

Electronic Case Filing
Administrative Policies and Procedures Manual
UNITED STATES BANKRUPTCY COURT
Southern District of Indiana
(Effective July 1, 2009)

Introduction.....	1
Authorization for Electronic Filing	2
Definitions.....	2
Application of Rules and Orders	3
Cases Subject to Electronic Case Filing	3
Tools Needed for Electronic Filing	4
Registration	4
Termination or Suspension of CM/ECF User Rights	5
System Availability.....	7
Filing Documents Electronically	7
Format for Electronic Filings.....	7
Electronic Signature and Signature Block.....	8
Attaching Exhibits to Pleadings.....	9
Orders.....	9
Service of Electronically Filed Documents	10
Docket.....	11
Retention of Documents with Original Signatures.....	11
Problems with E-Filing	11
Non-Electronic Filings.....	12
Sealed Cases and/or Documents	12
Ex Parte Documents.....	13
Fees Payable to the Clerk of the Court	14
Contact Information.....	14
APPENDIX A	15
APPENDIX B	16

Introduction

The United States Bankruptcy Court for the Southern District of Indiana implemented an Electronic Case Filing/Case Management System on 10/17/2004. The Court's system, CM/ECF, permits attorneys who appear in all bankruptcy cases and adversary proceedings to file documents with the Court via the Internet using the ECF (Electronic Case Filing) portion of the system. This Administrative Policies and Procedures Manual governs electronic filing in all cases and proceedings in the Southern District of Indiana Bankruptcy Courts. Attorneys, parties, and *pro se* litigants may view bankruptcy cases and adversary proceedings, as well as documents filed electronically, by utilizing the PACER (Public Access to Court Electronic Records) portion of the system via the Internet.

This Manual is not intended to provide comprehensive guidance on the mechanics of electronic filing. Interested parties should consult the Local Rules and the Court's Procedures Manual, both available on the Internet at www.insb.uscourts.gov.

Authorization for Electronic Filing

Local Rule B-5005-4 authorizes electronic filing in conjunction with Fed.R.Bankr.P. 5005(a)(2). The following policies and procedures govern electronic filing in the Bankruptcy Courts of this District unless a Bankruptcy Judge determines that these policies and procedures should be modified due to circumstances in a particular case.

Definitions

The following definitions shall apply to this Electronic Case Filing Administrative Policies and Procedures Manual:

- 2.1 “Cases” means all bankruptcy cases and adversary proceedings.
- 2.2 “Document” means pleadings, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices, and any other filing by or with the Court.
- 2.3 “ECF” means the Electronic Case Filing portion of the Court’s CM/ECF System, which may be accessed by e-filers for the purpose of filing documents electronically in cases pending before the Court. [See section under Registration.]
- 2.4 “E-filer” means an attorney or limited user authorized to file documents electronically.
- 2.5 “Electronic filing” means the submission of electronic documents through CM/ECF.
- 2.6 “Electronic signature” means the e-filer’s name preceded by /s/ in the space where the e-filer’s wet signature otherwise would appear. [See section under Electronic Signature and Signature Block.]
- 2.7 “Limited user” means a creditor, or other party in interest, given limited rights to file certain documents electronically. [See the Court’s Limited User Manual for more information.]
- 2.8 “Notice of Electronic Filing” means the e-mail notice that is automatically generated by the Electronic Case Filing System at the time a document is filed by an e-filer or an order is entered by the Court. The Notice of Electronic Filing (NEF) will set forth the date and time of filing or issuance, the type of document, the text of the docket entry, the name of the parties receiving the notice, and an electronic link (hyperlink) to the document, which allows recipients to retrieve the document electronically.

