

United States District Court
Northern District of Texas



Filing a Document Under Seal

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Filing a Document Under Seal

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A. Introduction

You may file under seal any document that a statute or rule requires or permits to be so filed. The term “document,” means any pleading, motion, other paper, or physical item that the Federal Rules of Civil Procedure permit or require to be filed. See LR 79.3(a) and LCrR 55.3(a). If no statute or rule requires or permits a document to be filed under seal, you may file a document under seal only on motion and by permission of the presiding judge. See LR 79.3(b) and LCrR 55.3(b).

Unless the presiding judge otherwise directs, the local rules require that each pleading (except a complaint), motion, or other paper be filed by electronic means. See LR 5.1(e) and LCrR 49.2(f). When leave of court is necessary to file a document under seal, you must use the sealed motion event to request permission to file the document under seal. The document that you want to file under seal must be docketed as an attachment to the sealed motion. If permission is granted, you may *then* file the document itself, using the **Sealed Document** or **Sealed Motion** event, as appropriate. See LR 79.3(b)(2) and LCrR 55.3(b)(2).

If only a portion of a document is to be filed under seal, remove the sealed portion and submit this sealed portion as a separate document using these sealed document procedures. Submit the primary document in the standard (unsealed) manner, but in place of the sealed pages, insert a page stating "This page (or this exhibit) is filed under seal." DO NOT FILE A SEALED DOCUMENT WITHIN AN UNSEALED DOCUMENT.

The procedures for filing a sealed document in a civil or criminal case are essentially the same. The primary differences are that:

- you will not be asked to title your document in a criminal case; and
- in a criminal case, a Notice of Electronic Filing will not be sent and the docket text and the document(s) filed will not be electronically accessible to any party, including yourself.

You should have the following available to complete the sealed document filing process:

1. Authority by which the document may be filed under seal.
2. If you do not have authority to file the document under seal, a sealed motion requesting leave to file the document under seal, saved in Portable Document Format (PDF).

3. The document that you wish to file under seal, saved in PDF. Any accompanying documents, including exhibits, should be saved as separate documents, also in PDF. A 5 MB size limit applies to each PDF file.

When filing a document under seal, please indicate "Filed Under Seal" below the case number of your sealed document. If you attach an exhibit to a sealed motion requesting leave to file the exhibit under seal, please indicate "Submitted Under Seal" below the case number of the exhibit.

When submitting the judge's copy of a sealed document, place it in a 9" x 12" (or larger) envelope that displays the case number, case style, and title of the document, and is clearly marked "sealed." (This can be accomplished easily by making a photocopy of the top portion of the document and attaching it to the front of the envelope.) If sending the judge's copy by mail, place this envelope within the mailing envelope.

NOTE: If you receive permission to file a document under seal on paper, then when you submit the paper document to the clerk's office for filing under seal, you must provide the authority under which the document is to be filed under seal (i.e., the statute or rule, or a copy of the order granting permission to file under seal). Present the original document in a 9" x 12" (or larger) envelope that displays the case number, case style, and title of the document, and is clearly marked "sealed." Do not tape or seal the envelope since the intake clerk must file stamp its contents. The clerk's office will ensure that the document remains under seal throughout the process.

Questions concerning how to electronically file a document under seal should be directed to your [local clerk's office](#). Alternatively, you may contact the Dallas ECF Help Desk at 1-866-243-2866 or the Fort Worth ECF Help Desk at 1-800-240-7240.

B. Finding the Sealed and *Ex Parte* Category

After logging into ECF, select **Civil** or **Criminal** from the main menu bar, as appropriate. For this procedure, we will show you how to file a sealed document in a civil case. To access the **Civil Events** screen, click on **Civil** on the main menu bar. See Figure 1.

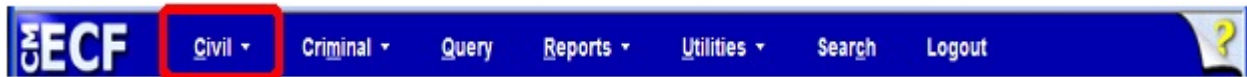


Figure 1

On the **Civil Events** screen, click on the Sealed and Ex Parte Documents link under the **Sealed and Ex Parte Filings** category. See Figure 2.

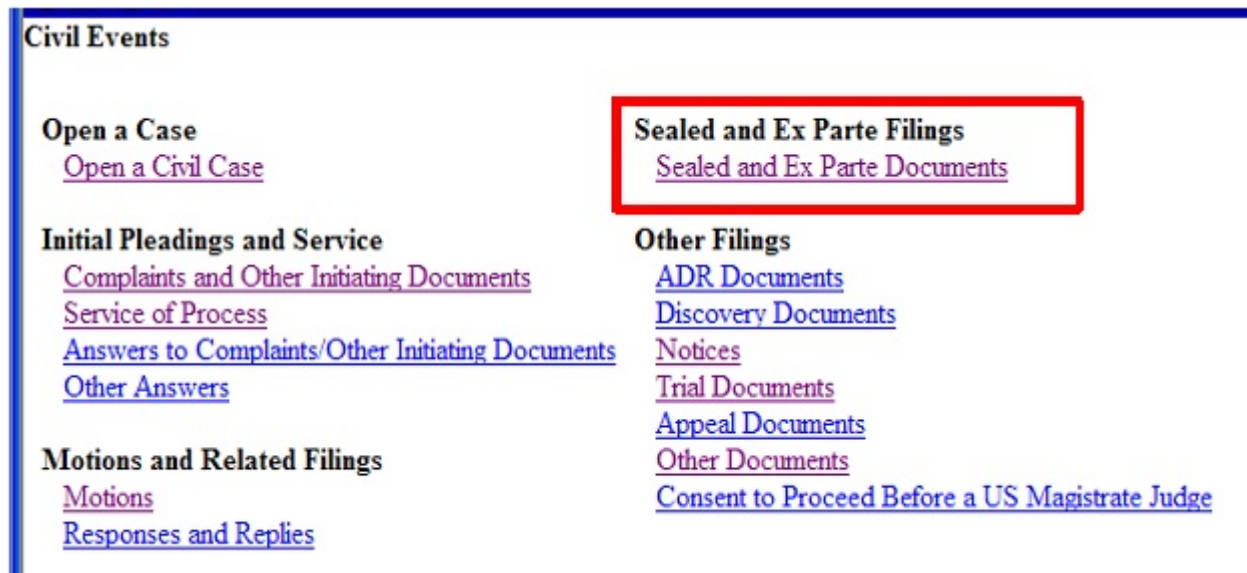


Figure 2

C. Selecting the Correct Sealed Document Event

The **Available Events** screen for Sealed and Ex Parte Documents appears. See Figure 3.

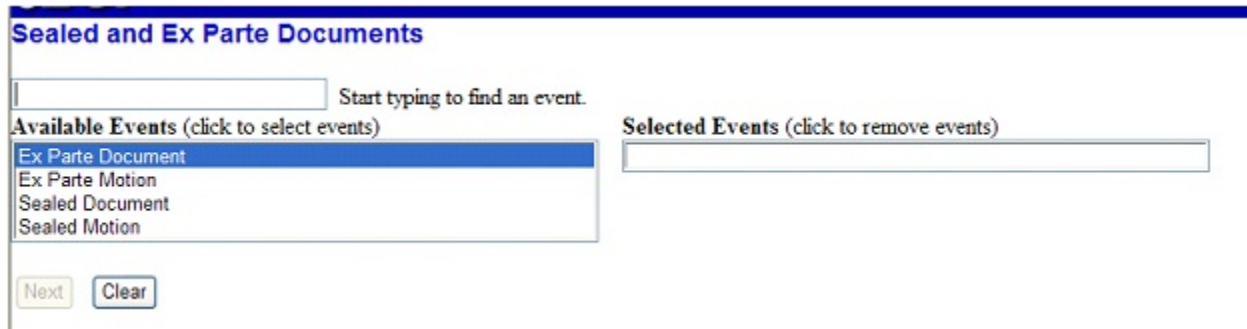


Figure 3

WARNING: If you are filing a motion for leave to file a document under seal, **you must use the Sealed Motion event found under Sealed and Ex Parte Filings**, rather than using a motion event found under Motions and Related Filings, **to prevent public disclosure of the document you wish to file under seal** (you are required to attach the document you wish to seal to your motion - and the attachment will only be sealed if it is attached using the **Sealed Motion** event).

