

LOCAL RULE 1007-3: LISTS, SCHEDULES, STATEMENTS, AND OTHER DOCUMENTS; TIME LIMITS

~~The following interim changes to Fed. R. Bankr. P. 1007 are adopted and are to be read in conjunction with the national rule:~~

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~~b. Schedules, Statements, and Other Documents Required.~~

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- a. Unless either: (A) § 707(b)(2)(D)(i) applies, or (B) § 707(b)(2)(D)(ii) applies and the exclusion from means testing granted therein extends beyond the period specified by Rule 1017(e), an individual debtor in a chapter 7 case shall file a statement of current monthly income prepared as prescribed by the appropriate Official Form, and, if the current monthly income exceeds the median family income for the applicable state and household size, the information, including calculations, required by § 707(b), prepared as prescribed by the appropriate Official Form.

~~4. An individual debtor in a chapter 11 case (unless under subchapter V) shall file a statement of current monthly income, prepared as prescribed by the appropriate Official Form.~~

- ~~e. Time Limits. In a voluntary case, the schedules, statements, and other documents required by subdivision (b)(1), (4), (5), and (6) shall be filed with the petition or within 14 days thereafter, except as otherwise provided in subdivisions (d), (e), (f), and (h), and (n) of this rule. In an involuntary case, the schedules, statements, and other documents required by subdivision (b)(1) shall be filed by the debtor within 14 days of the entry of the order for relief. In a voluntary case, the documents required by paragraphs (A), (C), and (D) of subdivision (b)(3) shall be filed with the petition. Unless the court orders otherwise, a debtor who has filed a statement under subdivision (b)(3)(B), shall file the documents required by subdivision (b)(3)(A) within 14 days of the order for relief. In a chapter 7 case, the debtor shall file the statement required by subdivision (b)(7) within 60 days after the first date set for the meeting of creditors under § 341 of the Code, and in a chapter 11 or 13 case no later than the date when the last payment was made by the debtor as required by the plan or the filing of a motion for a discharge under § 1141(d)(5)(B) or § 1328(b) of the Code. The court may, at any time and in its discretion, enlarge the time to file the statement required by subdivision (b)(7). The debtor shall file the statement required by subdivision (b)(8) no earlier than the date of the last payment made under the plan or the date of the filing of a motion for a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b) of the Code. Lists, schedules, statements, and other documents filed prior to the conversion of a case to another chapter shall be deemed filed in the converted case unless the court directs otherwise. Except as provided in § 1116(3), any extension of time to file schedules, statements, and other documents required under this rule may be granted only on motion for cause shown and on notice to the United States trustee, any committee elected under § 705 or appointed under § 1102 of the Code, trustee, examiner, or other party as the court may direct. Notice of an extension shall be given to the United States trustee and to any committee, trustee, or other party as the court may direct.~~

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- ~~(h) Interests Acquired or Arising After Petition. If, as provided by § 541(a)(5) of the Code, the debtor acquires or becomes entitled to acquire any interest in property, the debtor shall within 14 days after the information comes to the debtor's knowledge or within such further time the court may allow, file a supplemental schedule in the chapter 7 liquidation case, chapter 11 reorganization case, chapter 12 family farmer's debt~~

~~adjustment case, or chapter 13 individual debt adjustment case. If any of the property required to be reported under this subdivision is claimed by the debtor as exempt, the debtor shall claim the exemptions in the supplemental schedule. This duty to file a supplemental schedule continues even after the case is closed, except for property acquired after an order is entered:~~

~~1. confirming a chapter 11 plan (other than one confirmed under § 1191(b)); or~~

~~2. discharging the debtor in a chapter 12 case, a chapter 13 case, or a case under subchapter V of chapter 11 in which the plan is confirmed under § 1191(b).~~

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b. **Time Limits.** In a voluntary case, the schedules, statements, and other documents required by Fed. R. Bankr. P. 1007(b)(1), (4), (5), and (6) shall be filed with the petition or within 14 days thereafter, except as otherwise provided in Fed. R. Bankr. P. 1007(d), (e), (f), and (h), and subdivision (c) of this rule.

b.c. **Time Limits for, and Notice to, Debtors Temporarily Excluded from Means Testing.**

1. Within seven days of the petition date, a debtor, excluded from means testing pursuant to § 707(b)(2)(D)(ii) of the Code, shall file or docket a statement of temporary exclusion from means testing. If a debtor, excluded from means testing pursuant to § 707(b)(2)(D)(ii) of the Code, is released from active duty after the petition date and before the case is closed, the debtor shall file or docket a statement of release from active duty within seven days of being released from active duty.
2. An individual debtor who is temporarily excluded from means testing pursuant to § 707(b)(2)(D)(ii) of the Code shall file any statement and calculations required by subdivision (b)(4) no later than 14 days after the expiration of the temporary exclusion if the expiration occurs within the time specified by Rule 1017(e) for filing a motion pursuant to § 707(b)(2).
3. If the temporary exclusion from means testing under § 707(b)(2)(D)(ii) terminates due to the circumstances specified in subdivision (n)(2), and if the debtor has not previously filed a statement and calculations required by subdivision (b)(4), the clerk shall promptly notify the debtor that the required statement and calculations must be filed within the time specified in subdivision (n)(2).

**Notes:**

~~(2008) Part of this rule was added to the Local Rules December 19, 2008 and serves to implement the National Guard and Reservists Debt Relief Act of 2008. Subdivision (n)(1) was added to the model Interim Bankruptcy Rule and subdivisions (n)(1) and (n)(2) of the model Interim Bankruptcy Rule were renumbered as subdivisions (n)(2) and (n)(3)~~

(2020) Local Rule 1007-I was restyled as Local Rule 1007-3 and interim changes to Fed. R. Bankr. P. 1007(b)(5) and (h) were added to this rule from Local Rule 2081-3. These interim bankruptcy rules have been prepared by the Advisory Committee on Bankruptcy Rules and approved by the Judicial Conference of the United States to be adopted as local rules by the Bankruptcy Courts to implement the procedural and substantive changes to the Bankruptcy Code made by the Small Business Reorganization Act of 2019. The Interim Rules will be withdrawn after similar amendments can be made to the Rules of Bankruptcy Procedure under the normal Rules Enabling Act process.

