

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**
1100 East Main Street, Suite 501, Richmond, Virginia 23219
www.ca4.uscourts.gov

April 6, 2012

No. 12-1437
(1:10-cv-02068-BEL)

RAYMOND WOOLLARD; SECOND AMENDMENT FOUNDATION, INC.

Plaintiffs - Appellees

v.

TERRENCE SHERIDAN; DENIS GALLAGHER; SEYMOUR GOLDSTEIN;
CHARLES M. THOMAS, JR.; MARCUS L. BROWN

Defendants - Appellants

DOCKETING NOTICE--CIVIL/AGENCY CASE

TO: Counsel

ATTACHMENT(S): Memorandum on Sealed and Confidential Information

DUE DATE: 14 days from this notice

- This case has been placed on the court's docket under the above-referenced number, which should be used on all documents filed in this case.
- Counsel should review the above caption and promptly bring any necessary corrections to the case manager's attention.

- In consolidated cases, filings should be made using all case numbers to which the filing applies, beginning with the lead case number.
- Electronic filing is mandatory for counsel in all Fourth Circuit cases. Information on obtaining an electronic filing account is available on the court's Internet site.
- In cases in which more than one attorney represents a party, future notices will be sent only to attorneys who have entered an appearance as counsel of record; other attorneys will be removed from the case.
- Counsel must remove from documents filed with this court any social security numbers, juvenile names, dates of birth, financial account numbers, home addresses in criminal cases, and protected information regarding unexecuted summonses, jurors, presentence investigations, statements of reasons in criminal judgments, and substantial assistance agreements. Any sealed material must be filed in accordance with the enclosed Memorandum on Sealed and Confidential Material. The court does **not** seal its docket; therefore, counsel must use sealed entries for all sealed filings.
- Initial forms must be filed as directed in the following table of forms. The forms, available through the links below or on the court's Internet site, can be completed on line and saved for filing in electronic form.

Form:	Required From:	Due:
<u>Appearance of Counsel</u>	Counsel of record for any party to the appeal (If not admitted to this court, counsel must complete and submit an <u>application for admission</u> .)	Within 14 days of this notice
<u>Disclosure Statement</u>	All parties to a civil or bankruptcy case and all corporate defendants in a criminal case (not required from the United States, from indigent parties, or from state or local governments in pro se cases)	Within 14 days of this notice
<u>Docketing Statement</u>	Appellant's counsel (not required after Rule 5 grant of permission to appeal)	Within 14 days of this notice
<u>Transcript Order</u>	Appellant, only if ordering transcript	Attach to docketing statement
<u>CJA 24</u>	Appellant, only if transcript is at court expense under Criminal Justice Act	Attach to docketing statement

I will be the case manager for this case. Please contact me at the number listed below if you have any questions regarding your case.

Donna Lett, Deputy Clerk
804-916-2704

MEMORANDUM ON SEALED AND CONFIDENTIAL MATERIALS

(FRAP 25(a)(5), Local Rule 25(c) & Judicial Conference Privacy Policy for Electronic Case Files)

Internet Availability of Docket & Documents (except Appendices): All Fourth Circuit case dockets are available on the Internet via the Judiciary's PACER system (Public Access to Court Electronic Records). The Fourth Circuit docket is available on the Internet even if the district court docket was sealed. If a party's name was sealed in the district court, it should be replaced by "Under Seal" or a pseudonym on appeal. Documents filed in 2008 and thereafter are available on the Internet via PACER, with the exception of appendices, which are available in paper form only. Due to the electronic availability of court documents, the federal rules prohibit including certain personal data identifiers in court filings. In addition, parties should not include any data in their filings that they would not want on the Internet. Counsel should advise their clients on this subject so that an informed decision can be made. Responsibility rests with counsel and the parties, not with the clerk.

Federal Rules of Procedure: The federal rules of procedure require filers to redact any of the following personal data identifiers (PDIs) if included in court filings: (1) social security and tax ID numbers must be limited to last four digits; (2) minor children must be identified by their initials only; (3) dates of birth must show the year only; (4) financial account numbers must be limited to the last four digits only; and (5) home addresses in criminal cases must be limited to city and state only. The federal rules establish limited exceptions to these redaction requirements. See Fed. R. Civ. P. 5.2; Fed. R. Crim. P. 49.1; Fed. R. Bankr. P. 9037.

