



United States District Court
District of Minnesota
Patrick J. Schiltz, Chief Judge
Kate Fogarty, Clerk of Court
612-664-5000

Warren E. Burger Federal
Building and U.S.
Courthouse
316 North Robert Street
Suite 100
St. Paul, MN 55101

Edward J. Devitt U.S.
Courthouse and Federal
Building
118 South Mill Street
Suite 212
Fergus Falls, MN 56537

Gerald W. Heaney
Federal Building and U.S.
Courthouse and
Customhouse
515 West First Street
Suite 417
Duluth, MN 55802

Diana E. Murphy United
States Courthouse
300 South Fourth Street
Suite 202
Minneapolis, MN 55415

January 3, 2024

PUBLIC NOTICE REGARDING
PROPOSED LOCAL RULE AMENDMENTS

The United States District Court for the District of Minnesota is issuing proposed amendments to Local Rules 5.6 and 79.1. The Court's Federal Practice Committee, chaired by Rebekah Bailey, recommended that public comment be solicited on the proposed amendments. They are posted for public review and comment through February 4, 2024.

A summary of the proposed amendments is provided below. To view the proposed amendments in redline and final form, please visit the Court's website at www.mnd.uscourts.gov.

- **LR 5.6 – Sealed Filings**

The current rule does not set forth a procedure for filing under seal information included in pleadings or related documents. New subdivision (e) establishes a consistent process, including requirements for filing pleadings under temporary seal and for the motion practice seeking continued sealing of pleadings filed under temporary seal. The reasons for the specific requirements proposed in subdivision (e), and for the differences between those requirements and the ones set forth in subdivision (d), are explained at length in the advisory committee notes.

The current deadline for filing a motion for further consideration of a magistrate judge's order denying sealing is 28 days after the order is entered. The proposed amended rule reduces the deadline to 21 days. The process for filing a motion for further consideration, which is the same both for documents filed under seal in connection with motions

(subdivision (d)) and for pleadings filed under seal (subdivision (e)), is now captured in subdivision (f).

Subdivision (h) is the new home for provisions that discuss the expiration of a temporary seal in the absence of an order for continued sealing. As the advisory committee notes explain, the changes from the language of the existing rule are intended to clarify how to calculate the temporary seal's expiration date when continued sealing is denied. However, the revised rule for the first time states explicitly that a temporary seal automatically expires if no motion seeking continued sealing is filed, something that is implied but not stated in the current rule.

LR 79.1 – Exhibits

The proposed amendments reflect the longstanding practice of returning exhibits introduced into evidence at a hearing or trial. The rule does not set a precise time as that is left to the court's discretion. The rule provides for delivery of the defendant's exhibits to the government in a criminal case if the defendant and the government agree. The rule requires parties to retain exhibits, including illustrative aids, pending disposition during the appeal period, and make them available on request. Lastly, the rule has been amended to allow a party in a civil or criminal case to seek leave of court to file an exhibit that was admitted into evidence at a hearing or trial.

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. The Court will consider adoption of the proposed amendments after reviewing any comments or suggestions submitted on or before February 4, 2024. Please note that all public comments received by the Court will be made available to the public.