

Bankruptcy Bugle



APRIL 2011



CM/ECF

NEWSLETTER

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FILING UNDER SEAL or REDACTION

Filing under seal (**LR 9018**) means that the document will be provided to the court, but not available to the public on the docket. It is authorized in narrow circumstances by Bankruptcy Rule 9018 or Section 107 of the Bankruptcy Code. To file under seal, you must make a separate motion before you file the document you want sealed.

Redaction means that there is sensitive information to be removed from an existing document. This may include personal information such as social security numbers, names of minors and other items outlined in the Judicial Conference's Privacy Policy. The filing party is responsible for redacting sensitive information and should, preferably, do this before the document is filed.

In summation, you can seal an entire document if you take steps to do so before filing. If sealing is not appropriate or feasible, you can redact information in a document either before filing in the manner specified by **FRBP 9037**, or if you mistakenly file a document with information that should have been redacted but was not.

To **file under seal**, docket a Motion to File Under Seal electronically (**Motions/Applications > Seal**), unless prohibited by law or the filing is exempt from electronic filing. You must also submit (over the counter) a captioned cover sheet complying with **LR 9004**, indicating that they are being submitted in camera, secured to the outside of a large manila

envelope containing the original un-redacted motion for an in camera review by the presiding Judge.

Be sure the motion is clearly marked "UNREDACTED".

After the court has reviewed the in camera submission and approves the motion to file under seal, the order in compliance with **LR 9021** should be uploaded electronically. The court order authorizing filing documents under seal will be filed electronically, unless prohibited by law.

To redact (**LR 9037**) 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 should also upload an order to redact for the Judge's signature. The order must have a redacted copy of the document attached.

Past issues of the **Bankruptcy Bugle** make excellent reference materials for docketing tips and procedures. You may access past issues by clicking on the link below.

<http://www.nvb.uscourts.gov/electronic-case-filing/bugle-newsletter/>

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CHAPTER 13 PLAN NOTICING CHANGE



Effective May 1, 2011, a Chapter 13 Plan will NOT be set for hearing until a separate Notice of Hearing is filed. The Plan should still contain the hearing date and time in the caption. Once the Notice of Hearing has been filed, the Clerk's office will place the hearing on calendar.

The only exception will be on the Chapter 13 Plan #1 **WHEN IT IS FILED AT THE SAME TIME THE PETITION IS FILED.** Plan #1 and the Notice of Hearing for Plan #1 will be noticed by the BNC. Any additional plans and notices will be the responsibility of the filing party.

The new local form, Notice of Hearing on Confirmation of Chapter 13 Plan is available on our website at: <http://www.nvb.uscourts.gov/rules-forms/forms/local-forms/> (Form Categories —Chapter 13.)

BNC CERTIFICATES OF MAILING

A new re-configuration of a PDF image attached to the BNC Certificate of Mailing event has been done. The new feature changes the order of the image to reflect the parties noticed first, followed by the documents received.

TRANSLATOR SERVICES

Translator services are now offered in the courtrooms in both Reno and Las Vegas. There are over 100 languages available. If you need this service, please tell the Courtroom Deputy when you arrive for the hearing and a translator may be provided. Please note that this service is not available at the Intake Counter in the Clerk's office.

RULE 2004 EXAMINATIONS

Rule 2004 of the Federal Rules of Bankruptcy Procedure allows debtors, trustees, or any other party-in-interest in a case to examine "any entity" as long as the examination relates to the "acts, conduct, or property or to the liabilities and financial conditions of the debtor, or to any matter which may affect the administration of the debtor's estate, or to the debtor's right to a discharge." Fed. R. Bankr. P 2004(b).

Under **LR 2004**, all requests for orders under Fed. R. Bankr. P 2004 must be made by motion and accompanied by a proposed order. Please remember that production of documents may be done by subpoena, and a list of documents must not be included in the order for examination.

MOTIONS TO APPROVE SETTLEMENTS

Motions to approve settlements should be docketed in the bankruptcy case and, if applicable, the pending adversary proceeding that is affected. Docket the Notice of Hearing in the bankruptcy case only. Do NOT docket the Notice of Hearing in the adversary proceeding.



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COURTESY COPIES

Local Rule 9014(e)(2) requires paper courtesy copies on matters with a hearing date and time. Courtesy copies are required to be filed within 2 business days of the electronic filing. If you mail your courtesy copies to the Court, please address them to the Clerk of the Court (as courtesy copies), and not directly to the assigned Judge. The Clerk's office will distribute the courtesy copies to the appropriate parties.

SUBMITTING PROPOSED ORDERS

Proposed Orders should **NOT** be uploaded for the Judge's signature. Attach them as an *exhibit* to the motion. Upload an order **AFTER** the hearing for the Judge's signature.

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.

To change your password, go to

**UTILITIES > YOUR ACCOUNT >
MAINTAIN YOUR ECF ACCOUNT >
MORE USER INFORMATION.**

Delete your old password and re-type your new password. Return to Account Screen, then click on "submit" to complete the process.

BUGLE MANIA!



Get your Bankruptcy Bugle **HOT-OFF-THE-PRESS!** 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:

HelpDesk@nvb.uscourts.gov

Give us your current e-mail address and we'll do the rest!

362 INFORMATION SHEETS

Local Rule 4001(a)(1)(B) requires the § 362 information sheet to be attached to motions for relief from stay as a **cover sheet** rather than an exhibit. Please note the Local Form, Section 362 Information Sheet (NV_4001), may be found on the Court's website at

<http://www.nvb.uscourts.gov/rules-forms/forms/local-forms/>

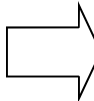
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VOLUNTARY PETITION

Official Form B1, known as a "Voluntary Petition" must be filed by a debtor to begin a bankruptcy case.

STEPS TO MANUALLY OPEN A VOLUNTARY PETITION

(Note: Steps 2-6 should be done immediately after opening.)

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

ALL Chapter 13 and 11 cases are opened as **ASSET** cases.

JUDGE/TRUSTEE ASSIGNMENT

THIS IS A VERY IMPORTANT STEP in opening a new petition.

It is a crucial part of case opening, and will ensure that you receive your 341 notice immediately.

The file size limits of PDFs in ECF have increased from 3 MB to 4 MB.

BANKRUPTCY COURT CONTACT NUMBERS

LAS VEGAS CLERK'S OFFICE: (702) 527-7000
RENO CLERK'S OFFICE: (775) 326-2100
CM/ECF HELP DESK: (866) 232-1266

Frequently called numbers and e-mail addresses are listed on the court's website under Court Information:

<http://www.nvb.uscourts.gov/about-the-court/contact-information/>

