

# CM/ECF Administrative Guide



United States Bankruptcy Court  
For the Eastern District of Oklahoma

Revised May, 2021

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## INTRODUCTION

It is the policy of the United States Bankruptcy Court for the Eastern District of Oklahoma to require attorneys and other permitted registrants to file documents with the Court electronically over the Internet except as may be stated in these policies. Parties will be able to view docket reports and most documents electronically through the Public Access to Court Electronic Records (“PACER”) system, regardless of their participation or registration in the Electronic Case Filing (“CM/ECF”) System.

## REGISTRATION PROCESS

To practice in the United States Bankruptcy Court for the Eastern District of Oklahoma, an eligible attorney must apply for full admission electronically through PACER with the Eastern District of Oklahoma District Court. The applicant is required to read and acknowledge the Oath and pay the prescribed fee. Once the Clerk of the District Court has reviewed the attorney’s admission information, confirmed fee payment, verified training requirements, and acknowledged that the Certificate of Good Standing meets all requirements, the Clerk of the District Court will issue a certificate of admission. The admission fee may be waived for attorneys with federal agencies. They are, however, still required to apply for full admission to the Eastern District of Oklahoma District court’s bar. **Registration as a Filing User constitutes consent to electronic service of all documents as provided in this manual in accordance with the General Orders, Local Rules of this Court, the Federal Rules of Civil Procedure and the Federal Rules of Bankruptcy Procedure.**

### **Eligibility**

Any member of the bar of the Supreme Court of the United States, or of any United States Court of Appeals, or of any District Court of the United States, or a member in good standing of the bar

of the highest court of any state of the United States, is eligible for admission to the Eastern District of Oklahoma.

Attorneys admitted to the bar of this Court, including those admitted pro hac vice and those authorized to represent the United States, may request e-filing access in the Eastern District of Oklahoma Bankruptcy Court's CM/ECF system in accordance with these Policies and Procedures.

### **Instructions and Training**

All attorneys seeking admission for registration must first review the admission information available on the Eastern District of Oklahoma District Court's public website at <https://www.oked.uscourts.gov/attorney-admissions>. To request admission to the Eastern District of Oklahoma and obtain filing privileges with the Bankruptcy Court, an attorney must complete the on-line registration process using their individual, upgraded PACER account. After all requirements have been met, the applicant may be admitted. The steps for admission and e-filing registration are as follows:

- a. All attorneys must read and be familiar with the Federal Rules of Bankruptcy Procedure, and the Local Rules of this Court, including this CM/ECF Administrative Guide. Registration as a CM/ECF Filing User constitutes certification by the attorney that he/she has read and is familiar with these documents.
- b. Using PACER, the attorney completes the on-line registration screens, answering each question and accepting the following Oath/Admission:

"I do solemnly swear (or affirm) that as an attorney and as a counselor of this Court, I will conduct myself uprightly and according to law, and that I will support the Constitution of the United States."

- c. During the application process, the attorney uploads a Certificate of Good Standing (dated within 30 days) from one of the entities listed in the Eligibility section above.

- d. Each applicant for admission shall pay the applicable admission fee upon receipt of the e-mail requesting payment of such fee. The admission fee may be waived for attorneys with federal agencies.
- e. The attorney must successfully have completed a CM/ECF training program or produce evidence of filing in a CM/ECF court.
- f. **Pro Hac Vice Admission:** If the attorney requesting registration is requesting pro hac vice admission and is new to the Eastern District of Oklahoma, they must submit a request electronically through PACER. In addition, before they can be approved for filing electronically, counsel must mail a Motion for Admission Pro Hac Vice to the **U.S. Bankruptcy Court for the Eastern District of Oklahoma, P.O. Box 1888, Muskogee, OK 74402** and include the pro hac vice filing fee. The **check must be made payable to CLERK, U.S. DISTRICT COURT.**
- g. **Training Prerequisites:** Prior to participating in CM/ECF training, Filing Users are required to:
- Possess basic personal computer skills, including a working knowledge of the internet, browser usage, ability to prepare and attach PDF'S, e-mail usage and scanning.
  - Establish an individual PACER Account, if not previously established.
  - Ensure their hardware and software are sufficient to file electronically.
- h. **Training Class:** Online Training Videos are available on our Public Website. However, Clerk's Office staff are available to teach a basic course or personalized instruction may be offered for those requesting additional assistance. Attorneys and staff may arrange for additional training by calling the court at 918-549-7200 ask for the Training Coordinator.
- i. **Non-Attorney filers, creditors and law office staff:** Law office staff are eligible for a filing agent account and should contact the court for more information. Non-attorneys (creditors)

