

\* The proposed amendment to Access to Court Records Rule 5(A) would exclude from public access an entire case that the clerk has opened under the wrong case type. The proposed new commentary explains the process for the clerk to get permission from the court to make the case confidential and explains that this process is not available to parties.

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#### Rule 5: Records Excluded From Public Access.

(A) *Court Records That Shall Be Excluded From Public Access In Entirety.* The following shall be excluded from Public Access and no notice of exclusion from Public Access is required:

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(7) If court ordered, an entire case the Clerk of Court has opened under the wrong case type.

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#### *Commentary*

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Rule 5(A)(7) is only available to the Clerk of Court to exclude from public access an entire case erroneously opened with a wrong case type immediately upon discovering the mistake. The Clerk shall then consult with a judge for final approval and shall make an appropriate entry. Parties cannot use Rule 5(A)(7) to bypass the specific requirements in Rule 6 for excluding an entire case or excluding Court Records from public access.

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