



UNITED STATES DISTRICT COURT District of Minnesota

Michael J. Davis, 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: June 12
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LOCAL RULE AMENDMENTS

The United States District Court for the District of Minnesota has approved amendments to the Court's Local Rules. On September 12, 2014, the Court notified the public of proposed new LR 49.1, Filing Documents Under Seal in Criminal Cases. After consideration of the public's comments and the recommendations of the Court's Federal Practice Committee, chaired by Doug Peterson, the Court approved the new rule. New LR 49.1, Filing Documents Under Seal in Criminal Cases will take effect on Monday, July 20, 2015.

Provided below is a brief summary of new LR 49.1. To view the amendments, visit the Court's website at www.mnd.uscourts.gov, or contact the Office of the Clerk of Court in St. Paul, Minneapolis, Duluth, or Fergus Falls.

New LR 49.1 significantly changes the procedures governing the sealing of documents in criminal cases. The rule requires that all documents filed in a criminal case, including sealed documents, be filed electronically on ECF.

In subsection (c), the rule specifies the types of documents that may be filed under seal without first having to file a motion to seal. Subsection (c) lists the types of documents that: (1) *must* be filed under seal and that will remain sealed; and (2) *may* be filed under seal and that will be unsealed when judgment is entered.

Any document not listed in subsection (c) requires a motion to seal. Subsection (d) outlines the requirements for filing a document under seal by making a motion to seal. The filing party must first file the document under temporary seal and, after a docket number is assigned, file a motion to seal. A motion to seal may apply to multiple documents filed under temporary seal. If the motion to seal is granted, the document may remain sealed until the date specified in the order. If the Court denies the motion

to seal, the filing party may withdraw the temporarily sealed document by filing a notice with the clerk. A withdrawn document is not part of the record and will not be considered by the Court unless it is refiled as a public document. If the document is not withdrawn 7 days after the motion to seal is denied, the temporarily sealed document will be unsealed and become part of the record.

Subsection (e) specifies the duties of the United States Attorney and the Clerk when a multi-defendant indictment is filed under seal. And subsection (f) details how to extend the time a document is sealed.

The Clerk's Office will update its Criminal ECF Procedure Guide to incorporate new LR 49.1. Multiple training sessions will be offered from June 29 - July 17 at both St. Paul and Minneapolis Courthouses regarding filing sealed criminal documents in ECF to comply with new LR 49.1. More information on these training sessions will be sent to the criminal bar in the near future.
