



**ADMINISTRATIVE PROCEDURES
FOR FILING, SIGNING AND VERIFYING
PLEADINGS AND PAPERS
BY ELECTRONIC MEANS**

Exhibit to Administrative Order No. 02-03

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I. REGISTRATION FOR THE ELECTRONIC FILING SYSTEM.**A. DESIGNATION OF CASES.**

1. On January 2, 2003, all documents submitted for filing in this district, no matter when a case was originally filed, shall be filed electronically using the Electronic Case Filing System (hereafter *System*) or shall be scanned and uploaded to the *System*.
2. Parties proceeding pro se shall not be required to file electronically. All filing requirements as provided in the *Fed. R. Bankr. P.* and the *Local Bankruptcy Rules* will prevail.

B. MANDATORY ELECTRONIC CASE FILINGS

Petitions, pleadings, motions and all other documents filed in all cases after July 1, 2004 must be filed electronically pursuant to Administrative Order No. 03-01.

C. LOGINS AND PASSWORDS.

Each attorney admitted to practice in the Northern District of New York, an out of district attorney in good standing in their district, or a participant in any case or proceeding shall be eligible for a *System* login and password from the Bankruptcy Court. The login and password permit the attorney or party to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the *System*. Registration for a login and password is governed by Section I. D.

D. REGISTRATION.

1. Each attorney admitted to practice in the Northern District of New York or a participant desiring to file pleadings or other papers electronically must:
 - Complete and sign an Attorney/Participant Registration Form (Form A) and;

- Attend the necessary training required by the Court.
- **Note:** Registered Electronic Case Filing participants of the United States District Court for the Northern District of New York can receive a login and password to the Bankruptcy Court ECF System by completing Form A **and** completing the court's on-line test with a passing score of at least 80.

The above mentioned forms are also available on the Court's web site at www.nynb.uscourts.gov.

2. An Out of District attorney desiring to file pleadings or other papers electronically must:
 - Complete and sign an Out of District Attorney Registration Form (Form B);
 - Be a registered Electronic Case Filing participant in a United States Bankruptcy Court in another state or district and;
 - Complete the Court's on-line test with a passing score of at least 80.
3. All signed original Attorney/Participant or Out of District Attorney Registration Forms shall be mailed or delivered to:

IT Manager
United States Bankruptcy Court
James T. Foley U. S. Court House
445 Broadway, Suite 330
Albany, NY 12207.
4. To ensure that the Clerk's Office has correctly entered a registering attorney's or participant's Internet e-mail address in the *System*, the Clerk's Office will send the attorney or participant an Internet e-mail message which will contain either the date and time of his/her training session at the Clerk's Office or instructions on completing the certification requirements remotely. The attorney or participant may indicate on his/her registration form the name(s) of his/her support staff that he/she would like included in the same training. The login and password will **only** be given to the registering attorney or participant at his/her training session.

5. A registered participant should change the court-assigned password. This change can be made by accessing the menu option “Maintain Your ECF Account” under Utilities. In the event a filer believes that the security of an existing password has been compromised and in order to prevent unauthorized access to the *System* by use of that password, the registered participant shall immediately change his/her password in the *System* and thereafter provide notice to the Albany NDNY Help Desk and confirm by facsimile to the IT Manager. If a registered participant forgets his/her password, the IT Manager will assign a new password.

6. A registered attorney or participant may withdraw from using the *System* by providing the Clerk’s Office with notice of withdrawal. Such notice must be in writing, and mailed or delivered to the Clerk. Upon receipt, the Clerk’s Office will immediately cancel his/her password and will delete his/her name from any applicable electronic service list. The mailing address is:

**Clerk
United States Bankruptcy Court
James T. Foley U. S. Court House
445 Broadway, Suite 330
Albany, NY 12207.**

7. If any of the information on the Attorney/Participant or Out of District Attorney Registration Form changes, e.g., mailing address, e-mail address, etc., the registered participant must submit the appropriate amended form addressed to the IT Manager as indicated in section I. D. 3. above.

