

**LOCAL BANKRUPTCY RULE 5005-4
ELECTRONIC FILING**

(a) Application of Rule: This L.B.R. applies to attorneys who file, on average, one or more documents per week and others as ordered or authorized by the court. The attorneys subject to this L.B.R. must register to be electronic filers. Any attorney who is an electronic filer and who signs a document **intended for filing** as an attorney must file the document electronically. Attorneys who file, on average, less than one document per week may, at their discretion, file documents in an electronic format. **Only attorneys and their supervised staff may become electronic filers.**

(b) Mandatory Electronic Filing Requirements: In lieu of filing petitions, pleadings and other papers in hard copy format as prescribed in L.B.R. 9004-1 and other rules, electronic filers must file documents in an electronic format. **The court may, in any matter at any time, request that a copy of a document be submitted to the judge in paper format.**

(c) Electronic Records: Except for documents that exceed the court's electronic storage capability found on the court's website, all documents filed with the court, either electronically or in paper format, will be converted to and stored as electronic documents. The electronic files, consisting of the images of documents filed in cases or proceedings and documents filed by electronic means, constitute the official record of the court together with any other records kept by the Clerk.

(d) Electronic Signature: The use of an attorney's password to file a document electronically constitutes the original signature of that attorney for purposes of FED. R. BANKR. P. 9011.

(e) Password Non-Transferable: Each attorney, law firm or other person that obtains a password for electronic filing is responsible for its security and use. No attorney, law firm or other person may knowingly permit or cause to permit an electronic filer's password to be utilized by anyone other than an authorized member, employee or agent of the electronic filer's law firm.

(f) Waiver of Notice and Service by Mail: The request for and receipt of a CM/ECF password from the court constitutes a request for, and consent to, electronic service pursuant to FED. R. BANKR. P. 9036 of all notices, orders, decrees and judgments *issued by the court* and, except as otherwise provided in this L.B.R., a waiver of the right to receive all notice and service by mail *from the court*.

(g) ECF Procedures: Electronic filers must follow the ECF Procedures. Future versions of the procedures as published by the court will be effective the date of the published revision. **In case of conflict between these L.B.R. and the ECF**

Procedures, the ECF Administrative Procedures as found in L.B.R. 5005-4App. control.

(h) Registration and Filing Requirements: Information regarding the procedures for registration and instructions on how to file cases electronically is found in L.B.R. 5005-4App. Categorization of documents can be found on the court's website at www.cob.uscourts.gov.

(i) Electronic Filer Agreement: Electronic filers must enter into an agreement with the court contained on the Electronic Filer Registration Form found in the ECF Procedures.

(j) Docket: The electronic filing of a document in accordance with the ECF Procedures constitutes entry of that document on the docket kept by the Clerk pursuant to FED. R. BANKR. P. 5003. All orders, decrees, judgments and proceedings of the court will, in accordance with the ECF Procedures, be entered on the docket kept pursuant to FED. R. BANKR. P. 5003 and for the purposes of FED. R. BANKR. P. 9021.

(k) Retention of Original Signatures: Electronic filers may file all electronic documents with electronic signatures however, documents that require the signature of the debtor shall be maintained by the Electronic Filer with the original signature(s) in paper form for two years following the expiration of all time periods for appeals after entry of a final order terminating the case or proceeding. Documents required to be retained by counsel with actual signatures of the debtor include Form 21, voluntary petition, statements, schedules, lists and amendments thereto.

(l) Correction of Errors or Omissions:

(1) Electronic filers notified by the Clerk via a public docket entry of an error or omission in an electronic filing must correct the error or omission by close of business on the next court day following transmission of the Clerk's docket entry. Failure to timely correct the error or omission, unless the court orders otherwise, will result in the erroneous document not being acted upon by the court.

(2) In order to safeguard the integrity of the court's docket while timely providing an accurate public record for proper case administration, when electronic filers use the incorrect event for the public docket when filing a document, the Clerk may re-enter the document correctly if it is an objection or a document that is easily identified from the document's caption as an emergency motion or a time sensitive motion.

