



LOCAL CIVIL RULES

for the

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH CAROLINA

(with revisions through August 20, 2014)

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Florence between the hours of 8:30 a.m. and 4:30 p.m. on a day the court is open.

If for any reason it is necessary to file non-electronic documents between the hours of 4:30 p.m. and 12:00 midnight for documents due that day, such emergency filings can be accomplished if the party making the request contacts the clerk of court during the hours of 8:30 a.m. to 4:30 p.m. to make arrangements to accept the after-hours filing. The clerk of court is authorized to accept the entire document, or a portion thereof, by having the party fax the document to a designated fax number. The party must also subsequently deliver the original document to the office of the clerk of court by 9:30 a.m. on the first day that the court is open following the request. Documents received under this procedure shall be filed as of the date the facsimile copy was received by the court.

5.03: Filing Documents Under Seal. Absent a requirement to seal in the governing rule, statute, or order, any party seeking to file documents under seal shall follow the mandatory procedure described below. Failure to obtain prior approval as required by this rule shall result in summary denial of any request or attempt to seal filed documents. Nothing in this rule limits the ability of the parties, by agreement, to restrict access to documents that are not filed with the court. *See* Local Civ. Rule 26.08 (D.S.C.).

- (A) A party seeking to file documents under seal shall file and serve a “Motion to Seal” accompanied by a memorandum, *see* Local Civ. Rule 7.04 (D.S.C.), and the attachments set forth below in (B) and (C). The memorandum shall (1) identify, with specificity, the documents or portions thereof for which sealing is requested; (2) state the reasons why sealing is necessary; (3) explain (for each document or group of documents) why less drastic alternatives to sealing will not afford adequate protection; and (4) address the factors governing sealing of documents reflected in controlling case law. *E.g., Ashcroft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000); *In re Knight Publ’g Co.*, 743 F.2d 231, 235 (4th Cir. 1984).
- (B) The motion shall be accompanied by (1) a non-confidential, descriptive index of the documents at issue and (2) counsel’s certification of compliance with this rule.
- (C) A separately sealed attachment labeled “Confidential Information to be Submitted to Court in Connection with Motion to Seal” shall be submitted with the motion. The sealed attachment shall contain the documents at issue for the court’s *in camera* review and shall not be filed. The court’s docket shall reflect that the motion and memorandum were filed and were supported by a sealed attachment submitted for *in camera* review.
- (D) The clerk of court shall provide public notice of the motion to seal in the manner directed by the court. Absent direction to the contrary, this may be

accomplished by docketing the motion in a manner that discloses its nature as a motion to seal.

(E) No settlement agreement filed with the court shall be sealed pursuant to the terms of this rule.

5.04: *Filing Documents by Electronic Means.*

[Deleted effective November 15, 2013; Incorporated into Local Civ. Rule 5.02(A) (D.S.C).]

5.05: *Service of Documents by Electronic Means.* Filed documents may be served by electronic means, including through the court’s transmission facilities, or as otherwise provided and authorized by the court’s ECF Policies and Procedures Manual and other related user manuals. Transmission of the “Notice of Electronic Filing” constitutes service of the filed document upon each attorney in the case who is registered as a “Filing User” in accordance with procedures established by the court. Any other attorney, party, or parties shall be served according to these rules, the Federal Rules of Civil Procedure, and the Federal Rules of Criminal Procedure.

5.06: *Substitution, Correction, and Removal of Electronically Filed Documents.* Nothing in this rule precludes the clerk of court (1) on request of the filing party, from accepting and substituting a corrected document that properly redacts or removes any personal identifiers or other information protected from disclosure by statute, rule, regulation, or policy and procedures officially adopted by this district or (2) on request of a party with the consent of all other parties, from accepting and substituting a redacted document for a previously filed document for any other reason. All other requests to redact the content of a previously filed document, or to remove it from the docket, shall be granted only upon motion and order.⁴

⁴ Nothing in this rule limits the authority of the clerk of court to correct filing entries or require parties to file or submit corrected documents to conform to the formatting, technical, or other requirements of this district’s electronic filing procedures.