are eligible for their own limited use filing account and should register through [www.pacer.uscourts.gov](http://www.pacer.uscourts.gov)

### **E-mail Address**

The attorney's PACER e-mail address will be the primary address for service required by Rule 7004 and 9014(b) Fed. R. Bankr. P. Transmission of a Notice of Electronic Filing (NEF) through the CM/ECF System to the PACER primary email address will constitute service. An attorney may also provide secondary e-mail addresses to which courtesy copies of CM/ECF notices will be sent. It is the responsibility of any attorney who has e-filing access to keep all contact information, including primary and secondary email addresses, updated and current. Primary email addresses must be updated through PACER at [www.pacer.uscourts.gov](http://www.pacer.uscourts.gov). Secondary email addresses are managed through CM/ECF. For detailed instructions on how to update email information, login to *Maintain your account at* [www.pacer.uscourts.gov](http://www.pacer.uscourts.gov).

### **Change of Contact Information**

If an e-mail address, mailing address, telephone, or fax number changes, the Filing User must immediately update their Filing User information in PACER at [www.pacer.uscourts.gov](http://www.pacer.uscourts.gov) and push the updates to the U.S. Bankruptcy Court. **Note:** The Filing User is still required to file and serve a notice of the change in each of their open cases.

### **Email Failures**

Upon receipt of a delivery failure the Court will make contact with the attorney to try and resolve the problem with the attorney. If a contact cannot be made with the attorney because the attorney has not left a forwarding phone number, e-mail address or the Court receives repeated e-mail failures, the Clerk shall remove the e-mail address from the attorney's account and place the account in No Access. The Clerk shall docket the Court event "Notice of Undeliverable E-Mail"

in each case or cases that the attorney had email failures, if it can be determined. This event will give notice to parties in those cases where the attorney was not notified of certain docket entries by electronic mail. If the attorney is an interested party, the notice for the attorney will need to be resent via U. S. mail. Attorneys are discouraged from using the “Out of Office” response or reply on their CM/ECF Email accounts.

## **PASSWORDS**

### **Assignment**

Once registration is completed, the Filing User will use their PACER Login and Password to begin filing electronically with the Court. After registration is complete, an attorney may change their Passwords as necessary through the *Maintain User Account* section of their PACER account at [www.pacer.uscourts.gov](http://www.pacer.uscourts.gov).

### **Rules for Use**

The combination of a PACER User Login and Password will serve as the official signature for purposes of the Federal Rules of Bankruptcy Procedure and any applicable statute or regulation of the United States. Filing Users shall not permit the Login and Passwords to be utilized by anyone other than persons specifically authorized to file documents in the Filing User’s name. Users are responsible and accountable for all documents filed with that Filing User’s Login and Password.

### **Security**

Filing Users agree to protect the security of their Passwords and immediately notify the Court if they believe that their Password may have been compromised. The Filing User must immediately change their PACER password at [www.pacer.uscourts.gov](http://www.pacer.uscourts.gov).

