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# Filing Sealed Documents and *Ex Parte* Motions Electronically

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Joint General Order 11-1

Amendment to Joint General Order 06-01

United States District Courts for the

Eastern and Western Districts of Kentucky

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# Sealed Document

- A **Sealed Document** is a document or motion filed pursuant to:
    - ❑ a protective order;
    - ❑ an order granting leave to file the sealed document or motion, in conjunction with a motion to seal or a previously filed redacted document; or
    - ❑ included within a category of documents considered sealed under a federal statute, federal rule of procedure, local rule or standing order of the court.
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# Access to Sealed Documents

- Once a sealed document or a sealed motion is filed in the record, access to the PDF document is electronically accessible only to the Court.
    - Sealed documents are not available electronically or by any other means to the parties, attorneys or the public.
  - Upon the filing of a notice of appeal to the Sixth Circuit Court of Appeals, electronic access to sealed documents in the record on appeal will depend upon the policy of the Sixth Circuit.
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# Motion for Leave to Seal a Document

- A party seeking to file a **sealed document** shall electronically file a **motion for leave to seal** prior to filing a **sealed document**.
  - A **motion for leave to seal** is not required when the document is:
    - already subject to a protective order, or
    - included within a category of documents considered sealed under a federal statute or federal rule of procedure, local rule or standing order of this court.
-

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# Motion for Leave to Seal a Document

- A sealed document **must not be** attached to the motion.
  - The sealed document **must be** electronically filed separately as a provisionally sealed document.
  - The sealed document stays provisionally sealed until the court rules on the motion to seal.
  - A **criminal** motion to seal, any attachments to the motion, and any response or reply thereto, will not be available electronically or by any other means.
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# Order to Seal a Document

- When documents are ordered to be placed under seal, the Clerk will officially file the document.
  - Unless a document is included within a category of documents considered sealed under a federal statute or rule, a document can only be sealed by an order of the court.
  - An agreement of the parties does not allow the Clerk to file a document under seal without a court order.
  - The Clerk of Court, or designee, is authorized to strike from the record a sealed document electronically filed in error.
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# Service of Sealed Documents

- When a **sealed document** is filed, ECF provides a notice of electronic filing (NEF) to all parties in the case.
  - A **sealed document** will not be available electronically to parties, attorneys or the public.
  - The filing party must use alternative forms of service to provide any parties entitled to notice with copies of a **sealed document**.
-

# Filing a Civil Motion to Seal

## Motions

Start typing to find another event.

### Available Events (click to select events)

- Hearing
- In Limine
- Interpleader Deposit (28 U.S.C. Section 1335)
- Interpleader Disbursement (28 U.S.C. Section 1335)
- Intervene
- Joinder
- Judgment NOV
- Judgment as a Matter of Law
- Judgment of Forfeiture
- Judgment on Partial Findings
- Judgment on the Pleadings
- Judgment under Rule 54(b)
- Judgment under Sentence 4/6
- Leave to
- Leave to Seal Document

Next

Clear

### Selected Events (click to remove events)

Leave to Seal Document

From the Civil Motions category, select the motion relief “for leave to Seal a Document”



# Filing a Civil Motion to Seal

**ECF**

Civil ▾

Criminal ▾

Query

Reports ▾

Utilities ▾

Search

Logout



## Motions

[0:10-cv-00020-HRW Neff et al v. Pacific Life](#)

### E-FILERS ONLY:

**WARNING:** This motion and any attachments are public documents, and will be viewable through PACER or a public terminal.

The germane sealed document **MUST BE FILED AS A SEALED DOCUMENT or SEALED MOTION** after filing the **Motion for leave to Seal Document**.

To file a **SEALED DOCUMENT or SEALED MOTION**, select the **Sealed Documents** category on the Main Civil Screen and select the event **SEALED DOCUMENT or SEALED MOTION**.

Next

Clear

A **warning** message indicates the **sealed document or sealed motion** should not be attached to this entry, but instead filed as a separate entry.

# Filing a Civil Motion to Seal

ECF

Civil ▾

Criminal ▾

Query

Reports ▾

Utilities ▾

Search

Logout



## Motions

[0:10-cv-00020-HRW Neff et al v. Pacific Life](#)

You must describe the document using the Category list, the Description box, or both.

Select the pdf document and any attachments.

### Main Document

### Attachments

### Category

### Description

1.

The motion to seal is the main document. The proposed order is Attachment 1.

