E-ORDERS - Attorney Instructions

The court now requires proposed orders to be submitted to the court electronically. Judges and court staff can review and edit 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.

Filing Requirements:

1.   The latest browser version of Firefox or Internet Explorer is recommended.

2.   Order Format Requirements -

- In order 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.

- At the end of the order, insert the following language.

Last page bottom left: Last page bottom right:

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

- No date language or signature line should appear at the end of orders submitted electronically.
- The required language must NOT be the only information on the last page of an order.

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.

3.   Proposed ex parte orders <u>must</u> be submitted separately from the motion.

4.   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 not be processed, and will have to be resubmitted once the notice period has expired.

5.   Proposed consent orders are required to be submitted electronically. The image does not need to contain the signature(s) of consenting parties. Submission of a proposed consent order deems the consent of all interested parties. (See Administrative Order dated January 13, 2003.)

6.   DO NOT ATTACH Certificates of Service to the Proposed Order.   It will need to be filed separately at a later date.

7.   Do not include Hyperlinks in the Proposed Order.

8.   Avoid scanning all proposed orders. Instead, save your documents as an Adobe Acrobat PDF file. ECF cannot attach the Judge's signature and Court's file stamp to a scanned image.

Uploading a Proposed Order

To submit a proposed order electronically:

        Click on: Bankruptcy - Upload Proposed
                           Order
                  Adversary - Upload Proposed
                           Order

<   Enter case number.
<   Check the box if order is related to a pending document.
<   Enter related document number. (To find the related document number, click <u>Next</u> to continue. This will run the case docket; select the appropriate document).
<   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.
<   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 amendment. (Ex. Amended Order is amending payment amount.)

(See Figure 1 below to view screen appearance)

Figure 1

<   Click Next.
<   A screen confirms the order was uploaded successfully.
<   Click on "Upload Additional Order" for filing additional orders.

Checking Status of Proposed Order

An attorney can check the status of a proposed order at any time after uploading.

Click on: Reports
Click on: Proposed Orders

> The report will only display orders that have been electronically submitted
> by the attorney logged into ECF.   (See Figure 2)

Figure 2

See the different columns and status of Orders below:

> Order - Displays the document number, a pdf image of the proposed order
> and order type.   The order types are: Ex Parte, Amended, Consent, Hearing
> Held, No Protest, Other.

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

> Related - Displays the related document number (hyperlink to the
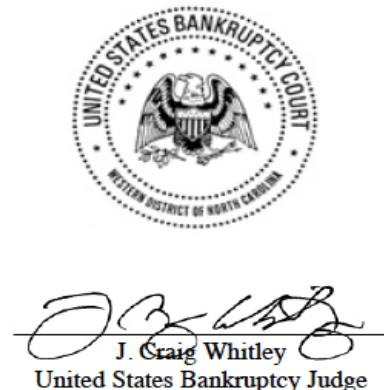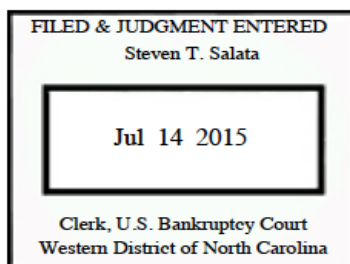> document), to which the order relates.

> Submitted - Includes the date submitted electronically and the
> submitting attorney's name.

> Status - Uploaded, Signed, Rejected or Stamp Error; See Note on the next page
> concerning Color-coding.

1. **Uploaded** - Orders that have been electronically uploaded by an attorney filer or case administrator.
2. **Signed** -Orders that have been signed by the judge.
3. **Rejected** -Orders that have been rejected by the court or the judge.

4. Stamp Error - Orders submitted with formatting errors cannot be electronically signed, or affixed with the electronic file date and judgment entered stamp.

Three colors display the status of orders: (Green) - Ready for action; (Orange) no action has been taken in 3 days. (Red) -Stamp Error or Rejected.

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:

FILED & JUDGMENT ENTERED
Steven T. Salata

Jul 14 2015

Clerk, U.S. Bankruptcy Court
Western District of North Carolina

J. Craig Whitley
United States Bankruptcy Judge

Examples of calculating notice period

Notice provides '14 days' for responses.
Motion filed with a cert. of service dated July 1, 2015.
14 days from July 1, 2015 = July 15, 2015.
Three days for mailing added = July 18, 2015.   July 19 falls on a Sunday. Therefore, responses may be filed through Monday July 20. First day order may be submitted to be filed is July 22.

Or:

Notice states "responses due by July 27, 2015." Add three days for mailing = July 30, 2015.
First day order may be submitted for entry is July 31, 2015.

Last Revised October 24, 2016