

LOCAL RULE 1001-1: SCOPE, CITATION, AND APPLICABILITY OF LOCAL RULES

- a. **Scope and Citation of Rules.** These local rules govern practice and procedure before the Court. The rules are to be cited as "District of South Carolina Local Bankruptcy Rules" and the individual rules may be cited as SC LBR ____ or "Bankr. D.S.C. R. _____."
- b. **Construction of Rules.**
 1. **Construction with Other Rules.** These rules do not create, modify or abrogate substantive rights. The rules are not to be construed in a manner inconsistent with the [Federal Rules of Bankruptcy Procedure](#) and the applicable Federal Rules of Civil Procedure.
 2. **Gender; Plural.** Whenever applicable, each gender includes the other gender and the singular includes the plural.
 3. **References to Rules and Statutes.** Any reference in the local rules to a statute or a rule shall include amendments or successors thereto.
 4. **References to Debtor and Creditor.** Reference to "debtor" or "creditor" in the local rules shall also include counsel for the party where appropriate.
- c. **Local Forms.** When a rule requires a party to use one of the Court's local forms, the filing party should ensure that the form filed is in substantial conformance with the required local form. For proposed orders, instructional footnotes and document identification information, such as form version numbers or coding that indicates a form is internal to a law firm, should be removed prior to submitting the order to the Court. For notices sent by the debtor, the debtor shall include the debtor's address and last four digits of the debtor's social security number or taxpayer identification number in the caption of the notice. This information may be excluded from notices sent by other parties.
- d. **Suspension or Modification of Local Rules.** A judge may, *sua sponte* or upon motion of a party in interest for good cause shown, suspend or modify the application of any local rule(s) to a particular case or proceeding.

Clerk's Note:

These Rules are effective December 1, 2017. They govern in all proceedings in bankruptcy cases thereafter commenced. These Rules and related local forms should be used in pending cases as of December 1, 2017 unless otherwise permitted by the Court.

Notes:

(2008) Portions of former SC LBR 9001-1 were consolidated into paragraph (b) of this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions. Former paragraphs (c) and (e) were deleted as unnecessary.

(2013) Paragraph (a) was amended to reflect the Blue Book citation. Paragraph (b)(4) and (c) were added.

(2017) Paragraph (c) was revised to reflect Official Form changes to the captions of notices required to be sent by debtors and to remove references to exhibits to the local rules.

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 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). The Statement 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.
 - (ii) **After Confirmation.** Within a reasonable time after the completion of the

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.

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.

(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.

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 2082-1: CHAPTER 12- GENERAL

- a. **Filing of Plan.** The Court's [local form chapter 12 plan](#) may be filed in a chapter 12 case in this District. Plans must be filed within the time limits set forth in 11 U.S.C. § 1221. If the [local form plan](#) is not used, the plan filed must state, conspicuously and in its first sentence, that the plan proposed is not presented in the format of the form plan.
- b. **Liquidation Analysis.** The debtor must attach, as an exhibit, a liquidation analysis to the proposed plan.
- c. **Feasibility Analysis.** The debtor must attach, as an exhibit to the plan, a feasibility analysis setting forth the feasibility of the plan which shall include, at a minimum, the following:
 1. The projected income for the family farming or fishing operation during the year in which the debtor's first plan payment is due;
 2. An itemized list of the sources of such income including the amount of property to be sold and the anticipated price per unit;
 3. An itemized statement of the debtor's expenses of doing business and living costs;
 4. The amount available for payment to the trustee under the terms of the confirmed plan; and
 5. Any amount to be retained by the debtor for expenditure as operating capital in the ensuing year.
- d. **Pre-Confirmation Conference.** A conference between the debtor, the attorney for the debtor, creditors, the trustee, equity security holders, and parties in interest shall be held at least fourteen (14) days before the hearing on confirmation of the debtor's plan. The purpose of the conference is to attempt to resolve objections to the plan and to narrow the issues for the Court. The trustee shall preside at the conference. Any amended plan resulting from the conference must be filed with the Court and served on the trustee and all creditors and equity security holders at least seven (7) days before the hearing on confirmation of the debtor's plan, in order to be considered at the confirmation hearing.
- e. **Notice.** The Clerk's Office, or some other person as the Court may direct, shall provide to the debtor or attorney for the debtor a notice to be served on the trustee, all creditors and all equity security holders, setting forth the date and time fixed for the pre-confirmation conference, the deadline for filing objections to the plan, and the date and time of the hearing to consider confirmation of a plan. Unless the Court fixes a shorter period, the notice shall be served at least thirty (30) days before the confirmation hearing. A copy of the plan and all exhibits shall accompany the notice.
- f. **Objections.** Objections to confirmation of the plan must be filed with the Court and served on the debtor, attorney for the debtor, the trustee, and on any other entity designated by the Court, at or before the time fixed for the pre-confirmation conference. Objections to the amended plan, if any, must be filed and served on the debtor, attorney for the debtor, and the trustee prior to the confirmation hearing to be considered at the confirmation hearing. An objection to confirmation is governed by Fed. R. Bankr. P. 9014 and [SC LBR 9014-1](#). The Court may refuse to consider an objection that does not comply with these rules.
- g. **Summary of Operations.** At least seven (7) days before the pre-confirmation conference, the debtor shall serve on the trustee a completed summary of operations in a form to be provided by the trustee to the debtor after commencement of the case.

