



# Newsletter

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## Holiday Hours

*On behalf of the judges and the staff at the Bankruptcy Court, I would like to extend our best wishes to everyone for a safe and happy holiday season!*

*–Sheila K. Booth, Clerk of Court*

Our Christmas and New Year Holiday Hours:

Tuesday, December 24, 2013 – Closing at Noon

Wednesday, December 25, 2013 – Closed

Tuesday, December 31, 2013 – Closing at Noon

Wednesday, January 1, 2014 – Closed

Our ECF electronic filing system will be available for filing throughout the holidays. Non-ECF filers may file emergency petitions and pleadings (e.g. an emergency pleading to stop a sheriff's sale or a notice of appeal) in accordance with the **new** procedures outlined in our Administrative Procedures Manual, Section 9 H. (2) Filing Papers After Hours.

***\*Please see page 3 of this newsletter for the new procedure.***

## Cost Containment Update & Changes to Procedures

As discussed in our September, 2013 newsletter cost containment initiatives at the national level which are supported by efforts at the local level are being explored.

The bankruptcy courts have been asked to identify mailings that could be eliminated, combined, or service shifted to the moving party. We have been reviewing our noticing practices and the following changes will be implemented effective February 1, 2013, unless otherwise noted:

- **PRE-TRIAL ORDERS/NOTICES** – These orders/notices were being served on parties manually by chambers. Effective December 15, 2013 these orders are being served directly through the BNC.
- **ORDERS IN GENERAL** - Orders that can be served by the moving party or by the debtor's attorney will be entered on the docket with the respective pdf. The docket entry will contain additional language.....***IT IS FURTHER ORDERED that counsel shall serve this order on the required parties who will not receive notice through the ECF system pursuant to the FRBP and the LBRs and file a certificate of service to that effect within three (3) days.*** The moving party will be required to serve the order and file a certificate of service evidencing such within three (3) days. The court will continue to serve any sua sponte orders or orders required by code or rule.
- **ABANDONMENT OF PROPERTY (Trustee)** – This event will no longer prompt for a hearing date and time. This notice/motion can be sent on negative/passive 14 day language. If no objection is filed the court may enter an order for the record without a need for a hearing. This change only applies to abandonments made by the trustee, there are no changes to the procedures for a Motion to Compel Abandonment filed by a party in interest.

In the coming months the court will continue to review procedures and noticing practices and will communicate any resulting changes via e-mail, this newsletter, and on our website.

## Reminder - Changes to the Bankruptcy Court Miscellaneous Fee Schedule

The Judicial Conference of United States approved changes to the court miscellaneous fee schedule effective December 1, 2013:

- a. Amend Item 19 to add a new \$176 fee to file a motion for the sale of property free and clear of liens under 11 U.S.C. Sec. 363(f). There is no provision for deferral or waiver of this fee.
- b. Amend Item 12 as follows: For retrieval of one box of records from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, \$64. For retrievals involving multiple boxes, \$39 for each additional box.
- c. Amend Item 13 as follows: For any payment returned or denied for insufficient funds, \$53.

## After Hour Filing Procedures

### 9. H. Electronic Filing System Hours of Operation

- (2) Because the CM/ECF system is continuously available, the need for delivering pleadings by hand to court personnel should no longer be necessary. In the rare circumstances when an emergency pleading must be filed after hours (e.g. an emergency pleading to stop a sheriff's sale or a notice of appeal) the following procedures should be followed.
- (a) **Who May File After Hours.** Except as otherwise authorized by the Court, only non-ECF filers may file emergency petitions and pleadings by facsimile.
- (b) **Time and Manner of Filing.** Papers may be filed by facsimile to facsimile number 504-589-7866 when the Clerk's Office is not open. The Clerk's Office regular business hours are Monday through Friday from 8:30am to 4:30pm, Central time. Transmit by facsimile only the first page and the signature page of the document.
- (c) **Filing of Original Document.** The entire original paper document, together with any required filing fee, must be filed in person and time-stamped by the clerk no later than Noon (12:00 p.m.) CT on the next business day after the facsimile filing when the clerk's office is open.
- (d) **Clerk's Procedures Concerning Facsimile Documents.** If the original document is not timely filed after the facsimile transmittal, the clerk will note that fact and the facsimile will have no force or effect. The clerk's office will not acknowledge the filing of a document or assign a case number or adversary number to a document unless the original is timely filed pursuant to these provisions. Upon timely receipt of the original document and any required fee, the clerk will stamp or notate the following on the document: "This document is deemed filed on (date) pursuant to the Administrative Procedures Manual for Filing Papers After Hours". Documents filed in accordance with this procedure will be deemed filed on the date and at the time printed on the document by the facsimile machine in the clerk's office.

Location: United States Bankruptcy Court  
Hale Boggs Federal Building  
500 Poydras Street, Suite B-601  
New Orleans, LA 70130

Hours: 8:30am to 4:30pm  
Monday-Friday, except federal holidays

Questions: 504-589-7878

E-mail your suggestions for a future topic to be included in the newsletter to:

[Newsletter@laeb.uscourts.gov](mailto:Newsletter@laeb.uscourts.gov)

### *Our Mission Statement..*

The Mission of the United States Bankruptcy Court for the Eastern District of Louisiana is to adjudicate and administer cases under the Bankruptcy Code and Rules for the benefit of the public and those who come before the court. The court provides an accessible and impartial forum to all who seek bankruptcy protection or the resolution of disputes in bankruptcy cases within our jurisdiction.