

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

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|-------------------|---|---------------------|
| IN THE MATTER OF: | : | |
| | : | |
| GENERAL ORDER | : | |
| | : | GENERAL ORDER 05-01 |

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**GENERAL ORDER REGARDING ADMINISTRATIVE PROCEDURES FOR FILING,
SIGNING AND VERIFYING PLEADINGS AND PAPERS BY ELECTRONIC MEANS**

Federal Rules of Bankruptcy Procedure 5005(a)(2), 9029, and 9036, authorize this court to establish practices and procedures for the filing, signing, and verifying of pleadings and papers by electronic means. This court has reviewed the attached *Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means* and finds them to be an effective implementation of the Electronic Case Filing System (“ECFS”).

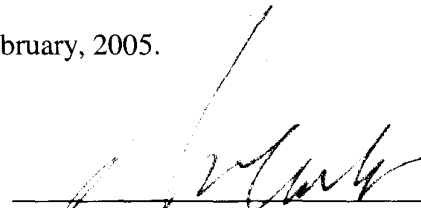
It is therefore ORDERED that:

The *Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means* – including future updates as adopted by the clerk after consultation with the judges of this court – will govern the use of the ECFS for this court. Such use will include, but will not be limited to, filing, signature, service, notice, and access to all documents filed and/or maintained electronically with the United States Bankruptcy Court for the District of Puerto Rico. The provisions of this order will apply to all documents as noted in the *Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means*.


The electronic filing of a pleading or other document in accordance with the *Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means* will constitute entry of that pleading or other document in the docket kept by the clerk of the court pursuant to Federal Rule of Bankruptcy Procedure 5003.

This order will become effective on February 22, 2005.

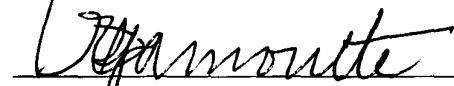
In San Juan, Puerto Rico, this ~~17~~^{17th} day of February, 2005.



Gerardo A. Carlo, Chief U.S. Bankruptcy Judge



Sara E. de Jesús, U.S. Bankruptcy Judge



Enrique S. Lamoutte, U.S. Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT FOR THE
DISTRICT OF PUERTO RICO**

Administrative Procedures for Filing, Signing and
Verifying Pleadings and Papers by Electronic Means

I. REGISTRATION FOR THE ELECTRONIC CASE FILING SYSTEM

A. DESIGNATION OF CASES

All pending and newly filed cases and adversary proceedings will be assigned to the Electronic Case Filing System ("ECFS") as of the implementation date of February 22, 2005.

B. PASSWORDS

1. The following individuals are entitled to one ECFS password: attorneys admitted to the bar of this court (including those admitted pro hac vice and attorneys authorized to represent the United States), United States Trustees and their assistants, bankruptcy administrators and their assistants, private trustees, and others as the court deems appropriate. This password will permit the *filing user* to participate in the electronic retrieval and filing of pleadings and other documents in accordance with the ECFS.

2. *Filing User* is defined as those who have a court-issued log-in and password to file documents electronically.

C. REGISTRATION

1. In order to receive a login name and password, an attorney must complete and sign an Attorney Registration Form (Form 1). An Application for Limited Use (Form 2) shall be submitted by any creditor that desires to use ECFS for the limited purpose of filing claims and related claim activity, not requiring the appearance of legal counsel. Both attorneys and creditors must also complete the ECFS training established by the clerk's office. For training requirements please refer to the court's website (www.prb.uscourts.gov).

2. Registration as a filing user constitutes: (1) waiver of the right to receive notice by first class mail and consent to receive notice electronically; and (2) waiver of the right to service by personal service or first class mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. This waiver of service and notice by first class mail applies to notice of the entry of an order or judgment under Fed. R Bankr. P. 9022.

3. A filing user may withdraw from participation in the ECFS by providing written notice of such withdrawal to the clerk's office. Upon receipt of the written notice, the clerk's office will immediately cancel the filing user's password and delete the filing user from any applicable electronic service list.

