



THE BANKRUPTCY BUGLE

JUNE 2009

A CM/ECF Newsletter

Sponsored by the
United States Bankruptcy Court
District of Nevada

HELP DESK: 866-232-1266

HelpDesk@nvb.uscourts.gov

“SECRET... CONFIDENTIAL... SCANDALOUS ... DEFAMATORY”



No, this isn't a story from the National Enquirer or the Star...it's the title of Local Rule (LR) 9018, which sets out procedures on filing documents under seal, also known as In Camera. This is the subject of this month's topic... **UNDER SEAL vs REDACTION**. What is the difference?

Under seal means that the document to be filed contains sensitive material that the filing party does not want made public, though it will officially be a part of the court record. Some examples of sensitive information that may not be appropriate to include in a document for public viewing may be financial information, copies of private, sensitive correspondence, or perhaps documents relative to a minor, and other matters covered under the Judicial Conference's Privacy Policy. For more information on the Privacy Policy, visit our website at www.nvb.uscourts.gov. NOTE: To file under seal you must make this motion BEFORE THE DOCUMENT IS FILED.

Redact means that there is sensitive information to be removed from an existing document. This includes personal information such as social security numbers, names of minors and other items outlined in the Judicial Conference's Privacy Policy.

So, to sum it up, you can seal an entire document if you take steps to do so before filing it. If sealing is not appropriate or feasible, you can redact information in a document before filing in the manner specified by FRBP 9037. Finally,

if you mistakenly file a document with information that should have been redacted, but wasn't, you can seek to redact that information after the fact, but must do so by motion; you can't "take it back" on your own.

To file UNDER SEAL, you will docket the Motion to File Under Seal electronically (Motions/Applications > Seal), unless prohibited by law or the filing is exempt from electronic filing. You must then submit (over the counter, in a large manilla envelope with the COVER PAGE of the motion securely attached to the outside of the envelope) paper copies of the entire un-redacted version of the motion for an in camera review by the presiding judge. Be sure this motion is clearly marked "UN-REDACTED".

After the court has reviewed the in camera submission and approves the motion to file under seal, the appropriate order should be uploaded electronically in compliance with LR 9021, directing that all or part of the document be filed under seal, or be made part of the official file, or be permitted to be withdrawn. The original document in its entirety will remain with the Clerk of the Court in a secured area. The final step now is to e-file the original motion COVER SHEET ONLY, and any other documents required.

To REDACT specific, sensitive information in a document already filed, you will need to e-file a Motion to Redact electronically (Motions / Applications > Redact) requesting that the information be removed from the publicly viewed docket. At this time you also should upload an order to redact for the judge's signature.



Get your BANKRUPTCY BUGLE while the news is still sizzling! Want to be the first in town to “READ ALL ABOUT IT”? If you want to be one of those “In-The-Know” Bugle

Fans, you can sign up to receive your Bugle via e-mail right from the court! Just drop us a line at the address below and give us your current e-mail address and we’ll do the rest! Write us at:

HelpDesk@nvb.uscourts.gov.

Fine Print: This offer is good until the Court comes up with a better idea. Subject to change with or without notice. Subscriber responsible for e-mail address updates.

OPENING A NEW PETITION

After opening a voluntary petition by either manual input or program upload, the following steps should be taken:

(Note- 1-6 should be done immediately after opening.)

- 1 Upload MATRIX
- 2 Docket JUDGE/TRUSTEE ASSIGNMENT
- 3 Docket STATEMENT OF SOCIAL SECURITY
- 4 Docket DECLARATION OF ELECTRONIC FILING
- 5 Docket MEANS TEST (Individuals Only)
- 6 Docket CERTIFICATE OF CREDIT COUNSELING (Individuals Only)
- 7 Docket CHAPTER 13 PLAN (If Applicable)

ALL Chapter 13 and 11 cases are opened as ASSET cases!



JUST ASK JANET

Hello my friends! I’m so glad to have the pleasure of your company again. Thank you to all of the Bugle’s loyal readers who wrote in with such kind and warm remarks about my first column last month

This month we’re going to discuss a potpourri of bankruptcy docketing tidbits, based on what our readers and e-filers seem most curious about. When docketing a **Verified Petition** there is a lot of confusion over how to pay for it! It cannot be done online, so that’s why you’re not being prompted to pay. Please bring a check (made payable to US District Court) to the Bankruptcy Court clerk’s office, along with a copy of the Verified petition cover page. We will process the fees here at the court.

When you’ve e-filed a document and you have accidentally attached the **wrong pdf image**, please don’t re-docket the event. The clerk’s office can attach the correct pdf for you. Please call the Help Desk to make arrangements to e-mail the correct pdf, and we will take care of the rest for you.

Our final topic for the day is **hearing dates and motions**. When you would like to have a motion heard before one of our judges, please call the Calendar Desk at 702-388-6705 before you enter it on the docket. You will be given a date, which you should then include in your motion, notice and certificate of service. Once you have docketed the Notice of Hearing, the court will place your motion on calendar. Remember though, if you forget to get a hearing date, your motion will not go forward.

