

**LBR 1007.2**  
**PREPARATION AND FILING OF MATRIX**

(a) **General Requirements.** A conventionally filed matrix must be prepared in accordance with the following guidelines:

(b) **Matrix Required.** An optically scannable creditor(s) matrix, signed and verified as provided in Fed. R. Bankr. P. 1008, is required when:

- (1) a new case (all chapters) is filed,
- (2) an amendment to a case (all chapters) is filed containing additional creditors.

This matrix must list only those additional creditors added to the amendment to schedules.

(c) **Original.** Matrices must be an original printed document on standard bond paper, which is free of lines, marks, or smudges.

(d) **Fonts/Typefaces.** Matrices must be prepared in one of the following standard typefaces or print styles: Courier 10 pitch, Prestige Elite 12 pitch, or Letter Gothic 12 pitch. Character pitch must match character spacing. Do not use proportional spacing. Dot matrix printer fonts are not scannable and will not be accepted.

(e) **Format.** Matrices must be typed in a single column with each line left justified. Addresses must be in a single column in order for the optical character reader to scan the material automatically from left to right, line by line.

(f) **Lines.** Each name/address must consist of no more than five lines with the city, state, and zip codes located on the last line. Do not type "attention" lines or account numbers on the last line. If needed, this information is to be placed on the second line of the name/address. There must be at least one blank line between each of the name/address blocks.

(g) **Postal Codes.** All states must be two-letter abbreviations (both letters capitalized) and in conformance with postal abbreviations.

(h) **Margins.** Lists must be typed so that no letters are closer than one inch from any edge of the document.

(i) **Line Length.** Each line must not exceed 40 characters in length.

(j) **Punctuation.** In conformance with U.S. Postal Service guidelines, all addresses should be devoid of punctuation, e.g., periods or commas, any and all special characters, e.g., #, %, /, and ( ), except the hyphen in the ZIP+4 code.

(k) **Excluded Names.** Do not include the debtor, joint debtor, attorney for debtor, trustee, or United States trustee on matrices. They will be retrieved automatically by the computer for noticing. The name of the debtor should be listed on the reverse side of each page for identification purposes.

(l) **Alphabetical Order.** All creditors are to be alphabetized.

(m) **Duplication.** Do not duplicate names and addresses.

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As adopted 3/17/2008

*Comment: This rule was adopted to make the provisions of a former Standing Order 05-1 permanent. Numbering is based on the Uniform Numbering System for Local Bankruptcy Rules (as adopted by the Judicial Conference and revised May 2003).*

**LBR 2002.1**  
**NOTICE TO CREDITORS AND**  
**OTHER INTERESTED PARTIES**

(a) **General.** Notices served by the clerk are generally mailed by the Bankruptcy Noticing Center (“BNC”).

(b) **Undelivered Undeliverable notices.** All undelivered notices shall be delivered to the debtor(s)’ attorney except in cases where the debtor(s) are not represented by counsel. Such notices shall be retained by debtor(s)’ counsel, in paper or as a scanned electronic image, for the same period required by *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by Electronic Means* (see D. Kan. LBR 5005.1 and related appendix). The clerk will retain notices in cases where debtors are not represented. Undelivered notices in Adversary Proceedings will be returned to the clerk’s office.

(c) **Corrections.** A matrix that does not comply with the requirements of D. Kan. LBR 1007.1 or D. Kan. LBR 1007.2 and any applicable Standing Order may cause certain notices to be undeliverable by the BNC. The clerk, or some other person as the court may direct, will notify the debtor's attorney, or the debtor if not represented, of any undelivered notices, together with the underlying matrix deficiency (e.g., incomplete address, missing zip code). Within five days after notification, the debtor's attorney, or the debtor if not represented, must:

- (1) file the corrected BNC Bypass Notice; and
- (2) serve any undelivered notices to all parties not served by the BNC.

