

Rule 1.11 | FILING UNDER SEAL IN A CIVIL ACTION

(a) PUBLIC RIGHT OF ACCESS. Because constitutional law and common law afford the public a qualified right of access to an item filed in connection with the adjudication of a claim or defense, sealing is unavailable absent a compelling justification. Sealing is not authorized by a confidentiality agreement, a protective order, a designation of confidentiality, or a stipulation.

(b) FILING UNDER SEAL IF AUTHORIZED BY A STATUTE, RULE, OR ORDER. If filing under seal is authorized by a statute, rule, or order, a motion for leave to file under seal:

- (1) must include in the title "Motion to Seal Under [Statute, Rule, or Order]";
- (2) must cite the statute, rule, or order authorizing the seal;
- (3) must describe the item submitted for sealing;
- (4) must establish that the item submitted for sealing is within the statute, rule, or order;
- (5) must propose a duration of the seal;
- (6) must state the name, mailing address, email address, and telephone number of the person authorized to retrieve a sealed, tangible item; but
- (7) must not include the item proposed for sealing.

An order sealing an item under this section must state the reason the seal is required and must identify the statute, rule, or order authorizing the seal.

(c) FILING UNDER SEAL IF NOT AUTHORIZED BY A STATUTE, RULE, OR ORDER. If no statute, rule, or order authorizes a filing under seal, a motion for leave to file under seal:

- (1) must include in the title "Motion for Leave to File Under Seal";
- (2) must describe the item proposed for sealing;
- (3) must state the reason:
 - (A) filing the item is necessary,
 - (B) sealing the item is necessary, and

(C) partial sealing, redaction, or means other than sealing are unavailable or unsatisfactory;

(4) must propose a duration of the seal;

(5) must state the name, mailing address, email address, and telephone number of the person authorized to retrieve a sealed, tangible item;

(6) must include a legal memorandum supporting the seal; but

(7) must not include the item proposed for sealing.

An order permitting leave under this section must state the reason that a seal is required.

(d) FILING ANOTHER PERSON'S CONFIDENTIAL ITEM. To file an item that plausibly qualifies for sealing and that the filing person knows or reasonably should know another person considers confidential, the filing person must file instead of the item a placeholder only identifying the item and must notify the other person within seven days after filing the placeholder. Within fourteen days after receiving the notice, the other person or a party may move to seal the item. Absent a timely motion, the filing person must file the item within seven days after expiration of the fourteen days. If the item is part of a paper to which a response is permitted, the time within which to respond is extended until seven days after filing.

(e) SETTLEMENT AGREEMENT. Sealing of a settlement agreement is unavailable absent an extraordinary justification, such as preservation of national security, protection of a non-party, protection of a trade secret or other proprietary information, or protection of a minor or another especially vulnerable person.

(f) EXPIRATION. No seal under this rule extends beyond ninety days after a case is closed and all appeals exhausted.