

## PROTECTIVE ORDERS; FILING OF DOCUMENTS UNDER SEAL

Any party moving for entry of a protective order by Judge Mitchell pursuant to Federal Rule of Civil Procedure 26(c) must abide by the following guidelines.

Judge Mitchell will not sign a protective order that allows counsel, in their discretion, to decide which matters are to be deemed confidential. The proposed order must specify the categories of documents or other matters which may be subject to the order (e.g., personnel files, medical information, confidential financial matters, etc.). The motion for protective order must set forth why confidentiality is necessary as to each such category.

Judge Mitchell will not sign a protective order that provides that items designated by a party as confidential may, for that reason, be filed with the court under seal. Rather, any protective order that contemplates under-seal filing must provide that no documents may be filed under seal absent a motion, filed and noticed for hearing prior to the due date of the particular filing, showing good cause for sealing a portion of the record in the case. The mere fact that information has been designated as confidential by a party is insufficient to permit under-seal filing. A party seeking to file material under seal must set forth in its motion the reasons why the record should be sealed.

Issuance of a protective order will not be given binding effect as a determination of good cause for Rule 26(c) purposes if, at any future time, a party moves for relief from the protective order's limitations. If such a motion is made, the court will engage in an appropriate balancing of the interests between privacy and public access to make a new determination of good cause in light of the facts then before the court.

A *sample* protective order will be provided by the Courtroom Deputy upon request.