

**United States Bankruptcy Court  
Eastern District of Missouri**

Dana C. McWay  
Clerk of Court

**PROCEDURES MANUAL**

accompanying

**LOCAL RULES OF BANKRUPTCY PROCEDURE**

(Revised January 23, 2023)

Honorable Bonnie L. Clair, Chief Judge  
Honorable Kathy A. Surratt-States  
Honorable Brian C. Walsh

United States Bankruptcy Court  
Eastern District of Missouri  
111 South Tenth Street, Fourth Floor  
St. Louis, MO 63102  
[www.moeb.uscourts.gov](http://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. 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 thoroughly 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, Jefferson, Lincoln, Maries, Phelps, St. Charles, St. Francois, St. Louis, Warren and Washington.

**Southeastern Division (Cape Girardeau)** – Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, Shannon, Ste. Genevieve, 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 | 4- | Eastern Division |
| 2- | Northern Division     |    |                  |

The addresses for Courthouses in each division are:

Southeastern Division U.S. Courthouse 555 Independence Street Cape Girardeau, MO 63703	Northern Division U.S. Courthouse 801 Broadway Hannibal, MO 63401	Eastern Division U.S. Courthouse 111 South Tenth Street Fourth Floor St. Louis, MO 63102
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**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
MCVCIS (Multi-Court Voice Case Information System)	(866) 222-8020 #87
Clerk of Court	(314) 244-4601
Administrative Assistant to the Clerk of Court	(314) 244-4601
Chief Deputy Clerk	(314) 244-4602
Operations Manager	(314) 244-4800
Administrative Manager	(314) 244-4900
IT Manager	(314) 244-4700
Attorney Advisor to the Clerk of Court	(314) 244-4603
Director of Courtroom Services	(314) 244-4801
Case Administration Workleader	(314) 244-4829
CM/ECF Help Desk	(866) 803-9517

*To request a hearing date, please contact the following:*

<b><u>JUDGE</u></b>		<b><u>TELEPHONE</u></b>
Judge Brian C. Walsh	Courtroom Deputy	(314) 244-4806
Judge Kathy A. Surratt-States	Courtroom Deputy Chapter 13 Deputy	(314) 244-4808 (314) 244-4810
Chief Judge Bonnie L. Clair	Courtroom Deputy Chapter 13 Deputy	(314) 244-4815 (314) 244-4809

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

Judge Brian C. Walsh	Law Clerk	(314) 244-4532
Courtroom Five North	Law Clerk	(314) 244-4531
Chief Judge Kathy A. Surratt-States	Judicial Assistant	(314) 244-4541
Courtroom Seven North	Law Clerk	(314) 244-4543
Judge Bonnie L. Clair	Law Clerk	(314) 244-4529
Courtroom Seven South	Law Clerk	(314) 244-4511

## **Case Records Information**

### **Multi-Court 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 Multi-Court Voice Case Information System (MCVCIS) is available 24 hours a day, seven days a week, and can be accessed by calling (866) 222-8020 #87 from any touch-tone telephone. Using MCVCIS, 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 \$0.10 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](http://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. Parties not registered for electronic notice 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](mailto: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 Website**

The Clerk's Office has created an Internet web-site to disseminate information to the public. The address is [www.moeb.uscourts.gov](http://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 business hours at the Clerk's Office on the fourth floor of the Thomas F. Eagleton Building, or by mail. Pursuant to L.R. 5005(B), facsimile filing is prohibited.

### **In Person Filing**

The Clerk's Office no longer provides a drop box for filing. All papers brought to the Court for filing must be brought to the Clerk's Office front counter. Any non-attorney filing a document in person at the Clerk's Office must bring a government-issued photo identification and present it along with the document, or the document will be declined for filing. If the filer uses a courier to file a document, the courier must present both the filer's government-issued photo identification and the courier's government-issued photo identification, or the document will be declined for filing.

