

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
GENERAL ORDER 12 - 0022**

The full Court met in executive session on Thursday, September 27, 2012 and approved an amendment to Local Rule 26.2 Restricted Documents. The proposed amendment was published with comments due on April 13, 2012. No comments were received from the Public.

The Rules Advisory Committee on Local Rules and Procedures discussed the proposed amendment at its meeting on May 1, 2012. The Rules Advisory Committee recommended slight modifications.

The Court's Rules Committee discussed the proposal and recommended modifications from the Rules Advisory Committee at the Rules Committee meeting of September 18, 2012. It recommended that the full Court adopt the proposed order as modified by the Rules Advisory Committee.

The full Court considered the recommendation of the Rules Committee at its meeting on Thursday, September 27, 2012 and agreed to modify Local Rule 26.2. Therefore,

By direction of the full Court, which met in executive session on Thursday, September 27, 2012,

IT IS HEREBY ORDERED that Local Rule 26.2: Restricted Documents be amended as follows (additions shown thus, deletions shown ~~thus~~):

LR26.2. ~~Restricted~~ Sealed Documents

(a) Definitions. As used in this rule the term:

~~"Restricted document" means a document or an exhibit to which access has been restricted either by a written order or by a rule;~~

"Sealed document" means a ~~restricted~~ document ~~which~~ that the court has directed be maintained under seal electronically or, where the court allows a sealed document to be filed non-electronically, within a sealed enclosure such that access to the document requires breaking the seal of the enclosure; and

"Document awaiting expunction" means a document or an exhibit which the court has ordered held for possible expunction but for which the period for holding prior to final destruction has yet to pass; and

"Restricting Sealing order" means any order restricting access to one or more documents filed or to be filed with the court.

(b) Terms of a Restricting Sealing Order. The court may for good cause shown enter an order directing that one or more documents be ~~restricted~~ filed under seal. No attorney or party may file a ~~restricted~~ document under seal without prior order of court specifying the particular document or portion of a document that may be filed as ~~restricted~~ under seal. ~~The final paragraph of the order shall state the following information: (1) the identity of the persons, if any, who are to have access to the documents without further order of court; and (2) instructions for the disposition of the restricted documents following the conclusion of the case.~~

(c) Sealing Motion for Documents filed Electronically. Any party wishing to file a document or portion of a document electronically under seal in connection with a motion, brief or other submission must: (1) provisionally file the document electronically under seal; (2) file electronically at the same time a public-record version of the brief, motion or other submission with only the sealed document excluded; and (3) move the court for leave to file the document under seal. The sealing motion must be filed before or simultaneously with the provisional filing of the document under seal, and must be noticed for presentment promptly thereafter. Any document filed under seal without such a sealing motion may be stricken by the court without notice.

(cd) Filing restricted documents Sealing Motion for Documents not filed Electronically. Where the court has permitted documents to be filed non-electronically, the party seeking to file a document under seal must, before filing the document, move the court for a sealing order specifying the particular document or portion of a document to be filed under seal. The final paragraph of the order shall state the following information: (1) the identity of the persons, if any, who are to have access to the documents without further order of court; and (2) instructions for the disposition of the restricted documents following the conclusion of the case. A copy of the ~~restricting~~ sealing order must be included with any ~~restricted~~ document presented for filing under seal. The attorney or party submitting a restricted document must file it in a sealed enclosure that conspicuously states on the face of the enclosure the attorney's or party's name and address, including e-mail address if the attorney is registered as a Filing User of electronic case filing, the caption of the case, and the title of the document; ~~or.~~

(e) Copies Served on Counsel and Judge's Paper Courtesy Copy. Any sealed document served on any other party and any judge's paper courtesy copy must be a complete version, without any redactions made to create the public-record version unless otherwise ordered for good cause shown.

(df) Docket Entries. The court may on written motion and for good cause shown enter an order directing that the docket entry for a ~~restricted~~ sealed document show only that a ~~restricted~~ sealed document was filed without any notation indicating its nature. Unless the Court directs otherwise, a ~~restricted~~ sealed document shall be filed pursuant to procedures

referenced by Local Rule 5.8.

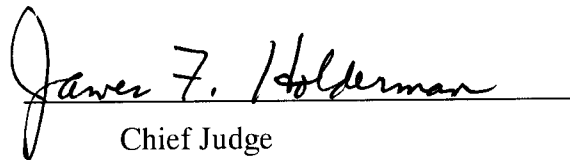
~~(e) At the discretion of the judge, the court may order the parties to retain copies of all documents containing confidential information which are provided in discovery under the protective order. Documents containing the confidential information shall not be filed with the clerk of court. Documents requiring the court's review shall be submitted to chambers in camera in a sealed envelope bearing the caption of the case, case number, the title of the motion or response to which the submitted confidential information pertains, and the name and telephone number of counsel submitting the documents. The producing party shall maintain the original documents intact for any further review. A redacted copy of all documents, in whatever form filed, containing confidential information shall be filed with the clerk of court for the record.~~

(fg) Inspection of Restricted Sealed Documents. The clerk shall maintain a record in a manner provided for by internal operating procedures approved by the Court of persons permitted access to ~~restricted~~ sealed documents that have not been filed electronically. Such procedures may require anyone seeking access to show identification and to sign a statement to the effect that they have been authorized to examine the ~~restricted~~ sealed document.

(gh) Disposition of Restricted Sealed Non-electronic Documents. When a case is closed in which an order was entered pursuant to section (b) of this rule, the clerk shall maintain the documents ~~that have not been electronically~~ filed under seal non-electronically as restricted sealed documents for a period of 63 days following the final disposition including appeals. Except where the court in response to a request of a party made pursuant to this section or on its own motion orders otherwise, at the end of the 63 day period the clerk shall notify the attorney or party who filed the documents that the documents must be retrieved from the clerk's office within 30 days of notification. If the parties do not retrieve the sealed documents within 30 days, the clerk shall destroy the documents. return the restricted documents in the sealed enclosure to the attorney or party who or which filed it.

ENTER:

FOR THE COURT


Chief Judge

Dated at Chicago, Illinois this 2nd day of October, 2012