



# UNITED STATES DISTRICT COURT District of Minnesota

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Kate M. Fogarty, Clerk

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## PUBLIC NOTICE

**Date: November 13, 2018**  
**Contact: Tricia Pepin**  
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## LOCAL RULE AMENDMENTS AND PROPOSED AMENDMENTS TO LOCAL RULE 5.6

The United States District Court for the District of Minnesota has approved amendments to the Court's Local Rules and is issuing for public comment proposed amendments to LR 5.6 and the Joint Motion Regarding Continued Sealing Form. A summary of the amendments and proposed amendments is provided below. To view the amendments in full, visit the Court's website at [www.mnd.uscourts.gov](http://www.mnd.uscourts.gov), or contact the Office of the Clerk of Court.

### **A. Amendments to LR 5.1, 5.3, 5.4, and 67.2 – effective December 1, 2018**

On September 24, 2018, the Court notified the public of proposed amendments to LR 5.1, 5.3, 5.4, and 67.2. The amendments consist of conforming amendments to the 2018 Federal Rules of Civil and Criminal Procedure, which take effect December 1, 2018. After consideration of the public's comments and the recommendations of the Court's Federal Practice Committee, chaired by Steve Wells, the Court approved the amendments. The Local Rule amendments take effect on December 1, 2018.

#### *LR 5.1, Electronic Case Filing and Service*

The amendments comply with the 2018 amendments to Fed. R. Civ. P. 5 and Fed. R. Crim. P. 49 by deleting language that is redundant of Fed. R. Civ. P. 5 and Fed. R. Crim. P. 49.

#### *LR 5.3, Time for Filing After Service*

The amendments comply with the 2018 amendments to Fed. R. Crim. P. 49.

*LR 5.4, Service of Documents Through the Court's Electronic Transmission Facilities*

The amendments abrogate LR 5.4 as redundant of the 2018 amendments to Fed. R. Civ. P. 5(d)(1)(B) and Fed. R. Crim. P. 49(b)(1).

*LR 67.2, Withdrawing Money from the Court Registry*

The amendments comply with the 2018 amendments to Fed. R. Civ. P. 62(a).

**B. Proposed Amendments to LR 5.6, Filing Documents Under Seal in Civil Cases, and Joint Motion Regarding Continued Sealing Form – public comment period ends December 31, 2018**

On June 4, 2018, the Court issued for public comment proposed amendments to LR 5.6 and the Joint Motion Regarding Continued Sealing Form. After reviewing the public comments and the recommendations of the Federal Practice Committee, the Court is now reissuing for public comment proposed amendments to Local Rule 5.6, Filing Documents Under Seal in Civil Cases. Below is a summary of the proposed amendments.

Proposed amendments throughout LR 5.6 clarify that the procedures of LR 5.6 also apply to objections filed under LR 72.2.

The proposed amendments to LR 5.6(d)(1) clarify that the document filed under temporary seal must be filed as a separate document (e.g., ECF No. 15) or as a separate attachment (e.g., ECF No. 15-3).

The proposed amendments add a new subsection, LR 5.6(d)(1)(C), to address what happens to a document that is under temporary seal upon the disposition of the case. This situation will arise when a document is filed under temporary seal and the case is disposed of – such as by remand, transfer, dismissal, or entry of judgment – before the process described in LR 5.6(d)(2) has run its course.

The proposed amendments to LR 5.6(d)(2) clarify that when only part of a document contains confidential information, the parties must identify precisely what information must remain sealed and what information may be disclosed. The proposed Advisory Committee Note explains that parties may meet the requirements of LR 5.6(d)(2) by specifying where the information is located in the document or by submitting proposed redactions. Proposed revisions to the Joint Motion Regarding Continued Sealing form correspond with the proposed amendments to LR 5.6(d)(2).

All other proposed amendments are intended to be stylistic only.

### **C. Public Comment Instructions**

Comments should be provided in writing to the Clerk of Court at the address above, or by e-mail to [MnFedRules@mnd.uscourts.gov](mailto:MnFedRules@mnd.uscourts.gov). The court will consider adoption of the proposed amendments after reviewing any comments or suggestions submitted on or before December 31, 2018. Please note that all public comments received by the court will be made available to the public.