
From: Al, Marc <marc.al@stoel.com>
Sent: Thursday, January 4, 2024 9:54 AM
To: MND MnFedRules
Subject: Comment and suggestion regarding proposed Local Rule 5.6(e)(2)(B)

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Dear Judges, Chair Bailey, and members of the Federal Practice Committee,

First of all, best wishes for each of you for 2024, and thank you for your work on revisions to Local Rule 5.6 and 79.1. As a former member of the Committee, I appreciate the work that goes into proposed changes to the Local Rules.

I write to offer one suggestion for proposed Local Rule 5.6(e)(2)(B), relating to the procedure for filing pleadings and related documents under temporary seal. In most circumstances, filing a motion to continue sealing at the time of the filing of a pleading should present no problem. However, in urgent situations, such as are typically present when seeking a temporary restraining order, there is much going on and adding a requirement of contemporaneously filing a motion may delay a necessary filing. I would therefore propose that the rule instead require the filing of the motion within 1 or 2 business days from the filing of the pleading. This modest modification should not interfere with the goal of the proposed rule, while providing breathing space where required. I anticipate that in most cases the motion would, in fact, be filed contemporaneously, while leaving an “out” for urgent matters, such as, for example, a party filing a new action later in the day and seeking a TRO to deter violation of a non-disclosure, confidentiality, or non-compete agreement.

Thanking you for your consideration, I remain,

Respectfully,

Marc Al

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