**(e)(d) Preferred Addresses and National Creditor Register Service in Chapter 7 or 13 cases filed after October 16, 2005 under 11 U.S.C. § 342(e) and (f).**

(1) Pursuant to 11 U.S.C. § 342(e) and (f), an entity and the BNC may agree that when the BNC is directed by the court to give a notice to that entity, the BNC shall give the notice to the entity in the manner agreed to and at the address or addresses the entity supplies to the BNC. That address is conclusively presumed to be a proper address for the notice. The BNC’s failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law.

(2) The filing of a notice of preferred address pursuant to 11 U.S.C. § 342(f) by a creditor directly with the BNC will constitute the filing of such a notice with the court.

(3) Registration with the National Creditor Registration Service must be accomplished through the BNC. Forms and registration information is available at [www.ncrsuscourts.com](http://www.ncrsuscourts.com).

(4) A local form for use by creditors in filing notice of preferred address under 11 U.S.C. § 342(e) is available on the court’s website at <http://www.ksb.uscourts.gov>.

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As amended 3/17/08, 10/17/05, 3/17/05.

*Comment: This rule was adopted to make the provisions of a former Standing Order 05-4 permanent. Numbering is based on the Uniform Numbering System for Local Bankruptcy Rules (as adopted by the Judicial Conference and revised May 2003).*

**LBR 5003.1**

**ACCESS TO COURT RECORDS**

(a) **Access.** The public records of the court are available for examination in the clerk's office during normal business hours.

(b) **Copies.** The clerk will make and furnish copies, as time permits, of official public court records upon request and payment of prescribed fees.

(c) **Sealed or Impounded Records.** Records or exhibits ordered sealed or impounded by the court are not public records within the meaning of this rule.

(d) **Restricted Access Records.** Records or exhibits filed with the court, which are nonpublic as specified in the Code or Federal Rules of Bankruptcy Procedure, are not public records within the meaning of this rule.

(e) **Search for Cases by the Clerk.** The clerk's office is authorized to make a search of the most recent ten years of the master index maintained in the office, and to issue a certificate of the search. The clerk will charge in advance a fee for each name for which a search is conducted, as prescribed by the Administrative Office of the United States Courts.

(f) **Judgment/order Registry.** The Court's CM/ECF computer system fulfills the requirements of Fed. R. Bankr. P. 5003, requiring the clerk to maintain copies of every final judgment or order affecting title to or lien on real property or for the recovery of money or property, and will serve as the Court's judgment/order registry.

As amended 3/17/08, 10/17/05.

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*Comment: This rule was adopted to make the provisions of a former Standing Order 06-1 permanent. Numbering is based on the Uniform Numbering System for Local Bankruptcy Rules (as adopted by the Judicial Conference and revised May 2003).*

**LBR 2002.2**  
**SCHEDULING, LISTING AND NOTICING THE UNITED STATES AND AGENCIES**  
**OF THE STATE OF KANSAS AS A CREDITOR**

**(a) Departments, Agencies and Instrumentalities of the United States.** If a department, agency, or instrumentality of the United States is a creditor, the schedules and matrix must list that agency at the address provided by this rule. Any notice or service given to an address listed in this rule will be in addition to any notice required by statute, rule or regulation. *See also* D. Kan. LBR 7004.1 and Fed. R. Bankr. P. 7004(b)(4) and (5) regarding service in adversary proceedings and contested matters.

**(b) United States Attorney's Office.** In all cases in which any department, agency or instrumentality of the United States is a creditor, the schedule of creditors and matrix must also list the United States Attorney's Office located in the division headquarters in which the petition for relief has been filed. The addresses are:

1. Office of United States Attorney  
Robert J. Dole U.S. Courthouse, Suite 360  
500 State Avenue  
Kansas City, Kansas 66101
2. Office of United States Attorney  
U.S. Courthouse, Suite 290  
444 Southeast Quincy Street  
Topeka, Kansas 66683
3. Office of United States Attorney  
1200 Epic Center  
301 N. Main  
Wichita, Kansas 67202

**(c) Addresses for certain Departments, Agencies and Instrumentalities of the United States.** If one of the following departments, agencies or instrumentalities of the United States is a creditor, the schedule and matrix should list the agency at the address indicated herein:

1. DEPARTMENT OF AGRICULTURE  
(excepting Farm Services Agency, Ag Credit Division and Commodity Credit Divisions; and Rural Economic Community Development, which are hereafter individually set forth)  
Regional Counsel  
Department of Agriculture  
Post Office Box 419205  
Kansas City MO 64141-0205  
  
Farm Services Agency  
Farm Loan Programs Division  
3600 Anderson Avenue

Manhattan KS 66503-2511

Farm Services Agency  
Commodity Credit Division  
3600 Anderson Avenue  
Manhattan KS 66503-2511

USDA Rural Development  
Suite 100  
1303 SW First American Place  
Topeka KS 66604-4040

USDA Centralized Servicing Center  
PO Box 66879  
St Louis MO 63166

2. DEPARTMENT OF EDUCATION (DOE)  
Regional Director Region IX  
Department of Education  
Office of Postsecondary Education  
50 United Nations Plaza  
San Francisco CA 94102
3. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)  
United States Department of Health and Human Services  
Office of the General Counsel  
601 East 12th Street Room N1800  
Kansas City MO 64106
4. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)  
Regional Counsel  
Department of Housing and Urban Development  
Professional Building  
400 State Avenue  
Kansas City KS 66101-2406
5. INTERNAL REVENUE SERVICE (IRS)  
Internal Revenue Service  
PO Box 21126  
Philadelphia, PA 19114
6. SMALL BUSINESS ADMINISTRATION (SBA)  
District Counsel  
US Small Business Administration  
Lucas Place  
323 West 8th Street Suite 501  
Kansas City MO 64105; or  
  
District Counsel

U S Small Business Administration  
271 W Third Street North  
Suite 2500  
Wichita KS 67202-1212

7. SOCIAL SECURITY ADMINISTRATION  
Office of General Counsel  
Social Security Administration Region VII  
Federal Office Building  
601 East 12th St Room 535  
Kansas City MO 64106
8. UNITED STATES POSTAL SERVICE  
Law Department  
US Postal Service  
9350 South 150 East  
Suite 800  
Sandy UT 84070-2716
9. VETERANS ADMINISTRATION (VA)  
Department of Veterans Affairs  
Office of Regional Counsel  
1201 Walnut Street  
Suite 800  
Kansas City MO 64106

**(d) Departments, Agencies and Instrumentalities of the State of Kansas.** If a department, agency, or instrumentality of the State of Kansas is a creditor, the schedules and matrix must list that agency at the address provided by this rule. Any notice or service given to an address listed in this rule will be in addition to any notice required by statute, rule or regulation. *See also* D. Kan. LBR 7004.1 and Fed. R. Bankr. P. 7004(b)(6) regarding service in adversary proceedings and contested matters.

**(e) Addresses for certain Departments, Agencies and Instrumentalities of the State of Kansas.** This list of addresses constitutes the Clerk's register of mailing addresses as required by Fed. R. Bankr. P. 5003(e). If one of the following departments, agencies or instrumentalities of the State of Kansas is a creditor, the schedule and matrix should list the agency at the address indicated herein:

1. Kansas Department of Administration  
Attn Director of Accounts and Reports  
Landon State Ofc Bldg Rm. 351-S  
900 SW Jackson  
Topeka KS 66612
2. Kansas Department on Aging  
New England Building  
503 S Kansas Ave.  
Topeka KS 66603-3404

3. Kansas Department of Agriculture  
Office of Chief Counsel  
109 SW 9th 4th Floor  
Topeka KS 66612
4. Kansas Department of Commerce  
1000 SW Jackson  
Suite 100  
Topeka KS 66612-1354
5. Kansas Department of Education  
120 SE 10th Ave  
Topeka KS 66612-1182
6. Kansas Department of Health and Environment  
1000 SW Jackson  
Suite 540  
Topeka KS 66612-1290
7. Kansas Department of Labor  
Attn Legal Section  
401 SW Topeka Blvd.  
Topeka KS 66603
8. Kansas Department of Revenue  
Civil Tax Enforcement  
PO Box 12005  
915 SW Harrison  
Topeka KS 66612-2005
9. Kansas Department of Social and Rehabilitation Services  
Office of the Secretary  
Docking State Office Building 6<sup>th</sup> Floor  
915 SW Harrison  
Topeka KS 66612-1570
10. Kansas Department of Transportation  
Eisenhower State Office Bldg  
3rd Floor West  
700 SW Harrison  
Topeka KS 66603-3754
11. Kansas Department of Wildlife and Parks  
1020 South Kansas Ave  
Room 200  
Topeka KS 66612-1233

