

Below is the Order of the Court.



*Paul B. Snyder*

**Paul B. Snyder**  
**U.S. Bankruptcy Judge**

(Dated as of Entered on Docket date above)

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**UNITED STATES BANKRUPTCY COURT**  
**WESTERN DISTRICT OF WASHINGTON**

In re:

Procedure for the Electronic Filing of  
Documents Under Seal

**General Order No. 2014-1**

(Misc. Proceeding 14-100)

Recent upgrades to the Court's Case Management and Electronic Case Filing system ("ECF") have made it possible for ECF participants to electronically file documents under seal. The Court desires to take advantage of this improved technology and increase the capabilities of ECF.

Now, therefore, it is hereby **ORDERED**

1. The procedures in this General Order are effective as of June 3, 2014, and supersede the conventional filing procedures set forth in Local Bankruptcy Rule 5005-1(f)(1).
2. There is a strong presumption of public access to the Court's records. This General Order applies in all instances where a party seeks to overcome that presumption by filing a document under seal, thereby restricting access to that document.
3. Alternatives to filing a document under seal are to be considered, including considering whether the document could be filed in a redacted version to address secrecy, privacy or

1 confidentiality concerns while still providing the relevant information. See Fed. R. Bankr.  
2 P. 9037.

3 **4. Procedure for Motions to File Under Seal.**

4 A. *Motions to File Under Seal Generally.* Local Bankruptcy Rule 9013-1 governs  
5 the filing of a motion seeking authority to file a document under seal. In some  
6 circumstances it may be appropriate for the motion to be filed *ex parte* per Local  
7 Bankruptcy Rule 9013-1(g), however, the Court has discretion to set the matter  
8 for hearing.

9 B. *Electronic Filings.* An electronic filer who seeks to file a document under seal  
10 must file a motion. The motion to file under seal must include a specific  
11 statement of the applicable legal standards and basis, with evidentiary support in  
12 the form of declarations where necessary. A proposed order shall be uploaded  
13 through ECF.

14 (1) The designated ECF event for the motion to file under seal will permit  
15 documents to be filed under seal without prior Court approval pending  
16 the Court's ruling on the motion to seal. The document(s) sought to be  
17 sealed shall be electronically docketed separately from but  
18 simultaneously with the motion to file under seal.

19 (2) In the rare circumstance that the motion to seal, or the opposition,  
20 reply, or declarations in support, if any, must be filed under seal, the  
21 filing party must still prepare and file a motion to file the pleading under  
22 seal, then file the motion, opposition, reply or declaration as a sealed  
23 document using a designated ECF event.

24 C. *Conventional Filing.* Parties who are not ECF participants may submit a motion  
25 to file under seal and the documents sought to be filed under seal in paper by  
conventional means, in accordance with Local Bankruptcy Rule 5005-2.

(1) A conventional document sought to be sealed shall be presented to the  
Clerk in an envelope with the case caption, case number, and "SEALED  
DOCUMENT" clearly marked on the outside of the envelope.

(2) The Clerk of Court, or his/her designee, will electronically docket the  
items submitted conventionally as set forth in subsection 4.B(1) above;  
the paper copies shall be shredded and destroyed unless the Court  
orders otherwise.

5. Documents Filed Under Seal.

A. If the document to be filed under seal is an exhibit to another document, an  
otherwise blank page should be inserted into the openly filed document reading  
"Exhibit \_\_: FILED UNDER SEAL".

1 B. Unless otherwise ordered by the Court, only the filer, members of the judicial  
2 chambers assigned to the particular case, and the Court's Information  
3 Technology staff shall have access to the sealed document.

4 6. Service. A publicly viewable Notice of Electronic Filing (NEF) will be generated when a  
5 motion to file under seal, and related sealed document, are placed on the docket. The  
6 motion will be viewable electronically through the Notice; however, the sealed document  
7 will not be viewable. Service of the motion to seal and the sealed document, where  
8 appropriate, must be made in accordance with the Federal Rules of Civil Procedures,  
9 Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules, and be  
10 accompanied by a certificate of service.

11 7. Disposition of Documents.

12 A. When the Court grants a motion to seal a particular document, that document will  
13 remain under seal until further order of the Court.

14 B. If a motion to file under seal is denied, the document filed under seal will remain  
15 under seal and shall not be considered by the Court for any purpose. If the filer  
16 subsequently wishes to have the document considered by the Court, the  
17 document must be re-filed using a nonrestricted ECF docket event.

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