



ECF Court Link

JANUARY 26, 2011

VOLUME 6, ISSUE 1

Eastern District
Of
North Carolina
CM/ECF
Newsletter

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2010 – Year In Review

Listed below are the items that warranted the most deficiency notices from the court in 2010. Please take the time to review these and circulate to relevant staff. If additional information is needed, please contact Stephanie Edmondson at Stephanie_edmondson@nceb.uscourts.gov. Thank you for your assistance in reducing the number of notices generated from the court.

Documents/Motions:

- Motion was not served upon an officer, a managing agent, or to any other agent authorized to receive service of process.
- Service on debtor(s) is at an address different than the court's records.
- Motion was not served on all creditors.
- The insured depository institution was not served by certified mail.
- The mailing matrix was omitted or was not attached as indicated.
- The motion to avoid lien(s) seeks to avoid lien(s) on property not listed as secured and/or not claimed as exempt on Schedules C and/or D.
- The notice of motion was omitted.
- A notice providing a twenty-one (21) day response time did not accompany the motion as required.
- The exhibits referred to were not attached or were not consistent with the motion.
- Either pg. 1, pg. 2 or both pages of Amended form B6, Summary of Schedules and Summary of Certain Liabilities and Related Data, has not been filed.
- The attached PDF document is incorrect or is illegible.

Orders:

- The proposed order submitted does not have a 3" top margin.
- The proposed order uploaded into CM/ECF is incorrect.
- "End of Document" was not included on the last line of the order.

Case Filings:

- *The certification of social security number or tax identification number was omitted.*
- *The certification of mailing matrix was omitted.*
- *The certification of completion of pre-petition credit counseling course was omitted.*

Hearings:

- *Notes from the hearing indicate that you were to submit a proposed order.*
- *The hearing scheduled was cancelled after the court was advised that the matter has been settled. No settlement document has been received.*

Need A Video Conference?

Our court is proud to be a pioneer in courtroom technology, and we have offered ISDN video conferencing options for several years. As technology has improved access to video conferencing, other formats have emerged; therefore, it has become even more important to test system compatibility prior to court hearings. If a judge has approved a court appearance via video conference, please verify that you have access to an ISDN compatible system. Then, contact the courtroom deputy for that judge so a test can be scheduled a few days in advance with our IT staff. Your assistance will help ensure a smooth video conference on the hearing date. The court offers video conference technology in the Wilson, Raleigh, and New Bern courtrooms.

National Spotlight On EDNC

In December, our court was featured on an episode of "Court to Court," the Federal Judicial Television Network's program that focuses on court activities throughout the country. If you attended our spring seminar in Wilson, you may remember the cameras rolling. The program focused on the efforts of our court to reach out to the community that we serve. The episode features scenes from the spring seminar, a LegalLink meeting, and interviews with LegalLink members and court staff. A copy has been placed on our website for your viewing pleasure.

Chapter 11 Intake Notice

The Bankruptcy Administrator sends an initial notice in chapter 11 cases scheduling an interview and outlining requirements. This notice is sent to the attorney for the debtor(s) by email and mailed to the debtor(s). A CM/ECF text entry will now be made by the Bankruptcy Administrator stating "The Intake Notice has been sent by the Bankruptcy Administrator." This will alert the attorney that the notice has been generated.

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ECF Tip

The Certification Re: Discharge & Domestic Support Obligations can now be filed in Batch.

Case Statistics

<i>December, 2010</i>		<i>Year to Date</i>	
<i>Ch. 7</i>	<i>284</i>	<i>Ch. 7</i>	<i>4156</i>
<i>Ch. 11</i>	<i>9</i>	<i>Ch. 11</i>	<i>150</i>
<i>Ch. 12</i>	<i>1</i>	<i>Ch. 12</i>	<i>15</i>
<i>Ch. 13</i>	<i>482</i>	<i>Ch. 13</i>	<i>6305</i>
<i>Ch. 9</i>	<i>0</i>	<i>Ch. 9</i>	<i>0</i>
<i>Ch. 15</i>	<i>0</i>	<i>Ch. 15</i>	<i>0</i>
<i>Total</i>	<i>776</i>	<i>Total</i>	<i>10626</i>



New Additions

Christy Gurgone, Case Administrator in Wilson, and her husband Jimmy, welcomed baby Nicholas Isaiah into their family on December 27, 2010. Congratulations Christy!

Bess Hilliard, Law Clerk To Judge Humrickhouse, gave birth to a beautiful baby girl, Tory Elise, on January 10, 2011. Congratulations Bess!

QUESTIONS/ANSWERS:

Q. WHEN MOVING FOR DEFAULT IN AN AP, CAN I INCLUDE MY AFFIDAVIT FOR ENTRY OF DEFAULT IN MY MOTION FOR DEFAULT JUDGMENT?

A. THE AFFIDAVIT FOR ENTRY OF DEFAULT SHOULD BE FILED SEPARATELY SO THAT IT CAN BE PROPERLY RECORDED ON THE DOCKET. IT IS IN A DIFFERENT CATEGORY THAN THE MOTIONS AND CANNOT BE DOCKETED IF MADE A PART OF THE MOTION.

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ECF Court Link

FEBRUARY 22, 2011

VOLUME 6, ISSUE 2

Eastern District
Of
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CM/ECF
Newsletter

In this issue:

- [CM/ECF Release 4.1 Highlights](#)
- [Case Statistics](#)
- [Q&A](#)
- [ECF Contacts](#)

CM/ECF Release 4.1 Highlights

Our court staff is working diligently to prepare for the implementation of this next release of CM/ECF. We are excited about the many new features and enhancements that it will offer and would like to share a couple of highlights with you.

Password Security will be an issue with the release. All users will be required to change their current password. The new password must have a minimum of 8 characters, contain both upper and lower case letters, and contain one number or special symbol. All passwords will be rejected on their first 4.1 login and users will be prompted with a notice/message to allow them to make the change.

