

LR 5.6 Procedure for Filing Documents Under Seal

LR 5.1 Place and Manner of Filing

All documents must be filed with the clerk of court in the manner provided in the court's Administrative Procedures for Electronic Case Filings and Unique Procedures and Practices for Electronic Filings, available at www.laed.uscourts.gov. [Amended February 1, 2011]

LR 5.2 Filing of Extraordinary Pleadings

The attorney filing any pleadings of an extraordinary nature (*e.g.*, temporary restraining orders, vessel seizures, writs of attachment, and other pleadings requiring immediate judicial action) must remain available by telephone to the judge to whom the matter is allotted until the judge reviews the pleadings and determines the appropriate action. [Amended December 5, 1997; June 28, 2002; February 1, 2011]

LR 5.3 Advance Payment Required

The clerk is not required to file any document or render any service for which a fee is legally collectible unless the fee for the service is paid in advance. [Amended February 1, 2011]

LR 5.4 Certificate of Service

When a document filed after the initial complaint is served by filing it with the court's electronic filing system, no certificate of service is required when all parties are electronic filers and will receive notice through the court's electronic filing system. When a document that is required to be served is served by means other than the court's electronic filing system, the document must include a certificate of service indicating that the document has been served on all parties contemporaneously with its filing with the court, or within a reasonable period of time after the document has been filed with the court, and must list each party on which the document has been served by means other than the court's electronic filing system, and the means of service. [Amended February 1, 2011; December 3, 2018]

LR 5.5 Deposit for Service

Upon deposit of a sum sufficient to cover the immediate costs, except as provided by law, the marshal is required to perform the service. The marshal may demand security in a reasonable amount for future costs. [Amended February 1, 2011]

LR 5.6 Procedure for Filing Documents Under Seal

- (A) No document or other tangible item may be filed under seal without the filing of a separate motion and order to seal, unless authorized by law.

- (B) Any motion providing prospectively for filing materials under seal must be accompanied by a non-confidential supporting memorandum, a notice of the request to seal, and a proposed order. The non-confidential memorandum and proposed order must include:
- (1) A non-confidential description of what is to be sealed (e.g., medical records);
 - (2) A statement as to why sealing is necessary;
 - (3) Reference to governing case law; and
 - (4) A statement of the period of time the party seeks to have the matter maintained under seal and how the matter is to be handled upon sealing.

The proposed order must recite the findings required by governing case law to support the proposed sealing.

The movant may also submit a confidential memorandum for in camera review in support of the motion. Memoranda supporting or opposing the motion may be submitted and may be designated, in whole or in part, as confidential. Any confidential memoranda must be treated as sealed pending the ruling on the motion to seal.

The clerk must provide public notice by docketing the motion as set forth in the non-confidential description and date assigned for submission.

- (C) A party submitting a document or portion of a document for filing under seal pursuant to a governing statute, rule, or order must note on the face of the document that it or a portion of it is filed under seal pursuant to that statute, rule or order. Upon filing a document under seal, the clerk must provide public notice by stating on the docket that the document is sealed.
- (D) If the motion to file under seal is denied, the movant may file another motion to remove the document(s) from the record within seven days. If no such motion is timely filed, the document(s) must be filed as a public record.
- (E) Each document filed under seal must be submitted to the clerk's office securely sealed with the container clearly labeled "UNDER SEAL." The case number, case caption, a reference to any statute, rule or order permitting the item to be sealed and a non-confidential descriptive title of the document must also be noted on the container.
- (F) A motion to have the entire case sealed is subject to the requirements and procedures of subsections (C) and (E) of this rule.
- (G) Nothing in this Rule restricts the parties from stipulating access to materials that are not filed with the court.
- (H) Except as permitted by law, trial exhibits, including documents previously filed under seal, and trial transcripts will not be filed under seal.

[Adopted February 1, 2011]