

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND

In Re: \* ADMINISTRATIVE  
ORDER NO. 04-01  
Mandatory Electronic Filing \*  
\* Amended July 1, 2006

\* \* \* \* \*  
***AMENDED ADMINISTRATIVE ORDER DIRECTING THE ELECTRONIC  
FILING OF PLEADINGS BY ATTORNEYS***

***WHEREAS***, the Court finds that a significant number of attorneys practicing before this Court continue to file pleadings and proposed orders that are not electronically prepared (as defined hereinafter), or filed electronically via the court's Electronic Case Filing System (ECF) in accordance with Administrative Order 03-02, dated April 4, 2003. The Court further finds documents that are not electronically prepared and filed, result in delay and significant and unnecessary work imposed upon the limited resources of the Court. Accordingly, it is

***ORDERED***, that effective July 1, 2006, all documents that counsel prepare, including pleadings, proposed orders, proofs of claim and counsel prepared attachments, must be filed via ECF, compact disc (CD ROM) or high density floppy disk, with the exception of sealed documents, *requests for writs in aid of collection or recovery of property*, and trial exhibits which must be filed in paper form as set forth in Administrative Order 03-02, part VII. It is further


***ORDERED***, that all documents required by this order to be filed via ECF, or compact disc or high density disk, must be electronically prepared by converting the document to portable document format (PDF) via translation software directly from a word processing file. A document is not electronically prepared if it is converted


to, or saved as PDF from a scanned image of a printed document. This requirement does not apply to proofs of claim, which may be prepared for filing by scanning an image of a printed document and converting the image file to PDF. It is further

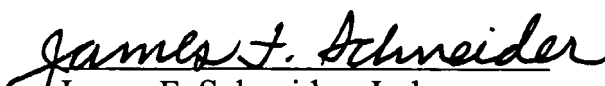
**ORDERED**, that any document that is not prepared, or filed as required by this order must be accompanied by an affidavit stating why the document is not prepared or filed in compliance with this order. The court may strike the document if the affidavit does not set forth sufficient cause for the non-compliance. It is further

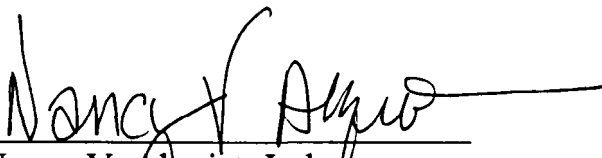
**ORDERED**, that the ECF filings procedures, contained as Exhibit A to Administrative Order 03-02, will be amended as necessary and notice will be provided.

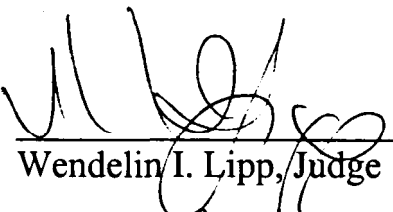
**SO ORDERED.**


  
Duncan W. Keir, Chief Judge


  
Paul Mannes, Judge

  
James F. Schneider, Judge

  
Nancy V. Alquist, Judge

  
Wendelin I. Lipp, Judge

  
Thomas J. Catliota, Judge

  
Robert A. Gordon, Judge

## **ELECTRONIC CASE FILING PROCEDURES**

### **I. Definitions**

- A. *Filing User* - One who has a Court-issued login and password to file documents electronically.
- B. *Creditor's Designee*- A Filing User who is eligible to file only proofs of claim forms, via the Internet component of CM/ECF, with the Clerk.
- C. *Full Participants* - Attorneys in good standing admitted to the Bar of this Court, including those admitted *pro hac vice*, attorneys representing the United States Government, United States trustees and their assistants, bankruptcy administrators and their assistants and bankruptcy trustees may register as Filing Users of the Court's CM/ECF System.

### **II. Logins and Passwords**

One login and password will be assigned by the Court to each Filing User. Upon a demonstration of need by application to the Court, a Filing User may obtain additional logins from the Court. Filing Users must protect the security of their logins and passwords and immediately notify the Clerk if security has been compromised.

III. Registration

- A. *How to Register* - To register as a Filing User and apply for a password, an applicant must complete the appropriate registration form, either the CM/ECF Full Participant Registration Form or the Creditor's Designee Registration Form. Forms are available from [www.mdb.uscourts.gov](http://www.mdb.uscourts.gov).
- B. *Registration Submission* - Forms must be submitted to: CM/ECF Registration, Clerk, United States Bankruptcy Court for the District of Maryland, 101 West Lombard Street, Baltimore, Maryland, 21201, Or 6500 Cherrywood Lane, Greenbelt, Maryland, 20770. Only one registration form is required for participation at both divisions.
- C. *Training Requirements* - In order to receive a login and password for the CM/ECF system, Filing Users must:
  - 1. Complete training required by the Clerk or;
  - 2. Complete training with the law firm's CM/ECF trainer who attended the Court's training class or;
  - 3. Be a registered user in another bankruptcy court and be familiar with the Local Bankruptcy Rules for the District of Maryland, all administrative orders, and the attachments thereto, and submit an affidavit to that effect.
- D. *Notice - Waiver and Consent* - Full Participants must maintain a current e-mail address. Registration as a Full Participant 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. Waiver of service and/or notice by first-class mail applies

to notice of entry of an order or judgment under Fed. R. Bankr. P. 9022.

