United States Bankruptcy Court
Eastern District of Missouri

Dana C. McWay
Clerk of Court

PROCEDURES MANUAL

accompanying

LOCAL RULES OF BANKRUPTCY PROCEDURE
Effective
December 1, 2009
(Revised December 1, 2011)

Honorable Barry S. Schermer, Chief Judge
Honorable Kathy A. Surratt-States
Honorable Charles E. Rendlen, III

United States Bankruptcy Court
Eastern District of Missouri
111 South Tenth Street, Fourth Floor
St. Louis, MO 63102
www.moeb.uscourts.gov

ACKNOWLEDGMENT
FROM THE
CLERK OF COURT

Dana C. McWay

The United States Bankruptcy Court for the Eastern District of Missouri is pleased to present this Procedures Manual to accompany the Local Rules of Bankruptcy Procedure and Local Forms for the United States Bankruptcy Court for the Eastern District of Missouri effective December 1, 2009. This publication is a guide to this Court's procedures and is intended to provide the bar and others with information about operation of the Court and Clerk's Office necessary for practice before the Court. Provisions in this Manual complement the Court's Local Rules by specifying operating requirements of the Clerk's Office as well as certain procedural matters from the Local Rules that are subject to periodic modification. Because much of this information is updated frequently, the Manual contains numerous references to items available on the Court's web site.

While every effort has been made to make this Procedures Manual a useful and comprehensive guide to practice before this Court, it is intended as a starting point for research into questions of bankruptcy procedure. Anyone proceeding in this Court should throughly review:

1. the United States Bankruptcy Code,
2. the Federal Rules of Bankruptcy Procedure,
3. the Federal Rules of Civil Procedure,
4. the Local Rules of this Court,
5. the Local Rules of the United States District Court for the Eastern District of Missouri,
6. the Federal Rules of Appellate Procedure,
7. the Local Rules of the Eighth Circuit Court of Appeals, and
8. the Local Rules of the Eighth Circuit Bankruptcy Appellate Panel.

Attorneys should also review the applicable Rules of Professional Responsibility. Unless otherwise specified, all statutory references are to Title 11 of the United States Code.

Revisions and updates to this publication will be posted on the Court's home page on the internet at (http:/www.moeb.uscourts.gov). Amendments to any procedures or guidelines in this Manual will be made by the Court on notice to the public. Comments regarding this publication should be directed to:

Clerk, U.S. Bankruptcy Court
111 South Tenth Street, Fourth Floor
St. Louis, MO 63102

United States Bankruptcy Court
Eastern District of Missouri

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PART ONE - PROCEDURES MANUAL ACCOMPANYING THE LOCAL RULES OF BANKRUPTCY PROCEDURE

General Information - Court and Clerk's Office

Location and Divisions

The United States Bankruptcy Court for the Eastern District of Missouri consists of three divisions: Eastern (St. Louis), Northern (Hannibal), and Southeastern (Cape Girardeau). Although the Court conducts hearings in all three divisions, the Court maintains a staffed Clerk's Office only at the St. Louis Office in the Eastern Division. The address and phone number of the Clerk's Office are:

111 South Tenth Street, Fourth Floor
St. Louis, MO 63102
(314) 244-4500 - Main Number
(866) 803-9517 - CM/ECF Help Desk

All documents and pleadings filed by attorneys must be filed electronically via the Court's CM/ECF system. Any party that is unable to file electronically must file all documents and pleadings with the Court in St. Louis unless such documents are presented to the Court when it is in session in either the Northern or Southeastern division. Divisional venue is determined by the county in which the debtor resides. 28 U.S.C. § 105.

Eastern Division (St. Louis) – City of St. Louis, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Maries, Phelps, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Warren and Washington.

Southeastern Division (Cape Girardeau) – Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, Shannon, Stoddard and Wayne.

Northern Division (Hannibal) – Adair, Audrain, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Ralls, Randolph, Schuyler, Scotland and Shelby.

Divisional venue is indicated numerically in the case number. The first numerical digit after the year and hyphen represents the division to which the case has been assigned.

Divisional assignments are indicated according to the following code:

1- Southeastern Division
2- Northern Division
4- Eastern Division

The addresses for Courthouses in each division are:

Southeastern Division	Northern Division	Eastern Division
U.S. Courthouse	U.S. Courthouse	U.S. Courthouse
555 Independence Street	801 Broadway	111 South Tenth Street
Cape Girardeau, MO 63701	Hannibal, MO 63401	Fourth Floor
		St. Louis, MO 63102

Office Hours

The Clerk's Office is open from 8:30 a.m. through 4:30 p.m. Monday through Friday except on holidays or as posted for special events. A current list of federal holidays is available on the Court's web site.

Court Directory

The phone system is accessible 24 hours a day. If the party you wish to reach is not available, the voice mail system will allow you to leave a message.

Main number - Receptionist	(314) 244-4500
VCIS (Voice Case Information System)	(314) 244-4999
Toll free	(888) 223-6431
Dana C. McWay, Clerk of Court	(314) 244-4601
Susan Ryan, Administrative Assistant to the Clerk of Court	(314) 244-4601
Diana Durkee August, Chief Deputy Clerk	(314) 244-4602
Donna Bard, Operations Manager	(314) 244-4800
E.G. Phillips, Administrative Manager	(314) 244-4900
William Wolfenbarger, ITS Manager	(314) 244-4700
Gary Streeting, Attorney Advisor to the Clerk of Court	(314) 244-4603
Steve Cruse, Director of Case Initiation and Administration	(314) 244-4802
Matt Parker, Director of Courtroom Services	(314) 244-4801
CM/ECF Help Desk	(866) 803-9517

To request a hearing date, please contact the following:

JUDGE	COURTROOM DEPUTY	TELEPHONE
Chief Judge Barry S. Schermer	Wynne Abernathy	(314) 244-4806
Chapter 13 Confirmation Matters	Linda Trucanno	(314) 244-4809
Judge Kathy A. Surratt-States	John Howley, Jr.	(314) 244-4808
Chapter 13 Confirmation Matters	Bob Brimmer	(314) 244-4810
Judge Charles E. Rendlen, III	Matthew Clear	(314) 244-4815

To reach the Judges' Chambers, please contact the following:

Chief Judge Barry S. Schermer Courtroom Five North	Barbara Sutton - Judicial Assistant	(314) 244-4531
Judge Kathy A. Surratt-States Courtroom Seven North	Chicquita Greene - Judicial Assistant	(314) 244-4541
Judge Charles E. Rendlen, III Courtroom Seven South	Eva Kinzel - Judicial Assistant	(314) 244-4511

Case Records Information

Voice Case Information System

The Bankruptcy Clerk's Office offers an electronic voice system which provides callers with basic case information for bankruptcy cases in the Eastern District of Missouri, including: case number, filing date, chapter, attorney name and telephone number, assigned judge and trustee, status of the case, 341 meeting date and closing date. The Voice Case Information System (VCIS) is available 24 hours a day, seven days a week, and can be accessed by calling (314) 244-4999 or 1(888) 223-6431 from any touch-tone telephone. Using VCIS, Court records may be searched by name, case number, tax identification number, or social security number.