Withdrawal from the ECFS does not authorize an attorney to withdraw as the attorney of record for his/her client. An attorney representing a party may withdraw from a case or proceeding only by leave of the court.

4. The court may revoke a filing user's password and, therefore, his or her authority and ability to electronically file documents after notice and opportunity for hearing for: (1) failure to comply with any provision of the agreement contained in the filing user's registration form; (2) failure to adequately protect his or her password; (3) failure to comply with the provisions of these *Administrative Procedures for Electronically Filed Cases*; (4) failure to pay fees required for documents filed electronically; (5) other misuse of the System; or (6) as a sanction ordered by the court.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING ELECTRONICALLY

1. Except as expressly provided, and in exceptional circumstances preventing a filing user from filing electronically, all petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the court in connection with a case assigned to the ECFS, must be electronically filed. Notwithstanding the foregoing, parties and attorneys who are not filing users are not required to electronically file pleadings and other papers in a case assigned to the ECFS.

2. All documents that form part of a pleading and that are being filed at the same time and by the same party must be electronically filed together under one document number.

3. Persons filing documents that reference exhibits not prepared in electronically produced text must scan and electronically file the exhibits.

4. The maximum size of a document filed on the ECFS shall not exceed two megabytes (2MB). A good reference for scanned documents is a maximum of twenty (20) pages. A document that exceeds 2 MB may be incorporated by attaching the document in parts and listing the document title and the beginning and ending page numbers or some other identifier. Multiple attachments are allowed.

B. FEES PAYABLE TO THE CLERK OF COURT

1. Fees applicable to pleadings filed by filing users will be paid electronically by the filing user at the time of filing by credit card over the Internet. Payment for the filing must be made on the date the document is submitted to the court. Failure to make payment of the date of the filing may result in sanctions.

2. Filers who are not filing users must pay any required fee in cash, by credit card, or by cashier's check or money order to "Clerk, U.S. Bankruptcy Court". The clerk will not accept personal checks or

credit cards of current debtors, except debtor-in-possession under chapter 11. A dishonored check will be assessed a fee in accordance with 28 U.S.C. § 1930. This fee is also payable to “Clerk, U.S. Bankruptcy Court”. The clerk will maintain a list of persons or businesses whose checks have been dishonored, and may refuse to accept checks of such persons or businesses.

C. SERVICE

1. Whenever a pleading or other paper is filed electronically, in accordance with the electronic filing procedures, the ECFS will automatically generate a “Notice of Electronic Filing” by electronic means at the time of docketing, and the notice will be automatically sent to all parties in the case who are registered users of ECFS.

2. The filing user must serve the pleading or other paper upon all persons entitled to notice or service in accordance with the applicable rules. If the recipient is a registered attorney in the ECFS, service of the Notice of Electronic Filing will be the equivalent of service of the pleading or other paper by first class mail, postage prepaid. Parties not deemed to have consented to electronic notice or service are entitled to receive a paper copy of any electronically filed pleading or other document.

3. A certificate of service is still required in all filings. The certificate of service must state the manner in which service or notice was accomplished on each party so entitled, and must be filed by the filing user within two days following their receipt of the Notice of Electronic Filing provided by ECFS. See sample formats for certificates of service in Form 3.

4. 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. The return of the service on the summons must be filed electronically.

D. CONSEQUENCES OF ELECTRONIC FILING

1. Electronic transmission of a document to the ECFS or the docketing of an event consistent with these *Administrative Procedures*, together with the transmission of a Notice of Electronic Filing 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 in the docket kept by the clerk of court under Fed. R. Bankr. P. 5003.

2. When a document has been filed electronically, filed conventionally and subsequently imaged, or an event docketed electronically, 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 or event docketed. A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.

3. Filing a document electronically does not alter the filing deadline for that document. Filing must

be completed before midnight in order to be considered timely filed that day.

E. ORDERS

1. All orders, judgments, and proceedings of the court will be filed in accordance with these *Administrative Procedures*, which will constitute entry in the docket kept by the clerk of court under Fed. R. Bankr. P. 5003 and 9021. Any order filed and entered electronically by the court without the signature of the judge has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

2. Orders may also be issued as "text-only" entries (virtual entries of orders) in the docket, without an attached document. Such orders are official and binding.

