

ADMINISTRATIVE PROCEDURES MANUAL

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I. APPLICABLE DISTRICT COURT LOCAL RULES:

Unless the Court directs otherwise, the following District Court Local Rules are applicable in matters before the Bankruptcy Court.

| | |
|-------------|--|
| LR 26.1 | Discovery Responses |
| LR 37.1 | Motions Related 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 83.5 | Appearance of Counsel |
| LR 83.6 | Substitution or Withdrawal of Attorney of Record |
| LR 83.13(a) | Advance Payment of Fees - Generally |

See also [KYEB LBR 1001-3](#).

II. ECF CERTIFICATION AND ELECTRONIC FILING OF PLEADINGS:

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.

If the Court permits, a party to a pending action who is not represented by an attorney may be trained and become certified to use the ECF System solely for purposes of that action. If the party subsequently retains an attorney who appears on the party's behalf, the attorney must advise the clerk and the party's certification will be terminated.

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

III. ECF TRAINING:

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

IV. ECF REGISTRATION:

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 mailed or delivered to US Bankruptcy Court, Attn: ECF Registration, P.O. Box 1111, Lexington, KY 40588-1111.

V. ECF PASSWORDS:

After the Court receives an ECF registration form, the registrant will be sent an e-mail message to insure that the registrant's e-mail address has been entered correctly in the ECF System. The registrant must reply to the e-mail message. After verification, the password information for the ECF System will be mailed to the registrant by regular, first class mail, unless the registrant has made other arrangements with the clerk's office.

VI. ELECTRONIC NOTICE, SERVICE AND WAIVERS:

Registration as a Certified User constitutes a waiver of the right to receive notice or service – including notice of the entry of judgments or orders under [FRBP 9022](#) – by first class mail, personal delivery, or any method of service other than via the ECF System and constitutes consent to electronic service except for service of (i) a Summons and Complaint under [FRBP 7004](#) and (ii) subpoenas issued under [FRBP 9016](#).

It is the responsibility of the Certified User to modify their ECF account if any of their personal information changes – i.e. name, address, telephone number or e-mail address.

If a Certified User chooses to remove their e-mail address from the ECF System, they waive the right to be served by any method except where electronic service is prohibited by the Federal Rules of Bankruptcy Procedure.

VII. ATTORNEY APPEARANCE AND SUBSTITUTION/TERMINATION:

The signing and electronic filing of a pleading by a certified attorney will automatically add the filing attorney as counsel of record for the party on whose behalf the pleading was filed. All other attorneys, including attorneys in the same law firm, must file a separate Notice of Appearance in order to be added as counsel of record in a case. It is not necessary to be counsel of record in a case in order to cover matters for other attorneys.

An attorney is relieved of his/her duties when a case is closed or when the attorney is specifically relieved upon motion and order of the Court. At that time, the attorney will no longer receive electronic notice in the case. If an attorney changes law firms, that attorney is responsible for obtaining substitution of counsel in each case that the attorney does not retain.

VIII. PACER ACCOUNTS:

A Certified User of the ECF System will receive e-mail notification of docket activity that occurs in a case after the date and time he/she becomes involved 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 e-mail notice.

A 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 e-mail. Each user accessing the ECF System using a PACER account will incur applicable fees.

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 fee and without a PACER account, but the applicable 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 or 1-800-676-6856.

IX. ATTACHMENTS AND EXHIBITS:

Certified Users must submit in electronic form all documents referenced as exhibits or attachments, unless otherwise ordered by the court. 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 4 megabytes (MB) each. Because documents scanned in color or containing a graphic 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 XXIV of the APM), **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 4 MB, the exhibit must be broken down into separate components of 4 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, Page 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](#).

X. PROPOSED ORDERS:

Proposed orders are to be submitted 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 submitted 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.

XI. 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>.

XII. SCANNED DOCUMENTS:

The filer must review a scanned document to verify its legibility and accuracy before transmitting it to the Court.