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As adopted 3/17/2008

*Comment: This rule was adopted to make the provisions of a former Standing Order 07-1 permanent. Numbering is based on the Uniform Numbering System for Local Bankruptcy Rules (as adopted by the Judicial Conference and revised May 2003).*

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**LBR 1007.1**  
**INITIAL FILINGS**

**(a) Assembly of Petition and Accompanying Documents.** Conventionally filed petitions (i.e., those not filed electronically, usually by pro se debtors), schedules and statements of affairs, and lists of creditors must conform to the Official Bankruptcy Forms and be printed on one side of the paper only. No original documents and pleadings filed with the court shall be stapled.

(1) Voluntary petitions and accompanying documents, if applicable, must be assembled in the following order:

- (A) petition (Official Form 1 and any accompanying exhibits);
- (B) statement of financial affairs (Official Form 7);
- (C) list of creditors holding 20 largest unsecured claims (Official Form 4, only in Chapter 11);
- (D) schedules A through J (Official Forms B-6A thru B-6J, inclusive);
- (E) summary of schedules (Official Form B-6-Summary, Cover Sheet);
- (F) statistical summary of certain liabilities (Official Form B-6-Summ2, Cover Sheet);
- (G) declaration concerning debtor's schedules (Official Form B-6-Decl.);
- (H) Chapter 7 individual debtor's statement of intention (Official Form B-8);
- (I) Rule 2016(b) statement of attorney compensation (Procedural Form B-203);
- (J) statement of current monthly income and means test calculation (Procedural Form B-22A, in Chapter 7);
- (K) statement of current monthly income (Procedural Form B-22B, in Chapter 11);
- (L) statement of current monthly income and disposable income calculation (Procedural Form B-22C, in Chapter 13);
- (M) declaration and signature of non-attorney bankruptcy petition preparer (Procedural Form 19A);
- (N) notice to debtor by non-attorney bankruptcy petition preparer (Procedural Form 19B);
- (O) for a case filed under Chapter 11, and for which the debtor elects small business status, the most recent balance sheet, statement of operations, cash-flow statement, and Federal income tax return; or a statement made under penalty of perjury that no balance sheet, statement of operations, or cash-flow statement has been prepared and no Federal tax return has been filed; and
- (P) certificate required under § 521(a)(1)(B)(iii)(I) or (II) (Procedural Form 201).

(2) The following documents, if applicable, must **not** be attached to the petition:

- (A) application to pay filing fees in installments (Official Form 3A);
- (B) application for waiver of Chapter 7 filing fee (Official Form 3B);
- (C) matrix and matrix verification;
- (D) the plan (if submitted when petition is filed in Chapters 11, 12 and 13);
- (E) Procedural Form B-21 Statement of Social Security Number;
- (F) a Declaration Regarding Payment Advices or Evidence of Payment under 11 U.S.C. § 521(a)(a)(B)(iv), in compliance with Appendix 1-01 to LBR 1007.1, that the debtor has either not been employed by any employer within the 60 days before filing of the petition, that the debtor was employed within the 60 days, but has not received payment advices or other evidence of payment, or that copies of payment advices or other evidence of payment are attached (with all but the last four numbers of the debtor's Social Security Number redacted);
- (G) a record of any interest that the debtor has in an account or program of the type

specified in § 521(c); and

(H) a certificate for credit counseling and debt repayment plan, if any, a certification under § 109(h)(3), or a request for determination by the court under § 109(h)(4).

(3) Electronically filed petitions must follow the same order as listed in paragraph (a)(1) above, except that the Declaration Re: Electronic Filing must be conventionally submitted in lieu of Form B-21.

