Sealed Documents

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Sealed Documents

Introduction

This document provides information and procedures for e-filers regarding motions and proposed orders to seal documents, filing documents under seal, viewing sealed documents, and the submission of documents for review in chambers.

Sealed documents basics

Local rules

Documents filed under seal and documents submitted for review in chambers are covered by LBR 9018-1.

Privacy restrictions

Documents filed under seal will appear as docket entries, but unauthorized parties will be unable to open and view the sealed documents.

Motions and proposed orders

Per LBR 9018-1(b), orders must be entered allowing documents to be filed under seal before the documents are sealed. This means that a motion to seal must be filed and granted before a document is filed under seal. However, motions may also be filed with that event regarding unsealed documents already on the docket.¹

Motions to file a document under seal or to seal an unsealed document already on the docket are filed with the *Seal Document or All Records* event (see the <u>Motions file document under seal</u> section below for filing instructions).

LBR 9018-1(b) requires that the names of all individuals authorized to view a sealed document without prior written approval be included in a proposed order submitted in conjunction with a motion to seal.²

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¹ Access will be restricted to the document while the motion is pending.

² See separate <u>Order & Judgment Submission</u> procedures for more information about the submission of proposed orders.

Filing documents under seal

Once a motion to seal has been granted, the document in question may be filed under seal. See the Filing documents under seal section below for filing instructions.

Viewing sealed documents

When the documents are filed, the court will modify security restrictions to allow access through PACER to all ECF participants named as authorized parties in the order allowing the filing of the document under seal.

If you are named in the order but cannot access the sealed document through PACER, contact the case administrator assigned to the case in which the sealed document is filed (<u>click here</u> for contact information).

If you are not named as an authorized party in the order and you wish to view a sealed document, you must first file a motion to view the document using the applicable of the following events:

- Bankruptcy > Motions/Applications > Miscellaneous Motion
- Adversary > Motions > Miscellaneous Motion

Seal vs. redact

For motions to protect discrete bits of information in a document per FRBP 9037 (for example, social security numbers) as opposed to filing an entire document under seal, see separate Redactions procedures.

Sealed proposed orders

If you wish to submit a proposed order that is not viewable by the public, file the proposed order as a sealed document per the <u>Filing documents under seal</u> section below rather than uploading it as you would with a standard proposed order.

As with standard sealed documents, an order allowing the filing must be entered before the proposed order may be filed under seal.

Documents submitted for review in chambers

Documents submitted for review in chambers should be submitted directly to chambers rather than being filed with the clerk.

An authorization must be obtained from the judge before the document is submitted. Contact chambers staff if you would like to arrange for the submission of a document of review in chambers (click here for contact information).

Sealing an entire case

Per 11 U.S.C. § 303(k), the court may seal "all records of the court relating to" fraudulently filed involuntary petitions upon motion by an individual debtor. That is, the court may seal an entire case. See the Motions to seal an entire case section below for filing instructions.

Filing Procedures

Motions to file document under seal

Use the following steps to file a motion filed a document under seal:³

Steps	Action		
1	Click on Bankruptcy or A	Adversary on the CM/ECF main menu bar	
2	Select Motions/Applicat	ions (or Motions for adversary proceedings)	
3	Enter case number in for	rmat xx-xxxxx (or yy-yyyy for adversary proceedings)	
4	Select Seal Document or	r All Records	
5	Select or add represente	ed party ⁴	
6	Use the radio button to	select Document	
7		ct whether the motion to shorten includes an affidavit, , brief, or memorandum (defaults to No)	
8	 Click "Browse" to attach in PDF format Check the "Refer to existing event(s)" box only if the document to be sealed has already been filed 		
	Document to be sealed not on docket	Document to be sealed already on docket	
	Proceed to Step 7	Search docket entries: enter date or document range, or click the first item on the list below, press and hold the Shift key, and click the last item, then let go of Shift and click "Next" to search all documents	
		Check box for document to be sealed	

³ See <u>Table 1</u> below for screenshots.

