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COMMON PLEAS

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GREGORY A. BRUSH
CLERK OF COURTS
MONTGOMERY CO. OHIO
IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
GENERAL DIVISION

**IN RE: ELECTRONIC FILING OF SEALED
DOCUMENTS (RESTRICT ACCESS)**

ADMINISTRATIVE ORDER

Pursuant to Administrative Order, Electronic Filing of Court Documents filed by this Court on April 8, 2009, and Administrative Order, Mandatory Electronic Filing of Civil Cases filed by this Court on December 16, 2009, supplemental orders shall be issued regarding the implementation of electronic filing. Documents to be filed under seal shall no longer be filed in accordance with Administrative Order, Electronic Filing of Court Documents filed by this Court on April 8, 2009. All documents to be filed under seal or submitted for an *in camera* review by the Court shall be filed pursuant to this order.

IT IS THEREFORE ORDERED:

I. DEFINITION OF TERMS – PURSUANT TO SUP. R. 44, COURT RECORDS:

- A. "Public Access" means both direct and remote access.
- B. "Direct Access" means the ability of any person to inspect and obtain a copy of a court record at all reasonable times during regular business hours at the place where the record is made available.
- C. "Remote Access" means the ability of any person to electronically search, inspect, and copy a court record at a location other than the place where the record is made available.

II. SEALED DOCUMENTS (RESTRICT ACCESS):

- A. All motions and/or proposed orders petitioning that documents be covered by a protective order or be filed under seal shall include language designating a specific level of access.
- B. The designated level of access shall be one of the following:
 - 1. No Remote Access by Public (PRO) – Access by Judge, Court Staff, Clerk Staff, Attorneys of Record, and Direct Access by Public:
 - a) No access to documents via Clerk of Courts Public Records Online System (PRO). The docket and access to documents will be available through the Court's authorized electronic filing system but only the docket is available through the PRO system. Public access to documents is only available at the Clerk's Office.

2. No Remote or Direct Access by Public – Access by Judge, Court Staff, Clerk Staff, and Attorneys of Record:

a) The docket and access to documents will be available through the Court's authorized electronic filing system but only the docket is available through the PRO system. There is no public access to the documents via the PRO System or at the Clerk's Office.

3. Judge Access Only – No access by Court Staff, Clerk Staff, Attorneys of Record or the Public:

a) The docket will be available through the Court's authorized electronic filing system and the PRO System but access to the documents is limited to the assigned judge.

- C. The Clerk of Courts shall not accept any documents to be filed under seal unless there is a previously signed protective order or order authorizing that a document be filed under seal and that order designates a level of access as defined in Section II. B. of this order. If a protective order or order authorizing that a document be filed under seal does not include a designated level of access, the filer will be required to file a proposed order designating a specific level of access for the protective order or the order to seal. The Clerk of Courts will accept the documents to be filed under seal once an order is filed designating a specific level of access.
- D. All motions for a protective order or an order to file documents under seal along with a proposed order shall be filed electronically using document types, "Motion: Protective Order" or "Motion: Seal" and "Order: Protective (Proposed)" or "Order: Seal (Proposed)." Documents that are petitioned to be protected or sealed shall not be attached to the motion, as the motion will not be sealed.
- E. No Remote Access by Public (PRO): If a protective order or an order to seal authorizes documents to be filed with the designated level of access of "No Remote Access by Public (PRO)," the documents shall be filed electronically.
- F. No Remote or Direct Access by Public: If a protective order or an order to seal authorizes documents to be filed with the designed level of access of "No Remote or Direct Access by Public," the documents shall be filed electronically.
- G. Judge Access Only: If a protective order or an order to seal authorizes documents to be filed with the designated level of access of "Judge Access Only," the document must be filed in paper format:
1. The document shall be submitted to the Clerk's Office for filing in a securely sealed envelope. The face of the envelope shall include a conspicuous notation that it contains "Documents Under Seal – Judge Access Only." It shall also include the case caption, a descriptive title of the document,

unless such information has been included among the information order sealed, and the date of the order permitting the item to be sealed.

2. The Clerk's Office shall file stamp the face of the envelope, enter on the docket that the document was filed under seal with "Judge Access Only," and retain the envelope in the Clerk's Office.
3. Once the docket entry is entered on the docket, the Court's authorized electronic filing system will send a notice that a document with "Judge Access Only" has been filed. The docket entry will be visible through the Court's authorized electronic filing system and the Clerk's PRO System, but the document will not be viewable on either site. Since the document is sealed to everyone except the assigned judge, the filing party or attorney of record is required to serve paper copies of the sealed document on all parties in the case.

III. IN CAMERA DOCUMENTS:

A. Documents Submitted for *In Camera* Review:

1. If documents submitted for *in camera* review are to be filed with the Clerk's Office per assigned judge, the filer shall follow the same procedures as a protective order or order to seal with the designated level of "Judge Access Only" as outlined in Section II. G. of this order.
2. Otherwise, all documents for *in camera* review should be submitted to the assigned judge and not filed with the Clerk's Office.

IT IS FURTHER ORDERED that this Administrative Order shall become effective November 16, 2010.

SO ORDERED:

















