

## **RULE 5001-2 CLERK'S OFFICE [Amended 2/11/2021]**

**(a) Public Hours.** The Clerk's Office is located at 380 Westminster Street, 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, 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 Petition 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](#)") in Adobe PDF format to an email addressed to the Clerk's Office Helpdesk at "rib\_helpdesk@rib.uscourts.gov". 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.

**(2) Required Signature on the Application and Declaration.** The Application and Declaration is required to be signed under oath and 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:

(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.

**(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. 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](#) 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 2/11/2021]**

**(a) Request to File a Document Under Seal.** The request to file a document under seal is a two-step process:

**(1) Motion to Seal and Proposed Order.** A party or interested persons seeking to seal a document(s) (hereinafter “Document(s)”) must 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.

**(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.

**(b) Notice of 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 LBR 9013-2(e).

**(c) Order to Seal Document(s).** The 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 the Clerk will place the Document(s) under seal and it shall identify the parties, if any, who may have access to the sealed Document(s) and the duration the Documents(s) are to remain sealed.

**(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).