

**Southern District of Ohio
Administrative Procedures
for Electronic Case Filing**

**United States Bankruptcy Court
for the Southern District of Ohio**

Effective: December 1, 2016

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ECF PROCEDURE 1 SCOPE OF ELECTRONIC FILING

(a) **Short Title.** The Southern District of Ohio Administrative Procedures for Electronic Case Filing may be abbreviated as the “Procedures” or, individually, as “ECF Procedure ___” and are available in their current version on the court’s website: www.ohsb.uscourts.gov.

(b) **Definitions.** These Procedures use the term “**Electronic Case Filing System (ECF)**” to refer to the court’s system that receives documents filed in electronic form. Paper filing is referred to as “**Conventional Filing.**” The term “**Filer**” refers to any entity, with an approved login and password, registered to use the ECF system under ECF Procedure 2(a). The term “**User**” refers to any entity, with an approved login and limited password, registered for restricted use of the ECF system under ECF Procedure 2(b). The term “**Rule**” refers to the Federal Rule of Bankruptcy Procedure.

(c) **Electronic Filing Mandatory.** Except as specifically set forth in subsection (d) below, the court will accept for filing only documents that are filed electronically and otherwise in compliance with these Procedures, unless an entity, upon motion and a showing of exceptional circumstances, obtains a specific order authorizing the Conventional Filing of the particular document.

(d) **Conventional Filing Authorized.** The following documents may be filed conventionally:

- (1) documents under seal in compliance with ECF Procedure 6;
- (2) documents filed by *pro se* debtors;
- (3) motions requesting leave to file a particular document conventionally due to exceptional circumstances;
- (4) proofs of claim filed by entities who are neither Filers nor Users; and
- (5) other documents or filings, if ordered by the assigned judge.

ECF PROCEDURE 2 REGISTRATION, WAIVER OF NOTICE AND SERVICE BY MAIL AND CONSENT TO ELECTRONIC NOTICE AND SERVICE AND WITHDRAWAL FROM ELECTRONIC FILING SYSTEM

(a) **Required Registration Procedure for Filers.** The following entities shall register as Filers in the court’s ECF system: (1) attorneys admitted to practice in the United States Bankruptcy Court for the Southern District of Ohio, including those admitted *pro hac vice* (LBR 2090-1); (2) case trustees and examiners; (3) Assistant United States Trustees; (4) Assistant United States Attorneys; and (5) other entities the court determines appropriate. In order to register as a Filer, an entity must complete a registration form using the court’s On-line Registration Program. A Filer shall be required to complete ECF training in order to be assigned a Filer login and password, unless the Filer has previously completed ECF training from another United States Bankruptcy Court. Additional information about accessing the court’s On-line Registration Program or about ECF training may be obtained from the court’s website: www.ohsb.uscourts.gov (*Obtaining an ECF Login and Password* option). Members of a Filer’s staff are encouraged to participate in ECF training, but will not receive a separate login and password.

(b) Required Registration Procedure for Users. Except as provided in ECF Procedure 1(d) (“Conventional Filing Authorized”), the following entities shall register as ECF Users: (1) entities authorized to appear on behalf of a child support creditor; (2) entities authorized to file applications to withdraw unclaimed funds; (3) entities authorized to submit reaffirmation agreements; and (4) entities authorized to submit notices of transferred claims. Any entity, including entities who file proofs of claim and entities authorized to submit appraisals to the court, may register as a User. In order to register as a User, an entity must complete a registration form using the court’s On-line Registration Program. Users shall consult the court’s “CM/ECF Creditor Manual” (available on the court’s website) for instructional material on how to file proofs of claim, reaffirmation agreements, etc. As a general rule a User will receive one login and password, but upon a written request and a sufficient explanation of business necessity, members of a User’s staff may receive separate logins and passwords, although the principal User remains responsible for usage of a staff member’s login and password.

(c) Login and Password. After the Filer or User Registration Form is processed and training, if required, is completed, the court will send an email message notifying the Filer or User of the login and password assigned. The email message ensures that the Filer or User has a properly functioning email address which will be used by the court’s ECF system.

