

LBR 5003-2. RECORDS AND FILES**(a) Records and Files.**

- (1) When Order Required. No records or objects belonging to the files of the court may be taken from the office or custody of the clerk except upon written order of the court.
- (2) Form of Receipt. Any person removing records pursuant to this rule must give the clerk a receipt containing the following information:
 - (A) The name, address, and telephone number of the person removing the records or objects;
 - (B) An itemized description of the records or objects removed;
 - (C) The date of removal;
 - (D) The place in which records or objects will be used or kept; and
 - (E) The estimated date of return to the clerk of the records or objects.
- (3) Exception for Court Staff. The provisions of this rule do not apply to a judge, members of a judge's staff, magistrate judge, court recorder, clerk, clerk's staff, or courtroom deputy requiring records or objects in the exercise of their official duties. Any court officer removing records or objects must provide the clerk with a receipt in the form required by subsection (a)(2) of this rule.

(b) Removal of Contraband.

Contraband of any kind coming into the possession of the clerk must be turned over to an appropriate governmental agency which will destroy or otherwise dispose of the contraband as provided by law. The agency must give the clerk a receipt for the contraband in the form required by subsection (a)(2) of this rule.

(c) Confidential Court Records.

- (1) Filing under Seal. Subject to 11 U.S.C. § 107, a paper may not be filed under seal without a prior written order of the court. If a filing under seal is requested, a written motion and a proposed order must be presented to the judge along with the paper submitted for filing under seal. The proposed order must authorize the sealing of the paper and, if appropriate, the motion and order as well. The original and judge's copy of the paper must be sealed in separate envelopes with a copy of the title page attached to the front of each envelope. Copies to be conformed need not be placed in sealed envelopes. The motion, paper submitted for filing under seal, and proposed order must not be filed by electronic means. The documents

must be filed with the court non-electronically. If the court denies the motion, the paper submitted to be filed under seal will be returned to the movant unless otherwise ordered.

- (2) **Disclosure of Sealed Papers.** No sealed or confidential record of the court maintained by the clerk will be disclosed except upon written order of the court. A party seeking disclosure of sealed or confidential court records must file and serve a motion pursuant to LBR 9013-1. The motion must state with particularity the need for specific information in such records.

LBR 5005-1. FILING PAPERS – REQUIREMENTS

A paper delivered for filing to the clerk will be accepted if accompanied by any required fee and signature, except as provided in LBR 1002-1(d)(1) and LBR 1006-1.

LBR 5005-2. FILING PAPERS – NUMBER OF COPIES

- (a) **Number of Copies.** For papers that are not electronically filed under the provisions of LBR 5005-4, a list of requirements that specify the minimum number of copies that must be submitted is contained in the Court Manual available from the clerk and on the court’s website.
- (b) **Conformed Copies.** A copy filed with the court must conform to the original, including either a photocopy of a fully executed signature page, or an unsigned signature page that bears a conformed signature or a notation that the original was signed. A conformed copy must be identical to the original in content, pagination, additions, deletions, interlineations, attachments, exhibits, and tabs.
- (c) **Request for Court Conformed Copy.** A maximum of 3 copies will be conformed by the clerk’s office to show filing or lodging. Copies to be conformed by the clerk’s office may consist of either the entire paper or only the first page of the filed paper. The clerk’s office is not responsible for verifying that any copy presented for conforming is a true and correct copy of the filed paper. If the party presenting a paper requests the clerk to return a conformed copy by United States mail, an extra copy must be submitted by the party for that purpose, accompanied by a postage-paid, self-addressed envelope.
- (d) **Judge’s Copy.** A paper copy of any document filed with the court, either electronically or non-electronically, must be marked “Judge’s Copy” and served on the judge in chambers in the manner and not later than the deadline set forth in the Court Manual available from the clerk and on the court’s website.
 - (1) The judge’s copy must meet the requirements of LBR 9004-1(a). Exhibits to the judge’s copy must be tabbed.
 - (2) If the document is filed electronically, a judge’s copy must be accompanied by a copy of the NEF confirming the filing of the original document.

