

# United States Bankruptcy Court

Eastern District of Washington

**T.S. McGREGOR**  
Clerk

OFFICE OF THE CLERK  
P.O. BOX 2164  
POST OFFICE BLDG. SUITE 304  
904 W. RIVERSIDE AVENUE  
SPOKANE, WASHINGTON 99210  
[www.waeb.uscourts.gov](http://www.waeb.uscourts.gov)

**TELEPHONE**  
(509) 353-2404

## FAX FILING ALLOWED

A General Order allowing filing by facsimile has been signed by Bankruptcy Judges Klobucher and Rossmeissl. Generally, all documents, including initial petitions and adversary proceeding complaints, are included. In accordance with that order, two fax filing agencies have been identified. In Spokane, Spokane Messenger & Process Service, Inc. and in Yakima, Legal Couriers, Inc. are the contracted fax filing offices. The costs for using this procedure are paid directly to the fax filing agency.

Fax Filing Agency	Location	Phone Number	Price: 1 hour service	Price: Same day service
Spokane Messenger & Process Service Inc.	Spokane	(509) 624-1125	\$1.00	\$1.00
Legal Couriers Inc.	Yakima	(509) 453-1134	\$.75	\$.65

Two items that should be stressed are, first, that transmission of documents directly to court operated facsimile machines does not constitute filing, and secondly, the Fax Filing Agency is the agent of the sender and not of the court. Thus receipt by the Fax Filing Agency does not constitute filing. It is only when the Fax Filing Agency actually delivers a fax to the clerks office that filing is complete.

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WASHINGTON

In Re: )  
 )  
FACSIMILE FILING ) GENERAL ORDER  
 )  
 )  
\_\_\_\_\_ )

The Court finding, pursuant to the requirements of the Judicial Conference of the United States, that there is a compelling reason to allow for filing facsimiles of documents due to the large geographical area served, and

The Court finding it appropriate to commence a pilot program designed to test the efficacy of allowing the filing of document facsimiles in order to provide both increased service and access to the court,

NOW THEREFORE, it is ordered effective April 16, 1993, document facsimiles, including original petitions and adversary proceeding complaints, will be accepted by the clerk for filing when presented by a Fax Filing Agency selected by the Court and subject to the following administrative requirements:

A. DEFINITIONS:

1. Facsimile Transmission: The transmission of a copy of a document by a system that encodes a document into electronic signals, transmits those electronic signals over a telephone line, and reconstructs those signals to print a duplicate of the original document at the receiving end.
2. Facsimile Filing: The actual filing with the clerk of a facsimile transmission by the Fax Filing Agency.
3. Fax Filing Agency: A private entity or entities selected by the Court that is authorized to receive facsimile transmissions and to file those facsimiles with the Court on behalf of the sender.
4. FAX: An abbreviation for "facsimile" and refers, as indicated by the context, to a facsimile transmission or to a document so transmitted.
5. Transmission Record: A document printed by the facsimile machine of the sending party containing the telephone number of the receiving machine, the number of pages sent, the date and time of transmission, and any indication of errors in transmission.
6. Sending Party: The party who sends an original document by FAX to the Fax Filing Agency for filing.

B. FACSIMILE TRANSMISSION DOES NOT CONSTITUTE FILING: Facsimile transmission does not constitute actual filing of documents. Facsimile filing is accomplished when the FAX is actually filed with the clerk by the Fax Filing Agency.

C. ORIGINAL DOCUMENTS: The original of a document that is transmitted by FAX to a Fax Filing Agency for Fax filing must comply with all applicable national and local rules, including signatures where required. The image of the original, including manual signatures, on the FAX shall constitute an original for all court purposes. The original document shall not be filed and may not be substituted for the FAX except on order of the court, however, should the court so order, then the sending party shall file such original within 15 days of such order. The sending party shall produce the original for inspection on request of a party.

D. TRANSMISSION RECORD: The Sending Party shall maintain a Transmission Record for each fax filing in the event fax filing later becomes an issue.

E. RETENTION OF RECORDS: The original signed document and the Transmission Record shall be maintained by the sending party for a period of no less than the maximum allowable time to complete any the appellate process or the case is closed, whichever is later.

F. FAX FILING AGENCY: Facsimile filing may be accomplished only through a Fax Filing Agency. No documents shall be transmitted directly to the clerk over any court operated FAX machine, unless specifically authorized by a judge. Documents transmitted in violation hereof shall be rejected by the clerk and shall be neither filed nor lodged, nor deemed such.

1) The Fax Filing Agency is the agent of the sending party and is not the agent of the court. A document shall be deemed filed when received in the office of the clerk. Transmission to or receipt by the Fax Filing Agency does not constitute filing.

2) The Fax Filing Agency shall:

a) Ensure that additional copies required by local and national rules are reproduced and filed with the clerk;

b) On behalf of the sending party, tender any required filing fee or other fee to the clerk;

c) Ensure that all documents presented for filing comply with local rules as regards form.

3) The sending party is required to make satisfactory arrangements with the Fax Filing Agency for pre-payment or reimbursement of filing fees and for the costs of providing FAX service.

DATED this 16th day of April, 1993.

/s/ JOHN M. KLOBUCHER  
CHIEF, UNITED STATES BANKRUPTCY JUDGE

/s/ JOHN A. ROSSMEISSL  
UNITED STATES BANKRUPTCY JUDGE