

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

In the Matter of:	}	
Administrative Order Regarding	}	Administrative Order No. 25-01
Filing of Claims by Debtor or Trustee,	}	Northern Division Only
	}	

**ADMINISTRATIVE ORDER**

Pursuant to Rule 3004(a) of the Federal Rules of Bankruptcy Procedure, the debtor or trustee may file a claim on behalf of a creditor if the creditor fails to timely file a proof of claim. Pursuant to Rule 3004(b), the Clerk's Office gives notice of the filing of the original claim by sending a Notice of Claim Filed to the creditor, the debtor and the trustee. When the debtor or trustee files an amended claim on behalf of a creditor, the Clerk's Office does not send notice of the amended claim. Therefore, the Court hereby directs the party filing an amended claim on behalf of a creditor to send notice of the amended claim to the creditor, the debtor and the trustee.

**IT IS SO ORDERED** this the 1st day of July 2025.

/s/ Clifton R. Jessup, Jr.  
Clifton R. Jessup, Jr.  
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ALABAMA

IN RE:

Appointment of the Clerk for the  
Northern District of Alabama

)  
)

Administrative Order No. 24-02


ADMINISTRATIVE ORDER

In accordance with the authority conferred by 28 U.S.C. § 156(b),

IT IS ORDERED that William M. Halcomb is hereby appointed as Clerk of the United States Bankruptcy Court for the Northern District of Alabama. Mr. Halcomb shall enter upon the performance of the duties as Clerk of Court on December 30, 2024.

IT IS FURTHER ORDERED that the Clerk of Court shall exercise all powers and perform all duties in accordance with the applicable laws and regulations.

Dated this the 18<sup>th</sup> day of December, 2024.

  
JENNIFER H. HENDERSON  
Chief United States Bankruptcy Judge

  
TAMARA O. MITCHELL  
United States Bankruptcy Judge

  
JAMES J. ROBINSON  
United States Bankruptcy Judge

  
CLIFTON R. JESSUP, JR.  
United States Bankruptcy Judge

  
D. SIMS CRAWFORD  
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ALABAMA

IN RE:	)	
	)	
PROCEDURES FOR REQUESTING,	)	ADMIN. ORDER 24-01
FILING, AND MANAGEMENT OF	)	ALL DIVISIONS
SENSITIVE DOCUMENTS	)	

**ADMINISTRATIVE ORDER**

WHEREAS federal courts are updating their security procedures to uniformly protect highly sensitive documents (HSDs), a narrow subset of sealed documents that must, for their protection, be stored outside the court's electronic systems;

THE COURT FINDS that good cause exists to permit nonelectronic filing under Civil Rule 5(d)(3)(A) (applicable under Bankruptcy Rule 7005), and to adopt the revised HSD Guidance, Attachment A, which includes a standard definition of HSDs, a dedicated procedure for filing, serving, and maintaining HSDs, and factors to be considered by judicial officers in determining if a document is an HSD.

THEREFORE, IT IS HEREBY ORDERED that, effective as of the date of this order and until such time as the court orders otherwise, HSDs will be filed and served in paper form (or, if digital media, on a secure electronic device, such as a flash drive), in accordance with this Order and the HSD Guidance, and will be maintained by the clerk's office in a secure paper filing system or secure standalone computer system that is not connected to any network.<sup>1</sup> This Order supersedes any and all prior court orders and inconsistent local rules concerning HSDs.

**1. Documents and Materials Subject to this Order**

- a. **Definition:** A **Highly Sensitive Document (HSD)** is a document or other material that contains sensitive, but unclassified, information that warrants exceptional handling and storage procedures to prevent significant consequences that could result if such information were obtained or disclosed in an unauthorized manner. Although frequently related to law enforcement materials, especially sensitive information in a civil case could also qualify for HSD treatment.

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<sup>1</sup> This guidance does not apply to classified information, which should be handled according to the Classified Information Procedures Act (CIPA) and the Chief Justice's Security Procedures related thereto, 18 U.S.C. app 3 §§ 1, 9. The Chief Justice's Security Procedures (criminal prosecutions) and the Department of Justice (DOJ) regulation 28 C.F.R. § 17.17(c) (civil actions) govern classified information in any form in the custody of a court.

- i. **Examples of HSDs:** Examples include *ex parte* sealed filings relating to: national security investigations, cyber investigations, and especially sensitive public corruption investigations; and documents containing a highly exploitable trade secret, financial information, or computer source code belonging to a private entity, the disclosure of which could have significant national or international repercussions.
  - ii. **Exclusions:** Most materials currently filed under seal do not meet the definition of an HSD and do not merit the heightened protections afforded to HSDs. The form or nature of the document, by itself, does not determine whether HSD treatment is warranted. Instead, the focus is on the severity of the consequences for the parties or the public should the document be accessed without authorization. Most presentence reports, pretrial release reports, pleadings related to cooperation in criminal cases, social security records, administrative immigration records, applications for search warrants, interception of wire, oral, or electronic communications under 18 U.S.C. § 2518, and applications for pen registers, trap and trace devices would not meet the HSD definition.
- b. HSDs vary in their physical form and characteristics. They may be paper, electronic, audiovisual, microform, or other media. The term “document” includes all recorded information, regardless of its physical form or characteristics.

## 2. Requesting HSD Designation

- a. Any party seeking to file an HSD must, before such filing, seek leave of court for such filing in the manner provided in paragraph 2(b).
  - i. A request for HSD designation must be accompanied by a certification of the movant’s good-faith belief that the material meets the HSD definition.
  - ii. The requesting party must articulate why HSD treatment is warranted, including, as appropriate: the contents of the document; the nature of the investigation or litigation; and the potential consequences to the parties, the public, or national interests, in the event the information contained in the document is accessed or disseminated without authorization.
  - iii. The requesting party must include a proposed order that provides the information stated in paragraph 3 below.
  - iv. The requesting party shall serve the proposed HSD on the other parties as follows:
    - Civil cases - by any manner specified in Civil Rule 5(b)(2), except for service via the court’s electronic filing system.
- b. The request and the proposed HSD material shall be submitted to the clerk’s office in a sealed envelope marked “HIGHLY SENSITIVE DOCUMENT.” The outside

of the envelope shall be affixed with a copy of the HSD's caption page (with confidential information redacted).

### **3. Order Granting HSD Designation**

An order granting a motion seeking HSD designation, or directing the filing of a document as an HSD on the court's own motion, must:

- a. State the identity of the persons who are to have access to the documents without further order of court; and
- b. Set forth instructions for the duration of HSD treatment. HSDs are stored temporarily or permanently offline as the situation requires. When designating a document as an HSD, courts should indicate when the designation will automatically lapse or when the designation should be revisited by the judicial officer. HSDs should be migrated as sealed documents to the court's electronic docketing system and unsealed, as appropriate, as soon as the situation allows.

### **4. Filing An HSD**

- a. A copy of the order granting HSD designation must be included with any document filed as an HSD.
- b. The clerk will maintain the HSD in a secure paper filing system or a secure standalone computer system that is not connected to any network.
- c. The clerk's office will make an informational docket entry in the court's electronic filing system indicating that the HSD was filed with the court. The docket entry shall not include personal or other identifying details related to or contained with the HSD. For example:

5/25/23 [no link] SYSTEM ENTRY-Docket Entry 92  
Restricted until further notice (Entered 5/25/23).

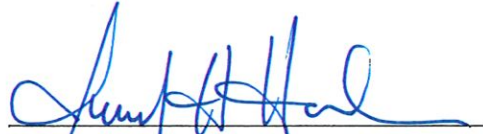
- d. An opinion or order entered by the court related to an HSD may itself constitute an HSD if it reveals sensitive information in the HSD. If the court determines that a court order qualifies as an HSD, the clerk's office will file and maintain the order as an HSD and will serve paper copies of any filing issued by the court.
- e. An HSD in the lower court's record will ordinarily be also regarded by an appellate court as an HSD.

5. **Safeguarding Internal Communication:** Care should also be taken in internal court communications regarding HSDs, including notes and pre-decisional materials, not to include the protected substance of HSDs in any communication using the internet or a computer connected to a network.

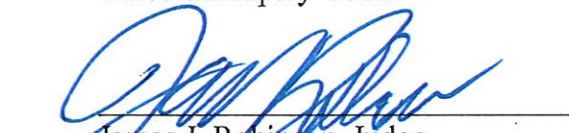
6. **Questions about HSD Filing Procedures**

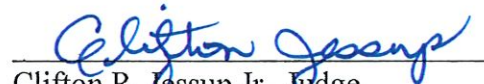
Any questions about how an HSD should be filed with the court pursuant to this Order should be directed to the clerk's office at **(205) 714-4000**.


IT IS SO ORDERED, this 15<sup>th</sup> day of July, 2024.

  
Jennifer H. Henderson, Chief Judge  
U.S. Bankruptcy Court

  
Tamara O. Mitchell, Judge  
U.S. Bankruptcy Court

  
James J. Robinson, Judge  
U.S. Bankruptcy Court

  
Clifton R. Jessup Jr., Judge  
U.S. Bankruptcy Court

  
D. Sims Crawford, Judge  
U.S. Bankruptcy Court

## HIGHLY SENSITIVE DOCUMENTS DEFINITION & GUIDANCE

Highly Sensitive Documents (HSDs) are a narrow subset of sealed documents that must, for their protection, be stored offline. The added protection for HSDs is important because, in the event of a breach of the courts' electronic case management system by a sophisticated actor, those documents are more likely to be sought out and stolen, or their unauthorized access or exposure are likely to have outsized consequences beyond that of most sealed documents, or both.

The following definition and guidance are intended to assist courts in identifying highly sensitive documents and managing the offline handling of HSDs. This guidance does not apply to classified information, which should be handled according to the Classified Information Procedures Act (CIPA) and the Chief Justice's Security Procedures related thereto, 18 U.S.C. app 3 §§ 1, 9(a).<sup>1</sup>

(a) **Definition: A Highly Sensitive Document (HSD)** is a document or other material that contains sensitive, but unclassified, information that warrants exceptional handling and storage procedures to prevent significant consequences that could result if such information were obtained or disclosed in an unauthorized way. Although frequently related to law enforcement materials, especially sensitive information in a civil case could also qualify for HSD treatment.

- i. **Examples of HSDs:** Examples include *ex parte* sealed filings relating to: national security investigations, cyber investigations, and especially sensitive public corruption investigations; and documents containing a highly exploitable trade secret, financial information, or computer source code belonging to a private entity, the disclosure of which could have significant national or international repercussions.
- ii. **Exclusions:** Most materials currently filed under seal do not meet the definition of an HSD and do not merit the heightened protections afforded to HSDs. The form or nature of the document, by itself,

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<sup>1</sup> The Chief Justice's Security Procedures (criminal prosecutions) and the Department of Justice (DOJ) regulation 28 C.F.R. § 17.17(c) (civil actions) govern classified information in any form in the custody of a court. Such classified information may not be filed on CM/ECF or any other court network or standalone computer system. Courts are assisted in their protection of classified information by classified information security officers, who are detailed to the courts by the DOJ's Litigation Security Group, a unit independent of the attorneys representing the government. Courts should direct questions regarding how to handle classified documents to the DOJ's Litigation Security Group. See also, Robert Timothy Reagan, Keeping Government Secrets: A Pocket Guide on the State-Secrets Privilege, the Classified Information Procedures Act and Classified Information Security Officers, (Federal Judicial Center, 2d ed. 2013).

## HIGHLY SENSITIVE DOCUMENTS DEFINITION & GUIDANCE

does not determine whether HSD treatment is warranted. Instead, the focus is on the severity of the consequences for the parties or the public should the document be accessed without authorization. Most presentence reports, pretrial release reports, pleadings related to cooperation in criminal cases, social security records, administrative immigration records, applications for search warrants, interception of wire, oral, or electronic communications under 18 U.S.C. § 2518, and applications for pen registers, trap, and trace devices would not meet the HSD definition.

**(b) HSDs: Sources and Characteristics**

- i. HSD designation may be requested by a party in a criminal, civil, appellate, or bankruptcy matter.
- ii. HSDs vary in their physical form and characteristics. They may be paper, electronic, audiovisual, microform, or other media. The term “document” includes all recorded information, regardless of its physical form or characteristics.
- iii. An opinion or order entered by the court related to an HSD may itself constitute an HSD, if it reveals sensitive information in the HSD.
- iv. An HSD in the lower court’s record will ordinarily be also regarded by an appellate court as an HSD.

**(c) HSD Designation:**

- i. A court’s standing order, general order, or equivalent directive should include the HSD definition set forth in (a) above and outline procedures for requesting, filing, and maintaining HSDs.
- ii. The onus is on the party, including the Department of Justice and other law enforcement agencies, to identify for the court those documents that the party believes qualify as HSDs and the basis for that belief. In moving for HSD treatment, the filing party must articulate why HSD treatment is warranted, including, as appropriate: the contents of the document; the nature of the investigation or litigation; and the potential consequences to the parties, the public, or national interests, in the event the information contained in the document is accessed or disseminated without authorization.

## HIGHLY SENSITIVE DOCUMENTS DEFINITION & GUIDANCE

### iii. **Judicial Determination:**

A. The presiding judge (or, when no presiding judge is available, the chief judge) should determine whether a document meets the HSD definition by evaluating whether a party has properly articulated sufficient reasons for such treatment, including the consequences for the matter, should the document be exposed. Most applications for HSD treatment are likely to be *ex parte*, but the presiding judge should resolve any disputes about whether a document qualifies as an HSD as defined in (a) above. The fact that a document may contain sensitive, proprietary, confidential, personally identifying, or financial information about an entity or an individual, that may justify sealing of the document or case, does not alone qualify the document as an HSD.

B. In making this determination, the court should consider properly articulated concerns that the unauthorized access or disclosure of the information contained in the document at issue would result in significant adverse consequences that outweigh the administrative burden of handling the document as an HSD. As a general matter, courts should give careful and appropriate consideration to the concerns articulated by the executive branch in matters implicating the authority of the executive branch to oversee the military and safeguard national security. If relevant, the court has the discretion to consider the impact of the heightened protection provided by offline placement to any other party's right of access.

### (d) **Exceptional Administrative Treatment for HSDs:**

- i. **Filing:** HSDs and requests for HSD treatment will be accepted for filing only in paper form or via a secure electronic device (*e.g.*, USB stick or portable hard drive).
- ii. **Handling:** The court must handle the HSDs by storing all information offline. Furthermore, any pleadings or other filings created in connection with the proceedings should not disclose the subject matter of the HSD (including information that may identify the place, object, or subject of an *ex parte* filing).
- iii. **Docketing:** Docket entries for HSDs should not include personal or other identifying details related to or contained within them. For example:

8/25/22 [no link] SYSTEM ENTRY-Docket Entry 92  
Restricted until further notice (Entered 8/25/22).

