

RULE 6. PROCEDURES FOR FILING DOCUMENTS

6.1 Scope of Electronic Filing

Except as expressly provided below, all pleadings and documents required to be filed with the Court shall be filed electronically:

- 6.1.1** parties without legal representation are not required to electronically file pleadings and other papers in a case, but must adhere to the requirements set out in the Local Rules dealing with conventional filing;
- 6.1.2** attorneys without Internet access shall submit a PDF (Portable Document Format) document on a diskette with an "Affidavit and Request to File" (Local Form 16.18) attached;
- 6.1.3** documents ordered to be filed under seal shall be tendered in a manner in accordance with the order allowing documents to be filed under seal;
- 6.1.4** unless ordered otherwise, trial exhibits shall be submitted conventionally;
- 6.1.5** claims shall be filed electronically if the claimant is a registered participant; other creditors may file conventionally.

Commentary

1. As a general rule, filing documents electronically will be mandatory. Exceptions to this rule are explicitly covered in this rule.
2. Pursuant to Fed.R.Bankr.P. 5005, which provides that the clerk "shall not refuse to accept for filing any paper presented . . . solely because it is not presented in proper form," the clerk shall not refuse any document for filing on the sole basis that is filed conventionally. However, the clerk may recommend to the court that any attorney who does not file electronically show cause as to why such attorney cannot file electronically or provide the court a PDF document on diskette.

6.2 Eligibility, Registration and Passwords for Electronic Filing

Attorneys admitted to the bar of this court (including those admitted pro hac vice), private trustees, United States trustees and their assistants, and others as the court deems appropriate, may register (Local Form 16.19) as Filing Users of the court's electronic filing system.

Creditors without counsel may register (Local Form 16.20) as Filing Users of the

court's electronic filing system for the sole purpose of filing claims, notice of transferred claims, reaffirmation agreements, requests to receive notices and withdrawal of claims.

Registration in the Electronic Filing System by receipt of a password from the Court shall constitute express consent to electronic notice and service, except with regard to service of a summons and complaint under Fed.R.Bankr.P. 7004. Consent to electronic notice applies to notice of the entry of an order or judgment under Fed.R.Bankr.P. 9022.

Once registration is completed, the Filing User will receive notification of the user log-in and password. Filing Users agree to protect the security of their passwords and immediately notify the clerk if they learn that their password has been compromised. Users may be subject to sanctions for failure to comply with this provision.

Registered users shall immediately notify the Court of any changes in the user's email address.

6.3 Consequences of Electronic Filing

Electronic transmission of a document to the Electronic Filing System consistent with these rules, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the local rules of this court, and constitutes entry of the document on the docket kept by the clerk under Fed.R.Bankr.P. 5003.

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically under Rule 1, a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.

Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight local time where the court is located in order to be considered timely filed that day.

6.4 Entry of Court Orders

All orders, decrees, judgments, and proceedings of the court will be filed in accordance with these rules, which will constitute entry on the docket kept by the clerk under Fed.R.Bankr.P. 5003 and 9021. All signed orders will be filed electronically by the court or court personnel. Any order entered electronically without the original signature of a judge has the same force and effect as if the judge had affixed the judge's signature

to a paper copy of the order.

6.5 Attachments

Filing Users must submit in electronic form all documents referenced as attachments unless the court permits conventional filing. For attachments in excess of 40 pages in length, a Filing User shall submit only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane. Parties to a case or adversary proceeding may request Filing Users who file an excerpt to provide a complete copy of the attachment; Filing Users shall provide the requested attachment within 7 days of receipt.

6.6 Retention Requirements

Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User until 2 years after all time periods for appeals expire. On request of the court, the Filing User must provide original documents for review.

Commentary

Because electronically filed documents do not include original, handwritten signatures, it is necessary to provide for retention of certain signed documents in paper form in case they are needed as evidence in the future. The Model Rule requires retention only of those documents containing original signatures of persons other than the person who files the document electronically. The filer's use of a log-in and password to file the document is itself a signature under the terms of Local Rule 6.7.

