

Guidance on Filing Sealed Materials Pursuant to Amended Local Rule 13.05

Movant must file an unsealed motion for sealing ([docketing event can be found under Motions and Related Filings - Motions – Leave to File Under Seal](#)) or an unsealed motion for continued sealing ([docketing event can be found under Motions and Related Filings - Motions – Motion for Continued Sealing](#)). The sealed document SHOULD NOT be attached to this docket entry. **Note: Movant may include in this document a certification that opposing counsel/parties do not object to the motion for leave to file under seal. If such certification is included, it is not necessary to file responses and replies to the motion.**

Movant must file a sealed memorandum in support of motion for leave to file sealed document(s) or for continued sealing stating the specific legal and factual reasons justifying the sealing, with or without sworn factual declarations or affidavits, and must state whether any producing non-party* has been served with notice of the motion and whether such producing non-party does or does not object to the sealing ([docketing event can be found under Motions and Related Filings – Memoranda, Responses and Replies – Sealed Memo in Support of Motion for Leave to File Under Seal](#)). The proposed sealed document should be filed as an attachment to this sealed memorandum. **Note: The sealed memorandum may include the reasons for the inability to file a redacted copy within three (3) business days (see #3 below).**

Within three (3) business days from the filing of the motion to seal or the motion for continued sealing, movant must file in the public record either a redacted copy of the subject document(s) ([docketing event can be found under Motions and Related Filings - Memoranda, Responses and Replies – Redacted Document](#)) or a sealed memorandum explaining the specific reasons for the failure or inability to file a redacted document ([docketing event can be found under Motions and Related Filings - Memoranda, Responses and Replies – Sealed Memo re: Inability to File Redacted Document](#)).

Within seven (7) days from the filing of the motion for sealing or for continued sealing, a party or non-party** may file a memorandum opposing sealing which may be filed in the public record or under seal ([docketing events can be found under Motions and Related Filings – Memoranda, Responses and Replies – Response to Motion \(for an unsealed response\) or Response to](#)

On June 1, 2021, revisions to Local Rule 13.05 – Sealing of Materials Filed in Civil and Criminal Cases – took effect in the Eastern District of Missouri and some guidance on filing sealed materials was provided at that time. Since that date, the Court has worked with the Criminal Justice Act Committee, Federal Practice Committee, and members of the Bar to develop [model Forms](#) to assist counsel with drafting Sealing Motions. These Forms are not mandatory, nor are they meant to be comprehensive as to what should be included in such motions. The Forms do serve as a basic starting point from which attorneys can then submit their proposed legal and factual bases for the sealing of documents as set forth in Local Rule 13.05.

[Motion \(SEALED\) for a sealed response](#)). Any memorandum must state whether such non-party does or does not object to the sealing.

Within seven (7) days from the filing of any memorandum opposing sealing or for continued sealing, movant may file a reply supporting sealing which may be filed in the public record or under seal ([docketing events can be found under Motions and Related Filings – Memoranda, Responses and Replies – Reply to Motion \(for an unsealed reply\) or Reply to Motion \(SEALED\) \(for a sealed reply\)](#)). Any memorandum must state whether such non-party does or does not object to the sealing.

The Court will rule the motion for sealing or for continued sealing and a public entry will be made in the case stating generally that the motion has been granted or denied. Any order denying a motion to seal or for continued sealing will be stayed for a period of 14 days during which an appropriate appeal from the order may be filed. If an appeal is filed, the order will remain stayed until the appeal is determined and, if the order is affirmed, the order will remain stayed for an additional 14 days after entry of the appellate ruling during which all or part of the material filed under seal may be withdrawn before it becomes a part of the public record ([docketing event can be found under Motions and Related Filings – Motions – Withdraw Sealed Document](#)). **Note: No sealed documents will be unsealed by the Clerk of Court without an order from the Court.**

Not less than 30 days after the conclusion of a civil action or after receipt of a mandate from the Court of Appeals, movant may file either a motion requesting that documents previously filed under seal be unsealed and made a part of the public record ([docketing event can be found under Motions and Related Filings – Motions – Unseal Document](#)), a motion for continued sealing ([docketing event can be found under Motions and Related Filings - Motions – Motion for Continued Sealing](#)), or a motion to withdraw sealed document ([docketing event can be found under Motions and Related Filings – Motions – Withdraw Sealed Document](#)). Unless otherwise ordered by the Court, all documents previously filed in a civil action will remain sealed by the Clerk of Court for 90 days following final disposition of the litigation. After 90 days, any sealed documents will be unsealed by Order of the Court unless a motion for continued sealing or a motion to withdraw sealed document has been filed and ruled.

*Producing non-party – A producing non-party is a person or organization that is not a named party in the case but is the source of material a party seeks to file under seal.

**In criminal cases, a non-party who wishes to file a memorandum opposing the seal must first contact the U.S. District Court Clerk's Office at 314-244-7900 to be added to the case as a movant.