

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA

In Re:)
)
ELECTRONIC CASE FILING)
)

REVISED SIXTH AMENDED ORDER AUTHORIZING ELECTRONIC CASE FILING

Pursuant to Rules 5(e) and 83 of the Federal Rules of Civil Procedure and Rules 5005(a)(2), 9011, 9029 and 9036 of the Federal Rules of Bankruptcy Procedure that authorize this court to establish practices and procedures for the filing, signing and verification of pleadings and papers, and sending of notices by electronic means, IT IS ORDERED that:

1. Electronic Filing Authorized:

The court will accept the electronic filing of papers effective September 3, 2002, by way of the court's Electronic Case Filing System (ECF System).

2. Official Record:

Except as otherwise ordered, the official record of the court for all papers filed on or after September 3, 2002, is the electronic record maintained by the clerk. Except for sealed papers, all papers submitted in a hard copy format by any person on or after September 3, 2002, will be imaged into an electronic form. All imaged papers will be destroyed in accordance with the procedure authorized by the court. Papers filed before September 3, 2002, will not be converted to an electronic format unless otherwise ordered by the court.

3. ECF Registered Users (ECF Users):

a. Attorneys admitted to the bar of this court (including those admitted *pro hac vice* under the applicable local rules) and others as the court deems appropriate, including creditors in a limited user status, may register as Users of the court's ECF System. Registrants will be issued a login and password upon fulfilling the following requirements:

- i. Successful completion of a court-sponsored ECF training program;
- ii. Completion of an ECF User application form;

The court may consider other factors or experience that demonstrate ECF proficiency in lieu of a court sponsored training program.

b. Registration as an ECF User constitutes:

i. The ECF User's consent to receive notice electronically and a waiver of the right to receive notice by first class mail, including notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022;

ii. The ECF User's waiver of the right to personal service or service by first class mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004 and subpoenas; and

iii. An affirmation that the ECF User will file all papers electronically.

c. A creditor, or others as the court may direct, may submit an application, available from the clerk's office, for a limited use password for the ECF System. Creditors with a limited use password may only electronically file proofs of claim and related papers.

4. Account Security:

ECF Users should protect the security of their account and should immediately notify the clerk if they believe that the security of their account has been compromised.

5. Filing of Papers:

Except as otherwise provided under this order, *e.g.*, paragraph 9.b, or other rules of this court, ECF Users are not permitted to electronically submit papers on behalf of another individual.

6. Exhibits and Attachments:

Exhibits to an electronically filed paper, such as leases, notes, contracts, mortgages, etc., must be filed electronically as attachments to the paper.

7. Time of Electronic Filing:

A paper filed electronically is filed as of the date and time stated on the "Notice of Electronic Filing" generated by the court's ECF System, which is the time the court's ECF server receives the electronic transmission. Filing in the Northern District of Indiana must be completed before midnight in South Bend, Indiana, where the court's ECF server is located, to be considered filed that day.

8. Effect of Electronic Filing:

Electronic filing of a paper shall constitute entry of the paper on the docket of the case in which it was filed.

9. Signature Requirements:

a. Signature of ECF Users:

The use of an ECF User's login and password for the electronic filing of any paper, including proofs of claim, constitutes that ECF User's signature for all purposes, including Rule 9011 of the Federal Rules of Bankruptcy Procedure.

Unless the electronically filed paper has been scanned and shows the individual's original signature, the signature of the ECF User shall also be indicated by "/s/ ECF User's Full Name" on the line where the signature would otherwise appear. Electronically filed papers must include a signature block that sets forth the name, complete mailing address, email address, and telephone number of the ECF User.

b. Signatures on Jointly Signed or Filed Papers:

In the case of a stipulation, agreed order, joint motion or other paper which bears the signature of two or more persons, the signatures may be indicated by either:

- i. Submitting a scanned copy of the originally signed paper, or its signature page(s); or
- ii. Through the use of "/s/ Name" in the signature block where the signature(s) would otherwise appear. The use of "/s/ Name" constitutes the filer's representation that the filer has obtained the affirmative consent of all other signatories to the paper submitted.

c. Debtor Signatures on Petitions, Statements, Schedules and Lists:

Debtor's signature upon any paper required to be signed under penalties of perjury, including, but not limited to, the bankruptcy petition, schedules, statements and lists, and any amendment thereto, may be indicated by any of the following methods:

- i. Submitting a scanned copy of the originally signed paper(s);
- ii. Attaching a scanned copy of the originally signed signature page(s) to the electronic paper; or
- iii. Separately submitting a scanned copy of the originally signed signature pages(s) immediately after the electronic filing of the signed paper.

d. Signatures on Other Papers Signed Under Oath:

Signatures upon affidavits or other papers signed under the penalties of perjury, other than the bankruptcy petition, schedules, statements and lists, and any amendment thereto, may be indicated by either:

- i. Submitting a scanned copy of the originally signed paper; or
- ii. Attaching a scanned copy of the signature page(s) to the electronic paper.