(m) Temporary Deactivation or Revocation of Password and Authority to File Electronically: The court reserves the right to temporarily deactivate an Electronic Filer's password for failure to comply with this rule, the Electronic Filer

Registration Form agreement or the ECF Administrative Procedures. In addition, the court reserves the right to revoke, after notice and hearing before the judge assigned to the specific case in which the attorney has failed to comply with the ECF Procedures or has engaged in other misuse of the electronic case filing system.

Commentary

[Source: GPO 2001-8]

See **L.B.R. 9004-1, 9011-1, 9036-1, and L.B.R. 5005-4App.** **Parties should also check the court's website.**

Documents requiring signatures of more than one party may be filed electronically provided the document contains all necessary signatures whether those signatures are electronic or original.

LOCAL BANKRUPTCY RULE 5007-1 TRANSCRIPTS

The transcription service preparing a transcript of any hearing, or of any meeting conducted by the United States Trustee or **a case trustee**, must comply with the provisions of 28 U.S.C. § 753**(b)** governing requests for transcripts.

Commentary

[Source: **L.B.R. 507(a)**]

See the court's website at www.cob.uscourts.gov for information on requesting transcripts.

See also **L.B.R. 9070-1** for Witnesses and Exhibits and **L.B.R. 8004-1 and 8007-1** for Transcripts in appeals.

LOCAL BANKRUPTCY RULE 5010-1 REOPENING CASES

(**⓪**) **Motions:** Motions to reopen bankruptcy cases must be accompanied by the payment of any prescribed filing fees. Copies of the motion must be served on the United States Trustee, the trustee previously assigned to the case, the twenty (20) largest unsecured creditors in a chapter 11 case, and upon any party against whom relief is sought **upon reopening of the case.**

(**⓪**) **Filing Fees:** Payment of the filing fee to reopen a bankruptcy case, filed by the trustee due to the discovery of additional assets in the estate, is payable at the time the motion to reopen is filed. The trustee may file a motion to have the payment of the fee delayed until there are sufficient assets in the estate to pay such fee.

**LOCAL BANKRUPTCY RULE 5005-4APP
ECF ADMINISTRATIVE PROCEDURES**

Several Local Bankruptcy Rules deal specifically with the requirements and implications of electronic filing. Please see [Rule 5005-4](#) on Electronic Filing; [Rule 9004-1](#) Papers–Requirements of Form; [Rule 9011-4](#) Signatures and [9036-1](#) Notice by Electronic Transmission. Your knowledge of the provisions of those rules is vital for the successful use of ECF and compliance with the ECF Administrative Procedures.

These ECF Administrative Procedures highlight many of the provisions, implications and pertinent information related to electronic filing.

I. **Eligibility and Registration for the Electronic Filing System**

A. **Eligibility.** Attorneys admitted to practice in the District of Colorado, and others as the court deems appropriate, who file, on average, one or more documents per week must register as Electronic Filers in the court's ECF system. Attorneys who file, on average, less than one document per week may register as Electronic Filers in the court's ECF system.

B. **Registration.**

1. Each Electronic Filer registering for CM/EC must enroll themselves and/or their designated staff person in and complete a CM/ECF Electronic Filer Training Program conducted by the Clerk. The Clerk will use his discretion in a fair and nondiscriminatory manner to ensure that all registrants are treated fairly. Attorneys to whom these ECF Procedures mandatorily apply will be given preference in training class scheduling and may enroll two persons for any scheduled class. Attorneys to whom these ECF Procedures are discretionary, may enroll only one person for any scheduled class, and classes may be rescheduled to accommodate those attorneys to whom mandatory ECF Procedures apply.

2. In lieu of attending a training class conducted by the Clerk, each Electronic File must obtain and complete a self-directed training program available from the Clerk. Self-enrollment for the Training Program will be via online at https://ecf.cob.uscourts.gov/ecf_training.htm.

3. Registration requires the Electronic Filer applicant's name, address, telephone number, Internet e-mail address, and a declaration that the Electronic Filer, if an attorney, is admitted to practice in the District of Colorado. Upon completion of the online registration, the Clerk will transmit a registration confirmation form back to the Electronic Filer applicant. All registration form must be submitted to the Clerk, U. S.

Bankruptcy Court, District of Colorado, 721 19th Street, Denver, Colorado, 80202-2508, Attention: ECF System Registration, or COBML_Training@cob.uscourts.gov.