Public Access to Court Electronic Records (PACER)

Access to Bankruptcy Court records is available 24 hours a day, seven days a week through PACER (Public Access to Court Electronic Records). PACER allows you to retrieve electronic case summaries, docket information, and images of certain documents using a personal computer. It allows you to:

- search by party name or case number
- track updates to a case
- get a printed summary of a case
- get a printed copy of documents in certain cases
- perform other case research

PACER also allows you access to case information from various U.S. District Courts and Bankruptcy Courts across the country.

Subscribing to PACER is free, but there is a fee of $.08 ($.10 effective April 1, 2012) per viewed or printed page when accessing PACER via the web. Opinions, however, are free. The maximum fee per document is $2.40. There is no fee limit, however, for transcript requests. For more information or to subscribe to PACER, contact the PACER Service Center, P.O. Box 780549, San Antonio, TX 78278-0549 or call (800) 676-6856, or access through the link on the Bankruptcy Court web site at www.moeb.uscourts.gov.

CM/ECF
On February 24, 2003, the Bankruptcy Court began using its Case Management (CM) system which allows images of all documents to be viewed through PACER. Use of the Electronic Case Filing (ECF) feature of the CM/ECF system is mandatory for filing documents with the Court unless a party that is not represented by an attorney is unable to file electronically.

Electronic Bankruptcy Noticing
The Court encourages the use of Electronic Bankruptcy Noticing (EBN). EBN is a free service that allows Court notices to be transmitted electronically, delivering them faster and more conveniently. Some advantages to EBN are:

- Court notices are sent the same day that they are produced by the Court;
- Users can access Court notices 24 hours a day, 7 days a week;
- Court notices that would be mailed to multiple locations can be routed to a centralized electronic address;
- Effective on and after September 12, 2011, debtors' attorneys will receive 341 Orders and Notices electronically. All other parties in a case will still receive the paper documents;
- Storing Court notices electronically eliminates the potential for losing paper copies; and
- Court notices can easily be forwarded.

For more information and to register for EBN, go to http://ebn.uscourts.gov/ or use the link on the front page of the Court's web site. You may also contact EBN customer service at 1-877-837-3424 or ebn@baesystems.com. Note: If you are an attorney who already receives your notices via CM/ECF Notice of Electronic Filing, you do not need to register for this service.

Public Terminals
The Clerk's Office makes available public computer terminals for free access to PACER during normal business hours. Printing from these terminals is available for a fee.

Internet Web site
The Clerk's Office has created an Internet web-site to disseminate information to the public. The address is www.moeb.uscourts.gov.

Archived Case Files
The Court maintains closed case files for approximately one year after the closing date of the case, or as long as storage space is available. Case files, together with corresponding adversary files are then shipped to the National Archives and Records Administration in Kansas City, Missouri for storage. Information is available on cases that have been closed and shipped to the National Archive Center either through PACER or by requesting retrieval of the Court file. To retrieve a file from the National Archive Center, you may request the file in person, or by writing to the Court. If the Court retrieves the file for you, the retrieval fee must be paid in advance when the records request is submitted. It will take approximately 7 to 10 days for the Court to receive the file from the Archive Center.

General Filing Requirements

Location for Filing
Bankruptcy petitions, pleadings and other documents which are to be filed with the Bankruptcy Court for the Eastern District of Missouri (for any division) must be filed with the Court in St. Louis. Pursuant to Local Bankruptcy Rule (L.R.) 5005 (A), all documents must be filed electronically using the Court's CM/ECF system. Any non-attorney filer unable to file electronically must file its documents following the specifications of L.R. 9004. Documents may be filed in person during normal business hours at the Clerk's Office on the fourth floor of the Thomas F. Eagleton Building, by mail, or through use of the Bankruptcy Court's drop box. Pursuant to L.R. 5005(B), facsimile filing is prohibited.

Drop Box
The Clerk's Office provides a drop box for convenience in filing petitions, pleadings and other documents with the Bankruptcy Court. The drop box is accessible 24 hours a day, seven days a week, and is located at the west entrance of the Thomas F. Eagleton building. The Court retrieves documents from the drop box twice a day. All petitions, pleadings, or documents and copies thereof placed in the drop box must be clock-stamped immediately before depositing in the drop box. The clock-stamp allows the Court to determine when the petition, pleading or document was tendered to the Court. The date and time stamped at the drop box will usually serve as the date and time filed. Should any required signatures, fees or other matters be missing, the document(s) will be declined for filing pursuant to L.R. 5005(D) and 1002(A).

Required Signatures
The Clerk of Court may decline for filing any petition, pleading or document that fails to contain required signatures. L.R. 5005(C).
Required signatures include:

1. The signature of an attorney or pro se party on any document and pleading filed with the Court.
2. The signature of an attorney on any document requiring such signature.
3. The signature of a petition preparer on any document requiring such signature.
4. The signature of the debtor(s)* on the following documents:
    a. Voluntary Petition
    b. Corporate or Partnership Declaration regarding Petition
    c. Verification of Creditor Matrix
    d. Declaration concerning Schedules or any Amendment thereto
    e. Statement of Financial Affairs or any Amendment thereto
    f. Application to Pay Filing Fee in Installments or Application for Waiver of Filing Fee
    g. Chapter 7 Individual Debtor's Statement of Intention
    h. Reaffirmation Agreement
    i. All plans (Chapter 12, 11, 13) and amendments thereto unless debtor(s)'signature is excused by the Court

j. Involuntary Petition (original signature of Petitioning Creditors)
k. Social Security Number Verification Form (Official Form B21)
l. Means Test, Statement of Current Monthly Income, Disposable Income Calculation Forms, as applicable (Official Forms 22A, B, and C)

* In a joint case, the signature of both debtors is required.

General Format of Pleadings
L.R. 9004 specifies the required format for pleadings, including content of captions, margins and certificates of service. L.R. 9011 sets forth signature requirements.

Exhibit Summary Requirements
L.R. 9040 provides information on the filing and exchange of exhibits. With limited exceptions noted in L.R. 9040, an exhibit summary form (Local Form 9) should be used in place of filing most exhibits with the Court. On request of any party, copies of the actual exhibits are to be provided.

Voluntary Petitions
Federal Rule of Bankruptcy Procedure 9009 prescribes that the Official Forms "shall be observed and used with alterations as may be appropriate." These forms are not provided to the public by the Court but can be obtained from commercial legal printers or office supply stores and are available through the Court's web site by clicking on "Official Forms." They are also available through various computer software packages. The forms should be either typed or legibly printed.
To file a complete bankruptcy petition package, the debtor should file the documents specified in L.R. 1002 at the times and in the order specified in L.R. 1002.

Matrix and Verification of Matrix
The matrix must be filed in accordance with the Local Bankruptcy Rules and the CM/ECF Administrative Procedures section (Part II) of this Procedures Manual. In addition, the following address should be included on the matrix in **all Chapter 11 cases**. It should be included in any other case if the Internal Revenue Service is scheduled as a creditor.

