

OFFICE OF THE CLERK  
**UNITED STATES BANKRUPTCY COURT**  
DISTRICT OF RHODE ISLAND  
The Federal Center  
380 Westminster St., 6<sup>th</sup> Floor  
Providence, Rhode Island 02903  
website: [www.rib.uscourts.gov](http://www.rib.uscourts.gov)

Susan M. Thurston  
Clerk of Court

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**NOTICE OF PROPOSED AMENDMENTS**  
**TO LOCAL RULES**

Pursuant to 28 U.S.C. § 2071, Fed. R. Civ. P. 83, Fed. R. Bankr. P. 9029 and U.S. District Court for the District of Rhode Island Local Rule General 109(g)(1) authorizing the Bankruptcy Court to make and amend local rules, the U.S. Bankruptcy Court for the District of Rhode Island hereby provides notice that it proposes to amend the Local Rules as follows:


**EFFECTIVE DATE OF February 11, 2021**

**Local Rule 5001-2 (amended)**  
**Local Rule 9018-1 (amended)**

Pursuant to 28 U.S.C. § 2071(b), **the U.S. Bankruptcy Court for the District of Rhode Island invites public comment** on the Proposed Amendments to these Local Rules. Copies of the proposed amendments are available on our website at [www.rib.uscourts.gov](http://www.rib.uscourts.gov). **Comments on the proposed rules should be received by February 9, 2021. Comments can be made by email to [Susan\\_Thurston@rib.uscourts.gov](mailto:Susan_Thurston@rib.uscourts.gov) or in writing addressed to:**

Susan M. Thurston, Clerk  
U.S. Bankruptcy Court for the District of Rhode Island  
380 Westminster St., 6<sup>th</sup> Floor  
Providence, Rhode Island 02903

Dated: January 19, 2021

/s/   
Susan M. Thurston, Clerk

## **RULE 5001-2 CLERK'S OFFICE [Amended 7/16/2020]**

**(a) Public Hours.** The Clerk's Office is located at 380 Westminster Mall, Sixth Floor, Providence, Rhode Island 02903, (401) 626-3100. Unless otherwise ordered by the Court, the office of the Clerk shall be open to the public from 9:00 a.m. to 4:00 p.m., Monday through Friday, except federal holidays and holidays recognized by the U.S. District Court (which may include state holidays).

**(b) Non Public Hours.** In accordance with [Fed. R. Bankr. P. 5001\(a\)](#), filings before 9:00 a.m. or after 4:00 p.m. weekdays, or on weekends and holidays may be made, for cause shown, by advance appointment or in emergency circumstances with the Judge, the Clerk, or the Clerk's designee.

**(c) Emergency Filing(s) by Self-Represented Parties in the Event of an Unexpected Court Closure During Normal Court Business Hours.** Self-represented parties are permitted to file new bankruptcy petitions via email, and all other documents such as motions, pleadings, notices, and other papers ("Court Filings") using the Electronic Drop Box ("~~EDB~~"), only in those rare instances when the Court is closed during normal business hours (not including weekends or holidays) due to an unexpected event such as inclement weather or other type situation. The below procedures shall be followed in such instances.

**(1) Emailing the Initial Bankruptcy Petitions to the Court and Use of the Electronic Drop Box ("~~EDB~~").** The self-represented party must attach: (1) the petition; (2) a photo or scanned copy of their government-issued photo identification, such as a driver's license, passport or identification card, and (3) a completed Application for Access to Electronic Drop Box and Declaration Regarding Electronic Filing (the "Application and Declaration") [LINK] in Adobe PDF format to an email addressed to the Clerk's Office Helpdesk at "[rib\\_helpdesk@rib.uscourts.gov](mailto:rib_helpdesk@rib.uscourts.gov)". ~~The ECF Help Desk address is also available on the Court's website (www.rib.uscourts.gov) under the menu "Electronic Filing/Electronic Filing Help Desk".~~ If the self-represented party already has a case pending, only the completed Application and Declaration need be emailed in PDF format. Once the above documents are received and the order enters approving the Application and Declaration, all future case filings may be made directly through the EDB. Instructions and requirements for the EDB are located on the Court's website in the Self-Help Manual found on the "Don't Have An Attorney>Debtor without an Attorney" page. [LINK]

