

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re: SECOND AMENDED
GENERAL ORDER 39
SIGNATURES ON ELECTRONIC FILINGS.

**ORDER TEMPORARILY SUSPENDING REQUIREMENT TO OBTAIN ORIGINAL
SIGNATURES FOR ELECTRONIC FILINGS**

WHEREAS, due to the COVID-19 pandemic, the United States Bankruptcy Court for the Northern District of California (the “Court”) is closed to the public and is accepting documents for filing only via drop box, mail, email, and the Court’s Electronic Case Filing System (“ECF”). The Court’s Electronic Case Filing Procedures (“ECF Procedures”) govern the use of ECF;

WHEREAS, a significant percentage of the documents and pleadings filed in the Court are filed electronically by attorneys using ECF;

WHEREAS, Federal Rule of Bankruptcy Procedure 1008 requires all petitions, lists, schedules, statements and amendments thereto to be verified or to contain an unsworn declaration as provided in 28 U.S.C. § 1746;

WHEREAS, section 7 of the ECF Procedures provides in pertinent part that “[t]he electronic filing of a Verified Pleading constitutes a representation by the Registered Participant who files it that at the same time of filing he or she possesses the fully executed original, signed pleading or document”; and

WHEREAS, the pandemic may prevent attorneys from timely obtaining original signatures,

1 thereby interfering with their ability to provide or obtain appropriate bankruptcy relief or measures;

2 **IT IS HEREBY ORDERED** that effective July 27, 2020 and until further notice,

3 The Court hereby suspends, **subject to the conditions stated below**, the ECF Procedures'
4 requirement that a Registered Participant (as defined in the ECF Procedures) possess the signatory's
5 original, physical signature before electronically filing a pleading or document. This suspension is
6 **expressly conditioned** on the Registered Participant, before filing the document or pleading in
7 question, either (a) obtaining a digital signature via any commercially available digital signature
8 software that provides signature authentication and thereafter maintaining a copy of the digitally
9 signed document or pleading in his or her case file; or (b) obtaining express written permission from
10 the signatory to file the document or pleading in question. Any written permission obtained pursuant to
11 (b) shall contain a statement under penalty of perjury that the signatory has read the document or
12 pleading to be filed, and that the document or pleading is true and correct. The Registered Participant
13 shall maintain a copy of any written permission obtained pursuant to (b) in his or her case file.

14 The filing of a document or pleading in accordance with this order constitutes a certification
15 that the Registered Participant has complied with the foregoing conditions. In addition, the electronic
16 signature or the written permission obtained pursuant to this order shall have the same force and effect
17 as if the Registered Participant possessed the paper original of such document or pleading.

18 Immediately after filing the pleading or document, the Registered Participant shall obtain from
19 the signatory the pleading or document bearing his/her original physical signature, and shall maintain
20 that pleading or document and its original physical signature in his or her case file.

21 This order does not waive, suspend, limit or alter any other requirement of the ECF Procedures,
22 or any Bankruptcy Local Rule, Bankruptcy Code section, or Federal Rule of Bankruptcy Procedure.

23 Dated: July 23, 2020

24 
25 Charles Novack
26 Chief Bankruptcy Judge

27 * * *END OF ORDER* * *