Notes:

(2008) Paragraphs (d), (e), (f), and (g) were reordered and portions of this rule were restyled.

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

(2012) The time periods in paragraph (d) were each reduced by seven days.

(2013) Exhibit A was revised to clarify that the automatic stay does not remain in effect if modified by 11 U.S.C. § 362.

(2017) Paragraph (c) was amended to reference family fishermen. The local form chapter 12 plan was substantially amended to recognize changes to the Federal Rules of Bankruptcy Procedure. Reference to rule exhibit was removed and the rule was amended to reference the local form.

LOCAL RULE 2090-1: ATTORNEYS- ADMISSION TO PRACTICE AND DUTIES

- a. An attorney who is admitted to practice in the United States District Court for the District of South Carolina is admitted to practice in this Court. The Rules of Disciplinary Enforcement (DRE) of the United States District Court for the District of South Carolina are applicable to attorneys who practice before this Court.¹

- b. An attorney, not otherwise admitted to practice in this Court, may move for admission to practice in this Court *pro hac vice* as provided in the Local Rules of the United States District Court for the District of South Carolina. In addition to the application required by the United States District Court, attorneys seeking to be admitted *pro hac vice* shall file a supplemental application, in conformance with the Court's [local form](#), with the motion to be admitted *pro hac vice* setting forth the applicant's proficiency in bankruptcy law and procedure and agreement to abide by local rules and Chamber's Guidelines. Attorneys admitted *pro hac vice* and their local counsel are required to sign all pleadings and keep each other fully informed and engaged in all material aspects of the case. Failure to adhere to this requirement may result in the revocation of *pro hac vice* status, reduction in fees, or other sanctions. Local counsel should be prepared to actively participate in all hearings in the case.

Notes:

(2008) Portions of former SC LBR 9010-1 were revised and incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2013) Paragraph (a) was amended to incorporate former SC LBR 2090-2. Paragraph (b) was amended to clarify the duties of local counsel.

(2017) Paragraph (b) was amended to add the requirement to file a copy of the local form with a motion for *pro hac vice* admission.

¹ This local rule is promulgated in compliance with the United States District Court for the District of South Carolina's Local Rules regarding bankruptcy practice.

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

The District of South Carolina [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.

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.

LOCAL RULE 3015-2: MODIFICATIONS TO CHAPTER 13 PLAN

- a. **Before confirmation.** The debtor must complete, serve, and file with the Court the [local form plan](#) required by [SC LBR 3015-1](#) with the boxes checked indicating a pre-confirmation modification and, if necessary, the [local form Notice of Confirmation Hearing](#).
- b. **After confirmation.** The debtor must complete, serve, and file with the Court a motion in substantial conformance with the Court's [local form](#), along with the [local form plan](#) required by [SC LBR 3015-1](#) with the boxes checked indicating a post-confirmation modification. Service may be made only on parties who may be, or are, adversely affected by the modification.
- c. **Exceptions for certain plan payment increases.** Plan payments may be increased for the purpose of providing adequate funding of a proposed plan or a confirmed plan upon the filing of a stipulation of the debtor and trustee without otherwise modifying such proposed or confirmed plan. Plan payments may also be increased upon the Trustee's Notice of Plan Payment Change in a conduit mortgage payment plan. Such change in plan payment may decrease the dividend to general unsecured creditors unless the debtor is required to pay a specific dividend to general unsecured creditors under 11 U.S.C. § 1325(a) or (b), in which instance a modified plan must be proposed.

