



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

GUIDELINES FOR A CLAIMS AND NOTICING AGENT
Updated March 2021

Appointment of a Claims, Noticing and Balloting Agent (the “Claims Agent”) is required if there are 1,000 or more creditors in a case and may be required by the court in other circumstances.

- A. Upon application and order, the services of a claims agent may be employed by the Debtor’s estate pursuant to 28 U.S.C. §156(c) to perform services for the court under the direction of the Clerk of the Bankruptcy Court (“Clerk”) to include among other things:
1. Serve as the court’s notice agent to mail notices to the estates’ creditors and parties in interest.
 2. Provide expertise, consultation and assistance in claim and ballot processing and with other administrative matters with respect to the debtor’s bankruptcy cases.
 3. Provide expertise, consultation and assistance with the preparation of schedules, statements of financial affairs and master creditor lists, if necessary, and any amendments thereto.
 4. Process, image and docket all proofs of claim filed in the debtor’s case(s) ONLY on the court’s electronic docketing system or the court’s Electronic Proof of Claim (ePOC) system a within 48 hours of receipt (the same standard used in the Clerk’s office). The file date must be noted in the comment section to ensure the docket sheet states the correct file date.
 - a. All proofs of claim should be electronically docketed and images attached to such docket entries using the court’s Case Management/Electronic Case Filing system (CM/ECF) or the court’s ePOC system to ensure that all claims received and filed in the debtor’s case(s) are recorded and available for public reference.

- B. The second phase of claims processing is reconciliation of the claims to the debtor-provided creditor information. To ensure that the creditors are treated fairly, the claims agent handling the docketing of proofs of claim will be an independent party not providing legal or financial advice about the interpretation or settlement of the claims.
- C. Since the Clerk is responsible for the security and integrity of all of the bankruptcy court's records and dockets, including claims registers, mailing matrices, and other case papers maintained by the outside claims agents, the following guidelines are set forth to help assure the security of official information.

The outside claims agent shall:

1. Relieve the Clerk's office of all noticing under any applicable bankruptcy rules and processing of claims.
2. At any time, upon request, satisfy the court that the outside claims agent has the capability to efficiently and effectively notice, image proofs of claim, docket (in the court's CM/ECF system or the court's ePOC system) and securely maintain the proofs of claim.
3. Prepare and serve required notices in the above captioned case(s), including but not limited to:
 - a. notice of all creditors of the filing of the bankruptcy petition and of the setting of the first meeting of creditors, pursuant to 11 U.S.C. Section 341(a), under the proper provision of the Bankruptcy Code;
 - b. notice of the claims bar date;
 - c. notices of objections to claim;
 - d. notices of any hearings on a disclosure statement and confirmation of a plan of reorganization;
 - e. notice of filing official transcript;
 - f. notice of judgments or orders pursuant to local rule 9022; and
 - g. notice any other matters as required by the order retaining the claims agent.
4. Furnish a last date for the filing of a proof of claim and a form for filing a proof of claim to each creditor notified of the filing.

5. **Maintain an up-to-date copy of debtor's schedules that list the creditors and the amounts owed, and maintain an accurate and up-to-date mailing list.**
6. Provide the creditor with the scheduled amount and classification. In jointly administered cases, the entity in which the creditor is scheduled should also be provided.
7. File with the Clerk a certificate of service within 10 days, which includes a copy of the notice, a list of persons to whom it was mailed (in alphabetical order by last name or company name), and date mailed.
8. Image the proofs of claim and all attachments in PDF format (not to exceed 5 MG in size per image), make the electronic docket entry into the court's CM/ECF docketing system of each proof of claim including the entry of the creditor's name and address, if necessary, and attach that image to the appropriate proof of claim docket entry to enable the electronic viewing of the documents by court personnel, counsel, and the public.
9. Have all proofs of claim and transfer of claims forwarded from the office of the Clerk to the outside claims agent through a messenger service or postage paid envelopes. Pre-addressed, postage paid envelopes can be mailed to the Clerk's office where the case is filed:

