

## AO 5005-4 Electronic Filing

### (a) Registration and Passwords

- (1) *Attorneys and Trustees.* Attorneys admitted to the bar of this court (including those admitted *pro hac vice*), United States trustees and their assistants, trustees and others as the court deems appropriate, may register as Filing Users of the court's CM/ECF system upon: (A) completion of the court's training program, or (B) certification that the proposed Filing User has been trained in another court and is qualified to file pleadings in a federal court. Registration will be in a form prescribed by the clerk and will require the Filing User's name, address, telephone number, email address and, in the case of an attorney, a declaration that the attorney either is admitted to the bar of this court or has been admitted to the bar of this court *pro hac vice* at the time that the application is submitted. Attorneys and trustees may request Filing Agent access for employees who file on their behalf. The attorney or trustee is responsible for all documents filed by the Filing Agent.
- (2) *Limited Use Log-ins and Passwords.* Attorney and creditor representatives may register as Filing Users of the court's CM/ECF system upon: (A) completion of the court's training program, or (B) certification that the proposed Filing User has been trained in another federal court and is qualified to file approved limited use documents. Registration will be in a form prescribed by the clerk and will require the firm name, Filing User's name, address, telephone number and email address.
- (3) *Securing Log-in and Password.* Once registration is completed, the Filing User will receive notification of the user log-in and password. No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User. Filing Users shall protect the security of their passwords and immediately notify the clerk if they learn that their password has been compromised. Filing Users may be subject to sanctions for failure to comply with this provision.

### (b) Consequences of Electronic Filing

- (1) *Entry of Documents.* Electronic transmission of a document to the CM/ECF system consistent with these rules, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document for all purposes of the Bankruptcy Rules and the *LBRs* of this court and constitutes entry of the document on the docket kept by the clerk under Bankruptcy Rule 5003.
- (2) *Entry of Court Orders.* All orders, decrees, judgments and proceedings of the court will be filed in accordance with these rules, which will constitute entry on the docket kept by the clerk under Bankruptcy Rules 5003 and 9021. All orders will be filed electronically by the court or court personnel. Any order filed electronically without the handwritten, wet signature of a judge has the same force and effect as if the judge had affixed the judge's handwritten, wet signature to a paper copy of the order and it had been entered on the docket in a conventional manner.
- (3) *Official Record.* When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically, a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.

(c) *Service and Notice*

- (1) *Waiver of Service.* Registration as a Filing User constitutes: (A) waiver of the right to receive notice by first class or certified mail and consent to receive notice electronically; and (B) waiver of the right to service by personal service, first class or certified mail, and consent to electronic service, except with regard to service of a summons and complaint under Bankruptcy Rule 7004. Waiver of service and notice by first class or certified mail applies to notice of the entry of an order or judgment under Bankruptcy Rule 9022.
- (2) *Service of Documents by Electronic Means.* Electronic transmission by the court of the Notice of Electronic Filing generated by the CM/ECF system will constitute service or notice of the filed document. Parties not deemed to have consented to electronic notice or service are entitled to receive a paper copy of any electronically filed pleading or other document, and service or notice must be made according to the Bankruptcy Rules and the *LBRs*.
- (3) *Notice of Court Orders and Judgments.* Immediately upon the entry of an order or judgment, the clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Bankruptcy Rule 9022.

(d) *Signatures and Declarations Regarding Electronic Filing*

- (1) *Log-in and Password Constitute Signature.* The user log-in and password required to file documents on the CM/ECF system serve as the Filing User's signature on all electronic documents filed with the court. They also serve as a signature for purposes of Bankruptcy Rule 9011, the Bankruptcy Rules, the *LBRs* of this court and any other purpose for which a signature is required in connection with proceedings before the court. Electronically filed documents must include a signature block that sets forth the name, address, telephone number and an attorney's BNH number, if applicable. In addition, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "/s/" and typed in the space where a handwritten, wet signature would otherwise appear.
- (2) *Documents Requiring Signature of More Than One Party.* Except for documents covered by paragraph (d)(3) of this order, documents requiring signatures of more than one party must be electronically filed either by: (A) filing a scanned document containing all necessary signatures, (B) representing the consent of the other parties on the document, or (C) in any other manner approved by the court.
- (3) *Documents Containing Signatures Under Oath Require Submission of Declaration Regarding Electronic Filing.* If a document that is electronically filed contains a signature under oath, other than that of the Filing User, a Declaration Regarding Electronic Filing must be submitted to the court within seven (7) days. The Declaration Regarding Electronic Filing must be signed under oath, and must contain the handwritten, wet ink signatures of the petitioner/declarant and the attorney for the petitioner/declarant. The Declaration Regarding Electronic Filing must be in the form of *LBF 5005-4* and must have attached to it a copy of the Notice of Electronic Filing for that document, which includes the electronic document stamp. The clerk is hereby empowered to, and shall dispose of, said declarations three (3) years after the case is closed without further order of the court. Examples of documents that require the submission of a Declaration Regarding Electronic Filing include petitions, schedules/statements, amendments to schedules/statements, affidavits, verified complaints and plans if signed under oath.

