

LBR 9037.1
REDACTION

(a) Motion. Any person seeking to redact publicly filed data that is subject to privacy protection under Fed. R. Bankr. P. 9037 should file a motion to redact such data on the grounds that public access is likely to prejudice privacy interests. Motions to redact need not be filed with a notice of objection deadline, but the Court may in its discretion determine that a hearing is appropriate to consider the motion and any related responses.

(b) Contents of Motion. The motion to redact must identify the type of data that is subject to privacy protections (without repeating within the motion the substance of the protected information), identify the document(s) in the record where that data is contained, and explain the reasons why public access is likely to prejudice privacy concerns. Except with respect to omnibus motions to redact filed under subsection (g) of this Rule, each motion to redact must include an appendix containing a properly redacted replacement copy of each document (each in a separate .pdf file) that the motion identifies as containing data subject to privacy protections.

(c) Service. All motions to redact must be served on the debtor, debtor's attorney (if the debtor is represented), the person who disclosed the information to be redacted (unless the disclosing person is the movant), any individual whose personal identifiers have been exposed, the case trustee, and the United States Trustee.

(d) Sealing Publicly Accessible Documents.

(1) Temporary Seal. Pending entry of an order on any motion to redact, the Clerk, upon the filing of a motion using a "Redact per LBR 9037.1" event in CM/ECF, will temporarily seal both the motion to redact and any documents identified in the motion to redact as containing data that is subject to privacy protection. An order resolving the motion to redact will be entered by the Clerk or the Court, and will address any seal that has been imposed.

(2) Authority for Clerk to Issue Sealed Notice. To minimize dissemination of data that may be subject to privacy protection, the Clerk of the Court is authorized, but not required, to issue a sealed notice of noncompliance to any person who files a publicly accessible document that appears to contain data subject to privacy protection.

(e) Redaction Fee. The movant must pay the fee required by the Bankruptcy Court Miscellaneous Fee Schedule for each case affected by the motion to redact, although the Court may waive the redaction fee in appropriate circumstances, upon motion stating good cause filed contemporaneously with the motion to redact.

(f) Closed Cases. Because a case need not be reopened (and a reopening fee need not be paid) if redaction is the only basis for the motion to redact, the movant should not file a motion to reopen the case prior to filing the redaction motion.

(g) Large-Scale Requests. If a movant seeks to redact information in a large number of similarly affected cases, the movant may file an omnibus motion. An omnibus motion must identify each affected case and the type of information to be redacted (without repeating the substance of the protected information), and must be filed in one lead case, with service on all parties identified in subsection (c) of this Rule. If the Court exercises its discretion to hold a hearing on the omnibus motion, the hearing will be noted in advance via a docket entry in each affected case.

(h) Highly Sensitive Documents. Highly sensitive documents are subject to the procedures and requirements published on the court's website.

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As amended 12/1/24 (formerly S.O. 21-1), 3/17/20, 3/17/15.