

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

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IN RE:

Procedural Rules for  
Electronic Case Filing (ECF)

Administrative Order No. 2

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This Administrative Order is an interim measure to establish technical amendments to certain of this Court's Local Bankruptcy Rules ("**LBR**"), several current Standing Orders and other Local Procedures, in order to provide clarity and direction to the Bar, parties and the Clerk of Court; accordingly **IT IS HEREBY ORDERED**, as follows:

**1. LBR 1007 – NUMBER OF COPIES OF LISTS, SCHEDULES AND STATEMENTS**

*[Revision of current rule, added text is underlined]*

1007-1. NUMBER OF COPIES *[Former Rule 11 A & B] [Standing Order 8/14/85]*

- A. For conventionally filed cases, an original and three (3) copies of a petition, lists, schedules and statements under chapter 7 or chapter 13 of the Bankruptcy Code and amendments thereto shall be filed. These documents shall be filed in the order prescribed by the Clerk of the U.S. Bankruptcy Court.
- B. For conventionally filed cases, an original and six (6) copies of a petition, lists, schedules and statements under chapter 9, chapter 11, or chapter 12 of the Bankruptcy Code and amendments thereto shall be filed. An original and six (6) copies of chapter 11 disclosure statements and plans shall be filed.
- C. “Courtesy copies” for the Court, in paper format, of Voluntary Chapter 7 Petitions, Schedules Lists and Statements are not required to be provided by

Filing Users electronically filing Voluntary Chapter 7 Petitions.

D. For electronically-filed cases, the filer is directed to provide one paper copy each of the petition, statements, lists, schedules, etc., directly to each of the United States Trustee and the assigned case Trustee, immediately upon notification of the Trustee assignment.

**2. LBR 1009 - AMENDMENTS TO VOLUNTARY PETITIONS, LISTS, SCHEDULES AND STATEMENTS** *[Revision of current procedure, added text is underlined]*

1009-1. AMENDMENTS *[General Orders 3/21/88 & 1/8/92]*

Amendments to voluntary petitions, lists (including the mailing matrix), schedules and statements must have a completed “Amendment Cover Sheet” affixed to the front thereof in a form prescribed by the Clerk. (A paper cover sheet is required for conventional filings, a cover sheet in .pdf form is required to be attached for electronic filings.) No purported amendment of any type will be acknowledged, recognized or processed as such by the Office of the Clerk in the absence of an Amendment Cover Sheet. The term “amendment” includes the delayed initial filing of a schedule, statement, list or other document that discloses the existence of parties-in-interest who were not disclosed in the list of creditors that accompanied the petition. Guidelines regarding amendments are available in the Bankruptcy Court Clerk’s Office.

The title of the cover sheet has been changed and its required use expanded to include additional categories of documents, in addition to amendments. A “Cover Sheet for Schedules, Statements, Lists and/or Amendments” must be completed and attached to the front of the following types of documents:

- a. Amendments to previously-filed document(s);
- b. Schedules, Statements, Lists, etc. not previously filed;

- c. Schedules, Statements, Lists, etc. filed pursuant to Fed.R.Bankr.P Rule 1019 upon the conversion from one chapter to another.

An affidavit of service listing all parties served must be filed with the types of documents identified above. None of the document types identified above will be acknowledged, recognized or processed as such by the Office of the Clerk in the absence of a “Cover Sheet for Schedules, Lists, Statements, and/or Amendments.” A paper cover sheet is required for conventional filings, a cover sheet in .pdf format is required to be attached for electronic filings.

**3. LBR 2020 - SERVICE ON THE OFFICE OF THE UNITED STATES TRUSTEE**

*[New Procedure, added text is underlined]*

2020-1. DUTIES OF CLERK OF COURT *[Former Rule 15 A & B]*

- A. For conventionally filed cases, the Clerk of the Court shall ensure that the Office of the United States Trustee for the district is placed on the mailing matrix in each case filed with the Court and is sent notices (including notices of appeal) issued by the Clerk or such other person as the Court may direct.
- B. For conventionally filed cases, the Clerk’s office shall collect enough copies of petitions, statements, schedules, and amendments thereof to furnish the Office of the United States Trustee with two (2) copies of each.
- C. For electronically-filed cases, the filer is directed to provide one paper copy each of the petition, statements, lists, schedules, etc., directly to each of the United States Trustee and the assigned case Trustee, immediately upon notification of the Trustee assignment.

**4. LBR 9004 - FORM OF PAPERS** *[Revision of current rule, added text is underlined]*

9004-1. FORM OF PAPERS *[Former Rule 13 A]*

*[Revision to current rule, added text is underlined]*

All pleadings and other papers shall be plainly and legibly written, preferably typewritten, printed or reproduced; shall be without erasures or interlineations materially defacing them; shall be in ink or its equivalent on durable, white paper of good quality; and, except for exhibits, shall be on letter size paper, ~~and fastened in durable covers.~~

To assist the Court in its efforts to scan all documents and make them electronically available, the requirement to securely fasten and two-hole punch all pleadings and other papers in durable covers is hereby discontinued for all filings, both electronic and conventional (paper). Documents should be fastened using a device which can be easily removed, such as a large paper clip or clamp. However, "Courtesy Copies" of electronically filed documents submitted to the Court should be bound with exhibits clearly marked.

