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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
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11 IN RE: AMENDED PROCEDURES FOR
12 THE FILING, SERVICE, AND
13 MANAGEMENT OF HIGHLY
14 SENSITIVE DOCUMENTS
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GENERAL ORDER 07-25
MODIFYING GENERAL ORDER
09-24

16 This General Order modifies the Court's General Order No. 09-24, issued on June 20,
17 2024, and is being issued to modify certain language contained therein.

18 In response to recent disclosures of wide-spread breaches of both private sector and
19 government computer systems, all Federal Courts are immediately adding new security
20 procedures to protect highly sensitive documents ("HSDs") filed with the Court.

21 Based on advice from the Administrative Office of the United States Courts, the Court
22 finds that, pursuant to Civil Rule 5(d)(3)(A) and Criminal Rule 49(b)(3)(A), good cause exists to
23 require all parties to file HSDs outside of the Court's electronic filing system.
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1 Accordingly, IT IS HEREBY ORDERED that, effective as of the date of this Order and
2 until such time as the Court orders otherwise, the filing of HSDs shall be subject to the
3 procedures and requirements set forth below. This General Order supersedes any and all
4 inconsistent provisions in existing Local Rules or other General Orders of this Court.

5 **1. Documents Subject to this Order**

- 6 a. An HSD is a document or other material that contains sensitive, but unclassified,
7 information that warrants exceptional handling and storage procedures to prevent
8 significant consequences that could result if such information were obtained or
9 disclosed in an unauthorized way. Although HSDs frequently relate to law
10 enforcement materials, highly sensitive information in a civil case could also qualify
11 for HSD treatment. Examples of HSD in the criminal or civil context may include
12 sealed filings relating to: national security, public corruption, cyber investigations,
13 highly exploitable trade secrets, financial information, or computer source code
14 belonging to a private entity, the disclosure of which could have significant national
15 or international repercussions, and information that could create an exceptional risk to
16 personal or public safety.
- 17 b. Most materials currently filed under seal do not meet the definition of an HSD and do
18 not merit the heightened protections afforded to HSDs. The form or nature of the
19 document itself does not determine whether HSD treatment is warranted. Instead, the
20 focus is on the severity of the consequences for the parties or the public should the
21 documents be accessed without authorization. Most presentence reports, pretrial
22 release reports, pleadings related to cooperation in criminal cases, social security
23 records, administrative immigration records, applications for search warrants,
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interception of wire, oral, or electronic communications under 18 U.S.C. § 2518, and applications for pen registers, trap, and trace devices do not presumptively qualify as HSD and require an independent analysis of whether HSD treatment is warranted.

- c. The determination as to whether a document is an HSD shall be resolved by the presiding judge or, when no presiding judge has been assigned, by the chief judge.

2. Filing HSDs

- a. The filing procedures in this section apply to all filing parties with the exception of the United States Attorney's Office. The Court will work with the United States Attorney's Office to establish separate filing procedures.

- b. In order to have a document filed as an HSD, a party must submit to the Clerk's Office: a motion to treat a document as an HSD, the HSD sought to be filed, and a certificate of service if applicable.

- c. HSDs and requests for HSD treatment will be accepted for filing only in paper form or via a secure electronic device (e.g., USB stick or portable hard drive). Documents in paper form shall be submitted to the Clerk's Office in a sealed envelope marked "HIGHLY SENSITIVE DOCUMENT." Documents shall not be stapled or folded. The outside of the envelope shall be affixed with a copy of the HSD's caption page (with confidential information redacted).

- d. The filing party shall serve the HSD on other parties as follows:

- i. Civil cases - by any manner specified in Civil Rule 5(b)(2), except for service via the Court's electronic filing system; or

- ii. Criminal cases - by any non-electronic means specified in Criminal Rule 49(a)(3)(B) or (a)(4).

1 iii. The Court recommends that parties do not use electronic means of
2 transmitting HSDs to any government agency that may have been
3 compromised by a breach of security protocol.

4 e. Upon receipt, the Clerk's Office will make an informational entry on the case docket
5 indicating that an HSD motion was received and delivered to chambers.

6 f. Parties are required to simultaneously file a copy of the above motion electronically
7 under seal, with any necessary redactions, unless otherwise directed by the presiding
8 judge. HSD documents themselves are not to be filed electronically as an attachment.
9 Failure to file the motion electronically may significantly delay the Court's
10 consideration.

11 g. The Court may deny the motion without reviewing the content of the HSDs if it is
12 clear on the face of the motion that HSD treatment should not apply or that the filing
13 of such documents would serve no purpose in the case.

14 h. The Court will issue an order on the motion and, if granted or granted in part, an
15 informational entry will be made on the docket indicating that the HSD has been filed
16 with the Court. The Clerk's Office will maintain the HSD in a secure format outside
17 of the Court's electronic filing system.

18 i. If the motion is denied the filing party is responsible for filing the document under
19 existing procedures set forth in the Court's local rules and CM/ECF filing procedures.

20 j. The Court will make every effort to issue an order that need not itself be considered
21 an HSD. If such is not possible, an informational entry will be made on the docket
22 indicating that the order ruling on the HSD has been served on the parties by mail and
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1 it will be filed and maintained in a secure format outside of the Court's electronic
2 filing system.

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

5 a. Upon motion of a party or upon its own motion, the Court may determine that a
6 document, case, or any portion of it, that had been previously filed electronically is
7 highly sensitive and direct that the HSD or case be removed and maintained in a
8 secure format outside of the Court's electronic filing system.

9 b. A motion to remove an HSD or highly sensitive case from the Court's electronic
10 filing system shall be filed by paper with the Clerk's Office and must explain why
11 such document or case is highly sensitive under the criteria set out in paragraph 1
12 above.

13 c. Parties are required to simultaneously file a copy of the motion electronically under
14 seal, with any necessary redactions, under existing procedures. Failure to file the
15 motion electronically may significantly delay the Court's consideration.

16 d. An informational entry will be made on the case docket indicating that the motion has
17 been filed in paper and will be maintained in a secure format outside of the Court's
18 electronic filing system.

19 **4. Bankruptcy Cases**

20 This General Order does not apply to bankruptcy cases or adversary proceedings.

21 **5. Questions about HSD Filing Procedures**

22 Any questions about how an HSD should be filed should be directed to the Clerk's
23 Office.

1 Dated this 1st day of August, 2025.

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4 David G. Estudillo
Chief United States District Judge