UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF PENNSYLVANIA

FILING DOCUMENTS PURSUANT TO
STANDING ORDER 2021-2

_____

INSTRUCTIONS FOR:

1. **FILING AN AUTHORIZED HSD**
2. **FILING A REQUEST TO THE CLERK TO TREAT A DOCUMENT AS AN HSD**
3. **FILING A REQUEST TO THE CLERK FOR REMOVAL OF EXISTING HSDs OR EXISTING HIGHLY SENSITIVE CASES FROM THE COURT'S ELECTRONIC FILING SYSTEM**

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 require all parties to file certain highly sensitive documents outside of the court's electronic filing system.

1. **Filing an Authorized HSD.**

   - A party filing an HSD pursuant to this Standing Order shall deliver to the Clerk's Office, by mail or in person, two paper copies of the HSD and a certificate of service.

   - The Authorized HSDs, listed in Section 1.a. of Standing Order 2021-2, must be placed in an envelope marked "**HIGHLY SENSITIVE DOCUMENT**" and must **INCLUDE THE CASE NUMBER AND CAPTION**. A party mailing the Authorized HSD shall then place the marked envelope described above in an outer envelope for mailing.

   - The filing party shall serve the HSD on all other parties pursuant to Federal Rule of Civil Procedure 5(b)(2), except for service via the Court's Electronic Filing System, or, in criminal cases, by any manner specified in Federal Rule of Criminal Procedure 49(a)(3)(B) or (a)(4).

   - The Clerk's Office will make an informational docket entry in the Court's Electronic Filing System indicating that the HSD was filed with the Court and will maintain the HSD in a secure paper filing system and/or standalone computer system that is not connected to any network and does not have access to the internet.

COURT DEVELOPED FORM TO BE USED FOR SECTIONS 2 and 3 BELOW. THE FORM IS ATTACHED TO THESE INSTRUCTIONS AND IS CALLED "STANDING ORDER 2021-2 REQUESTS TO CLERK OF COURT".

2. **Filing a Request to Treat a Document as an HSD.**
   If a party wishes to have documents not identified in Section 1.a. of Standing Order 2021-2, the following procedure should be used to make the request to treat a document as an HSD.

   - The requesting party shall deliver to the Clerk's Office, by mail or in person, two copies of the completed Standing Order 2021-2 Requests to Clerk of Court Form (attached). If a party is filing a Request to Treat a Document as an HSD, select the first box on the form. The party shall seek concurrence of all opposing parties and check the appropriate box on the form. The party must attach to the form an explanation as to why the proposed document constitutes an HSD under the criteria set out in Section 1 of Standing Order 2021-2 or why it should otherwise be subject to the heightened protection for HSDs.

   - The request must include the HSD sought to be filed along with a certificate of service.

   - All documents described above must be placed in an envelope marked **"HIGHLY SENSITIVE DOCUMENT"** and must **INCLUDE THE CASE NUMBER AND CAPTION.** A party mailing the documents shall then place the marked envelope described above in an outer envelope for mailing.

   - The filing party shall serve the HSD on all other parties pursuant to Federal Rule of Civil Procedure 5(b)(2), except for service via the Court's Electronic Filing System, or, in criminal cases, by any manner specified in Federal Rule of Criminal Procedure 49(a)(3)(B) or (a)(4).

   - If all parties concur with the request, a determination will be made by the Clerk of Court by completing the "Designation of Highly Sensitive Document/Case" section on the "Request" form. If the request is granted, an informational entry will be made on the case docket indicating that the HSD has been filed with the Court. The Clerk's Office will maintain the HSD in a secure paper filing system and/or a secure standalone computer system not connected to any network and that does not have access to the internet. If the request is denied, the party may seek relief with Chief Magistrate Judge Karoline Mehalchick.

   - If the parties do not concur with the request, the matter will be reviewed and decided by Chief Magistrate Judge Karoline Mehalchick

3. **Removal of Existing HSDs or Highly Sensitive Cases from the Court's Electronic Filing System.**

- Upon request of a party to the Clerk of Court, it may be determined that an electronically-filed document, case, or any portion thereof, is highly sensitive and the HSD or case shall be removed from the Court's Electronic Filing System and maintained in the Clerk's Office.

