

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re:

Implementation of Interim Local
Bankruptcy Rules 3002-2, 5007-1
and 9037-1, and Local Forms 37
and 38.

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GENERAL ORDER #2012-8

ORDER

The Board of Judges of the United States Bankruptcy Court for the Western District of Pennsylvania has determined that it is in the interest of the Court, the Bar and the public, to provide guidance with respect to the redaction of personal identifiers pursuant to *Fed. R. Bankr. P. 9037*. Therefore,

AND NOW, this ***17th*** day of ***October, 2012***, pursuant to *11 U.S.C. § 105(a)*, it is hereby ***ORDERED*** that, ***effective as of November 1, 2012***:

- (1) Local Bankruptcy Rules 3002-2, 5007-1 and 5007-2 are ***RESCINDED***.
- (2) Interim Local Bankruptcy Rules 3002-2, 5007-1 and 9037-1, annexed at Attachment “1” to this *General Order*, are ***ADOPTED***.
- (3) Local Bankruptcy Form 37 (“Request to Restrict Public Access to Claim”) and Local Bankruptcy Form 38 (“Request to Restrict Public Access to [specify document]”), annexed at Attachments “2” and “3”, respectively, to this *General Order*, are ***ADOPTED***.
- (4) Citations to Interim Local Bankruptcy Rules shall be made as “W.PA.ILBR ___-___.”

/s/
Hon. Thomas P. Agresti, Chief Judge

/s/
Hon. Judith K. Fitzgerald, Judge

/s/
Hon. Jeffery A. Deller, Judge

/s/
Hon. Carlota M. Böhm, Judge

Interim Local Bankruptcy Rule 3002-2

AMENDING CLAIMS

- (a) All amended claims shall include:
 - (1) a caption indicating that the document is an amendment to a prior claim, i.e., “Amendment to Claim No. _____, Filed by _____”; and
 - (2) a clear description of the material added or deleted; and
 - (3) a certificate of service by the creditor that notice has been served on the debtor, trustee, and any creditor and attorney for the creditor originally on the claim.
- (b) Amendments made for the sole purpose of redacting personal identifiers pursuant to Fed. R. Bankr. P. 9037 shall comply with the requirements of W.PA.ILBR 9037-1, and shall not be combined with any other amendment of the claim.

Interim Local Bankruptcy Rule 5007-1

REQUESTS FOR TRANSCRIPTS

- (a) Parties may request transcripts or an audio recording on cassette or compact disk by either filing a transcript request with the Clerk on a form available from the Clerk and the Court’s website or by verbal request made to an Electronic Court Reporter Operator (“ECRO”). If a verbal request is made, the party requesting the transcript shall provide the ECRO with a written request containing the details of the request and payment as described below before the request will be processed.
- (b) W.PA.LBR 8006-1 shall apply to a request in connection with an appeal.
- (c) The requesting party shall provide the ECRO with:
 - (1) the name of the case;
 - (2) the bankruptcy and motion or adversary numbers;
 - (3) the date of the hearing;
 - (4) the name of the Judge who heard the matter; and
 - (5) the requesting party’s name, telephone number, and mailing address and/or e-mail address and/or fax number.
- (d) The ECRO shall estimate the cost of the transcript and the party requesting the transcript shall provide appropriate payment before the transcript request is processed. Checks written on a firm’s business account will be accepted. *Pro se* litigants shall submit payment by money order, certified check, or cashier’s check.

- (e) When the completed transcript is received by the ECRO, the ECRO shall notify the requesting party that the transcript is available and shall notify the requesting party whether the actual cost of the transcript exceeded the estimate. If the actual cost of the transcript exceeded the estimate, the transcript will not be released until the additional payment is made. If the actual cost is less than the amount paid, the excess amount will be refunded.
- (f) If the requesting party wants an expedited transcript, the requesting party shall notify the ECRO at the time the transcript is ordered. There is extra cost associated with expedited transcripts.
- (g) Requests to redact personal identifiers from transcripts shall comply with W.PA.ILBR 9037-1.

Interim Local Bankruptcy Rule 9037-1 REDACTION OF PERSONAL IDENTIFIERS

- (a) Parties to transcripts and filers of any documents on the docket or claims register are responsible for reviewing each document in advance for personal identifiers and redacting information as required by Fed. R. Bankr. P. 9037.
- (b) If, despite subsection (a), personal identifiers are disclosed in a filed document, the applicable corrective steps shall be taken, including:
 - (1) If the document is a transcript:
 - (A) Within seven (7) days of the filing of the transcript, any party intending to redact any portion of the transcript shall file Local Bankruptcy Form 35 (Notice of Intent to Request Redaction of Transcript), with an attached certificate of service demonstrating that Form 35 was served upon the transcriber, all persons whose testimony was transcribed, the debtor and all persons whose personal identifiers are to be redacted.
 - (B) The party requesting redaction shall serve upon the transcriber, all persons whose testimony was transcribed, the debtor and all persons whose personal identifiers were redacted, Local Bankruptcy Form 36 (Transcript Redaction Request) within twenty-one (21) days after the original transcript was filed. Local Bankruptcy Form 36 shall not be filed on the docket.