Notes:

(2008) Portions of former SC LBR 3015-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

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

(2013) Exhibit B was amended to clarify that the deadline to object runs from the date of service and to provide language consistent with Exhibit A to SC LBR 3015-1 regarding additions, modifications, and deletions to the form plan.

(2016) Paragraph (c) was amended to clarify which parties must be served when a proposed plan is filed after confirmation. The provision requiring a coversheet when substantial changes are proposed to Exhibit A to SC LBR 3015-1 was removed as unnecessary because SC LBR 3015-1 already requires a cover sheet.

(April 2017) The rule and exhibits were substantially revised to bring them in compliance with Federal Rules of Bankruptcy Procedure 2002(a)(5) and (b), which require notice and service on all parties of any pre-confirmation modification to a chapter 13 plan, and Federal Rule of Bankruptcy Procedure 3015(g), which requires at least 21 days' notice and service on all adversely affected parties of any post-confirmation modifications.

(December 2017) Paragraph (a) was amended to remove reference to Fed. R. Bankr. P. 2002(a)(5) and 2002(b) regarding service. Paragraphs (b) and (d)(1), regarding base plan amendments, were removed. Paragraph (d)(2), regarding plan payment increases, was moved to Paragraph (c) and revised to add language allowing plan payment increases to be by stipulation. Paragraph (c) was moved to Paragraph (b) and revised to require a motion for post-confirmation modifications.

LOCAL RULE 3015-3: CHAPTER 13 CONFIRMATION HEARINGS- CONFIRMATION AND DENIAL OF CONFIRMATION

The Court, following commencement of a chapter 13 case, will schedule confirmation hearing(s) and provide notice to parties in interest of the time to object to plans. If no timely objections to a plan or pre-confirmation modified plan are filed or if all such objections are resolved, the Court, without conducting a hearing, may enter an order confirming the plan and granting the relief sought in any motions included therein.

If confirmation of the chapter 13 plan is denied, the Court may enter an order requiring a new or modified plan or an order dismissing or converting the case without further notice or hearing.

Notes:

(2008) Portions of former SC LBR 3015-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions.

(2011) Paragraph (b) was added to include cause for dismissal or conversion currently included in the Meeting of Creditors Notice.

(2013) A technical amendment was made to paragraph (a) to clarify that the domestic support obligation recipient should be served with a copy of Exhibit A.

(2015) Paragraph (a) was amended to require the debtor to serve Exhibit A on any public/governmental agency charged with collecting the domestic support obligation and Exhibit A was updated. The rule and the form now track the language of the statute and the scope is more narrow than the previous version of the rule and form.

(2017) The rule was amended to provide that the court will schedule confirmation hearings and provide notice of opportunities to object. Language regarding domestic support obligations was removed.

LOCAL RULE 3015-6: PERIODIC INTEREST RATE IN CHAPTER 13 PLANS

- a. **Presumption of Reasonableness.** In order to expedite the determination of an effective interest rate to be used by debtors in meeting the requirement of 11 U.S.C. § 1325, a presumed effective interest rate (Periodic Interest Rate) will be set by the Court with the assistance of a committee of trustees and members of the consumer bar. If applied to a secured claim in a chapter 13 plan, there will be a rebuttable presumption that the Periodic Interest Rate, for plan confirmation purposes, is reasonable.
- b. **Presumption that Plan Pays Present Value.** A debtor who, in a chapter 13 plan, proposes to pay the Periodic Interest Rate on a secured claim (including, but not limited to, an arrearage on a real estate mortgage loan, an automobile loan, a mobile home loan, or a personal property loan) is presumed to be paying the present value of that claim as required by 11 U.S.C. § 1325(a)(5)(B)(ii), except as provided in subsection (c) below.
- c. **Objection to Periodic Interest Rate.** A party in interest objecting to the interest rate proposed in a chapter 13 plan or modified plan must do so before expiration of the deadline for objecting to the plan or modified plan in which the interest rate is first proposed.
 1. **File the Objection.** File with the Court an Objection and Certification of Interest Rate in substantial conformance with the Court's [local form](#), thereby indicating the objection and stating the interest rate to which the party in interest claims entitlement, and
 2. **Serve the Objection.** Serve the Objection and Certification of Interest Rate on the debtor, the attorney for the debtor, and the chapter 13 trustee.
 3. **Hearing on Objection.** The Objection and Certification of Interest Rate will be considered at the confirmation hearing on the chapter 13 plan.