## HIGHLY SENSITIVE DOCUMENTS DEFINITION &amp; GUIDANCE

- iv. **Storing:** HSDs shall be stored and handled only in a secure paper filing system, or an encrypted external hard drive attached to an air-gapped system (*i.e.*, entirely disconnected from networks and systems, including a court unit's local area network and the judiciary's network).
  - v. **Safeguarding Internal Communication:** Care should also be taken in judicial communications regarding HSDs, including notes and pre-decisional materials, not to include the protected substance of HSDs in any communication using the internet or a computer network.
- (e) **Duration of HSD Treatment:** HSDs are stored temporarily or permanently offline as the situation requires. When designating a document as an HSD, courts should indicate when the designation will automatically lapse or when the designation should be revisited by the judicial officer. HSDs should be migrated as sealed documents to the court's electronic docketing system and unsealed, as appropriate, as soon as the situation allows.

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA

In Re:	)	Administrative Order 23-01
	)	
Order (I) Rescinding Administrative Order	)	All Divisions
20-04 and Administrative Order 20-06,	)	
(II) Reinstating Wet Signature Requirement,	)	
and (III) Establishing Alternative Requirements )		
for Use of Digital Signature Software	)	

**ADMINISTRATIVE ORDER (I) RESCINDING ADMINISTRATIVE ORDER 20-04 AND  
ADMINISTRATIVE ORDER 20-06, (II) REINSTATING WET SIGNATURE  
REQUIREMENT, AND (III) ESTABLISHING ALTERNATIVE REQUIREMENTS FOR  
USE OF DIGITAL SIGNATURE SOFTWARE**

A. **Applicability.** This administrative order (“AO 23-01”) applies in all divisions of the United States Bankruptcy Court for the Northern District of Alabama (the “District”) from and after March 1, 2023 (the “Effective Date”).

B. **Rescinded Administrative Orders.** As of the Effective Date, the following District wide, COVID-19 related, administrative orders are rescinded and will no longer be in effect: (1) Administrative Order 20-04 (“AO 20-04”), *Order on Court Operations During COVID-19 Outbreak* (entered March 13, 2020), and (2) Administrative Order 20-06 (“AO 20-06”), *Order Temporarily Suspending Requirement to Obtain Original Signatures from Debtors for Electronic Filings* (entered March 27, 2020, as extended by Administrative Order 20-10 entered May 26, 2020).<sup>1</sup>

C. **Requirements for Use of Digital Signature Software.** In addition to the provisions for signatures and document retention under the CM/ECF Procedures,<sup>2</sup> the use of a commercial digital signature software that provides signature authentication is permitted if, prior to filing, the filer of the document(s) has (1) verified with the signer that the signer has received the entire document(s) to be signed, (2) communicated with the signer regarding the substance and purpose of the signed document(s), and (3) obtained the signer’s digital signature via any commercially available digital signature software that provides for signature authentication. Additionally, the filer shall maintain a copy of the digitally signed document(s) in the case file.

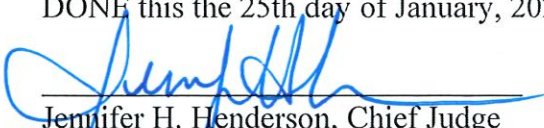
D. **Update to CM/ECF Procedures.** This Order supplements Local Rule 5005-4 and the CM/ECF Procedures. However, to avoid ambiguity, the Clerk of Court shall update the CM/ECF Procedures consistent with the terms of paragraph C of this Order.


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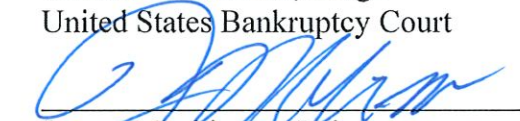
<sup>1</sup> Administrative Order 21-02 (“AO 21-02”), entered June 22, 2021, provided for the rescission of AO 20-04 and AO 20-06 effective October 1, 2021; however, AO 21-02 was rescinded by Administrative Order 21-05, entered September 16, 2021 (before the rescission provisions of AO 21-02 took effect).

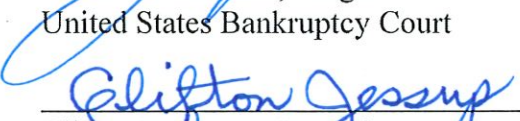
<sup>2</sup> As used herein, “CM/ECF Procedures” refers to the *Administrative Procedures for Filing, Signing, Retaining, and Verification of Pleadings in the Case Management/Electronic Case Filing (CM/ECF) System* referenced in Local Rule 5005-4.


DONE this the 25th day of January, 2023.

  
Jennifer H. Henderson, Chief Judge  
United States Bankruptcy Court

  
Tamara O. Mitchell, Judge  
United States Bankruptcy Court

  
James J. Robinson, Judge  
United States Bankruptcy Court

  
Clifton R. Jessup, Jr., Judge  
United States Bankruptcy Court

  
D. Sims Crawford, Judge  
United States Bankruptcy Court

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA

IN RE:

	}	
	}	Administrative Order 21-05
<b>ORDER RESCINDING</b>	}	
<b>ADMIN. ORDER 21-02,</b>	}	
<b>AND THEREBY REINSTATING:</b>	}	
	}	
<b>(1). Admin. Order 20-06:</b>	}	All Divisions
<i>Order Temporarily Suspending</i>	}	
<i>Requirement to Obtain Original</i>	}	
<i>Signatures from Debtors for Electronic</i>	}	
<i>Filings</i> (entered March 27, 2020,	}	
as extended by Admin. Order 20-10,	}	
entered May 26, 2020);	}	
	}	
AND	}	
	}	
<b>(2). Admin. Order 20-04:</b>	}	
<i>Order on Court Operations During</i>	}	
<i>COVID-19 Outbreak</i> (entered	}	
March 13, 2020).	}	

**ADMINISTRATIVE ORDER RESCINDING ADMINISTRATIVE ORDER 21-02**

This order is issued in response to the increase in the infection rate of Coronavirus Disease 2019 (COVID-19) in the United States and the State of Alabama. In an effort to protect the court, the attorneys and their staff, and the public, the court hereby rescinds Administrative Order 21-02, the provisions of which were to become effective on October 1, 2021. The rescission of Administrative Order 21-02 means that the following administrative orders are reinstated and will continue in full force and effect:

- (1) **Admin. Order 20-06: *Order Temporarily Suspending Requirement to Obtain Original Signatures from Debtors for Electronic Filings*** (entered March 27, 2020, as extended by Admin. Order 20-10, entered May 26, 2020); and
- (2) **Admin. Order 20-04: *Order on Court Operations During COVID-19 Outbreak*** (entered March 13, 2020).

The reinstatement of Admin. Order 20-04 is subject to each Judge's ability to schedule discrete hearings via telephone or video, as well as in person. The notice of hearing for each matter will indicate the courtroom location or the telephonic or video access information for each matter set.

Done this the 16<sup>th</sup> day of September 2021.

/s/ James J. Robinson  
James J. Robinson, Chief Judge  
U.S. Bankruptcy Court

/s/ Tamara O. Mitchell  
Tamara O. Mitchell, Judge  
U.S. Bankruptcy Court

/s/ Jennifer H. Henderson  
Jennifer H. Henderson, Judge  
U.S. Bankruptcy Court

/s/ Clifton R. Jessup, Jr.  
Clifton R. Jessup, Jr., Judge  
U.S. Bankruptcy Court

/s/ D. Sims Crawford  
D. Sims Crawford, Judge  
U.S. Bankruptcy Court

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA

IN RE:

ORDER RESCINDING:

**(1). Admin. Order 20-06:**  
***Order Temporarily Suspending***  
***Requirement to Obtain Original***  
***Signatures from Debtors for Electronic***  
***Filings*** (entered March 27, 2020,  
as extended by Admin. Order 20-10,  
entered May 26, 2020);

AND

**(2). Admin. Order 20-04:**  
***Order on Court Operations During***  
***COVID-19 Outbreak*** (entered  
March 13, 2020).

Administrative Order 21-02

All Divisions

**ADMINISTRATIVE ORDER RESCINDING ADMINISTRATIVE ORDERS 20-04,**  
**and 20-06 (AS EXTENDED BY ADMINISTRATIVE ORDER 20-10)**

This order is issued in response to the recent reduction in the infection rate of Coronavirus Disease 2019 (COVID-19) in the United States and the State of Alabama. In an effort to resume normal court operations and access, in light of similar easing of restrictions throughout the various courts in the State of Alabama, effective OCTOBER 1, 2021, the following COVID-19 related Administrative Orders are hereby rescinded and will no longer be in effect:

- (1) **Admin. Order 20-06: *Order Temporarily Suspending Requirement to Obtain Original Signatures from Debtors for Electronic Filings*** (entered March 27, 2020, as extended by Admin. Order 20-10, entered May 26, 2020); and
- (2) **Admin. Order 20-04: *Order on Court Operations During COVID-19 Outbreak*** (entered March 13, 2020).

The rescission of Admin. Order 20-06 (as extended by Admin. Order 20-10) effective as of October 1, 2021, returns the court's signature requirements and e-filing procedures to the status quo ante, including the requirement that counsel obtain and preserve original signatures for documents so requiring, and applies to documents filed with the court on or after October 1, 2021, regardless of when the document was prepared, and regardless of whether the document is an

original or is an amendment of a document that was previously filed while Admin. Order 20-06 (as extended by Admin. Order 20-10) was in effect.

The rescission of Admin. Order 20-04 effective as of October 1, 2021, returns to each Judge the discretion to schedule hearings via telephone or video, as well as in person. It is contemplated that most hearings in all divisions other than the Northern Division will be in-person from October 1, 2021 forward. The notice of hearing for each matter will indicate the courtroom location or the telephonic or video access information for each matter set.

Counsel are encouraged to take note of the effective date of October 1, 2021, and prepare in the interim to avoid conflicts and to pay particular attention to the language of every notice of hearing to ensure each is correctly calendared and communicated to the client.

Done this the 22nd day of June 2021.

/s/ James J. Robinson  
James J. Robinson, Chief Judge  
U.S. Bankruptcy Court

/s/ Tamara O. Mitchell  
Tamara O. Mitchell, Judge  
U.S. Bankruptcy Court

/s/ Jennifer H. Henderson  
Jennifer H. Henderson, Judge  
U.S. Bankruptcy Court

/s/ Clifton R. Jessup, Jr.  
Clifton R. Jessup, Jr., Judge  
U.S. Bankruptcy Court

/s/ D. Sims Crawford  
D. Sims Crawford, Judge  
U.S. Bankruptcy Court

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ALABAMA**

<b>IN RE:</b>	)	
	)	
<b>PROCEDURES FOR FILING, SERVICE,</b>	)	<b>ADMIN. ORDER 21-01</b>
<b>AND MANAGEMENT OF HIGHLY</b>	)	<b>ALL DIVISIONS</b>
<b>SENSITIVE DOCUMENTS</b>	)	

**ADMINISTRATIVE ORDER**

**WHEREAS**, in response to recent disclosures of wide-spread breaches of both private sector and government computer systems, federal courts are immediately adding new security procedures to protect highly sensitive documents filed with the courts;

**THE COURT FINDS** that, pursuant to Federal Rules of Civil Procedure Rule 5(d)(3) and Federal Rules of Bankruptcy Procedure Rule 5005, cause exists to require all parties to file certain highly sensitive documents outside of the court's electronic filing system (CM/ECF).

**THEREFORE, IT IS HEREBY ORDERED** that, effective as of the date of this order and until such time as the court orders otherwise, the filing of certain highly sensitive documents (HSD) shall be subject to the procedures and requirements set forth below. This Administrative Order supersedes inconsistent provisions in existing local rules or other administrative orders of this court.

**1. Filing of Motions to Treat a Document as an HSD**

a. Represented parties

- i. A represented party shall file a motion to treat a document as an HSD and a proposed order electronically under existing procedures, except that a copy of the proposed HSD shall not be filed electronically. The motion shall explain why the proposed document should be subject to heightened protection from HSDs. Not all documents that meet the criteria for filing under seal will qualify for treatment as an HSD.
- ii. As soon as practicable after the motion is filed, the filing party shall deliver to the clerk's office the HSD sought to be filed along with a certificate of service in the form of either two paper copies or an electronic copy on a secure electronic device (as defined below). These documents or secure electronic device should be packaged as specified in paragraph 2.b.

- iii. The filing party shall serve the proposed HSD on the other parties as specified in paragraph 2.c.
- iv. The court will issue an order on the motion and, if granted, an informational entry will be made on the case docket indicating that the HSD has been filed with the court. The clerk's office will maintain the HSD in a secure paper filing system or a secure standalone computer system that is not connected to any network.

b. *Pro se* parties

- i. *Pro se* parties shall submit to the clerk's office for filing a motion to treat a document as an HSD, the HSD sought to be filed, and a certificate of service in the form of either two paper copies or an electronic copy on a secure electronic device (as describe below). These documents or secure electronic device should be packaged as specified in paragraph 2.b.
- ii. The filing party shall serve the proposed HSD on the other parties as specified in paragraph 2.c.
- iii. The court will issue an order on the motion and, if granted, an informational entry will be made on the case docket indicating that the HSD has been filed with the court. The clerk's office will maintain the HSD in a secure paper filing system or a secure standalone computer system that is not connected to any network.

**2. Filing of Authorized HSDs**

- a. A party filing an HSD pursuant to a court order or applicable law shall submit to the clerk's office the HSD, the certificate of service, and, if applicable, a copy of the court order authorizing the treatment of that document as highly sensitive in the form of either two paper copies or an electronic copy on a secure electronic device, such as a USB flash drive, a CD or DVD.
- b. The required documents, unfolded, or the secure electronic device shall be submitted to the clerk's office in a sealed envelope marked "HIGHLY SENSITIVE DOCUMENT." The outside of the envelope shall be affixed with a copy of the HSD's caption page (with confidential information redacted).
- c. The filing party shall serve the HSD on the other parties in accordance with Rule 2002 of the Federal Rules of Bankruptcy Procedure and Local Rule 9013-3.

- d. The clerk's office will make an informational docket entry in the court's electronic filing system indicating that the HSD was filed with the court and will maintain the HSD in a secure paper filing system or a secure standalone computer system that is not connected to any network.

### **3. Service of Highly Sensitive Court Orders**

If the court determines that a court order contains highly sensitive information, the clerk's office will file and maintain the order in a secure paper filing system or a secure standalone computer system that is not connected to any network and will serve paper copies of the order on the parties via mail.

