

Chapter 15 Case Opening

This process shows the steps for attorneys to open a Chapter 15 case in ECF.

Special Note: Chapter 15 is a new chapter instituted under the Bankruptcy Reform Act of 2005. Chapter 15 cases address cross-border insolvency cases or bankruptcy cases involving a foreign country. This chapter replaces the former Section 304 proceedings which concerned cases ancillary to foreign proceedings. Its purpose is to recognize the filer as a foreign representative and the proceeding as an official foreign proceeding existing in another country.

The filer is not the debtor, but a foreign representative who initiates the proceeding by filing a Petition for Recognition of a Foreign Proceeding under §1515(a). The pleading is the Official Form 1 Petition minus schedules and statements. The Filing fee is \$1039.00.

Pursuant to § 1515(b), the petition should be accompanied by:

- (1) a certified copy of the decision commencing the foreign proceeding and appointing a foreign representative;
- (2) a certificate from the foreign court affirming the existence of the foreign proceeding and of the appointment of the foreign representative, or in the absence of evidence referred to above,
- (3) any other evidence - acceptable to the Court – of the existence of such foreign proceeding and of the appointment of the foreign representative.

In addition to the Petition for Recognition, a service list is also required. The service list is used to notice entities with whom the debtor is engaged in litigation in the U.S. and entities against whom provisional relief is being sought as well as all administrators in foreign proceedings of the debtor. (Documents should be translated into English.)

By filing a petition for recognition, a foreign representative applies to the Court for recognition of a foreign proceeding. If, after a hearing, the entity is recognized by the Court as a foreign proceeding, the automatic stay takes effect. The foreign representative can then file a new Bankruptcy case under another chapter.

A Notice of Foreign Representative's Intent to Commence a Case must be filed in the Court that issued the Order of Recognition within 10 days of filing for bankruptcy in another chapter of the code.

STEP 1 Click on the [Bankruptcy](#) hyperlink on the CM/ECF Main Menu Bar.

STEP 2 The **BANKRUPTCY EVENTS** screen displays.

- Click on the [Open a BK Case](#) hyperlink.

STEP 3 The **CASE DATA** screen displays.

- The **Case Type** defaults to **bk**. No action is necessary.
- The current date is displayed as the **Case Filed** date.
- Select **Chapter 15** from the pick list.
- The value for **Joint Petition** is **n**.
- The value for **Deficiencies** is **n**.
- Click the **[Next]** button.

STEP 4 The **SEARCH FOR A PARTY** screen displays.

- Before adding a party, a search of the database for the party must be performed.** A search may be performed by Tax Identification Number, Last Name or Business Name.
 - Enter the last name or the first few characters of the last name to search. If this is a business filing, enter the first word or significant words of the name to search the database. The entire business name is stored in the **Last/Business name** field. The field size is 80 characters.

Search Hints:

- Enter one field of data for each search.
- Format Social Security Number or Tax ID with hyphens.
- Searching is case sensitive. (Smith, not smith)
- Include an apostrophe or hyphen if part of the name. (O'Brien) Omit other punctuation, such as periods or commas.
- Try alternate search clues if your first search is not successful.
- Partial names can be entered.
- Wild cards (*) are not required at the end of search strings.
- Wild cards may be used before or within search strings. (*son, Gr?y)

- Click the **[Search]** button.

- STEP 5** If there are no matches, the system will return a **No Person Found** message.
- Since the party is not already on the database, proceed to add the foreign representative. Click the **[Create New Party]** button.
- STEP 6** The **PARTY INFORMATION** screen displays.
- Enter the foreign representative's **Name** and **Address** information in the appropriate boxes.
 - REMINDER: CM/ECF is case sensitive. Capitalize the first letter of the first and last name and type the remainder of the name in lower case.
 - REMINDER: DO NOT USE COMMAS OR PERIODS WHEN ADDING PARTY NAME AND ADDRESS INFORMATION TO A CASE.
 - Select a county from the **county** pick-list.
 - **NOTE:** You may type the first letter of the county name to conduct a faster search.
 - Pro se** field should be **no**.
 - The **Role Type** selection is Foreign Representative (frep:pty).
 - Further descriptive text may be entered in the **Party Text** field.
 - If the party has an alias, click the **[ALIAS]** button.
- STEP 7** The **ALIAS** screen appears.
- You can enter up to 5 alias records. **Alias Role** selections include aka, dba, fdba, fka.
 - Click **[Add aliases]**.
- STEP 8** The **PARTY INFORMATION** screen appears once more.
- Click the **[Submit]** button.
- STEP 9** The **DIVISIONAL OFFICE** will be set automatically based on the county code of the debtor.
- Verify the filing location.

