved in March 2014 by the Judicial Conference of the United States. The scheduled changes include:

- A \$57.00 increase to the adversary proceedings filing fee from \$293.00 to \$350.00.
- A new administrative fee structure assessed at filing in every bankruptcy case. Previously, \$46.00 in all cases, the administrative fee is now \$75.00 for cases filed under Chapter 7, 12, and 13, and \$550.00 for cases filed under 9, 11, and 15.

The Judicial Conference also approved separate administrative fees when married couples divide a bankruptcy filing into two cases, often because a divorce or separation occurs while a case is being adjudicated. The new fees are listed below:

| EVENT/DOCUMENT | NEW FEE |
|-----------------------------|------------|
| Voluntary Petition | |
| • Chapter 12 | \$275.00 |
| • Chapter 13 | \$310.00 |
| • Chapter 7 | \$335.00 |
| • Chapter 9 | \$1,717.00 |
| • Chapter 11 | \$1,717.00 |
| • Chapter 15 | \$1,717.00 |
| Involuntary Petition | |
| • Chapter 7 | \$335.00 |
| • Chapter 11 | \$1,717.00 |
| Adversary Proceeding | |
| • Complaint | \$350.00 |
| • Notice of Removal | \$350.00 |
| Motion To Sever | |
| • Chapter 11 | \$1,717.00 |
| • Chapter 12 | \$275.00 |
| • Chapter 13 | \$310.00 |
| • Chapter 7 | \$335.00 |

**AMENDED OFFICIAL BANKRUPTCY FORMS
EFFECTIVE DECEMBER 1, 2013 AND JUNE 1, 2014**

Filers are being reminded to update their bankruptcy software and upload to the ECF database the new bankruptcy forms that became effective December 1, 2013 and June 1, 2014. Filers may

also download the current forms from the Court's website at the link below:

<http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx>

Amended Official Bankruptcy Forms:

- B3A Application for Individuals to Pay the Filing Fees in Installments (revised 6/1/2014)
- B3B Application to Have the Chapter 7 Filing Fee Waived (revised 6/1/2014)
- B6I Schedule I: Your Income (revised 12/1/2013)
- B6J Schedule J: Your Expenses (revised 12/1/2013)
- B6 Summary (Summary of Schedules)(revised 12/1/2013)
- B23 Debtor's Certification of Completion of Instructional Course Concerning Financial Management (revised 12/1/2013) (Click [eFinCert](#) for more details)
- B27 Reaffirmation Agreement Cover (revised 12/1/2013)
- B201A – Notice to Consumer Debtor(s) Under 342(b) of the Bankruptcy Code (revised 6/1/2014)

UPDATED MEANS TEST

For updated Means Test Information for cases filed on and after May 1, 2014, click on the link below:

<http://www.nyeb.uscourts.gov/announcements/Means%20Testing%20May%202014%20-%20Census%20Bureau.pdf>

**LOSS MITIGATION
AVAILABLE IN CASE ASSIGNED TO
JUDGES GROSSMAN AND SCARCELLA**

Effectively immediately, the Loss Mitigation Program will also apply in all individual cases assigned under Chapter 7, 11, 12 or 13 of the Bankruptcy Code to Judge Robert E. Grossman and Judge Louis A. Scarcella. For additional information [click here](#)

NEW AND REVISED PROCEDURES

Motions for Relief From Stay Before Judge Trust

Commencing March 1, 2014, motions seeking relief from the automatic stay with respect to vehicles (automobiles, trucks, boats and motorcycles) may be made by presentment or by hearing.

All other motions seeking relief from the automatic stay must be made by hearing.

In addition, requests for relief from the automatic stay may be joined with requests for such additional relief as is available under Bankruptcy Code § 362, such as *in rem* relief, but may not be joined with requests for additional relief, such as dismissal or conversion of the case, or appointment of a chapter 11 trustee, not provided under § 362.

Refiled Petition

The ECF event, **Refiled Petition Re: Reform Action 2005 (Pgs. 1-3)** has been revised to direct the filer to insert the reason the petition is being refiled. The modification ensures that filers will not be able to bypass this screen.

TIP OF THE MONTH

The June 2014 Tip of the Month deals with error messages received when electronically filing a proposed order using the ECF sub-menu, **Upload Proposed Order**. If you receive any of the error messages listed below, the error could be, but not limited to, incorrect formatting of the document and naming of the file. Below are a few suggestions to successfully upload the proposed order.

Error Message: The word processing document file box is empty.

The required word processing proposed order was not uploaded.

Solution: Upload the word processing proposed order. It is required.

Or

You uploaded the file and the file name appears in the file name box.

Solution: Rename the file using the case number plus the document code.

e.g. 1472511O.doc. and upload again.

