

## **Proposed Order Instructions for Attorneys**

The court requires proposed orders to be submitted to the court electronically. Judges and court staff can review documents related to the order. Notes can be sent to the judges regarding the proposed orders, to which the judges may reply, or sign the order electronically. When entered on the docket, the program also attaches a filed and judgment entered date stamp to the signed order.

- Sua Sponte Orders can be uploaded by chambers.
- The attorney will be able to track a pending order to determine its status, e.g., Signed or Rejected. ( See below for instructions on checking order status).

### **Filing Requirements:**

#### **1. Order Format Requirements (see Exhibit A for example)-**

- For the electronic judge's signature and the court's electronic filed and judgment entered date stamps to work properly, the order PDF file is required to be **letter size (8½ in. x 11 in.) and the first page of the Order must have a 3 inch top margin that is white space.**
- Only files with a **.pdf extension** can be uploaded. Scanned Proposed Orders will be rejected.
- At the end of the order, insert the following language. This language must NOT be the only information on the last page of the order.

Last page bottom left:

**This Order has been signed electronically. The judge's signature and court's seal appear at the top of the Order.**

Last page bottom right:

**United States Bankruptcy Court**

- No date, language, or signature line should appear at the end of orders.
- No hyperlinks- including email addresses
- No Certificates of Service, whether included in the order or attached separately.

- **Recommended Font: Courier, Helvetica, Arial, or Times New Roman. Font Size - 12,** (regular, bold, italic, and bold italic). Other fonts will not process correctly for signature or through the courts' Bankruptcy Noticing Center.
2. Ex Parte Orders- Proposed *ex parte* orders must be submitted electronically, separate from the motion. *Ex parte* orders added as an attachment to a motion will not be entered by the court. The Court will take no action and make no phone call about an attached proposed *ex parte* order.
  3. **Premature Orders:** Proposed orders submitted prematurely will not be entered by the court, nor will court staff hold orders for future entry. Do not tender the proposed order prior to the expiration of the notice period. The court will add 3 days for mailing to the period given or specified response date in the motion/notice. Proposed orders tendered prior to expiration of the notice period and three-day mailing period will be rejected and will have to be resubmitted once the notice period has expired.

Examples of Notice Period:

**Notice provides 14 days' for responses.**

Motion filed with a cert. of service dated July 1, 2019.

14 days from July 1, 2019 = July 15, 2019

Three days for mailing added = July 18, 2019. Order may be submitted on July 19, 2019. If date falls on a weekend, due to electronic filing availability, no extension is recognized. The order can be submitted to the Court on the first date following the added three days.

Or:

**Notice states "responses due by July 27, 2019."** Add three days for mailing = July 30, 2019. Order may be submitted on July 31, 2019.

Orders may be submitted at any time following a hearing being held. The Court will review the Disposition from the hearing and process the order accordingly.

4. Proposed consent orders are required to be submitted electronically. The consent order should reflect the parties who are consenting to the proposed order.

### **Uploading a Proposed Order**

To submit a proposed order electronically:

1. Click on Bankruptcy or Adversary – Upload Proposed Order
2. Enter case number.
3. Check the box if order is related to a pending document.
4. Enter related document number. (To find the related document number, click Next to continue. This will run the case docket; select the appropriate document). If the order should relate to multiple docs. Separate each doc. number by a comma.
5. Select Order type: Ex Parte, Amended, Consent, Hearing Held, No Protest and Other. Browse and attach the pdf image of the proposed order. This should not be a scanned pdf image.
6. A note to the court staff or judge may be added, if applicable (not required). If an order is an amended order, insert a note indicating the reason for the amendment. (Ex. amended order is amending payment amount.) **Do not use the return key when typing a note to the proposed order.**
7. Click Next.
8. A screen confirms the order was uploaded successfully.
9. Click on “Upload Additional Order” for filing additional orders.

### **Checking the Status of Proposed Order**

An attorney can check the status of a proposed order at any time after uploading via Reports/Proposed Orders

The report will only display orders that have been electronically submitted by the login used when running the report in ECF.

See the different columns and status of Orders below:

Order - displays a hyperlink order number, pdf image and type of proposed order submitted by the attorney filer. Order types are: Ex Parte, Amended, consent, Hearing Held, No Protest, Other.

Case - displays the case number (hyperlink to docket report) and case name.

Related - displays the related document number (hyperlink to the

document), to which the order relates.

**Submitted** - includes the date submitted electronically and the submitting attorney's name.

**Status** - There are four order statuses: Uploaded, Awaiting Signature, Signed, or Rejected.

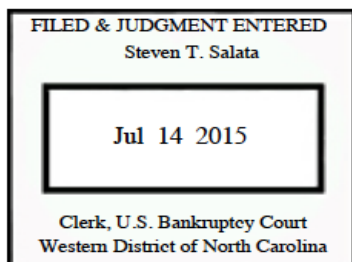
**Uploaded** -Orders that have been electronically uploaded by an attorney filer or case administrator.

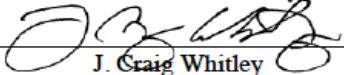
**Awaiting Signature** – Orders that are being reviewed by the judge.

**Signed** -Orders that have been signed by the judge.

**Rejected** -Orders that have been rejected by the court or the judge.

The judge's signature and the Filed & Judgment Entered date stamp are affixed to the top three inches of the filed Order. See example below:



  
J. Craig Whitley  
United States Bankruptcy Judge

**EXHIBIT A**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
(SPECIFY) DIVISION**

IN RE:	)	
	)	Case No:
	)	
	)	Chapter
	)	
Debtor(s).	)	
_____	)	

**ORDER TITLE**

(ORDER TEXT)

(WHEREFOR)

(/s/ Attorney name (Consent Order only– evidence of consenting parties))

**This Order has been signed electronically. The judge’s signature and court’s seal appear at the top of the Order.**

**United States Bankruptcy Court**