



UNITED STATES DISTRICT COURT

Southern District of Indiana

Laura A. Briggs, Clerk
Gregory M. Barnes, Chief Deputy Clerk

Birch Bayh Federal Building
& U.S. Courthouse
46 East Ohio Street, Room 105
Indianapolis, IN 46204
(317) 229-3700

104 U.S. Courthouse
921 Ohio Street
Terre Haute, IN 47807
(812) 231-1840

304 U. S. Courthouse
101 NW Martin Luther King Blvd.
Evansville, IN 47708
(812) 434-6410

Lee H. Hamilton Federal Building
& U.S. Courthouse
121 West Spring Street
New Albany, IN 47150
(812) 542-4510

May 22, 2015

NOTICE

TO: THE PUBLIC AND MEMBERS OF THE PRACTICING BAR FOR THE SOUTHERN DISTRICT OF INDIANA

Pursuant to 28 U.S.C. ' 2071 and Rule 83 of the Federal Rules of Civil Procedure, the United States District Court for the Southern District of Indiana hereby gives public notice of the following:

The Local Rules Advisory Committee for the Southern District of Indiana has recommended, and the District Court has authorized release for a period of **public comment through June 22, 2015**, the revision of certain Local Rules of the United States District Court for the Southern District of Indiana. Unless otherwise indicated, as seen in this Notice **redline** text is added and **struck** text is deleted. The proposed revisions are as follows:

A. Subparagraphs (d)(3) and (g) of Local Rule 5-11 – Filing Under Seal – Civil Cases shall be **amended** as follows:

(d)(3) The designating party(ies) identified according to subsection (2)(A)(ii) must, within 14 days of service of the Motion to Maintain Document(s) under Seal, file a Statement Authorizing Unsealing of Document (or specific portions thereof) and/or a Brief in Support that complies with the requirements of subsection (e). If the designating party fails to file such Statement or Brief, then the filing party must notify the court of that failure. The court may summarily rule on the (d)(2)(A) motion to seal if the designating party does not file the required Statement or Brief. ~~Such failure will result in unsealing the document(s).~~

(g) Denial of Motion to Maintain Under Seal. If the court denies the motion, the clerk will unseal the document(s) after **2114** days, absent Fed.R.Civ.P. 72(a) objection, motion to reconsider, appeal, or further court order.

B. Subparagraphs (a), (d)(3), and (g) of Local Criminal Rule 49.1-2 – Filing Under Seal shall be amended as follows:

(a) Maintaining Cases Under Seal. There is a presumption upon the initial appearance of a defendant on a sealed charging instrument that the entire case, including a multi-defendant case in which the defendant is the first to appear, should be unsealed. To maintain a case under seal, no later than at the time of the initial appearance, a party must file a motion and brief in support establishing good cause why the court should maintain the case under seal following the procedures set forth in subsections (d) and (e). The clerk will maintain a seal on the case until the court rules on the motion. If the court denies the motion, the clerk will unseal the case ~~214~~ days after service of the Order, absent Fed.R.Crim.P. 59(a) objection, motion to reconsider, ~~or~~ notice by a party of an intent to file an interlocutory appeal, or further court order.

(d)(3) The designating party(ies) identified according to subsection (2)(A)(ii) must, within 14 days of service of the Motion to Maintain Document(s) under Seal, file a Statement Authorizing Unsealing of Document (or specific portions thereof) and/or a Brief in Support that complies with the requirements of subsection (e). If the designating party fails to file such Statement or Brief, then the filing party must notify the court of that failure. The court may summarily rule on the (d)(2)(A) motion to seal if the designating party does not file the required Statement or Brief. Such failure will result in unsealing the document(s).

(g) Denial of Motion to Maintain Under Seal. If the court denies the motion, the clerk will unseal the document(s) case 1421 days after service of the Order, absent Fed.R.Crim.P. 59(a) objection, motion to reconsider, ~~or~~ notice by a party of an intent to file an interlocutory appeal, or further court order.

Comments concerning the proposed rule amendments are welcome. Comments must be submitted in writing or via email on or before **June 22, 2015**, and should be sent to:

Local Rule Comments
Office of the Clerk
105 U.S. Courthouse
46 East Ohio Street
Indianapolis, IN 46204
or via email: LocalRules@insd.uscourts.gov