

AUG 01 2013

at 8 o'clock and 0 min. A.M.
SUE BEITIA, CLERK

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

IN THE MATTER OF)	ORDER REGARDING AMENDMENT OF
)	LOCAL RULE 100 OF THE LOCAL
The Local Rules of Practice)	RULES OF PRACTICE FOR THE UNITED
for the United States District)	STATES DISTRICT COURT FOR THE
Court for the District of)	DISTRICT OF HAWAII; EXHIBIT A
Hawaii)	
_____)	

ORDER REGARDING AMENDMENT OF LOCAL RULE 100
OF THE LOCAL RULES OF PRACTICE FOR THE UNITED
STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII

Having published a proposed amendment for public comment and having received no comments, this court hereby orders that Local Rule 100 of the Local Rules of Practice for the United States District Court for the District of Hawaii is amended, effective August 1, 2013, as set forth below.

In relevant part, Local Rule 100 is amended as set forth in Exhibit A, which includes replacement pages for this amended rule and the renumbered pages of "Rules Pertaining to Cases Under Title 11, United States Code."

IT IS SO ORDERED.

DATED: Honolulu, Hawaii; July 23, 2013.



/s/ Susan Oki Mollway
SUSAN OKI MOLLWAY
CHIEF UNITED STATES DISTRICT JUDGE



/s/ J. Michael Seabright
J. MICHAEL SEABRIGHT
UNITED STATES DISTRICT JUDGE



/s/ Leslie E. Kobayashi
LESLIE E. KOBAYASHI
UNITED STATES DISTRICT JUDGE



/s/ Derrick K. Watson
DERRICK K. WATSON
UNITED STATES DISTRICT JUDGE

IN THE MATTER OF The Local Rules of Practice for the United
States District Court for the District of Hawaii
ORDER REGARDING AMENDMENT OF LOCAL RULE 100 OF THE LOCAL RULES
OF PRACTICE FOR THE UNITED STATES DISTRICT COURT FOR THE DISTRICT
OF HAWAII; EXHIBIT A

LR100.1.1. Electronic Filing.

Except as prescribed by local rule or order of the assigned district or magistrate judge, the court has designated all cases to be included in the Case Management/Electronic Case Filing (CM/ECF) system, effective January 1, 2006.

LR100.2.1. Mandatory Electronic Filing and Effective Date.

Except as prescribed below or unless authorized in advance by the assigned district or magistrate judge, all documents filed in civil or criminal actions on or after January 1, 2014, shall be filed electronically using the court's CM/ECF system. Fees associated with a document filed electronically will be paid through pay.gov.

LR100.2.2. Exceptions to Mandatory Electronic Filing.

Unless otherwise ordered in advance by the assigned district or magistrate judge, the following documents must be filed in the traditional paper format rather than by electronic filing:

1. Pro Se Party Filings.

Any person appearing pro se may not utilize electronic filing without leave of the court, which decision rests in the discretion of the assigned district or magistrate judge.

2. Criminal Actions.

- (a) Criminal complaints and accompanying documents;
- (b) Indictments/Informations;
- (c) Grand jury proceedings;
- (d) Arrest warrants issued by a district or magistrate judge;
- (e) Search warrants and accompanying documents;
- (f) Seizure warrants and accompanying documents;
- (g) Pen register authorizations and like documents;
- (h) Wiretap proceedings and;
- (i) Correspondence to the court.

LR100.2.5. Exhibits.

Each exhibit referenced in a document shall be submitted as a separate CM/ECF attachment to the main document, regardless of the size of the file containing the exhibit. Paper exhibits must be scanned and saved in a PDF format that is less than 5 megabytes in size. Large documents must be broken into "chunks" so that each PDF file is under the 5 megabyte limit. The filer must clearly label each exhibit so that anyone examining the electronic case file will know what the "Exhibit" is:

Motion	(main document)
Exhibit A	(Affidavit of John Doe)
Exhibit B	(Letter dated January 1, 20XX)

LR100.3.1. Transmission to CM/ECF System.

Electronic transmission of a document to the CM/ECF system consistent with the administrative and technical procedures established by this court, together with the transmission of a Notice of Electronic Filing from the court, constitutes the filing of the document for all purposes of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and the Local Rules of this court, and constitutes entry of the document on the docket kept by the clerk under Fed. R. Civ. P. 58 and 79 and Fed. R. Crim. P. 49 and 55.

LR100.3.2. Official Record.

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. The clerk shall not be required to retain any paper document after making an electronic recording thereof in a manner 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. If a paper document filed with the court has not been electronically recorded by the clerk, the original paper document as maintained by the court is the official record.

