

**PROPOSED AMENDMENTS TO LOCAL RULES
FOR THE BANKRUPTCY COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

April 2017

Legend

Text shown in **bold font** reflects text added and text shown with a ~~double strike out~~ reflects text deleted from the Local Rules of Practice, Effective January 8, 2016.

Comments

Comments from the bar and public are invited. Comments must be received not later than June 30, 2017, and should be sent to localrules@caeb.uscourts.gov.

I. LBR 2014-1(b)

A. Summary

The text of LBR 2014-1 will become subdivision (a) of that rule and will be labeled "(a) Certification." This amendment adds subdivision (b) Effective Dates, which provides a presumptive effective date for orders approving employment of professional persons, i.e. 30 days prior to the date of the application for employment, and restates the standards necessary for retroactive employment of professional persons.

B. Text

LOCAL RULE 2014(b)
Employment of Professional Persons

(b) Effective Dates.

(1) Presumptive 30-day order. An application for an order approving employment pursuant to Federal Rule of Bankruptcy Procedure 2014(a) shall be presumed to relate back to the later of 30 days before the filing of the application or the order for relief. An order approving the employment of professional persons under Fed. R. Bankr. P. 2014(a) shall include a statement that the employment is authorized and the order covers services rendered on and after [insert date that is 30 days before application was filed or the date of the petition.]

(2) Retroactive employment exceeding 30 days. All requests for retroactive employment exceeding 30 days duration must be set for hearing, must show exceptional circumstances, must satisfactorily explain the applicant's failure to receive prior judicial approval, and must demonstrate that the applicant's services benefited the bankruptcy estate in a significant manner.

II. LBR 2016-2

A. Summary

In light of the Ninth Circuit Bankruptcy Appellate Panel decision in *In re Ruiz*, 541 B.R. 892 (9th Cir. BAP 2015), declining to define per se extraordinary circumstances, the rule is amended to allow a trustee seeking compensation under this rule to support that request by time records or other supporting documentation.

B. Text

LOCAL RULE 2016-2
Compensation of Chapter 7 Trustees

(a) Motion Procedure. Every application for compensation of a Chapter 7 trustee in the categories set forth in paragraph (b) shall be presented by motion noticed and set for hearing pursuant to LBR 9014-1. Such ~~application motion~~ shall be supported by ~~time records and~~ a narrative statement of the trustee's services= **and such other supporting documentation as may be appropriate to satisfy the trustee's burden of persuasion.**

(b) Categories. The procedure specified in paragraph (a) shall be followed for requests that satisfy any of the following criteria:

- (1) Fee requests seeking \$10,000.00, or more;
- (2) Cases in which the trustee seeks fees exceeding the amount remaining to pay unsecured priority and general claims;
- (3) Cases in which there is a "carve out" for the estate or a "short sale";
- (4) Cases where the trustee has operated the business of the debtor; or
- (5) Cases in which the court specifically orders such a fee application.

III. LBR 2017-1(a)(1)

A. Summary

The amendment modifies subdivision (a)(1) to provide that an attorney who files a motion to reopen a case becomes the debtor's counsel of record.

B. Text

LOCAL RULE 2017-1(a)
Attorneys - Appearances, Scope of Representation, and
Withdrawal

An attorney who is retained to represent a debtor in a bankruptcy case constitutes an appearance for all purposes in the case, including, without limitation, motions for relief from the automatic stay, motions to avoid liens, objections to claims, and reaffirmation agreements. However, an appearance in the bankruptcy case for a party does not require the attorney to appear for that party in an adversary proceeding. **If the debtor files a motion to reopen the case, the attorney representing the debtor in connection with that motion shall be counsel of record.**

IV. LBR 3015-1(h)

A. Summary

The amendment deletes subdivision (h) of the existing rule in light of U.S. Trustee policy allowing chapter 13 trustees to be compensated on funds received, rather than distributions made.