~~**(2) Court Filings Using the Electronic Drop Box.** Self-represented parties must complete the Application for Access to the Self-represented Electronic Drop Box and submit the application via email to [rib\\_helpdesk@rib.uscourts.gov](mailto:rib_helpdesk@rib.uscourts.gov) for review and approval before filing any Court Filings through the EDB. Instructions and requirements can be found on the Court's website in the Self-Help Manual.~~

**(2-3) Required Signature on the Application and Declaration Follow-Up Procedures.** The Application and Declaration is required to be Within twenty one (21) days of electronic submission of Court Filings that require a signature under oath and (such as new case petition and bankruptcy statements and schedules) the self-represented party must submit the original signed paper Application and Declaration to the Clerk within fourteen

~~(14) days from entry of the order granting the Application and Declaration, by one of these methods: mail to the Court or place in the Court's drop box if available, the original document containing original signature(s) signed under oath.~~

~~(A) mail to the Court at 380 Westminster Street, 6<sup>th</sup> floor, Providence, RI 02903; or~~

~~(B) place in the Court's physical drop box located on the 6<sup>th</sup> floor, 380 Westminster Street, Providence, RI.~~

(3) Signatures After the Approval of the Application and Declaration: Upon approval of the Application and Declaration, all future Court Filings that are required to be signed under oath (such as bankruptcy schedules and statements) that are submitted through the EDB, must include one of the following on the signature line:

(A) an image of the self-represented filer's signature; or

(B) a "/s/" together with the filer's full name.

**(4) Date and Time Filed.** Petitions filed in accordance with the above procedures will be deemed filed on the case docket on the date and time appearing on the email system of the Office of the Clerk, and all other Court Filings on the date and time they are submitted to the EDB. ~~Where required, upon the timely receipt of the original signed document(s) and any required filing fee, the Court will stamp the original document with the following notation:~~

~~This document is deemed filed on \_\_\_\_\_ pursuant to Local Rule 5001-2 governing emergency filings due to unexpected court closure.~~

**(5) Requirements and Standards.** Self-represented parties are reminded that even though these rules authorize Court Filings to be made electronically, the Court holds self-represented parties to the same requirements and standards as with paper filings: each signature on a Court Filing, whether electronic or otherwise, is a certification that the filing party is proceeding in good faith and filing the document for a proper purpose. ~~All electronically filed documents are subject to the same potential for sanctions as are paper filings containing original signatures pursuant to F.R.B.P. 9011. Submission of the signed Application and Declaration, along with the use of the unique EDB Link that the Clerk issues to the filer, together with the filer's name on a signature block, constitutes the filer's signature for purposes of Fed. R. Bank. P. 9011 [LINK] on all documents submitted electronically through the EDB. Use of the EDB Link has the same force and effect as physically signing a paper document filed with the Court. A copy of Fed. R. Bank. P. 9011 is attached to the EDB Application and Declaration.~~

## **RULE 9018-1 - FILING UNDER SEAL [Amended 9/9/13]**

**(a) Request to File a Document Under Seal.** ~~For electronic filers, T~~the request to file a document under seal is a two-step process:

~~(1) Document to be Sealed.~~ The document to be sealed must be electronically filed with the Court using the Sealed Document event. The document shall be filed provisionally under seal, and will remain provisionally under seal until the court rules on the motion.