- E. *Withdrawal* - Once registered, a Filing User may withdraw from participation in the System by written request to the Clerk. Upon receipt, the Filing User's login will be canceled, and the Filing User's name will be deleted from the electronic service list.

#### IV. Filing

##### A. Effect of Filing Electronically

1. *Transmission Constitutes Filing* - Electronic transmission of a document to the CM/ECF system consistent with these procedures, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules and constitutes entry of the document on the docket kept by the Clerk under Fed. R. Bankr. P. 5003.
2. *Binding Effect on Filing Party* - When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Clerk, and the filing party is bound by the document as filed. A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the Court.
3. *Deadlines* - Electronic filing of a document does not alter the deadline for filing that document. Except where the presiding judge specifically requires an earlier filing time, filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day. All references to time contained in these Electronic Case Filing

Procedures are to Eastern Standard Time or Eastern Daylight Time, whichever is applicable at the time of filing.

B. Filing Requirements in CM/ECF

1. Except as expressly provided for in Section IX of these procedures, and in exceptional circumstances which prevent a Filing User from transmitting a pleading or other document via the Internet component of CM/ECF, all pleadings or other documents required to be filed with the Clerk in connection with a case assigned to CM/ECF shall be filed as follows:
  - a. Filing User shall transmit all pleadings or other documents electronically via the Internet;
  - b. Parties with non-registered legal representation are requested to file all pleadings or other documents electronically in portable document format, ("PDF") through submission of a 3.5 inch computer floppy diskette (disk) or CD ROM.
  - c. Parties without legal representation may file all pleadings or other documents by paper, or in PDF format through submission of computer diskette, or CD-ROM.
2. *Certificates of Service* - Where a paper or pleading must be accompanied by a certificate of service, the certificate of service shall be filed as the last page of the original paper or pleading, and it must specifically identify the document being served.
3. *Technical Problems* - If the CM/ECF system is inaccessible due to Court technical problems, the Court will accept alternate means of filing, notice of which will be on the Court's web-site. If the Filing User is having technical problems, it is

the Filing User's responsibility to arrange for timely filing by other means.

4. *Large Documents* - The system cannot accommodate documents larger than one and one half (1.5) megabytes in size, 20 scanned pages, or 300 pages prepared in a word processing format and saved or printed to PDF. Large documents can be segmented into attachments to meet the document size parameters.
5. Fees Payable to the Clerk for filings that require a fee –
  - a. Filing Users shall make payment via the interactive credit card program.
  - b. Non-registered parties must tender payment as provided by Local Bankruptcy Rule 1006-1.

V. Orders

- A. *Validity and Effect* - All orders, decrees, judgments and proceedings of the Court will be entered in accordance with these procedures, and satisfies the requirements of Fed. R. Bankr. P. 5003 and 9021.
- B. *Required Submission and Form* - All requests for relief, except motions to dismiss or convert and pleadings initiating adversary proceedings under Fed. R. Bankr. P. 7001, must be accompanied by a proposed order. Such orders shall be filed as an attachment to the pleading. Orders that are submitted other than with the pleading, such as consent orders and orders embodying a ruling, shall be uploaded directly into the Court's e-order system.

1. *Stipulations and Consent Orders* -

- a. Consent orders shall be circulated and signed conventionally. The original consent order bearing original signatures of the consenting parties shall be maintained by the Filing User until three (3) years after the bankruptcy case is closed.
- b. The name (in the form appearing on the original) of each party executing the Stipulation or proposed Consent Order must be printed at the end of the text, preceded by /s/ to indicate an original signature.<sup>1</sup>
- c. Attorneys submitting proposed consent orders must include the following certification of consent:

I HEREBY CERTIFY that the terms of the copy of the consent order submitted to the Court are identical to those set forth in the original consent order; and the signatures represented by the /s/\_\_\_\_\_ on this copy reference the signatures of consenting parties on the original consent order.

2. *Proposed Orders* -

All orders submitted electronically must conform to the following specifications:

- a. The top margin on the first page must be no less than three (3) inches.
- b. The last line in the proposed order must state "End of Order," and be centered in the middle of the line and in bold lettering to indicate the end of the order.

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<sup>1</sup> Amended as of March 5, 2004



- c. Do not include a signature line for the judge. The judge will electronically sign the document in the blank space provided by the top margin on the first page.
- d. Multi-page orders must contain page numbers at the bottom of each page.
- e. The fonts used with Adobe Acrobat Writer version 3 or 4 must be Courier, Helvetica, or Times New Roman (regular, bold, italic, and bold italic). The fonts used with Adobe Acrobat Writer version 5 must be Arial, Courier, or Times New Roman (regular, bold, italic, and bold italic). Other fonts will not process correctly through the Court's noticing center.