⁴ A blank screen may appear on the next screen after clicking the "Next" button after selecting the party represented. If it does, simply click the "Next" button on the blank screen to proceed.

9	Use dropdown and empty field to edit docket text as needed
10	Review docket text and submit

Filing documents under seal

After your motion has been granted, use the following steps to file a document under seal:⁵

Steps	Action	
1	Click on Bankruptcy or Ac	dversary on the CM/ECF main menu bar
2	Select Miscellaneous (or I	Notices/Miscellaneous for adversary proceedings)
3	Enter case number in forr	mat xx-xxxxx (or yy-yyyy for adversary proceedings)
4	Select Sealed Document	
5	Select or add represented	d party ⁶
6	Review instructional mess	sage and proceed
7	Link to another docume the motion to file unde	r tile in field provided (this will populate docket text) ent if necessary (it is not necessary to link to order granting r seal) h document in PDF format
8	"Refer to existing event(s)" not checked Proceed to Step 7	"Refer to existing event(s)" checked Search docket entries: enter date or document range, or click the first item on the list below, press and hold the Shift key, and click the last item, then let go of Shift and click "Next" to search all documents Check box of relevant document
9	Review docket text and su	

Motions to seal an entire case

Use the following steps to file a motion to seal an entire case:⁷

Steps	Action
1	Click on Bankruptcy or Adversary on the CM/ECF main menu bar

⁵ See Table 2 below for screenshots.

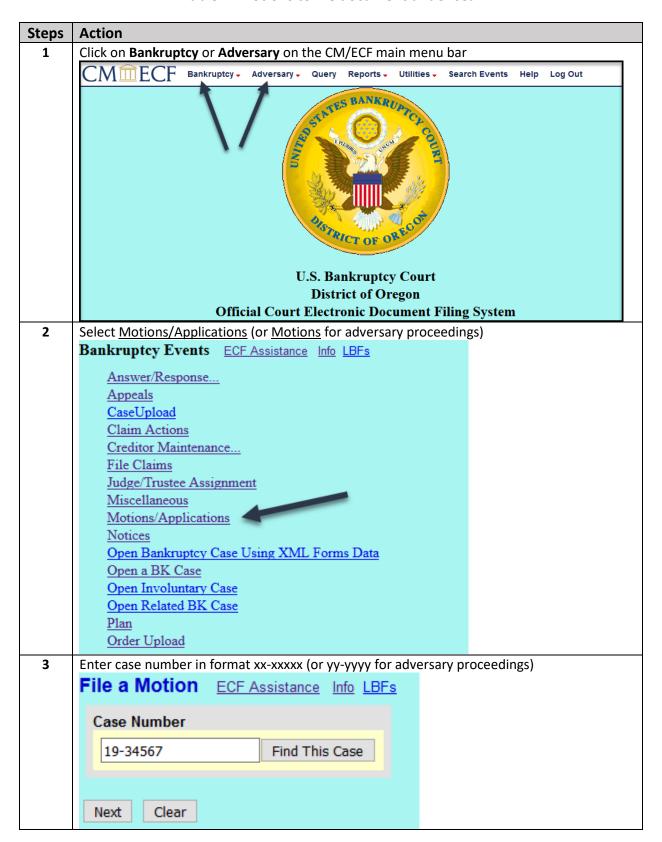
⁶ A blank screen may appear on the next screen after clicking the "Next" button after selecting the party represented. If it does, simply click the "Next" button on the blank screen to proceed.