**DO NOT attach the sealed document.**

# Filing a Civil Motion to Seal



Civil ▾

Criminal ▾

Query

Reports ▾

Utilities ▾

Search

Logout

## Motions

[0:10-cv-00020-HRW Neff et al v. Pacific Life](#)

U.S. District Court

Eastern District of Kentucky

### Notice of Electronic Filing

The following transaction was entered by attorney15, on 1/24/2011 at 10:33 AM EST and filed on 1/24/2011

Case Name: Neff et al v. Pacific Life

Case Number: [0:10-cv-00020-HRW](#)

Filer: Pacific Life

Document Number: [2](#)

Docket Text:

[MOTION for leave to Seal a Document by Pacific Life \(Attachments: # \(1\) Proposed Order\)\(attorney15, \)](#)

0:10-cv-00020-HRW Notice has been electronically mailed to:

0:10-cv-00020-HRW Notice will not be electronically mailed to:

The NEF will be generated. The motion for leave to seal and any attachments to the motion will be available electronically.

# Filing a Sealed Document or Motion



## Civil Events

### New Case Filings

[Initial Case Filings and Pleadings](#)

### Initial Pleadings and Service

[Complaints and Other Initiating Documents](#)

[Service of Process](#)

[Answers to Complaints](#)

[Other Answers](#)

[Notice of Appearance](#)

### Motions and Related Filings

[Motions](#)

[Responses and Replies](#)

### Other Filings

[ADR Documents](#)

[Discovery Documents](#)

[Notices](#)

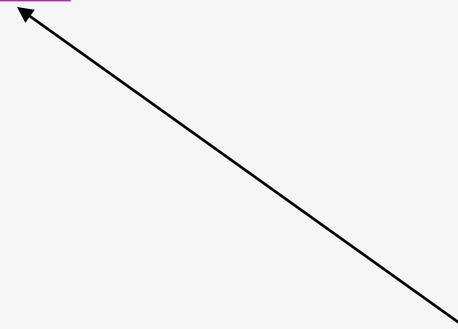
[Trial Documents](#)

[Appeal Documents](#)

[Other Documents](#)

### Sealed Documents

[Sealed Events](#)



After filing the Motion to Seal, select Sealed Events to file the Sealed Document or Sealed Motion electronically. KYWD now offers e-filers the opportunity to file a Sealed Response to a Motion or a Sealed Reply to Response to Motion.

# Filing a Sealed Document or Motion

## Sealed Documents

Start typing to find an event.

### Available Events (click to select an event)

- Sealed Document
- Sealed Motion
- Sealed Reply to Sealed Response
- Sealed Response to Sealed Motion

Next

Clear

### Selected Event

Select the appropriate event. If the document to be sealed is not a motion, select Sealed Document, Sealed Response to Sealed Motion or Sealed Reply to Sealed Response.

If the document to be sealed is a motion, select Sealed Motion.

# Filing a Sealed Document or Motion

ECF

Civil ▾

Criminal ▾

Query

Reports ▾

Utilities ▾

Search

Logout



## Sealed Documents

[0:10-cv-00020-HRW Neff et al v. Pacific Life](#)

### WARNING!

Select this event *only after*:

1. A Motion for leave to Seal Document has been filed.
2. The Court granted leave to file a sealed document.
3. The Court entered a Protective Order.

**OR**

In conjunction with a previously filed redacted document.

Next

Clear

A **warning** message indicates restrictions on usage of this event.

# Filing a Sealed Document or Motion

ECF

Civil ▾

Criminal ▾

Query

Reports ▾

Utilities ▾

Search

Logout



## Sealed Documents

[0:10-cv-00020-HRW Neff et al v. Pacific Life](#)

Please make the appropriate selection.

- A Motion for leave to Seal Document has been filed.
- The Court granted leave to file a sealed document.
- The Court entered a Protective Order.
- In conjunction with a previously filed redacted document.

Next

Clear

Filing a sealed document or a sealed motion is restricted to the options listed. A selection from one of these options must be made in order to continue.

# Filing a Sealed Document or Motion

## Sealed Documents

[0:10-cv-00020-HRW Neff et al v. Pacific Life](#)

Please make the appropriate selection.

- A Motion for leave to Seal Document
- The Court granted leave to file a sealed document
- The Court entered a Protective Order
- In conjunction with a previously filed document

Next

Clear



If a selection is not made, an error message is displayed.



# Filing a Sealed Document or Motion

CM ECF

Civil ▾

Criminal ▾

Query

Reports ▾

Utilities ▾

Search

Logout



## Sealed Documents

[0:10-cv-00020-HRW Neff et al v. Pacific Life](#)

**ATTENTION:** The docket entry will be public, but the sealed document and attachments will only be viewable by the Court. A notice of electronic filing will be sent. The sealed document and attachments **WILL NOT** be available electronically to parties, attorneys or the public.