C. Password. Each Electronic Filer is entitled to one CM/ECF password for electronic retrieval, filing and noticing of documents in accordance with CM/ECF. Upon request and at the Clerk's discretion, an Electronic Filer may receive multiple CM/ECF passwords based on caseload. Registration for a password is governed by paragraph I.C.

1. The password required to submit documents to the ECF system serves as the Electronic Filer's original signature on all electronic documents filed with the court.

2. Electronic Filers agree to protect the security of their passwords and immediately notify the Clerk if they learn that their password has been compromised. Electronic Filers may also find it desirable to change their assigned passwords periodically and may do so by contacting the Systems Department of the Clerk's Office.

3. The individual named in the CM/ECF registration Form remains the official recipient of the Electronic Filer's password. No Electronic Filer or other person may knowingly permit or cause to permit an Electronic Filer's password to be used by anyone other than an authorized agent of the Electronic Filer. All documents submitted via an Electronic Filer's password is considered "signed" by the Electronic Filer to whom the password is issued.

4. Pursuant to 5005-4, the court reserves the right to temporarily deactivate an Electronic Filer's password, or to revoke it and the authority to file electronically.

II. Electronic Filing and Service of Documents

A. Filing.

1. Electronic filing: except as expressly provided herein or as directed by a Judge in a particular case or matter, all petitions, statements of affairs, schedules, motions, pleadings, memoranda of law, certificates of contested and non-contested matters, or other documents required to be filed with the court in connection with a case must be electronically filed in accordance with these ECF Procedures.

2. Waiver of paper format: pursuant to Fed.R.Bankr.P. 5005(a)(2), a document filed by electronic means in accordance with these ECF Administrative Procedures, constitutes a written paper for the purpose of applying the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure made applicable by the Federal Rules of Bankruptcy Procedure, and § 107 of Title 11, United States Code, except as otherwise provided by these procedures. Electronic filers who file documents electronically pursuant to these procedures are excused from filing said documents in paper form.

3. Copies: except as otherwise stated in these ECF Administrative Procedures, all petitions, schedules, statements, lists, and amendments thereto, and all motions, applications, notices, objections, requests for hearing and other documents filed or converted to electronic case files pursuant to these procedures are to be filed in electronic format only. The requirement to file copies in paper format does not apply, except when specifically requested by a Judge or Judge's chambers.

4. Exhibits: because lengthy and voluminous exhibits create accessibility problems in CM/ECF, Electronic Filers filing documents that reference exhibits not prepared in electronically produced text must scan and electronically file those exhibits divided as separate attachments in PDF format each of which must not exceed one hundred (100) pages in length, scanned at two hundred (200) or less d.p.i.

5. Proofs of claim: proofs of claim may be electronically filed by attorneys or other parties who are authorized to file electronically pursuant to these ECF Procedures. The Clerk will scan all proofs of claim and exhibits attached thereto filed in paper format into CM/ECF. Exhibits in excess of approximately one hundred (100) pages in length, scanned at two hundred (200) or less d.p.i., will be divided and scanned as multiple attachments to the claim

6. Title of docket entries: electronic filers are responsible for selecting the appropriate event and title for the electronically filed document using one of the options provided in the system, e.g., motion, application, etc.

7. Fees payable to the Clerk: When a document requiring a fee is electronically filed, the electronic filer must effect payment of the fee via credit card at the conclusion of the transaction. Failure to pay the fee, if any, at the conclusion of the day on which the transaction occurs, may result in an order striking filing of the document. Repeated failure to pay the filing fee for electronically filed documents may result in the temporary suspension or revocation of the electronic filer's ECF password. In the event the credit card charge cannot be processed, the Electronic Filer will be contacted and must satisfy the required payment within 24 hours. This paragraph does not apply to federal agencies and chapter 7 trustees for whom different filing fee payment arrangements may apply.

8. Exclusions to electronic filing of documents and the requirements and provisions of these ECF Administrative Procedures for documents that will continue to be filed in conventional paper format:

- a. Involuntary petitions filed pursuant to 11 U.S.C. 303;
- b. Petitions filed pursuant to chapter 9;
- c. Petitions ancillary to foreign proceedings filed pursuant to 11 U.S.C. 304; and

d. Miscellaneous cases wherein the court does not already have jurisdiction such as a motion to quash a subpoena issued by a court or judicial officer in another jurisdiction.

