**UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF WASHINGTON**
ECF Help Desk 1-866-236-5100 ● www.waed.uscourts.gov

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

(Rev. 1/17/14)

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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.*

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# PROCEDURES FOR THE FILING OF SEALED DOCUMENTS

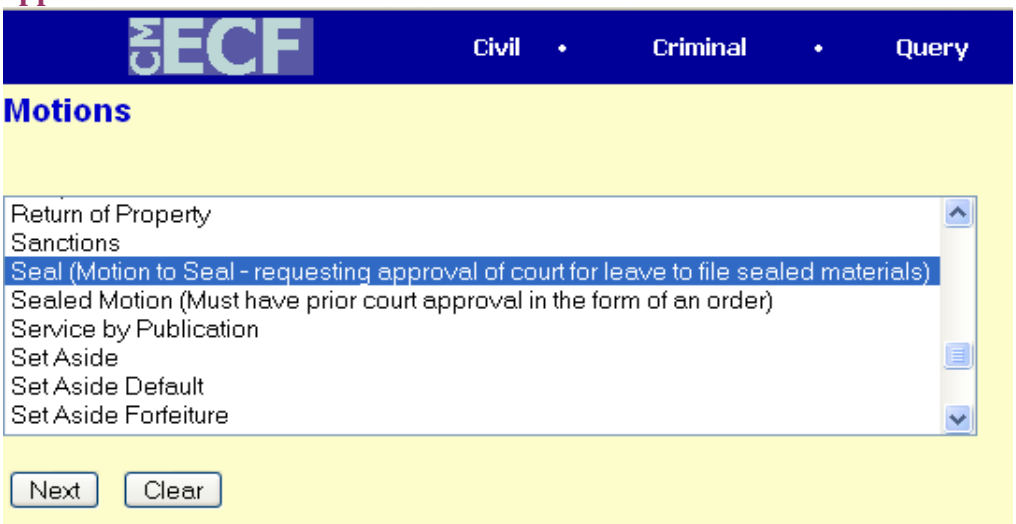
***For Civil Cases***

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*

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.




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**
Browse...
**Attachments to Document:** No Yes

Next Clear

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.**

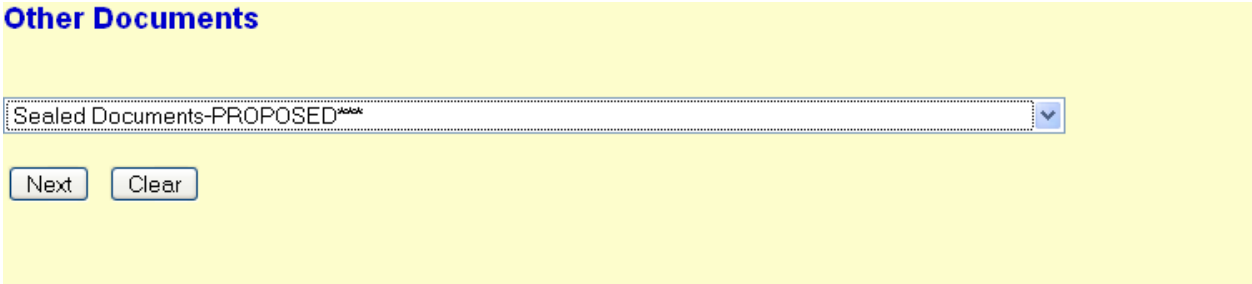
**This docket entry will appear on the public docket.**

Next Clear

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*

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.




