

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA**

IN RE: PROCEDURES FOR THE FILING,
SERVICE, AND MANAGEMENT OF
SEALED DOCUMENTS, HIGHLY
SENSITIVE DOCUMENTS, AND MASTER
SEALED EVENT DOCUMENTS

General Order No. 2026-23

GENERAL ORDER

WHEREAS, federal courts are updating their security procedures to uniformly protect sealed filings, highly sensitive documents (HSDs), and documents that contain information concerning cooperation in criminal cases subject to the Master Sealed Event (MSE) (which is a new event within CM/ECF that will not be visible on the public docket);

IT IS HEREBY ORDERED that, effective as of the date of this Order and until such time as the Court orders otherwise, the filing of sealed documents, highly sensitive documents, and MSE documents shall be subject to the procedures and requirements set forth below. This General Order supersedes General Order 2025-11, 2025-12, 2025-07, 2021-02, 2013-8, and 2012-8, along with any and all inconsistent provisions in existing Local Rules or other General Orders of this Court.

1. Sealed Documents – Electronic Filing Required Unless Deemed HSD

- a. **Electronic Filing of Sealed Documents.** After the widely publicized cybersecurity attacks on the judiciary’s case management filing system, the Court found good cause to temporarily suspend the requirement that sealed criminal and civil filings be filed electronically consistent with the Court’s “CM/ECF Civil and Criminal User Manual,” as cited in N.D. Ind. L.R. 5-1 and 5-3(c). Since that time, the Administrative Office of the United States Courts (AOUSC) has instituted security measures to better protect sealed filings. As a result, electronically filing sealed criminal and civil documents in CM/ECF pursuant to the CM/ECF User Manual is required, unless a document is determined by way of court order to meet the definition of an HSD document (after a party makes such a request pursuant to the procedures detailed below). The requirement to electronically file sealed documents (except HSD documents) includes probation and pretrial documents filed by the United States Probation and Pretrial Services Office of the Northern District of Indiana.
- b. **Access to Sealed Documents.** The new CM/ECF security measures deployed by the AOUSC eliminated access to and viewing of electronically filed sealed documents by electronic means after filing, except by those designated Northern District of Indiana restricted access court users. Non-designated users will receive

an updated warning message that advises the sealed document is not available in CM/ECF and warns that opening the “stub file” (which will not open the actual document) will result in an electronic public access fee charge.

- c. **Service of Sealed Documents Filed in CM/ECF.** Because sealed documents filed in CM/ECF are no longer accessible or viewable electronically, service of those documents can no longer be accomplished through CM/ECF. **Parties must serve sealed documents by other appropriate means (outside of CM/ECF) as provided by the Federal Rules of Procedure and consistent with this General Order.** The Court will serve court-issued sealed documents via U.S. mail (absent an alternative arrangement for service consented to in writing by a party or agency in advance).
- d. **Additional Copies of Sealed Documents.** Because sealed documents filed in CM/ECF are no longer accessible or viewable electronically, a party with the right to access a sealed document in a case who requires a copy of a sealed document will have to contact the clerk’s office to request a paper copy. Applicable copy fees will be applied to such requests according to the miscellaneous fee schedule: <https://www.innd.uscourts.gov/MiscellaneousFeeSchedule>. This provision does not expand the right of access to sealed documents.
- e. This General Order does not alter the type of documents identified in N.D. Ind. L.R. 5-3(c)(2)(A) and N.D. Ind. L. Cr. R. 6-1 which may be filed under seal without motion or further order of the Court, and which must be filed electronically per the CM/ECF User Manual. On the other hand, if a document is not one of those identified in N.D. Ind. L.R. 5-3(c)(2)(A) and N.D. Ind. L. Cr. R. 6-1, then it requires a motion and court order to be sealed.