- If you wish to file a motion for leave to file a document under seal, select **Sealed Motion** from the **Available Events** list.
- If a statute or rule requires or permits you to file a document under seal, or if the presiding judge has already granted you leave to file your document under seal (including an order to seal the case), select **Sealed Motion** or **Sealed Document** from the **Available Events** list, as appropriate.

After selecting the appropriate event, it will appear in the **Selected Events** text field. Click **[Next]** to continue. See Figure 4.

Sealed and Ex Parte Documents

Start typing to find another event.

Available Events (click to select events)

- Ex Parte Document
- Ex Parte Motion
- Sealed Document
- Sealed Motion**

Selected Events (click to remove events)

Sealed Motion

Figure 4

D. Entering the Case Number

The Civil Case Number screen appears. See Figure 5.

Sealed and Ex Parte Documents

Start typing to find another event.

Civil Case Number

99-12345, 1:99-cv-12345, 1-99-cv-12345, 99cv12345, or 1:99cv12345

Figure 5

Enter the correct **Civil Case Number** using one of the formats shown in Figure 5, above.

After entering the case number, click the **[Find This Case]** button. See Figure 6.

The screenshot shows a web interface titled "Sealed and Ex Parte Documents". Below the title is a search box labeled "Civil Case Number" containing the text "08-00811". To the right of the input field is a button labeled "Find This Case". Below the search box are two buttons: "Next" and "Clear".

Figure 6

If the system indicates you entered an invalid case number, re-enter the case number and click the **[Find This Case]** button until you locate the correct case.

If more than one case number is found that matches your search criteria, click the box next to your case number. After selecting your case number, click **[Next]**. See Figure 7.

The screenshot shows the same "Sealed and Ex Parte Documents" interface. The "Civil Case Number" field now contains "3:08-cv-811" and the button next to it is labeled "Hide Case List". Below the search box, the text "Select a case:" is followed by a list of three cases, each with a checkbox:

- 2:08-cv-00811-J Franklin v. Templeton
- 3:08-cv-00811-B Norbit v. American
- 4:08-cv-00811-Y Bird v. Nuggets

Below the list are two buttons: "Next" and "Clear".

Figure 7

The next screen displays the case number and the style of the case. See Figure 8. Verify this information is correct before continuing. If incorrect, use your back button to return to the previous screen and enter the correct case number. Click **[Next]** to continue.



Figure 8

E. Linking to the Filing Party

Select the party or parties for whom you are filing the sealed document. Select multiple parties by holding the “Ctrl” key down on the keyboard and using the mouse to highlight more than one name. Click **[Next]** to continue. See Figure 9.



Figure 9

F. Attaching Your Document

The next step is to identify the directory path and file name for your document. Click **[Browse]**. See Figure 10.

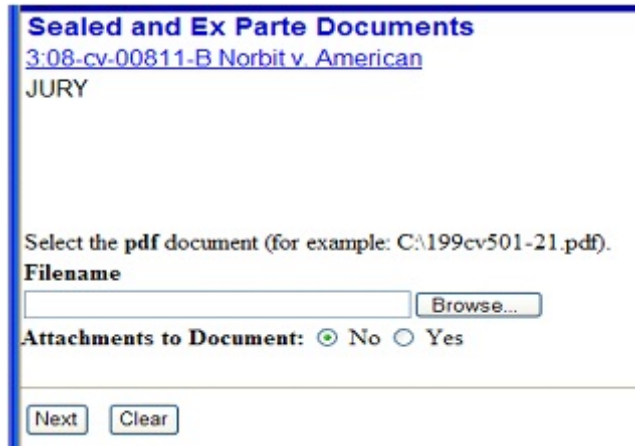


Figure 10

A pop-up box will appear. Navigate to the appropriate folder containing the PDF document(s) you wish to file. Right-click on the document and select the option to open the document in Adobe Acrobat. This allows you to preview the document to ensure you have selected the correct file. (Remember, once submitted, a document cannot be edited.) See Figure 11.

