

# OFFICE OF THE CLERK

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**Eric M. Storms, Acting Clerk of Court**

**Edward T. Gignoux United States Courthouse**  
156 Federal Street  
Portland, Maine 04101  
(207) 780-3356

New Cases Inbox: [MaineECFIntake@med.uscourts.gov](mailto:MaineECFIntake@med.uscourts.gov)

## OPERATIONS

Title	Name	Working For	Phone	Email prefix for @med.uscourts.gov
<b>Case Managers</b>				
	Lindsey Tully	Judge Singal	207-274-5114	Lindsey_Tully
	Stacey Graf	Judge Torresen	207-274-5127	Stacey_Graf
	Charity Pelletier	Judge Levy, Judge Hornby, Judge Walker	207-274-5104	Charity_Pelletier
	Joanne Deering	Judge Woodcock	207-274-5112	Joanne_Deering
	Nicholas Gordon	Magistrate Judge Wolf	207-274-5113	Nick_Gordon
	Lauren Bearor	Magistrate Judge Wolf	207-274-5148	Lauren_Bearor
	Michelle Thibodeau		207-274-5147	Michelle_Thibodeau
<b>Jury Specialist/Case Manager</b>	Jessica Mahon		207-274-5110	Jessica Mahon

## ADMINISTRATION

Title	Name	Phone
<b>Administrative Manager, eVoucher</b>	Sarah Davis McNamara	207-274-5106
<b>Executive Assistant, Attorney Admissions, Interpreter Coordinator, eVoucher</b>	Lindsey Tully	207-274-5114
<b>Financial Administrator</b>	Amy Spencer	207-274-5157

## IT SERVICES

Title	Name	Phone
Courtroom Tech. Specialist	Andrew Biedrzycki	207-274-5128

**Margaret Chase Smith Federal Building and United States Courthouse**  
202 Harlow Street  
Bangor, Maine 04401  
(207) 945-0575

New Cases Inbox: [MaineECFIntake@med.uscourts.gov](mailto:MaineECFIntake@med.uscourts.gov)

Title	Name	Phone	Email Prefix for @med.uscourts.gov
Deputy In Charge/Jury Administrator	Maggie Melanson	207-922-6423	Margaret_Melanson
Case Manager for Judge Neumann	Meghan York	207-922-6425	Meghan_York
Case Manager for Magistrate Judge Nivison	Cheryl Derrah	207-922-6439	Cheryl_Derrah
IT Systems Support Specialist	Brian Tremblay	207-922-6424	Brian_Tremblay
ECF Help Desk/eVoucher	Jenn Driscoll	207-922-6444	Jennifer_Driscoll






**ECF Help Desk – 207-945-0575, ext. 6444 (Jenn Driscoll).**

## Filing a Case Opening Document in a Civil Action

Civil case opening documents, such as a complaint, petition, or notice of removal, together with a summons and civil cover sheet, shall be filed by e-mail in PDF so that the documents can be added to ECF. Note: no individual PDF document shall exceed 20 MB in size.

The body of the e-mail must contain:

- The name, address and telephone number of the filer (i.e. attorney);
- The type of document(s) being filed (i.e. complaint);
- The county in which a substantial part of the events or omissions giving rise to the claim occurred;
- The number of documents sent with the e-mail; and
- Method of payment (pay.gov or check)

 Send	To	<a href="mailto:MaineECFIntake@med.uscourts.gov">MaineECFIntake@med.uscourts.gov</a>		
	Cc			
Subject		New Case Opening Documents		
 Complaint.pdf 25 KB		 Civil Cover Sheet.pdf 25 KB	 Disclosure Statement.pdf 25 KB	
 Summons.pdf 25 KB				
<p>Filer: Test Lawyer, Esq. 123 Main Street Somewhere, ME 00000 207-XXX-XXXX <a href="mailto:testlawyer@emailaddress.com">testlawyer@emailaddress.com</a></p> <p>Documents being filed: Complaint, Civil Cover Sheet, Rule 7.1 Disclosure Statement and Summons</p> <p>County: Hancock (Bangor Division)</p> <p>Number of Documents attached: <u>4</u></p> <p>Payment Method: Pay.gov</p>				

Case opening documents should be emailed to [MaineECFIntake@med.uscourts.gov](mailto:MaineECFIntake@med.uscourts.gov)

The District of Maine has a 20 megabyte (MB) limit for all messages that its email server can receive. This means that you must limit the size of attachments so that the entire email message does not exceed 20 MB in size (*Please remember that no individual PDF document may exceed 20 MB in size*). Exceeding this limit will result in delivery failure. In the event that the cumulative size of email attachments in a single email message exceeds 10 MB, consider sending the attachments over the course of several email. A party may not electronically serve a complaint but shall effect service in the manner in accordance with Fed.R.Civ.P.4.