2. HSD Materials

- a. Definition: A Highly Sensitive Document (HSD) is a document or other material found by the Court to contain sensitive information that warrants exceptional handling and storage procedures to prevent significant consequences that could result if such information were obtained or disclosed in an unauthorized manner. Although frequently related to law enforcement materials, especially sensitive information in a civil case could also qualify for HSD treatment. Thus, HSD is a narrow subset of sealed documents that must, for their protection, be stored *outside the Court’s electronic systems* and the Court finds that, pursuant to Federal Rule of Civil Procedure 5(d)(3)(A) and Federal Rule of Criminal Procedure 49(b)(3)(A), good cause exists to allow their manual filing.
 - i. Examples of HSDs: Examples include ex parte sealed filings relating to: national security investigations, cyber investigations, and especially sensitive public corruption investigations; and documents containing a highly exploitable

trade secret, financial information, or computer source code belonging to a private entity, the disclosure of which could have significant national or international repercussions.

- ii. Exclusions: Most materials currently filed under seal do not meet the definition of an HSD and do not merit the heightened protections afforded to HSDs. The form or nature of the document, by itself, does not determine whether HSD treatment is warranted. Instead, the focus is on the severity of the consequences for the parties or the public should the document be accessed without authorization. Most presentence reports, pretrial release reports, pleadings related to cooperation in criminal cases, social security records, administrative immigration records, applications for search warrants, interception of wire, oral or electronic communication under 18 U.S.C. § 2518, and public applications for pen registers, trap and trace devices would not meet the HSD definition.
- b. HSDs vary in their physical form and characteristics. They may be paper, electronic, audiovisual, microform, or other media. The term “document” includes all recorded information, regardless of its physical form or characteristics.
- c. A party who wishes to have any document or case designated as a highly sensitive document must file a “Notice of Manual Filing” and then manually submit to the clerk’s office an envelope containing: one paper copy of the motion requesting the document(s) be designated HSD and stating the rationale for the same; one paper copy of the document(s) for which an HSD status is being requested (with the word “HSD” placed below the case number on the document); and a proposed order with the Court. The required documents, unfolded, 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 Notice of Electronic Filing (NEF) of Notice of Manual Filing. Given the sensitive nature of sealed filings, the failure to comply with these filing requirements will result in the striking from the record of any “Notice of Manual Filing” and a return of the documents to the filer. Distribution to the parties must be made conventionally on paper unless the submission is made ex parte.
- d. The Court will issue an order on the motion. If granted, the order will identify the persons who are to have access to the documents without further order of the Court, a sealed informational entry will be made on the case docket indicating that an HSD document has been conventionally filed with the Court, and the clerk’s office will maintain the document in a secure filing system outside the

Court's electronic systems and will serve paper copies of the order on the parties via U.S. mail. If denied, the Court will return the document to the filing party and note the return on the case docket, and the filing party may then elect to file the document in the normal manner per the CM/ECF User Manual.

- e. **Removal of Sealed Documents or HSD Materials from CM/ECF:** Upon motion of a party using the filing process detailed in ¶2(c), or upon the Court's own motion, the Court may determine that a document, case, or any portion of a case, that has already been filed electronically should be removed from the Court's electronic filing system and be maintained by the clerk's office in a secure filing system as a highly sensitive document.
- f. **Moving HSDs to CM/ECF:** Once it becomes known that HSD materials should be moved to the electronic docket, then a party shall request such relief from the Court by way of motion.

3. Master Sealed Event – Criminal Cooperator Information

The Federal Judicial Committee has concluded that there is “a substantial amount of harm, to both defendants and witnesses, resulting from use of court documents to identify cooperators.” Fed. Judicial Ctr., *Survey of Harm to Cooperators: Final Report* (2016) at 31.¹ Further, “[t]he plea agreement or plea supplement was the document most frequently used to identify a defendant/offender as a cooperator,” *id.* at 13, and “the presence of sealed documents and gaps in docket sequence numbers by themselves are considered enough by other inmates to identify cooperators and put them at risk of harm,” *id.* at 30–31.

The Committee on Court Administration and Case Management of the Judicial Conference of the United States (CCACM) issued a report highlighting the grave threats faced by defendants who cooperate with the government in the era of remote electronic access to court files and noted that the threat to cooperators “interferes with the gathering of evidence” and “the presentation of witnesses.” Comm. on Ct. Admin. & Case Mgmt. of the Judicial Conference of

¹ <https://www.fjc.gov/content/310414/survey-harm-cooperators-final-report>

the U.S., *Interim Guidance for Cooperator Information* (June 30, 2016).² The report acknowledges that the Electronic Case Filing (ECF) system has made it easier for inmates to access another inmate's criminal pleadings, and to review the docket for pleadings suggesting the inmate cooperated in the investigation or prosecution of others.

