



THE BANKRUPTCY BUGLE

SEPTEMBER/OCTOBER 2008

A CM/ECF Newsletter

Sponsored by the
United States Bankruptcy Court
District of Nevada

HELP DESK: 866-232-1266

HelpDesk@nvb.uscourts.gov

DOCKETING BITS 'n PIECES

- ★ When you file **amended schedules** and **add new creditors** to a case, you are responsible for mailing the 341 meeting notice to those additional creditors. The Clerk's office provides the initial 341 meeting notice only.
- ★ **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*.
- ★ Don't forget to docket **social security statements** separately using the event Bankruptcy > Miscellaneous > Statement of Social Security. This event is set up specifically to keep sensitive information from becoming public record. **DO NOT** docket this event with other documents, please!
- ★ **Motions to Approve Settlement** should be docketed in **BOTH** the main case and the adversary proceeding. Orders should be uploaded in **BOTH** cases.

PASSWORDS AND LOGINS



The login assigned by the court to an individual represents one way you sign your document. You have agreed to be responsible for anyone who uses that login. This also includes financial responsibility. That is why it is so important to change your passwords often! CM/ECF passwords should be changed on a regular basis and should **always** be changed when you have staff turnover.

CLERK'S ENTRY OF DEFAULT

To file a *Clerk's Entry of Default*, begin by downloading the forms from our web site at www.nvb.uscourts.gov. Please note these instructions are **NOT** for a Default Judgment!

The forms are in **Official Forms** under **Part I**. Use **B260** (Entry of Default). File a separate **affidavit** in support of the request

that proves the party against whom default is sought has failed to plead or otherwise defend. Submit a Clerk's Entry of Default (Form B260). The Court Clerk will enter the default.

Take the following steps to docket Form B260: Clerk's Entry of Default. Under: **Order Upload > No Motion Filed > Order Type : Ex Parte > Order Description: Ex Parte.**

Leave the hearing date field blank, insert the case number and attach the PDF. You will receive the signed document back via ECF e-mail.



ADVERSARY TIPS AND TIDBITS

SUMMONS: Since the court issues the Adversary summons electronically, you must request the summons be issued. In CM/ECF, once you have opened a new Adversary Complaint, go back to **Adversary > Complaint & Summons > Request to Issue Summons.**

You will be prompted to choose the party(s) the summons is to be issued on. The Court will assign the scheduling conference date and electronically issue the Summons. You will then download the summons for service. You will be responsible for docketing the Summons Service Executed after service.

NOTICE OF REMOVAL: This is treated as a NEW Adversary, and must be opened as such. It is NOT to be docketed under "Notice" and enhanced to say "Removal".

To open the new Adversary, select "Open an Adversary Proceeding", select "n" from the complaint drop down box and continue opening the new case.

HOT
off the
PRESS!

Get your **BANKRUPTCY BUGLE** while the news is still sizzling! Want to be the first in town to "READ ALL ABOUT IT"? If you want to be one of those "In-The-Know" Bugle Fans, you can sign up to receive your Bugle via e-mail right from the court! Just drop us a line at the address below and give us your current e-mail address and we'll do the rest! Write us at:

HelpDesk@nvb.uscourts.gov.

Fine Print: This offer is good until the Court comes up with a better idea. Subject to change with or without notice. Subscriber responsible for e-mail address updates.

GREETINGS TO NEW E-FILERS



Every month new CM/ECF e-filers are joining the District of Nevada. We welcome you all, and want to assure you the Court's goal is to serve, assist and support you and your staff so that the transition from paper docketing to electronic filing becomes an asset to your office. Even when classes have ended, our staff is here to support you - you're not on your own! Call our **HELP DESK** at **866-232-1266** for any assistance you may need for E-filing. The hours of operation are: Monday - Friday from 9 AM - 4 PM, closed from 12:00 PM to 1:00 PM, and all official federal holidays. If you prefer, you can also e-mail us at: helpdesk@nvb.uscourts.gov

E-MAIL ADDRESS UPDATE

Be sure to keep your e-mail address current with the court. Any change must be made in ECF immediately. Go to UTILITIES > under **Your Account** choose MAINTAIN YOUR ECF ACCOUNT > at the bottom of the screen click on the blue box **“E-mail information”**, make your changes and click on **“Return to Account screen”**. At the bottom of the screen click on **“Submit”** and your account will be updated.



