

RULE 141 (Fed. R. Civ. P. 5.2)

SEALING OF DOCUMENTS

(a) Sealing Documents: General Principles. Documents may be sealed only by written order of the Court, upon the showing required by applicable law. To ensure that documents are properly sealed, specific requests to seal must be made even if an existing protective order, statute, or rule requires or permits the sealing of the document. Notice that a request to seal has been made, as provided in the last paragraph of (b), will typically be filed in the publicly available case file. Unless the Court orders otherwise, court orders sealing documents will also be filed in the publicly available case file and will not reveal the sealed information. Access to all documents filed under seal will be restricted to the Court and authorized court personnel.

(b) Requests to Seal. If a party seeks to seal documents, a request to seal, a proposed order, and all documents covered by the request shall be submitted to the appropriate chambers by hand-delivery, U.S. mail, same-day or overnight courier, or email. The request, proposed order, and documents shall not be filed. If submitted by hand, U.S. mail, or courier, the envelope containing the request, proposed order, and documents shall state in a prominent manner: "Request to Seal Documents." In addition, the party seeking sealing shall submit a self-addressed, stamped envelope for return of the documents. If submitted by email, the request, proposed order, and documents shall be sent to the appropriate Judge or Magistrate Judge's email box listed on the Court's website. The email subject line shall include the case number and shall state: "Request to Seal Documents."

Except in matters in which it is clearly appropriate not to serve the request, proposed order, and/or documents upon one or more other parties, all requests to seal, proposed orders, and documents shall be served on all parties on or before the day they are submitted to the Court. See L.R. 135.

The request shall set forth the statutory or other authority for sealing; the requested duration; the identity, by name or category, of persons to be permitted access to the documents; and all other relevant information. If the request, proposed order, and/or documents covered by the request were submitted without service upon one or more other parties, the request also shall set forth the basis for excluding any party from service. The documents for which sealing is requested shall be paginated consecutively so that they may be identified without reference to their content.

Except in pre-indictment criminal investigations in which sealing is sought or unless otherwise ordered, on the same day the request, proposed order, and documents are submitted to the Court, a "Notice of Request to Seal Document(s)" shall be filed electronically or, for non-electronic filers, shall be hand-delivered, provided to a courier service for same-day or overnight delivery, or placed in the mail to the Clerk, and shall be served on all parties. The Notice shall describe generally the documents

sought to be sealed; the basis asserted for sealing; and the manner in which the request to seal was submitted to the Court and served on all other parties. In pre-indictment criminal investigations, instead of filing a “Notice of Request to Seal Document(s),” government counsel shall submit to the court, with the request, proposed order and documents proposed for sealing, a proposed order sanitized of any identifying information indicating in the caption that attached documents have been approved for filing under seal, with the understanding that the sanitized order will be filed in the publicly available case file.

(c) Oppositions to Sealing Requests. Unless otherwise ordered by the Court, a party may submit to the appropriate chambers an opposition to the request to seal within three days of the date of service of the Notice. The opposition shall be served on the party or parties requesting sealing and on any other party served with the request, proposed order, and documents covered by the request.

(d) Orders on Sealing Requests. Unless the Court orders otherwise, following review of a request to seal, the documents sought to be sealed, and any opposition to the request, the Court will file in the publicly available case file an order granting or denying the request to seal. The order shall identify the documents for which sealing has been granted or denied by page number without revealing their contents. The Court may file a more detailed ruling under seal. The publicly filed order or the docket shall include a notation that a sealed order has been filed.

(e) Disposition of Documents.

Upon issuance of an order on a sealing request and unless the Court has ordered otherwise, the Clerk will file under seal the request, proposed order, and any opposition. Disposition of the documents covered by the request to seal depends on whether the request is denied or granted.

(1) Denial. If a request to seal is denied in full or in part, the Clerk will return to the submitting party the documents for which sealing has been denied .

(2) Grant. If a request to seal is granted in full or in part, the disposition of documents to be sealed depends upon whether the requesting party is authorized to file electronically.

(i) Electronic Filer. If the requesting party is authorized to file electronically, then counsel for the requesting party shall either email to the Clerk, at the email address for sealed documents listed on the Court’s website, an electronic copy of the documents covered by the sealing order, in .pdf format as an attachment, or submit to the Clerk by hand-delivery, U.S. mail, or same-day or overnight courier, a CD containing a copy of the documents in .pdf format. If submitted by email, the subject line of the email shall include the case number and the body of the email shall identify the order authorizing the sealing of the attached documents. If submitted by hand, U.S. mail, or courier, the envelope containing the CD shall state in a prominent manner:

"Sealed Documents" and shall identify the order authorizing sealing. The Clerk will file the documents under seal and will then return to the submitting party any documents submitted by hand, U.S. mail, or courier and any CD .

(ii) Non-Electronic Filer. If the requesting party is not authorized to file electronically, the Court will transmit to the Clerk the documents to be sealed along with the order authorizing sealing. The Clerk will scan the documents to be sealed and file them under seal. The Clerk will then return the documents to the submitting party ..

(f) Unsealing Documents. Upon the motion of any person, or upon the Court's own motion, the Court may, upon a finding of good cause or consistent with applicable law, order documents unsealed. See Fed. R. Civ. P. 5.2, Fed. R. Crim. P. 49.1.