

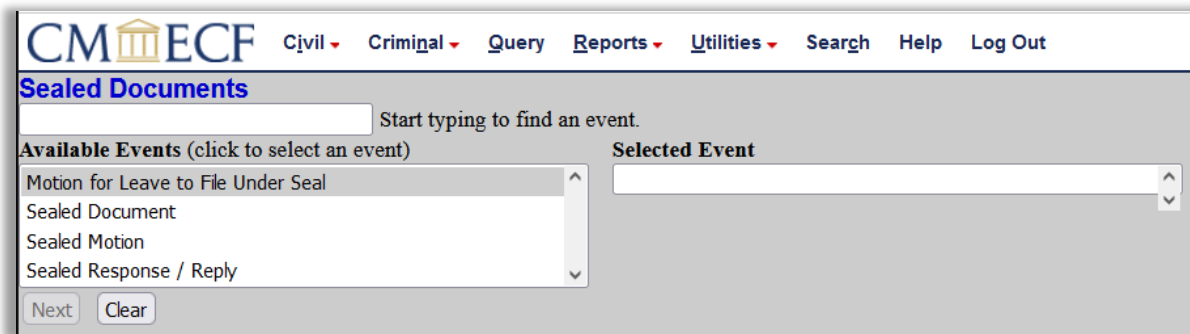
Filing Sealed Documents in Public/Non-Sealed Civil Cases (for Lawyers)

This document provides step-by-step instructions for lawyers to electronically file sealed documents in a public/non-sealed civil case. Failure to follow these instructions could result in the inadvertent filing of a public document.

Effective November 7, 2022, the Middle District of Florida's CM/ECF Administrative Procedures require lawyers to electronically file sealed documents in non-sealed cases using CM/ECF.¹ Under Local Rule 1.11, a lawyer must obtain the court's permission before filing any sealed civil document.

This procedure should only be used when requesting leave to file under seal or when an order from the court permits the filing of a document under seal. In civil cases, the **document** itself will be sealed and accessible only by the court, the **docket entry** and **docket text** will be viewable by the public. Upon filing a sealed document, CM/ECF will e-mail to counsel a Notice of Electronic Filing (NEF), but the NEF's hyperlink to the document **will not** provide access to the sealed document.

IMPORTANT: When electronically filing a sealed document, you must use the events from the **Sealed Events** menu (image below), or your document will not be filed under seal. If you are filing a document that is both **ex parte and sealed**, you must submit the document through the [Court's Web Portal](#) or in paper format.



¹ If the entire case is sealed, counsel must file all documents using the [Court's Web Portal](#) or in paper format. In addition, pro se filers who have been granted e-filer access must file sealed documents using the [Court's Web Portal](#) or continue to file sealed documents in paper format.

OVERVIEW: Filing Sealed Civil Documents

Motion for Leave to File Under Seal

Under **Local Rule 1.11 – Filing Under Seal in a Civil Action**, you must obtain leave of court before filing a document under seal, even if a statute or rule authorizes the filing of a particular document under seal. To obtain leave of court, file a **Motion for Leave to File Under Seal** using the **Sealed Events** menu ([click here for instructions](#)).

IMPORTANT: Do not attach the item proposed for sealing to the motion for leave to file under seal. The **Motion for Leave to File Under Seal** is a public docket event. This means that the docket entry, docket text, and all attached documents will be available to the public. Thus, the item proposed for sealing **must not** be attached to the motion. See also, Local Rule 1.11 (b)(7) (a motion for leave to file under seal “must not include the item proposed for sealing.”)

E-Filing Sealed Documents

After the court grants leave to file a document under seal, the requesting party must electronically file the sealed document in CM/ECF using the sealed docketing events ([click here for instructions](#)). For example, if you obtain leave to file a motion to dismiss under seal, you must file the motion to dismiss using the “**Sealed Motion**” event under the **Sealed Events** menu. Likewise, if you obtain leave to file an exhibit to a summary judgment motion under seal, you must file your summary judgment motion using the regular “Summary Judgment” motion, and then separately file the sealed exhibit using the “**Sealed Document**” event under the **Sealed Events** menu and link it to your summary judgment motion.

