



OFFICE OF THE CLERK
UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

Susan M. Thurston
Clerk of Court

Gail Kelleher
Chief Deputy Clerk

NOTICE OF CHANGE IN CLERK'S OFFICE PROCEDURE
FOR PROCESSING DEFECTIVE FILINGS

EFFECTIVE DATE: July 15, 2013

COURT FILERS PLEASE TAKE NOTICE: Effective **Monday, July 15, 2013**, the Clerk's office will change its procedures for managing defective filings in order to streamline the process. These modifications involve event name changes, docket text changes and noticing changes and fall into three categories:

1. **Minor Electronic Case Filing (ECF) errors** [incorrect party filer; incorrect linkage] will be corrected by the Clerk's office and, if the Court deems it necessary, a text only docket entry, "Corrective Action Taken" may be placed on the docket to reflect the correction. No further action will be required by the filer. ECF notice via Notice of Electronic Filing (NEF) will be given to electronic filing parties only; no paper notice will issue. If the Court finds that a particular filer is making repeated errors of this type, the filer will be required to attend a remedial training class in order to continue using the ECF system.
2. **Major ECF errors** [missing signatures, improper service, wrong event used] will no longer be stricken by court order. Instead, the document will be terminated and a text only entry, "Corrective Action Required" will be entered on the docket. This entry will identify the deficiency, the solution to correct the deficiency and a notation that no further action will be taken by the Court. Unless the filer is pro se, notice will be given via NEF to electronic filing parties only and no paper notice will be sent.

3. **Filing errors related to fee-based pleadings and special matters** [voluntary petitions, appeals, chapter 13 plans] will not change from current practice. The Clerk's office will continue to issue a Notice of Defective Pleading with a deadline to correct the deficiency and if the filer fails to timely comply with the Notice, an order will enter striking the underlying document.

Attached to this Notice is a convenient chart outlining the old and new processes.

Dated: July 11, 2013

/s/ Susan M. Thurston
Clerk, U.S. Bankruptcy Court



CURRENT AND PROPOSED DEFICIENCY PROCESS

Current Process	Proposed Process
<p>Event: “Corrective Entry”</p> <p>Corrective Entry *Document is linked incorrectly. Linkage created to correct relationship.* (related document(s) 12 Objection filed by Debtor John Doe).</p>	<p>Event: “Corrective Action Taken”</p> <p>CORRECTIVE ACTION TAKEN (Related document(s) 11 Objection to Motion for Relief From Stay filed by Debtor Jane Doe). Deficiency: The document was linked to the incorrect motion. Solution: The Clerk's office corrected the linkage. No further action required. (Entered: 04/18/2013)</p>
<p>Uses:</p> <ul style="list-style-type: none"> • Incorrect party filer • Incorrect deadline set • Linkage <p>Notice:</p> <ul style="list-style-type: none"> • No notice given to non-electronic filers. • Electronic filers receive text only entry via NEF. 	<p>Uses:</p> <ul style="list-style-type: none"> • Incorrect party filer • Incorrect deadline set • Linkage <p>Notice:</p> <ul style="list-style-type: none"> • No notice given to non-electronic filers. • Electronic filers receive text only entry via NEF.

Current Process	Proposed Process
<p data-bbox="86 250 1083 293">Event: “Order Striking”</p> <p data-bbox="86 347 1083 493">Order Striking Defective Document, Without Prejudice [21] Transfer/Assignment of Claim filed by Creditor ABC Bank. Defect: **Document cannot be signed by one person and e-filed using another person's login**</p>	<p data-bbox="1083 250 1967 293">Event: “Corrective Action Required”</p> <p data-bbox="1083 347 1967 610">CORRECTIVE ACTION REQUIRED BY FILER (Related document(s) 11 Objection to Motion for Relief From Stay filed by Debtor Jane Doe). Deficiency: Objection filed in the wrong case. Objection terminated. Solution: The filer is directed to re-file the document. <u>This document is terminated and no further action will be taken by the Court.</u> (Entered: 04/18/2013)</p>
<p data-bbox="86 610 1083 654">Uses:</p> <ul data-bbox="86 667 1083 927" style="list-style-type: none"> • Document filed in the wrong case • Wrong pdf attached • Missing signature (s) • Documents signed by one filer using another’s login • Duplicate filings • Wrong event used <p data-bbox="86 1024 1083 1068">Notice:</p> <ul data-bbox="86 1081 1083 1154" style="list-style-type: none"> • Hard copy order mailed to non-electronic filer; • Electronic filers receive notice electronically. 	<p data-bbox="1083 610 1967 654">Uses:</p> <ul data-bbox="1083 667 1967 927" style="list-style-type: none"> • Document filed in the wrong case • Wrong pdf attached • Missing signature (s) • Documents signed by one filer using another’s login • Duplicate filings • Wrong event used <p data-bbox="1083 1024 1967 1068">Notice:</p> <ul data-bbox="1083 1081 1967 1117" style="list-style-type: none"> • Electronic filers receive notice electronically.

Current Process which will remain unchanged:

Event: Notice of Defective Pleading

Uses

- Documents in which a filing fee has been paid;
- Appeals;
- Chapter 13 plans
- Voluntary Petitions
- Pleadings filed without a certificate of service

Notice

- Hard copy order mailed to non-electronic filer;
- Electronic filers receive notice electronically.

Current process which will remain unchanged:

Event: order striking

Uses:

- Failure to file a proposed order
- Failure to comply with a notice of defective pleading
- Failure to comply with a notice directing filer to comply with USDC Rule 204 [prohac]

Notice:

- Hard copy order mailed to non-electronic filer;
- Electronic filers receive noti electronically.