Georgia Northern Bankruptcy Court

CM/ECF News

October 2010 Volume 10, Issue 3

Welcome to Judge James R. Sacca

James R. Sacca, was privately sworn in on October 21, 2010 as a United States Bankruptcy Judge for the Northern District of Georgia.

The oath was administered by Circuit Judge Frank Hull. Judge Sacca joins the Northern District of Georgia after a distinguished career as a bankruptcy attorney. His undergraduate degree is from the University of Richmond and he graduated from Emory Law School in 1986.

A formal public investiture will be scheduled for a future date.

Fred Childers - New Chief Deputy Clerk

Fred Childers, currently the Chief Deputy Clerk for the Middle District of Georgia, has been selected as the new Chief Deputy Clerk for the Northern District of Georgia. Fred will join the Clerk's Office on Monday, November, 22, 2010. Some of you may remember Fred from his many excellent years of service as the Director of Operations for James H. Bone, Chapter 13 Trustee. He has served as the Chief Deputy Clerk in the Middle District of Georgia for 4 years.

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How to File an Amendment to Schedule D, E or F

1. Prepare your documents and include the following to be uploaded as one docket entry:

a) Cover sheet - styled as an Amendment pleading - let us know which schedule you are amending and list the creditor(s) and claim amount(s) you are adding.

b) Actual Schedule D, E or F, that you originally filed when the case was opened, amended to include the creditor(s) being added. Type the word AMENDED beside the title at the top of the schedule if necessary. Adjust the grand total on the last page of the amended schedule to include any additional debt owed.

c) If a debt is being added for the additional creditor(s), file an Amended
- Summary of Schedules
- Statistical Summary

d) Verification by debtor(s) affirming the new information is correct and true.

e) Certificate of Service

f) Supplemental Matrix - type that heading at the top of the page and enter your new creditors (name and full address in one continuous left hand column (see CM/ECF User Guide, page 5.2).

How to File an Amendment to Schedule D, E or F *continued...*

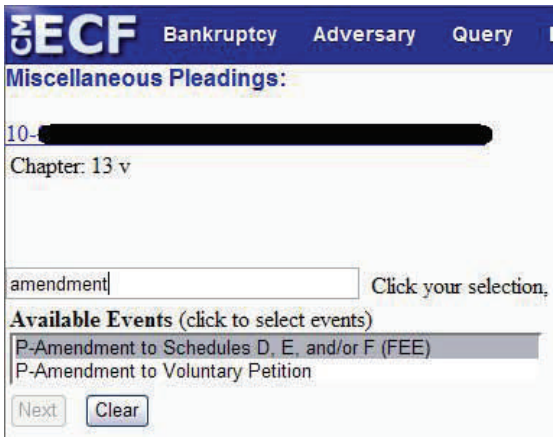
2. Docket the Amendment to Schedule D, E or F:

a) From the blue menu bar across the top of your CM/ECF window, select
- Bankruptcy
- Other
- Enter case number and follow the prompts to enter your party information

b) In the blank text box with **"Start typing to find an event."** at the end of that line, type **"amendment"** (without the quotes) to bring up a list of Available Events.
- Using your mouse device, point-and-click P-Amendment to Schedules D, E, and/or F (FEE) from the Available Events listing. If you are filing amended summary and statistical, hold down the control key and select those events from the available events. Do not select P-Amended Matrix (FEE) as this will display an error message on a subsequent screen regarding Im properly formatted Dollar Amount. In reality, you are trying to double your charge by selecting two events with the word (FEE).
- Click the **Next** button and follow the prompts

c) Upload the amendment as ONE document. Don't select **"Attachments to Document:"**
- Enter the amount in the appropriate text box for Schedule D, E, or F and follow prompts
- Don't select First, Second, etc. from the pick list at the beginning of the **Docket Text: Modify as Appropriate.** line. Do enter the schedule you are amending in the next field on that window.

d) Next window shows your text as it will be displayed on the docket if you click the **Next** button to finalize the transaction. Take time to proofread what you entered! Click your browser's BACK button if you need to correct your entry.



3. Pay the FEE when the Electronic Payment window pops up. If it doesn't appear, check your internet browser's settings (Tools - turn off the pop-up blocker).

4. LAST STEP: Upload the supplemental creditor matrix which only lists the one(s) being added. Never add them to the original creditor matrix and file/upload it again!

From the blue menu bar across the top of your CM/ECF window, select **Bankruptcy** > **Creditor Maintenance** > **Upload a creditor matrix file** and follow the prompts to complete the entry.