XIII. SIGNATURES AND REQUIREMENTS:

A document electronically filed by a Certified User must include a signature block with all relevant contact information including name, address, telephone number, e-mail address, and role of filer. If the Certified User is an attorney, the signature block must also contain the attorney's Bar ID number. In addition, the name of the Certified User under whose login and password the document is submitted must be preceded by "/s/" and typed in the space where the signature would otherwise appear. A handwritten signature is required for any document filed in paper.

Electronically filed documents that require original signatures from any person other than the filer must be maintained by the filer 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. Upon the court's request, the filer must provide the original signed documents for review.

XIV. 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.

XV. 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](#).

XVI. INSTALLMENT PAYMENT OF FEES:

The fees and charges required by [28 USC §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](#)

XVII. 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](#)

XVIII. 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 .txt 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 (ex. 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.
- c) Each line must be 40 characters or less in length.
- d) Names of entities 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 .txt 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. (Ex. 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 (Ex. 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)
- US 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 #123456789
1130 O Street
Covington KY 41011-1324

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

XIX. MAILING LIST IN A CONVERTED CASE:

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

XX. 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](#).

XXI. 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 copy 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](#).

XXII. CLERK'S OFFICE – LOCATION AND HOURS:

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

Unless otherwise directed, the Clerk's Office will be open to the public from 9:00 am until 3:00 pm, Monday through Friday. The office will be closed on weekends and on all federal holidays.

Contact information for emergency filings after business hours is available at <http://www.kyeb.uscourts.gov/hours>.

XXIII. FEES – FORM OF PAYMENT:

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

XXIV. 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 (3)
EXHIBIT A (If Applicable)
EXHIBIT C (If Applicable)
EXHIBIT D (If debtor is an individual)
SCHEDULE A
SCHEDULE B
SCHEDULE C
SCHEDULE D
SCHEDULE E
SCHEDULE F
SCHEDULE G
SCHEDULE H
SCHEDULE I
SCHEDULE J
DECLARATION CONCERNING DEBTOR'S SCHEDULES
SUMMARY OF SCHEDULES, including STATISTICAL SUMMARY
STATEMENT OF FINANCIAL AFFAIRS, including DECLARATION
STATEMENT OF CURRENT MONTHLY INCOME, ETC.
NOTICE TO INDIVIDUAL CONSUMER DEBTOR(S) (if applicable)
DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR
INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION (If chapter 7)
CERTIFICATION REGARDING CH 13 RIGHTS AND RESPONSIBILITIES (if applicable – may
be filed with the petition or within 14 days)

The following documents should be filed as separate, individual documents:

CHAPTER 13 PLAN (If chapter 13)
CERTIFICATE OF SERVICE OF THE CHAPTER 13 PLAN (If chapter 13)
APPLICATION TO PAY FILING FEE IN INSTALLMENTS
APPLICATION FOR WAIVER OF CH. 7 FILING FEE
CORPORATE RESOLUTION or ENTITY AUTHORIZATION
LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS (If ch. 11)
LIST OF EQUITY SECURITY HOLDERS (If ch. 11)

If the list of creditors is not automatically uploaded by your petition preparation software, the following document must be manually uploaded in .txt file format:

MAILING LIST

(Click on "Bankruptcy", "Creditor Maintenance", and then click "Upload Creditors" to perform this manual upload)

XXV. AUDIO FILES – AVAILABILITY AND PRIVACY CONCERNS

Audio files of all bankruptcy 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 Public Access Fee Schedule available at 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 judiciary’s privacy policy 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:

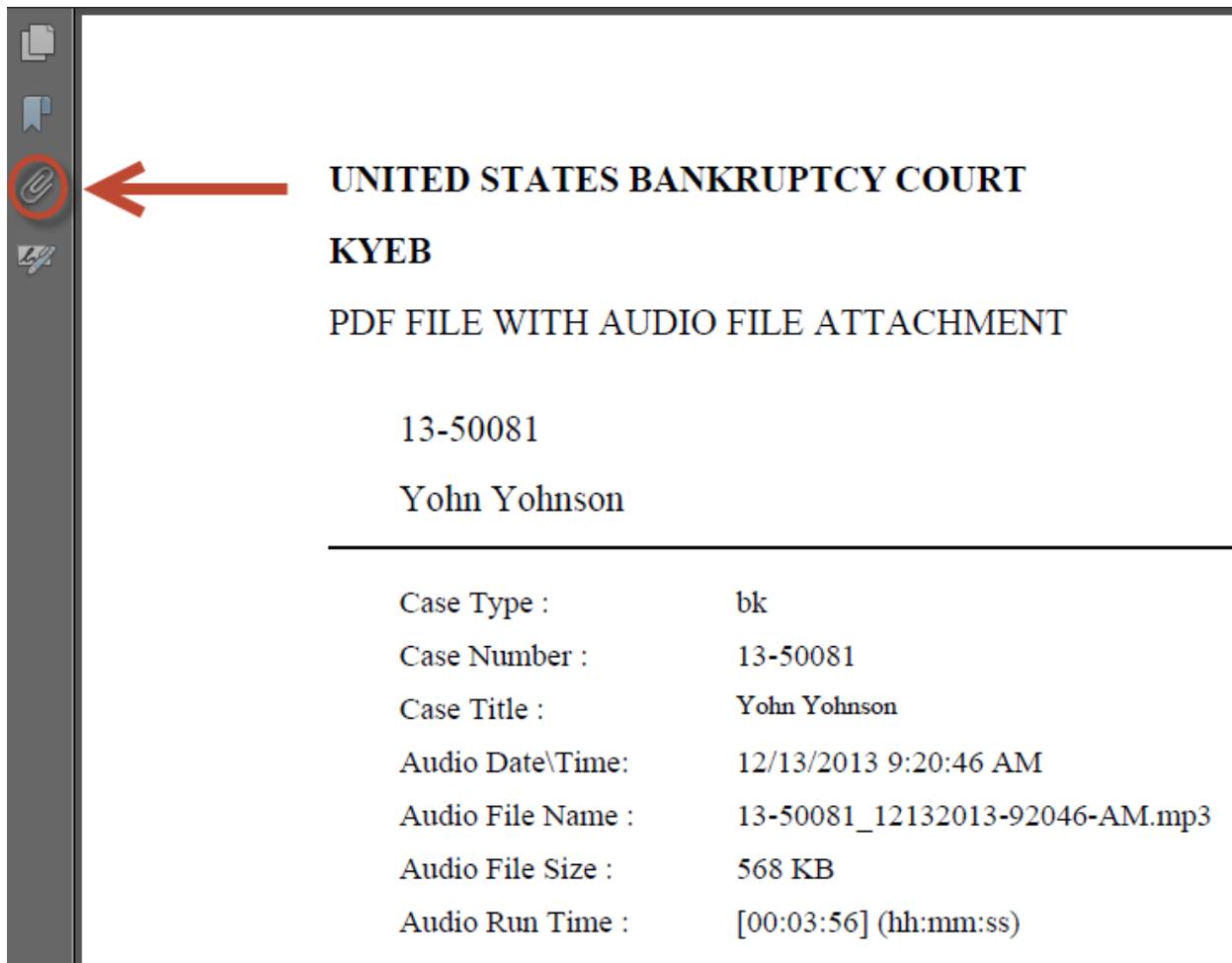
| | | |
|------------|----------|---|
| 12/18/2013 | <u>2</u> |  PDF with attached Audio File. Court Date & Time [12/13/2013 9:20:46 AM]. File Size [568 KB]. Run Time [00:03:56]. (SUBJECT). (admin). (Entered: 12/18/2013) |
|------------|----------|---|

