



CM/ECF Newsletter

Winter 2012 Edition • Official Court Publication

▪ [Page 1](#) ▪

[EASI](#)

▪ [Page 2](#) ▪

[Revised Local Rules](#)

▪ [Page 3](#) ▪

[Documents Filed
Under Seal](#)

[PACER Access
Restrictions](#)

▪ [Page 4](#) ▪

[Mediation](#)

[Multi-Court Voice Case
Information System](#)

▪ [Page 5](#) ▪

[PDF/A](#)

EASI Best Practices

The Electronic Access to Sales Information (EASI) system provides a central location where assets subject to bankruptcy sale in the Western District of Pennsylvania may be posted and viewed by the general public. The purpose of the EASI system is to supplement the existing sale notification requirements.

Attorneys and trustees wishing to post an asset for sale on the EASI system must upload information about the asset using the EASI input screen. This input screen is accessed through CM/ECF and looks and functions very similar to CM/ECF. In addition to entering basic information about the asset for sale, users may upload the Notice of Sale document, photos and any applicable bidding procedures through this screen.

All of the information that is uploaded through the input screen will appear on a webpage that can be accessed by the general public. This webpage is available as a link from the Bankruptcy Court website. Members of the public may search for available assets by price range, asset location or case number, among other criteria. Potential purchasers may also sort the results of their search by sale date, asset type and price.

Beginning on March 1, 2012, parties wishing to sell assets in a bankruptcy case will be required to post these assets on the EASI system pursuant to W.PA.LBR 6004-1(c)(2). However, as part of a test phase, the EASI system has actually been functioning since October 1, 2011. The Bankruptcy Court used this intervening time period to develop some suggested best practices based on the content of existing entries. The following suggestions are designed to benefit the attorneys and trustees required to use the EASI system as well as the general public who may be seeking to purchase assets posted using EASI.

- 1) Users should post asset(s) on EASI immediately upon securing a sale hearing date. EASI will not allow a user to upload an asset without a scheduled sale hearing date. However, users should make every attempt to post assets no less than fourteen (14) days prior to the scheduled date of the sale to comply with the publication requirement of Local Bankruptcy Rule 6004-1(c)(2).
- 2) Always double check the information entered in the “Sale Contact” field for accuracy. Incorrect contact information will likely frustrate potential purchasers and may result in questions from the Court at the sale confirmation hearing.
- 3) Please upload an original full-color photograph when appropriate. Users should always include photos of tangible asset(s) unless the user is attempting a bulk sale, where an inventory list might be most effective. Please use an original full-color photograph, as copies and facsimile reproductions lack the necessary clarity to be of use to potential purchasers.
- 4) Please utilize the “Additional Description(s) of Asset(s) Being Sold” field to provide a detailed description of the asset(s) for sale. This field provides users with an unlimited number of characters with which to describe the asset(s) and is a great marketing tool if used appropriately.



These reminders have been formulated to assist parties in their review of the revised Local Bankruptcy Rules. These reminders are not comprehensive. Parties are urged to review the revised Local Bankruptcy Rules.

Reminders Concerning the Revised Local Bankruptcy Rules

Mailing Matrices

W.PA.LBR 1007-1(d) provides that bankruptcy cases filed without a mailing matrix will be dismissed upon filing.

W.PA.LBR 1007-1(e) provides that at the time of filing the petition, the debtor shall file Local Bankruptcy Form 29 (Notice Regarding Filing of Mailing Matrix). After docketing Local Bankruptcy Form 29, the debtor shall upload the Mailing Matrix into the CM/ECF System as a text file (with a .txt extension).

W.PA.LBR 1007-1(f) provides that if one (1) or more creditors is added to the creditor maintenance system in CM/ECF, the debtor shall file Local Bankruptcy Form 30 (Notice Regarding Modification to Mailing Matrix) on the CM/ECF System. After docketing Local Bankruptcy Form 30, the debtor shall upload into the CM/ECF System a supplemental Mailing Matrix as a text file containing only the names and addresses of the added creditors.

Professional Fees and Expenses

The “no look fee” for Chapter 13 debtor’s counsel has been increased to \$3,700.00 from \$3,100.00 pursuant to W.PA.LBR 2016-1(f).

W.PA.LBR 2016-1(c)(1) requires that any fee application include the date of the order approving the professional.

W.PA.LBR 2016-1(c)(9) requires that the applicant file a summary coversheet conforming to Local Bankruptcy Form 9. It states that a fee application filed without a completed cover sheet shall be dismissed.

Filing Claims and Amended Claims

W.PA.LBR 3002-1(f) provides that any entity filing more than ten (10) proofs of claim in a calendar year shall file claims electronically.

W.PA.LBR 3002-2 provides that all amended claims shall include: (1) a caption indicating that the document is an amendment to a prior claim; (2) a clear description of the material added or deleted; and (3) a certificate of service by the creditor that notice has been served on the debtor, trustee, and any creditor and attorney for the creditor originally on the claim.

Unclaimed Funds

W.PA.LBR 3011-1 provides that service of a Motion for Unclaimed Funds must be made on the former and/or current case trustees, along with the debtor, United States Attorney, United States Trustee, and any other interested party.