Public Access

A sealed document filed in CM/ECF cannot be viewed on PACER or on the Clerk’s Office public terminals by anyone other than authorized Court personnel.

Service of Sealed Documents

Documents electronically filed under seal are not accessible through the NEF. The filing party is therefore responsible for serving all sealed documents and attachments on opposing counsel by other means. **A certificate of service must be included with every sealed filing and a copy of the NEF should be served with the sealed document.**

Available Events

Only documents properly filed using specific sealed document events are **SEALED** upon submission. The events are located under **Sealed Events** on the CM/ECF **Civil** menu.

- [Motion for Leave to File Under Seal](#)
 - This is a public event with public docket text and public documents
 - **DO NOT** attach the item proposed for sealing
- [Sealed Document](#)
- [Sealed Motion](#)
- [Sealed Response/Reply](#)

If you have been granted leave to file a document under seal you must use the **Sealed Document**, **Sealed Motion**, or **Sealed Response/Reply** event to file your sealed document. Any sealed item that is not a motion or response/reply should be filed using the **Sealed Document** event.

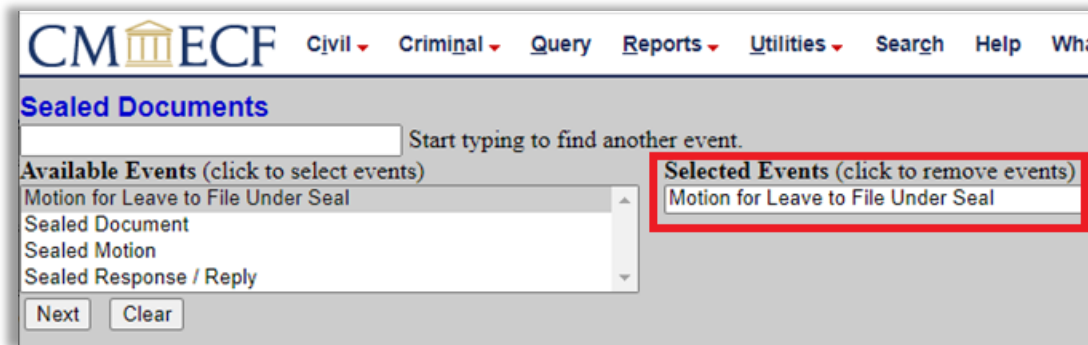
You can link your sealed document to an existing docket entry but **USE CAUTION** when doing so. Although the document itself will be sealed, the docket entry, docket text, and description of attachments can be viewed by the public.

STEP-BY-STEP-INSTRUCTIONS: File a Motion for Leave to File Under Seal

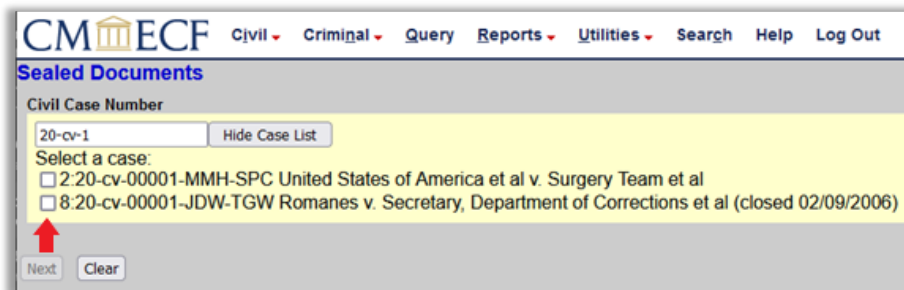
1. Begin by filing your **Motion for Leave to File Under Seal** by selecting the CM/ECF **Civil** menu and then **Sealed Events**.



2. Click to highlight and select the **Motion for Leave to File Under Seal** event under **Available Events**. The selected event will display under **Selected Events**.



