

Administrative Procedures

These Administrative Procedures (“Procedures”) are designed to assist attorneys and others who file with the United States Bankruptcy Court, Eastern District of Oklahoma (“court”), by setting forth basic procedures for filing documents using the court’s Case Management - Electronic Case Filing System (“CM/ECF” or “CM/ECF system”). These Procedures supplement the court’s Local Rules and govern use of the CM/ECF System by electronic transmission using CM/ECF. Modifications and amendments of these procedures may be made as deemed appropriate without prior notice. All modifications and amendments will be posted on the court’s website and notice will be given.

The Local Rules do not address many of the technical requirements specified in the Procedures. It is therefore important for those filing documents with this Court to review these materials and the Local Rules and become familiar with the contents.

These Procedures are not a comprehensive guide to all aspects of the CM/ECF System as it cannot address every contingency which may arise while filing documents. Questions about these Procedures may be directed to the Court’s CM/ECF Help Desk by calling 918-549-7200.

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Electronic Filing

Fed. R. Bank. P. 5005(a)(2) An entity represented by an attorney shall file electronically, unless nonelectronic filing is allowed by the court for good cause or is allowed or required by local rule.

Documents may be filed 24 hours a day, seven days a week unless undergoing maintenance. If the CM/ECF system is unavailable, call the court to receive instructions on how and where to submit your document to the court for filing. Documents emailed or faxed to the court will not be filed without prior documented approval.

Filing must be completed before midnight in the time zone for the court location in ordered to be considered filed that day. The date and time will be printed on the *Notice of Electronic Filing*.

A. Registration

In order to file documents electronically with the court a party must register an electronic filing account with the court. Individuals may create and register their account at <https://pacer.uscourts.gov>. Attorneys are required to apply for admission with the District Court of the Eastern District of Oklahoma or apply for admission pro hac vice in each case a document is filed. Admission pro hac vice in a Bankruptcy case extends to any related case. (i.e., Adversary Proceeding or Consolidated Cases) See: <https://www.okeb.uscourts.gov/attorney-admissions>

Pro se debtors are not permitted to register an electronic filing account with the court. Pro se debtors must file documents on paper unless the debtor files their petition electronically using the court's Electronic Self Representation ("ESR") module on the court's website. Initial documents will be filed electronically. Subsequent filings relating to the petition must be filed by paper.

B. Training

The court offers training on the use of the CM/ECF system via tutorial videos available at <https://www.okeb.uscourts.gov/okeb-online-learning-modules-0> . An Attorney or staff may schedule in person training by request by calling 918-549-7200 and scheduling an appointment.

C. Account Types

Three types of accounts may be registered with PACER to file documents via the CM/ECF system:

1. Attorneys admitted to the Eastern District of Oklahoma, may register an attorney filing account.
2. Attorneys not admitted in the Eastern District of Oklahoma, may register for a pro hac vice attorney filing account after the court grants their admission to appear pro hac vice. See: <https://www.okeb.uscourts.gov/attorney-admissions>
3. Creditors or Attorneys may register for a limited use filing account without admission.

D. Use of Electronic Filing Account and Signature

Fed. R. Bank P. 5005(a)(2)(C). A filing made through a person's electronic-filing account and

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authorized by that person, together with that person's name on a signature block, constitutes the person's signature and for the purposes of Fed. R. Bank P. 9011. The name on the filing account must match the name on the pleading or document. All documents must comply with subsection C of these Procedures, Electronic Filing of Documents, Signatures.

E. Password Security

An Electronic Filer having reason to believe that the security of the filer's password has been compromised shall change the password immediately at: <https://pacer.uscourts.gov>. PACER > Manage My Account Login > Settings > Change Password. Contact PACER at 1-800-676-6856 for any forgotten login or passwords or click on the forgotten username or password buttons when logging in to PACER.

A User whose password is used to file a document electronically, certifies that the user authorized the filing, and the use of the user's password constitutes the user's signature on the document filed, regardless of whether the signature is shown on the document.