II. ELECTRONIC FILING, SERVICE OF DOCUMENTS, AND TIMELINESS.

A. *FILING.*

1. The Administrative Procedures for Electronic Case Filing and the Administrative Order for Electronic Case Filing are to be read in conjunction with the Local Bankruptcy Rules for the Northern District of New York . Continued adherence to the Northern District of New York Local Bankruptcy Rules is not precluded by electronic filing. In the event of a conflict between the Northern District of

New York Local Bankruptcy Rules and the Administrative Procedure, the Administrative Procedure, as relating to the electronic filing of petitions, pleadings, and other papers, shall govern.

2. Registered filers shall submit electronically all petitions, motions, pleadings, briefs, memoranda of law, proofs of claim or other documents required to be filed with the court in connection with a case or proceeding, except as provided by this procedure, in Portable Document Format (.pdf).
3. The creditor matrix is to be prepared with bankruptcy software or with word processing software, in a single column format with a one inch left margin (not centered). Creditors are to be single spaced (each on no more than 5 lines with no more than 40 characters per line) with a double space separating one creditor from the next. The city, state and zip code must all be on the last line. The word processing file is to be saved as a Text (.txt) file and uploaded to the *System* per the user's manual.

An example of the proper format for a matrix is as follows:

MBNA
P.O. Box 15019
Wilmington DE 19886-5019

Wells Fargo Financial
5 Gateway Drive
Suite 5000
Columbia MD 21046

4. Applications for compensation are to be filed electronically. A paper copy marked *ECF Case-Chambers Copy* is to be provided to the Court. In addition, the U.S. Trustee is also to be provided with a paper copy of the application. The Chambers copy and the U.S. Trustee copy are to include all the items listed in subsections (b)(1) through (b)(9) of Local Bankruptcy Rule 2016-1.

5. A “Chambers Copy” in paper format for chambers is required for the following matters. The copy must be clearly marked as “**ECF CASE - CHAMBERS COPY**” and must be submitted in compliance with the requirements of Local Bankruptcy Rule 9013-1 and should be submitted immediately after papers are filed electronically. The Chambers Copy need not contain an copy of the original signature. Unless directed by the Court, copies should not be faxed to Chambers or Courtroom Services. Copies should be sent via the mail or hand delivered.

Note: The “Chambers Copy” is to be submitted to the actual physical location of the judge assigned to the case. Chambers copies for Judge Gerling are to be submitted to Utica and chambers copies for Judge Littlefield are to be submitted to Albany.

- a. Utica Chambers:
 - (1) Notices of Hearing, Motions, applications and certificates of service and Chapter 7 Final Meeting Notices;
 - (2) All pleadings filed in an adversary proceeding;
 - (3) Pretrial statements;
 - (4) Memoranda of Law or documents filed in regard to a submitted matter;
 - (5) All documents regarding an appeal, withdrawal of reference, or Fed. R. Bankr. P. 9033 objections.

 - b. Albany Chambers:
 - (1) Notices of Hearing, Motions, applications, and certificates of service, excluding Ch. 13 Standing Trustee’s motions to dismiss, motions to determine/expunge claim, motions to determine value and Chapter 7 Final Meeting Notices;
 - (2) Opposition, responses, or any pleading relating to a hearing;
 - (3) Opposition to disclosure statements in a chapter 11;
 - (4) Opposition to confirmation of a plan regarding any chapter, excluding Chapter 13 Trustee objections;
 - (5) Pretrial statements;
 - (6) Memoranda of Law or documents filed in regard to a submitted matter.
6. It is no longer necessary to submit a paper summons to the Clerk’s Office to have it signed, sealed, and issued for service on the defendant (s).

CM/ECF will electronically generate the initial summons in an adversary proceeding. The electronic summons will contain the Clerk's signature and Court seal. Multiple copies can be printed for service upon the defendant (s). Proof of service will still be required.