#### VI. Attachments and Exhibits to Pleadings and Proofs of Claim

Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless the Court permits 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.

#### VII. Conventional Filing; Exceptions to Electronic Case Filing

- A. *Sealed Documents* - A motion to file document(s) under seal may be filed electronically; however, the actual document(s) to be filed under seal shall be filed conventionally and only after the motion is granted. The order of the Court authorizing the filing of such document(s)

under seal will be entered electronically by the Clerk and a paper copy of the order shall be attached to the document(s) under seal and delivered to the Clerk at the time of the filing of the documents(s).

- B. *Trial Exhibits* - Trial exhibits shall be filed conventionally in accordance with Local Bankruptcy Rule 7016(c).
- C. Writs - Requests for the issuance of a writ in aid of collection or recovery of property shall be filed conventionally. The Clerk will docket the request as a private entry which prevents it from being viewed by parties. This status will be changed to a normal docket entry when one of the following events occur: 1. 30 days have passed since the issuance of the writ; 2. A certificate of service of the writ has been filed; or 3. An answer to the writ is filed.<sup>2</sup>

#### VIII. Required Retention of Original Documents

Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User until three (3) years after the bankruptcy case is closed. Upon request of the Court or an interested party, the filer must provide original documents for review.

#### IX. Signatures

- A. All pleadings and other papers and documents filed electronically shall indicate the signature by placing “/s/ *Filing User’s Name*” where the original signature occurs.
- B. Use of the Filing User’s login and password on the CM/ECF System constitutes the Filing User’s signature for all purposes for documents which must contain original signatures.

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<sup>2</sup> Amended as of July 1, 2006

- C. In addition to the indicated signature, attorneys filing electronically must comply with Local Bankruptcy Rule 9011-1.

X. Service of Documents

- A. *Automatic Service by the CM/ECF System on Registered Participants* Upon filing of any pleading, the CM/ECF system will send a “Notice of Electronic Filing” to all registered participants who have entered an appearance or requested notice in that case, and the confirmation received by the filing parties will contain a list of all parties receiving such notice.
- B. *Confirmed Transmission Constitutes Service* - Electronic transmission of the Notice of Electronic Filing constitutes service or notice of the filed document. A party filing electronically is not otherwise required to serve the pleading or other document on any party who is a registered CM/ECF participant and has consented to electronic notice.
- C. *Service on Parties Not Consenting to Electronic Notice* - Parties who have not consented to electronic notice or service are entitled to receive a paper copy of any electronically filed pleading or other document.
- D. *Service of a Summons under Fed. R. Bankr. P. 7004 or Subpoena under 9016 must also be served in paper form.* Return of service may be filed electronically.
- E. *Chambers Copies* - Printed paper copies of the following documents are required to be delivered to the Chambers of the presiding Judge at the time that the original documents are electronically filed:
  - 1. Motions, attachments, exhibits and proposed orders filed at the outset of Chapter 11 cases for which expedited decisions are requested (commonly referred to as “first day motions”).

2. All motions, attachments, exhibits, and proposed orders for use of cash collateral and/or approval of post-petition financing.
  3. Complaints, motions, exhibits and proposed orders in adversary proceedings in which a temporary restraining order is requested.
  4. Motions, attachments, exhibits and proposed orders that seek “emergency relief” on less than 2 business days notice.
  5. Plans of reorganization or liquidation and disclosure statements filed in Chapter 11 cases.
- F. *Additional Time After Service by Electronic Means.* When there is a right or requirement to do some act or undertake some proceedings within a prescribed period after service of a notice or other document, and the notice or other document, other than process, is served by electronic means, pursuant to Fed. R. Bankr. P. 7005, three (3) days shall be added to the prescribed period.

XI. Notice of Court Orders and Judgments

- A. *Entry of Court Orders and Judgments* - The Clerk will transmit a Notice of Electronic Filing to Filing Users in the case upon entry of an order or judgment.
- B. *Transmission Constitutes Notice* - Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Bankr. P. 9022.

XII. Public Access

Exhibit A to Administrative Order 03-02

- A. *Public Access at the Court* - Access to the electronic docket and documents filed in the CM/ECF system is available to the public at no charge at each Divisional Office of the Clerk during regular business hours.
- B. *Internet Access* - Any person or organization, other than one registered as a Filing User under these procedures, may access the CM/ECF System at the Court's Internet site [www.mdb.uscourts.gov](http://www.mdb.uscourts.gov) by obtaining a PACER login and password. Those who have PACER access but are not Filing Users may retrieve docket sheets and documents, but may not file documents.
- C. *Limited Access; Privacy* - Any person may apply by motion for an order limiting electronic access to, excusing, or prohibiting the electronic filing of certain specifically identified materials on the grounds that such material is subject to privacy interests and that electronic access or electronic filing is likely to prejudice those privacy interests.
- D. *Paper Copies and Certified Copies* - Paper copies and certified copies of electronically filed documents may be purchased at the Office of the Clerk. The fee for copying and certification will be in accordance with 28 U.S.C. § 1930.