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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA**

In re)
)
FILING, SIGNING, AND VERIFYING) **PROPOSED GENERAL ORDER**
DOCUMENTS BY ELECTRONIC)
MEANS USING CM/ECF SYSTEM)
_____)

WHEREAS Federal Rule of Civil Procedure 83 and Federal Rules of Bankruptcy Procedure 5005(a)(2), 7005(e), and 9029 authorize courts to establish practices and procedures for the filing, signing, and verification of documents by electronic means; and

WHEREAS in addition to the Court’s *eFile* system described in Second Amended General Order 02-01, the Court has implemented the Case Management/Electronic Case Files (“CM/ECF”) system for the filing, signing, and verification of documents by electronic means; and

WHEREAS the Clerk of Court has established certain *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers Using the Case Management/Electronic Case Files (CM/ECF) System* (along with any subsequent amendments or supplements thereto, the “Administrative Procedures”) and has made them available on the Court’s CM/ECF home page;

IT IS HEREBY ORDERED that:

1. The Administrative Procedures are adopted for use in all cases and proceedings

1 in the United States Bankruptcy Court, Central District of California.

2 2. Documents may be filed, signed, and verified by electronic means using the
3 Court's CM/ECF system in accordance with the Administrative Procedures. In regard to the
4 filing, signing, or verification of documents by electronic means, this General Order 06-__ and
5 the Administrative Procedures shall apply to documents filed electronically using the CM/ECF
6 system, and Second Amended General Order 02-01 shall continue to apply to documents filed
7 electronically using the *eFile* system.

8 3. All attorneys and trustees practicing in the United States Bankruptcy Court for
9 the Central District of California eventually will be required to file all documents electronically
10 using the CM/ECF system, except for those documents listed in the Administrative Procedures
11 that must be filed conventionally. The Clerk of Court shall give reasonable notice of the
12 requirement to file documents electronically using the CM/ECF system by public notice.

13 4. The electronic filing of a document, including virtual documents as defined in
14 the Administrative Procedures, in accordance with the Administrative Procedures, together with
15 the transmission by the Court of a Notice of Electronic Filing to the user filing the document,
16 constitutes the filing of the document for all purposes of the Federal Rules of Bankruptcy
17 Procedure and the Court's Local Bankruptcy Rules and constitutes entry of the document on the
18 docket by the clerk under Federal Rule of Bankruptcy Procedure 5003. Nothing contained
19 herein shall alter or eliminate any requirements concerning the physical delivery of chambers
20 and/or courtesy copies to the Court to the extent set forth in the Administrative Procedures.

21 5. A document filed electronically using the Court's CM/ECF system, including
22 virtual documents, constitutes a written document or written paper for the purpose of applying
23 the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure made
24 applicable by the Federal Rules of Bankruptcy Procedure, § 107 of the Bankruptcy Code, and
25 the Court's Local Bankruptcy Rules.

26 6. When a document has been filed electronically, or filed in paper format and its
27 image electronically recorded by the Court, the official record of the document shall be the
28 electronic recording of the document as stored by the Court.

1 7. In order to use the Court’s CM/ECF system to file documents electronically,
2 users must first register and obtain a login and password and attend the training required by the
3 Court in accordance with the Administrative Procedures. By registering and receiving a login
4 and password, the user agrees to adhere to this General Order and the Administrative
5 Procedures, any supplements and/or amendments thereto, and any Local Bankruptcy Rule,
6 general order, or other directive regarding the filing, signing, or verification of documents by
7 electronic means that may hereafter be issued.

8 8. It shall be the duty of the registered user to retain control of, and to protect and
9 secure the confidentiality of, his or her login and password, and to prevent their disclosure to
10 any person not authorized to utilize them. No registered user shall knowingly permit or cause
11 to permit his or her login and password to be utilized by anyone other than an authorized
12 individual empowered to act on behalf of the registered user. A registered user shall
13 immediately notify the Court in writing upon learning that the security of his or her login and
14 password has been compromised.

15 9. No person shall knowingly utilize or cause another person to utilize the login and
16 password of a registered user unless such person is an authorized member or employee of the
17 registered user’s law firm or organization.

18 10. The use of a registered user’s login and password to file a document
19 electronically shall constitute the signature of the registered user on the document being
20 electronically filed. The signature of the registered user on electronically filed documents shall
21 be denoted by “/s/,” followed by the registered user’s name, on the signature lines where such
22 signatures are required or applicable. Failure to denote “/s/,” followed by the registered user’s
23 name, on applicable signature lines shall constitute a failure to sign the documents on such
24 signature lines. If the registered user is an attorney, the use of the registered attorney’s login
25 and password to file a document electronically shall constitute the signature of that attorney on
26 that document under Federal Rule of Bankruptcy Procedure 9011 and Local Bankruptcy Rule
27 1002-1(a).

