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FILED
DISTRICT COURT OF GUAM
MAR 24 2004
MARY L. M. MORAN
CLERK OF COURT

DISTRICT COURT OF GUAM
TERRITORY OF GUAM

In re
PROCEDURES FOR FILING, SIGNING,
VERIFICATION AND SERVICE OF
DOCUMENTS BY ELECTRONIC MEANS.

GENERAL ORDER NO. 04-0011

**ORDER ADOPTING CASE MANAGEMENT/ELECTRONIC
CASE FILES (CM/ECF) ADMINISTRATIVE PROCEDURES**

Pursuant to Federal Rules of Civil Procedure 5(b)(2)(D) & (e) and 83, Federal Rules of
Bankruptcy Procedure 5005(a)(2), 7005, 9011 and 9029, and Local Rule LBR 5005-1,

IT IS HEREBY ORDERED:

1. The Case Management/Electronic Case Files (CM/ECF) Administrative
Procedures for the Electronic Filing, Signing, Verifying, and Serving of Documents ("CM/ECF
Administrative Procedures"), attached hereto as an exhibit, are adopted for use in all
Bankruptcy cases and proceedings in the District Court of Guam.
2. The electronic filing of a document in accordance with the CM/ECF
Administrative Procedures constitutes the filing of the document for all purposes of the Federal
Rules of Bankruptcy Procedure and the Local Rules of this court, and constitutes the entry of
the document on the docket by the clerk under Fed. R. Bankr. P. 5003.
3. When a document has been filed electronically or filed in paper form and
its image electronically recorded by the court, the official record is the electronic recording of
the document as stored by the court. The clerk shall not be required to retain any documents

1 after making an electronic recording thereof consistent with the technical standards, if any,
2 established by the Judicial Conference of the United States and the requirements, if any,
3 prescribed by the Administrative Office of the United States Courts. The clerk shall issue,
4 pursuant to Fed. R. Bankr. P. 5006, a certified copy of any document maintained by such
5 electronic recording or as described in paragraph 4 below.

6 4. The CM/ECF Administrative Procedures identify as “virtual documents”
7 certain documents (including some orders) which are frequently used by trustees and the court
8 and the text of which does not vary from case to case. A virtual document consists entirely of
9 the text contained in the docket entry and is not embodied in a separate document or electronic
10 recording. The docket entry for virtual documents shall be fully effective despite the absence
11 of a document or electronic recording apart from the docket entry.

12 5. The use of an individual’s court-assigned login and password in the
13 electronic filing of a document shall constitute the signature of that individual for all purposes,
14 including those under Fed. R. Bankr. P. 9011 and 28 U.S.C. § 1746, and shall have the same
15 force and effect as if the individual had affixed that individual’s signature on a paper copy of
16 the document being filed.

17 6. The declarations or certifications required by a debtor on the petition and
18 accompanying schedules and statements, any amendments thereof, and other documents
19 specified in the CM/ECF Administrative Procedures shall be made by filing (in paper form) a
20 Declaration re: Electronic Filing with the original signature of each individual or joint debtor,
21 or the original signature of an authorized individual on behalf of a debtor that is a corporation,
22 partnership, or other artificial entity. The Declaration re: Electronic Filing shall be filed not
23 later than 5 business days after the date of the electronic filing of the subject document(s).
24 Failure to file a timely Declaration re: Electronic Filing may result in dismissal of the case
25 without further notice or a hearing.

26 7. A judgment or order filed electronically by the court without the original
27 signature of a judge has the same force and effect as if the judge had affixed the judge’s
28 signature to a paper copy of the order or judgment. The electronic filing by the court of a

1 judgment or order shall satisfy the requirements for the clerk to keep records under Fed. R.
2 Bankr. P. 5003 and 9021. Electronic transmission through the CM/ECF system of a notice of
3 electronic filing and a link to the image of a judgment or order entered on the docket shall
4 constitute service and notice of the entry to those persons who have consented in writing to
5 accept electronic service or notice in accordance with Fed. R. Bankr. P. 9022 and Fed. R. Civ.
6 P. 5(b). Such consent is required as a condition for participation as a registered user in the
7 CM/ECF system. The clerk may serve notice of the entry of a judgment or order by
8 transmitting a notice of electronic filing through the CM/ECF system.

9 8. A party may serve and give notice of a document through use of the court's
10 transmission facilities to the maximum extent permitted by the Federal Rules of Bankruptcy
11 Procedure. Electronic transmission of a notice of electronic filing and the link to the image of
12 the document being filed shall constitute service and notice to those persons who have
13 consented in writing to accept electronic service or notice. Such consent is required as a
14 condition for participation as a registered user in the CM/ECF system.

15 9. The court may dismiss, after notice and a hearing, any case commenced
16 with the filing of an electronically filed petition where the petition is submitted:

- 17 a. By a person who may not be a debtor at the time the petition is
18 submitted, pursuant to 11 U.S.C. § 109 or by court order;
19 b. Without the required filing fee;
20 c. Without a mailing matrix; or
21 d. Without the list of creditors holding the 20 largest unsecured
22 claims, if a chapter 11 case.

23 10. The court may expunge an electronically filed document requiring a fee
24 where payment of the fee is not made during the electronic filing or by such other time
25 specified in the CM/ECF Administrative Procedures. After notice and a hearing, the
26 court may also impose appropriate sanctions on the filing individual for failure to pay the
27 filing fee.

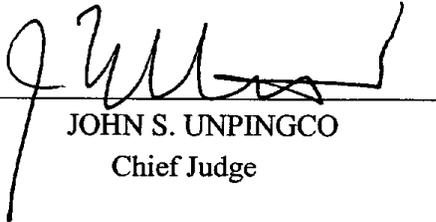
28 11. A summons in an adversary proceeding and a summons to a debtor in an

1 involuntary case containing the name of the clerk, the image of the seal of the court, and the
2 identification of the court will be available for downloading from the court's website. Such a
3 summons, once completed in accordance with Fed. R. Civ. P. 4 and dated on or after the date
4 of the filing of a complaint or an involuntary petition, shall be deemed to be a valid summons
5 signed, sealed, and issued by the clerk.

6 12. This order and the CM/ECF Administrative Procedures shall govern in
7 the event of any conflict with a provision set forth by local rule or prior general order.

8 13. The CM/ECF Administrative Procedures shall take effect April 5, 2004.
9 SO ORDERED this 24th day of March, 2004.

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JOHN S. UNPINGCO
Chief Judge