

Electronic Case Filing Procedures

UNITED STATES BANKRUPTCY COURT Northern District of California

EDWARD J. EMMONS
CLERK OF COURT

~~March 16~~February 1, 2020~~2021~~

ELECTRONIC CASE FILING PROCEDURES

1. Establishment of Electronic Case Filing Procedures: Pursuant to Bankruptcy Local Rule (“BLR”) 5005-1(a), the Clerk of Court for the United States Bankruptcy Court, Northern District of California establishes these “Electronic Case Filing Procedures” (“ECF Procedures” or “Procedures”) to govern access and use of the Electronic Case Filing System (the “ECF System”). Prior to the effective date of any modification to the ECF Procedures, notice of such modification will be posted on the Court website at www.canb.uscourts.gov.

2. Scope of Electronic Filing and Mandatory Requirement for Attorneys to File Electronically via the ECF System: All cases and adversary proceedings filed or pending in the Court shall be, and hereby are, assigned to the ECF System. In accordance with BLR 5005-1(c), unless exempted, all attorneys practicing in the Court shall electronically file documents in PDF format via the ECF System. Procedures to request an exemption from electronic filing are posted on the Court website at www.canb.uscourts.gov > [ECF](#) > [Reference Desk](#) > [Revised ECF Exemption Procedures](#). If an ECF filing exemption request is denied the Court may, at its discretion, order a document filed by the non-exempt attorney be stricken, or impose such other conditions on the filing or filer as the Court deems appropriate.

An attorney who files a document in violation of BLR 5005-1(c), including a document not accompanied by an ECF filing exemption request asserting an extreme hardship that is colorable and reasonable, or an order granting an exemption that is still in effect, may be subject to monetary or other sanctions pursuant to BLR 9011-1.

Documents previously filed in paper form prior to January 1, 2005, may not be available on the ECF System, and the official file with respect to those documents shall remain the paper file. After January 1, 2005, all documents not filed electronically are scanned (imaged) and entered by Clerk’s Office staff into the ECF System. Original paper documents scanned by the Clerk’s Office staff will be held for a period of five business days at the divisional office where the case is pending. Parties and attorneys who wish to retrieve such original paper documents may visit the respective divisional office.

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Documents filed in a case opened prior to December 1, 2003, and thereafter closed for at least one year, are accessible electronically to case participants only. Non-case participants may access and request copies of such documents at the Clerk's Office.¹

3. Access to the ECF System, Notification of Electronic Filing: Access to the ECF System is limited to Registered Participants via use of a Court-issued login and password. Use of the login and password allows entries to be made on the official Court docket, and for documents to be electronically filed with the Court. In such instance, the ECF System will automatically send a return e-mail message termed a "Notification of Electronic Filing" (NEF). The NEF constitutes verification that a document has been electronically filed and is equivalent to a conformed paper copy traditionally stamped "Filed" or "Original Filed." Registered Participants are highly encouraged to retain the NEF as proof of an electronic filing.

4. Registered Participants, Logins and Passwords: An attorney in good standing and admitted to practice in the federal courts of the Northern District of California in accordance with Civil Local Rule 11 (Civil L.R.) (and non-attorneys as the Court deems appropriate²) is eligible to become a Registered Participant and receive an ECF System login and password.

To receive a login and password a Registered Participant applicant must successfully complete Court-sponsored ECF training, consisting of a webinar course and a practice filing assignment or alternatively, obtain a training waiver. Unless training is waived all applicants and their office personnel who will be making entries into the ECF System are required to successfully complete the training. Registration forms to sign up for ECF training or to request a training waiver are available from the Court website at www.canb.uscourts.gov > ECF. All requests to obtain a login and password or a training waiver are subject to the review and approval of the Clerk.

To sign up for ECF training an applicant must e-mail a completed registration form to the Clerk at ecf_training@canb.uscourts.gov. The applicant will be sent an e-mail providing a training login and password and instructions on accessing the webinar.

¹ Access to documents filed in a case opened prior to December 1, 2003 is in accordance with the privacy policy adopted by the Judicial Conference of the United States. *Guide to Judiciary Policy*, Vol. 10, Ch. 1 at §110.20; [JCUS-SEP 10 at pp. 12-13](#).

