

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

---

**In re:**

**ESTABLISHMENT OF NEW SECURITY-DRIVEN  
PROCEDURES FOR THE FILING, SERVICE,  
AND MANAGEMENT OF HIGHLY SENSITIVE  
DOCUMENTS, AND AFFIRMANCE OF  
(i) CONTINUING APPLICABILITY OF  
VERMONT LOCAL BANKRUPTCY RULES  
5003-4 & 9013-1(g), AND  
(2) PROCEDURE FOR NON-HIGHLY SENSITIVE  
DOCUMENTS THAT MERIT § 107 PROTECTION**

---

**STANDING ORDER # 21-01**

In response to recent disclosures of wide-spread breaches of both private sector and government computer systems, the federal courts are adding new security procedures to protect highly sensitive documents filed with the courts, effective immediately. See, e.g., General Order #95 entered in this District on January 13, 2021. In an effort to ensure the proper level of security for confidential and highly sensitive documents filed in this Court, **THE COURT FINDS** the following procedures strike the appropriate balance between public access and security.

**THE COURT FURTHER 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 Standing Order supersedes any and all inconsistent provisions in existing local rules or other standing 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.

**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 documents but shall not file a copy of the proposed highly sensitive document, with the motion, on the Court’s electronic filing system.
- b. To the extent service is required, the moving party shall serve the highly sensitive document by any manner specified in Fed. R. Civ. P. 5(b)(2), other than through the Court’s electronic filing system.
- c. The moving party shall hand deliver or mail the motion, with a proposed order and the proposed highly sensitive document, to the Clerk’s office in hard copy format. The hard copies shall be in a sealed envelope marked “HIGHLY SENSITIVE DOCUMENT.”
- d. The proposed order must provide for the retrieval or disposal of the highly sensitive document on either a date certain, the occurrence of some specified event, or at the conclusion of the matter.
- e. Upon entry of an Order that the document constitutes a highly sensitive document, and a specific time for its release or disposal, 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.

**4. Motions to Release or Dispose of Documents Previously Filed Under Seal**

Any attorney or party who obtained an Order granting a motion to file a document under seal, and whose document remains under seal at this time, is encouraged to file a motion or stipulation seeking an Order determining that the document they filed


- a. is actually a highly sensitive document and should be retained on paper as set forth above;
- b. is sufficiently protected in the electronic filing system, through the date the Order sealing the document will expire by its own terms; or
- c. is no longer in need of protection and may be released to the public record at this time; or
- d. is no longer necessary and may be destroyed at this time.

**5. Process Unchanged for Non-Highly Sensitive Documents which Need Protection**

Parties should continue to use the procedures set forth in Fed. R. Bankr. P. 9018, Vt. LBR 5003-4, and Vt. LBR 9013-1(g) for non-highly sensitive documents that merit protection under 11 U.S.C. § 107(b) or (c).

**SO ORDERED.**

January 15, 2021  
Burlington, Vermont

  
\_\_\_\_\_  
Colleen A. Brown  
United States Bankruptcy Judge