

**United States District Court
Northern District of Texas**



**Filing a Sealed and/or Ex Parte Document in a Civil Case
(Revised 6/20/12)**

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Filing a Sealed and/or Ex Parte Document in a Civil Case

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A. Introduction

This document is intended to guide an ECF user through the process of filing a sealed and/or *ex parte* document in a civil case.

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). Currently, you may not electronically file documents in a SEALED case.

When leave of court is necessary to file a document under seal, you must use the *Sealed and/or Ex Parte Motion* event to request permission to file the document under seal. The document that you want to file under seal must be attached as an exhibit to the motion to seal. If leave is granted, you must *then* file the sealed motion/document, using the appropriate *Sealed and/or Ex Parte* event. See LR 79.3(b)(2) and LCrR 55.3(b)(2). Please include the word “Sealed” or “Ex Parte” in the title or caption of both the motion/document and any proposed order, which will aid the clerk in proper order distribution.

If you indicate while docketing that the motion or document is *ex parte*, a Notice of Electronic Filing (NEF) will be sent to the document filer, including non-terminated co-counsel, and remote electronic access will be granted only to those recipients. Neither the docket entry nor the document will be accessible by the public on PACER.

If you do not indicate the document is *ex parte* while docketing, a NEF will be sent to all case participants, and remote electronic access will be granted to those recipients. The PACER docket sheet will display the title of the document (unless it is sensitive), but access to the document will be limited to case participants. Entries of this nature will also contain the notation “(Document Restricted)” at the beginning of the docket entry.

A link to this procedure is also available within the *Sealed and/or Ex Parte* docket events. Questions concerning how to electronically file a document under seal and/or *ex parte* should be directed to your [local clerk’s office](#) or [ECF Help Desk](#).

B. Selecting the Correct Category

After logging into the ECF system, select the Civil events menu as appropriate. See Figure 1.



Figure 1

Click on the Sealed and Ex Parte Documents or Sealed and Ex Parte Responses/Replies/Appendices/Briefs link under the **Sealed and Ex Parte Filings** category. See Figure 2.



Figure 2

Review the opening message and click the [Next] button. See Figure 3.

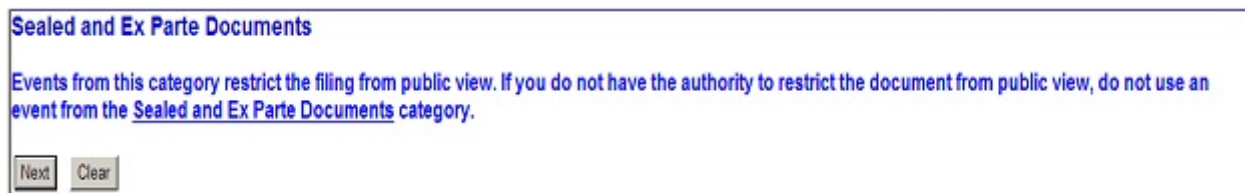


Figure 3

C. Selecting the Correct Event

Select the appropriate event, which will cause it to appear in the **Selected Event** text field. Click **[Next]** to continue. See Figure 4.

The screenshot shows a web interface titled "Sealed and Ex Parte Documents". At the top left is an empty text input field. Below it is a dropdown menu labeled "Available Events (click to select an event)". The dropdown is open, showing a list of event types: "Sealed and/or Ex Parte Appendix/Brief/Memorandum in Support", "Sealed and/or Ex Parte Document", "Sealed and/or Ex Parte Motion" (which is highlighted in blue), "Sealed and/or Ex Parte Reply/Sur-reply", and "Sealed and/or Ex Parte Response/Objection". To the right of the dropdown is a text input field labeled "Selected Event" containing the text "Sealed and/or Ex Parte Motion". At the bottom left are two buttons: "Next" and "Clear".

Figure 4

D. Entering the Civil Case Number

The Civil Case Number screen appears. See Figure 5. Enter the **Case Number** using one of the available formats shown. Then, click the **[Find This Case]** button.

The screenshot shows a web interface titled "Sealed and Ex Parte Documents". Below the title is a section labeled "Civil Case Number" with a yellow background. It contains a text input field followed by the text "99-12345, 1:99-cv-12345, 1-99-cv-12345, 99cv12345, or 1:99cv12345". Below this section are two buttons: "Next" and "Clear".

Figure 5

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 6.