(2022) The rule was restyled to keep portions of the interim changes that are not ripe to incorporate into Fed. R. Bankr. P. 1007.

## 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 a debtor 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").<sup>1</sup> Unless the Court orders otherwise, the Expedited Fee Amount is deemed an allowed administrative claim under 11 U.S.C. § 503(b)(2). The amount may be claimed by the attorney's filing of the Attorney Fee Disclosure Statement pursuant to Fed. R. Bankr. P. 2016(b) (Director's Bankruptcy Form B2030). The B2030 Form shall clearly indicate the fee agreed upon, the amount paid to date, and the amount to be paid through the chapter 13 plan, and shall define any charges or potential charges for supplemental fees described in paragraph (b)(2). Counsel must include as an attachment to the B2030 Form, a copy of counsel's signed representation agreement with the debtor(s).
  2. **Statement of Supplemental Fees.** Any supplemental compensation must be disclosed, whether that amount will be paid through disbursements by the Trustee or paid directly by the debtor(s). This disclosure may be accomplished through amendment of the B2020 Form or the filing of the Statement of Supplemental Fees. If expressly authorized by a conspicuous provision of a written fee agreement filed with the B2030 Form, the debtor(s) and attorney may agree to the attorney's supplemental compensation 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 other complicating factors not present in the typical chapter 13 case. A supplemental fee may be asserted by utilizing the "Statement of Supplemental Chapter 13 Attorney Fees" event in CM/ECF ("Statement"). The description of services provided in the Statement associated with the request shall contain sufficient information to determine whether the supplemental fee charged is fair and reasonable. The Statement may be used for the disclosure of any supplemental compensation that will be paid through disbursements by the Trustee or paid directly by the debtor(s). The filing of a Statement may be used in lieu of filing an additional or amended B2030 Form.
    - A. **Before Confirmation.** The Statement must be filed within a reasonable time after completion of the additional services and notice of the supplemental fee must be provided to the debtor(s) and the chapter 13 trustee. Upon plan confirmation, the supplemental fee set forth in the Statement is deemed approved for disbursement by the Trustee or, if the fee has been or will be paid directly by the debtor(s), is deemed approved as a direct payment by the debtor(s). ~~upon plan confirmation.~~
    - B. **After Confirmation.** The Statement must be filed within a reasonable time after completion of the additional services and notice of the supplemental fee must be provided to the debtor(s) and the chapter 13 trustee. Unless an objection to the Statement is filed

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<sup>1</sup> 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.

within fourteen (14) days of service or unless the Court orders otherwise, the supplemental fee shall be approved for disbursement by the Trustee or, if the fee has been or will be paid directly by the debtor(s), shall be approved as direct payment by the debtor(s) subject to the terms of the confirmed plan and these Rules.

All supplemental fees approved for disbursement by the Trustee or approved as a direct payment by the debtor(s) remain subject to the Court's consideration of the fee under 11 U.S.C. § 329(b) at any time prior to the closing of the case.

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.~~

(2017) Paragraph (b)(1) was amended to remove the requirement that the amount of attorney's fees due be included in the chapter 13 plan and to remove the service requirement.

(2020) Paragraph (b) of the rule was substantially amended to simplify the process for requesting supplemental fees and clarify that an expediated fee is deemed to be an allowed administrative claim under 11 U.S.C. § 503(b)(2). Paragraph (b)(4) was added to address nonstandard case representation.

(2021) Paragraph (b)(4) was removed.

## LOCAL RULE 3015-1: CHAPTER 13-FILING A PLAN

- a. **Local Form Plan.** The District of South Carolina ~~local form plan~~local form plan, adopted pursuant to Fed. R. Bankr. P. 3015.1 and as amended from time to time, must be used as the plan and as any modified plan proposed in a chapter 13 case.
- b. **Conduit Plans.** A debtor seeking to make post-petition contractual installment payments secured by a properly perfected mortgage on the debtor's principal residence ("Mortgage Payments") to the chapter 13 trustee ("Trustee") through the chapter 13 plan ("Conduit Plan") shall comply with the following procedures:

### **1. CONDUIT PLAN**

A. **Form.** A Conduit Plan is proposed by checking the appropriate box in the form plan provided in SC LBR 3015-1 and 3015-2, as applicable, and including Approved Non-Standard Language for Conduit Mortgage Plans in Part 8, and through compliance with the terms herein.

B. **Mortgage Payment Classification.** The Conduit Plan may include up to five (5) Mortgage Payment classes:

1. **Pre-Petition Arrears.** This class includes any pre-petition Mortgage Payments and the Mortgage Payment due during the month of filing the petition or the date of an order converting the case to Chapter 13 ("Conversion Date").

2. **Conduit Mortgage Payments.** This class includes:

- a. post-petition Mortgage Payments, beginning with the payment due in the third calendar month following the month of filing the petition or the Conversion Date; or
- b. post-petition Mortgage Payments, beginning with the payment due in the third calendar month following the occurrence of any other event requiring the debtor to make Mortgage Payments through a Conduit Plan.

3. **Gap Payments.** This class includes post-petition Mortgage Payments due the two (2) months:

- a. immediately after the month of filing the petition or the Conversion Date; or
- b. immediately after the occurrence of any other event requiring the debtor to make Mortgage Payments through a Conduit Plan.

4. **Post-Petition Charges.** This class includes fees, expenses, or charges itemized in the Notice of Fees, Expenses, and Charges pursuant to Bankruptcy Rule 3002.1 ("3002.1(c) Notice").

5. **Post-Petition Arrears.** This class includes:

- a. a delinquency in Mortgage Payments resulting from a moratorium granted for a prior Conduit Plan, or a post-petition delinquency on the gross monthly payment by the debtor to the Trustee under a Conduit Plan; and
- b. with the consent of the Trustee, Mortgage Payments to be paid pursuant to 11 U.S.C. § 362 settlement orders.

