

**ELECTRONIC CASE FILING
ADMINISTRATIVE PROCEDURES**

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN**

I. Registration for the Electronic Case Filing System

A. Designation of Cases

All cases filed in the Western District of Michigan, regardless of when a case was originally filed, are deemed to be assigned to the Case Management/Electronic Case Filing System (hereafter System) unless otherwise indicated by the Court.

B. Logins & Passwords

1. Any attorney admitted to practice in the Western District of Michigan (including those admitted *pro hac vice*), United States Trustees, panel trustees, and others with court approval may register to participate in electronic case filing. Registration will permit the registrant (“Filing User”) to retrieve and file pleadings and other documents. Except as provided in paragraph II(E)(3), filing a document or pleading using a Filing User’s login & password, issued by the Court, constitutes the Filing User’s signature on any document or pleading submitted electronically through the System.
2. *Filing User* is defined as the attorney of record or the actual party in interest, if not represented by counsel, who is registered with the Court and who electronically transmits any pleading or document to the Court.

C. Registration

1. An official registration form (See Court's Web site) must be submitted for each Filing User. A Filing User, with the exception of the US Trustee and Panel Trustees, must pay all applicable filing and/or motion fees via the Internet Credit Card module.
2. All registration forms are to be completed and submitted on the Court's website at www.miwb.uscourts.gov.
3. After completion of training with the Clerk's Office, each registering Filing User will be assigned a login & password for the System. Only one login & password will be assigned for each Filing User. Each Filing User will receive an internet e-mail message after his/her password has been assigned to ensure that the filer's internet e-mail address has been entered correctly into the System. Failure of any Filing User to abide by established Court guidelines and procedures for filing electronically, may result in the revocation of user access.
4. A Filing User may change the assigned password. In the event a Filing User believes that the security of an existing password may have been compromised, he/she shall immediately change that password and notify the Clerk's office. Passwords may be reset using a link available on the login screen of the electronic filing system if forgotten or compromised.
5. Registration as a Filing User constitutes (1) waiver of the right to receive notice by first class mail and consent to receive notice electronically; and (2) waiver of the right to service by personal service or first-class mail and consent to electronic service, except regarding service of a summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first class mail applies to notice of the entry of the order or judgment under Fed. R. Bankr. P. 9022.

6. If any information on the registration changes, i.e., mailing address, e-mail address, etc., it is the Filing User's responsibility to log onto the system and make the appropriate changes by accessing the "Utility" menu and selecting "Maintain Your ECF Account" (See Court's Web site). It is not the Court's responsibility to re-send or investigate returned e-mails not properly maintained by the Filing Users.
7. Once registered, a Filing User may withdraw from participation in the System by providing the Clerk's Office with written notice of such withdrawal. Upon receipt of the written notice, the Clerk's Office will immediately cancel the Filing User's password and delete the user from any applicable electronic service list. An attorney's withdrawal from participation in the System does not constitute withdrawal from representation in any pending case. A withdrawing attorney must notify all parties/attorneys who have appeared in a pending case that they can no longer be served electronically and must be served conventionally.

D. Limited Use Participants

1. Attorneys and creditor representatives may obtain a "Limited Use Password" for access to the System (subject to Fed. R. Bankr. P. 9010(a)) by submitting a Limited Participant ECF User form (See Court's Web site).
2. Upon completion of any applicable training, registrants will receive a limited use login and password. The use of this login and password are governed by the provision of paragraph I(C). Only attorney representatives will be permitted to receive e: mail notification; Creditor representatives are required to waive such notice. The Court will maintain all user account information for Limited Use participants. Participants are required to immediately notify the Court of any change(s) and/or corrections(s) to their mailing address or other pertinent

3. Documents filed by a Limited Use participant are governed by all provisions of these administrative procedures. If a Limited User participant files a proof of claim electronically, all attachments, evidence of indebtedness or security interests or other liens required to be attached under the Federal Rules of Bankruptcy Procedure or local rule shall be attached electronically to the proof of claim.