## **RULE 7.1 – DISCLOSURE STATEMENT**

**(As amended December 1, 2022)**

### **(a) Who Must File; Contents**

- (1) Non-Governmental Corporations. A non-governmental corporate party or non-governmental corporate party that seeks to intervene must file a disclosure statement.
  - (i) Definition: A non-governmental corporate party is any non-governmental entity that is not an individual, including but not limited to a corporation, limited liability company, sole proprietorship, partnership, firm, joint venture, trust, or similar entity.
  - (ii) Contents: The disclosure statement of a non-governmental corporate party must identify any parent corporation, publicly held corporation, affiliated corporation, limited liability company, partnership, firm, joint venture, trust, or other entity, or any individual owning 10% more of the stock or having 10% or more ownership interest in the non-governmental corporate party, or state that there is no such entity or individual.
- (2) Parties or Intervenors in a Diversity Case. In an action based on diversity under 28 U.S.C. § 1332(a), all parties or intervenors, whether governmental, corporate, or individual, must file a disclosure statement setting forth the information required by Fed.R.Civ.P. 7.1(a)(2).

### **(b) Time to File; Obligation to Supplement**

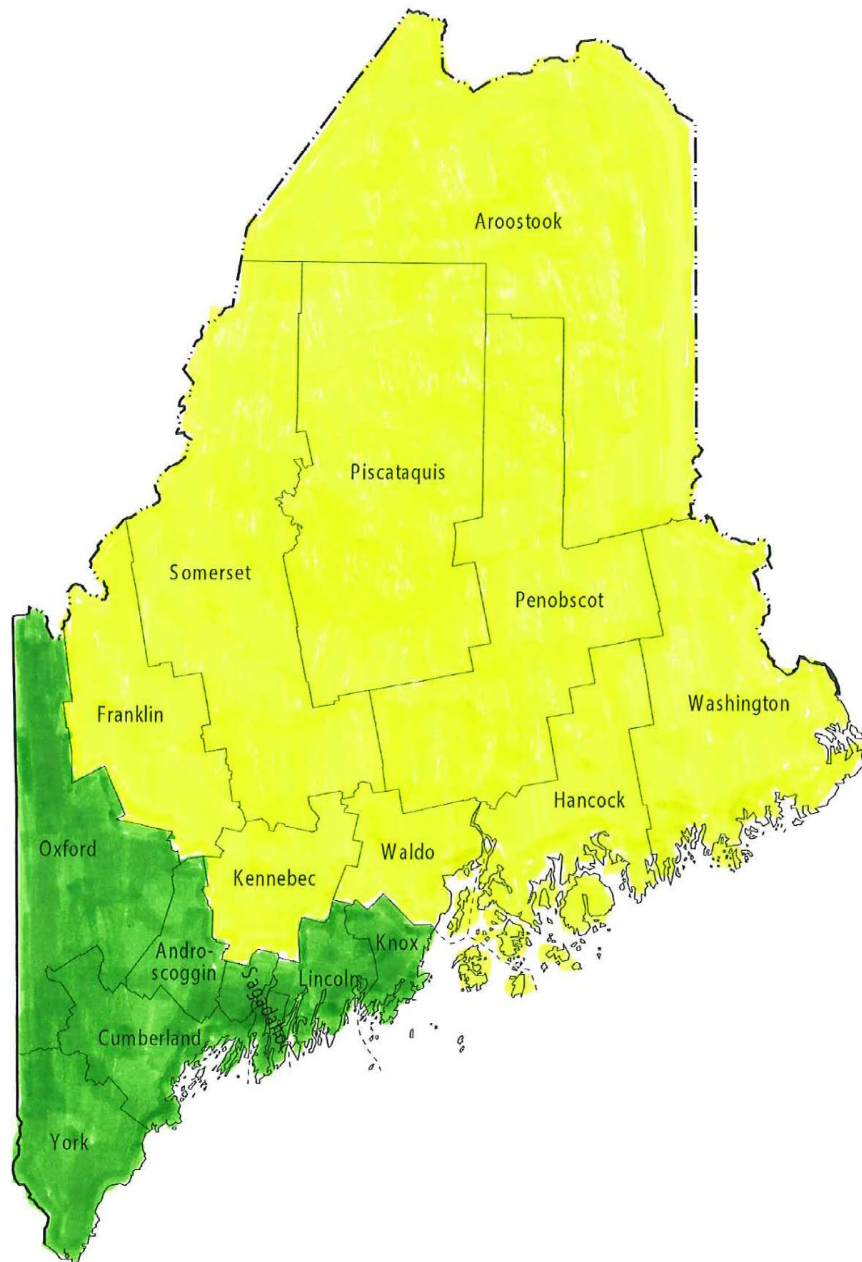
A party or intervenor must:

- (1) File a disclosure statement required by 7.1(a)(1) and/or (a)(2) above with its first appearance, pleading, petition, application, motion, notice, response, or other request addressed to the Court; and
- (2) Promptly file a supplemental disclosure statement identifying

- (i) any change of ownership of a non-governmental corporate party or intervenor resulting in a previously undisclosed entity or individual owning 10% or more of the stock or having 10% or more ownership interest in the non-governmental corporate party, or
- (ii) any change of citizenship of an individual or entity whose citizenship is attributed to a party or intervenor.

CASES ASSIGNED TO BANGOR

CASES ASSIGNED TO PORTLAND





## Summary Judgment Motions – Order of Filings with ECF Events

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### **Local Rule 56(h) Record\*:**

(Civil Events→Other Filings→Other Documents→Local Rule 56(h) Record)

Record should consist of the universe of documents that any party may cite to in its motion or statement of facts. If during the motion practice any party determines that it needs to supplement the record, it may file a supplemental record, but shall not duplicate any record material already on the docket.

*\*Note:* Preferred filing method of the summary judgment record can vary by judge. The judge could require docketing of the record separately using this event or be agreeable uploading exhibits that comprise the record as attachments to the Statement of Fact documents. If the judge has a stated preference, you will be advised at the Local Rule 56(h) Pre-Filing Conference or within the order on Motion for Approval of Local Rule 56(h) Schedule.

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### **Motion for Summary Judgment:**

(Civil events→Motions and Related Filings→Motions→Summary Judgment)

Motion should incorporate a memorandum of law in accordance with Local Rule 7(a). The memo should not be docketed separately or uploaded as an attachment to the motion - motion and memo should be incorporated into one document).

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### **Statement of Material Facts:**

(Civil Events→Other Filings→Other Documents→Statement of Fact)

Should be docketed separately than the Motion for Summary Judgment - Should not be uploaded as an attachment to the Motion.

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### **Response to Motion for Summary Judgment:**

(Civil Events→Motions and Related Filings→Responses and Replies→Response in Opposition to Motion), or,

(Civil Events→Motions and Related Filings→Responses and Replies→Response to Motion)

Response should incorporate a memorandum of law in accordance with Local Rule 7(b). The memo should not be docketed separately or uploaded as an attachment to the response - response and memo should be incorporated into one document.

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**Response to Statement of Fact:**

(Civil Events→Motions and Related Filings→Responses and Replies→Response to Statement of Fact), or,

**Response to Statement of Fact with Additional Facts:**

(Civil Events→Motions and Related Filings→Responses and Replies→Response to Statement of Fact with Additional Facts)

Response Statement of Fact should include any request to strike facts contained in the Statement of Fact. Separate motion to strike not allowed in accordance with Local Rule 56(e)

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**Reply to Motion for Summary Judgment:**

(Civil Events→Motions and Related Filings→Responses and Replies→Reply to Response to Motion)

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**Reply to Additional Statement of Facts:**

(Civil Events→Motions and Related Filings→Responses and Replies→Reply to Additional Statement of Fact)

In accordance with Local Rule 56(e), Reply to Additional Statement of Fact should include:

- any response to requests to strike that were made within the Response Statement of Fact
  - any request to strike facts contained in the Additional Statement of Fact
- 

**Response to any request to strike made within the Reply to Additional Statement of Fact:**

(Civil Events→Motions and Related Filings→Responses and Replies→Response to Request to Strike Per LR 56(e))

This filing is only applicable when a request has been made to strike facts contained in the Additional Statement of Facts.