Notes:

(2008) Portions of former SC LBR 3015-3 were incorporated into this rule.

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

(2013) Paragraph (c) was amended to clarify that the deadline to object runs from the date of service of the plan.

(2017) Paragraph (c) was amended to provide that an objection to the interest rate proposed in the plan must be filed before the expiration of the deadline for objecting to the plan in which that interest rate is first proposed. Paragraph (d) was removed.

LOCAL RULE 3015-7: DOMESTIC SUPPORT OBLIGATION CERTIFICATION IN CHAPTER 13 CASES

As a condition of confirmation and at any time thereafter upon request of the trustee, a form in substantial conformance with the Court's [local form](#) shall be completed and submitted by the debtor to the chapter 13 trustee (but not filed with the court) and served upon the domestic support obligation recipient and any public/governmental agency which is charged with collecting the domestic support obligation, together with the certificate of service provided to the chapter 13 trustee.

Notes:

(2017) This rule was formerly contained in SC LBR 3015-3.

LOCAL RULE 4003-2: LIEN AVOIDANCE

- a. **Chapter 7 and 11 Cases.** In a chapter 7 or 11 case, a debtor seeking to avoid a lien pursuant to 11 U.S.C. § 522(f) shall use the passive notice procedure prescribed by [SC LBR 9013-4](#) and must file with the Court simultaneously:
 1. A hearing notice (See the Court's [local form notice](#));
 2. The lien avoidance motion (See the Court's local form motions);¹ and
 3. A proposed order (See the Court's local form orders).²
- b. **Filing of Motions Following Closure of Case.** Unless otherwise ordered, following discharge and the closure of a case, a lien may be avoided pursuant to 11 U.S.C. § 522(f) and amended schedules may be filed in relation thereto without reopening the case pursuant to 11 U.S.C. § 350.

Notes:

(2008) Portions of former SC LBR 4003-1 were incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions. Former paragraphs (b)(3), (d), and (e) were deleted as unnecessary. Former paragraph (f) was deleted as unnecessary based upon the incorporation of the Interim Bankruptcy Rules into the Federal Rules of Bankruptcy Procedure.

(2011) Exhibits A, B, C, D, and E were amended to clarify that a debtor does not have to claim an exemption to avoid a lien.

(2012) A technical amendment was made to the exhibits to remove the judge's signature line, which is unnecessary for electronically signed orders.

(2013) Technical and clarifying amendments were made to Exhibits A, B, C, and D. Former paragraph (a) was deleted and new paragraph (b) was added. The hanging paragraph of (a)(2) was deleted and moved to 1001-1 (c).

(2017) Former paragraph (b) and reference to chapter 12 in the Rule and the local forms were removed since motions seeking an order declaring that a lien has been satisfied in a chapter 12 or 13 case are governed by Fed. R. Bankr. P. 5009(d). The exhibits were removed from the rule and added to the local forms.

¹ See [Motion to Avoid Judicial Lien](#), [Motion to Avoid Judicial Lien \(Co-owned Property\)](#), and [Motion to Avoid Security Interest](#).

² See [Order Avoiding Judicial Lien](#), [Order Avoiding Judicial Lien \(Co-owned Property\)](#), and [Order Avoiding Nonpurchase-Money, Nonpossessory Security Interest](#).

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 www.pacer.gov.
- b. **Manner of Filing.** Except as provided, all documents, including proofs of claim, shall be electronically filed utilizing the [CM/ECF system](#) or the Court's [electronic claims interface](#).¹ 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.
 2. **Registered CM/ECF Participants and Represented Parties.**
 - A. **CM/ECF Unavailable.**
 - (i) **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.
 - (ii) **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 cmecf_helpdesk@scb.uscourts.gov or send the document to the attention of the Clerk's Office by facsimile to 803-253-3368.
 - B. **CM/ECF Available.** If the filer is unable to file electronically notwithstanding the general availability of CM/ECF,² 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 cmecf_helpdesk@scb.uscourts.gov or sending the document to the attention of the Clerk's Office by facsimile to 803-253-3368.
 - C. **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 though CM/ECF, the time-

¹ 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>.

