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FEB 26 2004

THERESE BUTHOD, CLERK TB
United States Bankruptcy Court
Eastern District of Oklahoma

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

IN RE:	)	
	)	
PROCEDURAL RULES FOR	)	
ELECTRONIC CASE FILING	)	**MISC. ORDER** 43
	)	

O R D E R

WHEREAS, Federal Rules of Bankruptcy Procedure 5005(a)(2), 9011 and 9029 authorize the Courts to establish practices and procedures for the filing, signing and verification of documents by electronic means; and

WHEREAS, the United States Bankruptcy Court for the Eastern District of Oklahoma has implemented its Case Management/Electronic Case Filing (CM/ECF) with the operational date of March 1, 2004; and

WHEREAS, the Judge of this Court desires to implement Administrative Procedures necessary to the operations of the CM/ECF System in the United States Bankruptcy Court for the Eastern District of Oklahoma;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The Clerk of the Bankruptcy Court is authorized to implement and publish Administrative Procedures for CM/ECF in the United States Bankruptcy Court for the Eastern District of

Oklahoma, including the procedure for registration of attorneys and for distribution of passwords to permit electronic filing and notices of pleadings and other papers.

2. In the event of a conflict between the Local Rules in the United States Bankruptcy Court for the Eastern District of Oklahoma and the Administrative Procedures for CM/ECM, the Administrative Procedures shall govern.

3. The Electronic Filing of the petition, pleading, motion or other paper by an attorney, who is a registered participant in the CM/ECF system, shall constitute the signature of that attorney under Federal Rules of Civil Procedure 11 and Federal Rules of Bankruptcy Procedure 9011.

4. No attorney shall knowingly permit or cause to permit his or her password to be utilized by anyone other than an authorized employee of his or her law firm.

5. No person shall knowingly utilize or cause another person to utilize the password of a registered user unless such person is an authorized employee of the registered user.

6. Electronic Filing of a pleading or other paper in accordance with the Administrative Procedures shall constitute an entry of that pleading or other paper on the docket kept by the office of the Clerk under Federal Rules of Bankruptcy Procedure 5003.

7. The Office of the Clerk shall enter all orders, decrees, judgments, and proceedings of the Court in accordance with the Administrative Procedures, which shall constitute entry of the order, decree, judgment, or proceeding on the docket kept by the Clerk under Federal Rule of Bankruptcy Procedure 9021.

8. Service of Pleadings:

A. Whenever a pleading or other paper is filed electronically in accordance with the Administrative Procedures, the Office of the Clerk shall serve the filing party with a Notice of Electronic Filing by electronic means at the time of docketing.

B. The filing party shall serve the pleading or other paper together with the Notice of Electronic Filing upon all parties 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 Paragraph C.

C. If the recipient of notice or service is a registered participant in the CM/ECF system, service by electronic means of the Notice of Electronic Filing shall be the equivalent of service of the pleadings or other papers by first class mail, postage prepaid.

D. Service of Summons and a Complaint filed in an Adversary Proceeding or Involuntary Bankruptcy Proceeding shall

continue to be made pursuant to Federal Rule of Bankruptcy Procedures 7004 and the electronic service of a summons and a complaint is not proper service.

E. Service by electronic means is complete on transmission.

F. Service by electronic means is not effective if the party making service learns that the attempted service was not electronically delivered to the person to be served.

9. Participation in the CM/ECF System by receipt of a password from the Court shall constitute a request for service and notice electronically pursuant to Federal Rules of Bankruptcy Procedure 9036. Participants in the CM/ECF System, by receiving a password from the Court agree to receive service by electronic means.

10. The effective date of this Miscellaneous Order is March 1, 2004.

IT IS SO ORDERED.

Dated this 26th Day of February 2004.

TOM R. CORNISH
UNITED STATES BANKRUPTCY COURT