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**Consolidated Documents – Cross Motions for Summary Judgment:**

Occasionally, pleadings are consolidated into one document. This happens frequently with Cross Motions for Summary Judgment.

ECF can only designate one filing event per document. When filing a consolidated document, select one ECF event to use and the Clerk's Office will add the second event.

Do not add any additional text to the docket entry to capture the second event, as this text will be removed by the Clerk's Office.

Example:

04/14/2017	<a href="#">71</a>	RESPONSE to Motion re <a href="#">65</a> MOTION for Summary Judgment filed by PHILADELPHIA INDEMNITY INSURANCE COMPANY. Reply due by 4/28/2017. (Entered: 04/14/2017)
04/14/2017	<a href="#">73</a>	Cross MOTION for Summary Judgment by PHILADELPHIA INDEMNITY INSURANCE COMPANY. Response due by 5/5/2017. No PDF document is attached to this docket entry. The Cross Motion for Summary Judgment is included within ECF No. 71. To view document, see ECF No. <a href="#">71</a> . (mnw) (Entered: 04/14/2017)

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When in doubt, give us a call. We are always happy to help provide guidance on filing questions.

## Filing Exhibits to Pleadings on ECF

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### Citing Exhibits Already on File:

Counsel shall not re-file any document already on file in a case, but rather should cite to where in the record the document can be found. When citing documents from the record, counsel should use the ECF number of the document. To cite a document on file as an attachment to a prior docket entry, use the ECF number, then a dash, then the attachment number.

Example if you are citing to the Depo of Victor Coffin, Vol. II: (ECF 113-2)

10/30/2020	<a href="#">113</a>	LOCAL RULE 56(h) RECORD by MAINE CENTRAL RAILROAD COMPANY. (Attachments: # <a href="#">1</a> Depo of Victor Coffin, Vol. I, # <a href="#">2</a> Depo of Victor Coffin, Vol. II, # <a href="#">3</a> Video Depo of Victor Coffin, # <a href="#">4</a> 30(b)(6) Depo of MCRR, # <a href="#">5</a> Depo of Dr. Ozonoff, # <a href="#">6</a> Depo of Dr. Abraham, # <a href="#">7</a> Declaration of John F. McCarthy, # <a href="#">8</a> Plaintiff's Answers to Interrogatories, # <a href="#">9</a> MCRR's Answers to Plaintiff's Interrogatories, # <a href="#">10</a> McAleer v. MCRR Answers to Interrogatories, # <a href="#">11</a> Inter-Departmental Memorandum) (Entered: 10/30/2020)
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### Exhibit Descriptions:

When uploading exhibits, you may disregard the category drop down box as text will be duplicated if you use both the category box and the open text description box. Example: (Exhibit Exhibit A, Affidavit of John Doe). The best practice is to utilize only the open text description box to input a brief concise description of each attachment.

Date document filed (mandatory)

**NOTICE: A clear and concise description of the attachment MUST be entered for each attachment added.**  
Ex 1: Exh 1-Affidavit of John Doe  
Ex 2: Transcript of 4/1/10 Hrg (pp 36-45)  
Select the PDF document and any attachments.

**Main Document**  
 No file chosen



Attachments	Category	Description
1. <input type="button" value="Choose File"/> No file chosen	<input type="text" value=""/>	<input type="text" value=""/>

### **Maximum File Size:**

ECF will not accept documents for filing that exceed 20 MB in size.

To file a document that exceeds 20 MB, divide the document up into separate attachments – each under 20 MB. Input a clear description of each separate attachment. Example: (Exhibit A, Employee Handbook, Part 1 of 3)

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### **Voluminous Exhibits/ Additional Attachments ECF Event:**

To avoid browser timeout when you have many exhibits to attach, the best practice is to submit the docket entry after approximately 30 minutes and then resume uploading the remaining exhibits using the ECF event Additional Attachments. (Civil Events→Other Filings→Other Documents→Additional Attachments).

When using the Additional Attachments docket entry, do not re-attach your original pleading as the main document. Attach your next exhibit as the main document and input a description in the box provided near the top of the screen, then continue with your remaining exhibits as attachments. Repeat this process as needed until all exhibits have been submitted.



Do NOT re-attach any previously filed documents. Enter a brief description of the first PDF document to be uploaded in the Filename window shown below: (For example.: Exhibit 27: Contract Pages 1-77):

**NOTICE: A clear and concise description of the attachment MUST be entered for each attachment added.**

Ex 1: Exh 1-Affidavit of John Doe

Ex 2: Transcript of 4/1/10 Hrg (pp 36-45)

Select the PDF document and any attachments.

