

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF GEORGIA

Local Bankruptcy Rules for Electronic Case Files (ECF) (December 1, 2016)

ECF Local Rule 1 – Scope of Electronic Filing

Except as prescribed by local rule, order, or other procedure, the Court has designated all cases to be assigned to the Electronic Case Files (ECF) system. Unless otherwise permitted by the Court or expressly provided in these Local Rules, the ECF Administrative Procedures, or General Order 2016-2, all petitions, motions, memoranda of law, claims, or other pleadings and documents shall be filed electronically using the ECF system, or shall be scanned and uploaded, unless otherwise required or permitted by the Court.

ECF Local Rule 2 – Eligibility, Registration, and Passwords

Absent a judicial waiver, attorneys in good standing admitted to practice before this Court, attorneys admitted *pro hac vice*, trustees or examiners serving in any case pending in the Court, and the United States trustee will file, sign, and verify documents only by electronic means to the extent and in the manner authorized by General Order 2016-2 and the ECF Administrative Procedures. Those members of the Bar who are unable to file electronically must nonetheless register for a login and password in order to facilitate the use of electronic noticing by the Court and other electronic filers.

Absent a judicial waiver, creditors that file fifteen (15) or more proofs of claim during any 12-month period must file claims electronically. Attorneys who file claims for themselves, their firms, or on behalf of any other entity shall file all claims electronically, regardless of number.

Attorneys who are not admitted to practice in the Southern District of Georgia and creditors may file, sign, and verify documents by electronic means to the extent and in the manner authorized by General Order 2016-2 and the ECF Administrative Procedures.

Parties proceeding *pro se* shall not file electronically, unless the *pro se* litigant is an attorney in good standing and admitted to practice before the Court, an attorney admitted *pro hac vice* in the case, or a creditor authorized to perform specified transactions as a limited electronic filer. If the Court permits, a party to a pending action who is not represented by an attorney may register as a Filing User in the ECF system solely for purposes of the action. Registration is in a form prescribed by the clerk and requires identification of the action as well as the name, address, telephone number and email address of the party. If, during the course of the action, the party retains an attorney who appears on the party's behalf, the attorney must advise the clerk to terminate the party's registration as a Filing User upon the attorney's appearance.

Registration is in a form prescribed by the clerk and requires the Filing User's name, address, telephone number, email address, and, in the case of an attorney, a declaration that the attorney is admitted to the Bar of this Court.

Provided that a Filing User has an email address, 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 with regard to 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 an order or judgment under Fed. R. Bankr. P. 9022.

Once registration is completed, the Filing User will receive notification of the user login and password. Filing Users agree to protect the security of their passwords and immediately notify the Clerk if they learn that their password has been compromised. Users may be subject to sanctions for failure to comply with this provision. Once registered, a Filing User may withdraw from participation in the ECF system by providing the Clerk's Office with written notice of the withdrawal. However, an attorney's withdrawal from participation in the ECF system shall not be construed as authorization to file cases or documents conventionally.

ECF Local Rule 3 – Consequences of Electronic Filing

Electronic transmission of a document to the Electronic Case Files (ECF) system consistent with these rules, together with the transmission of a Notice of Electronic Filing (NEF) from the Court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, and constitutes entry of the document on the docket kept by the Clerk under Fed. R. Bankr. P. 5003.

Before filing a scanned document with the Court, a Filing User must verify its legibility. When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court, and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically, a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing (NEF) from the Court.

Electronic filing does not alter the filing deadline for that document. Filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day.

ECF Local Rule 4 – Entry of Court-Issued Documents

All orders, decrees, judgments, and proceedings of the Court will be filed in accordance with these rules, which will constitute entry on the docket kept by the Clerk under Fed. R. Bankr. P. 5003 and 9021. All signed orders will be filed electronically by the Court or Court personnel. Any order or other Court-issued document filed electronically without the original signature of a judge or Clerk has the same force and effect as if the judge or Clerk had signed a paper order and it had been entered on the docket in a conventional manner.

Orders may also be issued as "text-only" entries on the docket, without an attached document. Such orders are official and binding.

The Court may sign, seal and issue a summons electronically, although a summons may not be served electronically.

A Filing User submitting a document electronically that requires a judge's signature must promptly submit the document in such form as the Court requires.

ECF Local Rule 5 – Attachments and Exhibits

In general, evidence in support of, or in opposition to, a motion should be filed electronically, rather than conventionally; however, exhibits that are submitted in conventional form during a hearing will be maintained by the Clerk's Office in conventional format. Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless the Court authorizes conventional filing. A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this rule do

so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane. The Court may require parties to file additional excerpts or the complete document.

ECF Local Rule 6 – Sealed Documents

A motion to file documents under seal may be filed electronically; however, the actual documents to be filed under seal shall be filed conventionally in paper form. The order of the Court authorizing the filing of such documents under seal will be entered electronically by the Clerk's Office and a paper copy of the order shall be attached to the documents under seal and delivered to the Clerk's Office.

ECF Local Rule 7 – Document Retention Requirements

The Clerk's Office shall not maintain a paper Court file in any case begun after the effective date of these Administrative Procedures except as otherwise provided herein. The official court record shall be the electronic file maintained by the Court. The official record shall include, however, initiating documents and other conventional documents or exhibits filed in accordance with these Administrative Procedures. Any document submitted to the Clerk in a paper format shall be converted into an electronic format prior to docketing. It is the duty of the filing party to confirm that such document has been accurately submitted into the Court's electronic file. If no challenge regarding the presentation of the document in the Court's electronic file is communicated to the Clerk within seven (7) days of the date of docketing, then the document as presented is conclusively confirmed as the document submitted, unless otherwise ordered by the Court.

