

# ADMINISTRATIVE PROCEDURES MANUAL

Effective November 2016

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**I. APPLICABLE DISTRICT COURT JOINT LOCAL RULES:**

Unless this Court directs otherwise, in addition to the Local Rules of the U.S. Bankruptcy Court for the Eastern District of Kentucky, the following Joint Local Rules of the U.S. District Courts for the Eastern and Western Districts of Kentucky (available at: <http://www.kyed.uscourts.gov/?q=rules-and-forms>) are applicable in matters before the Court.

|                  |  |
|------------------|--|
| LR 26.1          | Discovery Responses                              |
| LR 37.1          | Motions Relating to Discovery                    |
| LR 54.3          | Time for Filing Bill of Costs                    |
| LR 65.1.1        | Bond and Surety Requirements                     |
| LR 83.1          | Attorney Admission to Practice                   |
| LR 83.2          | Permission to Practice in a Particular Case      |
| LR 83.3          | Attorney Discipline                              |
| LR 83.4          | Local Counsel                                    |
| LR 83.6(a) & (b) | Substitution or Withdrawal of Attorney of Record |
| LR 83.13(a)      | Advance Payment of Fees – Generally              |

**II. ECF CERTIFICATION AND ELECTRONIC FILING OF PLEADINGS:**

All cases, proceedings, pleadings and documents must be filed electronically using the Electronic Case Filing (ECF) System unless otherwise specified herein. Paper filings must be accompanied by a motion for permission to file by means other than electronically and state the specific reasons that the filing cannot be made using the ECF System.

Attorneys admitted to the bar of this Court, including those admitted pro hac vice, and others as the Court deems appropriate, must receive training and register to become Certified Users of the Court's ECF System.

**III. ECF TRAINING AND REGISTRATION:**

The ECF training schedule is available at: <http://www.kyeb.uscourts.gov/sign-training>.

The registration forms to become a Certified User are available at <http://www.kyeb.uscourts.gov/registration-forms-0> or upon request from the Court. A completed registration form must be emailed to [ecf\\_registration@kyeb.uscourts.gov](mailto:ecf_registration@kyeb.uscourts.gov) by means of the email address that will be assigned to the Certified User's ECF account. If the registration form is submitted by a party other than the individual seeking ECF certification, the email address of the proposed Certified User must be provided in the "copy to" field of the email when submitting the ECF registration form.

**IV. ECF ACCOUNT SECURITY AND MAINTENANCE:**

No Certified User or other person may knowingly permit or cause to permit a Certified User's ECF login and password to be used by another other than an

authorized agent of the Certified User. In the event a Certified User believes the security of the user's password has been compromised, the Certified User must immediately change his/her password.

It is the responsibility of the Certified User to modify his/her ECF account if any of the Certified User's personal information changes, e.g., the Certified User's name, email address, mailing address, or telephone number. A Certified User may withdraw from participation in the ECF System by providing the Clerk's Office with written notice of withdrawal.

#### **V. ELECTRONIC NOTICE, SERVICE AND WAIVERS:**

Registration as a Certified User constitutes:

(a) a waiver of the right to receive notice or service, including notice of the entry of judgments or orders under [FRBP 9022](#), by any method of service other than via the ECF System; and

(b) consent to electronic service except for service of (i) a summons and complaint under [FRBP 7004](#) and (ii) subpoenas issued under [FRBP 9016](#).

#### **VI. SIGNATURES AND ATTORNEY APPEARANCES:**

Use of a Certified User's ECF login and password, together with the attorney's name on the signature block, to submit documents to the ECF System serves as the Certified User's signature for FRBP 9011 and all purposes for which a signature is required under applicable law or in connection with proceedings before this Court.

The electronic filing of a document using the Certified User's ECF login and password, adds the Certified User as counsel of record for the party on whose behalf the document was filed. Other attorneys who wish to receive electronic notice, including attorneys in the same law firm, must file a separate Notice of Appearance or other document with his/her ECF login and password. Certified Users who wish to stop receiving electronic notice in a case or proceeding must file a motion requesting approval of their withdrawal as counsel of record.

A document electronically filed by a Certified User must include a signature with the Certified User's name preceded by "/s/" and typed in the space where the signature would otherwise appear; e.g.: /s/ Certified User, and list all relevant contact information including address, telephone number, email, and role of filer. Other signatures on an electronically filed document must be in similar format; e.g.: /s/ Debtor.

A handwritten signature is required for any document filed in paper.

