

NOV - 6 2003

TERENCE H. DUNN, CLERK  
BY *[Signature]* DEPUTY

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In re: )  
)  
FILING OF PAPER AND ELECTRONIC CASE )  
DOCUMENTS, ELECTRONIC CASE FILES, ) GENERAL ORDER NO. 03-3  
OWNERSHIP DISCLOSURE STATEMENTS, )  
AND MISCELLANEOUS PROVISIONS )

This court is authorized to establish electronic case file procedures for use with the court's Electronic Case File (ECF) system, including the eventual electronic filing of documents in the ECF system through the process of registering individual persons and other specifically authorized entities (e.g., federal and state organizations) as "Participants" upon a schedule to be determined by the court, now, therefore,

IT IS ORDERED that the following provisions shall become effective on November 7, 2003, unless otherwise specified below:

1. All pending, reopened, and newly filed cases and adversary proceedings in the United States Bankruptcy Court for the District of Oregon shall be assigned to the court's Electronic Case File (ECF) system as of November 7, 2003. All documents filed from the implementation date forward will be entered into ECF either by the clerk's office (i.e., by scanning conventionally filed paper documents), or, when available, direct electronic filing by an approved Participant with a fully activated login and password using the Internet and ECF system. For the purposes of ECF, the term "file", and all derivations thereof, shall apply to all documents submitted to the court for any purpose. The clerk's office will continue to accept conventionally filed paper documents. The court, however, encourages all authorized individuals to promptly register to electronically file all documents using the ECF system as soon as the clerk's office notifies them it is available for their use.

2. Standing Chapter 12 and 13 trustees, and all panel trustees, appointed on cases filed in the District of Oregon shall be exempt from paying Public Access to Electronic Case Records (PACER) fees, but only for its use while such persons are acting in their capacity as a case trustee.

3. *Administrative Procedures for the Electronic Case File System* (Administrative Procedures) (LBF #125) will be developed by the court, and upon issuance will be effective as to the ECF system and use thereof. All provisions and procedures (e.g., registration) in the most current version of the Administrative Procedures available at the time a document is filed shall apply to such filing and are required for use by each Participant. The Administrative Procedures shall govern in the event of a conflict between the Administrative Procedures and a Local Bankruptcy Rule (LBR), Local Bankruptcy Form (LBF), or General Order (GO) of this United States Bankruptcy Court for the District of Oregon.

4. All Participants who retrieve data and effect filings electronically must purchase, install, use, and regularly update (i.e., at least weekly, and immediately upon notification of any software update issued to combat a new virus) antivirus software at all locations from which they access ECF or PACER. All electronic filings, including disks for mailing matrices, must be inspected for, and be free from, viruses and worms before submittal for filing or other transmittal to the court or court personnel.

5. The electronic filing of any document using a login and password issued by the court shall constitute the signature of that Participant on the document under Federal Rule of Bankruptcy Procedure (FRBP) 9011. Each Participant is solely responsible for the use and control of that Participant's login and password.

6. Documents that are electronically filed and require signatures, including ones requiring a verification per FRBP 1008 or an unsworn declaration (e.g., signed under penalty of perjury, as provided in 28 U.S.C. §1746, etc.), must be maintained in their original paper form by the filing Participant or the firm representing the party on whose behalf the document was filed for ten (10) years, except as otherwise provided for trustees by the Department of Justice. The filing Participant must provide the original document(s) for review upon receipt of a written request from the court or an interested party.

7. Every document filed electronically shall contain, in each location a signature is required, the electronic signature of the filer and of any other signator to the document as follows “/s/ (Name)”. By affixing an “/s/ (Name)” of another person on an electronically filed document (e.g., a debtor's petition, a stipulation or consent), the filing Participant is certifying under FRBP 9011 that the named person has signed an original of the document.

Documents requiring the signatures of two (2) or more persons, other than signatures requiring a verification or sworn declaration that therefore must be physical originals, must be circulated and each person must sign the document. For purposes of obtaining signatures that do not require a verification or unsworn declaration, either original or facsimile signatures are permitted and such document may be signed in counterparts.

8. Routine cover or transmittal letters shall not be entered into the ECF system, and the conventional filing of such letters on paper is discouraged.

9. The electronic filing of a document in accordance with the Administrative Procedures shall constitute the filing of the document for all purposes, and entry of the document on the docket kept by the clerk. Before electronically filing a scanned document, a Participant must verify its legibility.

