

1  
2 UNITED STATES DISTRICT COURT  
3 NORTHERN DISTRICT OF CALIFORNIA  
4

5 ERNEST BEDNAR,

6 Plaintiff,

No. C 14-0423 PJH

7 v.

**ORDER**

8 COUNTY OF SAN MATEO,

9 Defendant.  
10 \_\_\_\_\_/

11 On April 8, 2015, counsel for defendant County of San Mateo e-filed a stipulation for  
12 approval of settlement agreement (Doc. 29). On April 9, 2015, the court approved the  
13 settlement agreement and dismissed the case (Doc. 30). Also on April 9, 2015, counsel for  
14 plaintiff Ernest Bednar advised the court that the stipulation contained confidential  
15 information and had been e-filed in error, and requested that it be locked. The court  
16 temporarily locked the stipulation and the order approving the stipulation.

17 As explained on the court's website, under "Electronic Case Filing - Welcome to  
18 CM/ECF - Correcting E-Filing Mistakes - Remove a Sensitive E-Filed Document," the  
19 procedure to be followed when a document containing confidential information has  
20 inadvertently been e-filed is as follows:

21 Remove a Sensitive E-Filed Document

22 If – and only if – your e-filing mistake involves the unintended disclosure of  
23 confidential information, you may file a motion to remove a sensitive e-filed  
24 document. The Court views removing an e-filed document as a drastic  
25 measure or last resort reserved for documents whose contents are  
26 confidential. If confidential information is not involved, simply e-file a  
27 corrected version.

28 A "confidential" document contains:

- Information that must not be viewed by the public as a whole, such as a document meant to be filed under seal;
- Confidential material in violation of Federal Rule of Civil Procedure 5.2 or other privacy rules;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- Private information, such as passwords, etc.

If you have inadvertently e-filed a sensitive document, follow these steps without delay:

1. Immediately send an email to the Docket Correction email address for your Judge with the case number, docket number and a very brief description of what went wrong. If possible, mark the message "urgent."
2. Next, call us at 866-638-7829 to request expedited handling. The ECF HelpDesk staff can, during regular support hours, temporarily block access to the document by ECF users for a limited period of time. The Court does not, however, provide any after-hours support.
3. Next, file a "Motion to Remove Incorrectly Filed Document" as soon as possible. If the motion is granted, the ECF Helpdesk will permanently remove the document from ECF.
4. E-file a corrected version of the document. You can do this right away, without awaiting the outcome of steps 1-3, above. View information on redacting documents for e-filing on this website.

Here, plaintiff's counsel (which had requested that the stipulation and order be locked) complied with steps 1 and 2, but failed to comply with steps 3 and 4. The court has contacted plaintiff's counsel several times, beginning on April 10, 2015, requesting that counsel file a motion to remove the e-filed documents and resubmit the stipulation to the court, in accordance with the instructions on the website. To date, counsel has failed to comply.

Accordingly, the court ORDERS that no later than 12:00 noon on Wednesday, May 20, 2015, plaintiff's counsel shall file a motion to remove the incorrectly filed documents, and shall e-file a corrected version of the stipulation, following the instructions under "How to E-File a Corrected Version." Failure to comply with this order will result in the court's unlocking the temporarily locked documents.

**IT IS SO ORDERED.**

Dated: May 15, 2015



---

PHYLLIS J. HAMILTON  
United States District Judge