- 2.9 “PACER” (Public Access to Court Electronic Records) means the Public Access portion of the Court’s CM/ECF System, which may be accessed by anyone with a PACER login and password for the purpose of viewing case dockets and electronically filed documents in cases pending before the Court.
- 2.10 “PDF” means a document that exists in Portable Document Format. A document file created with a word processor, or a paper document which has been scanned, must first be converted to a portable document format before it can be electronically filed with the Court. Converted files contain the extension “.pdf.”
- 2.11 “Traditional service” or “traditionally serve” means service in accordance with Fed.R.Bankr.P. 7004.
- 2.12 “Wet signature” means the original signature on a document which results from signing with pen.
- 2.13 “Manual” means this document - the Electronic Case Filing Policies and Procedures Manual.

Application of Rules and Orders

Unless modified by Order of the Court, all Federal Rules of Bankruptcy Procedure and Local Rules shall continue to apply to cases maintained in the Court’s Case Management/Electronic Case Filing System (CM/ECF).

Cases Subject to Electronic Case Filing

Pursuant to General Order 09-0003 dated July 1, 2009:

Any attorney representing another party shall file all cases and pleadings electronically, using the Court’s CM/ECF system and in accordance with the Manual.

A non-attorney who has registered as a limited user shall file documents using the Court’s CM/ECF system, in accordance with the Manual and such other guidance as has been posted by the Clerk concerning the rights of limited users.

All others shall file cases, pleadings and documents on paper, except that the creditor matrix for any case must be submitted on a diskette or other electronic media acceptable to the Clerk. Petitions and pleadings must contain the original wet signature of the party filing same.

Attorneys, parties, and *pro se* litigants may view dockets and electronically filed documents via the Internet through the use of the Court's PACER (Public Access to Court Electronic Records) System.

Tools Needed for Electronic Filing

In order to file documents electronically and/or receive electronic notification of case activity via the Electronic Case Filing System, one must have the following:

- a. An ECF login and password assigned by the Clerk (in order to access the Court's Electronic Case Filing System).
- b. A computer running a Windows or a Macintosh operating system;
- c. Software used to create PDF documents from a word processing application, such as Adobe Acrobat Professional®;
- d. A PDF viewer, such as Adobe Acrobat Reader® (free download available at www.adobe.com);
- e. A PDF-compatible word processor like Macintosh or Windows-based versions of WordPerfect® or Microsoft Word®;
- f. An Internet browser, such as Internet Explorer® 6.0 or higher or Firefox 2.0 or higher (128-bit encryption is strongly recommended);
- g. Internet access and an e-mail address;
- h. Access to a scanner (may be necessary for paper exhibits which must be scanned into PDF).

E-filers are strongly encouraged to maintain an anti-virus program to protect not only their system but also CM/ECF.

Registration

Attorneys seeking to file electronically must be admitted to practice in the U.S. District Court for the Southern District of Indiana, either via standard admission or pro hac vice admission, and must be in good standing. Each attorney seeking to file documents electronically must submit a completed ECF Attorney Registration Form found on the Court's website. Regardless of the Division in which the attorney most frequently practices in the Southern District of Indiana, completed registration forms should be returned to:

U.S. Bankruptcy Court
Southern District of Indiana
Attn: ECF Registration Processing
P.O. Box 44978
Indianapolis, IN 46244

Completion of a basic training course is also required. That course may be waived, at the discretion of the Clerk, if the applicant can establish that training was completed in a different Bankruptcy Court OR if the applicant has sufficient experience with electronic filing to allow waiver of the training requirement. The ECF Attorney Registration Form allows an attorney to request such waiver.

Attorneys who resign or retire from their current practices should notify the Clerk's Office so logins and passwords can be disabled. If a change in law firms takes place, attorneys are to contact the Clerk's Office so new passwords can be assigned.

Note: Any change in login or password will not remove an attorney from a case or proceeding. The appropriate pleading, such as a motion to withdraw, must be filed before an attorney will be removed from the case or proceeding and its distribution list.

Parties who seek the authority to file electronically as limited users should complete the ECF Limited User Registration Form and User Agreement found on the Court's website and should return the form to the address above. All e-filers are responsible for maintaining the accuracy of their account information, including accurate mailing and email addresses, using Utilities/Maintain User Account.

