CHAPTER 10 MOTIONS AND APPLICATIONS

Motions/Applications

This module demonstrates the steps to file a motion/application in the CM/ECF system. This example demonstrates the electronic filing of a motion to dismiss case. The same steps would be followed for other types of motions/applications. As a trustee, many of the commonly docketed motions/applications will be found in the <u>Trustee/US Trustee</u> category.

Motion to Dismiss Case

STEP 1 Click the <u>Bankruptcy</u> hypertext link on the CM/ECF Main Menu.

Note: If the motion or application is in an adversary proceeding, choose the <u>Adversary</u> hypertext link.

- **STEP 2** The **Bankruptcy Events** screen displays.
 - Click <u>Trustee/US Trustee</u> hypertext link.
- **STEP 3** The **Case Number** screen displays.
 - Enter the complete case number (office code-yy-bk-nnnn).
 - Click **[Next]** to continue.
- **STEP 4** The **Trustee Action** screen displays.
 - Verify the case name and case number that is displayed.
 - If the case name and number are <u>incorrect</u>, press the browser
 [Back] button to re-enter the case number.
 - If the system prompts that you have entered an invalid case number, click the browser **[Back]** button to try again.
 - Click the down arrow to reveal the list of motions or press the "a" for applications or "m" for motions. Highlight *Motion to Dismiss*. Note: You may continue to press the "a" or "m" until the motion/application you are filing is highlighted.
 - Click [Next] to continue.
- **STEP 5** The **Select the Party** screen displays.
 - Click the down arrow to scroll the Select the Party box to locate the party filer (in this example, the trustee).

- Click to highlight and select the trustee.
- Click **[Next]** to continue

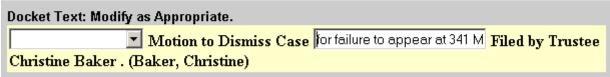
STEP 6 The PDF Document Selection screen displays.

- Click [Browse], then navigate to the directory where the appropriate PDF file is located. Verify you have selected the correct document by right clicking on the highlighted filename and selecting Open to view the image in Adobe Acrobat. Once verified, double-click the PDF file or click Open to select it and associate it with the docket entry.
- The Attachments to Document option defaults to No. If you have attachments to this document, click the Yes radio button to indicate there are attachments. (Refer to module: *Attachments to Documents* for more information)
- Click **[Next]** to continue.
- **STEP 7** The **Refer to Existing Event** screen displays.
 - This event allows you to relate the motion/application to a previously filed document. Most motion/applications will not relate to a previously filed document. This event will be used for amended motions, responses or objections which will be covered in another section.
 - Click **[Next]** to continue.
- STEP 8 The Final Docket Text screen displays. (See Figure 1)

Trustee action:

6:03-bk-02585-ABB Stars Around the Moon

NOTE: Only text in the white boxes can be modified



Next Clear

Figure 1

- A prefix box and supplemental text box window are available to add more detail to the docket text.
 - Click the down arrow to display the prefix options. **Note**: You may also type the first letter of the prefix to immediately move to the list of prefixes that begin with a particular letter (i.e.: Verified type "v"). Prefix Options to choose from are:

[none] Addendum to Agreed Alias Amended Amendment to Certified Corrective Cross Emergency Ex Parte Expedited Fifth Final First First Amended Fourth Fourth Amended Interim Intervenors Joint Limited Omnibus Opposition Pluries Pre-Trial Proposed Sealed Second Second Amended Sixth Status Supplemental Supporting Third Third Amended Third Partv Trial Unilateral Verified

- A supplemental text box window is provided to add more detail to the docket entry. In this example, we have added: "for failure to appear at 341 Meeting" to indicate why dismissal is appropriate.
- Click **[Next]** to continue.
- **STEP 9** The **Final Approval** screen displays.
 - Verify the Final Docket Text. Read the Attention!! message.
 - If the Final Docket Text is <u>correct</u>,
 - Click **[Next]** to continue and officially submit document.
 - If the final docket text is <u>incorrect</u>:
 - Click the browser **[Back]** button to find the error(s) and proceed with the event.
 - To abort or restart the transaction, return to **Step 1** and begin again.

STEP 10 The **Notice of Electronic Filing** screen displays.

- Scroll down to see participants who have and have not registered for electronic noticing on this case.
- Clicking on the case number hypertext link on the Notice of Electronic
 Filing will present the *Docket Report* for this case.
- Clicking on the document number hypertext link will present the PDF Image of the document just filed.
- To print a copy of this notice click the browser **[Print]** icon.
- To save a copy of this notice, click [File] on the browser menu bar and select Save Frame As.
- You may also save the notice through the browser **File/Save** option.