6.7 Electronic Signatures

The user log-in and password required to submit documents to the Electronic Filing System serve as the Filing User's signature on all electronic documents filed with the court. They also serve as a signature for purposes of Fed.R.Bankr. P. 9011, the Federal Rules of Bankruptcy Procedure, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court. Each document filed electronically must, if possible, indicate that it has been electronically filed. Electronically filed documents must include a signature block and must set forth the name, address and telephone number. In addition, the name of the Filing User under whose log-in and password the document is submitted must be

preceded by an "s/" and typed in the space where the signature would otherwise appear.

No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

Documents requiring signatures of more than one party must be electronically filed either by: (1) submitting a scanned document containing all necessary signatures; (2) representing the consent of the other parties on the document; (3) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three business days after filing; or (4) in any other manner approved by the court.

6.8 Service of Documents by Electronic Means

Each entity electronically filing a pleading or other document must transmit a "Notice of Electronic Filing" to parties entitled to service or notice under the Federal Rules of Bankruptcy Procedure and the local rules. The "Notice of Electronic Filing" must be transmitted by e-mail, hand, facsimile, or by first-class mail postage prepaid. Electronic transmission of the "Notice of Electronic Filing" constitutes service or notice of the filed document. Parties not deemed to have consented to electronic notice or service are entitled to receive a paper copy of any electronically filed pleading or other document. Service or notice must be made according to the Federal Rules of Bankruptcy Procedure and the local rules.

6.9 Notice of Court Orders and Judgments

Immediately upon the entry of an order or judgment in an action assigned to the Electronic Filing System, the clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed.R.Bankr.P. 9022. The clerk must give notice to a person who has not consented to electronic service in paper form in accordance with the Federal Rules of Bankruptcy Procedure.

6.10 Agreed Orders

A Filing User who submits an order containing the written consent of another party shall scan the order containing the original signature for submission to the Court.

6.11 Technical Failures

A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court through a motion and order.

6.12 Public Access

Any person or organization, other than one registered as a Filing User under Rule 2 of these rules, may access the Electronic Filing System at the court's Internet site at www.kywb.uscourts.gov by obtaining a PACER log-in and password. Those who have PACER access but who are not Filing Users may retrieve docket sheets and documents, but they may not file documents.

In connection with the filing of any material in an action assigned to the Electronic Filing System, any person may apply by motion for an order limiting electronic access to or prohibiting the electronic filing of certain specifically-identified materials on the grounds that such material is subject to privacy interests and that electronic access or electronic filing in the action is likely to prejudice those privacy interests.

Information posted on the System must not be downloaded for uses inconsistent with the privacy concerns of any person.

6.13 Matters that will not be accepted for filing [Uniform # 9011-4; 1007-2; 5080-1]

The Clerk of this Court shall refuse to accept for filing any petition, complaint, motion, agreed order, or other paper (except reaffirmation agreements and proofs of claim) under Title 11, regardless of the Chapter under which it is filed, if it:

6.7.1 purports to place more than one entity or person (unless they are husband and wife) under the protection of Title 11; or

6.7.2 is not accompanied by a filing fee or installment application; or

6.7.3 is not properly signed; or

6.7.4 is filed pro se by a corporation/partnership or other business entity (other than an individual conducting business as a sole proprietorship); [See3.4] or

6.7.5 [the petition] is not accompanied by a mailing matrix in the form approved by the Clerk of Court. A memorandum containing current specifications as to matrix format is available from the Clerk.

6.14 Timely Filing from Date of Execution of Petition. [Uniform # 1002-1;1007-1]

All petitions, statements of affairs and schedules must be **filed within fourteen (14) days of their execution** or a properly executed amendment must be filed indicating the changes, if any, that have occurred between the date of execution and the date of

fling.