### **C. Plan Payments Due from the Debtor.**

1. **Trustee Percentage Fees.** The proposed Conduit Plan shall provide sufficient funding to cover the Trustee fee fixed pursuant to 28 U.S.C. §586(c).

2. **Conduit Mortgage Payments.** The sums included in the plan payment required by the Trustee for disbursement to the Conduit Mortgage Payment class (SC LBR 3015-1(b)(1)(B)(2)) shall be in the amount:

- a. initially as estimated by the debtor in the Conduit Plan;
- b. set forth in the mortgage creditor's Compliant Proof of Claim (a proof of claim filed in full compliance with the Official Forms and Bankruptcy Rules 3001 and 3002) or any allowed Notice of Mortgage Payment Change filed in compliance with the deadlines and service requirements set forth in Bankruptcy Rule 3002.1(b) and using the applicable Official Forms; or
- c. set forth in a proof of claim filed for the mortgage creditor pursuant to 11 U.S.C. § 501(c) if no Compliant Proof of Claim is filed.

3. **Increases in Plan Payments.** See SC LBR 3015-2.

4. **Moratoriums.** Requests for moratoriums filed in cases with Conduit Plans may be in the form of a motion for moratorium or a modified plan. The Local Form Motion to Modify Plan to Allow a Moratorium of Payments (Conduit Plan) must be filed and served on all interested parties.

5. **Insufficient Funds.** Plan payments from the debtor to the Trustee that are not honored due to insufficient funds or for any other reason by the Trustee's financial institution will be deemed "not received."

## 2. **DISBURSEMENT BY THE TRUSTEE**

A. **Timing.** Unless otherwise ordered by the Court, Mortgage Payments paid through a Conduit Plan will be retained by the Trustee until entry of an Order pursuant to 11 U.S.C. § 1325 ("Order Confirming Plan"), after which time the Trustee shall commence disbursements as soon as is practicable. Thereafter, disbursements by the Trustee will be made after receipt and posting of payments from the debtor, but no disbursements will be made until the Trustee can ensure funds are available. All disbursements will be made in accordance with the Trustee's established office policies and procedures and, therefore, may not coincide with the payment due date set forth in the agreement or documents governing the loan terms between the debtor and mortgage creditor. If funds are available, payments by the Trustee to mortgage creditor shall continue through the final month of the confirmed Plan term, with the debtor to resume direct payments to the mortgage creditor the month following or as directed by the Trustee.

### B. **Confirmed Plan.**

1. **Partial Payment Disbursement.** If the debtor pays the Trustee less than the full plan payment, the Trustee is authorized to apply the funds received and make disbursements in the following order: (1) Trustee Percentage Fees; (2) Mortgage Payments provided in the Conduit Plan; (3) all other secured claims (including but not limited to Pre-Petition Arrears, Gap Payments, Post-Petition Charges, and Post-Petition Delinquencies) included in the Conduit Plan and the balance of the debtor's attorney's fees on a *pro rata* basis; (4) priority unsecured claims on a *pro rata* basis; and (5) general unsecured claims on a *pro rata* basis.

### 2. **Mortgage Creditor Claims.**

- a. **Compliant Proof of Claim.** Until such time as the mortgage creditor files a Compliant Proof of Claim or a proof of claim for the mortgage creditor is filed pursuant to § 501(c), the Trustee will not disburse funds to the mortgage creditor for the Mortgage Payment paid through the Conduit Plan. If the Mortgage Payments paid through a Conduit

Plan are placed into a suspense, forbearance, or similar account, they will be deemed to have been timely applied pursuant to this subsection.

- b. **Request for Mortgage Creditor Report.** If the mortgage creditor has not filed a Compliant Proof of Claim but the plan is otherwise ready for confirmation, the Trustee may file a Request for Mortgage Creditor Report (the “Request”) requiring the mortgage creditor to file either a Compliant Proof of Claim or a Mortgage Creditor Report, providing: an estimate of Pre-Petition Arrears, the ongoing monthly payment amount, and the status of escrow. The Request shall contain notice to the mortgage creditor that a hearing on the Request has been scheduled. Any hearing on the matter shall be attended by a representative of the mortgage creditor sufficiently knowledgeable to testify about the specific amounts due, and counsel for the mortgage creditor.
- c. **Notice of Payment Change.** No Notice of Payment Change filed by the mortgage creditor pursuant to Bankruptcy Rule 3002.1 is effective to change the amount of the Mortgage Payment paid through a Conduit Plan unless and until a Compliant Proof of Claim is filed. Mortgage creditors shall file and serve a Notice of Mortgage Payment Change in accordance with the applicable Official Form, within the deadline and in compliance with the service requirements set forth in Bankruptcy Rule 3002.1(b), to reflect any changes in the monthly mortgage payments or escrow amounts that occur during the term of the plan.

C. **Plan Not Confirmed.** See SC LBR 3070-1 and Local Forms (Consent Allowing Payment of Funds to Creditor(s) and Debtor(s) Attorney and Order Allowing Payment of Funds to Creditor(s) and Debtor(s) Attorney).

### 3. DUTIES OF MORTGAGE CREDITORS

- A. **Post-Petition Charges.** Regardless of the disbursement date of the Mortgage Payment paid through a Conduit Plan, the mortgage creditor shall not: (1) declare the loan in default; (2) impose any Post-Petition Charges incurred on account of any delay in the mortgage creditor’s receipt of any payment paid pursuant to the Conduit Plan; or (3) seek to recover or assess late fees or penalties incurred on account of any delay in the mortgage creditor’s receipt of any payment paid pursuant to the Conduit Plan. The debtor should timely review all 3002.1(c) Notices. If the debtor advises the Trustee of an agreement to pay the Post-Petition Charges or fails to file a timely objection to the 3002.1(c) Notice, the Trustee may pay the Post-Petition Charges. The debtor’s advice to the Trustee of an agreement to pay or the debtor’s failure to timely object will be deemed a waiver of any claim against the Trustee for payment of the Post-Petition Charges.
- B. **Change by Mortgage Creditor of Name, Address, Servicer, or Trustee, or Transfer or Sale of Loan Documents.** For the purpose of disbursing payments, the Trustee will not acknowledge any change of the name or address of the mortgage creditor or any transfer or assignment of claim until a reasonable time after the filing of a notice that complies with Bankruptcy Rule 3001(e) and/or other applicable Rules.
- C. **Notices of Mortgage Servicing Transfers.** Notices pursuant to 12 CFR § 1024.33 (“hello” and “goodbye” letters) shall be provided to the Trustee within the deadlines provided in that authority, as may be amended from time to time, by the filing of the notice with the bankruptcy court with privacy information redacted. The Trustee may then hold disbursements pending compliance with SC LBR 3015-1(b)(3)(B).