7. The Clerk's Office shall not maintain a paper court file in any case filed after the effective date of these procedures except as otherwise provided by this procedure. The official court record shall be an electronic file maintained on the Court's file server.
8. Any documents received in paper format in Chambers or the Clerk's Office may be shredded when it is determined that they are no longer needed.
9. Adjournment letters and status conference requests are to be filed electronically. They shall also be faxed to Chambers in Albany.
10. In expedited matters occurring in **Albany**, the movant shall contact Courtroom Services staff or Chambers staff by phone as soon as possible after filing the item needing expedited treatment.
11. In expedited matters occurring in **Utica**, the movant shall contact the judge's Judicial Assistant by phone **before** filing the item needing expedited treatment. Compliance with Fed. R. Bankr. P. 9006 is required.

B. *SERVICE.*

1. Whenever a pleading or other paper is filed electronically, in accordance with these procedures, the *System* shall generate a "Notice of Electronic Filing,"(attached to this procedure as Form E), to the filing party and any other party who has requested electronic notice in that case.
 - a. If the recipient is a registered participant in the *System*, the Clerk's e-mailing of the "Notice of Electronic Filing" shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.
 - b. Service of the "Notice of Electronic Filing" on a party who is not a registered participant in the *System* may be accomplished by e-mail, subject to the additional service requirements of Paragraph II.B.3 below.

- c. There is no opt out option to electronic service via the “Notice of Electronic Filing”.
2. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party so entitled. Sample language for a “Certificate of Service” is attached to these procedures as Form C.
3. A party who is not a registered participant of the *System* is entitled to a paper copy of any electronically filed pleading or paper. The filing party must therefore provide the non registered party with the pleading or paper according to the Fed. R. Bankr. P. and Local Bankruptcy Rules.

C. *SECTION 341(a) MEETING OF CREDITORS*

The attorney for the debtor or the pro se debtor shall bring to the Section 341(a) meeting of creditors the electronically filed petition, schedules, lists and statement of affairs bearing the original signatures.

D. *TIMELINESS*

1. Filing of documents electronically does not alter the filing deadline for that document.
2. Generally, electronic filings are considered timely if received by the Court before midnight on the date set as a deadline, unless the judge or Local Bankruptcy Rules specifically require an earlier filing, such as close of business.
3. Any answering papers filed electronically on the last day for filing pursuant to Local Bankruptcy Rule 9013-1(e) must be filed by 4:00 PM Eastern Standard Time.
4. Any motions filed electronically on the last day for filing pursuant to Local Bankruptcy Rule 9013-1(e) must be filed by 4:00 PM Eastern Standard Time.

5. Due to variations in time zones, timeliness is established based on the Eastern time zone where the Northern District of New York is located.
6. A filer whose document is made untimely as the result of a technical failure of the Court's CM/ECF site, as prescribed in Section X. of this procedure, may seek appropriate relief from the court.

III. SIGNATURES.

- A. Petitions, lists, schedules and statements, amendments, pleadings, affidavits, and other documents which must contain original signatures or which require verification under Fed. R. Bankr. P. 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746, may be filed electronically by attorneys registered in the *System*.
- B. Attorneys who are not registered with the Bankruptcy Court for the Northern District of New York and who do not have a login and password provided by the Court are not permitted to electronically file documents using the login and password of a registered attorney. The attorney login and name shown on a filed document must match.
- C. The pleading or other document electronically filed shall indicate a signature in the format, *"/s/ name,"* unless the document has been scanned and shows the original signature.
- D. A copy containing an original signature must be retained by the filer for a minimum of two (2) years after the closing of the case and all time periods for appeals have expired unless the Court orders a different period. In adversary proceedings, the parties shall maintain the original documents for a minimum of two (2) years after the proceeding ends and all time periods for appeals have expired unless the Court orders a different period. These retention periods do not affect or replace any other periods required by other applicable laws or rules. Upon request of the Court, the filer must provide original documents for review. Compliance with Fed. R. Bankr. P. 9011 is required.