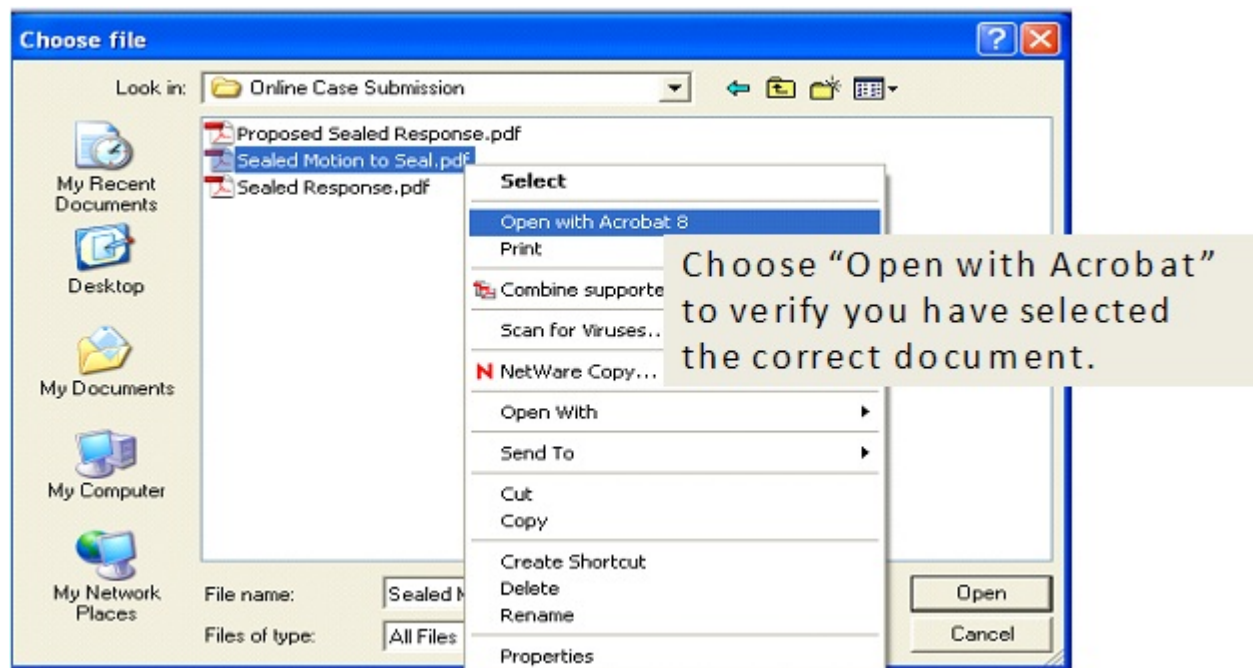


Figure 11

After verifying you have selected the correct PDF document, click **[Open]** to accept the PDF for filing. See Figure 12.

