

United States Bankruptcy Court
District of South Carolina

LOCAL RULES
Effective as of 12/1/2014



DAVID R. DUNCAN
Chief United States Bankruptcy Judge

JOHN E. WAITES
United States Bankruptcy Judge

HELEN E. BURRIS
United States Bankruptcy Judge

LOCAL RULE 2016-1: COMPENSATION OF PROFESSIONAL PERSONS

- (a) **Chapter 11 Cases.** In a chapter 11 case, a professional paid a retainer shall maintain the retainer in a trust account and shall not draw on the retainer post-petition without approval of the Court. A trustee, examiner, attorney for the debtor, or any professional person employed under 11 U.S.C. §§ 327, 328, or 1103 may apply for allowance of compensation and reimbursement of expenses on or after thirty (30) days after the date of the order for relief. A second application may be made on or after sixty (60) days after the first application, and a third application may be made on or after ninety (90) days after the second application. After one hundred eighty (180) days following the date of the order for relief, applications may not be made more than once every one hundred twenty (120) days, unless the Court orders otherwise.
- (b) **Chapter 13 Cases.**
- (1) **Expedited Fee Approval Procedure.** An attorney representing debtor(s) in a chapter 13 case may obtain approval of attorney's fees without the filing of a formal fee application and a hearing when the attorney and the debtor(s) agree in writing that the fee for representation will be equal to or less than the amount set forth in Chambers Guidelines at the time of the filing of the case (collectively, the "Expedited Fee Amount").¹ Unless the Court orders otherwise, the Expedited Fee Amount is deemed conditionally approved for disbursement upon confirmation of the plan as a result of the attorney's filing of the Attorney Fee Disclosure Statement ("Statement") pursuant to Fed. R. Bankr. P. 2016(b) and by the insertion of the appropriate amount due in the chapter 13 plan and service thereof. The Statement and chapter 13 plan shall clearly indicate the fee agreed upon, the fee paid to date, and the fee to be paid through the chapter 13 plan. The Statement shall also define any charges or potential charges for supplemental fees described in paragraph (b)(2).
- (2) **Application for Supplemental Fees.** If expressly authorized by a conspicuous provision of a written fee agreement attached to the Statement, the debtor(s) and attorney may agree to supplemental compensation of the attorney for additional work necessary as a result of any matters involving the default under or variance from the terms of the confirmed plan, adversary proceedings, appeals or for other complicating factors not present in the typical chapter 13 case.
- (A) **Supplemental Fees Below Chambers Guidelines Threshold.** If an agreement for a supplemental fee is made between the debtor(s) and attorney and the total supplemental fee sought in the case does not exceed the supplemental fee threshold set forth in the Chambers Guidelines, such fee may be asserted:
- (i) **Before Confirmation.** A supplemental fee arising before confirmation may be asserted by filing a timely Application for Approval of Chapter 13 Attorney Fees ("Application") and may be conditionally approved for disbursement upon plan confirmation via the procedure set forth in paragraph (1). The Statement and Application shall contain sufficient information to determine if the supplemental fee charged is fair and reasonable.

¹ This amount includes all typical costs and expenses other than filing fees and costs paid to non-attorney third parties for services necessary for the case, such as credit reports, credit counseling, and financial management course fees.

(ii) **After Confirmation.** Within a reasonable time after the completion of the additional services, the attorney shall file an amended Statement and Application that clearly indicate the fee agreed upon, the fee paid to date directly from the debtor(s) and the fee to be paid through the chapter 13 plan. The amended Statement and Application shall contain sufficient information to determine if the supplemental fee charged is fair and reasonable. Unless an objection to approval of the fee is filed within twenty-one (21) days of service of the amended Statement and Application or unless the Court orders otherwise, the supplemental fee shall be conditionally approved for disbursement subject to the terms of the confirmed plan and this rule.

(B) **Supplemental Fee Above Chambers Guidelines Threshold.** Within a reasonable time after the completion of the additional services, the attorney may request a supplemental fee above the supplemental fee threshold set forth in the Chambers Guidelines by filing an Application and amended Statement, which must contain sufficient information to determine if the total supplemental fee is fair and reasonable, and a proposed order. The attorney shall be entitled to the supplemental fee only after such fee is approved by order of the Court.² Compensable services under this paragraph are limited to those rendered in the event of unforeseen circumstances.

