

THE BANKRUPTCY BUGLE

A CM/ECF NEWSLETTER
SPONSORED BY THE
UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA



HELP DESK: 866-232-1266

MARCH 2007

PLEADING TITLES

Back by popular demand: Amber, the Fictitious Filer! When we last checked in with Amber, she was just completing the CM-ECF training session provided by the Court. We're happy to report Amber graduated with flying colors! Today Amber is chatting with the Help Desk with some questions about the Court's new procedures on docketing pleading titles. Let's listen in, shall we? 

Amber: "...So I have a document called 'Motion To Pay Out Funds Collected From The Sale Of Debtor's Residence', and I can't find that title listed in the events list...what should I do?"

Help Desk: "Well first we'd really encourage you to fashion your title from the list of events we've provided. Sort of backwards from what you're used to doing...preparing the document and *then* looking for an event to use. If you'll check the events list, you'll find an event called "**DISBURSE PROCEEDS**". Is this basically what you're asking the Court to rule on? If so, you may want to consider using a title similar to "**Motion to Disburse Proceeds**". You can leave it at that and the final docket text will match your pleading, or if you decide to enhance your pleading title a little more, you will be able to do so in the Modify Docket Text box as you docket your pleading. The important thing is to try to be as brief and succinct as possible so that you won't have to type as much when you are docketing."

Amber: "Ok, that will work, that makes sense. I have another one that you might need to help me on, if you wouldn't mind...it's called 'Motion To Keep Tax Refund And Use Funds To Buy A New Home For Debtor'. How do you think I should prepare this,

there's absolutely NOTHING that matches in your events list!"

Help Desk: "From what you're telling me, it appears you may be asking for two separate rulings. If that's the case you probably have a two-part motion. You're asking to keep the tax refund, and also for permission to purchase a home, so here's what may work for you. In our events list we have one called "**RETAIN IRS REFUND**", and we also have one called "**PURCHASE**". You could possibly use something like "**Motion to Retain IRS Refund and Purchase Residence**", if that's what you are trying to achieve. Then, when you docket you will choose **BOTH** events separately, as you were taught in class for a multi-part motion. When you get to the modify docket text box you will be able to enhance the docket text to match your pleading."

Amber: "That will work! It sounds to me that it would be much easier if, before I actually prepare my pleading, I take a look at the available events and title my document using *your* list as my guideline. Sounds a lot easier than having to stop when I'm in the middle of docketing to re-title something I've prepared that just won't work. Thanks so much for your help!!!" 

And there you have it! Another successful encounter with a happy e-filer!!!

Similar exchanges have actually taken place between certain e-filers and the Help Desk. Even though this message may have seemed over-simplified and this story line wasn't real, the facts were! We hope this may have helped clear up some confusion regarding pleading titles and docketing procedures. **The Clerk's office doesn't presume to offer legal advice** to help you prepare your pleadings, but if we can help you tailor a title to fit our events and make calendaring your motions and submitting your orders easier, we are happy to help!!

CHAPTER 13 PLANS TO BNC

Remember, only the first Chapter 13 Plan you file will be noticed by the Court, and you must select the proper event when you docket to have your document noticed. Choose PLAN > Chapter 13 Plan #1 (BNC).

CHANGE OF ADDRESS

All changes of address submitted to the Court, whether they are for a debtor, creditor or attorney must be submitted in writing. No verbal requests will be accepted. The change of address must be dated and signed by the submitting party before an account or file can be updated. Change of address forms are available on our website (www.nvb.uscourts.gov) under Local Forms.



DID YOU KNOW???

When you file amended schedules and add new creditors to a case you are responsible for the 341 meeting notice to be sent to those additional creditors. The Clerk's office provides the initial 341 meeting notice only...

Social Security Statements should be docketed separately when docketing amendments to the petition. Please DO NOT docket this event by holding down the control key and selecting several miscellaneous events at one time with the statement included. By docketing the SS Statement incorrectly, it will become part of the public record. 

When you docket a Motion to Approve Settlement, docket the pleadings (including uploading the orders) in BOTH the main case and the Adversary case.

COURTESY COPIES



Filing Users shall provide courtesy copies for chambers of all motions, oppositions, replies and memoranda of law together with all exhibits and attachments which have been submitted in electronic form on the System until further ordered by the court.

CHAPTER 13 PLANS... AMENDED VS MODIFIED

Reminder: As you know, the Bankruptcy Code denominates amendments made to a plan, whether before or after confirmation, as "modifications". However, we are required to distinguish between changes made before confirmation from those made after confirmation. 

Accordingly, please designate any plan changes made **before confirmation as amendments** - ie, amended plan. Please designate any changes made **after confirmation as modifications** - ie. motion to modify plan, and designate it as "modified plan"

DOCKETING REMINDERS

UPPER CASE is required when you input **names** and **addresses** in ECF. Upper and lower case is used when enhancing docket text and pleading titles only.

ADVERSARY SUMMONS - THEY'RE NOT JUST ANOTHER OVER-THE- COUNTER MATTER ANYMORE!

GREAT NEWS! The Court will now issue an adversary summons electronically! You will first docket a new event in the Adversary > Complaint / Summons entitled "Request to Issue Summons." Within this event you will select the party name(s) for issuance of the summons. The Court will then docket the electronic summons. This will generate the normal ECF e-mail to you. You will print that image and use it for service.



On a personal note...we're proud to say the BUGLE is one year old this month! Thanks to our loyal readers for all your support!

-The Staff