To view dockets and electronically filed documents through the Court's PACER System, users must access the system through a PACER login and password. Attorneys and parties may register for a PACER account by visiting the PACER website at <http://pacer.psc.uscourts.gov> or by contacting the PACER Service Center at (800) 676-6856.

Confusion often arises about the two different logins and passwords. E-filers will probably need a PACER login and password as well as an ECF login and password. Without the PACER access, an e-filer will not be able to view dockets or documents other than those the e-filer received through a Notice of Electronic Filing. When attempting to e-file, be sure to use the ECF login and password.

Termination or Suspension of CM/ECF User Rights

The Court may terminate an e-filer's rights to continue participating in electronic filing under the following circumstances:

- 1) If the e-filer is an attorney who retires, resigns, is suspended or disbarred from practice by the U. S. District Court for the Southern District of Indiana, then the

Clerk shall terminate or restrict access to CM/ECF. (This change in access will not result in the removal of the attorney from any case or proceeding in which that attorney previously appeared.)

- 2) If the Court determines that an attorney has changed firms and has failed to alert the Clerk, the Clerk shall immediately terminate access to CM/ECF for the user name and login assigned the attorney at the original firm. (This change in access will not result in the removal of the attorney from any case or proceeding in which that attorney previously appeared.)
- 3) If any Judge determines, based on a review of the user's actions, that an e-filer has demonstrated the inability to use the system properly, then the Judge may (a) direct the e-filer to obtain additional training; or (b) direct the Clerk to suspend the e-filer's access, either permanently or pending the completion of additional training. Inability to use the system properly shall be determined by any of the following: (a) an above average number of notices of deficient filing; (b) repeated failure to respond to notices of deficient filing; (c) repeated failure to select correct events designed to collect statistical data; (d) improper delegation of rights to login and password; (e) repeated failure to remit fees electronically; (f) any other persistent conduct that produces errors or inaccuracies requiring Court resources to rectify. The Judge may rely on the Clerk for information establishing an attorney's inability to use the system properly. (This change in access will not result in the removal of the attorney from any case or proceeding in which that attorney previously appeared.)
- 4) If the e-filer is an attorney and it is determined that the attorney is not admitted to practice in the Southern District of Indiana, including pro hac vice admission, OR that the attorney misrepresented material facts about either (a) the ability to be admitted to this District; or (b) prior training on CM/ECF, then a Judge may direct that access to electronic filing be terminated or suspended after notice has been given to the e-filer. (This change in access will not result in the removal of the attorney from any case or proceeding in which that attorney previously appeared.)
- 5) After the Court determines that an e-filer has used another e-filer's login and password, then a Judge may direct that access to electronic filing be terminated or suspended after notice has been given to the e-filer. (This change in access will not result in the removal of the attorney from any case or proceeding in which that attorney previously appeared.)

Suspension or termination of rights under this section does not affect an attorney's admission to practice in this District. However, suspension or termination does not excuse the e-filer from compliance with the requirement that all documents be filed electronically. Therefore, suspension or termination does not give the e-filer the right to file documents non-electronically.

System Availability

The Court's system is designed to provide service 24 hours a day, 7 days a week. Occasionally, the CM/ECF System may be unavailable for brief, scheduled maintenance. Notice of scheduled maintenance will be posted on the Court's website in advance. Attorneys are encouraged to file documents in advance of filing deadlines and during normal business hours. Questions regarding the Electronic Case Filing System and the registration process should be referred to the Clerk's Office at (317) 229-3800. Technical difficulties should be referred to the Court's Help Desk via e-mail to helpdesk@insb.uscourts.gov. The Help Desk is staffed on business workdays from 8:00 a.m. to 4:30 p.m.

Filing Documents Electronically

Electronic transmission of a document containing a proper electronic signature and submitted in accordance with the Federal Rules of Civil Procedure and the Local Rules of this Court shall constitute the filing thereof.