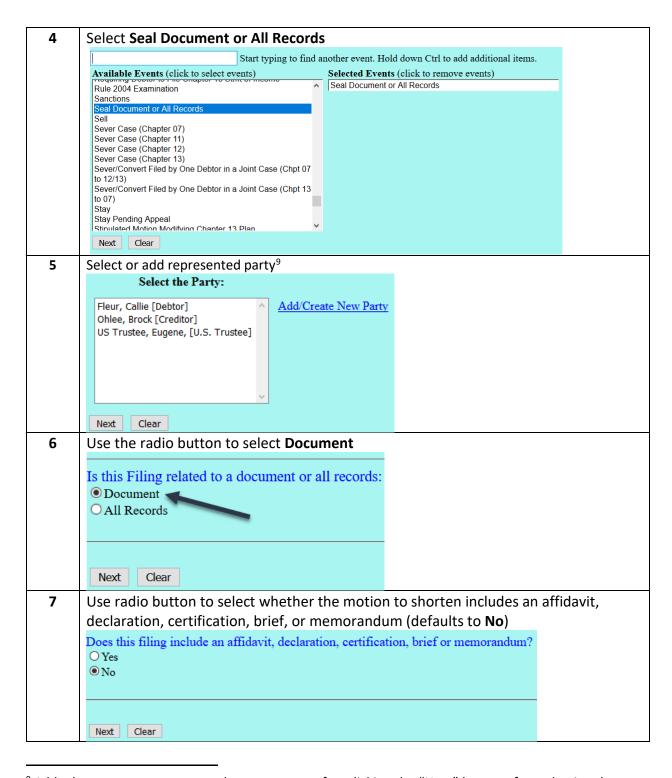
⁷ See <u>Table 3</u> below for screenshots.

2	Select Motions/Applications (or Motions for adversary proceedings)
3	Enter case number in format xx-xxxxx (or yy-yyyy for adversary proceedings)
4	Select Seal Document or All Records
5	Select or add represented party ⁸
6	Use the radio button to select All Records
7	Use radio button to select whether the motion to shorten includes an affidavit, declaration, certification, brief, or memorandum (defaults to No)
8	Click Browse to attach the motion in PDF format
9	Use dropdown and empty field to edit docket text as needed
10	Confirm docket text and submit

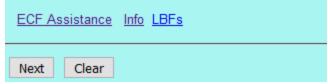
⁸ A blank screen may appear on the next screen after clicking the "Next" button after selecting the party represented. If it does, simply click the "Next" button on the blank screen to proceed.

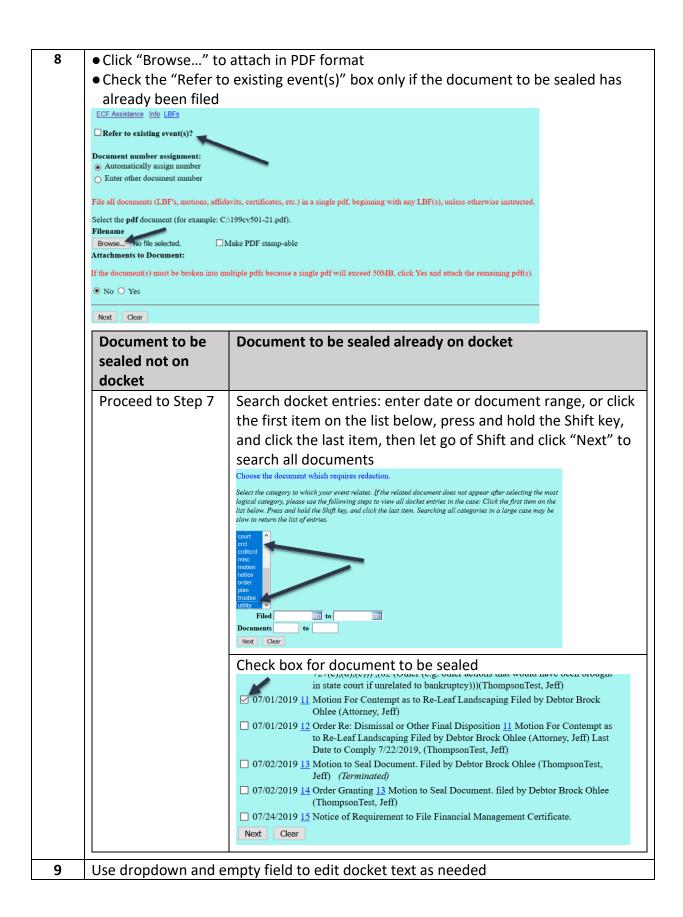
Table 1: Motions to file document under seal