**Notes:**

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**Notes:**

~~(2008) Former SC LBR 3015-1 was revised and restyled. Portions of former SC LBR 3015-1 were incorporated into other local rules pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.~~

~~(2009) The objection period in Exhibit A was amended to a multiple of seven as part of time computation amendments.~~

~~(2011) Section IV(A) in Exhibit A was amended to allow attorneys to receive up to \$1,000 from the initial disbursement. The certificate of service section in Exhibit A was amended to clarify that the specific list of the names and addresses of parties served with the plan should be attached to the plan filed with the Court. Sections II(A) and (B) were amended to clarify that a debtor does not have to claim an exemption to avoid a lien.~~

~~(2013) The rule was amended to require a statement where the debtor proposes changes that differ from Exhibit A. Section II(B) of Exhibit A was amended to conform with amendments made to the exhibits of SC LBR 4003-2. Section (I)(B) of Exhibit A was amended to clarify that the deadline to object runs from the date of the service of the plan.~~

(2017) The rule was amended to require use of the District's form plan and to remove reference to Fed. R. Bankr. P. 2002(b) regarding service of the plan. The rule was also amended to remove reference to the local rule exhibit.



(2022) Paragraph (b) was added to incorporate former Operating Order 22-03.

## LOCAL RULE 3016-1: CHAPTER 11 PLAN AND DISCLOSURE STATEMENT

- a. **Deadline.** Except in a statutorily defined small business case- a case under subchapter V of Chapter 11, or unless otherwise ordered by the Court, a disclosure statement and plan of reorganization shall be filed by the debtor or trustee not later than one hundred eighty (180) days after the entry of the order for relief. The debtor, trustee, or other plan proponent shall prosecute its disclosure statement and plan in a timely manner.
- b. ~~**Amendments.** At the hearing on the disclosure statement or plan, the Court may consider for approval written amendments made prior to the hearing.~~ **Modifications.** At the hearing on the disclosure statement or plan, the Court may consider for approval written modifications made prior to the hearing. Except in a statutorily defined small business case or a case under subchapter V of Chapter 11 where the appropriate Official Form plan is filed, to the extent a modification to the disclosure statement or plan is filed with the Court modifying the previously filed document, the proposing party shall file on the docket both a clean and “redlined” version of the modified document providing a comparison of the document reflecting any changes (i.e., added language can be in bold, while deleted language can be reflected as being struck through). To the extent service of the modified document is required by the Bankruptcy Code, Federal Rules of Bankruptcy Procedures, or Local Rules, the redlined version should only be filed on the docket but not served.
- c. **Denial of Confirmation.** If any plan of reorganization or disclosure statement filed by the debtor, trustee, or other plan proponent is not confirmed or approved by the Court, any amendment, modification, or supplement necessary to correct the deficiency must be filed within fourteen (14) days after the confirmation hearing or whatever time period the Court may require.

### Notes:

~~(2008) Portions of former SC LBR 2081-1 were incorporated into 2022) Paragraph (a) clarifies that this rule pursuant does not apply to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.~~

~~(2009) The period in paragraph (c) was amended to a multiple of seven as part of time computation amendments.~~

~~(2012) A footnote was added to paragraph (a) to clarify the deadline in small business cases.~~

~~(2013) Technical amendments were made to paragraphs (a), (b), and (c) and the title of the rule was amended. The footnote regarding small business cases was moved to the body of paragraph (a).~~

## LOCAL RULE 5005-4: ELECTRONIC FILING

~~a. **Record of the Court.**~~ All pending, reopened, and newly filed cases and proceedings in the Court shall be assigned to the Case Management/Electronic Case Filing system (CM/ECF). The docket of the cases and proceedings shall be available electronically. The electronic record is the official record of this Court. The Court's electronic records are available for public access (view only) at [pacer.uscourts.gov](http://pacer.uscourts.gov).

~~b.a. **Manner of Filing.**~~ Except as provided, all documents, including proofs of claim, shall be electronically ~~filed-submitted by~~ utilizing the **CM/ECF system** or the Court's **electronic claims interface**.<sup>1</sup> ~~Attorneys and certain parties may become registered CM/ECF participants. Information about registration is available on the Court's website.~~

~~c. **Exceptions to Mandatory Electronic Filing.**~~

~~1. **Pro Se Parties.**~~ Parties without legal representation may effect filings in paper form. ~~Filing may be made by submitting the documents to the Clerk of Court at 1100 Laurel Street, Columbia, South Carolina 29201 or by other methods specified by the Chambers Guidelines or Operating Orders.~~

~~b. **CM/ECF Participants.**~~ Attorneys and certain parties may become registered CM/ECF Participants. ~~Information about registration is available on the Courts website. CM/ECF Participants must update all information submitted with the registration in a timely fashion, including primary and alternate email addresses. A participant's account shall be used only by the participant or an authorized agent under the direction and supervision of the participant. Participants filings documents are responsible for ensuring documents are correctly filed under the applicable CM/ECF event, bear the correct case and/or proceeding numbers, and are readable and accessible. When filing a document, participants shall ensure the document is appropriately titled, linked, and docketed to properly identify the content of the document and that the event and document are docketed in the correct case for proper notice (and service, when applicable) to be provided. Failure to do so may require the re-filing of the document and the cancellation of any hearing associated therewith, denial of any requested relief, or the document may be stricken from the record. Any participant who fails to correctly file a document, files a document using an incorrect case and/or proceeding number, files an unreadable or inaccessible document image, or files a document in an incorrect case or proceeding shall have an affirmative duty to immediately file appropriate motions for the Court to consider and remedy issues resulting therefrom. A participant's privileges, login, and password may be terminated, disabled, or revoked following notification of disbarment or suspension of a participant who is an attorney or any order of this Court so directing.~~

~~d.c. **Registered CM/ECF Participants and Represented Parties.**~~

~~1. **CM/ECF Unavailable.**~~

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~~A. **Normal Hours.**~~ If CM/ECF cannot be accessed during regular business hours of the Clerk's Office, the filer shall contact the CM/ECF Help Desk at the Clerk's Office to confirm that CM/ECF is not accessible and make suitable arrangements with the Clerk of Court for the filing to occur.

