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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

IN RE: MATERIALS RELATED TO
COOPERATION

GENERAL ORDER 12-23

The Judges for the United States District Court for the Western District of Washington recognize that defendants who cooperate with the government in criminal cases face serious danger of retaliation while incarcerated and in the community. In 2016, the Committee on Court Administration and Case Management (CACM) issued guidance to advance policies to protect cooperator information from being misused, particularly by limiting access to electronic criminal case files that may indicate a defendant has cooperated with the government. Balanced against these privacy and safety concerns is the public right of access to case filings.

1 The United States District Court for the Western District of Washington has determined
2 that protecting materials related to a defendant’s cooperation serves a compelling interest to
3 protect the safety of those defendants; without such measures, there is a substantial probability
4 that the safety of cooperating defendants will be compromised; and there are no alternatives that
5 would adequately protect the safety of cooperating defendants or informants. In balancing the
6 public’s right to access to certain limited information in criminal cases bearing legitimate privacy
7 and safety interests of criminal defendants, certain sensitive and/or confidential information
8 about criminal defendants should be shielded from public view on the docket of the Court,
9 including specific information about or affecting a defendant's cooperation with the government.
10 Therefore, the following is ORDERED:

11 The Clerk’s Office shall implement filing protocols that allow the parties to file materials
12 related to a defendant’s cooperation (e.g., U.S.S.G. § 5K1.1 motions, motions under 18 U.S.C. §
13 3553(e), or any discussion of a defendant’s cooperation) so that they do not appear on the
14 publicly available docket pursuant to Local Criminal Rule 49.1(b)(9). Any such filing shall be
15 accompanied by a motion, with an appropriate noting date, setting out case-specific reasons for
16 protecting the filing from public disclosure and a proposed order. The filing shall be
17 accompanied by materials relevant to the motion.

18 A party filing sentencing materials that it believes warrant sealing for reasons unrelated
19 to cooperation must move to seal those materials. Materials that need not be sealed shall not be
20 combined in the same document with materials related to cooperation or materials to be sealed.

21 This order shall be effective November 3, 2023.
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1 Dated this 3rd day of November, 2023.

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4 David G. Estudillo
5 Chief United States District Judge

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