

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

STANDING ORDER ON SEALING DOCUMENTS AND INFORMATION

Courts have long recognized that the public has a common law right of access to judicial proceedings and records. *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 599, 597 (1978); *S.E.C. v. Van Waeyenberghe et al.*, 990 F.2d 845, 848 (5th Cir. 1993); *see also United States v. Holy Land Found. For Relief & Dev.*, 624 F.3d 685, 690 (5th Cir. 2010) (there is a “strong presumption that all trial proceedings should be subject to scrutiny by the public.”). It is the Court’s duty to balance the public’s common law right of access against the interests favoring nondisclosure. *Nixon*, 435 U.S. at 602; *Belo Broad. Corp. v. Clark*, 654 F.2d 423, 429 (5th Cir. 1981). In accordance with these guidelines, it is hereby **ORDERED** that the following procedures shall be followed when seeking to seal information from the public:

A. Sealed Filings

Any party who wishes to file a sealed document must comply with the requirements of Local Rule CV-5(a)(7). Pursuant to L.R. CV-5(a)(7)(B), the sealed filing must include a certificate of service by counsel that clearly identifies either (1) a corresponding motion to file under seal; or, (2) if no motion to seal has been filed, the specific order of the Court that provides the authorization to file under seal. Simply stating that a motion is being filed under seal pursuant to the Court’s Protective Order is *insufficient*. Parties must specifically identify the order granting authority to file under seal by Docket Number and point to the specific provisions (page or paragraph numbers) that provide for the sealing of the document in question.

Attachment of Sealed Documents

The attachment of a single document or multiple documents that need to be filed under seal does **not** provide a basis to seal the entire filing. A party seeking to attach a document or documents that contain proprietary information to be sealed must separately file those documents and include a certificate of service that complies with L.R. CV-5(a)(7).

B. Sealing the Courtroom

Requests to seal the courtroom and/or the record during a hearing or trial **MUST** be made before the public disclosure of the information. In making a request to seal, the requesting party must demonstrate: (1) that the information sought to be protected is of such a sensitive nature that its disclosure creates a risk of harm that outweighs the strong presumption in favor of public access to judicial proceedings; and (2) that the parties have met and conferred in good faith concerning the manner in which the sensitive information will be presented at the hearing or at trial, with the goal of minimizing the need to seal the record and/or the courtroom.

Except for requests to redact information referenced in Fed.R.Civ.P. 5.2(a), requests to seal, redact, or otherwise protect information after its public disclosure at a hearing or trial must, in addition to the previous requirements, show good cause as to why the motion was not made in advance of the disclosure. Parties seeking redaction of a transcript must comply with the timing requirements set forth in Local Rule CV-5.2.

The terms of this Standing Order shall immediately apply to and supplement all active civil cases currently pending before the undersigned or that may otherwise be assigned to the undersigned thereafter.

So ORDERED and SIGNED this 21st day of February, 2017.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE