

## FILING SEALED DOCUMENTS AND *EX PARTE* MOTIONS<sup>1</sup>

### Filing a sealed document in an unsealed case

- For detailed instructions, see CM/ECF Rule 12.2.  
[http://tned.uscourts.gov/docs/ecf\\_rules\\_procedures.pdf](http://tned.uscourts.gov/docs/ecf_rules_procedures.pdf)
- Docket motion in CM/ECF using the *Leave to File Document Under Seal* motion event. The motion will NOT be sealed. Service will be effected by CM/ECF to all attorneys who are CM/ECF users.
- Do NOT attach the document sought to be sealed to the motion. Docket the document separately from the motion using the *Proposed Sealed Document* event.
  - The document will be automatically sealed.
  - A notice of the filing will be sent by CM/ECF to all attorneys who are CM/ECF users.
  - Non-court users will not be able to access the document. Counsel must serve the proposed sealed document in some other manner allowed under the *Federal Rules of Civil Procedure* or *Federal Rules of Criminal Procedure*.
- If the motion is granted, the clerk's office will 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.

### Filing a document in a sealed case

- The document must be filed on paper in the clerk's office.
- CM/ECF will NOT effect service—counsel must serve the document in some other manner allowed under the *Federal Rules of Civil Procedure* or *Federal Rules of Criminal Procedure*.

### *Ex parte* motion

- The motion **must** be filed on paper in the clerk's office.
- CM/ECF will NOT effect service—counsel must serve the motion on any party entitled to service in some other manner allowed under the *Federal Rules of Civil Procedure* or *Federal Rules of Criminal Procedure*.

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<sup>1</sup> 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 CM/ECF Rules 4.5.1 and 4.5.2.