B. Consequences of Electronic Filing.

1. 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. A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.

2. Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight MST or MDT, as applicable, in order to be considered timely filed that day. Notwithstanding the foregoing, an Electronic Filer whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court.

3. It is the responsibility of the Electronic Filer to file and link electronic documents correctly in accordance with the requirements of CM/ECF and these ECF Procedures. In the event an Electronic Filer files an electronic document containing errors, omissions, defects or other deficiencies, the Clerk will, upon discovery, make an entry on the docket noting the error or omission and send the Electronic Filer notice of entry of the error or omission via the Automatic Notice of Electronic Filing pursuant to paragraph II.C.2. of these Procedures. The electronic filer must correct the error or omission described in said Automatic Notice of Electronic Filing by the close of the next court day following transmittal of the Automatic Notice of Electronic Filing. The failure to timely correct the error or omission, unless the court orders otherwise, will result in the erroneous document not being acted upon by the court. Certain other matters may be corrected by the Clerk's staff pursuant to local rule or General Procedure Order.

C. Service.

1. General Rule: except as otherwise provided in paragraph II.C.3., all documents required to be served must be served in paper (i.e., "hard copy") form in the manner mandated by the applicable law and rules.

2. Automatic Notice of Electronic Filing: the CM/ECF system automatically generates a Notice of Electronic Filing at the time a document is filed with the system. The Notice indicates the time of filing, the name of the party and Electronic Filer filing the document, the type of document, and the text of the docket entry. It also contains an electronic link (hyperlink) to the filed document, allowing anyone receiving the Notice by e-mail to retrieve the document automatically. The CM/ECF system automatically sends this Notice to all Electronic Filers participating in the case. Electronic Filers are obligated to ensure that their e-mail boxes designated to receive the Notice have sufficient capacity to receive all notifications.

3. Consent to electronic service from the court: the request for and receipt of an electronic filing password from the court constitutes a request for electronic service pursuant to FED. R. BANKR. P. 9036 of all notices, orders, decrees and judgments issued by the court, and except as otherwise provided in the ECF Administrative Procedures, a waiver of the right to receive notice and service from the court by mail. Electronic filers will receive electronic notification of notices, orders, decrees and judgments in cases where they enter their appearance.

4. Service from Other Parties: registration does not constitute waiver of the right to personal service or service by first class mail from other parties in the case. Registration does not constitute consent to electronic service/notice from other parties in the case.

5. Case specific consent to electronic service/notice from other parties:

An electronic filer may file a specific waiver of the right to personal service or first class mail and consent to electronic service/notice from other parties in each case pursuant to FED. R. BANK. P. 9036. Whenever service is required to be made on a person who has filed a case specific waiver/consent, service and notice must be accomplished by electronic mail to the e-mail address on file with the court. Any notice sent via e-mail from a party other than the court must contain "Notice of Pleadings" in the subject or "re" line. The certificate of service must contain the email addresses and name(s) of the person(s) to whom electronic service was effected.

6. Orders: All signed orders, decrees, judgments, and proceedings of the court will be electronically filed by the court or court personnel in accordance with these ECF Procedures, which will constitute entry on the docket kept by the Clerk under Fed.R.Bankr.P. 5003 and 9021. Immediately upon the electronic entry of an order or judgment, a Notice of Electronic Filing will be transmitted to all Electronic Filers who have entered appearances in the case. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed.R.Bankr.P. 9022. The Clerk will provide notice in paper form to any person who is entitled to receive notice, but is not a registered Electronic Filer. In addition to the Notice of Electronic Filing, the Clerk, may, at his/her discretion, also provide notice in paper form to Electronic

III. Access to the Docket

A. Internet Access. Any person or organization may obtain access to the "read only" area of CM/ECF at the court's Internet site at www.cob.uscourts.gov <http://www.cob.uscourts.gov> by obtaining a PACER password and paying any fees established for such access. Those who have PACER access, but who are not Electronic Filers, may retrieve docket sheets and documents, but they may not file documents. Information posted on the CM/ECF system must not be downloaded for uses inconsistent with the privacy concerns of any person.

