

BLR 5005-7. Procedures for Filing Documents Electronically.

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As used in this Rule, the word “attorney” means an attorney admitted to practice in the Bankruptcy Court.

(a) **Format Requirements.** An electronically filed document shall be prepared in accordance with the format requirements of BLR 5005-1 and 5005-3, except as otherwise provided by this Rule and the Electronic Case Filing Procedures.

(b) **Signatures.**

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(1) Signature of attorneys on document electronically filed by attorney. A document electronically filed by an attorney that an attorney signs or is required to sign under the Bankruptcy Rules or other applicable law shall identify each attorney signing such document in accordance with BLR 5005-1(e). If the document is filed electronically in a text format, the signature of each attorney signing the document shall be indicated above the signature line with the notation “/s/” above the name of the person signing the document or by some other notation that clearly indicates that the document has been signed and by whom. If the document is filed electronically in an image format, the signature of each attorney signing the document shall be affixed to the original before the document is created in image format. Upon the electronic filing of the document, the signature of each such attorney as thus evidenced shall constitute a signature of each such attorney under Bankruptcy Rule 9011. The electronic filing of the document constitutes a representation and certification by the attorney filing the document that each attorney whose signature is thus evidenced (A) has signed or authorized such attorney’s signature and (B) has authorized the filing of the document as thus signed.

(2) Signature on document electronically filed by non-attorney. A document that is electronically filed by a person who is not an attorney and that the filing person signs or is required to sign shall state the name of each person signing the document. If the document is filed electronically in a text format, the signature of the person signing the document shall be indicated above the signature line with the notation “/s/” above the name or by some other notation that clearly indicates that the document has been signed and by whom. If the document is filed electronically in an image format, the signature of the person signing the document shall be affixed to the original before the document is created in image format. Upon the electronic filing of the document, the signature of such person as thus evidenced shall constitute a signature of such person under Bankruptcy Rule 9011. The electronic filing of the document constitutes a representation and certification by the person filing the document that the person whose signature is thus evidenced (A) has signed or authorized such signature and (B) has authorized the filing of the document as thus signed.

(3) Signatures on document of persons other than person filing electronically. An electronically filed document (other than a proof or transfer of a proof of claim filed in accordance with BLR 5005-9) that is signed by a person other than, or in addition to, the person electronically filing the document, shall state the name and state bar registration or identification number of each attorney (if any) and the name of any other person signing such document. If the document is filed electronically in a text format, the signature of each person signing the document shall be indicated above the signature line with the notation “/s/” above the name of each person signing the document or by some other notation that clearly indicates that the document has been signed and by whom. If the

document is filed electronically in an image format, the signature of each person signing the document shall be affixed to the original before the document is created in image format. Upon the electronic filing of the document, the signature of each such person as thus evidenced shall constitute a signature of each such person under Bankruptcy Rule 9011. ~~The~~Except as provided in subsection (g), the electronic filing of the document constitutes a representation and certification by the person filing the document (A) that each person whose signature is thus indicated on the document has signed it and (B) that, at the time of filing, the person filing the document electronically is in possession at the time of filing of an original document signed as indicated on the electronically filed document. The requirements of (b)(1) or (b)(2), as applicable, apply with regard to the signature, if any, of the filing person.

(c) Verified Papers.

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~~(1)~~A(1) Except as provided in subsection (g), a person electronically filing a Verified Paper thereby certifies and represents that such filer has in such filer's possession at the time of filing the fully executed original Verified Paper, with an original signature affixed thereto signed by each person whose signature is indicated thereon.

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(2) A person electronically filing a Verified Paper in image format thereby certifies that the image is an exact copy of the original. A person electronically filing a Verified Paper in text format thereby certifies that its text is identical to the original.

(3) The following Rules apply with regard to a Verified Paper filed in text format:

(A) A person electronically filing a Verified Paper in text format shall conform the copy filed electronically to the original Verified Paper. Each signature shall be indicated above the signature line with the notation “/s/” above the name of the person

signing or by some other notation that clearly indicates that the document has been signed and by whom. Hand-written or stamped text or notations, including without limitation dates and stamps concerning the commissions of notaries public, shall be typed on the filed copy. Seals shall be noted by such expressions as “Legal Seal,” “L.S.,” “Notary Seal,” etc., as appropriate.

