



# ECF Court Link

JANUARY 11, 2012

VOLUME 7, ISSUE 1

Eastern District  
Of  
North Carolina  
CM/ECF  
Newsletter

## Case Statistics

December, 2011		Year to Date	
Ch. 7	239	Ch. 7	3465
Ch. 11	8	Ch. 11	149
Ch. 12	1	Ch. 12	6
Ch. 13	492	Ch. 13	6208
Ch. 9	0	Ch. 9	0
Ch. 15	0	Ch. 15	0
<b>Total</b>	<b>740</b>	<b>Total</b>	<b>9828</b>

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## Attorney Scheduled Leave

*If you have not already done so, please inform the Courtroom Deputies of your scheduled leave for 2012 as soon as possible to help avoid any potential scheduling conflicts. Contact information is as follows:*

Judge Doub: [Dana Sebastian@nceb.uscourts.gov](mailto:Dana_Sebastian@nceb.uscourts.gov)

Judge Leonard: [Felecia Lucas@nceb.uscourts.gov](mailto:Felecia_Lucas@nceb.uscourts.gov)

Judge Humrickhouse: [Allyson McNeill@nceb.uscourts.gov](mailto:Allyson_McNeill@nceb.uscourts.gov)



## On a Personal Note

*Sarah Donleycott welcomed a baby girl just in time for the holidays! Emma Katherine was born on December 14, 2011 at 7:21 pm. Congratulations to Sarah and her husband Kenneth on the beautiful new addition to their family!*

### Lost and Found

*A man's Browning jacket was left at the Legal Seminar. It is dark tan, trimmed in green, size large. If this jacket belongs to you, please contact Laura Whitehead at (252) 237-0248, ext. 124 or [Laura\\_Whitehead@nceb.uscourts.gov](mailto:Laura_Whitehead@nceb.uscourts.gov).*

### PACER Fee Increase

*In September 2011, the Judicial Conference of the United States authorized an increase in the Judiciary's electronic public access fee in response to increasing costs for maintaining and enhancing the electronic public access system. The increase, from \$0.08 to \$0.10 per page, will take effect on **April 1, 2012**.*

*The Conference was mindful of the impact this increase could have on other public entities and on public users accessing the system to obtain information on a particular case. For this reason, local, state and federal government agencies will be exempted from the increase for three years. Also, PACER users who do not accrue charges of more than \$15.00 in a quarterly billing cycle will not be charged a fee. (The current exemption is \$10.00 per quarter.)*

### Volunteer Paralegals Needed!

*The court is looking for a limited number of paralegals who would be willing to participate in our Legal Link program. This group was formed in 2009 as a way to bridge the gap between the court staff and the paralegals we work with. Periodic meetings are held in which a variety of topics are discussed, from CM/ECF filing and system updates to procedure changes and Federal or Local Rule modifications. It's a great way to share our knowledge and ideas, as well as address any issues or concerns.*

*If you are interested in this opportunity, please contact Kelly Shum-Drake at [Kelly\\_Shum-Drake@nceb.uscourts.gov](mailto:Kelly_Shum-Drake@nceb.uscourts.gov) by January 31<sup>st</sup>. New committee members will be selected and notified soon thereafter.*

**U. S. Bankruptcy Court**  
Eastern District of  
North Carolina

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1760-A Parkwood Blvd.  
Wilson, NC 27893

**Tel. 252-237-0248**

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300 Fayetteville St.  
Room 209  
Raleigh, NC 27602

**Tel. 919-856-4752**

## Access to National Creditor Registration Service Database

*The National Creditor Registration Service database includes addresses registered by notice recipients, pursuant to 11 U.S.C. § 342(f) and Rule 2002(g)(4). Entities are allowed to specify an address to be used by the bankruptcy court to provide notices in chapter 7 and 13 cases. Additionally, a notice provider and a notice recipient agree upon the manner and the addresses to which notices will be provided. The creditor agrees that the BNC will redirect court notices to the preferred address “for cases filed under all chapters of the Bankruptcy Code.” Thus, the agreement between the BNC and notice recipient broadens the scope of the preferred address so that it can be used in all cases, not just chapter 7 and 13 cases.*

*The National Creditor Registration Service database is not available for use by debtors at the time of filing their petitions. The Code specifies that an address filed under that provision is to be used “by all the bankruptcy courts or by particular bankruptcy courts” in cases that are already “pending in the courts” and specifically clarifies that the courts are to use this address for “any notice required to be provided by a court”, not that a preferred address filed under that provision is to be used by the debtor. Once the case is filed, if the creditor has registered a preferred address, then the BNC will redirect court notices to that address. A registered CM/ECF user also can run mailing labels for a case mailing list, and the mailing labels reflect any preferred addresses that replace an address on the mailing list. If a court delegates any noticing responsibilities to a person, such as the trustee or debtor’s attorney, that person must run labels in CM/ECF to include preferred addresses. In the next release of CM/ECF, the preferred address data for a case that has been filed will be available in a pipe-delimited “raw data” format for easy download and use.*

*A preferred address in the National Creditor Registration Service database may conflict with other noticing provisions applicable to the debtor. Additionally, once a case is filed, a creditor may specify an address to be used by the debtor and court in that particular case, and that address may vary from a preferred address in the National Creditor Registration Service database. It is important that addresses be used appropriately, as “[n]otice provided to a creditor by the debtor or the court other than in accordance with this section . . . shall not be effective.” 11 U.S.C. § 342(g)(1). Even if it was appropriate to provide access to the National Creditor Registration Service database to debtors for the purpose of preparing their schedules and mailing list, some creditors have registered multiple preferred addresses with the BNC. Thus, whether a preferred address applies may depend on the nature of the debt. To offer the whole National Creditor Registration Service database to debtors with multiple conditions regarding use would be confusing and may lead to misuse of the addresses.*

## *New Raleigh 341 Meeting Location*

*Please be advised that as of February 15, 2012, Raleigh 341 meetings will no longer be held at Two Hannover Square. Beginning on this date, all Raleigh 341 meetings will be held at 300 Fayetteville Street, Suite 130.*

### **QUESTIONS/ANSWERS:**

**Q. I filed a Notice of Mortgage Payment Change and received a Deficiency Notice regarding service. How should I file the Certificate of Service in order to cure the deficiency in this situation?**

**A. A new event has been created under the Claim Actions, Miscellaneous, Limited Attorney and Limited Creditor categories entitled "Certificate of Service re: Notice of Mortgage Payment change". You will be given the option to state whether or not the Certificate of Service is amended. However, you will not be given the opportunity to refer it to the Notice of Mortgage Payment Change, since this is a private entry on the docket.**

### **ECF Contacts:**

Donna Skinner

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