Attn. Supervisor
U.S. Bankruptcy Court or
300 Las Vegas Blvd. South
Las Vegas, NV 89101

Attn. Supervisor
U.S. Bankruptcy Court
300 Booth Street
Reno, NV 89509

10. Once imaged, maintain any hard copies of proofs of claim originally received in paper format for the life of the case, or until otherwise ordered by the court:
 - a. in correct claim number order;
 - a. in an environmentally secure area to protect the integrity of these original documents from theft and/or alteration.
11. Maintain an official claims register in CM/ECF by docketing all proofs of claim on a claims register including but not limited to, the following information:
 - a. the name and address of claimant and the agent, if agent filed proof of claim;
 - b. the date received;

- c. the claim number assigned (CM/ECF assigns a claim number automatically; the assigned claim number is to be written on the hard copy of the claim in the lower right hand corner); and
 - d. the amount and classification asserted by such claimant.
- 12. Have the option to send at the discretion of the debtor or Clerk, an acknowledgment letter to the creditor when its claim is processed.
- 13. Maintain a telephone staff to handle inquiries related to procedures about filing proofs of claim.
- 14. Ensure electronic filing (in court's CM/ECF docketing system) and processing of all Assignment and Transfer of Claim pursuant to FRBP 3001(e):
 - a. by electronically filing and docketing all transfers of claim in the court's CM/ECF docketing system;
 - b. provide notice of the transfer as required by FRBP 3001(e) and electronically file and docket the notice of transfer;
 - c. after said electronic docketing, write the document number in the lower right hand corner of the document, and deliver the original document to the Clerk's office by hand delivery or by mail for filing with other original non-proof of claim paper document.
- 15. Make changes in claims register pursuant to court order.
- 16. Make all original documents available to the Clerk on an expedited immediate basis.
- 17. Not employ any past or present employees of the debtor for work on the particular case involving that debtor.
- 18. Provide notices, at the expense of the debtor's estate, to any entities, not limited to creditors, that the debtor or the court deems necessary for an orderly administration of the above captioned bankruptcy case(s).
- 19. At the end of a case, case conversion, or when the claims agent is terminated for any reason:
 - a. The claims agent will file a Notice of Termination, using the approved local form available on the court's website.

- b. There is a need for the Clerk's office to assume responsibility of the claims register using the claims register functionality in CM/ECF. The Clerk's office may use a mass claims upload feature, but the claims agent may have to first make some formatting modifications to the claims register before turning it over to the Clerk's office for uploading.
 - c. The claims agent will send the court the final version of the claims register in PDF format so the final version can be docketed in the lead case in CM/ECF.
 - d. The claims agent will box and ship all original documents in proper format, as provided by the Clerk's office, to the office address of the Clerk.
 - e. Failure to do the steps listed above may result in an Order to Show Cause.
- 20. Ensure that no notices or forms are sent on behalf of the debtor without prior approval of the Clerk.
- 21. Be responsible for regular contact with the debtor's counsel to insure any changes in the claims that appear on the docket, i.e., withdrawals, transfers, etc. be transmitted to the claims agent for electronic recordation on the claims register and the case docket, as appropriate.
- D. In the exercise of any authority granted by these guidelines, the outside claims agent shall comply with all applicable provisions of Title 11 of the U.S. Code the Federal Rules of Bankruptcy Procedure and any other applicable bankruptcy and non-bankruptcy laws or regulations of other appropriate governmental agencies.
- E. The outside claims agent shall promptly comply with such further conditions and requirements as the Clerk may hereafter prescribe.
- F. The outside claims agent is not employed by the federal government or U.S. Bankruptcy Court. Any appointed outside claims agent, is not an official representative of the United States and is not acting on behalf of the United States. Any appointed claims agent shall not misrepresent its authority to any person, entity or government agency.
- G. Orders to Show Cause may be issued against the debtor for failure to monitor the claims agent following these Guidelines.