LBR 5005-4. ELECTRONIC FILING

- (a) **Mandatory Electronic Filing.** Except as provided in subsection (c) of this rule, all papers submitted in any case or proceeding must be filed electronically, signed or verified by electronic means in compliance with the court's CM/ECF Procedures contained in the Court Manual available from the clerk and on the court's website.
- (b) **CM/ECF Procedures Control.** In the event of a conflict between these rules and the CM/ECF Procedures, the current version of the CM/ECF Procedures will control.
- (c) **Exceptions to Mandatory Electronic Filing Requirement.**
- (1) **Pro Se Exception.** A person who is not represented by an attorney may file and serve papers non-electronically.
- (2) **Limited Exception for Attorneys.**
- (A) An attorney who files papers in fewer than 5 bankruptcy cases or adversary proceedings in a single calendar year may file and serve papers non-electronically.
- (B) An attorney who files non-electronically papers capable of being filed electronically in 5 or more bankruptcy cases or adversary proceedings in a single calendar year *must thereafter* file papers electronically through the court's CM/ECF system.
- (C) The court reserves the right in its sole discretion to revoke this limited exception at any time upon notice to the attorney.
- (3) **Paper Filed under Seal.** A motion, paper submitted for filing under seal, and proposed order must be filed non-electronically pursuant to LBR 5003-2(c)(1).

LBR 5010-1. REOPENING CASES

- (a) **Motion.** A motion to reopen a closed bankruptcy case must be supported by a declaration establishing cause therefor. The motion must not contain a request for any other relief.
- (b) **Separate Motion or Adversary Proceeding.**
- (1) A request for any relief other than the reopening of a case, including relief based upon the grounds for reopening the case, must be made in a separate motion or adversary proceeding, which may be filed concurrently with the motion to reopen.
- (2) This subsection does not apply to a motion to reopen a case solely for the purpose of seeking an extension of time to file Official Form 23, Debtor's Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management.

- (c) **Notice.** The movant must give notice of the motion to any former trustee in the case and the United States trustee.
- (d) **Fee.** If a fee is required, the movant must pay the fee upon the filing of the motion to reopen, unless otherwise ordered by the court.
- (e) **Ex Parte Consideration.** A motion to reopen may be considered *ex parte*. The movant must not calendar a hearing date nor will a hearing be held on the motion, unless otherwise ordered by the court.
- (f) **Assignment.** The motion will be assigned to the judge to whom the case was last assigned, if still in office; otherwise, the motion will be assigned at random by the clerk to a judge to hear and rule upon the request.
- (g) **Closing of Case.** If no motion or adversary proceeding is pending 30 days after the case is reopened and if no trustee has been ordered appointed, the case may be closed without further notice.

LBR 5011-1. WITHDRAWAL OF REFERENCE

- (a) **General.** Pursuant to 28 U.S.C. § 157(a), the district court refers to the bankruptcy court for this district all cases under title 11 and all proceedings under title 11 or arising in or related to a case under title 11.
- (b) **Procedure.** A motion to withdraw the reference of a case or proceeding under 28 U.S.C. § 157(d) must be filed with the clerk of the district court. The motion must comply with Rule 6.1 of Chapter IV, Local Rules of the District Court Governing Bankruptcy Appeals, Cases and Proceedings.

LBR 5073-1. PHOTOGRAPHY, RECORDING DEVICES, AND BROADCASTING

- (a) **Prohibition of Broadcasting, Television, and Photography.** Unless otherwise ordered by the court, between 7:00 a.m. and 7:00 p.m., Monday through Friday, and at all other times when the court is in session, the use of any form, means, or manner of radio or television broadcasting and the taking or making of photographs, motion pictures, video, or sound recordings is prohibited in:
 - (1) Any and all courtrooms occupied by any judge;
 - (2) Any and all chambers assigned to any judge;
 - (3) Any and all areas used by the clerk and court staff;
 - (4) Any garage or parking facility reserved for the judges or their staff; and
 - (5) All hallways and public areas adjacent to the above-specified locations.

