

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

- (a) Retention of Exhibits. Unless otherwise ordered by the Court, exhibits admitted into evidence must be retained by the attorney or *pro se* party who offered them into evidence until the later of the closing of the main bankruptcy case or the entry of a final, non-appealable order regarding any pending adversary proceeding, contested matter or pending appeal to which such exhibit relates.
  
- (b) Access to Exhibits. Upon request, parties must make exhibits admitted into evidence (or copies thereof) available to any other party to copy at its 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 custody of the Clerk shall 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 twenty-eight (28) days after the record on appeal has been returned to the Clerk. Parties failing to comply with this Local Rule shall be notified by the Clerk to remove their exhibits and, upon failure to do so within twenty-eight (28) days of such notification, the Clerk may dispose of the exhibits.
  
- (d) Documents under Seal. Any party who seeks to file documents under seal must file a motion to that effect. The proposed sealed documents shall be filed separately from the motion, as restricted documents, in accordance with CM/ECF procedures. Unless the Court orders otherwise, within three (3) days of the filing of the motion to seal, the filing party shall file a publicly viewable redacted form of the document. In the event the Court grants the motion to file under seal, counsel for the movant shall, in those instances where a portion but not all of a document are ordered to be sealed, file a final form of the publicly viewable version of the filing(s) with the sealed portion(s) redacted in accordance with CM/ECF procedures. In the event the Court denies the motion to file under seal, the Clerk shall take such action as the Court may direct. If a motion to file under seal is filed in connection with an objection, reply or sur-reply and the applicable hearing date is less than twenty-one days after the objection, reply or sur-reply is filed, unless otherwise ordered by the Court, a motion to shorten notice shall not be required and the Court will consider the

motion to file under seal at the applicable hearing date and any objections to the motion to file under seal may be presented at the hearing. Except with respect to redactions subject to Local Rule 9037-1, no document containing any redaction(s) made by the party filing the document may be filed with the Clerk's Office unless the filing party simultaneously files an unredacted copy of the same under seal and follows all requirements of this subsection with respect to the same.

- (e) Order Authorizing Future Filing of Documents under Seal. If an order has been signed granting the filing of future documents under seal, the related docket number of the applicable order must also be included on the cover sheet. Any document filed under seal under a previously entered order of the Court shall be filed as a restricted document and electronically docketed in accordance with CM/ECF procedures.
- (f) Confidentiality. If any information or documents are designated confidential by the producing party at the time of production and the parties have not stipulated to a confidentiality agreement, until such an agreement has been agreed to by the parties or ordered by the Court, disclosure shall be limited to members and employees of the law firm representing the receiving party and such other persons as to which the parties agree. 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 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 shall 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") shall be provided to the Court in the binder delivered to Chambers. 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.

**Rule 9019-1**      **Certificate of Counsel**. Filed objection(s) or informal objection(s) to a Motion, Omnibus Objection to Claims or other pleading filed with the Court may be resolved by submitting a revised or agreed form of order filed with a Certificate of Counsel ("CoC") consistent with all of the following requirements stated in (a) - (c) below. The CoC procedure may also be utilized under such other circumstances as the Court directs.

- (a) The CoC must be signed by Delaware Counsel (as defined in Local Rule 9010-1), and attach a proposed revised or agreed form of order as an exhibit. The CoC must state whether the revised or agreed form of order has been reviewed and approved by all the parties affected by the order. A CoC shall be served on all affected parties.
- (b) If there is an applicable objection deadline, the CoC may not be filed until twenty-four (24) hours after that deadline.
- (c) In cases in which a Notice of Agenda is required under Local Rule 9029-3 and where the revised or agreed form of order has been finalized in advance of the deadline for the filing of the Notice of Agenda, the Delaware counsel responsible for the filing of the Notice of Agenda shall include the CoC pleadings in the CNO binder that is otherwise required under these Local Rules. In all other cases, the CoC pleadings shall be submitted in accordance with each respective Judge's chambers procedures. Such chambers procedures, if any, are available on the Court's website.

Upon receipt of the CoC, the Court may enter the order attached to the CoC without further pleading or hearing or schedule the CoC for hearing.