A Notice of Electronic Filing (NEF), acknowledging that the document has been filed, will immediately appear on the e-filer's screen after the document has been submitted. E-filers are strongly encouraged to print or electronically save a copy of the NEF. E-filers can also verify the filing of documents by inspecting the Court's electronic docket sheet through the use of a PACER login. Upon the motion of a party or upon the e-filer's failure to respond to a notice of deficient filing, the Court may strike any inappropriately filed document or dismiss the case.

Documents filed electronically must be submitted in a PDF (Portable Document Format). Filing documents electronically does not alter filing deadlines. All electronic transmissions of documents must be completed (*i.e.* received completely by the Clerk's Office) prior to midnight, Eastern Time, to be considered timely filed that day. Although e-filers can file documents electronically 24 hours a day, 7 days a week, attorneys are encouraged to file all documents during the normal working hours of the Clerk's Office (Monday through Friday, 8:00 a.m. to 4:30 p.m.) when technical support is available.

Before filing a document with the Court, an e-filer must verify its legibility. The PDF should print cleanly and legibly on 8 ½" by 11" paper, single-sided.

E-filers shall be responsible for selecting the appropriate event from the list of docketing events in CM/ECF. Once a document is submitted and becomes part of the case docket, corrections to the docket can only be made by the Clerk of Court.

Format for Electronic Filings

Electronically filed documents must meet the requirements of Fed.R.Bankr.P. 9004 (General Requirements of Form); Fed.R.Bankr.P. 9009 (Forms); Fed.R.Bankr.P. 9013 (Motions: Form

and Service); Fed.R.Bankr.P. 7003 (Commencement of Adversary Proceeding); and Local Rule B-5005-1 (Filing of Papers), as if they had been submitted on paper. Documents filed electronically are also subject to any page limitations set forth by Court Order or Local Rule as applicable.

To facilitate document retrieval for users who are accessing the system with a dial-up connection, documents may not exceed an electronic file size of **5 megabytes**. To electronically file a document or attachment that exceeds 5MB, the document must first be broken down into two or more smaller files. For example, if Exhibit A is a 6MB PDF file, it should be divided into two equal parts prior to electronic filing. Any document filed should fit on an 8.5 x 11 inch page, if printed, so as to not adversely impact the noticing process of the Bankruptcy Noticing Center.

The attachments mentioned above should not be confused with memoranda or briefs in support of motions. These memoranda or briefs in support are to be filed as entirely separate documents pursuant to the appropriate rule. Additionally, no motion shall be embodied in a response or reply brief/memorandum unless otherwise ordered by the Court. Local Rule B-9013-1, which requires separate motions, also applies to electronic pleadings.

All pleadings and other filings (including motions, briefs, and proposed orders) must be converted to a PDF directly from a word processing program (e.g., Microsoft® Word or Corel WordPerfect®) rather than created from the scanned image of a paper document. The e-filer is responsible for reviewing all PDF documents for legibility before submission.

Electronic Signature and Signature Block

Use of the e-filer's login and password when filing documents electronically, combined with the use of the required signature format, serves as the e-filer's signature for purposes of Fed.R.Bankr.P. 9011, the Local Rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court. All documents filed electronically shall include a signature block consisting of the e-filer's electronic signature (/s/ typewritten name where the e-filer's wet signature would otherwise appear); the e-filer's typewritten name below the electronic signature; address; telephone number; facsimile number and e-mail address. This required format appears below.

/s/ [Typewritten Name of E-Filer]
Name of E-Filer
Address
City, State, ZIP Code
Phone: (xxx) xxx-xxxx
Fax: (xxx) xxx-xxxx
E-mail: xxx@xxx.xxx

The “/s/[Typewritten Name]” format is also acceptable as a substitute for the wet signature of a party, such as the debtor, on an electronically filed document **provided** that the e-filer retains the

document with wet signature according to the section below, Retention of Documents with Original Signatures.

A scanned, wet signature of the e-filer is also acceptable on an electronically filed document. However, if for any reason the e-filer is filing a document non-electronically, then the document tendered to the Clerk must have a wet signature.