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF KENTUCKY**

**Case Management/Electronic Case Files
Filer Registration Form**

This form shall be used to register for an account on the Court's Case Management/Electronic Case Files (CM/ECF) system. Registered attorneys and other participants will have privileges both to electronically submit documents, and to view and retrieve electronic docket sheets and documents as available for cases assigned to the CM/ECF system. The following information is required for registration:

First/Middle/Last Name:

Attorney Bar #: State:

Firm Name:

Firm Address:

Voice Phone Number:

FAX Phone Number:

Internet E-Mail Address:

By submitting this registration form, the undersigned agrees to abide by the following rules:

1. This system is for use only in cases permitted by the U.S. Bankruptcy Court for the Western District of Kentucky. It may be used to file and view electronic documents, docket sheets, and notices.
2. Filers will need a modern personal computer, Internet access, an Internet browser and software to convert documents from a word processor format to a portable document format (PDF). More specific requirements can be found at the Court's website at www.kywb.uscourts.gov.
3. Pursuant to Federal Bankruptcy Rule 9011, every pleading, motion, and other paper (except list, schedules, statement or amendments thereto) shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. An attorney's/participant's password issued by the court combined with the user's identification, serves as and constitutes the attorney/participant's signature. Therefore, an attorney/participant must protect and secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney/participant to immediately notify the court. This should include the resignation or reassignment of the person with authority to use the password. The attorney/participant should change the password immediately.

4. I hereby authorize the Court to make charge upon the credit card I have provided for any applicable fees required in conjunction with filings I make. I understand that it is my responsibility to provide the court with any changes to my credit card information and failure to do so may result in temporary loss of my login to the System.
5. An attorney's/participant's registration will constitute a waiver in law of conventional service of documents, the attorney/participant agrees to accept service of notice on behalf of the client of the electronic filing by hand, facsimile or authorized e-mail.
6. The undersigned attorney agrees to abide by the most recent Local Rules, General Orders, and all technical and procedural requirements set forth therein.

I prefer training at the following time:

- morning
- afternoon
- late afternoon

I file documents for the following parties:

- trustee
- debtor
- creditor

I have attended training and/or have been certified to file electronically in another district (district name: _____). Note: Being trained by another district does not preclude training in this district.

Please return to: U.S. Bankruptcy Court
Western District of Kentucky
CM/ECF Registration
601 W. Broadway, Suite 450
Louisville, KY 40202

Applicant Signature

Initials/State Bar ID #

Subscribed and sworn to before me this ____ day of _____, 20__.

Notary

My Commission expires _____
LBR 16.19 (8-02)

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF KENTUCKY**

**Case Management/Electronic Case Files
Filer Registration Form for Limited Use/Claim Password**

NAME: _____

ADDRESS: _____

PHONE #: _____ FAX #: _____

E-MAIL ADDRESS: _____

BAR ID # (if applicable): STATE OF _____

1. Pro Hac Vice Application: I affirm that I am admitted to practice in the United States Courts for the _____ District of _____ (applicable state) and that the information set forth above is true and correct.

2. Claims or Other Limited Use Application: I affirm that on behalf of _____, I am authorized to prepare and file proofs of claim, notice of transferred claims, notice(s) of appearance, and reaffirmation agreements.

3. By submitting this registration form, the undersigned agrees to abide by the following rules:

- a. This system is for use only in cases permitted by the U.S. Bankruptcy Court for the Western District of Kentucky. It may be used to file and view electronic documents, docket sheets, and notices.
- b. Filers will need a modern personal computer, Internet access, an Internet browser and software to convert documents from a word processor format to a portable document format (PDF). More specific requirements can be found at the Court's website at www.kywb.uscourts.gov.
- c. Pursuant to Federal Bankruptcy Rule 9011, every pleading, motion, and other paper (except list, schedules, statement or amendments thereto) shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. An attorney's/participant's password issued by the court combined with the user's identification, serves as and constitutes the attorney/participant's signature. Therefore, an attorney/participant must protect and secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney/participant to immediately notify the court. This should include the resignation or reassignment of the person with authority to use the password. The

attorney/participant should change the password immediately.

- d. An attorney's/participant's registration will constitute a waiver in law of conventional service of documents, the attorney/participant agrees to accept service of notice on behalf of the client of the electronic filing by hand, facsimile or authorized e-mail.
- e. The undersigned attorney agrees to abide by the most recent Local Rules, General Orders, Administrative Procedures for Electronic Case Filing Manual and all technical and procedural requirements set forth therein.

Please return to: U.S. Bankruptcy Court
Western District of Kentucky
CM/ECF Registration
601 W. Broadway, Suite 450
Louisville, KY 40202

Applicant Signature

Initials/Last 4 Digits of phone number: _____

If issued, ECF registration name from Eastern District of Kentucky Bankruptcy Court