If an attorney or trustee requires an employee to file on their behalf, they should obtain a filing agent account for each employee needing access to file electronically on their behalf. Filing agents are required to fill out a Filing Agent Form with the court: <https://www.okeb.uscourts.gov/forms/filing-agent-form> and create and register their account at <https://pacer.uscourts.gov>.

F. Change of Personal Information

To change an address and/or email address associated with their account an Electronic Filer must visit <https://pacer.uscourts.gov>. It is the responsibility of the Attorney to keep email addresses current. Transmission of a filing through the CM/ECF system will constitute service. The court does not monitor the receipt of such service. Failure to maintain current email information will result in the suspension of filing privileges until the information has been made current.

Electronic Filing of Documents

A. Methods of Electronic Filing

Either of the following methods of electronic filing may be used:

1. An Electronic Filer may electronically file a document through the CM/ECF system.
2. A limited Electronic Filer may electronically file a proof of claim, transfer of claim, request for notice, entry of appearance, or reaffirmation agreement through the CM/ECF system.

An electronic filing account is not required to:

1. File or amend, a proof of claim via Electronic Proof of Claim (ePOC), this may be done on the court's website, <https://www.okeb.uscourts.gov/file-proof-claim>
2. File a petition via Electronic Self Representation (eSR), <https://www.okeb.uscourts.gov/esr>

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B. File Limitations

No single scanned PDF file, whether containing a document or an attachment, shall exceed 35MB in size.

Scanned documents should be in black and white with a resolution of 300dpi.

C. Signatures

A document filed by electronic means shall either:

1. Contain a scanned image of the written signature; or
2. Display the electronic signature “s/” with the name typed in the signature location. example: s/John Smith.
3. Agreed documents should contain the written signature of the individual that is not electronically filing the document. Otherwise, the filer of the agreed document must be able to produce a written signature upon request of the court.

D. Sealed Documents, Cases and Proceedings

A motion to file a document under seal shall be filed electronically without attachment of the subject document for which protection is sought. The subject document must be filed using [Bankruptcy or Adversary Events → Other → Sealed Document](#). The subject document filed under sealed document will remain under seal unless otherwise ordered by the court.

A case or proceeding to be filed under seal requires the filer to submit the case or proceeding to the court on paper along with a motion to seal and any required fee. The case or proceeding will not be filed until an order is entered and a fee is submitted.

E. CM/ECF System Failure

An Electronic Filer unable to complete a filing due to a technical failure of the CM/ECF system should contact the Clerk’s Office by phone at 918-549-7200 for assistance. The CM/ECF system records the time that the system cannot be accessed by an Electronic Filer.

F. Exhibits

An exhibit is any document filed in support of, or in conjunction with, any pleading, memorandum, or proof of claim filed with the court. These are not to be confused with Exhibits offered at a court hearing. Exhibits must be submitted as a PDF attachment to and docketed with the document to which they relate. They should not be filed separately unless otherwise ordered. All Exhibits must comply with subsection H of these procedures, Electronic Filing of Documents, Privacy Provisions.

G. Filing Errors

If an error is made, the Electronic Filer should contact the Clerk’s Office on the same business day

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via phone or email. The Clerk's Office may be able to fix an error. If the Clerk's Office is not able to fix the error, the Electronic Filer should be prepared to withdraw and/or refile said document the same date.

If the Clerk's Office discovers the error, the Clerk's Office may issue a notice of deficiency in the CM/ECF system. The Clerk's Office is not responsible for correcting errors or notifying the Electronic Filer by telephone. The Electronic Filer should make the appropriate corrections within the time given on the deficiency notice.

