

RULE 141.1 (Fed. R. Civ. P. 26)

ORDERS PROTECTING CONFIDENTIAL INFORMATION

(a) Presumption of Public Access; Limits to Protection.

(1) All information provided to the Court in a specific action is presumptively public, but may be sealed in conformance with L.R. 141. Confidential information exchanged through discovery, contained in documents to be filed in an action, or presented at a hearing or trial otherwise may be protected by seeking a protective order as described herein.

(2) A protective order is entered without prejudice to any rulings made in a different lawsuit or dispute, and the determination in an action in this Court does not bind other courts.

(b) Mechanics of Obtaining a Protective Order.

(1) **Non-Trial Civil and Criminal Protective Orders.** Either the person possessing or the party seeking information to be protected may move the Court for a protective order pursuant to L.R. 230, 251, or 430.1 or may submit a proposed stipulated protective order signed by all parties and the person possessing the information in accordance with L.R. 143. See L.R. 302(c)(2). A protective order issued prior to trial does not affect the admission of evidence at trial unless the order specifically so states.

(2) **Protective Order for Civil Trial.** A party seeking a protective order relating to the admission of evidence at trial shall submit a stipulation or request with the party's pretrial statement. A non-party seeking a protective order for trial shall submit a motion at or before the time for filing pretrial statements or promptly following discovery of the need for the order. See L.R. 230, 281, 282.

(3) **Protective Order for Criminal Trial.** Before the trial confirmation hearing in a felony or Class A misdemeanor case, either the person possessing or the party seeking information to be protected may move the Court for a protective order pursuant to L.R. 430.1 or may submit a proposed stipulated protective order signed by all parties and the person possessing the information in accordance with L.R. 143. In any other criminal action, a motion or proposed stipulated protective order shall be filed at least fourteen (14) days prior to trial. See L.R. 450.

(d) **Requirements of a Proposed Protective Order.** All stipulations and motions seeking the entry of a protective order shall be accompanied by a proposed form of order. Every proposed protective order shall contain the following provisions:

(1) A description of the types of information eligible for protection under the order, with the description provided in general terms sufficient to reveal the nature of the information (e.g., customer list, formula for soda, diary of a troubled child);

(2) A showing of particularized need for protection as to each category of information proposed to be covered by the order; and

(3) A showing as to why the need for protection should be addressed by a court order, as opposed to a private agreement between or among the parties.

(e) Hearing on Civil or Criminal Protective Orders. The Court may order that the person for whose benefit a protective order is sought shall attend a hearing, in camera or in open court, to discuss the necessity for the protective order.

(f) Filing Documents Subject to Protective Order. Documents that are the subject of a protective order may be filed under seal only if a sealing order is first obtained in compliance with L.R. 141.

(g) Closed Actions. Once the Clerk has closed an action, unless otherwise ordered, the Court will not retain jurisdiction over enforcement of the terms of any protective order filed in that action.