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

The Missouri Department of Revenue **should be listed on the matrix in all Chapter 13 case**s, using the following address:

Missouri Department of Revenue
Bankruptcy Unit
P.O. Box 475
301 W. High Street
Jefferson City, MO 65105-0475

Once filed, the debtor's matrix is used as the master mailing list for the Court to send notices to all

creditors and parties in interest in the case. Any entity filing an entry of appearance, request for notice, or proof of claim is automatically added to the case and will be mailed subsequent notices sent by the Court to all creditors and parties in interest. The Court's system can provide a printed version of the updated matrix for use by any party.

Third-Party Notice Providers

Pursuant to Federal Rules of Bankruptcy Procedures 2002(g)(4) and 9001, all third-party entities (e.g., claims/noticing agents) that enter into separate arrangements with creditors for delivery services comparable to those provided through the Bankruptcy Noticing Center program's National Creditor Registration Service ("NCRS") are required to complete the application found at http://www.uscourts.gov/forms/B_320_0108.pdf. The application serves as an entity's self-certification that it can comply with the AO's guidelines for third-party notice providers. The completed application should be submitted directly to the Bankruptcy Court Administration Division for review.

The NCRS provides options for notice recipients to specify a preferred U.S. mail, e-mail address, or fax number to which bankruptcy notices should be sent. Under Federal Rule of Bankruptcy Procedure 2002(g)(4), the creditor and third-party notice provider can agree upon any method of delivery.

Deadlines for Filing

Deadlines for filing various documents are specified in the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the Local Rules of this Court.

Hearings

Available hearing dates may be obtained by contacting the appropriate Courtroom Deputy or by reviewing available dates on the Court's web site. The number of days' notice of hearing that must be provided is governed by the Local and Federal Rules of Bankruptcy Procedure. For specific hearing date availability and scheduling instructions for each Judge, please see the Court's web site under "Hearing Dates." If a case is dismissed while a motion for relief from the automatic stay is pending, and the case is reinstated, the movant will need to contact the Courtroom Deputy to reschedule the hearing on the motion and notice the rescheduled hearing to all necessary parties.

Transcripts and Tape Requests

Written transcripts of hearings or audio recordings of a hearing can be obtained by contacting Courtroom Services. Audio recordings of hearings are provided on compact disk (CD) and require FTR Gold software to listen. The software is available via a free download from the Court's web site. Transcript and tape request forms are available from the Court or on the Court's web site. Please see the CM/ECF section of the Court's web site for instructions on transcript-related CM/ECF events, which includes the Court's transcript redaction procedures.

Bankruptcy Fees & Methods of Payment

Payment of Filing Fee in Installments
Filing fees to commence a bankruptcy case by individuals may be paid in installments pursuant to Fed. R. Bankr. P. 1006(b) and L.R. 1006. **Local Form 1 must be used to apply to pay the fee in installments. When paying the filing fee in installments in a Chapter 13 case, the fee must be paid through the plan.**

In Forma Pauperis
The procedures to proceed In Forma Pauperis in a bankruptcy case are set forth in L.R. 1006(C).

Methods of Payment
Acceptable methods of payment include credit/debit card (only from attorneys or non-debtor parties), cash, check, money order, or cashier check. Checks shall be payable to "Clerk, U.S. Bankruptcy Court." Checks made payable to a named person (i.e. "Dana C. McWay") are not acceptable. Only checks drawn on an attorney's account will be accepted in payment of filing fees. Checks from debtors and 3rd party checks will not be accepted. **On-line credit/debit card payment from CM/ECF users is strongly encouraged**. Please see the CM/ECF Administrative Procedures section (Part II) of this Procedures Manual for information on paying via the Court's CM/ECF system.

Bankruptcy Fee Schedule
This is available on the Court's web site.

180-Day Prohibition, 109(g) Flag, and No Installment Flag
The following guidelines reflect the actions that will be taken in various situations when a Chapter 7 and/or Chapter 13 case is dismissed for failure to pay the filing fee and the 11 U.S.C. § 109(g) flag is added to impose the 180-day prohibition on refiling. Frequently, the debtor will file a subsequent case, and the Court will need to decide how to handle the second case in light of the 180-day prohibition and unpaid filing fee. Sometimes, the debtor pays the outstanding filing fee, and, sometimes, the Court contacts the Chapter 13 Trustee (if the prior case was a Chapter 13) to certify whether the Trustee holds funds to pay the filing fee in the prior case. Because the order of dismissal requires the debtor to pay the outstanding filing fee within 5 days, the Court's actions in reviewing the subsequent case often depends on whether the debtor has paid the filing fee within the 5-day period. These procedures are intended to explain the types of action that will be taken in various situations. If the debtor files a third case, however, the Clerk's Office shall deny the filing fee and notify the judge to which the case is assigned.

The procedures in the following subsections are divided by situation type. The first subsection deals with instances where <u>no subsequent case is filed</u>. The second subsection deals with instances where <u>a subsequent case is filed but the filing fee remains unpaid</u> from the prior case. The third subsection deals with instances where <u>a subsequent case is filed but the outstanding filing fee is subsequently paid.</u>

1. Where No Subsequent Case is Filed

   a. Scenario 1 - When either the debtor pays or the Trustee remits to the Court the outstanding filing fee for a case within 5 days of the dismissal order, the Court will enter an order removing the 180-day prohibition and the 109(g) flag.
   b. Scenario 2 - When the debtor pays the outstanding filing fee for a case more than 5 days after dismissal, the Court will enter an order waiving the 180-day prohibition and keeping the 109(g) flag. The debtor will not be allowed to pay the filing fee in installments in the subsequent case.
   c. Scenario 3 - When the Trustee remits to the Court the outstanding filing fee for a prior case more than 5 days after dismissal, the Court will enter an order removing the180-day prohibition and the 109(g) flag but adding the No Installment flag. The debtor will not be allowed to pay in the filing fee in installments in the subsequent case.
   d. Scenario 4 - The debtor files a notice within 5 days of the dismissal requesting that the Trustee certify that the debtor has the funds on hand to pay the remaining filing fee in full. The Trustee certifies that sufficient funds are on hand to pay the filing fee due in the case. The Court will enter an order removing the prohibition and the 109(g) flag in the case. The debtor will be allowed to pay the filing fee in installments in the subsequent case.

2. Where the Debtor Files a Subsequent Case BUT the Filing Fee Remains Unpaid From the Prior Case

   a. Scenario 1 - The debtor files a subsequent case within 180 days of dismissal of a prior case in which the 180-day prohibition was entered for failure to pay the filing fee. The debtor does not pay the outstanding filing fee and/or the Trustee does not have sufficient funds for payment in the prior case. When the subsequent case is filed, the Court will dismiss the subsequent case using the Order and Notice of Dismissal For Failure To Pay Filing Fee In Prior Case for the appropriate Chapter (7 or 13).

   b. Scenario 2 - The debtor files a subsequent case more than 180 days after dismissal of a prior case in which the 180-day prohibition was entered for failure to pay the filing fee. Even if the filing fee remains unpaid for the prior case, the subsequent case will proceed, but the debtor will not be allowed to pay the filing fee in installments. No action will be taken in the prior case.