Next

Clear

A message indicates the electronically filed sealed document will not be available for viewing. Therefore, the filing party must use an alternative form of service to provide any party entitled to notice with a copy of the sealed document or sealed motion.

# Filing a Sealed Document or Motion

**ECF**

Civil ▾

Criminal ▾

Query

Reports ▾

Utilities ▾

Search

Logout

## Sealed Documents

[0:10-cv-00020-HRW Neff et al v. Pacific Life](#)

**WARNING!!** The description given to attachments will appear on the public docket.

You must describe the document using the Category list, the Description box, or both.  
Select the pdf document and any attachments.

### Main Document

### Attachments

### Category

### Description

1.    ▾

The sealed document or sealed motion is the Main Document. Any attachments will also be sealed; however, a description entered for an attachment will appear on the public docket sheet.

# Filing a Sealed Document or Motion

ECF

Civil ▾

Criminal ▾

Query

Reports ▾

Utilities ▾

Search

Logout

## Sealed Documents

[0:10-cv-00020-HRW Neff et al v. Pacific Life](#)

Select the Order allowing the sealed document to be filed, motion for leave to seal or redacted document.

Select the appropriate event(s) to which your event relates:

- 03/03/2010 [1](#) COMPLAINT ( Filing fee \$350; receipt number 1698652), filed by Mary Neff, Chester Neff. (Attachments: # [1](#) Proposed Summons, # [2](#) Civil Cover Sheet, # [3](#) Case Assignment Sheet)(kss)
- 01/24/2011 [2](#) MOTION for leave to Seal a Document by Pacific Life (Attachments: # [1](#) Proposed Order)(attorney15, )

Next

Clear

The entries from the docket sheet are displayed, because a selection is required to continue.

To correctly complete this filing transaction, you must select (1) the Motion for leave to seal a document, (2) an order permitting the filing of a sealed document, or (3) a redacted document filed for the public record. If one of these items is not displayed, the proper authority to file a sealed document is not in the record.

# Filing a Sealed Document or Motion

## Sealed Documents

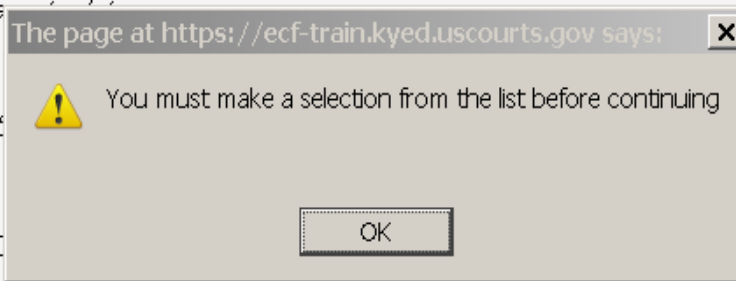
[0:10-cv-00020-HRW Neff et al v. Pacific Life](#)

Select the Order allowing the sealed document to be filed, motion for leave to seal or redacted document.

Select the appropriate event(s) to which your e

- 03/03/2010 [1](#) COMPLAINT ( Filing fee \$35  
Chester Neff (Attachments: #  
Case Assignment Sheet)(kss)
- 01/24/2011 [2](#) MOTION for leave to Seal a  
Proposed Order)(attorney15, )

Next Clear



If a selection is not made, an error message will be displayed.

# Filing a Sealed Document or Motion

ECF

Civil ▾

Criminal ▾

Query

Reports ▾

Utilities ▾

Search

Logout

## Sealed Documents

[0:10-cv-00020-HRW Neff et al v. Pacific Life](#)

### ATTENTION!

The filing party *must use* an alternate form of service to provide any party entitled to notice with copies of this **sealed document** and attachments.

Next

Clear

An alternative form of service is required to provide any party entitled to notice with a copy of the **sealed document or sealed motion**.

# Filing a Sealed Document or Motion

ECF

Civil ▾

Criminal ▾

Query

Reports ▾

Utilities ▾

Search

Logout

## Sealed Documents

[0:10-cv-00020-HRW Neff et al v. Pacific Life](#)

Docket Text: **Modify as Appropriate.**

**SEALED DOCUMENT** Sealed pursuant to MOTION TO SEAL re [2] MOTION for leave to Seal a Document by Pacific Life by Pacific Life (attorney15, )

Next

Clear

The docket text indicates the sealed document is filed pursuant to a motion to seal filed in the record.

