

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF LOUISIANA**

AMENDED STANDING ORDER 2024-1

**AMENDED PROCEDURES FOR FILING, SERVICE
AND MANAGEMENT OF HIGHLY SENSITIVE DOCUMENTS**

Considering the updated guidance regarding protection of highly sensitive documents (“HSDs”) issued by the Court Administration and Case Management Committee on April 15, 2024, and pursuant to F.R.B.P. 5005(a)(3) and F.R.C.P. 5(d)(3), made applicable by F.R.B.P. 7005:

IT IS ORDERED that this Standing Order 2024-1 replaces and vacates the court’s prior order regarding HSDs, namely Standing Order 2021-1.

IT IS FURTHER ORDERED that effective as of the date of this Standing Order and until such time as the court orders otherwise, HSDs will be filed and served in paper form (or, if digital media, on a secure electronic device, such as a flash drive) and will be maintained by the Clerk of Court in a secure paper filing system or secure standalone computer system that is not connected to any network.

IT IS FURTHER ORDERED that the filing of HSDs shall be subject to the following procedures and requirements:

1. Documents and Materials Subject to this Order.
 - a. Definition: An HSD is a document or other material that contains sensitive, but unclassified, information that warrants exceptional handling and storage procedures to prevent significant consequences that could result if such information were obtained or disclosed in an unauthorized manner. Although frequently related to law enforcement materials, especially sensitive information in a civil case could also qualify for HSD treatment.
 - i. Examples of HSDs: Examples include *ex parte* sealed filings relating to national security investigations, cyber investigations, and especially sensitive public corruption investigations; and documents containing a highly exploitable trade secret, financial information, or computer source code belonging to a private entity, the disclosure of which could have significant national or international repercussions.
 - ii. Exclusions: Most materials currently filed under seal do not meet the definition of an HSD and do not merit the heightened protections afforded to HSDs. The form or nature of the document, by itself, does not

determine whether HSD treatment is warranted. Instead, the focus is on the severity of the consequences for the parties or the public should the document be accessed without authorization. Most presentence reports, pretrial release reports, pleadings related to cooperation in criminal cases, social security records, administrative immigration records, applications for search warrants, interception of wire, oral, or electronic communications under 18 U.S.C. § 2518, and applications for pen registers, trap and trace devices would not meet the HSD definition.

- b. HSDs vary in physical form and characteristics. It may be paper, electronic, audiovisual, microform, or other media. The term “document” includes all recorded information, regardless of its physical form or characteristics.

2. Obtaining Authorization to File a Document as an HSD.

Before filing an HSD, a person must move for an order authorizing the treatment of the filing as an HSD.

a. Represented Parties

- i. A represented party must move electronically to treat a document as an HSD in accordance with Administrative Procedure for filing documents under seal. The motion shall set forth facts supporting the conclusion that the document is an HSD under the criteria in paragraph 1 of this Standing Order, or otherwise should be subject to the heightened protection for HSDs. The proposed HSD shall not be attached to the motion.
- ii. Promptly after the motion is filed, the filing party shall deliver to the Clerk of Court two paper copies of the proposed HSD and a certificate of service demonstrating compliance with paragraph 2.c. The documents shall be submitted to the Clerk of Court’s Office in a sealed envelope marked "HIGHLY SENSITIVE DOCUMENT." A copy of the HSD's caption page (with confidential information redacted) and a copy of the notice of electronic filing generated from CM/ECF upon the filing of the motion to treat the document as highly sensitive shall be attached to the envelope.

b. *Pro se* Parties

Pro se parties shall submit to the Clerk of Court two paper copies of a motion to treat a document as an HSD, the proposed HSD and a certificate of service demonstrating compliance with paragraph 2.c. The required documents shall be

submitted to the Clerk of Court's Office in a sealed envelope marked "HIGHLY SENSITIVE DOCUMENT." A copy of the HSD's caption page (with confidential information redacted) shall be attached to the envelope.

c. Service by All Parties

The mover must serve the motion pursuant to F.R.B.P. 7004 and Local Rule 7004-1 or F.R.B.P. 9013 and Local Rule 9013-4, as applicable, and file a certificate of service.

d. Issuance of Court Order

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 of Court will maintain the HSD in a secure paper filing system.

If the motion is denied, the proposed HSD will be deemed withdrawn and may be retrieved from the Clerk of Court's Office by the filing party or counsel within ten calendar days from the date of entry of the order. After ten calendar days, the Clerk of Court may destroy the proposed HSD without further notice.

3. Service of Highly Sensitive Court Orders.

If the court determines that a court order contains highly sensitive information, the Clerk of Court will maintain the order in a secure paper filing system and will serve a paper copy of the order on the mover by mail.

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

a. On motion of a party in interest or on 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, or any portion of it, be removed from the court's electronic filing system and maintained by the Clerk of Court in a secure paper filing system.

b. A party's motion to remove an HSD or highly sensitive case, or any portion of it, from the court's electronic filing system shall set forth facts supporting the conclusion that a document or case or any portion of it is highly sensitive under the criteria in paragraph 1.b. or otherwise should be subject to the heightened protection for HSDs. The motion shall be served pursuant to paragraph 2.c.

5. Questions about HSD Filing Procedures.

Any questions about HSD filing procedures should be directed to the Clerk of Court at helpdesk@lamb.uscourts.gov or 225.346.3333.

Baton Rouge, Louisiana, December 3, 2024.

/s/ Michael A. Crawford
MICHAEL A. CRAWFORD
UNITED STATES BANKRUPTCY JUDGE