

SEALED & EX PARTE E-FILING GUIDELINES

Criminal Cases

Below identifies six categories available for e-filing sealed documents and ex parte documents in criminal cases. For each category there is a description of the events available to select, viewing restriction applied if any, NEF results, and other information applicable to the category.

E-filing in Juvenile Cases: For information on e-filing in a juvenile case, please go to E-Filing —> E-Filing Procedural Information —> How to E-File in a Juvenile Case.

Sealed Documents

Below pertains to e-filing sealed documents in a public case. (Note: Documents intended for a sealed case must be submitted in paper form. Attorneys are not authorized to e-file in sealed criminal cases with the exception of juvenile cases filed on or after June 1, 2011.)

Category: Sealed Other Documents

- There are two event selections: Sealed Reply to Response to Motion (No NEF)
Sealed Response to Motion (No NEF)
- The entire entry is sealed and it is not available for viewing via PACER or at the courthouse.
- NEF does not issue to any counsel in the case.
- Pursuant to LRCrim 49.4(a), leave of court is not required to file under seal a response or reply to a sealed criminal motion. **IMPORTANT!** Use only if the court had previously and specifically granted leave for the related motion to be filed under seal.

Category: Sealed Motions (To Seal Case or Doc Only)

- There are two event selections: Sealed Motion to Seal Case (No NEF)
Sealed Motion to Seal Document (No NEF)
- The entire entry is sealed and it is not available for viewing via PACER or at the courthouse.
- NEF does not issue to any counsel in the case.
- This category must be used for any type of motion to seal. Leave of court is not needed to file the motion to seal under seal.

Category: Sealed Lodged Proposed Documents

- There is one event selection: Sealed Lodged Proposed Document (No NEF)
- The entire entry is sealed and it is not available for viewing via PACER or at the courthouse.
- NEF does not issue to any counsel in the case.
- **IMPORTANT!** See below section Lodging Proposed Sealed Documents for proper use of this category.

Lodging Proposed Sealed Documents

Pursuant to LRCrim 49.4, a filer generally may not file anything under seal without leave of court. Below outlines the steps for obtaining an order to file a document under seal in a public case and which encompasses use of the category Sealed Lodged Proposed Documents.

1. Use event Sealed Motion to Seal Document (No NEF) from the Sealed Motions (To Seal Case or Doc Only) category when motioning to seal a proposed document. Do not attach the proposed sealed document to this entry.
2. Use event Sealed Lodged Proposed Document (NEF) from the category Sealed Lodged Proposed Document to lodge the sealed document which is the subject of the motion to seal. The event prompts user with *Description of Proposed Document* and *Doc # of related motion requesting leave to file this proposed document*. This information is inserted into the docket text of the entry.
3. If the motion is granted, the Clerk will e-file the lodged document under seal. If denied, the lodged proposed document remains sealed and will not be considered. The filer has the option of resubmitting the document in the public record.

Ex Parte Motions

Note re Juvenile Cases: There are four categories specifically for filing ex parte documents in juvenile cases. For this and other information on e-filing in a juvenile case, please go to E-Filing —> E-Filing Procedural Information —> How to E-File in a Juvenile Case.

Category: Ex Parte Motion for Investigative/Expert Services (CJA Attorney)

- There is one event selection: Investigative/Expert/Other Services (No NEF).
- The entire entry is sealed and is not available for viewing via PACER or at the courthouse.

- NEF does not issue to any counsel in the case.
- The event is intended for use by counsel appointed under the Criminal Justice Act. Leave of court is not required to e-file under seal.

Category: Motions

- This category is used generally for most motion entries.
- The docket text entry and pdf document is available for viewing by all users via PACER and at the courthouse.
- NEF issues to all counsel in the case.
- Prompt appears “Is this motion Ex Parte?” with Yes/No radio buttons. Default is to No.
- If Yes radio button is selected, two things happen: 1) At the next screen a message displays advising the event is public and if the event is to be sealed to use motion to seal and separately lodge the document, and 2) EX PARTE is auto-generated in the docket text entry.

Category: Amended Motions

All of the same information for the Motions category applies.