

**U.S. BANKRUPTCY COURT
SOUTHERN DISTRICT OF ILLINOIS**



**ELECTRONIC FILING RULES
October 2010**

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RULE 1 SCOPE OF ELECTRONIC FILING

All cases, bankruptcy and adversary, are assigned to the Electronic Case Filing (ECF) system. Attorneys must utilize the ECF system, unless specifically exempted by the Court for good cause shown. Pro se filers shall file all documents with the Clerk of Court by U.S. Mail or personal delivery to the Clerk's Office, or by using the Electronic Proof of Claims (ePOC) Program through the Court's website at www.ilsb.uscourts.gov.

RULE 2 ELIGIBILITY, REGISTRATION, AND PASSWORDS

ELIGIBILITY

Attorneys admitted to the bar of this Court, including those admitted pro hac vice and attorneys authorized to represent the United States, must register as ECF filers of the Court's ECF system or move for exemption. Each attorney admitted to practice in this Court shall be entitled to one system password to permit the attorney to participate in the electronic retrieval and filing of documents in accordance with the system. Any trustee who is also an attorney admitted to practice before this Court shall be entitled to one system password as an attorney and one system password as a trustee.

Limited filers (e.g. creditor, party in interest, transcriber, auditor, personal financial management course provider) may establish an account with the Court's Case Management/Electronic Case Files (CM/ECF) system to electronically file documents in the Court's electronic files.

REGISTRATION

Each attorney/participant must complete the appropriate ECF registration form prescribed by the Clerk located on the Court's website. The forms may be duplicated for use.

All registration forms shall be returned to the Court by mail to United States Bankruptcy Court, Melvin Price United States Courthouse, 750 Missouri Avenue, East St Louis, IL 62201; Attn: CM/ECF Registration, or by fax to (618) 482-9417.

Registration as an ECF filer constitutes consent to electronic service of all electronically filed documents in accordance with the Federal Rules of Civil Procedure, Federal Rules of Bankruptcy Procedure, and the Local Rules of this Court.

PASSWORDS

Registrants will be provided training by the Court. Upon completion of the registration and training, the registrant will receive a password for the Court's Electronic Case Filing (ECF) system.

No ECF filer or other person may knowingly permit or cause to permit an ECF filer's password to be used by anyone other than an authorized agent of the ECF filer. If an employee of an ECF filer leaves their employment, the ECF filer must immediately notify the Court to activate a new password, remove the employee's e-mail address and add the e-mail address of the new employee, if applicable. ECF filers are also responsible for keeping their profile information current in the ECF system by notifying the Court of any modifications.

ECF filers agree to protect the security of their passwords and immediately notify the Clerk if they learn that their password has been compromised. Users may be subject to sanctions for failure to comply with this provision. To obtain a new password, contact the ECF Help Desk at (618) 482-9075.

RULE 3 TRAINING REQUIREMENTS

Each ECF filer must enroll in and complete a CM/ECF Filing User Training Program conducted by the Clerk. Selection and scheduling of applicants for CM/ECF training will be determined by the Clerk. The Clerk will use discretion in a fair and nondiscriminatory manner to ensure that all registrants are treated fairly.

The Court accepts training provided by another bankruptcy or district court and waives the classroom training requirement. ECF filers trained by other courts must indicate on the CM/ECF Registration Form the court in which they were trained.

Before registering to become an ECF user, review the [CM/ECF Skills Checklist](#) and [Hardware/Software Requirements](#). Next download the [ECF Registration Form](#) and mail the form to the address listed on the form or fax it to (618) 482-9417. Once the form is received and reviewed, a Court representative will contact you with additional instructions.

Electronic Filers should also be familiar with the Court's [Style Guide for Electronic Case Filing](#) and the availability of answers to [Frequently Asked Questions](#) regarding Electronic Filing.

Individual requirements for obtaining an id and password will be based on the following criteria:

1. You are registered as an ECF filer in another Court:
 - a. Complete and submit the [ECF Registration Form](#), and
 - b. Complete required ECF Exercises.

