

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

In re

TEMPORARY PROTOCOL FOR FILINGS)	
DURING THE COURT'S DATA)	Standing Order 24-3
MIGRATION TO NEXT GENERATION)	
CASE MANAGEMENT/ELECTRONIC)	
CASE FILES SYSTEM 1.7.1.1)	

ORDER ESTABLISHING TEMPORARY PROTOCOL FOR FILINGS
IN BANKRUPTCY CASES DURING THE DATA MIGRATION PERIOD

This Order is being issued due to the impending migration of the Court's data to version 1.7.1.1 of the Bankruptcy Next Generation (NextGen) Case Management/Electronic Case Files (CM/ECF) System.

It appears to the Court that lack of access to its electronically maintained NextGen CM/ECF System data limits the ability of parties to seek relief or otherwise be heard in a case under Title 11 of the United States Code. Therefore, the Court finds that good cause exists to establish a temporary filing protocol in response to the unavailability of the referenced data that is made available to parties. During this temporary filing protocol period, filers are requested to avoid non-emergency filings. Persons who either are represented or who are unrepresented by legal counsel, however, and who wish to file a voluntary bankruptcy petition may do so.

Accordingly, it is hereby ORDERED that, effective on February 22, 2024, at 6:00 P.M., EST, through and including February 27, 2024, the Court will shut down access to the NextGen CM/ECF System. Access will likely be restored to the Court's data at some point on February 27, 2024.¹

¹ The Court's website has the most up-to-date information regarding the operational status of the Clerk's Office in each Division (<https://www.vaeb.uscourts.gov>).

It is further ORDERED that any deadline which falls during the period beginning on February 22, 2024, and ending on February 27, 2024, is hereby EXTENDED THROUGH AND INCLUDING FEBRUARY 28, 2024. Notwithstanding the foregoing, nothing herein shall prejudice the rights of any party to seek an extension of time or to request other relief.

It is further ORDERED that no hearings will be conducted during the period beginning on February 23, 2024, and ending on February 27, 2024, except for matters on which a hearing is determined, by the presiding Judge in the Judge's discretion, to be of an emergency nature.

It is further ORDERED that the Court requests filers avoid non-emergency filings during the period beginning on February 23, 2024, and ending on February 27, 2024, which filings could be filed without adverse effect once such period concludes.

It is further ORDERED that filers may present a petition or other filing to the Court in person at the Clerk's Office so long as the Clerk's Office is open to the public² or by one of the following means:

1. United States Mail or Package Delivery Filings, Over the Intake Counter Filings, and Lock Box Filings.
 - a. United States Mail or Package Delivery Filings: During regular business hours, all such filings shall be date-and-time stamped.
 - b. During regular business hours, Over-the-Intake-Counter filings shall be date-and-time stamped. If a customer requests a receipt for a cash payment,³ a receipt will be mailed to the customer once the Court's register application is operational and the funds are receipted.
 - c. The lock box station at the Newport News Division is available only when the courthouse building is open to the public. The Court will deem the document filed as of the stamped date and time. If a document is submitted to the lock box without the required stamp, the document will be deemed filed when it is date-and-time stamped by the Clerk of Court. If

² Persons who are proceeding without legal counsel are encouraged to review the information available on the Court's website (<https://www.vaeb.uscourts.gov/filing-without-attorney-pro-se>) under the tab General Information > Filing Basics > Filing without an attorney (Pro Se).

³ Cash is not accepted at the Newport News Clerk's Office.

the filing is a voluntary petition, the Clerk of Court will mail a receipt to the filer once the Court's register application is operational and the funds are receipted.

2. By electronic filing.

Electronic filing is available to external users and to persons unrepresented by legal counsel who wish to file a voluntary bankruptcy petition or other documents in a bankruptcy case.

a. To file electronically, the filer must comply with the following steps:

- (i) Attach the document(s) to an email as a PDF (.pdf) file.
 - (1) The Court will not read or consider any text in the body of the email. The only documents that will be filed with the Court are the attached PDF documents.
 - (2) The Court will accept the filer's external electronic signature in the form /s/ followed by the typewritten full name of the filer (e.g., /s/ Jane Doe). Alternatively, the filer may comply with Local Bankruptcy Rule 5005-1(F)(2).
- (ii) In the Subject Line of the email, type the bankruptcy case number and the debtor's last name (e.g., 24-54321, Doe). However, if the document is a voluntary bankruptcy petition, instead type "New Petition" at the Subject Line of the email.
- (iii) Send the email and attachment to the email address listed below for the Division in which the bankruptcy case or Adversary Proceeding is pending or in which a New Petition is being filed:
 - (1) Alexandria: ALEX_Filing@vaeb.uscourts.gov
 - (2) Norfolk/Newport News: NORNN_Filing@vaeb.uscourts.gov
 - (3) Richmond: RIC_Filing@vaeb.uscourts.gov
- (iv) The filer will retain a copy of the sent email for the filer's records. The Clerk's Office also will retain a copy of the filer's email.

b. The Court will deem the document filed as of the date and time listed on the email's timestamp. The Clerk of Court shall print the document, stamp it as "Filed," and write the time of the deemed filing under the "Filed" stamp.

c. For the avoidance of doubt, the Clerk of Court summarily will disregard any document submitted by email outside of the data migration shutdown period.

It is further ORDERED that any Judge of this Court may modify this Order by separate order entered in a specific bankruptcy case if the Judge determines that modification is justified based upon the facts and circumstances of the case. This Order may be modified should future developments so warrant.

FOR THE COURT:

A handwritten signature in black ink, appearing to read "Frank J. Santoro", written over a horizontal line.

FRANK J. SANTORO

Chief United States Bankruptcy Judge

Dated: Jan. 23, 2024