- E. The following procedure applies when a stipulation, which does not require an order, or another document requires two or more signatures:
1. The filer shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the physical signatures of all parties on the document. For purposes of this rule, physical, facsimile or electronic signatures are permitted. Compliance with Fed. R. Bankr. P. 9011 is required.
 2. The filer shall file the document electronically, indicating each signature in the format “/s/ *name*,” unless the document has been scanned and shows the actual signature
 3. The filing party originating the document shall maintain the original signed document as provided for in Section III. D. above.

IV. FEES.

- A. Filing fees are to be paid through the on-line payment program in CM/ECF. The Court will no longer manually charge an attorney’s credit card for filing fees incurred through CM/ECF.
- B. Only VISA, MASTERCARD, AMERICAN EXPRESS, DISCOVER, AND DINER’S CLUB credit cards will be accepted.
- C. Filing fees are to be paid through the on-line payment program on the same day they are incurred. Failure to pay filing fees will result in your ECF account being automatically locked. Participants will be unable to file on-line until fees are paid in full. PACER access to view dockets will be unaffected.
- D. Except as otherwise provided, all registered participants of the *System* shall be subject to the fees set forth in the Fee Schedule for Electronic Public Access (EPA Fee Schedule), adopted by the Judicial Conference of the United States.
- E. Attorneys of record and parties in a case receive one free electronic viewing of all filed documents through PACER from which he or she can save or print the document. Additional PACER access to the pleading is subject to PACER fees.

- F. Filing fees will not be refunded unless so ordered by the Court. Requests for refunds are to be made by motion or application and order.

G. ATTACHMENTS.

- A. Registered participants must submit all documents referenced as attachments including but not limited to leases, notes and the like in Portable Document Format (PDF), unless the court permits conventional filing. Attachments may be summarized (Form D) and only the relevant excerpts electronically filed.
- B. The size of the electronic file shall be no larger than 2 megabytes. Attachments larger than 2 megabytes must be split into separate PDF files and the multiple PDF files attached to the pleading.
- C. If an attachment is not available in electronic form, it is preferred that such documents, or the relevant portions thereof, be electronically imaged, i.e., scanned, and filed using the Portable Document Format (PDF). Excerpted material must be clear and prominently identified as such. The file size limits as stated in section V. B. above are required.
- D. The filing party of electronic excerpts of documents as attachments do so without prejudice to their right to timely file additional excerpts or complete attachments.
- E. The filing party must promptly provide excerpted documents in full if the Court or a responding party makes such a request.

H. SEALED DOCUMENTS.

- A. A motion to file a document under seal may be filed electronically unless prohibited by law.
- B. Documents ordered to be placed under seal must be filed conventionally, and NOT electronically, unless specifically authorized by the Court.
- C. The filing party must submit to the clerk a paper copy of the signed order attached to the documents to be sealed by to the clerk.

I. ORDERS.

- A. **All proposed orders, with the below exceptions, may be submitted conventionally to the Court until the effective date of March 1, 2006 unless the Court allows otherwise. Effective March 1, 2006, all proposed orders, with the exception of those listed below, must be submitted electronically using the E-Orders feature of CM/ECF.** Registered users will be notified when and how to file orders electronically. Once the Court begins receiving orders electronically, all orders shall be submitted electronically, ***after the return date of the hearing or trial***, unless otherwise ordered by the Court.
- B. All ex parte orders must be submitted conventionally to the Court. An application or motion underlying an ex parte order must also be filed conventionally, unless otherwise ordered by the Court.
- C. All Orders to Show Cause and Orders Shortening time along with any supporting documentation, i.e. application, motion, notice, must be conventionally submitted to the Court. In Utica the Court requires that you notify Chambers ***before*** submitting Orders to Show Cause and/or Orders Shortening Time.
- D. Proposed orders may not be combined with the application or motion into one document. The application or motion must be entered on the docket prior to submitting the order. **DO NOT ATTEMPT TO ELECTRONICALLY FILE A PLEADING WHICH CONTAINS A PROPOSED ORDER IN THE BODY OF THE PLEADING.**
- E. A copy of a proposed order can be included as an attachment to an electronically filed pleading if the proposed order is clearly marked as an “EXHIBIT” only. This copy will not be considered by the Court and will not be signed by the Court.
- F. The only exception to sections VII (A), VII (B), VII (C), and VII (D) above is the Application and Order to pay Filing Fees in Installments (Official Form 3A). It may be filed electronically.
- G. Any order filed electronically by the Court without the original signature of a

judge has the same force and effect as if the judge had affixed his/her signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

