



**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

Howard H. Baker Jr. United States Courthouse
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Knoxville, Tennessee 37902
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LEANNA R. WILSON
Clerk of the Court

CHRIS FIELD
Chief Deputy Clerk

NOTICE

Pursuant to 28 U.S.C. § 2071, the Clerk of the Court hereby gives notice of and an opportunity for comment regarding the Court's proposal to amend Rule 12.2 (Sealed Documents) of its Electronic Case Filing Rules and Procedures as shown below. Additions are in red and underlined and deletions are struck through.

Comments should be directed in writing to LeAnna R. Wilson, Clerk of Court, by November 13, 2023, at the above address.

12.2 Sealed Documents

A party wanting to file a document under seal must file a motion using the *Leave to File Document Under Seal* motion event. The document sought to be sealed is not to be filed as an attachment to the motion. The document shall be docketed separately from the motion using the *Proposed Sealed Document* event.¹ This event will automatically seal the document.

If the motion is granted, the clerk's office will ~~retrieve the document and re-docket it~~ revise the docket text from "proposed sealed document" to "sealed document," except in the case of a sealed motion. If the proposed sealed document is a motion, and the motion to seal is granted, the clerk's office will retrieve and re-docket the sealed motion. If the motion is denied, the clerk's office will delete the document and modify the docket entry to note the document was deleted upon the denial of the motion to seal.

Motions to seal will not be sealed. Counsel is strongly encouraged to set forth in the motion the justification for sealing in such a way that the motion need not be sealed. If counsel deems it necessary for the justifications to be sealed, counsel shall note in the motion that a memorandum is being filed and request that the memorandum and the document be sealed. The memorandum is not to be filed as an attachment to the motion. The memorandum shall be docketed separately from

the motion using the *SEALED Memo in Support of Leave to File Doc Under Seal* event.² This event will automatically seal the memorandum.

If the court orders the memorandum sealed, no further action will be needed. If the court does not order the memorandum sealed, the clerk's office will delete the memorandum and modify the docket entry to note the memorandum was deleted upon the ruling on the motion.

Except as otherwise provide by statute, rule, or order, only court personnel will have access to sealed documents. Unless otherwise directed by the Court, docket entries for sealed documents will appear on the publicly viewable docket report, but the document will not be viewable to the public. A notice of electronic filing will be sent upon the filing of a sealed document. However, non-court users will not be able to access the document. Accordingly, service of proposed sealed documents and memoranda in support of motions to seal must be made in some other manner allowed under the *Federal Rules of Civil Procedure* or *Federal Rules of Criminal Procedure*.

NOTE: These procedures do not apply to motions and orders sealing criminal complaints, indictments and informations, which are governed by Local Rule 26.2 (c) and Sections 4.5.1 and 4.5.2 of these rules and procedures.

Comments:

By converting proposed sealed documents to sealed documents, this revision simplifies the docket in aid of the parties' review.