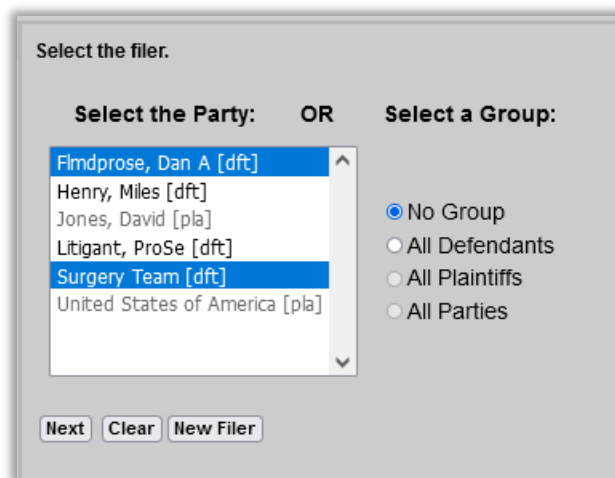
3. Enter the case number. A partial case number can be entered. When presented with a list of cases, click the box to select the applicable case.



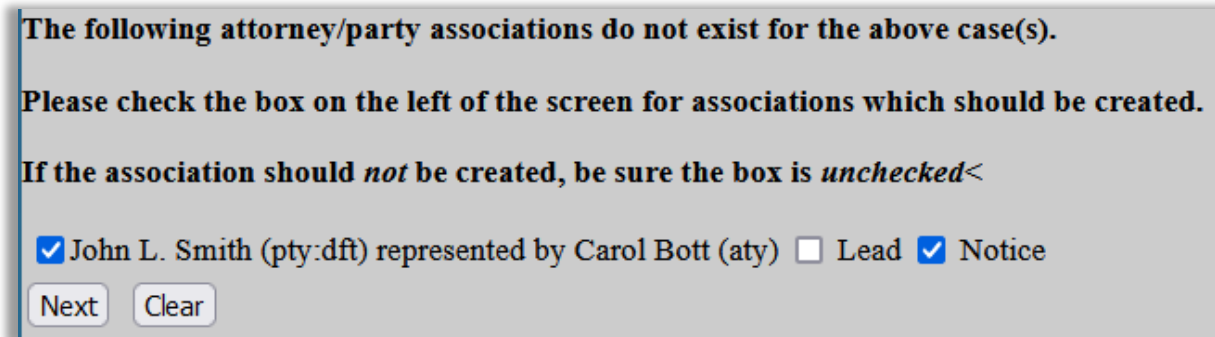
4. Verify Case Caption/Number Screen. If accurate, click **Next**.



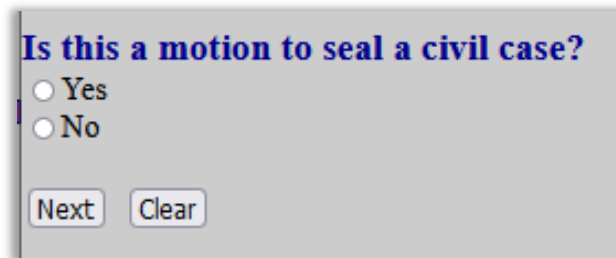
5. Click to highlight and select the **Filer(s)**. Hold the “Ctrl” key to select multiple non-contiguous parties.



The party/attorney association screen will appear only when the filing attorney is not already associated with the selected party. If accurate, leave the default Notice selection checked. If the filing attorney is lead counsel, mark “Lead” with a check and click Next. If the association should not be created, start over.



6. Review the prompt and click the radio button to select yes or no. If you are seeking leave to file an entire civil **case** under seal, you must stop and use the regular civil **Motion to Seal Case** event.



Is this a motion to seal a civil case?