~~(12) Motion to Seal and Proposed Order.~~ A ~~Thereafter, the~~ party or interested persons seeking to seal a document(s) (hereinafter "Document(s))" must ~~electronically~~ file a motion to seal with the Court with notice to parties in interest, unless the Court orders otherwise pursuant to paragraph (b) of this Rule. The motion to seal shall include: (i) a statement under oath setting forth the grounds for sealing the Document(s), (ii) a request stating the duration that the Document(s) are sought to remain sealed, and (iii) a proposed order which identifies any parties or other persons other than the movant who will have access to the Document(s). The Document(s) must not be attached to the motion to seal and the information sought to be protected by sealing the Document(s) should not be disclosed in the motion to seal. A proposed order must also be filed with the motion to seal, the reason for the request to seal the document and, the parties, if any, who may have access to the document to be sealed. In addition, a proposed order shall be filed as outlined in paragraph (d) below. Care should be given to not disclose in the motion, information sought to be sealed.

(2) Document(s) Sought to be Sealed. Immediately after filing the motion to seal described in paragraph (a)(1) of this Rule, the movant shall mail or hand deliver the Document(s) or a USB key containing the Document(s) to the Clerk's Office. The Document(s) or USB key must be mailed or delivered in a sealed envelope or container conspicuously marked "FILED SUBJECT TO PENDING MOTION TO SEAL". The Document(s) shall be considered provisionally sealed and shall remain provisionally sealed until the Court rules on the motion to seal.

~~Proper electronic filing of the document to be sealed will ensure that the document is restricted to Court Users, only. Care should be given to not disclose in the motion information sought to be sealed. Filers are advised to consult the Court's Attorney User Manual for specific electronic filing instructions.~~

~~(b) Motion to Seal a Previously Filed Document.~~ Electronic filers wishing to seal a document previously filed with the court shall file a Motion to Seal. The Court will automatically restrict access to the document until an order is entered on the Motion to Seal.

~~(e) Conventional Filing of Motion to Seal and Sealed Documents with the Clerk.~~ For conventional filers, a Motion to Seal must be filed with the court. The motion should explain why the document(s) need to be filed under seal without disclosing the information that is to be sealed since the Court will docket the motion itself and the motion will be public record. Upon entry of an order granting the motion to seal, the original document must be conventionally filed in a sealed

~~envelope with the caption (case name, case number and title of document) on the front of the envelope. A paper copy of the signed order granting the motion to seal must be attached to the front of the envelope.~~

~~(b) **Notice of the Motion to Seal, a Previously Filed Document.** Electronic filers wishing to seal a document previously filed with the court shall file a Motion to Seal. The Court will automatically restrict access to the document until an order is entered on the Motion to Seal. The filer of a motion to seal must serve the motion, but not the Document(s), on all parties or interested persons entitled to notice, unless the movant also requests in the motion to seal approval of limited notice or ex parte relief.~~

~~(1) **Limiting Notice.** A filer of a motion to seal may seek to limit notice of the motion if appropriate. If limited notice of the motion is requested, the movant shall (i) request that notice limitation in the motion to seal and (ii) set forth good cause for limiting notice.~~

~~(2) **Ex Parte Relief.** If ex parte relief is requested in the motion to seal, the moving party must comply with RLBR 9013-2(e).~~

~~(c) **Conventional Filing of Motion to Seal and Sealed Documents with the Clerk.** For conventional filers, a Motion to Seal must be filed with the court. The motion should explain why the document(s) need to be filed under seal without disclosing the information that is to be sealed since the Court will docket the motion itself and the motion will be public record. Upon entry of an order granting the motion to seal, the original document must be conventionally filed in a sealed envelope with the caption (case name, case number and title of document) on the front of the envelope. A paper copy of the signed order granting the motion to seal must be attached to the front of the envelope.~~

~~(cd) **Order to Seal Document(s).** A The ~~D~~document(s) will not be sealed, other than provisionally, without a Court order. The proposed order submitted to the Court with the motion to seal shall provide that direct the Clerk will to place the Ddocument(s) under seal and it shall identify the parties, if any, who may have access to the sealed Ddocument(s) that is under seal and the duration the Documents(s) are to remain sealed.~~

~~(e) **Disposition of Sealed Documents.**~~

~~(1) **Disposition of Electronically Filed Sealed Documents.** If the Motion to Seal is denied, parties may appeal or move to reconsider the Court's order. If neither is timely filed, the Court will issue a Notice of Intent to Unseal the Document giving the parties seven days to file a withdrawal of the sealed document before it is unrestricted.~~

~~(2) **Disposition of Conventionally Filed Sealed Documents.** The original document filed with the Clerk under paragraph (c) of this Rule will be destroyed sixty (60) days after the closing of the case or adversary proceeding, unless the original filer requests its return in writing from the Clerk.~~

**(d) Handling and Disposition of Documents Sought to be Sealed.** Upon receipt by the Clerk of the Document(s) pursuant to paragraph (a) of this Rule, the Court shall review the Document(s) in camera.

