



ECF Court Link

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Eastern District
Of
North Carolina
CM/ECF
Newsletter

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Case Statistics

April, 2019		Year to Date	
Ch. 7	202	Ch. 7	636
Ch. 11	10	Ch. 11	42
Ch. 12	0	Ch. 12	5
Ch. 13	322	Ch. 13	1275
Ch. 9	0	Ch. 9	0
Ch. 15	0	Ch. 15	0
Total	534	Total	1958

NextGen Updates

Central Sign On Issues

Maintain Your ECF Account: Attorneys/Trustees now have access via *Utilities to Maintain Your ECF Account*. Email addresses for secondary recipients can be managed through the *Email information tab*. Additionally, you can opt to receive notices in cases to which you are not associated. **DO NOT** modify the email frequency or format on this screen. This should be done through PACER at the *Manage My Account tab*.

Filing Agents: (1) Staff filing on behalf of attorneys/trustees can be deactivated through *Maintain Your ECF Account*, but cannot be added. A request to add a new Filing Agent must be made through PACER by the staff member requesting to e-file. (2) Although you enter your email address and notice preferences via PACER, you are associated with an attorney's or trustee's account, so unless you are listed as a secondary email recipient, you will not receive notices of electronic filing. These will be sent based on the attorney or trustee account you are associated with, so your preferences are not recognized.

NextGen (continued)

Browser Issues

Please note that Firefox is the preferred internet browser for filing in NextGen in order to ensure that all functions work properly.

Procedure Changes – Chapter 13 Plan

The second sentence in Part 1.5 of this district's form Chapter 13 plan (E.D.N.C. Local Form 113A (07/18)) lists an estimated dollar amount "that would be paid to holders of allowed unsecured claims if the estate of the debtor were liquidated in a Chapter 7 bankruptcy case (known as the 'liquidation test')." (Emphasis added). This language makes no distinction between unsecured priority claims under § 507, and unsecured non-priority claims.

The Court has concluded that a plain reading of this language has resulted in varying approaches to drafting Chapter 13 plans. Some plans are listing a dollar amount intended to satisfy the liquidation test without regard to whether holders of unsecured non-priority claims can anticipate receiving any distribution. Other plans are listing a dollar amount intended to indicate only what would be paid to holders of unsecured non-priority claims (having first subtracted any unsecured priority claims and administrative expenses qualifying for priority status under § 507).

*The local subcommittee charged with updating this district's form Chapter 13 plan will be amending the language in Part 1.5 to clarify that the dollar amount listed in the second sentence is referring to only the amount to be paid to holders of unsecured non-priority claims. Until an updated form plan is released, it is necessary to give notice of the Court's interpretation of the language in Part 1.5, and establish a uniform practice among debtors for drafting plans. **The Court hereby gives notice that the amount listed in Part 1.5 of the form plan for the liquidation test analysis refers to the amount that is estimated to be paid to holders of non-priority unsecured claims, and the Court and Chapter 13 Trustees will interpret those amounts as such.** The amount described under the liquidation test of Part 1.5 of the form plan should not include any amounts owing to claims entitled to priority status under § 507.*

On a Personal Note

Please join the court in welcoming two new Case Administrator Assistants to the EDNC court family! Jade Campbell and Abigail Ferritto began work in the Raleigh office on Monday, May 13, 2019.

QUESTIONS/ANSWERS:

Q. I need to file an Amended Motion to Modify Plan in a case. Do I select the Modify Plan event under Motions/Applications and then select "Second" from the drop down on the last screen?

A. No. You need to select Amended/Amendment to Motion/Application and refer back to the original Motion to Modify. The "Second" prefix is not a substitute for filing an amended motion of any type.

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

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

