



UNITED STATES DISTRICT COURT District of Minnesota

John R. Tunheim, Chief Judge
Richard D. Sletten, Clerk

Warren E. Burger Federal
Building and U.S. Courthouse
316 North Robert Street
Suite 100
St. Paul, MN 55101
(651) 848-1100

U.S. Courthouse
300 South Fourth Street
Suite 202
Minneapolis, MN 55415
(612) 664-5000

Gerald W. Heaney Federal Building
and U.S. Courthouse and Customhouse
515 West First Street
Suite 417
Duluth, MN 55802
(218) 529-3500

Edward J. Devitt U.S. Courthouse
and Federal Building
118 South Mill Street
Suite 212
Fergus Falls, MN 56537
(218) 739-5758

PUBLIC NOTICE

Date: May 16, 2016
Contact: Tricia Pepin
(612) 664-5129

PROPOSED LOCAL RULE AMENDMENTS

The United States District Court for the District of Minnesota is issuing a new Local Rule and form for public comment. A summary of the proposed amendments is provided below. To view the amendments in full, visit the Court's website at www.mnd.uscourts.gov, or contact the Office of the Clerk of Court.

Proposed New LR 5.6, Filing Documents Under Seal in Civil Cases, and Joint Motion Regarding Continued Sealing Form – public comment period ends July 29, 2016

Proposed new LR 5.6 significantly changes the procedures governing the sealing of documents in civil cases. The rule is intended to address two problems with current practice: (1) to provide a uniform process for filing information under seal in civil cases; and (2) to reduce the amount of information filed under seal in civil cases.

The rule requires that all documents filed in in a civil case, including sealed documents, be filed electronically on ECF. The rule specifies that a party may seek to have only "confidential information," as defined in LR 5.6(c)(2), filed under seal. Most notably, the rule provides a four-step procedure to determine whether information filed in connection with a motion under LR 7.1 will be sealed:

1. *Step One (LR 5.6(d)(1))*. A party who seeks to file a document under seal must first file the document under temporary seal. At the same time, the party must either: (a) file a version of the document with the confidential information redacted; or (b) file a statement that the entire document is confidential or that redaction is impracticable.

2. *Step Two (LR 5.6(d)(2))*. After all documents relating to the underlying motion have been filed, the parties must together file a completed Joint Motion Regarding Continued Sealing Form. The joint motion must be filed within 21 days after the filing of the final memorandum authorized by LR 7.1 and must address every document filed under temporary seal in association with the underlying motion.

The magistrate judge will rule on the joint motion in an order that will specify whether and to what extent each document will remain sealed. If the magistrate judge orders the unsealing of information that a nonparty has designated as confidential or proprietary, the party who filed the information under seal must, within seven days after entry of the order, serve on the nonparty a copy of the document containing that information and the order.

3. *Step Three (LR 5.6(d)(3))*. After the magistrate judge rules on the joint motion, any party or nonparty who objects to the magistrate judge's ruling may file a motion for further consideration by the magistrate judge. A motion for further consideration by the magistrate judge is a nondispositive motion governed by LR 7.1(b).
4. *Step Four (LR 5.6(d)(4))*. After the magistrate judge disposes of the motion for further consideration, any party or nonparty who filed or opposed that motion may file an objection to the magistrate judge's order. Such an objection is governed by LR 72.2(a).

The proposed rule further specifies that a party who seeks leave of court to file a document under seal other than in connection with a motion under LR 7.1 must obtain direction from the court on the procedure to be followed.

The Court's Federal Practice Committee, chaired by Doug Peterson, recommended that public comment be solicited on proposed new LR 5.6 and the Joint Motion Form. The proposed amendments are posted by the Court for public review and comment through July 29, 2016.

Comments should be provided in writing to the Clerk of Court at the address above, or by e-mail to MnFedRules@mnd.uscourts.gov. The Court will consider adoption of the proposed amendments after reviewing any comments or suggestions submitted on or before July 29, 2016. Please note that all public comments received by the Court will be made available to the public.