3. Where the Debtor Files a Subsequent Case BUT the Filing Fee from the Prior Case is Subsequently Paid

   a. Scenario 1 - The debtor files a subsequent case within 5 days of dismissal of a prior case and pays the outstanding filing fee for the prior case. The Court

will enter an order removing the prohibition and the 109(g) flag in the prior case. The debtor will be allowed to pay the filing fee in installments in the subsequent case.

b. Scenario 2 - The debtor files a subsequent case within 5 days of dismissal of a prior case, and the Trustee certifies that sufficient funds are on hand to pay the filing fee due in the prior case. The Court will enter an order removing the prohibition and the 109(g) flag in the prior case. The debtor will be allowed to pay the filing fee in installments in the subsequent case.

c. Scenario 3 - If, more than 5 days after dismissal of a prior case, the debtor pays the filing fee and files a subsequent case, the Court will enter an order waiving the prohibition and keeping the 109(g) flag. The debtor will not be allowed to pay the filing fee in installments in the subsequent case.

d. Scenario 4 - If more than 5 days after dismissal of a prior case, the Trustee certifies that sufficient funds are on hand to pay the filing fee due in the prior case, when the debtor files a subsequent case, the Court will enter an order removing the prohibition and the 109(g) flag, but adding the No Installment flag. The debtor will not be allowed to pay the filing fee in installments in the subsequent case.

Rules Governing Practice

Local Rules & Standing Orders

Practice before this Court is governed by the Local Rules of this Court and all applicable authorities specified in the Acknowledgment from the Clerk of Court introducing this Manual. Any General Orders adopted by the Court affecting practice in this Court will be available on the Court's web site.

Attorney Admission and Compensation

Admission to Practice

All duly licensed attorneys who are admitted to practice before the U.S. District Court for the Eastern District of Missouri and that are not under disbarment or suspension from any court shall be allowed to practice law before the Bankruptcy Court pursuant to L.R. 2090. Admission to the United States District Court for the Eastern District of Missouri is governed by E.D.Mo.L.R.12.01.

All partnerships, corporations and other business entities (other than an individual conducting

business as a sole proprietorship) must be represented by an attorney admitted to practice before this Court except such entities may appear and act on their own behalf for the purpose of attending the meeting of creditors, filing a request for notice and service of documents, and filing a proof of claim as permitted under L.B.R 9010.

An attorney who is not admitted to practice before this Court may be permitted to appear pro hac vice, but only on motion using Local Form 7 in accordance with L.R. 2090 and with payment of required fees. Such fees are payable to the Clerk, U.S. District Court, but are to be submitted with the pro hac vice application to the Bankruptcy Court.

Guidelines for Attorney Compensation

The Appendix to this Manual contains the Court's Guidelines for Professional Compensation. L.R. 2016-1- 2016-4 govern the procedures for applications for professional compensation.

Meetings of Creditors & Trustee Information

Required Documentation

In Chapter 7 cases, debtors must bring the following documentation to the § 341 meeting of creditors:

1. Most recently filed federal and state tax returns;
2. Current W-2 (or W-4) statements;
3. Deeds to any real estate in which the debtor has any interest;
4. Savings, checking, and investment account statements;
5. Documentation supporting Means Test/Disposable Income Form 22;
6. Personal property tax statements;
7. Divorce decree or separation agreement; and
8. Pay stubs or other earnings statements covering the pay period during which the bankruptcy case was filed.

In Chapter 13 cases, debtors must bring to the § 341 meeting:

1. The items listed above; and
2. The Chapter 13 trustee's question sheet (copies may be obtained from the Chapter 13 Trustee's Office). Debtors engaged in business may be subject to additional requirements by the trustee.

All individual debtors must bring photo identification and proof of social security number. The following are acceptable forms of picture identification:

1. driver's license;
2. federal or state government ID;
3. student ID;
4. U.S. passport;
5. military ID; or
6. resident alien card.

Acceptable forms of proof of social security number include an original:

1. social security card;
2. medical insurance card;
3. pay stub;
4. W-2 form;
5. Internal Revenue Service Form 1099; or
6. Social Security Administration SSA report.

Waiver of Attendance

A request by a debtor to be excused from attendance at the meeting of creditors must be made in writing to the Office of the United States Trustee and copied to the case trustee. The U.S. Trustee's acceptable grounds for waiver include: medical condition, imprisonment and military assignment which prevent attendance. Any application for waiver of attendance must include supporting documentation, e.g., doctor's letter, court order, or military order. Waiver of personal appearance and permission to attend a § 341 meeting by telephone must also be approved by the U.S. Trustee's Office. To appear by telephone, the debtor must be sworn in and identified by a notary, court reporter, or other person permitted by law to administer an oath.

Office of the United States Trustee

Assistant U.S. Trustee:
Paul Randolph
111 South 10th Street, Suite 6353
St. Louis, MO 63102
(314) 539-2976

Attorneys for U.S. Trustee:
Martha Dahm (314) 539-2976
Leonora Long (314) 539-2976
Peter Lumaghi (314) 539-2976

List of Panel Trustees - See the Court's web site for names and addresses of trustees.

Chapter 12 and 13 Procedures

Chapter 13 Attorney Fee Guidelines

1. **Flat Fee Option - Flat Fee.** Attorneys for Chapter 13 debtors who elect the Flat Fee Option may, without application to the Court, receive $4,000 for cases filed on or after March 10, 2011 (or $4,281 if the filing fee is advanced).

2. **Fee Application Option - Initial Fee.** Effective May 1, 2003, attorneys for Chapter 13 debtors who elect the Fee Application Option may, without filing a fee application, receive an initial fee of $2,300 (or $2,581 if the filing fee is advanced).

3. **Service of Fee Applications**. All applications must be served as specified in L.R 2016-1(B)(2).

4. **Payment of Chapter 13 Attorney's Fees through Plan.**
   a. **In cases filed prior to October 17, 2005:** When paid through the plan, unless otherwise specified, the Chapter 13 trustee shall pay the debtor's attorney's fees at the rate of 35% of funds available for distribution at the disbursement level for secured creditors.
   b. **In cases filed on or after October 17, 2005:** The debtors' attorney's fees shall be paid by the Trustee after monthly payments to secured creditors. However, a maximum of $2,000 in attorney fees, minus any attorney fees paid directly by the debtor, may be paid after monthly payments for post-petition real estate contract payments, post-petition executory contract payments, and unassigned domestic support obligation payments. Such fees shall be paid in equal monthly payments over twelve or more months. Any attorney fees owed and not paid or payable in equal monthly payments as stated above shall be paid as a lump sum at a disbursement level after all secured claims. If an attorney chooses to amend a confirmed plan to add a provision for payment of some fees in equal monthly payments, the Trustee shall establish the monthly payment by dividing the fees remaining to be paid under the paragraph by the remainder of the repayment period in the paragraph.

5. **Hourly Compensation for Debtor's Attorney.** A Chapter 13 debtor's attorney may be compensated on an hourly basis for representation of the debtor in an appeal or an adversary proceeding.

Chapter 12 and 13 Plan and Confirmation

1. **Interest on Secured Claims in Chapters 12 and 13.** The applicable interest rate for secured claims in Chapter 13 cases is published on the Court's web site. The Chapter 12 interest rate for secured claims is the same as the Chapter 13 interest rate.