(3) **Formal Application for Compensation.** In lieu of paragraph (b)(1) and (b)(2), the attorney may apply for compensation pursuant to Fed. R. Bankr. P. 2002(a)(6) and 2016(a) for actual services rendered and expenses incurred. The Application and proposed order shall clearly indicate all compensation for the attorney that has been approved in the case prior to the Application and report any pending Applications. Attorneys electing this procedure shall estimate fees in the chapter 13 plan for confirmation purposes.

Notes:

(2008) Portions of former SC LBR 2081-1(c)(2) were incorporated into paragraph (a) pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions. Paragraph (b) is new.

(2013) A technical amendment was made to paragraph (a) to reference 11 U.S.C. § 328. Paragraph (b) was amended to incorporate the Operating Order Setting Procedures for Approval of Attorney's Fees in Chapter 13 Cases. Certain provisions of the former Operating Order were excluded as these provisions are addressed by other rules.

(2014) The objection deadline in paragraph (b)(2)(A)(ii) was amended from 20 to 21 days.

² An order approving the supplemental fee may be entered prior to the hearing on the fee application in the discretion of the judge.

LOCAL RULE 4001-4: AGREEMENTS RELATING TO RELIEF FROM THE AUTOMATIC STAY, PROHIBITING OR CONDITIONING THE USE, SALE OR LEASE OF PROPERTY, PROVIDING ADEQUATE PROTECTION, USE OF CASH COLLATERAL, AND OBTAINING CREDIT

- (a) **Form of Motion.** A motion for the approval of an agreement pursuant to Fed. R. Bankr. P. 4001(d) shall be in substantial conformance with Exhibit A.
- (b) **Guidelines for 4001(d) Notices and Orders.** All notices, proposed consent orders, or applications for approval of Fed. R. Bankr. P. 4001 agreements must recite whether the notice, proposed order, or stipulation contains any provision that the Court does not normally approve and should identify any such provision and explain the justification for the provision. If such an order or stipulation is presented in connection with a hearing, counsel shall call the Court's attention to such provision on the record.
- (1) The following will not normally be approved:
- (A) Provisions or findings of fact that bind the estate or parties in interest with respect to the validity, perfection, or amount of the secured party's lien or debt;
 - (B) Provisions or findings of fact that bind the estate or parties in interest with respect to the relative priorities of the secured party's lien and liens held by persons who are not parties to the stipulation. (This would include, for example, an order approving a stipulation providing that the secured party's lien is a "first priority" lien);
 - (C) Waivers of 11 U.S.C. § 506(c), unless the waiver is effective only during the period in which the debtor is authorized to use cash collateral or borrow funds;
 - (D) Provisions that operate, as a practical matter, to divest the debtor in possession of any discretion in the formulation of a plan or administration of the estate or limit access to the Court to seek any relief under other applicable provisions of law;
 - (E) Cross-collateralization clauses, i.e., clauses that secure pre-petition debt by post-petition assets in which the secured party would not otherwise have a security interest by virtue of its pre-petition security agreement;
 - (F) "Rollup" clauses, i.e., clauses that include the application of proceeds of post-petition financing to pay, in whole or in part, pre-petition debt;
 - (G) Releases of liability for the creditor's alleged pre-petition torts or breaches of contract;
 - (H) Waivers, assignment, transfer or encumbrance of avoidance actions arising under the Bankruptcy Code;
 - (I) Immediate entitlement to relief from the automatic stay upon default, conversion of the case, or appointment of a trustee, absent further order;
 - (J) Waivers of the procedural requirements for foreclosure mandated under applicable non-bankruptcy law;
 - (K) Adequate protection provisions that create liens on claims for relief arising under the Bankruptcy Code;