The Judicial Conference prohibits refunds of fees due upon filing, even if a party filed the document in error, the court dismisses the case or proceeding, denies the request or strikes a document. The Clerk's Office does not have the authority to refund or waive fees incurred due to errors in filing without a court order. If a fee was charged due to an error by the CM/ECF system and the fee was not due, and the error is brought to the attention of the Clerk's Office the same date the document was filed the Clerk can void the fee. After the fee has been posted, an Application for Refund will need to be filed.

The title of the document should match the event that is chosen in the CM/ECF system. Motions should not contain multiple relief types with the exception of Motion for Relief from Stay, Abandonment or in the alternative Adequate Protection. In this instance each relief type must be chosen when filing. If the Electronic Filer cannot find the relief type that matches the document, the search function should be used by typing in a one specific word from the title. If still not found, please call the Clerk's Office for assistance at 918-549- 7200 before attempting to file.

H. Privacy Provisions

In accordance with the E-Government Act of 2002 and the policy regarding privacy and public access of the Judicial Conference of the United States, Electronic Filers must partially redact the following personal data identifiers from documents filed with the court:

1. Social Security Number(s): include last 4 digits only
2. Names of Minor Children: include initials of minor children only
3. Date(s) of Birth: include year only
4. Financial Account Number(s): include last 4 digits of account numbers only

Electronic Filers should not redact personal data identifiers from the following document which is restricted from public view by CM/ECF:

1. Official Form B121 should include the debtor's full socialsecurity number.

The Clerk's Office is not responsible for redacting the social security number or other personal data from documents filed with the court, whether in paper or electronic form. The party filing the document is responsible for redacting personal data before filing.

If a document containing personal data identifiers is filed with the court, the filing party is responsible for redacting the document from the record.

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See: <https://www.okeb.uscourts.gov/documents-containing-personal-identifiers-motion-redact-restrict-seal>

Once the order is signed, the Clerk's Office will restrict access to the document. The restricted document shall be refiled in accordance with subsection H of these procedures, Electronic Filing of Documents, Privacy Provisions. If multiple documents containing personal identifiers are filed in a single case, a single motion may be filed to redact all documents.

I. Required Addresses for Mailing Lists

All mailing lists filed with the court must contain the following entities and their addresses. Current address for each entity listed below is kept on our website.

SEE: <https://www.okeb.uscourts.gov/rule-5003-register>

1. *UNITED STATES ATTORNEY*
Christopher J. Wilson Eastern District of Oklahoma
2. *INTERNAL REVENUE SERVICE*
3. *OKLAHOMA TAX COMMISSION*
General Counsel's Office
4. *UNITED STATES ATTORNEY GENERAL*
Merrick B. Garland
5. *OKLAHOMA EMPLOYMENT SECURITY COMMISSION*
Attn: Legal Department
6. *U.S. DEPARTMENT OF AGRICULTURE*
7. *U.S. DEPARTMENT OF EDUCATION*
Office of the General Counsel

Exhibits Offered at Trials or Hearings

Parties intending to offer exhibits at trial or hearing should provide copies for all parties and two (2) copies for the court prior to the hearing by the dates required in the order scheduling the trial or hearing, unless otherwise ordered. These exhibits are not made part of the record until introduced and admitted into evidence at the trial or hearing.

An exhibit introduced and admitted into evidence will be given to the Electronic Courtroom Recorder Operator (ECRO) during trial or hearing. The attorney introducing the exhibit is responsible for ensuring the exhibit is admitted on the record and is given to the ECRO prior to conclusion of the hearing. The ECRO is not responsible for an incomplete record. Parties may retrieve exhibits from the ECRO after appeal time has expired. If not retrieved timely, the ECRO will dispose of the Exhibits without notice.

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Parties should present electronic exhibits in the following formats:

1. Documents and photographs in PDF format or paper
2. Audio recordings in MP3 format
3. Video recordings in MP4 format
4. Documents and photographs should be clearly labeled with the appropriate exhibit number

Courtroom Technology

The court provides equipment and presentation capabilities in all of its courtrooms. Please reference the <https://www.oked.uscourts.gov/courtroom-technology> for the latest technical information. Request for use of the evidence presentation system should be made in advance of the trial or hearing date. The court will gladly answer any questions you may have. (918)549-7200.

