

ON THE DOCKET

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Inner Workings: News and Advice

By Susan Thurston, Clerk of Court

Happy summer everyone and welcome to our June publication of *On the Docket*, our court newsletter. Last month, on May 10, 2016, Judge Finkle issued [General Order 16-001](#) amending two local rules addressing service in chapter 13 cases, [LBR 3015-1\(c\)\(4\)](#) and [9013-3\(b\)\(1\)](#) and one local form, [R.I. Local Form 3015-1.1](#) (the Chapter 13 plan) limiting distribution under chapter 13 to filed claims only. The Court's on-line local rules book has been updated and you may also view the [red-lined version of these changes here](#). A supplemental local rule pamphlet containing these amendments is on order and will be provided to those who have purchased a hard copy of the Court's [local rule book](#). The new 2016 version, which includes all changes through 2015, is still available for purchase for \$14.00

and will come with the new pocket part of the May 2016 changes.

Following up a request at last year's Open Meeting, the Clerk's office recently updated its [Electronic Filer User Manual \(EFUM\)](#) with [instructions](#) for obtaining the email address of registered ECF users for service purposes. Please search under the Service category to locate this information. Additionally, the [Attorney Handbook](#) also contains advice on meeting service requirements and in particular, service on financial institutions. Both of these resources contain a wealth of information on specific filing and procedural topics for practice before the Court and we strongly encourage you to regularly make use of them. If you are unable to locate a topic on point, please let us know by emailing us at rib_helpdesk@rib.uscourts.gov so we can add it.

Inner Workings

(Continued from Page 1)

Recently you may have noticed that two new federal agencies have re-located to the 6th Floor of The Federal Center, near Room 620 where the §341 meetings are held. They include the Federal Highway Administration and the Social Security Office of Inspector General. Since they have moved in, these agencies have raised concern about the noise level outside their doorways during the §341 Meetings of Creditors. To avoid this problem, we ask that attorneys and their clients refrain from walking down that part of the hallway (past the bathrooms) and instead take advantage of the bankruptcy court library and attorney conference room spaces. Although you will need to go through U.S. Marshal Security to enter these rooms, our Court Security Officers are extremely friendly, efficient and professional, and you and your clients will have much more privacy and space.

Lastly, I want to remind all practitioners about the convenient [Debtor Electronic Noticing \(DEBN\) program](#) available for debtors at the Court. This program provides debtors email notification of orders and court generated notices that are entered in their cases, via a PDF attachment (not an electronic link), which they can save. This provides notice of court orders days faster than waiting for regular mail. The program is free to all debtors and is [very easy to sign up for](#). Also, did you know that debtors and other interested parties can access court dockets via the judiciary's Public Access to Electronic Records (PACER) program for free, provided they do not accrue more than \$15.00 in fees a quarter (fees are waived). Access to case information costs \$0.10 per page. The cost to access a single document is capped at \$3.00, the equivalent of 30 pages. This is a great way for debtors to monitor their case docket in addition to receiving court orders and notices for free via email with DEBN. For more information, visit the [Pacer Service Center site](#).



Recent Court Opinions

By Louisa Gills and Jonathan Pincince, Law Clerks and Clarissa Lawrence, Chambers Intern

Here is a short digest of some noteworthy opinions and orders from the Court. As always, many opinions and orders are available on the Court's website.

***Zammiello v. Corrente*, A.P. No. 15-01031 (*In re Corrente*, BK No. 15-11313) (Chapter 7) (April 12, 2016):** The Court denied the defendant's motion to dismiss the plaintiff's amended complaint for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6), where the plaintiff alleged sufficient facts to, if proven, establish the required elements of a claim under 11 U.S.C. § 523(a)(2)(A).

***In re Lewis*, BK No. 16-10352 (Chapter 7) (May 18, 2016):** The Court granted the creditor's motion for *in rem* relief from the automatic stay under 11 U.S.C. § 362(d)(4) because it inferred that the debtor engaged in a scheme to delay, hinder, or defraud the creditor involving multiple bankruptcy filings affecting certain real property, evidencing the debtor's abuse of the Bankruptcy Code. The debtor

Recent Court Opinions

(Continued from Page 3)

filed four bankruptcy petitions within five years, each of which was dismissed for failure to fulfill the filing requirements while also failing to make any mortgage payments, accruing a substantial arrearage.

In re Lotter, BK No. 16-10790 (Chapter 13) (June 8, 2016): The Court denied the debtor's motion to extend the automatic stay pursuant to 11 U.S.C. § 362(c)(3) (B) because the motion was not filed in a manner timely to permit the Court to hold and complete a hearing or act on the motion before the expiration of 30 days following the filing of the petition. The Court noted that a party seeking to extend the stay pursuant to this section either should file such a motion with the petition or immediately thereafter or should request emergency or expedited consideration of the motion.

