

Jan 19 2021

United States District Court
Northern District of Ohio
General Order

GENERAL ORDER NO. 2021-01

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

In Re:)	
)	
)	
PROCEDURES FOR THE FILING,)	ORDER NO. 2021-01
SERVICE, AND MANAGEMENT OF)	
HIGHLY SENSITIVE DOCUMENTS)	
)	

In response to recent disclosures of wide-spread breaches of both private sector and government computer systems, federal courts are immediately adding new security procedures to protect highly sensitive documents filed with the courts.

The Court finds that, pursuant to [Civil Rule 5\(d\)\(3\)\(A\)](#) and [Criminal Rule 49\(b\)\(3\)\(A\)](#), good cause exists to require the filing of certain highly sensitive documents outside of the Court's electronic filing system.

THEREFORE, IT IS HEREBY ORDERED that, effective as of the date of this Order and until such time as the Court orders otherwise, the handling, filing, service, and management of certain highly sensitive documents shall be subject to the procedures and requirements set forth below. This General Order supersedes any and all inconsistent provisions in existing local rules or other general orders of this Court.

1. Documents Subject to this Order

- a. The following types of documents filed on or after the date of this order are deemed highly sensitive documents (HSDs): Applications for the interception of a wire, oral, or electronic communication pursuant to 18 U.S.C. § 2518.

- b. A document may be deemed an HSD if it involves the following:
- national security;
 - foreign or domestic sovereign interests;
 - cybersecurity;
 - sensitive on-going law enforcement investigations;
 - intelligence or counter-intelligence operations;
 - information that would put at risk the safety of public officials or the integrity of governmental operations; or
 - non-public intellectual property, including trade secrets.
- c. The following types of documents will be deemed HSDs only if specifically requested by the United States Attorney and for good cause shown: Search warrant materials; applications for a pen register, trap and trace device, or caller identification option device; criminal complaints; and sealed indictments. A motion to seal, if granted, does not deem such documents HSDs absent a specific request from the United States Attorney to do so in the motion.
- d. The following types of documents generally are not considered HSDs: Presentence reports; pretrial release reports; most plea agreement addendums; filings and documents related to petitions for compassionate release and/or other sentencing relief; social security records; administrative immigration records; and sealed filings in most civil cases.
- e. Any dispute as to whether a document is an HSD shall be resolved by the presiding judge or, when no presiding judge is assigned, the miscellaneous judge.

2. Providing HSDs to Clerk or Judicial Officers Pre-Filing

Proposed HSDs are to be provided in advance of filing to the Clerk, or directly to a judicial officer at his or her request, in paper form by hand delivery or regular mail.

3. Filing of Documents Deemed Highly Sensitive by a Judicial Officer

Documents deemed highly sensitive by a judicial officer shall be filed and maintained in paper form by the Clerk in a secure paper filing system.

4. Filing of Motions to Treat a Document as an HSD

- a. If represented by counsel, a party shall file a motion to seal and treat a document as an HSD via CM/ECF under existing procedures, except that a copy of the proposed HSD shall not be filed electronically. The motion shall explain why the proposed document should be sealed and afforded treatment as an HSD. As soon as practicable after the motion is filed electronically, the filing party shall deliver to the Clerk's Office, or a judicial officer if so directed, a paper copy of the HSD sought to be filed along with a certificate of service. These documents shall be submitted to the Clerk's Office or chambers in a sealed envelope marked "HIGHLY SENSITIVE DOCUMENT." The outside of the envelope shall be affixed with a copy of the HSD's caption page (with confidential information redacted), along with the CM/ECF case and document number.
- b. If not represented by counsel, a party shall file by paper a motion to seal and treat a document as an HSD, together with the proposed HSD and a certificate of service. The motion shall explain why the proposed document should be sealed and afforded treatment as an HSD. These documents shall be submitted to the Clerk's Office in a sealed envelope marked "HIGHLY SENSITIVE DOCUMENT." The outside of the envelope shall be affixed with a copy of the HSD's caption page (with confidential information redacted), along with the CM/ECF case number.
- c. The filing party shall serve the HSD on the other parties as follows:
 - i. Civil cases – by any manner specified in [Civil Rule 5\(b\)\(2\)](#), except for service via the Court's electronic filing system; or
 - ii. Criminal cases – by any manner specified in [Criminal Rule 49\(a\)\(3\)\(B\) or \(a\)\(4\)](#).
- d. The Court will issue an order deciding the motion and, if granted, a docket entry will be made on the case docket indicating that the HSD has been filed with the Court. The Clerk's Office will maintain the HSD in a secure paper filing system.

5. Service of Highly Sensitive Court Orders

If the Court determines that a court order contains highly sensitive information, the Clerk's Office will file and maintain the order in a secure paper filing system and will serve paper copies of the order on the parties via regular mail.

6. Removal of Existing HSDs or Highly Sensitive Cases from the Court's Electronic Filing System

- a. Upon motion of a party or upon its own motion, the Court may determine that a document, case, or any portion of it, that
- b. has been filed electronically is highly sensitive and direct that the HSD or case be removed from the Court's electronic filing system and maintained by the Clerk's Office in a secure paper filing system.
- c. A party's motion to remove an HSD or highly sensitive case from the Court's electronic filing system shall explain why such document or case is highly sensitive.

7. Questions about HSD Filing Procedures

Any questions about how an HSD should be filed with the Court pursuant to this General Order should be directed to the appropriate chambers or Clerk's Office at 216-357-7000 (Cleveland), 419-213-5500 (Toledo), 330-884-7420 (Youngstown) and 330-252-6000 (Akron).

IT IS SO ORDERED.

FOR THE COURT



Patricia A. Gaughan
Chief Judge