### **Revocation of Password**

The Court may revoke a Filing User’s account access and therefore, his or her authority and

ability to electronically file documents under any of the following conditions:

- a. Failure to comply with any provision of the agreement contained in the Filing User's application information.
- b. Failure to adequately protect his or her password.
- c. Failure to comply with the provisions of these Administrative Procedures for electronically filed cases.
- d. Failure to pay fees required for documents filed electronically.
- e. Misuse of the System.
- f. As a sanction ordered by the Court after notice and an opportunity for hearing.

## **MODIFICATIONS AND AMENDMENTS OF CM/ECF SYSTEM PROCEDURES**

The Bankruptcy Judge may modify these procedures in specific cases without prior notice, if deemed appropriate. The Court may also amend these procedures at any time without prior notice. Modifications and amendments to CM/ECF procedures will be posted on the Court's website at [www.okeb.uscourts.gov](http://www.okeb.uscourts.gov).

## **ELECTRONIC FILING AND SERVICE OF DOCUMENTS**

### **General Rules for Filing**

All motions, pleadings, briefs, or other documents, except those specifically prohibited, shall be electronically filed in the CM/ECF System.

Electronic transmission of a document to the Electronic Filing System consistent with this guide, together 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, the Local Rules of this Court, and constitutes "entry of the document" on the docket kept by the Clerk. Transmission by e-mail or other means of a document to the Court shall not constitute "filing"

of the document until it is entered into the CM/ECF System and receives a Notice of Electronic Filing (NEF), unless prior approval has been granted.

When a document has been filed electronically, or filed conventionally and imaged by the Court, 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 Notice of Electronic Filing (NEF).

CM/ECF registrants may file documents 24 hours a day, seven days a week. **Filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day. The date and time will be printed on the Notice of Electronic Filing.**

#### **Documents Filed Under Seal**

Documents to be placed under seal should be filed electronically by using the event “**Sealed Document**”. The documents will be filed, sealed and unavailable to public viewing. The filing party must file contemporaneously with the sealed document a Motion to Seal Document from Public Access and submit a proposed order granting the relief through the CM/ECF system using “Order Upload.” If the Motion to Seal Document from Public Access is granted, the related documents will remain under seal and be maintained by the Court as a “Sealed Document” until further order of the Court. The Order of the Court authorizing the filing of such documents under seal will be entered electronically by the Clerk’s Office. If the documents are sensitive in nature and should only be seen by judicial personnel, the filer should call the Court prior to filing. If the motion is denied, the documents under seal will be made viewable to the public by the Court and will no longer be under seal.

If a document to be filed under seal is only one part of a larger document or series of documents, the party must file all portions the party does not seek to have sealed in accordance

with any deadlines, indicating where any portion to be sealed would be inserted. The Motion to Seal Document requesting leave to file under seal must also be filed in accordance with any deadlines.

Titles of sealed pleadings will be docketed and open to the public. Therefore, parties should take every precaution to remove confidential material from the title of sealed pleadings and exhibits.

### **Viewing Sealed and Restricted Pleadings**

An attorney must use their PACER login and password to access sealed and restricted documents. Counsel should use a secure network connection when accessing sealed documents rather than a public network to ensure sealed information is seen only by authorized persons. Sealed documents will be viewable by participating counsel in CM/ECF and through NEF links sent from CM/ECF during the filing process.

### **Cases Filed Under Seal**

A PACER login and password is also required to view and/or file in sealed cases in which the attorney has been granted access. When filing in a sealed case use the regular CM/ECF events rather than sealed document entries.

## **ELECTRONIC FILING OF PLEADINGS REQUIRING A FEE**

All filing fees for pleadings must be paid on the same date the document is filed. Filing fees for documents shall be paid through the CM/ECF system using Pay.gov. Failure to pay for the filing of any transaction on the date it is filed, will result in the Filing User being locked out of the system until payment is made and the pleading may be stricken.

