

MOTION TO SEAL EXAMPLES

The Sealed Document Guidelines provide assistance to litigants on how to file documents when 1) redaction is required for personal identifiers; 2) sealing is allowed without a motion to seal; and 3) sealing requires a motion to seal. Of these three categories, the procedures are the most complicated when filing a motion to seal. To help visualize how the guidelines would work within CM/ECF, the following example shows how a brief and attachments with confidential information could be filed in CM/ECF.

BASIC STEPS

The procedures for requesting a motion to seal a document have four basic steps. First, the filer should file public/redacted versions of all documents. For our example, a brief with confidential information in the brief and two of four attachments would be filed in CM/ECF with the “Brief” docketing event and would appear as follows:

02/17/2014	view 51	REDACTED BRIEF IN SUPPORT OF 50 MOTION for Summary Judgment filed by ELIZABETH SMITH (Attachments: # 1 Jim Smith Deposition (redacted), # 2 Jim Smith Lab Report (redacted), # 3 Affidavit of expert Mary Smith, # 4 Letter from Jim Smith to Ellen Jones) (ATTORNEY, ROBERT) (Entered: 02/17/2014)
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Document Selection Menu

Select the document you wish to view.

Document Number: [51](#) 21 pages 289 kb

Attachment	Description		
1	Jim Smith Deposition (redacted)	35 pages	2.1 mb
2	Jim Smith Lab Report (redacted)	13 pages	0.7 mb
3	Affidavit of expert Mary Smith	36 pages	2.1 mb
4	Letter from Jim Smith to Ellen Jones	12 pages	1.5 mb

Second, the filer should file a Motion to Seal, which is a public document.

Third, file a Brief and, if required, an affidavit. Both of these documents can be filed under seal using the “Sealed Brief” docketing event. If the filer has a confidentiality interest in the documents, the filer should submit the brief. If another party has a confidentiality interest in the documents, the other party should file the brief within 14 days of filing the motion to seal.

Fourth, the filer should file all unredacted documents, using the “Sealed Unredacted Documents” event. Using the previous example, the CM/ECF docketing would appear as follows (document 54 would be the brief):

02/17/2014	view 54	SEALED UNREDACTED DOCUMENTS - 54 BRIEF IN SUPPORT OF 50 MOTION for Summary Judgment (redacted version filed at 51) filed by ELIZABETH SMITH (Attachments: # 1 Jim Smith Deposition (redacted version filed at 51-1), # 2 Jim Smith Lab Report (redacted version filed at 51-2) (ATTORNEY, ROBERT) (Entered: 02/17/2014)
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Document Selection Menu

Select the document you wish to view.

Document Number: [54](#) 21 pages 289 kb

Attachment Description

[1](#) Jim Smith Deposition 35 pages 2.1 mb

[2](#) Jim Smith Lab Report 13 pages 0.7 mb

STEPS WHERE PARTIES HAVE NOT BEEN ABLE TO CONFER PURSUANT TO LR 5.4(c)

The order of these steps would change if the filer is submitting a document in which another party has a confidentiality interest and it was not possible for the filer to timely confer with the party claiming confidentiality and prepare a redacted version of the documents. In that instance, the filer would perform the following steps:

First, file all documents under seal (including documents to be redacted in the future and related documents not previously docketed) using the “Sealed Unredacted Documents Event.” Using the previous example, the CM/ECF docketing would appear as follows (document 52 would be the brief):

02/17/2014	view 52	SEALED UNREDACTED DOCUMENTS - 52 BRIEF IN SUPPORT OF 50 MOTION for Summary Judgment filed by ELIZABETH SMITH (Attachments: # 1 Jim Smith Deposition, # 2 Jim Smith Lab Report, # 3 Affidavit of expert Mary Smith, # 4 Letter from Jim Smith to Ellen Jones (ATTORNEY, ROBERT) (Entered: 02/17/2014)
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Document Selection Menu

Select the document you wish to view.

Document Number: [52](#) 21 pages 289 kb

Attachment Description

1	Jim Smith Deposition	35 pages	2.1 mb
2	Jim Smith Lab Report	13 pages	0.7 mb
3	Affidavit of expert Mary Smith	36 pages	2.1 mb
4	Letter from Jim Smith to Ellen Jones	12 pages	1.5 mb

Second, file a Motion for Extension of Time to Confer and File Redacted Documents. This would be a public document.

Third, the filer should file a Motion to Seal, which is a public document. The other party having a confidentiality interest in the documents will still have 14 days from the filing of this motion to submit their brief unless the Court orders otherwise.

Fourth, after the parties have met and prepared the redacted documents, file all public versions of the documents previously filed under seal. Using our example, the filer would use the CM/ECF “Brief” event, which would appear as follows:

02/27/2014	view 55	REDACTED BRIEF IN SUPPORT OF 50 MOTION for Summary Judgment (unredacted version filed at 52) filed by ELIZABETH SMITH (Attachments: # 1 Jim Smith Deposition (unredacted version filed at 52-1), # 2 Jim Smith Lab Report (unredacted version filed at 52-2), # 3 Affidavit of expert Mary Smith, # 4 Letter from Jim Smith to Ellen Jones (ATTORNEY, ROBERT) (Entered: 02/27/2014)
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Document Selection Menu

Select the document you wish to view.

Document Number: [55](#) 21 pages 289 kb

Attachment Description

1	Jim Smith Deposition (redacted)	35 pages	2.1 mb
2	Jim Smith Lab Report (redacted)	13 pages	0.7 mb
3	Affidavit of expert Mary Smith	36 pages	2.1 mb
4	Letter from Jim Smith to Ellen Jones	12 pages	1.5 mb

Fifth, file unredacted copies of the redacted documents, with the redactions highlighted or marked to show what portions of the documents have been redacted, using the “Sealed Unredacted Documents Event.” Using the previous example, the CM/ECF docketing would appear as follows (document 56 would be the brief):

02/17/2014	view 56	SEALED UNREDACTED DOCUMENTS - MARKED- 56 BRIEF IN SUPPORT OF 50 MOTION for Summary Judgment filed by ELIZABETH SMITH (Attachments: # 1 Jim Smith Deposition, # 2 Jim Smith Lab Report) (ATTORNEY, ROBERT) (Entered: 02/17/2014)
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Document Selection Menu

Select the document you wish to view.

Document Number: [56](#) 21 pages 289 kb

Attachment Description

[1](#) Jim Smith
Deposition 35 pages 2.1 mb

[2](#) Jim Smith Lab
Report 13 pages 0.7 mb

If you have any questions regarding these examples or procedures for filing sealed documents, please contact the Clerk's Office at 336-332-6000.