



UNITED STATES DISTRICT COURT District of Minnesota

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

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Gerald W. Heaney Federal Building
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Duluth, MN 55802
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118 South Mill Street
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PUBLIC NOTICE

Date: November 16, 2016
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LOCAL RULE AMENDMENTS EFFECTIVE FEBRUARY 27, 2017

The United States District Court for the District of Minnesota has approved amendments to the Court's Local Rules. On May 16, 2016, the Court notified the public of proposed new LR 5.6, Filing Documents Under Seal in Civil Cases and a new Joint Motion Regarding Continued Sealing Form. 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 5.6, Filing Documents Under Seal in Civil Cases, will take effect on Monday, February 27, 2017.

Provided below is a brief summary of new LR 5.6. 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.

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 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 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 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 Clerk's Office will update its Civil ECF Procedure Guide to incorporate new LR 5.6. Multiple training sessions will be offered in February 2017 at the St. Paul and Minneapolis courthouses regarding filing sealed civil documents in ECF to comply with this new rule. More information on these training sessions will be sent to the civil bar in the near future.