- (L) Findings of fact on matters extraneous to the approval process. (For example, in connection with an application to borrow on a secured basis, a finding that the debtor cannot obtain unsecured credit would be acceptable, whereas a “finding” that the lender acted in good faith in declaring the pre-petition loan in default would not be acceptable. Do not include long histories of the relationship between the parties or a lengthy recitation or detailing of documents. A finding that notice is proper should be replaced by a provision which states that notice has been given according to the certificate of service filed by the movant);
 - (M) Provisions which merely recite the Bankruptcy Code. (For example, a provision that in the event the adequate protection provided by the debtor is insufficient that the creditor is entitled to an administrative priority claim is unnecessary since that is the effect of § 507(b));
 - (N) Any provision which purports to bind a later appointed trustee to the agreement of the debtor;
 - (O) Provisions which prohibit or restrict the Court’s ability to vacate, modify, or stay the effect of a consent order or which provide for conditional approval by the Court before notice and an opportunity for hearing or provisions in which the Court independently finds “all of the terms of the agreement to be fair and reasonable,” for such provisions presume a detailed determination which may not have been undertaken; or
 - (P) Waivers that divest the Court of its power or discretion in a material way, or interfere with the exercise of the fiduciary duties of the debtor or unsecured creditors’ committee in connection with the operation of the business, administration of the estate, or the formulation of a reorganization plan, such as provisions that deprive the debtor or unsecured creditors’ committee of the ability to file a request for relief with the Court, to grant a junior post-petition lien, or to obtain future use of cash collateral.
- (2) Provisions that will normally be approved:
- (A) Withdrawal of consent to use cash collateral or termination of further financing, upon occurrence of a default or conversion to chapter 7;
 - (B) Securing any post-petition diminution in the value of the secured party’s collateral with a lien on post-petition collateral of the same type as the secured party had pre-petition, if such lien is subordinated to the compensation and expense reimbursement (excluding professional fees) allowed to any trustee thereafter appointed in the case;
 - (C) Securing new advances or value diminution with a lien on other assets of the estate, but only if the lien is subordinated to all the expenses of administration (including professional fees) of a superseding chapter 7 case;
 - (D) Reservations of rights under Bankruptcy Code § 507(b), unless the stipulation calls for modification of the Bankruptcy Code’s priorities in the event of a conversion to chapter 7;
 - (E) Reasonable reporting requirements, including access to books and records;
 - (F) Reasonable access for inspection of collateral, including access for purposes of appraisal and environmental impact studies;
 - (G) Requirement to segregate cash collateral and the use of lockbox agreements;

- (H) Reasonable reporting and controls regarding compliance with any budget approved by the Court, including provisions that material deviations from the budget constitute a default under the consent order or stipulation;
 - (I) Provisions requiring proof of insurance;
 - (J) Provisions providing a reasonable carve out for professional fees and costs;
 - (K) Default provisions which state that in the event of a default by the debtor or trustee (if applicable) under the provisions of the order or stipulation, the creditor may have its attorney file an affidavit attesting to the default, and the creditor thereby will be entitled to relief from the automatic stay without further notice or hearing upon entry of an order by the Court.
- (c) **Procedure Upon Default.** In the event a party seeks relief upon default under an order, settlement, or agreement covered by Fed. R. Bankr. P. 4001(d), the attorney for that party shall file with the Court a certification of noncompliance or affidavit attesting to default which specifies the grounds and a proposed order granting the relief sought. The requested relief, including any modification of the stay, is effective only upon entry of the order by the Court.

Notes:

(2008) Portions of this rule were restyled.

(2010) The objection period for agreements related to relief from the automatic stay was amended in Exhibit A to a multiple of seven as part of time computation amendments.

(2014) The requirement that a proposed order recite whether it contains a provision the court does not normally approve (see LR 4001-4(b)(1) for the list) does not suggest that the proposed order contain a finding by the court that the order contains no such provision, rather it mandates a representation by counsel that the order does not contain such a provision. So, for example, the proposed order might state - "Counsel has represented to the court that the order does not contain a provision that the court does not usually approve . . ."

LOCAL RULE 7067-1: DEPOSITING FUNDS WITH THE COURT

(a) Receipt of Funds.