² Accounts for non-attorneys (for example, bankruptcy trustees, accountants, creditors, transcribers, Resolution Advocates and Approved Personal Financial Management Course Providers) with limited access to the ECF System are available. Refer to the Court website at www.canb.uscourts.gov > ECF. *Pro se* parties and bankruptcy petition preparers may not be Registered Participants unless permitted by the Court.

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Alternatively, to request a waiver of the webinar and practice filing assignment an applicant must e-mail a completed registration form to ecf_training@canb.uscourts.gov along with copies of system-generated NEFs showing at least six (6) successful electronic filings in another U.S. Bankruptcy Court(s) within the past six (6) months and a letter indicating the applicant has read the court's Electronic Case Filing Procedures, Chamber's Copy Requirements and Division Procedures for ECF.³ State "Request Training Waiver" in the e-mail subject line.

Upon successful completion or waiver of the training, the Clerk issues and sends new ECF System login credentials directly to the Registered Participant ECF account holder, to enable access and filing to the ECF System. The Clerk does not send such ECF System login credentials to any other person, including office personnel or other persons associated with the Registered Participant ECF account holder.

A Registered Participant's password may be used by **1)** the Registered Participant, **2)** personnel in the Registered Participant's office or **3)** by a person or entity the Registered Participant uses to perform document filing services, to file documents and otherwise use the ECF System on behalf of the Registered Participant. A Registered Participant's password may not be used to file documents or otherwise use the ECF System on behalf of an attorney or other person who is not the Registered Participant.

Any misuse of the ECF System, including misuse of a login or password, may result in a suspension or revocation of the Registered Participant's ECF System access and use privileges, an order to undergo additional ECF training, or the imposition of monetary or other sanctions as the Court deems appropriate. A Registered Participant is responsible for all access and use of the ECF System made with a password assigned to the Registered Participant. A Registered Participant shall not knowingly permit a password to be used by or on behalf of anyone not authorized to do so pursuant to these Procedures or a Court order. A person shall not knowingly use a password assigned to a Registered Participant unless such person is authorized to do so.

If a person is no longer permitted to use a password, or if there is otherwise a reason to believe the security of a password has been compromised, the Registered Participant assigned the password shall immediately change the password by logging into the ECF System at *Utilities > Change Your Password*, or by contacting the ECF Help Desk at helpdesk@canb.uscourts.gov.

A Registered Participant may withdraw, or be ordered withdrawn by the Court, from the electronic filing component of the ECF System. The Registered Participant shall provide

³ System-generated NEFs from the U.S. Bankruptcy Court for the Eastern District of California are not accepted.

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written notice of withdrawal to the ECF Help Desk at helpdesk@canb.uscourts.gov, and provide at least ten days advance notice to all Registered Participants who are, or who represent, parties in interest in cases assigned to the ECF System in which the withdrawing Registered Participant has entered an appearance. A copy of a Court order to withdraw a Registered Participant will be sent by the ordering judge to the ECF Help Desk. Upon receipt of such a notice of withdraw or Court order, the Help Desk staff will follow internal procedures to cancel the Registered Participant's login and password, and remove the Registered Participant from the NEF service list(s).

A password not used to access the ECF System for a continuous period of at least five (5) years, is automatically deactivated. If a password is deactivated due to inactivity, please contact the ECF Help Desk for assistance in having it reactivated.

5. Orders: The Court's electronic filing of orders, decrees, memoranda, opinions and judgments shall constitute entry on the Court docket for purposes of Federal Rules of Bankruptcy Procedure ("FRBP") 5003 and 9021. An order filed electronically by the Court has the same force and effect as it would if the judge had affixed his or her signature to a paper form of the order, and it had been entered on the docket in a conventional non-electronic manner.

Each judge determines how proposed forms of orders shall be submitted to that judge. Judges may sign orders manually or by any electronic means permitted by FRBP 5005(a)(2), or may use docket text orders. For directions regarding the submission of proposed forms of orders, Registered Participants are directed to BLR 9021-1 and 9022-1, and the Court website at www.canb.uscourts.gov > [ECF](#) > [Reference Desk](#) to the information provided under the headings *E-Orders Submission Procedure* and *Division Procedures*.

