

# BANKRUPTCY BUGLE



**DECEMBER  
2010**



**CM/ECF  
Newsletter**

Inside this issue:

**Objecting to  
Discharge**

**Courtesy Copies**

**Proposed Orders**

**E-Service  
Removal**

**Change of  
Address**

**Ordering CDs &  
Transcripts**

**Telephonic  
Appearances**

**Calendaring Lift  
Stay Motions**

**Browser Support**

## Objecting to Discharge

The new Federal Rules of Bankruptcy Procedure, effective December 1, 2010, now offer the option of filing a Motion Objecting to Discharge instead of filing an adversary proceeding if denial of discharge is sought under §§ 727(a)(8), (a)(9), or §1328(f) instead of filing an adversary proceeding. A new event has been created for this purpose. This event is located under: **Bankruptcy > Motions/Applications > Objection to Discharge.**

If you have any questions on this new event, please contact the CM/ECF Help Desk at **1-866-232-1266.**

## COURTESY COPIES

Local Rule 9014(e)(2) requires paper courtesy copies on matters with a hearing date and time. Courtesy copies are required to be filed within 2 business days of the electronic filing. If you mail your courtesy copies to the Court, please address them to the Clerk of the Court (as courtesy copies), and not directly to the assigned Judge. The Clerk's office will distribute the courtesy copies to the appropriate parties.

## SUBMITTING PROPOSED ORDERS

**Proposed** Orders should **NOT** be uploaded for the Judge's signature. Attach them as an *exhibit* to the motion. Upload an order **AFTER** the hearing for the Judge's signature.

## BANKRUPTCY COURT CONTACT NUMBERS

LAS VEGAS CLERK'S OFFICE:	(702) 527-7000
RENO CLERK'S OFFICE:	(775) 326-2100
CM/ECF HELP DESK:	(866) 232-1266

Frequently called numbers and e-mail addresses are listed on the court's website under Court Information:

[www.usbcourt.gov](http://www.usbcourt.gov)

# BANKRUPTCY BUGLE

## E-SERVICE REMOVAL

If you're getting e-mail service of on-going activity in a case you have resigned from or are finished working on, the only way to stop receiving e-service is to file an Ex-Parte Motion *AND* Order requesting that your name or firm name be removed from the service list. Only after an order has been signed granting your request is the Clerk's office allowed to remove anyone from e-service.

## E-MAIL ADDRESSES

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.

## ATTORNEY'S CHANGE OF ADDRESS

If attorneys change their mailing address or e-mail address, a Notice of Change of Address of Attorney must be filed for every case and adversary proceeding for which the attorney is the attorney of record in order to maintain a current mailing matrix, per Local Rule 5005(d). The form is available on the court's website: <http://www.nvb.uscourts.gov/rules-forms/forms/local-forms/>



As a separate requirement, the attorney must also update the CM/ECF System. Substitutions of counsel must be obtained for all cases and proceedings for which the attorney will not remain the counsel of record. If attorneys fail to update their mailing address or e-mail address as required by Local Rule 5005(d), service made to their address of record will be deemed good service, unless the court orders otherwise. Attorneys must notify the court's ECF Department in writing of the change of address and of any orders of substitution by sending a letter to:

ATTN: CM/ECF DEPARTMENT  
United States Bankruptcy Court  
300 Las Vegas Blvd., S., Ste 4-242  
Las Vegas, NV 89101

or

ATTN: CM/ECF DEPARTMENT  
United States Bankruptcy Court  
300 Booth Street, Ste. 1109  
Reno, NV 89509

## 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.

To change your password, go to  
UTILITIES>YOUR ACCOUNT>  
MAINTAIN YOUR ECF ACCOUNT>  
MORE USER INFORMATION.

Delete your old password and re-type your new password. Return to Account Screen, then click on "submit" to complete the process.

## 362 INFORMATION SHEETS

Local Rule 4001(a)(1)(B) requires the § 362 information sheet to be attached to motions for relief from stay as a **cover sheet** rather than an exhibit. Please note the Local Form, Section 362 Information Sheet (NV\_4001) may be found on the Court's website at

<http://www.nvb.uscourts.gov/rules-forms/forms/local-forms/>

***LR 4001(a)(1)(B) All motions for relief from the automatic stay and any oppositions to it must have attached as a cover sheet a properly filled out §362 information sheet, which must be signed by counsel and/or the moving or opposing party.***

# BANKRUPTCY BUGLE

## ORDERING CDs OR TRANSCRIPTS

At the Court's website, [www.nvb.uscourts.gov](http://www.nvb.uscourts.gov) click on Local Rules & Forms > Bankruptcy Forms > Administrative. Then choose the CD or transcript order form for Las Vegas or Reno.