10. After a document has been entered into the ECF system either by the clerk or a Participant, the official original record (e.g., including any scanned signatures) is the electronic recording of the document stored in the court's ECF system, and all parties are bound by that electronic document. A conventionally filed paper document shall be the official record of the filing of such document until it has been electronically entered into the ECF system, at which time the original document may be destroyed by the court.

11. Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight Pacific Time in order to be considered filed that day.

12. A Participant whose filing is rendered untimely due to a technical failure of a court-controlled aspect of the ECF system may seek appropriate relief from the court.

13. The following apply to documents whether conventionally filed on paper or electronically filed using the ECF system:

a. The top margin on the FIRST page of any order or judgment must be four (4) inches unless the document is an LBF with a different format, and all other pages of such document must have a top margin of one (1) inch. A Participant electronically submitting a document that requires a judge's signature must also submit the document in accordance with the Administrative Procedures.

b. The judge's signature on an order or judgment may appear either at the bottom of the document, or in the four inch top margin on the first page of the document. If the judge's signature appears in the 4 inch top margin on the first page of an order or judgment, then the last line of that order/judgment is delineated by three (3) pound symbols (###) centered in the middle of that line.

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

d. All signed orders and judgments will be filed electronically by a judge or other court personnel. Any order or judgment filed electronically without the original signature of a judge, but with at least an "/s/" for the signature, has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the document in a conventional manner.

e. Any court-issued document (e.g., LBF) filed electronically without the original signature of the clerk has the same force and effect as if the clerk had signed a paper copy and it had been entered on the docket in a conventional manner.

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

g. All orders, decrees, judgments, and proceedings of the court will be filed in accordance with all applicable GOs and the Administrative Procedures, and such filing shall constitute entry of the order, decree, judgment or proceeding on the docket kept by the clerk.

14. Participation in the ECF system by receipt of a login and password from the clerk that is activated for ECF use shall constitute consent of the Participant to the electronic service and notice of pleadings and other papers as follows:

a. Whenever a document is filed electronically in accordance with the Administrative Procedures, the filing party will be automatically sent a Notice of Electronic Filing (NEF) by electronic means at the time of docketing. Any Participant fully activated for ECF use that is either a party in the case or registered to receive electronic notices of filing in the case will also be sent an NEF.

b. By accepting a login and password that is activated for ECF use, Participants waive the right to receive notice by first class mail, including notice pursuant to FRBP 2002(a); agree to receive notice electronically via an NEF; waive the right to service by personal service or first class mail; and agree to receive electronic service, except for service of a summons and complaint in an adversary proceeding under FRBP 7004 or a subpoena under FRBP 9016. The waiver of service and notice includes notice of the entry of an order or judgment under FRBP 9022.

c. The filing Participant shall conventionally serve a copy of a filed document upon all non-Participants entitled to notice or service in accordance with the applicable rules, and include a certificate of such service as an attachment to the original filed document. The clerk shall use the Bankruptcy Noticing Center (BNC) to serve all conventional paper notices required by an FRBP, LBR, GO, or LBF on an entity that has not either agreed to receive electronic notice and service pursuant to the Administrative Procedures, or signed an Electronic Bankruptcy Noticing (EBN) Agreement authorizing electronic service via e-mail or facsimile of all notices served by the BNC.

15. Pleadings or other documents that are conventionally filed on paper rather than electronically using the ECF system shall be served in the manner provided for, and on those parties entitled to, notice in accordance with the FRBPs, LBRs, and GOs.

16. The following provisions apply to electronic public access to court documents and information:

a. Remote access to case dockets and documents in ECF is available through the WebPACER Internet site, and will require registration with the PACER Billing Center which can be accessed either at the address: [pacer.psc.uscourts.gov](http://pacer.psc.uscourts.gov), or by calling 1-800-676-6856. Remote access to other general court information is available directly through this court's Internet site at the following address: [www.orb.uscourts.gov](http://www.orb.uscourts.gov).

b. Access to case dockets and documents filed in the ECF system is also available in the clerk's office during regular business hours.

c. Conventional and certified/exemplified paper copies of an electronically filed document may be obtained at the clerk's office. An appropriately sized self-addressed, pre-stamped, envelope (SASE) must accompany each request unless the requesting party can pick up the document at the clerk's office no later than 4:00 P.M. on the business day after it is prepared. The fees for these services shall be as provided in 28 U.S.C. §1930(b) and the Appendix thereto.

d. Fees required by the Judicial Conference of the United States, as provided in 28 U.S.C. §1930(b) and the Appendix thereto for electronic access to court records, are assessed in accordance with the procedures established by the Administrative Office of the United States Courts. Parties who have set up automatic electronic notification in a case will not be charged for the initial downloading or viewing of that document when accessing the document directly from the e-mail notification.

