

# Procedures for Filing Documents Under Seal in a Criminal Case Pending on Judge Staton's Docket

These procedures are applicable to filing documents under seal in *criminal* cases only. For under seal filings in civil cases, please follow the procedures set forth in Local Rule 79-5.

For criminal cases, there are procedures for three separate categories of filings. The first category is when there is a document to be filed under seal, but there is no need to seal the application for leave to file under seal ("application to seal"), the supporting declaration, and the proposed order sealing the document. The second category is when the application, the supporting declaration, the proposed order, and the document itself all need to be filed under seal. The final category is when the entire case is maintained under seal.

Note that in all three categories, only a single paper copy of the documents needs to be submitted. The original criminal case file is maintained in digital format; therefore, only one copy needs to be presented for consideration, and there is no need to present an "original" for filing. *Cf.* Local Rule 11-4.1.2 (requiring an "original" and a copy).

## I. Filing a Document Under Seal in an Unsealed Criminal Case

Step One – The filer must **E-FILE** (for public viewing) a Notice of Manual Filing, the Application to Seal, any Supporting Declaration(s), and the Proposed Order. The Application and/or Supporting Declaration(s) must advise the Court whether the opposing party objects to filing the document under seal.

Step Two – No later than noon the day after e-filing, the filer must **DELIVER** the following to the Intake Window in the Santa Ana Clerk's Office: One conformed copy of the Notice of Manual Filing, one conformed copy of the Application to Seal, one conformed copy of any Supporting Declaration(s), one copy of the Proposed Order, and one copy of the Document(s) to be filed under seal. It is no longer necessary to place these documents in sealed envelopes. **DO NOT LEAVE THESE DOCUMENTS IN THE CHAMBERS DROP BOX; THEY MUST BE HAND-DELIVERED TO THE INTAKE WINDOW.** These documents serve as the "Mandatory Chambers Copies" referenced in Local Rule 5-4.5.

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**In response**, the Intake Clerk will bind all papers together and place a red sheet of paper (identifying the documents as related to under seal filings) and forward the papers to chambers. The Intake Clerk will not review or stamp the papers.

Step Three – The filer must **E-MAIL** to Chambers PDF versions of all the documents referred to in Step Two. Additionally, the filer must **E-MAIL** a Microsoft Word version of the Proposed Order. This step is to be completed on the same deadline as Step Two.

**In response**, the Court will **RULE** on the Application and instruct the Courtroom Deputy Clerk (“CRD”). If the Application is GRANTED, the CRD will **FILE** the Document under seal and will **E-MAIL** a conformed copy of the Document(s) filed under seal to the filer. In almost all instances, the Court’s Order will not be filed under seal.

Step Four – The filer must **SERVE** on the other parties the conformed PDF version of the under seal Document(s) returned by the Clerk.

Step Five – Within 24 hours of the Clerk’s email, the filer must **E-FILE** (for public viewing) a Proof of Service regarding the Sealed Document(s) referred to in Step Four.

If the Application is DENIED, the Court will instruct the CRD to delete the PDF file(s) and destroy the paper copies of the Document(s) to be filed under seal.

## II. Filing the Application to Seal *and* Document Under Seal in an Unsealed Criminal Case

Step One – The filer must **E-FILE** (for public viewing) a Notice of Manual Filing.

Step Two – No later than noon the day after filing, the filer must **DELIVER** the following to the Intake Window in the Santa Ana Clerk’s Office: One copy of

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the Notice of Manual Filing, the Application to Seal,<sup>1</sup> any Supporting Declaration(s), the Proposed Order, and the Document(s) to be filed under seal. It is no longer necessary to place these documents in sealed envelopes. **DO NOT LEAVE THESE DOCUMENTS IN THE CHAMBERS DROP BOX.** These documents serve as the "Mandatory Chambers Copies" referenced in Local Rule 5-4.5.

**In response,** the Intake Clerk will bind all papers together and place a red sheet of paper (identifying the documents as related to under seal filings) and forward the papers to chambers. The Intake Clerk will not review or stamp the papers.

Step Three – The filer must **E-MAIL** to Chambers PDF versions of all the documents referred to in Step Two. Additionally, the filer must **E-MAIL** a Microsoft Word version of the Proposed Order. This step is to be completed on the same deadline as Step Two.

**In response,** the Court will **RULE** on the Application and instruct the Courtroom Deputy Clerk ("CRD"). If the Application is GRANTED, the CRD will **FILE** the Application, Supporting Declaration(s), and the Document(s) under seal and will **E-MAIL** conformed copies to the filer. In almost all instances, the Court's Order will not be filed under seal.

Step Four – The filer must **SERVE** on the other parties the conformed PDF version of the Application, the Supporting Declaration(s), and Document(s) returned by the Clerk.

Step Five – Within 24 hours of the Clerk's email, the filer must **E-FILE** (for public viewing) a Proof of Service of the Sealed Document(s) referred to in Step Four.

If the Application is DENIED, the Court will instruct the CRD to delete the PDF files and destroy the paper copies.

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<sup>1</sup> The Application and/or Supporting Declaration(s) must advise the Court whether the opposing party objects to filing the document under seal.

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## III. Filings in Cases Maintained Under Seal

### A Note Regarding Service of Filings in Cases Maintained Under Seal

*The methods of service for documents filed in cases maintained under seal in their entirety are different.* In *cases* maintained under seal, the parties must serve all filings on the appropriate parties in accordance with Federal Rule of Civil Procedure Rule 5. See L.R. 5-3.1.1. *Such filings, when presented to the Clerk, must be accompanied by proof of service.* *Id.* The proof of service must be in the form set forth in Local Rule 5-3.1.2 and include the information set forth in subsections (a) through (d) thereof.

Parties are not granted any e-filing access to cases maintained under seal. No Notice of Manual Filing is required.

Step One – The filer must **DELIVER** to the Intake Window in the Santa Ana Clerk's Office the Document(s) to be filed under seal, along with an appropriate proof of service. It is no longer necessary to place these documents in sealed envelopes. **DO NOT LEAVE THESE DOCUMENTS IN THE CHAMBERS DROP BOX.** These documents serve as the "Mandatory Chambers Copies" referenced in Local Rule 5-4.5.

**In response**, the Intake Clerk will bind all papers together and place a red sheet of paper (identifying the documents as related to under seal filings) and forward the papers to chambers. The Intake Clerk will not review or stamp the papers.

Step Two – The same day, the filer must **E-MAIL** to Chambers PDF versions of all the documents referred to in Step One. Additionally, the filer must **E-MAIL** a Microsoft Word version of the Proposed Order.

**In response**, the Court will review and instruct the CRD to **FILE** the Document(s) or to take other appropriate action. As directed, the CRD will **FILE** the Document(s) and **EMAIL** conformed copies to the filer, or take other action as directed by the Court.