

PROCEDURES FOR FILING DOCUMENTS UNDER SEAL IN THE COMMERCE COURT PROGRAM

The Court will seal documents only in very rare situations, upon good cause shown. A Confidentiality Stipulation and Order does not, alone, enable you to file documents under seal. **A separate court Order is required.**

The fact that a document may contain very sensitive information, *i.e.*, customer names, trade secrets, financial data, does not necessarily mean that the court will permit the entire document to be filed under seal. The filing party may redact sensitive information where it is not relevant to the party's court filing. For instance, patient information protected by HIPAA may be redacted from an exhibit to a Motion without court approval.

Where the purportedly confidential information is relevant to the filing, and the party does not have sufficient time to file a *Motion to File Under Seal* beforehand, the party may file a redacted version of its document and then seek permission to file an unredacted version under seal as follows:

1. At the time of filing of the redacted version, the party should serve all other parties with an unredacted version.
2. Before or immediately after filing the redacted version, the party must file a *Motion to File Under Seal*. The *Motion to File Under Seal* must be filed consistent with the motion procedures set forth in the Pennsylvania Rules of Civil Procedure and the Philadelphia Local Rules.
3. The filing party should not attach to the *Motion to File Under Seal* the allegedly confidential information that it wants sealed, but should instead offer to provide it to the court for *in camera* review.
4. The court may order the parties to appear for argument on the *Motion to File Under Seal* if the court believes the parties have redacted too much from their filing(s).
5. If the Court enters an Order granting the *Motion to File Under Seal*, the document (or portions thereof) to be sealed may then be filed electronically via the Court's Electronic Filing System ("EFS").
6. If the party previously filed a redacted version and had a Motion Control number assigned to it, the party should file a Praecipe to Supplement, with the unredacted version and the court's sealing Order attached, under the same Motion Control number.
7. The filing party must attach to the front of the filed document it wishes to have sealed a copy of the court's Order allowing the sealing of the document.
8. **Immediately** after e-filing the document(s) you wish to have sealed, email the Office of Judicial Records: kara.kalogrias@courts.phila.gov.

In your e-mail message, you must:

- a. Request that the document(s) at issue be sealed pursuant to the pre-existing sealing Order.
 - b. Include a copy of the electronic filing receipt you received from the court with respect to the document(s) you just filed.
9. The Office of Judicial Records will review your request and, if appropriate, electronically seal the document(s) when the document(s) are accepted for filing.
10. Documents that do not have a copy of the sealing order attached or that are otherwise not in compliance with applicable motion rules will be rejected by the Office of Judicial Records.
11. If the court denies the *Motion to File Under Seal* and the party previously filed a redacted version and had a Motion Control number assigned to it, then the filing party should file a Praecipe to Supplement, with the unredacted version attached, under the same Motion Control number.
12. Any questions or problems pertaining to these procedures may be directed to Susan Packer at 215-686-4916. Any questions or problems pertaining to the electronic filing system may be directed to the E-Filing Unit at efsupport@courts.phila.gov or by calling (215) 686-6650.