### **Filing Cases and Complaints and Paying Electronically**

Attorneys must electronically file the appropriate case opening documents (i.e., petitions,

complaints, notices of removal, applications to proceed in forma pauperis, and miscellaneous proceedings) in the CM/ECF system. Emailed cases and documents by Filing Users will not be filed by the Court without prior approval. If the CM/ECF system is unavailable, call the Court to receive instructions on how to submit your case or proceeding to the Court.

- a. The Clerk's Office staff shall file the case or pleadings as of the date and time of receipt of the email.
- b. The party must pay the filing fee upon receipt of the Notice of Electronic Filing (NEF) that the case or pleading has been filed. Failure to comply with this provision will subject the action to dismissal by the Court without prejudice to refile. Filing fees can be paid electronically by docketing the appropriate fee event in CM/ECF which utilizes the Pay.gov functionality for the collection of fees. Contact the Court for instructions for fee event docketing.
- c. A Summons for new Adversary Proceedings is located as a hyperlink within the Notice of Electronic filing for the Complaint and is also located on the case docket report. The Attorney shall print the Summons and the Complaint and serve upon each defendant(s) listed in the caption and their attorney. The issued Summons should be printed from the docket sheet and be free of headers. To obtain a Summons without headers, deselect the "Include headers when displaying PDF documents" option when running the docket report. A party may not electronically serve the summons and complaint, but instead must perfect service according to Rule 7004, Fed. R. Bankr. P. If an Alias Summons is needed, a request shall be made by filing a text only entry "Request for Alias Summons" in the proceeding. The Court will issue an Alias Summons and docket the Alias Summons in the CM/ECF system. Upon receipt of the Notice of Electronic Filing indicating issuance, the attorney should print a copy of the issued Alias Summons for service. The issued Alias Summons should be printed from the docket sheet and be free of headers. To obtain

a document without headers, deselect the “Include headers when displaying PDF documents” option when running the docket report. A party may not electronically serve the summons and complaint, but instead must perfect service according to Rule 7004, Fed. R. Bankr. P.

d. Should the action be resolved, dismissed, stricken prior to the required filing fee being paid, that filing fee nonetheless remains due and owing.

### **Filing Applications for Pro Hac Vice and Paying**

Any attorney who is eligible for admission to the bar of this Court may, in the discretion of a judge of this Court, be granted temporary admission to practice in a pending case. Counsel must mail a Motion for Admission Pro Hac Vice attaching the pro hac vice requestor’s completed Application for Admission to the U.S. Bankruptcy Court for the Eastern District of Oklahoma, P.O. Box 1888, Muskogee, OK 74402 and include the pro hac vice filing fee. The Check must be made payable to CLERK, U.S. DISTRICT COURT. Once the pro hac vice attorney is in the CM/ECF system, the attorney will need to file a Motion to Appear Pro Hac Vice and fee in each case they wish to and every subsequent new case they wish to appear, unless the case is a related case or proceeding. Use the [Application for Admission - PHV](#) form provided by the District Court.

An Attorney who has previously been approved to practice pro hac vice in the Eastern District of Oklahoma does not need to re-apply for subsequent pro hac vice appearances through PACER.

### **Pay.gov**

All payments should be made by using Pay.gov. Pay.gov is available within CM/ECF for Filing Users. Non-CM/ECF Filing Users may use the Pay.gov link located on the Court’s Website.

### **FILE SIZE LIMITATIONS**

If a document file exceeds 35 megabytes in size, the document should be filed in parts by

incorporation of an attachment to the main document and identified by title and page number identifiers.

## **GENERAL RULES FOR SERVICE**

The “Notice of Electronic Filing” that is automatically generated by the Court’s Electronic Filing System constitutes service of the filed document on parties. A Certificate of Mailing is not required if all interested parties were served by electronic notice. Additional interested parties who are not Filing Users in the case must be served with a copy of any pleading or other document filed electronically in accordance with the Federal Rules of Bankruptcy Procedure and the Local Rules that clearly states the Court’s (NEF) “filed date and time” on the pleading. **A Certificate of Mailing must be filed when serving documents on a party who is not a Filing User in the case.** When serving documents on all creditors in the case, a Certificate of Mailing must be filed stating that the “Official Mailing Matrix” or “all Creditors Listed on the Court’s Matrix” was served.