Microsoft Windows 10 Upgrade

By Steven Stricklett, Automation Specialist

Will you be upgrading your office (or home) computers to Microsoft Windows 10? You may be able to upgrade for FREE if you act fast!

If your computers are running Microsoft Windows 7 Service Pack 1* or Windows 8.1*, you can upgrade to the latest version of Microsoft Windows 10 until **July 29, 2016 for free**. The free upgrade is a full version of Windows and comes with all of the new features that are supported on your existing hardware.

Important Notes:

- o There are limitations on older versions of Microsoft operating systems that cannot be upgraded.
- o Make sure you work with your IT technicians to do a full backup of **all of your data** before you start the upgrade process
- o Check the [Microsoft.com website](http://Microsoft.com) for the latest information

*You can find out what version you are currently running by right clicking "My Computer" on your desktop, then click on "Properties".

Tips and Tricks

By Dina Fortes, Case Manager

1. When filing a Chapter 7 Fee Waiver Application, be sure to attach Schedules I, J, and Local Form 1006-1.1. If you do not attach these forms, your application will be deemed defective and automatically be denied.
2. Please use the following programs on our website to file the following documents with ease:
 - eFin (eFinCert) has been an immeasurable addition to the Court's website. eFin makes it easier for attorneys and financial management institutions to quickly file financial management certificates for debtors without logging into the Court's ECF system.
 - ePOC has also been a helpful addition to the Court's website. ePOC makes it easier for creditors to quickly file Proof of Claims, Amended Proof of Claims and Withdrawal of Claims without logging into the Court's ECF System.
3. Any debtor, including pro se debtors in bankruptcy, can request to receive court notices and orders by email rather than by U.S. mail. This free program is known as "Debtor Electronic Bankruptcy Noticing" (DeBN), and information and sign-up forms are available on our website. Please remember to share this information with your clients so they can receive court orders and notices quickly!
4. Don't forget to sign up for notification emails from the Court. You can sign up from the Court's website at www.rib.uscourts.gov and select [Sign-up for E-mail Alerts](#). Paralegals and support staff are encouraged to sign-up as well.