6. Electronic Filing of Documents, Exhibits and Attachments, Size Limitation, Pre-Filing Flattening Requirement: Documents submitted for electronic filing into the ECF System must be in a PDF format. Prior to filing, documents which the Registered Participant filer has in an electronic format must be converted to PDF from the electronic original, not scanned or otherwise imaged.⁴

If the Registered Participant filer possesses only a paper copy of a document, it may be scanned into a PDF format. All documents, including but not limited to pleadings, attachments and exhibits created by scanning into a PDF format must have ***a resolution of 300 DPI***.

⁴ A document electronically created using bankruptcy case preparation software, or electronically created using word processing software is an example of an electronic document to be converted, not scanned, to a PDF format. A document converted from an electronic original to PDF must be text searchable.

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Prior to filing in the ECF System, **all documents** whether in electronic form or in a PDF format must be “flattened.” A document is flattened by using a “print to PDF” command feature. **DO NOT** use a “save to PDF” command as this will not flatten a document. Instructions to flatten a document are attached to these Procedures as Appendix A. Documents not flattened prior to filing may not upload into the ECF System or may have poor image quality when viewed via ECF. Proposed orders not flattened prior to uploading may not allow for a judge’s signature to be affixed to the order. Flattening a document also reduces the document size.

All PDF documents to be filed into the ECF System, including but not limited to pleadings, attachments and exhibits are subject to a 35 megabyte document size limit. Generally, documents greater than 35 megabytes in size will frequently time out during transmission and fail to file due to system security features. Exhibits and attachments more than 35 megabytes in size must be segmented and filed as multiple attachments to an electronically filed document.

7. Signature and Verified Pleadings: A Registered Participant who electronically files a document with the Court shall be deemed to have certified under penalty of perjury that he or she has personally reviewed the document, is in good standing with the state bar of all states in which the Registered Participant is authorized to practice as an attorney, and is authorized to appear in the Court.

Each electronically filed document shall bear the typed name of the person purporting to have signed the document. Pleadings, including but not limited to petitions, lists, schedules and amendments that are required to be verified under FRBP 1008, or that contain an unsworn declaration as provided by 28 U.S.C. §1746, and all documents in which a person verifies, certifies, affirms or swears under oath or penalty of perjury concerning the truth of matters set forth in such document (a “Verified Pleading”) must be filed electronically. A Registered Participant filing a Verified Pleading electronically shall insure that it conforms to the original, signed pleading or document. Each signature on the original, signed pleading or document shall be indicated on the electronically filed Verified Pleading by the typed name of the person purported to have signed the original pleading or document. The electronic filing of a Verified Pleading constitutes a representation by the Registered Participant who files it that at the time of filing he or she possesses the fully executed original, signed pleading or document.

8. Retention Requirements: All originally executed pleadings and documents signed by someone other than the Registered Participant, and subsequently electronically filed with the Court, shall be retained by the Registered Participant for five years after the case or adversary proceeding has been closed. The ECF System provides notice of all case closings to Registered Participants. Upon request of the Court, the Registered Participant filer shall produce and furnish the original, signed pleadings or documents to

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the Court.

9. Notice of Electronic Filing and Service, Current and Active Registered Participant E-Mail Address: When a document, including but not limited to a pleading or Court order, is filed electronically in accordance with these Procedures, the ECF System will automatically e-mail an NEF to all Registered Participants who have appeared in the case or adversary proceeding in which the document is filed. Transmission of the NEF to a Registered Participant shall constitute effective service in accordance with Federal Rule of Civil Procedure (“FRCP”) 5(b)(2)(E), [Federal Rule of Bankruptcy Procedure 9036](#), BLR 9013-3(c) and 9022-1(b).

