

UNITED STATES DISTRICT & BANKRUPTCY COURT  
DISTRICT OF IDAHO

STEPHEN W. KENYON  
CLERK OF COURT  
208.334.1976



L. JEFF SEVERSON  
CHIEF DEPUTY  
208.334.9464

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December 1, 2020

## NOTICE FOR PUBLIC COMMENT

The United States District Court's Local Rules Committee invites the public to review and provide comment on the amendments to the District Court's Local Rules of Civil Procedure 5.3 and 37.1. A copy of the amended rules are attached to this notice.

There will also be a paper copy provided for reference at the United States Courthouses in Boise, Coeur d'Alene, and Pocatello. If you are unable to access the website, or not able to travel to a courthouse location, please call Kirsten Wallace, Law Clerk at (208) 334-9331.

**All public comments are due by December 22, 2020 at 5 p.m. (MST).** Please send your comments by email to [local\\_rulesDC@id.uscourts.gov](mailto:local_rulesDC@id.uscourts.gov), or by mail at the following address:

United States District Court, District of Idaho  
Attn: Kirsten Wallace, Law Clerk  
550 West Fort Street  
Boise, ID 83724

If you have any question, you can send your question to [local\\_rulesDC@id.uscourts.gov](mailto:local_rulesDC@id.uscourts.gov), or please call (208) 334-9331. Thank you.

## SEALED AND IN CAMERA DOCUMENTS

This Rule applies to documents filed electronically or those filed in paper format.

### (a) General Provisions

- (1) Motion to File Under Seal. Counsel seeking to file a document under seal must file a motion to seal, along with supporting memorandum and proposed order, and file the document with the Clerk of Court. The motion must contain "MOTION TO SEAL" in bold letters in the caption of the pleading.
- (2) Public Information. Unless otherwise ordered, the motion to seal will be noted in the public record of the Court. However, the filing party or the Clerk of Court will be responsible for restricting public access to the sealed documents, as ordered by the Court.

### (b) Electronic Filing of Sealed Documents

- (1) Sealed documents and sealed cases will be filed in electronic format, with access restricted to the Court and authorized staff, unless otherwise ordered by the Court.
- (2) A motion to seal a document, either in its entirety or without redactions, or to seal a case, must be submitted electronically in CM/ECF. ~~If a party wishes to file a document under seal in CM/ECF, they must first contact the clerk's office for instructions regarding how to file the document and how to maintain the confidentiality of the information. The~~ Any document submitted to be filed under seal must be filed separately from the motion to seal. Unredacted documents filed under seal must indicate, by highlighting or other clear method, the portions of the document that have been omitted from the redacted version filed on the public docket, and prominently display the notation.
- (3) Documents submitted to the Court for *in camera* review may be submitted in the same fashion as sealed documents.
- (4) It is the attorney's responsibility to ensure that the documents submitted for *in camera* review are not accessible to other parties. On a case-by-case basis, the presiding judge may request that paper copies of documents submitted for *in camera* inspection be sent directly to the judge's chambers.
- (5) Additional instructions for the electronic submission of sealed and *in camera* documents are contained in the [Electronic Case Filing Procedures](#).

### (c) Documents submitted in Paper Format

- (1) Format of Documents Filed Under Seal. If the material to be sealed is presented in paper format, counsel lodging the material must submit the material in an UNSEALED 8½ x 11 inch manila envelope. The envelope must contain the title of the Court, the case caption, and case number.
- (2) Absent any other Court order, sealed documents submitted in paper format will be returned to the submitting party after the case is closed and the appeal time has expired, or if appealed, after the conclusion of all appeals.

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#### RELATED AUTHORITY

For further information, please see  
[Electronic Case Filing Procedures](#)

#### DEFINITION OF CONFER

To confer means to speak directly with opposing counsel or a self-represented litigant in person, ~~or~~ [by video](#), or by telephone, to identify and discuss disputed issues and to make a reasonable effort to resolve the disputed issues. The sending of an electronic or voice-mail communication does not satisfy the requirement to “confer.”

In cases involving pro se prisoners, written communication satisfies the confer requirement.

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#### RELATED AUTHORITY

Fed. R. Civ. P. 26(f), [30\(b\)\(6\)](#), 37(a)(1)

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#### Advisory Committee Notes

This rule does not prevent or prohibit the use of written communication to resolve disputes. However, if disputes are not resolved via written communication, counsel or self-represented litigants (except pro se prisoners) must attempt to confer in person, [by video](#), or by telephone prior to a motion to compel being filed.

[Video calls are available on multiple internet applications such as Skype, Zoom, and Microsoft teams, and may be accessed via computers, tablets and cell phones.](#)

Counsel or self-represented litigants have a duty to respond within a reasonable amount of time to a request to confer and to be reasonably available to confer.

[Amended effective 1/4/2021.](#)