# Filing a Sealed Document or Motion



Civil ▾

Criminal ▾

Query

Reports ▾

Utilities ▾

Search

Logout

## Sealed Documents

[0:10-cv-00020-HRW Neff et al v. Pacific Life](#)

U.S. District Court

Eastern District of Kentucky

### Notice of Electronic Filing

The following transaction was entered by attorney15, on 1/24/2011 at 11:31 AM EST and filed on 1/24/2011

Case Name: Neff et al v. Pacific Life

Case Number: [0:10-cv-00020-HRW](#)

Filer: Pacific Life

Document Number: [3](#)

#### Docket Text:

**SEALED DOCUMENT** Sealed pursuant to MOTION TO SEAL re [2] MOTION for leave to Seal a Document by Pacific Life by Pacific Life (attorney15,)

0:10-cv-00020-HRW Notice has been electronically mailed to:

Electronic filers in the case will receive the NEF when a sealed document is filed; however, access to the sealed document is not available.

An alternative form of service is required to provide any party entitled to notice with a copy of the sealed document or sealed motion.

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# Sealed Motions in Criminal Cases

- In criminal cases, the **Motion for Leave to Seal a document** is sealed, as well as any response or reply. Each of these documents must be filed electronically using the appropriate event.
  - **If the correct event is not used, the document is not sealed.**
-



# Sealed Motion for Leave to Seal a Document in a Criminal case

**ECF** Civil Criminal Query Reports Utilities Search Logout

## Motions

Start typing to find another event.

**Available Events** (click to select events)

- Redact Transcript
- Reduce Sentence
- Reduce Sentence re Crack Cocaine Offense - 18:3582
- Refund of Fees Paid Electronically
- Release Bond Obligation
- Release from Custody
- Release of Funds
- Remand
- Remand to State Court
- Return of Property/PostTrial
- Return of Property/PreTrial
- Return of Surety
- Revoke
- Sanctions
- Sealed Motion for leave to Seal a Document**

**Selected Events** (click to remove events)

- Sealed Motion for leave to Seal a Document

Next Clear

The Sealed Motion for Leave to Seal a Document can be found under the Criminal Motions category.

# Criminal Sealed Documents or Sealed Motions

**ECF**    Civil ▾    Criminal ▾    Query    Reports ▾    Utilities ▾    Search    Logout

## Sealed Documents

Start typing to find an event.

**Available Events** (click to select an event)

- Sealed Document
- Sealed Motion
- Sealed Motion to Seal Case
- Sealed Reply to Sealed Response to Sealed Motion
- Sealed Response to Sealed Motion

**Selected Event**

In criminal cases only, a separate Sealed Motion for leave to Seal a document is **not** required when a response or reply are filed relating to any Sealed Motion.

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# *Ex Parte* Motions

- An *ex parte* motion is a motion filed by one party without notice to any other party to the action.
  - A party seeking to file an *ex parte* motion shall file such motion electronically.
  - Include *ex parte* motion in the caption of the document.
  - The correct event must be used to restrict access to the document.
-

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# *Ex Parte* Motions

- An entry will appear on the docket sheet; however, parties, attorneys and the public will not have access to the document.
  - Parties must ensure an *ex parte* motion is proper in light of the substantive, procedural and ethical rules that apply in the context of the filing.
-

# Ex Parte Motions

**MECF**

Civil ▾

Criminal ▾

Query

Reports ▾

Utilities ▾

Search

Logout

## Motions

Start typing to find another event.

**Available Events** (click to select events)

- Directed Verdict
- Disbursement of Funds
- Disclosure
- Discovery
- Dismiss
- Dismiss Case as Frivolous
- Dismiss/Lack of Jurisdiction
- Dismiss/Lack of Prosecution
- Disqualify Counsel
- Disqualify Judge
- Disqualify Juror
- Enforce IRS Summons
- Enforce Judgment
- Entry of Default
- Ex Parte Motion**

Next

Clear

**Selected Events** (click to remove events)

Ex Parte Motion

Under the Motions category, select  
The motion relief *Ex Parte Motion*.

# *Ex Parte* Motions

ECF

Civil ▾

Criminal ▾

Query

Reports ▾

Utilities ▾

Search

Logout

## Motions

[0:10-cv-00020-HRW Neff et al v. Pacific Life](#)

### WARNING:

Select this motion relief ONLY to file an *ex parte* motion. The docket entry will be public, but the document will only be viewable by the Court.

Next

Clear

A warning message indicates this event is used to file an *ex parte* motion.