The screenshot shows a web interface titled "Sealed and Ex Parte Documents". Below the title is a section labeled "Civil Case Number" with a yellow background. It contains a text input field with "3:08-cv-811" and a "Hide Case List" button. Below the input field is the text "Select a case:" followed by a list of cases with checkboxes: "1:08-cv-00811-C Bird v. Nuggets", "2:08-cv-00811-J Franklin v. Templeton", "3:08-cv-00811-B Norbit v. American" (which has a checked checkbox), "4:08-cv-00811-Y Bird v. Nuggets", and "6:08-cv-00811-Y Bird v. Nuggets". Below the list are two buttons: "Next" and "Clear".

Figure 6

The next screen displays the case number and the style of the case. 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.

E. Selecting the Filing Party

Select the party or parties for whom you are filing the 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 7.

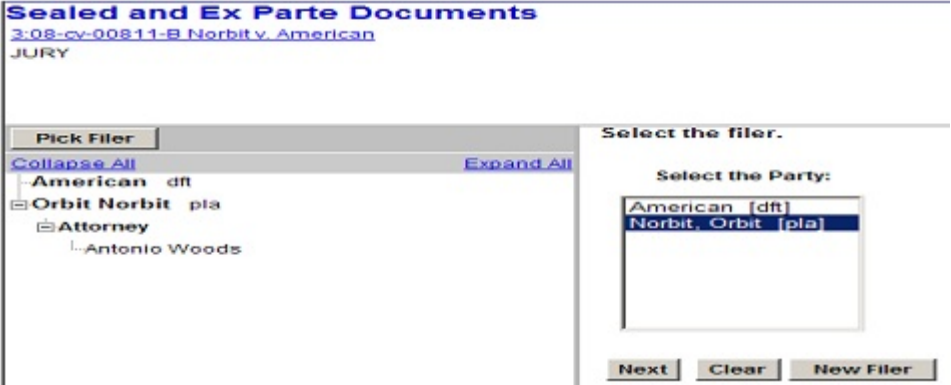


Figure 7

Note: You can collapse or expand the party tree information by toggling individual plus/minus symbols. Alternatively, you can collapse or expand the party lists by clicking on the **Collapse All** or **Expand All** hyperlink located at the top of the participant tree.

F. Attaching Your Document

Identify the directory path and file name for your document. Click [Browse...] next to the **Main Document** text field. See Figure 8.



Figure 8

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

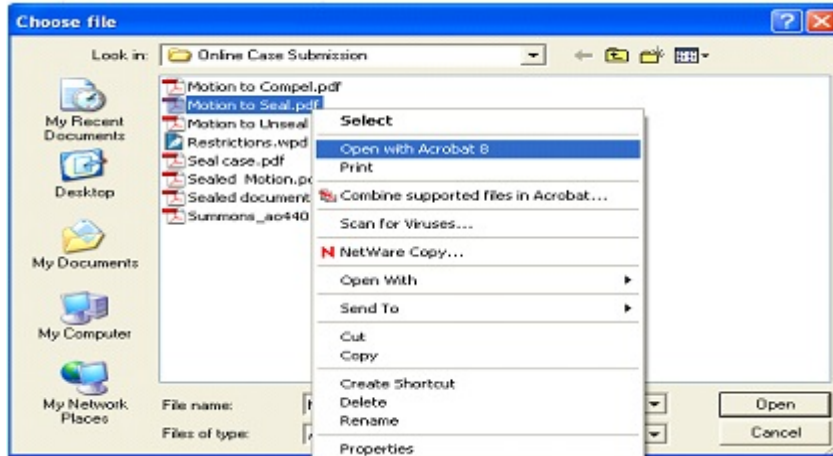


Figure 9

The pop-up box will disappear and the path to the **Filename** will appear in the text field box. If you are attaching a document to the sealed and/or *ex parte* motion or other sealed and/or *ex parte* document you are filing, click **[Browse...]** under the **Attachments** section of the screen to add the first attachment. Otherwise, click **[Next]** to continue.

G. Adding Attachments

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. Additional rows will be added as needed to attach the next PDF document. Click **[Browse...]** to repeat the process until all attachments have been added. When you have added all attachments, click **[Next]** to continue. See Figure 10.

Sealed and Ex Parte Documents
[3:08-cv-00811-B Norbit v. American](#)
 JURY

Select the pdf document and any attachments.

Main Document
 M:\USER\AWoods\Online Case Submiss

Attach your main document.

When adding attachments, select a category and/or enter a description.
 Both will appear in the docket text, so do not repeat words in the description that are in the category you select.

