IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:
 	
THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,
 	
      as representative of
 	
THE COMMONWEALTH OF PUERTO RICO,
 	
           Debtor.[1]
	PROMESA
	Title III
	
	No. 17 BK 3283-LTS
	(Jointly Administered)

JOINT STANDING ORDER ON SEALING AND REDACTING

In light of the numerous requests for corrections and issues with the filing of sealed

and/or redacted documents in these Title III cases and related adversary proceedings, the Court

hereby reiterates the process for filing documents under seal or with redactions and establishes

a procedure for correcting filings that are not properly redacted.

A. Procedure for Filing Sealed or Redacted Documents

1. Any party who wishes to file a document under seal or with redactions, other than

   permissible redactions specified in Fed. R. Bankr. P. 9037, must file a motion to seal

---

[1]   The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

using the "sealed motion" event in accordance with the operative Case Management

Order, Fed. R. Bankr. P. 9018, and P.R. LBR 9018-1. As required by the Case

Management Order, the motion to seal must attach the document the movant wishes

to file under seal with sufficient redactions to maintain confidentiality. Where

redactions are insufficient, the party may insert a place holder page with the label

"filed under seal" in place of that page of the filing. The operative Case Management

Order contains additional requirements for the motion to seal. If these procedures

are not followed, the Motion to Seal will be denied without prejudice.

2. No document may be filed under seal without permission from the Court. Protective

orders or other confidentiality agreements between litigants may not alter the

procedure for filing documents under seal. To the extent any protective order on file

in these proceedings purports to allow the parties to that protective order to file a

document under seal without first seeking leave from the Court, this Order

supersedes such language.

3. In accordance with the operative Case Management Order, the movant must serve

unredacted copies of the relevant documents on motion counterparties to the extent

the movant is requesting that the Court permit counterparties to have access to the

sealed documents, and must provide unredacted courtesy copies of the motion to

seal and the relevant document(s) with all proposed redactions in highlighted form to

the chambers of Judge Swain or Judge Dein (as applicable) at

SwainDPRCorresp@nysd.uscourts.gov or DeinDPRCorresp@mad.uscourts.gov.

-2-

4. Upon authorization from the Court, the movant shall file the unredacted document under seal using the "sealed motion" event in CM/ECF. The sealed filing must be related to the order authorizing the sealed filing.

B. **Procedure for Correcting Previously Filed Documents[2]**

1. The parties are encouraged to make their sealed filings during the Court's regular business hours in case there are problems or errors in the sealing process. The Court will not make corrections outside of regular business hours.

2. If a document is inadvertently filed publicly that contains confidential material, the party that filed such document will have one opportunity to request a correction (a "Request") within two (2) business days of the filing. Requests must be made via email to promesa@prd.uscourts.gov by 2:00 p.m. AST. Requests received after 2:00 p.m. AST will not necessarily be attended to that day. No corrections will be made on Saturday or Sunday, or public holidays. If these procedures are not followed, the document will remain as initially filed.

3. After a Request is made, the Clerk's Office will temporarily restrict the incorrect filing for up to three (3) business days and a corrected version must be filed promptly. Again, the Clerk's Office will only be available to temporarily restrict an incorrect filing during the working hours of the Court as described above. The corrected filing must be linked to the earlier incorrect filing on CM/ECF. If the corrected version is not filed and properly linked to the earlier incorrect filing within three (3) business days, the

---

[2] To the extent the procedures in this Standing Order are inconsistent with Fed. R. Bankr. P. 9037(h), this Standing order supersedes Fed. R. Bankr. P. 9037(h).

-4-

Clerk's Office will remove the restriction placed on the incorrect filing and it will be public.

4. The Court notes that when filings are made in these proceedings, Prime Clerk and other court reporting services almost immediately reproduce those filings on their respective platforms. The Court is not responsible for the dissemination of confidential information through such platforms. After the Court receives a Request, it will contact Prime Clerk to restrict the incorrect filing. The parties should not contact Prime Clerk directly.

SO ORDERED.

Dated: June 10, 2020

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

/s/ Judith Gail Dein
JUDITH GAIL DEIN
United States Magistrate Judge