

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK**

**IMPORTANT NOTICE - Intra-District Case Transfers & County Realignment  
(February 27, 2007)**

**TO ALL ATTORNEYS AND INTERESTED PARTIES:**

On March 31, 2006, the Board of Judges for the Northern District of New York approved the realignment of county assignments for the Bankruptcy Court in the Northern District in anticipation of the appointment of a third bankruptcy judge.

The Clerk began phase one of this realignment on November 20, 2006, when it started assigning **new** Jefferson county cases to the Syracuse divisional office (instead of the Albany office). Shortly thereafter, the Clerk began assigning **new** cases emanating from Cayuga, Cortland, Onondaga, Oswego, Tioga and Tompkins counties to the Syracuse divisional office (instead of the Utica divisional office) and began entering orders for the intra-district transfer (from Utica to Syracuse) of all **pending** cases from those same six counties.

The Clerk began phase two of this project on February 19, 2007, when it began assigning **new** St. Lawrence county cases to Chief Judge Gerling and the Utica divisional office (instead of Judge Littlefield and the Albany office).

**On March 5, 2007, the Clerk will continue with phase two of the project as follows:**

**New cases emanating from Montgomery, Fulton and Franklin counties will be assigned to Chief Judge Gerling and the Utica divisional office (instead of Judge Littlefield and the Albany office). Case numbers assigned to new petitions from those counties will contain a lead digit of '6'. The 341 Meeting of Creditors will be held in Utica for Montgomery and Fulton county cases and in Plattsburgh for Franklin county cases.**

**The Clerk will begin entering orders for the intra-district transfer (from Albany to Utica) of all pending St. Lawrence, Montgomery, Fulton and Franklin county cases. New case numbers with a lead digit of '6' will be assigned to each affected case.**

**IMPORTANT INFORMATION RE: BANKRUPTCY SOFTWARE AND "CASE UPLOAD"**

Please be advised that effective March 5, 2007, attorneys utilizing the CaseUpload feature for the filing of new cases in which the debtor resides in Montgomery, Fulton or Franklin counties must adjust their programs so that a "6" is used as the office code. By copy, software companies are being made aware of this change.

### **Order Transferring Case and Accompanying Notice**

The "Order Transferring Case Within District" will reflect the original case number as well as the new case number. It will also include a special "Notice Regarding Transferred Cases and Default Motions." Both will be sent to all creditors and parties in interest. The notice will inform movants that where default motions have been made *initially* returnable after the date of the transfer order, they **must** file and serve an amended notice of hearing on default motion under the new case number. The amended notice PDF must reflect the new case number and the matter must be made returnable in Utica, NY on the next available motion term for those counties as provided on the Court's website. Default motions left pending under the old case number will not be acted upon. In addition, orders submitted for signature post-transfer will only be acted upon if they are captioned and filed using the new case number.

### **Transfer of Cases with Scheduled Hearings Pending**

Affected cases that have actual hearings already pending and scheduled in Albany for March 5 and beyond will not be transferred until the hearings have been held. (This includes confirmation hearings.) Once held, those hearings that are continued will be adjourned to a special motion term in Utica, NY and the underlying case will be transferred to the Utica divisional office.

### **Case Contents to be Copied to the Newly Assigned Number**

Once a transfer order has been entered, the contents of the case will be copied to the newly assigned case number and the original case will be closed. The Clerk will take no action on documents filed under the original case once an order of transfer has been entered. Any attempt to electronically file a document or claim or to upload an order on an affected case using the original case number will be met with a display message that points the filer to the new case number.

**Note:** There may be a small lag time between the entry of the order of transfer in an existing case (Albany number) and the creation of the new case with the newly assigned Utica case number. We don't anticipate that this will be a problem, however, if you need to file something where there is a filing deadline and you find that you cannot access the case using the newly assigned number, please contact the Court's Help Desk at (518) 257-1616.

### **Still to Come**

The final phase of the project will take place shortly after the appointment of the third judge and will involve the intra-district transfer (from Albany to Syracuse) of pending Jefferson county cases and the assignment or reassignment of judges on all cases and proceedings in each affected county in accordance with the realignment. You will be notified in a separate mailing in advance of this action.