

Rule 5080-1
Fees - General

(a) Authority. The fees charged for services to be performed by the court are contained in the Bankruptcy Court Miscellaneous Fee Schedule, promulgated by the Judicial Conference of the United States in accordance with 28 U.S.C. § 1930(b). Neither the clerk nor her designees have the authority to waive the payment of any prescribed fee, except as provided in the Miscellaneous Fee Schedule.

(b) Treatment Where Fee Is Not Timely Paid. The prescribed fee must be paid in advance of the service to be performed by the clerk's office.

(c) Refunds.

(1) Electronic Refunds. The authority to approve a refund is a judicial determination that may be delegated to the clerk for court procedures that clearly address the type of refund. Whereas, the clerk has the authority to approve refunds for fees paid electronically for monies collected by or paid to the court in error, such as duplicate charges or electronic system errors.

(A) Request for Refund. Claimants seeking a refund must promptly file an application with the supporting documentation generated from the court's electronic case management system. The receipt for payment of fees, and the notice(s) of electronic filing. Refunds will be processed through the electronic credit card system. Refund checks will not be issued.

(B) Clerk Authorized Actions. Upon verification of the grounds set forth in the application, the clerk is authorized to dismiss the case or adversary proceeding or strike the pleading when the fee charged resulted from the filing of a duplicate petition, adversary proceeding or pleading.

(C) Request for Clearance. A movant may request clearance of the "filing fee due" status in a case or proceeding in which the fee has not yet been paid by contacting the Finance Division.

(D) Denial of Refund. If a claimant's refund request is denied, the claimant may seek reconsideration of the request from the judge presiding over the case in which the subject document was filed by filing a motion to that effect.

(E) Repeated Mistakes. In the event that a particular attorney or law firm continues to make repeated mistakes when submitting fees and repeatedly requests refunds, the court will consider remedial action and may issue an order to show cause as to why further requests for refunds should be considered.

(2) Refunds Motion to Reopen. Refunds are prohibited in motions to open a case. The Judicial Conference Policy prohibits refunding the fee even if the court denies the motion.