

In the United States Bankruptcy Court
for the
Southern District of Georgia

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U.S. BANKRUPTCY COURT
SAVANNAH, GA

GENERAL ORDER 2005-7

**Order Adopting Case Management/Electronic Case Filing System (CM/ECF) and
Local Bankruptcy Court ECF Rules**

Pursuant to Federal Rules of Bankruptcy Procedure 5005(a)(2) and 5005 (b)(1)(D), **IT IS HEREBY ORDERED** that the Clerk of the United States Bankruptcy Court for the Southern District of Georgia may permit papers to be filed and served electronically in accordance with the provisions of this Order. Such filings will be accepted as part of the Court's electronic filing system which will be implemented and administered in accordance with Local Rules which are attached to and incorporated in this Order. Effective November 4, 2005, participants registered and certified to file under this Court's ECF system may begin to file pleadings and other documents through the ECF system.

Although the Court strongly encourages electronic filing, any person wishing to file a paper document may do so by bringing the document to the clerk's office in Savannah or Augusta during regular business hours. Assistance will be provided at those locations to aid such filers in scanning and entering documents into the Court's electronic filing system.

The text of the attached Local Rules is based on the Model Local Bankruptcy Court Rules for Electronic Case Filing endorsed by the Judicial Conference of the United States in March 2005. They are adopted verbatim with the exception of Rule 7 (Retention Requirements) and Rule 8 (Signatures) which are adopted as reflected in the attached Local Rules. Also attached to this Order is the Debtor's Declaration Regarding Electronic Filing form referenced in ECF Local Rule 7.



Lamar W. Davis, Jr.
Chief United States Bankruptcy Judge

Dated at Savannah, Georgia
this 4th day of November, 2005.

United States Bankruptcy Court
Southern District of Georgia

Local Bankruptcy Rules for Electronic Case Files (ECF)

Adopted by General Order 2005-7, dated November 4, 2005

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 Filing System. Unless otherwise expressly provided in these rules or in exceptional circumstances preventing a Filing User from filing electronically, all petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the court by a Filing User in connection with a case assigned to the Electronic Filing System must be electronically filed.

ECF Local Rule 2 – Eligibility, Registration, Passwords

Attorneys who intend to practice in this court (including those regularly admitted or admitted pro hac vice to the bar of the court and attorneys authorized to represent the United States without being admitted to the bar) should register as Filing Users of the court's Electronic Filing System, and United States trustees, bankruptcy administrators, private trustees, and others as the court deems appropriate may also register as Filing Users. Registration is in a form prescribed by the clerk and requires the Filing User's name, address, telephone number, Internet e-mail address, and, in the case of an attorney, a declaration that the attorney is admitted to the bar of this court.

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 Electronic Filing 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 Internet e-mail 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.

Provided that a Filing User has an Internet e-mail 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 log-in 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 Electronic Filing System by providing the clerk's office with written notice of the withdrawal.

ECF Local Rule 3 – Consequences of Electronic Filing

Electronic transmission of a document to the Electronic Filing System consistent with these rules, 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 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 under Rule 1, a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.

Filing a document electronically 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 copy of the 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 deliver the document in such form as the court requires.

ECF Local Rule 5 – Attachments and Exhibits

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. The court may require parties to file additional excerpts or the complete document.

ECF Local Rule 6 – Sealed Documents

Documents ordered to be placed under seal must be filed conventionally, and not electronically, unless specifically authorized by the court. A motion to file documents under seal may be filed electronically unless prohibited by law. The order of the court authorizing the filing of documents under seal may be filed electronically unless prohibited by law. A paper copy of the order must be attached to the documents under seal and be delivered to the clerk.

ECF Local Rule 7 – Retention Requirements

Documents that are electronically filed and contain the signature of a debtor must be supplemented by a paper filing in the Office of the Clerk. Within fifteen (15) days of the electronic filing of such a document, the Filing User who submitted the electronic document which contains such a signature must file a “Debtor(s) Declaration Regarding Electronic Filing” in the form attached hereto in the Office of the Clerk. The Clerk will retain such Declarations by case number order in the manner now or hereafter required by federal law or regulation.

ECF Local Rule 8 – Signatures

The user log-in and password required to submit documents to the Electronic Filing 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 [in compliance with Local Rule 11.1] 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 log-in 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. Filing User is personally responsible for any and all use of the log-in and password by any authorized agent.

Documents requiring signatures of more than one party must be electronically filed either by: (1) submitting a scanned document containing all necessary signatures; (2) submitting an electronic document containing conformed signatures evidenced by an "s/" and stating "The signatures represented by 's/' on this document conform to original signatures on the paper version of this document maintained by the Filing User; (3) or in any other manner as directed by the court.

By causing such a document to electronically filed the Filing User verifies and guarantees the authenticity of all signatures.