Chapter 7, 11 and 13 Motions for Relief from Stay may be **self-calendared for Las Vegas cases only**. For dates and times see our website at: www.nvb.uscourts.gov/Judge/Judge-SelfCal.htm. In Reno contact 775-784-5023 Ext. 3112 for dates and times.

Well my friends, I am out of space. I have so enjoyed brining these tiny tidbits to you, and hope that I have helped you out in some little way. Please have a wonderful summer, and we shall meet here again another day!



NEVADA NUGGETS

By Claimjimpin' Jake 'n Mugsy



COURTESY COPIES

All Nevada Bankruptcy judges require paper courtesy copies on matters with a hearing date and time. Courtesy copies are required to be filed within 24 hours of the electronic filing or at least 10 business days prior to the hearing.

NOTICING BANKRUPTCIES

When preparing a creditor mailing matrix in a new case, don't forget to check our website (www.nvb.uscourts.gov) for a list of government agencies that require notice of new cases. Click on Court Information > Public Notices, then select Registry of Mailing Addresses of Federal and State Governmental units. Please review the list carefully for specific chapter and office designations.



PASSWORDS AND LOGINS

The login assigned by the court to an individual represents one way you sign your document. You have agreed to be responsible for anyone who uses that login. This also includes financial responsibility. That is why it is so important to change your passwords often! CM/ECF passwords should be changed on a regular basis and should always be changed when you have staff turnover.

Howdy folks! Mugsy 'n me are getting ready to head on up to the high country for a spell, try and get outta this HEAT!

As most of you know, our first love is mining. We're buildin' up a purty good poke o' gold and other interestin' artifacts. Nevada's such a rich state for minerals and such, purty near anywhere you wanna spend some time with a pick 'n shovel or a pan, you're bound to find some color! GOLD color that is! Course gold aint the only color you find here in Nevada. There's silver, the prettiest turquoise you could ever want to wear around your neck or what have ya, and o'course copper! What! You didn't know about our famous copper? Well in Ely, from about 1900 to about 1980's somewhere in there, they took about \$1 billion with a **B** outta their mines! And for awhile, up near Beatty way, there was even a marble quarry! Set off in a little canyon, a camp they named Carrera (after the famous Italian marble district) sprung up around 1911, but by the 1930's it had purty near played out and the camp town folded.

And o'course where ever you have mines, you got your superstitions! There's a little town called Delamar they called "The Widow Maker" cause the dry drilling they did created clouds of silica dust that caused the deadly silicosis.

Also, the Tommyknockers! Nah, not the Stephen King variety, the REAL McCoy is what I'm talkin' bout! Found in most old Nevada mines, them that has seen 'em say they resemble a troll, or an elf. They'd make tapping sounds to lead the way to the rich ore deposit, or maybe warnin' of an impending cave-in. They even liked dropping small rocks on the miner's heads and stealin' their tools. Course, most of 'em have moved on, but still, if you're ever down deep in a dark mine lookin' for your fortune, just beware of the Tommyknockers. You never know if they're friend or foe!

Til we meet again...





E-SERVICE REMOVAL

If you're getting e-mail service of on-going activity in a case you have resigned from or are finished working on, the only way to stop receiving e-service is to file an Ex-Parte Motion AND Order requesting that your name or firm name be removed from the service list. Only after a judge has signed an order granting your request will the Clerk's office remove you from e-mail notice.



GREETINGS TO NEW E-FILERS

Every month new CM/ECF e-filers are joining the District of Nevada. We welcome you all, and want to assure you the Court's goal is to serve, assist and support you and your staff so that the transition from paper docketing to electronic filing becomes an asset to your office.

Even when classes have ended, our staff is here to support you - you're not on your own!

Call our HELP DESK at **866-232-1266** for any assistance you may need for e-filing.

The hours of operation are: Monday - Friday from 9 AM - 4 PM. Closed from 12:00 PM to 1:00 PM, and all official federal holidays. If you don't need immediate assistance, you can also e-mail us at: HelpDesk@nvb.uscourts.gov.

We'll process your request as soon as possible.



LANGUAGE ASSISTANCE PLAN

The United States Trustee program has developed a Language Assistance Plan (LAP), that will provide language assistance services to debtors with limited proficiency in English as they testify at their 341 meeting of creditors. Effective immediately, use of the LAP is available for those cases where interpreter services are needed to enable the debtor to testify at the creditors meeting.

Visit our website at www.nvb.uscourts.gov and click on the link for the US Trustee. This will take you to the US Trustee website where you can learn more about the program requirements the form that you need to sign up for this service.

STATS 'N FACTS

We thought you might be interested in some case filing information for Nevada.

LAS VEGAS

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|---------------|------|
| January 2009 | 1380 |
| February 2009 | 1370 |
| March 2009 | 2117 |
| April 2009 | 2094 |
| May 2009 | 2217 |

RENO

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|---------------|-----|
| January 2009 | 216 |
| February 2009 | 304 |
| March 2009 | 393 |
| April 2009 | 411 |
| May 2009 | 392 |