STEP 10 The **STATISTICAL DATA** screen displays below the divisional assignment information.

- Designate the **Type of Debtor** as Individual, Partnership, Corporation (includes LLC & LLP), Stockbroker, Clearing Bank, Railroad, Commodity Broker, Health Care Business, Single Asset Real Estate, or Other.
- Fee Status** values are Credit Card, Installment, Paid, fee not paid, IFP filing fee waived. **The applicable fee status to file Chapter 15 is Paid or Credit Card.**
 - Select **Credit Card** when making a credit card payment. Refer to the **Internet Credit Card** instructions on the Court's website located under CM/ECF.
- Select Consumer or Business at **Nature of Debt**.
- The default value is for a **Voluntary** Petition.
- The **Origin** code should be *Original*.
- Date Split/Transfer** should NOT be used. Ignore and bypass this field.
- Choose Y or N for **Asset notice** designation.

Chapter 7 = n
Chapter 13 & 11 = y

- Select the range of **Estimated Creditors** from the pick list.
 - 1 - 49
 - 50 - 99
 - 100 - 199
 - 200 -999
 - 1000 - 5000
 - 5,001 - 10,000
 - 10,001 - 25,000
 - 25,001 - 50,000
 - 50,001 - 100,000
 - Over 100,000
- Select the correct dollar range for **Estimated Assets**.
 - Under \$50,000
 - \$50,001 - 100,000
 - \$100,001 - 500,000
 - \$500,001 - 1 million
 - \$1,000,001 - 10 million
 - \$10,000,001 - 50 million
 - \$50,000,001 - 100 million
 - More than \$100 million

Select the correct dollar range for **Estimated Debts**.

- Under \$50,000
- \$50,001 - 100,000
- \$100,001 - 500,000
- \$500,001 - 1 million
- \$1,000,001 - 10 million
- \$10,000,001 - 50 million
- \$50,000,001 - 100 million
- More than \$100 million

Click **[Next]** to continue.

STEP 11 The **PDF DOCUMENT SELECTION** screen displays.

Click **[Browse]**, then navigate to the directory where the appropriate PDF file is located.

To verify that this is the appropriate document, highlight the document name.

- Right click with your mouse.
- Select **open** to view the imaged document.
- Click **X** in the upper-right corner to exit to image.
- If correct, double-click the PDF file to select it.
- To add additional attachments, select Yes beside Attachments to Document. Browse and attach additional PDF files.

Click the **[Next]** button.

STEP 12 The **FINAL TEXT** screen is displayed.

This is the last opportunity to verify the accuracy of text.

Click the **[Next]** button.

The Judge assignment and the Notice of Bankruptcy Case Filing with the case number will display.

STEP 13 The **ELECTRONIC PAYMENT** prompt displays. *(Optional: Screen does not display when Installment was selected at "Fee Status".)*

➤ **The Filing fee for a Ch. 15 case is \$1039.00.**

Select **[Pay Now]** to make payment.

OR **[Continue Filing]** to file other cases before making payment.

Refer to the **Internet Credit Card procedure** for an explanation of the module.

STEP 14 The **NOTICE OF ELECTRONIC FILING** screen displays.

- The Notice of Electronic Filing is the verification that the filing has been sent electronically to the court's database. It certifies that the petition is now an official court document.
- To print a copy of this notice, click the browser **[Print]** icon.
- To save a copy of this receipt, click **[File]** on the browser menu bar and select **Save Frame As**.
- The save box that displays allows you to name and save the page in some format. The format type is generally defaulted to HTML.

Once the case is opened and a case number assigned, requisite documents can be filed electronically using the Bankruptcy>Other>Other Document.

The Required list of entities may be filed using the Bankruptcy>Other>[Chapter 15 List event](#).

Last revised 8/4/06