

**INSTRUCTIONS TO ATTORNEYS
PROCEDURES FOR FILING DOCUMENTS UNDER SEAL**

CRIMINAL CASES

I. GENERAL INFORMATION REGARDING APPLICATIONS TO FILE DOCUMENTS UNDER SEAL

Documents that are not confidential or privileged in their entirety should not be filed under seal if the confidential portions can be redacted and filed separately with a reasonable amount of effort. The parties should file both documents—a complete version of the pleadings and document(s) under seal, and a redacted version for public viewing—omitting only such portions as the Court has ordered may be filed under seal.

All applications must provide reasons why the parties' interest in filing the document(s) under seal outweighs the public's right to access. Sealing must be justified for each individual item to be sealed or redacted. Blanket claims of confidentiality are not allowed and will result in a denial of the application to seal. Counsel are strongly encouraged to consider carefully whether sealing or redaction is required for a given piece of evidence or argument. The inclusion of meritless requests to seal or redact documents may result in the complete rejection of an application to seal.

If the sealing request is approved, the document itself will be sealed and not viewable by the public. However, the title that you insert on the caption of the sealed document *will* be viewable on the docket entry. For example, the public docket entry would read as follows: "Declaration of John Doe, Exhibit A." Therefore, you should be circumspect about the title of the document if that may reveal confidential information.

II. REQUEST TO SEAL DOCUMENT(S) ONLY, NOT THE APPLICATION AND PROPOSED ORDER

Electronically file the application to seal and/or declaration giving notice or proof of service. During the electronic filing process, attach the proposed order to the application. *See* Local Rule 5-4.4.1.

After electronically filing the application and proof of service, send an email to the chambers email address at HDV_Chambers@cacd.uscourts.gov containing the subject line "Under Seal Request in Case No. _____" and the following attachments:

1. a PDF version of the application to seal and declaration giving notice or a proof of service;
2. a Word version of the proposed order (including the proposed action to be taken if the application is denied, *see* below); and
3. a PDF version of the document(s) to be filed under seal with a caption page clearly marked "UNDER SEAL."

The proposed order shall have an alternative signature line indicating which of the three following actions will be taken if the application is denied:

1. Counsel will publicly file the document(s) for consideration by the Court;
2. Counsel will retrieve the chambers copy of the document(s); or
3. The clerk will destroy the chambers copy of the document(s).

A PDF file that is too large to send by email may be split into several smaller PDFs. Each document or sets of documents shall have a title page pursuant to Local Rule 11-3.8 and should only contain the materials to be filed under seal. For example, DO NOT email a PDF of exhibits 1-40 if only exhibits 5, 20, and 39 are to be filed under seal.

III. REQUEST TO SEAL THE APPLICATION, PROPOSED ORDER, AND DOCUMENTS(S)

Electronically file a NOTICE OF MANUAL FILING indicating that the following have been submitted to the Court:

1. an application to seal;
2. a declaration giving notice or proof of service;
3. a proposed order; and
4. the documents to be placed under seal.

After electronically filing the Notice of Manual Filing, send an email to the chambers email address at HDV_Chambers@cacd.uscourts.gov containing the subject line "Under Seal Request in Case No. _____" and the following attachments:

1. a PDF version of the application to seal and declaration giving notice or a proof of service;
2. a Word version of the proposed order (including the proposed action to be taken if the application is denied, *see* below); and
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