

## LBR 5001-2. Clerk - Location

- (a) **Address of Clerk's Office.** The clerk's office is located in Honolulu, Hawaii. The mailing address is: United States Bankruptcy Court, District of Hawaii, 1132 Bishop Street, Suite 250, Honolulu, HI 96813.
- (b) **Website.** Local rules, forms, court calendars, and other information are available through the Internet at <http://www.hib.uscourts.gov>.
- (c) **CM/ECF and PACER.** Documents may be filed and viewed through the Internet by using the federal judiciary's Case Management/Electronic Case Files ("CM/ECF") and Public Access to Court Electronic Records ("PACER") systems at <https://ecf.hib.uscourts.gov>. CM/ECF and PACER accounts are required for access.

## LBR 5005-1. Filing Papers - Requirements

- (a) **Filing.** Documents to be filed in a bankruptcy case or proceeding must be filed with the clerk of the bankruptcy court.
- (b) **Caption Requirements.** In addition to the information generally required by these rules, a party filing a document with the clerk must include the following in the document's caption:
  - (1) the chapter of the Bankruptcy Code under which the case is currently pending; and
  - (2) if the document is the subject of a hearing or trial,
    - (A) the date and time of the hearing or trial, and
    - (B) the name of the presiding judge.
- (c) **Defective Pleadings and Papers.**
  - (1) The clerk may reject without filing a petition that is submitted:
    - (A) by a person who may not file a voluntary petition pursuant to an order of this court or any other federal court;
    - (B) in paper form without the original signature of the debtor, and, if any, the joint debtor and the attorney for the debtor(s); or
    - (C) without a creditor list.
  - (2) The clerk may reject without filing any document, including a petition, that is submitted:
    - (A) without the fee required to be paid at the time of filing by 28 U.S.C. § 1930(a) or (b), in a manner acceptable to the clerk;
    - (B) in paper form without the original signature of the individual submitting the document;
    - (C) without the verification or declaration required under Bankruptcy Rule 1008; or
    - (D) for filing in a closed or non-existent case in this court, unless the document's purpose is to commence or reopen a case.
  - (3) The clerk shall give prompt notice to the party whose document has been rejected for filing, including a specific description of the deficiency.
  - (4) Any party affected by the rejection of a document may file a motion for judicial action within 7 days after the date of the clerk's rejection notice. The moving party must serve notice of a motion for such review on all parties affected by the document subject to the motion. If judicial review results in a determination that

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the rejection was improper, the document will be deemed filed as of a date and time set by the court.

## LBR 5005-2. Filing Papers - Number of Copies

- (a) **Documents for Filing.** Any party filing a document in paper form must submit to the clerk one copy of the document with an original signature. Upon request, the clerk will affix the date and time of filing stamp on a reasonable amount of additional copies.
- (b) **Copy for Chambers.** A paper copy of a filed document should only be submitted to the judge's chambers if:
  - (1) requested by the clerk or chambers staff; or
  - (2) the document is filed:
    - (A) 5 days or fewer before the hearing or trial to which the document pertains; or
    - (B) after the applicable deadline. (This provision does not excuse or permit the untimely filing of a document and the court may disregard any such document.)

## LBR 5005-4. Electronic Filing

- (a) **Scope of Electronic Filing.** Documents may be filed, signed, verified and served by electronic means, in accordance with procedures promulgated by the court. Except as prescribed by local rule, order, or other procedure, the court has assigned all cases and proceedings to the CM/ECF system. Unless otherwise expressly provided in these rules or in exceptional circumstances preventing a filer from filing electronically, all documents required to be filed with the court in connection with a case or proceeding must be electronically filed. Documents and audio files may be accessed online in the federal judiciary's PACER system.
- (b) **CM/ECF Eligibility, Registration, Passwords.**
  - (1) **Eligibility.** An individual entitled to file documents with the court electronically is referred to as an ECF User. All attorneys permitted to practice before the federal courts in the District of Hawaii are eligible to be ECF Users. The clerk may authorize other individuals to be ECF Users with full or limited participation in the CM/ECF system, including an unrepresented individual.
  - (2) **Registration.** An individual eligible to be an ECF User must request electronic filing privileges through the individual's PACER account. The request will constitute consent to receive service and notice by electronic means to the full extent permitted under the Federal Rules of Bankruptcy Procedure, and a waiver of the right to receive service and notice on paper. An ECF User may withdraw from participation in the CM/ECF system in accordance with procedures prescribed by the clerk.
  - (3) **Login and Passwords.** Use of the ECF User's PACER login and password constitutes the signature of that individual, as provided further in this rule.
  - (4) **Filing Agents.** An individual authorized by an ECF User to electronically file documents in the name of the ECF User is referred to as a Filing Agent. The clerk may require that an individual who files on behalf of an ECF User be formally designated as a Filing Agent. Use of the Filing Agent's PACER login and password has the same effect as use of the ECF User's login and password. The ECF User can remove a Filing Agent from the main account. If the agency relationship is terminated, the ECF User as soon as practicable must remove the Filing Agent from the main account or notify the clerk to deactivate the Filing Agent's login and password to prevent any unauthorized filing.
  - (5) **Pro Se Filers.** An individual in an existing bankruptcy case or proceeding who is not represented by an attorney may request limited electronic filing privileges in

