

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

,
Plaintiff, [Petitioner],

v.

Case No. -DT

,
Defendant [Respondent]
_____ /

ORDER SUPPLEMENTING PROTECTIVE ORDER

This Supplemental Order is issued pursuant to the court's authority under Local Rule 1.2 and constitutes a suspension in part of the effect of Local Rule 5.3. The court finds that the Clerk has become inundated over time with sealed papers that are unnecessarily voluminous when filed and that are often neglected after case termination in spite of the obligations placed upon counsel under Local Rule 5.3. The court notes that there is an alternate procedure under Rule 5.3 in which, after 60 days with no action by counsel to retrieve sealed papers, the Clerk is to unseal and file sealed papers. The court finds that this procedure is intended mainly as an inducement to counsel to act promptly, and that it currently imposes an undue burden and unnecessary costs. It is therefore disfavored, and is not to be used in this case except upon order of the court or as may be required in the event that a party defaults from the retrieval required in the procedure set forth in this order, in which event costs will be imposed as set forth below. This Supplemental Order and the Protective Order, entered at the request of the parties, are to be considered together as a whole.

IT IS ORDERED that the following procedures shall apply regarding any paper filed under seal pursuant to the Protective Order:

- 1) **Minimization is required.** Any paper to be filed under seal must be minimized, i.e consist of only such portion of the paper as contains the information sought to be protected from public disclosure.¹
- 2) **Retrieving sealed papers is required.** A party who has filed material under seal must retrieve that material, pursuant to Local Rule 5.3, not later than 60 days after the case ends (as defined in that Rule).
- 3) **Failure to minimize or to retrieve; suspension of protective order and sanctions.** A party's failure to follow the requirement for minimization of papers to be filed under seal or retrieval of sealed papers after case termination may persuade the court to suspend operation of the protective order relative to the defaulting party, assess costs or sanctions against the party or counsel, or enter other remedial orders.

ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June _____, 2004

¹ E.g., only the pages of a deposition or memorandum that actually contain confidential material, not the entire transcript or memorandum.