

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

REVISED GUIDELINES FOR THE PREPARATION OF DOCUMENTS

*(Revised **December 29, 2008**)*¹

These guidelines are established to supplement the general requirements of form set forth in Local Bankruptcy Rule (LBR) 9004-1(a). They are intended to enhance the Clerk's ability to timely and efficiently convert hard copy and electronic documents to high quality electronic images, and to facilitate the Court's use of electronic case files as the official record.² They address various document design issues that are largely independent of the method used to create the document and shall apply whether the document is submitted for filing in electronic³ or paper⁴ form.

Based upon the foregoing, and unless otherwise noted, all petitions, pleadings, motions, briefs, and other documents filed electronically or in paper form on and after January 2, 2008 shall comply with the following document guidelines:⁵

(1) Legibility

- (a) Petitions, pleadings, motions, briefs and other papers submitted for filing shall be typewritten, printed, computer generated, or prepared by some other clearly legible process, without erasures or other marks that materially deface the document, on one side of each sheet only. Unless approved by the Court, interlineations **SHALL NOT** be allowed.

- (b) With the exception of bankruptcy forms, letters, and memos, document text other than the title of the case or proceeding, the bankruptcy case, adversary proceeding, and/or miscellaneous proceeding number(s), and the Docket Control Number included in the caption shall be no smaller than 12 point type set no more than an average of 10 characters per inch.

¹ Changes are highlighted.

² Except for documents filed prior to March 1, 1999, the electronic record maintained by the Clerk in the Court's Electronic Case File (ECF) System is the official court record for all records and proceedings. See LBR 5005-1(a).

³ Except as provided in Local Bankruptcy Rule 5005-1(c), all documents shall be submitted in electronic form in strict compliance with instructions of the Clerk in a format approved by the Court. See LBR 5005-1(a).

⁴ Paper documents filed pursuant to Local Bankruptcy Rule 5005-1(c)(1) or (c)(2) shall be promptly scanned by the Clerk into electronic form. Once scanned and made part of the ECF system, the paper documents may be discarded. See LBR 5005-1(d).

⁵ Counsel are expected to comply with these guidelines but, pursuant to Federal Rule of Bankruptcy Procedure 5005(a)(1), no document will be refused for filing by the clerk solely because it fails to comply with these guidelines. Repeated failure to comply, however, may result in the imposition of sanctions against counsel.

- (c) The title of the case or proceeding, the bankruptcy case, adversary proceeding, and/or miscellaneous proceeding number(s), and the Docket Control Number, if any, included in the caption shall be no smaller than 14 point type set no more than an average of eight characters per inch.
- (d) Typefaces essentially equivalent to Ariel, Courier, Times, Helvetica, Geneva or Letter Gothic are preferred. Stylized type, such as Old English, Blackletter or outlined type, proportionally spaced fonts, font sizes smaller than 12 point, exotic font styles such as script, and typefaces with excessive serifs may not be legible after imaging and **SHALL NOT** be used. Citations may be italicized or underlined. Italicized text, however, should be used for emphasis **only**.
- (e) With the exception of bankruptcy forms, letters, and memos, document text other than the identification of counsel, title of action, category headings, footnotes, quotations, exhibits, and descriptions of real property, shall be double spaced. Identification of counsel, title of action, category headings, footnotes, quotations, exhibits, and descriptions of real property may be single spaced.
- (f) No part of any document or form⁶ submitted for filing shall be shaded or highlighted.
- (g) All documents and forms shall have a margin not less than one-half inch on all four sides of each page.
- (h) With the exception of bankruptcy forms, letters, and memos, the first page of all documents and papers shall contain a blank space in the upper right-hand corner measuring at least 2½ inches from the right edge and 3 inches from the top edge for the filing stamp.

