

MEMORANDUM

TO: All Attorneys Practicing in the United States Bankruptcy Court, Northern District of Ohio

FROM: Chief Judge Pat E. Morgenstern-Clarren, Judge Richard L. Speer, Judge Marilyn Shea-Stonum, Judge Russ Kendig, Judge Mary Ann Whipple, Judge Arthur I. Harris, Judge Kay Woods, Judge Jessica E. Price Smith

RE: Serving Documents in Compliance with Local Bankruptcy Rule 9013-3

Date: October 12, 2012

As we all know, procedural due process principles of notice and the opportunity to be heard before an impartial tribunal are the cornerstones of our judicial system. In order to safeguard these fundamental rights, notice must include, among other things, information sufficient to appropriately identify the method of service and contact information for all necessary parties.

Documents filed in this district must contain a certificate of service that complies with [Local Bankruptcy Rule 9013-3](#). We have found, however, that the certificates of service submitted with motions and applications do not always contain the required information. For example, some certificates do not specify the parties served by email, as opposed to the parties served by regular mail; and some certificates do not indicate the email address or the physical address used by the party serving the document. To remedy this situation, the judges of this court have now approved the following standardized certificate of service, which will be deemed acceptable for filing in all five of the court's divisional offices:

CERTIFICATE OF SERVICE

I certify that on <date>, a true and correct copy of the <title of document> was served:

Via the court's Electronic Case Filing System on these entities and individuals who are listed on the court's Electronic Mail Notice List:

<name>, on behalf of <client>, at <email address>

And by regular U.S. mail, postage prepaid, on:

<name>, on behalf of <client>, at <address>

s/ <Attorney>
<Attorney and Bar Number>
<Address>
<Telephone #>
<Email address>

This standardized form certificate of service does not apply to the complaint or summons in adversary proceedings, governed by [FED. R. BANKR. P. 7004](#), et seq.

See attached Exhibit A for an example of a completed certificate of service that meets the requirements of Local Bankruptcy Rule 9013-3.

The clerk of this court shall serve a copy of this memorandum by email to all ECF registered attorneys and trustees whose proper email addresses are listed in the Court's ECF email address book. In addition, the clerk of this court shall post this memorandum on the court's website at www.ohnb.uscourts.gov.

We hope that this will help all attorneys to comply with the obligation to provide appropriate notice and an opportunity to be heard.

EXHIBIT A

CERTIFICATE OF SERVICE

I certify that on September 24, 2012, a true and correct copy of First Bank's Motion for Relief from Stay was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Jane Smith, on behalf of Henry Homeowner, debtor, at jsmith@firstcounselors.com

Bob Brown, on behalf of Second Bank at bbrown@banklawyers.com

Alice Attorney, on behalf of the Chapter 13 Trustee's office at
atty.trustee@chapter13.com

And by regular U.S. mail, postage prepaid, on:

Henry Homeowner, at 1234 Pleasant Road, Cleveland, OH 44114

Constance Creditor, on behalf of ABC Credit Co., at 4321 Owing Drive,
Cleveland, OH 44114

s/ Andrew Attorney
Andrew Attorney, Bar Number 0012345
16 Oak Street
Canton, OH 44702
(330) 321-0000
Aattorney@office.com