LR100.3.3. Time of Filing.

Except in the case of a document originally filed in paper form with a date and time stamp and subsequently uploaded in the CM/ECF system, a document filed electronically is deemed filed at the date and time (Hawaii Standard Time) stated on the Notice of

P. 11, 28 U.S.C. § 1746, the Local Rules of this court, and any other purpose for which a signature is required in connection with matters before the court.

LR100.4.5. Pro Hac Vice.

An attorney admitted pro hac vice must register for a login and password within 10 days of the filing of a motion to appear. If an attorney appears pro hac vice in more than one case, a separate pro hac vice motion, with accompanying fee, shall be filed in each case.

LR100.4.6 Suspension or Deactivation of CM/ECF Access.

Upon appropriate notice and for cause shown, the court at any time may suspend or deactivate a CM/ECF user's access to electronic filing. The court may require that additional training be taken in order to reactivate CM/ECF participation.

LR100.5.1. CM/ECF User's Signature.

The name of the CM/ECF user under whose login and password the document is being electronically filed must be preceded by "/s/" and typed in the space where the signature otherwise would appear (e.g., /s/ John or Jane Lawyer).

LR100.5.2. Third Party Signatures.

An electronically filed document requiring the original, wet signature of an individual other than the CM/ECF user, such as an affidavit or declaration, must contain the original or a scanned image of that individual's signature.

LR100.5.3. Retention of Documents with Third Party Signatures.

Documents that are electronically filed and include signatures other than the CM/ECF user's signature must be maintained in paper form by the CM/ECF user until thirty-five (35) days (five weeks) after expiration of any appeal period. Upon request by the court, a CM/ECF user must provide for review any such document. A non-filing signatory or party who disputes the authenticity, or the alleged endorsement, of an electronically filed document must file an objection to that document.

LR100.6.1. Service of Documents by Electronic Means.

All orders, decrees, judgments, and proceedings of the court will be filed in accordance with these procedures and will constitute entry on the docket kept by the clerk under Fed. R. Civ. P. 58 and 79, and Fed. R. Crim. P. 49 and 55.

LR100.7.2. Docket Orders.

Orders may be issued as text-only entries on the docket without an attached document. Such orders are official and binding. For purposes of Fed. R. Civ. P. 58, a text order is deemed set forth as a separate document in the Notice of Electronic Filing created by the docketing of the order.

LR100.7.3. Notice of Entry of Orders.

Electronic transmission of the Notice of Electronic Filing of an order or judgment docketed by the clerk constitutes the notice required under Fed. R. Civ. P. 77(d) and Fed. R. Crim. P. 49(c) to registered CM/ECF users. The clerk shall give notice using non-electronic means to those parties who have not consented to receive electronic notice.

LR100.7.4. Summons.

The clerk may sign, seal, and issue a summons electronically, although a summons may not be served electronically.

LR100.8.1. Proposed Orders.

Proposed orders are to be submitted separately from the underlying application, request, or motion and shall be submitted by e-mail in a format compatible with Word or Word Perfect, unless directed by the court to be submitted differently.

LR100.8.2. E-mailing of Proposed Orders and Stipulations.

All proposed orders and stipulations must list in the e-mail subject line the following items:

- (a) The case number;
- (b) The docket number of the motion filed electronically that is the subject of the proposed order; and

(c) The title of the related filing (e.g., CV05-236-Doc5-Motion To Compel).

(c) **Dates of birth.** If an individual's date of birth must be included in a document, only the year should be used.

(d) **Financial account numbers.** If financial account numbers are relevant, identify the name or type of account and the financial institution where maintained, and only indicate the last three digits of the account number.

(e) **Home Address.** If a home address must be included, only the city and state should be listed.

LR100.10.2. Redaction/Reference List.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may:

- (a) File an unredacted document under seal, or
- (b) File a reference list under seal.

The reference list shall contain the complete personal identifiers and the redacted identifiers used in their place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifiers.

A redacted version of the document or the reference list shall be filed and become part of the public file. The unredacted versions shall be retained by the court as part of the record in sealed form.

LR100.10.3. Responsibility of Counsel.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The clerk will not review each document for compliance with this provision.

LR100.11.1. Hyperlinks.

Electronically filed documents may contain hyperlinks to (a) other portions of the same document, and (b) a location on the Internet that contains a source document for reference. Hyperlinks do not replace standard citation format, but inclusion of hyperlinks is encouraged. Complete citations must be included in the text of the filed document. Hyperlinks are convenient mechanisms for accessing material, but neither a hyperlink nor any site to which it refers shall be considered part of the

RULES PERTAINING TO CASES UNDER TITLE 11, UNITED STATES CODE

LR1001.1. Scope of Rules.