B. Text

~~(h) Trustee's Fees Before Confirmation. The trustee shall be allowed a fee of up to \$250.00 from available funds in a case that is closed prior to confirmation due to conversion or dismissal.~~

V. LBR 4001-1(c)(3)(A)-(L)

A. Summary

Current LBR 4001-1(c) requires disclosure of specified terms contained in cash collateral and post-petition financing motions. The proposed rule strengthens the rule by prohibiting terms contrary to those provisions absent substantial justification.

B. Text

LOCAL RULE 4001-1(c)(3)
Cash Collateral and Post-Petition Financing Agreements

The motion must recite whether the proposed cash collateral or post-petition financing agreement contains any provision described below and identifies any such provision. **Absent substantial justification such provision will not be approved. . . .**

VI. LBR 5005-1

A. Summary

Rule 5005-1 makes the Court's Electronic Case File the official record of the court.

B. Text

**LOCAL RULE 5005-1
Electronic Case File**

(a) Electronic Record is the Official Record. The electronic record maintained by the Clerk in the Court's Electronic Case File (ECF) System is the official record of the Court for all eligible documents filed in Chapter 7 cases and related proceedings after January 1, 2003; for all eligible documents filed in chapter 13 cases and related proceedings on or after July 1, 2003; and, for all eligible documents filed in chapter 9, 11 and 12 cases and related proceedings on or after November 3, 2003.¹

¹ Local Rule 5005-1(a) was amended on April 30, 2017 to clarify the date this Court began maintaining its official records in the Court's Electronic Case File (ECF) System. General Order 06-02, which was later adopted by this local rule, incorrectly established that date as March 1, 1999. The correct dates were promulgated by General Order 04-01, which was the first general order to establish the electronic record as the official record in this Court.

VII. LBR 5009-1(f)

A. Summary

The amendment deletes LBR 5009-1(f), which requires a motion for entry of discharge in a chapter 13 case that was closed without discharge but reopened to obtain discharge.

B. Text

LOCAL RULE 5009-1
Closing Procedures in Chapter 13 Cases

~~(f) Motions for Discharge After Case Closed Without Entry of Discharge. When a chapter 13 case is closed without entry of a discharge, subject to payment of the fee to reopen the case, a motion seeking entry of discharge will be considered by the Court provided the motion is set for hearing in accordance with LBR 9014-1(f)(1) or (f)(2) on notice to the trustee, the U.S. Trustee, all creditors, and other persons requesting notice.~~

VIII. LBR 5010-1(a)-(b)

A. Summary

The proposed amendments clarify existing Rule 5010-1 with regard to procedures for reopening a case.

B. Text

LOCAL RULE 5010-1(a)-(b)
Motions to Reopen Cases

(a) Ex Parte Motion Permitted. A motion to reopen a case may be made on an ex parte basis. Unless the Court orders otherwise, no hearing shall be set. **An order granting the motion need not be lodged.**

(b) Contents and Notice of Motion.

i. In General. A motion to reopen a case shall contain a statement of the grounds for reopening the case, and shall state whether, in the opinion of the moving party, the appointment of a trustee is necessary or advisable and the reasons why or why not, but shall not contain a request for any other relief. ~~If filed by the debtor, the motion shall state: (1) whether the debtor intends to amend the schedules and statements; and (2) if so, the particular additions, deletions or other changes to be made. The motion shall be served on the United States Trustee.~~

ii. Motion Filed by the Debtor. If filed by the debtor, the motion shall state: (1) whether the moving party intends to amend the schedules and statements; and (2) if so, the particular additions, deletions or other changes to be made. If filed by the debtor or debtors, notice of the motion shall be given to the United States Trustee, former trustee, and, if the debtor is represented in the reopened case by an attorney other than original counsel, to debtor's former counsel, prior to or concurrently with the filing of the motion.

iii. Motion Filed by the United States Trustee in the Bankruptcy Case. If filed by the United States Trustee, the motion shall state the purpose or purposes for the motion. Notice of the motion shall be given to the former trustee, if any, the debtor or debtors, and the attorney, if

any, for the debtor or debtors, prior to or concurrently with the filing of the motion.

iv. Motion Filed by a Party in Interest, including the former trustee, other than the Debtor, or the United States Trustee. If filed by a Party in Interest, other than the debtor or debtors, the United States Trustee, or the former Trustee, if any, the motion shall state the purpose or purposes for the motion. Notice of the motion shall be given to the United States Trustee, the former trustee, if any, the debtor or debtors, and the attorney, if any, for the debtor or debtors, prior to or concurrently with the filing of the motion. . . .