Bankruptcy Court Practice Tips

By Jonathan Pincince, Law Clerk

Adversary Proceeding Discovery, and Amending Schedules to Add Creditors

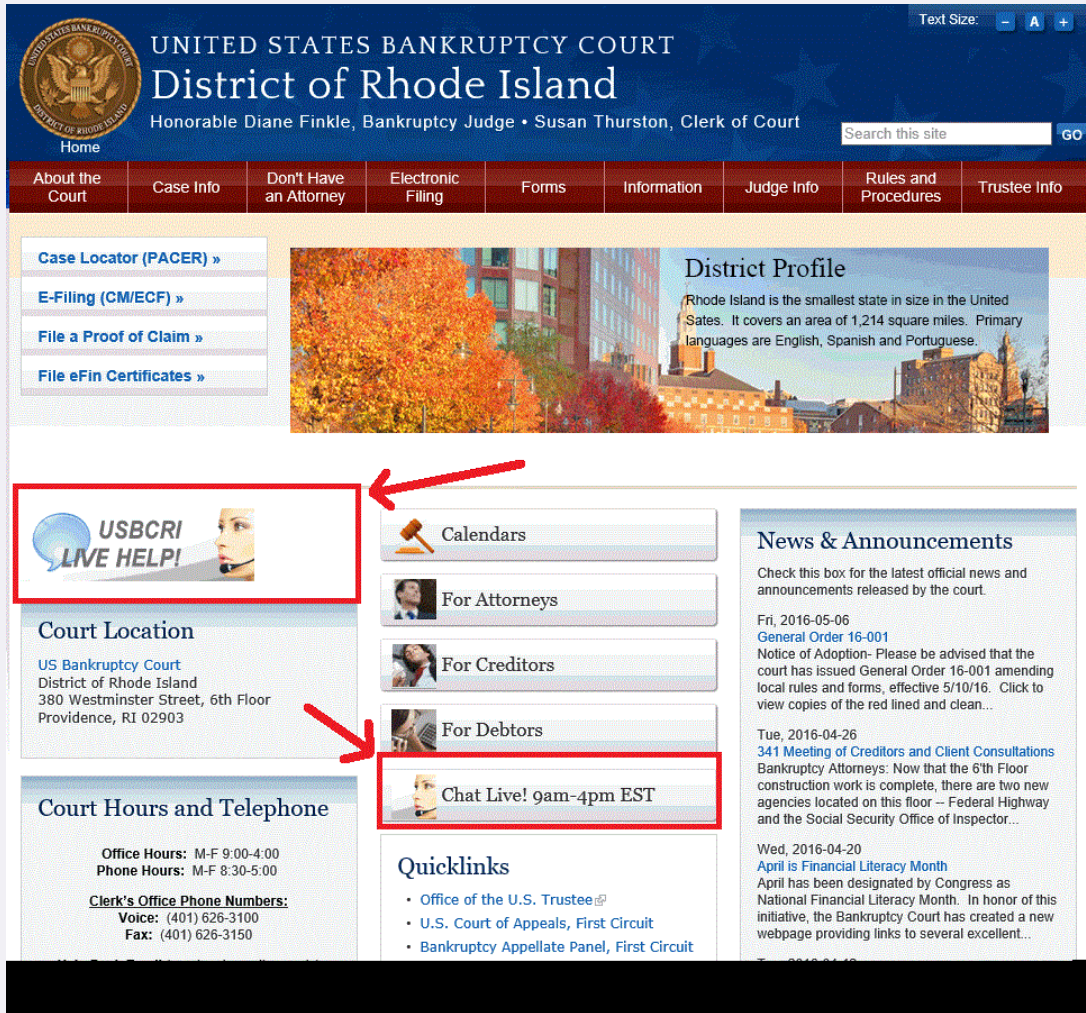
- After the parties to an adversary proceeding file a joint discovery plan, as required by [R.I. LBR 7026-1\(c\)](#), the Court will enter a scheduling order that includes a deadline for the parties to complete discovery and to file any motions to compel discovery. The scheduling order usually will include a date for a preliminary pretrial conference approximately 30 days prior to the close of discovery. By the date of the preliminary pretrial conference, parties should have completed a substantial amount of their discovery; in fact, the Court encourages the parties to file any motions to compel discovery, as well as any motions to extend the time in which to complete discovery, prior to the preliminary pretrial conference.
- When filing motions to compel discovery, note that Federal Rule of Civil Procedure 37(a)(1) (applicable to adversary proceedings through [Federal Rule of Bankruptcy Procedure 7037](#)) requires the moving party to certify “that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.” On the filing of a motion to compel discovery, the Court may inquire of the moving party what efforts were made in that regard.
- Recent amendments to the Federal Rules of Civil Procedure emphasize cooperation and shared responsibility on the part of all parties and the Court for the timely and efficient administration of the discovery process and adversary proceedings as a whole. Please keep that responsibility and spirit of cooperation in mind as you advocate for your clients in adversary proceedings.
- Finally, a note about amending schedules to add creditors after the first notice of section 341 meeting of creditors has been mailed. When doing so, a debtor must comply with [R.I. LBR 1009-1\(b\) and \(c\)\(1\)](#), which require the debtor to: (1) serve on any added creditor: (a) a copy of the amended schedules, (b) a copy of the notice of section 341 meeting of creditors and, if applicable, a proof of claim form, and (c) in an individual chapter 7 case, a notice informing the creditor of its right to file complaints under sections 523 and 727 and objections to the debtor’s claim of exemptions within 60 days or within the time set for the filing of such complaints, motions, or objections by creditors previously scheduled, whichever is later; and (2) file a certificate of service evidencing compliance with the rule. Failure to comply with this rule may result in the Court striking the amended schedules and in the claims of any such creditors not being discharged.

Live Chat Feature (LiveZilla)

By Steven Stricklett

Do you have a question for the United States Bankruptcy Court, District of Rhode Island? If you find that you do, please utilize the [Live Chat](#) feature on our website to help you answer non-legal questions relating to forms, events, etc. This feature is available Monday through Friday (excluding court holidays) from 9:00 a.m. to 5:00 p.m.

Links to the Live Chat feature are displayed on every page of our court [website](#).



When you click on the Chat, a chat box opens that allows you to “Chat Live” with one of three departments within our office:



Case Support – to address any non-legal questions regarding adversary or bankruptcy cases.

Technical Support – to address any technical questions that may arise using the website or ECF.

Court/Calendar Support – to address any courtroom or calendar questions.

Once you enter your information, click the “Start Chat” button at the bottom of the “Live Chat” window to initiate the chat with one of our team members.

Once your questions have been answered you can simply close out the “Live Chat” window. As always, you can also call our office at 401-626-3100 or e-mail us at RIB_Helpdesk@rib.uscourts.gov.

What Is Ransomware?

By Craig Balme, IT Manager

The term ‘ransomware’ is used to describe a type of malware that takes your computer data hostage. The goal of ransomware is to make your data inaccessible, then force you to pay a fee in order to regain access. There are various ‘strains’ of ransomware, with new ones appearing almost every day. This means we have to be extra careful with what we open and click while online.

