

**Guidelines for Confidentiality Orders in
Civil Cases Pending Before Chief Judge Scott L. Palk**

A request for entry of a protective order directed to the confidentiality of documents produced in discovery in civil cases should comply with the following:

1. The parties should be mindful of the concerns noted in *Coker v. Hartford Life Group Ins. Co.*, Case No. CIV-06-0911-HE (W.D. Okla. Feb. 21, 2007) (Doc. #22 - order denying joint motion for protective order).

2. The proposed order should demonstrate the parties' agreement to comply with Rule 5.2 of the Federal Rules of Civil Procedure, the Court's *ECF Policies & Procedures Manual*, and any governing General Order of the Western District of Oklahoma.

3. The following sample language is preferred:

This Order extends leave of court to electronically file under seal any document or information that has been designated "Confidential" as an exhibit to any pleading, brief or other court filing. Pursuant to Section II.H.1. of the *ECF Policies & Procedures Manual*, only those portions of a document that must be filed under seal should be electronically filed under seal. If, however, a party files a brief, pleading or other court filing which contains substantial argument or information related to that information which has been designated "Confidential," that party may either:

- a. redact all such personal identifier information, "Confidential" information, or reference to information which has been designated "Confidential," and file a separate, unredacted, version of the brief under seal in accordance with Rule 5.2 of the Federal Rules of Civil Procedure and Section II.H.2. of the *ECF Policies & Procedures Manual*; or
- b. that party may, by separate motion, seek leave of court to file the entire brief, pleading or other court filing under seal.

4. The parties should define the information to be kept confidential as narrowly as reasonably practical in the circumstances of the case. Categories of information to be treated as confidential should be specifically stated, not described with phrases such as "including but not limited to" or "anything designated by a party in good faith."

5. A party should minimize the nature and amount of information filed under seal. Where confidential information is mentioned in or attached to a pleading or brief, the confidential information should ordinarily be redacted from the filed pleading or brief and an unredacted copy of it filed under seal. *See generally, ECF Policies and Procedures Manual*, § II.H.

6. The parties' proposed order should not attempt to control the use of confidential documents at court hearings or trial of the case. Decisions in that regard will be made by the court at the time.