## **SIGNATURES**

### **Filing Attorney Signature**

The Filing User Login and Password required to submit documents to the Electronic Filing System function as the Filing User’s signature on all electronic documents filed with the Court. They also function as a signature for purposes of Rule. 9011, Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court. Each document filed electronically must indicate that it has been electronically filed.

The name of the Filing User under whose Login and Password the document is submitted must be preceded by an “s/” and typed in the space where the signature would otherwise appear. In addition, electronically filed documents must include a signature block and must set forth the

name, the name of the party represented, address, telephone number and the attorney's [name of state] bar registration number, if applicable and email address. The correct format is as follows:

s/ Attorney Name  
Law Firm  
Bar #  
City, State Zip.  
Email Address  
Attorney for \_\_\_\_\_

### **Non-Filing Attorney Signature**

Documents containing the signature(s) of non-Filing Attorneys (i.e. attorneys not registered for CM/ECF or attorneys who are registered, but are not the filer of the document) are to be filed electronically with the signature represented by an “s/” and the name typed in the space where a signature would otherwise appear, or as a scanned image. Such approval shall be indicated as follows:

s/ Jane Attorney

s/ John Attorney

*(With permission of John Attorney) or,*

*(Signed copy of document bearing signature of John Attorney is being maintained in the office of Jane Attorney)*

The filing attorney is responsible for maintaining a record of when and how permission was obtained to sign the other attorney’s name until time for filing all appeals have been exhausted.

The filing attorney may obtain original signatures, scan the signature page only, and file it as an attachment to the pleading or other document. The filing attorney shall maintain the signed original until all appeals have been exhausted.

### **Non-Filing User Signature**

Documents signed by persons who are not counsel of record (e.g., verified pleadings, contracts, affidavits, etc.) may be submitted in electronic format in any of the following ways, so long as the filer has and maintains the signed original until all appeals have been exhausted.

- a. An electronic version of the document bearing “s/ (name)” can be filed along with a statement that the filer has the signed original, for example:

s/ Plaintiff Smith\*

s/ Filing Attorney

- b. An electronic version of the document bearing “s/ (name)” can be filed with a scanned copy

of the signature page as an attachment.

- c. If the document containing original signatures is not digitally available, it may be scanned and filed electronically.

### **TITLES OF DOCKET ENTRIES**

The party electronically filing a pleading or other document shall be responsible for designating a title for the document by using one of the docket event categories prescribed by the Court. Pleadings should not request multiple relief, with the exception of Motion for Relief from Stay, Abandonment or in the alternative Adequate Protection. If an entry contains multiple documents, (for example: Schedules, Statement of Financial Affairs, and Matrix) each event should be highlighted to include each title in the docket entry text.

### **FILING ERRORS**

Once a pleading or other document is submitted and becomes part of the case, the CM/ECF System will not permit the filer to change the pleading or other document or the docket entry. Filers should make every effort to ensure that they do not file a pleading or document other than the one intended to be filed, that it is filed in the correct case, and that it does not contain information that should have been redacted or filed under seal. The Court should be notified of mistakes by telephone at (918) 549-7200. The filer should provide the Court with the case number and docket number of the erroneous entry. The filer may be directed to file a Withdrawal or a Motion to Seal. The filer may be required to file the correct document. If the correct document was filed however the wrong event was used, the Court may be able to correct the error without refileing.

## **Refund of Electronically Paid Fees**

The Judicial Conference prohibits refunds of fees due upon filing, even if a party filed the case in error, or the Court dismissed the case or proceeding. This policy remains in effect. However, the Judicial Conference allows limited refund authority related specifically to electronic payments and has provided guidance to the Courts in addressing such errors.

