

sovereign interests. Authorized HSD must be filed in paper format as provided in this General Order without further order of the presiding judge, except as set forth herein.

B. Documents Not Considered to be HSD

The following documents are not considered to be HSD, but may be so designated by order of the presiding judge upon good cause shown: (1) applications for search warrants other than those specified in § A(2); (2) pretrial release reports; (3) presentence reports; (4) documents relating to cooperation in criminal cases; (5) qui tam cases; (6) Social Security records; (7) administrative records in immigration cases; (8) medical records; and (9) commercial or proprietary information. “Good cause” may be shown by demonstrating that disclosure of the information could jeopardize national security, place human life or safety at risk, or substantially assist a foreign power or its agents in the development of products, or use of information, that would be adverse to the national interests of the United States. That a document satisfies the legal criteria for filing under seal, or is subject to a protective order, is a necessary but not sufficient condition for treating it as HSD. Documents will not be considered HSD solely because they include personal identifying information or financial information.

C. Procedures for Filing HSD

1. Authorized HSD

a. A party filing Authorized HSD shall submit to the Clerk’s Office three paper copies of the Authorized HSD, together with a certificate of service, in sealed envelopes marked “HIGHLY SENSITIVE DOCUMENT.” The outside of each envelope shall

include the case number, if applicable, and the name of the presiding judge, or if one is not assigned, the duty judge. A manually file-stamped copy will be returned to the filing party.

b. In matters where service is required, the filing party shall serve the Authorized HSD on other parties by in-person delivery or delivery by the United States Postal Service or other reputable delivery service. In no event shall service be made by electronic means.

c. The Clerk's Office will assign a document number to the Authorized HSD and, if applicable, will make an informational docket entry in the Court's CM/ECF system indicating the Authorized HSD was filed with the Court. The Clerk of Court shall maintain the HSD in a secure area within the Clerk's Office.

d. If a dispute arises regarding whether a purported Authorized HSD properly falls within one of the Authorized HSD categories, the matter shall be decided by the presiding judge, or if none, by the duty judge.

e. If a judge determines that a court order contains information such that the order should be treated as HSD, the judge shall direct the Clerk of Court to file, store, and disseminate the order as set forth herein.

2. Motions to Designate Material as HSD

a. Any party seeking to designate material as HSD must file a motion seeking leave of court to do so. The moving party must explain in detail why the material should be sealed and afforded treatment as HSD. The motion, a proposed order, and the accompanying HSD shall not be filed via the Court's CM/ECF system, but shall be filed in paper form in the manner set forth in § C(1)(a) herein. The Clerk's Office will assign a document number to the motion regarding proposed HSD and will make an informational

docket entry in the Court's CM/ECF system indicating the motion was filed with the Court. Response and reply briefs, if any, must be filed in the same manner as the motion, and pursuant to the time and page limitations set forth in the Court's Local Rules. The Clerk's Office shall deliver the motion and proposed HSD, along with any response and reply briefs, to the assigned judge for decision, and shall maintain the filings in a secure area pending decision by the Court.

b. The moving party shall serve the motion and proposed HSD on other parties as described in § C(1)(b). No further dissemination of the proposed HSD shall be made by a party or their agents pending the Court's decision on the motion.

c. If the presiding judge grants the motion, a paper copy of the order will be served on the parties via United States Postal Service. The Clerk's Office will assign a document number to the order and the HSD and will make informational docket entries in the Court's CM/ECF system indicating the order and HSD were filed with the Court. The Clerk of Court shall maintain the order and the HSD in a secure area within the Clerk's Office.

d. If the presiding judge denies the motion, the order will be filed on the Court's CM/ECF system and service on the parties will be via the Court's CM/ECF system. The Clerk's Office will return the proposed HSD to the moving party.

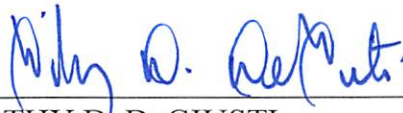
D. Existing Files on the Court's CM/ECF System

Upon motion of any party filed and served in the manner set forth in § C(2) above, or upon its own motion and after notice to the parties and an opportunity to be heard, the court may determine that a document filed before the effective date of this order should be designated as HSD. The presiding judge shall then order the Clerk of Court to remove the

HSD (or the case as a whole if the number of HSD filings make treating the entire case as HSD more efficient) from the Court's CM/ECF system and to maintain the HSD in the secure area of the Clerk's Office reserved for other HSD.

This General Order is effective immediately and supersedes any and all inconsistent provisions in existing local rules, the Court's Electronic Filing Policies & Procedures Manual, and other General Orders of the Court.

ENTERED for the Court this 25th day of January, 2021.



TIMOTHY D. DeGIUSTI
Chief United States District Judge