Ransomware, like all malware, is designed to be stealthy. Without proper security measure you won’t know it’s there until it finishes infecting your system. Ransomware encrypts everything on your hard drive including pictures, music, documents, spreadsheets, databases, programs, etc. Once the malware has finished taking over your system, you are prompted to pay ‘ransom’ by sending a certain amount of money in bitcoins to get your decryption keys.

The organized Cybercriminals are typically going after high-end targets to extort. The Hollywood Presbyterian Medical Center is one of them. After the Center’s computer systems were compromised the criminals demanded \$3.6M dollars. After a two week debate the Center ended up paying out \$17,000 to retrieve their data. Obviously, the larger targets will be the choice of extortionists, but smaller ones are also occurring such as a Sheriff’s office in Tennessee that paid \$500 to reclaim their computers.

Most infections are initiated from cleverly crafted emails that appear legitimate (phishing attack). These emails typically direct the receiver to websites in order to ‘review a PO’, ‘install important security updates’, or ‘check their tax bill’. These are things that would typically scare someone into clicking the link. Once the user clicks the link, the malware installs and runs. It may also be delivered as an innocuous looking attachment that prompts an attack when clicked.

How can you avoid ransomware? The only thing you can do is be sure you are running anti-virus AND anti-malware software, keep up-to-date on security patches for your software and operating system, maintain good backups of your files and data, and be very aware of the emails your are opening (delete email from unknown senders).

Stay safe.



Fall Internship Opportunity

The U.S. Bankruptcy Court for the District of Rhode Island is seeking an unpaid intern to work in the Clerk's Office for the fall of 2016. The successful applicant will gain exposure to the U.S. Bankruptcy Court while providing support to the Operations Department of the Court. Specific duties may include answering and directing telephone calls; performing quality control of case filings; data entry and analysis; attending court hearings and conferences; and assisting in any projects that are ongoing during the time of the internship. Legal experience is preferred, but not required.

Court Preferred Qualifications/Experience/Skills:

A strong preference will be given to candidates with either experience or a demonstrable skill set in one or more of the following:

- Possess substantial clerical, organizational, and administrative skills
- Proficiency in Microsoft Office (Word, Excel,) Windows, and Adobe Acrobat
- Ability to prioritize and efficiently manage multiple assignments
- Ability to perform research, writing and information gathering
- Perform tasks involving administrative, analytical, and technical aspects
- Detail oriented with the ability to follow and adhere to consistent methods and standards
- Sound ethics and judgment
- Seeks opportunities to take on projects and accept challenges

Applicants must be U.S. citizens or eligible to work in the United States.

Submit a cover letter and resume, no later than July 15, 2016 to the address provided below or email the documents via pdf format with the subject line **“Fall Internship 2016”** to: amy_geraghty@rib.uscourts.gov.

U.S. Bankruptcy Court
District of Rhode Island
Attn: Fall Internship 2016
380 Westminster Street
Providence, R.I. 02906

Only candidates selected for an interview will be contacted.

The court reserves the right to modify the conditions of this announcement, withdraw the announcement, or fill the position at any time before closing or preference application date, any of which may occur without prior written notice.

Equal Opportunity Employer

Annual Customer Service Survey

By Amy Geraghty, Operations Supervisor

The Rhode Island Bankruptcy Court’s Mission is *“to provide a forum for equal access to services and information for the just resolution of fiscal disputes”*, and our Vision is to reflect *“Honesty, Access, Professionalism, Positive Attitude and Innovation”*. Our employees strive to meet these expectations and work diligently throughout the year to provide the best possible customer service with utmost professionalism.

Annually, we recognize those individuals who have exceeded in providing great customer service to our customers. To help us in this effort, please complete the attached *very* brief (honestly, only 5 questions!) survey and identify those individuals who in your opinion, have provided you with exemplary customer service at the Court.

[Survey Link](#)

Please respond by July 15, 2016 so we may incorporate your feedback at our annual employee recognition ceremony.

Thank you in advance!

Local Rule Amendments	<p style="text-align: center;">Summary of Rhode Island Local Bankruptcy Rule Amendments Effective May 6, 2016</p>
<p>Rule 3015-1 Chapter 13 Plan (amended)</p>	<p>Amended to include new subdivision (c)(4), “Service of a proposed order regarding modification of a secured claim filed on completion of a Chapter 13 Plan”, sets forth service requirements for proposed orders, which are filed upon completion of a chapter 13 plan regarding a secured claim modified by the plan, including one seeking a declaration that the lien of the secured creditor is voided in accordance with the plan provisions.</p>
<p>Rule 9013-3 Service of Motions and Filing of Certificates of Service (amended)</p>	<p>Subdivision (b)(1) and (b)(1)(A) are amended to set forth service requirements for proposed orders regarding modification of a secured claim filed on completion of a chapter 13 plan.</p>
<p>R.I. Local Form 3015-1.1 Chapter 13 Plan and Applicable Motions (amended)</p>	<p>Section III “Filing of Proof of Claims”, is amended to include that the trustee shall distribute payments to creditor who have had proofs of claim filed on their behalf.</p> <p>Section IV(B), “Prepetition Arrearages”, amended to remove the provision that provided that if a Secured Creditor listed in this section fails to timely file a proof of claim in this case, by this Plan the Debtor shall be deemed to have timely filed a proof of claim on behalf of each such Secured Creditor pursuant to 11 U.S.C. § 501(c), in the amount set forth below in paragraph (4) below.</p>