IX. LBR 7012-1

A. Summary

This new rule authorizes the parties to stipulate to an enlargement of time to plead or respond to a complaint, subject to limitations.

B. Text

**LOCAL RULE 7012-1
Enlargement of Time to Plead or Otherwise Respond to
Adversary Complaints**

Plaintiff and a defendant may stipulate to only one extension of time for that defendant to file an answer or motion in response to the Complaint, and such stipulation shall: (1) be in writing; (2) be filed with the Court; and (3) be for a period not greater than 30 days from the original time to respond to the Complaint. All further extensions must be by order of the Court.

X. LBR 7056-1(a)-(c)

A. Summary

This amendment to Rule 7056-1 alters the notice periods of LBR 9014-1(f)(1) for motions for summary judgment: (1) notice-42 days prior to the hearing; (2) opposition-21 days prior to the hearing; and (3) reply-14 days prior to the hearing.

B. Text

LOCAL RULE 7056-1
Motions for Summary Judgment or Partial Summary Judgment

(a) Motions for Summary Judgment or Partial Summary Judgment. **Unless a different amount of time is required by order of the Court, the party moving for summary judgment or partial summary judgment shall file and serve the motion at least forty-two (42) days prior to the hearing date.** Each motion for summary judgment or partial summary judgment shall be accompanied by a "Statement of Undisputed Facts" which shall enumerate discretely each of the specific material facts relied upon in support of the motion and cite the particular portions of any pleading, affidavit, deposition, interrogatory answer, admission, or other document relied upon to establish that fact. The moving party shall be responsible for the filing with the Court of all evidentiary documents cited in the moving papers.

(b) Opposition. **Unless a different amount of time is required by the order of the Court, any party opposing a motion for summary judgment or motion for partial summary judgment shall file and serve opposition at least twenty-one (21) days prior to the date or continued date of the hearing.** Any party opposing a motion for summary judgment or partial judgment shall reproduce the itemized facts in the Statement of Undisputed Facts and admit those facts which are undisputed and deny those which are disputed, including with each denial a citation to the particular portions of any pleading, affidavit, deposition, interrogatory answer, admission, or other document relied upon in support of that denial. The opposing party may also file a concise "Statement of Disputed Facts," and the source thereof in the record, of all additional material facts as to which there is a genuine issue precluding summary judgment or

adjudication. The opposing party shall be responsible for the filing with the Court of all evidentiary documents cited in the opposing papers. If a need for discovery is asserted as a basis for denial of the motion, the party opposing the motion shall provide a specification of the particular facts on which discovery is to be had or the issues on which discovery is necessary.

(c) Reply. Unless a different amount of time is required by order of the Court, a moving party wishing to reply to any opposition must file and serve its reply at least fourteen (14) days prior to the date or continued date of the hearing.

(f) Evidentiary Objections. Respondent shall file and serve written objections to movant's evidence not later than the date specified in subdivision (b) of this rule. Movant shall file and serve written objections to respondent's evidence not later than the date specified in subdivision (c) of this rule. Failure to object to the opposing party's evidence by the date and in the manner described herein may be deemed a waiver of the objection. The objection shall be in a separate document and shall (1) state with particularity, including citation to the record, e.g. Jones decl. ¶ 3, October 10, 2016, ECF # 78, the evidence to which objection is made; (2) identify which of the opposing party's undisputed facts are supported by the evidence to which objection is made, e.g. Plaintiff's Separate Statement of Undisputed Facts #s 1 & 4; and (3) the basis for the objection, e.g. Fed. R. Evid. 802 (hearsay).