***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.

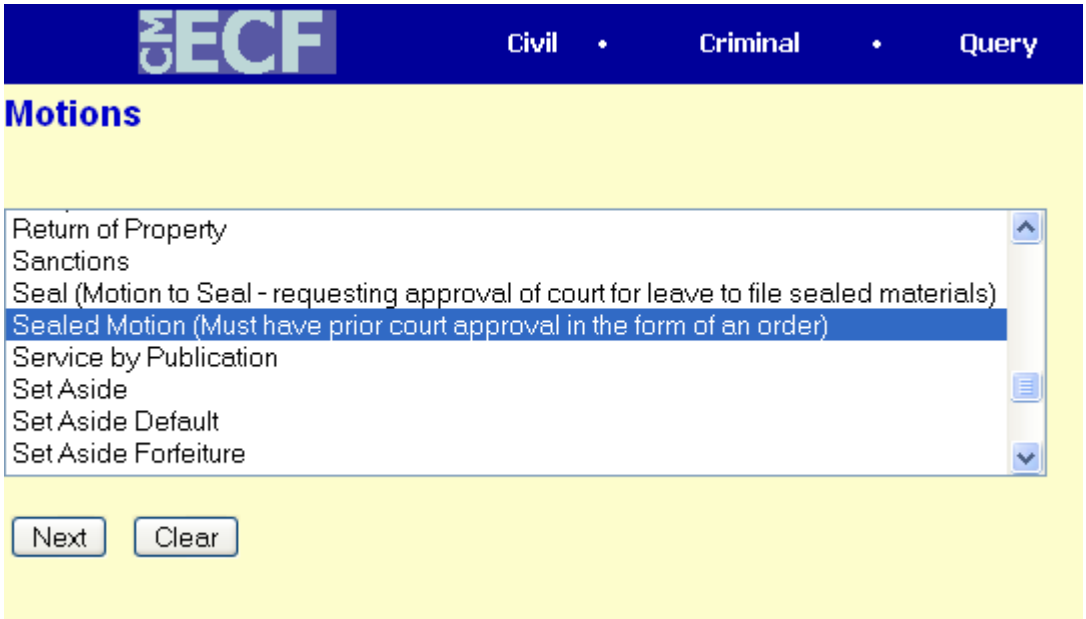
**After you have obtained leave of court, in the form of an order, to file a sealed motion or other sealed documents - the Clerk's Office will be directed to file your sealed documents.** The parties will receive electronic notification when the sealed documents are entered on the docket.

## *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.

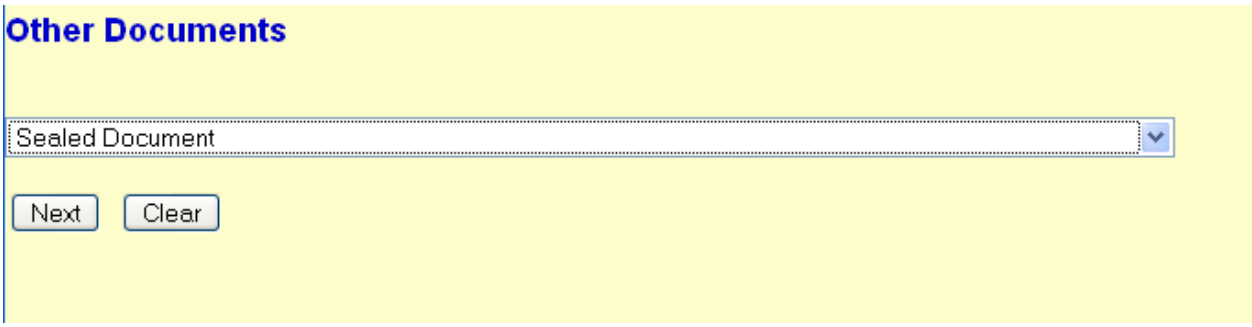
If you want to file a sealed motion, select **Sealed Motion** from the Motions event list.

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.




## *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

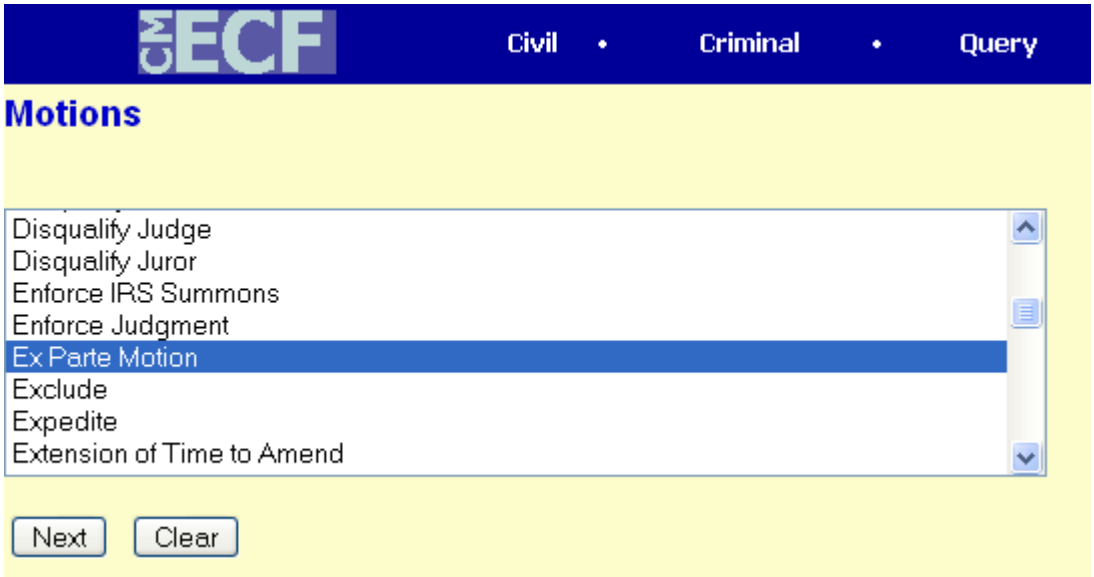
## *FILING EX PARTE MOTIONS AND DOCUMENTS*