Attachments	Category	Description
1. M:\USER\AWoods\Online Case Submiss <input type="button" value="Browse..."/>		Proposed Sealed Docume <input type="button" value="Remove"/>
2. <input type="text"/> <input type="button" value="Browse..."/>		<input type="text"/>

Figure 10

H. Document Specific Selections

Depending on the type of restricted document you are filing, you may be prompted to make selections in addition to identifying who should receive notice of the filing and your authority for filing under seal (as outlined in sections I. and J. below).

For example, when filing a *sealed and/or ex parte response/objection*, you will be prompted to 1) identify the type of document you are filing and 2) select from a list the document to which you are responding or objecting. If your related document does not appear on the list, you will be directed to provide the document number (if known) and the title of the related document (e.g. Sealed Motion to Compel).

I. Identifying Your Noticing Intent

Identify who should receive notice of this filing (ALL PARTIES or FILER ONLY). See Figure 11.

The screenshot shows a web form titled "Sealed and Ex Parte Documents" for case "3:08-cv-00811-B Norbit v. American". The form is for a "JURY" document. It includes a heading "Filing a Sealed and/or Ex Parte Document in a Civil Case" and instructions: "You are encouraged to include the word SEALLED or EX PARTE in the title or caption of both the motion and any proposed order, which will aid the Clerk in proper order distribution." and "Your selection below will control notice, docket sheet display, and access to the PDF." Under "This motion:", there are two radio button options: "is to be served on ALL PARTIES - Sealed" (which is selected) and "is to be served on the FILER ONLY - Ex Parte". Descriptive text explains that for ALL PARTIES, the public docket will display the title but PDF access is limited to attorneys of record. For FILER ONLY, the public docket will not display the entry and PDF access is limited to the filer. At the bottom are "Next" and "Clear" buttons.

Figure 11

J. Identifying Your Authority for Filing Under Seal

If the motion or document is to be served on all parties (sealed), identify the authority under which you are submitting this document under seal. See Figure 12.

The screenshot shows the same "Sealed and Ex Parte Documents" form as Figure 11. It includes the heading "Filing a Sealed and/or Ex Parte Document in a Civil Case" and the instruction: "Indicate the authority to file this document under seal:". There are three radio button options: "This is a Motion to Seal", "SO 19-1, statute, or rule", and "Prior order entered in this case". At the bottom are "Next" and "Clear" buttons.

Figure 12

The selection you make will appear in final docket text. If your authority stems from a previously entered order, you will be prompted to enter that date, which will also appear in final text. You will then be prompted on the next screen enter the full title of the document you are filing (if the title is sensitive, you may enter a more generic title). If the motion or document is to be served on the filer only (ex parte), you will bypass the authority selection screen (Figure 17) and be immediately prompted to enter the full title of the document.

K. 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 13.

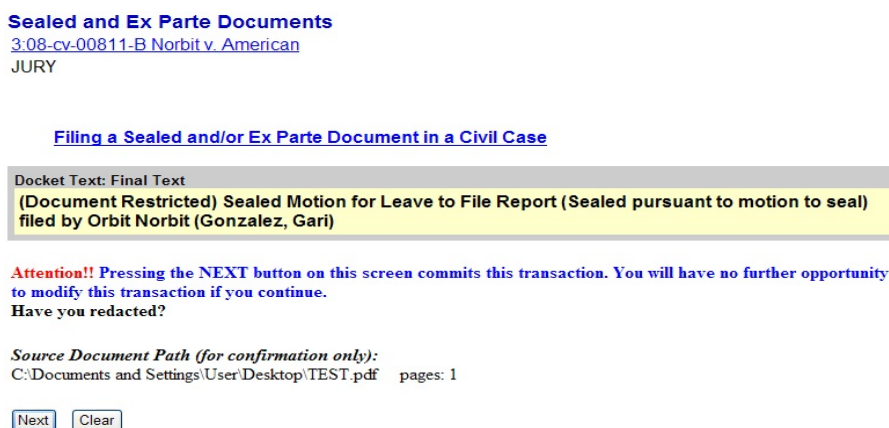


Figure 13

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, it also indicates who will and will not receive a NEF via email.

L. Accessing Restricted Documents

If you are a secondary e-mail recipient on an attorney's primary account and you received a NEF for a sealed or ex parte document, please be advised that only the attorney's Northern District of Texas ECF Filer login will gain access to the document. See the procedures for [Accessing Restricted Documents](#).