

**Civil Cases: Guidelines for Protective Orders on Confidentiality,
Sealing Documents, and Redactions**

Judge Jodi W. Dishman
Issued February 12, 2020

Parties must move the Court for entry of a protective order on confidentiality and must separately seek leave of Court before filing documents under seal (including filing redacted documents). Parties contemplating filing such a motion must comply with the Federal Rules of Civil Procedure, the Local Rules, the Electronic Filing Policies and Procedures Manual, and these guidelines. The motion must state whether it is opposed or unopposed.

Parties should submit, in word format, the proposed Protective Order to the Judge's designated mailbox at dishman-orders@okwd.uscourts.gov.

Parties also should thoroughly review and follow Tenth Circuit precedent addressing sealing documents or information from the public record. *Colony Ins. Co. v. Burke*, 698 F.3d 1222, 1241-42 (10th Cir. 2012); *Mann v. Boatright*, 477 F.3d 1140, 1148-49 (10th Cir. 2007). As additional guidance, the Court directs parties to persuasive orders by other judges in this district. See *Terry v. Health Care Serv. Corp.*, Case No. 5:18-cv-00415-PRW, 2019 WL 5197562 (W.D. Okla. June 20, 2019); *KMK Enters, Inc. v. QBE Ins. Corp.*, No. CIV-11-0637-HE, 2012 WL 12864332 (W.D. Okla. July 30, 2012); *Woods v. Sunrise Senior Living, Inc.*, No. CIV-06-644-W, 2007 WL 9710777 (W.D. Okla. Sept. 7, 2007). As set forth in the relevant opinions and orders, the standards for entry of a protective order and for filing a document under seal are different; a party's designation of a document as "confidential" is not binding on the determination of whether a document may be filed under seal.

Requested confidentiality protective orders or leave to file under seal should:

1. Demonstrate the parties' agreement to comply with Electronic Filing Policies and Procedures Manual (Revised January 2020), specifically *ECF Policies & Procedures Manual*, §§ II.H and III.A.

2. Define the information to be kept confidential as narrowly as reasonably practical in the circumstances. Categories of information to be treated as confidential should be specifically stated and narrow, not described with descriptions or phrases such as "including but not limited to" or "anything designated by a party in good faith."

3. Minimize the nature and amount of information filed under seal. Where confidential information is mentioned in or attached to a pleading or brief, only the specific confidential information should be redacted from the filed pleading or brief, and an unredacted copy of it should be filed under seal.

4. Not attempt to control the use of confidential documents at Court hearings or trial. Decisions in that regard will be made by the Court at the appropriate time.