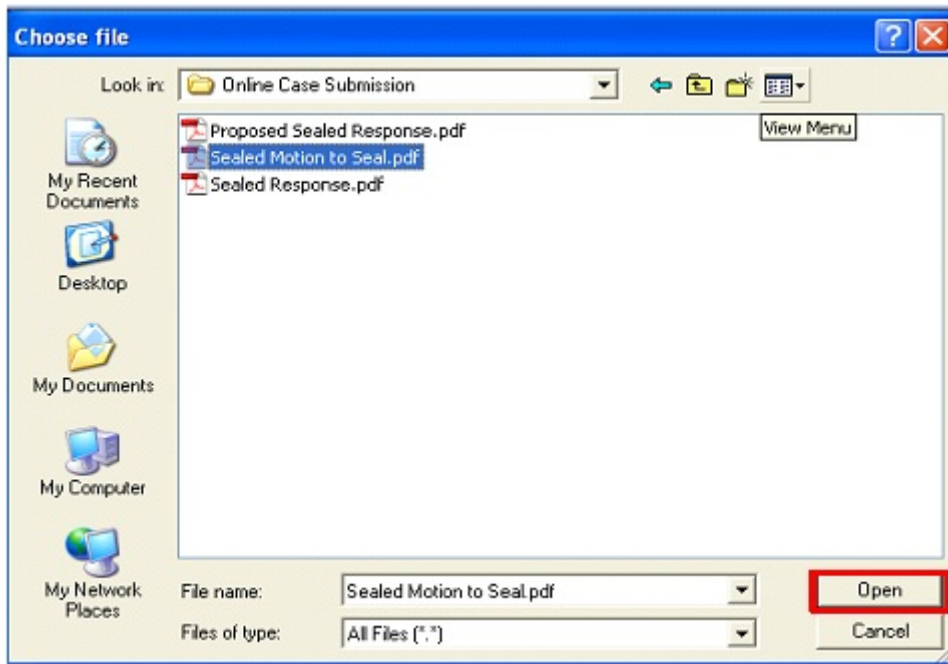


Figure 12

The pop-up box will disappear and the path to the **Filename** will appear in the text field box. If you are filing a sealed motion requesting permission to file a document under seal (which requires you to attach the proposed sealed document as an exhibit to your sealed motion), or otherwise have an attachment to the document you are filing, click the **Yes** radio button next to **Attachments to Document**. Otherwise, leave the radio button set to its default of **No**. Click **[Next]** to continue. See Figure 13.

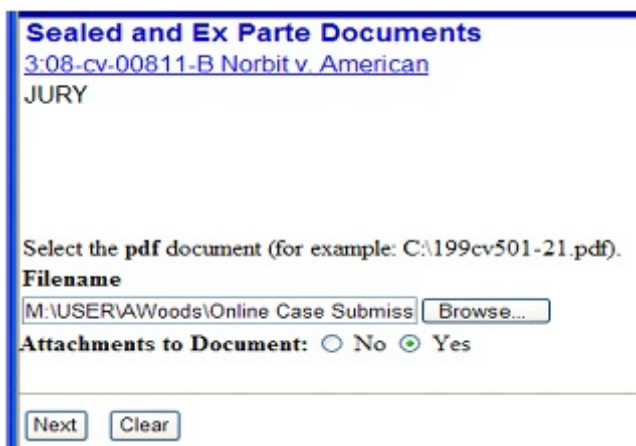


Figure 13

G. Adding Attachments

If you have selected “Yes” at the **Attachments to Document** prompt, a screen will appear allowing you to attach the document(s). See Figure 14.

Sealed and Ex Parte Documents
3:08-cv-00811-B Norbit v. American
JURY

Select one or more attachments.

1) Enter the pdf document that contains attachment (for example: C:\appendix.pdf).

Filename
M:\USER\AWoods\Online Case Submissi...

2) Before proceeding to step 3, describe the document using the Category list, the Description box, or both.

Category **Description**
Exhibit Proposed Sealed Response

3) Add the filename to the list box below. If you have more attachments, go back to Step 1. When the list of filenames is complete, click on the Next button.

Figure 14

Click [**Browse**] to navigate to the appropriate folder and preview the document as described under **Attaching your Document**, above. Describe the attachment in the Description field (this description will display in the docket text). If the drop down Category list does not describe your document, leave it blank. Click [**Add to List**]. Click [**Browse**] to repeat the process until all attachments have been added. When you have added all attachments to the list, click [**Next**] to continue. See Figure 15.

Sealed and Ex Parte Documents
3:08-cv-00811-B Norbit v. American
JURY

Select one or more attachments.

1) Enter the pdf document that contains attachment (for example: C:\appendix.pdf).

Filename

2) Before proceeding to step 3, describe the document using the Category list, the Description box, or both.