A feature that we think is extremely exciting is the capability to add filing agents to attorney and trustee CM/ECF accounts. A filing agent user will assist with input into the system. The agent files on behalf of someone else, but uses his or her own login and password. Filing agents may be linked to multiple attorneys and trustees. Additionally, attorneys and trustees can have multiple filings agents. A copy of the Filing Agent Request Form for attorneys as well as the form for trustees is attached. These should be submitted to the court at ecf_pdf@nceb.uscourts.gov. Please insert "Filing Agent Request" into the subject line of your email. These will be processed once we have Release 4.1 in place and are ready to go live.

We will continue to keep you posted on these exciting changes as we go along.

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Case Statistics

<i>January, 2011</i>		<i>Year to Date</i>	
<i>Ch. 7</i>	<i>221</i>	<i>Ch. 7</i>	<i>221</i>
<i>Ch. 11</i>	<i>5</i>	<i>Ch. 11</i>	<i>5</i>
<i>Ch. 12</i>	<i>0</i>	<i>Ch. 12</i>	<i>0</i>
<i>Ch. 13</i>	<i>466</i>	<i>Ch. 13</i>	<i>466</i>
<i>Ch. 9</i>	<i>0</i>	<i>Ch. 9</i>	<i>0</i>
<i>Ch. 15</i>	<i>0</i>	<i>Ch. 15</i>	<i>0</i>
<i>Total</i>	<i>692</i>	<i>Total</i>	<i>692</i>

QUESTIONS/ANSWERS:

Q. I AM HAVING A PROBLEM FINDING THE EVENT FOR FILING THE FINANCIAL MANAGEMENT COURSE CERTIFICATE. CAN YOU INSTRUCT ME ON WHERE THAT IS LOCATED?

A. THAT EVENT CAN BE FOUND UNDER BANKRUPTCY/BATCH FILINGS.

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ECF Court Link

MARCH 28, 2011

VOLUME 6, ISSUE 3

Eastern District
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In this issue:

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- [341 Notice Update](#)
- [Local Rule 9011-4](#)
- [Order Upload](#)
- [Q&A](#)
- [ECF Contacts](#)

CM/ECF Downtime Alert

Please be advised that the CM/ECF electronic filing system will be down between 8:00 am on Friday, April 22nd and 8:00 am on Monday, April 25th, for a scheduled upgrade.

If you have a document that is required to be filed by court order, statute or rule, you may e-mail that document to the court's general e-mail box in PDF format at ncebgeneralmail@nceb.uscourts.gov. Documents sent to this e-mail box will be filed effective on the date the e-mail is received.



On a Personal Note

Barbara Langston, Case Management Supervisor in the Wilson Division, will be retiring effective Friday, April 1st. Please join us in congratulating Barbara on her years of service and wishing her a wonderful retirement!

Reaffirmation Agreement Package

A Reaffirmation Agreement Package is now available on the court's website. The goal of this package is to make it easier for debtors and creditors to understand how Reaffirmation forms should be completed, and to streamline the process. It includes a Reaffirmation Documents Questionnaire, the Reaffirmation Agreement Cover Sheet (B27) and the Reaffirmation Documents (B240A).

The Reaffirmation Agreement Package is a fillable PDF document. When fields are completed in the Questionnaire, those answers will automatically complete both the Cover Sheet and Reaffirmation Documents, as well as calculate the various amounts and select the correct Presumption of Undue Hardship box. Please view complete information and instructions on how to use this new feature on the court's website.

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Case Statistics

<i>February, 2011</i>		<i>Year to Date</i>	
<i>Ch. 7</i>	285	<i>Ch. 7</i>	505
<i>Ch. 11</i>	10	<i>Ch. 11</i>	15
<i>Ch. 12</i>	0	<i>Ch. 12</i>	0
<i>Ch. 13</i>	521	<i>Ch. 13</i>	988
<i>Ch. 9</i>	0	<i>Ch. 9</i>	0
<i>Ch. 15</i>	0	<i>Ch. 15</i>	0
<i>Total</i>	816	<i>Total</i>	1508

Update to 341 Notices

The 341 Notices for the Eastern District of North Carolina have been updated to include the applicable division for each case at the top of the page.

Reminder: Local Rule 9011-4

Pursuant to Local Rule 9011-4, all documents signed by an attorney and filed with the court shall contain the individual name, firm name, address, telephone number, facsimile number and State Bar ID number, where applicable, of the signing attorney.

New Order Upload Procedure

The Single Order Upload event now contains two new options under the Order Type dropdown box: Order (Prepared By Attorney) and Order (Prepared By Trustee). When uploading an order, please choose the appropriate option based on the party that drafted the order, rather than the party that is submitting it. This will enable the court staff to contact the correct office with regard to corrections, deficiencies, etc.

QUESTIONS/ANSWERS:

Q: SHOULD I BE FILING SUPPORTING DOCUMENTS/EXHIBITS TO A PLEADING AS SEPARATE ATTACHMENTS?

A: NO. THE COURT PREFERS THAT DOCUMENTS ARE COMBINED INTO A SINGLE PDF AS MUCH AS POSSIBLE. FOR EXAMPLE, A MOTION, NOTICE OF MOTION AND CERTIFICATE OF SERVICE SHOULD BE COMBINED AND FILED AS ONE DOCUMENT.

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ECF Court Link

APRIL 21, 2011

VOLUME 6, ISSUE 4

Eastern District
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Newsletter

In this issue:

- [CM/ECF Downtime Alert Reminder](#)
- [Preparations For Release 4.1](#)
- [Highlights of Release 4.1](#)
- [Privacy of Social Security Numbers](#)
- [Case Statistics](#)
- [Q&A](#)
- [ECF Contacts](#)

CM/ECF Downtime Alert Reminder

Please remember that the CM/ECF electronic filing system will be down between 8:00 am on Friday, April 22nd and 8:00 am on Monday, April 25th, for a scheduled upgrade.

If you have a document that is required to be filed by court order, statute or rule, you may e-mail that document to the court's general e-mail box in PDF format at ncebgeneralmail@nceb.uscourts.gov. Documents sent to this e-mail box will be filed effective on the date the e-mail is received.

