

**Procedures for the Filing of Sealed and Ex Parte Documents
*For Civil Cases***

(Rev. 10/2/2020)

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Remember – the procedures require the Court to first rule on the motion to seal; if granted, the Clerk’s Office will then be directed to e-file the sealed document.

PROCEDURES FOR THE FILING OF SEALED DOCUMENTS

For Civil Cases

Sealed documents will be identified on the public docket as **Sealed Motion**, **Sealed Document** or **Sealed Order**.

You must have *leave of court in the form of an order* to file sealed motions or documents. The only exception is a **sealed Motion to Seal** that is requesting leave of court to file a sealed motion or document.

OBTAINING LEAVE OF COURT TO FILE SEALED MATERIALS

Does not apply to cases assigned to Judge Rice

Judge Rice does not require parties in any civil or criminal case to seek leave of court to file a sealed document or submit proposed sealed documents.

If you are requesting leave of court to file sealed materials, select **Motion to Seal- requesting approval of court for leave to file sealed materials** from the Motions list.

The screenshot shows the ECF (Electronic Case Filing) interface. At the top, there is a navigation bar with 'Civil', 'Criminal', and 'Query' options. Below this is a 'Motions' section with a list of motion types. The 'Seal (Motion to Seal - requesting approval of court for leave to file sealed materials)' option is highlighted in blue. Other options include 'Return of Property', 'Sanctions', 'Sealed Motion (Must have prior court approval in the form of an order)', 'Service by Publication', 'Set Aside', 'Set Aside Default', and 'Set Aside Forfeiture'. At the bottom of the list, there are 'Next' and 'Clear' buttons.

Attach **only** the PDF of the motion to seal. Do not attach any other documents or your proposed order to the motion. If your motion is granted, the Clerk's Office will e-file your proposed documents under seal.

Attach only the PDF of the motion to seal.
DO NOT attach any other documents or your proposed order to the motion at this time pending the Courts approval.

Select the **pdf** document (for example: C:\199cv501-21.pdf).

Filename

Attachments to Document: No Yes

Your docket entry will appear on the public docket. You can choose if the PDF can be viewed by the public or if it should be sealed and viewed only by the filer and court staff. If you select SEALED, your document will be viewed by the filer and court staff only.

[2:12-cv-00002-JPH Mauk v. Greer](#)

The docket entry, **Motion to Seal, will appear on the public docket.**

You may choose to file this motion unsealed or sealed.

Please check the appropriate radio button below.
Selecting **UNSEALED means that the document can be viewed by all parties and the public.**
Selecting **SEALED means that the document will be sealed and cannot be viewed by the public.**

You MUST choose one. CAREFULLY MAKE YOUR SELECTION

Unsealed
 Sealed

You are instructed at the next screen to email your proposed order to the assigned judge in Word or WordPerfect format.

If you elected to file this motion as sealed, opposing counsel must be served in paper as they cannot view the PDF.

If you elected to file this motion as unsealed, you will not need to serve counsel who are registered for electronic filing and noticing in paper as they will receive a Notice of Electronic Filing and will be able to view the PDF.

Email your proposed order to the assigned judge in Word or WordPerfect format. Include the case name and number on the subject line of your email.

Use the event **Sealed Documents-Proposed** to submit your proposed sealed materials for review by the Court.

All parties registered for CM/ECF will receive electronic notice of this filing. However, the attached document can only be viewed by court staff. Counsel must be served in paper.

This docket entry will appear on the public docket.

If you selected “sealed” your motion to seal will appear on the public docket as **~~–SEALED–~~ Motion to Seal**. If you selected “unsealed” your motion to seal will appear on the public docket as **Motion to Seal**.

SUBMITTING PROPOSED SEALED MATERIALS FOR THE COURT'S REVIEW

Does not apply to cases assigned to Judge Rice

Judge Rice does not require parties in any civil or criminal case to seek leave of court to file a sealed document or submit proposed sealed documents.

After you have filed your Motion to Seal, select the event **Sealed Documents– PROPOSED***** from the dropdown box under **Other Filings, Other Documents** in the events menu. Use this event to attach the PDFs of your proposed order, any supporting documents, and any proposed sealed documents.

Other Documents



Sealed Documents-PROPOSED***

Next Clear

Important!