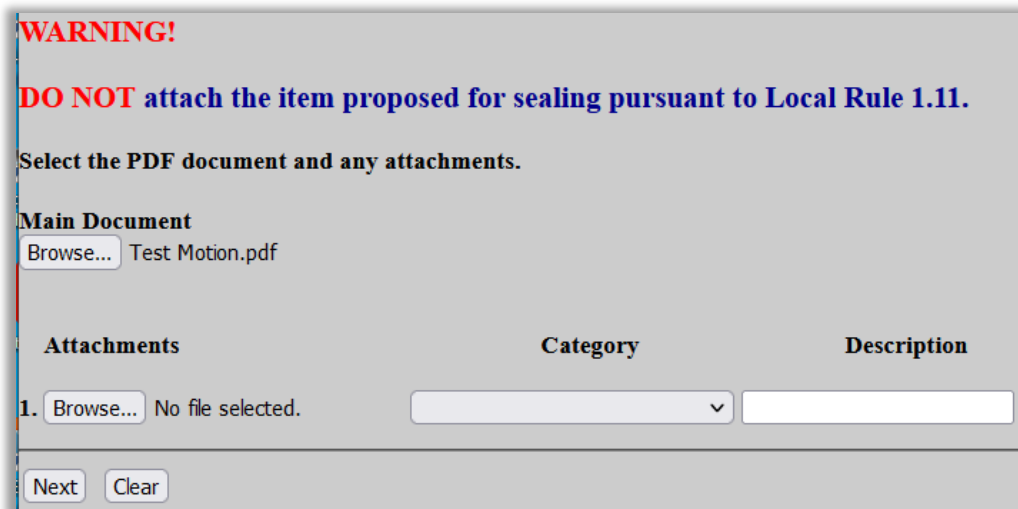
Yes

No

Next Clear

7. Attach your document(s). Click the **Browse** button to navigate to your saved .pdf document and attach your motion as the **Main Document**. Upload additional documents under **Attachments** when applicable.

Review the warning on the document attachment screen. Remember, this is a public event and pursuant to Local Rule 1.11, the item proposed for sealing **must not** be attached. This entry and the attached document(s) will be available to the public.



WARNING!

DO NOT attach the item proposed for sealing pursuant to Local Rule 1.11.

Select the PDF document and any attachments.


Main Document

Browse... Test Motion.pdf

Attachments	Category	Description
1. Browse... No file selected.		

Next Clear

8. Click the radio button to select the type of document you are seeking to file under seal.



Select the option that best describes the item you are seeking to file under seal:

Document

Motion

Response

Reply

Next Clear

- When applicable, select a descriptive prefix from the drop-down and/or add additional text in the text boxes.

Docket Text: Modify as Appropriate.

Unopposed MOTION for leave to file DOCUMENT
 Exhibit 7 under seal by Surgery Team (Bott, Carol).

Next Clear

- Verify the accuracy of the docket text, review the warning, and review source document path.** After you select **Next**, your document is filed and an NEF is sent. If you discover an error on this screen, start over from the beginning. **DO NOT** use the Back button.

Docket Text: Final Text

Unopposed MOTION for leave to file DOCUMENT *Exhibit 7* under seal by Surgery Team (Bott, Carol).

Attention!! Pressing the NEXT button on this screen commits this transaction. You will have no further opportunity to modify this transaction if you continue. Have you redacted?

Source Document Path (for confirmation only):
 C:\fakepath\Test Motion.pdf pages: 1

Next Clear

- The NEF screen displays. All case participants registered for CM/ECF will receive the NEF and will be able to view the attached document(s). You must serve case participants not registered for CM/ECF.

Sealed Documents
[2:20-cv-00001-MMH-SPC United States of America et al v. Surgery Team et al](#)
 SL DOC

U.S. District Court [TEST]
 Middle District of Florida [TEST]

Notice of Electronic Filing

The following transaction was entered by Bott, Carol on 4/11/2022 at 12:03 PM EDT and filed on 4/11/2022

Case Name: United States of America et al v. Surgery Team et al
 Case Number: [2:20-cv-00001-MMH-SPC](#)
 Filer: Dan A Flmdprose
 Surgery Team
 Document Number: [275](#)

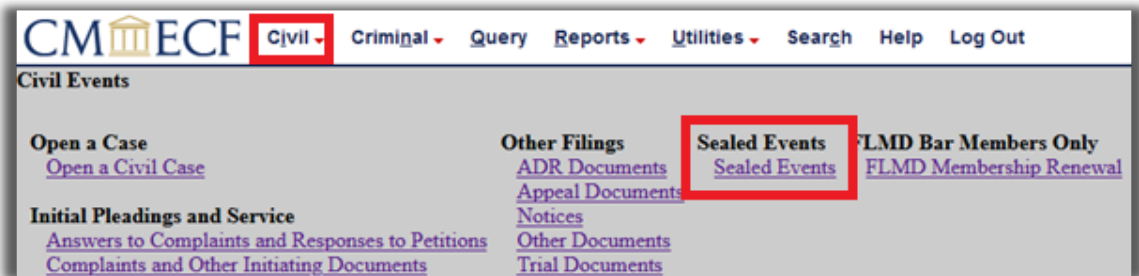
Docket Text:
[MOTION for leave to file DOCUMENT under seal by Dan A Flmdprose, Surgery Team \(Bott, Carol\)](#)

2:20-cv-00001-MMH-SPC Notice has been electronically mailed to:

- Proceed to the next section only **after** the court grants your motion for leave to file under seal.