accordance with procedures prescribed by the clerk. Authorization will be limited to a specific existing case and access will be terminated when the case or proceeding is closed. By submitting the request, the individual is consenting to service of documents via the notices of electronic filing sent through the court's CM/ECF system.

**(c) Consequences of Electronic Filing.**

- (1) Entry on the Docket.** Electronic transmission of a document to the CM/ECF system consistent with these rules, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the local rules of this court, and constitutes entry of the document on the docket kept by the clerk under Bankruptcy Rule 5003.
- (2) Official Record.**
  - (A) Document electronically filed.** When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. A document filed electronically is deemed filed at the date and time stated in the Notice of Electronic Filing from the court.
  - (B) Document submitted in paper form.** When a document submitted in paper form has had its image electronically recorded, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as so filed. A document submitted in paper form is deemed filed at the earlier of (i) the date and time stated on the Notice of Electronic Filing from the court or (ii) the date and time stamp affixed by the clerk. The clerk is not required to retain any paper document after making an electronic recording thereof consistent with the technical standards, if any, established by the Judicial Conference of the United States and the requirements, if any, prescribed by the Administrative Office of the United States Courts.
- (3) Deadlines.** Filing a document electronically does not alter the filing deadline for that document. Filing must be completed by 11:59 p.m. Hawaiian Standard Time as recorded by the court's CM/ECF server in order to be considered timely filed that day.
- (4) Virtual Documents.** The court may create certain text-only entries on the docket for selection by an ECF User that consist entirely of the text contained in the

docket entry and for which there is no separate electronically recorded image. Such virtual documents are fully effective despite the absence of a document image linked to the entry.

**(d) Entry of Court-Issued Documents.**

- (1) In General.** All orders, decrees, judgments, and proceedings of the court will be filed in accordance with these rules, which will constitute entry on the docket kept by the clerk under Bankruptcy Rules 5003 and 9021. Any order or other court-issued document filed electronically without the original signature of a judge or clerk, including a document that is a virtual document or a text-only docket entry, has the same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered on the docket in a non-electronic manner.
- (2) Summons.** The clerk may sign, seal, and issue a summons electronically. A summons in an adversary proceeding and a summons to an alleged debtor in an involuntary case containing the name of the clerk, the image of the seal of the court, and the identification of the court may be made available for downloading from the court's website. Such a summons, once completed in accordance with Fed. R. Civ. P. 4, dated on or after the date of the filing of a complaint or an involuntary petition, and filed with the court by an ECF User, shall be deemed to be a valid summons signed, sealed, and issued by the clerk.

**(e) Attachments and Exhibits - Excerpts.** Attachments and exhibits should contain only those excerpts of the referenced material that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. A party filing excerpts of a document under this rule does so without prejudice to the right to file timely additional excerpts or the complete document. A responding party may file timely additional excerpts or the complete document that the party believes to be directly germane to the subject matter.

**(f) Signatures.**

- (1) ECF User.** A filing made through a person's electronic filing account and authorized by that person, together with that person's name on a signature block constitutes the signature of the ECF User for all purposes, including those under Bankruptcy Rule 9011 and 28 U.S.C. § 1746, and has the same force and effect as if the ECF User had affixed his or her signature on a paper copy of the document being filed.
- (2) Debtor.** At the time a bankruptcy petition and accompanying schedules and

statements, including amendments thereof, are filed electronically, the ECF User must be in possession of the completed paper copies signed by the debtor. The declarations or certifications required of a debtor in these documents must be made by (i) submitting a paper copy of a declaration substantially conforming to the local form (**Declaration re: Electronic Filing**) with the signature of each individual or joint debtor, or the signature of an authorized individual on behalf of a debtor that is an artificial entity; or (ii) filing a digital copy of the originally signed and dated declaration. The Declaration re: Electronic Filing must be filed within 7 days after the date of electronic filing of the subject document.

(3) **Retention of Originally Signed Documents.** The signed copies of a bankruptcy petition and accompanying papers, and any amendments thereof, required to be verified under Bankruptcy Rule 1008 and any declaration made by any party under penalty of perjury in accordance with 28 U.S.C. § 1746 must be retained by the ECF User until one year after the date that the case or proceeding is closed. The court, on its own motion or on the request of a party in interest, may require the production of any originally signed and dated document or its digital image.

