

# THE BANKRUPTCY BUGLE

A CM/ECF NEWSLETTER

Sponsored By The  
UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA



HELP DESK: 866-232-1266

APRIL 2007



## HEARING LOCATIONS

It is very important, when setting a hearing, to have the correct courtroom location on your pleading **AND** on the docket.

When setting a hearing you will be prompted to choose a hearing location. Most locations are assigned by picking the bankruptcy judge in your case. However, **BE VERY CAREFUL!** Special circumstances apply in some instances.

Judge Nakagawa has a courtroom location in Reno **AND** Las Vegas. Please be sure you choose the correct location when you docket. Also be aware of exceptions in Las Vegas. **ALL** Las Vegas **confirmation hearings** are to be set to: **Foley Bldg, Third Floor**, regardless of which judge is assigned to the case. **ALL 341 meetings** in Las Vegas are to be set to: **Foley Bldg, Rm 1500**.

These are the **ONLY** exceptions. All other hearing locations should be set by picking the assigned bankruptcy judge in your case.

We cannot stress enough the importance of this information. Failure to use these guidelines could result in your hearing being improperly noticed, at the very least. So let's all strive to make it work the first time!

## MULTI-PART MOTIONS

We all know the trick of docketing multi-part motions, right? You know... selecting your events by holding down the CTRL key to highlight the different events you are calendaring? But did you know that you should select those events in **exactly the same order** as they appear on your motion? This allows the docket text to match your pleading title! In the previous versions of ECF, the final docket text would appear alphabetically, no matter what order your events were chosen.

Version 3 of ECF changed all that. Now it's more user-friendly, and you won't have to spend your time enhancing your text or working with a pleading title that does not match anything!

## CERTIFICATES OF SERVICE

Remember to “link” or “relate” your Certificates of Service to each document that you have served. A common error is to link (or relate) the Certificate only to a motion when your pleading states you have specifically mailed a motion AND a notice. You need to choose **ALL** pertinent documents.



### HAVE YOU NOTICED...

...When noticing a Confirmation of Plan you docket under **NOTICE > CONFIRMATION HEARING - NOT** simply Notice of Hearing!

..When noticing a regular Motion for calendaring you docket under **NOTICE > HEARING/MOTION BK - NOT** (IRS-BNC) or just plain Notice!

...When simply filing a generic Notice (no hearing date) you docket under **NOTICE > BK!** - **NOT** Notice of Hearing or (IRS-BNC)!



### COURTESY COPIES

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

## DOCKETING TIDBITS

When your pleading includes a Certificate of Service (unless automatically prompted) be sure to ENHANCE in the “Modify Docket Text” box **with Certificate of Service**.

If your pleading states it is Amended, when you get to the “Modify Docket Text” box use the drop-down menu and pick **AMENDED**.

If you are docketing a Request for Special Notice, and that’s what your pleading title states, don’t choose Notice of Appearance and Request for Special Notice! Simply pick **REQUEST FOR SPECIAL NOTICE**.

If you are filing a Certificate of Service, relate it to the document(s) you have served. **No need to type a title in the docket text box** - if you have linked it properly the docket text will automatically show the document number and title of the document to which you are referring.



### LOCK OUT!

Please remember that filing fees are due on line when you file the document. If your practice is to wait until the end of the day and pay your fees all at once, that is acceptable, HOWEVER, if those fees are not paid within 24 hours your ECF account will be automatically locked and you cannot e-file until the fees are paid.

To unlock your account you will need to pay your fees **ON LINE**. You cannot bring your filing fees to the Clerk’s office and pay over the counter.

Please call the Help Desk at 866-232-1266 to get assistance, if you need it, in unlocking your account if this occurs.

## AMBER, THE FICTITIOUS FILER...THE ON- GOING SAGA CONTINUES...



Today Amber's dilemma involves opening an adversary complaint. Amber has just gotten a call from the Help Desk. Seems that last night, after hours, Amber needed to file an emergency adversary complaint. The problem was she'd never done one before, so she was on her own.

To Amber's credit, she had called the Help Desk earlier that day to ask a few general questions about a summons, discovery plan and scheduling conferences ... feeling confident, she told the deputy on the Help Desk that she felt she could continue on her own.

