

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED November 30, 2009

In re)
)
PROVISIONS FOR) BANKRUPTCY GENERAL ORDER
ELECTRONIC FILING) NO. 162-A
)
)
_____)

Federal Rules of Civil Procedure 5(e) and 83 and Federal Rules of Bankruptcy Procedure 5005(a)(2), 9011, 9029 authorize this court to establish practices and procedures for the filing, signing, and verification of pleadings and papers by electronic means; and

A revised proposal for *Administrative Procedures and Guidelines for Electronic Filing* (Local Form CSD 1800) has been reviewed by the Court and this amendment to General Order 162 and the revised Administrative Procedures are consistent therewith;

Therefore IT IS ORDERED that:

1. The revised *Administrative Procedures and Guidelines for Electronic Filing* establishes the procedures for signing, filing, and verifying documents by electronic means in this Court, including the procedure for registration of attorneys and for distribution of passwords to permit electronic filing and notice of pleadings and other papers (collectively the "Administrative Procedures") are hereby approved by the Court.
2. The *Administrative Procedures and Guidelines for Electronic Filing* (CSD 1800) and this General Order govern electronic filing, CM/ECF and its use, in the event of a conflict between the Administrative Procedures and a Local Bankruptcy Rule (LBR), or another General Order.
3. The Administrative Procedures define a Registered User as an individual who has been issued a login and password by the Court to electronically file documents. An attorney or trustee who files or lodges documents with this Court must do so electronically using CM/ECF except if a filing is excluded under the Administrative Procedures.
4. Except as set forth in Section [2(g)] of the Administrative Procedures or as hereafter allowed by order of this Court, Registered Users must use the Court's Case Management/Electronic Case Files System (CM/ECF) to file or lodge all documents with the Court.
5. An attorney unable to file electronically may apply for a waiver of the requirement to file electronically either for a limited time or for the duration of a specific case or adversary

proceeding. A request must be made by letter addressed to the clerk showing good cause to file and serve documents on paper. It must include an explanation as to why the attorney is unable to comply, the steps being taken to be able to comply, and how long those steps will take to complete. The chief judge or a designee will act upon the request.

6. The electronic filing of a petition, pleading, motion or other paper by an attorney or other filer who is a Registered User in the Electronic Filing System shall constitute the signature of that user under Fed. R. Bankr. P. 9011 and Local Bankruptcy Rule 9004-3(b). The signature of the debtor(s) authorizing the electronic filing of the bankruptcy case shall be accomplished by filing an executed *DECLARATION RE: ELECTRONIC FILING, Local Form CSD 1801* at the time the case is filed.

7. No Registered User shall knowingly permit or cause to permit his/her password to be utilized by anyone other than an authorized employee of his/her law firm or office.

8. A Registered User must keep the user's unique CM/ECF information current at all times (e.g., name, address, e-mail service address, contact name and telephone number). A Registered User must also maintain adequate e-mail capacity (e.g., for receipt of notices and service). A failure to do so will not relieve the Registered User of any provision in a Local Bankruptcy Rule, a General Order, the Administrative Procedures, or a related document.

9. The electronic filing of a pleading or other paper in accordance with the Administrative Procedures shall constitute entry of that pleading or other paper on the docket kept by the clerk under Fed. R. Bankr. P. 5003.

10. Except as discussed in paragraph 11 below, Registered Users shall be deemed to have: (a) requested and agreed to electronic service and notice; and (b) waived the right to receive any other form of service and notice. This request, agreement, and waiver satisfies Fed. R. Bankr. P. 9036 and includes notices under Fed. R. Bankr. P. 9022.

11. The deemed request, agreement, and waiver discussed in paragraph 10 above does not apply to service under Fed. R. Bankr. P. 7004 on a Registered User of a summons and complaint where the Registered User is a party named in the complaint or to service under Fed. R. Bankr. P. 9016 of a subpoena directed to a Registered User.

12. IT IS FURTHER ORDERED that the period of comment shall be now until January 29, 2010. Absent further order of this court and to allow non-CM/ECF users to become participants, the effective date of this order shall be March 1, 2010. Any comments should be submitted to the Clerk of Court at 325 West "F" Street, San Diego, California 92101-6991. Please note on the envelope: "In re: "Mandatory ECF."

Dated: November 30, 2009

s/ Peter W. Bowie
PETER W. BOWIE
Chief Judge, U.S. Bankruptcy Court

s/ James W. Meyers
JAMES W. MEYERS
Judge, U.S. Bankruptcy Court

s/ Louise DeCarl Adler
LOUISE DECARL ADLER
Judge, U.S. Bankruptcy Court

s/ Laura S. Taylor
LAURA STUART TAYLOR
Judge, U.S. Bankruptcy Court