**5. LBR 9022 - JUDGMENTS AND ORDERS, NOTICE OF**

*[Revision of current rule, added text is underlined]*

9022-1. NUMBER OF COPIES. All orders and judgments shall be filed in duplicate by the party who secures them if such party desires a conformed copy be returned to them. The copies will be placed at the intake counter for pickup unless accompanied by a postage-paid, self-addressed envelope. Such party also shall furnish the Clerk with a sufficient number of additional copies thereof for mailing with the notice of entry, whenever notice of entry is required. All orders, whether made on notice or ex parte, together with the papers on which they were granted, shall be filed forthwith or within the time otherwise permitted by law.

Only one original proposed Order and only one original proposed Judgment need be presented to the Court. Notice of Entry sent by the Clerk's Office will be accomplished through the Bankruptcy Noticing Center. Orders and Judgments entered in unopposed matters will be mailed to the interested parties by the Clerk's Office through use of the Bankruptcy Noticing Center. It is no longer necessary for parties to provide additional copies of proposed Orders for service or to be conformed and returned.

**6. Standing Order Re: Amendments to Petitions, Lists, Schedules, and Statements which are not Verified by the Debtor or do not Contain an Unsworn Declaration Under Penalty of Perjury with Original Signature of Debtor dated June 9, 1999**

*[Revision of current procedure]*

This Standing Order of June 9, 1999 is superceded in its entirety by this Administrative Order. The requirements of the Federal Rules of Bankruptcy Procedure concerning the verified signature of the debtor or the debtor's unsworn declaration under penalty of perjury will apply in all instances, as required by Fed.R.Bankr.P. Rule 1008. Further, a cover sheet must accompany any such amendment to a petition, list, schedule or statement with the accompanying pages numbered consecutively. The Clerk of Court will not "strike" pleadings filed electronically or conventionally which fail to satisfy these requirements. The Clerk of Court is directed to issue a deficiency notice to the filer. The filer will be responsible for curing all aspects of any defects and serving affected parties with the corrected information or notice in a timely fashion. Failure to perform such curative action may result in the issuance of an Order to Show Cause why appropriate relief should not be granted.

**7. Standing Order Authorizing Use of Facsimile Signature or Signature Stamp on Certain Orders, dated October 7, 1997** *[Revision of current procedure]*

With respect to the "Chapter 13 Notice of Meeting of Creditors" only: This document is more correctly categorized as a Notice which will be issued in the Clerk of Court's name. The Order as it pertains to authorizing the use of a facsimile signature or signature stamp and the requirement for the Clerk of Court to produce and maintain a "Master Order" is hereby rescinded.

**8. Standing Order Authorizing Use of Facsimile Signature or Signature Stamp on Orders Approving claims and Orders Allowing Additional Claims in Chapter 13 Cases, dated October 7, 1997** *[Revision of current procedure]*

This Standing Order is superceded by this Administrative Order. The Court hereby directs that “Motions Allowing Claims” in Chapter 13 cases and “Motions Allowing Additional Claims” in Chapter 13 Cases will be deemed approved, after appropriate notice, absent timely objection by any party.

**9. Standing Order Re: Amendments to the Caption of any Petition Commencing a Case, dated June 10, 1998** *[Revision of current procedure]*

This Standing Order is superceded by this Administrative Order. The Clerk of Court is directed to discontinue the keeping of amended caption information in the Daily Intake Book. Amendments to the caption of a Petition must be served by the debtor upon all creditors and parties in the case. A “Cover Sheet for Schedules, Statements, Lists and/or Amendments” together with an affidavit of service, must accompany the amendment document(s).

**10. Returned Mail and Use of Attorney for Debtor’s Address as return address for Notice of Meeting of Creditors** *[New Procedure]*

Pursuant to Fed.R.Bankr.P. Rule 2002, this Court hereby authorizes the Clerk of Court to direct returned mail to the debtor’s attorney for First Meeting of Creditor notices sent through the Bankruptcy Noticing Center. The address of the debtor’s attorney will be used as the return address for the Notice Meeting of Creditors, except where the debtor is *pro se*. In the case of a *pro se* debtor, the Court’s return address will continue to be used. For returned or undeliverable mailings, debtors’ attorneys/debtors must obtain the intended recipient’s correct address, resend the notice and file an affidavit of service with the Clerk’s Office. The Clerk’s Office will then update the mailing matrix for future mailings. Debtors and Attorneys are reminded that failure to serve all parties with a copy of the Notice of Meeting of Creditors may adversely effect the debtor.

**11. Notice to Attorneys Directing the Filing of a “Lien Avoidance Cover Sheet,” dated September 3, 2002** *[Revision of current procedure]*

The requirement for a “Lien Avoidance Cover Sheet” for motions filed pursuant to §§ 506(a), 522(f) and 1322 of the Code, in those cases presided over by Judge Michael J. Kaplan or Judge Carl L. Bucki, is discontinued.

Unless otherwise provided, this Administrative Order will apply to all conventionally filed and electronically filed cases and proceedings pending before U. S. Bankruptcy Court for the Western District of New York. Amendments to this Administrative Order may be entered from time to time as deemed necessary by the Court.

The effective Date of this Administrative Order is June 16, 2003.

**IT IS SO ORDERED.**

DATED: June 11, 2003

By the Court

/S/ JOHN C. NINFO, II  
Honorable John C. Ninfo, II  
Chief Judge, U. S. Bankruptcy Court

/S/ MICHAEL J. KAPLAN  
Honorable Michael J. Kaplan  
Judge, U. S. Bankruptcy Court

/S/ CARL L. BUCKI  
Honorable Carl L. Bucki  
Judge, U. S. Bankruptcy Court