2. **Minimum Monthly Chapter 13 Plan Payment.** Unless otherwise ordered, the minimum monthly Chapter 13 plan payment referenced in L.R. 3015-2(F) is $75.00.

3. **Chapter 13 Confirmation of Plans.** Confirmation of a plan or amended plan may take place prior to the confirmation hearing if no timely objection is filed. The trustee shall provide a proposed order confirming the plan or the pre- or post-confirmation amended plan.

Chapter 13 Requirements Regarding Motor Vehicles

1. **Insurance.** L.R. 2015-2(C) requires a debtor in a Chapter 13 case to maintain insurance on any motor vehicle on which a lien exists to secure a debt. Absent agreement between the debtor and the lienholder, the debtor shall:
   a. prepay at least three (3) month's insurance on the vehicle;

   b. provide for the collision and comprehensive deductible to be $500 and provide for the insurance policy to name the lienholder as a loss payee. If the security agreement or other contract requires a deductible lower than $500,

such contract will govern the amount of deductible the debtor is required to maintain during the bankruptcy case.

2. **Vehicle Valuation.** Absent evidence to the contrary, for purposes of 11 U.S.C. § 506, the Court's Vehicle Valuation Policy referred to in L.R. 3015-2(G) shall be 97% of the National Automobile Dealers Association (NADA) (Central Edition) retail value at the time of filing the petition.

Chapter 11 Procedures

Coordination with Court

If you believe coordination with the Court is necessary or helpful before filing any substantial Chapter 11 case, please contact only the Clerk of Court at (314) 244-4601.

United States Trustee's Role

The United States Trustee's role includes reviewing first day motions, professional employment issues, committee formation and other topics germane to the commencement of the case. The U.S. Trustee will also assign an analyst and attorney to each case and will mail notice to each of the 20 largest unsecured creditors concerning formation of an unsecured creditors' committee. At the initial debtor interview, if not addressed in advance, the U.S. Trustee will review:

1. the debtor's obligation to file monthly operating reports;
2. the debtor's insurance needs;
3. the U.S. Trustee's banking guidelines;
4. the U.S. Trustee's Fee Guidelines; and
5. the debtor's obligation to pay quarterly fees under 28 U.S.C. § 1930(a)(6).

First Day Matters

Typical first day matters include:

1. Motions for joint administration;
2. Applications for employment of professionals, including attorneys, accountants, financial advisors (only where necessary to avoid immediate and irreparable harm);
3. Motions to extend time for filing schedules and statement of financial affairs to a specified date;
4. Motions for use of cash collateral (CM/ECF pathway: Bankruptcy, Motions, Use Cash Collateral);
5. Motions for post-petition financing;
6. Motions to pay pre-petition employee wage claims and benefits (only where necessary to avoid immediate and irreparable harm);
7. Motions regarding 11 U.S.C. § 366 (CM/ECF pathway: Bankruptcy, Motions, Continuation of Utilities Service/Adequate Assurance of Payment Under Section 366);
8. Motions to vary from the United States Trustee's requirements (such as maintenance of existing bank accounts, existing business forms, cash management systems,

investment procedures, etc.);

9. Motions directing banks to honor pre-petition checks (only where necessary to avoid immediate and irreparable harm); and
10. Motions to allow the debtor to pay certain pre-petition claims and honor certain pre-petition customer claims (refunds of deposits, warranties, etc.) (only where necessary to avoid immediate and irreparable harm).

Affiliated Debtor Cases
When two or more petitions are pending in the same Court by a debtor and an affiliate, the Court may order the cases jointly administered. Please refer to L.R. 1015 for the procedures required for joint case administration.

Adversary Proceedings

Types of Actions
An adversary complaint and cover sheet must be filed when a party is initiating any of the types of proceedings set forth in Fed. R. Bankr. P. 7001.

Summons
The Court will determine whether to set the case for a pre-trial or trial hearing and the Clerk will issue the summons. Subsections (4) and (5) of Fed. R. Bank. P. 7004 govern service on the United States or its agencies of a summons, complaints, and motions in contested matters (see Fed. R. Bank. P. 9014). Plaintiffs (or moving parties) should review those Rules carefully. The most common defect is that service is not made on the Attorney General of the United States nor on the officer or agency involved. Failure to effect proper service could jeopardize the plaintiff's case.

Pre-Trial Conference and Scheduling Order
Orders regarding discovery deadlines, pre-trial conferences, and other matters relating to trial may be issued sua sponte by the Court or on motion of a party.

Subpoenas
A party can compel production of documents or attendance of a witness at trial or at a deposition through use of a subpoena (Local Forms 23A, 23B, 23C). Fed. R. Bankr. P. 9016 incorporates Fed. R. Civ. P. 45 authorizing attorneys to issue subpoenas. Subpoenas generally must be personally served, and if the witness's attendance is compelled, the subpoena must be accompanied by the fee for one day's attendance and for mileage. (See Fed. R. Civ. P. 45(b) and 28 U.S.C. § 1821). The current statutory witness fee for a non-party witness appearing at Court or for deposition is $40.00 per day plus mileage at 48 1/2 cents per mile.

Return Exhibits Following Trial
The Court will return trial exhibits to the party who submitted the exhibits approximately ten (10)

days after entry of the order concluding the matter for which the exhibits were submitted.

Payment of Funds into Court Registry
Procedures for payment of funds into the Court's registry (e.g., on interpleader) are provided on the Court's web site.

Registered Agents
The following web site shall be used to locate the registered agent for any entity for which service on its registered agent is required: https://www.sos.mo.gov/BusinessEntity/soskb/csearch.asp .

Claims

Chapter 7 Cases
In this Court, all Chapter 7 cases initially start as no-asset cases. The notice of commencement of case will specifically instruct creditors not to file a proof of claim until the Court sends a separate notice directing claims to be filed. If the trustee concludes the estate has assets, the Court will send a notice of assets to all parties on the matrix directing creditors to file a proof of claim and setting the date by which claims must be filed. Upon issuing a deadline for filing claims, the Court will give notice of the deadline as required in Fed. R. Bankr. P. 3002(c)(5).

Chapter 12 and 13 Cases
The deadline for filing claims in Chapter 12 and 13 cases shall be as stated in Fed. R. Bankr. P. 3002(c) (generally 90 days after the first date set for the meeting of creditors and 180 days after the order for relief for claims filed by governmental units).

Chapter 9 and 11 Cases
The deadline for filing claims in Chapter 9 and 11 cases shall be as stated in Fed. R. Bankr. P. 3003(c) (generally within the time fixed by the Court, notice of which must be given as required by Fed. R. Bankr. P. 2002(a)(7)).

Claims filed by the Debtor
The Clerk's Office will send notice of the filing of the proof of claim to the affected creditor, case trustee, debtor and debtor's attorney. This notice describes the amount and type of claim, (secured, unsecured, etc.), when it was filed, and by whom. It also explains that a proof of claim filed by a creditor at any time shall supersede the proof of claim filed by the debtor or the trustee.