- a. The authority to approve a refund has been delegated by the Court to the Clerk. The Court will refund a fee paid electronically by a CM/ECF Filing User when the CM/ECF Filing User has used CM/ECF to pay by credit card and the fee was paid erroneously in the following situations:
  - A fee payment was erroneously submitted two or more times related to the submission of a single document.
  - A fee was paid when no fee was due (i.e., the submission did not require payment of a fee) example pleadings: Amended Matrix and Amended Schedules if filed on the same date does not require two fees. Motion for Relief from Stay Amended Motion to include Abandonment does not require two fees.
- b. Requests for refunds should be made by filing a Motion for Refund of Fees in CM/ECF.
- c. Refunds will only be issued to the credit card that was originally charged.
- d. If a CM/ECF Filing User makes an erroneous filing for which a fee payment was submitted, but the fee has not yet been fully processed, the Court may correct the erroneous filing administratively and void the payment without the need to file a motion.
- e. If a CM/ECF Filing User continues to make repeated mistakes when submitting fees electronically, the Court may consider remedial action, such as issuing an order to show cause why further requests for refunds should be considered.

## **ORDERS**

All orders, decrees, judgments, and proceedings of the Court will be filed in accordance with these rules, which will constitute entry on the docket kept by the Clerk. All signed orders will be filed electronically by the Court or Court personnel. Any order or other Court-issued document filed electronically without the original signature of a Judge has the same force and effect as if the Judge had signed a paper copy of the order and it had been entered on the docket in a conventional manner. Orders may have an electronic signature or s/and the Judge's Name.

Orders may also be issued as "text-only" entries on the docket, without an attached document. Such orders are official and binding.

When mailing a copy of an electronically filed order to a party who is not a registered participant of the CM/ECF System, the party shall include the Notice of Electronic Filing to provide the recipient with proof of filing.

All orders will have a printed date of filing and entered on docket date ("EOD").

### **Proposed Orders**

All proposed orders must conform to the following format:

- a. The top margin of the first page only must be four (4) inches. All other pages may have a one (1) inch top margin.
- b. Omit the date and signature line for the Judge. The Judge will sign electronically in the 4 inch margin.
- c. All orders should include the Attorney and Law firm submitting the order on the last page of the order.
- d. The proposed order must contain the following "Movant Shall Notify All Interested Parties" centered on the last line of the order.

- e. The proposed order should contain ### centered directly under the phrase “Movant Shall Notify All Interested Parties.”

The proposed order should be submitted electronically using “Order Upload” in the CM/ECF system. When filing a motion or application, a proposed order granting said relief should be uploaded by selecting Bankruptcy or Adversary, Order Upload, Upload Single and relate the order to the Docket Entry number of the motion or application. If a proposed order does not have a related motion or application, you may choose “ex parte.” In specific instances the proposed order is required to be attached to the motion for circulation pursuant to Bankruptcy Rule 4001. In this instance, the proposed order should be attached to the motion at the time of filing and in addition, uploaded to the CM/ECF system. See Local Rule 9072-1.

### **Pretrial Orders**

The proposed pretrial order shall contain the signatures of all counsel of record. The party responsible for submitting a proposed pretrial order shall upload the proposed order to the CM/ECF system and link the order to the Complaint. Witness and Exhibit Lists should be attached to the Pretrial Order however, trial and evidentiary exhibits should not be filed electronically.

### **EXHIBITS, ATTACHMENTS, AND APPENDICES**

A Filing User must submit exhibits referred to in a pleading as attachments to the main document (i.e., Motion, Notice, Certificate of Mailing, Complaint). Exhibits, attachments, and appendices that are filed electronically shall be submitted as separate attachments to the pleading or other document and shall be clearly labeled with the appropriate exhibit number and a brief description of the exhibit (i.e. Exhibit 1 - 1997 Statement, Exhibit 2 – Application for Loan). Exhibits should **NOT** be grouped together for uploading into the system. Each exhibit must be scanned and

identified separately.