Except as otherwise provided by these Administrative Procedures, the Clerk may discard all original paper documents after they have been scanned and uploaded into ECF.

Documents that are electronically filed and require an original signature, other than that of the filer, should be maintained in paper form by the filer for at least five (5) years after the conclusion of all appeals or the expiration of time for filing a timely appeal, whichever is later. An attorney who wishes to have an original document returned after the Clerk's Office scans and uploads it to ECF may, prior to submitting the document to the Clerk's Office, seek authorization from the assigned judge for the document's return. If return is granted by the judge, the attorney must provide a self-addressed, stamped envelope for the return of the document. Authorization will be granted on a case-by-case basis. No standing authorizations for the return of all original documents filed by an attorney or office will be allowed.

ECF Local Rule 8 – Signatures

The user login and password required to submit documents to the Electronic Case Files (ECF) system serve as the Filing User's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of Fed. R. Bankr. P. 9011, the Federal Rules of Bankruptcy Procedure, the Local Rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court. Each document filed electronically must, if possible, indicate that it has been electronically filed. Electronically filed documents must include a signature block and must set forth the name, address, telephone number and the attorney's state Bar registration number, if applicable. In addition, the name of the Filing User under whose login and password the document is submitted must be preceded by an "s/" and typed in the space where the signature would otherwise appear.

No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

Documents containing the signature of non-Filing Users are to be filed electronically with the signature represented by a “s/” and the name typed in the space where a signature would otherwise appear, or as a scanned image.

When electronically filing documents requiring signatures of more than one party, the filing attorney shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the signatures of all parties on the document. For purposes of this rule, physical, facsimile, or electronic signatures are permitted.

A non-filing signatory or party who disputes their acceptance of the contents of the document, the authenticity of an electronically-filed document containing multiple signatures or a non-attorney signature, or the authenticity of the signatures themselves must file an objection to the document within seven (7) days of receiving the Notice of Electronic Filing.

ECF Local Rule 9 – Service of Documents by Electronic Means

Participation in the Electronic Case Files (ECF) system by receipt of a login/password provided by the Court shall constitute a request for service and notice by electronic means as provided under Fed. R. Civ. P. 5(b)(2)(E) and Fed. R. Bankr. P. 9036. Participants in the ECF system, by possessing a login/password from the Court, agree to receive notice and service by electronic means, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004, both from the Court and from other system participants, wherever located. The “Notice of Electronic Filing” that is automatically generated by the Court’s ECF system constitutes service or notice of the filed document on Filing Users.

Most sealed filings do not produce a Notice of Electronic Filing, and therefore, service by the filer of any sealed document by an alternate method is required.

A party who is not a registered participant of the ECF system is entitled to a paper copy of any electronically-filed pleading, document or order. The filing party must therefore provide the nonregistered party with the pleading, document, or order according to the Federal Rules of Bankruptcy Procedure. When mailing paper copies of documents that have been electronically filed, the filing party must include the “Notice of Electronic Filing” to provide the recipient with proof of the filing.

A certificate of service must be included with all documents filed electronically, indicating that service was accomplished through the Notice of Electronic Filing (NEF) for parties and counsel who are Filing Users and indicating how service was accomplished on any party or counsel who is not a Filing User.

ECF Local Rule 10 – Notice of Court Orders and Judgments

Immediately upon the entry of an order or judgment in an action assigned to the Electronic Case Files (ECF) system, ECF shall generate in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing (NEF) constitutes the notice required by Fed. R. Bankr. P. 9022. The Clerk must give notice to a person who has not consented to electronic service in paper form in accordance with the Federal Rules of Bankruptcy Procedure.

ECF Local Rule 11 – Technical Failures

The Clerk’s Office shall deem the Bankruptcy Court’s Electronic Case Files (ECF) site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 9:00 a.m. that day. Known system outages will be

posted on the web site, if possible. An attorney may file a declaration seeking relief from the Court for not meeting a deadline as a result of a technical failure.

Problems on the filer's end, such as telephone line, Internet Service Provider (ISP), or hardware or software problems, will not constitute a technical failure under these Administrative Procedures nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document conventionally.

ECF Local Rule 12 – Public Access

Any person or organization, other than one registered as a Filing User under Rule 2 of these rules, may access the Electronic Case Files (ECF) system at the Court's Internet site www.gasb.uscourts.gov by obtaining a PACER login and password. Those who have PACER access but who are not Filing Users may retrieve docket sheets and documents, but they may not file documents.

Pursuant to Fed. R. Bankr. P. 9037, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall redact 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:

- a. **Social Security numbers.** Other than on Official Form 121, if an individual's social security number must be included in a document, only the last four digits of that number should be used.
- b. **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- c. **Dates of birth.** If an individual's date of birth must be included in a document, only the year should be used.
- d. **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.

Pursuant to Fed. R. Bankr. P. 9037, a party wishing to file a document containing the personal data identifiers listed above may:

- a. file an unredacted version of the document under seal; or
- b. file a reference list under seal. The reference list shall contain the complete, personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right.

The unredacted version of the document or the reference list shall be retained by the Court as part of the record. The Court may, however, still require the party to file a redacted copy for the public file. The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each document for compliance with this rule.

ECF Local Rule 13 – Hyperlinks

Electronically filed documents may contain the following types of hyperlinks:

- a. Hyperlinks to other portions of the same document; and
- b. Hyperlinks to a location on the Internet that contains a source document for a citation.

Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of the filed document. Neither a hyperlink, nor any site to which it refers, shall be considered part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document.

The Court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The Court accepts no responsibility for the availability or functionality of any hyperlink.