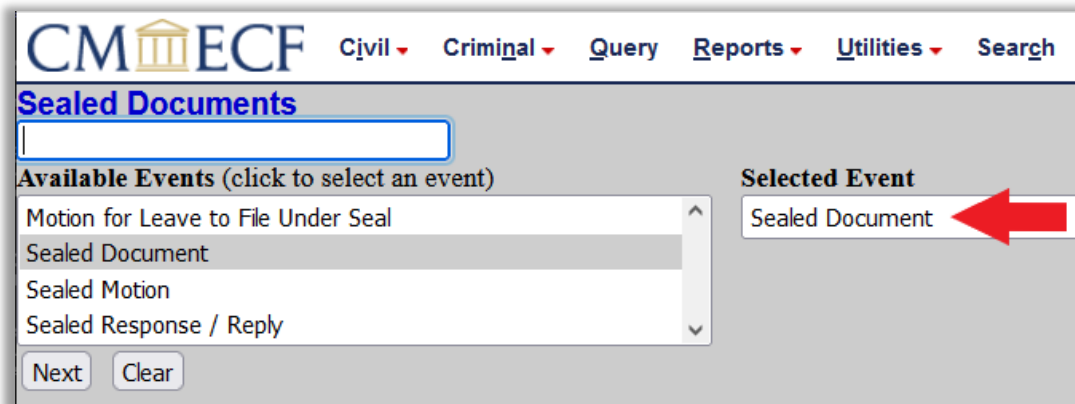
STEP-BY-STEP INSTRUCTIONS: File a Sealed Document

1. After you have obtained leave of court to file a document under seal (i.e., your motion for leave to file under seal is granted), begin filing your sealed document by selecting the CM/ECF **Civil** menu and then **Sealed Events**.

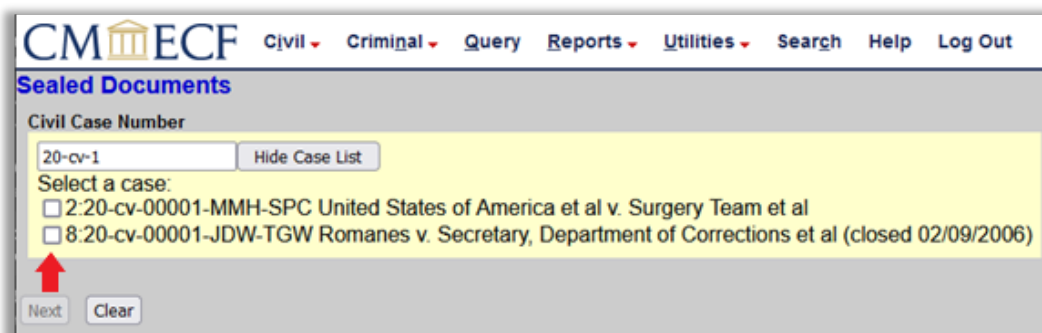


2. Click to highlight and select the applicable event under **Available Events**. The selected event will display under **Selected Events** ("Sealed Document" is selected as an example in the image below).

Note: Any sealed item that is not a motion or response/reply should be filed using the **Sealed Document** event.