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.




***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*

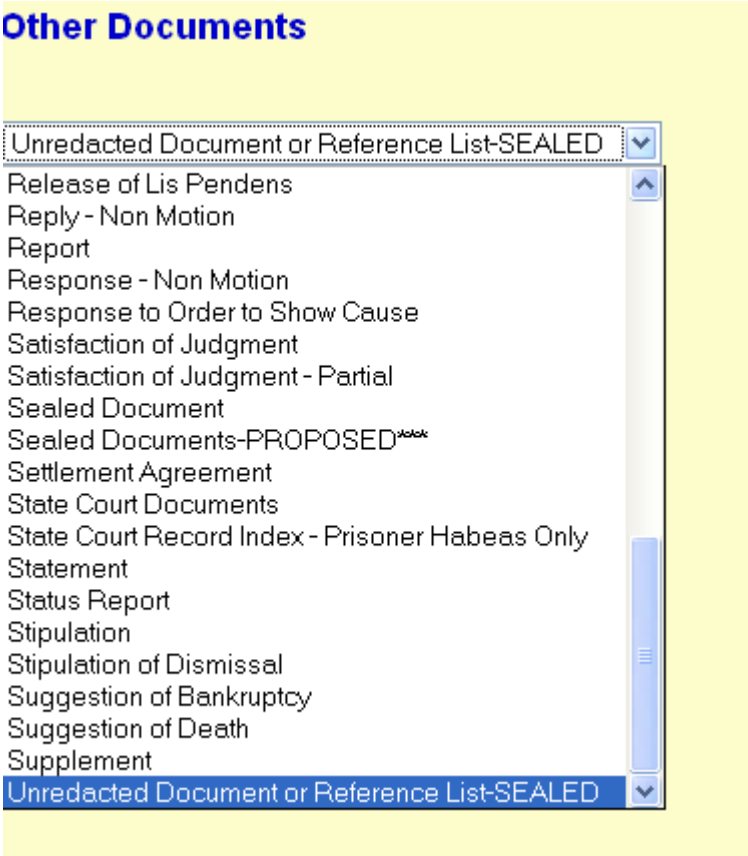
You should not include sensitive information in any document filed with the court unless such inclusion is necessary and relevant to the case. You must remember that any personal information not otherwise protected will be made available over the Internet via PACER. If sensitive information must be included, 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: www.waed.uscourts.gov/privacy-policy.

**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: www.waed.uscourts.gov/privacy-policy. ]

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.




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.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

| | | |
|---|---|---|
| Plaintiff, | ) | NO. |
| -vs- | ) | ORDER GRANTING MOTION TO SEAL |
| Defendant. | ) | |

Before the Court is [Plaintiff's] [Defendant's] Motion to Seal, filed _____, **ECF No.** [___].

The Court has reviewed the Motion and the supporting documents and is fully informed. Accordingly,

**IT IS ORDERED** that:

1. The [Plaintiff's] [Defendant's] Motion to Seal, filed _____, **ECF No. [__]**, is **GRANTED**.

2. The District Court Executive is directed to file the proposed sealed documents at **ECF No.** [ ] as sealed.

The District Court Executive is directed to file this Order and provide copies to counsel.

**DATED** this _____ day of_____, _____.

_____

UNITED STATES DISTRICT JUDGE