- (1) No money shall be sent to the court or its officers for deposit into the court's registry without court order.¹
- (2) All money ordered to be paid into the court or received by its officers in any case pending or adjudicated shall be deposited with the Treasurer of the United States in the name and to the credit of this court pursuant to 28 U.S.C. § 2041 through depositories designated by the United States Treasury to accept such deposit on its behalf.

(b) Investment of Registry Funds.

- (1) Funds on deposit with the court are to be placed in interest-bearing instruments in the Court Registry Investment System (CRIS) administered through the Administrative Office of the United States Courts.
- (2) Under CRIS, monies deposited in each case will be "pooled" together with those on deposit with the Treasury to the credit of other courts in CRIS and used to purchase Government Accounting Series (GAS) securities under the authority of the Director of the Administrative Office of the United States Courts.
- (3) An account for each case will be established in CRIS titled in the name of the case giving rise to the investment in the system. Income received from fund investments will be distributed to each case based on the ratio each account's principal and income has to the aggregate principal and income total in the fund each day.

(c) Registry Investment Fee.

- (1) The custodian is authorized and directed by this rule to deduct, for maintaining accounts in the fund, the registry fee. The proper registry fee is to be determined on the basis of the rates published by the Director of the Administrative Office as approved by the Judicial Conference.
- (2) If registry fees were assessed against the case prior to the deposit into CRIS, no additional registry fee will be assessed.

Notes:

(2014) The rule has been substantially revised to implement a national system for the depositing of certain registry funds. This rule does not apply to funds submitted to the Court pursuant to SC LBR 3011-1 (unclaimed funds) or 4001-5 (rental deposits).

¹ The proposed order shall include: a statement of the amount of funds to be invested; the names and addresses of all parties claiming an interest in the funds; and a statement that the funds shall be disbursed only upon further order of the Court

LOCAL RULE 9013-4: SELF-SCHEDULED MOTIONS

(a) General Requirements.

- (1) Notice of the following motions shall be provided by the movant or applicant in accordance with this rule:¹
 - (A) **Passive Motions.** A list of motions that shall be noticed passively² is attached as Exhibit A; and
 - (B) **Non-Passive Motions.** A list of motions that shall be noticed for a definite hearing³ is attached as Exhibit C.

(b) Procedure. The movant shall:

- (1) **Select a Hearing Date.** Select a hearing date from the calendar posted on the [Court's website](#), which is:
 - (A) Not less than seven (7) days following the last day for objections;
 - (B) Not further than sixty (60) days from the service of the motion; and
 - (C) Scheduled in the same division as the venue of the case and before the judge assigned to the case, and in compliance with Chambers Guidelines,⁴ unless otherwise ordered.
- (2) **Prepare the Hearing Notice.** Prepare a hearing notice that indicates the date, time of hearing, and hearing location (complete address) and sign the hearing notice.⁵ The hearing notice shall be in substantial conformance with:
 - (A) Exhibit B for passive motions set forth in Exhibit A; or
 - (B) Exhibit D for non-passive motions set forth in Exhibit C.
- (3) **Serve the Motion and Notice.** The movant party shall serve the party entitled to notice⁶ pursuant to the applicable rule or statute and simultaneously file with the Court:
 - (A) The motion;
 - (B) The notice of hearing of the motion; and
 - (C) A proposed order.⁷

¹ The use of the word "motion" herein also includes applications, objections, and notices where applicable as set forth in Exhibits A and C attached hereto. Only motions and applications listed in this rule may be noticed using the procedure in this rule.

² Passive motions are those motions where relief will likely be granted without a hearing if no objection is filed.

³ In the discretion of the Court, matters noticed for a hearing may be removed if no objection is filed.

⁴ Chambers Guidelines must be considered in connection with the Local Rule because judges may have differing procedures or requirements related thereto.

⁵ The hearing notice should be signed by the movant's attorney or the movant, if moving pro se.

⁶ Parties entitled to receive notice may include the debtor, debtor's counsel, the United States Trustee, and the case trustee.

⁷ In certain instances, the Court will prepare an order and no proposed order is necessary. Those instances are reflected in the exhibits to this rule.

Notes:

(2008) Portions of former SC LBR 9014-2 were incorporated into this rule.

