

RULE 157.6 - SEALED DOCUMENTS AND PLEADINGS

(To be effective ~~July~~ December 1, 2021)

A pleading or document listed in subsection (a) that is designated in the caption of the document or pleading as being filed pursuant to Local Rule 157.6(a) (Sealed Document) shall be accepted as filed under seal without prior approval from the Court. Otherwise, parties seeking to seal a pleading or document shall file a motion to seal in accordance with subsection (b) or subsection (g).

(a) Automatic Sealing

The following pleadings and documents shall be sealed upon filing. They shall remain sealed until further order of the Court, unless otherwise provided below.

- (1) search warrant and tracking warrant applications, supporting affidavits and resulting warrants, which shall be sealed until the warrant is executed and returned to the Court;
- (2) arrest warrants, which shall be sealed until the warrant is executed;
- (3) motions, orders, and notices concerning matters occurring before the grand jury;
- (4) applications and orders for pen/trap devices, or wire, oral or electronic communication interceptions;
- (5) applications and orders for the disclosure of tax information;
- (6) motions and orders involving the Classified Information Procedures Act;
- (7) all ex parte requests;
- (8) all pretrial services reports, presentence reports, and revocations reports;
~~and~~
- (9) motions, orders or any other pleadings and documents involving the Juvenile Delinquency Act; ~~and~~.

~~(9)~~(10) cooperation agreements, which shall be sealed until the Defendant is sentenced and then for an additional period of time equal to any term of imprisonment that the Court may impose.

(b) Motions to Seal

A party seeking to obtain an order sealing any pleading or document not listed in subsection (a) of this Rule, or seeking to continue the sealing of any pleading or document already sealed shall file a motion pursuant to this subparagraph (b). The motion shall state the basis for sealing, the period of time during which the document(s) are to be sealed, and shall set forth specific findings as to the need for sealing and the duration thereof. The motion itself shall be filed under seal, and remain sealed pending order of the Court pursuant to subsection (e) of this Rule. The documents or pleadings for which sealing is sought will be accepted provisionally under seal. Unless the motion is filed ex parte, the motion shall include a statement whether there is agreement of the parties to the sealing.

(c) Response and Reply

Any response to a motion to seal pursuant to subparagraph (b), and any reply thereto, shall be filed under seal. Unless otherwise ordered by the Court, the response and reply shall be filed in accordance with Local Rule 147.

(d) Captions and Attachments to Motions

The caption for a motion to seal, and any response or reply thereto, shall clearly identify the pleading as relating to sealed matters. Any documents submitted along with the motion to seal shall bear the proper case number and contain the words "Filed Under Seal" in the caption.

(e) Orders

- (1) If the Court grants a motion to seal filed under subsection (b), it shall state its findings supporting the issuance of an order to seal, and shall specify the duration of sealing. In making specific findings as to the need for sealing and the duration the document(s) shall be sealed, the Court may incorporate by reference the proposed findings in the motion to seal.
- (2) If the Court denies a motion to seal filed under subsection (b), the motion to seal and any proposed paper documents tendered under provisional

seal with that motion to seal shall be returned to the moving party. Any electronic versions of the proposed pleadings or documents shall remain in the ECF system, sealed indefinitely, unless otherwise ordered by the Court. The denied motion to seal shall remain sealed indefinitely, unless otherwise ordered by the Court.

(f) Form of Filing

Filings under seal, and motions to seal and any response and reply thereto, shall be in paper, unless otherwise directed by the Clerk.

(g) Transcripts of Proceedings in Criminal Cases

- (1) Duty to Request Sealing. Counsel must request an order sealing some or all of a transcript of a criminal proceeding held before an officer of this Court.
- (2) Producing a Transcript. Except for content ordered sealed by the Court, court reporters or other individuals designated to produce the record will not review the record for sealed or confidential information before producing or filing the transcript
- (3) Partial Transcript. When the Court orders content in a transcript sealed, the court reporter will make the textual notation “sealed” in that part of the transcript. The cover page of the transcript will contain the text “Partial Transcript”. The part(s) ordered sealed will not be preserved with empty or blacked-out line and page numbers. The court reporter will file the partial transcript, which will be available to the public.
- (4) Unredacted Transcript. Court reporters will separately file the unredacted transcript containing information ordered sealed. The docket entry associated with this transcript and the transcript itself will be sealed from the public.