Fees

The Clerk's Office is required to collect fees at the time of filing for any document requiring a filing fee. All filers shall pay fees through the court approved internet payment processing vendor, pay.gov. Pay.gov may be found as a link on the Court's website. Failure to pay a fee shall result in the filer being locked out of the system until payment is made. Failure to pay shall result in the pleading being stricken and a petition or complaint being dismissed. See subsection G of these Procedures, Errors, Electronically Filing of Documents.

Transcripts

The Judicial Conference approved a policy on the electronic availability of transcripts. A restricted transcript filed by the Court will be available on the docket report for a period of 90 days from filing. 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. 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.

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 in subsection H of these procedures, Electronic Filing of Documents, Privacy Provisions.

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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.

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.

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 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. See Local Rule 5003-1

Appearance at Scheduled Hearings

A. Hearings Schedule

The court uses Chambers Automated Program (CHAP) for scheduling hearings. All hearing dates and dockets are updated automatically and can be accessed through the ChapMobile App, on your mobile device. Dockets are also posted on the website. Dockets on the web site may not be automatically updated. Dockets on the website or ChapMobile App are for the convenience of counsel and should not be relied on as a final docket since pleadings can be filed 24 hours a day that could change the docket.

B. Conferences

The court conducts all pre-trial and status conferences via telephone conference unless otherwise ordered. Preliminary hearings and evidentiary hearings are conducted in person unless otherwise ordered. Notices and orders for hearing shall state the date, time and location in the notice or order.

C. Participation in Proceedings by Telephone

Participation in hearings by telephone are subject to the following provisions:

1. Only attorneys may participate by telephone in a hearing or other proceeding. Witnesses, parties represented by attorneys or pro se parties may not participate by telephone.
2. Attorneys may participate in a hearing by telephone only upon notice or order of the court.
3. No telephone appearances are allowed for trials and evidentiary hearings on contested

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matters unless otherwise ordered.

4. Attorneys who are not members of the Eastern District of Oklahoma bar shall move for admission pro hac vice before appearing in person or a telephonic proceeding. See: <https://www.okeb.uscourts.gov/attorney-admissions>
5. The court may deny any request to participate by telephone in any hearing or conference when an in-person hearing is scheduled absent an emergency.
6. Unavailability of service or loss of a telephone connection for any reason shall not be grounds for continuing a scheduled matter or reconsidering a ruling. An attorney making an appearance by telephone during a proceeding will be deemed to have heard and participated in the entire proceeding regardless of the loss of telephone connection for any reason, including loss of cellular telephone signal, accidental disconnection or discharged batteries.
7. Attorneys shall not record or rebroadcast a telephone hearing or other proceeding and shall not allow persons who have not appeared and identified themselves to the court and other participants to monitor the telephone proceeding.
8. Telephone participants in hearings are connected with the courtroom recording system *For The Record* (FTR) and are electronically recorded. To ensure the quality of the court's electronic recording of proceedings, participants may not use speaker phones or other phones that render background noise audible to other participants.
9. Telephone participants must identify themselves on the record **each time** they speak.
10. Telephone participants shall not place the call on hold at any time, in order to prevent interference from "on-hold" tones.
11. Unless the court orders otherwise, counsel participating by telephone in a scheduled in-person hearing shall bear the cost of the conference call service.

Submission of Orders and Judgments

A. Submission of Proposed Orders Upon Filing

For all motions, applications, objections to claims, and other requests for relief, the electronic Filer shall submit an appropriate proposed order at the time of filing.

