

EX PARTE AND SEALED E-FILING GUIDELINES

Filing an Ex Parte Motion

The “Ex Parte Motion” event is located under the “Motions and Related Filings” category of criminal events. When using the “**Ex Parte Motion**” event, the e-filer will be given two options, as follows:

Ex Parte (No NEF) Investigative/Expert/Other Services (No NEF)

Use the “**Ex Parte (No NEF)**” event to e-file any type of *ex parte* motion that does not request authorization to obtain investigative, expert, or other services. **The event is not sealed**, and will be available for viewing on the public docket via PACER on the following business day. The event will not generate a NEF to the filer or to opposing counsel.

Use the “**Investigative/Expert/Other Services (No NEF)**” event to e-file any motion for such services that does not need to be filed under seal, e.g., a request for interpreter or paralegal services. **The entry is not sealed, but is restricted to electronic viewing by court users only.** The event will not generate a NEF to the filer or to opposing counsel. Any counsel of record may view this document by physically visiting the Clerk’s Office and making a request. *If the filer prefers that an ex parte motion for investigative/expert or other services be filed under seal and completely unavailable for viewing by opposing counsel, use the “Sealed Ex Parte Motions” option under the “Sealed Documents” category of events and select “Sealed Ex Parte Motion to Seal Ex Parte Document”.*

Filing Sealed Documents

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.

Generally a filer may not file anything under seal other than a motion to seal. The only exception is a sealed response or sealed reply to a motion that has previously been approved for filing under seal. Any other document intended for filing under seal without a separate motion and order to seal but pursuant to an applicable statute, rule or previously issued order authorizing the sealed filing (e.g. documents subject to a protective order) must be submitted and served in paper form.

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 to use in conjunction with sealed e-filing:

- Sealed Motions (To Seal Case or Doc Only)
***This event is solely for the purpose of seeking leave to file something under seal.** Use this event to file a motion asking the court to seal the entire case, or to file a motion asking the court for permission to file a motion or other document under seal. For example, do not use this event to file a sealed motion to continue. Instead, use this event to move for leave to file the motion to continue under seal, i.e., select “Sealed Motions (To Seal Case or Doc Only)”, then select “Seal Document.” Append the motion to seal and, when prompted, enter “Motion to Continue” and any other relevant language to the docket text. The Motion to Continue itself should be lodged using the separate event, “Sealed Lodged Proposed Documents.”*
- Sealed Lodged Proposed Documents
***Use this event to lodge the document to which the motion to seal, described above under “Sealed Motions (To Seal Case or Doc Only)”, relates.** For example, if the filer wishes to submit a motion to continue under seal, a “Sealed Motion (To Seal Case or Doc Only)” should first be filed asking the court to authorize the sealed filing of the motion to continue. Then, the actual motion to continue may be lodged under seal using the “Sealed Lodged Proposed Documents” event. When prompted, describe the document (Motion to Continue), and also be prepared to enter the document number of the motion to seal the lodged proposed document. (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.)*
- Sealed Ex Parte Motion to Seal
***Use this event to request leave to file an ex parte document under seal.** In effect, this is an ex parte motion to file an ex parte motion (or other document) under seal. For example, do not use this event to file a sealed ex parte motion for investigator. Instead, use this event to move for leave to file the ex parte motion for investigator under seal, i.e., select “Sealed Ex Parte Motions”, then select “Sealed Ex Parte Motion to Seal Ex Parte Document.” Append the ex parte motion to seal and, when prompted, type in “ex parte motion for investigator” and any other relevant language to the docket text. The Ex Parte Motion for Investigator itself should be lodged using the separate event, “Sealed Ex Parte Lodged Proposed Documents.”*
- Sealed Ex Parte Lodged Proposed Documents
***Use this event to lodge the document to which the ex parte motion to seal, described above under “Sealed Ex Parte Motions”, relates.** For example, if the filer wishes to submit an ex parte motion for investigator under seal, a “Sealed Ex Parte Motion” should first be filed asking the court to authorize the sealed filing of the ex parte motion for investigator. Then, the actual ex parte motion for*

investigator may be lodged under seal using the “Sealed Ex Parte Lodged Proposed Documents” event. When prompted, describe the document (Sealed Ex Parte Motion to For Investigator), and also be prepared to enter the document number of the related motion to seal the ex parte lodged proposed document. (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.)

- 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.

Availability of Sealed Documents

Sealed Ex Parte Documents: Any document electronically filed in a **civil or criminal case** via an event labeled ***Sealed Ex Parte*** (e.g., **Sealed Ex Parte Lodged Proposed Documents**) will not be available for viewing by any attorney or member of the public. The docket text entry and the document itself are sealed and unavailable for access through PACER or at the courthouse. No NEF will issue when e-filing these events

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. No NEF will generate when these documents are e-filed, and counsel must serve copies on opposing counsel by mail.

Sealed Documents Filed in Criminal Cases: Any non-*ex parte* document electronically filed in a **criminal 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. The docket text entry and document itself are sealed and unavailable for access through PACER or at the courthouse. When e-filing these documents, counsel must serve copies on opposing counsel by mail.