(2) **Paper**

Documents shall be printed in blue-black or black ink on white, letter size (8½ inch by 11 inch), unglazed, opaque, medium weight (20 lb.) xerographic-type paper, with consecutively numbered lines in the left margin. Coated paper, glossy paper, heavyweight paper (greater than 20 lb.), lightweight paper (less than 20 lb.), bond paper, card stock, and onion skin may cause paper jams when scanned and **SHALL NOT** be used.

(3) **Assembly**

- (a) Motions, notices, objections, responses, replies, declarations, affidavits, other documentary evidence, exhibits, memoranda of points and authorities, other

⁶ With respect to shading contained in Official Forms, **see** item 5(c) below.

supporting documents, proofs of service, and related pleadings shall be filed as separate documents.

- (b) With the exception of multi-page proposed orders presented for filing as separate documents,⁷ originals of multi-page documents **SHALL NOT** be fastened with staples or other fasteners that puncture the paper. Original multi-page documents containing fewer than 20 total pages shall be fastened with paper clips; original multi-page documents containing 20 total pages or more shall be fastened with binder clips.⁸
- (c) Copies of all multi-page documents **SHALL** be fastened with staples.
- (d) Immediately following scanning, the Clerk shall staple together the pages of original multi-page documents.
- (e) Originals of documents presented for filing, including proposed orders presented for filing as separate documents, **SHALL NOT** be hole punched. Copies of documents may be hole punched.
- (f) As a general rule, the Clerk's Office will conform and return one copy of a document to the filing party. If more than one copy of the document is needed, fasten the copies together with a paper clip. **DO NOT** attach copies to original documents.
- (g) When stacking documents and copies for submission to the Court, place the copies immediately behind the original document. For example, two original documents with copies shall be stacked and submitted for filing in the following order: Original of document 1, copies of document 1, original of document 2, copies of document 2, **NOT** in this order: Original of document 1, original of document 2, copies of document 1, copies of document 2.
- (h) All papers presented for filing shall lie flat for scanning.
- (i) Except as noted below in item 6(d), index tab pages, separator sheets, cover sheets, and divider sheets **SHALL NOT** be used.
- (j) All document pages shall be numbered consecutively at the bottom center of the page.

⁷ **See** section 8, *Proposed Orders*, for additional information.

⁸ Binder clips are spring-type clips that firmly hold bundles of paper. They are usually made of tempered blue steel, triangular in design, with nickel plated handles that spring up to open and snap down flat against the paper for filing and storage. Because standard wire or plastic paper clips may come loose and slip off, they **SHOULD NOT BE USED** on documents containing 20 or more pages.

- (k) The total number of pages shall be noted in the upper left-hand corner on the first page of every document submitted for filing in bold, 18 point type. The total number of pages noted in the upper left-hand corner of the first page shall equal the number of pieces of paper clipped together or, in the case of proposed orders submitted for filing as separate documents, the number of pieces of paper stapled together. Clerk's Office staff will verify and, if necessary, correct the total number of pages noted in the upper left-hand corner on the first page.
- (l) Nothing sticky (such as tape or adhesive labels) shall extend over the edge of a document page. Likewise, notes (including "Post-it" notes) shall not be taped, stapled, or otherwise affixed to original documents.
- (m) Documents **SHALL NOT** be "blue-backed" or otherwise bound. Transcripts shall be unbound and fastened with binder clips prior to filing.
- (n) When filing a motion and supporting documents within the same case, place them in the following order, with any copies immediately following the original:
 - (1) Motion;
 - (2) Notice of hearing;⁹
 - (3) Declarations, affidavits, and exhibits;¹⁰
 - (4) Other supporting documents;
 - (5) Proof of service.¹¹

(4) Caption

- (a) The caption and form of all petitions, pleadings, schedules and other papers shall substantially comply with the Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms.
- (b) Each paper filed shall contain a caption setting forth the name of the court, the title of the case or proceeding, the bankruptcy case, adversary proceeding, and/or miscellaneous proceeding number, the title of the document, and, if applicable, the Docket Control Number and hearing information. Pleadings presented for filing must bear specific pleading designations, in accordance with the nomenclature set forth in Rule 7 of the Federal Rules of Civil Procedure. When a document contains multiple pleadings (for example, an answer to a complaint and a counterclaim or

⁹ Pursuant to LBR 9014-1(d)(2), every motion shall be accompanied by a **separate** notice of hearing.

