

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

**MODIFICATION OF LOCAL RULES
OF PRACTICE AND PROCEDURE
IN BANKRUPTCY COURT,
DISTRICT OF VERMONT**

STANDING ORDER # 07-01

**TO REPLACE STANDING ORDER #06-05 AND
AMEND VT. LBR 7005-1 REGARDING PROPER
FORMAT FOR CERTIFICATES OF SERVICE**

WHEREAS Standing Order # 06-05 amended local practice to require that all attorneys who are registered users of the Case Management/Electronic Case Filing system (CM/ECF) accept service and notification of pleadings and documents by e-mail through the CM/ECF system's automatic transmission of the Notice of Electronic Filing (NEF), and that transmission of the NEF shall be considered equivalent to service of the pleading or other paper by first class mail, postage pre-paid; and

WHEREAS the NEF provides a record of parties served electronically through CM/ECF and the e-mail address to which notice was sent; and

WHEREAS it appears to be in the best interest of the bar to utilize all of the cost and time saving capabilities inherent in the automatic notice feature of the CM/ECF system to the greatest extent possible, including reliance upon the NEF for certificates of service;

IT IS HEREBY ORDERED that Vt. LBR 7005-1 is amended to read as follows:

All certificates of service filed with the Clerk shall have attached a copy of the document served, or a sufficient description thereof, include a copy of the list used for service or a specific listing with the names and addresses of the parties served, and specify the method and date of service as to each party. Unless otherwise required by the Federal Rules of Bankruptcy Procedure, service may be effected by first class mail, fax, e-mail or through CM/ECF. If service is made through CM/ECF, it is not necessary to restate the names and e-mail addresses of parties served via transmission of the NEF, if the certificate of service includes the following language:

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) generated in connection with this document and paper copies will be sent to those indicated as non-registered participants on [filer to provide date] at the following addresses [filer to complete].

When a certificate of service is appended to the document served rather than attached as a separate document, the filing party is to include reference to the certificate of service in the docket text itself.

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

- (3) **Waiver of Service and Notice by mail.** Registration with the Court as a filing user of the CM/ECF system will constitute: (1) waiver of the right to receive notice by first class or certified mail and consent to receive notice electronically; and (2) 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. via e-mail, fax, U.S. mail, or CM/ECF).¹

Failure to file a proper and complete certificate of service may result in denial of any relief sought. When a certificate of service is appended to the document served rather than attached as a separate document, the filing party is to include reference to the certificate of service in the docket text itself.

IT IS FURTHER ORDERED that all attorneys who are registered as users of the CM/ECF system must execute a Case Management/Electronic Case Filing (CM/ECF) Registration Form acknowledging their consent to service through CM/ECF, and enter an e-mail address into their CM/ECF User Profile prior to filing documents in this Court.

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.

SO ORDERED.

Rutland, Vermont
January 5, 2007



Colleen A. Brown
United States Bankruptcy Judge

¹ It is not necessary to restate the names and e-mail addresses of parties served via transmission of the NEF, if the certificate of service includes the following language:

"I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) generated in connection with this document and paper copies will be sent to those indicated as non-registered participants on [filer to provide date] at the following addresses [filer to complete]."