

OCT 31 2018

By: 
Deputy Clerk

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA**

IN RE:

**ELECTRONIC SERVICE
OF PLEADINGS**

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GENERAL ORDER NO. 25-2018

ORDER

This Order is issued pursuant to Fed. R. Bankr. P. 5005 and 9036, and BLR 5005-8 and further explains the Court's CM/ECF administrative procedures as they apply to service of pleadings. It is hereby ORDERED:

1. In all cases in this Court, including adversary proceedings, Registered Users agree to receive notice and service of pleadings and documents by electronic means through the Notice of Electronic Filing ("NEF") for notices of pleadings and documents from both the Bankruptcy Court and from other Registered Users and to waive other service.

2. Whenever a pleading or other document is filed electronically, the Electronic Case Filing ("ECF") program automatically generates an NEF at the time of docketing. An attorney who files a pleading or other document electronically is deemed to have served the pleading or other document on Registered Users who have appeared in that case or adversary proceeding ("NEF Service"). NEF Service is considered the equivalent of service of the pleading or other document in accordance with Bankruptcy Rule 7005(b). A Registered User can be identified by clicking on ECF's "Utilities" category, then on "Mailings", and then on "Mailing Info for a Case" and then entering the case or adversary proceeding number.

3. NEF Service applies only to Registered Users who have appeared in that case or adversary proceeding; it does not apply to debtors and other non-Registered Users or to Registered Users who have not appeared in that case or adversary proceeding. The named defendant in an adversary proceeding or respondent in a contested matter under Bankruptcy Rule 9014 must still receive service in accordance with Bankruptcy Rule 7004. If a recipient cannot be served through NEF Service, the filing attorney must serve the pleading or document upon such recipient in accordance with applicable law. If a debtor is the defendant in an adversary proceeding or a respondent to either a motion or contested matter under Bankruptcy Rule 9014, the debtor's attorney may still be served by NEF Service.

4. If a party filing a pleading or other document wishes to use a specified type of electronic transmission to serve an entity with a pleading or other document ("Electronic Mail Service"), such service is effective only if the Court has ordered such service or if the entity entitled to service of the pleading or other document has affirmatively agreed to receive Electronic Mail Service in the case.

5. A certificate of service evidencing proper service on all parties entitled to service or notice is still required when a party files a document electronically, even when the party serves the pleading or document by NEF Service or by Electronic Mail Service. The certificate must state the manner in which service or notice was accomplished on each party entitled to service or notice. The following language is recommended for the certificate of service:

For NEF service:

This is to certify that I have on this day electronically filed the foregoing [NAME OF DOCUMENT] using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program: [LIST NAMES].

For regular mail service:

[Use the following sentence if any non-ECF users or parties or Registered Users who have not appeared in the case were served by other means excluding Electronic Mail Service pursuant to an affirmative agreement]: I further certify that on this day I caused a copy of this document to be served via [SPECIFY MEANS OF SERVICE, SUCH AS UNITED STATES FIRST CLASS MAIL, WITH ADEQUATE POSTAGE PREPAID OR OVERNIGHT MAIL] on the following parties [SET FORTH BELOW/ON THE LIST ATTACHED HERETO] at the address shown for each.

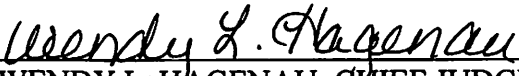
For Electronic Mail Service:

[Use the following sentence if any non-ECF users or parties or Registered Users who have not appeared in the case were served by Electronic Mail Service pursuant to an affirmative agreement applicable to the case]: I further certify that on this day I caused a copy of this document to be served via Electronic Mail Service pursuant to an affirmative agreement applicable to this case with the parties [SET FORTH BELOW/ON THE LIST ATTACHED HERETO] at the address shown for each.

6. A filer who brings or mails a document to the Clerk's office for scanning and uploading to ECF must serve conventional copies on all parties to the case entitled to service or notice of the document and should expect some delay in the uploading and subsequent electronic noticing of the document.

7. This Order applies to all pleadings and documents filed in any case in this Court, including adversary proceedings on or after December 1, 2018.

IT IS SO ORDERED this 31st day of October, 2018.


WENDY L. HAGENAU, CHIEF JUDGE
United States Bankruptcy Court
for the Court