(d) Password Security. Every Filer or User is required to protect the security of the assigned password. If there is any reason to believe the security of the assigned password may have been compromised, the Filer or User must immediately notify the Information Technology Department by email addressed to ECFHelpDesk@ohsb.uscourts.gov and by telephone to the clerk at (937) 225-2516. A Filer or User may be subject to civil liability, court sanctions or other consequences for failure to take required action in connection with the security of the assigned password.

(e) Electronic Notice And Service: Request, Waiver and Consent. Registration as a Filer or User constitutes waiver of the right to personal service or first class mail service. Registration as a Filer or User also constitutes a written request for, and consent to, electronic service via receipt of a “Notice of Electronic Filing” from ECF of all filed documents to which the Filer or User is entitled, except with regard to a summons and complaint under Rule 7004 or an initial motion under Rule 9014 (LBR 7004-1).

(f) Withdrawal as Filer or User. A Filer must file a motion and a User must file a written request with the clerk and, in all circumstances, obtain a court order authorizing withdrawal from ECF.

(g) Suspension or Revocation of Use. The court, upon notice and opportunity for hearing, may, for cause, enter an order suspending or revoking participation in ECF by any Filer or User. Further, the clerk, upon information received, which indicates potential risk or harm to ECF, may, without prior notice, temporarily suspend participation in ECF by any Filer or User, and shall provide prompt notification of such action to the Filer or User.

(h) Payments of Required Fees. All required fees must be promptly paid and failure to complete prompt payment will result in being locked out of the ECF system. An email will be sent for the payments due and the *Internet Payments* option will become the only ECF item available. Upon completion of the payments due, the lockout will be automatically terminated and the ECF system will become available.

ECF PROCEDURE 3 CONSEQUENCES OF ELECTRONIC FILING

(a) **Filing and Entry on the Docket.** Once electronic transmission of a document to ECF, consistent with these rules, has been received by the court, the document has been filed for all purposes required by the Federal Rules of Bankruptcy Procedure and the Local Rules of this court and is entered upon the docket kept by the clerk under Rule 5003.

(b) **Official Record.** When a document has been filed through ECF, the official record is the electronic recording of the document as stored by the court, and the entity on whose behalf a document is filed is bound by the document as filed. Except in the case of documents first filed conventionally, a document filed through ECF is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.

(c) **Filing Date and Time.** Filing a document electronically does not alter the filing deadline for that document. In order for a document to be considered timely filed on the day it is required to be filed, the filing must be completed no later than the time of day established by an order of the court or, if no such time has been established, before midnight local time where the court is located.

(d) **Appropriate Title of ECF Documents.** A Filer or User electronically filing a pleading or other document shall designate the appropriate title for that pleading or other document by selecting among the categories provided through ECF. Where permitted, a Filer or User shall add docket text more particularly describing the document to be filed.

(e) **Corrections.** In the event that a docket entry must be corrected, the clerk's office will notify the Filer or User of the deficiency.

ECF PROCEDURE 4 COURT ORDERS

(a) **Entry of Orders.** The clerk shall enter all orders and judgments in ECF, which shall constitute entry on the docket kept by the clerk under Rules 5003 and 9021. The electronic signature of the court shall have the same force and effect as if manually signed and docketed as a Conventional Filing.

(b) **Submission of Proposed Orders.** Unless otherwise ordered by the court, proposed orders shall be submitted pursuant to LBR 9072-1 through the court's ECF electronic order upload system.

(c) **Determination of Proposed Orders.** If the court declines to sign the proposed order as submitted, the court may enter its own order or may direct that counsel revise and resubmit the proposed order or submit the proposed order in a word processing format, created by Microsoft Word or Corel WordPerfect, such that the proposed order is capable of being edited by the court and subsequently entered upon the docket.