Preparations For Release 4.1

- *Release 4.1 was tested and works correctly with Firefox 3.5, and Internet Explorer 7 and 8; Mozilla Firefox 2 and Internet Explorer 6 are no longer supported.*
- *Attorneys and Trustees may now have **filing agents**. The Filing Agent request forms are posted on the court's website at www.nceb.uscourts.gov under the CM/ECF Information tab. Once completed, these should be mailed to the court at the address listed on the form.*
 - *All CM/ECF users will be required to change their passwords upon the first login after the upgrade. Each password must be a minimum of 8 characters, must contain both upper and lower case letters, and must contain one number or special symbol.*

Highlights of Release 4.1

- *It will no longer be necessary to add the attorney for the plaintiff or defendant when opening a new Adversary case. The association between the filing attorney and the plaintiff will be created automatically.*

- *Filing Agents will now be allowed to make entries on behalf of an attorney or trustee. Filing Agent entries will still reflect the name of the attorney or trustee on the docket. However, the name of the filing agent will appear on the Transaction Log report. If an agent works for more than one filer, the agent must select the desired filer from a list upon logging into the application, and **must submit a separate form for each filer**. The selection made upon login can be changed at any time without logging out. A Change User button will appear on the menu bar. This button displays a list of all possible filers, and clicking a name on the list changes the user. Note: the form is to be signed by both the filing agent and the attorney or trustee.*
 - *Filing fees may now be paid through direct debit. Additionally, attorneys may choose to make partial payments of outstanding fees without having to pay all outstanding fees at once.*
- *Attorneys who are only involved in an Adversary case can now opt out of notices in the related Bankruptcy case. The Notice of Electronic Filing is enhanced to reflect those parties not receiving notices due to their preferences for noticing.*
- *There will be several enhancements to the docket report. The division will now appear at the top. The county will appear under the debtor's address, and will include the two letter state abbreviation. The attorney's e-mail address will be a hyperlink. All alias information will appear on one line and the associated cases link will only display if associated cases exist.*
- *The format of the screen for filing a proof of claim has been modified. The types are now Amount Claimed, Secured, and Priority. The amount claimed is no longer calculated. Instead, the amount claimed constitutes the totals of the various amounts as entered by the user and no additional total is calculated.*

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- *Mozilla Firefox 3.5 and Internet Explorer 8 do not allow users to type directly into a file name box on a document upload screen; instead, you may click the “Browse” button, then search for the document or type the file name in the resulting window.*
- *For users who wish to use the keyboard rather than the mouse, pressing the Enter key now gives the same result as clicking the button that submits the screen. Pressing the space bar also works if the focus is on the button that submits the screen.*
- *To avoid problems with pop-up blockers, the pop-up window previously generated by a pay.gov transaction is now displayed as a panel. This panel appears as a part of the original application window, so it is not affected by pop-up blocker settings.*

Privacy of Social Security Numbers

The Judicial Conference Privacy Policy prohibits the disclosure of an individual’s full social security number, among other items, to protect against identity theft. Any document filed after the enactment of this policy (on December 1, 2003) that contains such information must be restricted to court users, and a redacted version must be filed. Documents filed before the policy was implemented may still contain private information. Previously, such documents may have been available to PACER users, according to the restriction levels set by the court. To avoid this, restrictions are now place on all documents, including claims, filed in cases opened before December 1, 2003, that have been closed for at least a year. Documents that were previously unrestricted are now available only to court users, case participants and anyone using a public terminal.

Case Statistics

March, 2011

Year to Date

<i>Ch. 7</i>	<i>451</i>	<i>Ch. 7</i>	<i>957</i>
<i>Ch. 11</i>	<i>14</i>	<i>Ch. 11</i>	<i>29</i>
<i>Ch. 12</i>	<i>1</i>	<i>Ch. 12</i>	<i>1</i>
<i>Ch. 13</i>	<i>548</i>	<i>Ch. 13</i>	<i>1535</i>
<i>Ch. 9</i>	<i>0</i>	<i>Ch. 9</i>	<i>0</i>
<i>Ch. 15</i>	<i>0</i>	<i>Ch. 15</i>	<i>0</i>
<i>Total</i>	<i>1014</i>	<i>Total</i>	<i>2522</i>

QUESTIONS/ANSWERS:

Q. WHAT IS THE CURRENT PROCEDURE FOR FILING ANSWERS TO INTERROGATORIES?

A. DUE TO PRIVACY ISSUES, THE ANSWERS ARE NO LONGER REQUIRED TO BE FILED WITH THE COURT. INSTEAD, THE ATTORNEY FOR THE DEBTOR(S) OR PRO SE DEBTOR(S) WILL SUBMIT THE ANSWERS DIRECTLY TO THE TRUSTEE. ONCE THE ANSWERS ARE SUBMITTED TO THE TRUSTEE, A TEXT ENTRY SHOULD BE MADE IN CM/ECF INDICATING THAT THIS HAS BEEN DONE. THE TEXT ENTRY IS LOCATED IN THE MISCELLANEOUS CATEGORY AND IS ENTITLED "ANSWERS TO INTERROGATORIES (TEXT)."

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ECF Court Link

MAY 27, 2011

VOLUME 6, ISSUE 5

Eastern District
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Newsletter

In this issue:

- *New Service Requirement for State Agencies*
- *Case Statistics*
- *Judge Receives Award*
- *Division For Out Of State Cases*
- *Q&A*
- *ECF Contacts*

New Service Requirement for State Agencies

*Pursuant to Rule 4(j)(3)&(4) of the NC Rules of Civil Procedure & Bankruptcy Rule 7004(b)(6), service on the **State** of North Carolina must be made by serving the Attorney General or a deputy or assistant attorney general. The address for the Attorney General's office is: Attorney General's Office, 9001 Mail Service Center, Raleigh, NC 27699-9001.*

*Service **on an agency of the State** of NC must be made by serving the designated process agent. If no process agent is designated, then service must be made upon the Attorney General or a deputy or assistant attorney general.*

A list of state agencies and their designated Process Agents can be found at <http://www.ncdoj.gov/getdoc/f85e2106-9532-4a64-9c58-ebb251165639/2-6-4-3-2-Process-Agent-Directory.aspx>.