ECF Local Rule 9 – Service of Documents by Electronic Means

The "Notice of Electronic Filing" that is automatically generated by the court's Electronic Filing System constitutes service or notice of the filed document on Filing Users. Parties who are not Filing Users must be provided notice or service of any pleading or other document electronically filed in accordance with the Federal Rules of Bankruptcy Procedure and the local rules.

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 certificate of service must be included with all documents filed electronically, indicating that service was accomplished through the Notice of Electronic Filing 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 Filing System, the clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing 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

A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court.

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 Filing System at the court's Internet site www.gas.uscourts.gov by obtaining a PACER log-in 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.

In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, 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.** If an individual's social security number must be included in a pleading, 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. On Schedule I of Official Bankruptcy Form 6, list relationship and age of the debtor's dependents (i.e., son, age 6).
- c. **Dates of birth.** If an individual's date of birth must be included in a pleading, only the year should be used. On Schedule I of Official Bankruptcy Form 6, list the age of each of the debtor's dependents.
- d. **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used. On Schedules D, E, and F of Official Bankruptcy Form 6, debtors, if they so choose, may include their full account numbers to assist the trustee and creditors.

In compliance with the E-Government Act of 2002, 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.

Debtor _____ Joint Debtor _____ Case No. _____

Section 1 - Declaration of Filing for Documents Signed by the Debtor(s)
Use this section for filing documents not listed in Section 2.

Caption or description of document as electronically filed

The undersigned debtor(s), hereby declare under penalty of perjury that I/we have reviewed a true copy of the document indicated as prepared by the undersigned attorney for electronic filing, and that the information contained therein is true and correct.

Section 2 - Declaration for Filing of a Petition, Schedules, Statement of Affairs, Chapter 13 Plan or Amendments and Verification of Social Security Number

I (We) _____ SSN _____ or No SSN

and _____ SSN _____ or No SSN

the undersigned debtor(s), hereby declare under penalty of perjury that I/we have read the petition, statements, schedules, lists, chapter 13 plan and any amendment thereto or other document indicated in Section 2 as prepared by the undersigned attorney for electronic filing, as well as the information appearing above, and that the information contained therein is true and correct.

- Petition, Statement of Affairs, Schedules or Lists
- Amendments to the Petition, Statement of Affairs, Schedules or Lists
- Chapter 13 Plan or Modified Chapter 13 Plan

I consent to my attorney sending such petition, this declaration, statements, schedules, lists, chapter 13 plan and amendments thereto to the United States Bankruptcy Court by electronic means

- If petitioner is an individual whose debts are primarily consumer debts and who has chosen to file under Chapter 7: I am aware that I may proceed under Chapter 7, 11, 12 or 13 of Title 11, United States Code, understand the relief available under each chapter and choose to proceed under Chapter 7. I request relief in accordance with the chapter specified in the petition.
- If petitioner is a corporation or partnership: I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter specified herein.
- If petitioner files an application to pay filing fee in installments: I certify that I completed an application to pay the filing fee in installments. I am aware that the bankruptcy case will be dismissed and I may not receive a discharge of my debts if the fee is not paid within 120 days of the date of filing the petition.

I understand that this **DECLARATION REGARDING ELECTRONIC FILING** is to be filed with the Clerk of the Court no later than fifteen (15) days following the date the petition or other document was electronically filed. I understand that failure to file the signed original of this DECLARATION may cause my case to be dismissed) without further notice. I have reviewed a true copy of the document(s) filed under this declaration and find them to be true and correct.

Date _____ Debtor _____ Joint Debtor _____

Declaration of Attorney

I _____, attorney for the debtor(s), declare under penalty of perjury that the debtor(s) signed this form before I electronically transmitted the petition, schedules, and statements to the United States Bankruptcy Court; I have followed all other requirements in **General Order 2005-7**; and I have provided the debtor with a true copy of the aforementioned petition, statements, schedules, lists and amendments that reflect the exact documents filed with court. If an individual, I further declare that I have informed the petitioner that [he or she] may proceed under Chapter 7, 11, 12 or 13 of Title 11, United States Code, and have explained the relief available under each chapter. This declaration is based on information of which I have knowledge.

Date _____ Attorney _____ Georgia Bar ID No. _____

Date of electronic filing _____

Mailing Address _____

Electronic Docket No. _____

Telephone Number _____ E-mail _____

Instructions: Complete Declaration of Attorney and one section only: Pursuant to the Federal Rules of Bankruptcy Procedure and Local Bankruptcy ECF Rule 7, this form must be executed by the Debtor(s) and the attorney for the Debtor(s) and submitted to the Clerk within fifteen (15) days after electronic filing of the petition or document(s) for secured record keeping. Although this form shall be permanently retained by the Clerk, the form after docketing shall not be stored with or become part of the public records of the case, nor shall it be subject to public inspection or disclosure except upon order of the court.