



**Summer 2007 Newsletter
US Bankruptcy Court
Eastern District of Kentucky**

The U.S. Bankruptcy Court, Eastern District of Kentucky's [Newsletter](#) is a publication of court policies, procedures, and information designed to assist the members of the bar and the public.

Joseph M. Scott, Chief Judge

William S. Howard, Judge

Joe Lee, Recalled Judge

Jerry D. Truitt, Clerk

You are receiving this e-mail because you, or a member of your staff, are registered for the court's Electronic Case Filing system (CM/ECF), or you have requested we keep you up to date on our services. Here are some important announcements.

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Fee Payments

Remember, all fee payments due the Court should be paid daily. Please initiate office procedures that include routinely checking for fees due and processing payments promptly.

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Vista Not CM-Ready

Microsoft has released a new version of its Windows software called **Vista**. Since it is such a major change to previous Windows versions there may be compatibility issues that need to be resolved. Compatibility with **CM/ECF has NOT been thoroughly tested with Vista and therefore we cannot support your use of it at this time**. Also note that much of the software on your current computers may not run, either. One notable item is your petition preparation software. Thorough testing on non-production machines is **STRONGLY RECOMMENDED**.

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CM Version 3.1 Upgrade

CM Version 3.1 is designed to work with Netscape 7.2 and Internet Explorer 6, and may not function correctly with other versions of these browsers. (Pay.gov, the agency that processes credit card payments for the Judiciary, requires the use of Internet Explorer.) For those users who prefer to use Netscape to file documents in CM/ECF, you will need to choose the “Continue Filing / Pay Later” option for any accrued fees. Within 24 hours of accumulating the fee, the filer, or their designee, will need to login to CM/ECF using Internet Explorer (IE) to pay the required fee by selecting the “Utilities Menu” and choosing the “Internet Payments Due” option.

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Wireless Internet Access Discontinued

Wireless internet access in our Lexington courtrooms has been **discontinued** by the new owner of the wireless system. If the service becomes available again, we will work to offer it to our attorneys and staff. Watch our website at <http://www.kyeb.uscourts.gov/> for the most current news.

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New Electronic Bankruptcy Noticing Options Available through the E-mail Link Service

We now offer additional electronic mail notification options for bankruptcy case participants. The E-mail Link service was developed to provide creditors fast, easy, and free electronic access to their bankruptcy notices in place of paper notices received through the U.S. Mail. The service is provided through the national Bankruptcy Noticing Center/Electronic Bankruptcy Noticing program. The new service provides subscribers with e-mail containing links to Adobe Portable Document Format (PDF) versions of court notices in place of paper. E-mail Link is aimed at the large volume of non-Case Management/Electronic Case Files (CM/ECF) creditors who receive the majority of the notices in paper format (e.g., creditors listed in the debtor's schedules who may not have attorney representation). All notice types can be sent by E-mail Link.

Three subscriber options are available:

Option 1 - Single e-mail, per day and court, with a list of links (up to 25) to individual PDF files for each notice to the subscriber for that day; or

Option 2 - Multiple e-mails per day, with each e-mail containing a single link to a single PDF file for each notice transmitted to the subscriber for that day, separated by court; or

Option 3 - A single daily e-mail with a link to one PDF file that contains a compilation of all the notices transmitted to the subscriber for that day, separated by court.

There are no registration fees, commitments, or other obligations required in order to use E-mail Link. The only program requirement is that you have a valid e-mail account that you agree to maintain. For additional information, visit the Electronic Bankruptcy Noticing web site at <http://www.ebnuscourts.com/>, or call the toll-free support line at (877) 837-3424.

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Filing an Amendment to Debtor's Social Security Number

Due to the privacy rules that took effect on 12/1/03, you will need to follow these instructions for the two-part process:

1. Amendment to Petition Pages
 - a. Create an amendment, in PDF format, which lists the last 4 digits of the SS# only.
 - b. Electronically file this using Bankruptcy/Miscellaneous/Amendment to Petition Pages.
 - c. DO NOT combine this event with step #2.
 - d. DO NOT include form 21 with this event.
2. Form 21 (only needs to be filed IF the social security number originally filed with the court is incorrect).