### **4. Removal of Existing HSDs or Highly Sensitive Cases from the Court's Electronic Filing System**

- a. Upon motion of a party or upon its own motion, the court may determine that a document, case, or any portion of it, that has been filed electronically is highly sensitive and direct that the HSD or case be removed from the court's electronic filing system and maintained by the clerk's office in a secure paper filing system or a secure standalone computer system that is not connected to any network.
- b. A party's motion to remove an HSD or highly sensitive case from the court's electronic filing system shall explain why such document or case is highly sensitive.

### **5. Questions about HSD Filing Procedures**

Any questions about how an HSD should be filed with the court pursuant to this Administrative Order should be directed to the Clerk of Court or the Chief Deputy Clerk.

DATED: January 15, 2021

/s/ James J. Robinson

James J. Robinson, Chief Judge  
U.S. Bankruptcy Court

/s/ Tamara O. Mitchell

Tamara O. Mitchell, Judge  
U.S. Bankruptcy Court

/s/ Jennifer H. Henderson

Jennifer H. Henderson, Judge  
U.S. Bankruptcy Court

/s/ Clifton R. Jessup

Clifton R. Jessup, Jr., Judge  
U.S. Bankruptcy Court

/s/ D. Sims Crawford

D. Sims Crawford, Judge  
U.S. Bankruptcy Court

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA**

**IN RE:**

<b>Order Extending Provisions of</b>	<b>}</b>	<b>Administrative Order 20-10</b>
<b>Administrative Order 20-06.</b>	<b>}</b>	<b>All Divisions</b>

**ORDER EXTENDING THE PROVISIONS OF**  
**ADMINISTRATIVE ORDER 20-06**

On March 27, 2020, the United States Bankruptcy Court for the Northern District of Alabama entered Administrative Order 20-06, *Order Temporarily Suspending Requirement to Obtain Original Signatures from Debtors for Electronic Filings*. The March 27, 2020 Order provided “[t]his order shall terminate and expire on May 31, 2020, unless extended by further order of the court.”

The court has determined and hereby orders that the provisions of the order should remain effective pending further order of the court.

IT IS SO ORDERED this the 26th day of May, 2020.

/s/ James J. Robinson  
James J. Robinson, Chief Judge  
U.S. Bankruptcy Court

/s/ Tamara O. Mitchell  
Tamara O. Mitchell, Judge  
U.S. Bankruptcy Court

/s/ Jennifer H. Henderson  
Jennifer H. Henderson, Judge  
U.S. Bankruptcy Court

/s/ Clifton R. Jessup, Jr.  
Clifton R. Jessup, Jr., Judge  
U.S. Bankruptcy Court

/s/ D. Sims Crawford  
D. Sims Crawford, Judge  
U.S. Bankruptcy Court

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ALABAMA**

**IN RE:**

**ADOPTION OF INTERIM  
BANKRUPTCY RULES RELATING  
TO SBRA INTERIM RULES WITH  
REVISIONS NECESSITATED BY  
CARES ACT; AND NOTICE OF  
AMENDED OFFICIAL FORMS**

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**ADMIN. ORDER 20-09  
ALL DIVISIONS**

**ADMINISTRATIVE ORDER ADOPTING INTERIM BANKRUPTCY RULES AS  
AMENDED BY THE CARES ACT**

In Administrative Order No. 20-02, this court adopted Interim Rules (including Interim Rule 1020) relating to the *Small Business Reorganization Act of 2019* (the “SBRA”). On March 27, 2020, the *Coronavirus Aid, Relief, and Economic Security Act* (the “CARES Act”) was signed into law, and that legislation requires a revision of Interim Rule 1020.<sup>1</sup> The previously adopted SBRA-related Interim Rules, with the revision of Interim Rule 1020 now necessitated by the CARES Act, are attached hereto.<sup>2</sup> The changes incorporated therein need to be in place long before

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<sup>1</sup> A copy of the amendment to Interim Rule 1020 showing the CARES Act-related changes can be found at: <https://www.uscourts.gov/rules-policies/current-rules-practice-procedure>. The amendment to the Bankruptcy Code (11 U.S.C. § 101, et seq.) by the CARES Act that has necessitated the amendment of Interim Rule 1020 will terminate one year after the date of enactment of the CARES Act.

<sup>2</sup> The attached Interim Rules include an Interim Rule 1007 reflecting a needed change in light of SBRA which ought not be confused with Interim Rule 1007-I. The National Guard and Reservists Debt Relief Act of 2008, Pub. L. No. 110-438, as amended by Public Law No. 116-53, provides a temporary exclusion from the bankruptcy means test for certain reservists and members of the National Guard. Interim Rule 1007-I implemented that provision, and it was adopted in Administrative Order No. 12-02.

the Bankruptcy Rules can be amended under the three-year process required by the Rules Enabling Act. The Judicial Conference has authorized distribution of these Interim Rules to courts for adoption locally to facilitate uniform implementation of the changes mandated by the SBRA and the CARES Act.

**NOW THEREFORE**, pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure, and Rule 9029 of the Federal Rules of Bankruptcy Procedure, it is **ORDERED** that the attached SBRA-related Interim Rules, with the revision of Interim Rule 1020 necessitated by the CARES Act, are adopted in their entirety without change by the judges of this Court to be effective April 22, 2020. This Administrative Order No. 20-09 revises Administrative Order No. 20-02 only to add the change, effective April 22, 2020, to Interim Rule 1020 necessitated by the CARES Act. In other words, Administrative Order No. 20-02 remains effective as to filings made before April 22, 2020.<sup>3</sup>

It is further **ORDERED** that notice is given that the Judicial Conference's Advisory Committee on Bankruptcy Rules has approved conforming one-year technical changes to five bankruptcy forms (Official Forms 101, 122A-1, 122B, 122C-1, and 201) in light of the CARES Act amendments to the Bankruptcy Code.<sup>4</sup> The Official Forms are posted at: <https://www.uscourts.gov/forms/bankruptcy-forms>, and the Committee Notes to the Official Forms explain the significant changes to these forms.

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<sup>3</sup> The Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules of this Court, except to the extent inconsistent with these Interim Rules, continue to apply to cases and proceedings in this Court.

<sup>4</sup> The CARES Act modifies the definition of "debtor" in 11 U.S.C. § 1182(1); and modifies the definitions of "current monthly income" in 11 U.S.C. § 101(10A) and of "disposable income" in 11 U.S.C. § 1325(b)(2) to exclude certain payments under the CARES Act. These amendments to the Bankruptcy Code will terminate one year after the date of enactment of the CARES Act.

DATED: April 21, 2020

/s/ James J. Robinson

JAMES J. ROBINSON

Chief Judge, U.S. Bankruptcy Court

/s/ Tamara O. Mitchell

TAMARA O. MITCHELL

Judge, U.S. Bankruptcy Court

/s/ Jennifer H. Henderson

JENNIFER H. HENDERSON

Judge, U.S. Bankruptcy Court

/s/ Clifton R. Jessup, Jr.

CLIFTON R. JESSUP, JR.

Judge, U.S. Bankruptcy Court

/s/ D. Sims Crawford

D. SIMS CRAWFORD

Judge, U.S. Bankruptcy Court

**INTERIM AMENDMENTS TO  
THE FEDERAL RULES OF  
BANKRUPTCY PROCEDURE<sup>1</sup>**

**Rule 1007. Lists, Schedules, Statements,  
and Other Documents; Time Limits**

\* \* \* \* \*

(b) SCHEDULES, STATEMENTS, AND  
OTHER DOCUMENTS REQUIRED.

\* \* \* \* \*

(5) An individual debtor in a  
chapter 11 case (unless under  
subchapter V) shall file a statement of  
current monthly income, prepared as  
prescribed by the appropriate Official  
Form.

\* \* \* \* \*

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<sup>1</sup> These interim bankruptcy rules (the Interim Rules) have been prepared by the Advisory Committee on Bankruptcy Rules and approved by the Judicial Conference of the United States to be adopted as local rules by the Bankruptcy Courts to implement the procedural and substantive changes to the Bankruptcy Code made by the Small Business Reorganization Act of 2019. The Interim Rules will be withdrawn after similar amendments can be made to the Rules of Bankruptcy Procedure under the normal Rules Enabling Act process.



(h) INTERESTS ACQUIRED OR ARISING AFTER PETITION. If, as provided by § 541(a)(5) of the Code, the debtor acquires or becomes entitled to acquire any interest in property, the debtor shall within 14 days after the information comes to the debtor's knowledge or within such further time the court may allow, file a supplemental schedule in the chapter 7 liquidation case, chapter 11 reorganization case, chapter 12 family farmer's debt adjustment case, or chapter 13 individual debt adjustment case. If any of the property required to be reported under this subdivision is claimed by the debtor as exempt, the debtor shall claim the exemptions in the supplemental schedule. This duty to file a supplemental schedule continues even after the case is closed, except for property acquired after an order is entered:

- (1) confirming a chapter 11 plan (other than one confirmed under § 1191(b)); or

(2) discharging the debtor in a chapter 12 case, a chapter 13 case, or a case under subchapter V of chapter 11 in which the plan is confirmed under § 1191(b).

\* \* \* \* \*

**Rule 1020. Chapter 11 Reorganization Case for Small  
Business Debtors or Debtors Under Subchapter V**

(a) DEBTOR DESIGNATION. In a voluntary chapter 11 case, the debtor shall state in the petition whether the debtor is a small business debtor or a debtor as defined in § 1182(1) of the Code and, if the latter, whether the debtor elects to have subchapter V of chapter 11 apply. In an involuntary chapter 11 case, the debtor shall file within 14 days after entry of the order for relief a statement as to whether the debtor is a small business debtor or a debtor as defined in § 1182(1) of the Code and, if the latter, whether the debtor elects to have subchapter V of chapter 11 apply. The status of the case as a small business case or a case under subchapter V of chapter 11 shall be in accordance with the debtor's statement under this subdivision, unless and until the court enters an order finding that the debtor's statement is incorrect.

(b) OBJECTING TO DESIGNATION. The United States trustee or a party in interest may file an objection to the debtor's statement under subdivision (a) no later than 30 days after the conclusion of the meeting of creditors held under § 341(a) of the Code, or within 30 days after any amendment to the statement, whichever is later.

(c) PROCEDURE FOR OBJECTION OR DETERMINATION. Any objection or request for a determination under this rule shall be governed by Rule 9014 and served on: the debtor; the debtor's attorney; the United States trustee; the trustee; the creditors included on the list filed under Rule 1007(d) or, if a committee has been appointed under § 1102(a)(3), the committee or its authorized agent; and any other entity as the court directs.

**Rule 2009. Trustees for Estates When Joint Administration Ordered**

(a) ELECTION OF SINGLE TRUSTEE FOR ESTATES BEING JOINTLY ADMINISTERED. If the court orders a joint administration of two or more estates under Rule 1015(b), creditors may elect a single trustee for the estates being jointly administered, unless the case is under subchapter V of chapter 7 or subchapter V of chapter 11 of the Code.

(b) RIGHT OF CREDITORS TO ELECT SEPARATE TRUSTEE. Notwithstanding entry of an order for joint administration under Rule 1015(b), the creditors of any debtor may elect a separate trustee for the estate of the debtor as provided in § 702 of the Code, unless the case is under subchapter V of chapter 7 or subchapter V of chapter 11.

(c) APPOINTMENT OF TRUSTEES FOR ESTATES BEING JOINTLY ADMINISTERED.

\* \* \* \* \*

(2) *Chapter 11 Reorganization Cases.* If the appointment of a trustee is ordered or is required by the Code, the United States trustee may appoint one or more trustees for estates being jointly administered in chapter 11 cases.

\* \* \* \* \*

**Rule 2012. Substitution of Trustee or Successor****Trustee; Accounting**

(a) TRUSTEE. If a trustee is appointed in a chapter 11 case (other than under subchapter V), or the debtor is removed as debtor in possession in a chapter 12 case or in a case under subchapter V of chapter 11, the trustee is substituted automatically for the debtor in possession as a party in any pending action, proceeding, or matter.

\* \* \* \* \*

**Rule 2015. Duty to Keep Records, Make Reports, and  
Give Notice of Case or Change of Status**

(a) TRUSTEE OR DEBTOR IN POSSESSION. A trustee or debtor in possession shall:

(1) in a chapter 7 liquidation case and, if the court directs, in a chapter 11 reorganization case (other than under subchapter V), file and transmit to the United States trustee a complete inventory of the property of the debtor within 30 days after qualifying as a trustee or debtor in possession, unless such an inventory has already been filed;

(2) keep a record of receipts and the disposition of money and property received;

(3) file the reports and summaries required by § 704(a)(8) of the Code, which shall include a statement, if payments are made to employees, of the amounts of deductions for all taxes required to be

withheld or paid for and in behalf of employees and the place where these amounts are deposited;

(4) as soon as possible after the commencement of the case, give notice of the case to every entity known to be holding money or property subject to withdrawal or order of the debtor, including every bank, savings or building and loan association, public utility company, and landlord with whom the debtor has a deposit, and to every insurance company which has issued a policy having a cash surrender value payable to the debtor, except that notice need not be given to any entity who has knowledge or has previously been notified of the case;

(5) in a chapter 11 reorganization case (other than under subchapter V), on or before the last day of the month after each calendar quarter during which there is a duty to pay fees under 28 U.S.C.

§ 1930(a)(6), file and transmit to the United States trustee a statement of any disbursements made during that quarter and of any fees payable under 28 U.S.C. § 1930(a)(6) for that quarter; and

(6) in a chapter 11 small business case, unless the court, for cause, sets another reporting interval, file and transmit to the United States trustee for each calendar month after the order for relief, on the appropriate Official Form, the report required by § 308. If the order for relief is within the first 15 days of a calendar month, a report shall be filed for the portion of the month that follows the order for relief. If the order for relief is after the 15th day of a calendar month, the period for the remainder of the month shall be included in the report for the next calendar month. Each report shall be filed no later than 21 days after the last day of the calendar month following the month covered by the report. The

obligation to file reports under this subparagraph terminates on the effective date of the plan, or conversion or dismissal of the case.

(b) TRUSTEE, DEBTOR IN POSSESSION, AND DEBTOR IN A CASE UNDER SUBCHAPTER V OF CHAPTER 11. In a case under subchapter V of chapter 11, the debtor in possession shall perform the duties prescribed in (a)(2)–(4) and, if the court directs, shall file and transmit to the United States trustee a complete inventory of the debtor’s property within the time fixed by the court. If the debtor is removed as debtor in possession, the trustee shall perform the duties of the debtor in possession prescribed in this subdivision (b). The debtor shall perform the duties prescribed in (a)(6).