3. Immediately upon the entry of an order or judgment in an action assigned to the ECFS, the clerk will transmit to filing users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Bankr. P. 9022. The clerk must give notice in paper form to a person who has not consented to electronic service in accordance with the Federal Rules of Bankruptcy Procedure.

F. SIGNATURES

1. The user log-in and password required to submit documents to the ECFS serve as the filing user's signature on all electronic documents filed with the court. They also serve as a signature for purposes of Fed. R. Bankr. P. 9011, the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, the Local Rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court.

2. Each document filed electronically must, if possible, indicate that it has been electronically filed. Electronically filed documents must include a signature block. The name of the filing user under whose login name and password the document is submitted must be preceded by an "s/" and typed in the space where the signature would otherwise appear.

3. A filing user or other person may not knowingly permit or cause to permit a filing user's password to be used by anyone other than an authorized agent of the filing user.

4. All documents requiring original signatures, other than that of the filing user, such as amended schedules, lists, statements, pleadings, affidavits, and documents requiring verification under Fed. R. Bankr. P. 1008, or which contain an unsworn declaration as provided for in 28 U.S.C. § 1746, shall be filed electronically. The filer must retain originally executed copies of such documents for two (2) years after the closing of the case, unless the court orders a different retention period. This retention period does not affect or replace any other retention periods required by other applicable laws or rules. Upon request of

the court, the filer must provide original documents for review.

5. In the case of documents requiring signatures of more than one person, such as stipulations and joint motions the filing user: (1) shall initially confirm that the content of the document is acceptable to all persons required to sign the document, and shall obtain and have in his or her possession the signatures of all parties on the document; (2) shall file the document electronically by either submitting a scanned document with all the signatures, or indicating the signatories, e.g. “/s/ Jane Doe”; and, (3) shall retain the paper copy of the document containing the signatures for a period of two years after the case is closed.

G. SEALED DOCUMENTS

Documents 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. The order of the court authorizing the filing of the documents under seal may be filed electronically unless prohibited by law. A paper copy of the order must be attached to the documents under seal and be delivered to the clerk of court.

H. APPEALS

The appellee and appellant shall be responsible for printing any items required to be included in the record on appeal pursuant to Fed. R. Bankr. P. 8006.

I. TECHNICAL FAILURES

A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court. (Form 4).

III. PUBLIC ACCESS TO THE CM/ECF DOCKET

A. INTERNET ACCESS

1. Any person or organization may access the ECFS at the court’s internet site, www.prb.uscourts.gov, by obtaining a PACER log-in and password. Such access to ECFS will allow retrieval of the docket sheets and documents, but will not allow the filing of documents.

2. Information posted on the ECFS must not be downloaded for uses inconsistent with the privacy concerns of any person.

B. PUBLIC ACCESS AT THE COURT

Electronic access is available at no charge at the clerk’s office during regular business hours, for viewing documents and docket records filed in the ECFS.

C. CONVENTIONAL COPIES AND CERTIFIED COPIES

Conventional and certified copies of electronically filed documents may be purchased at the clerk's office. The fee for copying and certification will be in accordance with 28 U.S.C. § 1930.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

**ELECTRONIC CASE FILING SYSTEM
ATTORNEY REGISTRATION FORM**

(PLEASE TYPE)

This form shall be used to register for accounts on the Court's Electronic Case Filing System ("ECFS"). Registered attorneys and other participants will have privileges both to electronically submitted documents and to view and retrieve electronic docket sheets and documents as available for all bankruptcy cases in the ECFS. Attorneys seeking to file documents electronically must be admitted to practice in the United States District Court for the District of Puerto Rico or be admitted pro hac vice for a specific case pursuant to Local Rule 83.1 of the U.S. District Court of Puerto Rico. The following information is required for registration:

First/Middle/Last Name: _____

Last Four Digits of Social Security Number: _____

Attorney Federal Bar # (District of Puerto Rico): _____

If admitted pro hac vice, date pro hac vice motion granted: _____, for Case No. _____

Firm Name: _____

Firm Address: _____

Voice Phone Number: _____

FAX Phone Number: _____

Internet ECF E-mail Address: _____

Additional E-mail Address: _____

Does your E-mail Software support *HTML (Hyper Text Markup Language) Messages?

