



MEMORANDUM

To: Bankruptcy Practitioners, US Bankruptcy Court, Middle District of Georgia
From: Kyle George, Clerk of Court
Subject: Amendment to LBR 9013-3 Certificate of Service – Motions March 3, 2021

1. On occasion we encounter situations where an attorney files a certificate of service which specifies that the filing was served “on the creditor matrix” without attaching a copy of the matrix to the certificate of service. To ensure full compliance with our local rule on certificates of service, LBR 9013-3, we propose to add language to the rule clarifying that the certificate of service shall include information required by the rule “except for parties served by electronic service through the Electronic Case Filing system pursuant to LBR 2002-1(e).” The net effect of this amendment is to ensure that the attorney attaches to (or lists within) the certificate of service a list of all parties served by mail, including addresses. For the majority of attorneys in our district, this is no change to their current procedures.

2. The proposed amended rule is as follows:

LBR 9013-3. Certificate of Service - Motions

(a) All motions, briefs, and other documents filed with the Court that require notice to parties in interest shall contain a certificate of service. The certificate of service shall specify the parties served (including their addresses), the method of service, the date of service, and the signature of an attorney, **except for parties served by electronic service through the Electronic Case Filing system pursuant to LBR 2002-1(e)**. The movant shall sign the certificate if not represented by an attorney.

(b) If a certificate of service is not filed as required by this Rule, the Clerk of Court shall send notice to the filing party and give 14 days from the date of the notice for the certificate to be filed. If the certificate is not filed within the 14 days and the filing party within the 14 days does not request relief from the requirements of this Rule, the motion, brief, or other document shall be dismissed or stricken without further notice or hearing.

3. This proposed rule amendment remains available for public comment until April 5, 2021. If you have comments, please send them to me at Kyle_George@gamb.uscourts.gov. Your assistance in this matter is greatly appreciated.