Appreciation

A Special Thank You to Our Volunteer Lawyers

Kudos to the volunteer attorneys who have assisted pro se filers in bankruptcy during the last two years through their participation in the Rhode Island Bar Association's Volunteer Lawyer Program.

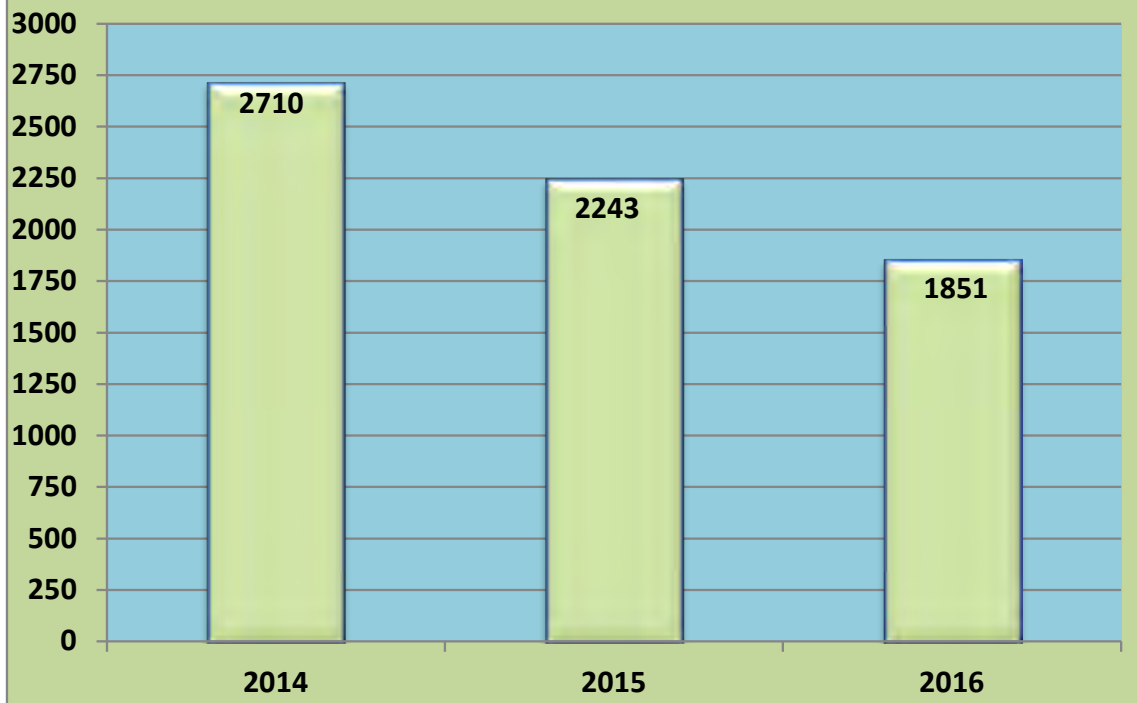
Given the Bankruptcy Court's growing pro se filer population, the participation by these attorneys in the RI Bar Association's VLP program has been a tremendous help both to the Court as well as to pro se individuals who have greatly benefited from their expertise and assistance. As we know, bankruptcy is extremely complex and often results in the early stage dismissal of pro se cases, with potentially negative future consequences. The assistance provided by this group of attorneys is a lifeline to these debtors in being able to navigate through the bankruptcy process.

Thank you So Much:

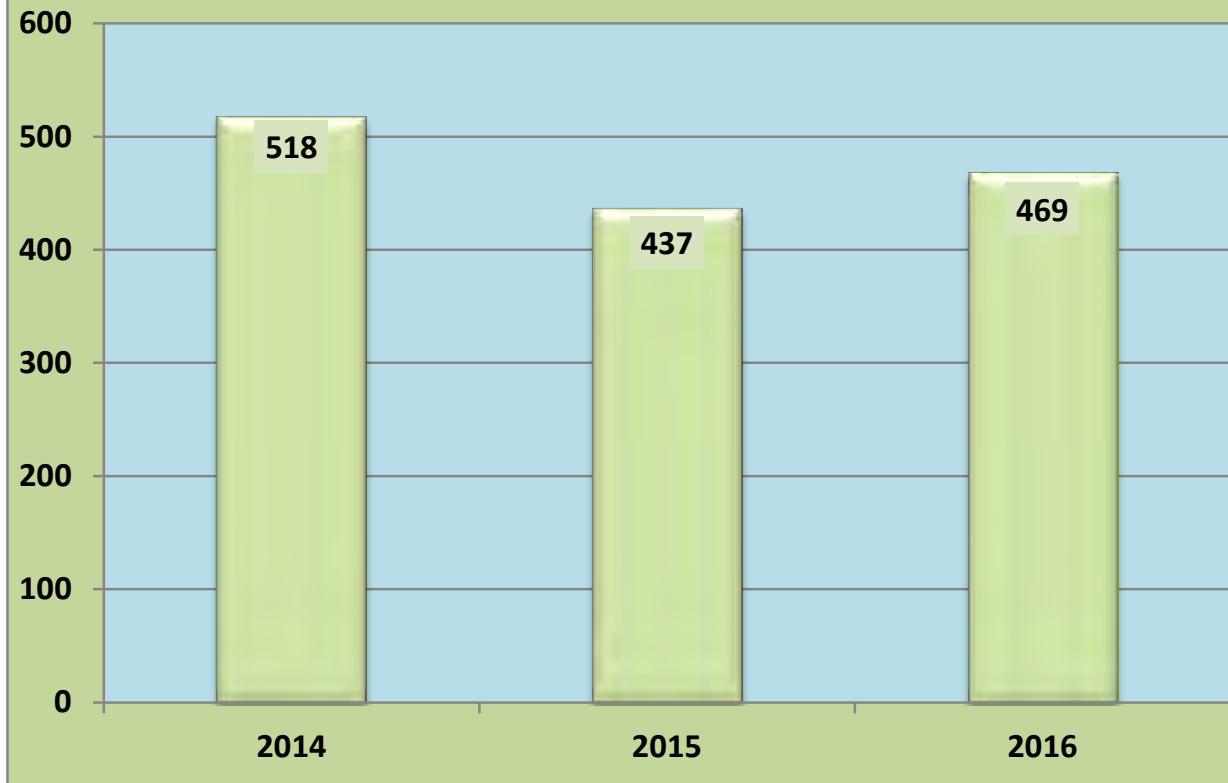
Robert A. Arabian
Cristina A. Azzinaro
John A. Beretta
Christopher M. Bijesse
Henry V. Boezi III
John Boyajian
Mark S. Buckley
Joseph P. Casale
Joanne C. D'Ambra
Peter P. D'Amico
Richard A. DeMerchant
Michael A. Devane
Sean C. Donohue
Brian D. Fogarty
Michael J. Furtado
Michael K. Glucksman
Edward J. Gomes
William W. Harvey
David B. Hathaway
Kevin D. Heitke