2. You are not registered as an ECF filer in another Court:
 - a. Complete and submit the [ECF Registration Form](#),
 - b. Complete ECF Training (classroom or [Electronic Learning Modules](#)), and
 - c. Complete required ECF Exercises.

RULE 4 PRIVACY ISSUES

In compliance with Federal Rules of Bankruptcy Procedure 9037, unless the Court orders otherwise, all filers must redact:

1. Social Security or taxpayer-identification numbers: Use last four digits only;
2. Dates of birth: Use year of birth only;
3. Names of minor children: Use the minor's initials;
4. Financial account numbers: Use last four digits only.

This requirement applies to all documents, including attachments. Failure to comply with this rule could result in the removal of electronic filing privileges. It is not the responsibility of the Clerk's Office to review documents filed with the Court for compliance with this rule.

RULE 5 SIGNATURES

This rule provides a means for the signature on pleadings and other documents through the mechanism of a password in compliance with S.D. Ill. LBR 9011. This rule also provides a means for the signature when filing a proof of claim or related document by electronic means directly with the Clerk using the Electronic Proof of Claims (ePOC) program through the Court's website at www.ilsb.uscourts.gov.

SIGNATURES

Pursuant to Federal Rules of Civil Procedure 11, every pleading, motion, and other paper (except lists, schedules, statements or amendments thereto) shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party.

The electronic filing of a pleading or other document by an attorney/participant who is registered in the Electronic Case Filing System, or by the attorney's or trustee's authorized filing agent, shall constitute the signature of that attorney/participant under Federal Rules of Bankruptcy Procedure 9011 and S.D. Ill. LBR 9011.

The filing of a proof of claim by electronic means directly with the Clerk using the Electronic Proof of Claims (ePOC) program shall constitute the filing claimant's approved signature by law, and the provisions of 18 U.S.C. §152 shall apply to such filing. The filing of a claims related document by electronic means directly with the Clerk using ePOC shall constitute the filer's approved signature by law.

ELECTRONICALLY FILED PLEADINGS

Electronically filed pleadings requiring a signature shall either:

1. show an image of such signature as it appears on the original document, or
2. bear the name of the signatory preceded by an "/s/" or "s/" typed in the space where the signature would otherwise appear, as follows: "/s/ Jane Doe".

REGISTERED ATTORNEYS/PARTICIPANTS AND PARTIES WITH LEGAL REPRESENTATION

Petitions, schedules, statements, amendments, pleadings, affidavits, and other documents which must contain original signatures, or which require verification under Federal Rules of Bankruptcy Procedure 1008, or an unsworn declaration as provided in 28 U.S.C. § 1746, shall be filed electronically and in accordance with this Court's Electronic Filing Rules. The electronically filed document shall indicate a signature with the party's name typed in full, e.g., "/s/ Jane Doe".

In the case of a stipulation or other document to be signed by two or more persons, the following procedure shall be used:

The attorney/participant shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the actual signatures of all parties on the document.

The attorney/participant shall then file the document electronically, indicating the signatories, e.g. “/s/ Jane Doe”, “/s/ John Doe”, etc.

The attorney/participant who files the document shall retain the hard copy of the document containing the original signatures in accordance with Electronic Filing Rule 10.

PRO SE DEBTORS

Petitions, schedules, statements, amendments, pleadings, affidavits, and other documents which must contain original signatures, or which require verification under Federal Rules of Bankruptcy Procedure 1008, or an unsworn declaration as provided in 28 U.S.C. § 1746, must be submitted with full signature. These documents will be scanned by the Clerk’s Office.

RULE 6 ATTACHMENTS, EXHIBITS, AND MAXIMUM SIZE OF FILINGS

ATTACHMENTS

“Exhibits” as referenced below shall not be construed to include the following:

1. itemizations of fees and costs, and/or
2. affidavits.

The items listed above shall be filed with the relevant motion, application, or pleading as a single document, subject to the restrictions listed below under the Maximum Size of Filings section.

EXHIBITS

Exhibits (e.g., leases, promissory notes, mortgages, vehicle titles) may be filed electronically as a single document, subject to the restrictions listed below under the Maximum Size of Filings section.

