

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

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

General Order No. 2025-11

GENERAL ORDER

WHEREAS, federal courts are updating their security procedures to uniformly protect sealed filings and highly sensitive documents (HSDs);

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 adopt the revised guidance.

THEREFORE, 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 and highly sensitive documents shall be subject to the procedures and requirements set forth below. This General Order supersedes General Order 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

- a. Due to the widely publicized recent cybersecurity attacks on the judiciary's case management filing system, the Court finds 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). While filing sealed documents in CM/ECF pursuant to the CM/ECF User Manual remains available, a party may elect to manually file and serve sealed documents.
- b. 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 may be filed electronically per the CM/ECF User Manual or manually. The manual filing of a document identified in N.D. Ind. L.R. 5-3(c)(2)(A) requires the filer to electronically file a "Notice of Manual Filing" and then manually submit to the clerk's office a sealed paper envelope marked "SEALED DOCUMENT" containing one paper copy of the sealed document with the words "under seal" placed below the case number on the document, along with a USB flash drive or CD marked with the case number

which contains the document saved on it.¹ The outside of the envelope shall be affixed with a copy of the Notice of Electronic Filing (NEF) of Notice of Manual Filing. Distribution to the parties must be made conventionally on paper (absent an alternative arrangement for service consented to in writing between the parties). The clerk's office will maintain the document in a secure filing system (not within CM/ECF). 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.

- c. In non-sealed criminal and civil cases, if a party wishes to manually file a document (which is not otherwise referred to in ¶1(b) of this Order) under seal, then the party 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 sealed and stating the rationale for the same; one paper copy of the document(s) for which a sealed status is being requested (with the words "under seal" placed below the case number on the document); a proposed order with the Court, and a USB flash drive or CD marked with the case number which contains all of these documents on it.² The required documents, unfolded, and the flash drive or CD shall be submitted to the clerk's office in a sealed envelope marked "SEALED DOCUMENT." The outside of the envelope shall be affixed with a copy of the Notice of Electronic Filing (NEF) of Notice of Manual Filing. Distribution to the parties must be made conventionally on paper (absent an alternative arrangement for service consented to in writing between the parties). 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.

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 a sealed document has been conventionally filed with the Court, and the clerk's office will maintain the document in a secure filing system (not within CM/ECF) and will serve paper copies of the order on the parties via U.S. mail (absent an alternative arrangement for service consented to in writing by a party in advance). 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.

- d. A party may also elect to manually file sealed criminal cases, sealed civil cases, and sealed ex parte documents with the clerk's office according to the directions provided above; with service to be made according to the federal and local rules. To maintain cases or filings under seal, a statute, court rule, or court order must authorize the same.

¹ An individual or agency with a government issued email may submit sealed documents to the Clerk's Office using an encrypted email pursuant to *advance* written consent.

² *Id.*

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*.
 - 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.

3. Removal of Sealed Documents or HSD Materials from CM/ECF:

Upon motion of a party using the filing process detailed in ¶1(c) or ¶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 sealed document or as a highly sensitive document.

4. United States Probation and Pretrial Services Documents:

Considering the recent cyberattacks on CM/ECF and the sensitive nature of probation and pretrial documents, the Court finds good cause exists to temporarily suspend the *requirement* that sealed documents be filed electronically by the United States Probation and Pretrial Services Office of the Northern District of Indiana (USPO), so that it may elect to manually file and serve its sealed criminal documents. Any sealed criminal document manually filed by USPO shall be submitted to the Clerk's Office via an encrypted email for saving in a secure filing system and shall be distributed to the parties conventionally or by using an encrypted email pursuant to advance written consent of the recipient. If a court order issues relative to a sealed criminal document manually filed by USPO, then the Clerk's Office shall issue a sealed informational entry on the case docket, maintain the order in a secure filing system, and serve paper copies of the order on the relevant parties and USPO via U.S. mail (absent an alternative arrangement for service consented to in writing by a party or USPO in advance).

IT IS SO ORDERED, this 5th day of September 2025.

/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