This event is **only** to be used for submitting proposed sealed materials for review by the court in conjunction with a motion to seal. This entry does not constitute a filing and does not appear on the public docket. If your Motion to Seal is granted, the Clerk's Office will be directed to file these materials using the docket event **Sealed Motion**, if your filing is a motion, or **Sealed Document**.

A Notice of Electronic Filing is not sent with this entry. The PDFs you attach can be viewed by court staff only.

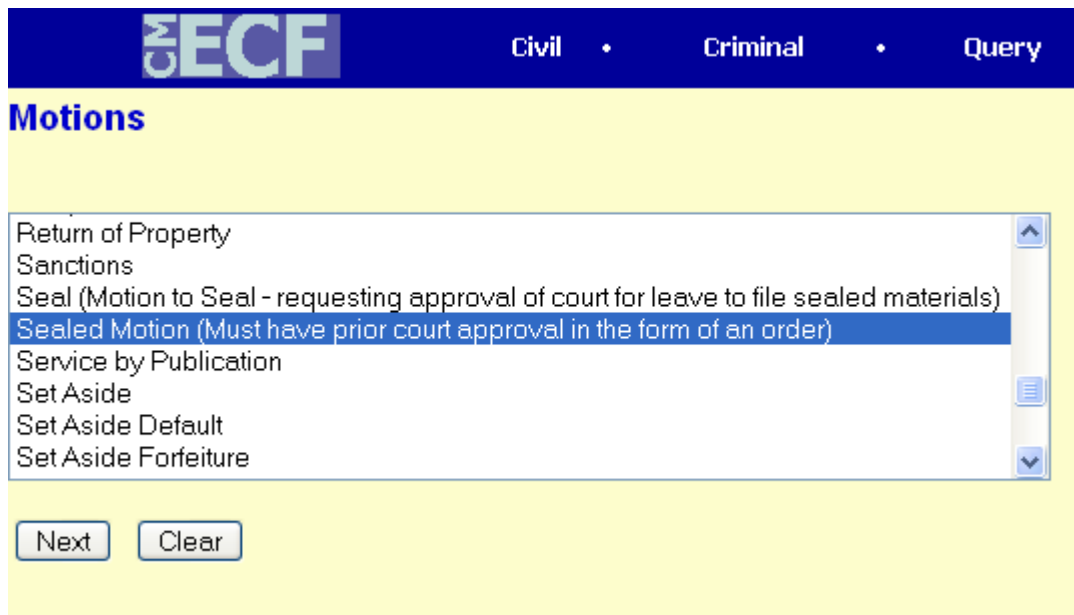
After you have obtained leave of court, in the form of an order, to file a sealed motion or other sealed documents - the Clerk's Office will be directed to file your sealed documents. The parties will receive electronic notification when the sealed documents are entered on the docket.

FILING SEALED MOTIONS AND DOCUMENTS-Protective Order in the case, obtaining leave of Court not required.

If there is a Protective Order in the case, attorneys can e-file sealed motions and documents pursuant to the Protective Order without requesting permission. The sealed document PDF can only be viewed by the filer and court staff. Sealed materials will need to be served on other counsel in paper.

If you want to file a sealed motion, select **Sealed Motion** from the Motions event list.

The motion will appear on the public docket as **Sealed Motion** and all parties registered for electronic filing and noticing will receive a Notice of Electronic Filing. Because only the filer and court staff can view the sealed PDF, all other parties will need to be served in paper.



If you want to file a sealed document *that is not a motion*, select **Sealed Document** from the dropdown box under **Other Filings, Other Documents** in the events menu.

The document will appear on the public docket as **Sealed Document** and all parties registered for electronic filing and noticing will receive a Notice of Electronic Filing. Because only the filer and court staff can view the sealed PDF, all other parties will need to be served in paper.

Other Documents

Sealed Document 

Next

Clear

SEALED ORDERS

The docket entry for sealed orders will appear on the public docket as **Sealed Order**.

A Notice of Electronic Filing will be sent to all counsel of record in the case who are registered for electronic filing and noticing.

Sealed Orders can be viewed by counsel.

PROCEDURES FOR THE FILING OF EX PARTE DOCUMENTS


FILING EX PARTE MOTIONS AND DOCUMENTS

Ex Parte documents will be identified on the public docket as **Ex Parte Motion**, **Ex Parte Document** or **Ex Parte Order**.

