

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE:)	
PROCEDURES FOR THE FILING,)	GENERAL ORDER
SERVICE, AND MANAGEMENT OF)	M-558
HIGHLY 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, pursuant to 11 U.S.C. § 105(a), Fed. R. Civ. P. 5(d)(3)(A) and Fed. R. Bankr. P. 7005, 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 General Order

Subject to approval by the Court in accordance with the procedures set forth below, a document may be deemed a highly sensitive document if:

- a. it contains classified information or information that could harm national security;
or
- b. its disclosure could reasonably be expected to cause exceptionally grave damage or injury to any person, entity or institution.¹

2. Motions to Treat a Document as a Highly Sensitive Document

- a. A party seeking to treat a document as a highly sensitive document shall file a motion explaining why the document constitutes a highly sensitive document but shall not file a copy of the proposed highly sensitive document on the court’s electronic filing system.
- b. The moving party shall serve the highly sensitive document by any manner specified in Fed. R. Civ. P. 5(b)(2), except for service via the court’s electronic filing system.
- c. The moving party shall deliver or mail the motion, proposed order, and the proposed highly sensitive document to the Clerk’s office of the division in which the assigned Judge sits in both hard copy format and in a thumb drive storage

¹ Parties should continue to utilize the procedures set forth in Fed. R. Bankr. P. 9018, Local Bankruptcy Rule 9018-1, and, if applicable, the Interim Under Seal Filing Procedures located on the Court’s [COVID response webpage](#) for non-highly sensitive documents that merit protection under 11 U.S.C. § 107(b) or (c).

device. The hard copies and thumb drive shall be submitted in a sealed envelope marked “HIGHLY SENSITIVE DOCUMENT.”

- d. The proposed order must provide for the retrieval or disposal of the highly sensitive document at the conclusion of the matter.
- e. Upon entry of an order that the document constitutes a highly sensitive document, the Clerk will maintain the highly sensitive document in a secure paper filing system or a secure standalone computer system that is not connected to any network.

3. Removal of All Previously Sealed Documents from the Electronic Filing System

The Clerk shall, as soon as practicable, remove all previously-sealed documents from the court’s electronic filing system and maintain them in a secure paper filing system or a secure standalone computer system that is not connected to any network.

Dated: January 12, 2021
New York, NY

/s/ Cecelia G. Morris
CECELIA G. MORRIS
Chief United States Bankruptcy Judge