Error Message: It is not a valid word processing document.

The word processing document did not have one of the file name extensions such as: [.doc], or [.docx].

Solution: Save the file again using Microsoft Word Save as File Type. Rename the file using the case number plus the document code.

Error Message: The file name contains invalid characters [such as] &, @, \$, %, #.

The name of the file has at least one of these characters.

Solution: Remove the character from the file name and rename the file using the case number plus the document code.

Error Message: The Order [file name box] is either empty or the document specified is not a valid PDF document.

You may have failed to upload the required PDF proposed order.

Solution: Upload the PDF proposed order,

Or

You uploaded the file but the file was not properly saved in PDF

Solution: Save the file again with a [.pdf] extension using the Save as File Type.

Or

The document was scanned at one point and time (not necessarily by the filer).

Scanned proposed orders cannot be uploaded to ECF using Upload Proposed Order sub-menu.

Solution: Re-type the proposed order using a word processing application and then convert the document to PDF.

We encourage you to share this document with those on your staff that assist with e-filing. If you have any questions, please call our help desk before filing. The numbers are 347-394-1700 then press 6 (Brooklyn) and 631-712-6200 then press 6 (Central Islip).

CASE FILINGS

JANUARY- APRIL 2014

| | | |
|------------|---|-------|
| Chapter 7 | = | 3,667 |
| Chapter 9 | = | 0 |
| Chapter 11 | = | 72 |
| Chapter 12 | = | 0 |
| Chapter 13 | = | 529 |
| Chapter 15 | = | 6 |

Total Cases Filed January-April 2014 = 4,274

Total Adversary Proceedings Filed January-April 2014 = 206

QUARTERLY REMINDERS

Chapter 11 Guidelines

As a reminder, the following Chapter 11 Guidelines are available on the Court's website:

[Bar Date Orders](#)

[First Day Motions](#)

[Financing Motions](#)

[Sale Motions](#)
[Monthly Compensation Orders, Fee Applications](#)
[Chapter 11 UST Quarterly Fee Schedule](#)

Keeping Your ECF Account Current

Attorneys are responsible for keeping their information current regarding firm affiliation, address, telephone, fax and/or email. This information can be electronically updated by accessing your CM/ECF account under the Utilities menu and selecting "Maintain your ECF Account." Should you have a reason to believe that your password has been compromised, you must immediately notify the Court in writing. To update your profile in the ECF database regarding firm affiliation, address, telephone, fax and/or email, preview the electronic learning module by clicking the link below:

http://www.nyeb.uscourts.gov/elms/maintain_user_account/MAINTAIN_YOUR_ECF_ACCOUNT.htm

Electronic Learning Modules

Electronic Learning Modules (ELMs) and ECF Tips have been created to help ECF filers comply with docketing procedures and guidelines to minimize filing errors. To view the ELMs and Tips, visit the Court's website at:

http://www.nyeb.uscourts.gov/main_attny/usbc_content.php?id=ecf_elm
http://www.nyeb.uscourts.gov/main_attny/usbc_content.php?id=ecf_tips

THE COURT'S EMAIL ADDRESS

ECF filers receive their Notices of Electronic Filing from the Bankruptcy Court Live email account. Filers are asked not to respond to emails received from the court's email address BKECF_LiveDB@nyeb.uscourts.gov as any emails sent to this address will not be answered.

CHANGE IN CENTRAL ISLIP MAILING ADDRESS

Be advised that effective November 1, 2013, all mail sent to the Bankruptcy Court at the Central Islip Courthouse **must** be addressed as follows:

United States Bankruptcy Court
Alfonse M. D'Amato United States Courthouse
290 Federal Plaza
Central Islip, New York 11722

DOCKETING TIPS

All filers are required to adhere to the redaction requirements under Bankruptcy Rule 9037(d) of the Privacy Act.

Filers are asked to use capital and lower case letters when inputting data or docketing in the ECF Live system. Filers should not use ALL CAPITAL LETTERS.

When filing a new petition, in addition to uploading the list of creditors in .txt format under Creditor Maintenance in the ECF system, you must also include a PDF list of creditors within the petition.

The Help Desk is available to filers who are having difficulty filing documents. We recommend that you and those on your staff who assist with e-filing attend the ECF training classes at the Court.

New filers to this Court are reminded that they are responsible for timely service of any documents and must not rely on the Electronic Case Filing system as a form of service. See Local Bankruptcy Rule 9036-2.

When requesting more than one relief for a motion, after selecting the first event from the list of Available Events, hold down the control (Ctrl) key on the keyboard to choose the second event. Do not type any event in the text box. The text box may be used to differentiate or uniquely describe the document filed.