Objections to Claims in Jointly Administered Chapter 11 Cases
In jointly administered Chapter 11 cases, each objection shall be assigned a claim objection number by the debtors and shall be numbered sequentially without regard to the particular estate against which the subject claim is asserted. The debtor shall be responsible for maintaining and distributing (monthly or more frequently as may be required) a Master Objections to Claims Calendar which shall set forth the hearing date and time, debtor company name, debtor case number, claimant's

name, claim number, claim amount, claim classification and claim objection number and shall indicate if any response has been received from the claimant. The debtor shall serve the Master Objections to Claims Calendar upon all parties on the Master Service List, or if none, upon all those who would be on such a list.

Unclaimed Funds

Funds for creditors who could not be located by the trustee or which otherwise may be unclaimed or in dispute may be paid into the Court's registry on motion. Payment of funds held in the Court's Registry may be made only on order of the Court, and if the request is for funds held on a particular claim, application must be made in compliance with the Court's instructions. A form application and affidavit are available on the Court's web site.

Appeals

Notice of Appeal and Process

The Notice of Appeal must be filed with the Bankruptcy Court. Motions for stay pending appeal or for other relief pending appeal must ordinarily be presented in the first instance to the bankruptcy judge. Fed. R. Bankr. P. 8005. An appeal is timely if filed within 14 days of the date of entry of the order or judgment being appealed. Fed. R. Bankr. P. 8002(a). Local Rule 8001 and Part VIII of the Federal Rules of Bankruptcy Procedure govern bankruptcy appeals.

Unless either party elects to have the appeal go to the District Court, the appeal will be heard by the Bankruptcy Appellate Panel. If the appellant wants the appeal to be heard by the District Court, the appellant must file an election with this Court at the time of filing the notice of appeal. Any other party seeking to have the appeal heard by the District Court must file an election with the Bankruptcy Appellate Panel within 30 days of service of the notice of appeal (28 U.S.C. § 158(c)). Sample forms for appellant's and appellee's election to the District Court are provided in an appendix to the local rules for the Bankruptcy Appellate Panel. Those rules and instructional manual are available from the Eighth Circuit Court of Appeals web site at http://www.ca8.uscourts.gov/index.html .

PART TWO - CASE MANAGEMENT/ELECTRONIC CASE FILING (CM/ECF) ADMINISTRATIVE PROCEDURES

Overview

The CM/ECF Administrative Procedures are designed to assist attorneys and others who file with the United States Bankruptcy Court, Eastern District of Missouri by setting forth basic procedures for filing documents under the Court's Case Management - Electronic Case Filing (CM/ECF) System. Electronic Case Filing (ECF) became mandatory at this Court for all attorneys on November 1, 2003. These procedures address processes for filing electronically.

Because the Local Rules of Bankruptcy Procedure do not address many of the technical requirements specified in these Procedures, it is important for those filing with this Court to review these materials as well as the Local Rules and to become familiar with the contents of all documents. These Procedures are critical to ECF training, but are in no way a summary or substitute for the detailed, step-by-step instruction contained in the ECF Training Manual used in formal ECF training. Questions about ECF training shall be directed to Beth Pfister, ECF Training Coordinator, (314) 244-4606, or you may view the Court's web site at www.moeb.uscourts.gov.

The transition to a paperless Court and paperless legal practice is an on-going process. Many refinements are expected along the way. These Administrative Procedures provide a solid starting place and convey the Court's expectations for use of the CM/ECF System. The Administrative Procedures have been integrated into the Procedures Manual and no longer contain a separate appendix as any referenced document can be found on the Court's web site. Any questions about the procedures or generally about filing may be directed to the Court's ECF Help Desk at 1-866-803-9517.

Designation of Cases, Passwords and Registration

Designation of Cases

The provisions of these Administrative Procedures and any amendments hereto apply to all documents filed on or after May 1, 2003. These Administrative Procedures govern access to and usage of the Case Management/Electronic Case Filing System ("CM/ECF System" or the "System") of the United States Bankruptcy Court for the Eastern District of Missouri.

Passwords

A login and password are required to file and receive electronic notice through the System. Effective on and after September 12, 2011, Limited Creditor filers will receive electronic notice through CM/ECF. Limited filing privileges are reserved for non-attorneys who file documents for creditors

and are restricted to file only certain documents as defined by the Limited Participant Registration and Access form available on the Court's web site under CM/ECF. Each registered participant shall be entitled to one System login and password. Any trustee appointed by the Office of the United States Trustee may obtain a separate password for use as a trustee.

Registration

1. **Registration Forms**. Each participant must complete either an Attorney, Limited Filer, or a Filing Agent ECF Registration Form, as appropriate, via a link in the CM/ECF section of the Court's web site.

2. **Obtaining Login and Password and Maintaining Account**. After successfully completing ECF training and/or qualifying exercises, the Court will issue the participant's assigned login and password. The participant may obtain a login and password via a link in the CM/ECF section of the Court's web site and does not need to complete ECF training or qualifying exercises in this Court if the participant holds a working CM/ECF login and password for a bankruptcy or district court in another federal district. Upon receipt, the participant may modify the assigned password on the System using the "Utilities" feature and selecting "Change Your Password." All other filer information can be accessed via the "Maintain Your ECF Account" link under Utilities. Participants are responsible for maintaining their accounts.

3. **Use and Protection of Password**. Any password issued for the System shall be used exclusively by the registered participant to whom the password has been assigned and by any employee(s) or persons authorized by the registered participant. No registered participant shall knowingly permit a password to be used by anyone who is not authorized to use the password and no person shall knowingly use another's password unless such person is so authorized.

4. **Password Security**. If a participant has any reason to suspect his password has been compromised, it is the participant's duty to immediately 1) notify the Court, and 2) change the password through the "Change Your Password" option under the "Utilities" function of the ECF System. The login code will remain constant.

5. **Withdrawal from System**. Once registered, a participant must maintain a current and active e-mail address to receive e-mail notification from the System. A participant may withdraw from the System by providing the Clerk's Office with written notice of such withdrawal. Upon receipt of the written notice, the Clerk's Office will immediately cancel the participant's password and delete the participant from any applicable electronic service list. Terminating access to the System does not authorize the attorney to withdraw as the attorney of record for his/her client.

6. **Undeliverable Notice of Electronic Filing E-Mail.** The Clerk's Office monitors electronic notices returned to the Court as undeliverable. If repetitious electronic notices are returned to the Court for the reason that the e-mail address of the CM/ECF participant is not accurate, the Clerk's Office may cancel the participant's password and delete the participant from any

applicable electronic service list.

Filing of Documents

Mandatory Electronic Filing and Return of Paper Documents
Effective November 1, 2003, all attorneys are required to file electronically with this Court as stated herein. The Clerk of Court has been directed to decline to accept for filing any pleadings and other documents submitted in paper format after the mandatory date. Attorneys will be directed to the scanning stations in the Intake area to scan documents brought to the Court for filing. If documents are submitted in paper format by mail or through the drop box, the Court will send notice to the attorney advising that all subsequent paper documents from that attorney (regardless of the case in which tendered) will be returned to the attorney as unfiled.