When an agreed order is tendered for entry, it is the responsibility of the tendering Certified User to confirm that each counsel's signature that appears on the agreed order is admitted to practice in this District, has been granted admission to

appear pro hac vice or is exempt pursuant to local court rule. See, e.g. [KYEB LBR 9010-1\(a\)](#).

Electronically filed documents that require original signatures from any person other than the Certified User must be maintained by the Certified User in paper form, bearing the original signatures, until the later of one year after the closing of the case or all time periods for appeals have expired. This requirement does not excuse compliance with other applicable laws or rules governing retention of such documents. Upon the Court's request, the Certified User must provide the original signed documents for review.

A Certified User required to maintain an original signature under the immediately preceding paragraph may comply by using an image of the signature on the document filed. In addition to any other law or rule, tendering a document with an image of a signature shall act as a representation and certification that the Certified User (i) transmitted the entire document to the signer for review and approval, (ii) communicated with the signer regarding the substance and purpose of the document, (iii) received the entire document back with an image that is believed to be the signature of the signer, and (iv) has express authorization from the signer to file the document. The Certified User must take steps to obtain the original signed copy within 30 days of execution and maintain the copy according to the immediately preceding paragraph.

#### **VII. CLERK'S OFFICE – LOCATION AND HOURS:**

The Clerk's Office of the U.S. Bankruptcy Court for the Eastern District of Kentucky is located at 100 East Vine Street, Suite 200, Lexington, KY 40507. The mailing address is U.S. Bankruptcy Court, PO Box 1111, Lexington, KY 40588-1111.

Business hours and contact information for emergency filings after business hours are available at <http://www.kyeb.uscourts.gov/hours>.

#### **VIII. HEARING DATES AND TIMES:**

Motions, objections, applications, and responses to any such motions, objections or applications, shall be noticed for hearing in the division in which the case is pending, unless otherwise ordered by the Court.

Refer to the calendar posted at <http://www.kyeb.uscourts.gov/calendar> for the current hearing dates for each division and judge.

See also [KYEB LBR 5070-1](#).

#### **IX. FEES – FORM OF PAYMENT:**

All fees and other sums payable to the Clerk of the U.S. Bankruptcy Court must be paid by the methods posted at <http://www.kyeb.uscourts.gov/fees>.

**X. INSTALLMENT PAYMENT OF FEES:**

The fees and charges required by [28 U.S.C. § 1930](#) for filing a petition for relief under [Title 11](#) must be paid in not more than four installments as follows:

- a) payments in \$83.75 increments for chapter 7; or
- b) payments in \$429.25 increments for chapter 11 (for an individual); or
- c) payments in \$68.75 increments for chapter 12; or
- d) payments in \$77.50 increments for chapter 13.

See also [KYEB LBR 1006-1](#).

**XI. PACER ACCOUNTS:**

A Certified User of the ECF System will receive email notification of docket activity that occurs in a case after the date and time he/she enters an appearance in the case. A Certified User can view each document or activity once without incurring a fee by accessing it through the hyperlink in the email notice.

A Certified User of the ECF System must have a PACER account to perform a query, to view or print a report, or to view or print a document that was not received via email. Each Certified User accessing the ECF System using a PACER account will incur applicable fees pursuant to the Electronic Public Access Fee Schedule available at [www.uscourts.gov/services-forms/fees/electronic-public-access-fee-schedule](http://www.uscourts.gov/services-forms/fees/electronic-public-access-fee-schedule).

A report or document may be viewed and a query may be performed using the public terminals located in the Clerk's Office without incurring a PACER fee and without a PACER account, but the applicable Clerk's Office fee will be charged for copies printed from the public terminals.

To register for PACER, and for information regarding fees, contact the PACER Service Center at [www.pacer.gov](http://www.pacer.gov) or 1-800-676-6856.

**XII. ORDER OF PETITION AND ACCOMPANYING DOCUMENTS:**

The following documents should be included in the petition PDF in the order shown below if the petition preparation software allows this setup. Any document listed below that cannot be created or rearranged with the petition preparation software may be filed in a different sequence or filed separately after the filing of the petition:

- PETITION PAGES
- SCHEDULE A/B
- SCHEDULE C
- SCHEDULE D
- SCHEDULE E/F
- SCHEDULE G
- SCHEDULE H
- SCHEDULE I
- SCHEDULE J
- DECLARATION CONCERNING DEBTOR'S SCHEDULES