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<sup>1</sup> Information about claim filing and the interface to file a claim or related document is available at <http://www.scb.uscourts.gov/electronic-filing-claims>.

A.B. **After Hours.** — If CM/ECF cannot be accessed after regular business hours of the Clerk's Office, and the filing is time-sensitive and will be made untimely as the result of a technological failure of CM/ECF, the filer shall either electronically mail the document to the CM/ECF Help Desk at [SCB\\_EmergencyFiling@scb.uscourts.gov](mailto:SCB_EmergencyFiling@scb.uscourts.gov).

2. **CM/ECF Available.** If the filer is unable to file electronically notwithstanding the general availability of CM/ECF,<sup>2</sup> filing of a time-sensitive document may be made by filing the paper document with the Clerk of Court in Columbia, electronically mailing the document to the CM/ECF Help Desk at [SCB\\_EmergencyFiling@scb.uscourts.gov](mailto:SCB_EmergencyFiling@scb.uscourts.gov).
3. **Certification of Inability to File Electronically.** Any document submitted under paragraphs (c)(2)(A) or (B) shall be accompanied by a certification setting forth in detail the reasons for the filer's failure to submit the documents through CM/ECF, the time-sensitive nature of the filing, and a request to receive the documents in the manner submitted.
4. **Determination of Filing.** The Clerk's Office shall immediately submit the documents received pursuant to paragraphs (c)(2)(A)-(C) to the judge assigned to the case for consideration, with or without hearing, and to determine whether to allow the filing or an extension to file. The Court may strike the pleading, deny relief, and require electronic filing if the submission is found to be an abuse of the Court's exceptions to electronic filing.

d. **Pro Se Individuals.** Individuals without legal representation (*pro se* individuals) may effect filings according to the following procedures. This rule applies only to individuals representing themselves, and does not include corporations, partnerships, LLCs or other similar business entities.<sup>3</sup>

1. **Paper Filings.** Documents for filing with the Court may be delivered to the Clerk of Court at 1100 Laurel Street, Columbia, South Carolina 29201. Documents are not accepted at the Court's Charleston or Greenville locations. If the submission is a petition for bankruptcy relief and accompanying documents, it must be submitted with a copy of a government-issued photo identification of the *pro se* individual that includes name and address. Unless otherwise provided herein, documents received will be processed after receipt during normal business hours on Court business days. If the Court is unable to open to the public or operate during normal business hours, *pro se* individuals may utilize a "drop box" when available, at the Columbia location of the Clerk's Office. Access hours are 8:30 a.m. to 4:30 p.m. on business days. With each submission, the *pro se* individual shall note the current time and date on the envelope, document, or payment and call (803)765-5436 to alert the Clerk's Office that the document or payment was placed in the drop box. The Clerk's Office shall check for any items in the drop box at least once per business day. If a *pro se* individual asserts an item placed in the drop box is urgent, a prompt call to the Clerk's Office will facilitate retrieval or other guidance. Each submission shall be deemed filed or received at the time noted (if available), unless otherwise ordered by judicial determination. If no notation is available, the submission shall be deemed filed or received upon retrieval.
2. **Electronic Filings.** If *pro se* individuals cannot file documents by delivery to the Court pursuant to subsection (1) above, they may transmit the documents to the Court by email to [ProSeFilings@scb.uscourts.gov](mailto:ProSeFilings@scb.uscourts.gov) ("electronic filing"). Each electronic filing shall include a statement detailing the inability to file in person or by mail and a copy of a government-issued photo identification of the *pro se* individual that includes name and address. Each electronic filing shall be deemed filed at the time of receipt by the Clerk's Office, unless otherwise ordered by judicial determination. The Court reserves the right to refuse or return any electronic filing that does not comply with applicable procedures.

<sup>2</sup> If the inability to electronically file is expected to persist, due to natural disaster or other reasons beyond the control of the filer, the request for an alternative means of filing may govern multiple cases if requested and approved by the applicable judge of the United States Bankruptcy Court.

<sup>3</sup> See SC LBR 9011-2. For filings not covered by this Rule, see SC LBR 3001-1 and 9011-4.

3. **Effect of Non-Compliance.** Should a *pro se* individual fail to comply with applicable procedures, appropriate action may be taken without further notice, including, but not limited to, denying the relief requested and dismissing and closing any case initiated.

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**Notes:**

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**Notes:**

~~(2013) This new rule incorporates provisions previously found in Operating Order 08-07.~~

~~(2017) Paragraph (c)(1) was amended to recognize exceptions to mandatory electronic filing for *pro se* parties may be found in Operating Orders.~~

~~(2022) Paragraph (b) was amended to incorporate provisions of former Operating Order 21-02 and paragraph (d) was added to incorporate provisions of former Operating Order 22-02.~~

## LOCAL RULE 5080-1: FEES

### a. **Form of Payment.**

1. ~~Electronic Filers~~**CM/ECF Participants.**<sup>1</sup> All parties electronically filing documents shall use the Internet Credit Card Module of CM/ECF for the payment of fees.
  2. ~~Non-Electronic Filers~~**CM/ECF Participants.** All other parties shall pay fees in the form of cash, check, or money order. The Clerk of Court shall not accept personal checks from current or prospective debtors. All payments shall be for the exact amount due and made payable to "Clerk, United States Bankruptcy Court." Remittances made payable to a named individual will not be accepted. Payments must be made to the Clerk of Court at 1100 Laurel St, Columbia, South Carolina 29201. If a submission pursuant to SC LBR 5005-4(d) requires payment of a filing fee, and the fee is not delivered therewith, the fee shall be remitted to the Clerk of Court in Columbia within seven (7) days.
- b. **Timing of Payments.** Unless the Court orders otherwise or the filing party moves to waive the fee, all fees required by 28 U.S.C. § 1930 or other applicable rule or law shall be paid on the same day as the documents are filed. Failure to pay may result in the striking of the pleading or other adverse action.