10. Service:

The filer of an electronic paper is responsible for serving that paper on all entities entitled to receive it. Whenever a paper is filed electronically, a “Notice of Electronic Filing” will be transmitted automatically by email to all ECF Users who have appeared in the case or proceeding. Service of this email Notice shall constitute the service or notice of the paper filed. Any other entity entitled to be served with the paper shall be served with a hard copy of the paper in accordance with the Federal Rules of Bankruptcy Procedure.

11. Submission of Proposed Orders:

Proposed orders shall be submitted electronically through the court’s ECF System. Proposed orders submitted at the time an application, motion or other request for relief is filed (*see, e.g.*, N.D. Ind. L.B.R. B-9013-1(c)) should be attached to the request and identified as such. Proposed orders submitted in response to directions from the court should be submitted as a separate paper, identified as a proposed order, and linked to the motion, objection, and/or directions to which it relates. Regardless of when they are electronically submitted, proposed orders should always be identified as such on the docket (*i.e.*, “Proposed Order regarding _____”) and should never be dated or bear an indication of having been signed by the judge.

12. Entry of Orders:

The clerk’s electronic transmission of the “Notice of Electronic Filing” constitutes the notice required by Rule 9022, Federal Rules of Bankruptcy Procedure.

13. Technical Failures:

a. An ECF User who is unable to file a paper electronically due to circumstances beyond the ECF User’s control, such as technical failures, may file the paper in a hard copy format. Such a filing shall be accompanied by a statement specifically explaining the reason for the paper filing.

b. If a filing is not timely as a result of a technical system failure, the ECF User may seek appropriate relief from the court, through Rule 9006 or Rule 9024 of the Federal Rules of Bankruptcy Procedure.

14. Electronic Paper Requirements:

a. File Format of Electronic Papers: All electronic filings, except the matrix of creditors and parties in interest required by local rule N.D. Ind. L.B.R. B-1007-1, must be submitted as portable document format (PDF) files and formatted in accordance with the requirement of local rule N.D. Ind. L.B.R. B-5005-2. PDF document images must be filed in black-and-white or text formats only. Grayscale or color PDF document images shall not be filed electronically. Papers should be scanned in black-and-white, and scanner resolution should be 300 dots per inch (DPI).

b. File Format of the Matrix of Creditors: The creditor matrix must be in an ASCII text format, a “*.TXT” file extension.

c. File Size of Papers Filed Electronically: Electronic filings, whether a paper, exhibit, or attachment thereto, should not exceed 3 megabytes (3Mb) in size, which is approximately 50 pages of black-and-white text. If a paper, exhibit or attachment exceeds 3Mb in size, it must be divided into parts no larger than 3Mb each.

15. Paper Retention Requirements:

a. Petition, Schedules, and Statements: Debtor’s counsel shall retain the originally signed bankruptcy petition, schedules, statement and lists, and any amendments thereto for no less than three (3) years following the closing of the case by the bankruptcy court. Debtor’s counsel shall produce the originally signed paper(s) upon request.

b. Other Papers Signed Under Penalties of Perjury: The ECF User filing any affidavit or other paper signed under penalties of perjury shall retain the original signed paper for no less than three (3) years following the closing of the case by the bankruptcy court and shall produce the originally signed paper upon request.

c. Proofs of Claim: The ECF User shall retain the originally signed proof of claim and all exhibits and attachments for no less than three (3) years following the closing of the case by the bankruptcy court and shall produce the originally signed paper upon request.

d. Sanctions: The failure to produce the originally signed paper upon request may result in the imposition of sanctions on the court’s own initiative or appropriate motion.

16. Viewing Electronic Court Records:

Persons wishing to view court records may do so at the clerk’s office or through the Public Access to Court Electronic Records (PACER) system. Information about the PACER system can be found at <http://www.pacer.gov>.

It is SO ORDERED.

Dated: June 10, 2016

/s/ Robert E. Grant

Robert E. Grant, Chief Judge
United States Bankruptcy Court

/s/ Harry C. Dees, Jr.

Harry C. Dees, Jr., Judge
United States Bankruptcy Court

/s/ J. Philip Klingeberger

J. Philip Klingeberger, Judge
United States Bankruptcy Court

/s/ Kent Lindquist

Kent Lindquist, Judge
United States Bankruptcy Court