All Registered Participants shall maintain a current and active e-mail address with the Court. A Registered Participant shall not withdraw, change or otherwise deactivate their e-mail address or e-mail account while involved in any case, adversary proceeding or contested matter without prior notification to the Clerk's Office of their new e-mail address, ~~or the by filing of a substitution of attorney or a motion to withdraw from a case or proceeding in accordance with Civil LR 11-5, as incorporated by BLR 1001-2(a), or by the Registered Participant voluntarily requesting removal of their primary e-mail address from a case or adversary proceeding by using the ECF event “Request to Remove Primary Email From Case” located in the drop-down “Bankruptcy” and “Adversary Proceeding” menus under “Miscellaneous” events.~~

~~A Registered Participant who no longer wants to receive NEF e-mails in a case or adversary proceeding must obtain an order granting a motion to withdraw or file a substitution of attorney in the case or proceeding, in accordance with Civil LR 11-5. An order granting a motion to withdraw, or a substitution terminates the notice and service of all documents (sent via NEF, regular mail or other means) to the Registered Participant in the case or proceeding. A Registered Participant’s voluntarily removal of their primary e-mail address from a case or adversary proceeding immediately terminates all NEF e-mails to such e-mail address in the case or adversary proceeding.~~

10. Technical Failure: Except for reserved and other ECF System unavailability noticed pursuant to paragraph 15 of these Procedures, if after 9:00 a.m. on any given day the ECF System is unable to accept filings continuously or intermittently over the course of any period of time greater than two hours, a party whose filing is made untimely as a result may seek appropriate relief from the Court asserting a technical failure. The Court, on a case-by-case basis, will determine whether a technical failure has occurred. Issues occurring on the filer’s end including, but not limited to, those related to phone lines, internet connections, internet service providers, hardware or software, do not constitute a technical failure under these Procedures. A document that cannot be electronically filed because of an issue on the filer’s end must be filed conventionally, on paper, or by facsimile pursuant to Civil L.R. 5-3, as incorporated by BLR 1001-2(a). Whether issues

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other than a technical failure constitute an excuse for an untimely filing will be determined by the Court on a case-by-case basis.

11. Fees, Disabled ECF Account for Non-Payment of Fees: For filings that require a fee, the ECF System will prompt the filer (Registered Participant) to enter credit or debit card account information and the payment amount.⁵ The Court no longer accepts “Credit Card Authorization Forms” for ECF credit card transactions. Funds will be automatically charged to or debited from the card holder’s account by the United States Treasury Department. A dated payment receipt will enter on the case docket providing the receipt number, amount received, case number and referencing the filing for which the fee was received. All credit and debit card filing fee payments are subject to audit and review by Clerk’s Office staff, and identified discrepancies will be brought to the attention of the Registered Participant filer.

Access to the ECF System to electronically file and view documents will be automatically disabled for a Registered Participant with filing fees outstanding after 11:59 p.m. on the filing date. Upon login to the ECF System, a Registered Participant with such disabled access will be directed to screens displaying “Outstanding Fees” and “Internet Payments Due,” and will be required to submit payment. Upon payment of the outstanding fees, the Registered Participant’s access to electronically file and view documents in the ECF System will be immediately reinstated. Payment of outstanding fees not made within 24-hours may subject a case to dismissal, a document or other matter to be stricken, or the imposition of monetary or other sanction as the Court deems appropriate.

12. Issuance of a Summons in an Adversary Proceeding or Involuntary Bankruptcy Case: In accordance with FRBP 1010 and 7004, when an adversary complaint and cover sheet or an involuntary petition is electronically filed, the Clerk’s Office transmits a summons⁶ electronically via NEF to the attorney for the plaintiff or to the attorney for the involuntary case petitioning creditor(s), as applicable, for service.

In the event an “alias summons” is required, the plaintiff in an adversary proceeding or the petitioning creditor(s) in an involuntary case must electronically file a “Request for

⁵ When an attorney is a debtor in a bankruptcy case the Court prohibits use of a personal or business credit or debit card of the attorney to make a payment in that attorney's bankruptcy case. The Court will allow such attorney to use a business credit or debit card to make a payment for the attorney's client in a bankruptcy case.

⁶ In an adversary proceeding this document is titled *Summons and Notice of Scheduling Conference in an Adversary Proceeding*. In an involuntary bankruptcy case this document is titled *Summons to Debtor in Involuntary Case*.

