

4/15/2020

Clerk, U.S. Bankruptcy Court
District of Montana
Butte Division**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA****In Re: Adoption of Local
Bankruptcy Rule 2090-2****GENERAL ORDER NO.
2020-7-BPH****O R D E R**

At Butte in said District this 15th day of April 2020.

By General Orders No. 2020-4-BPH, 2020-5-BPH, 2020-6-BPH, (“Orders”), this Court adopted procedures intended to maintain the administration of cases while minimizing opportunities for exposure to COVID-19. The procedures adopted by the U.S. Courts for the District of Montana restrict access to the courthouses within this District, specifically:

The federal courthouses in the District of Montana will be CLOSED to the public pursuant to 41 C.F.R. § 102-74.375(b), subject to exceptions allowing the Court to meet its constitutional duties and handle emergencies related to public safety, public health and welfare, and individual liberty. No members of the public, other than litigants with a scheduled proceeding, counsel of record in that matter, investigators or employees of counsel, court interpreters, contract court reporters, and witnesses may enter the United States Courthouses in Montana without prior permission from a judge of this district, the Probation and Pretrial Services Office, or other agency housed in the courthouse(s). Agencies should grant such permission only where necessary to ensure the continued performance of essential governmental functions.

See Administrative Order 20-18, April 10, 2019. The Clerk of Court’s office has instituted measures that allow for its receipt of filings through drop boxes and the mail. For pro se filers, these measures may present unique challenges. Prior to entry of the Orders, the Local Rules Committee considered and endorsed adopting a new local rule and forms that would permit pro se filers to file and be served electronically using an email address. In order to assist pro se filers, the Court has determined that adoption of the following Local Bankruptcy Rule (“LBR”)

in *italics* and corresponding form is appropriate (and attached as Exhibit A).¹

Rule 2090-2. Self-Represented Litigants.

(a) Any individual acting without an attorney must appear personally and may not delegate that duty to any other person who is not a member of the bar of this court. A self-represented person is bound by the federal rules and all applicable local rules. Sanctions, including but not limited to entry of default judgment or dismissal with prejudice, may be imposed for failure to comply with local rules.

(b) Any entity other than an individual, including but not limited to a corporation, an unincorporated association, a partnership, limited liability company, or a union, may appear only by an attorney.

(c) Agreement with Clerk's Office.

(1) A self-represented litigant and the clerk's office may agree to serve each other and file documents via email. The agreement must be in writing, signed by the litigant and a deputy clerk, and filed in the record of the case. The clerk may add terms and conditions other than those in this rule and may revoke the agreement at any time.

(2) Under the agreement:

(A) the self-represented litigant must:

(i) sign all filings by hand; and

(ii) attach a certificate of service to each document emailed to the clerk for filing, listing email to the clerk as the means of service and citing the agreement;

(B) the self-represented litigant need not serve the case trustee or the United States Trustee with documents emailed to the clerk for filing because the case trustee and the United States Trustee will receive service via ECF when the clerk files the document. The self-represented litigant is required to serve all other parties-in-interest by first class mail, postage prepaid;

and

(C) the self-represented litigant will receive email service of all orders and documents other parties file in ECF.

¹ This form will be assigned a "Local Bankruptcy Form" number in connection with the next formal rules amendments.

(d) Agreement with Parties. Instead of or in addition to an agreement under subsection (c), a self-represented litigant and one or more other parties may agree to receive and/or effect service by means other than ECF, pursuant to Federal Rule of Bankruptcy Procedure 9036. Any such agreement must be in writing, signed by each party to it, and filed in the record of the case.

IT IS SO ORDERED, and new Local Bankruptcy Rule 2090-2, along with Exhibit A to this Order is adopted and effective immediately.

BY THE COURT:



Hon. Benjamin P. Hursh
United States Bankruptcy Court
District of Montana

EXHIBIT A TO GENERAL ORDER 2020-7-BPH

Name of Debtor(s)
Mailing Address of Debtor(s)
Telephone Number of Debtor(s)
E-Mail Address of Debtor(s)

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In re

,

Debtor(s).

Case No. _____

Pursuant to Federal Rule of Bankruptcy Procedure 9036, I hereby voluntarily consent to having future documents filed in my case sent to me by electronic means using the following email address I have provided to the office of the Clerk of Court:

(insert Debtor(s) email address)

I understand that by consenting, service to me will be complete upon transmission. I further understand that I will be permitted to file my documents electronically by emailing the documents to the Clerk of Court at the following email address:

mtb_prose@mtb.uscourts.gov

Each document that I file will be in PDF format, produce a legible electronic image, be no larger than 15 MB, and hand signed by (Debtor(s) names). If I wish to discontinue filing and receiving documents by electronic means, I must notify the court in writing of my desire to receive documents conventionally (by mail).

DATE

SIGNATURE

PRINTED/TYPED NAME

E-MAIL ADDRESS

TELEPHONE NUMBER



INFORMATION REGARDING ELECTRONIC ACCESS TO DOCUMENTS

- Public viewing of documents maintained on Court's Case Management/ Electronic Case Filing (CM/ECF) system is done through PACER (public access to court electronic record). PACER is an electronic public access service that allows users to obtain case and docket information from federal appellate, district and bankruptcy courts, and the PACER Case Locator via the Internet.
- When a document is filed electronically in your case, the CM/ECF system automatically generates a Notice of Electronic Filing or NEF. The NEF will appear in your e-mail inbox from sender MT_CMECF and the subject line will be "Activity in Case" followed by the case number and case name, e.g., Activity in Case **4:20-cv-60001, Debtor Jones**. **Do not delete these e-mails without reviewing them first.**
- It is recommended that Adobe PDF Reader be used for your default viewer. This application is free and may be downloaded from Adobe's webpage. The reader will allow you to view a pdf independently or through your e-mail provider. This includes viewing pdfs via your mobile device.
- If you receive an NEF e-mail, **single click** on the document number to download it. You are only allowed ONE free download of each document. Therefore, if you double click on the document number, PACER will not allow free access. If you want to keep a permanent record of these documents you should save the downloaded document onto your computer. If you do not save the document you will not be allowed to view it again for free.
- The NEF must be viewed within 15 days of delivery to avoid PACER fees.
- In order to view documents on PACER after your one free viewing, you must register for a PACER account and pay a fee. Instructions for registering for a PACER account can be found on www.pacer.gov.
- The clerk's office will not provide you with assistance if you experience technological difficulties. If you have difficulty receiving or viewing electronic notice of filings with your device, we recommend you visit your public library.

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- Although most documents are filed and stored electronically, in some instances voluminous filings provided to the court in hard copy are not converted to electronic form because it is not practical to do so. In those instances, the voluminous documents are maintained in hard copy in the clerk's office. Such documents are available for inspection for free at the clerk's office, and copies may be ordered at \$0.50 per page.