Documents signed by an e-filer must be filed using that e-filer's ECF login and password, and may not be filed using a login and password belonging to another e-filer. [See section on Termination or Suspension of CM/ECF User Rights.]

Documents requiring signatures of more than one party shall be filed either by: (a) obtaining consent from the other party, then typing the "/s/ (typewritten name)" of the other party on the signature line where the other party's signature would otherwise appear; (b) submitting a scanned document containing all wet signatures (presuming the submitting party is an e-filer); or (c) in any other manner approved by the Court.

Attaching Exhibits to Pleadings

Except as the presiding Judge in a case may otherwise direct, attachments to documents (including, but not limited to, leases, notes, etc.), which may not exist in electronic form, shall be electronically imaged (scanned) and filed as a PDF document. Many docket events provide e-filers an opportunity to attach exhibits as part of the filing process. Consult specific docket event information in the Procedures Manual.

All documents with attachments, capable of electronic imaging and filing, shall be filed electronically together under one entry number. E-filers shall submit as exhibits or attachments only those excerpts of the referenced documents that are germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. E-filers who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or to file the complete document. Responding parties may timely file in electronic format additional excerpts that they believe to be germane to the matter under consideration by the Court.

Orders

1. Electronic Submission

Except as the presiding Judge in a case may otherwise direct, a party submitting a proposed order to the Clerk of Court shall do so electronically (by uploading the order) via E-Orders. [See the Procedures Manual for further guidance on uploading orders and proper format.]

2. **Non-Electronic Submission**

Parties who are not e-filers shall provide one copy of the proposed order on paper [See the Procedures Manual for further guidance on format.]

3. **Signed Orders**

All signed orders shall be entered electronically by the Clerk of Court or presiding Judge in the case. Any order or other court-issued document filed electronically without the original signature of a Judge or the Clerk has the same force and effect as if the Judge or the Clerk had signed a paper copy of the order and it had been entered on the docket non-electronically. Orders may also be issued as “text only” entries on the docket. Such orders are official and binding.

4. **Distribution**

Parties are responsible for ensuring that any order (even if distributed by the Clerk) is sent to the proper entities. Service of an order can be determined by looking at the Bankruptcy Noticing Center (BNC) Certificate of Service, which appears on the docket approximately three days after filing.

Service of Electronically Filed Documents

By participating in the Electronic Case Filing System, e-filers consent to the electronic service of documents and agree to make e-mail addresses available for service. Upon the filing of a document by a party, an e-mail message will be automatically generated by the Electronic Case Filing System and sent via electronic mail to the e-mail addresses of all e-filers who have appeared in the case. The Notice of Electronic Filing (NEF) will contain a document hyperlink which will provide recipients with one “free look” at the electronically filed document. Recipients are encouraged to print and/or save a copy of the document during the “free look” to avoid incurring PACER charges for future viewings of the document. *It is the responsibility of the e-filer to traditionally serve all parties who do not receive electronic service* (the identity of these parties will be indicated at the bottom of the NEF receipt generated by the ECF System). In addition to receiving e-mail notifications of filing activity, the parties are strongly encouraged to sign onto the PACER System at regular intervals to check the dockets in their cases.

A certificate of service must be included with all documents filed electronically as to which service is required. Such certificate shall indicate that service was accomplished pursuant to the Court’s electronic filing procedures. With the exception of documents filed under seal, the party effectuates service on all e-filers in the case by filing electronically.

The Court may sign, seal, and issue a summons electronically. However, a summons may not be served electronically.

Docket

Upon the electronic filing of a document, a docket entry will be automatically created by the CM/ECF System using the information provided by the e-filer. The Clerk of Court, where necessary and appropriate, will modify the docket entry description to comply with quality control standards.

Retention of Documents with Original Signatures

Documents with original signatures of persons other than the e-filer must be retained by the e-filer for a period of three years after the closing of the case by the Clerk unless the Court orders a different period. This retention period does not affect or replace any other retention periods required by other applicable laws or rules. Upon request by the Court, the United States Trustee, or the case trustee, the e-filer must provide documents with original signatures of persons other than the e-filer for review.