### Notes:

~~(2013) This new rule incorporates provisions found in former Operating Order 08-07.~~

(2015) Paragraph (a)(2) was amended to clarify that the court does not accept payment by debit or credit card from non-electronic filers.

(2022) Paragraph (a)(2) incorporates provisions found in former Operating Order 22-02.

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<sup>1</sup> [SC LBR 5005-4](#) generally mandates electronic filing for all documents except documents filed by those without legal representation. Other exceptions and requirements are also noted in [SC LBR 5005-4](#).

## LOCAL RULE 7001-1: ADVERSARY PROCEEDINGS- GENERAL

- a. **Scheduling Orders.** Scheduling and other orders giving direction will be issued at the appropriate time, including an order requiring the parties to conduct a discovery conference pursuant to Fed. R. Civ. P. 26(f), make initial disclosures required by Fed. R. Civ. P. 26(a)(1), and report the proposed discovery plan so the Court may issue a scheduling order pursuant to Fed. R. Civ. P. 26(f). Scheduling and other pre-trial orders may be entered according to procedures described in the Chambers Guidelines, 16(b).
- b. **Extensions of Time.** A party which has asserted a claim against another party in an original or amended pleading may grant to that party, prior to the expiration of the original deadline, and without a Court order, one extension of time to respond to the pleading. The extension may not exceed fourteen (14) days. All such extensions must be in writing and in the form of a certification of extension, properly captioned in accordance with Fed. R. Bankr. P. 9004, signed by a party to the extension agreement, and filed with the Court prior to the expiration of the original response deadline. Further extensions may be granted only pursuant to a motion demonstrating exceptional circumstances or consent orders which propose extensions or agreements between counsel which meet these requirements.

### Notes:

(2013) Portions of the 2022) Paragraph (a) was amended to remove reference to Chambers Guidelines and portions of Chambers Guidelines were moved to this new rule— to provide procedure prior to issuance of a scheduling order.



## LOCAL RULE 9011-4: SIGNATURES

### a. ~~Methods~~CM/ECF Participants.

1. **Method and Form.**—Unless otherwise provided herein or by statute, rule, or order, documents filed with the Court in paper form must contain original “wet” signatures. In lieu of the original signature, an authorized CM/ECF ~~filer~~Participant may file a document containing a scanned copy of the original signature, a digital signature via any commercially available signature software that provides signature authentication, or an electronic signature. The filing of the document(s) by the CM/ECF filer constitutes a certification that the filer obtained, prior to filing, either the original, physical signature or express documented permission from the signer to affix the signer’s signature to the document and file it, and that the filer has verified that the authorizing signer is in fact the signer. All signatures on documents filed using CM/ECF must be displayed in one of the following ways: by a scanned copy of the original document containing original signature, by electronic or digital signature, or by a “/s/” or “s/” and the name of the person typed in the space where the signature would otherwise appear (e.g., /s/ Jane Doe or s/ Jane Doe). Filing any document using a CM/ECF login and password or the Court’s claim interface constitutes the filer’s signature for purposes of signing the document under Fed. R. Bankr. P. 9011. In instances where there is a discrepancy between any CM/ECF login and signature upon the electronic filing of a document, or in instances in which multiple signatures are included, both the filer whose login was used and the signer(s) are responsible attorneys for both Fed. R. Bankr. P. 9011 and [SC LBR 2090-1](#) purposes. All signer(s) must include name, address, telephone number, electronic mail address, United States District Court identification number (where applicable), and any other information as directed by judge, local rule, or order. Unless ordered by the Court upon a showing of exceptional circumstances, the signature of an attorney acting as local counsel for an attorney admitted *pro hac vice* must appear on all documents filed with the Court.
2. **Retention of Original.** Unless otherwise provided by statute, rule, or order, the CM/ECF ~~filer~~Participant is not required to obtain or retain original signatures where the signer has expressly authorized in writing or electronically that the document be filed with that signer’s digital or electronic signature affixed. However, the filer must retain sufficient evidence of the signer’s permission to sign a particular document and the document’s contents as follows: if the case is dismissed, for a period of three (3) years; or if not dismissed, until the case or adversary proceeding is closed and the appeal time has passed and, if applicable, the time within which a discharge of the debtor may be revoked has passed. Under order of the Court, such documents must be provided for review to parties.

b. **Pro Se Individuals.** Any document to be filed with the Court that requires a *pro se* individual’s signature shall be signed with the original handwritten signature of the filer before delivery to the Court in paper form or by electronic transmission. *Pro se* individuals shall not electronically sign documents. If the document is an electronic filing made pursuant to SC LBR 5005-4(c)(2), the original document shall be mailed or delivered to the Clerk of Court in Columbia within seven (7) days of the electronic filing.

### Notes:

~~(2013) This new rule incorporates provisions found in former Operating Order 08-07.~~

(2021). The rule was substantially revised to incorporate portions of Operating Order 20-14 and adopt electronic signatures for parties. In addition to the requirements in this rule, lawyers should maintain client files consistent with applicable rules of Professional Conduct.

| (2022) The rule was renumbered and revised to incorporate provisions found in former Operating Order 22-02.