- H. Any ministerial order filed electronically by the Clerk without the original signature of the Clerk has the same force and effect as if the Clerk had affixed his/her signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

J. DOCKET ENTRIES.

- A. A filer who electronically submits a pleading or other document shall be responsible for designating a docket entry for the document by using one of the docket event categories prescribed by the court. This action constitutes an entry on the official court docket as provided in Fed. R. Bankr. P. 5003.
- B. The Clerk shall enter all orders and judgments in the *System*, which constitute docketing of the order and judgment for all purposes. The Clerk's notation in the appropriate docket of an order or judgment shall constitute the entry of the order or judgment as provided in Fed. R. Bankr. P. 5003.

K. CORRECTING DOCUMENTS FILED IN ERROR.

- A. Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk's Office.
- B. A document incorrectly filed in a case may be the result of posting the wrong PDF file to a docket entry, or selecting the wrong document type from the menu, or entering the wrong case number and not catching the error before the transaction is completed. **Do not attempt to re-file the document if an error in filing is discovered.**
- C. As soon as possible after an error is discovered, the filer shall contact the Help Desk in the clerk's office which has jurisdiction over the case or proceeding. Be sure to have the case number and document number for which the correction is being requested. If appropriate, the clerk will make an entry indicating that the document was filed in error. You will be advised

if you need to re-file the document. The *System* will not permit you to make changes to the document(s) or docket entry filed in error once the transaction has been accepted.

L. TECHNICAL FAILURES.

- A. The Clerk's Office shall deem this district's CM/ECF site to be subject to technical failure on any given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 p.m. (noon) that day. Known systems outages will be posted on our web site, if possible.
- B. Problems on the filer's end, such as with phone lines, filer's Internet Service Provider (ISP), or hardware or software, will not constitute a technical failure under these procedures nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document conventionally.

M. SECURITY OF THE SYSTEM

Each electronically filed paper shall be assigned a special identification number which can be traced, if necessary, to detect post filing alterations to a document.

N. PRIVACY.

- A. To address the privacy concerns created by Internet access to court documents, filers may modify or partially redact certain personal data identifiers appearing in pleadings or other papers. This data and the suggested modifications are as follows:
 - 1. Minors' Names: Use the minors' initials;
 - 2. Financial Account Numbers: Identify the name or type of account and the financial institution where maintained, but use only the last four numbers of the account number;
 - 3. Social Security Numbers: Documents filed with the Court should only contain the last four digits of the Social Security number. Attorneys are required to obtain the debtor's full social security

number and maintain the originally signed “Form 21. Statement of Social Security Number” in their files.

4. Dates of Birth: Use only the year and;
 5. Other data as permitted by order of the court.
- B. Information posted on the *System* must not be downloaded for uses inconsistent with the privacy rights of any person.

O. PUBLIC ACCESS TO THE SYSTEM DOCKET

- A. Electronic access to the electronic docket and documents filed in the *System* is available for viewing to the public at no charge at each Clerk’s Office public counter during regular business hours. A fee for a paper copy of an electronic document is required in accordance with 28 U.S.C. § 1930.
- B. Although any person can retrieve and view the documents in the *System* and access information from it without charge at the Clerk’s Office, electronic access to the *System* for viewing purposes is otherwise limited to subscribers to the Public Access to Court Electronic Records (“PACER”) *System* and, in accordance with the ruling of the Judicial Conference of the United States, a user fee will be charged for accessing detailed case information, such as reviewing filed documents and docket sheets, but excluding review of calendars and similar general information.
- C. Conventional copies and certified copies of the electronically filed documents may be purchased at the Clerk’s Office. The fee for copying and certification will be in accordance with 28 U.S.C. § 1930.

