



UNITED STATES DISTRICT COURT
District of Rhode Island

**NOTICE REGARDING THE ELECTRONIC FILING AND
AVAILABILITY OF SEALED DOCUMENTS**

Effective December 1, 2016, motions to seal and document(s) subject to a motion to seal as outlined in LR Gen 102 must be filed electronically using the Court's Case Management/Electronic Case Files ("CM/ECF") system. Prior to electronically filing a motion to seal in either a civil or a criminal case, a Filing User must:

- **Complete the Electronic Learning Module (ELM)** located on the CM/ECF section of the Court's website (www.rid.uscourts.gov). The lesson provides a step-by-step overview of how to electronically file a motion to seal and the document(s) subject to the motion to seal.
- **Review the appropriate Sealed Filing Guidance and Instructions** located on the CM/ECF section of the Court's website (www.rid.uscourts.gov). This information provides a detailed overview of the filing process by case type.

If the motion to seal is granted, the Clerk's Office will officially note the acceptance of the document(s) subject to the motion to seal by using a CM/ECF event that best describes the document. If the motion is denied, the Clerk's Office will further restrict electronic access to the tendered document to ensure that it is not a part of the official record.

Sealed documents filed pursuant to LR Gen 102 will contain docket text indicating that the entire document and/or certain attachments are restricted. Attorneys must use their CM/ECF login and password to view these document(s).

Parties are urged to review the Court's Notice of Electronic Availability of Case Information available on the Court's website at www.rid.uscourts.gov for information concerning privacy and, specifically, to the guidance attached to this Notice.

For questions or information pertaining to the electronic filing of motions to seal, please visit the CM/ECF section of the Court's website at www.rid.uscourts.gov or contact the ECF Help Desk at (401) 752-7100.

November 30, 2016

DAVID A. DIMARZIO
Clerk of Court

GUIDANCE REGARDING MOTIONS FILED PURSUANT TO LR GEN 102 IN CIVIL CASES

FILING SEALED DOCUMENTS: Parties cannot seal otherwise public documents merely by consent or by labeling them sealed. A motion to seal seeking leave of court must be filed. All motions must conform with LR Cv 5. Documents to be sealed that accompany a motion to seal must be stamped or clearly labeled by the party on the cover, “FILED UNDER SEAL.” Any redacted documents submitted with a filer’s motion to seal must also be stamped or clearly labeled by the party on the cover, “REDACTED COPY.” Parties are directed to review the Court’s Electronic Learning Module and Sealed Filing Instructions before electronically filing a motion to seal.

CASES WITH PROTECTIVE ORDERS: In general, a protective order does not relieve a party from complying with LR Gen 102. Filers should carefully read the protective order to make certain what requirements are set forth within the order. Documents subject to a motion to seal pursuant to a protective order must be stamped or clearly labeled by the party on the cover, “FILED UNDER SEAL PURSUANT TO PROTECTIVE ORDER.”

SERVICE OF SEALED DOCUMENTS: Motions to seal and the document(s) subject to the motion to seal will be served on authorized parties electronically using the Court’s CM/ECF system based on the filer’s selection during the docketing process. It is important that a filer carefully select the appropriate parties during the docketing process. These selected attorneys will receive notice of the filing, and will be able to access and view the documents. A filer must continue to include a certificate of service, preferably attached to the document's last page, indicating that the document has been filed electronically and the manner of service as outlined in LR Gen 309.

VIEWING SEALED/RESTRICTED DOCUMENTS: Authorized users will have access to sealed or restricted documents via CM/ECF. Sealed filings will contain docket text indicating that the entire document and/or certain attachments are restricted. Authorized ECF users who receive electronic notification of a sealed or restricted filing are permitted one “free look” at the document as with any other document. However, clicking on the link will prompt the user to enter their ECF login and password (not PACER) to confirm their status as attorney of record. Once this authentication has been completed, the document will be displayed. Please note, secondary e-mail recipients on the attorney’s primary account are not eligible to view sealed or restricted documents. It is strongly recommended that counsel of record link their CM/ECF account to their PACER account and access dockets using their CM/ECF login credentials in order to view entries or documents that may be sealed or restricted by statute, rule or court order.

FILING REDACTED/UNREDACTED DOCUMENTS: The Court encourages the limited sealing and restriction of documents. All filings with the Court – including attachments – must comply with Fed. R. Civ. P. 5.2: Social Security or taxpayer-identification numbers, dates of birth, names of minor children, and financial account numbers may not appear, except as allowed by applicable rule. Although attorneys are required to redact this information from pleadings, it does not mean that the pleading(s) should be filed under seal. If the redacted information is not material to a filing, a party does not need to separately file a motion to seal and an unredacted version of the document unless otherwise ordered by the Court.