While the CCACM report recommends that all criminal cases include a sealed supplement to any document that typically contains cooperation information, courts must take care when determining whether to seal documents and thus shield them from the public. This is because "[d]ocuments that affect the disposition of federal litigation are presumptively open to public view." *In re Specht*, 622 F.3d 697, 701 (7th Cir. 2010). A party may therefore only file a document under seal if it has shown "good cause" to do so. *Citizens First Nat'l Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 945 (7th Cir. 1999). The Court has an independent obligation to ensure the public has access to court filings and "may not rubber stamp a stipulation to seal the record." *Id.*; see *In re Bridgestone / Firestone, Inc., ATX, ATX II, & Wilderness Tires Prods. Liab. Litig.*, 198 F.R.D. 654, 656 (S.D. Ind. 2001) ("The good cause determination requires at least 'a description of the documents and the reasons for their sealing.'") (quoting *In re Associated Press*, 162 F.3d 503, 510 (7th Cir. 1998)). It is not enough to merely assert that disclosure would be harmful; a party must explain how disclosure would cause harm. See, *Baxter Int'l, Inc. v. Abbott Lab'ys*, 297 F.3d 544, 547 (7th Cir. 2002) (asserting that public disclosure of terms of licensing agreement could harm party's competitive position, was insufficiently specific to warrant maintaining secrecy of such documents). As a result, the Court finds that a procedure for sealed filings related to a criminal defendant's cooperation is necessary to balance the public's right of access to filings with the interest in protecting the safety of cooperators and the

² https://www.uscourts.gov/sites/default/files/2016-09-criminal-agenda_book_0.pdf

government integrity in ongoing investigations.

Accordingly, IT IS ORDERED that the Clerk's Office create a "Master Sealed Event" (MSE) in the ECF docket in a criminal case upon motion that a document which contains cooperation information be designated MSE. The documents which may be submitted for consideration as MSE must contain cooperation information and should be one of the following: a 5K1.1 motion/response; a sentencing memorandum/response; a portion of a transcript; a Rule 35 motion/response; and/or a motion to continue or related response.³ The MSE will not be visible on the public CM/ECF docket and will be used only to house pleadings the Court has ordered sealed in the MSE. The Court's order to seal shall not prevent a subsequent motion or order to unseal the documents, based on good cause shown.

IT IS FURTHER ORDERED that a party seeking to file a pleading in the MSE shall send the pleading with a motion and proposed order to seal, justifying the closure based on case-specific facts, via e-mail to the presiding judge's chamber email address. The party seeking to file the pleading in the MSE shall copy counsel for the opposing party. Upon the Court granting the motion to seal, the Court Clerk's Office shall file the motion to seal, the order to seal, and the pleading in the MSE. If the Court denies the motion to seal, the Clerk's Office will notify the filing party, who can then either withdraw the pleading, file the pleading without sealing, or amend the motion to seal. The order denying the request and the associated documents will be filed within the MSE for a complete court record.

Questions about Sealed Document Procedures. Any questions about the filing of and access to sealed documents, HSDs, or MSEs should be directed to the clerk's office at 219-852-6500 (Hammond), 260-423-3000 (Fort Wayne), or 574-246-8000 (South Bend).

³ Plea agreements containing cooperator information need not be filed in the MSE because they are permitted to be filed under seal without motion or further order of the court as supporting documentation for a sentence variance or reduction. *See* N.D. Ind. L.R. 5-3(c)(2)(A).

IT IS SO ORDERED, this 16th day of October 2026.

/s/ Holly A. Brady
Holly A. Brady, Chief Judge

/s/ James T. Moody
James T. Moody, Judge

/s/ Philip P. Simon
Philip P. Simon, Judge

/s/ Theresa L. Springmann
Theresa L. Springmann, Judge

/s/ Jon E. DeGuilio
Jon E. DeGuilio, Judge

/s/ Damon R. Leichty
Damon R. Leichty, Judge

/s/ Cristal C. Brisco
Cristal C. Brisco, Judge

/s/ Gretchen S. Lund
Gretchen S. Lund, Judge