



# HOW TO...

## Move to File a Document Under Seal (Overview)

U.S. District Court, District of Hawaii



Any party may move to file under seal any document if it contains **confidential, classified, restricted, or graphic** information or images... [LR5.2(a)]

... [but] a stipulation or blanket protective order that allows a party to designate documents to be filed under seal is **NOT** sufficient. [LR5.2(b)]

### To move to file a document “under seal,” a party must:

- File on the **public record**;
- State the **basis for sealing** the information at issue without disclosing the information;
- Specify the **applicable legal standard** for sealing and discuss **how that standard has been met**; and
- Demonstrate that the party seeks to seal only **confidential, classified, restricted or graphic** information or images - to allow documents to be publicly filed to the fullest extent possible. [LR5.2(c)]

### The movant must deliver two “Chambers Copies” of:

1. the filed motion;
2. a proposed order;
3. each document that the party seeks to file under seal in a separate envelope; and
4. each envelope must have a page on the outside indicating the name of the document and a legend indicating that the envelope contains a proposed sealed filing. [LR5.2(c)(1)-(3)]

### Then what?

- Within **7 days** after a motion is filed, any person may file an opposition to the motion.
- If the motion to file a document under seal is **GRANTED**, **within 4 days**, the moving party shall file a version of the document consistent with the Order.
- If the motion to file a document under seal is **DENIED**, **within 4 days**, the moving party shall inform the court whether it withdraws the document **or** if the document will be filed publicly. *\* If the court is not notified within 4 days after the motion to seal is denied, then the document will be returned to the moving party.*

### Publicly filing matters designated “confidential” in a protective order:

- Conversely, if a party wants to publicly file a document that has been designated confidential pursuant to a protective order, that party must obtain a stipulation from the designating party or file a motion to file the matter publicly [LR5.2(d)], and provide “chambers copies” in the same manner set forth above. [LR5.2(c)(1)-(3)]
- Matters designated as “confidential” may not be publicly filed until the court issues an order. [LR5.2(d)]