A Summary of Exhibits may be filed electronically in lieu of filing the actual exhibits. The Summary of Exhibits shall enumerate and briefly describe each exhibit germane to the matter under consideration. The Summary of Exhibits shall conform with the Court’s form Summary of Exhibits and shall be filed electronically as part of the document that references the exhibits (e.g., a proof of claim and a Summary of Exhibits shall be filed together electronically as a single document).

If a Summary of Exhibits is filed, the exhibits shall be served on interested parties and a certificate of service reflecting service of the exhibits shall appear on the Summary of Exhibits. Unless otherwise stated in the Pretrial Order or any other applicable Order issued by this Court, exhibits must be tendered to the Court at least fourteen days prior to the Court hearing to which they pertain.

Any Exhibit that is filed with the Court shall comply with the privacy protection requirements set forth in Federal Rules of Bankruptcy Procedure 9037.

[Summary of Exhibits - Bankruptcy](#)

[Summary of Exhibits - Adversary](#)

MAXIMUM SIZE OF FILINGS

If the document exceeds 5.0MB (5120KB), then it must be divided into segments, with the first segment being the main document and all subsequent segments as attachments to the main document. Each segment should not exceed 5.0MB.

RULE 7 ELECTRONIC FILING AND SERVICE OF DOCUMENTS, AND NOTICE TO THE UNITED STATES AND VARIOUS GOVERNMENT AGENCIES

ELECTRONIC FILING AND SERVICE OF DOCUMENTS

Electronically filed documents must conform to the preferred style practices for all users of the ECF system as prescribed in this Court's [Style Guide for Electronic Case Filing](#).

Electronic transmission of a document to the ECF system consistent with these rules, along with the transmission of a Notice of Electronic Filing (NEF) from the Court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the [Local Rules](#) of this Court, and constitutes entry of the document on the docket kept by the Clerk under Federal Rules of Bankruptcy Procedure 5003 and 9036. Likewise, the filing of a proof of claim or related document by electronic means directly with the Clerk using the Electronic Proof of Claims (ePOC) program through the Court's website at www.ilsb.uscourts.gov constitutes filing of the proof of claim or related document for all purposes of the Federal Rules of Bankruptcy Procedure and the [Local Rules](#) of this Court, and constitutes entry of the claim /document on the claims register/docket kept by the Clerk under Federal Rules of Bankruptcy Procedure 5003 and 9036.

When a document has been filed electronically, in accordance with the electronic filing procedures, the system will automatically generate a NEF at the time of docketing. The official record is the electronic recording of the document as stored by the Court, and the filing party is bound by the document as filed. A document filed electronically is deemed filed at the date and time stated on the NEF from the Court.

Filing a document electronically does not alter the filing deadline for that document. In accordance with Federal Rules of Bankruptcy Procedure 9006, filings must be completed before midnight local time where the Court is located in order to be considered timely filed that day, unless a specific time is set by the Court.

The filing party shall serve the document upon all persons entitled to notice or service in accordance with the applicable rules, or, if service by first class mail is permitted under the rules and the recipient of notice or service is a registered attorney/participant in the system, service of the NEF shall be the equivalent of service of the document by first class mail, postage prepaid.

Most sealed/restricted filings do not produce a Notice of Electronic Filing, and therefore, service by the filer of any such documents by an alternate method is required.

Nothing contained herein shall be construed to eliminate the necessity of service of the summons and complaint in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Bankruptcy Procedure.

In chapter 7 cases, within seven (7) days after the filing of the bankruptcy petition, debtor (if proceeding pro se) or counsel for debtor shall serve a copy of the petition, schedules, statement of financial affairs, and statement of current monthly income and means test calculation on the chapter 7 trustee. See the Court's website at www.ilsb.uscourts.gov to determine if the Trustee requires electronic or paper submission.

SERVICE ADDRESSES

This Court maintains a list of creditor mailing addresses on its website for entities that have informed the Court of addresses where they wish to receive all bankruptcy correspondence. This list should be consulted prior to issuing service. These addresses should be substituted when service is required upon these entities. These addresses are subject to change should the party file a Notice of Preferred Address pursuant to 11 U.S.C. § 342(f) or § 342(e).

