

UNITED STATES BANKRUPTCY COURT
 WESTERN DISTRICT OF NORTH CAROLINA

FILED
 U.S. BANKRUPTCY COURT
 WESTERN DISTRICT OF NC

'01 FEB -2 P12:30

In Re:

ORDER IN AID OF CASE ADMINISTRATION:
 ELECTRONIC CASE FILING PROCEDURES

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) GERALDINE TREUTELAAR

) CROCKETT, CLERK by: *lga*
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**ADMINISTRATIVE ORDER ADOPTING
 ELECTRONIC CASE FILING PROCEDURES**

Federal Rule of Civil Procedure 83 and Federal Rules of Bankruptcy Procedure (FRBP) 5005(a)(2), and 9011 authorize this court to establish practices and procedures for the filing, signing and verification of pleadings and papers by electronic means.

An Administrative Guide For Electronic Filing outlining procedures for filing, signing and verifying pleadings and papers by electronic means has been presented to and reviewed by this court.

It has been found that these Electronic Case Filing Procedures are consistent with the present fee structure adopted by the Judicial Conference of the United States pursuant to 28 USC §§ 1913, 1914 and 1930. It has been found that these Procedures do not impair the ability of the Clerk of this Court to control the court's docket under FRBP 5005, nor do these procedures impair the

ability of the Clerk to perform her statistical reporting responsibilities to this court and to the Administrative Office of the United States Courts.

It is therefore **ORDERED** that:

1. The procedures for filing, signing, noticing and verifying pleadings and papers by electronic means, entitled ***Administrative Guide for Electronic Case Filing***, are hereby approved by this court and will be updated periodically and made available on the court's Internet website. Updates will also be approved by this Administrative Order;

2. The electronic filing of a petition, pleading, motion, claim or other paper by an attorney who is a registered participant in the Electronic Case Filing system shall constitute the signature of that attorney under FRBP 9011;

3. No attorney shall knowingly permit or cause to permit his/her password to be utilized by anyone other than an authorized employee of his/her law firm;

4. No person shall knowingly utilize or cause another person to utilize the password of a registered attorney unless such person is an authorized employee of his/her law firm;

5. The electronic filing of a pleading or other paper in accordance with the Electronic Case Filing Procedures shall constitute entry of that pleading or other paper on the docket kept by the Clerk pursuant to FRBP 5003;

6. The Office of the Clerk shall enter all orders, decrees, judgments and amendments of the court in accordance with the Electronic Filing Procedures, which shall constitute entry of the order, decree, judgment or proceeding on the docket kept by the clerk under FRBP 9021;

7. a. Whenever a pleading or other paper is filed electronically in accordance with the Electronic Filing Procedures, the Office of the Clerk shall serve the filing party with a "Notice of Electronic Filing" by electronic means at the time of docketing;

b. The filing party shall serve the pleading or other paper upon all persons entitled to notice or service in accordance with the applicable rules, or, if service by first class mail is permitted under the rules, the filing party may make service in accordance with sub-paragraph (c) below.

c. If the recipient of notice or service is a registered participant in the Electronic Case Filing System, service by electronic means of the Notice of Filing shall be the

equivalent of service of the pleadings or other paper by first class mail, postage prepaid.

8. Participation in the Electronic Case Filing System by receipt of a password from the court shall constitute a request for service and notice electronically pursuant to FRBP 9036. Participants in the Electronic Case Filing System, by receiving a password from the court, agree to receive notice and service by electronic means;

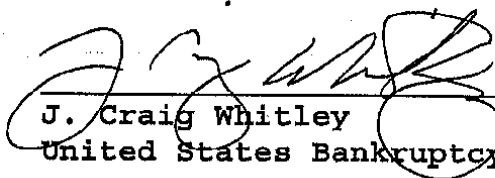
9. Any order filed and signed electronically and hence without the original signature of a judge shall have the same force and effect as if the judge had affixed his signature to a paper copy of the order and it had been entered on the document in a conventional manner;

10. When an attorney electronically files a verified pleading, the filing must include an image of the verified pleading including the page upon which the original signature appears. The attorney will thereafter maintain in his or her files the original document so filed (electronically or manually) for a period ending four (4) years after the case or proceeding in which the verified pleading is filed is closed;

11. Tendered orders submitted to the court may be submitted by electronic means and must be submitted in a format that is outlined by the court;



George R. Hodges
Chief United States Bankruptcy Judge



J. Craig Whitley
United States Bankruptcy Judge