B. Access at the Court. Electronic access to all documents filed for public access is available, without obtaining a password, in the Clerk's office during regular business hours, Monday through Friday. Conventional and certified copies of electronically filed documents may be purchased at the Clerk's office during regular business hours Monday through Friday. The fee for copying and certifying will be in accordance with the Schedule of Miscellaneous Fees promulgated by the Judicial Conference of the United States pursuant to 28 USC §1930(b).

C. Access Charges. Electronic access fees are payable in accordance with the fees and procedures established by the Judicial Conference of the United States pursuant to 28 USC §1930(b).

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF COLORADO
ELECTRONIC CASE FILING (ECF) SYSTEM
ELECTRONIC FILER REGISTRATION FORM
(Live System)**

To register for an account on the Court's ECF System, please provide the information requested below:

Name: _____

Firm Name: _____

Firm Address: _____

Voice Phone Number: _____

FAX Number: _____

Bar ID# and State: _____

Primary E-Mail Address (for e-mail notification) _____

Send Duplicate E-Mail To: _____

Send Electronic Notice (check one): _____ Each Filing _____ End of Day Summary _____

Send Electronic Notice in the following format (check one):

_____ HTML for Netscape, ISP mail service, i.e, AOL, Hotmail, Yahoo, etc.

_____ Text for cc:mail, Groupwise, Outlook, Outlook Express, Other (please list)

CM/ECF Contact Name and Telephone Number

By submitting this registration form, applicant agrees to the statements on the next page.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF COLORADO
ELECTRONIC CASE FILING (ECF) SYSTEM
ELECTRONIC FILER REGISTRATION FORM
(Live System)**

By submitting this registration form, applicant agrees to the following:

1. Federal Rule of Bankruptcy Procedure 9011 requires that every pleading, motion, and other paper (except lists, schedules, statements or amendments thereto) filed with the court be signed by at least one attorney of record or, if the party is not represented by an attorney, by the party. The unique password issued to an Electronic Filer identifies that person to the court each time he or she logs on to the ECF system. The use of an Electronic Filer's password constitutes the signature of the Electronic Filer for the purposes of Fed.R.Bankr.P. 9011 on any document or pleading filed electronically using that Electronic Filer's password. Therefore, an Electronic Filer must protect and secure the password issued by the court. If you have any reason to suspect your password has been compromised, it is your duty to notify the court immediately. The court will thereafter immediately delete that password from the ECF system and issue a new password.
2. By this registration, applicant agrees to adhere to the ECF Administrative Procedures attached thereto and referenced therein, and to the Local Bankruptcy Rules regarding electronic filing. Applicant further understands and agrees that upon entering an appearance as an Electronic Filer in a case or proceeding, such appearance does not constitute consent to receive notice and service by electronic means from other attorneys unless he or she files a specific consent for service by electronic means within such case or proceeding. Applicant further understands that upon notification of an error, omission, or other deficiency in a document filed electronically, the Electronic Filer shall correct said deficiency no later than the next court day, failing which said deficient document shall be deemed stricken.
3. Applicant agrees that prior to receiving a login and password to electronically file documents, he or she must enroll in and satisfactorily complete a CM/ECF Electronic Filer Training Program conducted by the Clerk.
4. Applicant understands that originals of all electronically filed pleadings, affidavits, and other documents that contain original signatures or require verification under Fed.R.Bankr.P. 1008, or an unsworn declaration as provided in 28 U.S.C. § 1746, must be maintained by the attorney of record or the party originating the document for two years following expiration of all time periods for appeals after entry of a final order terminating the case or proceeding.
5. Except for federal agencies and chapter 7 trustees for whom other filing fee payment procedures may apply, applicant understands that in order to electronically file documents for which a fee is required, he or she must pay those fees with a credit card via the secured Internet either upon conclusion of the transaction or by the close of business on the date of the filing. The applicant further understands that failure to meet this payment requirement represents a defective filing and may result in the loss of electronic filing privileges.
6. Applicant understands that the court may revoke an Electronic Filer's password and, therefore, his or her authority and ability to electronically file documents for failure to comply with any provisions of this agreement, failure to adequately protect his or her Electronic Filer password, failure to comply with the ECF Administrative Procedures and to the Local Bankruptcy Rules containing electronic filing provisions, failure to pay any fees required for documents electronically filed, or other misuse of the electronic case filing system.

