

Procedure, Steps for Filing Ex Parte, Restricted, or Sealed Documents

Background

With the implementation of CM/ECF Version 3.0 on March 12, 2007, attorneys can now file ex parte motions, restricted motions and documents, and sealed motions and documents.

On December 12, 2011, CM/ECF Version 5.1.1 was installed. When any type of sealed entry or document is filed, only court users will have access to the entry or document. If access to the sealed entry or document should be given to an attorney or party, the judge will direct the clerk's office to give access to a particular filing.

Ex parte motion, document, and order

The attorney should use the **Motion > Ex Parte Matter** or **Other Documents > Ex Parte Document** event if it is an ex parte matter. Attorneys should not use the sealed motion or sealed document event. Ex parte documents in support of an ex parte motion, such as an affidavit or brief in support of a motion, should be attached to the motion.

The following occurs when using these events:

Electronic Notice	Goes ONLY to attorney(s) of record for the filing party; indicates the document number.
Docket Sheet and Document Access	<ul style="list-style-type: none">• The entry only appears for court users and the attorney(s) of record for the filing party.• Only court users and the attorney(s) of record for the filing party can access and view the document from the docket sheet.• Opposing counsel, other registered users, and PACER users cannot see any docket entry. The document number is skipped in sequence.
Docket Text	States "(Ex Parte) MOTION," "(Ex Parte) DOCUMENT," and "(Ex Parte) ORDER."

Restricted documents

When filing restricted documents, it is necessary to make two separate entries in the CM/ECF system. The first entry will contain a motion for permission to restrict, the second entry will contain the documents to be restricted and any supporting documents. Follow the steps in the table below to file a restricted document:

STEP	ACTION				
1	File a motion for permission to restrict using the CM/ECF event Motion > Restrict Pursuant to E-Government Act (Motion for Permission to Restrict) . Do not attach the restricted documents to this filing.				
2	<p>File the provisionally restricted documents using one of the following events and the instructions in steps 3 and 4 below:</p> <ul style="list-style-type: none"> • Motion> Restricted Motion Pursuant to E-Government Act <p>or</p> <ul style="list-style-type: none"> • Other Documents > Restricted Document Pursuant to E-Government Act. <p><u>Note:</u> The document is “provisionally” restricted pending the judge’s ruling on the Motion for Permission to Restrict. This will allow the judge to view the actual restricted document. If the motion is granted, nothing further will be done. If the judge denies the motion, the clerk’s office may be instructed to remove the restricted access level on the document in question.</p>				
3	<p>Attach all restricted documents in support of the restricted motion or restricted document to this filing. Handle proposed orders according to the table below:</p> <table border="1" data-bbox="477 1425 1219 1692"> <thead> <tr> <th data-bbox="477 1425 802 1524">IF the proposed order contains...</th> <th data-bbox="802 1425 1219 1524">THEN...</th> </tr> </thead> <tbody> <tr> <td data-bbox="477 1524 802 1692">restricted or sealed information</td> <td data-bbox="802 1524 1219 1692">attach the proposed order to this filing, entitled “Proposed Restricted Order.”</td> </tr> </tbody> </table>	IF the proposed order contains...	THEN...	restricted or sealed information	attach the proposed order to this filing, entitled “Proposed Restricted Order.”
IF the proposed order contains...	THEN...				
restricted or sealed information	attach the proposed order to this filing, entitled “Proposed Restricted Order.”				

STEP	ACTION	
	no restricted or sealed information	e-mail the proposed order granting permission to file as restricted to the judge. Include the document number of the restricted motion or restricted document provisionally filed in this e-mail.
4	<p>Note: Do not e-mail a proposed order that contains restricted or sealed information over the Internet.</p> <p>Link the restricted motion or document to the motion for permission to restrict.</p>	

The following occurs when filing a restricted motion or document:

Electronic Notice	Goes to ALL case participants and indicates the document number.
Docket Sheet and Document Access	<ul style="list-style-type: none"> • The entry appears for court users and case participants. • Court users and ALL case participants CAN ACCESS AND VIEW the document from the docket sheet. • Other registered users and PACER users can see the docket entry, but cannot access or view the document except upon order of the court.
Docket Text	States "RESTRICTED MOTION" or "RESTRICTED DOCUMENT."

Sealed documents

When filing sealed documents, it is necessary to make two separate entries in the CM/ECF system. The first entry will contain a motion for permission to seal, the

second entry will contain all of the documents to be sealed and any supporting documents. Follow the steps in the table below to file a sealed document:

STEP	ACTION						
1	File a motion for permission to seal using the CM/ECF event Motion > Seal (Motion for Permission to Seal)						
2	<p>File the sealed motion using one of the following events and the instructions in steps 3 and 4 below:</p> <ul style="list-style-type: none"> • Motion > Sealed Motion <p>or</p> <ul style="list-style-type: none"> • Other Documents > Sealed Document. <p><u>Note:</u> The document is “provisionally” sealed pending the judge’s ruling on the Motion for Permission to Seal. This will allow the judge to view the actual sealed document. If the motion is granted, nothing further will be done. If the judge denies the motion, the clerk’s office may be instructed to remove the sealed access level on the document in question.</p>						
3	<p>Attach all documents in support of the sealed motion or document to this filing. Handle proposed orders according to the table below:</p> <table border="1" data-bbox="477 1163 1219 1713"> <thead> <tr> <th data-bbox="477 1163 824 1262">IF the proposed order contains...</th> <th data-bbox="824 1163 1219 1262">THEN...</th> </tr> </thead> <tbody> <tr> <td data-bbox="477 1262 824 1434">restricted or sealed information</td> <td data-bbox="824 1262 1219 1434">attach the proposed order to this filing, entitled “Proposed Sealed Order.”</td> </tr> <tr> <td data-bbox="477 1434 824 1713">no restricted or sealed information</td> <td data-bbox="824 1434 1219 1713">e-mail the proposed order granting permission to file as restricted to the judge. Include the document number of the restricted motion or restricted document</td> </tr> </tbody> </table>	IF the proposed order contains...	THEN...	restricted or sealed information	attach the proposed order to this filing, entitled “Proposed Sealed Order.”	no restricted or sealed information	e-mail the proposed order granting permission to file as restricted to the judge. Include the document number of the restricted motion or restricted document
IF the proposed order contains...	THEN...						
restricted or sealed information	attach the proposed order to this filing, entitled “Proposed Sealed Order.”						
no restricted or sealed information	e-mail the proposed order granting permission to file as restricted to the judge. Include the document number of the restricted motion or restricted document						

STEP	ACTION
4	<div data-bbox="477 254 1219 348" style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <div style="border: 1px solid black; width: 100%; height: 100%; display: flex; align-items: center; justify-content: center;"> <div style="border: 1px solid black; width: 50%; height: 50%;"></div> <div style="border: 1px solid black; width: 50%; height: 50%; padding: 5px;">provisionally filed in this e-mail.</div> </div> </div> <p>Link the sealed motion or document to the motion for permission to seal.</p>

The following occurs when filing a sealed motion or document:

Electronic Notice	CM/ECF does not send electronic notice.
Docket Sheet and Document Access	<p>Electronic access may be given to attorneys or parties in the case upon order of court.</p> <p><u>Note:</u> The attorney filing the sealed motion or sealed document will have to serve opposing counsel if needed. The CM/ECF system WILL NOT electronically notice opposing counsel. The certificate of service should reflect the alternate method of service.</p>
Docket Text	States "SEALED MOTION" or "SEALED DOCUMENT."