17. To address the privacy concerns created by Internet access to court documents, parties may modify or partially redact the personal data identifiers as suggested below.

a. Minors' names: Use the minor's initials.

b. Financial account numbers: Identify the name or type of account and the financial institution where maintained, but use only the last four numbers of the account number.

c. Dates of birth: Use only the year.

d. Social Security Numbers:

(1) Use only the last four (4) digits except as otherwise required in relation to the filing of a debtor's petition (e.g., see FRBPs 1005, 1007, & 2002) and Official Bankruptcy Form #B21, or when the debtor is providing notice of filing of an amendment to either modify a social security number provided to the court or to add a creditor.

(2) If an amendment to a debtor's social security number is necessary, a SEPARATE conventionally filed paper version of Official Bankruptcy Form #B21 which is clearly marked "AMENDED" and includes the case number shall be tendered to the court in addition to the original certificate of service of the required notice to all interested parties of such amendment.

(3) Notice of amendments to either a debtor's social security number or to add creditors must include a debtor's full nine (9) digit social security number. Documents attached to the certificate of service of such notice that is submitted for filing with the court, however, must only include the last four (4) digits of the number.

(4) An electronically filed voluntary petition must include each debtor's full social security number at the time of filing. If a voluntary petition is electronically filed using the ECF System, then the debtor(s) need not file a separate paper version of Official Bankruptcy Form #B21.

18. LBRs 1001-1.F., 1020-1.D., 2002-1.B. 2002-1.C., 3016-1.D., 9004-2.C., 9004-2.D., etc. re: case number formatting are modified to reduce the number of initial digits that precede the second hyphen and other appropriate designations from eight (8) to seven (7). A number "3" or "6" will no longer be the first digit in a case number. If the first digit of the five (5) digit portion of a case number is a "3," "4" or "5", then the case is being administered in the Portland office of the court. However if the first digit of the five (5) digit portion of a case number is a "6," "7" or "8", then the case is being administered in the Eugene office of the court. For example, a 2003 Eugene Chapter 13 case handled by Judge Radcliffe could be 03-60001-aer13.

19. LBR 1001-1.F.1. re: obtaining master sets of LBFs from the clerk's office is modified to also require a certification under penalty of perjury that the requestor cannot obtain a master copy of the LBFs from the court's web site.

20. LBRs 1001-1.F.3. and G. re: form preparation are modified to eliminate the requirement for a Certification of Compliance on the document.

21. LBRs 1001-1.F.4., 3001-1.A.3.c., 9004-1.A.12., Pt. 3.a. of GO No. 03-1, etc. re: filing of paper documents are modified to read as follows:

"Each page of a conventionally filed paper document that is to become part of the official court record of that document must be submitted on a separate piece of paper and cannot be duplexed. Unrelated text such as instructions, a previously filed notice of motion on the back of a response, etc., may be on the back of any page, but must not be included as a page of the document for filing purposes and will not be made part of the document on the official record."

22. LBRs 1001-1.F.5., 2002-1.A., etc., are modified to only relieve the clerk of the duty to serve the affected notices or documents if any such notice or document cannot readily be legibly converted into PDF format.

23. LBR 1002-1.A.2.a. re: joint debtors with different surnames is rescinded, and the remaining subsections correspondingly renumbered.

24. LBR 1002-1.C. re: petitions is modified to require the filing of an original and copies of a voluntary petition only if it is conventionally filed on paper, and then the number of copies that must be filed with the original is reduced to only the following:

- a. Sub-chapter III, IV, and V of Chapter 7 - 2 copies.
- b. Chapter 9 - 3 copies.
- c. Chapter 11 - 2 copies.

25. Unless otherwise provided in an applicable GO or the Administrative Procedures, LBRs 1002-1.D., 1006-1.A., 3001-1., 3004-1., 3007-1.A., 3015-1.A., 3015-1.B., 9021-1.A. and 9033-1.B. are modified to:

- a. Require that a list of names and addresses of all parties requiring conventional paper service be attached at the end of any electronically submitted document (e.g., see the Administrative Procedures re: Orders); and
- b. Eliminate the requirement to file envelopes.

