

PROPOSED NEW RULE

Local Rule 5003-1

Documents Filed Under Seal

- (a) A document may be filed under seal only if:
- (1) the action is brought pursuant to a federal statute that prescribes the sealing of the record or of certain specific documents; or
 - (2) the Court orders the document sealed.
- (b)
- (1) Where a document is sealed pursuant to L.B.R. 5003-1(a)(1), the continued status of the document under seal shall be governed by the relevant federal statute. If no federal statute governs, L.B.R. 5003-1(b)(2) and (3) shall apply.
 - (2) When a document is sealed pursuant to L.B.R. 5003-1(a)(2), the document, if it remains in the custody of the Court, shall not be unsealed for two years after the conclusion of the action including all appeals, unless the Court orders otherwise.
 - (3) If a document is still sealed at the conclusion of the two-year period and the Court has not entered an order continuing its sealed status beyond that time, the Clerk of Court shall notify the attorney for the party having submitted the sealed document at the attorney's address on the docket that the document will be unsealed unless the attorney or the submitting party advises the Clerk within sixty (60) days that said attorney or the submitting party objects. If the attorney or submitting party objects to the unsealing of the document or if the Clerk's notification is returned unclaimed, the Court will make a determination, on a case-by-case basis, whether to maintain the document under seal, to unseal it, or to require further notification.