

United States Bankruptcy Court
Central District of Illinois

In Re:

Electronic Case Filing

Second Amended General Order Authorizing Electronic Case Filing

Federal Rules of Bankruptcy Procedure 5005(a)(2), 9011, 9029 and 9036 authorize this Court to establish practices and procedures for the filing, signing, maintaining, and verification of pleadings and papers, and sending of notices by electronic means.

NOW, THEREFORE IT IS ORDERED that:

1. Electronic Filing Authorized

The court will accept for filing documents submitted, signed or verified by electronic means that comply with procedures established by the court.

The court will designate which cases will be assigned to the “Electronic Filing System” (the court’s system that receives documents filed in electronic form). Except as expressly provided and in exceptional circumstances preventing a “Filing User” (those who have a court-issued log-in and password to file documents electronically) from filing electronically, all petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the court in connection with a case assigned to the Electronic Filing System must be electronically filed.

Notwithstanding the foregoing, pro se litigants and attorneys who have not been given the opportunity to obtain the required training that is pre-requisite to obtaining a court-issued log-in and password to file documents electronically in the Electronic Filing System, are not required to electronically file pleadings and other papers in a case assigned to the System.

2. Eligibility, Registration, Passwords

Attorneys admitted to the bar of this court (including those admitted pro hac vice and attorneys authorized to represent the United States), United States trustees and their assistants, bankruptcy administrators and their assistants, private trustees, and others as the court deems appropriate, may register as Filing Users of the court’s Electronic Filing System. Registration is in a form prescribed by the Clerk and requires the Filing User’s name, address, telephone number, Internet e-mail address, and, in the case of an attorney, a declaration that the attorney is admitted to the bar of this court.

A party to a pending action who is not represented by an attorney may register as a Filing User in the Electronic Filing System solely for purpose of the action. Registration is in a form prescribed by the clerk and requires identification of the action as well as the name, address, telephone number and Internet e-mail address of the party. If, during the course of action, the party retains an attorney who appears on

the party's behalf, the attorney must advise the clerk to terminate the party's registration as a Filing User upon the attorney's appearance.

Provided that a Filing User has an Internet e-mail address, registration as a Filing User constitutes: (1) waiver of the right to receive notice by first class mail and consent to electronic service, except with regard to the service of a summons and complaint under Fed.R.Bankr.P. 7004. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment under Fed.R.Bankr.P. 9022.

Once registration, which includes training provided by the court, 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.

3. Consequences of Electronic Filing

Electronic transmission of a document to the Electronic Filing System consistent with this Order, 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 constitutes entry of the document on the docket kept by the clerk under Fed.RBankr.P. 5003.

Before filing a scanned document with the court, a Filing User must verify its legibility.

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. 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.

4. Entry of Court Orders

All signed orders will be filed electronically by the court or by court personnel. Any order or other court-issued document filed 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 and it had been entered on the docket in a conventional manner.

Orders may also be issued as "text-only" entries on the docket, without an attached document. Such orders are official and binding.

The court may sign, seal and issue a summons electronically, although a summons may not be served electronically.

A Filing User submitting a document electronically that requires a judge's signature must promptly deliver the document in such form as the court requires.

5. Attachments and Exhibits

Filing users must submit in electronic form all documents referenced as exhibits or attachments. A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court provided, however, that motions to lift stay filed in the Springfield division must have complete supporting documentation attached. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments 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. The court may require parties to file additional excerpts or the complete document.

6. Transcripts

Transcripts shall be filed conventionally.

7. Sealed Documents

Documents ordered to be placed under seal must be filed conventionally, and not electronically, unless specifically authorized by the court. A motion to file documents under seal may be filed electronically unless prohibited by law. The order of the court authorizing the filing of documents under seal may be filed electronically unless prohibited by law. A paper copy of the order must be attached to the documents under seal and be delivered to the clerk.

8. Privacy Issues

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.

9. 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 all time periods for appeals expire. On request of the court, the Filing User must provide original documents for review.

10. 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 Federal Rules of Bankruptcy Procedure and any other purpose for which a signature is required in connection with proceedings before the court. 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, e.g. “/s/ Jane Doe”, “/s/ John Doe”.

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 containing the signature of non-Filing Users are to be filed electronically with the signature represented by a “s/” and the name typed in the space where a signature would otherwise appear, or as a scanned image.

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, provided the filing user retains the originally signed document; or (3) in any other manner approved by the court.

11. Service of Documents by Electronic Means

The “Notice of Electronic Filing” that is automatically generated by the court’s Electronic Filing System constitutes service or notice of the filed document on Filing Users. Parties who are not Filing Users must be provided notice or service of any pleading or other document electronically filed in accordance with the Federal Rules of Bankruptcy Procedure and the local rules.

A certificate of service must be included with all documents filed electronically, indicating that service was accomplished through the Notice of Electronic Filing for parties and counsel who are Filing Users and indicating how service was accomplished on any party or counsel who is not a Filing User.

12. 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.

13. Technical Failures

A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court.

14. Public Access

Any person or organization, other than one registered as a Filing User, may access the Electronic Filing System at the court’s Internet site (www.ilcb.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.

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

ENTERED: May 5, 2004



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Gerald D. Fines, Chief U.S. Bankruptcy Judge

Larry Lessen, U.S. Bankruptcy Judge



Thomas L. Perkins, U.S. Bankruptcy Judge