Main Document

No file chosen

Attachments

Category

Description

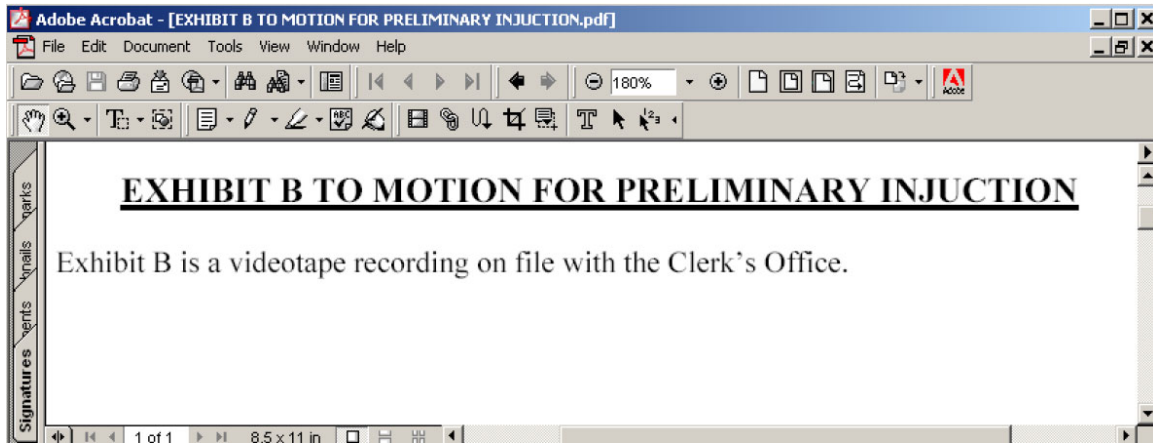
1.  No file chosen

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### **Exhibits on File with the Clerk's Office:**

Certain exhibits cannot be filed on ECF, for example, video or audio recordings or oversized documents. These types of exhibits are filed with the Clerk's Office. The filing party must also capture existence of these exhibits on ECF. This is accomplished by the filing of a placeholder page where the exhibit would otherwise appear on the docket.

Example Placeholder Page:



Example Docket Entry with Placeholder Page:

03/04/2016	<a href="#">108</a>	BRIEF <i>Re Prior Licensing Agreements</i> by EUOPHARMA AS, MARICAL INC. (Attachments: # <a href="#">1</a> Exhibit A (Placeholder) (Entered: 03/04/2016)
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## **II. CRIMINAL CASES**

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UNITED STATES DISTRICT COURT – DISTRICT OF MAINE

**FINANCIAL AFFIDAVIT**  
IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT  
PAYMENT OF FEE

DOCKET NUMBER IN THE CASE OF

UNITED STATES OF AMERICA v. \_\_\_\_\_

(DEFENDANT ADDRESS/PHONE NUMBER)