TIP: When filing Schedules that add creditors NOT included on a previously filed mailing matrix, the user must include as part of that PDF document, a supplemental mailing matrix containing ONLY the new creditors being added. This supplemental matrix will be part of a PDF document, however, it will also need to be saved separately in a text (.txt) format. The text file will be used at the end of the submission to upload the creditor(s) being added, by going through "Bankruptcy" then "Creditor Maintenance".

Source_CM/ECF User Guide Section 4 Basic Concepts, Page 4.11

Mailing Matrix

If the debtor has multiple accounts with the same creditor, it is not necessary that they appear on the creditor matrix multiple times. Therefore, please check your software and see if it allows you to specify that duplicate addresses do not appear on the creditor matrix.

WRONG	CORRECT
Tires Plus A/C 123456 P.O. Box 81410 Cleveland, OH 44181	Tires Plus P.O. Box 81410 Cleveland, OH 44181
Tires Plus A/C 123459 P.O. Box 81410 Cleveland, OH 44181	

Contacts for Correction Assistance

Atlanta: Shannon_Morris@ganb.uscourts.gov for cases assigned to Judges Bihary (JB), Bonapfel (PWB), Murphy (MHM), or Sacca (JRS).

Millie_Graves@ganb.uscourts.gov for cases assigned to Judges Brizendine (REB), Diehl (MGD), Hagenau (WLH), Massey (JEM), or Mullins (CRM).
Operations Manager, Shannon_Whitworth@ganb.uscourts.gov

Gainesville: Supervisor, Linda_Westbrook@ganb.uscourts.gov
Assistant Supervisor, James_Cornett@ganb.uscourts.gov

Newnan: Supervisor, Donna_Collins@ganb.uscourts.gov
Assistant Supervisor, Melinda_Hardwick@ganb.uscourts.gov

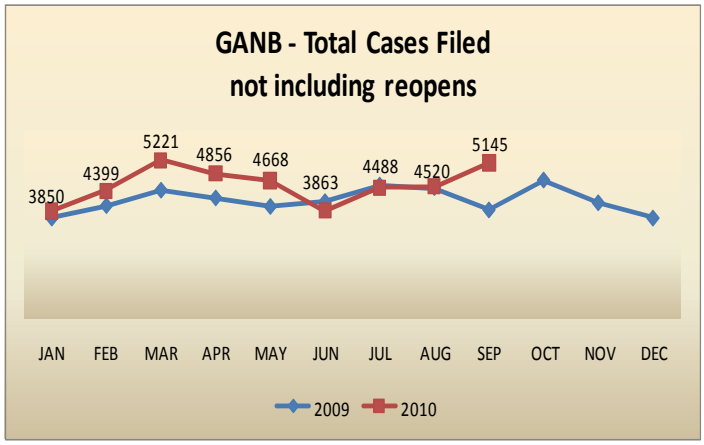
Rome: Supervisor, Cherie_Parris@ganb.uscourts.gov
Assistant Supervisor, Linda_Dockery@ganb.uscourts.gov

REMINDER: A filing fee is due when filing a Motion to Vacate Dismissal. If filed after the 14 -day period to appeal has passed, the filing fee will still be charged to the filing attorney.

Certificate of Service

The Certificate of Service is not served by the Bankruptcy Noticing Center, and the Notice of Electronic Filing from our system is only a complementary notice. The filing attorney is still required to serve all parties in interest. There will be no electronic notice to anyone who is not a registered user of our CM/ECF system. Service to these parties is to be done via first-class mail.

See Local Rule BLR 9007-2. Service of Other Notices.



Adversary issues

Plaintiffs and Defendants - enter into CM/ECF exactly as they are listed on the complaints. Don't leave out middle names, initials, or part of the name. Pick up the Debtor's name (whether plaintiff or defendant) exactly as it is listed on the bankruptcy case.

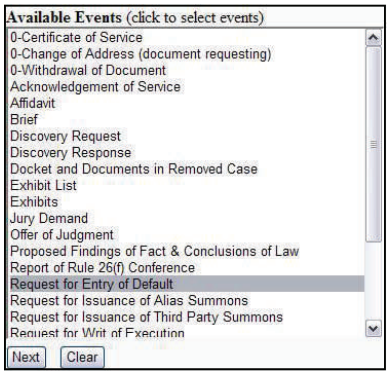
If there are multiple parties to the complaint, please enter all of them. In any documentation or docket entry, clearly separate them with spacing and punctuation.

Be careful when entering the demand amount. It is already set up in thousands. If the demand is $800,000, you would enter 800.

Don't docket a Request for Clerk's Entry of Default as a Motion for Entry of Default Judgment. The Request for Entry of Default doesn't contain all of the information we need to enter the default.