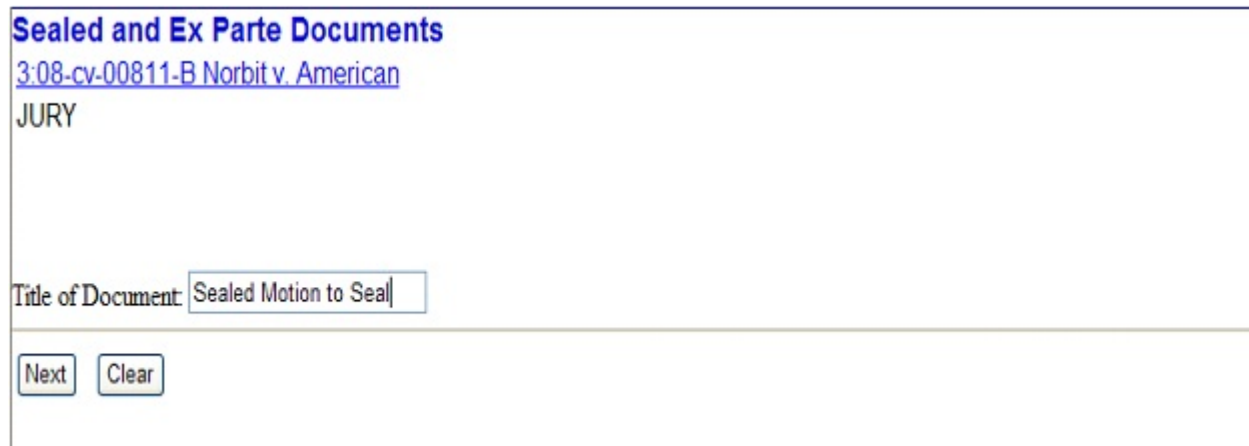
Category **Description**

3) Add the filename to the list box below. If you have more attachments, go back to Step 1. When the list of filenames is complete, click on the Next button.

Figure 15

H. Inserting the Title of Document

When docketing a sealed document in a civil case, you will receive a prompt to type in the title of the document. You will not receive this prompt when docketing a sealed document in a criminal case. See Figure 16.

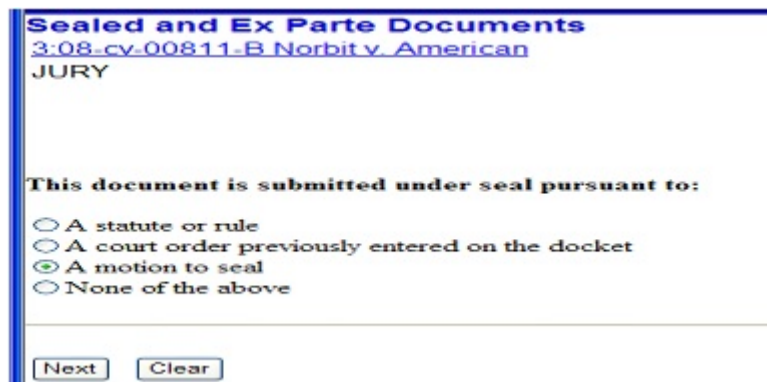


The screenshot shows a web form titled "Sealed and Ex Parte Documents" for case "3:08-cv-00811-B Norbit v. American JURY". Below the case information, there is a text input field labeled "Title of Document" containing the text "Sealed Motion to Seal". At the bottom of the form, there are two buttons: "Next" and "Clear".

Figure 16

I. Identifying Your Authority for Filing Under Seal

Identify the authority under which you are submitting this document under seal. See Figure 17.



The screenshot shows the same web form as Figure 16, but with a section titled "This document is submitted under seal pursuant to:". Below this title are four radio button options: "A statute or rule", "A court order previously entered on the docket", "A motion to seal" (which is selected), and "None of the above". At the bottom, there are "Next" and "Clear" buttons.