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY																																						
<b>INCOME &amp; ASSETS</b>	<b>EMPLOYMENT</b>	Do you have a job? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES, how much do you earn per month? _____ Will you still have a job if you've been arrested on these charges? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown																																				
	<b>PROPERTY</b>	Do you own any of the following, and if so, what is it worth? <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 20%; text-align: center;">DESCRIPTION/VALUE</th> <th style="width: 20%; text-align: center;">AMOUNT OWED</th> </tr> </thead> <tbody> <tr> <td>Home</td> <td>_____</td> <td>\$ _____</td> </tr> <tr> <td>Car/Truck/Vehicle</td> <td>_____</td> <td>\$ _____</td> </tr> <tr> <td>Car/Truck/Vehicle</td> <td>_____</td> <td>\$ _____</td> </tr> <tr> <td>Personal Property</td> <td>_____</td> <td>\$ _____</td> </tr> <tr> <td>Other Property</td> <td>_____</td> <td>\$ _____</td> </tr> </tbody> </table>		DESCRIPTION/VALUE	AMOUNT OWED	Home	_____	\$ _____	Car/Truck/Vehicle	_____	\$ _____	Car/Truck/Vehicle	_____	\$ _____	Personal Property	_____	\$ _____	Other Property	_____	\$ _____																		
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Personal Property	_____	\$ _____																																				
Other Property	_____	\$ _____																																				
<b>CASH &amp; BANK ACCOUNTS</b>	Do you have any cash, or money in savings or checking accounts? <input type="checkbox"/> Yes <input type="checkbox"/> No  IF YES, give the total approximate amount after monthly expenses \$ _____																																					
<b>OBLIGATIONS, EXPENSES, &amp; DEBTS</b>	How many people do you financially support? _____																																					
		<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 30%; text-align: center;">MONTHLY EXPENSE</th> <th style="width: 30%; text-align: center;">TOTAL DEBT</th> </tr> </thead> <tbody> <tr> <td>Housing</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>Groceries</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>Medical expenses</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>Utilities</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>Car/Truck/Vehicle</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>Childcare</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>Child support</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>Insurance</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>Loans</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>Fines</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>Other</td> <td>\$ _____</td> <td>\$ _____</td> </tr> </tbody> </table>		MONTHLY EXPENSE	TOTAL DEBT	Housing	\$ _____	\$ _____	Groceries	\$ _____	\$ _____	Medical expenses	\$ _____	\$ _____	Utilities	\$ _____	\$ _____	Car/Truck/Vehicle	\$ _____	\$ _____	Childcare	\$ _____	\$ _____	Child support	\$ _____	\$ _____	Insurance	\$ _____	\$ _____	Loans	\$ _____	\$ _____	Fines	\$ _____	\$ _____	Other	\$ _____	\$ _____
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Loans	\$ _____	\$ _____																																				
Fines	\$ _____	\$ _____																																				
Other	\$ _____	\$ _____																																				

I certify under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
SIGNATURE OF DEFENDANT

Date

(OR PERSON SEEKING REPRESENTATION)

### III. CJA PANEL AND RESOURCES

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On the Court's website @ <https://www.med.uscourts.gov/cja-criminal-justice-act> are, among other resources, are links to:

[National CJA Guidelines](#)

[District of Maine CJA Reference Manual](#)

Instructional PDFs and Videos such as:

- [CJA-20 Tips for Categorizing, Classifying, and Describing Entries](#)
- [Creating a New CJA-20/30 Voucher](#)
- [CJA Expert Services and Authorizations](#)
- [CJA 20 Instructions for Attorneys](#)
- [CJA 21 Instructions for Attorneys](#)
- [CJA 24 Instructions for Attorneys](#)
- [eVoucher FAQ and Tips](#)

Feel free to reach out to your friendly eVoucher team at:

[eVoucher@med.uscourts.gov](mailto:eVoucher@med.uscourts.gov)

enn is ll: (207) 922-6444  
Lindsey Tully: (207) 274-5114  
Sarah McNamara: (207) 274-5106



## Common Issues and Where to Find More Information in the CJA Reference Manual

### 1. Untimely Submissions p. 3

Following the completion of all work at the District Court level, counsel will finalize the CJA 20 voucher in eVoucher and submit it therein for processing to the Clerk's Office within 45 days.

### 2. Requests in Excess p. 11

When a request for compensation exceeds the statutory maximum, a letter, addressed to the presiding judge, supporting the request must be attached to the voucher.

### 3. Interim Requests p. 12

Interim requests for payment are allowed where "necessary and appropriate" and require a letter, addressed to the presiding judge, supporting the request.

### 4. In-Court v. Out-of-Court Entries pp. 6 & 7

In-Court time is time in conference or hearing with a judicial officer and includes time from the scheduled start of conferences and hearings to the actual start, recesses in which no other work can be accomplished, and waiting for jury deliberations when no other work can be accomplished. All other time is Out-of-Court time and requires entries separate from In-Court time entries.

### 5. Prorated Travel and Expenses p. 7

Travel time may be split between clients and is encouraged. However, travel expenses may not be split between clients.

### 6. Experts

#### a. Preauthorization p. 13

The District of Maine requires that counsel seek prior authorization in each instance expert services are required. (Allowable expenses should not be included in the total amount requested.)

#### b. Not-to-Exceed p. 13

Authorizations are Not-to-Exceed approvals. Experts should be advised that the Court has only approved the amount authorized (plus allowable expenses). For additional funds, counsel must first seek additional approval.

c. **Presumptive Maximums p. 14**

The Court has established presumptive maximum rates for expert services. Counsel is encouraged to negotiate rates lower than the presumptive maximums. We will return vouchers which include requests for rates above the presumptive maximum rates.

d. **Interpreter/Translation Rates p. 15**

When negotiating rates for interpreting and translation, please note that interpreters are permitted to bill only for **actual hours** worked and at the applicable Certified or Non-Certified Rate and are **not to exceed the full day rate**. Translation services are to be billed per word, per page, or per hour at reasonable rates based on local market rates.