26. LBR 1003-1.C. re: an involuntary petition is modified to require the filing of an original and copies of an involuntary petition only if it is conventionally filed on paper, and then only in Chapter 11 cases where only two (2) copies are required with the original.

27. LBR 1003-1.D. re: the issuance of a summons for service of an involuntary petition is modified to require that the petitioner who electronically files an involuntary petition shall print and use the summons electronically issued, if one is so issued, by the court via the ECF system during the filing process for service.

28. LBR 1005-1. re: case captions is modified to require that the debtor's full and correct name only be entered in "Mixed" case (i.e., upper and lower) letters.

29. LBR 1006-1. is amended to add a new section "D." which requires that a separate filing fee (e.g., cash, check, money order) be presented for each new case petition that is conventionally filed on paper.

30. With regard to the format of a mailing matrix, LBR 1007-2.E. is rescinded and LBR 1007-2.A.1. is modified to read as follows:

“Except if filed electronically with the petition using the ECF system, the debtor shall file each required mailing matrix on a computer diskette prepared pursuant to the requirements in LBF #104 unless the debtor and any other preparer of the matrix each file a certification under penalty of perjury that the person does not have the capability to create a diskette. The court may use only such matrix to send notice of the §341(a) meeting per LBR 2003-1.A.”

31. LBR 1007-2.B. is modified to require that instead of filing envelopes with the court, the debtor must now attach a Certificate of Service to the original list of the debtor’s twenty largest unsecured creditors that certifies a copy of both (a) the list, and (b) those envelopes required by that LBR, were served on the UST.

32. LBRs 2002-1.G., 2016-1.D.3. and 4., 3018-2., etc. are modified to substitute the term “service” for the term “mailing”, including all derivations of such terms (e.g., the phrase “mailed to” will read “served on”, the term “mailing of” will read “service of”, and the term “mailing date” will read “service date”).

33. Effective 11/05/03, LBR 2003-1.A.2. re: setting §341(a) meetings is modified to:

a. Eliminate the last sentence regarding avoidance of inconvenient meeting dates, and terminate use of the current LBF #102 as obsolete; and

b. Add a second paragraph regarding rescheduling of §341(a) meetings that reads as follows:

“The following provisions apply regarding requests for rescheduling of § 341(a) meetings:

a. Each debtor must comply with any United States Trustee policy regarding rescheduled meetings of creditors prior to, or at, a scheduled meeting whenever practicable.

b. Motions to reschedule a meeting of creditors after the time set for such meeting must be submitted as follows:

(1) Form of Motion. The debtor/debtor’s attorney must file a motion with the United States Bankruptcy Court and serve a copy of the motion on the UST and the case trustee.

(2) Timing of Motion. The debtor/debtor’s attorney must file the motion promptly after the meeting of creditors to avoid automatic dismissal of the case. If the debtor’s case has been closed, the motion to reschedule must be accompanied by a motion to reopen with the appropriate court filing fee for a motion to reopen.



(3) Content of Motion. The motion must state the:

- (a) Debtor's name and case number;
- (b) Date and time of the originally scheduled meeting of creditors;
- (c) Reason for the request for a rescheduled meeting of creditors; and
- (d) Reason such request could not be made at or before the originally scheduled meeting of creditors."

34. LBRs 2003-1.B., 7001-1.E., and 9013-1.G. are modified to require the use of an electronic version of a transcript for testimony (i.e., as opposed to an audio version of electronically recorded testimony), and to further require that any copy of a transcript required to be filed by a transcriptionist be done electronically or using other authorized electronic medium (e.g., a CD).

35. LBR 2016-1.B.3. is modified to require that LBF #753.40 (Notice of Intent to Compensate Professional(s)) be fully prepared and then promptly served by the applicant as otherwise provided in the LBRs, and to eliminate the requirement that LBF #753.40 be sent to the court with a SASE for approval before such service.

36. LBR 3001-1.A. re: proofs of claim is amended to add a new subsection that reads as follows:

"4. Attachments. The copies of any documents attached to a proof of claim shall not exceed a total of five (5), 8½ x 11", single-sided pages (e.g., attach only cover pages showing perfection information). Any tendered attachment pages in excess of five will not be made part of the court's official record. The claimant must, however, immediately send a copy of any required documentation to an interested party upon written request. In the event of a hearing on an objection to the claim, the Proof of Claim and all original exhibits, attachments and supporting documentation shall be introduced at the hearing for possible admission to the official record."