The complete Social Security (SSN) or Individual Taxpayer-Identification Number (ITIN) is placed on Form 21. To be in compliance with Federal Bankruptcy Rule 9037, this form should be kept in your office with your clients records and should **not be uploaded to the docket**.

If you are unsure of the event or relief to use, check the Available Events list in the ECF system or the alphabetical listing of Docket Events at the link below on the Court's website:
http://www.nyeb.uscourts.gov/ecf/train_guide/atty/docket_event_alph_bk.pdf.

If you cannot find an event/relief on either list, call the Help Desk. The Case Administrator will inform you of the best event to use. You may also use the ECF Search menu to find events.

Always link to an actual document. Do not link or relate documents to **any** hearing entries on the docket.

LOGINS AND PASSWORDS

If you have **forgotten** your ECF login and/or password, call the Court's Help Desk. **Do not** re-submit an Attorney Password Application.

In order to receive a login and password, filers must submit, by conventional mail, an original Attorney Password Application with an original signature.

When notarizing the Attorney Password Application, make sure all information is legible.

All logins and passwords will be sent to the primary email address on file. If you did not update your email address in the ECF system, you will be required to fax a signed letter on your office letterhead requesting that the login and password be sent to your current email address.

ECF logins and passwords are issued within three to five business days from the date the application is received.

If you have not received your login and password by email and it appears that you should have, check your Trash and Spam folders before calling the Court.

OFFICE SELECTION WHEN OPENING A BANKRUPTCY CASE

When selecting the **Office** in which the bankruptcy case should be filed, the **Office** assignment is generally based on the debtor's place of residence or the principal place of business.

Filers are asked to **verify the Office selection** before advancing to the next field.

- The **Office** field defaults to Brooklyn. Keep the default selection when the debtor's county of residence or principal place of business is either Kings, Queens, or Richmond County; or
- Select the drop down arrow to change the **Office** selection to Central Islip only when the debtor's county of residence or principal place of business is either Nassau or Suffolk County.

NEW YORK STATE STANDARDS OF CIVILITY

The Board of Judges for the United States Bankruptcy Court for the Eastern District of New York adopted the New York State Standards of Civility for the legal profession, as guidelines for practice in all cases and proceedings in this Court. For more information click on the link: http://www.nyeb.uscourts.gov/admin_orders/ord_568.pdf.

CHAPTER 11 LAWYERS ADVISORY COMMITTEE

The United States Bankruptcy Court for the Eastern District of New York announces the formation of a Chapter 11 Lawyers' Advisory Committee, which will provide a forum for communication between the Court and the bar regarding chapter 11 practice and procedure in the District. The Committee meets quarterly. The inaugural meeting was held on March 4, 2014.

Click on the link below for more details.

http://www.nyeb.uscourts.gov/main/usbc_content.php?id=ch11_lac

ELECTRONIC TRAINING CLASS SCHEDULE

The next Electronic Case Filing training classes for attorneys and their support staff will be held at the:

- Brooklyn Courthouse - Friday, June 27, 2014 from 9:30 a.m. to 12:30 p.m.
- Central Islip Courthouse - Friday, July 11, 2014 from 9:30 to 12:30 p.m.

Attendance is no longer required to receive an ECF password to docket. However, first time users of the ECF system are strongly encouraged to attend the training class with their support staff. **It is important that attendees be on time for class.** Those arriving late must go to the Clerk's Office on the second floor of the Bankruptcy Court in Central Islip and first floor in Brooklyn, to speak to the Public Service Deputy who will announce your arrival or escort you to the training room. Participants must register before attending the class. If you register for a class and must cancel, notify the Court as soon as possible.

Margaret Clarke is the presenter for the classes in Central Islip and Brooklyn. The training room is in a secured area so attendees are asked to wait by the kiosk in the lobby area of the Central Islip and Brooklyn Courthouse.

The classroom training dates are also posted on the Court's website at:

http://www.nyeb.uscourts.gov/main_attny/usbc_content.php?id=ecf_training_schedule

CONTACT INFORMATION

United States Bankruptcy Court
Eastern District of New York
Conrad B. Duberstein United States
Bankruptcy Courthouse
271-C Cadman Plaza East, Suite 1595
Brooklyn, NY 11201-1800
(347) 394-1700
Help Desk: (347) 394-1700 press 6

United States Bankruptcy Court
Eastern District of New York
Alfonse M. D'Amato United States
Courthouse
290 Federal Plaza
Central Islip, NY 11722
(631) 712-6200
Help Desk: (631) 712-6200 press 6

The Voice Case Information - 866-222-8029

The Court's website address is: <http://www.nyeb.uscourts.gov/>

This newsletter and previous issues are available for online viewing. [Click here](#) to visit the ECF Newsletter Archive.

Contact Margaret_Clarke@nyeb.uscourts.gov with your ideas, articles and topics for the newsletter.