FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
01 NOV 14 AM 11:22
GARY D. MCFARLAND
CLERK

UNITED STATES DISTRICT COURT and
UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN RE: PROCEDURAL RULES FOR ELECTRONIC CASE FILING	))))	GENERAL ORDER NO. 02-1

Federal Rules of Civil Procedure 5 and 83, Federal Rule of Criminal Procedure 57, and Federal Rules of Bankruptcy Procedure 5005(a)(2), 9011, and 9029 authorize courts to establish practices and procedures for the filing, signing, and verification of documents by electronic means.

IT IS THEREFORE ORDERED:

I. The Clerk of the District Court and the Clerk of the Bankruptcy Court are authorized to implement and publish interim *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means* in the District and Bankruptcy Courts, including the procedure for registration of attorneys and for distribution of passwords to permit electronic filing and notice of pleadings and other papers. In the event of a conflict between the Nebraska Local Rules and these Administrative Procedures, the Administrative Procedures shall govern.

II. The electronic filing of a petition, pleading, motion, or other paper by an attorney who is a registered participant in the Electronic Filing System shall constitute the signature of that attorney under Federal Rule of Civil Procedure 11 and Federal Rule of Bankruptcy Procedure 9011.

III. No attorney shall knowingly permit or cause to permit his/her password to be utilized by anyone other than an authorized employee of his/her law firm.

IV. No person shall knowingly utilize or cause another person to utilize the password of a registered attorney unless such person is an authorized employee of the law firm.

V. The electronic filing of a pleading or other paper in accordance with the Electronic Filing Procedures shall constitute entry of that pleading or other paper on the docket kept by the clerk under Federal Rule of Civil Procedure 79 and Federal Rule of Bankruptcy Procedure 5003.

VI. The Offices of the Clerk shall enter all orders, decrees, judgments, and proceedings of the court in accordance with the Electronic Filing Procedures, which shall constitute entry of the order, decree, judgment, or proceeding on the docket kept by the clerk under Federal Rule of Civil Procedure 58, Federal Rule of Criminal Procedure 55, and Federal Rule of Bankruptcy Procedure 9021.

VII. Service

A. Whenever a pleading or other paper is filed electronically in accordance with the Electronic Filing Procedures, the Offices of the Clerk shall serve the filing party with a "Notice of Electronic Filing" by electronic means at the time of docketing.

B. The filing party shall serve the pleading or other paper upon all persons entitled to notice or service in accordance with the applicable rules, or, if service by first class mail is permitted under the rules, the filing party may make service in accordance with sub-paragraph (C) below.

C. If the recipient of notice or service is a registered participant in the Electronic Filing System, service by electronic means of the Notice of

Electronic Filing shall be the equivalent of service of the pleadings or other paper by first class mail, postage prepaid.

D. Service by electronic means is complete on transmission.

E. Service by electronic means is not effective if the party making service learns that the attempted service did not reach the person to be served.

VIII. Participation in the Electronic Filing System by receipt of a password from the court shall constitute a request for service and notice electronically pursuant to Federal Rule of Civil Procedure 5(b)(2)(D), Federal Rule of Criminal Procedure 49, and Federal Rule of Bankruptcy Procedure 9036. Participants in the Electronic Filing System, by receiving a password from the court, agree to receive service by electronic means.

IX. The effective date of this General Order is January 2, 2002.

IT IS SO ORDERED.

DATED this 2nd day of November 2001.

BY THE COURT:

Richard G. Kopf
Chief Judge, United States District Court

Timothy J. Mahoney
Chief Judge, United States Bankruptcy Court