(c) CHAPTER 12 TRUSTEE AND DEBTOR IN POSSESSION. In a chapter 12 family farmer’s debt adjustment case, the debtor in possession shall perform the duties prescribed in clauses (2)–(4) of subdivision (a) of this

rule and, if the court directs, shall file and transmit to the United States trustee a complete inventory of the property of the debtor within the time fixed by the court. If the debtor is removed as debtor in possession, the trustee shall perform the duties of the debtor in possession prescribed in this subdivision (c).

(d) CHAPTER 13 TRUSTEE AND DEBTOR.

(1) *Business Cases.* In a chapter 13 individual's debt adjustment case, when the debtor is engaged in business, the debtor shall perform the duties prescribed by clauses (2)–(4) of subdivision (a) of this rule and, if the court directs, shall file and transmit to the United States trustee a complete inventory of the property of the debtor within the time fixed by the court.

(2) *Nonbusiness Cases.* In a chapter 13 individual's debt adjustment case, when the debtor is

not engaged in business, the trustee shall perform the duties prescribed by clause (2) of subdivision (a) of this rule.

(e) FOREIGN REPRESENTATIVE. In a case in which the court has granted recognition of a foreign proceeding under chapter 15, the foreign representative shall file any notice required under § 1518 of the Code within 14 days after the date when the representative becomes aware of the subsequent information.

(f) TRANSMISSION OF REPORTS. In a chapter 11 case the court may direct that copies or summaries of annual reports and copies or summaries of other reports shall be mailed to the creditors, equity security holders, and indenture trustees. The court may also direct the publication of summaries of any such reports. A copy of every report or summary mailed or published pursuant to this subdivision shall be transmitted to the United States trustee.

**Rule 3010. Small Dividends and Payments in Cases Under Chapter 7, Subchapter V of Chapter 11, Chapter 12, and Chapter 13**

\* \* \* \* \*

(b) CASES UNDER SUBCHAPTER V OF CHAPTER 11, CHAPTER 12, AND CHAPTER 13. In a case under subchapter V of chapter 11, chapter 12, or chapter 13, no payment in an amount less than \$15 shall be distributed by the trustee to any creditor unless authorized by local rule or order of the court. Funds not distributed because of this subdivision shall accumulate and shall be paid whenever the accumulation aggregates \$15. Any funds remaining shall be distributed with the final payment.

**Rule 3011. Unclaimed Funds in Cases Under Chapter 7,  
Subchapter V of Chapter 11, Chapter 12, and Chapter  
13**

The trustee shall file a list of all known names and addresses of the entities and the amounts which they are entitled to be paid from remaining property of the estate that is paid into court pursuant to § 347(a) of the Code.

**Rule 3014. Election Under § 1111(b) by Secured Creditor  
in Chapter 9 Municipality or Chapter 11 Reorganization  
Case**

An election of application of § 1111(b)(2) of the Code by a class of secured creditors in a chapter 9 or 11 case may be made at any time prior to the conclusion of the hearing on the disclosure statement or within such latertime as the court may fix. If the disclosure statement is conditionally approved pursuant to Rule 3017.1, and a final hearing on the disclosure statement is not held, the election of application of § 1111(b)(2) may be made not later than the date fixed pursuant to Rule 3017.1(a)(2) or another date the court may fix. In a case under subchapter V of chapter 11 in which § 1125 of the Code does not apply, the election may be made not later than a date the court may fix. The election shall be in writing and signed unless made at the hearing on the disclosure statement. The election, if made by the

majorities required by § 1111(b)(1)(A)(i), shall be binding on all members of the class with respect to the plan.

**Rule 3016. Filing of Plan and Disclosure Statement in a Chapter 9 Municipality or Chapter 11 Reorganization Case**

(a) IDENTIFICATION OF PLAN. Every proposed plan and any modification thereof shall be dated and, in a chapter 11 case, identified with the name of the entity or entities submitting or filing it.

(b) DISCLOSURE STATEMENT. In a chapter 9 or 11 case, a disclosure statement, if required under § 1125 of the Code, or evidence showing compliance with § 1126(b) shall be filed with the plan or within a time fixed by the court, unless the plan is intended to provide adequate information under § 1125(f)(1). If the plan is intended to provide adequate information under § 1125(f)(1), it shall be so designated, and Rule 3017.1 shall apply as if the plan is a disclosure statement.

\* \* \* \* \*

(d) STANDARD FORM SMALL BUSINESS DISCLOSURE STATEMENT AND PLAN. In a small business case or a case under subchapter V of chapter 11, the court may approve a disclosure statement and may confirm a plan that conform substantially to the appropriate Official Forms or other standard forms approved by the court.

**Rule 3017.1. Court Consideration of Disclosure Statement in a Small Business Case or in a Case Under Subchapter V of Chapter 11**

(a) CONDITIONAL APPROVAL OF DISCLOSURE STATEMENT. In a small business case or in a case under subchapter V of chapter 11 in which the court has ordered that § 1125 applies, the court may, on application of the plan proponent or on its own initiative, conditionally approve a disclosure statement filed in accordance with Rule 3016. On or before conditional approval of the disclosure statement, the court shall:

- (1) fix a time within which the holders of claims and interests may accept or reject the plan;
- (2) fix a time for filing objections to the disclosure statement;
- (3) fix a date for the hearing on final approval of the disclosure statement to be held if a timely objection is filed; and

- (4) fix a date for the hearing on confirmation.

\* \* \* \* \*

**Rule 3017.2. Fixing of Dates by the Court in Subchapter  
V Cases in Which There Is No Disclosure Statement**

In a case under subchapter V of chapter 11 in which § 1125 does not apply, the court shall:

- (a) fix a time within which the holders of claims and interests may accept or reject the plan;
- (b) fix a date on which an equity security holder or creditor whose claim is based on a security must be the holder of record of the security in order to be eligible to accept or reject the plan;
- (c) fix a date for the hearing on confirmation; and
- (d) fix a date for transmission of the plan, notice of the time within which the holders of claims and interests may accept or reject the plan, and notice of the date for the hearing on confirmation.

**Rule 3018. Acceptance or Rejection of Plan in a Chapter  
9 Municipality or a Chapter 11 Reorganization Case**

(a) ENTITIES ENTITLED TO ACCEPT OR REJECT PLAN; TIME FOR ACCEPTANCE OR REJECTION. A plan may be accepted or rejected in accordance with § 1126 of the Code within the time fixed by the court pursuant to Rule 3017, 3017.1, or 3017.2. Subject to subdivision (b) of this rule, an equity security holder or creditor whose claim is based on a security of record shall not be entitled to accept or reject a plan unless the equity security holder or creditor is the holder of record of the security on the date the order approving the disclosure statement is entered or on another date fixed by the court under Rule 3017.2, or fixed for cause after notice and a hearing. For cause shown, the court after notice and hearing may permit a creditor or equity security holder to change or withdraw an acceptance or rejection. Notwithstanding objection to a claim or interest, the court after notice and

hearing may temporarily allow the claim or interest in an amount which the court deems proper for the purpose of accepting or rejecting a plan.

\* \* \* \* \*

**Rule 3019. Modification of Accepted Plan in a Chapter  
9 Municipality or a Chapter 11 Reorganization Case**

\* \* \* \* \*

(b) MODIFICATION OF PLAN AFTER CONFIRMATION IN INDIVIDUAL DEBTOR CASE. If the debtor is an individual, a request to modify the plan under § 1127(e) of the Code is governed by Rule 9014. The request shall identify the proponent and shall be filed together with the proposed modification. The clerk, or some other person as the court may direct, shall give the debtor, the trustee, and all creditors not less than 21 days' notice by mail of the time fixed to file objections and, if an objection is filed, the hearing to consider the proposed modification, unless the court orders otherwise with respect to creditors who are not affected by the proposed modification. A copy of the notice shall be transmitted to the United States trustee, together with a copy of the proposed modification. Any objection to the proposed modification shall be filed and served on the

debtor, the proponent of the modification, the trustee, and any other entity designated by the court, and shall be transmitted to the United States trustee.

(c) MODIFICATION OF PLAN AFTER CONFIRMATION IN A SUBCHAPTER V CASE. In a case under subchapter V of chapter 11, a request to modify the plan under § 1193(b) or (c) of the Code is governed by Rule 9014, and the provisions of this Rule 3019(b) apply.

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA

IN RE:

	}	
	}	Administrative Order 20-06
Order Temporarily Suspending	}	
Requirement to Obtain Original	}	All Divisions
Signatures from Debtors for Electronic	}	
Filings	}	

**ORDER TEMPORARILY SUSPENDING REQUIREMENT TO OBTAIN ORIGINAL  
SIGNATURES FROM DEBTORS FOR ELECTRONIC FILINGS**

This order is issued in response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) in the United States and the State of Alabama. On March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic.

On March 13, 2020, the President of the United States declared a national emergency as a result of the COVID-19 outbreak. The Centers for Disease Control and Prevention (“CDC”) advises that individuals should engage in “social distancing” to prevent the spread of COVID-19.

In addition, there are individuals who may be in isolation because they are sick or have been exposed to someone who has or is suspected to have COVID-19. Accordingly, to reduce the need for personal contact, there is good cause to suspend temporarily and conditionally the requirement that an attorney obtain a debtor’s original physical signature for an electronic filing; now, therefore,

For all documents requiring a debtor’s signature, the court temporarily suspends the requirement that an attorney secure the debtor’s original, physical signature prior to electronically filing such documents on the condition that, prior to filing, the attorney has verified with the debtor that the debtor has received the entire document(s) to be filed and has communicated with the debtor regarding the substance and purpose of the document(s), including the review of a bankruptcy petition, schedules, and statements; and further that the attorney has either (a) obtained the debtor’s digital signature via any commercially available digital signed software that provides signature authentication and maintains a copy of the digitally signed document(s) in the debtor’s case file; or (b) obtains express written permission (including electronic mail) from the debtor to affix the debtor’s signature to the document(s), and maintains a hard copy thereof in the file.

This order shall terminate and expire on May 31, 2020, unless extended by further order of the court.

Done this the 27<sup>th</sup> day of March 2020.

/s/ James J. Robinson  
James J. Robinson, Chief Judge  
U.S. Bankruptcy Court

/s/ Tamara O. Mitchell  
Tamara O. Mitchell, Judge  
U.S. Bankruptcy Court

/s/ Jennifer H. Henderson  
Jennifer H. Henderson, Judge  
U.S. Bankruptcy Court

/s/ Clifton R. Jessup, Jr.  
Clifton R. Jessup, Jr., Judge  
U.S. Bankruptcy Court

/s/ D. Sims Crawford  
D. Sims Crawford, Judge  
U.S. Bankruptcy Court

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA**

In re:	)	
	)	
COURT OPERATIONS DURING	)	
COVID-19 OUTBREAK.	)	Administrative Order No. 20-004
	)	

**ADMINISTRATIVE ORDER**

Whereas there are developing issues with the COVID-19 virus, and new recommendations from the Centers for Disease Control and other public health officials are being disseminated, it is necessary and prudent in the interest of public health and for the safety and welfare of court employees that the Bankruptcy Court for the Northern District of Alabama will cease all in-person hearings at the conclusion of the day on March 20, 2020.

**BEGINNING MONDAY, MARCH 23, 2020, ALL HEARINGS NOTICED FOR THE BANKRUPTCY COURT IN THE NORTHERN DISTRICT OF ALABAMA WILL BE HELD TELEPHONICALLY ONLY. THIS APPLIES TO ALL DIVISIONS AND ALL LOCATIONS.**

In-person appearances at the courthouse by parties or their counsel are prohibited absent extraordinary circumstances.

Any request for an evidentiary hearing or proceeding shall be made during the telephonic hearing and the Court will make a determination.

**CALL-IN INSTRUCTIONS AND PROTOCOL:** The hearings will be held via AT&T call-in numbers. The call-in number and passcode for each of the Judges in this District may be found on each “Judge’s” tab on the Court’s webpage at [www.alnb.uscourts.gov](http://www.alnb.uscourts.gov).

All counsel and parties are hereby directed (1) that all participants shall mute the phone when it is not their case, (2) that no participant shall use a ‘speaker’ function, and (3) that no participant shall place the call on hold while participating in the telephonic hearing (in order to avoid hold music or other noises playing on the call).

As soon as practicable, procedures shall be implemented for conducting all § 341 meetings of creditors telephonically without in-person appearances. Call-in information, telephone numbers, and instructions are available at the Bankruptcy Administrator’s website, [www.alnba.uscourts.gov](http://www.alnba.uscourts.gov), and the Bankruptcy Clerk’s website, [www.alnb.uscourts.gov](http://www.alnb.uscourts.gov).

Further, unless or until otherwise notified, motions to extend the stay and motions to impose the stay may be handled by attaching an appropriate and complete affidavit of the Debtor. The affidavit should include all information generally referenced in Local Rule 4001-1.1.

The Court will continue to be open and staff will continue to be present. The Court and its staff are prepared to handle any emergencies that may arise in our cases.

Done this the 13th day of March, 2020.

/s/ James J. Robinson

James J. Robinson, Chief Judge  
U.S. Bankruptcy Court

/s/ Tamara O. Mitchell

Tamara O. Mitchell, Judge  
U.S. Bankruptcy Court

/s/ Jennifer H. Henderson

Jennifer H. Henderson, Judge  
U.S. Bankruptcy Court

/s/ Clifton R. Jessup, Jr.

Clifton R. Jessup, Jr., Judge  
U.S. Bankruptcy Court

/s/ D. Sims Crawford

D. Sims Crawford, Judge  
U.S. Bankruptcy Court

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ALABAMA**

<b>IN RE:</b>	)	
	)	
<b>ADOPTION OF INTERIM</b>	)	<b>Administrative Order 20-02</b>
<b>BANKRUPTCY RULES FOR</b>	)	
<b>SMALL BUSINESS</b>	)	<b>All Divisions</b>
<b>REORGANIZATION ACT OF 2019</b>	)	

**ORDER ADOPTING INTERIM BANKRUPTCY RULES**

On August 23, 2019, the *Small Business Reorganization Act of 2019* (the SBRA) was enacted into law. The SBRA makes many substantive and procedural changes to the Bankruptcy Code and requires changes to the Federal Rules of Bankruptcy Procedure to implement those changes. However, the February 19, 2020 effective date of the SBRA occurs long before the Bankruptcy Rules can be amended under the three-year process required by the Rules Enabling Act. Accordingly, the Advisory Committee on Bankruptcy Rules (the Advisory Committee) drafted, published for comment, and subsequently approved interim bankruptcy rules (the Interim Rules) for distribution to the courts. The Committee on Rules of Practice and Procedure approved the Interim Rules, and the Judicial Conference authorized distribution of the Interim Rules to courts for adoption locally to facilitate uniform implementation of the changes mandated by the SBRA.