- (C) Upon the transcriber's receipt of Local Bankruptcy Form 36 (Transcript Redaction Request), no unredacted copies of the transcript shall be sold or otherwise made available.
- (D) Transcribers shall file a redacted version of the transcript within thirty-one (31) days after the original transcript was filed.
- (2) If the document is a proof of claim:
- (A) Regardless of whether the case is open or closed, the creditor shall immediately file a redacted claim on the claims register as an amended claim in compliance with the requirements of W.PA.ILBR 3002-2(a).
- (B) If the case is open at the time of the amendment, the creditor shall file Local Bankruptcy Form 37 ("Request to Restrict Public Access to Claim").
- (C) If the case is closed at the time of the amendment, the creditor shall file a motion to reopen, and pay the corresponding reopening fee. The creditor shall attach Local Bankruptcy Form 37 to the motion to reopen.
- (D) The creditor shall attach to Local Bankruptcy Form 37 a certificate of service demonstrating that Form 37 was served upon the debtor and all persons whose personal identifiers were redacted.
- (3) Any other document filed on the docket:
- (A) If the case is open at the time of the request, the filer of the original document shall file Local Bankruptcy Form 38 ("Request to Restrict Public Access to [specify document]").
- (B) If the case is closed at the time of the amendment, the filer of the original document shall file a motion to reopen, and pay the corresponding reopening fee. The movant shall attach Local Bankruptcy Form 38 to the motion to reopen.
- (C) The movant shall attach to Local Bankruptcy Form 38 a certificate of service demonstrating that Form 38 was served upon the debtor and all persons whose personal identifiers were redacted.

- (c) Amendments to any filed documents made to redact personal identifiers pursuant to Fed. R. Bankr. P. 9037 shall not be combined with any other amendment to the original document.
- (d) Motions requesting the Court to restrict public access to a document shall not be combined with any other motion, except for a motion to reopen pursuant to subsections (b)(2)(C) or (b)(3)(B).

NO LONGER IN EFFECT

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re: _____ : Bankruptcy No.
_____ : Adversary Proceeding No.
Debtor _____ : Chapter
_____ :
Movant _____ :
_____ : Related to Claim No.
v. _____ :
_____ :
Respondent (if none, then "No Respondent") _____ :

REQUEST TO RESTRICT PUBLIC ACCESS TO CLAIM

Pursuant to W.PA.ILBR 9037-1 and understanding that the redaction of any information other than the identifiers specifically enumerated in Fed. R. Bankr. P. 9037 requires a separate motion and Court approval, the UNDERSIGNED HEREBY CERTIFIES that:

1. [creditor's name] filed a proof of claim, Claim No. [specify the number of the unredacted claim] in the above-captioned case on [date of filing original claim] which contains one or more of the identifiers enumerated in Fed. R. Bankr. P. 9037.

2. On [date of filing the redacted claim], [creditor's name] filed an amended claim on the claims register in compliance with W.PA.ILBR 3002-2(a), a copy of which is attached hereto, and the only change made to the original claim is the redaction of personal identifiers.

3. I am requesting that the Court take whatever steps are necessary to restrict public access to the unredacted claim.

Date: _____

Signed: _____

On behalf of: _____
Name of Creditor

Name of Filer - Typed

Address of Filer

Email Address of Filer

Phone Number of Filer

Bar I.D. and State of Admission

ATTACHMENT "2"

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re: _____ : Bankruptcy No.
_____ : Adversary Proceeding No.
Debtor _____ :
_____ : Chapter
_____ :
Movant _____ :
_____ : Related to Document No.
v. _____ :
_____ :
Respondent (if none, then "No Respondent") _____ :

REQUEST TO RESTRICT PUBLIC ACCESS TO [specify document]

Pursuant to W.PA.ILBR 9037-1 and understanding that the redaction of any information other than the identifiers specifically enumerated in Fed. R. Bankr. P. 9037 requires a separate motion and Court approval, the UNDERSIGNED HEREBY CERTIFIES that:

1. A [specify the document to be redacted] was filed in the above-captioned case on [date of filing original document] at document # [state the docket entry number] which contains one or more of the identifiers enumerated in Fed. R. Bankr. P. 9037.
2. Attached hereto is an amended version of the [specify the document], and the only change made to the original document is the redaction of personal identifiers.
3. I am requesting that the Court accept the attached [specify the document] in substitution for the unredacted version, and to take whatever steps are necessary to restrict public access to the unredacted version.

Date: _____

Signed: _____

Name of Filer - Typed

Address

Email Address

Phone No.

Bar I.D. and State of Admission

ATTACHMENT "3"