The following requests for relief do not require submission of an order. The court will prepare the orders relating to these motions:

- Debtor's Motions to Convert or Dismiss Case
- Applications to Pay Filing Fee in Installments
- Applications to Waive the Chapter 7 Filing Fee
- Motions to Reopen

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B. Transmission of a Proposed Orders

Proposed orders and judgments shall be submitted to the court through the CM/ECF system choose *Bankruptcy or Adversary >Order Upload>Single Order Upload>Enter the case number>*Relate the order to the pleading requesting said relief or choose *Ex Parte*.

C. Order on Motions and Applications set for hearing

For orders or judgments regarding matters noticed for hearing or set for trial, the filer shall choose the **Order Type** as *Hearing Scheduled* and add the hearing date and time when uploading the order.

For orders or judgments regarding ex parte matters or orders resolving matters prior to a scheduled hearing or trial date, the filer should choose the **Order Type** *Ex Parte* and replace any previous order.

For orders or judgments regarding matters or orders resolving matters after a scheduled hearing or trial date, the filer should choose the **Order Type** *Hearing Held* and replace any previous order.

For orders or judgments regarding expedited matters, the filer should choose the **Order Type** *Expedited*.

D. Document Formatting

All proposed orders shall have a 4-inch margin on the **first page only**. The Judge will sign and date the order in the 4-inch margin. Thus, a signature and date line should not be included.

The last statement in the order shall state “Movant shall notify all interested parties”.

The end of the order should be noted by centering three numeral signs (###) on the last line of the order.

The law firm and the name of the attorney submitting the order should be on the last page of the order. The order does not require a signature of the attorney unless it is an agreed order.

Proposed orders must be submitted in PDF format. The Bankruptcy Noticing Center requires the use of Times New Roman or Courier in the color black and at a size of 12 points. Please use the same font throughout the proposed order or judgment.

E. Affixing Signatures

Signatures of parties or their attorneys on any agreed order or judgment must be made by means authorized under the Local Rules of this court. See: Subsection C of these Procedures, Electronic Filing of Documents, Signatures.

F. Hyperlinks

Hyperlinks are allowed in documents filed with the Court. The judiciary should not exercise any responsibility over the content at its destination. 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

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traditional citation method for the cited authority, in addition to the hyperlink.

Guidelines for Consent Orders

A. Proposed Orders Need Not Recite Facts

The proposed order should prescribe future obligations, including for example required payments or filing amended or modified plans.

B. Required Notice in the Event of Default

The proposed order must provide for service of the order, ex parte motion, affidavit or other supporting materials on debtors and their attorney (if debtors have counsel). To ensure that debtors (and their counsel) receive adequate notice of the default relief.

C. Attorney Fee Limitations

Consent orders containing requests for fees and costs totaling more than the presumptive fee shall be set for hearing in compliance with Local Rule 2016-1(D) Compensation of Professionals.

D. Relief Not Permitted in Consent Orders

The judge will not sign proposed orders that:

- a) Provide for abandonment of property in the event of default.
- b) Include language stating that any relief granted is res judicata if the case is converted to a proceeding under another chapter of the Bankruptcy Code.
- c) Recite that default relief will be granted on submission of an affidavit only. A party seeking stay relief for default of a consent order file a motion for relief, affidavit and copy of the consent order.
- d) Immediately place the debtor in default.
- e) State a creditor can “immediately” foreclose in the event of default.

E. Default by the Debtor

In the event of default by the debtor of the terms of the consent order, in order for a successor to the original party to the consent order to enforce the consent order, the successor must prove that it has succeeded to the rights of the original party.

Appeals

An Electronic Filer shall link the Notice of Appeal to the order or judgment being appealed and shall attach the order or judgment being appealed to the Notice of Appeal. The Designation of Record and Statement of Issues on Appeal shall be filed electronically with the Bankruptcy Court

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and shall comply with Local Rule 8009-1. The designation shall state the date of filing and docket entry number of each item designated. Exhibits designated must be on the record with the Clerk's Office. Transcripts designated shall be timely requested within the time set forth in Local Rule 8009-1. If a transcript is not required, the appellant shall make a written statement to that effect which may be made in the designation. If a portion of a transcript is requested the appellant must set forth in the designation which portions are requested and a statement of the issues that are intended to be presented on appeal.