² 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.

sensitive nature of the filing, and a request to receive the documents in the manner submitted.

- D. **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.

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.

LOCAL RULE 5075-1: DELEGATION OF NOTICING AND SERVICE OF ORDERS

In addition to notice delegated by [SC LBR 4001-1](#), [6004-1](#), and [9013-4](#) and pursuant to Fed. R. Bankr. P. 2002 and 3019, noticing and service of notices¹ and orders are delegated as follows:

a. Chapter 11.

1. Order and notice setting disclosure statement hearing to the plan proponent;
2. Order approving disclosure statement and setting confirmation hearing to the plan proponent;
3. Ballots to the plan proponent;
4. Notices pursuant to [SC LBR 2081-2](#):
 - A. Notice of a hearing to designate a case as complex to the movant;
 - B. Notice of a hearing to shorten the mailing matrix to the movant; and
 - C. Notice of status conference, omnibus, and final hearings to the debtor-in-possession or trustee.
5. Notice of a hearing and order on motion pursuant to 11 U.S.C. § 363 to the movant;
6. Notice of time fixed for filing objections and, if an objection is filed, the hearing to consider a proposed modification to plan pursuant to 11 U.S.C. § 1127(e) to the plan proponent;
7. Order on motion to extend the time period to file a plan or disclosure statement pursuant to [SC LBR 3016-1](#) to the movant;
8. Order on motion to extend the exclusivity period to the movant;
9. Order on motion to appoint a chapter 11 trustee to the movant;
10. Order denying approval of disclosure statement or denying confirmation of a chapter 11 plan to the proponent; and
11. Order confirming the plan to the plan proponent.

b. Chapter 12.

1. Service of any [chapter 12 plan](#) or amended or modified plan, any embedded motions, exhibits, and notice of time for filing objections, as further specified in [SC LBR 2082-1](#) to the debtor;
2. Notice of the pre-confirmation conference pursuant to [SC LBR 2082-1\(e\)](#) to the debtor;

¹ Where a notice requires scheduling or a deadline, the noticing party shall contact a Courtroom Deputy for the applicable date if the matter is outside of the scope of [SC LBR 9013-4](#).

3. Notice of confirmation hearing to the debtor;
4. Order confirming the plan to the debtor; and
5. Order declaring secured claim satisfied/lien avoided pursuant to Fed. R. Bankr. P. 5009(d) to the debtor.

c. Chapter 13.

1. Service of any [chapter 13 plan](#) or amended or modified plan, any embedded motions, notice of the time for filing objections, and [Notice of Confirmation Hearing](#), other than as contained in the Notice of Chapter 13 Bankruptcy Case, to the debtor;
2. Order confirming plan and granting embedded motions on parties affected by the embedded motions to the debtor;²
3. Any order pursuant to Fed. R. Bankr. P. 3002.1 to the prevailing party;
4. Order on a consensual motion to modify a mortgage to the debtor;
5. Order on motion to modify the co-debtor stay to the movant;
6. Order on motion to sell to the movant;
7. Order on motion to incur credit to the movant;
8. Order on motion to substitute collateral to the movant;
9. Order on motion for moratorium to the movant;
10. Notice of hearing on a Motion for Exemption from Conduit Mortgage Payment Requirement to the movant; and
11. Order declaring secured claim satisfied/lien avoided pursuant to Fed. R. Bankr. P. 5009(d) to the debtor.

d. All Chapters.

1. Order on motion to reconsider dismissal to the movant;
2. Order on application for professional fees to the applicant;
3. Order on a motion pursuant to 11 U.S.C. § 362(c) or (d) to the movant;
4. Order on motion confirming the termination of the automatic stay to the movant;
5. Notice of a hearing on a Motion to Pay Unclaimed Dividends, if an objection is filed pursuant to [SC LBR 3011-1\(f\)](#), to the movant;
6. Notice required pursuant to Fed. R. Bankr. P. 3004 to the party filing the proof of claim;

² The Court will notice the debtor, the trustee, and objecting parties with the confirmation order.