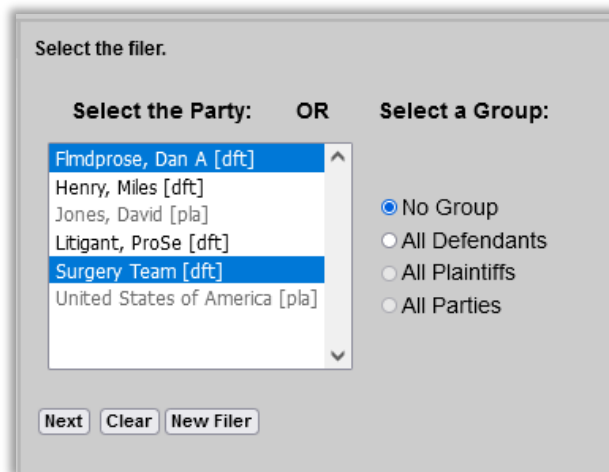
3. Enter the case number. A partial case number can be entered. When presented with a list of cases, click the box to select the applicable case.



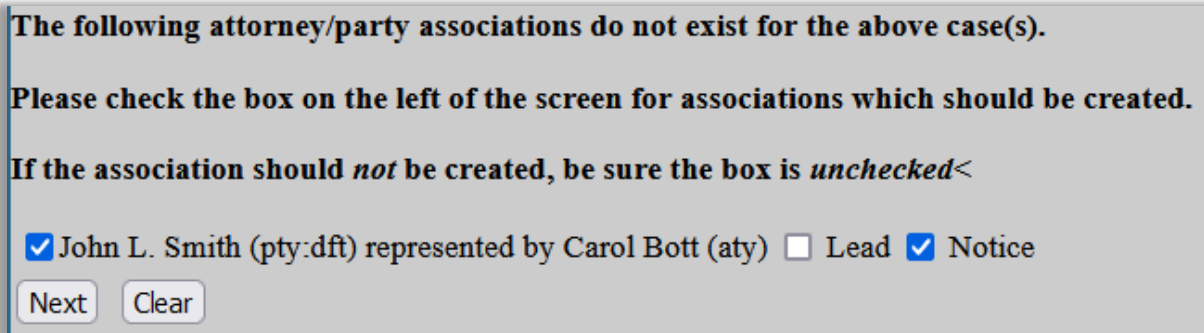
4. Verify Case Caption/Number Screen. If accurate, click **Next**.



5. Click to highlight and select the **Filer(s)**. Hold the “Ctrl” key to select multiple non-contiguous parties.




The party/attorney association screen will appear only when the filing attorney is not already associated with the selected party. If accurate, leave the default Notice selection checked. If the filing attorney is lead counsel, mark “Lead” with a check and click Next. If the association should not be created, start over.



6. Answer the question, “**Do you have permission from the Court to file this document under seal pursuant to Local Rule 1.11?**” You will be required to link your filing to the order or minute entry granting permission to file under seal.

Sealed Documents
[2:20-cv-00001-MMH-SPC United States of America et al v. Surgery Team et al](#)
SL DOC

Do you have permission from the Court to file this document under seal pursuant to Local Rule 1.11?

Yes 
 No

Next Clear

If **No**, **STOP** and file a [Motion for Leave to File Under Seal](#).


Sealed Documents
[2:20-cv-00001-MMH-SPC United States of America et al v. Surgery Team et al](#)
SL DOC

Since you do not have permission to file this document under seal, you must first seek leave to file under seal using the event, *Motion for Leave to File Under Seal*.

If **Yes**, click the radio button to select “yes” and proceed to the next step.

7. The following prompt will only appear for the **Sealed Response/Reply** event. Click the radio button to select the type of document you are filing.

Select the type of document you are filing:

Response 
 Reply

Next Clear

- Review the warning on the document attachment screen for the **Sealed Document**, **Sealed Motion**, and **Sealed Response/Reply** events. Attach your document(s). Click the **Browse** button to navigate to your saved .pdf document and attach as the **Main Document**.

If you have additional sealed **Attachments**, upload under the **Attachments** section. **USE CAUTION** when selecting the **Category** and/or adding a **Description** for **Attachments**. Remember, the docket text **will be** visible to the public.

WARNING!:
The description given to Attachments when uploading documents below WILL appear on the PUBLIC docket. The attached documents will automatically be sealed.

Select the PDF document and any attachments.

Main Document
 Browse... Test Motion.pdf

Attachments

	Browse...	File Name	Category	Description	Remove
1.	Browse...	Test Memo.pdf		Memo in Support	Remove
2.	Browse...	No file selected.			