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:



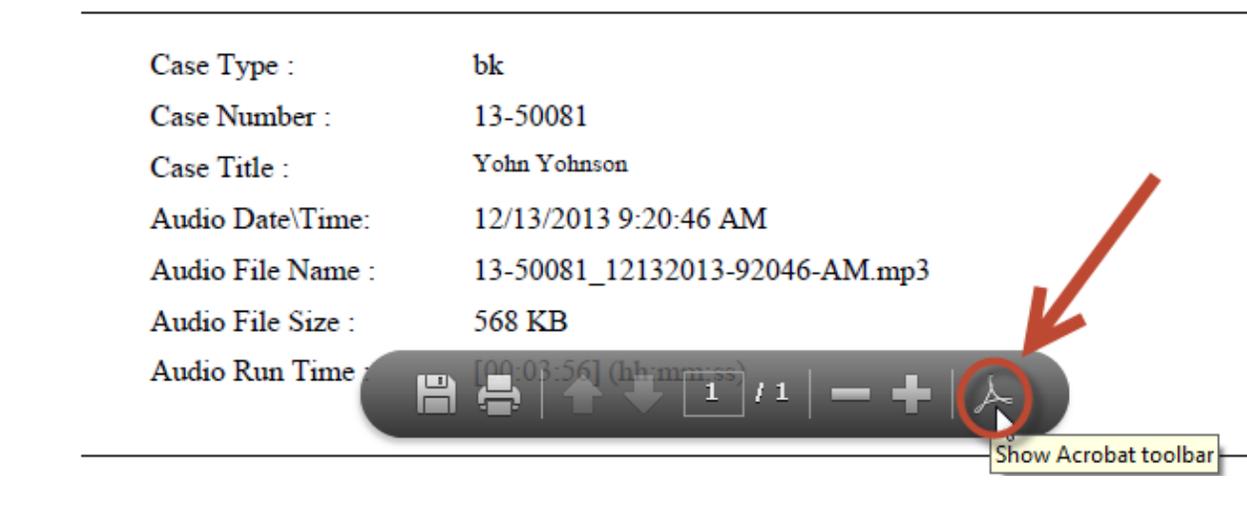
UNITED STATES BANKRUPTCY COURT
KYEB
PDF FILE WITH AUDIO FILE ATTACHMENT

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)

A vertical sidebar on the left contains icons for copy, bookmark, attachment (circled in red with a red arrow pointing to it), and zoom. The main content area displays case details and audio file information.

Example 2:



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)

[00:03:56] (hh:mm:ss) | 1 / 1 | - + |  | Show Acrobat toolbar

A red arrow points to the Acrobat toolbar icon in the bottom right corner of the document viewer. The toolbar includes icons for save, print, zoom, and the Acrobat logo.

REVISION LOG:

- April 2, 2013: Section XIV revised regarding the timing of filing the sealed document after the filing of the motion.
- May 23, 2013: Section IX revised regarding leaving the category field blank.
- August 22, 2013: Section IX revised to change the reference to Section XXIII to Section XXIV instead; Section XXI changed to reflect new name for event – changed from “Amended Schedules (no fee)” to “Amendment to Petition Pages”; and Section XXII changed to reflect new public hours of 9:00 to 3:00.
- February 24, 2014: Section II retitled and wording modified to clarify that all pleadings should be filed electronically, except in rare circumstances, after an attorney is registered.
- June 3, 2014: Section XVI changed to reflect new installment amounts due to fee increases on June 1, 2014.
- September 18, 2014: Section VII title changed and new first paragraph added setting out the requirements to be added as a counsel of record in a case.
- March 30, 2015: Updated hyperlinks.
- June 30, 2015: Added Section XXV – AUDIO FILES - AVAILABILITY AND PRIVACY CONCERNS
- December 2, 2015: Edited section XXI to update reference and hyperlink to Form 121 regarding Statement of Social Security Number.