(4) **Sanctions.** Failure to comply with the provisions of this rule regarding signatures and retention of originally signed documents may result in dismissal of a case or proceeding and the striking of documents without further notice or hearing, and the imposition of monetary and other sanctions on the ECF User and Filing Agent.

(5) **Authorized Signature Methods.** For documents filed electronically, the following signature methods on the digital image are .

- (A) An original “wet ink” signature,
- (B) A digital signature generated by a court-approved software application that creates a secure electronic signature that uniquely identifies the signer and ensures the authenticity of the signature, and
- (C) A signature using the “/s/” of the ECF User filing the document or the “/s/” and printed name of a third party who has consented to use of this signature method.

Paper documents submitted for filing must contain an original “wet ink” signature. The court may adopt further requirements regarding signatures through issuance of administrative procedures.

(g) **Service and Notice by Electronic Means.** Electronic transmission through the CM/ECF system of a notice of electronic filing and, unless the document is virtual or a text-only docket entry, a link to the image of the document that has been filed constitutes service and notice of the entry of that document in accordance with Bankruptcy Rule 9022 and

Fed. R. Civ. P. 5(b)(2)(E).

**(h) Filing Prevented by Technical Failures.**

- (1) Definition.** A technical failure means that the court's CM/ECF server, without notice, is unavailable to ECF Users for electronic filing. It does not include incidents where the court's server is not accessible due to a failure of the filer's software or hardware, or the filer's Internet connection.
- (2) Relief from Technical Failure.** An ECF User who is unable to effect a filing due to a technical failure should document the incident and report it to the clerk as soon as practicable. If a filing is made untimely as the result of a technical failure, an ECF User may seek appropriate relief from the court.

**(i) Hyperlinks.**

- (1) Link Within Same Document.** An electronically filed document may contain a hyperlink to another portion of the same document.
- (2) Link to External Source.** An electronically filed document may contain a hyperlink to a location on the Internet that contains a source document for a citation. However, hyperlinks are simply a convenient means for accessing reference material and may not replace standard citation format. Complete standard citations must be included in the document text. Neither a hyperlink, nor any site to which it refers, may be considered part of the record. The court accepts no responsibility for accessibility to or the functionality of any hyperlink or its content.

## LBR 5009-1. Order Declaring Lien Satisfied

- (a) **Form of Motion.** In accordance with Bankruptcy Rule 5009(d), a chapter 12 or chapter 13 debtor may request entry of an order declaring a lien satisfied under the terms of a confirmed plan by filing and serving a motion that substantially conforms to the local form (**Motion for Order Declaring Lien Satisfied**).
- (b) **Service.** The motion must be served on the holder of the claim in the manner provided for service of a summons and complaint by Bankruptcy Rule 7004 and LBR 7004-1.
- (c) **Hearing and Deadline to Respond.** The motion is governed by LBR 9013-1(c).

## LBR 5011-1. Withdrawal of Reference

- (a) **Motion - Where Filed.** A motion to withdraw the reference of a case or proceeding must be filed with the clerk of the bankruptcy court. Upon filing, the clerk will transmit a copy of the motion to the clerk of the district court.
- (b) **Automatic Stay.** Nothing in this rule shall modify any stay imposed by § 362(a), 922, 1201(a), or 1301(a).

## LBR 5073-1. Photography, Recording Devices & Broadcasting

- (a) **Prohibition.** Unless the court orders otherwise, taking a photograph, making an audio or video recording, or broadcasting by radio, television, or otherwise in the courtroom during or in connection with any hearing, trial, or other proceeding is prohibited. If a court proceeding is recorded for a specific purpose in accordance with the policy of the Judicial Conference of the United States, the dissemination of any recorded courtroom transmission by any means, for any purpose, by or to any person, without a court order authorizing such dissemination, is prohibited.
- (b) **Exception.** Subdivision (a) does not apply to audio recordings of proceedings made by court staff for the purpose of making the official record. The presiding judge may authorize public access to such audio recordings on PACER. A party objecting to access to an audio recording being made available on PACER must file an objection no later than the time of the hearing or trial and bring it to the attention of the judge at the commencement of the proceeding.
- (c) **Electronic Devices Policy.** Visitors to the courtroom and office space of the United States Bankruptcy Court, District of Hawaii, 1132 Bishop Street, Honolulu, Hawaii, are (unless the court directs otherwise) allowed to carry and use various electronic devices as stated below.
  - (1) Visitors may bring into the office space and courtroom electronic devices, such as cellular phones, smartphones, laptop computers, tablet computers, or similar functioning devices having wireless communications capability. All devices are subject to a security inspection.
  - (2) Except while inside the courtroom, visitors may use such devices to make telephone calls and to transmit and receive data communications, such as email or text messages, or to access the Internet.
  - (3) In the courtroom, visitors may use such devices to take notes, transmit and receive data communications, and access the Internet, but not for telephone calls. Telephone ring tones and other sounds produced by devices must be disabled while in the courtroom. Only quiet keyboards may be used in the courtroom.
  - (4) As provided elsewhere in this rule, photography, audio and video recording, and broadcasting are prohibited in the courtroom and office space at all times.
  - (5) The presiding judge may prohibit or further restrict use of such devices by all persons prior to or during a proceeding when necessary to protect the rights of

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the parties or to assure the orderly conduct of the proceedings. This policy does not supersede the witness exclusion rule.