Figure 17

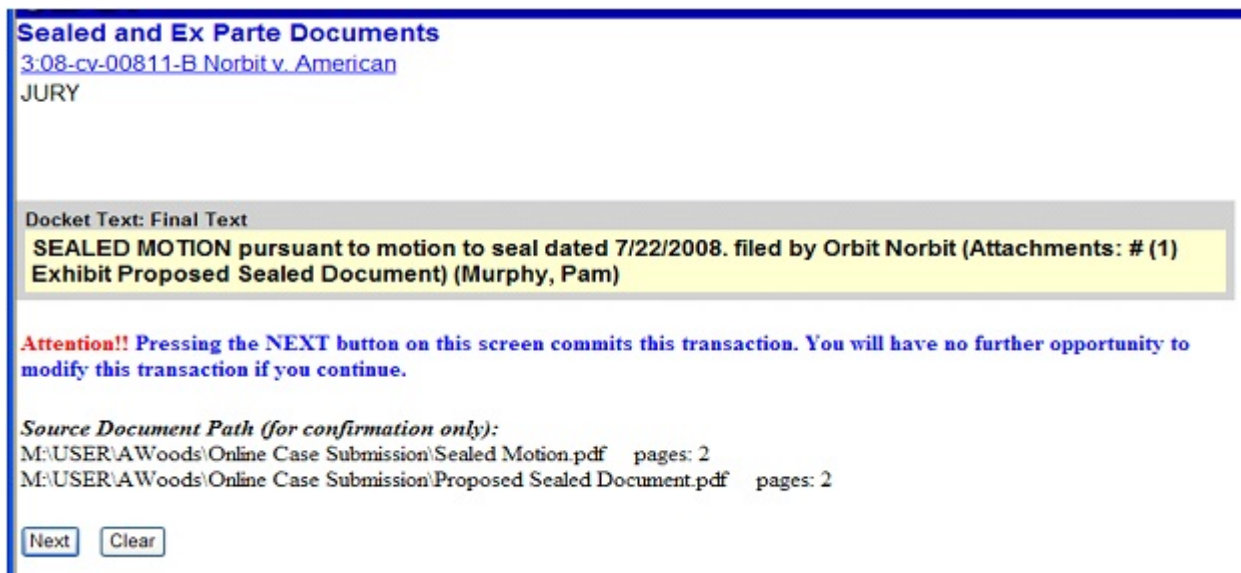
- If you choose **A statute or rule**, the statement “Filed under seal pursuant to statute or rule” will be displayed on the docket text.
- If you choose **A court order previously entered on the docket**, you will be requested to enter the date the court order was entered on the docket. The statement “Filed under seal pursuant to order dated (Date of Order)” will be displayed on the docket text.

- If you choose **A motion to seal**, you will be requested to enter the filed date of the motion requesting permission to file under seal. Since you are filing this motion today, enter today's date. The statement "Requested to be filed under seal pursuant to motion dated (Date of Motion)" will be displayed on the docket text.
- If you choose **None of the above**, you will not be allowed to continue.

Click **[Next]** to continue through this screen and click **[Next]** again to continue through the following screen.

J. Completing the Filing

The final docket text will be displayed. Carefully verify that both the docket text and the docket event are correct. If you need to make modifications, click the **[Back]** button and make the necessary corrections. Once you are satisfied, complete the transaction by clicking the **[Next]** button. See Figure 18.



The screenshot shows a web-based interface for filing documents. At the top, it says "Sealed and Ex Parte Documents" followed by the case number "3:08-cv-00811-B Norbit v. American" and "JURY". Below this, a grey box contains the text "Docket Text: Final Text". A yellow highlighted box contains the docket text: "SEALED MOTION pursuant to motion to seal dated 7/22/2008. filed by Orbit Norbit (Attachments: # (1) Exhibit Proposed Sealed Document) (Murphy, Pam)". Below this, a red "Attention!!" warning states: "Pressing the NEXT button on this screen commits this transaction. You will have no further opportunity to modify this transaction if you continue." Underneath, the "Source Document Path (for confirmation only):" section lists two files: "M:\USER\AWoods\Online Case Submission\Sealed Motion.pdf pages: 2" and "M:\USER\AWoods\Online Case Submission\Proposed Sealed Document.pdf pages: 2". At the bottom, there are two buttons: "Next" and "Clear".

Figure 18

Review the Notice of Electronic Filing (NEF). In addition to serving as notification that the event was accepted by the court's database and providing document filing information and relevant hyperlinks, the NEF indicates who will and will not receive a "Notice of Electronic Filing" via email. See Figure 19.