II. Electronic Filing and Service of Documents

A. Filing Electronically

1. Except as provided for in paragraph III (A) below, all pleadings and documents required to be filed with the Court in connection with a case assigned to the System shall be electronically filed.
2. Documents that are associated with a pleading shall be prepared as separate documents but should be electronically filed together as attachments to the main pleading. i.e.: certificates of service, affidavits, supporting briefs, proposed orders, etc., shall be filed as attachments to the motion, complaint or other pleading to which it relates. See III (A)(2) regarding exhibits.
3. The Clerk's Office shall not maintain a paper court file in any case, except as otherwise provided by this Administrative Procedure or local Court policy. The official court record shall be an electronic file maintained on the Court's file server. The Court may dispose of any paper documents after scanning and docketing.

B. Service

1. Whenever a pleading or other paper is filed, a “Notice of Electronic Filing” will be automatically generated by the System via electronic means at the time of docketing.
2. The Filing User must serve pleadings or documents upon all persons entitled to notice or service in accordance with applicable rules. If the recipient is a registered participant in the System, service of the “Notice of Electronic Filing” shall be the equivalent of service of the pleading or other paper (other than a summons and complaint) by first class mail, postage prepaid, provided, however, that the three-day extension prescribed in Fed. R. Bankr. P. 9006(f) shall not apply when service is made through the System.

C. Section 341(a) Meeting of Creditors

The attorney for the debtor shall bring to the Section 341(a) meeting of creditors, the electronically filed petition, schedules, lists and statement of financial affairs bearing the original signatures of the debtor(s).

D. Timeliness

1. Filing of documents electronically does not alter the filing deadline for that pleading. Except where the presiding Judge specifically requires an earlier filing time, filing must be completed before midnight local time (Eastern Standard Time or Eastern Daylight Time, whichever is applicable at the time of filing) to be considered timely filed that day.
2. A document is deemed filed at the date and time reflected on the “Notice of Electronic Filing” from the Court.

3. A filer whose document is made untimely as the result of a technical failure of the court's System, may seek appropriate relief from the Court.

E. Signatures

1. Petitions, lists, schedules and statements, amendments, pleadings, affidavits and other documents which must contain original signatures, or which require verification under Fed. R. Bankr. P. 1008 or unsworn declarations as provided in Fed. R. Bankr. P. 9017 and 28 U.S.C. §1746, shall be filed electronically by Filing User. A copy containing an original signature must be retained by the Filing User for a period of 5 years after the closing of the case and all time periods for appeals have expired, unless the Court orders a different period. This retention period does not affect or replace any other periods required by other applicable laws or rules. Upon request of the Court, the Filing User must provide original documents for review.
2. Notwithstanding paragraph I(B)(1), the pleading or other document electronically filed shall indicate the signature as “/S/ name”, unless the document has been scanned and shows the original signature.
3. In the case of a stipulation or other document to be signed by two or more persons, the following procedure shall be used:
 - a. The filer shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the actual signature(s) of all parties on the document.
 - b. The filer shall then file the document electronically, indicating the signatures by “/S/ name”.

- c. The filer shall retain the hard copy of the document containing the original signatures in accordance with paragraph II (E)(2).

F. Special Documents

1. Creditor Mailing Matrix – The creditor matrix shall be prepared in accordance with the “Creditor Matrix Style Guide”. The creditor mailing matrix will accompany an electronically filed bankruptcy petition. The matrix shall be filed as an ASCII Text (.txt) file and uploaded immediately after the petition is filed. If an amendment is filed which adds creditors, then an amended matrix shall also be prepared as a .txt file for uploading which contains only the names and addresses of those creditors being added to the proceeding.
2. Virtual Documents – Virtual documents are certain documents (including some orders) which are frequently utilized by trustees, Office of the U. S. Trustee and the Court of which the text does not substantially vary from case to case. A virtual document consists entirely of the text contained in the docket entry and is not embodied in any other document. The docket entry for the virtual document shall be fully effective despite the absence of a tangible document.

