

Basic Review Items – Revised 11/1/2016

- The motion/application must be accompanied by a certificate of service. LBR 9013-3(e) and 9013-1(a).
Exception: A motion to extend time to file schedules does not require a certificate of service. LBR 9013-3(f)(5).
- The certificate of service must show service upon the required parties - see below. LBR 9013-3(b):
 - Debtor
 - Joint debtor
 - Debtor's case attorney
 - Trustee
 - United States Trustee
 - Each committee appointed pursuant to the Code
 - 20 largest unsecured creditors
 - Parties directly affected

Note: The following is not a complete list of motions that must be served on all creditors. However, under Bankruptcy Rule 2002, the following motions must be served on all creditors and parties in interest:

- 1) motion to sell, use or lease property,
- 2) motion to approve compromise or settlement,
- 3) motion to dismiss a case under chapter 7, 11, or 12, unless the motion is brought under §707(a)(3), §707(b), or for the failure to pay a filing fee, and
- 4) application for compensation if the request exceeds \$1,000, unless it is a request for the \$3,500 no look fee.

In asset chapter 7 cases, final fee applications (Trustee and the Trustee's professionals) do not need to be served on all creditors. This is because the Final Report, which is served on all creditors, satisfies the notice requirement.

- The certificate of service must be signed. LBR 9013-3(e)(1).

Note 1—Form of Electronic Signature for Filers and Users

The absence of the “/s/ Name” does not invalidate the electronic signature of any Filer or User who transmitted the document. ECF Procedure 8(d)(1).

The following are examples of valid signatures, even though the “/s/ Name” is missing:

Filer/User Name

/s/

Filer/User Name

Name

Filer/User Name

Note 2—Filer/User Name **Must Match** Signature Block

The name of the Filer/User in the signature block must match the name of the Filer or User who filed the document. ECF Procedure 8(d)(1).

If there are multiple attorney names in the signature block, then one of those attorneys must have filed the document.

Assume that Filer/User Name 2 is the person whose CM/ECF identification number was used to file the document. The following is an example of a valid signature.

/s/ Filer/User Name 2
Filer/User Name 1
Filer User Name 2
Filer/User Name 3

The following is an example of a signature that is NOT valid:

/s/ Filer/User Name 4
Filer/User Name 1
Filer User Name 2
Filer/User Name 3

Note 3—Form of Electronic Signature for Other Entities

A document transmitted to ECF requiring a signature of an entity who is NOT the transmitting Filer/User shall either (1) show an image of such signature as it appears in the original signed document or (2) bear the typed name of the signatory preceded by “/s/”, accompanied by the signatory’s name in the signature block. ECF Procedure 8(d)(2). Unlike Note 1 above, the “/s/ Name” IS required, unless the image of the signature is provided. For example, if an attorney (the Filer) files a certificate of service that is signed by someone else—say the attorney’s paralegal—the certificate of service must either show an image of the paralegal’s signature or have a “/s/” followed by the paralegal’s name.

The following are examples of valid signatures:

Entity Signature
Entity Name

/s/ Entity Name
Entity Name

Note 4—Pro Se Parties

ECF Procedure 8 does not apply to *pro se* parties who manually file documents with the court. Accordingly, a certificate of service filed by a *pro se* party must include that individual’s signature.

- The certificate of service must correctly identify the filing or paper served. LBR 9013-3(e)(2).
- The certificate of service must be correctly dated. LBR 9013-3(e)(3).
- The certificate of service must state the method of service. LBR 9013-3(e)(3) and 9013-3 (e)(4).
Note: It is generally not sufficient to say the paper “was served either electronically or by U.S. Mail.” The certificate of service must specify which paper was served and in what manner.
- The certificate of service must identify, both by name and address, each entity served, or the creditor matrix referenced in the certificate of service must be attached. LBR 9013-3(e)(3).
Note: When an entity is served electronically, it is sufficient to state that “all ECF participants registered in this case were served electronically on the date of filing through the court’s ECF System at the email address registered with the court.” LBR 9013-3(e)(4).
- The certificate of service must reflect service at an address found on debtor(s)’ petition or schedules, the notice address on the addressee’s proof of claim, or an address on the addressee’s prior filing. LBR 9013-3 (g).
- The designation of service on the “Default List,” “Default List Plus,” “All Filing Parties,” or “All Creditors and Parties in Interest” is only for use on orders. It is not applicable to the service of motions, applications or other documents filed. See LBR 9072-1(d).
- The electronic service date on the certificate of service must correspond with the filing date of the document. LBR 9013-3(e)(3).
- The motion/application must be accompanied by the mandatory notice. LBR 9013-1(a).
- The mandatory notice must identify the correct filing served. LBR 9013-1(a).

- The mandatory notice must identify the party seeking relief. LBR 9013-1(a).
- The mandatory notice must reference the “21 day” response time for the motion/application. LBR 9013-1(a).
Note: If the response time has been shortened by court order then the accurate response time is the shortened response time.

If a date certain is specified the date must be at least 21 days from the service date.
It is acceptable for the date to be any date greater than 21 days from the service date.

- The motion/application must be accompanied by a memorandum in support. LBR 9013-1(a).
Note: Generally, this requires the use of the word “memorandum” to appear either in the caption of the motion or the body of the motion.