Parties filing documents non-electronically must file the original with wet signatures and also provide a copy. The original will be returned to the filer (if the filing occurred in person or a return mail envelope was provided), and must be retained by the filer for the same duration as a document filed electronically. The Court will retain all submitted documents for 30 days and will then discard them.

Problems with E-Filing

Parties are encouraged to file documents electronically during normal business hours in case a problem is encountered. Generally, if a technical failure occurs and a document cannot be filed electronically, despite the best efforts of the filing party, the e-filer should print (if possible) a copy of the error message received. In addition, as soon as practically possible, the e-filer should file a “Declaration that Party was Unable to File in a Timely Manner Due to Technical Difficulties” [the “Declaration”]. A model form is provided as Appendix A.

If a party misses a filing deadline as a result of a technical failure, the filing party must contact the Clerk’s Office by sending an email to helpdesk@insb.uscourts.gov to inform the Clerk’s staff of the difficulty. If problems persist, the party may submit non-electronically the untimely filed document, accompanied by the Declaration, which would have the wet signature of the e-filer. If electronic filing has become possible *after* the missed deadline, then the e-filer should submit the Declaration and the untimely filed document electronically. The document and Declaration must be filed no later than 12:00 p.m. of the first day on which the Court is open for business following the original filing deadline that was missed.

Non-Electronic Filings

Parties otherwise participating in the electronic filing system may be excused from filing a particular document electronically under certain limited circumstances, such as when the document cannot be reduced to an electronic format. Such documents shall not be filed electronically, but instead shall be non-electronically filed with the Clerk of Court and served upon the parties in accordance with the applicable Federal Rules of Civil Procedure and this Manual. Document must contain wet signatures.

Sealed Cases and/or Documents

- 1) **Filing a CASE under Seal**
 - a) Option A: If the party filing the case desires to keep the entire case, including the name, out of the electronic record, then this procedure should be followed:
 - i) File a Motion to Seal a Case non-electronically with wet signatures. The Chief Judge or designee is alerted to the filing and will consider and rule upon the motion.
 - ii) If the motion is granted, the case or miscellaneous matter is assigned a number. All pleadings thereafter must be filed non-electronically with wet signatures. The Clerk maintains the docket manually. If the motion is denied, the requesting party files the case or miscellaneous matter electronically. The Motion to Seal and Order are scanned by the Clerk and added to the docket.
 - b) Option B: If the party filing the case elects to have the case name and number public, but desires to have all pleadings sealed, OR if a party other than the filing party desires to have the case sealed, then this procedure should be followed:
 - i) File the case or miscellaneous matter electronically.
 - ii) File a Motion to Seal a Case electronically. That motion will be ruled upon by the Judge assigned to the case upon its filing.
 - iii) If the motion is granted, the case or miscellaneous matter is sealed immediately upon issuance of the order sealing the case. The case name and number, as well as the initial pleading, the Motion to Seal, and the Court's Order, will remain on the docket and available for public viewing via the Court's PACER System. All

pleadings thereafter must be filed non-electronically with wet signatures. If a sealed case is later unsealed by Order of the Court, any or all of the documents previously filed in the case may also be unsealed and all non-electronically filed documents may then be scanned and docketed in CM/ECF.

2) **Filing and Serving a Document in a CASE which is under Seal**

Any party wishing to file a document in a case that has previously been sealed must do so non-electronically and with wet signatures. Any document filed non-electronically in a sealed case must be traditionally served upon opposing counsel or by using any approved method listed under Fed.R.Bankr.P. 7004.

3) **Filing and Serving a Sealed Document in a Case which is NOT under Seal**

Before submitting a sealed document, a Motion to Seal Document must be filed electronically. If approved, the sealed documents to be filed in a case which is not under seal must be submitted non-electronically with wet signatures. A paper copy of the order authorizing filing under seal must be attached to the document. An e-filer cannot file a sealed document through CM/ECF. Docket text generated by the Clerk will describe the document, and the description will be displayed on the Court's docket for public viewing. Any document filed in this manner must be traditionally served upon opposing counsel or by using any approved method listed under Fed.R.Bankr.P. 7004.

