

Rule 9018-1 Exhibits; Documents under Seal; Confidentiality.

- (a) Retention of Exhibits. Exhibits admitted into evidence must be retained by the attorney or pro se party who offered them into evidence until the later of (i) the closing of the main bankruptcy case or (ii) the entry of a final, non-appealable order regarding any pending adversary proceeding, contested matter or pending appeal to which such exhibit relates, unless otherwise ordered by the Court.
- (b) Access to Exhibits. Parties must make exhibits admitted into evidence (or copies thereof) available to any other party upon request to copy at such party's expense, subject to any confidentiality, seal or other order or directive of the Court.
- (c) Removal of Exhibits from Court. Exhibits that are in the physical custody of the Clerk must be removed by the party responsible for the exhibits (i) if no appeal has been taken, at the expiration of the time for taking an appeal, or (ii) if an appeal has been taken, within 28 days after the record on appeal has been returned to the Clerk. Parties failing to comply with this Local Rule may be notified by the Clerk to remove their exhibits and, the Clerk may dispose of the exhibits upon failure to do so 28 days after such notification.
- (d) Documents under Seal.
 - (i) Any filer seeking to file a document (a "Proposed Sealed Document") under seal must file a motion requesting such relief (a "Sealing Motion") no later than 3 business days after the filing of the Proposed Sealed Document. The Proposed Sealed Document must be filed separately from the Sealing Motion as a restricted document in accordance with the Court's CM/ECF procedures. The Sealing Motion must be accompanied by a separately filed proposed redacted version of the Proposed Sealed Document in a form suitable to appear on the Court's public docket (the "Proposed Redacted Document").
 - (ii) If the Proposed Sealed Document is known by the filer to contain another entity's confidential information then (i) prior to filing the Sealing Motion, the filer must attempt to confer in good faith with such other party in an effort to reach agreement concerning the extent of information that must remain sealed and (ii) the Sealing Motion must be accompanied by an averment of Delaware counsel that a reasonable effort has been made to reach agreement on what information must remain sealed or the basis for the moving party not making such effort.
 - (iii) The filer of the Sealing Motion must use reasonable efforts to file a Proposed Redacted Document that leaves unredacted to the fullest extent possible those portions of the Proposed Sealed Document that the filer reasonably believes are not subject to confidentiality rights held or asserted by the filer or another party. However, if the filer determines in good faith that the entire Proposed Sealed Document should be placed under seal, the filer of the Sealing Motion is excused from the obligation to file a Proposed Redacted Document pending further order of the Court.

- (iv) In the event the Court grants relief concerning a Sealing Motion that requires additional or different redactions, counsel for the movant must file a final form of the publicly viewable version of the Proposed Sealed Document (the “Final Redacted Document”) with the sealed portion(s) redacted consistent with the Court’s ruling within 1 business day after the Court’s ruling is issued. The Final Redacted Document must be filed and called Final Redacted Version of “[Final Redacted Document Title]”.
- (v) In the event the Court denies the Sealing Motion, the Clerk will take such action as the Court may direct.
- (vi) If a Sealing Motion is filed in connection with a motion or application or with an objection, reply or sur-reply related to any such motion or application, unless otherwise ordered by the Court, a motion to shorten notice is not required and the Court will consider the Sealing Motion at the applicable hearing date and any objections to the Sealing Motion may be presented at the hearing.
- (vii) Except with respect to redactions subject to Local Rule 9037-1 or as otherwise ordered by this Court, no document containing any redaction(s) made by a filer of a Proposed Sealed Document may be filed unless the filer has previously filed or simultaneously files an unredacted copy of the same under seal and follows all requirements of this subsection with respect to the same.
- (viii) Nothing in this Local Rule 9018-1(d) is intended to or shall modify any rights or obligations any entity has in connection with confidential information or information potentially subject to protection under section 107 of the Code.
- (e) Order Authorizing Future Filing of Documents under Seal. If an order has been signed granting a motion under Local Rule 9018-1(d) and authorizing the filing of future documents under seal, the related docket number of the applicable order must also be included on the cover sheet.
- (f) Confidentiality. If any information or documents are designated confidential by the producing party at the time of production, disclosure must be limited to members and employees of the law firm representing the receiving party and such other persons as to which the parties agree until a confidentiality agreement has been agreed to by the parties or ordered by the Court. Such persons are under an obligation to keep such information and documents confidential and to use them only for purposes of the contested matter or the proceeding with respect to which they have been produced. Additionally, parties may stipulate to the application of this Local Rule in connection with informal discovery conducted outside a contested matter or adversary proceeding (e.g., a statutory committee’s investigation of the validity, perfection or amount of a secured creditor’s prepetition lien), in which case the documents and information produced must be used only for the purpose defined by the parties’ stipulation.
- (g) Use of Sealed Documents. If a party intends to use a document which has been previously placed under seal at a hearing or in connection with briefing, a copy of the sealed document

(in an envelope and prominently marked “CHAMBERS COPY”) must be provided to the Court in the hearing binder delivered to Chambers in accordance with Local Rule 9029-3 or as otherwise required by the presiding Judge. After the hearing is concluded or the motion is decided, the Court will, at its discretion, destroy or return the Chambers copy of the sealed document to the sender.

- (h) Approval of Confidentiality Agreements. In connection with any confidentiality agreement approved by order of the Court other than under a motion:
 - (i) Any provision of such agreement or order that preauthorizes the filing of material under seal does not relieve a filer from the obligation to comply with the provisions of Local Rule 9018-1(d); and
 - (ii) Any request to seal an exhibit or close the courtroom at a hearing or trial (or any objection thereto) will be considered by the Court in connection with such hearing or trial notwithstanding any contrary provision in such agreement or order.