

**MONTGOMERY COUNTY, OHIO
COMMON PLEAS COURT
PROCEDURES FOR FILING SEALED AND *IN CAMERA* DOCUMENTS**

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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. DOCUMENTS TO BE FILED UNDER SEAL

- A. All documents to be filed under seal shall be filed pursuant to Administrative Order, Electronic Filing of Sealed Documents filed by this Court on November 3, 2010. A previously signed protective order or an order to file under seal constitutes authorization to file document(s) under seal.
- B. If a filer does not have leave of court to file a document under seal, the filer must first electronically file a motion and a proposed order petitioning that documents be covered by a protective order or be filed under seal. 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.
 - 1. The designated level of access shall be one of the following:
 - a) No Remote Access by Public (PRO) – Access by Judge, Court Staff, Clerk Staff, Attorneys of Record, and Direct Access by Public:
 - (1) 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.
 - b) No Remote or Direct Access by Public – Access by Judge, Court Staff, Clerk Staff, and Attorneys of Record:
 - (1) 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.

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- c) Judge Access Only – No access by Court Staff, Clerk Staff, Attorneys of Record or the Public:
 - (1) 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.
- 2. 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. 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. **See Attached Example.** The Clerk of Courts will accept the documents to be filed under seal once an order is filed designating a specific level of access.
- C. All motions for a protective order or an order to file documents under seal along with a proposed order shall be filed electronically through the Court’s authorized electronic filing system. Document types “Motion: Protective Order” or “Motion: Seal” can be found in the document category “Motions.” Document types “Order: Protective (Proposed)” or “Order: Seal (Proposed)” can be found in the document category, “Proposed Orders.” Do not attach documents that are petitioned to be protected or sealed to the motion. The motion along with any attachments will not be sealed.

III. FILING DOCUMENTS WITH DESIGNATED LEVEL OF ACCESS AS “NO REMOTE ACCESS BY PUBLIC (PRO)” OR “NO REMOTE OR DIRECT ACCESS BY PUBLIC”

- A. 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),” or “No Remote or Direct Access by Public” the documents shall be filed electronically through the Court’s authorized electronic filing system.
- B. In the electronic filing system, the Filer should choose one of the following document types:
 - 1. **No PRO Access Pleading or No Public Access Pleading.** These document types are located under document category “Other Documents.” Documents should be filed in a PDF format.
 - 2. **No PRO Access Motion or No Public Access Motion.** These document types are located under document category “Motions.” Documents should

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be filed in a PDF format. *NOTE: These document types should be selected when filing a motion that needs to be restricted from the Montgomery County Clerk of Courts Public Records Online System or restricted from the public, i.e., Motion for Summary Judgment, NOT the document type selected for a motion petitioning a protective order or a motion to file a document under seal.*

3. **No PRO Access Order (Proposed) or No Public Access Order (Proposed).** These document types are located under document category, “Proposed Orders.” Since the documents are proposed order and require a signature of a Judge/Magistrate, they should be in a word processing format (Microsoft Word 2007 (.docx) or Microsoft Word 98-2001 (.doc) or WordPerfect 6-12 (.wpd). *NOTE: These document types should be selected when filing a proposed order that needs to be restricted from the Montgomery County Clerk of Courts Public Records Online System or restricted from the public, NOT the document type selected for a proposed order authorizing that a document be filed under seal.*

- C. In the required additional text box, you should be as descriptive as possible without containing confidential information, i.e, Document Type: No PRO Access Motion; additional text “*Motion for Summary Judgment.*” The information entered in the additional text box should identify the specific sealed document.

IV. FILING DOCUMENTS WITH DESIGNATED LEVEL OF ACCESS AS “JUDGE ACCESS ONLY”

- A. 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 documents shall be filed in paper format.
- B. The document shall be submitted to the Clerk’s Office for filing in a securely sealed envelope. A caption cover sheet will be affixed to the front of the envelope indicating that this particular document is under seal – For Judge Access Only. The cover sheet will 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, i.e., “Motion for Summary Judgment filed under Seal – Judge Access Only pursuant to protective order filed on November 1, 2010.”

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- C. The Clerk's Office shall file stamp the affixed cover sheet, enter on the docket that the document was filed under seal with "Judge Access Only," and retain the envelope in the Clerk's Office.
- D. Once the docket entry is entered on the docket, the Court's authorized efilng system will send a Notice of Electronic Filing (NEF) 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 Clerks PRO system, but the document will not be viewable on either site. There will be no link to the document in the NEF. *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.*

V. FILING *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 file the documents the same as a document filed under seal with the designated level of "Judge Access Only" as outlined in Section II. V of these procedures.
 - 2. Otherwise, all documents for *in camera* review should be submitted to the assigned judge and not filed with the Clerk's Office.

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**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
CIVIL DIVISION**

Plaintiff,	CASE NO.
-vs-	JUDGE
Defendant.	ORDER TO RESTRICT ACCESS TO FILED DOCUMENTS

The Court hereby ORDERS that documents pertaining to:

are to be filed under the following restriction.

- _____ No Remote Access by Public (PRO System) - Access by Judge, Court Staff, Clerk Staff, Attorneys of Record, and Direct Access by Public
- _____ No Direct or Remote Access by Public - Access by Judge, Court Staff, Clerk Staff, and Attorneys of Record
- _____ Judge Access Only – No access by Court Staff, Clerk Staff, Attorneys of Record and Public

(Pursuant to Sup. R. 44, Court Records – Definitions, “Public Access” means both direct and remote access. “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. “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.)

SO ORDERED:

JUDGE