



UNITED STATES BANKRUPTCY COURT
DISTRICT OF MARYLAND
OFFICE OF THE CLERK

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Rules Suggestion 24-BK-I

MARK A. NEAL
Clerk of Court

THOMAS C. KEARNS
Chief Deputy

Reply to
Baltimore Division

June 28, 2024

Via Email



Administrative Office of the U.S. Courts
Thurgood Marshall Federal Judiciary Building
One Columbus Circle, N.E., Room 4-512
Washington, DC 20544

Re: Amendment Needed on Question #4 on Voluntary Petition
for Individuals Filing for Bankruptcy – Official Form 101

Dear [REDACTED]:

Current Question #4 on the Voluntary Petition for Individuals Filing for Bankruptcy (Official Form 101) which asks debtors to disclose “*Your Employer Identification Number (EIN), if any*” is quite understandably causing significant confusion for a growing number of *pro se* debtors. Here’s how the question currently appears on Official Form 101:

	About Debtor 1:	About Debtor 2 (Spouse Only in a Joint Case):
4. Your Employer Identification Number (EIN), if any.	EIN _____	EIN _____
	EIN _____	EIN _____

In response to this question, some *pro se* debtors are reasonably providing the EIN of *their* employer rather than an EIN issued to them *as an employer*). For example, a debtor who works for Amazon listed Amazon’s EIN in response to this question. Because multiple debtors are making the same mistake across the county, that causes cm/ecf’s repeat filer monitoring system to pick up that same EIN and erroneously report that the debtor has prior filings and, thus, may not be eligible for a discharge. Here’s a real example of such an erroneous report in a Chapter 7 case filed in our court (case no. 24-13235):

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Notice of Prior Filing for debtor Walter Noode Noode Case Number [24-40672](#), Chapter 13 filed in Michigan Eastern Bankruptcy Court on 01/24/2024 , Dismissed for Failure to File Information on 02/08/2024; Case Number [23-03741](#), Chapter 7 filed in Arizona Bankruptcy Court on 06/06/2023 , Standard Discharge on 10/17/2023; Case Number [24-12681](#), Chapter 13 filed in New Jersey Bankruptcy Court on 03/13/2024; Case Number [24-40491](#), Chapter 7 filed in Washington Western Bankruptcy Court on 03/07/2024; Case Number [24-11780](#), Chapter 7 filed in California Central Bankruptcy on 04/04/2024.(Admin) (Entered: 04/19/2024)

As this example illustrates, other debtors made the same mistake of erroneously listing Amazon’s EIN as *their* EIN on their petitions in multiple courts across the county, and this problem will only grow over time until Question #4 on the Voluntary Petition is amended. For further background, it is my understanding that Question #4 was changed to its present vague language several years ago. Previously, at least in 2017, Question #4 used to read much more clearly as follows:

The image shows a screenshot of a bankruptcy form, specifically Question 4. The question asks for "Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years". It includes instructions to "Include trade names and* doing business as names". The form is divided into two columns: "About Debtor 1:" and "About Debtor 2 (Spouse Only in a Joint Case):". Each column has a checkbox for "I have not used any business names or EINs." and two rows of input fields for "Business name" and "EIN".

In summary, Question #4 in its present form is so vague that it is understandably creating confusion and wasting the time and resources of the public and our offices. I strongly urge that Question #4 be immediately revised to something similar to how it previously existed in 2017 or at least to indicate that what is requested is: “Any EIN issued to you as an employer.”

Many thanks in advance to you and your team for your assistance with this matter.

Best regards.

Sincerely,

Mark A. Neal

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Cc: Chief Judge David E. Rice
Maryland Bankruptcy Judges
MDB Clerk's Office Executive Management Team
Mary ("Molly") P. Sharon, BCAG Chair