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3
4 UNITED STATES BANKRUPTCY COURT
5 EASTERN DISTRICT OF WASHINGTON

6 In re:

7 GENERAL ORDER
8 03-05

)
) THIRD AMENDED ORDER
) ESTABLISHING STANDARDS FOR
) THE ELECTRONIC FILING,
) SIGNING AND VERIFICATION
) OF DOCUMENTS
)

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10 THE COURT BEING MINDFUL:

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

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

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

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

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

23 NOW THEREFORE, THE COURT hereby amends its second amended general
24 order establishing standards for the electronic filing, signing
and verification of documents dated January 13, 2005, effective
25 April 1, 2005 as follows:

- 26 1. *Scope of Electronic Filing* - Unless expressly
27 prohibited, the filing of all documents required or

1 permitted to be filed with the Court in connection with
2 a case or adversary proceeding may be accomplished
electronically.

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

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

11 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
12 record copy only. Record copies of documents will be
retained by the Court only so long as required to
13 ensure that the information has been transferred to the
Court's data base, for other Court purposes or as
14 required by other applicable laws or rules.

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

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18 5. *Requirement to File Documents Electronically* - All
attorneys, whether or not admitted to practice in this
District, and parties-in-interest in cases or adversary
19 proceedings filed in this Court, including but not
limited to examiners, trustees, Office of the United
20 States Trustee, Office of the United States Attorney
and any other entity as determined by the Court, are
21 required to file documents electronically in a manner
approved by the Court.

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23 6. *Exception to File Documents Electronically* - Pro-se
debtors, non-attorney entities that have filed fewer
24 than 12 documents during the most recent 12 month
period and entities that have been granted a waiver
25 from filing electronically are excepted from filing
documents electronically. No documents filed pursuant
26 to LBR 9018-1 need nor should be filed electronically.

- 1 7. *Waiver of Requirement to File Documents Electronically*
2 Any entity that is required to file documents
3 electronically may request a waiver of that requirement
4 by submitting to the Court a Request for Waiver From
5 Electronic Filing on the prescribed form. A separate
6 waiver must be filed for each case or adversary
7 proceeding for which a waiver is desired.
- 8 8. *Failure to File Documents Electronically* - Any entity
9 that is required to file documents electronically and
10 that has not been granted a waiver or has an unresolved
11 waiver request pending that files a document non-
12 electronically is subject to sanctions as may be
13 imposed by the Court or to having the document stricken
14 unless, after notification, the document is promptly
15 re-filed electronically or a waiver is requested.
- 16 9. *Consequences of Electronic Filing* - The electronic
17 transmission of a document to the Court via an
18 electronic filing system authorized by the Court and
19 consistent with administrative and technical
20 requirements established by the Court, constitutes
21 filing of the document for all purposes, including
22 those of the Federal Rules of Bankruptcy Procedure and
23 local rules of this Court. The filing date and time of
24 a document electronically filed is when the document is
25 electronically received by the Court.
- 26 Filing a document electronically does not alter the
27 filing deadline for that document.
- 28 10. *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.
- 11 11. *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.
- 12 12. *Retention of Documents Signed under Penalty of Perjury
or Under Oath* - Where a document is signed under
penalty of perjury or under oath, and is filed
electronically, the filing party shall retain the
document containing the written signature, or a copy
made in the ordinary course of business as described in
28 USC 1732, 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 above.

13. *Documents Signed Under Penalty of Perjury* - Where a document is signed conventionally under penalty of perjury by a person who does not have a password 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.

14. *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.

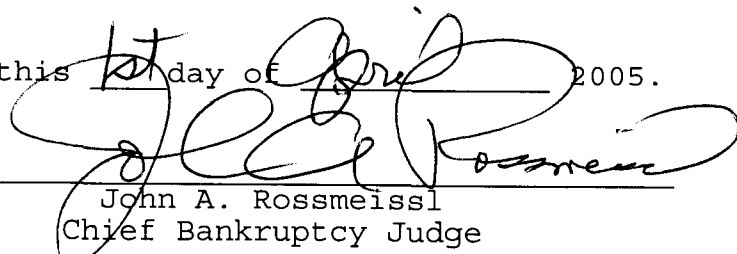
15. *Notice and Service of Documents* - A party filing any document, electronically or conventionally, is required to satisfy the notice and service requirements established by the Federal Rules of Bankruptcy Procedure, with particular attention paid to FRBP 9036. Any electronic notification given by 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, particularly 11 USC 102, FRBP 2002, FRBP 7004, FRBP 9014, LBR 2002-1, or local rules.

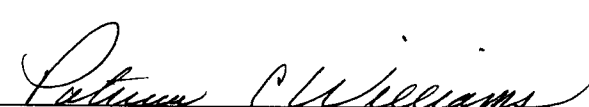
16. *Technical Failures* - Appropriate relief under FRBP 9006 may be sought from the Court where an electronic filing is made untimely as the result of a technical failure of the Court.

17. *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

1 case management and electronic filing so long as they
2 are consistent with the standards, if any, established
3 by the Judicial Conference of the United States, the
4 Administrative Office of the United States Courts,
5 Federal Rules of Bankruptcy Procedure, local rules or
6 this order.

7 Dated this 1st day of April 2005.

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10 John A. Rossmeissl
11 Chief Bankruptcy Judge

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14 Patricia C. Williams
15 Bankruptcy Judge
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