### **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).

### **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 Requirements**

L.R. 9040 requires all exhibits to be filed on the record as an attachment or as a separate docket entry. Should an attorney believe that filing exhibits on the record would be overly burdensome due to the volume of exhibits, the attorney may contact the Chambers or the presiding Judge to obtain permission to file an exhibit summary form (Local Form 9) in lieu of filing exhibits on the record. In either event, 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 and the United States Attorney's Office, Eastern District of Missouri **should be listed on the matrix in all Chapter 13 cases**, using the following addresses:

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

United States Attorney  
Eastern District of Missouri  
111 S. 10<sup>th</sup> Street  
St. Louis, MO 63144

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 Bankruptcy Notice Provider application found in the Forms section of the U.S. Courts website (<http://www.uscourts.gov/>). 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. **If the debtor's attorney has been paid \$300 or more prior to the filing of the petition, any application to pay in installments will be denied.**

## 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 3<sup>rd</sup> 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 no subsequent case is filed. The second subsection deals with instances where a subsequent case is filed but the filing fee remains unpaid from the prior case. The third subsection deals with instances where a subsequent case is filed but the outstanding filing fee is subsequently paid.

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 the 180-day 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.
  - 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.

## Telephonic Hearing and Appearance Procedures

The following procedures are meant to complement any orders entered by the Bankruptcy Court and do not supplant any procedures contained therein. To the extent any of the following procedures conflict with a provision found in an order entered by the Bankruptcy Court, the order is controlling.

1. An attorney or a party in a case may request to participate in any hearing via telephone by contacting the Courtroom Deputy for the Judge presiding over the case at the email address below at least seven (7) days before the date of the hearing, or as soon as possible if there are less than seven (7) days between the date the underlying pleading was filed and the hearing thereon.
  - a. Chief Judge Surratt-States  
Courtroom Deputy: KSS\_Matters@moeb.uscourts.gov
  - b. Judge Walsh  
Courtroom Deputy: BCW\_Matters@moeb.uscourts.gov
  - c. Chief Judge Clair  
Courtroom Deputy: BLC\_Matters@moeb.uscourts.gov
2. A party may only participate by telephone with Court authorization.
3. Prior to contacting the Court for permission, the party or counsel seeking to appear by telephone shall obtain the consent of all other parties to the telephonic appearance.
4. Those participating by telephone must put their telephones on "mute" except when they need to be heard and shall not put their telephones on "hold."

5. Unless the Court otherwise directs, this procedure is available only to attorneys and parties who are not residents of the Eastern Division and to attorneys whose principal office is not within the Eastern Division.
6. Such hearings may be deferred by the Court to the end of the hearing calendar. All parties shall remain available for the telephonic participation beginning at the scheduled hearing time until they are excused by the Court.
7. The Court need not postpone the hearing because of a party's unavailability or because of problems with telephonic transmission.
8. Participation by telephone waives any right to appear in person.

### **Video Conference Hearing and Appearance Procedures**

The following procedures are meant to complement any scheduling or trial orders entered by the Bankruptcy Court and do not supplant any procedures contained therein. To the extent any of the following procedures conflict with a provision found in an order entered by the Bankruptcy Court, the order is controlling.

1. Video conference proceedings in the Bankruptcy Court will take place using the services of the Cisco Webex platform. The Bankruptcy Court will send an invitation for the appropriate Cisco Webex video conference to those persons authorized to participate in a proceeding via video conference.
2. All parties wishing to participate in a proceeding via video conference must contact the Courtroom Deputy for the Judge presiding over the case at the email address below to confirm that video conferencing is available for the proceeding. After receiving confirmation of the availability of video conferencing, all parties must provide advance notice of their intent to participate via video conferencing. The moving party should state its intent to participate in the proceeding via video conference in its Notice of Hearing. Non-moving parties wishing to participate in a proceeding via video conference and present evidence must provide the Bankruptcy Court with its notice at least ten (10) days prior to the proceeding by contacting the Courtroom Deputy for the Judge presiding over the case at the email address below. Non-moving parties wishing to participate in a proceeding via video conference, but not present evidence, must provide the Bankruptcy Court with its notice at least two (2) days prior to the proceeding by contacting the Courtroom Deputy for the Judge presiding over the case at the email address below. All notices must include the full name and email address of the proposed video participant and identify the party they represent. In the case of a hearing scheduled on expedited or emergency basis, notice should be given as soon as possible after learning of the hearing.