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Alias Summons to be Issued.” The Clerk’s Office will then transmit an alias summons electronically via NEF to the attorney for the plaintiff or to the attorney for the involuntary case petitioning creditor(s), as applicable, for service.⁷

The attorney, plaintiff or petitioning creditor(s) is responsible for service of the summons or alias summons.

13. Lodging Copies of ECF Filed Documents with Chambers: The judge(s) at each divisional office have identified policies and procedures for lodging copies of ECF filed documents with chambers. Registered Participants are directed to the Court website at www.canb.uscourts.gov > ECF > Reference Desk and the information provided under the heading *Division Procedures* for specific information regarding lodging copies of ECF filed documents with chambers.

14. Electronic Filing Errors and Corrections: Once a document is electronically filed and becomes part of the electronic record, corrections to the docket entry may be made only by the Clerk’s Office staff. Examples of an incorrect filing include, but are not limited to, posting an incorrect PDF to a docket entry, selecting an incorrect document type from the menu, or providing an incorrect case number. After such a transaction has been accepted, the ECF System will not permit a Registered Participant to remove or reattach an incorrectly filed PDF document, or to change the form of an incorrect docket entry.

If a Registered Participant discovers an electronic filing error, the Registered Participant should, as soon as possible, notify the Clerk at the divisional office where the case is pending of the error. The Registered Participant should be prepared to provide the Clerk with the case number and document number for which the correction is required. If appropriate, the Clerk’s Office staff will make an entry indicating the filing was in error, advise the Registered Participant if the document will need to be re-filed or withdrawn, and provide information on the proper procedure to do so.

If the Clerk discovers an electronic filing error, an error message may be entered on the docket and an electronic notification sent to the Registered Participant. In such instance, prior to contacting the Clerk the Registered Participant should review any error messages on the docket and attempt to correct the errors.

15. ECF System Unavailability: The Court reserves 24 hours on the third Saturday of every month to conduct system upgrades and maintenance. The ECF System will be unavailable during that time. Prior notice of scheduled ECF System unavailability will be

⁷ When an adversary complaint and cover sheet, an involuntary petition or a “Request for Alias Summons to be Issued” are filed in paper form, the Clerk’s Office transmits the summons or alias summons by regular mail to the attorney for the plaintiff or petitioning creditor(s) or, if not represented by an attorney, to the plaintiff or petitioning creditor(s) for service.

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posted on both the ECF System home page and the Court website. Registered Participants will also be notified via e-mail and are instructed not to attempt to access the ECF System during periods of unavailability.

16. Access to the ECF System via Clerk's Office Public Computer Terminals and the Public Access to Court Electronic Records (PACER) System: Electronic access to view dockets and documents electronically filed in the ECF System is available to the public at no charge via computer terminals located in the lobby of the Clerk's divisional offices, during regular business hours. Pursuant to 28 U.S.C. §1930, a fee is charged for a paper copy of an electronic document. Additionally, in accordance with the policy adopted by the Judicial Conference of the United States, a user fee is charged for access via PACER to dockets and documents electronically filed in the ECF System. Fees are posted on the Court website at www.canb.uscourts.gov > [Court Fees](#), and at the Clerk's divisional offices.

17. Pro se Filing: Unless permitted by the Court to file electronically, a *pro se* litigant shall prepare and file all petitions, pleadings and other documents with the Court on paper, and shall not have access to electronic filing, except that a *pro se* litigant issued an active Limited Access Account password may electronically file proofs of claim and related documents, and a *pro se* litigant who is an attorney and issued an active ECF System password may file electronically. *Pro se* paper filings are scanned (imaged) and entered on the docket by Clerk's Office staff to create an electronic record. For more information see the Court website at www.canb.uscourts.gov > [ECF](#).

18. Maintaining Mailing Address, Changing a Registered Participant Attorney Mailing Address: Registered Participants are required to maintain a current mailing address on their ECF account. To change an address on a ECF account an attorney must comply with all applicable local rules, including filing and serving a *Notice of Change of Address*, and submit a completed [Request to Change Attorney Address in CM/ECF](#) form to the Help Desk. For more information and forms see the Court website at <http://www.canb.uscourts.gov> > [ECF](#) > [Reference Desk](#) > [Change Attorney Address in CM/ECF](#).