Date _____

Signature of Applicant

Please return to: Bradford L. Bolton, Clerk
U. S. Bankruptcy Court
District of Colorado
721 19th St.
Denver, CO 80202

UNITED STATES BANKRUPTCY COURT
DISTRICT OF COLORADO
ELECTRONIC CASE FILING (ECF) SYSTEM

ELECTRONIC FILER PASSWORD FORM
(Live System)

Electronic Filer Login (COURT USE ONLY):

Electronic Filer Password (provided by filer):

Signature of Electronic Filer:

Date:

NOTE: Upon the electronic filer's completion of a court administered CM/ECF training course and assigned homework, a CM/ECF login will be assigned on this form and mailed to the electronic filer.

Commentary

[Source: New]

Meet and confer: The purpose of requiring a “meet and confer” is to assist the parties in resolving their disputes without the necessity **and expense** of court intervention. Therefore, facsimiles and electronic mail by themselves **may** not suffice. Despite advances in technology, human contact is often necessary for conflict resolution. **Therefore, if a meet and confer is unsuccessful when done by e-mail, it may be necessary to communicate by telephone or in person.**

LOCAL BANKRUPTCY RULE 9004-1 PAPERS – REQUIREMENTS OF FORM

(a) Form of Documents Submitted to the Court: All petitions, pleadings, and other documents filed or served in hard copy or electronically must be plainly and legibly typewritten on single sided paper, without being materially defaced by erasures, interlineations, or strikeovers. If the pleading must be handwritten, it must be printed legibly in blue or black ink. The use of abbreviations other than those approved by the current edition of The Blue Book Uniform System of Citation is prohibited.

(b) Form of Paper Submissions: For hard copy documents **submitted to the court**, the paper used must be standard weight, white, and approximately 8 1/2 by 11 inches in size. Unless otherwise specified in these L.B.R., the upper margin of each sheet must be not less than 1/2 inch, the left-hand margin must be not less than one inch, the print size must be no smaller than 12 point font, and the pages must be fastened with a paperclip, not stapled, at the top-left without backs or covers.

(c) Form of Documents Sent for Notice: **In the interest of conserving paper, documents sent for notice may use 10 point font and may be printed using “book style” (two pages of text on one side front and back of one piece of paper) so long as it is legible.**

(d) Page Limitations: Page limits are set at the discretion of the court. Documents that are longer than twenty (20) pages must include a table of contents and a table of authorities.

(e) Identifying Information: All petitions, pleadings, and other documents must contain:

(1) Attorneys: the business address, telephone number, facsimile transmission (FAX) number and electronic mail (e-mail) address, if any, and attorney registration number of the attorney filing the document; or

(2) Pro Se (Unrepresented) Parties: the home address, **the mailing address (if different)**, telephone number, facsimile transmission (FAX) number and e-mail address, if any.

(f) Attachments: All documents that **are exhibits or attachments to** a pleading which is being electronically **filed at the same time and by the same party** must be electronically filed together under one docket number, e.g. the motion, supporting affidavit or other attachments and proposed order.

(g) Copies Generally: **The court may, in any matter at any time, request that a copy of a document be submitted to the judge in paper format.**

Commentary

[Source: L.B.R. 904]

See **L.B.R. 5005-4, L.B.R. 9011-4, L.B.R. 9036-1** and **Fourth Amended GPO 2001-8** for additional information on electronic filing, registration and procedures.

Handwritten submissions are strongly discouraged. In the event that a party has no other options, the pleadings must be written in clear and legible print so that the court can easily review and convert the documents to electronic form as necessary.

LOCAL BANKRUPTCY RULE 9004-2 CAPTION – PAPERS, GENERAL

(a) Captions: In addition to meeting the requirements of FED. R. BANKR. P. 1005 and Bankruptcy Official Form 16A, the official caption of all pleadings, documents, notices and orders must state:

(1) the full and correct first, middle, and last names of the debtor. If the debtor has no middle name or if he or she has only a middle initial, that fact must be indicated parenthetically in the caption. If the debtor's name has changed, it should be listed with the new name followed by "f.k.a." ("**formerly known as**") and the old name;

(2) the chapter of the Bankruptcy Code under which the case is filed;

(3) the debtor's federal employer identification number or the last four digits of the debtor's Social Security number or tax identification number (except that notices of the meeting of creditors that are mailed to creditors must include the debtor's full Social Security number); and

(4) the case number and judge's initials assigned to the proceeding.