Filing Users are responsible for redacting personal data identifier from all exhibits and other documents before filing. The Clerk will not review documents for compliance. The responsibility for redacting personal data identifiers rests solely on the filer of the document. The Clerk shall not redact or seal documents without a Court order.

The CM/ECF System automatically rejects filings that are greater than twenty (20) megabytes. Documents that exceed twenty (20) megabytes when converted to electronic form must be broken up into separate documents and identified with the exhibit number and part number (i.e. Exhibit 3, part 1; Exhibit 3, part 2).

## **PRIVACY**

In compliance with the policy of the Judicial Conference of the United States and the E-Government Act of 2002 (Pub. L. 107-347, which was enacted on December 17, 2002), and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the Court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court:

- **Social Security Numbers.** If an individual's Social Security number must be included in a pleading, only the last four digits of that number shall be used.
- **Names of Minor Children.** If the involvement of a minor child must be mentioned, only the initials of that child shall be used.
- **Dates of Birth.** If an individual's date of birth must be included in a pleading, only the year shall be used.
- **Financial Account Numbers.** If financial account numbers are relevant, only the last four digits of these numbers shall be used.

**The responsibility for redacting these personal data identifiers rests solely with counsel and the**

**parties. The Clerk will not review each pleading for compliance with this general rule.**

## **TRANSCRIPT REDACTION**

At its September 2007 session, the U.S. Judicial Conference approved a new policy regarding the availability of transcripts of Court proceedings. The policy only applies to transcripts of official Court hearings, not depositions taken outside of Court or proceedings of state Courts or other jurisdictions. Counsel is to request redaction of specific personal data identifiers before the transcript is made available to the general public from PACER. **The responsibility for redacting personal identifiers rests solely with counsel and the parties.** Neither the Clerk, Court Reporter or Transcriptionist will review transcripts for compliance.

### **Summary**

- a. A restricted transcript filed by the Court will be available on the docket report for a period of 90 days from filing.
- b. During the 90-day period, a copy of the transcript may be obtained from the Court reporter or transcriber at the rate established by the Judicial Conference. During the 90-day period the transcript will be available to Court staff, at the public terminals located in the Clerk's office, and electronically available to any attorneys of record who have purchased a copy from the transcriptionist.
- c. After the 90-day period has ended, the transcript will be available through PACER if not redacted; or if redacted, the redacted version will be available.

### **Transcript Redaction Request**

Redaction responsibilities apply to the attorneys even if the requestor of the transcript is another party, the judge or a member of the public/media. Unless otherwise ordered by the Court, the attorney (or, where there is a self-represented party, the party) must review the transcript. If any redaction is required, counsel must file with the Court a Notice of request for Redaction **within 21 calendar**

**days from the filing of the transcript** indicating where the personal identifiers appear in the transcript by page and line. This procedure is limited to the redaction of the specific personal data identifiers listed below:

- social security numbers to the last four digits;
- financial account numbers to the last four digits;
- dates of birth to the year;
- names of minor children to the initials;

If an attorney fails to timely file a Notice of Request for Transcript Redaction or Request for Extension of Time to file Transcript Redaction Request, no redactions will be made, and the original transcript will be publicly available through PACER after 90 days.

### **Redacted Transcripts**

The transcriber must, within **31 calendar** days of the filing of the original transcript, or longer if the Court so orders, perform the requested redactions, and file a redacted version of the transcript with the Court. The original unredacted transcript will be retained as a restricted document.

### **Remote Public Access to Transcripts**

If a redacted transcript is filed with the Court, the redacted transcript will be electronically available through PACER after 90 calendar days from the date of filing of the original transcript. The original transcript will never be made available to the public. If the original transcript is not redacted, that original transcript will be electronically available through PACER access after 90 calendar days.