Issuance of Summons for an Adversary Proceeding

An Electronic Filer should file a Complaint in the CM/ECF system using *Adversary Events* → *Open an Adversary Proceeding* the CM/ECF system will present the issued summons on the Docket Report and within the NEF of the Complaint to be served. Service of a Summons and a Complaint shall be made pursuant to Bankruptcy Rule 7004. *Local Form 7004-2(B) Certificate of Service* shall be attached to the Summons and Complaint and filed as an executed Return of Service. See Local Rule 7004-2 and Local Rule 7005-1.

If the summons and complaint are not served within seven (7) days after the summons is issued the plaintiff shall request the clerk to issue an alias summons by filing the text event: *Adversary Events* → *Other* → *Request for Issuance of Alias Summons*.

Default Judgment Guidelines

A Request for Clerk's Entry of Default shall include the following:

1. Date that the summons was issued.
2. Date the summons and complaint were served.
3. Date that the affidavit of service for the summons was filed with the Clerk's Office.
4. Date the responsive pleading was due.
5. Statement that the defendant has failed to answer, plead, or otherwise defend in the case within the time limit fixed by Bankruptcy Rule 7012(a) or the court; and
6. A statement, pursuant to Bankruptcy Rule 55(b)(1) of the Federal Rules of Civil Procedure, that the party against whom default is requested is not an infant or incompetent person; and
7. A statement, pursuant to the Service members Civil Relief Act, 50 U.S.C. App. § 521, a) declaring whether or not the defendant is in the military service and supplying necessary facts to support the declaration; or b) declaring that the plaintiff is unable to determine whether the defendant is in the military service.

Unclaimed Funds

Unclaimed funds are funds held by the Court for an owner or recipient who is entitled to money, but who has not claimed ownership. Most unclaimed funds arise when dividends (assets) are distributed by the

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case trustee to creditors pursuant to settlement of a bankruptcy case, but the property goes unclaimed. Unclaimed funds may arise out of a trustee being provided with incomplete or outdated address information for the recipient. Any party desiring to retrieve unclaimed funds may do so by following the directions contained in the instructions and filing the appropriate local forms pursuant to Local Rule 3011-1. See: <https://www.okeb.uscourts.gov/unclaimed-funds-0>

Public Access to the Docket and Documents

A. Internet Access with a Password

Any person with a valid PACER login and password may access the CM/ECF system at the court's website: PACER logins and passwords are issued by the PACER Service Center at 1-800-676-6856 or online at <https://pacer.uscourts.gov> In accordance with the mandate of the Judicial Conference of the United States, a user fee will be charged.

B. "Free Look"

An Electronic Filer account will not be charged for a one-time "free-look" (i.e., initial retrieval, download, viewing or printing of a document) when the document is accessed directly from an e-mail notification or summary of documents filed in cases in which the Electronic Filer has appeared. Once the document has been opened the document should be saved to avoid incurring fees. An Electronic Filer account with a primary email and a secondary email does not receive an additional free look. Only one free look access is given to the Electronic Filer account. Pacer fees are set forth in 11 U.S.C. Section 1930.

C. Public Access at the Clerk's Office

The public may view bankruptcy records at no charge at the courthouse during regular business hours, Monday through Friday excluding federal holidays and extraordinary circumstances. You must call the Court before coming to the Clerk's Office for services.

D. Reproducing Any Document in Paper Form

Copies and certified copies of electronically filed documents may be purchased online using pay.gov. The fee for copies and/or certifications is imposed pursuant to 28 U.S.C. §1930. The fee schedule is available on the Court's website. You may call the Clerk's Office for information on costs for specific documents filed in the case. After payment is made online the copies and certified copies are transmitted to the customer by email.

Approved this 29th day of July 2022.

S/Paul R. Thomas
United States Bankruptcy Judge