37. Pt. 6 of GO No. 99-1 is rescinded, and LBR 3015-1.A.3 re: Notice of a Ch. 12 Confirmation Hearing is now amended to read:

"Confirmation Hearing Notice. The debtor shall contact the case judge's calendar clerk to obtain the date, time and location for the confirmation hearing. The debtor shall then immediately prepare an original, and then serve copies, of a Notice of Confirmation Hearing using LBF #1250, and then promptly file the original pursuant to LBR 2002-1.G."

38. LBR 3015-1.B.6.c. is rescinded per changes to the Fee Schedule promulgated by the Judicial Council of the United States requiring that a fee be charged for simply the act of filing a Motion to Reopen a case.

39. LBR 3020-1.B.2. is modified to require that the plan proponent fully prepare and serve the Notice of Order Confirming Plan using LBF #1190, and Pt. 7 of GO No. 03-1 is rescinded.

40. LBR 4001-1.B.3. is amended to change "LBF #715.5" to now read "LBF #715". The current LBF #715.5 is rendered obsolete and terminated.

41. LBR 7001-1.B.1.b., as amended by GO No. 98-1 Pt. 4, re: issuance of an Adversary Proceeding Summons is further amended to require that a plaintiff who electronically files a complaint shall print and use the summons electronically issued, if one is so issued, by the court via the ECF system during the filing process for service.

42. LBRs 7001-1.C., 9004-1.A.13., 9004-2.F.3., 9017-1., etc., regarding briefs, memorandums or exhibits are modified to conform to any changes required in an applicable GO and the Administrative Procedures, and to also include the following provisions:

"Briefs or memorandums (e.g., filed per LBR 7001-1.C.) shall only include the excerpts of any referenced exhibit that are directly germane to the matter under consideration by the court. Excerpts must be clearly and prominently identified as such. Persons filing excerpts of exhibits do so without prejudice to their right to file additional excerpts or the complete document. Responding parties may timely file additional relevant excerpts. The court may also require parties to file additional excerpts or the complete document."

43. LBRs 7001-1.D., 7056-1.B., and 9013-1.E. are modified to require filing of a "Motion for Expedited Hearing" and not a "Request for Expedited Hearing".

44. LBR 7067-1.A.1. & 2. re: deposits of money into court are modified to require the filing of a copy of an original motion or proposed order only if such documents are conventionally filed on paper.

45. LBR 8006-1. is modified to require that requests for transcripts must be made using LBF #335.

46. LBR 9004-1.A. and Pt. 3.b. of GO No. 03-1 re: general requirements relating to the format of paper documents are modified to additionally require that: (a) all conventionally filed paper documents must be filed on 8½" by 11" paper; (b) the text must only appear in black or dark blue ink; (c) no page shall be pre-punched on top with fastener holes; and (d) the bottom of each page of any multiple page document (i.e., whether filed electronically or conventionally on paper) must indicate in bold print that it is "**Page \_\_\_ of \_\_\_**".

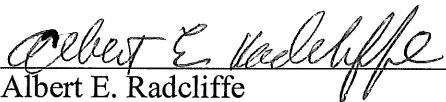
47. LBR 9004-1.B. re: documents filed within three (3) days of a hearing is modified to only apply to documents conventionally filed on paper.

48. LBR 9021-1.A., etc. re: proposed orders and judgments shall be modified to require compliance with pt. 13.a. of this G.O. and that every proposed order (e.g., including stipulations) or judgment be presented as a totally separate document from any other related document (e.g., a stipulated motion must first be separately filed before presentation of a proposed stipulated order) unless the document is filed using an LBF.

49. LBR 9033-1.B.2. re: Proposed Findings of Facts and Conclusions, and Reports and Recommendations is modified to require that a list of the names and mailing addresses of all parties requiring conventional service of such document must be included as an attachment at the bottom of the document, and to eliminate the requirement for a copy of any such document.

50. Effective 12/1/03, Pt. 8 of GO No. 01-1 re: Ownership Disclosure Statements is abrogated in its entirety since the provisions of FRBPs 1007 and 7007.1 will control.

51. Updated amended versions of the Administrative Procedures may be entered from time to time in keeping with the needs of the court.

  
Albert E. Radcliffe  
Chief Bankruptcy Judge