⁹ A blank screen may appear on the next screen after clicking the "Next" button after selecting the party represented. If it does, simply click the "Next" button on the blank screen to proceed.





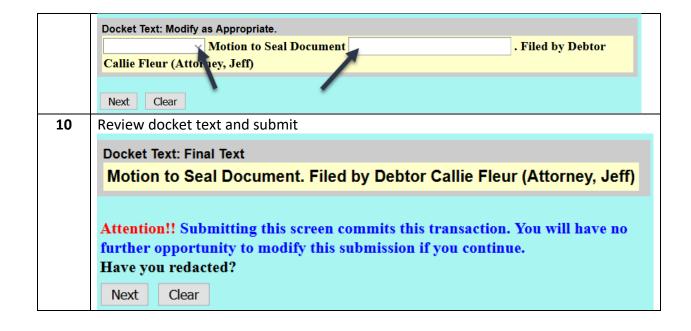
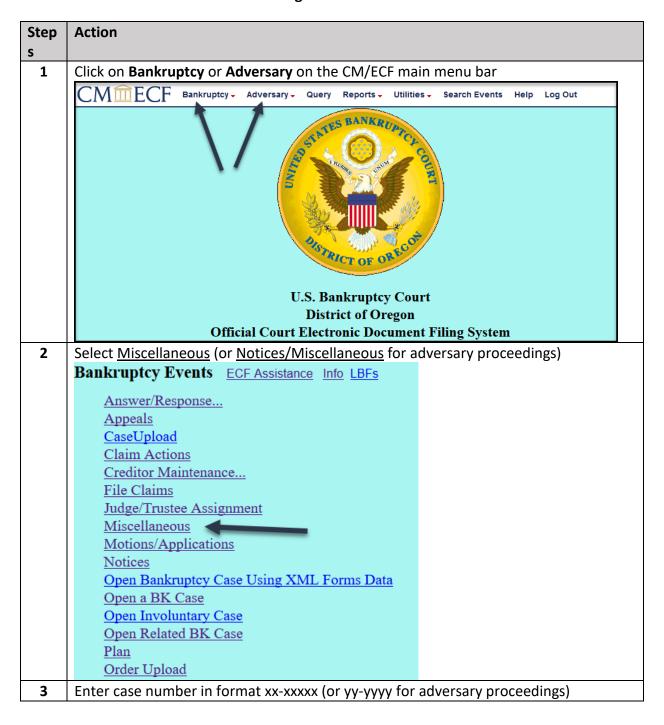
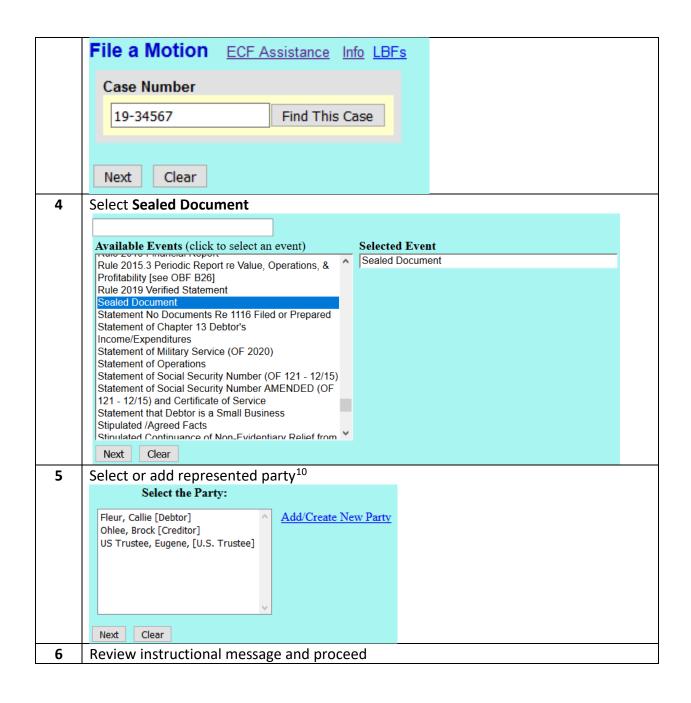
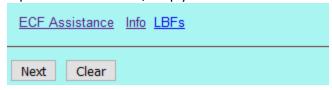