Yes _____ No _____

(*Note: Some e-mail software – like Microsoft Outlook, Microsoft Outlook Express & Lotus Notes – can display messages with special text formatting & graphics as Internet pages. Select "No" if you prefer to receive e-mails in plain text.)

By submitting this registration form, the undersigned agrees to abide by the following rules:

1. The ECFS is for use only in cases designated by the U.S. Bankruptcy Court for the District of Puerto Rico. The ECFS may be used to file and view electronic documents, view docket sheets, and notices.

2. Each attorney desiring to file pleadings or other papers electronically must complete and sign an Attorney Registration Form. An attorney/participant's password issued by the Court combined with the user's identification (log-in), serves as and constitutes the attorney/participant's signature. Therefore, an attorney/participant must protect and secure the password issued by the Court. If there is any reason to suspect the password has been compromised in any way, such as resignation or reassignment of the person with authority to use the password, it is the duty and responsibility of the attorney/participant to immediately notify the Court. The Court will immediately delete the password from the ECFS and issue a new password.

3. Pursuant to Federal Rule of Bankruptcy Procedure 9011, every pleading, motion and other paper 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 at least one party. The electronic filing of a petition, pleading, motion, or other paper by an attorney who is a registered participant in the ECFS shall constitute the signature of that attorney under Federal Rule of Bankruptcy Procedure 9011.

4. Registration as a Filing User constitutes: (1) waiver of the right to receive notice by first class mail and consent to receive notice electronically; and (2) waiver of the right to service by personal service or first class mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. This waiver of service and notice by first class mail applies to notice of the entry of an order or judgment under Fed. R Bankr. P. 9022. Notice by electronic means is effected as set forth in the applicable Administrative Procedures for Filing, Signing and Verifying Pleadings by Electronic Means ("ECFS Administrative Procedures").

5. A Filing User accesses Court information via the Court's Internet site or through the Public Access to Court Electronic Records ("PACER") Service Center. Although the Court manages the procedures for electronic filing, all electronic public access to case filing documents occurs through PACER. A PACER login is required, in addition to the password issued by the Court. To register for PACER, a Filing User must complete the online form or submit a registration form as instructed on line, available on the PACER website (<http://pacer.psc.uscourts.gov>).

6. By this registration, the undersigned agrees to abide by all of the rules and regulations in the most recent ECFS Administrative Procedures currently in effect and any changes or additions that may be made to such ECFS Administrative Procedures in the future.

Please return to: Clerk's Office
 U.S. Bankruptcy Court for the
 District of Puerto Rico
 Attn: ECF Attorney Registration
 300 Recinto Sur St. Suite 109
 San Juan, PR 00901

 Date

 Attorney/Participant Signature

Your login and password will be sent to you by the Office of the Clerk by regular, first-class mail. If you prefer to have your login/password sent to an address other than the one on page 1 of this form, please write the address in the space provided below:

Firm Address: _____

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

**APPLICATION FOR LIMITED USE/CLAIM PASSWORD
FOR ELECTRONIC CASE FILING SYSTEM**

BUSINESS NAME: _____

ADDRESS: _____

PHONE #: _____ **FAX #:** _____

E-MAIL ADDRESS: _____

1. **Claims or Other Limited Use Application:** I affirm that I am authorized to prepare and file Proofs of Claim on behalf of _____, and/or I am authorized to prepare and file Notice(s) of Appearance on behalf of _____, and/or am authorized to execute and submit Reaffirmation Agreements on behalf of _____.