### **PACER Fees**

PACER fees will be applied both during and after the 90-day restriction period. Charges will not be capped at 30 pages as they are for other Court documents but will rather accrue for the entire transcript. The Filing User will incur PACER charges for each time the transcript is accessed even though he/she

may have purchased it from the Court reporter and obtained remote access through CM/ECF. There is no "free look" for transcripts.

## **CONVENTIONAL FILING OF DOCUMENTS**

### **Documents filed by Pro Se Litigants and Other Non-CM/ECF Filing Users**

Pro se Debtors and other Non-CM/ECF Filing Users shall file paper originals of all complaints, pleadings, motions, affidavits, briefs, and other documents. Court staff will scan these original documents and upload to the CM/ECF System with the exception of documents that may be filed through Electronic Self Representation (ESR) (i.e. petitions, and schedules) and financial management documents, credit counseling, proof of claims and other documents allowed to be filed through the Court's website.

### **Other Conventional Filings**

Exhibits for Court hearings should not be filed within the CM/ECF system. Exhibits should be submitted according to the notice or order setting the evidentiary hearing or trial. Witness and Exhibit Lists shall be filed in the CM/ECF system.

## **PUBLIC ACCESS TO THE CM/ECF SYSTEM**

### **Hours & Fees**

Electronic access by the public to the electronic docket and documents filed in the CM/ECF System is available for review at no charge at the Clerk's Office during regular business hours. You must call the Court before coming to the Clerk's Office for services.

Conventional copies and certified copies of electronically filed documents may be purchased by calling the Court. All fees for services are in accordance with 28 U.S.C. §1914. Visit [www.okeb.uscourts.gov](http://www.okeb.uscourts.gov) for a full fee schedule.

## **REMOTE ACCESS**

Remote electronic access to the CM/ECF System is limited to subscribers to the PACER system. The

CM/ECF system is routinely available 24 hours a day, 7 days a week. The Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing detailed case information, such as filed documents and docket sheets. Such fees do not apply to the initial viewing of a document served via a Notice of Electronic Filing. The PACER User is allowed one “FREE LOOK.” If, however, the document is remotely accessed through PACER a second occasion, a fee will be incurred. PACER Users are encouraged to download and save all documents to their computer or network.

### **HYPERLINKS**

According to the guidelines set forth by the Committee on Information Technology, allowing hyperlinks in electronic case filings does not inherently increase the security risk to the judiciary; therefore, hyperlinks are allowed in documents filed with the Court. The judiciary should not exercise any responsibility over the content at its destination. Also, because the availability and location of the information on the Internet is still highly volatile, the functioning of a hyperlink reference should not be guaranteed.

Attorneys should keep in mind that, in following the judiciary’s guidelines, the Court shares the view that a hyperlink contained in filing is no more than a convenient mechanism for accessing material cited in the document, and a hyperlink reference is extraneous to any filed document and is not part of the Court’s record. Further, in order to preserve the integrity of the Court record, attorneys wishing to insert hyperlinks in Court filings should continue to use the **traditional citation method for the cited authority**, in addition to the hyperlink.

### **TECHNICAL FAILURES**

A technical failure exists when the CM/ECF System is unable to accept filings continuously or intermittently over the course of any period of time greater than two (2) hours within a calendar day.

Check the Court’s website for postings regarding any scheduled or other system outages or downtimes. Should a filing be made untimely as the result of a technical failure of the Court’s CM/ECF System, the filer may seek appropriate relief from the assigned judge.

Problems on the filer’s end, such as phone line problems, problems with the filer’s Internet Service Provider (ISP), or hardware or software problems, scanner issues or illegibility will not constitute a technical failure under these procedures or excuse an untimely filing. Upon a showing of good cause, the assigned judge may grant appropriate relief for an untimely filing. Filing Users experiencing a technical issue should call the Court immediately at 918-549-7200 and ask for the IT Helpdesk.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

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Tom R Cornish, U.S. Bankruptcy Judge