7. Notice of a hearing on a Request for Tax Information, if an objection is filed pursuant to [SC LBR 6070-1](#), to the applicant;
8. Order on motion or application to convert to the movant or applicant;
9. Order on motion to avoid or value a lien to the movant;
10. Notice of hearing and order on a motion for expedited, emergency, or temporary relief or to shorten the time period to object to the movant;
11. Settlement order to the movant or applicant;
12. Order on motion to divide a case or for joint administration or consolidation to the movant;
13. Order on motion to waive or exempt credit counseling or financial management to the movant;
14. Order on application for employment to the applicant;
15. Order on motion to reconsider relief from the automatic stay to the movant;
16. Order on motion to continue administration of case after death and/or designate person to act for the debtor to the movant;
17. Order on motion or application of a party in interest, other than a trustee, to dismiss to the movant or applicant;
18. Order on motion to reopen to the movant;
19. Order on motion to redeem to the movant;
20. Order on motion to value tax claim and establish priority to the movant;
21. Order on objection to claim to the objecting party;
22. Order on motion or application for Fed. R. Bankr. P. 2004 examination to the movant or applicant; and
23. Any other order or notice the Court or the Clerk's Office specifically delegates.

Notes:

(2008) Portions of former SC LBR 2081-1 were revised and incorporated into this rule pursuant to Fed. R. Bankr. P. 9029(a) and the Judicial Conference's prescribed numbering conventions. Paragraphs (c), (d), and (f) are new.

(2013) The rule was substantially rewritten. Amendments were made to delegate noticing of certain matters without further order.

(2016) Paragraph (c)(10) is new.

(2017) Paragraphs (a)(3); (b)(3) and (5); and (c)(11) are new. Paragraph (c)(1) was amended.

LOCAL RULE 7030-1: DEPOSITIONS AND EXAMINATIONS

- a. At the beginning of each deposition or Rule 2004 examination, deposing counsel shall instruct the witness to ask deposing counsel, rather than the witness's own counsel, for clarifications, definitions, or explanations of any words, questions, or documents presented during the course of the deposition. The witness shall abide by these instructions.
- b. All objections, except those which would be waived if not made at the deposition under Fed. R. Civ. P. 32(d)(3), and those necessary to assert a privilege, to enforce a limitation directed by the Court, or to present a motion pursuant to Fed. R. Civ. P. 30(d), shall be preserved.
- c. Counsel shall not direct or request that a witness not answer a question, unless that counsel has objected to the question on the ground that the answer is protected by a privilege or a limitation on evidence directed by the Court or unless that counsel intends to present a motion under Fed. R. Civ. P. 30(d)(3). In addition, counsel shall have an affirmative duty to inform their clients that unless such an objection is made, the question must be answered. Counsel directing that a witness not answer a question on those grounds or allowing their clients to refuse to answer a question on those grounds shall move the Court for a protective order under [SC LBR 7026-1](#) within five (5) business days of the suspension or termination of the deposition or examination. Failure to timely file such a motion will constitute waiver of the objection, and the deposition or examination may be reconvened.
- d. Counsel shall not make objections or statements which might suggest an answer to a witness. Counsel's objections shall be stated concisely and in a non-argumentative and non-suggestive manner, stating the basis of the objection and nothing more.
- e. Counsel and witnesses shall not engage in private, "off the record" conferences during depositions or during breaks or recesses regarding the substance of the testimony at the deposition or examination, except for the purpose of deciding whether to assert a privilege or to make an objection or to move for a protective order.
- f. Any conferences which occur pursuant to, or in violation of, paragraph (e) are proper subjects for inquiry by deposing counsel to ascertain whether there has been any witness coaching and, if so, to what extent and nature.
- g. Any conferences which occur pursuant to, or in violation of, paragraph (e) shall be noted on the record by the counsel who participated in the conference. The purpose and outcome of the conference shall be noted on the record.
- h. Deposing counsel shall provide to opposing counsel a copy of all documents to be shown to the witness during the deposition or examination, either before the deposition or examination begins or contemporaneously with the showing of each document to the witness. If the documents are provided (or otherwise identified) at least three (3) business days before the deposition, then the witness and the witness's counsel do not have the right to discuss the documents privately during the deposition or examination. If the documents have not been so provided or identified, then counsel and the witness may have a reasonable amount of time to discuss the documents before the witness answers questions concerning the document.
- i. If an objecting party or deponent demands, after good faith consultation, that the deposition be suspended pursuant to Fed. R. Civ. P. 30(d), the assigned judge's office shall be contacted to allow that

judge to resolve the matter telephonically, if possible.

