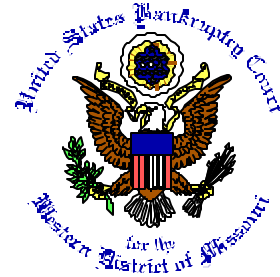


**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI
EN BANC**



**GENERAL ORDER FOR
ELECTRONIC CASE FILING PROCEDURES**

Federal Rules of Bankruptcy Procedure 5005(a)(2), 9029 and 9036; and General Order of the United States District Court for the Western District of Missouri entered on December 20, 1993, authorize this Court to establish practices and procedures for the filing, signing, maintaining, and verification of pleadings and papers by electronic means; and

The Administrative Procedures for the Electronic Case Filing System, hereafter “Administrative Procedures,” have been reviewed by this Court; and

The Administrative Procedures are consistent with and further the responsibility of the Clerk of the Court for the control of the Court’s docket under Fed. R. Bankr. P. 5005, including safeguarding the integrity of the Court’s docket; and

The Administrative Procedures do not impose fees inconsistent with the present fee structure adopted by the Judicial Conference of the United States pursuant to 28 U.S.C. § 1930; and

The Administrative Procedures provide adequate procedures for filing pleadings and papers and access to review and retrieve records and dockets of this Court by parties who are not able to access the Electronic Case Filing System over the Internet, thereby complying with the requirements contained in 11 U.S.C. § 107(a); and

The Administrative Procedures provide adequate procedures for the protection of entities with respect to confidential or scandalous or defamatory matters as provided in 11 U.S.C. § 107(b); and

The Administrative Procedures do not impair the ability of the Clerk of the Court to perform statistical reporting responsibilities both to the Court and the Administrative Office of the United States Courts; and

The Administrative Procedures are consistent with notice requirements of the Federal Rules of Bankruptcy Procedure and the Local Rules of Practice for the United States Bankruptcy Court for the Western District of Missouri.

NOW, THEREFORE, IT IS ORDERED that:

1. The Administrative Procedures for the Electronic Case Filing System, as maintained and updated by the Clerk, including the procedure for registration of attorneys and for distribution of passwords to permit electronic filing and notice of pleadings and other papers, are hereby approved by the Court.
2. Electronic Filing of Documents.
 - a. 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 of Court under Fed. R. Bankr. P. 5003.
 - b. The Office of the Clerk will enter all orders, decrees, judgments, and proceedings of the Court in accordance with the Administrative Procedures, which shall constitute entry on the docket record kept by the Clerk under Fed. R. Bankr. P. 5003 and for purposes of Fed. R. Bankr. P. 9021.
 - c. For filings that require a fee to be paid, the Office of the Clerk will automatically draw payment from the credit card account that was provided with the attorney registration.
3. Logins and Passwords.
 - a. Each attorney and party in good standing in this Court shall be entitled to one Electronic Case Filing System login and password to permit the attorney or party to electronically file and retrieve pleadings and other documents.
 - b. Login and password registration forms are available in the Office of the Clerk.
 - c. No attorney shall knowingly permit or cause to permit his or her password to be utilized by anyone other than an authorized employee of the registered attorney's law firm.
 - d. No person shall knowingly utilize or cause another person to utilize the password of a registered attorney unless such person is an authorized employee of the registered attorney's law firm.
 - e. Misuse of the Electronic Case Filing System login and password may result in revocation of the attorney's login and password privileges and/or the imposition of sanctions.
4. Signatures.
 - a. The electronic filing of a petition, pleading, motion or other paper by an attorney who is a registered participant in the Electronic Case Filing System shall constitute the signature of that attorney for all purposes, including Fed. R. Bankr. P. 9011 and Local Rule 9011-4.

- b. Any pleading, affidavit or other document filed electronically shall contain an electronic signature of the filer, e.g., “/s/ *Jane Doe*.”
- c. The original Declaration signed by the debtor shall be filed in paper form and maintained by the Office of the Clerk pursuant to federal requirements for record retention, but not for less than ten (10) years after the final decree is entered.

5. Notice of Electronic Filing and Service.

- a. Whenever a pleading or other paper is filed electronically, a Notice of Electronic Filing will be automatically generated by the Electronic Case Filing System at the time of filing and sent electronically to the party filing the pleading or other paper, as well as to all parties in the case who are registered participants in the Electronic Case Filing System or have otherwise consented to electronic service.
- b. If the recipient of notice or service is a registered participant in the Electronic Case Filing System or has otherwise consented to electronic service, service of the Notice of Electronic Filing shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.
- c. The filing party shall serve the pleading or other paper upon all other persons entitled to notice or service in accordance with the applicable rules, or, if service by first class mail is permitted under the rules, the filing party may make service in accordance with subparagraph e below.
- d. Participation in the Electronic Case Filing System by receipt of a password from the Court shall constitute a request for service and notice electronically pursuant to Fed. R. Bankr. P. 9036. Participants in the Electronic Case Filing System, by receiving a password from the Court, agree that notice and service by electronic means constitutes proper service.

Service of a summons and a complaint filed in an adversary proceeding or an involuntary bankruptcy proceeding shall continue to be made pursuant to Fed. R. Bankr. P. 7004.

- e. Pleadings or other documents which are not filed electronically shall be served in accordance with the Federal Rules of Bankruptcy Procedure and the Local Rules except as otherwise provided by Order of the Court.
6. The provisions of this Order shall apply to all electronically filed cases and cases converted to the Electronic Case Filing System in the United States Bankruptcy Court for the Western District of Missouri. Amendments to this Order may be entered from time to time in keeping with the needs of the Court.

7. Technical Failures.

The Clerk shall deem the W.D.MO. Public Web site to be subject to a technical failure on a given day if the Site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 noon on that day, in which case filings due that day which were not filed solely because of such technical failure shall be due the next business day. Such delayed filings shall be rejected unless accompanied by a declaration or affidavit attesting to the filing person's unsuccessful attempts to file electronically at least two times after 12:00 p.m. separated by at least one hour on each day of delay because of such technical failure.

8. This Order governs all cases assigned to the Electronic Case Filing System by the Court.

12/08/2000
Date

/s/ Arthur B. Federman
Arthur B. Federman, Chief Bankruptcy Judge

12/08/2000
Date

/s/ Frank W. Koger
Frank W. Koger, Bankruptcy Judge

12/08/2000
Date

/s/ Jerry W. Venters
Jerry W. Venters, Bankruptcy Judge