## LOCAL RULE 9013-2: BRIEFS AND MEMORANDA OF LAW

- a. Any memorandum or brief required to be filed by the Court, or filed by the parties in instances where they have determined that a memorandum would materially assist the Court in its determination of the issues, shall be filed and simultaneously served, with proof of such service filed with the Court, upon all appropriate parties no later than seven (7) days prior to the hearing on the matter, unless otherwise ordered by the Court. The memorandum shall contain:

1. ~~Aa~~ concise statement of the facts that pertain to the matter before the Court for ruling;
2. ~~Aa~~ brief argument relating to the matter before the Court with citations to applicable authorities; and
3. ~~Copies~~copies of any unpublished decisions or decisions published in any specialized reporting services cited in the memorandum.

b. Parties shall contact chambers or courtroom staff by email no later than 10:00 a.m. three (3) business days in advance of the scheduled hearing if it is anticipated that the hearing will take longer than 15 minutes, live testimony is necessary, or documentary evidence is to be presented and whether any exhibits to be introduced are subject to objection. The Court may continue the matter to another date or time, request supplemental briefing or a Joint Statement of Dispute, or make other requests or accommodations. If a Joint Statement of Dispute is required, it must be in substantial conformance with the Court's local form.

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### Notes:

(2017) Reference to rule exhibits were removed and the rule was amended to reference local forms.

- ~~b. — Joint Statements of Dispute may be required by the presiding judge on a form in substantial conformance with the Court's local form. Chambers Guidelines must be considered in connection with this local rule because the judges may have differing procedures or requirements related thereto.~~

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### **Notes:**

~~(2008)(2022) Portions of former SC LBR 9014-5 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.~~

~~(2009) The period to file a brief was amended to a multiple of seven as part of time computation amendments.~~

~~(2013) The rule was amended to add Chambers Guidelines were moved to this paragraph (b) and Exhibit A and reference joint statements of dispute may be required by the presiding judge.~~

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~~(2017) Reference to rule exhibits were removed and the rule was amended to reference local forms.~~

## 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:<sup>1</sup>
  - A. **Passive Motions.** A list of motions that shall be noticed passively<sup>2</sup> is attached as Exhibit A; and
  - B. **Non-Passive Motions.** A list of motions that shall be noticed for a definite hearing<sup>3</sup> is attached as Exhibit B.

### 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 unless otherwise allowed in compliance with Chambers Guidelines, unless otherwise ordered or after consultation with appropriate court staff.~~
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.<sup>4</sup> The hearing notice shall be in substantial conformance with:
  - A. The Court's local [passive notice form](#) for passive motions set forth in Exhibit A; or
  - B. The Court's local [non-passive notice form](#) for non-passive motions set forth in Exhibit B.
3. **Serve the Motion and Notice.** The movant party shall serve the party entitled to notice<sup>5</sup> 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

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<sup>1</sup> The use of the word motion herein also includes applications, objections, and notices where applicable as set forth in Exhibits A and B attached hereto. Only motions and applications filed in the main bankruptcy case and listed in this rule may be noticed using the procedure in this rule. This rule does not apply to motions filed within an adversary proceeding.

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

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

<sup>4</sup> The hearing notice should be signed by the movant's attorney or the movant, if moving *pro se*. In certain instances a different form is required as reflected on the exhibits to this rule.

<sup>5</sup> Parties affected by the relief requested may include the debtor, debtor's counsel, the United States Trustee, and the case trustee.

C. A proposed order.<sup>6</sup>

**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).— A clarifying amendment was also made to footnote 12 to Exhibit A to reflect that the self-scheduling procedure does not apply to certain requests for fees in chapter 13 cases.—~~

~~(2016) Exhibit C was amended to require 28 days notice for a motion for hardship discharge.~~

(2017) Exhibit A and the Court's local forms for passive and non-passive notices were updated to comply with Official Forms B 416A and B 420A. A footnote was added to Exhibit A to require a party objecting to a claim to use Official Form B 420B as the notice. Matters were added to the passive notice list. The following matters were added to the passive list: (1) Motions to Modify Confirmed Chapter 13 Plan, with objections due seven (7) days prior to the confirmation hearing date and (2) Motions to Declare Secured Claim Satisfied/Lien Avoided pursuant to Fed. R. Bankr. P. 5009(d), with a twenty-eight (28) day objection period. Motions/Applications Nunc Pro Tunc have been added to the non-passive list, with a fourteen (14) day objection period.

(2018) Exhibit A was amended to add motions pursuant to § 1307(c) and clarify that the Court will prepare the order for motions to convert or dismiss except under §§ 707(b), 1112, or 1307(c). A technical amendment was made to Exhibit A to add petitions to dismiss by a chapter 13 trustee pursuant to § 1307(c) to matters that may be self-scheduled.

(2019) Exhibit A was amended in light of new Local Rule 3015-8.

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<sup>6</sup> 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.

(2020) The exhibits to the rule were substantially revised. A list of parties to be served was added to the exhibit and various notice deadlines have changed. Some matters previously delegated under Local Rule 5075-1 were added to the exhibits, and some matters were removed. If a matter no longer appears on the exhibits it is no longer a self-scheduled matter.

(2021) The footnote to the rule was amended to clarify that the rule does not apply in adversary proceedings. Exhibit B was amended to clarify that motions to sell; obtain credit; or use cash collateral in a chapter 12 case are passively noticed. The instructions to the exhibits and the exhibits were revised to recognize that some parties may receive notice or service by NEF. The exhibits were also revised to reduce case-wide notice of certain delegated orders.

(2022) Removed footnote 4 indicating that Chambers Guidelines must be considered in connection with the Local Rules because judges may have differing procedures or requirements. Paragraph (b)(1)(C) was amended to clarify that hearings are to be in the case's division and before the assigned judge unless otherwise allowed by Chambers Guidelines or after consultation with court staff. Exhibits were amended to move applications for compensation to Exhibit B for non-passive notice.



