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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

EFFECTIVE
March 2, 2021

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**IN RE: ORDER AMENDING LOCAL
RULE 9018**

ADMINISTRATIVE ORDER 2021-04

Pursuant to LR 1001(c), the bankruptcy judges of the District of Nevada hereby adopt this Administrative Order and amend LR 9018 to read as follows:

LR 9018. PROCEDURES FOR THE SEALED FILING OF HIGHLY SENSITIVE DOCUMENTS AND/OR SECRET, CONFIDENTIAL, SCANDALOUS, OR DEFAMATORY MATTER.

(a) Definitions.

(1) Highly Sensitive Document(s) (“HSD”): Any unclassified documents involving: foreign sovereign interests; criminal activity related to cybersecurity; intellectual property, or trade secrets; terrorism; investigation of public officials; information that could have a potentially negative impact on national security of foreign relations of the United States; and sensitive commercial information likely to be of interest to foreign powers.

(2) Secret, Confidential, Scandalous, or Defamatory Matter (“SCSDM”): Those documents defined in Fed. R. Bankr. P. 9018.

(b) Motion to file under seal. No document will be filed with the Court under seal in the absence of a court order authorizing a sealed filing. Any party in interest seeking to have purported HSD and/or document(s) believed to contain SCSDM filed under seal must electronically file an appropriate motion (but not the purported HSD and/or document(s) believed to contain SCSDM themselves), unless the electronic filing of such a motion is prohibited by law, or such a motion is exempt or excepted from the court’s electronic filing requirements.

If the motion itself is claimed to be HSD and/or is believed to contain SCSDM, the movant must serve and electronically file a redacted version of the motion, clearly marked as HSD and/or as

1 containing SCSDM, and simultaneously submit an unredacted paper copy of the motion to the
2 Court for *in camera* review.

3 After the motion is filed, and as a predicate to the Court's decision as to whether a sealed filing is
4 warranted, the movant must deliver a paper copy of the purported HSD and/or the document(s)
5 believed to contain SCSDM to the assigned judge for *in camera* inspection. The paper copy
6 submitted to the assigned judge for *in camera* inspection must clearly identify the portions that
7 are designated as HSD, and/or the portions that are designated as containing SCSDM. The paper
8 copy submitted to the assigned judge for *in camera* inspection must be accompanied by a
9 captioned cover sheet complying with LR 9004, indicating that it is being submitted *in camera*
10 pursuant to this rule. Counsel must provide an envelope large enough for the paper copy of the
11 document(s) at issue to be sealed without being folded. A paper copy of a proposed order
12 granting the motion to seal must be included with the paper copy of the document(s) submitted
13 for *in camera* inspection by the Court.

14 (c) Order. Upon receiving the paper copy of the document(s) identified and submitted
15 by the movant as HSD and/or containing SCSDM, the assigned judge will conduct an *in camera*
16 inspection. After completing that *in camera* inspection, the assigned judge will enter an
17 appropriate order directing that all or part of the document(s) be filed under seal, be made part of
18 the official public file, or be permitted to be withdrawn. If the assigned judge completes the *in*
19 *camera* inspection and concludes that some or all of the document(s) should be filed under seal
20 because they are HSD and/or contain SCSDM, the court will enter an order accordingly. The
21 court order authorizing the filing of such documents under seal will be filed electronically, unless
22 prohibited by law.

23 (d) Filing of sealed documents. In cases where the assigned judge conducts the
24 *in camera* inspection provided for under this rule, concludes that some or all of the document(s)
25 are HSD and/or contain SCSDM, and orders them to be filed under seal, the clerk shall file such
26 sealed documents only in paper form, or on a secure standalone computer system that is not
connected to any network.

(e) Retention of sealed documents. After the underlying bankruptcy case or adversary
proceeding is closed, the clerk must give the parties notice that all documents sealed under this
rule will be destroyed, unless the party that submitted the sealed document(s) obtains a court
order directing that the sealed documents shall be returned to them.

IT IS SO ORDERED.

Dated this _____ day of March, 2021.



August B. Landis, Chief Judge
United States Bankruptcy Court
District of Nevada