- a. Create Form 21, in PDF format, providing the entire SS# of the debtor(s).
- b. Electronically file Form 21 (Statement of Social Security Number) using Bankruptcy/Miscellaneous/Form 21. This is a private entry and can only be viewed by court personnel (trustees and UST do not have access to this entry).

Service of amendment – Serve both documents upon all creditors and parties in interest (this includes the trustee and UST). [Back to top](#)

Changes to On-Line Payment System

ATTENTION all users of Pay.Gov:

If you use a credit card to pay filing fees to the Court through CM/ECF, please read the following important information. Effective Thursday, February 1, 2007, Pay.Gov updated their software. In addition to requiring users to insert their credit card account number, type of card and expiration date, the new software will prompt payers to provide their "security code". [The security code is usually a 3-digit numerical code located on the reverse side of your credit card, following your account number.] The population of the security code field is mandatory as of February 1, 2007. Please notify the appropriate personnel on your staff of this change.

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Changes to Frankfort Motion Day Hearings

All Frankfort motion day hearings are now heard at Lexington (2nd floor courtroom) beginning at 10:00 a.m. See Standing Order effective June 1 at <http://www.kyeb.uscourts.gov/kyeb/Rules/SO20070601.pdf>

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PC Users: Beware of Keyloggers!

Keyloggers are a form of "spyware" by which others can monitor every keystroke on your PC, including your passwords, bank accounts, credit card numbers, and so on. They can be very difficult to remove from your PC and can cost you a great deal of time, money, and effort. In order to avoid getting infected by these, keep your operating system patches up to date, and run anti-virus software regularly along with an anti-spyware and adware-removal program. Monitor what programs are running on your PC and stop and inspect any unusual ones. Running a firewall will not necessarily stop a keylogger infection, but can limit its spread. If your PC is infected by a keylogger virus, most standard anti-virus programs such as Symantec and McAfee can detect and remove such threats as long as your anti-virus signature files are kept up to date. If we discover your CM or Pacer account has been compromised, we will be forced to lock your account and create a new password for you.

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Check Your Creditor Matrix File!

Additional checks are now being made to prevent bad data from being uploaded with the creditor matrix file. Each line must begin with a letter, digit, or one of these characters: # % & @ (no other characters are acceptable).

Due to this change, one commonly used character that can no longer be used at the beginning of a line in the creditor text file is a parenthesis, for example:

Joe Smith
(Unknown address).

If a parenthesis is the first character of any line, the creditor text file will fail to upload, although the rest of the case opening process will proceed normally, and your case will be filed. You will see a notice of filing at the end of the transaction as usual; however, it should include this error message at the top: "Error! A line in the uploaded creditor matrix starts with a non-word character. Please cleanup the file and resubmit. An error occurred while loading creditors."

How to correct:

1. Remove the parenthesis from your creditor text file and save the change.
2. Log into CM/ECF and click on Bankruptcy – "Creditor Maintenance" – "Upload a creditor matrix file". Enter the case number of the case you just filed and then browse and attach the corrected creditor text file.

Note: Do not attempt to upload the creditors using your petition preparation software, or you will file another new case.

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Forms Changes

Proposed Amended Bankruptcy Official Forms Effective December 1, 2007

The Advisory Committee on Bankruptcy Rules and the Committee on Rules of Practice and Procedure have recommended approval of proposed amendments to a number of Bankruptcy Official Forms. If approved by the Judicial Conference at its meeting in September, the amendments would be effective on December 1, 2007.

Draft copies of amended forms and Committee Notes setting out changes in the forms have been provided in order to give the courts, attorneys, software vendors, publishers, and the public time to prepare for using the amended forms. The proposed amendments are provided for your information and may be viewed at <http://www.uscourts.gov/bankform/index.html>. The amended forms will not be final until they have been approved by the Judicial Conference.