Table 2: Filing documents under seal





¹⁰ A blank screen may appear on the next screen after clicking the "Next" button after selecting the party represented. If it does, simply click the "Next" button on the blank screen to proceed.



You may not file a document under seal unless you have a court order authorizing you to do so. If you have not already done so, then before filing the document you must first file a motion using Motions/Applications -Seal Document or All Records and then submit a proposed order using Order Upload - Upload Order on Previously Filed Motion. WARNING: A document filed under seal without the necessary order may be unsealed by the court. Next Clear • Enter document type or tile in field provided (this will populate docket text) • Link to another document if necessary (it is not necessary to link to order granting the motion to file under seal) • Click **Browse...** to attach document in PDF format Enter the type of document you are filing in the prompt below, e.g. Affidavit, Response, Memorandum Document Type: Refer to existing event(s)? File all documents (LBF's, motions, affidavits, certificates, etc.) in a single pdf, beginning with any LBF(s), unless Select the pdf document (for example: C:\199cv501-21.pdf). Filename Browse... No file selected. Attachments to Document: If the document(s) must be broken into multiple pdfs because a single pdf will exceed 50MB, click Yes and attach the remaining pdf(s). ● No ○ Yes Next Clear

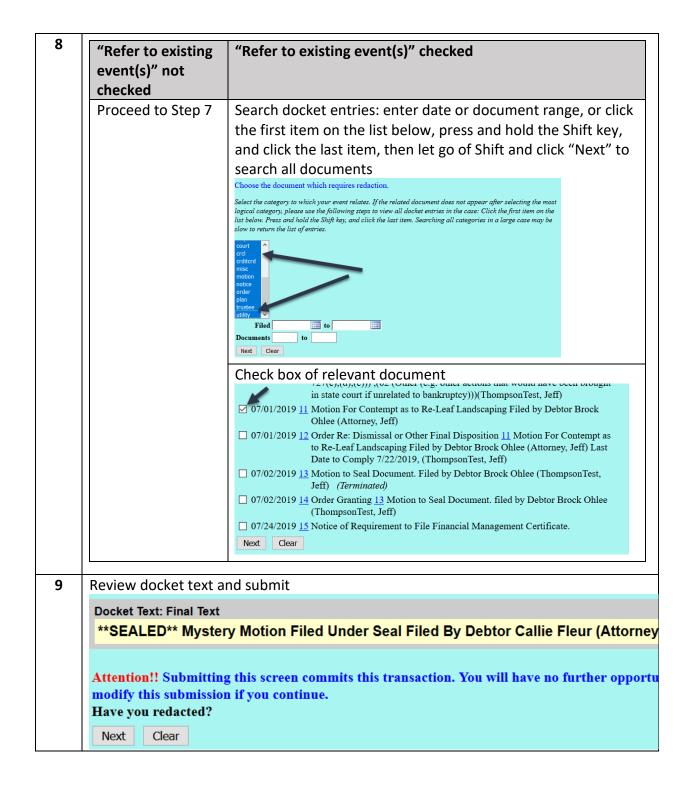
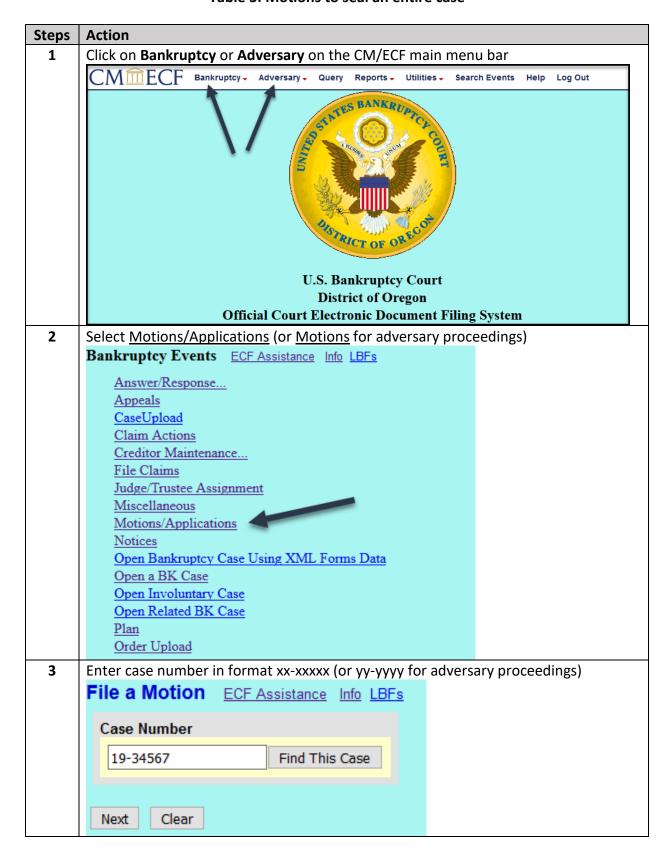
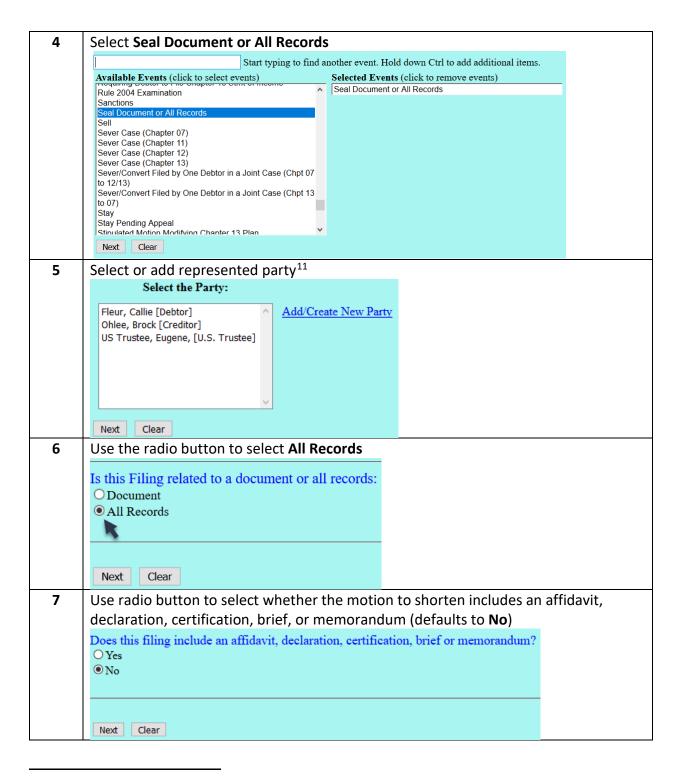


Table 3: Motions to seal an entire case





¹¹ A blank screen may appear on the next screen after clicking the "Next" button after selecting the party represented. If it does, simply click the "Next" button on the blank screen to proceed.