FORM A HAS BEEN REMOVED.
PLEASE SEE THE COURT'S WEBSITE
www.nynb.uscourts.gov for
The Attorney Registration form
or
The Limited Filing Privileges Registration form

FORM B HAS BEEN REMOVED.
PLEASE SEE THE COURT'S WEBSITE
www.nynb.uscourts.gov for
The Attorney Registration form
or
The Limited Filing Privileges registration form

FORM C
(SAMPLE FORMAT)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In Re:

Case No.

Chapter

Debtor(s).

CERTIFICATE OF SERVICE

I hereby certify that on, (Date) ,I electronically filed the foregoing with the Clerk of the Bankruptcy Court using the CM/ECF system which sent notification of such filing to the following:

And, I hereby certify that I have mailed by the United States Postal Service the document to the following non CM/ECF participants:

/s/name

FORM D
(SAMPLE FORMAT)

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

In Re:

Case No.

Chapter

Debtor(s).

SUMMARY OF ATTACHMENT(S) AND CERTIFICATE OF SERVICE

The following attachment(s) in reference to _____ are available
upon request:

- 1.....
- 2.....
- 3.....

Respectfully submitted

/s/ name

ATTORNEY FOR _____

Copy of the above served this

_____ day of _____, _____ on:

[respondent parties if motion]
[debtor's (s') attorney and trustee if claim]

FORM E

U.S. Bankruptcy Court
Northern District of New York

Notice of Bankruptcy Case Filing

The following transaction was received from Ventura, Dina entered on 1/30/2006 at 3:49 PM EST and filed on 1/30/2006

Case Name: Howard Smith

Case Number: [06-60015-6](#)

Document Number: [1](#)

Docket Text:

Chapter 7 Voluntary Petition . Receipt Number cc, Fee Amount \$274 Filed by Howard Smith . Automatic Dismissal Deadline per RA 316 due 3/16/2006 (Ventura, Dina)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:C:\Documents and Settings\dinav\Desktop\PDF Demo Documents\Voluntary Petition & Schedules.pdf

Electronic document Stamp:

[STAMP bkecfStamp_ID=1007484561 [Date=1/30/2006] [FileNumber=90964-0]
[61260e63f6ea328538b07931228a80c476be625dad0bc54dcc283819f20fcb288eb4d
15680ad302d674e99eacb1098da4131e8407cb4ca85da7480ce70f01e1f]]

06-60015-6 Notice will be electronically mailed to:

Perry Mason pmason@raymondburrapt.net

06-60015-6 Notice will not be electronically mailed to:

SAMPLE OF E-ORDER FORMAT - UNSIGNED

**THIS AREA IS LEFT BLANK FOR THE SIGNATURE OF THE JUDGE.
ALLOW AT LEAST FOUR INCHES AT THE TOP FOR THE SIGNATURE.**

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

In re <u>John Debtorman</u> _____)
)
Debtor(s)) Case No. 06-10001
)
)
) Chapter 7
_____)

ORDER VACATING FINAL DECREE

IT APPEARING that the Final Decree filed in the above-entitled case on May 31, 2005 was filed in error as there are still matters pending in the case,

It is hereby ORDERED that said Final Decree is hereby vacated.

###

GRANTED. SO ORDERED.

SIGNED this 2nd day of March, 2006.



**ROBERT E. LITTLEFIELD, JR.
UNITED STATES BANKRUPTCY JUDGE**

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

In re John Debtorman,)
)
 Debtor(s)) Case No. 06-10001
)
)
) Chapter 7
)
 _____)

ORDER VACATING FINAL DECREE

IT APPEARING that the Final Decree filed in the above-entitled case on
_____ was filed in error as there are still matters pending in the case.
It is hereby ORDERED that said Final Decree is hereby vacated.

###