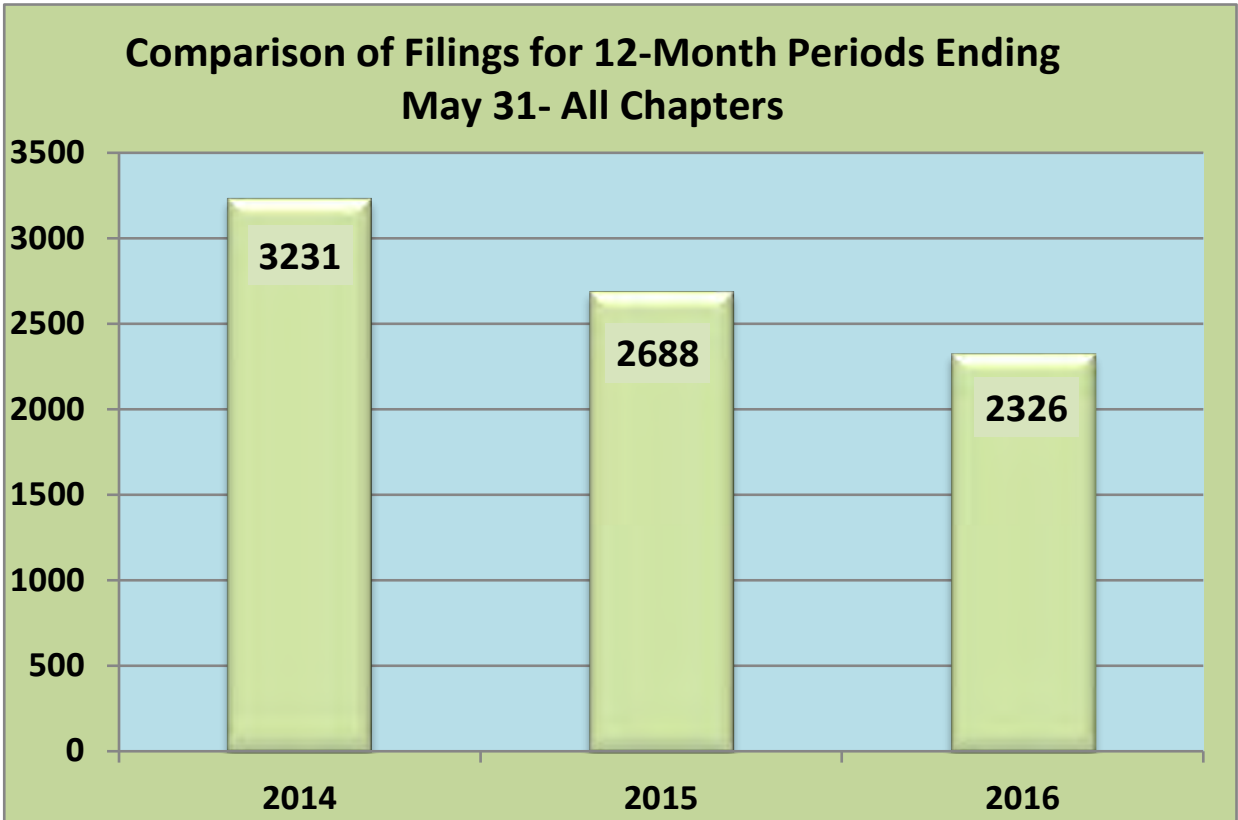
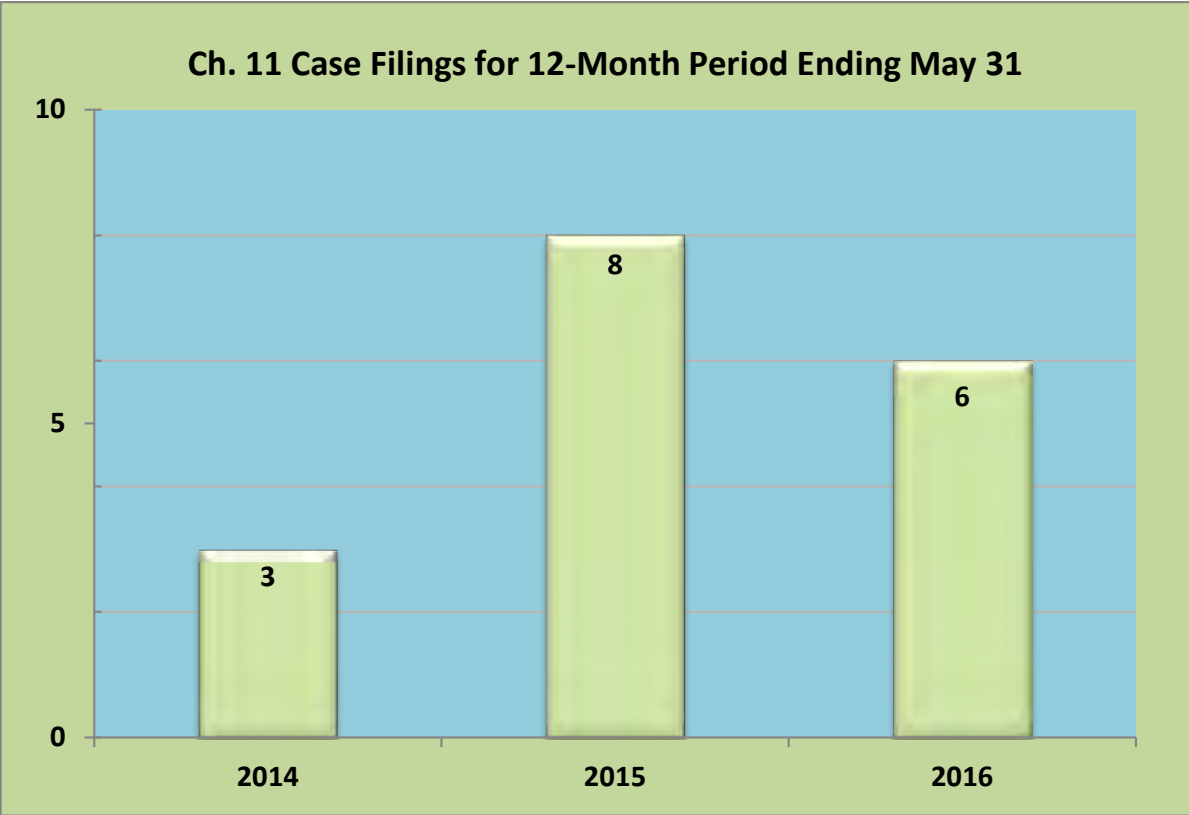
Joseph F. Hook
Joshua R. Karns
James E. Kelleher
Phillip C. Koutsogiane
David B. Kreutter
Doris A. Lavallee
Edward G. Lawson
Christopher M. Lefebvre
Felicia A. Manni-Paquette
Robert A. Mitson
Nancy R. Neis
Thomas B. Orr
Richard C. Panciera
Elizabeth Silberman Phillips
Charles A. Pisaturo, Jr.
Jack D. Pitts
John S. Simonian
Gregory P. Sorbello
Peter C. Tashjian
Paul F. Waldman