When Ex Parte materials are e-filed by an attorney, a Notice of Electronic Filing will be sent to all parties who are registered for electronic filing and noticing. Only the counsel for the filing party and court staff will be able to view the PDF.

EX PARTE MOTIONS

Select **Ex Parte Motion** from the Motions events menu. Attach the PDF of your motion. If you have any supporting documents to file, use the **Ex Parte Document** event from the dropdown box under **Other Filings**, **Other Documents** in the events list.



The screenshot shows the ECF (Electronic Case Filing) interface. At the top, there is a dark blue header with the ECF logo on the left and navigation links for "Civil", "Criminal", and "Query" on the right. Below the header, the word "Motions" is displayed in a yellow background. A dropdown menu is open, listing various motion types: "Disqualify Judge", "Disqualify Juror", "Enforce IRS Summons", "Enforce Judgment", "Ex Parte Motion" (which is highlighted in blue), "Exclude", "Expedite", and "Extension of Time to Amend". Below the dropdown menu, there are two buttons: "Next" and "Clear".

Important! If you are requesting oral or telephonic hearing on your Ex Parte motion, contact the Courtroom Deputy to arrange a date and time.

EX PARTE ORDERS

The docket entry for Ex Parte orders will appear on the public docket as **Ex Parte Order**. A Notice of Electronic Filing will be sent to all parties who are registered for electronic filing and noticing.

The PDF can only be viewed by court staff and by counsel for the applicable party.

PERSONAL IDENTIFIERS

You should not include sensitive information in any document filed with the court unless such inclusion is necessary and relevant to the case. You must remember that any personal information not otherwise protected will be made available over the Internet via PACER. If sensitive information must be included, certain personal identifiers must be partially redacted from the pleading or document (e.g., use only the last four digits of a social security number, the initials of a minor child's name, the year for an individual's date of birth, the last four digits of a financial account number, and in criminal cases the city and state for a home address that must be included, etc.).

Please refer to the Electronic Case File Access and Privacy notice at:

http://www.waed.uscourts.gov/sites/default/files/u90/elect_case_access-privacy.pdf.

Option for Additional Unredacted Filing Under Seal / Option for Filing Reference List

Pursuant to the Federal Privacy Rules, a person making a redacted filing may also file an unredacted copy under seal (Fed. R. Civ. P. 5.2 (f)). Another option is to file a reference list (Fed. R. Civ. P. 5.2 (g)). [To view these rules in their entirety, see the Federal Privacy Rules Brochure at: http://www.waed.uscourts.gov/sites/default/files/u90/Fed_R_Civ_P_5-2.pdf]

Use the event **Unredacted Document or Reference List** located in **Other Filings, Other Documents** to file your unredacted document (containing personal identifiers) or reference list under seal. A prior court order is not necessary if the document or reference list is filed pursuant to Fed. R. Civ. P. 5.2.

Other Documents

A screenshot of a dropdown menu titled "Other Documents". The menu is open, showing a list of document types. The top and bottom items are "Unredacted Document or Reference List-SEALED" with a downward arrow. The middle items are: "Release of Lis Pendens", "Reply - Non Motion", "Report", "Response - Non Motion", "Response to Order to Show Cause", "Satisfaction of Judgment", "Satisfaction of Judgment - Partial", "Sealed Document", "Sealed Documents-PROPOSED^{alot}", "Settlement Agreement", "State Court Documents", "State Court Record Index - Prisoner Habeas Only", "Statement", "Status Report", "Stipulation", "Stipulation of Dismissal", "Suggestion of Bankruptcy", "Suggestion of Death", and "Supplement". A vertical scrollbar is visible on the right side of the list.

- Unredacted Document or Reference List-SEALED
- Release of Lis Pendens
- Reply - Non Motion
- Report
- Response - Non Motion
- Response to Order to Show Cause
- Satisfaction of Judgment
- Satisfaction of Judgment - Partial
- Sealed Document
- Sealed Documents-PROPOSED^{alot}
- Settlement Agreement
- State Court Documents
- State Court Record Index - Prisoner Habeas Only
- Statement
- Status Report
- Stipulation
- Stipulation of Dismissal
- Suggestion of Bankruptcy
- Suggestion of Death
- Supplement
- Unredacted Document or Reference List-SEALED

Note: A **redacted copy for the public file** must be filed with the Court. Use the appropriate event to e-file your motion or document, and attach a PDF with the appropriate redactions.