



ECF Court Link

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Eastern District

Of

North Carolina

CM/ECF

Newsletter

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Case Statistics

October, 2015		Year to Date	
Ch. 7	177	Ch. 7	1856
Ch. 11	7	Ch. 11	62
Ch. 12	0	Ch. 12	6
Ch. 13	432	Ch. 13	3983
Ch. 9	0	Ch. 9	0
Ch. 15	0	Ch. 15	0
Total	616	Total	5907

ATTENTION: CM/ECF Downtime Alert

Please be advised that **CM/ECF will be unavailable beginning at 5:00 pm on Monday, November 30th** for a scheduled upgrade. Please plan your filings for that date accordingly. CM/ECF will be available as soon as possible on Tuesday, December 1st. The court is unable to provide an exact time, however, an alert will be sent via email when CM/ECF is once again available.

Reminder: Bankruptcy Forms Updates

This should serve as a reminder that most Official Bankruptcy Forms are scheduled to be replaced with substantially revised, reformatted and renumbered versions **effective December 1, 2015**.

Please be advised that the court will allow a 30 day grace period after the updated forms take effect in order for attorneys to make any necessary updates. Beginning **January 1, 2016**, it will be expected that the most current forms be filed, and deficiency notices will be issued accordingly in cases in which the old forms have been used.

Pending Amendments to Civil Rules

Some Civil Rules are also changing effective December 1, 2015, which will affect bankruptcy cases. Please click on the below link for more information.

<http://www.uscourts.gov/rules-policies/pending-rules-amendments>

EDNC - New Form Motion to Extend Stay

Under 11 U.S.C. § 362(c)(3)(B) and § 362(c)(4)(B), the automatic stay may be continued or imposed for debtors filing a case with 1 or more previously dismissed cases pending during the preceding year. Local Bankruptcy Rule 4001-1 allows for the court to rule on the motions to continue or impose the stay if the debtors meet the requirements under that local rule.

The court has noticed a number of similar reasons by debtors to show, by clear and convincing evidence, why they can rebut the presumption that the current filing was made in bad faith. To assist the debtors, creditors, the Bar and the case administration, the court has developed a form motion. The form motion provides the most common reasons why the prior case(s) were dismissed using “check the box” options. Also provided is a fill in the blank line alternative if the reasons for the prior dismissal are not otherwise mentioned or if additional facts are needed to rebut the presumption.

*We hope that using this form will streamline your practice, save valuable time, and allow for a more consistent practice. **Please note that proposed orders do not need to be filed with the motion. Both Chief Judge Humrickhouse and Judge Warren use form orders granting the relief if the requirements under the Bankruptcy Code and the Local Rules are met.***

The form may be found on the court’s website under Local Forms. A link to the page is below:

<http://www.nceb.uscourts.gov/local-forms>

NEW! CM/ECF Trustee Manual

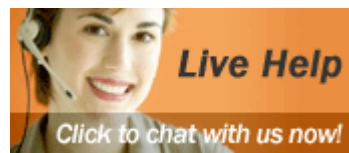
The CM/ECF trustee manual is now available on the court's website. This manual contains step by step procedures for docketing over 50 trustee events in CM/ECF. It also includes notice and service requirements for each individual event, as well as any required follow up and/or useful tips that may be applicable. The manual may be accessed on the court's homepage under the "CM/ECF Info" tab, or by clicking on the below link.

<http://www.nceb.uscourts.gov/sites/ncfb/files/TrusteeManual.pdf>

*We hope that trustees find this a valuable resource to assist in their CM/ECF filing! Any comments or suggestions regarding the manual are welcome, and may be directed to Kelly Shum-Drake at **Kelly_Shum-Drake@nceb.uscourts.gov**.*

Reminder: Live Chat

Live Chat is the fastest and most efficient way to get CM/ECF assistance! You can have your helpdesk questions addressed in real time, without waiting for a return call or email. To use this feature, simply click on the below icon, which appears on our homepage:



Doing so will open a chat window. All you need to do is enter your name and your question. We encourage you to take advantage of this easy-to-use feature as often as possible!

*Note: please bear in mind that Live Chat is for CM/ECF related inquiries **only** (ex. need generic event, error needs to be corrected, questions regarding how to file a document, what event code to use, etc.). Do not use Live Chat for case specific questions or notice/service related questions.*

QUESTIONS/ANSWERS:

Q. I need to file a Motion for Relief from Stay, Notice of Motion, Certificate of Service and Exhibits. Should these all be filed as separate attachments?

A. No. The court prefers that filings be combined into one PDF document versus filing separate attachments whenever possible.

ECF Contacts:

Helpdesk Line: (919)334-3850

Kelly Shum-Drake

Telephone Number: (919)334-3806

E-Mail Address: Kelly_Shum-Drake@nceb.uscourts.gov

Donna Skinner

Telephone Number: (252)917-6119

E-Mail Address: Donna_Skinner@nceb.uscourts.gov