Case Statistics

<i>April, 2011</i>		<i>Year to Date</i>	
<i>Ch. 7</i>	<i>315</i>	<i>Ch. 7</i>	<i>1273</i>
<i>Ch. 11</i>	<i>12</i>	<i>Ch. 11</i>	<i>41</i>
<i>Ch. 12</i>	<i>0</i>	<i>Ch. 12</i>	<i>1</i>
<i>Ch. 13</i>	<i>504</i>	<i>Ch. 13</i>	<i>2038</i>
<i>Ch. 9</i>	<i>0</i>	<i>Ch. 9</i>	<i>0</i>
<i>Ch. 15</i>	<i>0</i>	<i>Ch. 15</i>	<i>0</i>
<i>Total</i>	<i>831</i>	<i>Total</i>	<i>3353</i>

Judge Receives Robert B. Yegge Award From American Bar Association

The American Bar Association has announced that Judge J. Rich Leonard of the United States Bankruptcy Court for the Eastern District of North Carolina is the 2011 recipient of the Robert B. Yegge Award, which will be presented at the annual meeting in Toronto on August 4. The Award is given annually to a judge or lawyer who has made an outstanding contribution to judicial administration in the United States. Judge Leonard was recognized for his two-decade effort to assist in developing and overseeing the electronic case filing and public access systems of the federal courts, his pioneering program to make the digital audio recordings of federal court proceedings available to the public over the Internet, his efforts at training and educating court officials and attorneys in the U.S. and abroad, his chairmanship of the current task force to assist in the design of the next generation of federal case management systems, and his editorship of the American Bankruptcy Law Journal. The Award is made possible by an endowment from the family of Dean Emeritus Robert B. Yegge of the University of Denver Law School, a national pioneer in the field of judicial administration. Judge Leonard has spent his career in the federal courts in eastern North Carolina. He began in 1979 as the Clerk of Court for the United States District Court, became a United States Magistrate Judge in 1981, and joined the United States Bankruptcy Court in 1992 where he served as chief judge from 1998-2005. In 1995, President Clinton nominated him for a seat on the United States Court of Appeals for the Fourth Circuit, but his confirmation was blocked by Senator Helms. A native of Welcome, North Carolina in Davidson County, he graduated from the University of North Carolina, where he was a Morehead Scholar, and Yale Law School. Judge Leonard is the father of five children, and is married to Dr. Whitney Cain, an associate professor of psychology at Peace College.

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Division For Out Of State Cases

*The division on all cases filed for counties located within North Carolina is now reflected at the top of the docket; however, any out of state cases will reflect "Other Division." For older cases filed prior to implementation of CM/ECF Version 4.1, you should contact the court in order to obtain the division for inclusion on proposed orders. For more recently filed cases, the court will make a public notation on the docket listing the assigned division. Proposed orders **should not** be submitted showing "Other Division."*

QUESTIONS/ANSWERS:

Q. DOES THE COURT HAVE A LIST OF CERTIFIED MEDIATORS?

A. YES. THE COURT HAS A LIST POSTED ON THE WEBSITE AT WWW.NCEB.USCOURTS.GOV UNDER THE "CERTIFIED MEDIATORS" TAB.

Q. DOES THE COURT HAVE A SPECIFIC ORDER IN WHICH A PETITION SHOULD BE ASSEMBLED WHEN FILED?

A. WHILE THE COURT HAS NO SPECIFIC REQUIREMENT IN THIS REGARD, THE PETITION SHOULD BE ASSEMBLED IN A WAY THAT CORRESPONDS TO THE CUSTOMARY PATTERN BY WHICH TRUSTEES AND CREDITORS REVIEW THESE DOCUMENTS. THE OFFICIAL FORM B1 SHOULD APPEAR FIRST FOLLOWED BY ALL OTHER SCHEDULES AND STATEMENTS.

Q. I HAVE RECEIVED A CHARACTER LIMIT WHEN FILING AMENDMENTS AND ADDING CREDITORS TO A CASE USING GOOGLE CHROME. DO YOU HAVE ANY IDEA WHAT THE PROBLEM MIGHT BE?

A. VERSION 4.1 OF CM/ECF WAS TESTED AND FOUND TO WORK PROPERLY WITH INTERNET EXPLORER 7 & 8 AND FIREFOX 3.5. GOOGLE CHROME WAS NOT TESTED.

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ECF Court Link

JUNE 20, 2011

VOLUME 6, ISSUE 6

Eastern District
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Follow-Up: Service Requirement for State Agencies

In the last issue, a new service requirement regarding North Carolina state agencies was highlighted. This requirement does not apply to state agencies outside of North Carolina. Please be advised that if you are serving an agency of any other state, you should be reviewing that state's service requirement in order to ensure proper service.

In this issue:

- Service on State Agencies
- Case Statistics
- On a Personal Note
- Who You Gonna Call?
- Order Checklist
- Q&A
- ECF Contacts

Case Statistics

May, 2011		Year to Date	
Ch. 7	316	Ch. 7	1594
Ch. 11	14	Ch. 11	55
Ch. 12	3	Ch. 12	4
Ch. 13	513	Ch. 13	2546
Ch. 9	0	Ch. 9	0
Ch. 15	0	Ch. 15	0
Total	846	Total	4199



On a Personal Note

Julie Boyette, Division Manager for the Raleigh office, will be retiring effective Friday, July 1st. Please join us in congratulating Julie on her years of service and wishing her a wonderful retirement!



Who You Gonna Call?

Do you have a question you need answered, but aren't sure who at the court can best answer it? Here are some general guidelines to follow when searching for the right contact person:

Are you looking for general case information? Did you receive a deficiency notice and are unsure of how to proceed? Are you looking for the status of an order or other document in a case?

Call a Case Administrator.

Do you need to know how to file a particular document? Are you having difficulty using electronic filing? Does an update need to be made to your CM/ECF account? Have you made an error that needs to be corrected?

Call a CM/ECF Analyst.

Are you looking for information regarding scheduling? Would you like a hearing continued or removed from the calendar? Do you need a transcript or CD of a hearing?