Judicial Conference Privacy Policy: In addition, the [Privacy Policy for Electronic Case Files](#) prohibits filers from including any of the following criminal documents in the public file: (1) unexecuted summonses or warrants; (2) bail or presentence reports; (3) statement of reasons in judgment of conviction; (4) juvenile records; (5) identifying information about jurors or potential jurors; (6) CJA financial affidavits; (7) ex parte requests to authorize CJA services and (8) any sealed documents, such as motions for downward departure for substantial assistance, plea agreements indicating cooperation, or victim statements.

Certificate of Confidentiality or Motion to Seal Required for Any Sealed Filing: A document may not be filed under seal in this court unless it is accompanied by a certificate of confidentiality or motion to seal as set out in more detail below.

Sealed Volume of Appendix: All appendices are filed and served in **paper form only**. Sealed documents must be placed in a **separate, sealed volume** of the appendix. In consolidated criminal cases in which presentence reports are being filed for multiple defendants, **each** presentence report must be placed in a separate, sealed volume to which only Government counsel and counsel for the defendant who is the subject of the report have access.

- File four paper copies of sealed appendix volumes, with the cover marked SEALED, in an envelope marked SEALED, with four copies of certificate of confidentiality.
- File six paper copies of public appendix volumes (five if counsel is court-appointed).

- Use electronic entry **Notice of paper filing** to reflect filing of sealed and unsealed volumes.
- Serve one paper copy of sealed and unsealed volumes on counsel (serve presentence reports only on Government counsel and counsel for defendant who is the subject of the report).

Sealed Version of Brief: All briefs are filed in **electronic and paper form**. Public briefs are served in electronic form; sealed briefs are served in paper form. There are two possible ways to file a sealed brief:

1. Option One — File Sealed Version, Public Version, and Certificate of Confidentiality if it is Possible to Create Public, Redacted Version of Brief.

- File four paper copies of sealed version of brief (with sealed material highlighted and covers marked SEALED), in an envelope marked SEALED, with four copies of certificate of confidentiality.
- File eight paper copies (six if counsel is court-appointed) of public version of brief (with sealed material redacted).
- Use electronic entry **SEALED BRIEF** to file sealed version electronically.
- Use electronic entry **Certificate of confidentiality** to file certificate electronically.
- Use electronic entry **BRIEF** to file public, redacted version electronically.
- Serve one paper copy of sealed version of brief on counsel since sealed version cannot be accessed through CM/ECF. Service of paper version of public brief is not required, but may be agreed to between parties.

2. Option Two — File Sealed Brief and Motion to Seal if it is Not Possible to Create Public, Redacted Version of Brief.

- File four paper copies of sealed brief, in an envelope marked SEALED, with four paper copies of motion to seal.
- Use electronic entry **SEALED BRIEF** to file sealed brief electronically.
- Use electronic entry **Motion / to seal** to file motion electronically. Motion must be accessible on public docket for five days prior to ruling; therefore, motion to seal **cannot**, itself, be filed under seal. If necessary, a sealed version and a public version of the motion to seal can be filed, together with a certificate of confidentiality.
- Use electronic entry **BRIEF** to file public, redacted version electronically.
- Court may require filing of a redacted, public version of brief when it rules on motion.

Sealed Version of Other Documents and Motions: Other documents and motions are filed in electronic form only. If sealed information must be included, there are two possible ways to file the document:

1. Option One — File Sealed Version, Public Version, and Certificate of Confidentiality if it is Possible to Create Public, Redacted Version of Document or Motion.

- Use electronic entry **SEALED DOCUMENT** to file sealed version electronically.
- Use electronic entry **Certificate of confidentiality** to file certificate electronically.

- Use the appropriate electronic entry (e.g., **Motion, Letter**) to file public, redacted version electronically.

2. Option Two — File Sealed Document and Motion to Seal if it is Not Possible to Create Public, Redacted Version of Document.

- Use electronic entry **SEALED DOCUMENT** to file sealed document electronically.
- Use electronic entry **Motion / to seal** to file motion to seal electronically. Motion must be accessible on public docket for five days prior to ruling; therefore, motion to seal **cannot**, itself, be filed under seal. If necessary, a sealed version and a public version of the motion to seal can be filed, together with a certificate of confidentiality.