Creditor Matrix
The creditor matrix must be prepared and filed in accordance with the Court's "Instructions for CM/ECF Matrix" available on the Court's web site under CM/ECF. To be filed electronically, matrices MUST be in ASCII DOS text format (.txt) and named "creditor.txt" or creditors must be added individually. To amend a matrix, the attorney must file the amended matrix in PDF format with an appropriate cover memorandum, if required under L.R. 1009, and verification of matrix, and must either add the additional creditor(s) using the "Enter individual creditors" menu option within Creditor Maintenance or must upload a new matrix in .txt format using the "Upload a creditor matrix file" menu option in Creditor Maintenance.

System Requirements & Limitations on Size of Documents
All documents must be filed in Portable Document Format (PDF) (except for the matrix as described in Section II. B. above). Instructions for converting documents to PDF format are available on the Court's web site under CM/ECF. The following requirements for scanning resolution and pixel (bit) depth apply to scanned images to be uploaded via the Court's CM/ECF system.

3.2.1 Bitonal (1-bit) scanned at 300-600 ppi [1]
This is appropriate for documents that consist exclusively of clean printed type possessing high inherent contrast (e.g., laser printed or typeset on a white background). Scanning at 600 ppi is recommended.

3.2.2 Gray scale (8-bit) scanned at 300-400 ppi
This is appropriate for textual documents of poor legibility because of low inherent contrast, staining, or fading (e.g., carbon copies, thermofax, or documents with handwritten annotations or other markings), or that contain halftone illustrations or photographs. Scanning at 400 ppi is recommended.

[1] "ppi" is pixels per inch

3.2.3 Color (24-bit RGB [Red, Green, Blue]) scanned at 300-400 ppi
Color mode (if technically available) is appropriate for text containing color information important to interpretation or content. Scanning at 400 ppi is recommended.

Commercial software that scans at 300dpi is acceptable for filing. Documents filed electronically should not exceed 3.75 megabytes (MB). If any document is larger than 3.75 MB, the filer shall divide the document into parts and file each part separately. The first part of the document would be associated (linked) to the event and subsequent parts would be attachments to the main document. If the filer is filing documents which require the payment of fees, the browser requirements necessary to use the Internet Credit Card Program are available on our Court's web site under Public Notices.

Judge/Trustee Assignment
The System will attempt to place all cases filed by an attorney during entry of a group of cases on the same § 341 meeting calendar if the attorney runs the Judge/Trustee Assignment after having opened all cases for a given group and does not have an excessively large batch. If the filer performs the Judge/Trustee Assignment after opening each case at various times throughout the day, the cases will not be grouped together on the § 341 calendar. If the filer fails to perform the Judge/Trustee Assignment procedure, the ECF System will automatically assign the Judge and Trustee at various times throughout the day. When the System performs the Judge/Trustee Assignment, an attorney's cases may not be grouped together for the § 341 meeting calendar.

Emergency Matters
Any party seeking to have a matter addressed on an emergency/expedited basis shall file the document electronically and contact the Courtroom Deputy for the appropriate judge to advise of the filing. The judge may require a fax copy of the pleading.

Exhibits
Most Exhibits Not to be Filed. With limited exceptions set forth in the Local Rules, most exhibits are NOT to be filed with the Court when filing a motion, pleading, or claim. Instead, an Exhibit Summary (Local Form 9), (See L.R. 9040) shall be used in place of the exhibits. The Exhibit Summary Form shall be part of, or filed as an attachment to the motion, pleading, or claim to which it relates.

Adversary Proceedings
The Adversary Cover Sheet must be filed electronically with the adversary complaint. It may be filed as part of, or as an attachment to the adversary complaint. The adversary cover sheet is available in fillable PDF format on the Court's web site under Local Forms. The Court generates the summons electronically.

Effect of Electronic Filing

1. **Entry on Docket**. Electronic transmission of a document to the System, confirmed by the Court's transmission of its Notice of Electronic Filing, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the Rules of this Court and constitutes entry of the document on the docket kept by the Clerk of Court under Fed. R. Bankr. P. 5003.

2. **Official Record**. The official record in a case is the electronic record of the document as stored by the Court. The filing party is bound by the document as filed electronically through the System. A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the Court.

Exceptions to Electronic Filing

1. **Documents under Seal/Protective Documents**. Documents may be filed under seal on motion to the Court. Registered participants shall file such motion electronically; however, the actual document(s) to be sealed shall not be filed unless the motion is granted. If the documents are required for the Court to rule on the motion, the documents shall be submitted to the Court in an envelope for *in camera* review. If the motion is granted, the movant shall submit the documents to the Court in an envelope indicating they are being filed under seal and movant shall affix to the envelope a copy of the order authorizing the filing under seal.

2. **Proposed Orders.** No proposed orders are to be filed electronically with a pleading. See the Orders section of this Manual.

3. **Motions for Pro Hac Vice.** See L.R. 2090(B)(1).

Hyperlinks

Electronically filed documents may contain hyperlinks to other portions of the same document and/or to a location on the Internet that contains a source document for a citation.

CM/ECF Dictionary Events

CM/ECF Event Pathway Directories are available for attorney and trustee events on the Court's web site under CM/ECF. Some attorney and trustee events do not require a PDF to be attached. Examples of events with no PDF attachments are the Attorney Fee Election Form and Meeting of Creditors Held events.

Documents Filed in Error

A document incorrectly filed in a case may be the result of posting the wrong PDF file to a docket entry, or selecting the wrong document type from the menu, or simply entering the wrong case number and not catching the error before the transaction is completed. If you are uncertain of what further action should be taken, **do not attempt to re-file the document.** To request a correction, telephone: **Toll Free Help Desk** at **1-866-803-9517** as soon as possible after an error is discovered. Be sure to have the case number and document number for which the correction is being requested. If appropriate, the Court will make an entry indicating that the document was filed in error. You will be advised *if* you need to re-file the document. The system will not permit you to make changes to the document(s) or docket entry filed in error once the transaction has been accepted.

Notice and Service of Documents

Notice of Electronic Filing

When most documents are entered into the ECF system, the system will automatically generate a Notice of Electronic Filing and transmit an e-mail to all full-participant registered users in the case

providing a link to view the document filed. The Notice of Electronic Filing will indicate the time of filing, the name of the filing party, the name of the attorney filer, the type of document filed, and the text of the docket entry. A list of those persons who will receive the document electronically through the System and a list of those to whom it will not be sent electronically is also provided on the Notice. Effective on and after September 12, 2011, Limited Filers will receive Notices of Electronic Filing. Restricted access events (Tax Documents and B21 Social Security Statement Forms) which generate a Notice of Electronic Filing and appear on the public Docket Report but do not make the PDF image of the document accessible to the public. Transcripts are temporarily restricted, and the image is not available to the public for at least 90 days.

Signatures

Format

No signatures are required to appear on documents filed electronically. The Court does not require a "/s/" or other indicia of signature for the attorney's, the debtor's, or other signature. The filer's login and password serve as the filer's signature and representation concerning others' signatures.

Fees

Credit/Debit Cards

Electronic filing requires use of a credit/debit card to pay filing fees. ECF permits filers to apply charges directly to a credit/debit card using secured Internet access. Instructions for internet credit card payment are available on the Court's web site under CM/ECF.

