

2022 Checklist to File Documents under Seal

Before you begin

- Stipulated Protective Orders alone are an insufficient basis for allowing filing under seal
 - Must cite statutory, constitutional, or case law demonstrating the authority for the judge to seal the document
- A judge is more likely to grant a motion to file a document under seal if only the confidential portions are redacted, rather than the entirety of the document
- Incorrectly submitted documents will be sent back for correct preparation and processing

What to draft and provide to the court – DO NOT EFILE ANYTHING

- Motion to File Document Under Seal
- Supporting Declaration in compliance with relevant statutes and presiding court policy
- Order allowing document to be filed under seal
- Underlying motion (e.g., Motion to Compel) and any supporting documents
- Redacted version of your pleading with only the confidential information removed (do not redact the document in its entirety unless specifically directed to by the motions judge)
- Slip sheet if the document being filed under seal is something that must be sealed in its entirety (e.g., a photo or excel sheet) AND your motions judge specifically allows it

What to do

- Contact your motions judge to let them know you want to file a document under seal
 - If contested, you will need to schedule a hearing directly with your motions judge
- Prepare the documents listed above in accordance with relevant policies and statutes
- Submit documents conventionally to your motions judge along with an 8x12 envelope
 - Please consider the time required for judicial review of documents when submitting
- If granted, must attach a copy of the signed order allowing the document to be filed under seal to the front of the envelope, with the un-redacted version of your document placed inside
- Order must clearly identify what document is being filed under seal inside the envelope
- All documents, including the underlying Motion, will be filed together by the judicial staff for consistent dates and to keep the record clean

Rules

- Controlling rules: **UTCR 5.160, SLR 5.165**
- To redact already-filed, sensitive information, refer to **UTCR 2.110**