Plan Summary in Ch. 11 Cases and Motions for Discharge in Ch.11 Cases Brought by Individuals

W.PA.LBR 3016-2 provides that the plan summary in Chapter 11 cases shall provide an explanation of the plan in narrative form and shall be no more than two (2) pages in length.

W.PA.LBR 4004-4 is a new rule governing motions for discharge of individual debtors in Chapter 11 cases.

Documents Filed Under Seal

W.PA.LBR 5005-20 requires that CM/ECF users file sealed documents electronically. Please review the article in this newsletter that discusses the docket events that need to be used to ensure that sealed documents filed electronically cannot be viewed by members of the public.



Documents Filed Under Seal

Effective March 1, 2012 Local Bankruptcy Rule 5005-20 directs attorneys to electronically file a motion to file documents under seal. The event for the motion is found in CM/ECF under Bankruptcy/Motion/Seal Document. If the motion contains confidential, scandalous or defamatory information the attorney must file the motion using the CM/ECF event under Bankruptcy/Motion/Sealed Motion. The Sealed Motion event automatically restricts access to only authorized Court staff.

The docket entry made by the filer for the events “seal document” or “sealed motion” should describe the nature of the document without divulging confidential information.

Upon entry of an order granting a motion to file documents under seal, the attorney shall submit documents electronically. The CM/ECF events for submitting sealed documents will be posted on the Court’s website under the CM/ECF link on March 1, 2012.

If the motion to file documents under seal is denied, the motion to seal documents and any attachments shall be made publicly accessible on the docket.

PACER Access Restrictions

Documents in bankruptcy cases filed prior to December 1, 2003 are no longer available to the general public on PACER.

On September 14, 2010, the Judicial Conference amended the policy on privacy and public access to electronic case files by restricting public access through the Public Access to Court Electronic Records (PACER) service to documents in bankruptcy cases that were filed before December 1, 2003, and have been closed for more than one year, with the following conditions:

1. The docket sheet and docket information will remain available to the general public via PACER.
2. Any CM/ECF user that has filed a notice of appearance in an individual case will have CM/ECF access to all filings in that case.
3. All documents in such cases will remain accessible at the clerks’ offices, except those documents under seal.
4. Access to documents in bankruptcy case appeals filed in the district courts, bankruptcy appellate panels, or courts of appeals for bankruptcy cases filed in the bankruptcy court prior to December 1, 2003, will be similarly restricted.

These restrictions took effect for cases on the CM/ECF system in Western Pennsylvania when the latest version of the CM/ECF program was implemented in November 2011.



Mediation

The Local Bankruptcy Rules concerning the Mediation Program for the Bankruptcy Court for the Western District of Pennsylvania are W.PA.LBR 9019-2 to 9019-7. These Local Bankruptcy Rules supersede General Court Procedure #4. The Local Bankruptcy Rules now provide that the parties shall select a mediator who will be approved by the Court. A motion to appoint a mediator should include a proposed order that includes information as to how fees will be charged and paid.

The Mediation page on the Court's Website has been modified to allow parties to search for a mediator by:

- Office (Erie, Pittsburgh, or Johnstown)
- Areas of Expertise of the Mediator
- The Name of a Specific Person

The search feature allows parties to obtain contact information, the hourly or daily fee schedule, and areas of expertise for each of the mediators.

Multi-Court Voice Case Information System

The Bankruptcy Court has recently upgraded the automated telephone service for determining if a party has filed bankruptcy to the Multi-Court Voice Case Information System (McVCIS) pronounced "mac-vee-sis." McVCIS provides case information via the telephone at no charge and is available seven days/week, twenty-four hours/day. This service uses voice recognition to accept instructions from the caller to perform database searches, or the keypad on a touch tone telephone can also be used. In the near future, McVCIS will also be able to recognize Spanish instructions. The following case information can be found using McVCIS:

- Case number
- Names of debtor or principal adversaries
- Case filing date
- Case chapter
- Name of debtor's attorney
- Name of Judge
- Discharge and closing dates
- Status of case
- Whether or not the case has assets
- Telephone number of debtor's attorney
- Deadlines for filing proofs of claim
- Date of first meeting of creditors

Simply call 1-866-222-8029 and speak the name of the district that you are interested in (Pennsylvania Western for example) and the system will provide the ability to search either by name or by case number. Detailed help can be obtained from McVCIS if you say help (or press 1) after you dial the number. More information can also be obtained from the FAQ section on our web site at: <http://www.pawb.uscourts.gov>.



PDF/A

The Federal Courts adopted the PDF format more than seventeen years ago. It serves as an excellent substitute for paper and offers reliable renderings of court documents for all CM/ECF users despite their many different computer configurations. However, additional features that raise security concerns have been added to PDF over time. Those security concerns, and concerns about ensuring that electronic documents could be archived and retrieved for decades to come, led the courts to join with other government agencies, corporations and technologists around the world to develop a new international electronic document standard that addresses those concerns. That new standard, adopted by the International Organization for Standardization in 2005, is PDF/A.

Although the Bankruptcy Court for the Western District of Pennsylvania has not yet mandated that documents be filed in a PDF/A format, it may require the use of the PDF/A format in the future. The Court would provide ample notice if it determines that the PDF/A standard will be adopted in this district.

Standard word processing software is now capable of producing PDF/A documents. CM/ECF filers are encouraged to review their practices to ensure they will be able to produce PDF/A documents when mandated by the Court.