- j. Violation of this local rule may be deemed to be a violation of a Court order and shall subject the violator to sanctions under Fed. R. Civ. P. 37(b)(2).

Notes:

(2010) This rule is new and incorporates provisions found in the local rules of the District Court.

(2013) Provisions of paragraph (i) were deleted as unnecessary. A technical amendment was made to paragraph (j).

(2017) A citation correction was made to paragraph (c).

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 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 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. 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 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

¹ 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 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.

C. A proposed order.⁷

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.

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.

EXHIBIT A TO SC LBR 9013-4

Motions and applications approved for passive, self-scheduled hearing.

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 or 13 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 the local form to that rule related to the required notice.

⁵ See [SC LBR 6007-1](#) and applicable local form 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.

| 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 | 14 |

⁸See [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](#).

¹¹A summary of the application identifying the applicant and the amount requested must be incorporated into the notice. The application and proposed order are not required to be served on all creditors. See [Chambers' Guidelines](#) for individual judge scheduling requirements.

¹² The procedure in this rule does not apply to requests for fees under SC LBR 2016-1(b)(1) or (2)(A). A summary of the application identifying the applicant and the amount requested must be incorporated into the notice. The application and proposed order are not required to be served on all creditors. See [Chambers' Guidelines](#) for individual judge scheduling requirements. A suggested application form is found on the Court's website.

¹³In chapter 13 cases, this motion is embedded in the form plan.

¹⁴ See [SC LBR 4001-4](#) and applicable local form related to the required notice.

¹⁵See [SC LBR 4001-1](#) and applicable local form related to the required notice.

| | |
|---|----|
| of Property, Providing Ade...quate Protection, Use of Cash Collateral, and/or Obtaining Credit ¹⁶ | |
| Assume or reject leases/executory contracts pursuant to 11 U.S.C. § 365 | 21 |
| Avoid Lien pursuant to SC LBR 4003-2 ¹⁷ | 28 |
| Declaring secured claim satisfied/lien avoided pursuant to Fed. R. Bankr. P. 5009(d) | 28 |
| Redeem pursuant to 11 U.S.C. § 722 | 21 |
| Sell, use or lease property (excluding chapter 11 cases and cash col- lateral- 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 |
|---|----|

¹⁶See [SC LBR 4001-4](#).

¹⁷See [SC LBR 4003-2](#). In chapter 12 and 13 cases, this motion is embedded in the form plan.

¹⁸See [SC LBR 6004-1](#) and applicable local form related to the required notice.

EXHIBIT B TO SC LBR 9013-4

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 | 28 |

| 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 |
| Motions/Applications <i>Nunc Pro Tunc</i> ³ | 14 |
| *Reconsider Dismissal | 14 |
| *Reopen | 14 |
| Withdraw as Counsel ⁴ | 14 |

¹ See [SC LBR 6004-1](#) and applicable local forms related to the required notice. The movant shall substitute the passive notice hearing language with the hearing language contained in local form for non-passive hearings.

² See [SC LBR 3015-5](#) and local forms to that rule related to the required notice.

³ See [SC LBR 2014-1](#).

⁴ See [SC LBR 2091-1](#).

| 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 |

| 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 |

⁵ See [SC LBR 4001-1](#) and applicable local form related to the required notice.

LOCAL RULE 9018-1: DOCUMENTS SUBMITTED UNDER SEAL

Requests to seal documents pursuant to 11 U.S.C. § 107 or Fed. R. Bankr. P. 9018 shall be made by motion. If the motion itself contains confidential information, the movant shall file and serve electronically a redacted version clearly marked as such and shall submit the unredacted version to chambers.¹ The order authorizing the filing of such documents under seal shall be entered electronically unless otherwise directed by the Court. Following entry of the order, sealed documents shall be electronically filed using the appropriate CM/ECF event for sealed documents. Once the documents have been electronically filed, paper copies of sealed documents and electronic devices containing sealed documents may be retained by the Court for a period of two (2) years after the case or proceeding is closed, after which they will be destroyed.

Notes:

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

(2017). The rule was amended to add language that after documents are electronically filed, the Court may retain paper copies of the sealed documents for two (2) years and thereafter, the paper copies may be destroyed.

¹ Contact the Court for the submission of in camera documents.