Note that CDs cost \$26.00 and must be paid for at the time the order is submitted. Credit cards, checks, money orders (made payable to the US Bankruptcy Court) or cash in exact change is accepted. No debtor's checks or credit cards will be accepted. Transcripts are processed after the order has been received and the fee has been paid. You will be contacted by court services for estimated payment details. For questions on transcripts you may call (702) 527-7159 in Las Vegas or (775) 326-2103 in Reno.

**CELLPHONES ARE NOT PERMITTED IN THE COURTROOM. ALL CELLPHONES MUST BE TURNED OFF DURING COURTROOM PROCEEDINGS.**

## TELEPHONIC COURTROOM APPEARANCES

To participate in a telephonic hearing, requests must be made in writing 48 hours prior to the hearing date. Mail the request to the presiding Judge or fax your request to the following numbers:

U.S. Bankruptcy Court  
300 Las Vegas Blvd., S.  
Las Vegas, NV 89101

OR

US Bankruptcy Court  
300 Booth Street  
Reno, NV 89509

Judge Nakagawa: (702) 527-7025

Judge Zive: (775) 326-2185

Judge Riegler: (702) 527-7015

Judge Markell: (702) 527-7035

Your request should include the debtor's name, bankruptcy case number, date and time of hearing, name and telephone number of the participant and good cause for the telephone appearance.

Once the request has been approved, the courtroom deputy or member of the Judge's staff will call to advise if permission has been granted or not. If granted, instructions will be provided as to the procedures to be followed.

Do not use a speaker phone, this may interfere with the recording of the hearing. The Nevada Bankruptcy Court records hearings rather than using court reporters, so clarity is essential. Identify yourself each time you speak so that the Judge and recorder know who is addressing the court.

**Effective January 1, 2011, the Chapter 7 Duty Judge Calendar will be moved from Wednesdays to Thursdays.**

## CALENDARING MOTIONS FOR RELIEF FROM STAY

When self-calendar a Motion for Relief from Stay be aware there are specific dates that are for Relief from Stays **ONLY**. The hearing dates on the Court's website are set up for specific types of motions.

**Do NOT set a Motion for Relief from Stay on any other calendar date.** If a Relief from Stay is calendar incorrectly, Court Services will vacate the motion and the attorney will be responsible for filing an amended hearing and related documents to correct the error.



# BANKRUPTCY BUGLE

## REMINDER:

The Bankruptcy Court will be closed on **December 24<sup>th</sup> 2010**, and **December 31, 2010** in observance of the Holiday Season.



## VOLUNTARY PETITION

*Official Form B1, known as a "Voluntary Petition" must be filed by a debtor to begin a bankruptcy case.*



## STEPS TO OPEN A VOLUNTARY PETITION

(Note: Steps 2-6 should be done immediately after opening.)

- 1 Upload **VOLUNTARY PETITION**
- 2 Upload **MATRIX**
- 3 Docket **JUDGE/TRUSTEE ASSIGNMENT**
- 4 Docket **STATEMENT OF SOCIAL SECURITY**
- 5 Docket **DECLARATION OF ELECTRONIC FILING**
- 6 Docket **MEANS TEST (Individuals Only)**
- 7 Docket **CERTIFICATE OF CREDIT COUNSELING (Individuals Only)**
- 8 Docket **CHAPTER 13 Plan (if Applicable)**

**ALL** Chapter 13 and 11 cases are opened as **ASSET** cases.

## JUDGE/TRUSTEE ASSIGNMENT

THIS IS A VERY IMPORTANT STEP in opening a new petition.

It is a crucial part of case opening, and will ensure that you receive your 341 notice immediately.

## BROWSER SUPPORT

CM/ECF will function only with the following browsers:

INTERNET EXPLORER 6.0 or 7.0  
and FIREFOX 2.0.

No other browsers are supported.

The file size limits of PDFs in ECF have increased from 3 MB to **4** MB.

*A Note of Thanks...*

*The Judges, Clerk and Staff of the Bankruptcy Court, District of Nevada, wish to extend Season's Greetings and Best Wishes to All for a Healthy, Happy and Prosperous New Year!*