XI. LBR 8010-1

A. Summary

Where a party to an appeal pending before the BAP, District Court or Ninth Circuit Court of Appeals moves for leave to appeal, dismissal, stay pending the appeal, approval of a supersedeas bond or other intermediate order under Fed. R. Bankr. P. 8010(c) before the record is transmitted to the appellate court, the moving party must designate applicable parts of the record for transmission by bankruptcy clerk. LBR 8010-1 requires the moving party to file the designation with the Clerk of the Court and confirms that the Clerk satisfies its duties when it complies with Fed. R. Bankr. P. 8010(b)(1) with respect to the designation.

B. Text

**LOCAL RULE 8010-1
Transmittal of Records to Appellate Court**

When a party to an appeal designates parts of the record for use in a Preliminary Motion to the District Court, BAP, or Court of Appeals, the party must file the designation with the bankruptcy court, and the Clerk' obligation under Fed. R. Bankr. P. 8010(c) is satisfied when the Clerk complies with Fed. R. Bankr. P. 8010(b)(1).

XII. LBR 9004-1(a) & 9004-2

A. Summary

Current LBR 9004-1(a) incorporates the Revised Guidelines for Preparation of Documents (Revised August 12, 2015) by reference. Proposed Rule 9004-2 moves the substance of those guidelines into the Local Rules, making them easier for practitioners to find.

B. Text

LBR 9004-1(a)
General Requirements of Form

General Format of Documents. **All pleadings and documents shall be formatted consistent with LBR 9004-2.** ~~All pleadings and documents shall conform with the Court's Revised Guidelines for the Preparation of Documents, Form EDC 2 901. The Clerk shall maintain on the Court's website (www.cacb.uscourts.gov) the current version of these Guidelines and shall make paper copies available upon request without charge.~~ The Clerk shall not refuse to file any proffered document submitted in violation of this Rule, but shall bring such document to the attention of the Court. Any attorney or trustee who files a document in violation of this Rule may be subject to monetary or non-monetary sanctions.

**LBR 9004-2
Formatting Pleadings and Other Documents**

(a) General Document Formatting Requirements.

(1) **Paper Size.** Electronic and Paper Documents shall be formatted for white, letter size paper (8½ inch by 11 inch, on 20 lb., unglazed opaque, or similar weight and style, paper stock if not electronically filed) with black colored ink or font.

(2) **Numbered Lines.** Each page shall have consecutively numbered lines, double spaced, in the left margin.

(3) **Legible Text.** All petitions, pleadings, motions, briefs and other papers submitted for filing shall be typewritten, printed, computer generated, or prepared by some other clearly legible process, with printing on only one side

of each page. Unless prior approval of the Court is granted, interlineations shall not be allowed.

(4) Font Requirements. Font for documents filed with the court (excluding copies of exhibits) shall not be less than 12 point type and not more than 14 point type, set for no more than an average of 10 characters per inch. Ariel, Courier, Times, Times New Roman, and Helvetica, or their equivalent, shall be used in the preparation of pleadings.

(5) Font Appearance. Citations may be italicized or underlined.

(6) Title of Proceeding. The title of the case or proceeding, the bankruptcy case, adversary proceeding, and/or miscellaneous proceeding number(s), and the Docket Control Number, if any, shall be included in the caption.

(b) Formatting Documents.

(1) Double-Spaced Text. With the exception of exhibits which are provided in their existing form and formatting, identification of counsel, title of action, category headings, footnotes, quotations, and descriptions of real property, the text lines for documents filed with the court shall be double spaced.

(2) Margins. All documents and forms shall have a margin not less than one-half inch on all four sides of each page.

(3) Blank Space for Clerk's Stamp. The first page of all documents filed with the court shall contain a blank space in the upper right-hand corner measuring at least 2½ inches from the right edge and 3 inches from the top edge for court's filing stamp.

