



ECF Court Link

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Eastern District
Of
North Carolina
CM/ECF
Newsletter

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Case Statistics

August, 2013		Year to Date	
Ch. 7	210	Ch. 7	1762
Ch. 11	9	Ch. 11	71
Ch. 12	0	Ch. 12	1
Ch. 13	507	Ch. 13	3662
Ch. 9	0	Ch. 9	0
Ch. 15	0	Ch. 15	0
Total	726	Total	5496

On a Personal Note

Jeffrey Elmore, Director of Information Technology, retired effective August 30th. His last day in the office was August 22nd.

Beth Pittman, Operations Supervisor for the Wilson office, will be retiring effective September 30th. Her last day in the office was September 6th.

Duane Haddock, Operations Analyst for the Raleigh office, will be retiring effective September 30th.

Please join us in congratulating Beth, Duane and Jeff on their years of service and wishing them a wonderful retirement!

Upcoming Division Changes

Effective October 1, 2013, the divisions of the U.S. Bankruptcy Court for the Eastern District of North Carolina will change. On that date, the Wilson division will cease to exist. Wilson, Edgecombe, Halifax, and Northampton Counties will move into the Greenville division. Wayne County will move into the New Bern division. The new map may be viewed by clicking [here](#).

Payment of Quarterly Fees

Pursuant to General Order entered on August 28, 2013, attorneys representing Chapter 11 debtors are required to remit quarterly fees to the clerk through pay.gov, effective September 3rd. The order may be viewed by clicking [here](#).

In order to pay the fees, simply docket the “Pay Quarterly Fees” event under the Bankruptcy Miscellaneous category. You will be asked to insert the amount of fees to be paid, and you will be prompted to pay online at the end of the docketing process.

Courtroom Reminders

The most efficient way to communicate with the courtroom staff is via email. A phone message may not be returned for several hours, whereas an email may be quickly responded to, especially if a hearing date is being requested.

Please email both the courtroom deputy and the ECRO on all calendar matters. If one of them is out of the office or away from their desk and they are the only one emailed, they may miss removing something from calendar.

This should serve as a reminder that the court’s phone conference procedure changed several months ago. Instructions containing the call in information are provided on the hearing notice. It is the attorney’s responsibility to call in for all phone conferences.

The current courtroom staff for each Judge is as follows:

Judge Doub

*Courtroom Deputy – Dana Sebastian / ECRO – Lynn Boyd
Additional Courtroom Contact – Kathy Webb*

Judge Humrickhouse

Courtroom Deputy – Allyson McNeill / ECRO – Belinda Witcher

Judge Small

Courtroom Deputy – Anne Moell / ECRO – Sarah Donleycott

Service!!
Did Someone Say Service??
by Duane Haddock and Wendy Parker

*What is it they say is certain in life? Death! Taxes!
And SERVICE ISSUES!!!!*

*A service question is always in the works at the court and the
latest one is concerning service on a county or city. Bankruptcy
Rule 7004(b)(6) says:*

(6) Upon a state or municipal corporation or other governmental organization thereof subject to suit, by mailing a copy of the summons and complaint to the person or office upon whom process is prescribed to be served by the law of the state in which service is made when an action is brought against such a defendant in the courts of general jurisdiction of that state, or in the absence of the designation of any such person or office by state law, then to the chief executive officer thereof.

*So what does the law of the state say, i.e. North Carolina? Well,
N.C.G.S. 1A-1, Rule 5(a) and (b) says:*

(5) Counties, Cities, Towns, Villages and Other Local Public Bodies. –

- a. Upon a city, town, or village by personally delivering a copy of the summons and of the complaint to its mayor, city manager or clerk; by mailing a copy of the summons and of the complaint, registered or certified mail, return receipt requested, addressed to its mayor, city manager or clerk; or by depositing with a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2) a copy of the summons and complaint, addressed to the mayor, city manager, or clerk, delivering to the addressee, and obtaining a delivery receipt. As used in this subdivision, "delivery receipt" includes an electronic or facsimile receipt.
- b. Upon a county by personally delivering a copy of the summons and of the complaint to its county manager or to the chairman, clerk or any member of the board of commissioners for such county; by mailing a copy of the summons and of the complaint, registered or certified mail, return receipt requested, addressed to its county manager or to the chairman, clerk, or any member of this board of commissioners for such county; or by depositing with a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2) a copy of the summons and complaint, addressed to the county manager or to the chairman, clerk, or any member of the board of commissioners of that county, delivering to the addressee, and obtaining a delivery receipt. As used in this subdivision, "delivery receipt" includes an electronic or facsimile receipt.

So all of that means:

Service on a county or city must be made by certified mail addressed as indicated to the proper parties. County parties would include the county manager or chairman, clerk or any member of the board of commissioners. City parties would include the mayor, city manager or clerk.

Pro Bono Program

The court is always in need of volunteers for its pro bono program. This program was established in order to provide representation free of charge to parties involved in Adversary Proceedings who are unable to employ and compensate an attorney on their own behalf. For more information regarding this worthwhile program, please click [here](#).

Save the Date

A date has been confirmed for the 2014 Eastern District Bankruptcy Seminar. It will be held on Wednesday, April 23, 2014 at Bill's Convention Center in Wilson. Additional details will be forthcoming in the fall.

QUESTIONS/ANSWERS:

Q. I received a deficiency notice stating that the incorrect PDF was attached to my docket entry. How do I get the correct PDF on the docket?

A. There is an event under the Miscellaneous category entitled "Corrected PDF Attachment". You should file the correct PDF using this event, and refer it back to the docket entry that contains the incorrect PDF. Please do not re-file the document using the same event as the original filing, and do not file as amended.

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