

## Motion to File Paper Under Seal – Bankruptcy and Adversary

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### Docketing Event

- Bankruptcy > Motions/Applications/Objections > Motion to File Paper under Seal
  - Adversary > Motions/Applications > Motion to File Paper under Seal
  - Bankruptcy > Miscellaneous > Sealed Paper
  - Adversary > Miscellaneous > Sealed Paper
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**Negative Notice:** No

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**Accompanying Orders:** Yes. Attorney prepares the order.

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**Code and Rule References:**

[Local Rule 5005-4](#)

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**Fee:** N/A

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**Applicable Chapters:** 7, 11, 12, 13

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**Implemented:** 2/9/2016

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**Last Revision:** 8/1/2023

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### Description

Under [Local Rule 5005-4](#), with limited exceptions, papers may be filed under seal only after entry of an order granting a Motion to File Papers under Seal.

- ❖ **Note:** Due to viewing restrictions on Sealed Papers, parties viewing the public docket may notice that there are missing or skipped docket entries.

### Motion to File Paper under Seal

Except for the limited exceptions listed in [Local Rule 5005-4](#), a motion to file a paper under seal must be filed and granted before a paper may be filed under seal. The motion must state **the factual and legal basis for sealing the paper under 11 U.S.C. § 107**. The paper sought to be filed under seal must not be attached or submitted with the motion.

The filer may elect to restrict access to a Motion to File Paper under Seal, in which case the docket entry and the image of the motion will be viewable only by the filer, the U.S. Trustee, the Trustee appointed to the case (if applicable), and internal Court users. The filer may view the motion at the time of filing on the electronic filing receipt and on the case docket sheet.

Notices of Electronic Filing (NEFs) to case participants are not generated for motions and papers under seal.

### In Camera Inspection

Under Local Rule 5005(g), the Court may consider granting access to papers filed under seal and may determine when restrictions on access should be terminated. For this reason, if a filer wishes to avoid the possibility that a Sealed Paper will be “unsealed” or a restriction on access will be lifted, the filer may, under Local Rule 5005-4(c)(3), request the Court’s *in camera* review of the paper.

The first page of a motion for *in camera* review must state prominently that the filer requests *in camera* review. The motion must state the reasons as to why *in camera* review. Parties must not attach or submit the proposed sealed paper with the motion. If the Court approves a request for *in camera* inspection, the filer will be directed to deliver the paper to the assigned judge's chambers.

### **Order on Motion to File Paper under Seal**

If the Court docket the underlying Motion to File Paper under Seal with viewing restrictions, the docket entry and image of the Order Granting Motion to File Paper under Seal will be viewable only by the filer of the underlying Motion to File Paper under Seal, the U.S. Trustee, the Trustee appointed to the case (if applicable), and internal Court users. Upon entry of the Order Granting Motion to File Paper under Seal, the filer of the motion will be notified and may file the sealed paper electronically. No Notice of Electronic Filing (NEF) is generated to any case participants.

### **Filing of Sealed Paper**

After the entry of an Order Granting Motion to File Paper under Seal, the sealed paper may be filed via CM/ECF using the event "Sealed Paper." The docket entry and image for the sealed document will be viewable only by the assigned judge, authorized staff members, the U.S. Trustee, and the Trustee appointed to the case (if applicable). Chambers staff will be notified when the sealed paper has been filed. Upon completion of electronic filing, no Notice of Electronic Filing (NEF) confirmation screen will appear, and no NEF is generated to any case participants.

### **Orders on Sealed Papers**

If the sealed paper is a motion or application that requests a court order, the movant shall submit the proposed order using the eOrder program. Upon receipt, the order will be routed to the appropriate person and, if signed, will be docketed internally as a sealed order. The docket entry and image of the sealed order will only be viewable by the filer of the underlying motion, the U.S. Trustee, the Trustee appointed to the case (if applicable), the assigned judge, and authorized staff members. The Court will notify the movant of the entry of the sealed order and will provide special access to the sealed order via CM/ECF. Each situation will be addressed on a case-by-case basis. No Notice of Electronic Filing (NEF) is generated to any case participants.

### **Other Papers filed with Viewing Restriction**

Section (d) of [Local Rule 5005-4](#) lists several items that do not require prior approval to file under seal. Each of these items will be docketed using events specific to the item. Viewing restrictions are set in these individual events and therefore these items do not need to be filed using the Sealed Paper event.

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### **Filing Checklist**

Review the Motion to File Paper under Seal to determine if:

- ☐ The motion is signed;

- ☐ Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- ☐ The motion is properly served and includes a proper certificate of service;
- ☐ The motion includes the factual and legal basis for sealing the paper under 11 U.S.C. § 107;
- ☐ If requesting *in camera* inspection, the request is prominently displayed on the **first** page of the motion; and
- ☐ Proposed sealed paper is not attached to the motion.

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## Forms

[Motion to File Paper Under Seal - Bankruptcy](#)

[Order Granting Emergency Motion for Authority to File Paper Under Seal – Bankruptcy](#)

[Motion to File Paper Under Seal – Adversary](#)

[Order Granting Emergency Motion for Authority to File Paper Under Seal - Adversary](#)