**IT IS HEREBY ORDERED**, pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure, and Rule 9029 of the Federal Rules of Bankruptcy Procedure, the attached Interim Rules are adopted in their entirety without change by the judges of this Court to be effective February 19, 2020. For cases and proceedings not governed by the

SBRA, the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, other than the Interim Rules, shall apply.

The Interim Rules shall remain in effect until further order of the Court.

Done this the 3rd day of February, 2020.

/s/ James J. Robinson

James J. Robinson, Chief Judge  
U.S. Bankruptcy Court

/s/ Tamara O. Mitchell

Tamara O. Mitchell, Judge  
U.S. Bankruptcy Court

/s/ Jennifer H. Henderson

Jennifer H. Henderson, Judge  
U.S. Bankruptcy Court

/s/ Clifton R. Jessup, Jr.

Clifton R. Jessup, Jr., Judge  
U.S. Bankruptcy Court

/s/ D. Sims Crawford

D. Sims Crawford, Judge  
U.S. Bankruptcy Court

**INTERIM AMENDMENTS TO THE FEDERAL  
RULES OF BANKRUPTCY PROCEDURE<sup>1</sup>**

**1 Rule 1007. Lists, Schedules, Statements, and Other**

**2 Documents; Time Limits**

3 \* \* \* \* \*

4 (b) SCHEDULES, STATEMENTS, AND OTHER  
5 DOCUMENTS REQUIRED.

6 \* \* \* \* \*

7 (5) An individual debtor in a chapter 11 case  
8 (unless under subchapter V) shall file a statement of  
9 current monthly income, prepared as prescribed by  
10 the appropriate Official Form.

11 \* \* \* \* \*

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<sup>1</sup> These interim bankruptcy rules (the Interim Rules) have been prepared by the Advisory Committee on Bankruptcy Rules and approved by the Judicial Conference of the United States to be adopted as local rules by the Bankruptcy Courts to implement the procedural and substantive changes to the Bankruptcy Code made by the Small Business Reorganization Act of 2019. The Interim Rules will be withdrawn after similar amendments can be made to the Rules of Bankruptcy Procedure under the normal Rules Enabling Act process.

12 (h) INTERESTS ACQUIRED OR ARISING  
13 AFTER PETITION. If, as provided by § 541(a)(5) of the  
14 Code, the debtor acquires or becomes entitled to acquire any  
15 interest in property, the debtor shall within 14 days after the  
16 information comes to the debtor's knowledge or within such  
17 further time the court may allow, file a supplemental  
18 schedule in the chapter 7 liquidation case, chapter 11  
19 reorganization case, chapter 12 family farmer's debt  
20 adjustment case, or chapter 13 individual debt adjustment  
21 case. If any of the property required to be reported under  
22 this subdivision is claimed by the debtor as exempt, the  
23 debtor shall claim the exemptions in the supplemental  
24 schedule. This duty to file a supplemental schedule  
25 continues even after the case is closed, except for property  
26 acquired after an order is entered:

27 (1) confirming a chapter 11 plan (other than one  
28 confirmed under § 1191(b)); or

33 \* \* \* \* \*

1 **Rule 1020. Chapter 11 Reorganization Case for Small**  
2 **Business Debtors**

3 (a) SMALL BUSINESS DEBTOR  
4 DESIGNATION. In a voluntary chapter 11 case, the debtor  
5 shall state in the petition whether the debtor is a small  
6 business debtor and, if so, whether the debtor elects to have  
7 subchapter V of chapter 11 apply. In an involuntary chapter  
8 11 case, the debtor shall file within 14 days after entry of the  
9 order for relief a statement as to whether the debtor is a small  
10 business debtor and, if so, whether the debtor elects to have  
11 subchapter V of chapter 11 apply. The status of the case as  
12 a small business case or a case under subchapter V of chapter  
13 11 shall be in accordance with the debtor's statement under  
14 this subdivision, unless and until the court enters an order  
15 finding that the debtor's statement is incorrect.

16 (b) OBJECTING TO DESIGNATION. The United  
17 States trustee or a party in interest may file an objection to  
18 the debtor's statement under subdivision (a) no later than 30

19 days after the conclusion of the meeting of creditors held  
20 under § 341(a) of the Code, or within 30 days after any  
21 amendment to the statement, whichever is later.

22 (c) PROCEDURE FOR OBJECTION OR  
23 DETERMINATION. Any objection or request for a  
24 determination under this rule shall be governed by Rule 9014  
25 and served on: the debtor; the debtor's attorney; the United  
26 States trustee; the trustee; the creditors included on the list  
27 filed under Rule 1007(d) or, if a committee has been  
28 appointed under § 1102(a)(3), the committee or its  
29 authorized agent and any other entity as the court directs.

1 **Rule 2009. Trustees for Estates When Joint**  
2 **Administration Ordered**

3 (a) ELECTION OF SINGLE TRUSTEE FOR  
4 ESTATES BEING JOINTLY ADMINISTERED. If the  
5 court orders a joint administration of two or more estates  
6 under Rule 1015(b), creditors may elect a single trustee for  
7 the estates being jointly administered, unless the case is  
8 under subchapter V of chapter 7 or subchapter V of chapter  
9 11 of the Code.

10 (b) RIGHT OF CREDITORS TO ELECT  
11 SEPARATE TRUSTEE. Notwithstanding entry of an order  
12 for joint administration under Rule 1015(b), the creditors of  
13 any debtor may elect a separate trustee for the estate of the  
14 debtor as provided in § 702 of the Code, unless the case is  
15 under subchapter V of chapter 7 or subchapter V of chapter  
16 11.

17 (c) APPOINTMENT OF TRUSTEES FOR  
18 ESTATES BEING JOINTLY ADMINISTERED.

19

\* \* \* \* \*

20

(2) *Chapter 11 Reorganization Cases.* If the

21

appointment of a trustee is ordered or is required by

22

the Code, the United States trustee may appoint one

23

or more trustees for estates being jointly

24

administered in chapter 11 cases.

25

\* \* \* \* \*

1 **Rule 2012. Substitution of Trustee or Successor**

2 **Trustee; Accounting**

3 (a) TRUSTEE. If a trustee is appointed in a chapter  
4 11 case (other than under subchapter V), or the debtor is  
5 removed as debtor in possession in a chapter 12 case or in a  
6 case under subchapter V of chapter 11, the trustee is  
7 substituted automatically for the debtor in possession as a  
8 party in any pending action, proceeding, or matter.

9 \* \* \* \* \*

1    **Rule 2015. Duty to Keep Records, Make Reports, and**  
2    **Give Notice of Case or Change of Status**

3           (a) TRUSTEE OR DEBTOR IN POSSESSION. A  
4    trustee or debtor in possession shall:

5                   (1) in a chapter 7 liquidation case and, if the  
6                   court directs, in a chapter 11 reorganization case  
7                   (other than under subchapter V), file and transmit to  
8                   the United States trustee a complete inventory of the  
9                   property of the debtor within 30 days after qualifying  
10                  as a trustee or debtor in possession, unless such an  
11                  inventory has already been filed;

12                  (2) keep a record of receipts and the  
13                  disposition of money and property received;

14                  (3) file the reports and summaries required by  
15                  § 704(a)(8) of the Code, which shall include a  
16                  statement, if payments are made to employees, of the  
17                  amounts of deductions for all taxes required to be

18 withheld or paid for and in behalf of employees and  
19 the place where these amounts are deposited;

20 (4) as soon as possible after the  
21 commencement of the case, give notice of the case to  
22 every entity known to be holding money or property  
23 subject to withdrawal or order of the debtor,  
24 including every bank, savings or building and loan  
25 association, public utility company, and landlord  
26 with whom the debtor has a deposit, and to every  
27 insurance company which has issued a policy having  
28 a cash surrender value payable to the debtor, except  
29 that notice need not be given to any entity who has  
30 knowledge or has previously been notified of the  
31 case;

32 (5) in a chapter 11 reorganization case (other  
33 than under subchapter V), on or before the last day  
34 of the month after each calendar quarter during  
35 which there is a duty to pay fees under 28 U.S.C.

36           § 1930(a)(6), file and transmit to the United States  
37           trustee a statement of any disbursements made  
38           during that quarter and of any fees payable under 28  
39           U.S.C. § 1930(a)(6) for that quarter; and  
40           (6) in a chapter 11 small business case, unless  
41           the court, for cause, sets another reporting interval,  
42           file and transmit to the United States trustee for each  
43           calendar month after the order for relief, on the  
44           appropriate Official Form, the report required by  
45           § 308. If the order for relief is within the first 15 days  
46           of a calendar month, a report shall be filed for the  
47           portion of the month that follows the order for relief.  
48           If the order for relief is after the 15th day of a  
49           calendar month, the period for the remainder of the  
50           month shall be included in the report for the next  
51           calendar month. Each report shall be filed no later  
52           than 21 days after the last day of the calendar month  
53           following the month covered by the report. The

54 obligation to file reports under this subparagraph  
 55 terminates on the effective date of the plan, or  
 56 conversion or dismissal of the case.

57 (b) TRUSTEE, DEBTOR IN POSSESSION, AND  
 58 DEBTOR IN A CASE UNDER SUBCHAPTER V OF  
 59 CHAPTER 11. In a case under subchapter V of chapter 11,  
 60 the debtor in possession shall perform the duties prescribed  
 61 in (a)(2)–(4) and, if the court directs, shall file and transmit  
 62 to the United States trustee a complete inventory of the  
 63 debtor’s property within the time fixed by the court. If the  
 64 debtor is removed as debtor in possession, the trustee shall  
 65 perform the duties of the debtor in possession prescribed in  
 66 this subdivision (b). The debtor shall perform the duties  
 67 prescribed in (a)(6).

68 (c) CHAPTER 12 TRUSTEE AND DEBTOR IN  
 69 POSSESSION. In a chapter 12 family farmer’s debt  
 70 adjustment case, the debtor in possession shall perform the  
 71 duties prescribed in clauses (2)–(4) of subdivision (a) of this

72 rule and, if the court directs, shall file and transmit to the  
73 United States trustee a complete inventory of the property of  
74 the debtor within the time fixed by the court. If the debtor is  
75 removed as debtor in possession, the trustee shall perform  
76 the duties of the debtor in possession prescribed in this  
77 subdivision (c).

78 (d) CHAPTER 13 TRUSTEE AND  
79 DEBTOR.

80 (1) *Business Cases.* In a chapter 13  
81 individual's debt adjustment case, when the debtor is  
82 engaged in business, the debtor shall perform the  
83 duties prescribed by clauses (2)–(4) of subdivision  
84 (a) of this rule and, if the court directs, shall file and  
85 transmit to the United States trustee a complete  
86 inventory of the property of the debtor within the  
87 time fixed by the court.

88 (2) *Nonbusiness Cases.* In a chapter 13  
89 individual's debt adjustment case, when the debtor is

90 not engaged in business, the trustee shall perform the  
91 duties prescribed by clause (2) of subdivision (a) of  
92 this rule.

93 (e) FOREIGN REPRESENTATIVE. In a case in  
94 which the court has granted recognition of a foreign  
95 proceeding under chapter 15, the foreign representative shall  
96 file any notice required under § 1518 of the Code within 14  
97 days after the date when the representative becomes aware  
98 of the subsequent information.

99 (f) TRANSMISSION OF REPORTS. In a chapter  
100 11 case the court may direct that copies or summaries of  
101 annual reports and copies or summaries of other reports shall  
102 be mailed to the creditors, equity security holders, and  
103 indenture trustees. The court may also direct the publication  
104 of summaries of any such reports. A copy of every report or  
105 summary mailed or published pursuant to this subdivision  
106 shall be transmitted to the United States trustee.

1 **Rule 3010. Small Dividends and Payments in Cases**  
2 **Under Chapter 7, Subchapter V of Chapter 11, Chapter**  
3 **12, and Chapter 13**

4 \* \* \* \* \*

5 (b) CASES UNDER SUBCHAPTER V OF  
6 CHAPTER 11, CHAPTER 12, AND CHAPTER 13. In a  
7 case under subchapter V of chapter 11, chapter 12, or chapter  
8 13, no payment in an amount less than \$15 shall be  
9 distributed by the trustee to any creditor unless authorized  
10 by local rule or order of the court. Funds not distributed  
11 because of this subdivision shall accumulate and shall be  
12 paid whenever the accumulation aggregates \$15. Any funds  
13 remaining shall be distributed with the final payment.

1 **Rule 3011. Unclaimed Funds in Cases Under Chapter 7,**  
2 **Subchapter V of Chapter 11, Chapter 12, and Chapter**  
3 **13**

4       The trustee shall file a list of all known names and  
5 addresses of the entities and the amounts which they are  
6 entitled to be paid from remaining property of the estate that  
7 is paid into court pursuant to § 347(a) of the Code.

1   **Rule 3014. Election Under § 1111(b) by Secured**  
2   **Creditor in Chapter 9 Municipality or Chapter 11**  
3   **Reorganization Case**

4           An election of application of § 1111(b)(2) of the  
5   Code by a class of secured creditors in a chapter 9 or 11 case  
6   may be made at any time prior to the conclusion of the  
7   hearing on the disclosure statement or within such later time  
8   as the court may fix. If the disclosure statement is  
9   conditionally approved pursuant to Rule 3017.1, and a final  
10   hearing on the disclosure statement is not held, the election  
11   of application of § 1111(b)(2) may be made not later than the  
12   date fixed pursuant to Rule 3017.1(a)(2) or another date the  
13   court may fix. In a case under subchapter V of chapter 11 in  
14   which § 1125 of the Code does not apply, the election may  
15   be made not later than a date the court may fix. The election  
16   shall be in writing and signed unless made at the hearing on  
17   the disclosure statement. The election, if made by the

18 INTERIM RULES OF BANKRUPTCY PROCEDURE

- 18 majorities required by § 1111(b)(1)(A)(i), shall be binding
- 19 on all members of the class with respect to the plan.

1     **Rule 3016. Filing of Plan and Disclosure Statement in a**  
2     **Chapter 9 Municipality or Chapter 11 Reorganization**  
3     **Case**

\* \* \* \* \*

18 (d) STANDARD FORM SMALL BUSINESS  
19 DISCLOSURE STATEMENT AND PLAN. In a small  
20 business case or a case under subchapter V of chapter 11, the  
21 court may approve a disclosure statement and may confirm  
22 a plan that conform substantially to the appropriate Official  
23 Forms or other standard forms approved by the court.