Delinquent Fees

When a fee is required with any pleading or document filed electronically, and the fee is not simultaneously paid with a credit/debit card because the credit/debit card is rejected, the filer must deliver the required fee to the Court within 2 business days of the Court's issuance of the Order and Notice of Failure to Pay Filing Fee Through Internet or the Court will automatically dismiss the case or deny the pleading for failure to pay the required fee. Non-payment of fees will not be tolerated by this Court. Any instances of repetitious non-payment will be addressed immediately by the Clerk of Court and may result in revocation of electronic filing privileges.

Orders

Manner of Submission

1. **E-mail Transmission**. Proposed orders shall be submitted to the Court by e-mail

as an attached document in **WordPerfect** or **Word** format and shall be sent to the e-mail address that corresponds with the Judge assigned to the case referenced in the proposed order. The number of orders attached to an e-mail message is not limited. However, the combined size of the e-mail may not exceed 3.75 MB.

Send orders to:

Chief Judge Schermer -	SchermerOrders@moeb.uscourts.gov
Judge Surratt-States -	StatesOrders@moeb.uscourts.gov
Judge Rendlen -	RendlenOrders@moeb.uscourts.gov

2. **Naming Convention**. The proposed order must conform to the following naming convention: *case number with judge code, descriptive file name (e.g. party and type of pleading) and appropriate file-type extension (".wpd" or ".doc")*. Omit hyphens in case number. For example:

0254321172 Ford Motor Relief.wpd
0254321399 GECC Cash Collateral.doc

Judge Codes:	Chief Judge Schermer -	399
	Judge Surratt-States -	659
	Judge Rendlen -	705

3. **Content of E-mail Message**.
Subject line. The subject line of the e-mail message shall indicate the name of the attorney or law firm submitting the order(s).

Message. The e-mail message must contain the following information in the body of the message for each order or series of orders attached:

a. the name of the party on behalf of whom the order(s) is/are submitted; and

b. the date and time of the hearing to which the order(s) relates/relate if the matter was set for hearing. If the matter did not require a hearing, the message shall indicate "no hearing necessary."

Entry of Orders and Service

1. **Entry**. All orders, decrees, and judgments of the Court will be docketed electronically by the Court in accordance with these procedures. Any order docketed by the Court and transmitted through the ECF System without the original signature of the judge has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order.

2. **Service**. Upon the entry of an order, decree, or judgment, the System will send an e-mail notification of the entry of the order to all registered participants in the case that have a CM/ECF login and password. The Court will mail a hard copy to those

parties designated on the order's service list that do not have a CM/ECF login and password.

Automatic Wage Order Program
The Court has developed an Automatic Wage Order Program for processing wage orders, which does not require the ECF filer to file a PDF. The instructions on how to use the program are available on the Court's web site under CM/ECF.

Public Access to the Docket System

Internet Access with a Password
Any person with a valid PACER login and password may access the System at the Court's Internet site: http://www.moeb.uscourts.gov. A PACER login and password can be secured by contacting the PACER Service Center at **1-800-676-6856** or online at http://pacer.psc.uscourts.gov/ .

E-mail Notification, "Free Look," and Daily Summary
The System will send an e-mail notification to all registered full participants in a case for all non-private events. A link to view the document filed is provided on the e-mail notification, except for restricted access events where the document would be inaccessible. Participants are not 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 the e-mail notification. Using the "Utilities" menu, and specifically, the "E-mail information" feature within the "Maintain Your ECF Account" menu option, attorneys can elect to receive either e-mail notification throughout the day each time a document is filed or a daily summary report sent at midnight each night, listing all cases by name, number and document name. In addition, attorneys can receive e-mail notification on cases in which they are not a participant by using the Email information feature referenced previously. However, if an attorney is not a participant in the case, PACER fees will be charged to view the document. Limited users are not provided the "free-look" access.

Public Access at the Court
The public will have electronic access to view bankruptcy records at no charge at the courthouse in St. Louis, Missouri during regular business hours. A fee will be charged for printed copies. The Court provides a computer and scanning stations at the public intake counter for filing electronically.

APPENDIX

Guidelines for Compensation of Professionals

Pursuant to L.R. 2016, the following Guidelines for Compensation of Professionals apply in all bankruptcy cases in the Eastern District of Missouri except as noted for certain fees in Chapter 13 cases.

A. Time Records in Support of Fee Applications. Time records for which compensation is sought should be kept contemporaneously with the services provided and must identify the professional performing the task, the professional's hourly rate, and the length of time of the task expressed in tenths (1/10ths) of an hour. Services may not be "lumped" together unless distinct tasks performed in a project do not exceed .5 hours on a daily basis. All time entries must include a detailed description of the services performed organized in chronological order. All applications must contain activity descriptions with sufficient detail to allow the Court to determine if the requested time and service is actual, reasonable and necessary.

B. Content of Application. All applications for compensation must:

1. Contain information about the applicant, including:
   a. the date the bankruptcy petition was filed,
   b. date the order of employment was approved,
   c. identification of party represented,
   d. terms and conditions of employment and compensation, including sources and amount of any retainer, and
   e. the time period covered by the application.

2. Indicate:
   a. whether the application is interim or final;
   b. the dates of previous orders on interim applications,
   c. the amounts requested and allowed,
   d. the amounts paid and any amounts remaining unpaid.

3. Provide information on the status of the case including, in Chapter 11 cases:
   a. whether all quarterly fees have been paid,
   b. whether all monthly operating reports have been filed, and
   c. the amount of cash on hand or deposit.

Items 1-3 may be provided in summary format using Local Forms 4 or 5, as applicable.

4. Address the twelve factors from Johnson v. Georgia Highway Express, Inc., 488 F2d 718 (5th Cir. 1974) with a brief narrative of significant events in case during the period covered by the application and a summary of major activity under each project category.

5. Include time records as an exhibit.

C. **Time Limitations and Descriptions**. Time entries should follow the following format:

1. conferences and telephone calls should identify the participants and primary subject of the communication;
2. drafting or reviewing documents should identify the document involved by title or subject matter;
3. research should describe the research performed and its purpose;
4. court hearings should describe the purpose of the hearing and if more than one professional attends a hearing or conference, the application must explain the need for multiple attendees; and
5. travel shall be limited to 50% of the professional's hourly rate; actual work performed during travel is excluded from this limitation.

D. **Expenses**. Supporting documentation is required to be retained for all expenses in excess of $25.00. Copies of supporting documentation should not be filed or served with application except, when requested, copies should be served on the Office of the United States Trustee.

1. **Allowed Expenses**

- copying/duplication costs
- long-distance phone charges
- postage
- facsimile charges reflecting long distance telephone charges
- deposition and transcript fees
- filing fees
- witness fees
- service fees and other court costs
- travel expenses - including reasonable meal and lodging costs
- transportation (air - coach, taxi fares, parking, tolls, and non-local mileage at IRS rate)

2. **Excluded Expenses**. The following are overhead expenses and are not compensable without consent of the Court: all continuous administrative or general costs of operating applicant's office, including word processing, secretarial time and overtime, paralegal overtime, office supplies, rent, utilities, equipment, furnishings, insurance, monthly cellular phone charges, library fees, taxes, messenger/express mail delivery charges, and computer research charges.