(b) Captions in Matters Concerning Relief from the Automatic Stay: All motions, pleadings, and responses thereto filed pursuant to **L.B.R. 4001-1** must bear a caption in

Commentary

[Source: (1) L.B.R. 910, (2) U.S. District Court Rule 83.3.D. (3) C.R.C.P. Rule 121, Section 1-1]

LOCAL BANKRUPTCY RULE 9011-4 SIGNATURES AND E-FILING

Electronic Signature: Any petition, schedule, statement, declaration, claim, **order, opinion, judgment, notice, minutes of proceeding or other document** filed and authorized or subscribed under any method (digital, electronic, scanned) will be treated for all purposes (both civil and criminal, including penalties for perjury) in the same manner as though manually signed or subscribed.

Commentary

[Source: GPO 2001-8, 4th Amended and N.B. Cal. 9011-1]

See **L.B.R. 5005-4, L.B.R. 9036-1, L.B.R. 5005-4App** and additional **ECF Procedures** on the court's webpage at www.cob.uscourts.gov.

LOCAL BANKRUPTCY RULE 9013-1 MOTIONS PRACTICE

(a) Seeking Relief:

(1) Motion, Application or Other Request for Relief:

(A) Documents to be Served: When a statute, rule, or court order requires service of a motion or other pleading, service must include copies of the motion, including exhibits, notice and any proposed order.

(B) Service of Documents: Service of the documents in (a)(1)(A) must be made on those parties against whom relief is sought pursuant to FED. R. BANKR. P. 7004 and 9014, or as otherwise required by statute, rule or court order.

(2) Notice: When a statute, rule or court order requires “notice and a hearing” or other similar phrase, the following applies:

(A) Form of Notice: The movant must use the form of notice in substantial conformity with **L.B. Form 9013-1.1**. The notice must contain a specific statement describing the requested relief or intended action to be

LOCAL BANKRUPTCY RULE 9029-1
LOCAL BANKRUPTCY RULES AND PROCEDURES

(a) Modification of Rules **and Procedures**: Any of these L.B.R., **Standing Orders or General Procedure Orders** may, for good and compelling cause shown, be subject to such modification as may be necessary to meet a bona fide emergency, to avoid irreparable injury or harm, or as may otherwise be necessary to do substantial justice **and promote appropriate case administration**.

Commentary

[Source: L.B.R. 929]

LOCAL BANKRUPTCY RULE 9036-1
NOTICE BY ELECTRONIC TRANSMISSION

(a) **Registration Constitutes Waiver of Service/Notice by Traditional Methods From the Court**: The request for and receipt of an electronic filing password from the court constitutes a request for electronic service pursuant to FED. R. BANKR. P. 9036 of all notices, orders, decrees and judgments issued by the court, and except as otherwise provided in the ECF Administrative Procedures, a waiver of the right to receive notice and service from the court by mail. Electronic filers will receive electronic notification of notices, orders, decrees and judgments in cases where they enter their appearance. Registration does not constitute waiver of the right to personal service or service by first class mail from other parties in the case. Registration does not constitute consent to electronic service/notice from other parties in the case.

(b) **Case Specific Consent to Electronic Service/Notice From Other Parties**: An electronic filer may file a specific waiver of the right to personal service or first class mail and consent to electronic service/notice from other parties in each case pursuant to FED. R. BANK. P. 9036. Whenever service is required to be made on a person who has filed a case specific waiver/consent, service and notice must be accomplished by electronic mail to the e-mail address on file with the court. Any notice sent via e-mail from a party other than the court must contain "Notice of Pleadings" in the subject or "re" line. **The certificate of service must contain the email addresses and name(s) of the person(s) to whom electronic service was affected.**

Commentary

[Source: GPO 2001-8, attachment II.C.]

See **L.B.R. 5005-4, L.B.R. 9011-4, L.B.R. 5005-4App** and additional **ECF Procedures** on the court's webpage at www.cob.uscourts.gov.

Those parties who are registered electronic filers are not entitled to and will not receive hard copies from the court.