

## **Rule 5005-3**

### **Electronic Filing**

#### **(a) Scope of Electronic Filing**

- (1) The electronic filing of a document constitutes filing of the document for all purposes, including those of the Federal Rules of Bankruptcy Procedure and Local Rules.
- (2) Documents filed in paper will be converted into an electronic format.

#### **(b) Official Record of the Court**

The official record of the Court includes all documents filed electronically, filed in paper and converted to an electronically filed format, filed in paper and not converted to electronic format and text-only entries. Text-only entries are text contained in the docket entry and for which there is no separate electronically recorded image.

#### **(c) Mandatory Electronic Filing**

- (1) All attorneys, including but not limited to examiners, trustees, Office of the United States Trustee, Office of the United States Attorney and any other entity as the clerk deems appropriate are required to file documents electronically.
- (2) Electronic filing privileges shall only be granted to attorneys admitted to practice in the United States District Court for the Eastern District of Washington. Other entities are granted filing privileges for limited purposes.

#### **(d) Exception to File Documents Electronically**

- (1) Pro se debtors, non-attorney entities that have filed fewer than 3 documents during the most recent 12-month period and entities that have been granted a waiver from filing electronically are excepted from filing a document electronically.
- (2) Documents filed under seal shall be in accordance with LBR 9018-1.

#### **(e) Waiver of Requirement to File Documents Electronically**

- (1) Any entity that is required to file documents electronically may request a waiver of that requirement by submitting a Request for Waiver From Electronic Filing on the prescribed form.
- (2) A separate waiver must be filed for each case or adversary proceeding for which a waiver is desired.

- (3) Any entity that is required to file documents electronically and that has not been granted a waiver or has an unresolved waiver request pending that files a document non-electronically is subject to sanctions as may be imposed by the Court or to having the document stricken unless, after notification, the document is promptly re-filed electronically or a waiver is requested.

**(f) Signatures**

- (1) All pleadings and other documents requiring signatures that are filed electronically shall either contain a scanned image of any signature(s) therein or,
  - (A) indicate the signature by putting “/s/ Jane Doe” on the signature line, or
  - (B) affixing an electronically produced signature to the document.
- (2) Documents Signed under Penalty of Perjury or Under Oath
  - (A) Where a scanned image of a signature conventionally signed under penalty of perjury is not displayed on the document electronically filed, the filing party shall file contemporaneously with the Court as a separate document a statement that the signature was witnessed and by whom.
  - (B) 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.
- (3) 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 electronically produced signature is used, the electronically produced 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 filed in paper 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.

**(g) Court Retention of Records**

Where a document filed in paper is converted to an electronic format by the Court, the document will be retained only so long as required to ensure that the information has been transferred to the Court's database.

**(h) 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.

**(i) Cases Filed in Error**

If a case is filed in error, or in duplicate, the filing party shall notify the clerk's office immediately.

**(j) Documents**

- (1) Combined motions shall be identified by selecting appropriate docket events.
- (2) A single docket event shall not be used to file more than one document, except when otherwise allowed by local or national rules.

**Related Provisions**

FRBP 5005 Filing and Transmittal of Papers  
FRBP 9006 Computing and Extending Time

LBR 5005-1 Filing Requirements  
LBR 9018-1 Secret, Confidential, Scandalous, or Defamatory Matter

28 USC 1732 Record made in regular course of business; photographic copies

Administrative Procedures for Filing and Verifying Documents by Electronic Means