

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

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GENERAL ORDER ADOPTING PROPOSED  
AMENDED LOCAL BANKRUPTCY RULE 5077-1

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Upon consideration of 11 U.S.C. § 112 and Federal Rule of Bankruptcy Procedure 9037 and in compliance with Judicial Conference policy JCUS-SEP 07, pp. 11-12; and for cause shown; now, therefore,

IT IS HEREBY ORDERED the attached Amended Local Bankruptcy Rule 5077-1 is adopted in its entirety and made effective for all transcripts filed with this Court on and after December 1, 2008 and shall remain effective until Amended Local Bankruptcy Rule 5077-1 is formally promulgated.

So ordered this 26th day of November, 2008.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Charles L. Nail, Jr.", is written over the printed name.

Charles L. Nail, Jr.  
Bankruptcy Judge

**Rule 5077-1. Recordings and Transcripts of Hearings or Trials; Filing Transcripts of Hearings, Trials, Examinations under Rule 2004, or Depositions; Redacting Certain Information from Transcripts.**

**(a) Request for recording.** A party may request a copy, on a compact disc, of a hearing or trial by calling the Clerk's office in Pierre at 605/945-4460, providing the Clerk with the case or adversary number and the date of the hearing or trial, and paying the fee prescribed by the Judicial Conference.

**(b) Request for a transcript.** A party may request a transcript of any hearing or trial by submitting a written request on the form available on the Court's website at [www.sdb.uscourts.gov](http://www.sdb.uscourts.gov), paying the fee prescribed by the Judicial Conference, and mailing the form and a check for the fee (made payable to the official transcriber) to:

Clerk, U.S. Bankruptcy Court  
225 S. Pierre St., Suite 203  
Pierre, SD 57501

A party shall pay the prescribed deposit on the fee when the request is submitted and shall pay any balance before the transcript is delivered. If a request for a transcript contains incomplete or inaccurate information, the party submitting it must submit an amended request. Court personnel shall not alter a written request for a transcript.

**(c) Filing of and access to a transcript of an examination or a deposition.**

(1) Filing. Whenever a transcript of an examination under Fed.R.Bankr.P. 2004 or a deposition is prepared, the court reporter shall electronically file a certified copy of it with the Court. Unless otherwise directed by the Court or Clerk, the court reporter shall file the transcript in the case or adversary proceeding designated by the caption of the transcript.

(2) Access. Unless ordered otherwise, the Clerk will make the transcript available for inspection only at the Clerk's office.

**(d) Filing of and access to transcript of a hearing or trial.** Whenever a transcript of a hearing or a trial is prepared, the official transcriber shall electronically file a certified copy of it with the Court. Unless otherwise directed by the Court or Clerk, the transcriber shall file the transcript in the case or adversary proceeding designated by the caption of the transcript.

**(e) Redacting certain information from a transcript.**

(1) Responsibility to review. When a transcript of a hearing, trial, examination under Fed.R.Bankr.P. 2004, or deposition is filed, it is the responsibility of the attorneys or *pro se* parties who attended the hearing, trial, examination, or deposition to review the transcript for redaction. Each attorney or *pro se* party is responsible for reviewing the opening and closing statements made on that party's behalf, statements of the party, and testimony of any witness called by that party. In addition, the moving party or his attorney in a hearing on a contested matter and the plaintiff or his attorney in an adversary proceeding is responsible for reviewing the Court's statements.

(2) Notice of Intent to Request Redaction. Within seven calendar days of the filing of the transcript of a hearing or a trial, any person who wishes to redact

from a transcript of a hearing or trial those personal identifiers noted in Fed.R.Bankr.P. 9037(a) must file a Notice of Intent to Request Redaction with the clerk and serve a copy of the notice on the transcriber.

(3) Request for Redaction under Fed.R.Bankr.P. 9037(a). After filing a Notice of Intent to Request Redaction, the filer has 21 calendar days from the date of filing of the transcript to file a Request for Redaction and serve a copy on the transcriber. The Request for Redaction shall include a list indicating where the personal data identifiers to be redacted appear in the transcript. The list of information to be redacted should be identified by category of identifier (*e.g.*, minor's name, birth date, etc.) and shall set forth the page and line number where the information to be redacted appears in the transcript.

(4) Request for Redaction under Rule 9037(d). A person who wishes to redact information from a transcript of a hearing or trial that is not covered in Fed.R.Bankr.P. 9037(a) or from a transcript of an examination under Fed.R.Bankr.P. 2004 or a deposition, must file a motion for protective order under Fed.R.Bankr.P. 9037(d) and serve a copy on parties in interest as defined by Bankr. D.S.D. R. 9001-1(3), including but not limited to the court reporter or transcriber. No notice of the motion shall be given. The Court will enter an appropriate order or set a response deadline by order.

(5) Filing of redacted transcript. The transcriber shall file the redacted version of the transcript not more than 10 calendar days after the Request for Redaction is filed (31 days after the unredacted transcript was filed) or 10 calendar days after an order granting a motion for protective order is entered.

(6) Extension of time. A party may request an extension of the deadlines set forth in this subpart (e) by filing a motion that sets forth cause for the specific extension sought and serving the motion, without a notice, on parties in interest as defined by Bankr. D.S.D. 9001-1(3).

REFERENCES: Fed.R.Bankr.P. 9037.

**Practice pointers.** The fee for a transcript of a hearing or trial, including the deposit amount, may be obtained by calling the Clerk's office in Pierre since the fee varies with the length of the hearing or trial. The deposit check and final fee check shall be made payable to the Court's current transcriber, "Exceptional Reporting." This fee is *not* paid through the attorney's credit card.