General L. R. 79(d) Confidential Matters; Restricted Records; Sealed Records.

(1) The Court will consider any document or material filed with the Court to be public unless, at the time of filing, it is accompanied by a separate motion requesting that: access to the document be restricted to the Court and counsel for the parties; or that the document or material, or portions thereof, be sealed by the Court, or unless the document or material is otherwise protected from disclosure.

(2) The separate motion to restrict or seal must be publicly filed and must describe the general nature of the information withheld from the public record. To the extent possible, the movant should include with the public filing a version of the document or material that redacts only those portions of the document that are subject to the restriction/sealing request. If the motion is denied, the document or material subject to the restriction/sealing request will be publicly filed by the Clerk of Court, unless otherwise ordered by the Court. Parties should refer to ECF Policies and Procedures II.I.2 for additional procedures related to filing sealed or restricted documents

(3) Any motion to restrict access or seal must be supported by sufficient facts demonstrating good cause for withholding the document or material from the public record. If the documents or materials sought to be restricted/sealed have been designated confidential by someone other than the filing party, the filing party may explain in the motion that the documents or materials are being filed under seal pursuant to a Court-approved protective order or otherwise, and that the filing party supports, objects to, or takes no position on the continued sealing of the documents or materials. In response, the person or party that originally designated the documents or materials as confidential may, if it chooses, provide sufficient facts demonstrating good cause to continue sealing the documents or materials. Absent a sufficient factual basis demonstrating good cause sufficient to seal the documents or materials, the motion must be denied and the documents or materials publicly filed by the Clerk of Court, unless otherwise ordered by the Court.

(4) Any party seeking to restrict access to documents or materials or to file confidential documents or materials under seal, whether pursuant to a Court-approved protective order or otherwise, must include in the motion a certification that the parties have conferred in a good faith attempt to avoid the motion or to limit the scope of the documents or materials subject to sealing under the motion.

(5) The following documents or materials do not require a separate motion to be filed under seal: (a) an unredacted disclosure statement filed in accordance with Civil L. R. 10(c); (b) documents or materials filed in an action under the False Claims Act, in accordance with 31 U.S.C. § 3730(b), unless otherwise ordered by the Court; (c) documents or materials concerning or contesting ongoing grand jury proceedings; and (d) documents or materials concerning cooperation by criminal defendants, filed pursuant to 18 U.S.C. § 3553, United States Sentencing Guideline § 5K1.1, and Fed. R. Crim. P. 35.

(6) To the extent that any answers to interrogatories, transcripts of depositions, responses to requests for admissions, or any other papers filed or to be filed with the Court contain material designated as confidential, these papers, or any portion thereof, must be filed under seal by the filing party with the Clerk of Court in an envelope marked "SEALED."

(7) Any party filing material claimed to be confidential under subsection (6) must include with that filing either: (1) a motion to seal the material pursuant to this rule; or (2) an objection to the designation of the material as confidential and a statement that the objection to the designation has been provided to the person claiming confidentiality. If such an objection is made, the person having designated the material as confidential may file a motion to seal under this rule within 21 days of the objection.