

WESTERN DISTRICT OF MICHIGAN
LOCAL CRIMINAL RULE 49.8
(Effective January 2, 2011)

49.8 Filing documents under seal

- (a) Requests to seal - The procedures set forth in this rule apply to cases that have not been sealed in their entirety. Documents may be submitted under seal only if authorized by statute or by the Court for good cause shown. A person seeking leave to file a document under seal must file a motion requesting such relief, unless the Court has entered a previous order authorizing the submission of the document under seal or submission under seal is authorized by statute. The motion seeking leave to file under seal should generally be a public filing, unless the submitting party believes in good faith that public access to the motion will compromise the confidential matter. A proposed sealed document submitted by a registered attorney must be submitted electronically under seal as a separate document, under a separate docket entry, by use of the appropriate CM/ECF event. The docket entry and the NEF for any sealed document will be available for public viewing; the description of the sealed document should therefore be general in nature (e.g., sealed affidavit, sealed exhibit, sealed motion). The proposed sealed document shall be appropriately identified on its face as sealed, but should not contain the word "proposed." Proposed sealed documents submitted by persons other than registered attorneys must be filed in a sealed envelope bearing the case caption and number, the identity of the party submitting the documents, and a general description of the contents; the proposed sealed document will be scanned and maintained electronically under seal. If the Court denies the motion to seal in whole or in part, the proposed sealed document will remain sealed, but the Court may order the submitting party to tender a modified document, either sealed or not under seal, as the Court directs. If the Court grants leave to file the document under seal, the Clerk of Court will modify the docket entry to remove reference to "proposed."
- (b) Access to sealed documents - A document filed under seal may be accessed electronically only by authorized personnel of this Court and the Court of Appeals and not by the public or any attorney or party.
- (c) Service of sealed documents - A party submitting a document under seal must serve it by non-electronic means of service on all other parties.
- (d) Death penalty and other complex litigation - The parties to a death-eligible case, a death-penalty case, or other complex litigation involving numerous sealed documents may be ordered to comply with a special protocol for submission of sealed and *ex parte* documents, which will supersede the procedures set forth in this rule.