1 **Rule 3017.1. Court Consideration of Disclosure**  
2 **Statement in a Small Business Case or in a Case Under**  
3 **Subchapter V of Chapter 11**

4 (a) CONDITIONAL APPROVAL OF  
5 DISCLOSURE STATEMENT. In a small business case or  
6 in a case under subchapter V of chapter 11 in which the court  
7 has ordered that § 1125 applies, the court may, on  
8 application of the plan proponent or on its own initiative,  
9 conditionally approve a disclosure statement filed in  
10 accordance with Rule 3016. On or before conditional  
11 approval of the disclosure statement, the court shall:

- 12 (1) fix a time within which the holders of claims and  
13 interests may accept or reject the plan;  
14 (2) fix a time for filing objections to the disclosure  
15 statement;  
16 (3) fix a date for the hearing on final approval of the  
17 disclosure statement to be held if a timely objection  
18 is filed; and

22 INTERIM RULES OF BANKRUPTCY PROCEDURE

19 (4) fix a date for the hearing on confirmation.

20 \* \* \* \* \*

1    **Rule 3017.2. Fixing of Dates by the Court in Subchapter**  
2    **V Cases in Which There Is No Disclosure Statement**

3           In a case under subchapter V of chapter 11 in which  
4    § 1125 does not apply, the court shall:

- 5           (a)     fix a time within which the holders of claims  
6                   and interests may accept or reject the plan;
- 7           (b)     fix a date on which an equity security holder  
8                   or creditor whose claim is based on a security must  
9                   be the holder of record of the security in order to be  
10                  eligible to accept or reject the plan;
- 11          (c)     fix a date for the hearing on confirmation; and
- 12          (d)     fix a date for transmission of the plan, notice  
13                  of the time within which the holders of claims and  
14                  interests may accept or reject the plan, and notice of  
15                  the date for the hearing on confirmation.

**1 Rule 3018. Acceptance or Rejection of Plan in a Chapter**  
**2 9 Municipality or a Chapter 11 Reorganization Case**

3 (a) ENTITIES ENTITLED TO ACCEPT OR  
 4 REJECT PLAN; TIME FOR ACCEPTANCE OR  
 5 REJECTION. A plan may be accepted or rejected in  
 6 accordance with § 1126 of the Code within the time fixed by  
 7 the court pursuant to Rule 3017, 3017.1, or 3017.2. Subject  
 8 to subdivision (b) of this rule, an equity security holder or  
 9 creditor whose claim is based on a security of record shall  
 10 not be entitled to accept or reject a plan unless the equity  
 11 security holder or creditor is the holder of record of the  
 12 security on the date the order approving the disclosure  
 13 statement is entered or on another date fixed by the court  
 14 under Rule 3017.2, or fixed for cause after notice and a  
 15 hearing. For cause shown, the court after notice and hearing  
 16 may permit a creditor or equity security holder to change or  
 17 withdraw an acceptance or rejection. Notwithstanding  
 18 objection to a claim or interest, the court after notice and

19 hearing may temporarily allow the claim or interest in an  
20 amount which the court deems proper for the purpose of  
21 accepting or rejecting a plan.

22 \* \* \* \* \*

1   **Rule 3019. Modification of Accepted Plan in a Chapter**  
2   **9 Municipality or a Chapter 11 Reorganization Case**

3                                   \* \* \* \* \*

4           (b)   MODIFICATION   OF   PLAN   AFTER  
5   CONFIRMATION IN INDIVIDUAL DEBTOR CASE. If  
6   the debtor is an individual, a request to modify the plan under  
7   § 1127(e) of the Code is governed by Rule 9014. The request  
8   shall identify the proponent and shall be filed together with  
9   the proposed modification. The clerk, or some other person  
10   as the court may direct, shall give the debtor, the trustee, and  
11   all creditors not less than 21 days' notice by mail of the time  
12   fixed to file objections and, if an objection is filed, the  
13   hearing to consider the proposed modification, unless the  
14   court orders otherwise with respect to creditors who are not  
15   affected by the proposed modification. A copy of the notice  
16   shall be transmitted to the United States trustee, together  
17   with a copy of the proposed modification. Any objection to  
18   the proposed modification shall be filed and served on the

19 debtor, the proponent of the modification, the trustee, and  
20 any other entity designated by the court, and shall be  
21 transmitted to the United States trustee.

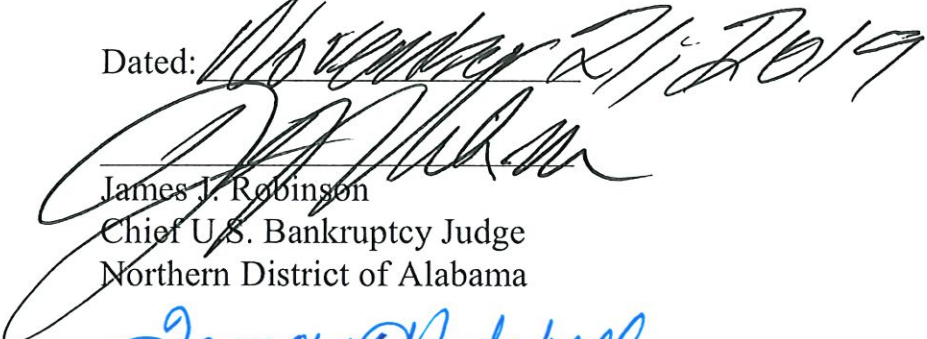
22 (c) MODIFICATION OF PLAN AFTER  
23 CONFIRMATION IN A SUBCHAPTER V CASE. In a  
24 case under subchapter V of chapter 11, a request to modify  
25 the plan under § 1193(b) or (c) of the Code is governed by  
26 Rule 9014, and the provisions of this Rule 3019(b) apply.

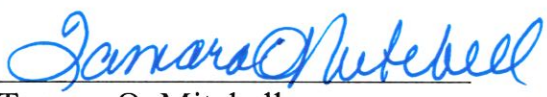
IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA


**DELEGATION OF 11 U.S.C. SECTION 1183 SMALL BUSINESS  
REORGANIZATION ACT OF 2019 TRUSTEE APPOINTING  
AUTHORITY**

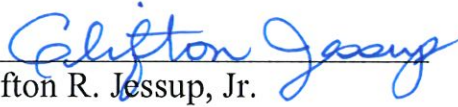
In all Small Business Reorganization Act of 2019 cases, the United States Bankruptcy Administrator for the Northern District of Alabama shall have the authority to appoint Trustees pursuant to 11 U.S.C. §1183. Standing Chapter 13 Trustees and Panel Chapter 7 Trustees are not prohibited from appointment under this authority.


Dated: November 21, 2019

  
James J. Robinson  
Chief U.S. Bankruptcy Judge  
Northern District of Alabama

  
Tamara O. Mitchell  
U.S. Bankruptcy Judge  
Northern District of Alabama

  
Jennifer H. Henderson  
U.S. Bankruptcy Judge  
Northern District of Alabama

  
Clifton R. Jessup, Jr.  
U.S. Bankruptcy Judge  
Northern District of Alabama

  
D. Sims Crawford  
U.S. Bankruptcy Judge  
Northern District of Alabama

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA**

In re:

Chapter 13 Trustees' Final Reports	)	Administrative Order No. 16-06
and Accounts in Cases Converted	)	
to Chapter 7	)	All Divisions

**ADMINISTRATIVE ORDER REGARDING THE FILING OF FINAL REPORTS AND  
ACCOUNTS IN CASES CONVERTED FROM CHAPTER 13 TO CHAPTER 7**

Rule 1019(5)(B)(ii) of the Federal Rules of Bankruptcy Procedure (the "Rules") provides that "[u]nless the court directs otherwise, if a chapter 13 case is converted to chapter 7,...the trustee, not later than 30 days after conversion of the case, shall file and transmit...a final report and account." Upon review and consideration, it appears to the undersigned that in certain procedural circumstances the standing chapter 13 trustees for the Northern District of Alabama are unable to comply with Rule 1019(5). Accordingly, pursuant to Rules 1019(5)(B) and 9006(b)(1), and for cause shown, it is ORDERED that, if a chapter 13 case pending in the Northern District of Alabama is converted to a case under chapter 7 of title 11 of the United States Code, the chapter 13 trustee shall file and transmit to the Bankruptcy Administrator a final report and account on or before the later of (a) 30 days after the date of conversion and (b) 45 days after all outstanding checks issued by the chapter 13 trustee in the subject case have been negotiated and cleared.

DONE this the 9th day of December, 2016.

/s/ James J. Robinson  
JAMES J. ROBINSON  
Chief United States Bankruptcy Judge

/s/ Tamara O. Mitchell  
TAMARA O. MITCHELL  
United States Bankruptcy Judge

/s/ Jennifer H. Henderson  
JENNIFER H. HENDERSON  
United States Bankruptcy Judge

/s/ Clifton R. Jessup Jr.  
CLIFTON R. JESSUP JR.  
United States Bankruptcy Judge

/s/ D. Sims Crawford  
D. SIMS CRAWFORD  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA**

<b>IN RE:</b>	:	
	:	
<b>Deposit and Investment of</b>	:	<b>Administrative Order No. 16-05</b>
<b>Registry Funds</b>	:	<b>(All Divisions)</b>
	:	

**ADMINISTRATIVE ORDER REGARDING DEPOSIT AND  
INVESTMENT OF REGISTRY FUNDS**

Because the United States Bankruptcy Court for the Northern District of Alabama, (the “Court”), has determined that it is necessary to adopt local procedures to ensure uniformity in the deposit, investment, and tax administration of funds in the Court’s Registry,

**IT IS ORDERED** that the following shall govern the receipt, deposit, and investment of registry funds:

**I. Receipt of Funds**

- a) No money shall be sent to the Court or its officers for deposit in the Court’s registry without a court order signed by the presiding judge in the case or proceeding;
- b) The party making the deposit or transferring funds to the Court’s registry shall serve the order permitting the deposit or transfer on the Clerk of Court; and
- c) Unless provided for elsewhere in this Order, all monies ordered to be paid to the Court or received by its officers in any case pending or adjudicated shall be deposited with the Treasurer of the United States in the name and to the credit of this Court pursuant to 28 U.S.C. § 2041 through depositories designated by the Treasury to accept such deposit on its behalf.

**II. Investment of Registry Funds**

- a) Where, by order of the Court, funds on deposit with the Court are to be placed in some form of interest-bearing account or invested in a court-approved, interest-bearing instrument in accordance with Rule 7067 of the Federal Rules of Bankruptcy Procedure, the Court Registry Investment System (“CRIS”), administered by the Administrative Office of the United States Courts under 28 U.S.C. § 2045, shall be the only investment mechanism authorized;

- b) Interpleader funds deposited under 28 U.S.C. § 1335 meet the IRS definition of a “Disputed Ownership Fund” (hereinafter “DOF”), a taxable entity that requires tax administration. Unless otherwise ordered by the court, interpleader funds shall be deposited in the DOF established within the CRIS and administered by the Administrative Office of the United States Courts, which shall be responsible for meeting all DOF tax administration requirements;
- c) The Director of Administrative Office of the United States Courts is designated as custodian for all CRIS funds. The Director or the Director’s designee shall perform the duties of custodian. Funds held in the CRIS remain subject to the control and jurisdiction of the Court;
- d) Money from each case deposited in the CRIS shall be “pooled” together with those on deposit with the Treasury to the credit of other courts in the CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt, which will be held at the Treasury, in an account in the name and to the credit of the Director of Administrative Office of the United States Courts. The pooled funds will be invested in accordance with the principles of the CRIS Investment Policy as approved by the Registry Monitoring Group;
- e) An account for each case will be established in the CRIS Liquidity Fund titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case based on the ratio each account’s principal and earnings has to the aggregate principal and income total in the fund after the CRIS fee has been applied. Reports showing the interest earned and the principal amounts contributed in each case will be prepared and distributed to each court participating in the CRIS and made available to litigants and/or their counsel; and
- f) For each interpleader case, an account shall be established in the CRIS Disputed Ownership Fund, titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case after the DOF fee has been applied and tax withholdings have been deducted from the fund. Reports showing the interest earned and the principal amounts contributed in each case will be available through the FedInvest/CMS application for each court participating in the CRIS and made available to litigants and/or their counsel. On appointment of an administrator authorized to incur expenses on behalf of the DOF in a case, the case DOF funds should be transferred to another investment account as directed by court order.

### **III. Fees and Taxes**

- a) The custodian is authorized and directed by this Order to deduct the CRIS fee of an annualized 10 basis points on assets on deposit for all CRIS funds, excluding the case funds held in the DOF, for the management of investments in the CRIS. According to the Court’s Miscellaneous Fee Schedule, the CRIS fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases and

b) The custodian is authorized and directed by this Order to deduct the DOF fee of an annualized 20 basis points on assets on deposit in the DOF for management of investments and tax administration. According to the Court's Miscellaneous Fee Schedule, the DOF fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases. The custodian is further authorized and directed by this Order to withhold and pay federal taxes due on behalf of the DOF.

#### **IV. Transition from Former Investment Procedure**

- a) As of the date of this Order, the Clerk of Court did not have any invested funds to transfer to CRIS;
- b) Deposits to the CRIS DOF will not be transferred from any existing CRIS Funds. Only new deposits pursuant to 28 U.S.C. § 1335 made on or after April 1, 2017 will be placed in the CRIS DOF; and
- c) This Order supersedes and abrogates all prior orders of this Court regarding the deposit and investment of registry funds.

Dated this the 21st day of November, 2016.

/s/ James J. Robinson  
JAMES J. ROBINSON  
Chief United States Bankruptcy Judge

/s/ Tamara O. Mitchell  
TAMARA O. MITCHELL  
United States Bankruptcy Judge

/s/ Jennifer H. Henderson  
JENNIFER H. HENDERSON  
United States Bankruptcy Judge

/s/ Clifton Jessup  
CLIFTON R. JESSUP, JR  
United States Bankruptcy Judge

/s/ D. Sims Crawford  
D. SIMS CRAWFORD  
United States Bankruptcy Judge

c: Clerk of Court

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA**

In re:

Director's Procedural Form 2830

) Administrative Order No. 15-10<sup>1</sup>  
) All Divisions

**ADMINISTRATIVE ORDER REGARDING  
CHAPTER 13 DEBTOR'S CERTIFICATIONS REGARDING  
DOMESTIC SUPPORT OBLIGATIONS AND SECTION 522(q)**

On or about March 8, 2007, this Court entered Administrative Order 07-03, and on or about November 5, 2007, this Court entered Administrative Order 07-07, regarding the Certificate of Compliance, Motion for Issuance of Discharge and Notice of Deadline to Object required in all Chapter 7 and Chapter 13 bankruptcy proceedings. Since that time, the Court has concluded that these Administrative Orders are moot due to the creation of the Director's Procedural Form 2830 for Chapter 13 bankruptcy proceedings and the minimal percentage of cases in which 11 U.S.C. § 727(a)(12) [with reference to 11 U.S.C. § 522 (q)] applies in Chapter 7 bankruptcy proceedings.