NOTICE TO THE UNITED STATES AND ITS AGENCIES

Whenever the Local Rules of Bankruptcy Procedure for the Southern District of Illinois or the Federal Rules of Bankruptcy Procedure require that notice be sent to the United States and/or its agencies, the notice shall be addressed to the United States Attorneys Office at the address as indicated in this Court's Creditor Mailing Addresses. In addition, a copy of the notice shall be sent directly to the Agency involved. If the Agency involved is the Internal Revenue Service, Small Business Administration, United States Department of Agriculture Rural Development, or United States Department of Agriculture Farm Services Agency (USDA-FSA), such notices shall be sent to the addresses in this Court's Creditor Mailing Addresses.

SERVICE OF SUMMONS UPON THE UNITED STATES

Whenever service of summons is to be made upon the United States, a copy of the summons and complaint shall be sent by certified mail to both the United States Attorney General and the United States Attorneys Office, with a copy of the summons and complaint being mailed directly to the Agency involved. Such service shall be sent to the addresses in this Court's Creditor Mailing Addresses.

SERVICE UPON STATE AND OTHER VARIOUS GOVERNMENT AGENCIES

Whenever service is to be made upon the Illinois Department of Revenue or the Missouri Department of Revenue, such notice shall be sent to the address as indicated in this Court's Creditor Mailing Addresses.

RULE 8 FEES PAYABLE TO THE CLERK

After successfully submitting a docket entry which requires a filing fee, the filer will be prompted to either pay the fee or continue filing. If the filer chooses to continue filing, the prompt will disappear, and they can continue using the electronic filing system. If the filer chooses to pay the filing fee, they will be prompted for their credit card information. After submitting their credit card information, the filing fee will be paid via the Internet directly to the U.S. Treasury, a transaction receipt will be displayed, and the receipt number will be docketed in the case immediately. All fees which the Clerk is required to collect are due and owing at the time of filing. Click [here](#) to view current filing fees.

If the filer fails to pay their outstanding fees after a 24-hour period, the filer will be "locked out". If this occurs, the only menu option available to the filer will be 'Internet Payments Due'. Once the fees are paid, the filer's account will be automatically unlocked. If you have questions about this process or experience problems paying your outstanding fees, please contact the Court at (618) 482-9075.

Electronically filed documents requiring a filing fee will be paid using an [accepted credit/debit card](#) via the Internet as part of the filing process. THE DEBTOR'S CARD MAY NOT BE USED TO MAKE THIS PAYMENT. Click [here](#) for more information on limitations and instructional videos.

RULE 9 ORDERS

SUBMISSION OF ORDERS BY E-MAIL

When submitting a proposed order to the Court, attorneys/participants shall attach the proposed order to an e-mail message sent to one of the following addresses:

E-mail address for East St Louis: ESTLorders@ilsb.uscourts.gov

E-mail address for Benton: BENTONorders@ilsb.uscourts.gov

A PROPOSED ORDER MUST BE SUBMITTED AS AN ATTACHMENT TO AN E-MAIL MESSAGE. DO NOT FILE A MOTION/PLEADING THAT CONTAINS A PROPOSED ORDER WITHIN THE BODY OF THE MOTION/PLEADING OR AS AN ATTACHMENT TO A MOTION/PLEADING. DO NOT SUBMIT THE PROPOSED ORDER WITHIN THE BODY OF THE E-MAIL MESSAGE.

Only one proposed order may be submitted with each e-mail message (i.e., do not send an e-mail message that has more than one proposed order attached to it).

The e-mail message to which the proposed order is attached must contain the following information in the “subject” line: (1) case name; (2) bankruptcy case number (include the adversary case number as well, if applicable); and (3) name of the order (the name of the order should describe the subject of the order, e.g., Order Granting Continuance, Order Granting Motion for Relief From Stay). If this is an agreed order or a proposed order submitted from Court, this should be indicated in the subject line, as well.

