UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

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| In re:<br><br>GENERAL ORDER<br>02-04 | FIRST AMENDED GENERAL ORDER ESTABLISHING STANDARDS FOR THE ELECTRONIC FILING, SIGNING AND VERIFICATION OF DOCUMENTS |

THE COURT BEING MINDFUL:

of the Judicial Conference's Committee on Automation and Technology having designated moving to electronic case files as a top priority; and

of the Court's participation in the case management and electronic case filing system developed by the Administrative Office of the United States; and

that it permits, by local rule, the filing, signing and verification of documents by electronic means so long as they are consistent with standards established by the Court; and

of its intent to promote and encourage the use of electronic case management methods which include the filing of documents in cases and Adversary Proceedings and the preparation, signing and distribution of court issued documents; and

of its intent to replace conventional methods of transmitting, receiving and maintaining information with electronic methods, as quickly and as completely as is practicable, while yet maintaining the reliability, accessability and security of that information;

NOW THEREFORE THE COURT hereby amends its general order establishing standards for the electronic filing, signing and verification of documents dated June 26, 2001 as follows:

1. *Scope of Electronic Filing* - Unless expressly prohibited, the filing of all documents required or permitted to be filed with the court in connection with

a case or Adversary Proceeding may be accomplished electronically.

Documents filed conventionally with the court may be converted into an electronic format by the court and in such cases, such documents will be treated for all purposes as if they had been electronically filed, except that conversion of a conventionally filed document to electronic format by the Court will not effect the original filing date and time of that document.

2. *Official Record of Court* - The official record of the Court shall be all documents filed electronically, converted to an electronically filed format and those conventionally filed and not converted to electronic format.

3. *Retention of Record Copy* - Where a document filed conventionally is converted to an electronic format by the Court, the document originally filed shall be the record copy only. Record copies of documents will be retained by the Court only so long as required to ensure that the information has been transferred to the Court's data base, for other Court purposes or as required by other applicable laws or rules.

4. *Eligibility, Registration, Passwords*. All persons may file pleadings and documents electronically so long as they satisfy the registration requirements established by the Court.

5. *Consequences of Electronic Filing* - The electronic transmission of a document to the Court via an electronic filing system authorized by the Court and consistent with administrative and technical requirements established by the Court, constitutes filing of the document for all purposes, including those of the Federal Rules of Bankruptcy Procedure and local rules of this Court. The filing date and time of a document electronically filed is when the document is electronically received by the Court.

Filing a document electronically does not alter the filing deadline for that document.

6. *Entry of Court Issued Documents* - All orders, decrees, judgments, and proceedings of the Court may be filed in accordance with this order. The entry date of an order, decree, judgment or other proceeding of the Court is that which is indicated on the Clerk's docket.

7. *Sealed Documents* - A Motion, made in accordance with

LBR 9018-1, to file documents under seal may be filed electronically, however the documents sought to be sealed must be filed conventionally.

8. *Retention of Documents Signed under Penalty of Perjury or Under Oath* - Where a document is signed under penalty or perjury or under oath, and is filed electronically, the filing party shall retain the document containing the written signature for a period of not less than five(5)years, the maximum allowable time to complete any appellate process, or the case or Adversary Proceeding is closed, whichever is later, and shall produce the document upon order of the Court, or a copy made in the regular course of business as described in 28 U.S.C. 1732.

9. *Documents Signed Under Penalty of Perjury* - Where a document is signed conventionally under penalty of perjury and filed electronically using a method that does not display an image of the signature, the filing party shall file with the Court as a separate document a statement that the signing was witnessed and by whom.

10. *Signatures* - The electronic filing of a document shall constitute the signature of that party for all purposes for which a signature is required in connection with proceedings before the Court, including FRBP 9011. Where an electronic signature is permitted and used, the electronic signature is the signature for all purposes, including orders of the Court.

Where a document is filed electronically that was initially signed conventionally, the submission of that document constitutes a signature and will have the same force and effect as a written signature for all purposes, including FRBP 9011.

The signature on a document conventionally filed when converted to an electronic format by the Court, will likewise constitute a signature and will have the same force and effect as a written signature for all purposes, including FRBP 9011.

11. *Notice and Service of Documents* - A party filing any document, electronically or conventionally, is required to satisfy the notice and service requirements established by the Federal Rules of Bankruptcy Procedure. Any electronic notification given by the Court of a filing is not intended as a substitute to the duty of the filing party to provide notice or service as required by statutes and rules, particularly11 USC 102, FRBP 2002, FRBP 7004, FRBP

9014, LBR 2002-1, or local rules.

12. *Technical Failures* - Appropriate relief under FRBP 9006 may be sought from the Court where an electronic filing is made untimely as the result of a technical failure of the Court.

13. *Administrative and Technical Procedures* - The Clerk of Court is authorized to develop, adopt and publish administrative and technical procedures to satisfy the technical and administrative requirements of electronic case management and electronic filing so long as they are consistent with the standards, if any, established by the Judicial Conference of the United States, the Administrative Office of the United States Courts, Federal Rules of Bankruptcy Procedure, local rules or this order.

Dated this 11 day of March 2007

Patricia C. Williams, Chief Judge

John A. Rossmeissl, Bankruptcy Judge

John M. Klobucher, Bankruptcy Judge