Late that night Amber sat down at her computer, signed into ECF, clicked on Adversary...clicked on "Complaint / Summons"...and...was stuck! Nothing there said "complaint"...just "amended complaint" and she wasn't amending anything! "...hmmmm...now what?" she muttered to herself.

Twenty minutes later, and starting to sweat profusely as her deadline neared, Amber still couldn't figure out how to open that Adversary! Thinking quickly, she clicked on Bankruptcy, then on Miscellaneous and searched, in vain, for the word "complaint". Nothing! Now she was really worried, her boss wanted that complaint filed before the next day, and it's 11:45 PM! Amber started to twitch a bit.

Suddenly a sly smile formed on her lips as she saw the word "Document" practically jumping out at her, begging her to pick it! So she did. Enhancing as she went!

Fast forward to the next day, 9:00 AM, Clerk's office. Amber receives the "dreaded phone call" from the QC deputy regretting to inform her that she never opened her adversary

complaint! Well, technically, anyway.

So, let's listen in to what happened to Amber.

QC: "First, congratulations on your very clever way of opening an adversary complaint, Amber. None of us ever thought of doing it that way before."

Amber: No comment. She didn't think it was funny.

QC: Sensing Amber's lack of humor this morning, the clerk continued, "So moving right along, we can fix this, no problem! I'm going to walk you through opening an Adversary complaint. One thing you need to know right away is that we have changed our format just a bit to make it easier for our e-filers to locate. Now under Adversary you will now find "Open an Adversary Proceeding".

Amber: *Still* nothing.

QC: "Okay Amber, we'll open this adversary together. In ECF, click on ADVERSARY.

- 1) Click on Open an Adversary Proceeding.
- 2) 'Complaint' with a 'y' comes up automatically, click on NEXT.
- 3) Enter Lead Case number, leave association type as Adversary and click on NEXT.
- 4) Case and Judge assignment information will appear. Click on NEXT.
- 5) Adding the Plaintiff is next. Type in the plaintiff's LAST NAME or BUSINESS NAME (as applicable) in **upper case**, and click on SEARCH. If party's name appears in search results select this name and continue. If not, click on Create New Party and proceed.
- 6) The next screen is Plaintiff information. Type in the address, city, state, zip code and choose applicable COUNTY code. Next click on ATTORNEY and add the Plaintiff's attorney information and click on ADD

ATTORNEY. Click on SUBMIT. (If there are more Plaintiffs to add, continue using the steps above, INCLUDING the attorney information.) When complete click on END PLAINTIFF SELECTION.

7) Next comes the Defendant's information. Proceed exactly as you did in Step 6, adding the address information, COUNTY code, and ROLE type before proceeding. When done, click on SUBMIT. (If there is more than one Defendant, continue to add the information following the steps from before.) When finished, click on END DEFENDANT SELECTION.

8) The next screen requires several fields to be answered as applicable. You will be required to fill out the Party Code, Choose the Primary Nature of Suit (Note: if applicable, pick all that apply under Second, Third, Fourth and Fifth Nature of Suit, as well). Answer Rule 23 (yes/no), Jury Demand, Demand \$ (rounded to the nearest thousand) and State Law (yes/no). When finished, click on NEXT.

9) Attach the pdf at the Browse bar. Click on NEXT.

10) Click on NEXT (twice more) until you get to the Docket Text: Modify box.

11) Review the docket text, if all is correct, click on NEXT.

12) Final text is revealed. Review once again, and click on NEXT.

13) You will be prompted to pay the filing fee.

QC: "Congratulations Amber! You've opened your first adversary!"



Amber: "Well, that wasn't too hard. I'm glad you walked me through it, though. I'll keep these step-by-step instructions next to my computer, it will help me the next time, since we don't do a lot of adversary work. AND, thanks for changing your Adversary menu - since I didn't see the initial prompt to open the adversary that first time, I had no idea how to proceed. Also, thanks for reminding me that all the information in the case needs to be in **upper case**, I probably would have forgotten that too!"

And that's the tale of Amber vs the Adversary complaint!

As usual, the Bugle reminds its loyal readers that while the basic details of this story actually have occurred (perhaps embellished a bit...), all names have been changed to protect the innocent! Amber is fictitious, and any resemblance she may bear to an actual e-filer is purely coincidental!!!

## PASSWORDS



Please remember to change your CM-ECF passwords often. For your protection your account should be changed regularly, and even more frequently during staff turn-overs!