

Frequently Asked Questions about E-filing Under Seal

Q: What documents may be e-filed under seal?

A: Only pleadings and documents in *civil* cases may be e-filed under seal at this time. Due to the particularly sensitive nature of sealed materials in criminal cases, sealed e-filing in criminal matters remains unavailable.

Q: Can entire documents be filed under seal?

A: Civil Local Rule 5.6 provides the Court's procedures for filing documents under seal. The rule provides:

Motions to seal an entire pleading or brief are disfavored and will be granted only in extraordinary circumstances. Parties should not routinely seek to file even portions of a pleading or brief under seal.

Q: I want to seal a motion to dismiss. If I attach the motion to dismiss as a proposed pleading to a motion to file under seal, will the Court docket the motion to dismiss when the motion to seal is granted?

A: No. A party seeking to file a motion to dismiss under seal must make two filings.

First, the party should file a motion to file under seal. The party should attach to the motion to file under seal both a redacted version of the motion to dismiss and a sealed, un-redacted version of the motion to dismiss (in addition to a memorandum explaining the basis for sealing and a proposed order).

Separately, the party should file a redacted version of the motion to dismiss along with its supporting memorandum, exhibits, and notice of submission.

If, instead, the party seeks to seal only the memorandum and/or exhibits supporting a motion to dismiss (and not the motion itself), then those pleadings/exhibits should be filed as attachments (redacted and un-redacted) to the motion to file under seal. Redacted copies or placeholders should also be filed with the separately filed motion to dismiss.

Q: I just filed a motion, but I can't access the documents. How do I get the ECF headers on my document?

A: You can't. ECF does not permit the public or attorneys to view documents that are filed under seal.

Q: Who will be able to view documents in CM/ECF that are e-filed as attachments with a checked check-box to a motion to file under seal?

A: Only Court personnel. Any document that a party files as an attachment to a motion to file under seal and for which the box is left checked during filing cannot be viewed by the public, other parties, or even by the filing party while the motion is pending. As a result, any party filing a motion to file under seal must email or otherwise properly serve an un-redacted copy of the document to be sealed on all other parties in the case.

Q: What if I inadvertently file a document intended to be sealed in the public record?

A: Once a document is filed unsealed, it is immediately available to the public, including anyone who has requested notices of electronic filings in a particular case. The filer will have no ability to seal or remove a filed document. For this reason, filers should carefully review Local Rule 5.6, the instructions, and these FAQs before attempting to file a document under seal. Filers should also exercise caution and attentiveness while filing. In some instances, the Clerk's office *might* be able to seal a public document that was inadvertently filed. Please call the Clerk's CM/ECF help desk (504-589-7788) during business hours (8:30—5 p.m., Monday-Friday) for assistance.

Q: If the Court denies a motion to file under seal, will the unredacted versions of the documents that were filed become visible to the public?

A: Please consult Civil Local Rule 5.6 concerning when redacted pleadings and documents will become visible to the public.

Q: What if I receive an error message in CM/ECF during filing that indicates that I am not authorized to file under seal in the case?

A: When an attorney is added to a case, access to file sealed documents becomes available the following day. If you receive an error message indicating that you are not authorized to file under seal, please call the Clerk's Office CM/ECF help desk (504-589-7788) during the Court's operating hours (M-F, 8:30-5), to receive assistance gaining access to sealed filings. If you are filing outside of the Court's business hours, another attorney enrolled in the case might have access to file sealed documents, or you can file a redacted version until access to file under seal is granted.