- a. Judge Surratt-States  
  
Courtroom Deputy: [KSS\\_Matters@moeb.uscourts.gov](mailto:KSS_Matters@moeb.uscourts.gov)
  - b. Judge Walsh  
  
Courtroom Deputy: [BCW\\_Matters@moeb.uscourts.gov](mailto:BCW_Matters@moeb.uscourts.gov)
  - c. Chief Judge Clair  
  
Courtroom Deputy: [BLC\\_Matters@moeb.uscourts.gov](mailto:BLC_Matters@moeb.uscourts.gov)
3. Participants wishing to present evidence during the proceeding should contact the Courtroom Deputy of the Judge presiding over the case via email to schedule a technology check to test audio, visual, chat, and screen sharing functions prior to the proceeding (See Paragraph 2). Absent a hearing on expedited or emergency basis, technology checks should take place at least seven (7) days prior to the proceeding. A technology check for a hearing scheduled on expedited or emergency basis should be scheduled as soon as possible after learning of the hearing. Participants planning to offer witness testimony must arrange for each witness to attend the technology check. In all cases, participants not presenting evidence should conduct a self-test of Cisco Webex using the same equipment they intend to use during the proceeding. Information regarding conducting a self-test can be accessed in the Webex Participants' Guide at: <https://www.moeb.uscourts.gov/webex>.
  4. Participants in the proceeding will not be able to connect to the video conference until fifteen (15) minutes prior to the scheduled start time. The Bankruptcy Court will provide participants with a link to the video conference and instructions for connecting. All participants must use a desktop, laptop, or tablet device (not a cellphone) that is plugged into a power source and has both a camera and microphone. A stable and high-speed internet connection is required. A wired internet connection to the device is strongly recommended.
  5. The Bankruptcy Court recommends the use of headphones or earbuds during the proceeding to limit background noise and feedback. All participants must mute their microphones when not speaking to limit background noise and feedback.
  6. Videoconference proceedings are a public matter, and the general public may listen via telephone. Persons wishing to listen via telephone may obtain dial-in instructions on the Bankruptcy Court's website at: <https://www.moeb.uscourts.gov/information-regarding-telephonic-hearings-bankruptcy-court>
  7. Recording videoconference proceedings from any location by any means is prohibited. The audio recording maintained by the Bankruptcy Court is the sole basis for creation of a transcript and constitutes the official record of the videoconference proceeding.

8. In accordance with Federal Rule of Civil Procedure 43(a) (made applicable by Federal Rule of Bankruptcy Procedure 9017), for good cause and in compelling circumstances the Bankruptcy Court may permit a witness to testify by contemporaneous transmission from a location other than the courtroom via videoconference. In the interest of fairness, if one witness must testify by contemporaneous transmission from another location via videoconference, the Bankruptcy Court requires all witnesses to testify by contemporaneous transmission from another location via videoconference. To achieve this end, the Bankruptcy Court will allow witnesses physically present at the courthouse to testify from an alternate courtroom within the courthouse.
9. The Bankruptcy Court will administer the oath to each remote witness during the video conference and witness testimony will have the same effect and be binding upon each remote witness in the same manner as if such remote witness was sworn in by the Bankruptcy Court in person in open court.
10. The party sponsoring each remote witness must file with the Bankruptcy Court, no later than three (3) days prior to the scheduled proceeding, a Witness List containing the following information for each potential remote witness (including any potential rebuttal witness):
  - a. Her or his name and title (if applicable).
  - b. The city, state and country where the remote witness will be located while testifying.
  - c. The type of place from which the remote witness will testify, such as a home or an office. No addresses are required.
  - d. Whether anyone will be in the room with the remote witness during the testimony and, if so, for each such person, the person's name, title, relationship to the remote witness, and purpose for being present with the witness.
11. The party sponsoring each remote witness shall be responsible for ensuring that the remote witness has obtained the password-protected link to the video conference, has obtained all exhibits prior to the hearing, has registered with Cisco Webex, has equipment and internet service sufficient to permit participation in the proceeding, and has conducted a test of their equipment to ensure functionality.
12. No person is permitted to communicate with a witness during his or her testimony, except by direct examination or cross examination on the record, unless specifically authorized by the Bankruptcy Court.

13. Although conducted using video conferencing technology, the formalities of the courtroom must be observed. Counsel and witnesses must dress appropriately, exercise civility, and otherwise conduct themselves in a manner consistent with the dignity of the Bankruptcy Court.