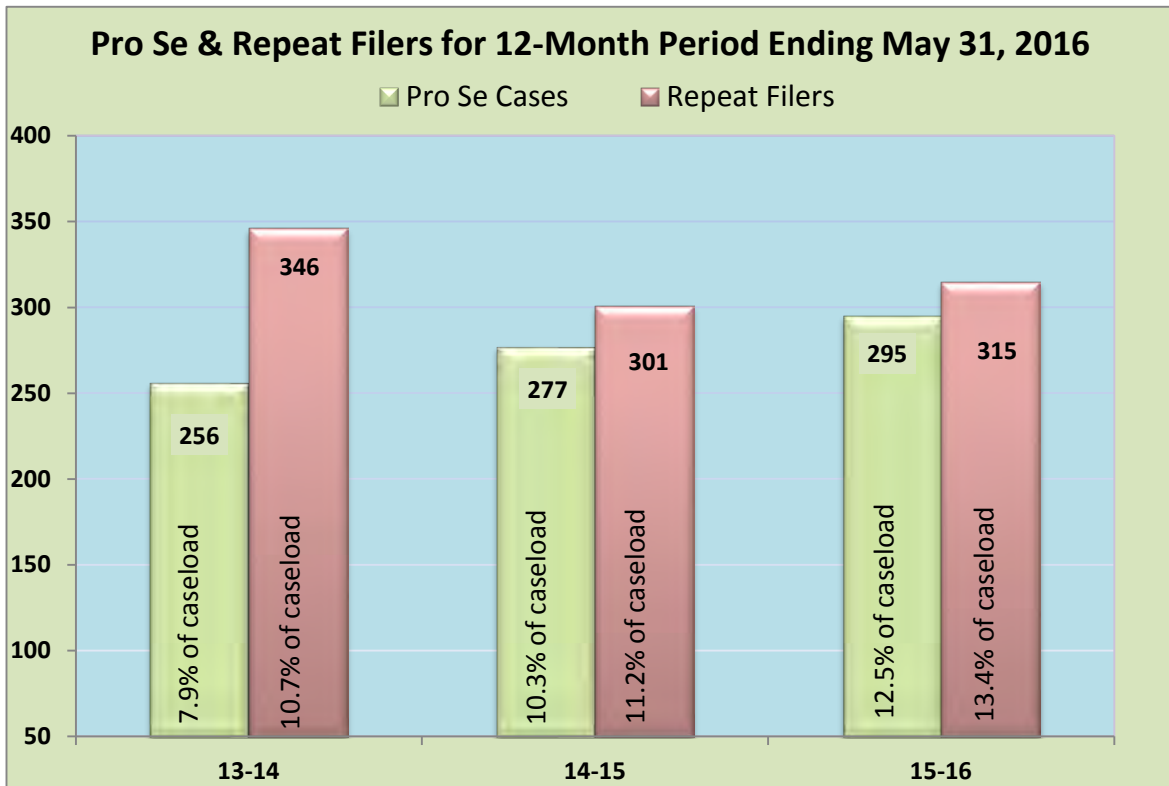
Ch. 7 Case Filings for 12-Month Periods Ending May 31



Ch. 13 Case Filings for 12-Month Period Ending May 31







2016 COURT HOLIDAY CLOSING DATES

Independence Day - Monday, July 4th
 Labor Day - Monday, September 5th
 Columbus Day - Monday, October 10th
 Veterans Day - Friday, November 11th
 Thanksgiving Day - Thursday, November 24th
 Christmas Day (observed)- Monday, December 26th

CONTACT ON THE DOCKET PUBLICATION STAFF

If you have any comments regarding this issue or want to suggest ideas for future articles, please contact “On the Docket” staff at the following email address:
Janet_Descoteaux@rib.uscourts.gov

Please do not use the above email address to file or send papers to the court, or to ask questions about court procedures or status of a particular case. Contact the clerk’s office at the following number for assistance in these matters.

Visit the court website www.rib.uscourts.gov
 for local filing information.
 Thank you.

Clerk’s Office: (401) 626-3100

Please Note:
Clerk’s office staff is not permitted to give legal advice.