NOW, THEREFORE, IT IS ORDERED

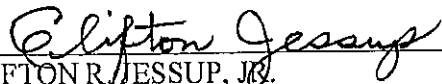
1. Director's Procedural Form 2830 is required in all Chapter 13 bankruptcy proceedings as of January 1, 2009;
2. When required by 11 U.S.C. § 727(a)(12) and 522(q), Chapter 7 debtors will file a form similar to Director's Procedural Form 2830 meeting the requirements of said Bankruptcy Code section; and
3. This order revokes prior Administrative Order 09-01.

Dated this 21<sup>st</sup> day of December, 2015.

  
JAMES E. ROBINSON  
Chief United States Bankruptcy Judge

  
TAMARA O. MITCHELL  
United States Bankruptcy Judge

  
JENNIFER A. HENDERSON  
United States Bankruptcy Judge

  
CLIFTON R. JESSUP, JR.  
United States Bankruptcy Judge

<sup>1</sup> This Administrative Order contains the same content as Administrative Order 09-01 entered on January 9, 2009. This Administrative Order simply updates the references to the Director's Procedural Form 2830, re-named and re-numbered effective December 1, 2015.

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA**

In re:


Summary of Schedules Required	)	Administrative Order No. 15-09 <sup>1</sup>
Upon Filing Schedules and All	)	All Divisions
Amended Schedules	)	

**ADMINISTRATIVE ORDER**  
**REQUIRING THE FILING OF A SUMMARY OF SCHEDULES**  
**UPON FILING SCHEDULES AND AMENDED SCHEDULES**

28 U.S.C. §159 requires the filing of a Summary of Your Assets and Liabilities and Certain Statistical Information (Official Form 106Sum) or Summary of Assets and Liabilities for Non-Individuals (Official Form 206Sum). Upon the filing of Bankruptcy Schedules and any Amended Schedule(s), the debtor is hereby **ORDERED** to file the applicable Summary of Schedules. BAPCPA and the statistical requirements imposed upon the Courts necessitates the filing of the Summary of Schedules each time the Schedules or Amended Schedules are filed with the Court so that the proper and amended totals may be submitted to the Administrative Office of the United States Courts.

This Order is effective immediately and revokes prior Administrative Order 07-02.

Dated the 4<sup>th</sup> day of December, 2015.

  
JAMES I. ROBINSON  
Chief United States Bankruptcy Judge

  
JENNIFER L. HENDERSON  
United States Bankruptcy Judge

  
TAMARA O. MITCHELL  
United States Bankruptcy Judge

  
CLIFTON R. JESSUP, JR.  
United States Bankruptcy Judge

<sup>1</sup> This Administrative Order contains the same content as Administrative Order 07-02 entered on February 28, 2007. This Administrative Order simply amends the references to the "Summary of Your Assets and Liabilities and Certain Statistical Information" (Official Form 106 Sum) and "Summary of Assets and Liabilities for Non-Individuals" (Official Form 206 Sum), re-named and re-numbered effective December 1, 2015.

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA**

In re:

Appointment of the Clerk for the  
Northern District of Alabama

)  
)

Administrative Order No. 15-03

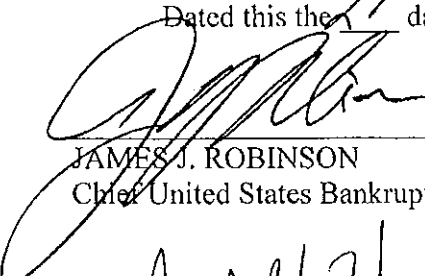
**ADMINISTRATIVE ORDER**

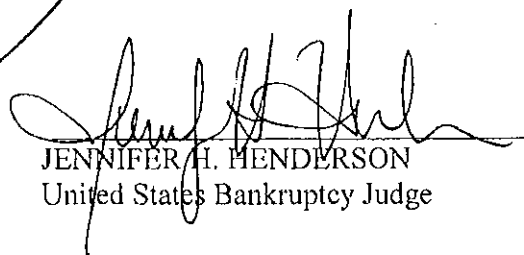
In accordance with the authority conferred by 28 U.S.C. § 156(b), it is


ORDERED that Joseph E. Bulgarella is hereby appointed as Clerk of the United States Bankruptcy Court for the Northern District of Alabama. Mr. Bulgarella shall enter upon the performance of his duties as Clerk of Court on July 27, 2015. It is further

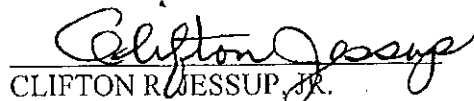
ORDERED that the Clerk of Court shall exercise all powers and perform all duties in accordance with all applicable laws and regulations.

Dated this the 29<sup>th</sup> day of July 2015.

  
JAMES J. ROBINSON  
Chief United States Bankruptcy Judge

  
JENNIFER H. HENDERSON  
United States Bankruptcy Judge

  
TAMARA O. MITCHELL  
United States Bankruptcy Judge

  
CLIFTON R. JESSUP, JR.  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA

In re:

Adoption of Rule 1007-I                                 )  
  )     Administrative Order No. 12-02  
  )     (All Divisions)

ADMINISTRATIVE ORDER

**IT IS HEREBY ORDERED** that, effective December 1, 2012, Administrative Order 12-01 shall be superseded and rescinded; and

**IT IS FURTHER ORDERED** that Rule 1007-I, as amended effective December 1, 2012, shall remain in effect until further order of this Court.

**PRIOR HISTORY:** On October 20, 2008, the National Guard and Reservists Debt Relief Act of 2008, Pub. L. No. 110-438, (the "Act") was enacted into law. The provisions of the Act and Rule 1007-I were effective December 19, 2008. A copy of Rule 1007-I is attached to this Administrative Order. The Act provides a temporary exclusion from the bankruptcy means test for Reservists and members of the National Guard called for no less than ninety days to active duty or homeland defense activity following September 11, 2001. The amendment to section 707(b)(2)(D) of the Bankruptcy Code became effective on December 19, 2008, which was sixty days after enactment. The amendment applies only to cases commenced in the three-year period beginning on the effective date of the Act. Subsequently, on December 13, 2011, the National Guard and Reservist Debt Relief Extension Act of 2011, Pub. L. No. 112-64, (the "2011 Act") extended the temporary exclusion for four additional years. For cases and proceedings not governed by the Act or the 2011 Act, the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, other than Rule 1007-I, shall apply.

The Judicial Conference of the United States approved the new Rule 1007-I and the amendment to Official Form 22A, Statement of Current Monthly Income and Means Test Calculation and transmitted the same to the courts for adoption. Administrative Order 08-03 adopted Rule 1007-I effective December 19, 2008. Administrative Order 10-03 continued the adoption of Rule 1007-I effective July 1, 2010. Rule 1007-I was amended effective December 1, 2010, to extend the time to file the statement of completion of course in personal financial management in a chapter 7 case filed by an individual debtor from forty-five days after the first date set for the meeting of creditors to sixty days after the first date set for the meeting, and Administrative Order 10-07 adopted this amendment and made Administrative Order 10-03 moot. Administrative Order 12-01 addressed the 2011 Act and superseded and rescinded Administrative Order 10-07. Administrative Order 12-02 addresses a conforming amendment, effective December 1, 2012, which removed an inconsistency created by the 2010 amendment.

Dated this the 1<sup>st</sup> day of December 2012.

  
THOMAS B. BENNETT  
Chief United States Bankruptcy Judge

/s/ Benjamin Cohen  
BENJAMIN COHEN  
United States Bankruptcy Judge

/s/ C. Michael Stilson  
C. MICHAEL STILSON  
United States Bankruptcy Judge

  
TAMARA O. MITCHELL  
United States Bankruptcy Judge

/s/ Jack Caddell  
JACK CADDELL  
United States Bankruptcy Judge

/s/ James J. Robinson  
JAMES J. ROBINSON  
United States Bankruptcy Judge

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(b) SCHEDULES, STATEMENTS, AND OTHER DOCUMENTS REQUIRED.

(4) Unless either: (A) § 707(b)(2)(D)(i) applies, or (B) § 707(b)(2)(D)(ii) applies and the exclusion from means testing granted therein extends beyond the period specified by Rule 1017(e), an individual debtor in a chapter 7 case shall file a statement of current monthly income prepared as prescribed by the appropriate Official Form, and, if the current monthly income exceeds the median family income for the applicable state and household size, the information, including calculations, required by § 707(b), prepared as prescribed by the appropriate Official Form.

\* \* \* \* \*

<sup>2</sup> Incorporates (1) time amendments to Rule 1007 which took effect on December 1, 2009, (2) an amendment, effective December 1, 2010, which extended the time to file the statement of completion of a course in personal financial management in a chapter 7 case filed by an individual debtor, and (3) a conforming amendment, effective December 1, 2012, which removed an inconsistency created by the 2010 amendment.

<sup>2</sup> Incorporates (1) time amendments to Rule 1007 which took effect on December 1, 2009, (2) an amendment, effective December 1, 2010, which extended the time to file the statement of completion of a course in personal financial management in a chapter 7 case filed by an individual debtor, and (3) a conforming amendment, effective December 1, 2012, which removed an inconsistency created by the 2010 amendment.

15           (c) TIME LIMITS. In a voluntary case, the schedules,  
16 statements, and other documents required by subdivision (b)(1), (4),  
17 (5), and (6) shall be filed with the petition or within 14 days  
18 thereafter, except as otherwise provided in subdivisions (d), (e), (f),  
19 and (h), and (n) of this rule. In an involuntary case,  
20 the schedules, statements, and other  
21 documents required by subdivision (b)(1) shall be filed by the  
22 debtor within 14 days of the entry of the order for relief. In a  
23 voluntary case, the documents required by paragraphs (A), (C), and  
24 (D) of subdivision (b)(3) shall be filed with the petition. Unless  
25 the court orders otherwise, a debtor who has filed a statement under  
26 subdivision (b)(3)(B), shall file the documents required by  
27 subdivision (b)(3)(A) within 14 days of the order for relief. In a  
28 chapter 7 case, the debtor shall file the statement required by  
29 subdivision (b)(7) within 60 days after the first date set for the  
30 meeting of creditors under § 341 of the Code, and in a chapter 11 or  
31 13 case no later than the date when the last payment was made by  
32 the debtor as required by the plan or the filing of a motion for a  
33 discharge under § 1141(d)(5)(B) or § 1328(b) of the Code. The  
34 court may, at any time and in its discretion, enlarge the time to file  
35 the statement required by subdivision (b)(7). The debtor shall file  
36 the statement required by subdivision (b)(8) no earlier than the date  
37 of the last payment made under the plan or the date of the filing of a

38 motion for a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b)  
39 of the Code. Lists, schedules, statements, and other documents  
40 filed prior to the conversion of a case to another chapter shall be  
41 deemed filed in the converted case unless the court directs  
42 otherwise. Except as provided in § 1116(3), any extension of time  
43 to file schedules, statements, and other documents required under  
44 this rule may be granted only on motion for cause shown and on  
45 notice to the United States trustee, any committee elected under  
46 § 705 or appointed under § 1102 of the Code, trustee, examiner, or  
47 other party as the court may direct. Notice of an extension shall be  
48 given to the United States trustee and to any committee, trustee, or  
49 other party as the court may direct.

50 \* \* \* \* \*

51 (n) TIME LIMITS FOR, AND NOTICE TO, DEBTORS  
52 TEMPORARILY EXCLUDED FROM MEANS TESTING.

53 (1) An individual debtor who is temporarily excluded from  
54 means testing pursuant to § 707(b)(2)(D)(ii) of the Code shall file  
55 any statement and calculations required by subdivision (b)(4) no  
56 later than 14 days after the expiration of the temporary exclusion if  
57 the expiration occurs within the time specified by Rule 1017(e) for  
58 filing a motion pursuant to § 707(b)(2).

59 (2) If the temporary exclusion from means testing under  
60 § 707(b)(2)(D)(ii) terminates due to the circumstances specified in

61 subdivision (n)(1), and if the debtor has not previously filed a  
62 statement and calculations required by subdivision (b)(4), the clerk  
63 shall promptly notify the debtor that the required statement and  
64 calculations must be filed within the time specified in subdivision  
65 (n)(1).

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA

In Re:

Unavailability of CM/ECF  
from November 15, 2010  
through November 17, 2010

Administrative Order 10-08

Extension of Deadlines That Expired While CM/ECF Was Unavailable

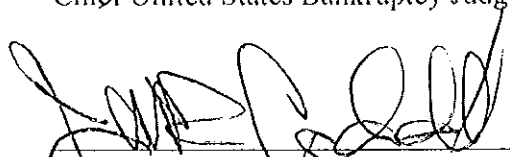
IT IS HEREBY ORDERED that, due to the unavailability of CM/ECF from November 15, 2010 until November 17, 2010, any deadline that expired during that time period is EXTENDED THROUGH AND INCLUDING WEDNESDAY, NOVEMBER 24, 2010; and it is further,

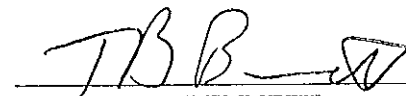
ORDERED that this Order in no way extends or expands deadlines that did not fall between November 15, 2010 and November 17, 2010.

Dated this the 16<sup>th</sup> day of December, 2010.


  
BENJAMIN COHEN  
Chief United States Bankruptcy Judge

  
TAMARA O. MITCHELL  
United States Bankruptcy Judge

  
JACK CADDELL  
United States Bankruptcy Judge

  
THOMAS B. BENNETT  
United States Bankruptcy Judge

  
C. MICHAEL STILSON  
United States Bankruptcy Judge

  
JAMES J. ROBINSON  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA**

In re:

Revocation of Administrative Order 07-03	)	Administrative Order No. 09-01
And Administrative Order 07-07	)	All Divisions

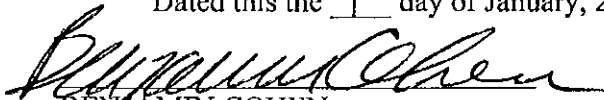
**ADMINISTRATIVE ORDER  
REVOKING ADMINISTRATIVE ORDER 07-03  
AND ADMINISTRATIVE ORDER 07-07**

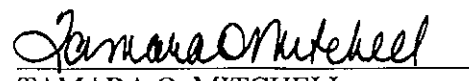
On or about March 8, 2007, this Court entered Administrative Order 07-03, and on or about November 5, 2007, this Court entered Administrative Order 07-07, regarding the Certificate of Compliance, Motion for Issuance of Discharge and Notice of Deadline to Object required in all Chapter 7 and Chapter 13 bankruptcy proceedings. Since that time, the Court has concluded that these Administrative Orders are moot due to the creation of the Director's Procedural Form 283 (12/08) for Chapter 13 bankruptcy proceedings and the minimal percentage of cases in which 11 U.S.C. § 727(a)(12) [with reference to 11 U.S.C. § 522(q)] applies in Chapter 7 bankruptcy proceedings.