- The request shall be made by delivering to the Clerk's Office, by mail or in person, two copies of the completed Standing Order 2021-2 Requests to Clerk of Court Form (attached). If the party is filing a Request for Removal of Existing Highly Sensitive Document from the Court's Electronic Filing System, the party should select the second box on the form. If the party is filing a Request for Removal of Existing Highly Sensitive Case from the Court's Electronic Filing System, the party should select the third box on the form. The party shall seek concurrence of all opposing parties and check the appropriate box on the form.

- If the party is filing a Request for Removal of Existing Highly Sensitive Document, the party must attach an explanation as to why the document constitutes an HSD under the criteria set out in in Section 1 of Standing Order 2021-2 or why it should otherwise be subject to the heightened protection for HSDs, along with a certificate of service and a copy of the HSD sought to be removed.

- If the party is filing a Request for Removal of Existing Highly Sensitive Case, you must attach an explanation as to why the existing case, or any portion of it, constitutes an HSC under the criteria set out in Section 1 of Standing Order 2021-2 or why it should otherwise be subject to the heightened protection for HSCs, along with a certificate of service.

- The party must also complete the remaining parts of the form, including the **Case Number, Case Caption, Document Number, and Type of Document**.

- The filing party shall serve the HSD on all other parties pursuant to Federal Rule of Civil Procedure 5(b)(2), except for service via the Court's electronic filing system, or, in criminal cases, by any manner specified in Federal Rule of Criminal Procedure 49(a)(3)(B) or (a)(4).

- If all parties concur with the request, a determination will be made by the Clerk of Court by completing the "Designation of Highly Sensitive Document/Case" section on the "Request" form. If granted, the documents or case will be removed from the Court's Electronic Filing System and maintained in a secure paper filing system and/or a secure standalone computer system not connected to any network and that does

not have access to the internet. If the request is denied, the party may seek relief with Chief Magistrate Judge Karoline Mehalchick.

- If the parties do not concur with the request, the matter will be reviewed and decided by Chief Magistrate Judge Karoline Mehalchick.

    NOTE: All court orders and notices pertaining to HSDs or highly sensitive cases will be mailed to all attorneys and pro se parties of record.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

CASE NUMBER:

Plaintiff(s)

v.

Defendant(s)

STANDING ORDER 2021-2
REQUESTS TO CLERK OF COURT

In accordance with Standing Order 2021-2, In Re: Instructions for the Filing, Service, and Management of Highly Sensitive Documents, I hereby request the following:

☐ **Request to Treat a Document as an HSD:** The party or parties listed below in the above-captioned matter request that the attached document(s) be treated as an HSD,

Please attach an explanation as to why the proposed document constitutes an HSD under the criteria set out in Standing Order 2021-2 or why it should otherwise be subject to the heightened protection for HSDs. Also attach a certificate of service and the HSD sought to be filed.

Concurrence of opposing party: ☐ Concur ☐ Do Not Concur

☐ **Request for Removal of Existing HSD:** The party or parties listed below in the above-captioned matter request the removal of existing HSDs from the Court's Electronic Filing System.

Case Number: Case Caption:

Document Number(s) and Type of Document(s):

Concurrence of opposing party: ☐ Concur ☐ Do Not Concur

Please attach an explanation as to why the document constitutes an HSD under the criteria set out in Standing Order 2021-2 or why it should otherwise be subject to the heightened protection for HSDs. Also attach a certificate of service and a copy of the HSD sought to be removed.

☐ **Request for Removal of Existing Highly Sensitive Case:** The party or parties listed below in the above-captioned matter request the removal of an existing HSD case from the Court's Electronic Filing System.

Case Number: Case Caption:

Concurrence of opposing party: ☐ Concur ☐ Do Not Concur

Please attach an explanation as to why the existing HSD case, or any portion of it, constitutes an HSD under the criteria set out in Standing Order 2021-2 or why it should otherwise be subject to the heightened protection for HSDs. Also attach a certificate of service.

Name of Counsel (**OR** Party if *Pro Se*)   Signature and Date   Name of Party Represented

_____   _____   _____

Designation of Highly Sensitive Document/Case:

☐ **Request Granted.**

☐ **Request Denied.**

Clerk of Court: _____   Date:_____

Peter J. Welsh, Clerk of Court
United States District Court
Middle District of Pennsylvania