

D.N.J. LBR 5005-1. Filing and Service of a Document

(a) Mandatory electronic filing. An attorney who files 10 or more documents in a 12 month period must file electronically.

(b) Case Management/Electronic Case Filing System.

(1) By accepting a login and password from the court, an individual becomes a participant in CM/ECF.

(2) A participant must file all related documents under a single docket entry.

(3) Signatures.

(A) The filing of a document in CM/ECF constitutes the participant's signature for purposes of Bankruptcy Rule 9011.

(B) An electronic signature must be preceded by "/s/", e.g., "/s/Jane Doe."

(C) A participant must retain a document bearing the original signature of a third party for 7 years after the closing of the case or proceeding. On request of the court or a party, a participant must produce the document bearing the original signature.

(c) Service by non-electronic means.

(1) The following documents must be served by non-electronic means:

(A) a summons and complaint under Bankruptcy Rule 7004;

(B) a motion or other document initiating a contested matter under Bankruptcy Rule 9014; or

(C) any other document that the Local Bankruptcy Rules require be served under Bankruptcy Rule 7004; and

(2) The following parties must be served by non-electronic means:

(A) a non-participant;

(B) a state or federal governmental office or agency, other than the United States trustee; or

(C) an insured depository institution under Bankruptcy Rule 7004(h).

(d) Service by electronic means.

(1) Except for service of the documents in subdivision (c)(1), a participant consents to service by electronic means and waives the right to service by non-electronic means.

(2) Service on a debtor's attorney must be made under Bankruptcy Rule 7004(g).

(3) The court's issuance of a Notice of Electronic Filing constitutes service on a participant under Federal Rule 5(b)(2)(E).

2015 Comment

This Rule is amended to delete provisions that have become outdated since the adoption of electronic filing in 2001. Also, certain technical requirements have been moved to the [CM/ECF User's Guide](#) available on the court's website.

Subdivision (b)(2) provides that related documents must be filed under a single docket entry. For example, a Notice of Motion should be filed as the main document, and any certification in support, memorandum of law, certification of service, and proposed order should be filed as attachments.

Subdivision (c) identifies the types of documents and parties that must be served in the manner required for service of a summons and complaint under Bankruptcy Rule 7004. Subdivision (c)(1)(B) clarifies that electronic service of a motion or other document initiating a contested matter under 9014 through the Notice of Electronic Filing is not proper service. All motions are deemed "contested matters" under Bankruptcy Rule 9014, regardless of whether opposition is filed; therefore, the initiating pleading or document, *e.g.*, a Notice of Motion, must be served in accordance with Bankruptcy Rule 9014(b).

Subdivision (d)(1) provides that a document filed after the initiating pleading, *e.g.*, an opposition or reply, may be electronically served on a participant under Federal Rule 5(b)(2)(E).

Subdivision (d)(2) makes clear that in accordance with Bankruptcy Rule 7004(g), if the debtor is represented by an attorney, whenever service is made upon the debtor under Bankruptcy Rule 7004, service must also be made upon the debtor's attorney by any means authorized under Federal Rule 5(b)(2)(E).

Electronic filing of a document under seal is now addressed in Local Bankruptcy Rule [9018-1](#).

Former Local Bankruptcy Rule 7005-1, which is deleted, is incorporated into this Rule.