28 11. The signature of the debtor or other party represented by the registered user on

1 electronically filed documents shall be denoted by “/s/,” followed by the debtor’s or other
2 party’s name, on the signature lines where such signatures are required or applicable.
3 Documents filed electronically using the CM/ECF system shall be accompanied by a scanned
4 copy of an *Electronic Filing Declaration* signed by the debtor or other party, or an *Electronic*
5 *Filing Declaration of Authorized Signatory* if the debtor or other party is a corporation or
6 partnership. Failure to denote “/s/,” followed by the debtor’s or other party’s name, on
7 applicable signature lines shall constitute a failure to sign the documents on such signature
8 lines, and the failure to submit the *Declaration* shall constitute a failure to sign in the locations
9 indicated by “/s/,” followed by the debtor’s or other party’s name, by the debtor or other party.
10 The registered user electronically filing the document shall maintain the executed original of the
11 *Declaration* for a period of five years after the closing of the case or adversary proceeding in
12 which the document is filed, and shall make the executed original of the *Declaration* available
13 for review upon request of the Court or other parties. Any subsequently filed amended
14 petitions, schedules, statements, or plans must either be filed electronically with the imaged
15 signature of the debtor(s) or accompanied by a *Declaration* containing the imaged signature of
16 the debtor(s).

17 12. Regarding documents containing the signature of the filing user in accordance
18 with paragraph 10 above and/or the signature of the debtor or other party represented by the
19 filing user in accordance with paragraph 11 above, the attorney and/or the debtor or other party,
20 as applicable, shall sign a true and correct hard copy of the document before the electronic
21 version of the same has been electronically filed. The registered user electronically filing the
22 document shall maintain the executed original of the document for a period of five years after
23 the closing of the case or adversary proceeding in which the document is filed, and shall make
24 the executed original available for review upon request of the Court or other parties.

25 13. Documents that require the verified signature of a person other than the
26 registered user who is electronically filing the document or the debtor or other party represented
27 by the registered user shall be electronically imaged using scanning technology and
28 electronically filed in a format specified by the Clerk of Court. The use of the registered user’s

1 login and password by the attorney electronically filing the document is the attorney's
2 representation that the document being filed is a true and correct copy of the original document
3 bearing such other individual's signature. The registered user electronically filing the document
4 shall maintain the executed original of the document for a period of five years after the closing
5 of the case or adversary proceeding in which the document is filed, and shall make the executed
6 original available for review upon request of the Court or other parties.

7 14. Whenever a document is filed electronically in accordance with the
8 Administrative Procedures, the filing party automatically will be sent a Notice of Electronic
9 Filing by electronic means at the time of docketing. A document filed electronically is deemed
10 to have been filed on the date and at the time set forth on the Notice of Electronic Filing. Filing
11 must be completed before midnight, Pacific Standard or Daylight Saving Time, whichever is
12 then in effect, to be considered filed that day. The Notice of Electronic Filing shall also serve
13 as confirmation that the document has been entered on the docket kept by the Clerk under
14 Federal Rule of Bankruptcy Procedure 5003.

15 15. Registering and obtaining a login and password from the Court shall constitute
16 (i) consent in writing to receive notice electronically and waiver of the right to receive notice by
17 any other means; and (ii) consent in writing to electronic service, except in regard to service of
18 a summons and complaint under Federal Rule of Bankruptcy Procedure 7004, and waiver of
19 any right to service by any other means. The consent and waiver includes, without limitation,
20 notice of the entry of a judgment or order under Federal Rule of Bankruptcy Procedure 9022.
21 The foregoing consents and waivers shall be effective upon the registered user's activation of
22 the login and password in the CM/ECF system.

23 16. Electronic transmission of the Notice of Electronic Filing through the Court's
24 transmission facilities constitutes service of notice of the filed document to registered users and
25 others who have consented in writing to accept such service of notice. The party filing the
26 document using the Court's CM/ECF system shall serve the document on other parties as
27 required by the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules.

28 17. Copies of documents that have been filed electronically which the Court is

1 required to transmit to the United States Trustee shall be transmitted to the United States
2 Trustee electronically.

3 18. A judgment or order filed electronically by the judge presiding over the matter
4 and therefore without the judge's original signature shall have the same force and effect as if the
5 judge had affixed his or her signature to a paper copy of the order and such order had been
6 entered on the docket in a conventional manner. The filing of a judgment or order in
7 accordance with the Administrative Procedures shall constitute entry of the judgment or order
8 pursuant to Federal Rule of Bankruptcy Procedure 9021.

9 19. The electronic transmission of the Notice of Electronic Filing to registered ECF
10 users and others who have consented to electronic service or notice in the case or proceeding
11 shall constitute the service on such parties of the notice of entry of the judgment or order
12 required by Federal Rule of Bankruptcy Procedure 9022 . The Clerk's Office shall give notice
13 of the entry of the judgment or order by mail to parties who have not consented to service or
14 notice by electronic transmission.

15 20. This General Order 06-__ and the Administrative Procedures shall govern in the
16 event of any conflict with a provision set forth in a Local Bankruptcy Rule or prior general
17 order.

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20 DATED:

[Unsigned]

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BARRY RUSSELL
Chief Judge, United States Bankruptcy Court

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