

U.S. Bankruptcy Court
Western District of Pennsylvania

CAPTIONS OF PLEADINGS AND ORDERS

Local Rule 9004-1 states: "The caption of any pleading, all responses and replies thereto, and any proposed order shall conform substantially to Official Bankruptcy Form 16D governing adversary captions except that the party seeking relief shall be designated as "Movant" and the party against whom relief is sought shall be designated as "Respondent". When there is no entity to be named as a respondent, the words "No Respondent(s)" shall be stated. In the caption of each motion and any response thereto the case number shall be entered as well as the chapter number. "Document No." shall be stated instead of "Adversary Proceeding No." when the pleading is a motion in the main case. The caption for the motion shall substantially conform with Local Form No. 7. A certificate of service, proposed order, or any subsequent pleading to a motion, objection, or other request for relief shall include in the caption the hearing date and time, the objection date, and the docket number of the document that it pertains to."

The following information must be included on the caption of a pleading or order:

- The name of the Debtor
- The case number including the initials of the Judge assigned to the case
- The Chapter number
- The name of the party on whose behalf the pleading is filed (the Movant)
- The name of the party from whom relief is sought (the Respondent)
 - When there is no entity to be named as a respondent, the words "No Respondent(s)" shall be stated.

A certificate of service, proposed order, or any subsequent pleading to a motion, objection, or other request for relief shall include in the caption:

- The hearing date and time
- the objection date
- the document number of the document that it pertains to

The pleading must be signed by the filing attorney. Please see an explanation regarding signatures on electronically filed pleadings on the next page. Attorneys must include the following information below the signature line:

- Typed Name
- Address
- Phone No.
- Bar I.D. and State of Admission

An example of the case caption and signature line is on the last page.

Signatures on Electronically Filed Pleadings

Electronic Case Filing Procedure # 8 states in part:

The user log-in and password required to submit documents to the Electronic Filing 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 Fed.R.Bankr.P. 9011, the Federal Rules of Bankruptcy Procedure, the Local Rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court.

Electronically filed documents must comply with Fed.R.Bankr.P. 9011 and set forth the name, address, telephone number and the attorney's state bar registration 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 the signature would otherwise appear. Failure to comply with these requirements may result in the Court striking the unsigned document from the record.

No Filing User or other entity 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.

As a courtesy, some attorneys have electronically filed documents for other attorneys. This practice is not permitted under the Court's Electronic Case Filing Procedures. The attorney filing electronically will be the attorney of record in the case and be subject to the following ramifications:

- The attorney filing the document electronically will be listed on the docket as the attorney of record for the party on whose behalf the pleading was filed. This constitutes an entry of appearance on the case for that party.
- The attorney who is actually representing the party will not be listed as counsel for the party/client.
- The attorney filing the document will receive electronic notification of events in the case. The electronic notice satisfies another party's obligation to provide notice. The filing attorney will have to forward notices to the attorney who actually represents the client.
- The attorney filing the document as a courtesy cannot comply with ECF Procedure #8 which requires that the name of the attorney filing electronically be typed on the signature line of the document. The attorney who is actually representing the party will have his name listed on the signature line.

Remedies for Court Documents Not Complying with Local Rules

The Court may strike pleadings or take other action, which may include an order prohibiting the filing of pleadings in this court, if an attorney repeatedly violates the local rules. The Clerk's Office can provide additional electronic case filing training to attorneys and staff upon request.

Example

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

IN RE:) Bankruptcy No. _____
)
) Chapter _____
)
 Debtor(s)) Related to Document No. (If applicable)
)
) Hearing Date and Time: (If applicable)
)
 Movant(s))
)
) Objection Date (If Applicable)
 v.)
)
)
 Respondent(s))

SPECIFY TYPE OF PLEADING

Dated _____

Signature of Counsel/Movant

(Typed Name)

(Address)

Phone No.

List Bar I.D. and State of Admission