# *Ex Parte* Motions

**ECF**

Civil ▾

Criminal ▾

Query

Reports ▾

Utilities ▾

Search

Logout

## Motions

[0:10-cv-00020-HRW Neff et al v. Pacific Life](#)

Are you filing an *ex parte* Motion?

Yes

No

Next

Clear

The question “Are you filing an *ex parte* motion?” must be answered in the affirmative in order to continue.

# *Ex Parte* Motions

CM/ECF

Civil ▾

Criminal ▾

Query

Reports ▾

Utilities ▾

Search

Logout

## Motions

[0:10-cv-00020-HRW Neff et al v. Pacific Life](#)

Return to the appropriate category and select another event.

If the question “Are you filing an *ex parte* motion?” is answered “no,” CM/ECF will require the user to select an alternate event to file the document.



# *Ex Parte* Motions



Civil ▾

Criminal ▾

Query

Reports ▾

Utilities ▾

Search

Logout

## Motions

[0:10-cv-00020-HRW Neff et al v. Pacific Life](#)

Docket Text: **Modify as Appropriate.**

***EX PARTE* MOTION** by Pacific Life (attorney15, )

Next

Clear

The docket text will display *ex parte* motion, the name of the party and the attorney filing the motion. Using the *ex parte* motion event prohibits the user from entering information regarding the content of the motion.

# *Ex Parte* Motions

**ECF**

Civil ▾

Criminal ▾

Query

Reports ▾

Utilities ▾

Search

Logout

## Motions

[0:10-cv-00020-HRW Neff et al v. Pacific Life](#)

U.S. District Court

Eastern District of Kentucky

### Notice of Electronic Filing

The following transaction was entered by attorney15, on 1/24/2011 at 12:54 PM EST and filed on 1/24/2011

Case Name: Neff et al v. Pacific Life

Case Number: [0:10-cv-00020-HRW](#)

Filer: Pacific Life

Document Number: [4](#)

Docket Text:

**EX PARTE MOTION** by Pacific Life (attorney15, )

The NEF is generated; however, an *ex parte* motion and any attachments are not available electronically or by any other means to the parties, attorneys or the public.

0:10-cv-00020-HRW Notice has been electronically mailed to:

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# Docket Sheet Entries

- When a **sealed document** or an **ex parte motion** is filed, the entry will appear on the public electronic docket sheet.
  - A **sealed document** or **ex parte motion** and any attachments are not available electronically or by any other means to the parties, attorneys or the public **when the correct event is selected during the filing process.**
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# Motion to Seal a Case

- A party seeking to seal a case shall electronically file a motion to seal.
  - A criminal **motion to seal**, any attachments to the motion, and any response or reply thereto, will not be available electronically or by any other means.
    - The filing party must use alternative forms of service to provide any parties entitled to notice with a copy of a **sealed document** filed in a criminal case.
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# Filing a Document in a Sealed Case

- When a motion to seal a case is granted, the **case** will not be available electronically or through any other means to the parties, attorneys or the public.
  - A document filed in a sealed case must be filed with the court on paper in a sealed envelope marked “sealed” citing thereon the style of the case and case number.
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# Filing a Document in a Sealed Case

- Pursuant to General Order 10-3, the Clerk of Court in the Eastern District of Kentucky is directed to require counsel to accompany the filing of a document in a sealed case with a CD-Rom containing the sealed document in a PDF format.
  - The signature of a sealed document filed in paper must be handwritten.
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# Filing a Document in a Sealed Case

- The filing party must use alternate forms of service to provide any parties entitled to notice with copies of a document filed in a sealed case.
  - A motion to unseal a case or obtain a copy of a document in a sealed case may be made on any legal grounds.
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# Special Filing Requirements

- The documents listed below shall be presented in paper. The clerk may require the document be accompanied by a disk or CD-Rom containing the document in a PDF format:
    - Documents in sealed cases;
    - *In camera* documents;
    - *Ex parte* documents in sealed cases;
    - Documents in sealed Qui Tam cases.
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# Privacy Policy

- Federal Rules support compliance with the E-Government Act. See Fed. R. Civ. P. 5.2; Fed. R. Crim. P. 49.1.
  - Parties and their attorneys are responsible under the rules for preventing disclosure of certain confidential information in case filings.
  - The Clerk does not review case filings for compliance or independently redact or seal a noncompliant filing.
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# ECF HELP DESK

Contact the ECF Help Desk with any questions concerning the electronic filing of sealed documents and/or *ex parte* motions.

Eastern District of Kentucky  
1-866-485-6349

Western District of Kentucky  
1-866-822-8305

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