Call a Courtroom Deputy or Court Recorder.

Do you need guidance regarding service and notice requirements, or a particular rule? Do you have a question regarding an administrative procedure or general court operations?

Call a Case Analyst or Supervisor.

Our case assignments have changed. For the updated Case Administrator contact list, please [click here](#).

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Order Checklist

The following is the checklist for submission of proposed orders that was presented at EBI. Please consult this list prior to uploading orders in order to reduce deficiencies.

Check heading for:

- *Division*
- *Chapter*
- *Full case number and AP number*
- *Party name*
- *Party role*

Check order title for:

- *Centered*
- *Underlined correctly*
- *Title of order consistent with motion*

Check formatting for:

- *3 inch margin*
- *Correct spacing*
- *Proper indentation*
- *“End of Document”*
- *Necessary signatures*
- *Relief requested is relief sought in motion*

QUESTIONS/ANSWERS:

Q. There are two new documents appearing in my daily summary that I am unable to view, “Case Administrator Correspondence” and “Case Analyst Correspondence”. What are these entries?

A. These are internal court events that are restricted from public view, and may be disregarded.

ECF Contacts:

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ECF Court Link

AUGUST 11, 2011

VOLUME 6, ISSUE 8

Eastern District
Of
North Carolina
CM/ECF
Newsletter

In this issue:

- Service on FDIC Institutions
- Case Statistics
- On a Personal Note
- Financial Management Text Entry
- Motion to Seal
- Motions to Continue
- ACH
- Q&A
- ECF Contacts

Service Requirement for FDIC Institutions

Service may be made upon an insured depository institution as follows (any of the below options is deemed sufficient):

- Upon an officer of the depository by certified mail. The name of the officer is not required.
- Upon a service agent by regular mail.
- Upon an attorney who has made an appearance in the particular case on behalf of the insured depository.

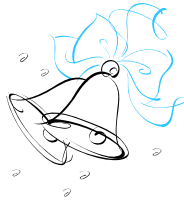
FDIC Bank find may be used as a resource in locating FDIC insured institutions:

http://www2.fdic.gov/idasp/main_bankfind.asp

Case Statistics

June, 2011		Year to Date	
Ch. 7	303	Ch. 7	1906
Ch. 11	15	Ch. 11	69
Ch. 12	0	Ch. 12	4
Ch. 13	544	Ch. 13	3082
Ch. 9	0	Ch. 9	0
Ch. 15	0	Ch. 15	0
Total	862	Total	5061

July, 2011		Year to Date	
Ch. 7	262	Ch. 7	2168
Ch. 11	15	Ch. 11	84
Ch. 12	0	Ch. 12	4
Ch. 13	464	Ch. 13	3546
Ch. 9	0	Ch. 9	0
Ch. 15	0	Ch. 15	0
Total	741	Total	5802



On a Personal Note

Congratulations to Heather Kelly, law clerk to Judge Doub, who was married to Jeremy Pierce on June 16th in Maui, Hawaii.

Please join us in welcoming Lauren Miller, who joined the court on August 1st as law clerk for Judge Leonard.

New Text Entry For Financial Management

The judges have approved a new procedure regarding the filing of the Financial Management certificate in Chapter 13 cases. The Chapter 13 Debtor Education instructor, Jeff Strayer, will make a text entry on the docket certifying the appearance of the debtors at the Debtor Education class in lieu of filing the paper certificate.

The text entry reads as follows:

“The debtor(s) has/have completed the required personal financial management course. Official Form(s) 23 signed the debtor(s) are in the possession of the course provider.”

Use of the text entry by Mr. Strayer’s office began on August 10th. Effective immediately, the attorney for debtor is no longer required to file the Financial Management course certificate on the docket in a Chapter 13 case.

Motion to Seal

Effective September 1st, the Motion to Seal event will allow the user to choose whether the document is to be permanently or temporarily sealed. If the document is to be sealed temporarily, a date may be inserted on which the seal will be removed.

Motions to Continue Contested Matters

When filing motions for continuances in contested matters, such as motions to lift stay, motions to modify Chapter 13 plans, objections to claims, objections to exemptions, motions for valuation, etc., counsel are encouraged to SPECIFICALLY state the reasons needed for the continuance. ie. illness of client, settlement negotiations, need for discovery, etc. If parties are waiting for discovery to be produced or foresee the necessity of filing additional motions, etc., please estimate the amount of time needed for a continuance.

Continuances are routinely granted with the consent of the parties for a period of 30 days. If the matter pending will require more than 30 days, then parties should request additional time, rather than having to come back every 30 days and request another continuance. For example, if it is necessary to file an objection to claim in order to proceed with a hearing on a motion to modify a chapter 13 plan, because an objection to claim requires a 30 day notice, the parties should request at least a 60 day continuance of the hearing on motion to modify plan. This will ensure the objection to claim can be resolved in the meantime, or a hearing on the objection to claim can be set on the same date as the motion to modify plan.

The court wants to assist counsel by providing the time necessary to properly litigate these contested matters. If counsel believes a status conference with the court would be helpful for the purpose of discussing a scheduling order for discovery, motions, and whether or not additional time should be set aside for a hearing, please include such request in your motion for continuance.

Payment of Filing Fees Via ACH

*All Fees can now be paid by using ACH with pay.gov. ACH (Automated Clearing House) is an electronic debit from a checking or savings accounts, commonly known as a direct debit. ACH payments submitted by 8:55 PM Eastern Time will settle in your account the next business day. When submitting your transaction that requires a fee, select the ACH payment option. On the payment screen, ensure that all required information (indicated by an *) has been entered correctly. Follow the on-screen prompts to complete the transaction.*

For trustees, Unclaimed Funds can now be paid via pay.gov using ACH. Additional docketing steps to prompt for the payment of the unclaimed funds follow; however, please note that utilizing ACH would discontinue the need for processing separate checks and mailing them to the court.