~~(b) **Matrix.** Every petition must be accompanied by a matrix in a form prescribed by the clerk and adopted by D. Kan. Bk. S.O. 05-1. Names and complete addresses of creditors must be listed in alphabetical order. The first and succeeding pages of a conventionally filed matrix must list on the reverse side of the page the name of the debtor.~~

~~—Every matrix, whether original or amended, must be signed and verified as provided in Fed. R. Bankr. P. 1008.~~

~~(e) **Creditors' Schedules.** Creditors must be listed alphabetically with the full address of each, including post office box or street number, city or town, state and zip code. If it is known that the account or debt, including any applicable domestic support obligation, as that term is defined in § 101(14A), has been assigned or is in the hands of an attorney or other agency for collection, the full name and address of such assignee or agent must be set forth, but without twice extending the dollar amount of the debt. Each entry required by this subsection must be separated by two spaces from the next succeeding entry. If an agency of the United States or the State of Kansas is listed as a creditor, the agency must be noticed as provided by D. Kan. Bk. S.O. 05-7 **LBR 2002.2.**~~

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As amended **3/17/08**, 3/17/07, 10/17/05, 3/17/05.

*Comment: This rule was amended to eliminate references to former Standing Orders 05-1 and 05-7.*

**LBR 7004.1**  
**SERVICE OF SUMMONS AND COMPLAINT ON THE**  
**UNITED STATES OR THE STATE OF KANSAS**

**(a) Service on the United States.** When the United States and/or a department, agency or instrumentality of the United States is named as a party defendant, service of any summons or complaint must be made:

- (1) in the manner prescribed by rule or statute;
- (2) on the United States Attorney's Office located in the division city where the petition for relief was filed; and
- (3) on the department, agency or instrumentality of the United States as prescribed by D. Kan. ~~Bk. S.O. 05-7~~ **LBR 2002.2.**

**(b) Service on the State of Kansas.** When the State of Kansas and/or a department, agency or instrumentality of the State of Kansas is named as a party defendant, service of any summons or complaint must be made:

- (1) in the manner prescribed by rule or statute; and
- (2) on the department, agency or instrumentality of the State of Kansas as prescribed by D. Kan. ~~Bk. S.O. 05-7~~ **LBR 2002.2.**

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As amended **3/17/08**, 10/17/05, 3/17/05.

*Comment: This rule was amended to eliminate reference to former Standing Order 05-7.*

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**LBR 5005.1**  
**FILING BY ELECTRONIC MEANS**

~~The court will accept for filing documents submitted, signed, or verified by electronic means that comply with procedures established by the court.~~

**(a) Background and Authority.** Federal Rule of Civil Procedure 83, Federal Rules of Bankruptcy Procedure 5005(a)(2), and District of Kansas Rule 83.8.12, authorize this court to establish practices and procedures for the filing, signing, and verification of pleadings and documents by electronic means.

**(b) Adoption of Procedures.** *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by Electronic Means* (a copy of which is attached as Appendix 1-01 to this Rule) is approved and adopted by this court as a means of registration of attorneys and for distribution of passwords to permit electronic filing and notice of pleadings and other documents.

**(c) Designation of Electronic Filing.** All cases are assigned to the Electronic Filing System unless otherwise ordered by the court. All petitions, motions, memoranda of law, or other pleadings and documents filed with the court in connection with a case assigned to the Electronic Filing System shall be filed electronically unless otherwise permitted in these rules or the administrative procedures guide or unless otherwise authorized by the court. Electronic filing shall be consistent with this Rule and *Appendix 1-01, Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by Electronic Means*.

Appendix 1-01 to LBR 5005.1

**Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by  
Electronic Means**  
(Rev. 3-17-05)

**I. Scope of Electronic Filing**

A. **Electronic Filing Required.** Effective September 1, 2004, all petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the court by an attorney in any case assigned to the Electronic Filing System pursuant to subsection B below shall be electronically filed, except as expressly provided and in exceptional circumstances preventing a Filing User from filing electronically.

B. **Assignment of Cases.** All cases pending or filed on September 1, 2004, will be assigned to the Electronic Filing System.