(4) Proposed Orders. Proposed orders lodged with the court shall contain a blank space in the lower left-hand corner measuring at least 2½ inches from the left edge and 1¼ inches from the bottom edge for the Clerk's document received stamp.

(5) Caption Page. The first page of each document filed shall contain a caption setting forth the name of the court, the title of the case or proceeding, the bankruptcy case,

adversary proceeding, and/or miscellaneous proceeding number, the title of the document, and, if applicable, the Docket Control Number, and the date, time, and location of the hearing.

(A) Title of Document. The title of every document shall briefly describe the character of the paper, identify the filing party, state the relief sought, and, if applicable, describe the document to which it relates (for example: "Debtor's Response to Creditor Tom Swift's October 1, 1979 Motion For Relief From Stay"). The document title shall be placed just below or to the right of the caption on the first page of the document, and may be in bold-faced print and/or underlined.

(B) Title Conventions. Pleadings presented for filing must bear specific pleading designations, in accordance with the nomenclature set forth in Rule 7 of the Federal Rules of Civil Procedure. When a document contains multiple claims as permitted by Fed. R. Civ. P. 18, and Fed. R. Bankr. P. 7018 and 9014 (for example, an answer to a complaint and a counterclaim or cross claim), all claims for relief requested in the document must be listed in the caption.

(6) Docket Control Number. Local Bankruptcy Rule 9014-1(c)(1) requires that a Docket Control Number be included in the caption immediately below the case number or adversary number, on motions and all pleadings and other documents, including proofs of service, filed in support of, or in opposition to, motions. The Docket Control Number designated on the first document filed shall be the Docket Control Number listed on all related documents filed by any party.

(c) Organization.

(1) Filing of Separate Documents. Motions, notices, objections, responses, replies, declarations, affidavits, other documentary evidence, exhibits, memoranda of points and authorities, other supporting documents, proofs of service, and related pleadings shall be filed as separate documents.

(2) Tabs. Index tab pages, separator sheets, cover sheets, and divider sheets for which any part is outside the 8½ inch by 11 inch paper size SHALL NOT be used.

(3) Page Numbering. The pages of each document shall be numbered consecutively at the bottom center of the page. Page "1" is the first page of the document bearing the caption of the case or adversary proceeding.

(4) Page Total. The total number of pages of each document shall be noted in the upper left-hand corner on the first page of every document submitted for filing.

(d) Exhibits.

(1) Separate Exhibit Documents(s). Exhibits shall be filed as a separate document from the document to which it relates and identify the document to which it relates (such as "Exhibits to Declaration of Tom Swift in Support of Motion For Relief From Stay"). A separate exhibit document may be filed with the exhibits which relate to another document, or all of the exhibits may be filed in one document, which shall be identified as "Exhibits to [Motion/Application/Opposition/...]."

(2) Exhibit Index. Each exhibit document filed shall have an index at the start of the document that lists and identifies by exhibit number/letter each exhibit individually and shall state the page number at which it is found within the exhibit document.

(3) Numbering of Pages. The exhibit document pages, including the index page, and any separator, cover, or divider sheets, shall be consecutively numbered and shall state the exhibit number/letter on the first page of each exhibit.

(4) Exhibit Page Size. Exhibits larger than 8½ inches by 11 inches shall be reduced in size prior to filing. Duplexed exhibits shall be copied and filed with text printed on one side of each page only.

(e) Proof of Service.

(1) Separate Document. The proof of service for any documents filed shall itself be filed as a separate document.

(2) Pleadings Not Attached. Copies of the pleadings and documents served SHALL NOT be attached to the proof of service filed with the court. The proof of service shall identify by title each of the pleadings and documents served.

(3) Single Docket Control Number. Multiple documents and pleadings related to papers with the same Docket Control Number may be included in one proof of service. Documents and pleadings related to papers with different Docket Control Numbers SHALL NOT be included in the same proof of service.

XIII. LBR 9014-1(c)

A. Summary

The proposed amendment to Rules 9014-1(c) clarifies that orders based on stipulations of the parties require docket control numbers under LBR 9014-1(c). Stipulations resolving a contested matter, which already bears a docket control number, shall be identified by the underlying docket control number.

