

**WEST VIRGINIA MASS LITIGATION PANEL
PROCEDURES FOR ELECTRONICALLY
FILING AND SERVING SEALED AND CONFIDENTIAL INFORMATION**

Documents Filed Under Seal. “A motion to seal documents shall be efiled and served. However, any documents that are the subject of a motion to seal shall be filed with the court enclosed in a sealed envelope to be opened as directed by the court pursuant to Rule 26(c)(8) of the Rules of Civil Procedure, and a copy of the documents that are the subject of the motion to seal shall be provided to the Presiding Judge for review.” Rule 15.12 of the West Virginia Trial Court Rules.

Procedure For Submitting A Confidential Document Through File & ServeXpress After The Court Has Determined A Document Is Confidential Or Confidential, Subject To A Protective Order. All three steps **must** be completed for efilings and service to be complete.

If all three steps are not completed, the confidential document may not be considered properly efiled and served.

Step 1: Efile ONLY a transaction with the **redacted** version of the document and/or exhibit(s) by completing the following:

- Upload the redacted documents and complete the “Sending Parties” tab.
- Do not select any participants on the “Service” tab.
- On the “Review & Submit” tab, select **“File with the Court and Serve Selected Parties.”** There will be a red text box indicating no parties have been selected for service and the transaction is being sent File Only.

If the entire document and/or exhibit(s) are confidential, **Efile ONLY** a **cover sheet** containing the caption of the case, the title of the document and/or exhibit(s), and a statement that the entire document and/or exhibits are determined by the Court to be confidential or confidential, subject to a protective order. Filers must accurately enter the document title in the document title field on File & ServeXpress and should indicate in the document title field that the document is confidential or confidential, subject to a protective order.

Step 2: EServe ONLYPrivate the unredacted version of the confidential document and/or exhibit(s) upon all counsel by completing the following:

- On the “Documents” tab, select the document type “Unredacted Document (for Serve Only – Private)” and change the setting on the Access drop down to “Sealed.” This setting ensures that only those parties eserved with the document(s) will be able to view the document(s). **Use the Document Access “Sealed” setting ONLY for eservice.** The “Sealed” Document Access should not be used when efilng into the Court file.
- Complete the “Sending Parties” tab.
- Select counsel for service on the “Service” tab.
- Select the Judges who will be ruling on the document(s), and the Mass Litigation Manager using the “Additional Recipients” tab. Enter the Judges’ and the Mass Litigation Manager’s names into the name fields and click search. Check the box to the left of their name to serve them online via their File & Serve INBOX.
- On the “Review & Submit” tab, select the Delivery Option “Serve Only – Private.” This ensures that only those who are actually served will have the ability to see the transaction and view the document(s).

Step 3: File a hard copy of the confidential document and/or exhibit(s) in a sealed envelope with the Court. **The sealed envelope must state:**

- the appropriate Case Caption (See Section 6. Case Captions);
- the contents are Confidential or Confidential, Subject to Protective Order;
- that a redacted version of the contents were efiled;
- the efilng date and Transaction ID number of the efilng; and a general description of the envelope’s contents (i.e., exhibits).

Documents Containing Personal Data Identifiers.

- Eservice.** If a party wishes to eserve counsel of record with pleadings or other documents that contain personal data identifiers, the party shall **use the “serve only – private” feature** in File & ServeXpress. This will cause the document to be accessible **only** by the parties selected to be served.
- Efilng and Service.** To promote electronic access to case files while also protecting personal privacy and other legitimate interests, counsel and the parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the Court, including exhibits attached to pleadings, whether filed electronically or in paper, unless otherwise ordered by the Court. **Responsibility for redacting personal data identifiers rests solely with counsel and the parties. The Clerk will not review each pleading for compliance regarding redaction of personal data identifiers.**

1. **Social Security numbers.** If an individual's social security number must be included in a pleading, only the last four (4) digits of that number should be included.
2. **Dates of birth.** If an individual's date of birth must be included in a pleading, only the year should be used.
3. **Financial account numbers.** If financial account numbers must be included in a pleading, only the last four (4) digits of those numbers should be used.
4. **Names of minor children.** If the involvement of a minor child must be included in a pleading, only the initials of the child should be used.
5. **Medical information.** If medical information is intended to be disclosed in any public filing, the party intending to disclose such information shall give the party whose medical information is the subject of such disclosure ten (10) days notice of such intended disclosure, including identification of the specific medical information the party intends to disclose. If the party whose medical information is intended to be disclosed believes such information requires the additional protection of filing with the Court under seal, that party shall identify the medical information it believes should be filed under seal to the party who intends to disclose the information as soon as practicable, but no later than ten (10) days after receiving notice of such intended disclosure. If the parties are unable to agree as to the extent of additional protection, if any, to be applied, the party whose medical information is intended to be disclosed shall file a motion to seal with the Court for a determination as to whether, and to what extent, the identified medical information shall be sealed or otherwise further protected.