Next Clear

- The **Sealed Document**, **Sealed Motion**, and **Sealed Response/Reply** events should link back to the Order or minute entry granting permission to file the sealed item, when the order or minute entry is available for selection. Please note that sealed docket entries will not be available for selection. The linking screens vary in each event.

When filing the **Sealed Document** or **Sealed Motion** events, the filer will be prompted to select the Order or minute entry granting leave to file under seal and will also have the option to link the sealed document or motion to an additional, related docket entry. Check the box to view the docket entry selection screen. On the docket entry selection screen, you may have to scroll to locate the appropriate docket entry as every docket entry will display for selection or below, use the **Filed** and/or **Documents** filters to narrow the search.

Select the Order or minute entry granting permission to file this document under seal. If this document should relate to an additional filing, select that as well.

Please note that sealed docket entries will not be available to select.

Should the document you are filing link to another document in this case?

Filed to

Documents to

Next Clear

The **Sealed Response / Reply** event will prompt the filer to select the motion(s) to which this response/reply relates and the Order or minute entry granting permission to file under seal (and additional docket entries when applicable). Check the box the view the docket entry selection screen. On the docket entry selection screen, you may have to scroll to locate the appropriate docket entry as every docket entry will display for selection or below, use the **Filed** and/or **Documents** filters to narrow the search.

Select the motion or motions in which this response/reply relates and select the Order or minute entry granting permission to file this item under seal.

Please note that sealed docket entries will not be available to select.

Should the document you are filing link to another document in this case?

Filed to

Documents to

Next Clear

10. **Docket entry selecting screen for linking.** Check the box next to the applicable order or minute entry granting permission to file under seal and when applicable, select additional docket entries. When filing a **Sealed Response/Reply**, select the motion to which this response/reply relates.

Note: Sealed docket entries will not display for selection. If all the related docket entries are sealed, click the Back button and un-check the linking box (on the previous screen) in order to move forward.

Select the appropriate event(s) to which your event relates:

- 06/06/2022 [318](#) Unopposed MOTION for leave to file MOTION under seal by Surgery Team (Bott, Carol) (Terminated)
- 06/06/2022 [319](#) **ORDER granting [318](#) Motion for leave to file under seal. Signed by Judge Sheri Polster Chappell on 6/6/2022. (NAS)**
- 06/06/2022 [320](#) SEALED MOTION for Summary Judgment re [319](#) Order on Motion for Leave to File Under Seal by Surgery Team (Bott, Carol) (Terminated)

Next Clear

11. Review the warning message.

Only Court personnel will be able to view the documents attached after this entry is filed. Neither the general public nor attorneys of record will be able to view the attached document. Therefore, you cannot rely on the Notice of Electronic Filing to effect service. You must serve this document on all applicable parties by some other means.

On the next screen, **USE CAUTION when entering descriptive docket text, as the docket text will be viewable by the public.**

12. **Use Caution** when entering descriptive text. The docket text is visible to the public. Select a prefix when applicable from the drop-down and/or add additional text in the text boxes.

Sample docket text for the **Sealed Document** event:

Docket Text: Modify as Appropriate.

SEALED DOCUMENT

re [319] Order on Motion for Leave to File Under Seal by Dan A Flmdprose, Surgery Team (Bott, Carol).

Sample docket text of the **Sealed Motion** event:

Docket Text: Modify as Appropriate.

SEALED MOTION

re [319] Order on Motion for Leave to File Under Seal by Dan A Flmdprose, Surgery Team (Bott, Carol).