REMINDERS

Past issues of the BUGLE make excellent reference material. We try to cover “problem areas” and give docketing tips each month on different topics. Some e-filing offices are keeping the newsletter in reference manuals at their computer stations for quick “hints” with problems or questions they may have. As always, we encourage you to send us your ideas, questions and thoughts so that we may use them to help others.

SNABA

10/9/08 Luncheon at the Pullman Grill in Main Street Station, featuring Chapter 13 Trustees.

11/13/08 Luncheon at the Pullman Grill in Main Street Station, featuring Mitch Gliner regarding FCRA/FDCPA.

11/19/08 Clinic on Introduction of Evidence at 3:30 PM in the courtroom of Judge Mike Nakagawa, Foley Federal Building, 300 Las Vegas Blvd., South, 3rd Floor, Courtroom 2.



SELF- CALENDARING A MOTION

You may only self-calendar matters on the calendar of the judge assigned to your case on the dates that are set on the web page for that judge. If matters are incorrectly set, the court may automatically vacate the hearing and you may be required to pay a new filing fee and obtain a new hearing date which you must re-notice in accordance with the local rules.

NOTICE re: LOCAL RULE

LR 5005. ELECTRONIC FILING, SERVICE, AND TRANSMITTAL OF PAPERS

Reminder: Attorneys must comply with all Local Rules.

LR 5005(a)(5) states that if exceptional or emergency circumstances prevent a person from filing electronically, the person may ask the clerk to accept a filing under the exceptional circumstances listed in LR 5005(a)(5)(A-C).

In Summary: Unless the court directs otherwise, a person filing on paper under exceptional or emergency circumstances must, either concurrently with the filing or within 2 business days after making it, submit a motion and order. If the motion is not made within the time limit, the clerk will strike the paper filing from the docket.

ORDER QUERY REPORT

The Order Query Report is available to all users to check the status of an uploaded order. Attorneys can review proposed orders pending in individual cases. As long as an order appears on this report there is no updated information available. You should not submit a duplicate order or contact the court for additional information. When the order drops from this report it will either be docketed or the Clerk's Office will contact you via e-mail with further details.

To access the Order Query Report:

1. Click on **Reports** from the CM/ECF blue tool bar.
2. From **E-Orders Reports**, select **Order Query**
3. Enter the **Case Number** and click on **Next**
4. All pending orders that match the search criteria will be displayed. Hyperlinks allow the user to view the docket sheet of the case, the document the order was related to, if applicable, and the image of the order which was submitted.
5. The **Status** column displays **Being Processed** which indicates the order is being reviewed within the Court.

If you have any additional questions, please contact the CM/ECF Help Desk at 1-866-232-1266.

NOTE: Regarding any orders for Judge Riegler: DO NOT call or contact Judge Riegler's staff for orders unless there has been a delay of at least 5 business days!



NOTES FROM CHAMBERS

JUDGE RIEGLE'S CASES ONLY.

If a debtor is not represented by counsel, a stipulation to except a debt from discharge must be set for a hearing by the attorney for the creditor. The attorney for the creditor must notify the debtor of the date and time of hearing.

JUDGE ZIVE'S CASES ONLY.

All motions for relief from automatic stay regarding real property which are set to be heard after October 1, 2008, must show cause why the court should grant the waiver of Rule 4001(a)(3).

If cause is not proven in the moving papers, or at the time of hearing, the waiver of Rule 4001(a)(3) will not be granted unless specifically ordered by the court.

All orders regarding lift stay motions shall contain only the language "relief from stay granted" and shall not include any additional language, unless specifically ordered by the court.

HAPPY HALLOWEEN!!!

