

[Proposed Amended] Rule 5005-4

SEALED PAPERS

(a) ***Motion to File Paper Under Seal and Order on the Motion.*** If a party seeks to file a paper under seal, the party shall file a motion to file paper under seal via CM/ECF and submit a proposed order using the order submission procedures posted on the Court's website, www.flmb.uscourts.gov. Upon entry of the order granting motion to file paper under seal, the Court will notify the movant who may then file the sealed paper. An order granting the motion to file paper under seal must be entered before the sealed paper may be filed.

(b) ***Filing of Sealed Paper.*** Unless directed otherwise by the Court, a paper permitted to be filed under seal shall be filed in portable document format (PDF) via CM/ECF using the "Sealed Paper" docket event. Chambers staff will be notified by the Clerk's Office when the sealed paper has been filed.

(c) ***Sealed Orders.*** If the sealed paper is a motion or application that seeks the entry of a Court order, the proposed order may be submitted using the order submission procedures posted on the Court's website, www.flmb.uscourts.gov. Upon entry of the order by the Court, the order will be docketed internally as a sealed order.

(d) ***Viewing Restrictions.*** The Clerk shall restrict CM/ECF access to papers and orders relating to papers to be filed under seal as follows:

(1) ***Motion to File Paper Under Seal and Order on the Motion.*** The docket entry and image of the motion and order will be viewable only by the filer of the motion and internal Court users.

(2) ***Paper Filed Under Seal.*** The docket entry and the image of the sealed paper will be viewable only by the assigned judge and such staff members (*e.g.*, law clerk, judicial assistant) as the judge may designate.

(3) ***Sealed Orders.*** The docket entry and image of a sealed order will be viewable only by internal Court users. The Court will notify the movant of the entry of a sealed order and will provide special access to the sealed order via CM/ECF.

(4) ***Access to Sealed Paper and Orders Shall be Determined on a Case-by-Case Basis.*** Notwithstanding the foregoing, the Court will consider, on a case-by-case basis, the paper sought to be filed under seal and determine who shall have access to the paper and orders relating to the paper.

Notes of Advisory Committee

2016 Amendment

This amendment conforms the rule to current practice as set forth in the Procedure for Filing Papers Under Seal adopted by the Court on June 11, 2015. This amended rule is effective July 1, 2016.