¹⁰ **See** section 6, ***Exhibits to Pleadings and Papers***, for additional information.

¹¹ **See** section 7, ***Proof of Service***, for additional information.

cross claim), all pleadings contained in the document must be listed in the caption.

- (c) The title of every document shall briefly describe the character of the paper, identify the filing party, state the relief sought, and, if applicable, describe the document to which it relates (for example: Debtor's Response to Creditor Y's January 12, 1999 Motion For Relief From Stay). The document title shall be placed just below or to the right of the caption on the first page of the document, and may be in bold-faced print and/or underlined.
- (d) Pursuant to LBR 9014-1(c)(1), a Docket Control Number shall be included in the caption immediately below the case number or adversary number, on motions¹² and all pleadings and other documents, including proofs of service, filed in support of, or in opposition to, motions. Once a Docket Control Number has been assigned, all related pleadings and documents filed by any party shall include the same Docket Control Number. See LBR 9014-1(c)(4).
- (e) All pleadings and documents, including proofs of service, filed in support of and in opposition to a motion shall contain in the caption the date and time of the hearing, and the courtroom in which the hearing will be held. See LBR 9014-1(d)(1).
- (f) LBR 9014-1(d)(2) requires that a notice of hearing state the Docket Control Number, the date and time of the hearing, the location of the courthouse, the name of the judge hearing the motion, and the courtroom in which the hearing will be held.

(5) Official Bankruptcy Forms

- (a) The first page of every voluntary and involuntary petition (Official Forms 1 and 5, respectively) shall contain a blank space in the lower right-hand corner measuring at least 2½ inches from the right edge and 3 inches from the bottom edge for the filing stamp.
- (b) The first page of every proof of claim (Official Form 10) shall contain a blank space in the lower right hand corner measuring at least 2½ inches from the right edge and 1½ inches from the bottom edge for the filing stamp.
- (c) If document preparation software permits alteration of form appearance, Official Bankruptcy Forms shall be altered to remove all shading.¹³

¹² Contested matters, including motions, objections, applications, and other matters for which a hearing is necessary, are collectively referred to as motions. See LBR 9014-1(a).

¹³ Such alteration will have no effect on the information required by the Official Bankruptcy Forms and is therefore permitted by Federal Rule of Bankruptcy Procedure 9009.

- (d) The voluntary petition and any schedules, statements, lists and other documents filed with it shall be assembled in the order set forth in form EDC 2-035, Required Documents and Fees.

(6) Exhibits to Pleadings and Papers

- (a) With the exception of proposed orders attached as exhibits to other documents or exhibits referenced within the body of a proposed order,¹⁴ exhibits to a pleading or paper shall be filed as an exhibit document, separate from the document to which they relate. All documents included in an exhibit document should be related to the same document. **DO NOT** include exhibits related to different documents in the same exhibit document.
- (b) An index that lists each exhibit individually shall be included as the first page of the exhibit document. The index page shall contain the case or proceeding caption, the exhibit document title,¹⁵ the Docket Control Number, if any, and hearing information, if any. The list of exhibits included in the exhibit document shall identify each by exhibit number and document title, and reference the page within the exhibit document on which each begins.
- (c) The exhibit document title shall identify the exhibits included and the title of the document to which they relate (for example: Exhibits 1-5 In Support of Creditor Acme Corporation's Motion for Relief From Stay).
- (d) Although discouraged by the Clerk's Office, index tab pages, separator sheets, cover sheets, and divider sheets printed on white, letter size, unglazed, opaque, medium weight xerographic-type paper that are no more than 8 ½ inches wide including the tab, may be used to identify or separate individual exhibits within an exhibit document. **DO NOT** use index tab pages, separator sheets, cover sheets, or divider sheets that are printed on card stock or greater than 8½ inches wide including the tab.
- (e) Exhibit document pages, including the index page, and any tabbed pages, separator sheets, cover sheets, or divider sheets, shall be identified at the bottom and consecutively numbered. For example, if there are four exhibits of 5 pages each, the pages would be numbered 1 through 21 (page 1 would be the index page and pages 2 through 21 would be the 20 exhibit pages). The exhibit identification (for example, Exhibit 1) shall be placed immediately above or below the page number on each page of the exhibit document.
- (f) The total number of pages, including any index tab pages, separator sheets, cover sheets and divider sheets inserted to identify or separate exhibits, shall be indicated in the upper left-hand corner on the exhibit document index