- *Docket the "Report On Unclaimed And/Or Small Dividends"*
- *Next, docket "Pay Dividends - Small" or "Pay Dividends - Unclaimed" for **each** unclaimed fund on your report. It is important that each unclaimed fund is docketed separately and that the correct event is used as to whether each is a Small Dividend if \$24.99 or less and Unclaimed if \$25.00 or higher.*

Several attorneys are using ACH to pay filing fees and one trustee is using ACH to pay unclaimed funds. We have been receiving positive comments regarding the option to use ACH for payments.

If you have any question about using ACH, please contact Tina Roberson at tina_roberson@nceb.uscourts.gov or at 919-856-4752, ext. 102.

U. S. Bankruptcy Court
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Tel. 919-856-4752

QUESTIONS/ANSWERS:

Q. When I file amended schedules and an amended summary is attached, do I need to choose the Summary of Schedules event?

A. Yes, the Summary of Schedules event must be docketed in addition to any applicable schedule event. This allows you to update the appropriate statistical data.

Q. Do I need to attach the answers when I file my Motion for Examination by Interrogatories?

A. No, the answers should not be attached to the motion. They should be provided directly to the Trustee, and the “Answers to Interrogatories (Text)” entry made on the docket.

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ECF Court Link

SEPTEMBER 15, 2011

VOLUME 6, ISSUE 9

Eastern District
Of
North Carolina
CM/ECF
Newsletter

Reminder: Electronic Bankruptcy Noticing

*The U.S. Bankruptcy Courts offer the bankruptcy community Electronic Bankruptcy Noticing (EBN). EBN is a **FREE** service that allows court notices to be transmitted electronically, delivering them faster and more conveniently. For more information, questions can be directed to the EBN Support Line at (877)837-3424 or by email at EBN@BAESystems.com.*

In this issue:

- *Electronic Bankruptcy Noticing*
- *Case Statistics*
- *On a Personal Note*
- *Proposed Amendments*
- *Motions to Continue*
- *Written Opinions Report*
- *Proofs of Claim and the BNC*
- *Q&A*
- *ECF Contacts*

Case Statistics

	<i>August, 2011</i>		<i>Year to Date</i>
<i>Ch. 7</i>	<i>294</i>	<i>Ch. 7</i>	<i>2466</i>
<i>Ch. 11</i>	<i>16</i>	<i>Ch. 11</i>	<i>99</i>
<i>Ch. 12</i>	<i>0</i>	<i>Ch. 12</i>	<i>4</i>
<i>Ch. 13</i>	<i>575</i>	<i>Ch. 13</i>	<i>4119</i>
<i>Ch. 9</i>	<i>0</i>	<i>Ch. 9</i>	<i>0</i>
<i>Ch. 15</i>	<i>0</i>	<i>Ch. 15</i>	<i>0</i>
<i>Total</i>	<i>885</i>	<i>Total</i>	<i>6688</i>

On a Personal Note

Please join us in welcoming two new additions to the court. Blake Boyette joined the court on August 22nd as law clerk for Judge Leonard. Andrew Perry joined the court on September 1st as law clerk for Judge Doub.

Proposed Amendments Published For Public Comment

Proposed rule amendments have been published by the Judicial Conference. Please review and submit any comments as specified in the link below.

<http://www.uscourts.gov/RulesAndPolicies/FederalRulemaking/PublishedRules.aspx>

Motions To Continue

Effective immediately, Motions to Continue Hearing, Conference or Trial must be classified on the docket in numeric order in order to track the number of continuances that have been requested on a particular matter. All of the applicable Motion to Continue events in CM/ECF have been modified to include the following display message:

On The Next Screen, You MUST Select The Applicable Prefix In Relation To The Number Of Times A Continuance Has Been Requested (First, Second, etc.).

Please ensure that you have chosen the correct numeric prefix prior to submitting a Motion to Continue.

Written Opinions Report

This is a reminder that you may opt to receive a scheduled report via email for all Written Opinions that are filed in cases before the court. Please contact Donna Skinner or Kelly Shum-Drake if you would like to be added to the list of recipients for this report.

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Proof of Claim Forms and the BNC

The bankruptcy court will discontinue transmitting Official Form B10, Proof of Claim, through the BNC by October 1st. We have transmitted this form as an attachment to certain notices, such as the Meeting of Creditors notice, to provide creditors convenient access to the form. However, the vast majority of these forms are not being utilized. Therefore, as a cost saving measure, the BNC will cease creating and transmitting the Proof of Claim form for all bankruptcy courts.

QUESTIONS/ANSWERS:

Q. I received an error when filing a large document with the court that stated the file was too large. What is the maximum allowable PDF size?

A. We have recently increased our maximum PDF file size from 4 MB to 10 MB. This will allow you to attach larger documents without having to separate it into separate attachments.

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ECF Court Link

OCTOBER 14, 2011

VOLUME 6, ISSUE 10

Eastern District
Of
North Carolina
CM/ECF
Newsletter

In this issue:

- [Case Statistics](#)
- [Motion to Extend Time/Deadlines](#)
- [Entry of Default](#)
- [Payment of Quarterly Fees](#)
- [Filing Fee Increase](#)
- [Q&A](#)
- [ECF Contacts](#)

Case Statistics

	September, 2011		Year to Date
Ch. 7	241	Ch. 7	2712
Ch. 11	14	Ch. 11	113
Ch. 12	1	Ch. 12	5
Ch. 13	555	Ch. 13	4670
Ch. 9	0	Ch. 9	0
Ch. 15	0	Ch. 15	0
Total	811	Total	7500

Motion to Extend Time/Deadlines

Please be careful to choose the correct event when you are filing a Motion to Extend Time to Object to Discharge versus a Motion to Delay Discharge. The following display message has been added to this event when the user chooses the "Time To Object To Discharge" option:

Do Not Use This Event If You Are Seeking To Delay The Discharge. In Order To Select The Correct Event From The Motions Category, Begin Docketing Again And Select Delay Discharge

Entry of Default

It is no longer necessary to submit a proposed Entry of Default when a Motion or Affidavit for Entry of Default is filed. The court now has an internal form that will allow this document to be electronically signed by the Clerk of Court.