ECF PROCEDURE 5 FILING FORMAT REQUIREMENTS

(a) **Definitions.** “**Electronically Generated Text**” is electronic text generated by converting or printing to Portable Document Format (PDF) from the original word processing file, so that the text of the document may be electronically searched and copied. “**Scanned Material**” is an electronic image of text or other material in PDF format produced by a scanning or imaging process.

(b) **Electronically Generated Text Required.** All documents transmitted to ECF shall be Electronically Generated Text in PDF format so that the text of the document may be searched and copied, except as provided in subsection (c) below. The creditor matrix must be transmitted in an ASCII file format with an appropriate text extension as .txt so that it can be successfully uploaded.

(c) **Limited Exceptions for Scanned Materials.** All attachments, exhibits and other documents such as reaffirmation agreements, vehicle lease assumption agreements or affidavits, not available as Electronically Generated Text (i.e., those that must be scanned) shall be transmitted to ECF as Scanned Material in PDF format.

(d) **Size Limitations Per Transmission.** Each transmission to ECF shall not exceed thirty-five (35) megabytes total file size. Files which exceed thirty-five (35) megabytes shall be broken into smaller files and transmitted to ECF in multiple transmissions.

ECF PROCEDURE 6 FILING OF DOCUMENTS UNDER SEAL

(a) **Definition.** A document filed under seal is a document which a court has ordered to be sealed.

(b) **Filing Requirements.** Unless otherwise ordered by the court, a motion to file a document under seal shall be filed electronically. The motion shall not contain confidential or privileged information. The order authorizing the filing of a document under seal shall be filed electronically unless otherwise prohibited by law. A document ordered to be filed under seal shall be filed with the clerk both in paper form on electronic medium (e.g., CD or DVD) in PDF format and accompanied by a paper copy of the court order authorizing the paper filing.

(c) **Protection of Privacy Interests.** Any entity may file a motion seeking an order limiting electronic access to or prohibiting the electronic filing of certain specifically identified materials on the grounds that such material is subject to protected privacy interests and that electronic access or electronic filing of those materials is likely to prejudice those privacy interests. If the court determines that access should be limited or that electronic filing would unduly prejudice those privacy interests, then the materials shall be filed as ordered by the court. The court order determining access to or prohibiting the electronic filing shall be filed electronically.

ECF PROCEDURE 7 RETENTION REQUIREMENTS

(a) **Retention of Original Signatures.** Petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents that must contain original signatures or that require verification under Rule 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746 shall be retained by the Filer or User who files such a pleading, document, or other paper for a minimum of two (2) years from the closing of the case or proceeding. Compliance with this retention requirement does not affect, replace, or constitute an exception to any other retention period required by other applicable laws or rules.

(b) **Sanctions; Production of Original Documents.** Failure to maintain such documents for the specified period shall subject the Filer or User to sanctions, including, without limitation, disgorgement of fees. On request of the court, the Filer or User must provide original documents for review.

ECF PROCEDURE 8 SIGNATURES

(a) **Electronic Filing Constitutes Signature.** The transmission by a Filer or User to ECF of any document constitutes any required signature of that Filer or User on such document, including the signature on a certificate of service. The Filer need not manually sign a transmitted document. The transmission is the equivalent of a signed paper for all purposes, including, without limitation, the Federal Rules of Bankruptcy Procedure, including Rule 9011, the Bankruptcy Code, and the Local Bankruptcy Rules of this court.

(b) **Electronic Filing Constitutes Certification of Other Signatures.** The transmission by a Filer or User of any document constitutes certification of the Filer or User that all persons other than the Filer or User indicated to have signed the document have actually executed an original prior to electronic filing with the court.

(c) **Use of Password.** No Filer or User may knowingly permit or cause to permit a Filer's or User's password to be used by anyone other than an agent specifically authorized by the Filer or User.

(d) **Form of Electronic Signatures.**

(1) **Required Information for Filers and Users.** A document transmitted to ECF shall include a signature block setting forth the Filer's or User's name, complete address, telephone number, fax number, email address, and the Filer's state bar registration number and firm affiliation, if applicable, preceded by a signature line on which is typed "/s/ Name" where the Filer's or User's signature would otherwise appear in a signed document. In accordance with subsection (a) above, the absence of "/s/ Name" does not invalidate the electronic signature of any Filer or User who transmitted the document.

