

1
2
3 UNITED STATES BANKRUPTCY COURT
4 DISTRICT OF NEVADA

EFFECTIVE
March 25, 2020

5 ***

6 IN RE:
7 REQUIREMENT OF ORIGINAL
8 SIGNATURES ON ELECTRONIC FILINGS

ADMINISTRATIVE ORDER 2020-07

9
10 The President of the United States recently declared a national emergency in response
11 to the public health risk posed by exposure to Coronavirus Disease 2019 (“COVID-19”). The
12 Centers for Disease Control and Prevention has classified COVID-19 as a pandemic and
13 advised the general public to take precautions necessary to reduce the possibility of exposure
14 to the virus in order to slow the spread of the disease. The Governor of the State of Nevada has
15 declared a public health emergency in response to the spread of COVID-19 throughout Nevada.
16 During a March 17, 2020 press conference, Governor Sisolak stated that Nevadans should stay
17 home to protect family and the public. On March 20, 2020, Governor Sisolak issued Declaration
18 of Emergency Directive 003, ordering all non-essential businesses to cease operations through
19 April 16, 2020.

20 Section VII.D.1 of the Court’s Electronic Case Filing Procedures (“ECF Procedures”)¹
21 requires that before petitions, lists, schedules and statements, and plans are filed electronically,
22 “the debtor must sign a ‘Declaration Re: Electronic Filing of Petition, Schedules, Statements,
23 and Plan’” and file that Declaration within fourteen (14) days after electronic filing occurs.
24

25 ¹ The Court’s ECF Procedures are available at this link:

26 <https://www.nvb.uscourts.gov/electronic-case-filing/resources-documentation/>

1 Section VII.D.2 of the ECF Procedures contains a similar requirement for “[a]mendments,
2 pleadings, affidavits, and other documents which must contain original signatures or which
3 require verification under Fed. R. Bankr. P. 1008 or an unsworn declaration as provided in 28
4 U.S.C. §1746[.]”

5
6 Sections VII.D.1 and VII.D.2 of the ECF Procedures necessitate an in-person meeting
7 between bankruptcy stakeholders and their attorneys. Those sections of the ECF Procedures
8 are intended to ensure that such stakeholders have actually signed all pleadings and other
9 documents identified in Sections VII.D.1 and VII.D.2 before they are electronically filed. Many
10 of those pleadings and other documents must be filed on an emergent or time sensitive basis in
11 order to obtain appropriate and effective relief in bankruptcy proceedings. The Court is mindful
12 that Governor Sisolak’s actions in response to the COVID-19 pandemic, including the issuance
13 of Declaration of Emergency Directive 003 on March 20, 2020, may prevent attorneys from timely
14 meeting with their clients to obtain original physical signatures on the pleadings and other
15 documents referenced in Sections VII.D.1 and VII.D.2 of the ECF Procedures, thereby interfering
16 with their ability to obtain appropriate and effective relief for their clients in bankruptcy
17 proceedings. As a result of the foregoing:

18 **IT IS ORDERED** that, effective upon the date of this Order, the original physical signature
19 requirements for pleadings and other documents identified in Sections VII.D.1 and VII.D.2 of the
20 ECF Procedures are **SUSPENDED, subject to compliance with all conditions set forth in**
21 **this Order.**

22 **IT IS FURTHER ORDERED** that suspension of original physical signature requirements
23 under this Order **is expressly subject to satisfaction of one of the following conditions by**
24 **the Filing User before** a document or pleading identified in Section VII.D.1 or VII.D.2 of the
25 ECF Procedures is electronically filed:
26
27

1 A. The Filing User has obtained a **digital signature** from the signatory via
2 any commercially available digital signature software that provides
3 signature authentication, and maintains a copy of the digitally signed
4 pleading or other document identified in Section VII.D.1 or VII.D.2 of the
5 ECF Procedures in his or her case file for the time period imposed by
6 Section XI.A of the ECF Procedures; or

7
8 B. The Filing User has obtained **express written permission** from the
9 signatory to file the pleading or other document identified in Section
10 VII.D.1 or VII.D.2 of the ECF Procedures, and maintains that written
11 permission in his or her case file for the time period imposed by
12 Section XI.A of the ECF Procedures.

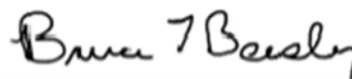
13 **IT IS FURTHER ORDERED** that electronic filing of a pleading or other document subject
14 to this Order constitutes a certification by the Filing User that, prior to electronic filing, he or she
15 either obtained the signatory's original physical signature or complied with one of the conditions
16 set forth in this order.

17 **IT IS FURTHER ORDERED** that electronic filing of a pleading or other document subject
18 to this Order, together with the Filing User's possession of a digital signature or a written
19 permission obtained in compliance with one of the conditions set forth in this Order, shall have
20 the same force and effect as if the Filing User was in possession of a hard copy of the
21 electronically filed pleading or other document bearing the signatory's original physical signature.
22

23 **IT IS FURTHER ORDERED** that nothing in this Order shall be construed or interpreted
24 to waive, suspend, limit, or alter any other requirement imposed under the Bankruptcy Code,
25 any Federal Rule of Bankruptcy Procedure, any Local Rule, or any of the other ECF Procedures
26 adopted by the Court.
27

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

IT IS SO ORDERED this 25 day of March, 2020.



BRUCE T. BEESLEY, CHIEF JUDGE
UNITED STATES BANKRUPTCY COURT