G. Fees Payable to the Clerk

1. Registered filers shall pay all applicable filing/motion fees through the U. S. Treasury Internet credit card program. It is the filers responsibility to maintain a credit limit adequate to cover all filing/motion fees due. The filer may select “Pay Now” or “Continue Filing” on the payment screen. If “Continue Filing” has been selected, to pay multiple fees with a single payment, the payment for all fees due shall be made by the close of each business day or the filer will be locked out of CM/ECF until

payment has been made.

2. Any transaction declined by the credit card issuer for any reason must be paid to the Court in cash or by check or money order by the close of business on the next business day. The cardholder has the responsibility to notify the Clerk's Office of any transaction which is declined.

H. Orders

The Clerk's Office will electronically file all orders, notices and other court-produced documents into the System.

Any order filed electronically by the Court with the Judge's signature reflected as "/S/Judge's Name", has the same force and effect as if the Judge had affixed an original signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

Any ministerial order filed electronically by the Clerk with the Clerk's signature reflected as "/S/Michelle M. Wilson, Clerk of Court," has the same force and effect as if the Clerk had affixed an original signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

Proposed Orders – The Clerk is authorized to establish detailed procedures and requirements regarding the electronic filing of orders. Such procedures and requirements may be contained in guidelines, notices, user guides, etc., posted on the Court's website and available in the Clerk's office. See Exh. A (E-Order Guidelines).

I. Entry and Correction of Docket Entries

1. The person electronically filing a pleading or other document will be responsible for designating a docket entry for the document by using one of the event categories prescribed by the Court.

2. Once a document has been electronically filed, corrections will be made only by the Clerk's Office. The System will not permit filers to make changes to the document(s) or docket entry filed in error once the transaction has been entered. The filer will be advised by the Clerk's office if the document needs to be *refiled*.

J. Exhibits/Attachments Other than Exhibits for Hearings and Trials

Unless the Court orders otherwise, all documents referenced as exhibits or attachments shall be submitted in electronic format. An exhibit to an electronic filing shall include only excerpts of the referenced document that is directly germane to the matter under consideration by the Court. Excerpted material must be clearly identified as such. A party filing excerpts of a document under this provision does so without prejudice to the right to file timely additional excerpts or the complete document. The original paper copy of any exhibit or attachment in its entirety must be available in the courtroom at any hearing or trial pertaining to the matter.

III. Exceptions to Electronic Filing

Pleadings and documents must be filed electronically with the following exceptions: trial exhibits, original transcripts, documents filed by *pro se* parties, and documents filed under seal.

A. Alternate Procedures

1. Documents filed under seal – The motion to file document(s) under seal shall be filed electronically. The actual document(s) under seal shall be prepared in paper form and submitted to the Court with the order granting the motion once the order has been entered, except as otherwise provided in LBR 9037-1(b).
2. Trial Exhibits – Trial exhibits shall be submitted conventionally. The Court will not scan trial exhibits unless the Court determines that doing so will assist in managing the trial.

3. Proofs of Claim – Claims may be filed conventionally by nonregistered users. Claims submitted conventionally will be entered and scanned in their entirety into the System by the Court.

IV. Electronic Filing Protocols

A. Format

All Documents, except the creditor mailing matrix or amended mailing matrix, shall be submitted in a PDF file. The creditor mailing matrix must be filed in .txt format.

B. Size of Documents

Document files must be no larger than 2 megabytes (MB) in size, or approximately 35 pages of text in standard word processing format, converted into PDF using Adobe Acrobat software or through other software. Scanning a document into PDF will result in a much larger file size. The transmission of a large document as a single file may not be successful due to security constraints on the length of time taken by an electronic filing. Large-sized documents should be broken down into sections and filed as consecutively number attachments pursuant to Court policy.

- C. The Clerk is authorized to establish detailed procedures and requirements regarding the electronic filing of documents. Such procedures and requirements may be contained in guidelines, notices, user guides, etc., posted on the Court's website and available in the Clerk's office.