(e) *Miscellaneous.*

- (1) *Filing Deadlines.* Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight local time where the court is located in order to be considered timely filed that day.
- (2) *Attachments and Exhibits.* Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless the court permits conventional filing. A Filing User may submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. Filing Users 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 the complete document. Filing Users must promptly provide excerpted documents in full if a responding party makes such a request. Responding parties may timely file additional excerpts or the complete document, if they believe they are directly germane.
- (3) *Proposed Orders.* A Filing User filing a document electronically that requires court approval must also file, at that time, a separate proposed order as an attachment to the document in the CM/ECF system. If a proposed order is being submitted by a Filing User after a document requiring court approval has already been electronically filed (e.g., at the request of a judge after a hearing on the document), the proposed order shall be filed separately in the CM/ECF system unless otherwise ordered by the court. The proposed order shall be entitled “Order,” not “Proposed Order,” and shall be substantially in the form of *LBF 9072-1*.
- (4) *Technical Failures.* A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court pursuant to 11 U.S.C. § 105 and Bankruptcy Rule 9006(b)(1), subject to the limitations of Bankruptcy Rule 9006(b)(2) and (3).

*Cross-References:*

- *LBR 5003-4 (Court Documents)*
- *LBR 5005-4 (Electronic Filing)*
- *LBF 5005-4 (Declaration Regarding Electronic Filing)*
- *LBF 9072-1 (Order (Proposed))*

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE

In re:

\_\_\_\_\_  
Debtor

Bk. No. \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Chapter \_\_\_\_\_

**DECLARATION REGARDING ELECTRONIC FILING**

**Part 1 - Declaration of Petitioner/Declarant:**

I, \_\_\_\_\_, the undersigned, hereby declare under penalty of perjury that the information I have given my attorney and the information contained in the document listed below is true and correct to the best of my knowledge and belief. **The Notice of Electronic Filing of the document listed below is attached as Exhibit A.**

**Part 2 - Identification of Document:**

- Voluntary Petition, Schedules and Statements consisting of \_\_\_\_\_ pages.  
Full Social Security number of debtor: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Full Social Security number of joint debtor: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_
  - [If petitioner is an individual] I declare under penalty of perjury that the foregoing Social Security number is true and correct.
  - [If petitioner is a corporation, partnership or limited liability entity] I declare under penalty of perjury that the information provided in the petition is true and correct, and that I have been authorized to file the petition on behalf of the debtor. The debtor requests relief in accordance with the chapter specified in the petition.
- Voluntary Petition consisting of \_\_\_\_\_ pages.  
Full Social Security number of debtor: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Full Social Security number of joint debtor: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_
  - [If petitioner is an individual] I declare under penalty of perjury that the foregoing Social Security number is true and correct.
  - [If petitioner is a corporation, partnership or limited liability entity] I declare under penalty of perjury that the information provided in the petition is true and correct, and that I have been authorized to file the petition on behalf of the debtor. The debtor requests relief in accordance with the chapter specified in the petition.
- Schedules and Statements consisting of \_\_\_\_\_ pages.
- Amendment to Petition, Schedules or Statements consisting of \_\_\_\_\_ pages.
- Amendment of Social Security number.  
Full Social Security number of debtor: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Full Social Security number of joint debtor: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_
- Verified Complaint consisting of \_\_\_\_\_ pages.

- Chapter 13 Plan or Amended Chapter 13 Plan consisting of \_\_\_\_\_ pages.
- Other: \_\_\_\_\_ [insert name of document] dated \_\_\_\_\_, consisting of \_\_\_\_\_ pages.

I understand that this DECLARATION REGARDING ELECTRONIC FILING is to be submitted to the clerk after the above-listed document has been filed electronically but, in no event shall it be submitted later than seven (7) days after the document has been filed. I acknowledge receipt of a copy of the document that is being electronically filed.

**I understand that failure to submit this DECLARATION to the court is grounds for dismissal of my case and/or grounds for the court to strike the document identified above from the record in this proceeding. I understand that this DECLARATION must contain my handwritten, wet ink signature, which appears below.**

Date: \_\_\_\_\_

Signed: \_\_\_\_\_  
Name/Title: \_\_\_\_\_

Date: \_\_\_\_\_

Signed: \_\_\_\_\_  
Name/Title: \_\_\_\_\_

**Part 3 - Declaration of Attorney:**

I declare that, to the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that the document identified above is not being presented for any improper purpose; that the claims, defenses, allegations and other legal or factual contentions have, or will have, evidentiary support, and that the denials of factual contentions are warranted. I further certify that the petitioner/declarant signed this Declaration and authorized me to electronically file the document identified above, that I gave the petitioner/declarant a copy of the document identified above that is being electronically filed, and that the document identified in the attached **Notice of Electronic Filing** from the CM/ECF system is the document identified above. **I understand that this DECLARATION must contain my handwritten, wet ink signature, which appears below.**

Date: \_\_\_\_\_

\_\_\_\_\_  
Attorney Signature  
\_\_\_\_\_  
Print Name  
Address \_\_\_\_\_  
\_\_\_\_\_  
Tel. No. \_\_\_\_\_

**NOTE: You *must* attach the Notice of Electronic Filing as an exhibit.**  
***(SUBMIT ORIGINAL TO COURT. DO NOT FILE ELECTRONICALLY.)***