

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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In re: :
BIAGIO L. LONGO, ESQ. : Exemption Order No. 09-006

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**ORDER DENYING REQUEST FOR PERMANENT
EXEMPTION FROM ELECTRONIC FILING**

Pursuant to R.I. Local Rule 5005-4 which governs electronic filing, effective January 1, 2007, all papers must be filed and served electronically, unless an exemption is granted as specified under R.I. Local Rule 5005-4(c).1 On November 28, 2007, Biagio Longo, Esq., filed a Motion for Exemption from Electronic filing in three pending bankruptcy cases, stating in said motion that he did not plan to represent any new parties before the Bankruptcy Court in the future. On December 7, 2007, this Court entered an order granting Attorney Longo a limited exemption from electronic filing for the purpose of completing these three cases, on the condition that "he [Longo] will not file any new cases or documents in this Court upon the completion of these cases." See, Exemption Order 07-013.

1 LBR 5005-4(c)(1) provides in relevant part that, "[i]f filing electronically creates an undue hardship, an attorney may request permission to file documents conventionally. The request should be made to the Court and shall contain a detailed explanation of the reason(s) for the request. However, prior to requesting an exemption, attorneys are urged to participate in Court-sponsored ECF training and to seek assistance from the Clerk's Office."

On July 17, 2009, Attorney Longo filed a second Motion for Exemption, seeking a permanent exemption from electronic filing on the basis that, "as a rule, I do not handle more than one (1) case, if that, per year in the within Court" and further that he has not taken the proper training for electronic filing.

It has now been more than thirty-two months since this Court commenced mandatory electronic filing, and three years since the U.S. District Court in Rhode Island went to full electronic filing (effective August 1, 2006). For attorneys practicing in the federal courts in Rhode Island, and in almost every federal district in the United States, the use of the federal courts' electronic filing system is required. In late 2007, we granted Mr. Longo a limited exemption to complete his then pending cases, based upon his representation that he would not be representing any new parties in this Court. If Mr. Longo now intends to re-enter the federal practice in this district, he needs to become an electronic filer. More than 1,200 attorneys are using this system at the Bankruptcy Court for the District of Rhode Island, and the facts presented by Mr. Longo do not merit the requested exemption.

Finally, since Mr. Longo's prior motion requesting an exemption, the Bankruptcy Court has converted its in-person ECF training to a web based version that can be completed by counsel

at home or in their offices. Therefore, Attorney Longo's concern in not having taken this training is no longer applicable, as it is immediately available to him directly from the Court's website.

Accordingly, Attorney Biagio Longo's Motion for Exemption from electronic filing is **DENIED**, and he will be required to complete the on-line registration and training modules in this Court's ECF system before filing any future documents with this Court. Detailed information may be found on the Court's website at: www.rib.uscourts.gov.

ORDER:



Susan M. Thurston
Clerk of Court

ENTER:



Arthur N. Votolato
U.S. Bankruptcy Judge
Dated: 8/18/09

Entered on docket: 8/18/09