### **Jury Selection Frequently Asked Questions:**

1. Do you have the list of jurors in a format other than a PDF that you can provide?

Answer-No. The Court provides the list of vulnerable jurors and their questionnaires in PDF format. If you or your attorney would like it in some other format it is up to you to create that.

2. Why are we missing some questionnaires for jurors on the list?

Answer- Those jurors have either not yet responded to the summons or forgot to send in the supplemental questionnaire. If those jurors appear on selection day we will have them complete the questionnaire and provide a copy in hand to counsel at selection.

3. Does the Court provide a list of all jurors who appear on selection day?

Answer-No. The Court does not provide a list to counsel of all jurors reporting. We do however provide a seating chart with the juror numbers of those seated in the initial panel on the day of selection. Please note that the jurors who report on selection day are drawn from the list of jurors identified when we uploaded the juror list and questionnaires.

4. How do you decide who from the list of vulnerable jurors to call in on which day?

Answer-To begin it's important to note that jurors who are summoned to appear are randomly drawn from our qualified master wheel. When preparing for selection there are a variety of factors we look at when determining who from the summoned group to call in for any given selection day. Such factors include things like has the juror identified a severe scheduling conflict with trial dates, has the juror's service been reduced such that it would preclude them being called in on a specific date or month, how many jurors are needed for the number and/or complexity of cases being selected. Once jurors on the list are eliminated for those reasons jury clerks then look to call in all jurors whose service was previously deferred, all those who are reduced to that particular month and/or day, and then we fill in the remaining number of jurors needed by juror number (as that is a random assignment). All jurors not called in for the first day of selection are placed on hold for day two of selection should it be needed.

When you get to subsequent months of service we opt to call in all jurors who have not previously appeared first and then fill in the remaining number needed using the considerations identified above.

5. What if the attorney has clothes for the defendant to wear at selection?

Answer- They can be delivered to the U.S. Marshals Service on the day of selection for the defendant to change into.

## Guidelines for Filing Confidential Information in Civil Cases

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### Introduction

Parties to litigation occasionally have a need to file documents containing confidential information because that information is material to a pleading. Confidential information generally deserves protected status, but often exists alongside non-confidential information the public has a right to see. Although counsel may designate a document as confidential in the context of discovery, pursuant to a confidentiality order, it does not follow that counsel may liberally seek to seal the entire document when filing, if only part of the document is confidential. The Court must carefully balance the presumptive public right of access against the confidentiality interest that is at stake in a particular case. Overuse of the “sealed” CM/ECF filing events is in direct conflict with the Court’s obligation to maintain a public docket and to ensure that only confidential information is hidden from public view.

These guidelines are meant to better ensure (1) that the procedure for docketing confidential information balances the private right to confidentiality with the public’s right of access; (2) that the Court has an adequate record from which to assess the merits of requests to seal; and (3) that the process of making and determining such requests maintains a docket that is orderly and accessible to the public, the litigants, and the Court.

The first step in this process is for counsel to confer on the confidentiality issue prior to filing and to redact by agreement confidential information that is not material to the litigation. If counsel must file confidential information that is material to the litigation or if counsel cannot agree about the materiality of confidential information, or whether the information is properly designated confidential, then additional measures will be necessary. Typically, the confidential document can be cited in a pleading without incorporating the confidential information into the pleading. Sometimes, however, it is necessary to incorporate the contents of a confidential document into the pleading. If the exhibit cannot be redacted by agreement to remove confidential information, the party claiming that the document should be under seal, shall file a motion in accordance with these guidelines.

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## **Notice of Electronic Filing and Access to Information**

In civil cases, the ECF system will generate and send a Notice of Electronic Filing (NEF) to counsel of record notifying them of the filing, but counsel will be unable to view the document. If service is required, all counsel must be served in a manner other than through ECF.

Note: in civil sealed filings, the docket entry is public, but the main document and any attachments are not publicly available.

The following guidelines are offered to assist litigants with the process of preserving confidential information in the course of filing documents on the CM/ECF system.

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### **Personal Data Identifiers- Non-Material**

Any main document or attachment(s) that contain non-material personal data identifiers must be filed in redacted format, as per Federal Rule 5.2. This document will be publicly available.