(2009) The periods in paragraphs (c)(1)(A) and (d) and Exhibit A were amended to multiples of seven as part of time computation amendments.

(2010) The objection period for agreements related to relief from the automatic stay in Exhibit A was amended to a multiple of seven as part of time computation amendments. Exhibit A was also amended to allow trustees to use uniform notices approved by the EOUST and to add a motion to retain an asset to the list of approved passive matters.

(2012) Exhibit A was amended to clarify that the passive notice procedure is available to the trustee and debtor in possession for abandonment of property.

(2013) The rule was renamed to accommodate self-scheduling of other types of motions. Former paragraph (a) was deleted. Former paragraphs (b)(2) and (3) and (d) were moved to 9013-1. Former paragraphs (c)(3) and (e) were deleted as unnecessary pursuant to SC LBR 9014-1. The remaining paragraphs were relettered. Paragraphs (a) and (b) were restyled to allow for self-scheduling of definite hearings. Exhibit A was amended to remove applications to employ and consensual motions to modify a mortgage. The following were added to Exhibit A: motions under SC LBR 4001-1, motions to convert by a trustee, requests for exemption or waiver of credit counseling or financial management, motions pursuant to SC LBR 1015-1, and motions to extend time to file a chapter 11 plan or disclosure statement. The deadline to object to a motion to modify the codebtor stay was changed from 21 to 14 days in Exhibit A. Exhibits C and D were added.

(2014) A technical amendment was made to Exhibit C to reflect that the notice period in a chapter 11 case to sell, use, or lease property is 21 days. Paragraph (b)(1)(C) was amended to cross-reference Chambers Guidelines. Clarifying amendments were made to Exhibits A and C to reflect that the United States trustee can use this rule for certain motions to dismiss or convert and that a debtor is not required to file a motion for a limited exemption from pre-petition credit counseling pursuant to 11 U.S.C. § 109(h)(3).

EXHIBIT A TO SC LBR 9013-4

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

MOTIONS/APPLICATIONS APPROVED FOR PASSIVE SELF-SCHEDULED HEARINGS

For matters marked with a * the Court prepares the order and no proposed order is necessary.

Motions/Applications in Chapter 11 Cases	No. Days for Objection
Convert to Chapter 12 or 13 (no previous conversion)	21
Discharge for Individual ¹	21
Extend Time to File Chapter 11 Plan or Disclosure Statement ²	14
*Final Decree	30
Shorten the Mailing Matrix ³	21

Motions/Applications in Chapter 12 and 13 Cases	No. Days for Objection
*Co-Debtor Stay Relief Pursuant to 11 U.S.C. § 1301	14
Discharge pursuant to SC LBR 3015-5(a)/11 U.S.C. § 1328(a) ⁴	14
Modify Confirmed Chapter 12 Plan	21
Moratorium on Payments (first motion)	21
Use of cash collateral; prohibit or condition the use, sale, or lease of property; or obtain credit (Chapter 13)	14

Motions/Applications by a Trustee or United States trustee	No. Days for Objection
Abandon Property ⁵	14
Convert or Dismiss except pursuant to 11 U.S.C. §§ 707(b) or 1112 ⁶	21
Extend Time to File a Motion to Dismiss for Substantial Abuse	14
Final Report in Chapter 12 Case	21
Interim or Final Accounting (chapter 7 asset) ⁷	21
Retain Asset (chapter 7 trustee)	21

¹ See SC LBR 4004-1(a) and (c).

² See SC LBR 3016-1.

³ See SC LBR 2081-2(d).

⁴ See SC LBR 3015-5 and Exhibit B to that rule related to the required notice.

⁵ See SC LBR 6007-1 and applicable exhibit related to the required notice.

⁶ The proposed order is not required to be served on all creditors by the trustee.

⁷ Notices by a trustee may conform with uniform notices approved by the Executive Office of the United State Trustee.

⁸ See SC LBR 9019-1.

⁹ See the [Court's website](#) for the forms and the proposed orders necessary to request a waiver or exemption from credit counseling or financial management.

¹⁰ See SC LBR 1015-1.