C. **Exception.** Notwithstanding the foregoing, persons (other than attorneys) who are not Filing Users in the electronic filing system are not required to electronically file pleadings and other documents in a case assigned to the System. The court may, from time to time, and only in exceptional circumstances, relieve attorneys from the electronic filing requirement. The Debtor's Declaration re: Electronic Filing and trial exhibits are not to be filed electronically unless otherwise directed by the court.

D. **Filing Fees.** For filings that require a fee to be paid, the office of the clerk will automatically draw payment from the credit card account that was provided by the attorney. The court will not maintain electronic billing or debit accounts for lawyers or law firms.

**II. Eligibility, Registration, Passwords**

A. **Attorney Eligibility.** Attorneys admitted to the bar of this court (including those

admitted pro hac vice and attorneys authorized to represent the United States), United States trustees and their assistants, bankruptcy administrators and their assistants, private trustees, and others as the court deems appropriate, may register as Filing Users of the court's Electronic Filing System. Registration is in a form prescribed by the clerk and requires the Filing User's name, address, telephone number, Internet e-mail address and, in the case of an attorney, a declaration that the attorney is admitted to the bar of this court.

B. Eligibility of Other Parties. If the court permits, a party to a pending action who is not represented by an attorney may register as a Filing User in the Electronic Filing System solely for purposes of the action. Registration is in a form prescribed by the clerk and requires identification of the action as well as the name, address, telephone number and Internet e-mail address of the party. If, during the course of the action, the party retains an attorney who appears on the party's behalf, the attorney must advise the clerk to terminate the party's registration as a Filing User upon the attorney's appearance.

C. Creditor Eligibility. Creditors without counsel may register as Filing Users of the court's electronic filing system for the sole purpose of filing claims, notice of transferred claims, reaffirmation agreements, requests to receive notices, and withdrawal of claims.

D. Registration. Provided that a Filing User has an Internet e-mail address, registration as a Filing User constitutes: (1) waiver of the right to receive notice by first class mail and consent to receive notice electronically; and (2) waiver of the right to service by personal service or first class mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

E. Passwords. Once registration and training, as prescribed by the court, are completed, the Filing User will receive notification of the user log-in and password. Filing Users agree to protect the security of their passwords and immediately notify the clerk if they learn that their password has been compromised.

F. Revocation of Registration. The court reserves the right to revoke an Electronic Filer's password and, therefore, his or her authority and ability to electronically file documents for failure to comply with the provisions of these *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by Electronic Means*, failure to pay fees required for documents electronically filed, or other misuse of the electronic case filing system.

### **III. Consequences of Electronic Filing**

A. Filing. Electronic transmission of a document to the Electronic Filing System consistent with these rules, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the local rules of this court, and constitutes entry of the document on the docket kept by the clerk under Fed. R. Bankr. P. 5003.

B. Legibility. The Filing User is responsible for assuring the legibility of all documents, scanned or otherwise, filed with the court.

C. Official Record. When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently converted to electronic form, a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.

D. Deadlines. Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight local time where the court is located in order to be considered timely filed that day.

### **IV. Entry of Court-Issued Documents**

A. Entry of Orders. All orders, decrees, judgments, and proceedings of the court will be filed in accordance with these rules, which will constitute entry on the docket kept by the clerk under Fed. R. Bankr. P. 5003 and 9021. All signed orders will be filed electronically by the court or court personnel. Any order filed electronically without the original signature of a judge has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

B. Orders may also be issued as "text-only" entries on the docket, without an attached document. Such orders are official and binding.

C. The court may sign, seal, and issue a summons electronically, although a summons may not be served electronically.

D. Submission of Orders. A Filing User submitting a document electronically that requires a judge's signature must promptly deliver the document in such form as the court requires.

#### **V. Attachments and Exhibits**

Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless otherwise directed by the court. A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such (*also see* D. Kan. Rule 5.1(f) and D. Kan. LBR 9072.1(a) dealing with bulky/voluminous exhibits). Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane. The court may require parties to file additional excerpts or the complete document.