¹⁴ **See** items 8(a) and 8(b) below for additional information.

¹⁵ **See** item 6(c) concerning exhibit document titles.

page of every exhibit document submitted for filing in bold, 18 point type. The total number of pages noted in the upper left-hand corner of the index page shall equal the total number of pieces of paper clipped together or the number of pages electronically filed as a single exhibit document (**NOT** the number of pages of any individual exhibit within the exhibit document). Clerk's Office staff will verify and, if necessary, correct the total number of pages noted in the upper left-hand corner of the first page.

- (g) Exhibits larger than 8½ inches by 11 inches shall be reduced in size prior to filing. Duplexed exhibits shall be copied and filed with text printed on one side of each page only.

(7) Proof of Service

- (a) Pursuant to LBR 9014-1(e)(3), proof of service, in the form of a certificate of service, shall be filed as a **separate** document.
- (b) Copies of the pleadings and documents served **SHALL NOT** be attached to the proof of service. Instead, the proof of service shall identify the title of the pleadings and documents served.
- (c) Multiple documents and pleadings related to papers with the same Docket Control Number may be included in the same proof of service. Documents and pleadings related to papers with different Docket Control Numbers **SHALL NOT** be included in the same proof of service. A separate proof of service shall be filed for each Docket Control Number.

(8) Proposed Orders

- (a) Proposed orders presented to the Court for signature:
 - 1. Shall be submitted as separate documents;
 - 2. Shall not include the word "Proposed" in the title of the order; and
 - 3. Shall not include blank spaces to be completed by the Court. The information provided in proposed orders shall be complete in all respects, using counsel's "best estimates" when necessary.
- (b) In instances where a proposed order or judgment includes references to an exhibit or exhibits, the exhibit(s) shall be attached to the proposed order or judgment and **SHALL NOT** be filed as a separate document(s).
- (c) Multi-page proposed orders presented for filing as separate documents shall be fastened with staples and **SHALL NOT** be two hole punched at the top.

- (d) The first page of all proposed orders shall contain:
- (1) A blank space in the lower left-hand corner measuring at least 2½ inches from the left edge and 1¼ inches from the bottom edge for the received stamp; and
 - (2) A blank space in the upper right-hand corner measuring at least 2½ inches from the right edge and 3 inches from the top edge for the filing stamp.
- (e) The final page of all proposed orders shall contain:
- (1) At least one line of substantive text¹⁶; and
 - (2) At least two inches of space below the final line of text for placement of a date and the judge's signature. Only the date and signature may appear in this 'signature block' area. All other information, including "Approved by," "Submitted by," or "Presented by" information, must appear above the 'signature block' area.

Remember. Proposed orders must be formatted so that at least some of the substantive text appears on the final page with the 'signature block.' The final page of a proposed order must not include only "boilerplate" words (e.g. "...it is so ordered") and the 'signature block' alone.

- (f) Proposed orders for matters on which a hearing is set shall not be presented to the Court for signature prior to the hearing.

¹⁶ The text included on the final page must do more than merely state IT IS SO ORDERED.