Motions/Applications Related to Case Administration	No. Days for Objection
Approval of Settlement Pursuant to Fed. R. Bankr. P. 9019 ⁸	21
*Change Venue	21
Credit Counseling or Financial Management Waiver pursuant to 11 U.S.C. § 109(h)(4) ⁹	14
Divide a Case or for Joint Administration ¹⁰	14
Exemption Objection	21
Extend Time to Object to Discharge or Dischargeability of Debt	14

Motions/Applications Related to Claims and Expenses	No. Days for Objection
Allowance of Administrative Claims or Interests ¹¹	21
Approve Fees ¹²	21
Claim Objection	30
Establish Value (except if incorporated in another motion such as a motion to redeem) ¹³	28

Motions/Applications Related to the Stay	No. Days for Objection
Approve Agreement Relating to Relief from Stay ¹⁴	14
*Co-Debtor Stay Relief Pursuant to 11 U.S.C. § 1301	14
Stay Relief Pursuant to 11 U.S.C. § 362(d) ¹⁵	14

Motions/Applications Related to Property and Liens	No. Days for Objection
Approve Agreement Prohibiting or Conditioning the Use, Sale, or Lease of Property, Providing Adequate Protection, Use of Cash Collateral, and/or Obtaining Credit ¹⁶	14
Assume or reject leases/executory contracts pursuant to 11 U.S.C. § 365	21
Avoid Lien ¹⁷	28
Redeem Pursuant to 11 U.S.C. § 722	21
Sell, use or lease property (excluding chapter 11 cases and cash collateral- any chapter) ¹⁸	21
Substitute Collateral	14

Motions/Applications to Dismiss	No. Days for Objection
*Dismiss by a chapter 7 or 11 debtor (no previous conversion)	21

EXHIBIT C TO SC LBR 9013-4

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

MOTIONS/APPLICATIONS APPROVED FOR NON-PASSIVE SELF-SCHEDULED HEARINGS

For matters marked with a * the Court prepares the order and no proposed order is necessary.

Motions/Applications in Chapter 11 Cases	No. Days for Objection
Appoint Trustee	21
Extend Exclusivity	14
Sell, Use, or Lease Property ¹	21

Motions/Applications in Chapter 13 Cases	No. Days for Objection
Determine Final Cure and Payment Under Fed. R. Bankr. P. 3002.1(h)	14
Determine Post-Petition Fees, Expenses, and Charges under Fed. R. Bankr. P. 3002.1(e)	14
*Hardship Discharge Pursuant to 3015-5(b)/11 U.S.C. § 1328(b) ²	14

Motions/Applications by a Trustee or United States trustee	No. Days for Objection
Dismiss by Trustee Pursuant to 11 U.S.C. § 707(b)	21

Motions/Applications Related to Case Administration	No. Days for Objection
Continue Case Administration After Death of Debtor and/or Designate a Person to Act for Debtor	14
Employ <i>Nunc Pro Tunc</i> ³	14
*Reconsider Dismissal	14
*Reopen	14
Withdraw as Counsel ⁴	14

Motions/Applications Related to Claims and Expenses	No. Days for Objection
Determine Final Cure and Payment Under Fed. R. Bankr. P. 3002.1(h)	14
Determine Post-Petition Fees, Expenses, and Charges under Fed. R. Bankr. P. 3002.1(e)	14
Value Tax Claim and Establish Priority	28

Motions/Applications Related to the Stay	No. Days for Objection
*Extend or Impose the Stay Pursuant to 11 U.S.C. § 362(c)(3) or (4) ⁵	14
Reconsider Stay Relief	14

¹ See SC LBR 6004-1 and applicable exhibit related to the required notice. The movant shall substitute the passive notice hearing language with the hearing language contained in Exhibit D to this rule.

² See SC LBR 3015-5 and Exhibit D to that rule related to the required notice.

³ See SC LBR 2014-1.

⁴ See SC LBR 2091-1.

⁵ See SC LBR 4001-1 and applicable exhibit related to the required notice.