The clerk is permitted to enter a default only upon being presented with the facts made to appear by an affidavit or otherwise, which normally include:

1. Date of issuance of the summons
2. Statement of whether the court fixed a deadline for the filing of an answer or motion, or whether the 30 (or35) day time limit applies
3. Date of service of the complaint
4. Date of filing of the certificate (affidavit) of service of summons
5. Statement that no answer or motion has been received within the time limit fixed by the court or by the Bankruptcy Rule 7012(a)



From the CM/ECF blue menu bar, select Adversary Events > Other. Enter the adversary case number and select the appropriate party. Select **Request for Entry of Default** from the Available Events

Pleadings related to an adversary complaint are never filed in the bankruptcy case.

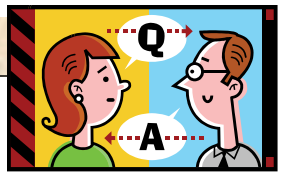
Local Rule - Pro Hac Vice

BLR 9010-2. Permission to Practice in a Particular Case.

A non-resident attorney who is not an active member in good standing of the State Bar of Georgia, but who is a member in good standing of the bar of any United States Court or of the highest court of any State may apply in writing for permission to appear *pro hac vice*.

(a) Applications for admission *pro hac vice* with proposed orders may be obtained from the Bankruptcy Clerk. The applicant shall state under penalty of perjury the (i) applicant's residence address, (2) the applicant's office address and telephone number, (3) the courts to which the applicant is admitted to practice and the date of admission, and (4) a statement that the applicant is in good standing and eligible to practice in all courts to which admitted. An attorney applying to appear *pro hac vice* must also designate a local member of the bar of the Bankruptcy Court with whom the opposing counsel and the Bankruptcy Court may readily communicate regarding the conduct of the case and upon whom papers shall be served. The address, telephone number, and written consent of the designated local counsel must be filed with the attorney's *pro hac vice* application. Applications for admission *pro hac vice* shall be accompanied by the appropriate filing fee and a proposed order to be signed by the Bankruptcy Judge and shall be presented to the Bankruptcy Clerk. The nonresident attorney may be permitted to appear *pro hac vice* in the discretion of the Bankruptcy Court.

Attorney Q & A



Q. How can I get a refund of fees paid electronically?

A.1. If the attorney files a document and pays the fee, s(he) is required to file a motion and order with the court requesting a refund.

A.2. If the attorney files a document requiring a fee and realizes it should not have been filed prior to paying the fee, s(he) can contact our Financial Department, and we can remove the charge.

Q. I need to convert a Chapter 13 case to Chapter 7. What do I need to file?"

A. If this is the first conversion, you may file the "First Request to Convert from Chapter 13 to Chapter 7

Attorney Q & A continued...

(conversion fee is $25.00). You will need to file a schedule of post-petition debts within 14 days and the Statement of Intention, if appropriate, within 30 days. If there are no post-petition creditors, please file the document indicating there are none. If this is a post-reform case, the Chapter 7 Statement of Current Monthly Income and Means Test Calculation must be filed within 14 days. If the debtor has previously converted, you will be required to file a Motion to Convert to Chapter 7. If the motion is granted, the above documents will also be required.

Q. What event should I use for docketing a correction to a Social Security Number?

A. From the CM/ECF blue menu bar, select Bankruptcy Events > Other > Amendment to Voluntary Petition Correcting Social Security No.

Procedure for Electronically Filing Amendments to Amend (or Correct) Social Security Number:

1. Create an electronic version of Form B-21. This for does not have to be converted to .pdf format. The form is available on the Court's website at www.ganb.uscourts.gov under "Forms."

2. Electronically file the amendment including the redacted Social Security Number via CM/ECF.

3. Send an email to the Clerk's office (*see appropriate Division email addresses below*) indicating that an amendment has been filed to correct a Social Security Number. Include the electronic version of Form B-21 as an attachment to the email. This attachment can be in Corel Word Perfect, Microsoft Word, or as a PDF.

Atlanta Division -
GANB-ATLA_Amendments@ganb.uscourts.gov

Gainesville Division -
GANB-GAIN_Amendments@ganb.uscourts.gov

Newnan Division -
GANB-NEWN_Amendments@ganb.uscourts.gov

Rome Division -
GANB-ROME_Amendments@ganb.uscourts.gov

4. The Clerk's office will make the necessary changes to the Debtor's Social Security Number in the CM/ECF program.

When the CM/ECF system is down, you are welcome to file your petitions and pleadings in person at the Clerk's Office.

SPECIAL NOTE: Electronic signatures are not acceptable on paper documents filed over-the-counter. Before you submit them at the Case Intake counter, verify that actual signatures are written where required.