#### **VI. Sealed Documents**

Documents ordered to be placed under seal must be filed conventionally, and not electronically, unless specifically authorized by the court. A motion to file documents under seal may be filed electronically unless prohibited by law. The order of the court authorizing the filing of documents under seal may be filed electronically unless prohibited by law. A paper copy of the order must be attached to the documents under seal and be delivered to the clerk.

#### **VII. Retention Requirements**

Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User until 6 years after all time periods for appeals expire. On request of the court, the Filing User must provide original documents for review.

#### **VIII. Signatures**

A. User Log-In and Password. The user log-in and password required to submit documents to the Electronic Filing System serve as the Filing User's signature on all electronic documents filed with the court. They also serve as a signature for purposes of Fed. R. Bankr. P. 9011, the Federal Rules of Bankruptcy Procedure, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court. Electronically filed documents must include a signature block in compliance with D. Kan. LBR 9011.4, and must set forth the name, address, telephone number and the attorney's Kansas bar registration number, or equivalent. In addition, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "s/" and typed in the space where the signature would otherwise appear.

B. Password Security. No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing

User.

C. Documents containing the signature of non-Filing Users are to be filed electronically with the signature represented by a “s/” and the name typed in the space where a signature would otherwise appear, or as a scanned image.

D. Documents requiring signatures of more than one party must be electronically filed either by: (1) submitting a scanned document containing all necessary signatures; (2) submitting an electronic document upon which the consent of the other parties is represented; or (3) in any other manner approved by the court.

#### **IX. Service of Documents by Electronic Means**

A. Notice of Electronic Filing. The “Notice of Electronic Filing” that is automatically generated by the court’s Electronic Filing System constitutes service or notice of the filed document on Filing Users. Parties who are not Filing Users must be provided notice or service of any pleading or other document electronically filed in accordance with the Federal Rules of Bankruptcy Procedure and the local rules.

B. Certificate of Service. A certificate of service must be included with all documents filed electronically, indicating that service was accomplished through the Notice of Electronic Filing for parties and counsel who are Filing Users and indicating how service was accomplished on any party or counsel who is not a Filing User. Certificates of Service shall be in substantial compliance with D. Kan. LBR 9013.3.

C. Nothing contained in this procedure relieves counsel of the burden of obtaining personal service under Fed. R. Bankr. P. 7004 or Fed. R. Civ. P. 4, where appropriate.

#### **X. Notice of Court Orders and Judgments**

Immediately upon the entry of an order or judgment in an action assigned to the Electronic Filing System, the clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Bankr. P. 9022. The clerk, or other party as the court may direct, must give notice to a person who has not consented to electronic service in paper form in accordance with the Federal Rules of Bankruptcy Procedure.

#### **XI. Technical Failures**

A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court.

#### **XII. Public Access**

A. PACER Access. Any person or organization, other than one registered as a Filing User under these rules, may access the Electronic Filing System at <https://ecf.ksb.uscourts.gov> by obtaining a PACER log-in and password. Those who have PACER access but who are not Filing Users may retrieve docket sheets and documents, but they may not file documents.

B. Clerk’s Office Access. Access to all documents is available, without obtaining a password, in the clerk’s office during regular business hours, Monday through Friday. Conventional and certified copies of electronically filed documents may be purchased at the clerk’s office during regular business hours Monday through Friday. The fee for copying and certifying shall be in accordance with the Schedule of Miscellaneous Fees promulgated by the Judicial Conference of the United States pursuant to 28 U.S.C. § 1930(b).

C. Redaction. In connection with the filing of any material in an action assigned to the Electronic Filing System, any person may apply by motion for an order limiting electronic access to or prohibiting the electronic filing of certain specifically-identified materials on the grounds that such material is subject to privacy interests and that electronic access or electronic filing in

the action is likely to prejudice those privacy interests.

D. Misuse. Information posted on the System must not be downloaded for uses inconsistent with the privacy concerns of any person.

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As amended 3/17/2008

*Comment: This rule, and Appendix, were amended to make the provisions of a former Standing Order 05-3 permanent.*

DRAFT