

# UNITED STATES BANKRUPTCY COURT DISTRICT OF DELAWARE

## ADMINISTRATIVE PROCEDURES FOR ELECTRONICALLY FILED CASES



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## REGISTRATION FOR THE ELECTRONIC FILING SYSTEM (“ECF System”)

1. Designation of Cases. All new and open chapter 7, 12, 11, 13, and 15 cases and their related adversary proceedings shall be assigned to the Electronic Filing System.
2. Registration.
  - A. A registration form shall be submitted electronically by accessing the link on our website at <https://ecf.deb.uscourts.gov/AttorneyReg/>.
  - B. Each attorney admitted to practice in this Court and in good standing shall be entitled to an ECF System password to permit the attorney to participate in the electronic retrieval and filing of pleadings and other documents in accordance with the ECF System. A non-attorney or creditor attorney shall be entitled to an ECF system password to permit the filing of a limited scope of documents such as *Reaffirmation Agreements* and *Requests for Service of Notices*. Additional passwords may be issued, on a case by case basis, as deemed appropriate by the Court.
3. Passwords.
  - A. Each party registering in the System will receive an email message after their password has been assigned. This is to insure that the party’s email address has been entered correctly in the ECF System. Once the email address has been confirmed by the Registrant, a confirmation email will be sent within 2 business days notifying that the account has been established. .
  - B. No authorized registrant shall knowingly permit, or cause to permit, his/her login/password to be utilized by anyone other than an authorized member

or employee of the attorney's law firm. The ECF System login/password constitutes the registrant's signature for all purposes.

- C. Registrants may find it desirable to change their court assigned passwords periodically. This can be done by accessing the menu option "Maintain Your ECF Account" under the **[Utilities]** menu in ECF. In the event that a party believes that the security of an existing password has been compromised, and that a threat to the ECF System exists, the party shall give immediate notice to the court's HelpDesk by telephone at (302) 252-2949 and/or via email at DEBml\_ITHelp@deb.uscourts.gov in order to prevent access to the ECF System by use of that password.

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

1. Filings.
  - A. Except as expressly provided for in paragraph C below, or as ordered by the Court, all motions, pleadings, memoranda of law, or other documents required to be filed with the Court in connection with a case assigned to the ECF System shall be electronically filed on the System.
  - B. All documents which form part of a pleading and which are being filed at the same time and by the same party may be electronically filed together under one docket number. Each component shall be broken down into attachments For example, when filing a motion, the filing shall include a *Proposed Form of Order*, *Notice of Motion* and *Certificate of Service* filed as attachments with a maximum PDF file size limit of 15MB for each document.
  - C. In the event that the Electronic Filing System is unavailable due to the Court experiencing technical difficulties, the filing party should email the

Court's HelpDesk at [helpdeskde@deb.uscourts.gov](mailto:helpdeskde@deb.uscourts.gov) and advise of same. A second method would be to come to the Clerk's Office to use one of the public access terminals in the lobby.

- D. In the event that the end-user is experiencing technical difficulties, the same procedure should be followed. Once the Electronic Filing System becomes available, the party may, if they choose to, file a *Request to Change Filing Date/Time*. This event is located under the ECF menu titled **[Bankruptcy][Notices]** (or) **[Adversary][Notices]**.

2. Service.

- A. Each person electronically filing a pleading or other document shall serve the pleading or document on those parties entitled by the Federal Rules of Bankruptcy Procedure (FRBP) or the Local Rules (LR). When required, service of a paper copy is to be done in the manner provided in the FRBP and the LR.
- B. Courtesy copies shall be provided to the assigned judge upon request. Paper copies of the *Notice of Electronic Filing* ("NEF") shall accompany the courtesy copy of the electronically filed pleading or document. The courtesy copy of the electronically filed pleading or document shall be clearly marked "ECF CASE - COURTESY COPY." Please see the [Chambers Procedures](#) section of the Court's website for additional information regarding specific procedures for specific judges.
- C. A party filing electronically is not required to serve the pleading or other document (other than the *Notice of Electronic Filing* generated by the ECF System) on any party who is a registered Electronic Case Filing participant and has been issued a live ECF System password. Upon

filing of any pleading, the ECF System will send a *Notice of Electronic Filing* (“NEF”) to all registered ECF participants and the confirmation received by the filing party will contain a list of all parties receiving such notice.

3. Signatures.

A. Use of the Users login/password constitutes the User’s signature for all purposes for documents which must contain original signatures.

B. Any document containing original signatures shall indicate on the electronically filed document a signature by noting - “ /s/ Jane Doe.”

The originally executed document shall be maintained by the filer.

4. Fees Payable to the Clerk. Filers will pay any incurred filing fees in

CM/ECF with a credit card at the time of filing or by the close of business. Attorneys and their staff should be prepared to have credit card information on file with

[Pay.Gov](#). Acceptable credit and debit cards are Mastercard, Visa, Discover &

American Express. Filers have the option to pay the fees at the end of each filing

by selecting ‘**Pay Now**’, or continue filing until all documents requiring fees have

been filed by selecting ‘**Continue filing**’, or at the end of the day for all transactions

selecting [**Utilities**][**Internet Payment Due**]. The Court monitors prompt payment of

fees. If any filing remains unpaid, the filer’s ECF password may be disabled. Once a payment has been fully executed, a receipt entry will be made on the docket.

5. Orders. A form of proposed order must be filed with every pleading which request’s relief (i.e., Application, Motion, Complaint, Answer or Objection).

6. Hearing Dates. If the motion or other document electronically filed is to be set for

hearing, the filing party must obtain a hearing date and time in accordance with

[Local Rules](#) and [General Chambers Procedures](#) before filing.

7. Docket Entries. The person electronically filing a pleading or other document will be responsible for designating a title for the document by using one of the entries contained in the *Docket Event Dictionary*.
8. Retention of Original Signature Documents. The attorney or other user electronically filing a document shall retain the paper document containing the original signature(s) for the longer period of one year after the case is closed or all appeals are finalized unless the court orders a different period. This retention does not affect or replace any other retention period required by other applicable laws or rules. If the original document is returned to the client, the attorney shall advise the client of the requirement to retain the document as stated above.

## CONVENTIONAL FILING OF DOCUMENTS

1. Conventional Filings. If the document is being filed conventionally, except in an instance where the ECF system is unavailable, it must be accompanied by an affidavit stating the reason(s) as to why the document is being filed conventionally and shall be in an acceptable form (i.e. photographs are not acceptable). If the document is being filed after normal business hours, it can be filed in the after-hours drop box located in the first floor building lobby.
2. Service of Conventional Filings. Paper copies of pleadings or other documents which are filed conventionally rather than electronically shall be served on those parties provided in the FRBP and LRBP except as otherwise required by the Court.

## PUBLIC ACCESS TO THE SYSTEM DOCKET

1. Internet Access without a Password. Any person or organization with a valid PACER login and password may access the ECF System at the Court's Internet site at <http://www.deb.uscourts.gov/general-information>. Such access to the ECF System through the Internet site will allow retrieval of the docket sheet and documents and will be on a "read only" basis.
2. Public Access at the Court. The public will have electronic access to the documents filed in the ECF Systems and to the ECF System docket in the Office of the Clerk for viewing during regular business hours, Monday through Friday.
3. Conventional Copies and Certified Copies. Paper copies and certified copies of the electronically filed documents may be purchased at the Office of the Clerk, 824 Market Street, 3<sup>rd</sup> Floor, Wilmington, Delaware 19801 during regular business hours Monday through Friday. The fee for copying and certification will be in accordance with 28 USC Section 930.