The e-mail message to which the proposed order is attached must contain the following information in the body of the message: (1) the name of the attorney/participant submitting the proposed order; (2) the attorney/participant’s telephone number; (3) the part(ies) he or she represents; and (4) the names of all parties and/or attorney/participants who have received a copy of the proposed order.

The proposed order must be in Word format and created (i.e., named or saved) using the following naming convention:

casenumber.doc

casenumber=the case number without hyphen

For example, 0255531.doc for a bankruptcy case, or 024993.doc for an adversary case.

AGREED ORDERS

An **agreed** order shall be submitted by e-mail and shall conform to the convention for stipulations as set forth in Electronic Filing Rule 5 under the Registered Attorneys/Participants and Parties with Legal Representation section.

SERVICE OF ORDERS

The following sentence must be included in all proposed orders (with the exception of final/appealable orders in adversary cases):

Counsel for the moving party shall serve a copy of this order by mail to all interested parties who were not served electronically.

NOTE: In adversary cases, the Clerk's office serves final/appealable orders.

RULE 10 RETENTION REQUIREMENTS

Original executed petitions, schedules, statements of financial affairs, and stipulations or other documents signed by two or more persons must be retained by counsel until five (5) years after the closing of the case. Upon request of the Court, the attorney/participant must provide original documents for review.

Other documents should be retained until all matters relating thereto have been resolved or finalized.

The chapter 13 trustee is not required to maintain original signatures on pleadings, motions, orders, or other documents that are filed electronically.

RULE 11 CONVENTIONAL FILING OF DOCUMENTS

SEALED DOCUMENTS

Documents ordered to be placed under seal must be filed conventionally, and not electronically, unless specifically authorized by the Court. A motion to file documents under seal may be filed electronically unless prohibited by law.

PRO SE DEBTORS

A debtor without legal representation shall file petitions, schedules, motions, pleadings and any other documents conventionally in accordance with the [Local Rules](#) of the Bankruptcy Court for the Southern District of Illinois and other applicable filing rules.

RULE 12 TECHNICAL FAILURE

In instances where a document must be filed immediately, but electronic filing cannot be accessed because of system failure within the attorney/participant's office or within the Court, the attorney/participant shall contact the appropriate office and speak with a deputy clerk to confirm that the system is not accessible, and state why an immediate filing is necessary. The attorney/participant will make suitable arrangements for the filing to take place.

RULE 13 PUBLIC ACCESS

The public may review at the Clerk's Office filings that have not been sealed or restricted by the Court. Public terminals are available during regular business hours.

The public may also access the ECF system at the Court's Internet site <https://ecf.ilsb.uscourts.gov> by obtaining a PACER login and password. A person who has PACER access may retrieve docket sheets and review documents filed in the system.

Registration for a PACER account may be made online at <http://pacer.psc.uscourts.gov> or by calling the PACER Service Center at (800) 676-6856. Additional information about PACER is available on the Court's web site at <http://www.ilsb.uscourts.gov/pacer.shtm>.

Conventional and certified copies of electronically filed documents may be purchased at the Clerk's Office during regular business hours. The fee for copying and certification will be in accordance with the provisions of 28 U.S.C. § 1930.

The Notice of Electronic Filing (NEF) contains a link to "one free look" of the filed documents. It is recommended that the recipients of the NEF save the document for later viewing without incurring additional charges. Please review the [FAQ – Saving the 'One Free Look'](#) document on the Court's web site.

RULE 14 FILING OF FIRST DAY MOTIONS IN CHAPTER 11 CASES

First day Chapter 11 motions refer to a variety of pleadings filed with the initial case filing in order to keep the business functioning, to meet payroll, etc. Motions filed in Chapter 11 cases within 48 hours of filing of the petition are considered first day motions.

To properly gather statistical information concerning Chapter 11 first day motions, first day motions shall be filed using designated Motion/Application events within the CM/ECF system. In the instance of a motion being filed in which a descriptively titled event exists, the motion shall be filed using the applicable event. Examples: “Application to Employ” and “Motion to Use Cash Collateral”. Other first day motions shall be filed using the CM/ECF event under Motions/Applications of “Chapter 11 Continuation of Operations”. A description of the motion shall be typed into the available text box.