

RULE CV-5.2. DOCUMENTS FILED UNDER SEAL

(a) In limited circumstances, a party may need to submit a sealed document for consideration by the court. For purposes of this rule, the term “sealed document” may include any pleading, motion, paper, physical item, or other submission that the Federal Rules of Civil Procedure or these rules permit or require to be filed. If the sealed document is associated with a pleading, motion, or other submission requesting or opposing relief from the court, as in the case of an exhibit to such submission, the sealed document must not be filed with the submission. Instead, the sealed document must be separately filed as an exhibit to a motion requesting permission to keep the document under seal (a “sealing motion”). All documents intended to be kept under seal must be filed as an exhibit to a sealing motion.

(b) Motions to keep pleadings, motions, or other submissions requesting or opposing relief from the court under seal are disfavored. The court expects parties to draft such submissions in a manner that does not disclose confidential information. Parties should consider redacting confidential information not critical to the filing. When it is necessary to support the filing, confidential information should be included in an appendix filed under seal and generally referenced, without being revealed, in the filing.

(c) The sealing motion must identify the submission the sealed document is associated with, if applicable. The sealing motion and the accompanying sealed document must be filed under seal, state the factual basis for the requested sealing order, and otherwise comply with the requirements of Rules CV-7 and CV-10 and the procedures governing electronic or paper filings, as applicable to the submission. The court expects parties to draft sealing motions in a manner that does not disclose confidential information because the sealing motion, without the sealed document, may subsequently be unsealed by court order.

(d) If the court grants a sealing motion, the clerk will keep the sealed document under seal unless otherwise ordered by the court, and, if appropriate, the clerk shall link the sealed document to its associated pleading, motion, or other submission. The court may order that the sealing motion, without the sealed document, be unsealed. If the court denies a sealing motion, the clerk, on order of the court, shall delete the sealed document.

(e) Counsel for a party moving to keep any document under seal is responsible for serving a copy of the sealed document on all counsel of record. Counsel for a party submitting documents containing redactions is responsible for serving an unredacted copy of the document on all counsel of record, except that material may be left redacted if it is protected from disclosure by an applicable statute or order. Counsel may not use the court’s electronic notice facilities to serve the sealed or unredacted document.