

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

In re:)
)
AUTHORIZATION OF BACKDATED)
FILINGS FOLLOWING CM/ECF) Standing Order 23-21
OUTAGE,)
)

ORDER AUTHORIZING BACKDATING OF CERTAIN FILINGS

At approximately 4:00 a.m. on October 6, 2023, the Eastern District of Virginia experienced an outage of the CM/ECF system. After extensive analysis and restoration, the CM/ECF system went back online on at 3:00 p.m. that same day, only to have it fail again at 4:20 p.m. Any documents filed via the CM/ECF system between 3:00 p.m. and 4:20 p.m. on October 6, 2023, must be re-filed because the data cannot be recovered. The system was restored again and went back online the evening of October 6, 2023.

Because the CM/ECF system outage prevented electronic filers from filing documents with the Court, the Court finds that provisions must be made so that no prejudice results from this administrative failure. Accordingly, the Court ORDERS that any electronically filed document that is accompanied by an affidavit or verified statement by the CM/ECF User that the User intended to file the document between 4:00 a.m. EDT and 11:59 p.m. EDT on October 6, 2023, but was prevented from doing so by the outage, is hereby deemed filed as of October 6, 2023, at 4:00 a.m. EDT.

Further, because any document filed during the brief period the CM/ECF system was online during the afternoon of October 6, 2023, cannot be recovered and must be re-filed, the Court finds that provisions must be made so that no prejudice results from the loss of this data. Accordingly, the Court ORDERS that any document filed between 3:00 p.m. EDT and 4:20 p.m.

EDT on October 6, 2023, that is re-filed with a copy of the Notice of Electronic Filing (“NEF”) received by the CM/ECF User following the original filing is hereby deemed filed as of the date and time shown on the NEF.

IT IS SO ORDERED.

FOR THE COURT:

/s/ Frank J. Santoro
FRANK J. SANTORO
Chief United States Bankruptcy Judge

Dated: October 10, 2023