

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

**ADDITIONS AND AMENDMENT TO
LOCAL RULES OF PRACTICE AND
PROCEDURE IN BANKRUPTCY COURT
DISTRICT OF VERMONT**

**STANDING ORDER
06-05**

**AMENDMENT TO: VT. LBR 5005-4(b)(3),
9013-6(b),(c) and (d)**

WHEREAS it appears to be in the best interest of the bar to utilize the cost saving capabilities inherent in the automatic electronic notice feature of the Case Management/Electronic Case Filing system (CM/ECF) to the greatest possible extent; and

WHEREAS after two years of experience with CM/ECF it appears that the automatic electronic notice feature of the system constitutes effective and reliable service;

IT IS HEREBY ORDERED that Vt.LBR 5005-4(b)(3) is hereby amended to read as follows:

(3) **Waiver of Service and Notice by mail.** An attorney's registration with the Court as a filing user of the CM/ECF system will constitute: (1) a waiver of the right to receive notice by first class or certified mail and consent to receive notice electronically; and (2) a 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 Fed. R. Bankr. P. 7004. Waiver of service and notice by first class or certified mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022. Pleadings and papers filed electronically are deemed served upon all CM/ECF participants who are parties to the proceeding, provided that the notice of electronic filing indicates that service has been made.

IT IS FURTHER ORDERED that Vt.LBR 9013-6(b), (c) and (d) are amended to read as follows:

(b) Service of Documents Electronically Filed:

(1) **Notice of Electronic Filing.** Whenever a pleading or other paper is filed electronically, the CM/ECF System will automatically generate a "Notice of Electronic Filing" by electronic means at the time of docketing.

(2) **Service on Registered Users.** If the recipient of an electronic filing is a registered user of the Court's Electronic Filing system, the system's automatic transmission of the Notice of Electronic Filing shall be considered equivalent to service of the pleading or other paper by first class mail, postage prepaid.

(3) **Service on All Other Entities.** All other parties, shall be served with a paper copy of the electronically filed pleading or other document in accordance with the Bankruptcy Rules and these Local Rules.

(c) Service by E-Mail. In addition to all registered users, any entity may register with the Clerk to accept service and notification of pleadings and documents by e-mail where the pleadings or other documents are transmitted as an attachment. Once the Clerk has been notified of the party's consent, transmission of the e-mail with attachments to that party shall be considered equivalent to service of the pleadings or other documents by first class mail, postage prepaid, except that if served by e-mail, three (3) additional days shall not be added to a prescribed time period. Cf., Bankruptcy Rule 9006(f); see also Vt. LBR 9013-2(d)(1).

(d) Clerk's List of Entities Who Have Consented to Service by E-Mail. Within each case, the Clerk maintains a list of all entities and attorneys who will accept service by e-mail and their e-mail addresses. This information is available through PACER or CM/ECF.

IT IS FURTHER ORDERED that any party who serves a document filed in this court shall also file a certificate of service, and each certificate of service shall specify

1. the caption and date shown on the document served,
2. the name of each person or entity served,
3. the address at which each such person or entity was served, and
4. the means of service (e.g. e-mail, fax, U.S. mail, through CM/ECF).¹

Failure to file a proper and complete certificate of service may result in denial of any relief sought.


IT IS FURTHER ORDERED that all attorneys currently registered as users of the CM/ECF system who wish to continue filing papers in this Court will execute a new Case Management/Electronic Case Filing (CM/ECF) Registration Form (Exhibit 1 attached), and will enter an e-mail address into their CM/ECF User Profile prior to filing documents **by August 31, 2006**.

IT IS FURTHER ORDERED that the maintenance and control of the "Email Information" section of a user's CM/ECF account in the Utilities menu of CM/ECF **is the responsibility of the registered user and not the Court** and the information entered there will govern how the user will receive e-mail notification and to which e-mail address(es) the notification will be sent.

IT IS FURTHER ORDERED that the above-referenced amendments to the Local Rules are effective September 1, 2006.

SO ORDERED.

Rutland, Vermont
July 27, 2006



Colleen A. Brown
United States Bankruptcy Judge

¹ Service through CM/ECF is sufficient; the certificate of service must specify which parties were served through the CM/ECF notification system.