<b>Step</b>	<b>Action</b>
1	Redact the personal data identifier(s).
2	File the document in its redacted form.
3	Do not file an unredacted version.

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### **Personal Data Identifiers- Material**

Any main document and attachment(s) that contain material personal data identifiers must be filed in redacted and unredacted formats. An unredacted version is required so the court has access to the material-but-confidential personal data identifiers. The unredacted version will not be publicly available. The redacted version will be publicly available. A Motion to Seal is not required.

<b>Step</b>	<b>Action</b>
1	Redact the personal data identifier(s).
2	File the main document and/or attachment(s) in redacted form.
3	Using the event “Unredacted Document” separately file an unredacted version of each redacted document.

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### **Confidential Information- Material**

Any main document or attachment(s) that do not need to be sealed in their entirety, but contain some material confidential information must be filed in redacted and unredacted formats. An unredacted version is required so the court has access to the material-but-confidential information. The unredacted documents shall be attached to the Motion to Seal. The unredacted version will not be publicly available. The redacted version will be publicly available. A Motion to Seal is required.

<b>Step</b>	<b>Action</b>
1	Redact the confidential information.
2	File the main document and/or attachment(s) in redacted form.
3	File a Motion to Seal, and attach all of the confidential unredacted documents. The motion “shall propose specific findings as to the need for sealing and the duration the document(s) should be sealed.” It also “shall include a statement whether there is agreement of the parties to the sealing.” D. Me. Loc. R. 7A(a). See also, D. Me. Loc. R. 7A(e); Appendix II – Form Confidentiality Order, Section 7.  Note: each document should be a separate attachment to the motion to seal.

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### **Non-confidential Main Document with Confidential Attachment(s)**

When an attachment cannot be redacted, and the litigant seeks to seal an entire attachment; a Motion to Seal and a public placeholder are required.

<b>Step</b>	<b>Action</b>
1	For any confidential attachment(s), prepare a placeholder attachment.  Note: It is not necessary to file a placeholder for each confidential attachment. One placeholder listing all of the confidential attachments is acceptable. See example on the last page of this document.
2	File the main document and attach to it all non-confidential attachments and the placeholder.

Step	Action
3	<p>File a Motion to Seal, and attach all of the confidential attachments. The motion “shall propose specific findings as to the need for sealing and the duration the document(s) should be sealed.” It also “shall include a statement whether there is agreement of the parties to the sealing.” D. Me. Loc. R. 7A(a). See also, D. Me. Loc. R. 7A(e); Appendix II – Form Confidentiality Order, Section 7.</p> <p>Note: each document or exhibit should be a separate attachment to the motion to seal.</p>

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### Main Document- Confidential

When a litigant seeks to seal a main document in its entirety, a Motion to Seal is required.

Step	Action
1	<p>File a Motion to Seal. The motion “shall propose specific findings as to the need for sealing and the duration the document(s) should be sealed.” It also “shall include a statement whether there is agreement of the parties to the sealing.” D. Me. Loc. R. 7A(a). See also, D. Me. Loc. R. 7A(e); Appendix II – Form Confidentiality Order, Section 7.</p>
2	<p>File the confidential main document using one of the below listed sealed events.</p> <ul style="list-style-type: none"><li>• Sealed Motion 1 or Sealed Motion 2</li><li>• Sealed Response</li><li>• Sealed Reply</li><li>• Sealed Document</li></ul>

Please Note: Local Rule 7A(b) states that any response or reply to a motion filed under seal shall be filed electronically under seal and in accordance with Local Rule 7. No Motion to Seal is required when filing any response or reply to a sealed motion. Any sealed response or sealed reply to a sealed motion must be filed using the event Sealed Response or Sealed Reply, otherwise the filing will not be sealed.



## Example Placeholder

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

PLAINTIFF'S NAME	)	
Plaintiff,	)	
	)	
v.	)	CIVIL NO. 1:18-cv-012345-ABC
	)	
DEFENDANT'S NAME	)	
Defendant	)	

**SEALED EXHIBITS TO DEFENDANT'S STATEMENT OF MATERIAL  
FACTS**

The below exhibits to Defendant's Statement of Material Facts are filed under seal:

1. Exhibit 2 - Declaration of Jim Jones
2. Exhibit A to Declaration of Jim Jones- Medical Records
3. Videotape Deposition of Jane Doe