Motions/Applications Related to Property and Liens	No. Days for Objection
*Reaffirmation Agreement Approval with Presumption of Undue Hardship	14
Use Cash Collateral; Prohibit or Condition the Use, Sale, or Lease of Property or Obtain Credit (Chapter 7, 11, and 12 cases)	14

Motions/Applications to Dismiss	No. Days for Objection
Convert or Dismiss by Creditor or Party in Interest	21
Convert or Dismiss by Debtor (previous conversion)	21
Dismiss by Trustee Pursuant to 11 U.S.C. § 707(b)	21

LOCAL RULE 9037-1: REDACTION OF PRIVACY INFORMATION

- (a) **Unredacted Documents.** Unless otherwise ordered by the Court, once a document containing private information is filed with the Court, a motion and proposed order¹ are required to disable public access to the document (redact) and a corrected document must be filed. If the filer is also the movant and does not wish to file a corrected document, the motion and proposed order should additionally include a withdrawal of the underlying document. The motion must contain specific information detailing how the pleading violates Fed. R. Bankr. P. 9037.
- (b) **Transcripts.** Access to transcripts filed with the Court will initially be restricted to allow interested parties the opportunity to review transcripts and request redaction. Upon submission of a proper request, transcripts published or otherwise made available to the public by the Court shall limit privacy protected information to the following:
1. The last four digits of the social security number and taxpayer identification number;
 2. The year of the individual's birth;
 3. The minor's initials; and
 4. The last four digits of the financial account number.
- (c) **Disabling Public Access.** The Clerk of Court is authorized, but not required, to disable public access of any document that appears to be filed in violation of Fed. R. Bankr. P. 9037. The document in question will be immediately forwarded to the presiding judge to determine if the document should remain inaccessible to the public and whether the filing party should be instructed to submit a redacted document.

Notes:

(2013) This rule is new. Paragraph (a) incorporates provisions of the Chambers Guidelines. Paragraph (b) incorporates Operating Order 08-04.

(2014) Clarifying amendments were made to the rule and the exhibits to reflect that motions filed under this rule are also considered motions to redact.

¹ Parties should submit proposed orders in substantial conformance with the attached exhibits. Exhibit A addresses those circumstances where a party that is not the filer of the document is seeking an order disabling public access due to privacy information. Exhibit B addresses those circumstances where the filer of the document is seeking an order disabling public access on its own motion.

EXHIBIT A TO SC LBR 9037-1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:

CASE NO:
CHAPTER:

DEBTOR(S)

**ORDER DISABLING PUBLIC ACCESS TO FILED DOCUMENTS AND
DIRECTING FILING OF A CORRECTED PLEADING**

This matter comes before the Court on the motion of (name of movant) to redact or disable public access to filed documents not in compliance with Fed. R. Bankr. P. 9037. It appears that (name of filer) has filed a (name of pleading) which contains (description). Accordingly, pursuant to Fed. R. Bankr. P. 9037(d), it is hereby:

ORDERED that the Clerk of Court shall disable public access to (name of pleading) filed by (name of filer) on (date of filing). Access to (name of pleading) may still be provided by the Clerk of Court to Debtor(s), any attorney for the Debtor(s), the case trustee, if any, and the United States trustee upon request.

(Name of filer), by service of a copy of this Order, is directed to amend the (name of pleading) filed in this case within twenty (20) days from entry of this Order with any privacy information redacted.

EXHIBIT B TO SC LBR 9037-1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:

CASE NO:
CHAPTER:

DEBTOR(S)

**ORDER DISABLING PUBLIC ACCESS TO FILED DOCUMENTS AND
DIRECTING FILING OF A CORRECTED PLEADING**

This matter comes before the Court by (name of filer) on its own motion to redact or disable public access to documents inadvertently filed with unredacted privacy information as set forth in Fed. R. Bankr. P. 9037. The privacy information contained in the documents are (description). Accordingly, pursuant to Fed. R. Bankr. P. 9037(d), it is hereby:

ORDERED that the Clerk of Court shall disable public access to (name of document) filed by (name of filer) on (date of filing). Access to (name of pleading) may still be provided by the Clerk of Court to Debtor(s), any attorney for the Debtor(s), the case trustee, if any, and the United States trustee upon request.

(Name of filer) is directed to amend the (name of pleading) filed in this case within twenty (20) days from entry of this Order with any privacy information redacted.