

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

In re:

Administrative Order No. 2021-4

IMPLEMENTATION OF
EMERGENCY FILING PROCEDURES
FOLLOWING THE CLERK'S OFFICE'S
RESUMPTION OF NORMAL OPERATIONS

WHEREAS the Clerk's Office of the U.S. Bankruptcy Court for the Western District of Michigan has been operating under special procedures due to the public health threat posed by the COVID-19 virus;

WHEREAS the rate of community transmission of the COVID-19 virus is decreasing in this District and the percentage of those eligible for a vaccination against the COVID-19 virus who have received a vaccination is increasing;

WHEREAS as a result of the decreasing community transmission and increasing vaccinations a number of COVID-19 related public health measures have been modified or lifted;

WHEREAS effective July 6, 2021, the Clerk's Office will resume normal operating procedures and the Temporary Filing Procedures instituted by Administrative Order 2020-4 will be suspended;

WHEREAS LBR 5005-1(d) authorizes documents other than the petition to be filed by facsimile and email with prior court approval; and

WHEREAS LBR 9029(b) provides that if any matter of practice or procedure requires the Court's attention prior to amendment of the Local Bankruptcy Rules, the Court may enter an administrative order to serve as an interim rule,

NOW, THEREFORE IT IS HEREBY ORDERED:

1. Effective at 4:00 pm (Eastern) on July 6, 2021, emergency filings must be submitted pursuant to the Emergency Filing Procedures attached to this Order and posted on the Court's website.
2. If, pursuant to the Emergency Filing Procedures, the Court permits a party to file a document by facsimile or electronic mail, the document will be provisionally accepted. Pursuant to Fed. R. Bankr. P. 9011, the party shall, within 14 days after the filing by facsimile or electronic mail, transmit (by U.S. mail or delivery service) the original, signed document(s) to the Clerk of the Bankruptcy Court, 1 Division Ave. N., 2nd Floor, Grand Rapids, Michigan 49503. Failure to timely transmit the original, signed document to the Clerk will result in the Court striking the document.
3. The Clerk shall post the Emergency Filing Procedures on the Court's website at:

<https://www.miw.uscourts.gov>

IT IS FURTHER ORDERED that a copy of this Order shall be served on all CM/ECF Filing Users and posted on the Court's website forthwith.

Dated: June 3, 2021

FOR THE COURT:



Scott W. Dales
Chief Judge

EMERGENCY FILING PROCEDURES
EFFECTIVE JULY 6, 2021

1. **Attorney Filings.** The emergency procedures outlined here do not affect the requirement that attorneys become authorized e-filers in the CM/ECF database or the procedures for e-filers to file documents with or make payments to the U.S. Bankruptcy Court.
2. **Parties Not Represented by Counsel – Filing an Emergency Petition.**

A Debtor who is not represented by counsel who needs to file a bankruptcy petition on an emergency basis should use the Court's Electronic Self Representation (ESR) program which can be found at this link: <https://ecf.miwb.uscourts.gov/n/esr/pages/registration.jsf>. A petition submitted through ESR on a day the Court is open for business will be deemed filed on the date submitted. A petition submitted through ESR on a day the Court is not open for business will be deemed filed on the Court's next business day.

3. **Other Emergencies**

- a. **E-Filer Unable to File Electronically.**

An e-filer who is unable to file electronically due to a problem on the e-filer's end must file conventionally pursuant to Local Bankruptcy Rule (LBR) 5005-1. If the filing is an emergency filing, the e-filer may contact the on-call clerk at 616-456-2266 to request permission to submit an emergency filing by email.

- b. **Debtor or Other Party Not Represented by Counsel.**

A Debtor or other party who is not represented by counsel who needs to file a document, other than a petition, on an emergency basis must contact the on-call clerk at 616-456-2266 to request permission to submit an emergency filing by email.

- c. **Procedure**

- i. If permission is granted to file a document(s) by email, the document(s) must then be emailed **in pdf format.**
- ii. Documents filed by email on a day the Court is open for business will be deemed filed on the date received. Documents received on a day the Court is not open for business will be deemed filed on the Court's next business day.
- iii. If a document accepted for filing by email requires the debtor's signature, then the original, signed document must be transmitted by U.S. mail or delivery service to the Clerk of the U.S. Bankruptcy Court, 1 Division Ave. N., 2nd Floor, Grand Rapids, Michigan 49503, and must be received by the Clerk within 14 days of the email filing. Failure to submit the original

document may result in denial of the relief requested, striking the document(s) or dismissal of the case.

- d. An emergency filing is a filing that must be filed immediately to avoid irreparable harm before the filing can get to the Court via the U.S. Mail or other delivery service and before the filer can hand-deliver the filing to the Court. Waiting until the deadline to file a document is NOT an emergency. Filing by email because it is more convenient than U.S. mail, hand delivery, or delivery service is NOT an emergency.
- e. Any document sent to the Court via email, other than a petition filed through ESR, without first obtaining permission to file by email from the on-call clerk will be rejected.