2. _____'s (name of business), through its authorized officers, directors and agents, understands that the use of its Limited Use password to file documents in the record of a bankruptcy case or proceeding in the District of Puerto Rico will constitute _____'s (name of business) signature upon and signing of any declarations, verifications, proofs of claim, notices of appearance, assignments of claims, reaffirmation agreements, or other papers or documents filed by use of the password obtained pursuant to this Application for all purposes authorized and required by law, including, without limitation, Federal Rule of Civil Procedure 11 and Federal Rule of Bankruptcy Procedure 9011, the United States Code, Federal Rules of Civil Procedure, Federal Rules of Bankruptcy Procedure, and any applicable non bankruptcy law.

3. _____ (name of business), through its authorized officers, directors and agents, understands that it is its responsibility to protect and secure the confidentiality of its password. If _____ (name of business) believes that its password has been compromised, it is _____'s (name of business), through its authorized officers, directors and agents, responsibility to notify the Court in writing, immediately.

4. _____ (name of business), through its authorized officers, directors and agents, understands that it is its responsibility to notify the court, immediately, of any change in their address, telephone number, fax number, or e-mail address.

5. Registration as a Filing User constitutes: (1) waiver of the right to receive notice by first class mail and consent to receive notice electronically; (2) waiver of the right to service by personal service or first class mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004.. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment. Service by electronic means is complete as set forth in the most recent *Administrative General Order* notwithstanding Federal Rule of Bankruptcy Procedure 9036.

6. By this registration, _____ (name of business), through its authorized officers, directors and agents, agrees to abide by all the rules and regulations in the most recent *General Order*

Regarding Administrative Procedures for Filing, Signing, and Verifying Pleadings and Paper by Electronic Means currently in effect, and any changes or additions that may be made to such administrative procedures in the future.

7. I, _____, hereby state that I am the (Title) _____
—

of (Name of Business) _____ and am authorized to enter into this Limited Use

Registration on its behalf.

Signature of Individual signing on behalf of Business

Date

(Corporate Seal)

Please return to: Clerk's Office
U.S. Bankruptcy Court for the
District of Puerto Rico
Attn: ECF Attorney Registration
300 Recinto Sur St. Suite 109
San Juan, PR 00901

APPROVED BY: _____

PASSWORD # _____ **DATE:** _____

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

SAMPLE FORMATS – CERTIFICATE OF SERVICE

Sample A

I hereby certify that on (Date) , I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

_____, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: _____

In _____, Puerto Rico, on this ____ day of _____, 200_.

s/ _____

Attorney's Name and Bar Number

Attorney for (Debtor/Party Name)

Law Firm Name

Law Firm Address

Law Firm Phone Number

Law Firm Fax Number

Attorney's E-mail Address

Sample B

I hereby certify that on (Date) , I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF System which will send notification of such filing to the following:

_____, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: _____

In _____, Puerto Rico, on this ____ day of _____, 200_.

s/ _____

Attorney's Name and Bar Number

Attorney for (Debtor/Party Name)

Law Firm Name

Law Firm Address

Law Firm Phone Number

Law Firm Fax Number

Attorney's E-mail Address

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

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| | | | |
|-----------|---|----------|--------|
| In re: | : | | |
| | : | | |
| | : | CASE NO. | () |
| | : | | |
| Debtor(s) | : | Chapter | _____ |
| | : | | |
| | : | | |

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DECLARATION THAT PARTY WAS UNABLE TO FILE
IN A TIMELY MANNER DUE TO TECHNICAL DIFFICULTIES

Please take notice that [Debtor/Name of Party] was unable to file the attached [Title of Document] in a timely manner due to technical difficulties. The deadline for filing the [Title of Document] was [Filing Deadline Date]. The reason(s) that I was unable to file the [Title of Document] in a timely manner and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the Court and the other parties I could not do so are set forth below.

[Statement of reasons and good faith efforts to file and to inform (including dates and times)]

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted.

In _____, Puerto Rico, on this ____ day of _____, 200_.

s/ _____
 Attorney's Name and Bar Number
 Attorney for (Debtor/Party Name)
 Law Firm Name
 Law Firm Address
 Law Firm Phone Number
 Law Firm Fax Number
 Attorney's E-mail Address