

# **SEALED & EX PARTE E-FILING GUIDELINES**

## **(Civil Cases)**

### **Sealed E-Filing**

**IMPORTANT!** These procedures apply to documents intended for e-filing under seal in a non-sealed case. E-filing is not permitted in sealed cases. Documents intended for filing in sealed cases must be submitted in paper form.

Pursuant to Local Rule of Civil Procedure 5.6, a filer generally may not file anything under seal without leave of court<sup>1</sup>. An exception is a sealed response or sealed reply to a motion that has **previously been approved** for filing under seal.

Please note that only a registered user who is properly associated with the affected case can e-file a sealed or proposed sealed document in that case.

Following is a description of the various event options, all of which can be found under the “Sealed Documents” category to use in conjunction with sealed e-filing:

1. Sealed Lodged Proposed Documents

**Use this event, which is sealed, to lodge the document to which a motion to seal, relates.** To do this, use the “Sealed Lodged Proposed Document” event located under the “Sealed Documents” category of events on the civil events menu. This event will prompt for a description of the document and to link to the motion to seal. (Note: If the judge grants the motion to file the proposed document under seal, the Clerk will do so. If the motion is denied, the lodged proposed document remains under seal and will not be considered. The filer has the option of resubmitting the document in the public record.)

2. Sealed Other Documents

**Use this event to file under seal a response or reply to a motion only if the court had previously and specifically granted leave for the related motion to be filed under seal.**

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<sup>1</sup>To file something under seal, court approval is necessary. A filer must first use the “Motions” event from the “Motions and Related Filings” category on the civil (non-sealed) events menu and select the event “Seal”, “Seal Case”, or “Seal Document”, as appropriate, for the type of relief. (The motion to seal will not be filed under seal.) However, the document for which sealed status is being requested may be lodged under seal by using the “Sealed Lodged Proposed Document” event described in #1, above.

### **Availability and Noticing of Sealed Documents**

Sealed Documents Filed in Civil Cases: Any non-*ex parte* document electronically filed in a **civil case** via an event labeled *Sealed* (e.g., *Sealed Lodged Proposed Documents*) will be unavailable for viewing by any attorney or member of the public. However, the docket text associated with the entry will be available for viewing at the courthouse or via PACER. A NEF will generate and display the docket text, however, the document itself will be unavailable. Counsel must serve copies on opposing counsel by mail.

### **Ex Parte Motion & Document E-Filing**

Ex Parte Motion: An ex parte motion may be e-filed by accessing the “Ex Parte Motion “ event located under the “Motions & Related Filings” header.

Ex Parte Document An ex parte document may be e-filed by accessing the “Ex Parte Document” event located under the “Other Filings” header.

### **Availability and Noticing of Ex Parte Motions & Documents**

The entry and document associated with an ex parte motion or document become available for viewing by the public the day after filing. The entry & document are immediately available for viewing by court users. No NEF will issue to the filing attorney or other counsel when e-filing these events. If the e-filer wishes to submit an ex parte document under seal, follow the instructions set forth under the “Sealed E-Filing” portion of these instructions.