**(1) Disposition of Document(s) when Relief is Denied.** To the extent the motion to seal is denied in whole or in part, the applicable Document(s) shall be returned to the filer of the motion to seal. If those Document(s) are subsequently refiled, they shall be filed with other pleadings in the case to which the public shall have access.

**(2) Disposition of Document(s) when Relief is Granted.** To the extent that the motion to seal is granted in whole or in part, the order sealing the applicable Document(s) (“Seal Order”) shall be filed on the case docket. The sealed Document(s) shall be transferred to the Clerk for special storage. The Clerk shall attach to the envelope or USB key containing the sealed Document(s) a copy of the Seal Order and copies of any subsequent orders relating to the sealed Document(s). Thereafter, access to the sealed Document(s) shall be limited to the Court, the Clerk, the party or interested persons for whose benefit the order was entered, any other persons authorized to view the Document(s) under the Seal Order or any other order of the Court relating to the sealed Document(s).

**(3) Disposition of Document(s) Upon Expiration of Seal Order.** If the date by which the sealed Document(s) are to remain sealed expires under the terms of the Seal Order, and such order does not provide the arrangements for post-seal custody of the sealed Document(s) or if the Seal Order provides for post-seal custody of the sealed Document(s) and the sealed Document(s) are not retrieved within fourteen (14) days of the expiration of the seal period, the Clerk shall provide notice of no less than forty-five (45) days to the persons for whose benefit the Seal Order was entered, or their attorney, that the sealed Document(s), in the absence of a timely objection or retrieval of the Document(s) prior to the expiration of such period, will be destroyed.

**(4) Disposition of Document(s) Sealed if No Expiration.** If the Seal Order does not provide for an expiration of the period under which the Document(s) shall remain sealed, then within sixty (60) days after the closing of the case or adversary proceeding, as applicable, the Clerk shall provide notice of no less than forty-five (45) days to the persons for whose benefit the Seal Order was entered, or their attorney, that the sealed Document(s), in the absence of a timely objection or retrieval of the Document(s) prior to the expiration of such period, will be destroyed.

**(e) Motion to Seal a Previously Filed Document.** A party wishing to seal a document(s) previously filed with the Court shall file a motion to seal in compliance with paragraphs (a) and (b) of this Rule.

**(f) Relief from Seal Order.** Any party or interested person that seeks relief from a Seal Order shall do so by motion, with notice to include the persons for whose benefit the Seal Order was entered and their attorney. Any order granting relief from the Seal Order shall identify the additional parties granted relief from such order. The Clerk shall attach any such additional orders to the sealed Document(s).

(g) Seal by Court Sua Sponte. The Court may, sua sponte, for good and sufficient cause in accordance with applicable law, seal any document(s) pursuant to this Rule, or order that the document(s) not be released for online viewing.

(h) Attachments or Exhibits to Proofs of Claim or Other Documents. The Clerk of this Court or the Clerk's delegate(s) may on their own initiative and without the necessity of any separate order, designate the attachment or exhibit to a proof of claim or to any other documents filed with this Court to be imaged as a "private event" under the Court's electronic filing system in the event the attachment, exhibit or other documents contain medical information relating to an individual or otherwise contains information whose unrestricted disclosure may not be appropriate. Nothing herein shall constitute an affirmative obligation by the Clerk to locate or identify such information in any attachment, exhibit or other documents or preclude any persons in interest from requesting that the Court terminate the "private event" status of the same and make the information public. *See also, LBR 9037-1(a)(3)(C).*