V. Conventional Filing Protocol

- A. Quality -- Documents must be printed in a format capable of producing a quality image when scanned by the Court.

- B.** Size – All documents, including exhibits and attachments, must be on standard letter size (8.5" x 11"). The filing party is responsible for reducing larger documents to the standard size; or for copying smaller size documents onto standard size paper.

- C.** Assembly – Documents shall be submitted bound only by binder clips or clamps. Documents shall not be bound by staples, prong fasteners or standard paper clips. Documents may not contain tabs. Exhibits may be marked by including a separation sheet marked with the exhibit letter or number; or by noting the exhibit letter or number at the bottom of the first page of the exhibit.

- D.** Number of Copies – Only the original document need be presented for filing, except for trial exhibits and legal briefs – two complete sets are to be filed with the Court. If the filing party would like file-stamped copies returned, then those copies must be submitted along with a self-addressed stamped envelope. Additional copies will not be returned if not accompanied with a self-addressed stamped envelope.

- E.** Disposal of Paper Documents – The official record consists of the electronic images of documents stored in the Court’s System. The Court may dispose of paper documents after scanning and docketing.

- F.** Mailing Matrix – Only a *pro se* debtor who did not receive assistance from a bankruptcy petition preparer may file a creditor mailing matrix in paper format.

VI. Technical Failures

A Filing User who is unable to effect a filing electronically due to a technical failure should document the incident and report the occurrence to the Clerk’s office. A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court. Known system outages will be posted on our web site if possible.

Problems on the Filing User's end will not constitute a technical failure under these procedures nor excuse an untimely filing (i.e.: problems with phone lines, Internet Service Provider (ISP), hardware or software, etc.). A Filing User who cannot file a document electronically because of a problem on the Filing User's end, must file the document conventionally or contact the Clerk's Office for permission to file the document provisionally via FAX or other means (See LBR 5005-1).

VII. Public Access to the System

A. Internet Access

Non-ECF Participants -- Any person or organization may access the docket and docket entries electronically by establishing an account with the PACER Service Center. Registration may be made online at <http://www.pacer.gov> or by calling 1-800-676-6856. All applicable fees would apply.

ECF Participants – Filing Users who receive by email a Notice of Electronic Filing and who are also PACER subscribers will receive one free look at the document in the case through the hyperlink included in the Notice of Electronic Filing. In addition to receiving a login and password for filing documents through the System, Filing Users (other than Limited Use Participants for whom email notification has been waived) must also establish an account with the PACER Service Center (see above). All other applicable fees would apply.

B. Access at Court

During regular business hours, electronic access to documents and case information is available at the Clerk's office in Grand Rapids. There are no fees for viewing the electronic documents at the Clerk's Office. Charges for copies of electronic and paper documents are described in the Electronic Public Access Fee Schedule (28 U.S.C. §1930).

VIII. Privacy

- A.** In compliance with the policy of the Judicial Conference of the United States, LBR 9037-1, and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents and pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court or required by statute, the Federal Rules of Bankruptcy Procedure or the Official Bankruptcy Forms.
1. Social Security Numbers – If an individual’s social security number must be included in a pleading, only the last four digits of that number should be used.
 2. Names of minor children – If the involvement of a minor child must be mentioned, only the initials of that child should be used. On Schedule I of the Official Bankruptcy Form 6, list relationship and age of the debtor’s dependents (i.e.: son, age 6).
 3. Dates of Birth – If an individual’s date of birth must be included in a pleading, only the year should be used. On Schedule I of Official Bankruptcy Form 6, list the age of each of the debtor’s dependents.
 4. Financial Account Numbers – If financial account numbers are relevant, only the last four digits should be used. On Schedules D, E & F of the Official Bankruptcy Form 6, debtors, if they so choose, may include their full account numbers to assist the trustee and creditors.
- B.** In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal identifiers listed above may, with the court’s permission, file an unredacted document under seal. The court will consider a request to file an unredacted document under

seal by *ex parte* motion, although the court may require the filing party to give notice and an opportunity to request a hearing, or may set the matter for hearing. The unredacted document shall be retained by the court as part of the record. The party shall file a redacted copy for the public file.