## **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.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(s);
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:

<ol style="list-style-type: none"> <li>1. driver’s license;</li> <li>2. federal or state government ID;</li> <li>3. student ID;</li> </ol>	<ol style="list-style-type: none"> <li>4. U.S. passport;</li> <li>5. military ID; or</li> <li>6. resident alien card.</li> </ol>
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Acceptable forms of proof of social security number include an original:

<ol style="list-style-type: none"> <li>1. social security card;</li> <li>2. medical insurance card;</li> <li>3. pay stub;</li> </ol>	<ol style="list-style-type: none"> <li>4. W-2 form;</li> <li>5. Internal Revenue Service Form 1099; or</li> <li>6. Social Security Administration SSA report.</li> </ol>
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**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 10<sup>th</sup> Street, Suite 6353  
St. Louis, MO 63102

### Attorneys for U.S. Trustee:

Carole Ryczek (314) 539-2976  
Sirena Wilson (314) 539-2976  
Joe Schlotzhauer (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** - The Court's flat fee and fee application options are governed by L.R. 2016-3(A). All applications must be served as specified in L.R. 2016-1(B)(2). Payment of Chapter 13 attorneys fees through the plan is governed by L.R. 3015-2(G). 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. **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** - For insurance requirements, please see L.R. 2015-2(C). L.R. 3015-2(H) governs vehicle valuation.

## 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 via CM/ECF. 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 (Director's Procedural Forms 2540, 2550, 2560, and 2570). 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 of Exhibits Following Trial**

In the event trial exhibits were provided to the Court, they will be returned to the party who submitted the exhibits approximately fourteen (14) days after the 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://bsd.sos.mo.gov/BusinessEntity/BESearch.aspx?SearchType=0>

## **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.

## **Appeals**

### **Notice of Appeal and Process**

The Notice of Appeal (Official Form 417 A - Notice of Appeal and Statement of Election) 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. 8007. 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 make the election by completing Part 4 of Official Form 417 A (Notice of Appeal and Statement of Election), which is filed with this Court. 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)). The Local Rules for the Bankruptcy Appellate Panel are available from the Eighth Circuit Court of Appeals web site at <http://www.ca8.uscourts.gov/>.

## **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 Brown, ECF Training Coordinator, (314) 244-4606, or you may view the Court's web site at [www.moeb.uscourts.gov](http://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.** All new requests for CM/ECF access will be completed using the PACER website [www.pacer.gov](http://www.pacer.gov). If a filer is having issues using the PACER website, please call 1-800-676-6856.
2. **Obtaining Login and Password and Maintaining Account.** After successfully completing ECF training and/or qualifying exercises, the filer will request CM/ECF access using the PACER website [www.pacer.gov](http://www.pacer.gov). Court will issue the participant's assigned login and password. The participant 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, but a request for CM/ECF access will still need to be completed via the PACER website in order to file in the Eastern District of Missouri Bankruptcy Court. All filer information can be updated using the PACER website, with the exception of secondary e-mail addresses. The secondary e-mail address can be updated using the "Utilities" feature and selecting "Maintain Your ECF Account" link under "Utilities." Participants are responsible for maintaining their accounts.
3. **Use and Protection of Password.** Any password issued by PACER 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 their password has been compromised, it is the participant's duty to immediately 1) notify the Court, and 2) change the password using the PACER website at [www.pacer.gov](http://www.pacer.gov).
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 or by mail, 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 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 pixels per inch (ppi)

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.

#### 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 15 megabytes (MB). If any document is larger than 15 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**

As set forth in the Local Rules, exhibits shall be filed on the record as an attachment or as a separate docket entry. (See L.R. 9040)

## **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 in accordance with Local Rule 9037-2.
2. **Proposed Orders.** No attorney 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. Use the "Search" feature to find your event.

## **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 Microsoft 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 5 MB.

Send orders to:

Judge Walsh -

[WalshOrders@moeb.uscourts.gov](mailto:WalshOrders@moeb.uscourts.gov)

Judge Surratt-States -

[StatesOrders@moeb.uscourts.gov](mailto:StatesOrders@moeb.uscourts.gov)

Chief Judge Clair -

[ClairOrders@moeb.uscourts.gov](mailto:ClairOrders@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:

Judge Walsh - 357

Judge Surratt-States - 659

Chief Judge Clair - 169

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 Clerk's Office 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.