

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re:

TEMPORARY MODIFICATION OF
REQUIREMENT TO OBTAIN ORIGINAL
SIGNATURES FROM PERSONS FOR
ELECTRONIC FILINGS

FIFTH AMENDED GENERAL
ORDER NO. 20-02

In response to the pandemic spread of COVID-19 disease, national and state declarations of public health emergencies by the President of the United States and the Governor of the State of Ohio and guidance issued by the federal Centers for Disease Control and state and local health officials, this Court temporarily modified certain requirements of its manual establishing Administrative Procedures for Filing, Signing, Maintaining, Verifying and Serving Pleadings and Papers in the ECF System (“Administrative Procedures Manual”) in its General Order No. 20-02 and subsequent amendments to it. This Fifth Amended General Order No. 20-02 extends the termination date of General Order No. 20-02 through March 31, 2021.

The Administrative Procedures Manual implements Rule 5005 of the Federal Rules of Bankruptcy Procedure and Rule 5005-4 of the Local Bankruptcy Rules to facilitate electronic filing of documents with the Court. Section II.B.2. of the Administrative Procedures Manual governing debtor signatures on filed documents is temporarily modified effective immediately. Except as modified by this Order, the Administrative Procedures Manual remains in effect. The purpose of this temporary modification is to facilitate social distancing and other protective protocols for the benefit of counsel, their staff, their clients, Court staff and the general public.

1. The requirement of Section II.B.2.a. of the Administrative Procedures Manual that counsel obtain a debtor’s original physical signature on any document requiring the debtor’s signature **before** the document may be electronically filed with the Court may be satisfied in any of

the following ways:

a. counsel secures the debtor's original, physical signature prior to filing the document and maintains a copy in the case file, as presently required; or

b. counsel secures the debtor's digital signature via any commercially available digital signature software and maintains a copy of the digitally signed document in the case file; or

c. counsel obtains express written permission (including via text message or electronic mail) from the debtor to affix the debtor's /s/ signature to the document(s) and maintains a copy thereof in the case file; or

d. counsel obtains an image of the specified signature page(s) showing debtor's original physical signature thereon via e-mail, text message or facsimile transmission and maintains a copy of the image and its transmission media in the case file.

2. If counsel electronically files a document on the basis of having met the debtor signature requirement of Section II.B.2.a. of the Administrative Procedures Manual under any of the methods in 1.b., 1.c. or 1.d. above, such filing constitutes counsel's representation and certification that:

a. before filing and signature, counsel transmitted the entire and completed document(s) to the debtor for review and signature;

b. before filing, counsel communicated with the debtor regarding the substance and purpose of the document(s);

c. before filing, counsel received express authorization from the debtor to file the actual entire and completed document(s) that debtor has signed;

d. counsel in good faith believes that the signature method adopted establishes the identity of the debtor; and

e. counsel is prepared to describe the steps taken to secure a debtor's signature in compliance with this order, and to provide supporting documentation to prove compliance if requested by the Court, the United States Trustee, any case trustee or a party in the case.

3. Counsel must still comply with Section II.B.2.b. of the Administrative Procedures Manual by filing Debtor's Declaration re: Electronic Filing of Documents and Statement of Social Security Number ("Signature Declaration") with the Court. The requirement that it must be filed on the same day as the petition is filed is modified to permit filing with the Court on or before 21 days after the date the petition is filed. The substance of the Signature Declaration form is deemed to be modified to accommodate its original physical signature and filing after the date of filing of the petition.

4. Section II.B.3. of the Administrative Procedures Manual governing Signatures on Reaffirmation Agreements is not modified. Now, as always, counsel are reminded of the provisions of Rule 4008(a) (enlarging time to file a reaffirmation agreement) and Rule 4004(c)(2) (requesting deferral of entry of discharge) of the Federal Rules of Bankruptcy Procedure to address any deadline exigencies necessitated by the ongoing requirement to obtain a debtor's original physical signature on a reaffirmation agreement.

5. The Clerk of Court shall provide immediate notice to the public of this Fifth Amended General Order No. 20-02.

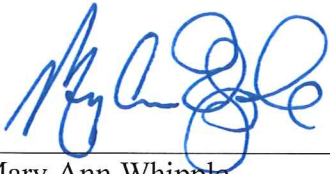
6. To the extent this Fifth Amended General Order No. 20-02 differs from previous orders of the Court on this subject, this Order supersedes and replaces those orders.

7. This Fifth Amended General Order No. 20-02 terminates on March 31, 2021, unless extended or earlier terminated by separate Order of the Court.

IT IS SO ORDERED.

DATED: December 1, 2020

FOR THE COURT:



Mary Ann Whipple
Chief Judge