

The seal of the United States District Court for the Eastern District of Tennessee is centered in the background. It features an eagle with wings spread, perched on a shield with vertical stripes. Above the eagle is a banner with the motto "E PLURIBUS UNUM". The seal is encircled by the text "UNITED STATES DISTRICT COURT" at the top and "EASTERN DISTRICT OF TENNESSEE" at the bottom, separated by two stars.

# **CM/ECF Sealed Documents**

## **Documentation for Attorneys**

*September 1, 2009*

The Court has amended its local rules to allow documents that are the subject of a motion to seal to be temporarily filed under seal pending a ruling on the motion. The following procedures should be followed when filing a motion to seal a document in an **unsealed** case:

The motion to seal will be filed in CM/ECF using the *Leave to File Document Under Seal* motion event. The document sought to be sealed **can not** be filed as an attachment to the motion. It **must** be filed separately using the *Proposed Sealed Document* event. The *Proposed Sealed Document* event will automatically seal the document. Please note that counsel of record will not be able to access the proposed sealed document in CM/ECF. Therefore, it is essential that counsel take due care when uploading the proposed sealed document for review by the court.

Motions to seal will not be sealed. Counsel is *strongly encouraged* to set forth in the motion the justification for sealing in such a way that the motion need not be sealed. If counsel deems it necessary for the justifications to be sealed, counsel shall note in the motion that a memorandum is being filed and request that the memorandum and the document be sealed. The memorandum is **not** to be filed as an attachment to the motion. The memorandum must be docketed separately using the *SEALED Memo in Support of Leave to File Doc Under Seal* event. This event will automatically seal the memorandum.

Only court personnel will have access to sealed documents.<sup>1</sup> A notice of electronic filing will be sent upon the filing of a sealed document; however, non-court users will not be able to access the document. **Accordingly, counsel must serve a copy of proposed sealed documents and sealed memoranda in support of motions to seal to all parties in some other manner allowed under the Federal Rules of Civil Procedure or Federal Rules of Criminal Procedure.**

Upon entry of the Court's order:

If the motion to seal is granted, the Clerk's Office will retrieve the proposed sealed document and re-docket it under seal.

If the motion is denied, the Clerk's Office will delete the proposed sealed document and modify the docket entry to note the document was deleted upon the denial of the motion to seal.

If the court orders that the memorandum (if filed) be sealed, no further action will be needed. If the court does not order the memorandum sealed, the Clerk's Office will delete the memorandum and modify the docket entry to note the memorandum was deleted upon the ruling on the motion.

---

<sup>1</sup> Unless otherwise directed by the Court, the docket entries for sealed documents (in non-sealed cases) will appear on the publicly viewable docket report, but the document will not be viewable by the non-court users.

The events identified in these procedures can be found in CM/ECF as follows:

### **Criminal Events:**

Motion for Leave to File Document Under Seal

◆ Criminal → Motions → *Leave to File Document Under Seal*

Proposed Sealed Document

◆ Criminal → Other Documents → *Proposed Sealed Document*

SEALED Memo In Support of Leave to File Document Under Seal

◆ Criminal → Filings in Support of Motion → *SEALED Memo In Support of Leave to File Document Under Seal ONLY*

### **Civil Events:**

Motion for Leave to File Document Under Seal

◆ Civil → Motions → *Leave to File Document Under Seal*

Proposed Sealed Document

◆ Civil → Other Documents → *Proposed Sealed Document*

SEALED Memo In Support of Leave to File Document Under Seal

◆ Civil → Filings in Support of Motion → *SEALED Memo In Support of Leave to File Document Under Seal ONLY*

*Tip: The Search feature (on the blue bar) is an easy way to locate an event. For example, a search on the word “seal” will return all of these events.*

**NOTE:** These procedures do not apply to **sealed cases**. All documents in sealed cases must be filed in paper form. Only court personnel will have access to documents in sealed cases. A notice of electronic filing will not be sent on documents filed in sealed cases and counsel will not have access to the docket for sealed cases. Service must be made in some other manner allowed under the Federal rules of Civil Procedure or Federal Rules of Criminal Procedure. Please note that all documents filed in paper format **must** have an original signature.