(2) **Required Information for Other Entities.** A document transmitted to ECF requiring or containing signatures of entities who are not the transmitting Filers or Users shall either (a) show an image of such signature as it appears in the original signed document, or (b) bear the name of the signatory preceded by "/s/ Name" typed in the space where the signature would otherwise appear in a signed document, accompanied by the signature block information recited in subsection (d)(1) above. The failure of a Filer or User to provide the required "/s/

Name” can be remedied by subsequently filing a notice of correction referring to the prior document by name and docket number and supplying the corrected information.

(3) Multiple Attorney/Party Signatures. A document requiring or containing signatures of more than one entity or counsel shall contain the signature information recited in subsections (d)(1) and/or (d)(2) above. The party transmitting the document shall demonstrate all required consents have been obtained.

ECF PROCEDURE 9 SERVICE ON FILERS, USERS AND OTHERS

(a) Service Upon Filers and Users. Pursuant to the consent of the Filer or User in ECF Form 1, or ECF Form 2:

(1) the transmission from the court to a Filer or User of the “Notice of Electronic Filing” of a pleading or other document constitutes notice and service of the filed document upon that Filer or User, except that paper copies of a summons and complaint under Rule 7004 or the initial motion under Rule 9014 must be served in accordance with those Rules to effectuate service; and

(2) service of a document filed through ECF is complete upon ECF’s transmission of the “Notice of Electronic Filing”.

(b) Service Upon Others. Any entity who has not registered as a Filer or User shall be served according to the Federal Rules of Bankruptcy Procedure and any applicable Local Bankruptcy Rules.

(c) Certificate of Service. Except with regard to the method of service authorized by these Procedures, the provisions of LBR 9013-3 continue to govern the content of a certificate of service.

ECF PROCEDURE 10 NOTICE OF COURT ORDERS AND JUDGMENTS

(a) Notice to Filers or Users. Immediately upon the entry of an order or judgment in a case, including an adversary proceeding, the clerk shall electronically transmit to all Filers and Users who represent contesting parties in the case and to such other Filers and Users as the court shall direct, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Rule 9022 and service shall be deemed complete upon transmission.

(b) Notice to Others. Immediately upon the entry of an order or judgment in a case, including an adversary proceeding, the clerk shall give notice to contesting parties in the case who are neither Filers nor Users, and to such other entities as the court shall direct, in accordance with the Federal Rules of Bankruptcy Procedure.

ECF PROCEDURE 11 TECHNICAL FAILURE

A Filer or User whose ECF filing is made untimely as a result of technical failure may through motion seek appropriate redress from the court.

ECF PROCEDURE 12 PUBLIC ACCESS

(a) **Public Access at the Court.** The public may view all documents in the ECF System at no charge at the clerk's offices in Cincinnati, Columbus, and Dayton during regular business hours.

(b) **Internet Access.** Internet access to the ECF system is limited to Public Access to Court Electronic Records ("PACER") system subscribers. In accordance with the Bankruptcy Court Fee Schedule established pursuant to 28 U.S.C. § 1930, user fees are charged for accessing certain detailed case information. Information regarding subscribing to PACER is available on the court's website at www.ohsb.uscourts.gov and at the clerk's offices in Cincinnati, Columbus, and Dayton.

(c) **Copies and Certified Copies.** Copies and certified copies of electronically filed documents may be purchased at the office of the clerk. The fee for copying and certification will be in accordance with 28 U.S.C. § 1930.

ECF PROCEDURE 13 PRIVACY

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 the relationship and age of the debtor's dependents (e.g., 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 either (1) file an unredacted document under seal which shall be retained by the court as part of the record or (2) file a reference list under seal which shall be retained by the court as part of the record. The reference list shall contain the complete personal data identifiers and

the redacted identifiers used in their place in the filing. The reference list may be amended as of right. If an unredacted document under seal is filed, the court may 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.