If the redacted information is material to a filing, a party must electronically file a motion to seal along with an unredacted version of the document, and a redacted version that excises the confidential information. Parties should not separately electronically file the redacted version.

LEVELS OF RESTRICTION: CM/ECF allows the Court to restrict access to docket entries and documents only as provided by statute, rule or court order. This allows ready access to filings to authorized users, and strikes the appropriate balance between protecting the privacy of certain information and the public's right of access to judicial proceedings.

Not all restricted documents are viewable by all parties to a case. If a document has a restriction placed on it, a warning message will appear identifying the level of restriction and appropriate access. Examples of warning messages are:

Warning – You do not have permission to view this document.

Warning – This document is restricted to court users and the applicable party.

Warning – This document is filed *ex parte*; it is restricted to court users and the filing party.

Warning – This document is restricted to court users, case participants, and public terminal users.

FLATTENING A PDF: Flattening a PDF document before filing it in CM/ECF prevents other users from manipulating or editing the PDF document and ensures that all document content can be viewed on any device. Further, certain versions of Adobe Acrobat and other PDF editing software may cause document image quality issues when a PDF document is electronically filed through CM/ECF. As a result, all PDF documents should be “flattened” before filing through CM/ECF.

The easiest way to flatten a PDF document is by selecting, “Print to PDF” and saving the flattened document before filing. (*The Adobe PDF printer is generally installed automatically with Adobe Acrobat. Further, numerous free PDF printer drivers are available for download from the Internet.*)

GUIDANCE REGARDING MOTIONS FILED PURSUANT TO LR GEN 102 IN CRIMINAL CASES

FILING SEALED DOCUMENTS: Parties cannot seal otherwise public documents merely by consent or by labeling them sealed. A motion to seal seeking leave of court must be filed. All motions must conform with LR Cr 47. Documents subject to a motion to seal must be stamped or clearly labeled by the party on the cover, “FILED UNDER SEAL.” Any redacted documents submitted with a filer’s motion to seal must also be stamped or clearly labeled by the party on the cover, “REDACTED COPY.” Parties are directed to review the Court’s Electronic Learning Module and Sealed Filing Instructions before electronically filing a motion to seal.

CASES WITH PROTECTIVE ORDERS: In general, a protective order does not relieve a party from complying with LR Gen 102. Filers should carefully read the protective order to make certain what requirements are set forth within the order. Documents subject to a motion to seal pursuant to a protective order must be stamped or clearly labeled by the party on the cover, “FILED UNDER SEAL PURSUANT TO PROTECTIVE ORDER.”

SERVICE OF SEALED DOCUMENTS: Motions to seal and the document(s) subject to the motion to seal will not be served electronically via the Court’s CM/ECF system. Therefore, the filing party is responsible for serving all sealed documents and attachments on opposing counsel conventionally as outlined in LR Cv. 5.1(b). Conventionally served documents must contain a certificate of service, preferably attached to the document's last page, indicating the date of service, the manner of service and the names and addresses of the persons served, or whether they are being served using an alternate method of service permitted by Fed. R. Civ. P. 5(b) and, if so, which method.

VIEWING SEALED/RESTRICTED DOCUMENTS: Motions to seal will initially only be available to authorized court personnel. No notice will be sent to any party, including the filer. Upon receipt of the motion to seal, the Court will perform a quality control review of the document to ensure compliance with LR Gen 102. Following this review, which will generally occur within 24 hours of the filing, the entry and the documents will be made available to the United States and the applicable defendant based on the information contained in the filer’s certificate of service. It is important that a filer clearly indicate in their certificate of service the names and addresses of the persons served.

Sealed filings will contain docket text indicating that the entire document and/or certain attachments are restricted. Authorized Users who click on a sealed document will be prompted to enter their ECF login and password (not PACER) to confirm their status as an authorized attorney of record. Once this authentication has been completed, the document will be displayed. Please note, secondary e-mail recipients on the attorney’s primary account are not eligible to view sealed or restricted documents. It is strongly recommended that counsel of record link their CM/ECF account to their PACER account and access dockets using their CM/ECF login credentials in order to view entries or documents that may be sealed or restricted by statute, rule or court order.

FILING REDACTED/UNREDACTED DOCUMENTS: The Court encourages the limited sealing and restriction of documents. All filings with the Court – including attachments – must comply with Fed. R. Crim. P. 49.1: Social Security or taxpayer-identification numbers, dates of birth, names of minor children, financial account numbers, and home addresses may not appear, except as allowed by applicable rule. Although attorneys are required to redact this information from pleadings, it does not mean that the pleading(s) should be filed under seal. If the redacted

information is not material to a filing, a party does not need to separately file a motion to seal and an unredacted version of the document unless otherwise ordered by the Court.

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