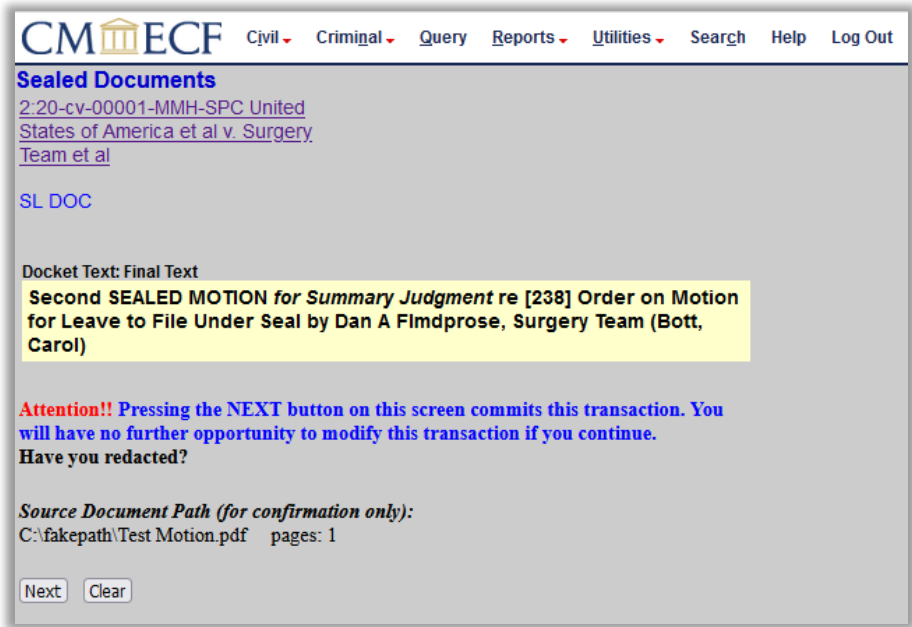
Sample docket text for the **Sealed Response / Reply** event:

Docket Text: Modify as Appropriate.

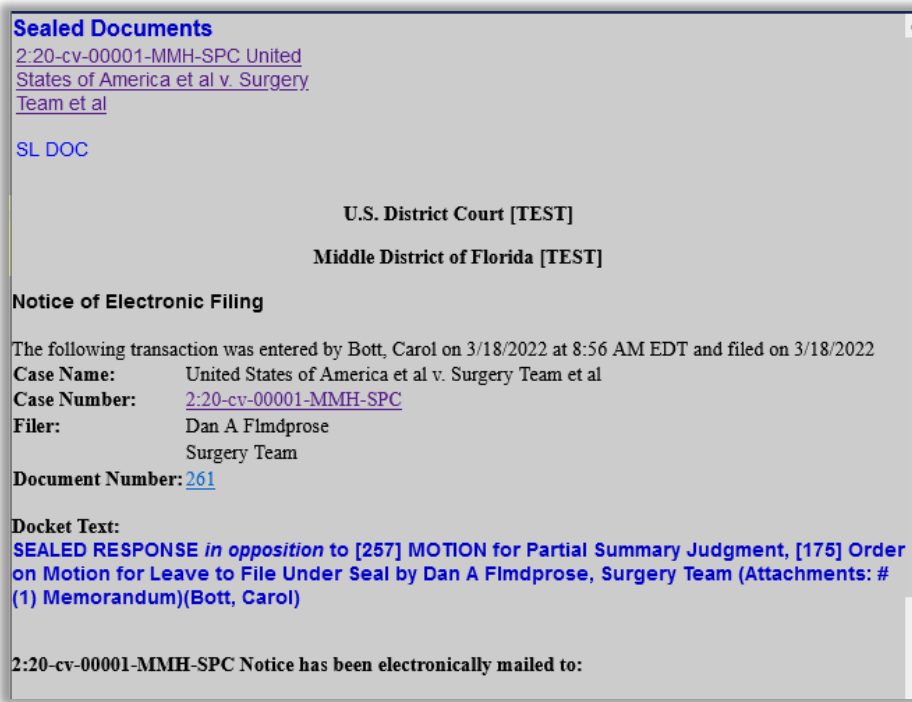
SEALED RESPONSE

re [319] Order on Motion for Leave to File Under Seal, [131] Motion to Vacate by Dan A Flmdprose, Surgery Team (Bott, Carol).

13. **Verify the accuracy of the docket text, review the warning, and review the source document path.** After you select **Next**, your document is filed and an NEF is e-mailed. If you discover an error on this screen, start over from the beginning. **DO NOT** use the Back button.



14. The NEF screen displays. Remember, while all case participants will receive the NEF, sealed documents are not accessible to the parties through the NEF. **Therefore, you must serve all sealed documents by other means.** Print the NEF and serve it and the sealed document on opposing counsel.



Revision Log

Date	Comments	By
10/11/22	Procedure posted in preparation of 11/7/22 effective date.	NAS