SUMMARY OF ASSETS/LIABILITIES AND STATISTICAL INFORMATION  
STATEMENT OF FINANCIAL AFFAIRS  
STATEMENT OF CURRENT MONTHLY INCOME  
NOTICE TO INDIVIDUAL CONSUMER DEBTOR(S) (if applicable)  
DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR  
INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION (if ch. 7)  
CERTIFICATION REGARDING CH 13 RIGHTS AND RESPONSIBILITIES (if applicable – may be filed with the petition or within 14 days)

If not automatically uploaded by your petition preparation software, a list of all creditors must be manually uploaded in text file format. To upload manually, click on "Bankruptcy," "Creditor Maintenance," and then click "Upload list of creditors file." For further instruction on formatting the list of creditors, refer to Section XIV MAILING LIST FORMAT.

The following items, if applicable, should be filed as separate, individual documents:

CERTIFICATE OF CREDIT COUNSELING  
CHAPTER 13 PLAN  
CERTIFICATE OF SERVICE OF THE CHAPTER 13 PLAN  
APPLICATION TO PAY FILING FEE IN INSTALLMENTS  
APPLICATION FOR WAIVER OF CHAPTER 7 FILING FEE  
INITIAL STATEMENT ABOUT AN EVICTION JUDGMENT AGAINST YOU  
CORPORATE RESOLUTION or ENTITY AUTHORIZATION  
LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS (if ch. 11)  
LIST OF EQUITY SECURITY HOLDERS (if ch. 11)

### **XIII. REGISTER OF GOVERNMENT ADDRESSES:**

Pursuant to FRBP 5003(e), a register of mailing addresses of federal and state governmental units and certain taxing authorities is available at <http://www.kyeb.uscourts.gov/frbp-5003e-register-addresses>.

See also [KYEB LBR 1007-2](#).

### **XIV. MAILING LIST FORMAT:**

For petitions filed electronically, the names and addresses of entities uploaded to the case will suffice as the mailing list as long as the creditor text file complies with the guidelines set out below in order to assure proper uploading. For paper petitions, the debtor must prepare and submit to the Court, at the time the petition is filed, a mailing list that complies with the guidelines set out below. The accuracy and completeness of this listing of entities contained in Schedules D-H is solely the responsibility of the debtor and the debtor's attorney. Failure to comply may cause the petition to be dismissed.

- a) Characters should be a standard block-style type (e.g. Courier or Times Roman). Type should **NOT** be proportional, italic, bold or exotic.

- b) Create only one column of creditors per page. See Sample Mailing List below.
- c) Each line must be 40 characters or less in length.
- d) Names of individuals should be entered in first name, middle name, and then last name format. For example, a creditor named "Fred Jones" should be listed on the list as "Fred Jones" not "Jones, Fred."
- e) Names and addresses should not contain any punctuation other than hyphens.
- f) Each line must begin with a letter, digit, or one of these characters: # % & @. Note that the use of parenthesis at the beginning of any line will result in failure of the entire creditor text file to upload.
- g) Addresses must be single spaced and no name and address can be longer than 5 lines.
- h) Leave at least one (1) blank line between each entity listed.
- i) Do **NOT** type "attention" lines or redacted account numbers on the last line. If needed, this information should be placed on the second line of the name/address. The last line of an address must be the city, state and ZIP code.
- j) Do **NOT** use abbreviations for city names. Example: Phila. for Philadelphia.
- k) All states must be two-letter abbreviations. Example: correct = KY; wrong = Kentucky. Do **NOT** use punctuation within the two-letter state abbreviations (Example: N.D. would be incorrect).
- l) Nine-digit ZIP codes should be typed with a hyphen separating the two groups of digits.
- m) Do not duplicate names and addresses. Entities with more than one (1) address may be listed as many times as necessary to assure proper notice.
- n) Do **NOT** include the following entities since they will be retrieved automatically by the computer for noticing:
  - Debtor and Joint Debtor
  - Attorney for the Debtor(s)
  - U.S. Trustee

**SAMPLE MAILING LIST IS ON THE FOLLOWING PAGE**

Robert S Smith  
RFD 1 Box 66A  
Marshall VA 22115

Dept of Education  
811 Vermont Ave NW #772  
Washington DC 20544

Bank One  
6213 Dunleavy Blvd  
Springfield VA 22152

Bobby Ray Jones  
312 N Spring St #810  
Los Angeles CA 90012

Social Security Administration  
506 Federal Building  
34 Civic Center Plaza  
Lexington KY 40507

National City Bank  
100 E Vine St  
PO Box 1290  
Lexington KY 40588-1290

Fifth Third  
Acct #xxxxx6789  
1130 O Street  
Covington KY 41011-1324

Dr John Doe  
c/o ACME Collection Agency  
1130 12th Street #C  
Cincinnati OH 45202-4109



#### **XV. MAILING LIST IN A CONVERTED CASE:**

For cases converted to another chapter – **only post-petition** creditors need be listed on the new mailing list.

#### **XVI. MAILING LIST WHEN FILING AN AMENDMENT TO THE SCHEDULES THAT ADDS OR DELETES AN ENTITY OR CHANGES AN ADDRESS:**

An amendment adding or deleting an entity or changing the address of an entity on Schedules D-H must include a separate mailing list identifying the name and address of only the entities being added, deleted, or affected by the amendment. A **separate** list page is required for entities being "added," for entities being "deleted," and for those entities that require "correction."

See also [KYEB LBR 1009-1](#).

#### **XVII. AMENDING A DEBTOR'S SOCIAL SECURITY NUMBER:**

Docket the amendment using the code "Amendment to Petition Pages" in the "Miscellaneous" category and attach a PDF of the amendment that shows only the last four (4) digits of the social security number.

The corrected, complete social security number must be provided to the Court by electronically filing the revised Statement of Social Security Number ([Official Form 121](#)) using the code "Statement of Social Security Number (Form 121)" in the "Miscellaneous" category.

See also [KYEB LBR 1009-1](#).

#### **XVIII. PROPOSED ORDERS:**

Proposed orders are to be tendered as attachments to the corresponding motion or other document. When attaching the order select "Proposed Order" as the type of attachment. When an agreed order or a proposed order is tendered after the motion or other document was filed, the "Proposed Order Submitted" event must be used. This event is currently in the "Miscellaneous" category. When appropriate, the proposed order should be linked to the relevant motion or other document. A proposed order must be linked to only one motion or other document.

#### **XIX. ATTACHMENTS AND EXHIBITS:**

Unless otherwise ordered by the Court, Certified Users must submit in electronic form all documents referenced as exhibits or attachments. Attachments in the ECF System are any documents being filed as an exhibit or attachment to the main document. To control the size of PDF files, the main document and any attachments are limited in size to 35 megabytes (MB) each. Because documents scanned in color or containing graphics take much longer to upload, filing parties must configure their scanners to scan documents at 300 dpi and in black and white, rather than in color.

**With the exception of the petition and petition-related documents** (for further instruction on these documents, refer to Section XII Order of Petition and Accompanying Documents), **attachments must be filed as follows:**

- Each separate exhibit must be filed as a separate attachment to the main document.
- If any particular exhibit exceeds 35 MB, the exhibit must be broken down into separate components of 35 MB or less, and each component must be filed as a separate attachment.
- Leave the “Category” field blank; instead, use the “Description” field to enter a clear and concise description of each exhibit, unless the event is sealed. The following is a sample of how to describe each attachment.

| CATEGORY                 | DESCRIPTION   |
|--------------------------|---|
| (leave this field blank) | Exhibit A. Affidavit of John Smith  |
|                          | Exhibit B. Excerpts from Jane Doe’s Deposition                                  |
|                          | Exhibit C-1. Contract between XYZ Company and ABC Company (Part 1, Pages 1-15)  |
|                          | Exhibit C-2. Contract between XYZ Company and ABC Company (Part 2, Pages 16-24) |
|                          | Exhibit D. XYZ Company General Ledgers  |

See also [KYEB LBR 9070-1](#).

**XX. TRANSCRIPTS:**

The Schedule of Maximum Transcript Fees established by the Judicial Conference is available at <http://www.kyeb.uscourts.gov/maximum-transcript-fees>.

The procedure for obtaining transcripts of Court hearings is available at <http://www.kyeb.uscourts.gov/forms/ordering-written-transcript>.

**XXI. SCANNED DOCUMENTS:**

The Certified User must review a scanned document to verify its legibility and accuracy before transmitting it to the Court. For further instructions regarding the size and color of scanned documents, refer to Section XIX Attachments and Exhibits.

**XXII. SEALED DOCUMENTS:**

A party seeking to file a sealed document shall electronically file a motion to seal document **prior** to filing the sealed document. The document the party is requesting to

seal **must not be attached** to the motion since the motion to seal document and any attachments to the motion **will be** available electronically to the public.

After filing the motion to seal document, the document proposed to be sealed must be electronically filed using the "Sealed Document" event in the "Miscellaneous" category. When a proposed sealed document is filed, the ECF System provides electronic notice to all parties in the case, but the proposed sealed document will not be available electronically. The filing party must use an alternate form of service to provide any parties entitled to notice with copies of a sealed document.

### **XXIII. AUDIO FILES – AVAILABILITY AND PRIVACY CONCERNS:**

Audio files of all Court hearings held on or after July 1, 2015, are available through PACER, unless otherwise restricted or sealed. The audio files are embedded in a PDF document and uploaded to the ECF System. The cost of accessing an audio file via PACER is set by the Electronic Public Access Fee Schedule available at [www.uscourts.gov/services-forms/fees/electronic-public-access-fee-schedule](http://www.uscourts.gov/services-forms/fees/electronic-public-access-fee-schedule). Due to the way that hearings are recorded, some may be split into more than one audio file. Counsel of record may access the PDF containing the audio file once without charge, just as they do with other electronically filed documents.

If information subject to the Judicial Conference Policy on Privacy is stated on the record, it will be available in the audio files. Since counsel and the parties are solely responsible for guaranteeing that pleadings and testimony comply with the rules requiring the redaction of personal data identifiers, the better practice is to avoid introducing personal data and other sensitive information into the record, unless necessary to prove an element of the case. Clerk's Office staff cannot redact audio files before they are uploaded to the ECF System. This should be taken into account when questioning witnesses or making other statements in Court. If private information is mentioned during a hearing or trial, parties may move the Court to seal, restrict, or otherwise prohibit the digital audio file of the hearing or trial from being uploaded to the ECF System. Additionally, private communications with co-counsel or clients should take place away from the microphone so they are not inadvertently recorded.

Entries on the docket report containing audio files are identified by a speaker icon as shown below:

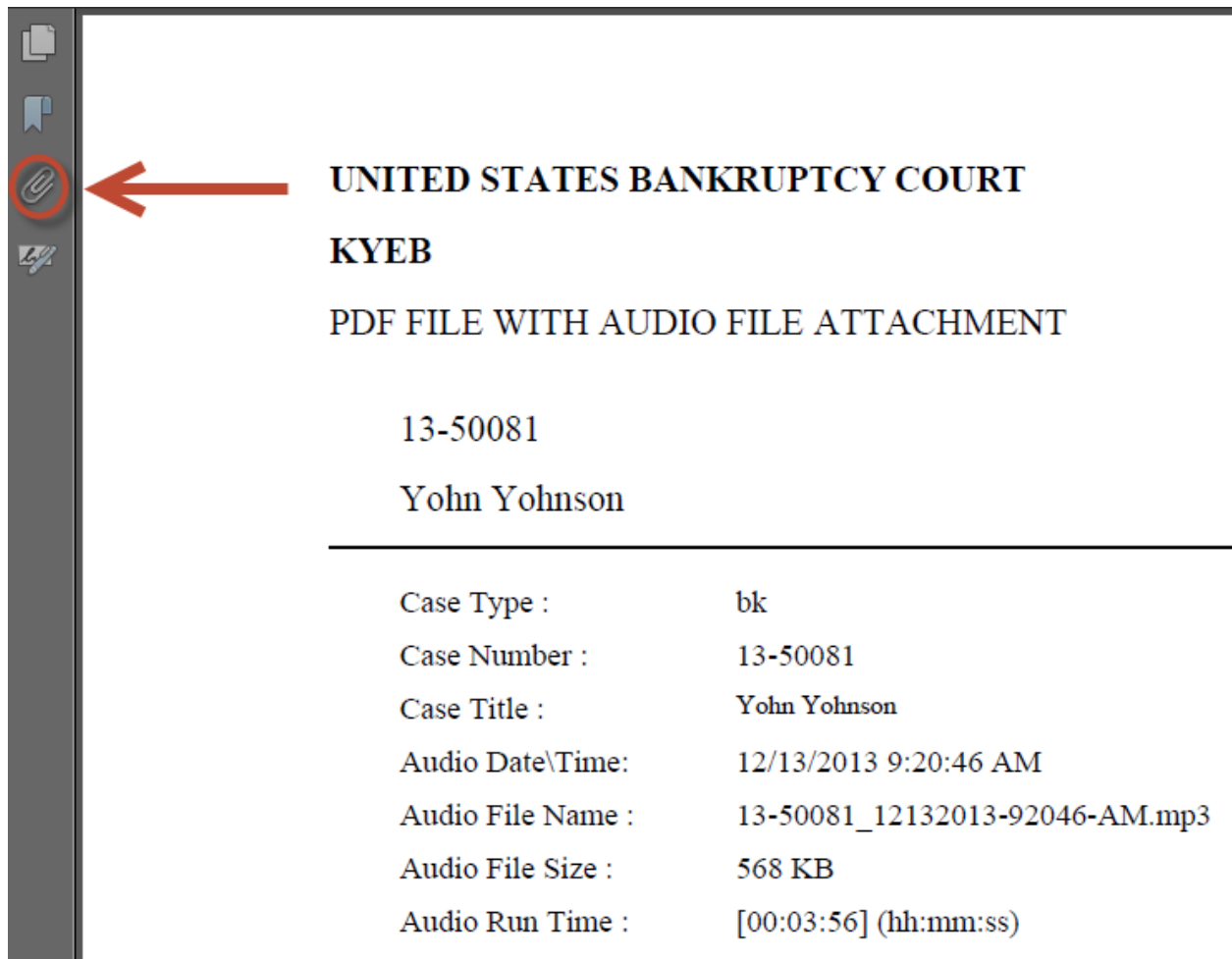
|            |          |   |
|------------|----------|---|
| 12/18/2013 | <u>2</u> |  PDF with attached Audio File. Court Date & Time [ 12/13/2013 9:20:46 AM ]. File Size [ 568 KB ]. Run Time [ 00:03:56 ]. (SUBJECT). (admin). (Entered: 12/18/2013) |
|------------|----------|---|

To listen to the audio file, first click on the document number of the entry. The PDF document will open. Click on the attachment icon (paper clip) to display the audio file (see Example 1). This display will vary depending upon the version of Adobe Acrobat being used. If the PDF document opens in a browser, you may first need to click on the Adobe symbol from the toolbar (see Example 2) before the paper clip will be visible.

Click the paper clip to play the audio using an available program (such as Windows Media Player).

**Note:** PDF documents with audio files must be viewed individually. If the “View multiple documents” option is used when running the docket report, the audio file will not play, but the fee will still be charged.

**Example 1:**



**UNITED STATES BANKRUPTCY COURT**  
**KYEB**  
PDF FILE WITH AUDIO FILE ATTACHMENT

13-50081  
Yohn Yohnson

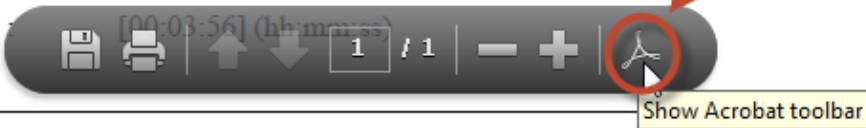
---

|                   |                                |
|-------------------|--------------------------------|
| Case Type :       | bk                             |
| Case Number :     | 13-50081                       |
| Case Title :      | Yohn Yohnson                   |
| Audio Date\Time:  | 12/13/2013 9:20:46 AM          |
| Audio File Name : | 13-50081_12132013-92046-AM.mp3 |
| Audio File Size : | 568 KB                         |
| Audio Run Time :  | [00:03:56] (hh:mm:ss)          |

**Example 2:**

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Case Type : bk  
Case Number : 13-50081  
Case Title : Yohn Yohnson  
Audio Date\Time: 12/13/2013 9:20:46 AM  
Audio File Name : 13-50081\_12132013-92046-AM.mp3  
Audio File Size : 568 KB  
Audio Run Time :



The image shows a screenshot of an audio player interface. The toolbar is dark grey and contains several icons: a floppy disk (save), a printer, a play button, a volume slider, and a page indicator showing '1 / 1'. To the right of these icons is a red circular button with a white document icon, which is circled in red. A red arrow points from the top right towards this button. Below the button is a yellow tooltip that says 'Show Acrobat toolbar'.

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**XXIV. EVIDENCE PRESENTATION SYSTEM (EPS)**

EPS is available in the Lexington courtrooms. To make arrangements to use EPS, contact the courtroom deputy for either chambers. For more information regarding EPS, go to

<http://www.kyeb.uscourts.gov/sites/kyeb/files/EPS%20documentation.pdf>

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**REVISION LOG**

|   |                |
|---|----------------|
| Added EPS documentation as XXIV.  | March 15, 2017 |
| Added reference to eviction judgments in XII.                           | May 26, 2017   |
| Edited to show main document and attachment size limit of 35 Mb in XIX. | May 8, 2018    |
| Added additional signature provisions re: COVID-19 crisis in Section VI | March 24, 2020 |
|   |                |