Amendment to Schedules

This form has been modified to reference lists, schedules, and/or statements. It also no longer states that separate schedules must be amended separately. A Word and WordPerfect version of the form are available on the website under Local Forms at

http://www.kyeb.uscourts.gov/kyeb/Rules/Rules_1997.htm - FORMS See Form #13.

Bankruptcy Subpoena Forms

The Bankruptcy subpoena forms were updated to reflect a Rule change. The Bankruptcy subpoena forms: B-254 (Subpoena for Rule 2004 Examination), B-255 (Subpoena in an Adversary Proceeding), and B-256 (Subpoena in a Case Under the Bankruptcy Code), have been updated to reflect the “electronic discovery” amendments to the Federal Rules of Civil Procedure that took effect

on December 1, 2006. The revised forms are posted at
http://www.uscourts.gov/bkforms/bankruptcy_forms.html

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Docket Event Changes and New Events

BAPCPA required the collection of additional data in consumer cases effective 18 months after enactment of the Act. The Director of the Administrative Office of the United States Courts is required to compile the data and submit annual reports to Congress beginning no later than July 1, 2008. Besides the data required from the Act, additional statistical elements are now required by the Judicial Conference's Committee on the Administration of the Bankruptcy System. For these reasons, the current release of CM/ECF is designed to "map" certain events by assigning mapping codes during the docketing process.

Because CM/ECF allows for the reporting of a great deal of statistical information, it is very important that docket events are used correctly. **Several events now refer to specific sections of the Bankruptcy Code or Rules and should only be used if the document you are filing relates to that particular section.** Listed below are examples of docket events that are occasionally misused:

1. **Amended Schedules** – These events have been changed and now appear as follows:

- **Amended Schedules A-H, Matrix**
- **Amended Schedules I and/or J**
- **Amendment to Petition Pages**

When filing an amendment to Schedules A, B, D, E, F, I, and J, you will be prompted to enter a new amount for that schedule. **Please note that the amount to be entered should be the "Grand Total", including the original amount for that schedule, plus**

any amounts added by the amendment. Do **not** simply enter the total amount for the amendment only.

If amending a document *other* than the schedules, matrix, or petition pages, please use the specific event for that document and select “Amended” from the drop-down list within that event, or insert “Amended” in text. Do not use the amendment events listed above for other documents.

2. Certificate of Service of Tax Information to Taxing

Authority – this event refers specifically to Section 521(j)(2), and should not be used for any other purpose. It is not necessary to file a certificate of service to reflect compliance with an Order to Debtor directing turnover of documents to the trustee, with the exception of the Certificate of Service re: Payment Advices.

3. Motion to Dismiss – We now have multiple events for motions to dismiss that are very specific. These specific dismissal events are not to be used unless they match the reason for dismissal in the motion being filed. If there is no specific match, then use the general Motion to Dismiss event. The more specific motion to dismiss events are as follows:

- **Dismiss Case for Abuse**
- **Dismiss Case for Failure to File Taxes** [specific to 11 USC § 521(j)(1)]
- **Dismiss Case for Failure to Make Plan Payments**
- **Dismiss Case under 521(a)(1)** – [for failure to file documents required under 11 USC § 521(a)(1)]

4. Motion to Confirm Termination or Absence of Stay –

Should not be confused with a motion for contempt for

violation of the automatic stay or a motion to recover property.