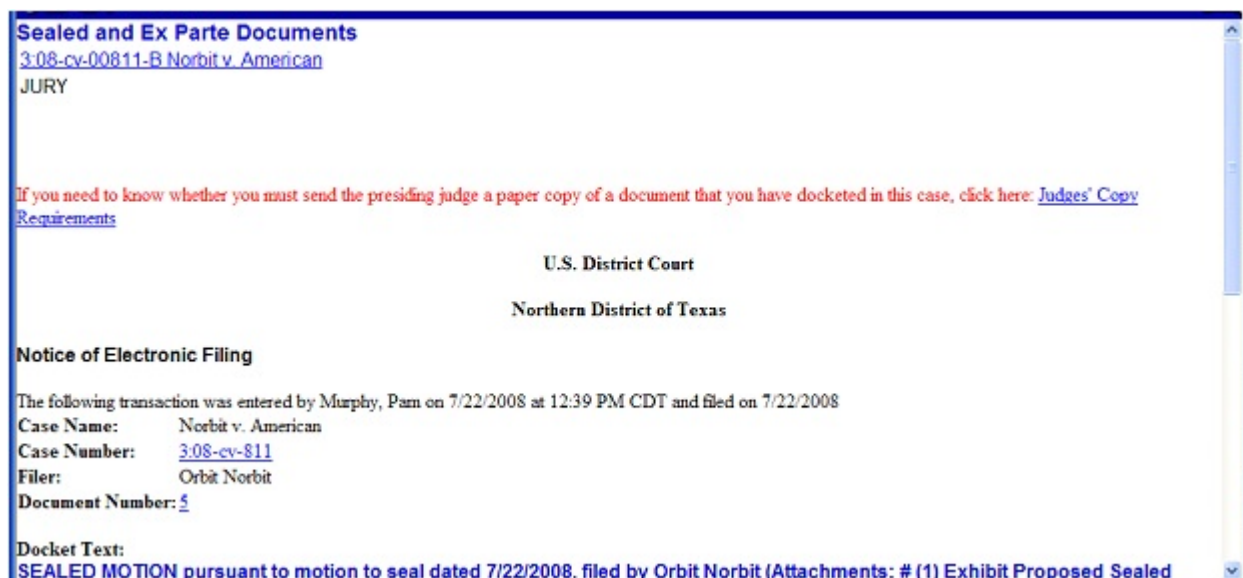


Figure 19

WARNING: As the filing attorney, you are responsible for service on all parties to whom notice has NOT been electronically mailed.

WARNING: In a criminal case, this Notice of Electronic Filing will not be electronically mailed to you or to any other party. Neither you nor any other party will be able to electronically access this document or its docket text. This screen provides you with your only documentation that you filed this sealed document. You may wish to print this screen (including print to PDF).

K. Filing a Document under Seal after You are Granted Leave

If you are granted permission to file a document under seal, follow these procedures for docketing the sealed document. When selecting the authority under which your document is being submitted under seal, choose "A court order previously entered on the docket." You will then be prompted to identify the date of the order granting your motion.

L. Sealed Access Rights and Notice Of Electronic Filing

1 For Civil Cases.

If you file a **civil** document under seal:

- a. a Notice of Electronic Filing will be emailed to each ECF user who is entitled to receive notice in this case - you are responsible for service on all parties to whom notice has NOT been electronically mailed;
- b. the other parties in this case will be able to view the docket text on the docket report, and will be able to select and view the sealed document and any attached document(s);
- c. the docket text will contain the document title and the filing party(ies) name(s);
- d. the docket text and document(s) will **not** be viewable by the public, except that if the case is a Fort Worth division case, the clerk's office staff will modify the docket entry so that the docket text, but not the sealed document, will be viewable by the public on the public docket report.

2. Criminal Cases.

If you file a **criminal** document under seal:

- a. a Notice of Electronic filing will **NOT** be emailed to any party, including yourself as the filer of the sealed document - you are responsible for service on all other parties;
- b. no docket entry at all will appear on the public docket, and neither the public nor any party (including yourself) will be able to access the sealed document or any attached document(s) to the sealed document; and
- c. if the case is a Fort Worth division case, the clerk's office staff will modify the entry so that the entry will appear on the public docket, but only the words "Sealed Document" will be viewable on the public docket report.