**Exhibit B to SC LBR 9013-4**  
Motions/Applications approved for non-passive, self-scheduled hearings

Chapter	Pleading	# of Days for Response	Parties to Serve	Examine Fed. R. Bankr. P. 7004	Party Delegated to Serve Resulting Order	Notes
Any (as applicable)	Value Tax Claim and Establish Priority (Fed. R. Bankr. P. 3012(c))	21	Trustee, Debtor's Counsel, Debtor, Holder of the Claim	Yes	Served by Prevailing Party on Trustee, Debtor's Counsel, Debtor, Holder of the Claim, Movant	
Any (as applicable)	Convert or Dismiss by Creditor or Party in Interest	21	Mailing Matrix	Yes	Served by the Clerk of Court	See Fed. R. Bankr. P. 1017(f).
Any (as applicable)	Convert or Dismiss by Debtor (Previous Conversion)	21	Mailing Matrix, Trustee in Prior Case	Yes	Served by the Clerk of Court	See Fed. R. Bankr. P. 1017(f).
Any (as applicable)	Extend or Impose Stay (11 U.S.C. § 362(c)(3) or (4))	14	Mailing Matrix		Served by Movant on Debtor, Trustee, UST, Debtor's Counsel, any Objecting Party	See <a href="#">SC LBR 4001-1</a> and applicable local form related to the required notice.
Any (as applicable)	Reconsider Stay Relief	14	Affected Parties, Trustee		Served by Prevailing Party on Affected Parties, Trustee, Debtor, Debtor's Counsel, Movant	
Any (as applicable)	Withdraw as Counsel Without Consent of Client	14	Client, Trustee, UST		Served by Movant on Client, Trustee, UST	See <a href="#">SC LBR 2091-1</a> .
Any (as applicable)	Reconsider Dismissal	14	Mailing Matrix		Served by the Clerk of Court	Court prepares order.
<u>Any (as applicable)</u>	<u>Approve Compensation or Expenses Over \$1,000</u>	<u>21</u>	<u>Mailing Matrix</u>		<u>Served by Prevailing Party on Debtor, Debtor's Counsel, Trustee, UST, Objecting Parties, Movant</u>	<u>The procedure in this rule does not apply to requests for fees under SC LBR 2016-1(b)(1) or (2).</u>

LOCAL RULE 9037-1: ~~REDACTION OF PRIVACY INFORMATION~~PROTECTION FOR FILINGS MADE WITH THE COURT

- a. **Unredacted Documents.** Unless otherwise ordered by the Court, ~~once an entity seeking to redact a previously filed document containing private information pursuant to Fed. R. Bankr. P. 9037(h) must file a motion and proposed order<sup>1</sup> are required to disable public access to the document (redact) in substantial compliance conformance with the applicable local forms. See Order Disabling Public Access on Motion of the Filer and Order Disabling Public Access on Motion of Non-Filer. The motion must contain specific information detailing how the pleading violates Fed. R. Bankr. P. 9037<sup>a</sup> 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, the Court shall redact private information from transcripts published or otherwise made available to the public by the Court in accordance with Fed. R. Bankr. P. 9037(a). ~~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.~~9037(a).
- 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.
- e.d. **Multiple Redaction Requests.** A party in interest who seeks to redact or restrict access to documents filed in multiple cases shall contact the Clerk of Court in advance of filing the motions to redact or restrict.

**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.~~

~~(2015) Paragraph (d) was added to require a movant filing multiple redaction requests to coordinate with the Clerk of Court.~~

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<sup>1</sup> ~~Parties should submit a proposed order in substantial conformance with the applicable local form. See Order Disabling Public Access on Motion of the Filer and Order Disabling Public Access on Motion of Non-Filer.~~

(2017) Reference to rule exhibits were removed from footnote 1 and the footnote was amended to reference local forms.

(2022) The title of the rule was amended. Paragraphs (a) and (b) were amended to remove information duplicative of Fed. R. Bankr. P. -9037.

## LOCAL RULE 9070-1: EXHIBITS IN ADVERSARIES AND CONTESTED MATTERS

Unless otherwise provided by a Court order:<sup>+</sup>

- a. **Submission of Exhibits. in Contested Matters.** Exhibits for a hearing or trial are to be submitted to the courtroom deputy in advance ~~in accordance with Chambers Guidelines~~ and exchanged with the opposing party. ~~The parties shall exchange exhibits and confer well in advance of the hearing to determine whether they will be able to stipulate to the admission of exhibits.~~ The party submitting the exhibits shall note any stipulation to the admission of the exhibits~~—~~  
and contact courtroom staff to deliver exhibits to the location where the trial or hearing will be conducted.
- b. **Submission of Exhibits in Adversary Proceedings.** Exhibits for a hearing or trial are to be submitted to the courtroom deputy pursuant to the directions provided in the scheduling order.
- ~~b.c.~~ **Marking of Exhibits.** Exhibits must be marked for identification in advance of a hearing or trial. ~~Parties must contact a courtroom deputy at least two (2) days prior to the hearing or trial in order to receive instructions on the marking of exhibits.~~ Parties shall provide the original and three (3) copies to the courtroom deputy sufficiently in advance to permit marking the exhibits for identification and shall ensure there are enough copies available for all opposing counsel or parties at the hearing. Parties seeking to submit electronic exhibits should contact the courtroom deputy as soon as possible and no later than three (3) business days prior to a hearing or trial to ask for permission and/or make arrangements and to ensure compatibility with the Court's equipment.
- ~~c.d.~~ **Custody of Exhibits.** Exhibits admitted into evidence or marked for identification at a hearing or trial shall be claimed by the proponent within fourteen (14) days after expiration of the time for appeal, unless otherwise directed by the Court. If the party who offered the exhibit, including an exhibit submitted under seal, fails to claim it as provided herein, the Clerk of Court may provide notice to the attorneys of record and *pro se* parties advising that the exhibits will be destroyed if not claimed and removed within a specified time not less than fourteen (14) days thereafter.

### Notes:

~~(2008) Portions of former SC LBR 9017-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.~~

~~(2009) Periods were amended to multiples of seven as part of time computation amendments.~~

~~(2010) Paragraph (a) was added to reflect the process announced to the bar on December 1, 2009.~~

~~(2013) The title of the rule was restyled and the introductory clause added. Paragraph (a) was added from the Chambers Guidelines and the remaining paragraphs re-lettered. Technical amendments were made to paragraph (b).~~

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<sup>+</sup> ~~Chambers Guidelines must be considered in connection with this Local Rule because the judges may have differing procedures or requirements related thereto.~~

(2022) Removed footnote 1 indicating that Chambers Guidelines must be considered in connection with the Local Rules because judges may have differing procedures or requirements. Paragraphs (a) and (b) added provisions from Chambers Guidelines.