



**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
219 SOUTH DEARBORN STREET  
CHICAGO, ILLINOIS 60604**

**MICHAEL W. DOBBINS  
CLERK**

August 7, 2000

Dear Mr. Messina:

Below you will find a summary of our procedures for handling restricted documents and cases.

**Handling of Restricted Documents**

1. The original document and one copy for the judge are submitted for filing at our intake desk.
2. All restricted documents are maintained in a secured area at the intake desk. The courtroom deputies are e-mailed or called when a restricted document is filed for their assigned judge. The judge's copy of the document is then retrieved from the secured area by the courtroom deputy. However, if the document filed is a motion which is to be presented to the judge on a certain date, the original document is forwarded to the judge along with the judge's copy.
3. The original restricted document is delivered to the docketing department by the intake staff and placed in a secured area in the docketing department.
4. The docket clerk is given the restricted document by the supervisor and then enters the title of the document on the docket with the notation, "RESTRICTED." If the judge orders that the docket entry cannot reflect a description of the document, the clerk enters the notation "Document Sealed" on the docket instead of the description. The clerk prepares an index card for that particular document which contains the case number and description of the document. If the envelope containing the document does not describe the document, the clerks enters the notation "Document Sealed" for that particular document and no index card is prepared.
5. After the document is docketed it is placed in a secured area.
6. The supervisor then retrieves the document from its secured area and files the restricted document in the suppressed room in numerical sequence by type of case, year, and number.
7. When a restricted document is forwarded from chambers to the docketing department, the document is given directly to assigned docket clerk. If the docket clerk is not available, it is given to the supervisor.

**New cases filed as restricted**

1. Steps one and two stated above are followed.

2. The clerk creates an electronic docket, titles the case suppressed v. suppressed, and makes no entries on the docket.

3. After creating the docket, the clerk places the case file in a secured area.

4. The supervisor retrieves the case file from its secured area and files the case file in the suppressed room by case type, year and number.

5. Any document subsequently filed in the restricted case is not entered on the docket but placed in the suppressed room with the respective case file.

6. If and when the restricted case is unsealed, the case file is retrieved from the suppressed room, unsealed and the appropriate entries are made on the docket. If any entries are to remain restricted, the notation "RESTRICTED" is placed next to that particular entry.

7. If an appeal is filed in a restricted case, the clerk creates a docket with all the entries. The case file and the docket sheet are transmitted to the Appeals Court as restricted.

If you have further questions please feel free to email me at [nelida\\_finch@www.ilnd.uscourts.gov](mailto:nelida_finch@www.ilnd.uscourts.gov) or call me at 312-435-5505. For your information, I am also including our local rules that deal with restricted documents.

#### LR5.7. Filing Cases Under Seal

(a) General. The clerk is authorized to accept a complaint for filing and treat that complaint and the accompanying papers as if they were restricted pursuant to LR26.2 where the complaint is accompanied by a written request containing the following:

(1) the name, address, and signature of the party or counsel making the request;

(2) a statement indicating that the party believes that due to special circumstance which the party will promptly bring to the attention of the judge to whom the case is to be assigned, it is necessary to restrict access to the case at filing; and

(3) a statement that the party is aware that absent an order extending or setting aside the sealing, the file and its contents will become public on the fourth business day following the date of filing.

Absent any order to the contrary, the contents of the case file shall be treated as restricted documents as defined by LR26.2(1) for three business days following the day on which the complaint was filed. Except as otherwise ordered, on the fourth business day the file will no longer be treated as restricted.

(b) Filings Under 31 U.S.C. §3730. The procedures set forth in section (a) shall also be followed in filing complaints in camera pursuant to 31 U.S.C. § 3730 with the following modifications:

(1) the person presenting the complaint for filing in camera shall state in the instructions to the assignment clerk that the complaint is being filed pursuant to 31 U.S.C. § 3730; and

(2) unless otherwise ordered by the court, the matter shall remain restricted for the period specified in 31 U.S.C. § 3730.

#### LR5.8. Filing Materials Under Seal

Any document to be filed as a restricted or sealed document as defined by LR26.2 must be accompanied by a cover sheet which shall include the following:

- (A) the caption of the case, including the case number;
- (B) the title "Restricted Document Pursuant to LR26.2";
- (C) a statement indicating that the document is filed as restricted in accordance with an order of court and the date of that order; and
- (D) the signature of the attorney of record or unrepresented party filing the document.

Any document purporting to be a restricted or sealed document as defined in LR26.2 that is presented for filing without the cover page or copy of the order shall not be treated as a restricted or sealed document, but shall be processed like any other document. In such instances the clerk is authorized to open the sealed envelope and remove the materials for processing.

#### LR26.2. Protective Orders; Restricted 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 the court has directed be maintained within a sealed enclosure such that access to the document requires breaking the seal of the enclosure;

"Document awaiting expunction" means a document or an exhibit which the court has ordered held for possible expunction pursuant to 21 U.S.C. §844(b)(2) but for which the period for holding prior to final destruction has yet to pass; and

"Protective order" means any protective order entered pursuant to Fed.R.Civ.P. 26(c), or any other order restricting access to one or more documents filed or to be filed with the court.

(b) Restricting Order. The court may on written motion and for good cause shown enter an order directing that one or more documents be restricted. The order shall also specify the persons,

if any, who are to have access to the documents without further order of court. The minute order accompanying the order shall specify any qualifications as to access and disposition of the documents contained in the order.

(c) Docket Entries. The court may on written motion and for good cause shown enter an order directing that the docket entry for a restricted document show only that a restricted document was filed without any notation indicating its nature. Absent such an order a restricted document shall be docketed in the same manner as any other document except that the entry will indicate that the document is restricted.

(d) Inspection of Restricted Documents. The clerk shall maintain a record in a manner provided for internal operating procedures approved by the Court of persons permitted access to restricted documents. 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 document.

(e) Disposition of Restricted 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 as restricted 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 place the restricted documents in the public file.

Any party may on written motion request that one or more of the restricted documents be turned over to that party. Such motion shall be filed not more than 63 days following the closing of the case period.

In ruling on a motion filed pursuant to this section or on its own motion, the court may authorize the clerk to do one of the following for any document covered by the order:

(1) turn over a document to a party; or

(2) destroy a document; or

(3) retain a document as a restricted document for a period not to exceed 20 years and thereafter destroy it.