

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

ORDER TO AMEND
MISCELLANEOUS ORDER 99-101

MISC 01-451

At Minneapolis and Saint Paul, Minnesota, February 8, 2001.

FINDINGS

1. Regarding Electronic Service of Documents

1. On January 15, 1999 this court entered an order establishing administrative procedures for electronic filing, signing and verifying of documents, for the court's Electronic Records System ("ERS").

2. Those provisions of paragraphs 10 and 11 of that order and paragraphs II.B.2. and II.B.3. of the administrative procedures that require the making and receipt of electronic service have imposed significant burdens on counsel, and have impeded the court's effort to encourage electronic filing of documents.

3. These requirements should not be necessary conditions of participation in the ERS.

2. Regarding Electronic Filing of Certain Documents

4. Since the entry of the order of January 15, 1999, the court has completed the development of the initial phase of its ERS, and now accepts many forms of documents in cases and adversary proceedings for filing in electronic format.

5. To make best use of the ERS and the most efficient use of the public resources allocated to this court, it is necessary to increase the usage of electronic filing by parties to

NOTICE OF ENTRY AND FILING ORDER OR JUDGMENT	
Filed and Docket Entry made on	FEB 09 2001
Patrick G. De Wane, Clerk, By	<i>MB</i>

bankruptcy cases and their counsel.

6. A transition to greater use of electronic filing will be more effective if accomplished in stages, by class of proceeding, identity of participants, or both.

7. It is appropriate that greater usage of electronic filing begin with motions for relief from the automatic stay, given the prominence of this class of proceedings on the court's docket and its concentration in a small number of law firms representing movants and respondents.

8. Requiring electronic filing of all documents in such proceedings will not impose an undue burden on counsel for movants or respondents, given that many movants' and respondents' counsel have already received ERS training from the court or have become ERS registered participants, and given the ease and low cost of presenting documents in electronic format on diskette.

3. Regarding the Need for Amendment

9. Paragraph 13 of the order of January 15, 1999 states that amendments to the order may be entered from time to time in keeping with the needs of the court.

10. There is an immediate need to amend the order of January 15, 1999.

ORDER

IT IS THEREFORE ORDERED:

1. The order of the court entered on January 15, 1999 establishing administrative procedures for electronic filing, signing and verifying of documents is amended to read as follows:

10. Whenever a document is filed electronically in accordance with the electronic filing procedures, the clerk shall electronically transmit a "Notice of Electronic Filing" to the filing party at the time of docketing.

11. [Abrogated]

2. Paragraphs II.B.2. and II.B.3. of the administrative procedures promulgated on January 15, 1999 are amended to read as follows:

2. [Abrogated]

3 [Abrogated]

3. Effective March 1, 2001, all motions for relief from the automatic stay under 11 U.S.C. §§ 362(d) and 1301 and all responses to such motions shall be presented to the clerk of this court for filing via remote electronic means by an ERS registered participant, or by a diskette in electronic format comporting to the clerk's specifications if the presenting party or attorney is not an ERS registered participant.

BY THE COURT:

/e/ Gregory F. Kishel
GREGORY F. KISHEL
CHIEF U.S. BANKRUPTCY JUDGE

/e/ Robert J. Kressel
ROBERT J. KRESSEL
U.S. BANKRUPTCY JUDGE

/e/ Dennis D. O'Brien
DENNIS D O'BRIEN
U.S. BANKRUPTCY JUDGE

/e/ Nancy C. Dreher
NANCY C. DREHER
U.S. BANKRUPTCY JUDGE