



ECF Court Link

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Eastern District
Of
North Carolina
CM/ECF
Newsletter

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Case Statistics

October, 2019		Year to Date	
Ch. 7	170	Ch. 7	1669
Ch. 11	4	Ch. 11	65
Ch. 12	1	Ch. 12	9
Ch. 13	390	Ch. 13	3305
Ch. 9	0	Ch. 9	0
Ch. 15	0	Ch. 15	0
Total	565	Total	5048

December 1st Rule and Form Changes

ATTENTION: Please see below for upcoming changes to the Bankruptcy Rules and Forms!

Bankruptcy Rules 4001, 6007, 9036, and 9037.

More information with regard to the rule changes may be viewed by clicking [here](#).

Bankruptcy Forms Official Form 122A-1
Director's Form 1340

More information with regard to the form changes may be viewed by clicking [here](#).

In addition, although not a Federal Rule of Bankruptcy Procedure change, Rule 26.1(c) of the Federal Rules of Appellate Procedure has been revised to require certain disclosures in bankruptcy case appeals, according to Eisenbach. Each debtor, including any debtors not named in the caption, must be identified. For each debtor that is a corporation, the Federal Rule of Appellate Procedure 26.1(a) disclosures must be provided regardless of whether the corporate debtor is named in the caption.

Local Rules Amendments

Local Bankruptcy Rules, including amendments published on November 4, 2019, will be effective December 1, 2019. An updated version of the Administrative Guide will also be effective on December 1, 2019. The Guide was updated to delete the form Motion for Unclaimed Funds and to revise the service chart. Please pay special attention to the service chart, as several amendments were made to it after a review by the judges. These documents can be found at the link below:

<https://www.nceb.uscourts.gov/court-info/local-rules-and-orders>

Unclaimed Funds

*A General Order has been entered regarding Disbursement of Unclaimed Funds. This order amends Local Bankruptcy Rule 3011-1 to reflect changes to the Administrative Office of the United States Courts' recommendations regarding best practices for disbursement of unclaimed funds, as well as the adoption of two new forms created by the Administrative Office to implement those best practices. These changes will be effective December 1, 2019. A copy of the order may be viewed **here**.*

The new Director's Form 1340 should be used for all Applications to Release Funds filed on or after December 1, 2019. The related events in CM/ECF have changed. The application will be docketed first as a public entry using the current "Release Funds" event under Motions/Applications. Then, supporting documents will be docketed separately as a private entry using the new "Supporting Documentation" event under Misc. In addition, either a W-9 or a AO-213P must be included. The instructions for unclaimed funds have been updated on the website.

Holiday Office Closure

The clerk's office for the Eastern District of North Carolina will be closed on Thursday, November 28th and Friday, November 29th for the Thanksgiving holiday. We will reopen for business on Monday, December 2nd.

New Events – Special Charges

Effective December 1, 2019, the following fees for special charges may be paid online:

For Adversary Proceeding filing fees, a new event has been created under the Adversary>Miscellaneous category titled “Pay Fee – AP”. Please note that this event should be docketed separately in each individual AP in which a fee is due.

Also, two new events have been created under the Bankruptcy>Miscellaneous category. The first is titled “Pay Fee – Reopen Case (Deferred)” and the second is titled “Pay Fee – Conversion (Deferred)”.

These events will generate the applicable filing fee to be paid online via pay.gov.

Continued Matters

Memorandum from the Judges of the EDNC

Dear Members of the Bar of the United States Bankruptcy Court for the Eastern District of North Carolina:

It has come to our attention that some clients, mostly debtors, are not receiving sufficient notice when their cases are being continued from a scheduled court date. We have had several matters in which the clients, who have taken time off from their jobs, have appeared despite the continuance and remained in the courtroom waiting for their cases to be called. The court staff discovers the communication error at or near the end of the court session.

We fully appreciate the communication challenges with clients, especially in this fast-paced world; however, we would encourage you to help us by communicating as completely and promptly as possible to alleviate any inconveniences to those who come before this court.

Thank you for being a valuable member of Bankruptcy Bar.

*Yours very truly,
Stephani W. Humrickhouse
David M. Warren
Joseph N. Callaway*

QUESTIONS/ANSWERS:

Q. I've filed a pleading incorrectly in CM/ECF. Can it be deleted?

A. No. Since we have gone live on NextGen, the court can no longer delete filings. Please ensure that you are using the correct event code when docketing, and that you open your PDF documents prior to filing to verify that the correct pleading is being attached. If in doubt, please contact the Helpdesk for assistance.

ECF Contacts:

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Also, please look for the below icon on our homepage in order to access our Live Chat feature!