**(6)** A visitor who fails to adhere to this policy or to the presiding judge's directions may be removed from the courtroom or office space or subjected to other sanctions.

## LBR 5077-1. Transcripts and Recordings

- (a) **Requests for Transcripts and Recordings.**
  - (1) **Transcripts.** A transcript of a court proceeding may be ordered by filing a request substantially conforming to the local form (**Request for Transcript**).
  - (2) **Audio Recordings.** An audio recording of a proceeding may be ordered by filing a request substantially conforming to the local form (**Request for Audio Recording of Hearing**).
- (b) **Delivery of Transcript to Clerk.** The transcriber may deliver a certified copy of a transcript to the clerk in accordance with 28 U.S.C. § 753 by filing such a copy electronically in the court's CM/ECF system.
- (c) **Restricted Access Period.** Unless the court orders otherwise, a transcript will not be made electronically available to the general public via the Internet until at least 90 days after the date the transcript is filed. During the 90-day restricted access period, a printed copy of the transcript may be obtained directly from the transcriber. After the 90-day period, the transcript will be available for printing for a fee at public computer terminals in the Clerk's Office and may be viewed for a fee through the Internet using the federal judiciary's Public Access to Court Electronic Records ("PACER"). The transcript may be viewed at public computer terminals in the Clerk's Office at any time without a fee.
- (d) **Notice of Filing.** Upon the electronic filing of a transcript, the clerk will serve a notice of filing of transcript on each party noted in the transcript as making an appearance.
- (e) **Responsibility to Review.** Each party attending the hearing is responsible for reviewing the transcript for compliance with Bankruptcy Rule 9037(a). A party is responsible for reviewing the following:
  - (1) opening and closing statements made on the party's behalf;
  - (2) statements of the party;
  - (3) the testimony of any witnesses called by the party; and
  - (4) any other portion of the transcript as ordered by the court.
- (f) **Request for Redaction.**
  - (1) **Personal Data Identifiers.** A party may request redaction of the information described in Bankruptcy Rule 9037(a) by filing a request substantially conforming to the local form (**Request for Redaction of Personal Data Identifiers**) not later

than 21 days after the date of filing of the transcript.

(2) **Other Information.** A party may request redaction of additional private or sensitive information by filing a motion not later than 21 days after the date of filing of the transcript.

(g) **Redaction by Transcriber.** If a request for redaction is timely filed under paragraph (f)(1) of this rule, the transcriber must file a redacted version of the transcript not later than 28 days after the date of filing of the original transcript. If a motion is timely filed under paragraph (f)(2) of this rule, the transcriber must file a redacted version of the transcript not later than 14 days after the court grants the motion. The court may extend or shorten these time periods. If a redacted version is filed, only the redacted version will be available via the Internet. The original unredacted transcript will remain available for viewing at public computer terminals in the Clerk's Office.

(h) **Use of Transcript as Exhibit.** A party attaching a copy of a transcript or a portion thereof as an exhibit to another filing at any time must ensure that all personal information protected under Bankruptcy Rule 9037 is redacted.

(i) **Limitations.** Nothing in this rule:

- (1) creates a private right of action or a claim against the United States or any of its employees;
- (2) changes any other rules, policies, or procedures with respect to the sealing or redaction of court records for any other purpose; or
- (3) affects or limits the right of any party, or any other person or entity, to request production of a transcript on an expedited basis.

## LBR 5081-1. Fees - Form of Payment

(a) **Form of Payment.** Cash is not accepted for payment of fees required under 28 U.S.C. § 1930 and the Appendix to 28 U.S.C. § 1930 (Bankruptcy Court Miscellaneous Fee Schedule). The following methods of payment are accepted.

- (1) cashier's or certified check;
- (2) money order;
- (3) if using Pay.gov, the federal government's online bill payment system: debit card, ACH (electronic payment from a bank account), or PayPal;
- (4) if the payor is an attorney admitted to practice in the District of Hawaii, a check imprinted with the name of the attorney's law firm or a client trust account; or
- (5) credit card if the payment is made in connection with filing a document online by a registered CM/ECF user.

(b) **Rejection for Unacceptable Form of Payment.** When a statutory fee is required for the filing of a document, the clerk may reject the submission of any document that is not accompanied by payment in an acceptable form under this rule.