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United States Bankruptcy Court
Albuquerque, New Mexico

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U.S. Bankruptcy Court
District of New Mexico
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Case:	**55-99359**
Title:	**Electronic Filing**
Document Type:	**Order**
Document Number:	1
Description:	**Order Adopting Guidelines for Attorney Filing by Electronic Transmission Pursuant to New Mexico Local Bankruptcy Rule 5005-4(b), Electronic Filing, and Notice Regarding Implementation of New Mexico Local Bankruptcy Rule 7005-1, Service and Notice by Electronic Transmission.**
Court Signature:	5b cc 9d d8 5c c9 53 a1 94 59 c8 68 eb 01 76 ff 8c 2c 03 6a 63 b4 9b b7 6e d7 d4 65 b7 8d 87 bf 31 3f 65 c7 c8 a6 73 e2 39 d9 cd c4 e1 27 2f 7f 95 34 db 42 e9 38 2a f6 98 b5 66 be cc 3b 84 ae

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re

ELECTRONIC FILING. Miscellaneous No. 99-359

ORDER ADOPTING GUIDELINES FOR ATTORNEY FILING BY ELECTRONIC TRANSMISSION PURSUANT TO NEW MEXICO LOCAL BANKRUPTCY RULE 5005-4(b), ELECTRONIC FILING, and NOTICE REGARDING IMPLEMENTATION OF NEW MEXICO LOCAL BANKRUPTCY RULE 7005-1, SERVICE AND NOTICE BY ELECTRONIC TRANSMISSION

Pursuant to NM LBR 5005-4(b), the Court adopts the following guidelines for electronic filing:

1. Use of the log-in name and password required to submit documents electronically constitutes an attorney's signature for purposes of Fed. R. Bankr. P. 9011.

2. Any log-in name and password required for electronic filing shall be used only by the attorney to whom the log-in name and password are assigned and by such agents, members and employees of that attorney's firm as that attorney shall authorize. The attorney must immediately notify the court upon learning that the security of the log-in has been compromised.

3. When a document is filed electronically, the official document of record is the electronic document stored in the court's database. A printed copy of the court's digital file stamp is the equivalent of the court's mechanical file stamp.

4. Upon the electronic filing of a document, a notice of the filing is placed in the ACE electronic mailbox of all attorney

participants in the case who have been assigned an ACE log-in name and password. Arrival in the attorney's ACE electronic mailbox shall constitute service of the document on that attorney if that attorney has agreed to accept service via the ACE electronic mailbox.[1] Service via ACE electronic mailbox or by facsimile transmission shall be considered the equivalent of posting such document in the United States Mail for purposes of applying the three-day mailing rule of Fed. R. Bankr. P. 9006(f). There is no requirement to transmit a paper copy to an attorney who has agreed to accept service via ACE electronic mailbox or by facsimile transmission.

5. Names of attorneys who have agreed to receive service and notice from other attorneys via ACE electronic mailbox or by facsimile transmission shall be listed on the Court's website, at *www.nmcourt.fed.us*. Service upon and notice to attorneys whose names do not appear on the Court's website listing is to be accomplished by other means.

6. Documents which require the verified signature of a person other than the electronically filing attorney may be electronically filed, utilizing scanning technology.

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[1]See NM LBR 7005-1; the agreement form is available from the Courts' website, *http://www.nmcourt.fed.us* (select the U.S. Bankruptcy Court button).

7. Any document filed electronically will be electronically file stamped with the actual time and date of filing. However, the "drop box rule" for the filing of pleadings and other documents, as set out in section 2.2 of the Clerk's Practice and Procedure Guide (2nd Ed.: October 1, 1996) is applicable; that is, any pleadings or other documents filed by a party after the close of business, but before 8:00 am the following business day will be deemed filed at midnight the previous business day. As also set out in that section, the "drop box rule" does not apply when an order or notice specifies a time and date by which to file a document.

8. A motion to file a document under seal shall be filed electronically. The order of the Court authorizing the filing of such document under seal shall be filed electronically by the Court. A paper copy of the order shall be attached to the document under seal and the document and the copy of the order shall be delivered to the clerk of the Bankruptcy Court.

9. The clerk's copy submission requirements do not apply to electronically filed documents.

MARK B. McFEELEY
Chief United States Bankruptcy Judge

JAMES S. STARZYNSKI
United States Bankruptcy Judge

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