Payment of Quarterly Fees

Quarterly Fees can now be paid online by credit card or Automatic Clearing House (ACH). Simply docket the “Pay Quarterly Fees” event under the Miscellaneous category and insert the amount to be paid. You will be prompted to pay the fee in the same manner as you would pay regular filing fees.

Filing Fee Increase

The Judicial Conference has approved changes to the miscellaneous fee schedule for the bankruptcy court. The below changes to the filing fees will become effective on November 1st.

<i>Item</i>	<i>Current Fee</i>	<i>New Fee</i>
<i>Certification</i>	<i>\$9.00</i>	<i>\$11.00</i>
<i>Exemplification</i>	<i>\$18.00</i>	<i>\$21.00</i>
<i>Audio Recording</i>	<i>\$26.00</i>	<i>\$30.00</i>
<i>Amended Schedules</i>	<i>\$26.00</i>	<i>\$30.00</i>
<i>Record Search</i>	<i>\$26.00</i>	<i>\$30.00</i>
<i>Adversary Proceeding Fee</i>	<i>\$250.00</i>	<i>\$293.00</i>
<i>Document Filing/Indexing</i>	<i>\$39.00</i>	<i>\$46.00</i>
<i>Title 11 Administrative Fee</i>	<i>\$39.00</i>	<i>\$46.00</i>
<i>Record Retrieval Fee</i>	<i>\$45.00</i>	<i>\$53.00</i>
<i>Returned Check Fee</i>	<i>\$45.00</i>	<i>\$53.00</i>
<i>Notice of Appeal Fee</i>	<i>\$250.00</i>	<i>\$293.00</i>
<i>Direct Appeal Fee</i>	<i>\$200.00</i>	<i>\$157.00</i>
<i>Motion for Relief From Stay</i>	<i>\$150.00</i>	<i>\$176.00</i>

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QUESTIONS/ANSWERS:

Q. If I prepare and sign a document for filing with the court, can it be filed using the CM/ECF login for another attorney at my firm?

A. No. The attorney filing the document should use his or her own login. The name of the filer on the docket should always match the signature on the document.

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ECF Court Link

NOVEMBER 15, 2011

VOLUME 6, ISSUE 11

Eastern District
Of
North Carolina
CM/ECF
Newsletter

In this issue:

- [Case Statistics](#)
- [Emails From The Court](#)
- [Means Testing Information](#)
- [Rule 3002.1](#)
- [Case Assignments](#)
- [Q&A](#)
- [ECF Contacts](#)

Downtime Alert: CM/ECF will be unavailable on Saturday, November 19th for a scheduled upgrade.

Case Statistics

October, 2011		Year to Date	
Ch. 7	261	Ch. 7	2978
Ch. 11	6	Ch. 11	122
Ch. 12	0	Ch. 12	5
Ch. 13	546	Ch. 13	5209
Ch. 9	0	Ch. 9	0
Ch. 15	0	Ch. 15	0
Total	813	Total	8314

Emails From The Court

Please routinely check your SPAM filter in order to ensure that emails from the court are not being blocked. Monthly newsletters and email blasts from the Clerk of Court are routinely being blocked as SPAM, and the court cannot continue to use resources in order to follow up on each of them. Please do your part to help us ensure that emails from the court are being properly delivered.

Means Testing Information

The updated Census Bureau State Median Family Income figures and the IRS Bankruptcy Allowable Living Expenses (BALE) has been posted to the U.S. Trustee Program website. The effective date is November 1, 2011. The new figures will be applied to petitions filed on or after this date. Please visit the website below for more information.

<http://www.usdoj.gov/ust/eo/bapcpa/meanstesting.htm>

New Federal Rule of Bankruptcy Procedure 3002.1

On December 1, 2011, F.R.B.P. 3002.1 will become effective in all cases, including those filed prior to this date. The new rule applies in Chapter 13 cases to claims that are secured by a security interest in the debtor's principal residence. In order to comply with this new rule, CM/ECF will be modified as described below.

New events will be available:

Under the Claim Actions category –

- *Notice of Mortgage Payment Change**
- *Notice of Postpetition Mortgage Fees, Expenses and Charges**
- *Response to Notice of Final Cure Payment**
- *Notice of Final Cure Mortgage Payment*

Under the Motions category –

- *Motion to Determine Mortgage Fees and Expenses*
- *Motion to Determine Final Cure and Mortgage Payment*

**When these three events are docketed, no document number is assigned, and the document will not be viewable on the Docket Report. Rather, they will be displayed on the Claims Register in the History section for the respective claims with the word “doc” appearing as a link to the document.*

New forms will be available:

- *Proof of Claim (Form B11 –12/11)*
- *Mortgage Proof of Claim Attachment (Form B1- Attachment A)*
- *Notice of Mortgage Payment Change (Form B10- Supplement 1)*
- *Notice of Postpetition Mortgage Fees, Expenses and Charges (Form B11- Supplement 2)*

The new forms will be available on our website under Official Forms.

Case Assignments

Please review the updated list of case assignments for Case Administrators and Case Analysts below. If you have any questions relating to a specific case, please contact the appropriate person based on the last two digits of the case number.

Case Administrators:

<i>Ending with:</i>	<i>Contact Person:</i>	<i>Email Address:</i>	<i>Phone:</i>
00-06	<i>Dawn Barnes</i>	<i>Dawn_Barnes@nceb.uscourts.gov</i>	<i>(252)237-0248 x207</i>
07-13	<i>Teresa Artis</i>	<i>Teresa_Artis@nceb.uscourts.gov</i>	<i>(252)237-0248 x128</i>
14-19	<i>Carrie Wiggins</i>	<i>Carrie_Wiggins@nceb.uscourts.gov</i>	<i>(252)237-0248 x130</i>
20-26	<i>Donna Harris</i>	<i>Donna_Harris@nceb.uscourts.gov</i>	<i>(252)237-0248 x141</i>
27-33	<i>Donna King</i>	<i>Donna_King@nceb.uscourts.gov</i>	<i>(252)237-0248 x136</i>
34-40	<i>Kathy Webb</i>	<i>Kathy_Webb@nceb.uscourts.gov</i>	<i>(252)237-0248 x149</i>
41-47	<i>Amy Bisette</i>	<i>Amy_Bisette@nceb.uscourts.gov</i>	<i>(252)237-0248 x173</i>
48-54	<i>Christy Gurgone</i>	<i>Christy_Gurgone@nceb.uscourts.gov</i>	<i>(252)237-0248 x134</i>
55-61	<i>Anna Brock</i>	<i>Anna_Brock@nceb.uscourts.gov</i>	<i>(252)237-0248 x126</i>
62-67	<i>Shelia Morris</i>	<i>Shelia_Morris@nceb.uscourts.gov</i>	<i>(919)856-4752 x189</i>
68-73	<i>Belinda Witcher</i>	<i>Belinda_Witcher@nceb.uscourts.gov</i>	<i>(919)856-4752 x140</i>
74-79	<i>Lisa Payne</i>	<i>Lisa_Payne@nceb.uscourts.gov</i>	<i>(919)856-4752 x131</i>
80-86	<i>Samantha Lyles</i>	<i>Samantha_Lyles@nceb.uscourts.gov</i>	<i>(919)856-4752 x105</i>
87-93	<i>Pamela Smith</i>	<i>Pamela_Smith@nceb.uscourts.gov</i>	<i>(919)856-4752 x124</i>
94-99	<i>Aileen Gibson</i>	<i>Aileen_Gibson@nceb.uscourts.gov</i>	<i>(919)856-4752 x132</i>

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Case Analysts:

<i>Contact Person:</i>	<i>Email Address:</i>	<i>Phone:</i>
<i>Wendy Parker</i> 00-49 (SWH & JRL cases) 00-24 (RDD cases)	<i>Wendy_Parker@nceb.uscourts.gov</i>	(252)237-0248 x133
<i>Sharon Angel</i> 25-74 (RDD cases)	<i>Sharon_Angel@nceb.uscourts.gov</i>	(252)237-0248 x153
<i>Duane Haddock</i> 50-99 (SWH & JRL cases) 75-99 (RDD cases)	<i>Duane_Haddock@nceb.uscourts.gov</i>	(919)856-4752 x104

QUESTIONS/ANSWERS:

Q. If my office has turnover of staff, may I send any new staff members to the court for CM/ECF training?

A. Yes! The Clerk's office encourages you to enroll any new staff members in our FREE CM/ECF training class. This will ensure that every CM/ECF user has been provided with the most comprehensive and up to date information regarding electronic filing.



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ECF Court Link

DECEMBER 7, 2011

VOLUME 6, ISSUE 12

Eastern District
Of
North Carolina
CM/ECF
Newsletter

In this issue:

- Case Statistics
- Quarterly Fees
- Staff Change
- 2012 Holidays
- Seeking
Volunteers
- Q&A
- ECF Contacts

Case Statistics

November, 2011		Year to Date	
Ch. 7	231	Ch. 7	3219
Ch. 11	19	Ch. 11	141
Ch. 12	0	Ch. 12	5
Ch. 13	524	Ch. 13	5723
Ch. 9	0	Ch. 9	0
Ch. 15	0	Ch. 15	0
Total	774	Total	9088

Quarterly Fees

Pursuant to a change in Local Rule 4002-1(c)(11) effective December 1, 2011, the court will no longer be accepting personal checks for payment of quarterly fees. Payments may now only be made by attorney trust account check, certified check, money order or through pay.gov.

Temporary Staff Change

Samantha Lyles will be filling in for Sarah Donleycott as Court Reporter for Judge Humrickhouse from Monday, December 5th through early March 2012. All court related matters normally directed to Sarah should be directed to Samantha during this time.

Also during this time period, cases ending in terminal digits 80-86 that are normally administered by Samantha Lyles will be handled by Pamela Smith. The exception will be Samantha's Chapter 11 cases, which have been randomly redistributed among the remaining Case Administrators. Please look for the case flag at the top of the docket to determine who you should contact at the court for these Chapter 11 cases.

2012 Court Holidays

Monday, January 2nd – New Year’s Day
Monday, January 16th – Birthday of Martin Luther King, Jr.
Monday, February 20th – Washington’s Birthday
Monday, May 28th – Memorial Day
Wednesday, July 4th – Independence Day
Monday, September 3rd – Labor Day
Monday, October 8th – Columbus Day
Monday, November 12th – Veteran’s Day
Thursday, November 22nd – Thanksgiving Day
Tuesday, December 25th – Christmas Day
Tuesday, January 1st, 2013 – New Year’s Day

Seeking Volunteers!

We are looking for law firms that would be willing to allow members of the court staff to travel to their offices and observe them while at work. We’re very interested in experiencing the bankruptcy process from the attorney’s and trustee’s perspective.

Also, we would like to remind you about the Attorney Orientation Program that is available at the clerk’s office. This is a half day program for any interested attorneys and their office staff, designed to familiarize you with our daily court operations. It consists of a tour of the court facility, introduction to court personnel, job shadowing with a Case Administrator and an information session with the Bankruptcy Administrator’s office.

We encourage you to participate in both of these opportunities! If you are interested in signing up, please contact Laura Whitehead, Training Specialist, at (252)237-0248, ext. 124 or laura_whitehead@nceb.uscourts.gov.

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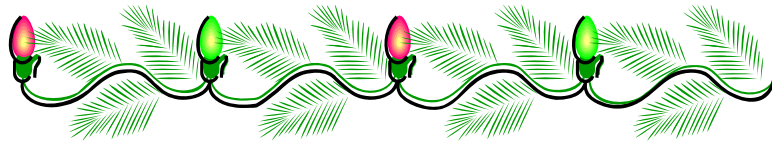
300 Fayetteville St.
Room 209
Raleigh, NC 27602

Tel. 919-856-4752

QUESTIONS/ANSWERS:

Q. A creditor on the matrix in a case has changed its name and its address. I am not adding a new creditor, and there has been no assignment. How do I go about notifying the court?

A. In this type of situation, please use the Name Change - Creditor/Party (Text) event under the Miscellaneous category. You can provide the new name for the creditor, as well as a new address, if applicable.



Have a wonderful holiday season!

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