

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF LOUISIANA**

IN RE:)	
PROCEDURES FOR THE FILING, SERVICE,)	GENERAL ORDER
AND MANAGEMENT OF HIGHLY)	2021-1
SENSITIVE DOCUMENTS)	
)	

WHEREAS, in response to recent disclosures of wide-spread breaches of both private sector and government computer systems, federal courts are immediately adding new security procedures to protect highly sensitive documents filed with the courts;

THE COURT FINDS that good cause exists to require all parties to file highly sensitive documents outside of the court's electronic filing system.

THEREFORE, IT IS HEREBY ORDERED that, effective as of the date of this order and until such time as the court orders otherwise, the filing of highly sensitive documents shall be subject to the procedures and requirements set forth below. This General Order supersedes any and all inconsistent provisions in existing local rules or other general orders of this court.

1. Documents Subject to this Order

The filing procedures set forth below apply to documents that contain highly sensitive information.

- a. The following types of documents are deemed highly sensitive documents (HSDs): documents relating to matters of national security, foreign sovereign interests, or cybersecurity; intellectual property or trade secrets of interest to foreign actors; and documents, if disclosed, could reasonably be expected to cause exceptionally grave damage or injury to any person, entity or institution. In making such a determination, the court will consider the extent of the domestic or international interest implicated.
- b. The following types of documents generally are not considered HSDs: any information referenced in Fed. R. Bankr. P. Rule 9037; bank records, income tax returns, personally identifiable information, social security records, health records, administrative immigration records, and sealed filings in most bankruptcy cases and adversary proceedings. Notwithstanding the foregoing, the Court retains the authority to seal documents that are not HSDs pursuant to 11 U.S.C. § 107.
- c. Any dispute as to whether a document is an HSD shall be resolved by the presiding judge or, when no presiding judge is assigned, the chief judge.

2. Filing of Motions to Treat a Document as an HSD

- a. Represented parties
 - i. A represented party shall file a motion to treat a document as an HSD and a proposed order electronically under Fed. R. Bankr. 9018, except that a copy

of the proposed HSD shall not be filed electronically. The motion shall explain why the proposed document constitutes an HSD or why it should otherwise be subject to the heightened protection for HSDs. Not all documents that meet the criteria for filing under seal will qualify for treatment as an HSD.

- ii. As soon as practicable after the motion is filed, the filing party shall deliver to the clerk's office the proposed HSD along with a certificate of service in the form of either a paper copy or an electronic copy on a secure electronic device (as described below). These documents or secure electronic device should be packaged as specified in paragraph 3.b.
- iii. The filing party shall serve the proposed HSD on the other parties as specified in paragraph 3.c.
- iv. The court will issue an order on the motion and, if granted, an informational entry will be made on the case docket indicating that the HSD has been filed with the court. The clerk's office will maintain the HSD in a secure paper filing system or a secure standalone computer system that is not connected to any network.

b. Pro se parties

- i. Pro se parties shall submit to the clerk's office for filing a motion to treat a document as an HSD, the proposed HSD, a certificate of service and a proposed order in the form of two paper copies. These documents or secure electronic device should be packaged as specified in paragraph 3.b. The motion shall explain why the proposed document should be subject to the heightened protection for HSDs.
- ii. The filing party shall serve the proposed HSD on the other parties as specified in paragraph 3.c.
- iii. The court will issue an order on the motion and, if granted, an informational entry will be made on the case docket indicating that the HSD has been filed with the court. The clerk's office will maintain the HSD in a secure paper filing system.

3. Filing of Authorized HSDs

- a. A party filing an HSD pursuant to a court order or applicable law shall submit to the clerk's office the HSD, the certificate of service, and, if applicable, a copy of the court order authorizing the treatment of that document as highly sensitive in the form of either a paper copy or an electronic copy on a secure electronic device (as described below).
- b. The required documents, unfolded, or the secure electronic device shall be submitted to the clerk's office in a sealed envelope marked "HIGHLY SENSITIVE DOCUMENT." The outside of the envelope shall be affixed with a copy of the HSD's caption page (with confidential information redacted).
- c. The filing party shall serve the HSD on the other parties in accordance with Fed. R. Bankr. P. 2002 or Fed. R. Bankr. P. 7004, as applicable.

- d. The clerk's office will make an informational docket entry in the court's electronic filing system indicating that the HSD was filed with the court and will maintain the HSD in a secure paper filing system or a secure standalone computer system that is not connected to any network.

4. Service of Highly Sensitive Court Orders

If the court determines that a court order contains highly sensitive information, the clerk's office will file and maintain the order in a secure paper filing system or a secure standalone computer system that is not connected to any network and will serve paper copies of the order on the parties via mail.

5. Removal of Existing HSDs or Highly Sensitive Cases from the Court's Electronic Filing System

- a. Upon motion of a party or upon its own motion, the court may determine that a document, case, or any portion of it, that has been filed electronically is highly sensitive and direct that the HSD or case be removed from the court's electronic filing system and maintained by the clerk's office in a secure paper filing system or a secure standalone computer system that is not connected to any network.
- b. A party's motion to remove an HSD or highly sensitive case from the court's electronic filing system shall explain why such document or case is highly sensitive or why it should otherwise be subject to the heightened protection for HSDs.


6. Secure Electronic Device

If a party intends to file electronic copies of HSDs via a secured electronic device, the party should contact the Operations Manager, in the clerk's office at (866) 721-2105, for instructions.

7. Questions about HSD Filing Procedures

Any questions about how an HSD should be filed with the court pursuant to this General Order should be directed to the clerk's office at (866) 721-2105.

IT IS SO ORDERED, this 16th day of March, 2021.



John W. Kolwe
Chief United States District Judge
Western District of Louisiana