- (b) **Exceptions.** This rule does not prohibit:
- (1) Recordings made by official court recorders in the performance of their official duties. No other use may be made of an official recording of a court proceeding without an express, written order of the court;
 - (2) The taking of photographs, when specifically authorized in writing, at ceremonial or non-judicial functions in the chambers of a judge of this court;
 - (3) The videotaping or other electronic recording of depositions for trial purposes, nor the preparation and perpetuation of testimony taken by, or under the direction of, a judge of this court or a visiting judge. No part of such videotape or other electronic recording may be used without an express, written order of the court; or
 - (4) The possession of video or sound recording, photographic, radio, or television broadcasting equipment. Any equipment taken into or through the areas enumerated in this rule is subject to such security regulations as may be adopted from time to time by the court.
- (c) **Enforcement of Rule.** The United States Marshal, the General Services Administration police, and the security force contracted for service by the court enforce the provisions of this rule. A violation of this rule constitutes contempt of court.

**LBR 5075-1. MOTIONS FOR ADMINISTRATIVE ORDERS PURSUANT TO
28 U.S.C. § 156(c)**

- (a) **General.** This rule applies to motions by which a party in interest seeks an order from the bankruptcy court approving employment of persons or entities to perform certain duties of the clerk's office, the debtor, or the debtor in possession such as (1) processing proofs of claim and maintaining the claims register; (2) serving notices; (3) scanning documents; or (4) providing photocopies of documents filed in the case (collectively, "administrative order").
- (b) **Procedure.** A motion for administrative order must include a completed declaration on court-mandated form F 5075-1.1, Declaration to be Filed with Motion Establishing Administrative Procedures Re 28 U.S.C. § 156(c) with the completed Mega Case Procedures Checklist attached thereto. A copy of the motion, including the declaration and checklist, must also be provided to the clerk's office at the time the motion is filed. Movant's counsel must consult with the clerk's office in completing the checklist to the satisfaction of the clerk's office. Unless the judge to whom the case is assigned orders otherwise, any such motion that is not accompanied by the completed checklist may be denied by the court and any hearing thereon previously scheduled may be vacated.

LBR 5095-1. INVESTMENT OF ESTATE FUNDS**(a) Notice.**

- (1) The trustee or debtor in possession must give not less than 15 days written notice of a proposed investment of bankruptcy estate funds in a Designated Fund to the United States trustee, the debtor (if a trustee has been appointed), the creditors' committee or the 20 largest unsecured creditors if no committee has been appointed, any other committee appointed in the case, counsel for any of the foregoing, and any other party in interest entitled to notice under FRBP 2002, unless the court for cause shown shortens the time or otherwise modifies or limits notice pursuant to a motion under LBR 9075-1.
- (2) The notice must state that any objection or request for hearing must be filed and served not more than 15 days after service of the notice, unless the notice specifies a longer period, or unless otherwise ordered by the court.
- (3) If an objection and request for hearing is not filed and served within such 15-day period, the trustee or debtor in possession may proceed with the investment. An order is not required nor will an order be entered under this rule.

(b) Objection and Request for Hearing. If a timely objection and request for hearing is filed and served, the trustee or debtor in possession must, within 20 days from the date of service of such objection, obtain and give not less than 11 days notice of the hearing to each objecting party and to the United States trustee.

(c) Designated Fund. For purposes of this rule, a "Designated Fund" is an open-end management investment company registered under the Investment Company Act of 1940 and regulated as a "money market fund" pursuant to Rule 2a-7 under the Investment Company Act of 1940, that:

- (1) Invests exclusively in United States Treasury bills and United States Treasury Notes owned directly or through repurchase agreements;
- (2) Has received the highest money market fund rating from a nationally recognized statistical rating organization, such as Standard & Poor's or Moody's;
- (3) Has agreed to redeem fund shares in cash, with payment being made no later than the business day following a redemption request by a shareholder, except in the event of an unscheduled closing of Federal Reserve Banks or the New York Stock Exchange; and
- (4) Has adopted a policy that it will notify its shareholders 60 days prior to any change in its investment and redemption policies under subsections (c)(1) and (3) of this rule.