(a) **Scope of Rules.** The Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms, promulgated under 28 U.S.C. § 2075, together with these local rules and any local bankruptcy rules adopted by the bankruptcy court, govern practice and procedure in all bankruptcy cases and adversary proceedings in this district. These rules, and any local bankruptcy rules adopted by the bankruptcy court, supersede all previous local bankruptcy rules for the District of Hawaii.

(b) **Effective Date.** These rules shall apply to all bankruptcy cases and adversary proceedings pending on the date of adoption.

LR1070.1(a). General Reference.

Pursuant to 28 U.S.C. § 157(a), all cases under Title 11 and all civil proceedings arising under Title 11 or arising in or related to a case under Title 11 are referred to the bankruptcy judges of this district, except as provided in LR1070.1(b). A party may request that reference of a particular matter be withdrawn by filing a motion with the clerk of the bankruptcy court, who will promptly transmit the motion to the clerk of the district court.

LR1070.1(b). Pending District Court Proceedings.

Any civil proceeding arising in or related to a case under Title 11 that is pending in the district court on the date the Title 11 case is filed shall be referred to a bankruptcy judge only upon order of the district judge before whom the proceeding is pending. Such an order may be entered on the motion of a party, on the district judge's own motion, or on the recommendation of a bankruptcy judge.

LR1070.1(c). Removed and Transferred Proceedings.

Pursuant to the general reference provided in LR1070.1(a), the following may be filed with the clerk of the bankruptcy court:

(1) A notice of removal of a claim related to a bankruptcy case under 28 U.S.C. § 1452(a); and

(2) A bankruptcy case or proceeding transferred from

another district under 28 U.S.C. § 1412.

LR1070.1(d). Authorization of Bankruptcy Appellate Panel to Hear and Determine Appeals.

Pursuant to 28 U.S.C. § 158(b)(6), the Bankruptcy Appellate Panel of the Ninth Circuit may hear and determine appeals from judgments, orders, and decrees issued by bankruptcy judges in this district.

LR1070.1(e). Authorization for Bankruptcy Court to Make Local Bankruptcy Rules.

Pursuant to Fed. R. Bankr. P. 9029(a), the bankruptcy judges of this district are authorized to make and amend rules of practice and procedure in the bankruptcy court that meet the requirements of Fed. R. Civ. P. 83 and Fed. R. Bankr. P. 9029.

LR8005.1. Processing of Bankruptcy Appeals.

(a) At any time before an appeal from the bankruptcy court has been docketed in the district court as provided in Fed. R. Bankr. P. 8007, the bankruptcy court is authorized and directed, on motion of a party or its own motion:

(1) To dismiss an appeal filed after the time specified in Fed. R. Bankr. P. 8002;

(2) To dismiss an appeal in which appellant has failed to file a designation of the items for the record or a statement of the issues as required by Fed. R. Bankr. P. 8006;

(3) To hear, under Fed. R. Bankr. P. 9006(b), motions to extend the foregoing deadlines and to consolidate appeals that present similar issues from a common record.

(b) Bankruptcy court orders entered under Subsection (a) may be reviewed by the district court on motion filed within fourteen (14) days after entry of the order sought to be reviewed.

LR8007.1. Completion of Record - Bankruptcy Appeal.

The record on appeal in a bankruptcy case shall include a transcript of the hearing(s) resulting in the order or judgment from which the appeal is taken or a summary thereof agreed upon by all parties.

**LR8007.2. Transmission of Record - Bankruptcy Appeal to
District Court.**

In a bankruptcy appeal to the district court, as soon as the statement of issues, designation of record, and any transcripts that have been designated are filed with the bankruptcy court, the clerk of the bankruptcy court shall transmit to the district court a certificate of readiness, indicating that the record is complete. The clerk of the district court shall forthwith notify the parties to the appeal that this certificate has been filed at the district court, and this date shall constitute the date of entry of the appeal on the docket for purposes of Fed. R. Bankr. P. 8007 and 8009. The record shall be retained by the clerk of the bankruptcy court. A copy of the record shall be transmitted to the district court upon request by the clerk of the district court.

**LR8009.1. Requirement for Appendix to Bankruptcy Appellate
Brief.**

The requirement for an appendix to an appellant's brief in Fed. R. Bankr. P. 8009(b) shall apply to appeals to the district court. The appendix shall include excerpts of the record to be considered on appeal.