4) **Treatment of Documents Filed under Seal or in a Case Under Seal**

Sealed documents and documents filed in a case under seal will not be scanned or in any way changed to electronic form. These documents will be retained by the Clerk in a secure location, with access restricted as determined by the Judge assigned to the matter.

Ex Parte Documents

Ex parte documents must be filed electronically. All ex parte filings must be submitted using an appropriate ex parte filing event. Docket text and PDF documents associated with an electronic filing created using an ex parte filing event are not posted on the Court's public docket and cannot be accessed via the Court's PACER System.

When a filing is submitted electronically using an ex parte filing event, a Notice of Electronic Filing is distributed, via e-mail only, to counsel for the filing party. If the Motion remains ex parte at the time of the Court's ruling, any Order issued referencing the ex parte Motion will generate and distribute an NEF only to counsel for the applicable party.

Fees Payable to the Clerk of the Court

On-Line Credit Card Payments: E-filers shall pay the appropriate filing fee using the on-line Credit Card Transaction module, which will allow the e-filer to pay after each transaction or make one payment at the end of all transactions. All required fees must be paid at the time of the transaction or by the end of the day. Non-payment will result in the e-filer being locked out of the ECF System. This lockout may extend to all of the e-filer's accounts.

In the event of non-payment, an e-mail will be sent to the e-filer listing the payments due; and the "Internet Payment" option becomes the only ECF menu item available. Upon receipt of all payments due, the lockout will be automatically terminated. For additional information about credit card payments in CM/ECF, see the Internet Credit Card Payment Manual.

Refunds/Fees Not Due: To assert that a fee should not be charged, the filing party must send an e-mail to nofee@insb.uscourts.gov *before* paying the fee. To request a refund after the fee has been filed, the party must file a Motion for Refund.

Parties Who Are Not E-Filers: Parties filing non-electronically must tender cash (exact amount required – no change given), cashiers' checks, or money orders for fees due.

Contact Information

Additional information about electronic filing may be obtained by visiting the Court's website at www.insb.uscourts.gov or by contacting the Clerk's Office at (317) 229-3800.

Appendix A

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA**

[Put caption of case or adversary proceeding here]

**DECLARATION THAT PARTY WAS UNABLE TO FILE IN A TIMELY
MANNER DUE TO TECHNICAL DIFFICULTIES**

Please take notice that [Plaintiff/Defendant, Name of Party] was unable to file his/her [Title of Document] in a timely manner due to technical difficulties. The deadline for filing the document was [Filing Deadline Date]. The reason(s) that I was unable to file the document in a timely manner and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the Court and the other parties that I could not do so are set forth below.

[Statement of reasons and good faith efforts to file and to inform
(including dates and times)]

I declare under penalty of perjury that the foregoing is true and correct.

/s/ [Typewritten Name of E-Filer] *

Name of E-Filer

Address

City, State, ZIP Code

Phone: (xxx) xxx-xxxx

Fax: (xxx) xxx-xxxx

E-mail: xxx@xxx.xxx

*Signature format acceptable if filed electronically; if not electronically, a wet signature is required.

CERTIFICATE OF SERVICE

I hereby certify that on [date], a copy of the foregoing [name of document] was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

[List parties receiving service electronically with **e-mail** address]

[Name of Receiving Party]

[E-Mail Address]

I further certify that on [date], a copy of the foregoing [name of document] was mailed by first-class U.S. Mail, postage prepaid, and properly addressed to the following:

[List parties receiving traditional service with **postal** address]

[Name of Receiving Party]

[Postal Address]

[City, State, ZIP Code]

/s/ [Typewritten Name of E-Filer]

Name of E-Filer*

*If Certificate is filed separately from main document, include case caption and entire signature block of e-filer.