5. **Motion to Approve** – Frequently, we find that this more generic event is used when a better choice would be one of the more specific events. For example, when filing a document styled as “Motion to Approve Sale,” and the sale falls under 11 USC § 363, you should file this motion using one of these two events instead:

- **Sell Free and Clear of Liens**
- **Sell Property under Section 363(b)**

Likewise, when filing a “Motion to Settle” or “Motion to Approve Compromise,” and either falls under FRBP 9019, you should file these using the following event:

- **Compromise Controversy under Rule 9019**

6. **Motion to Suspend Plan Payments** – Please note that this event has been removed from the motion pick list. These should now be filed using the event **Motion to Modify Confirmed Plan.**

Listed below are some new motion events that have been added since October 1, 2006. (This is not a complete list – all events are subject to change):

- Abstention Under Section 305
- Authority to Obtain Credit Under Section 364
- Avoid Lien on Household Goods
- Confirm Termination or Absence of Stay
- Continuation of Utility Service
- Damages for Creditor Misconduct

- Extend Time to Appeal Under Rule 8002(c)
 - File Amended Proof of Claim
 - Modify Confirmed Plan
 - Restrict Public Access
 - Sanctions Under USC 28 Section 1927
 - Sanctions for Debtor's Attorney
 - Sanctions for Violation of the Automatic Stay
 - Sanctions for Violation of the Discharge Injunction
 - Schedule of Unpaid Debts (Conversions Only)
 - Sell Property under Section 363(b)
 - Setting Property Value
 - Split Case (Bifurcate)
 - Turnover of Property
 - Use of Cash Collateral (Conditional)
- **Ch. 11 First Day Motions** – Specific events for common first day motions have been added. The new events are grouped together on the pick list beginning with the words "Ch 11 Motion..." **Please use these events when filing all chapter 11 first day motions if a more specific event does not already exist.** For example, if you are filing a motion for use of cash collateral, you will still need to select "Use of Cash Collateral" from the motion list rather than editing one of the chapter 11 first day motion events. For other first day motions that do not have a specific event, but are not an exact match for the listed first day motion events, you should select one of the first day motion events and edit the text as necessary to match your motion. **Please do not use generic events such as**

**"Miscellaneous Relief" or "Approve" for any
chapter 11 first day motions.**

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Important Information about Your E-Mail Address

The Administrative Office of the Courts has recently advised courts to delete the e-mail addresses of those attorneys whose e-mails are consistently bounced back to the court as undeliverable. Since e-mail is the main method of service of pleadings, it is important that you are aware of the following change in policy.

In all cases, it is up to the attorney, not the court, to ensure that they receive e-mail notices in a timely manner. The attorney has the ability to run an activity report ("Activity in My Cases") to help determine what e-mails they may have missed. The Clerk's office will not re-send lost e-mails.

The Clerk's office will make every effort to ensure that e-mail delivery failures due to isolated circumstances beyond the recipient's control are delivered when the problem is resolved. The following examples are not inclusive but serve to help clarify possible scenarios.

Examples of e-mail failures not within the filer's control:

- Internet service provider problems.
- Internet service provider installs a new spam filter.

Examples of e-mail failures within the filer's control:

- Lack of earnest attempt by recipient to resolve an e-mail issue
- Repeated unsuccessful attempts to contact a law firm for problems that may or may not be outside their control.

- An attorney that leaves a law firm. The attorney leaving the firm is responsible for updating their account with their new information, including address, phone number, and e-mail. If the cases the attorney was involved in before the move will not be retained by that attorney, then another attorney must be substituted in those cases. This can be accomplished by an agreed order substituting counsel, or by motion and order substituting.
- E-mail address no longer valid for whatever reason (includes 2nd and 3rd addresses).
- Repeated unresolved problems i.e. with an IS provider.
- E-mail box is full.
- Spam filter on local computer.
- Unreported temporary discontinuance of e-mail service.

An undeliverable e-mail address of two weeks or more will be removed from the recipient's registration information, and the attorney's account will be locked out. The attorney will have to call the Clerk of Court to have their account re-enabled.

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Important Phone Numbers

ECF Help Desk Phone Numbers:

CM Filing Help Desk (859) 233-2608 ext. 274 for help with filing documents

CM Tech Help Desk (859) 233-2608 ext. 273 for help with technical support

E-Mail and Noticing (859) 233-2608 ext. 130

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