B. Text

LOCAL RULE 9014-1(c)(4)
Docket Control Number

Once a Docket Control Number is assigned, all related papers filed by any party, including motions for orders shortening the amount of notice **and stipulations resolving that motion**, shall include the same number. However, motions for reconsideration and countermotions shall be treated as separate motions with a new Docket Control Number assigned in the manner provided for above.

XIV. LBR 9014-1(d)

A. Summary

This amendment is a significant re-write of LBR 9014-1(d). Key changes include: (1) making a memorandum of points and authorities optional, in most cases; (2) requiring the memorandum of points and authorities, if filed, to be separate from the motion (unless the combined motion and memorandum of points and authorities is less than six pages); and (3) requiring a memorandum of points and authorities in excess of 10 pages to include a table of contents.

B. Text

LOCAL RULE 9014-1(d)
Format and Content of Motions and Notices

(d) Format and Contents of Motions and Notices.

(1) Contents. Except as otherwise provided in these rules, every application, motion, contested matter or other request for an order, shall be comprised a motion, notice, evidence, and a certificate of service. Unless otherwise ordered, the moving party may, but need not, file a memorandum of points and authorities in support of the motion. Opposition to any request for relief shall be governed by the same principles.

(2) Format. All pleadings and documents filed in support and in opposition to a motion shall contain in the caption the date and time of the hearing and the courtroom in which the hearing will be held and shall otherwise comply with LBR 9004-1, General Requirements of Form.

(3) Component Parts.

(A) Motion. The application, motion, contested matter, or other request for relief shall set forth the relief or order sought and shall state with particularity the factual and legal grounds therefor. Legal grounds for the relief sought means citation to the statute, rule, case, or common law doctrine that forms the basis of the moving party's request but does not include a discussion of those authorities or argument for their applicability.

(B) Notice.

(i) The notice of hearing shall advise potential respondents whether and when written opposition must be filed, the deadline for filing and serving it, and the names and addresses of the persons who must be served with any opposition.

(ii) If written opposition is required, the notice of hearing shall advise potential respondents that the failure to file timely written opposition may result in the motion being resolved without oral argument and the striking of untimely written opposition.

(iii) The notice of hearing shall advise respondents that they can determine whether the matter has been resolved without oral argument or whether the court has issued a tentative ruling, and can view [any] pre-hearing dispositions by checking the Court's website at www.caeb.uscourts.gov after 4:00 P.M. the day before the hearing, and that parties appearing telephonically must view the pre-hearing dispositions prior to the hearing.

(iv) When notice of a motion is served without the motion or supporting papers, the notice of hearing shall also succinctly and sufficiently describe the nature of the relief being requested and set forth the essential facts necessary for a party to determine whether to oppose the motion. However, the motion and supporting papers shall be served on those parties who have requested special notice and those who are directly affected by the requested relief.

(C) Memorandum of Points and Authorities. If filed, the memorandum of points and authorities shall be a succinct and

reasoned explanation of the moving party's entitlement to relief. Memorandum of points and authorities in excess of 10 pages shall include a table of contents and table of authorities.

(D) Evidence. Every motion shall be accompanied by evidence establishing its factual allegations and demonstrating that the movant is entitled to the relief requested. Affidavits and declarations shall comply with Fed. R. Civ. P. 56(c)(4).

(4) Separate Documents. Except as provided herein, each of the documents described in subpart (d)(1) hereof shall be filed as a separate document. A motion and a memorandum of points and authorities may be filed together as a single document when not exceeding six (6) pages in length, including the caption page.

(5) Joinder. Every application, motion, contested matter or other request for an order, shall be filed separately from any other request, except (1) that relief in the alternative based on the same statute or rule may be filed in a single motion; and (2) as otherwise provided by these rules. Without incorporation by reference to any other document, exhibit or supporting pleading, the motion shall state with particularity the grounds therefor, and shall set forth the relief or order sought. Where the motion combines requests for relief with differing notice periods or persons entitled to notice, the movant shall give notice consistent with the more expansive notice requirements.