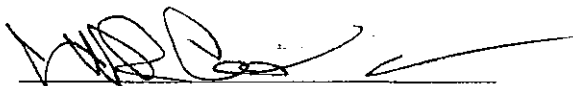
NOW, THEREFORE, IT IS ORDERED

1. Administrative Order 07-03 is VACATED as of January 1, 2009;
2. Administrative Order 07-07 is VACATED as of January 1, 2009;
3. Director's Procedural Form 283 is required in all Chapter 13 bankruptcy proceedings as of January 1, 2009; and
4. When required by 11 U.S.C. §§ 727(a)(12) and 522(q), Chapter 7 debtors will file a form similar to Director's Procedural Form 283 meeting the requirements of said Bankruptcy Code section.

Dated this the 9<sup>th</sup> day of January, 2009.

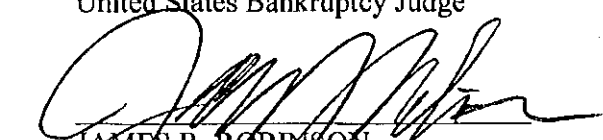
  
BENJAMIN COHEN  
Chief United States Bankruptcy Judge

  
TAMARA O. MITCHELL  
United States Bankruptcy Judge

  
JACK C. CADDELL  
United States Bankruptcy Judge

  
THOMAS B. BENNETT  
United States Bankruptcy Judge

  
C. MICHAEL STILSON  
United States Bankruptcy Judge

  
JAMES R. ROBINSON  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA**

In re:

New Electronic Transcript Policy	)	Administrative Order No. 08-01
	)	All Divisions

**ADMINISTRATIVE ORDER**  
**REGARDING NEW ELECTRONIC TRANSCRIPT POLICY**

At its September 2007 session, the U.S. Judicial Conference approved a new policy regarding the availability of transcripts of court proceedings. A new release of CM/ECF, Version 3.2, includes software that facilitates the implementation of this policy. This Administrative Order replaces Administrative Order No. 07-04 regarding electronic transcripts.

**I. Summary**

- A. **Electronic Availability of Transcript of Court Proceedings.** The language from the Judicial Conference's September 2007 session regarding electronic availability of transcripts of court proceedings states:
1. A transcript provided to a court by a court reporter or transcriber will be available at the office of the clerk of court for inspection only, for a period of 90 days after it is delivered to the clerk.
  2. During the 90-day period, a copy of the transcript may be obtained from the court reporter or transcriber at the rate established by the Judicial Conference, the transcript will be available within the court for internal use, and an attorney who obtains the transcript from the court reporter or transcriber may obtain remote electronic access to the transcript through the court's CM/ECF system for purposes of creating hyperlinks to the transcript in court filings and for other purposes.
  3. After the 90-day period has ended, the filed transcript will be available for inspection and copying in the clerk's office and for downloading from the court's CM/ECF system through the judiciary's PACER system.

B. **Application of Fed. R. Bankr. P. Rule 9037(a), *Redacted Filings*.** This rule, effective December 2, 2007, states:

Unless the court orders otherwise, in an electronic or paper filing made with the court that contains an individual's social security number and taxpayer identification number, or birth date, the name of an individual, other than the debtor, known to be and identified as a minor, or a financial account number, a party or nonparty making the filing may include only:

- (1) the last four digits of the social security number and taxpayer identification number;
- (2) the year of the individual's birth
- (3) the minor's initials; and
- (4) the last four digits of the financial account number.

The redaction procedures for transcripts (as well as the 90-day restriction policy) apply only to transcripts of federal courtroom proceedings.

With the exception of transcripts, redaction of the information described in Fed. R. Bankr. P. Rule 9037(a) is the responsibility of the person filing the document. When a transcript is filed, the attorneys and pro se parties who attended the hearing are solely responsible for redaction of the information described in the Rule. Redaction is accomplished only with input from the attorneys and pro se parties who attended the hearing. Transcribers are not responsible for identifying a need for redaction or for redacting transcripts absent a request by an attorney or pro se party.

The court's responsibility is to follow the Judicial Conference guidelines for providing public access to the transcript and for restricting access in accordance with the Judiciary's privacy policy. The clerk is not required to review documents filed with the court for compliance with this rule.

## II. Overview of Process within CM/ECF

- A. Upon the request and purchase of a transcript by a party, the court reporter or transcriber (hereinafter "transcriber") electronically files the transcript of court proceedings with the court using the *Transcript* docket event. This event serves as a notice of the filing of a transcript and includes language that indicates that parties have seven (7) calendar days to file with the court a *Notice of Intent to Request Redaction* of this transcript.

- B. During the 90-day period (which may be extended by the court), access to the transcript in CM/ECF is restricted to four types of users:
- Court staff;
  - Public terminal users;
  - Attorney of record or parties who have purchased the transcript from the transcriber; and
  - Other persons as directed by the court.

Any party needing to review the transcript for redaction purposes may purchase a copy from the transcriber or view the transcript at the public terminal in the clerk's office. If a party purchases the transcript from the transcriber, and he or she is an attorney on the case, he or she will be given remote access to the transcript via PACER and CM/ECF. PACER fees apply at all times when accessing transcripts remotely. Except for public terminal viewers, persons authorized to view or download the transcript can also create hyperlinks to the transcript. The clerk's office will grant the access upon notification from the transcriber that payment was received.

- C. The date the transcript is filed is the starting date for all deadlines related to restriction and redaction of the transcript.
- D. A notice of the filing of the transcript (including notice of the 90-day restriction period and the deadlines related to redaction) is provided via the docket text of the transcript event and the Notice of Electronic Filing (hereinafter "NEF") and a separate notice mailed to pro se parties.
- E. The following deadlines apply to the restriction, redaction, and release of a transcript for public viewing.
1. Within seven (7) calendar days of the filing in CM/ECF of the official transcript, each party wishing to redact a transcript must inform the court, by filing a *Notice of Intent to Request Transcript Redaction* with the clerk, of the party's interest to redact personal data identifiers from the electronic transcript of the court proceedings. If no such notice is filed within the allotted time, the court will assume redaction of personal identifiers from the transcript is not necessary.
  2. If redaction is requested, a party has 21 calendar days from the filing of the transcript, or longer if a court so orders, to file a *Request for Redaction* indicating where the personal identifiers to be redacted appear in the

transcript. To identify parts to be redacted, the party filing the request for redaction should attach a list of information to be redacted with the request. The information should be identified by type of identifier (e.g., minor's name, birth date, etc.) and page and line number where the information appears in the transcript. The party filing the request for redaction must serve the request on the transcriber. The transcriber must redact the identifiers as directed by the party.

These procedures are limited to the redaction of the specific personal data identifiers listed in the rules. If an attorney wishes to redact additional information, he or she may make a motion to the court. The transcript will not be electronically available until the court has ruled on any such motion, even though the 90-day restriction period may have ended.


3. The transcriber must, within 31 calendar days of the filing of the transcript, or longer if the court so orders, perform the requested redactions, and file a *Redacted Transcript* with the clerk. The original unredacted electronic transcript will be retained by the clerk as a restricted document.
4. At the end of the 90-day restriction period, transcript restriction can be removed to allow remote electronic access to the transcript as follows:
  - a. If a redacted version of the transcript is not filed and if there are no other redaction documents or motions linked to the transcript, the unredacted version will be made available via remote electronic access and at the public terminal for viewing and printing.
  - b. If a redacted version of the transcript is filed, the redacted version will be made available via remote electronic access and at the public terminal for viewing and printing. The unredacted version will remain permanently restricted.

### III. General Issues

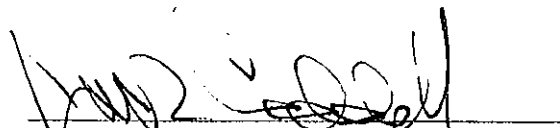
- A. During the 90-day restriction period, the transcript and any redacted versions will not be available via remote electronic access. An attorney who purchases the transcript during the 90-day period will be given remote electronic access to the transcript and any redacted version filed. Members of the general public, including pro se parties, will not be given remote electronic access to the transcript or any redacted version filed during the 90-day period.

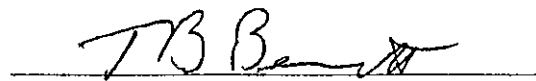
- B. Charges for access through PACER apply during and after the 90-day restriction period. Charges are not capped at 30 pages. The user will incur PACER charges each time the transcript is accessed even though he or she may have purchased it from the transcriber and obtained remote access through CM/ECF. A free copy of the electronic transcript is not available via remote access. After purchasing the transcript from the transcriber, an attorney can receive the original and any redacted transcript in both paper and electronic format.
- C. The redaction-related documents (e.g., notice of intent to redact, etc.) should be in the court record to ensure that the changes to the transcript are documented.
- D. There is no obligation on the part of the clerk's office to perform any redaction. Instead, it rests on the attorneys or pro se parties to tell the transcriber where to redact, and on the transcriber to perform the redaction.


IT IS SO ORDERED, this 19<sup>th</sup> day of September, 2008.


  
BENJAMIN COHEN  
Chief United States Bankruptcy Judge

  
TAMARA O. MITCHELL  
United States Bankruptcy Judge

  
JACK CADDELL  
United States Bankruptcy Judge

  
THOMAS B. BENNETT  
United States Bankruptcy Judge

  
C. MICHAEL STILSON  
United States Bankruptcy Judge

  
JAMES J. ROBINSON  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA**

In re:

Procedures for Criminal Referrals

) Administrative Order No. 05-07

**ADMINISTRATIVE ORDER**

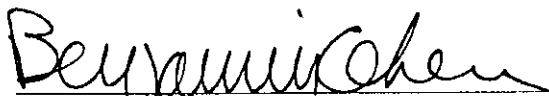
The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-08, 119 Stat. 23, amended section 158(d) of Title 18 of the United States Code, 18 U.S.C. § 158(d), to require bankruptcy courts to establish procedures for referring, pursuant to section 3057 of Title 18 of the United States Code, 18 U.S.C. § 3057, any case that may contain a materially fraudulent statement in a bankruptcy schedule. These procedures are adopted pursuant to that mandate.

If a judge or the clerk of court identifies any case that may contain a materially fraudulent statement in a bankruptcy schedule, the judge or clerk may refer the matter directly to the individuals designated under section 158(d), or other appropriate individuals or agencies; or, the judge or clerk may, prior to referral, transmit the matter to the Bankruptcy Administrator for further investigation.

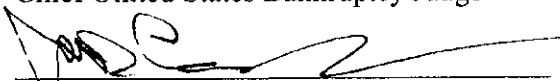
If the matter is referred to the Bankruptcy Administrator, the Administrator shall report his conclusions and recommendations to the individual who transmitted the matter to the Bankruptcy Administrator. The judge or the clerk may then refer the matter himself or herself, may ask the Bankruptcy Administrator to refer the matter, or the Administrator may refer the matter himself.

These procedures are adopted for referrals made pursuant to section 3057 for purposes of the requirements of section 158(d), but may be used for referrals on other grounds.

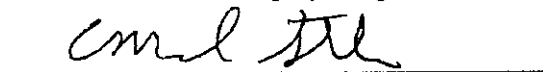
These procedures shall be effective October 17, 2005.



BENJAMIN COHEN  
Chief United States Bankruptcy Judge



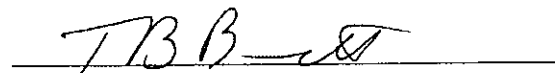
JACK CADDELL  
United States Bankruptcy Judge



C. MICHAEL STILSON  
United States Bankruptcy Judge



TAMARA O. MITCHELL  
United States Bankruptcy Judge



THOMAS B. BENNETT  
United States Bankruptcy Judge

Dated: October 17, 2005

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA**

In re:

Debtors Asserting an Exception to the	)	
Limitation of the Automatic Stay Under	)	Administrative Order No. 05- <u>06</u>
11 U.S.C. § 362(l) and Procedure for	)	
Receiving Rent Deposits.	)	

**ADMINISTRATIVE ORDER**

**WHEREAS**, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 amended 11 U.S.C. § 101 *et seq.* ("Code") including the automatic stay provisions of 11 U.S.C. § 362 in regards to actions to recover possession of residential property occupied by a debtor by the enactment of 11 U.S.C. § 362(l), and


**WHEREAS**, the Court requires uniformity in the procedure for the deposit of rent by Debtors and transmittal of rent to Lessors under § 362(l)(1)(B) and § 362(l)(5)(D) of the Code, it is hereby

**ORDERED**, that any deposit of rent made by or on behalf of a debtor, pursuant to § 362(l)(1)(B) of the Code, must be in the form of a **certified check or money order payable to the order of the Lessor**, and delivered to the Clerk of Court upon filing of the Petition and the certification made under § 362(l)(1)(A) of the Code, and it is further

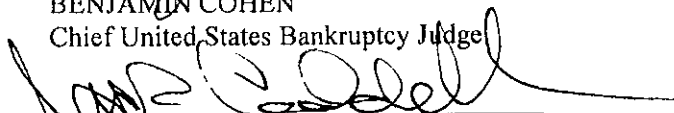
**ORDERED**, that the debtor must file a copy of the Judgment for Possession together with the Petition, and it is further

**ORDERED**, that upon the Clerk's receipt of a **certified check or money order payable to the order of the Lessor**, with a copy of the Judgment for Possession, tendered by a Debtor pursuant to § 362(l)(1) of the Code, the Clerk is directed to promptly transmit by mail the certified check or money order to the Lessor, certified mail/return receipt requested, to the address listed on the Judgment for Possession.

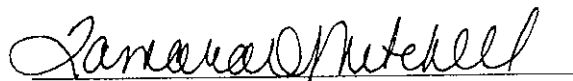
This order shall be effective October 17, 2005.



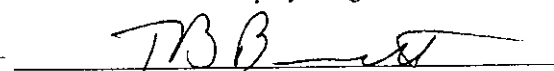
BENJAMIN COHEN  
Chief United States Bankruptcy Judge

  
JACK CADDELL  
United States Bankruptcy Judge

  
C. MICHAEL STILSON  
United States Bankruptcy Judge



TAMARA O. MITCHELL  
United States Bankruptcy Judge

  
THOMAS B. BENNETT  
United States Bankruptcy Judge

Dated: October 17, 2005