- C. The responsibility for redacting these personal identifiers, including those that may be embedded in a document’s metadata, rests solely with counsel and the parties. The Clerk has no duty to review each document for compliance with this rule.

EXHIBIT A

E-Order Guidelines

These guidelines are to assist you in preparing and submitting proposed orders requesting approval by the Court. If proposed orders are submitted that do not follow these guidelines, you will be contacted by a member of the judge’s staff. Repeated failure to follow these guidelines will be referred to the judge.

- All proposed orders requesting approval by the Court (except those orders specifically excluded – see below) **MUST** be uploaded directly into the E-Orders program. No action will be taken on proposed orders that are electronically filed on the Court’s docket.
- All proposed orders **MUST** be submitted in PDF format. The preferred method for creating the PDF is to print an existing word processing document to a PDF. A PDF created by scanning may not process successfully.
- The last page **MUST** have a minimum 2” blank bottom margin.
- The page size **MUST** be **EXACTLY** 8.5” by 11.”
- The following fonts are acceptable: Arial, Courier, Helvetica or Times New Roman (regular, bold, italic or bold italic). Proposed orders submitted with other fonts may not upload successfully.
- **“End of Order”** should be centered in the middle of the page as the last line of the body of the proposed order to indicate the order is complete.
- The name of the attorney who prepared the proposed order, the name of his/her law firm, mailing address and telephone number should be included after the body of the proposed order but above the 2” bottom margin.

- Proposed orders should **not**:
 - contain a signature block for the judge or a line for the date;
 - contain any blank fields (current federal judgment interest rates can be found on the following website under U.S. government securities, Treasury constant maturities, 1-year:
<http://federalreserve.gov/releases/h15/current>);
 - include page numbers or your file references/numbers;
 - be captioned as “proposed” order.
- If a proposed order contains a future hearing date, please contact the appropriate chamber’s calendar clerk to confirm the date, time and location for the hearing prior to uploading the order.
- To determine the status of a proposed order you submitted, query the E-Order program through CM/ECF (see procedure for How to Check the Status of a Proposed Order). (**Note:** you will not be able to query proposed orders submitted by other parties.) Please allow at least one week after submission before contacting the Court.
- Unless your order is of an urgent nature, you are not required to advise the Court that a proposed order has been uploaded.
- Proposed orders requesting *ex parte* relief should be uploaded to the E-Order program at the same time the motion requesting such relief is filed on the Court’s docket.
- A proposed order for approval of a stipulation should be uploaded to the E-Order program at the same time the stipulation is filed on the Court’s docket.
- Proposed orders that the Court directs parties to prepare after announcing its decision in open court should be uploaded after the hearing. The

proposed order shall include the date the hearing was held.

- Proposed orders for motions prosecuted using the “notice and opportunity to object” procedure set forth in LBR 9013(c) should be uploaded to the E-Order program only after the expiration of the objection period and at the same time the Affidavit/Certificate of No Objection is filed on the Court’s docket pursuant to LBR 9013(c)(2). This does not excuse counsel from including a copy of a proposed order as an exhibit to any motion in conformance with LBR 9013(c)(1)(B), nor does compliance with LBR 9013(c)(1)(B) constitute compliance with this procedure.

PROPOSED ORDERS EXCLUDED FROM THE E-ORDER PROGRAM

These procedures do **not** apply to the submission of proposed orders regarding the following matters; proposed orders regarding these matters should **not** be uploaded to the E-Orders program:

1. Applications for payment of filing fees in installments;
2. Applications for waiver of Chapter 7 filing fee;
3. Reaffirmation agreements;
4. Writs of garnishment and executions;
5. Permitting pleadings or other documents to be filed conventionally