XV. LBR 9018-1

A. Summary

This new rule provides procedural guidance for filing documents under seal.²

B. Text

LOCAL RULE 9018-1
Filing Under Seal

(a) Motions to File a Document under Seal. Motions to file a document under seal and the document to be placed under seal may be filed through the Court's e-filing system or over the counter. If the motion is granted, the Court will seal only an entire document; it will not seal parts of a document. Motions to redact information already on the Court's docket or claims register, such as social security numbers, the names of a minor children or financial account numbers must comply with the redaction procedures in Local Rule 9037-1.

(b) What to File.

(1) A motion to Seal Documents. A motion to seal documents shall explain the grounds for sealing, as set forth in Fed. R. Bankr. P. 9018. Care should be given not to disclose information that the motion seeks to seal.

(2) A Proposed Order. The proposed order shall direct the clerk to place the document under seal. Care should be given when writing the order not to disclose information in the document to be sealed. Pro se filers need not submit an order.

(3) Documents to be Sealed. A proposed sealed document must not be filed at the same time as the motion to seal it. Rather, it should be filed after the judge in the case has signed and entered on the docket an order sealing the document.

(c) How to File.

(1) E-Filing. E-Filers shall use the Sealed Documents link located in the Court's e-filing system to submit the motion, proposed order and,

² If LBR 9018-1 is adopted, LBR 5005-1(d)(3) will be repealed.

once the judge has signed the order, the proposed sealed document. Care should be given to follow the instructions in our Sealed Documents link to avoid placing sensitive information on the docket.

(2) Paper Filing. With the exception of pro se filers, all motions and orders to seal documents must be filed electronically. However, the proposed document to be sealed may be filed in paper with the clerk in Fresno, Modesto or Sacramento. All filers must file a motion to seal and a proposed order (pro se filers need not submit an order) before submitting the document to be sealed. Once a judge has signed the order sealing the document, the filer must then submit a copy of the document to be sealed to the clerk's office in a sealed envelope, marked, "DOCUMENTS TO BE KEPT UNDER SEAL," with the case number and name of the filing party written on the envelope.

(d) Disposition of Sealed Documents. If the Court grants the motion, the document will be kept under seal until the case or adversary proceeding is closed or until the judge orders otherwise. If the Court denies the motion, filers will not be permitted to file the document as a sealed document. Any paper copy of a proposed document to be sealed submitted to the Court will be destroyed.

(e) Storage of Sealed Documents. Documents permitted to be filed on paper will be scanned, entered into the Court's e-filing system, and then promptly destroyed unless filed with a self-addressed stamped envelope for return to the filer after entry.

XVI. LBR 9037-1

A. Summary

The amendment adds subdivisions (a) and (b), which clarifies the redaction procedures. The prior rule for redaction of electronically filed transcripts is retained in new subdivision (c) and renumbered accordingly.

B. Text

LOCAL RULE 9037-1
Redaction of Personally Identifiable Information

(a) Responsibilities.

(1) The responsibility for redacting personally identifiable information (as defined in Fed. R. Bankr. P. 9037) rests solely with counsel, parties in interest and non-parties. The clerk, or claims agent if one has been appointed, will not review each document for compliance with this rule.

(2) Motions to seal documents that contain trade secrets, confidential research, development of commercial information, and/or scandalous or defamatory matter, must comply with Local Rule 9018-1.

3. Nothing in this rule prevents a party adversely affected by the disclosure of personally identifiable information from seeking appropriate relief.

(b) Redacting Personally Identifiable Information in Claims or in Documents on the Court's Docket. Parties that wish to redact personally identifiable information must file a motion to redact that identifies the proposed document for redaction by docket number or, if applicable, by claim number. Within 30 days of an order granting the motion, the filing party must also submit a copy of the original document or claim with all personally identifiable information redacted. . . .