~~(B) The~~ **(B) Except as provided in subsection (g), the** person filing the Verified Paper: (i) shall maintain in such person's files the original Verified Paper in its entirety for a period ending one year after the case or proceeding in which the Verified Paper is filed is closed; (ii) shall produce the original for inspection and copying upon request of the Bankruptcy Court or any party in interest; and (iii) if ordered by the Bankruptcy Court, shall transmit the original to the Bankruptcy Clerk.

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(C) If the Verified Paper is a paper that must be verified or contain an unsworn declaration as provided in 28 U.S.C. § 1746 as required by Bankruptcy Rule 1008 (including any petition; list of creditors; schedule of assets and liabilities, current income and expenditures, or executory contracts and unexpired leases; statement of financial affairs; statement of intention; and any amendment to any of the foregoing, as set forth in Bankruptcy Rules 1002, 1003, 1004.1, 1007, and 1009) (a “Rule 1008 Paper”), then each debtor and the person filing such Rule 1008 Paper shall sign, and the attorney for the debtor shall file in image format, a declaration under penalty of perjury substantially conforming to Local Form 5005-7(c)(3)(B), simultaneously with the Rule 1008 Paper.

(d) **Motions Under Seal.** BLR 5005-6(b)(5) governs motions with regard to the filing of documents under seal.

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~~(e)~~ **(e) Chapter 7 Trustee Report of No Distribution.** A trustee may file a report

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of no distribution by making a docket entry with appropriate text in such form as is approved by the United States Trustee without filing a pleading containing the report and said trustee shall not be required to maintain any original or scanned copy of said report or otherwise comply with the requirements of paragraph (c) of this Rule with regard to said report.

(f) The Electronic Case Filing Procedures may authorize the filing of routine pleadings and papers by the making of a docket entry with appropriate text as is approved by the Bankruptcy Court.

(g) Special Provisions Regarding Certain Pleadings in Chapter 13 Cases.

(1) This subsection shall apply only to the following amended documents in Chapter 13 cases in which the debtor is represented by an attorney who is authorized to file documents electronically: amendments to plans and post confirmation plan modifications; amendments to statements of financial affairs and schedules and summaries of schedules; and amendments to Form 22C (individually, a “Specified Amended Document”).

(2) The electronic filing of a Specified Amended Document constitutes a representation and certification by the debtor’s attorney (A) that the debtor has signed it and (B) that, at the time of filing, the debtor’s attorney is in possession of either (i) an original document signed by the debtor or (ii) an image format or other facsimile of the document, including the signature page, received either electronically or by facsimile machine from the debtor. If the Specified Amended Document is filed with “/s/” above the name of the debtor, as opposed to with a copy of the signature in image format, the electronic filing of the document constitutes a representation and certification by the

debtor's attorney that the debtor has signed it and that, at the time of filing, the debtor's attorney is in possession, at the time of filing, of an original signature of the debtor on the document signed as indicated on the electronically filed document. If a Specified Amended Document is filed electronically with the signature in image format, including by facsimile, the electronic filing of the Specified Amended Document constitutes a representation and certification that the debtor's attorney transmitted the entire Specified Amended Document to the debtor for review and signature, communicated with the debtor regarding the substance and purpose of the Specified Amended Document, received the entire Specified Amended Document, including the signature page, back from the debtor electronically, including by facsimile, and received an express authorization from the debtor to file the Specified Amended Document.

(3) The debtor's attorney (A) shall maintain in his or her files the electronic or facsimile transmission received from the debtor containing the Specified Amended Document in its entirety for a period ending one year after the case or proceeding in which the Specified Amended Document is filed is closed; (B) shall produce the electronic or facsimile transmission for inspection and copying upon request of the Bankruptcy Court or any party in interest; and (C) if ordered by the Bankruptcy Court, shall transmit the electronic or facsimile transmission to the Bankruptcy Clerk.

(4) Except to the extent provided in this subsection (g), all other provisions of BLR 5005-7 shall apply to the electronic filing of a Specified Amended Document.