ELECTRONIC FILING REQUIREMENTS AND PROCEDURES FOR CIVIL CASES

(CM/ECF version 5.0)

June 13, 2011

Check our website: http://www.mdd.uscourts.gov for updates

Revision Summary for Version 5.0

Date	Comments
June 13, 2011	Version 5.0 issued
June 16, 2011	Added new section, “Margins for All Documents”
July 21, 2011	Added information regarding patents (section III.C.13)

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General Information

New Features in Version 5.0 of CM/ECF

Several new features have been added to CM/ECF. See the referenced pages below for more information about these updates:

1. New password requirements (pages 5-6) – CM/ECF now requires users to create more secure passwords. Passwords must be at least eight characters long and include both uppercase and lowercase alphabetic characters and at least one digit or special character (for example, 0-9, @, #, $, %, &, *, +).

2. Query (page 71) - The Query menu includes the new MDL (Multidistrict Litigation) Case Report query.

3. Docket Sheet Report (pages 72-73) - The Sort by drop-down list on the Docket Sheet selection criteria screen now includes a Document number option. If selected, entries without document numbers will appear chronologically within the entries that do have document numbers.

4. Civil Cases Report (pages 73-74) - The Civil Cases Report now includes a *JPML number* field on the selection criteria screens, so the report can be run by JPML number.

5. Although not a new feature in Version 5.0, the court has clarified the requirement that only attorneys who have signed a pleading may be added to the case. For information on what constitutes valid signatures, please read Section III.F. For detailed instructions on adding attorneys at case opening, see Section XIII.B.3.

6. Margins for All Documents – To ensure all information is legible, please allow a one-inch top margin of white space on all documents, including letterhead.

7. Effective July 1, 2011, the Local Rules of this court include new rules regarding patents (see section III.C.13).

PDF Compliant Documents – A Future Requirement

PDF/A is a standard format that allows for the long-term archiving of electronic documents with the assurance that the documents will be accessible in the future. In the future, courts will accept only PDF/A documents when filing in CM/ECF.

Currently, the U.S. District Court, District of Maryland, will accept both PDF and PDF/A documents. However, beginning with a future release, we will accept only PDF/A documents.

Users should modify settings now to ensure PDF/A compliance.

Local Rules

Throughout this manual you will see references to Local Rules. The Local Rules changed on July 1, 2011. Therefore, please refer to the updated local rules on our website at http://www.mdd.uscourts.gov/localrules/localrules.html.

Frequently Asked Questions and Common Problems

Certain areas tend to be more problematic than others. Below are topics for which the court receives many questions and/or detects frequent errors. Before doing any electronic filing, please review this list to see if any items will affect your filing. If so, please read more about it. You may also want to refer to the index at the end of the manual.

Adding Parties (pages 86-89)

Amended Documents (pages 36-37)

Appeals (pages 42-43)

Discovery (pages 46-48)

Divisional Office Selection - for new cases (pages 83-84)

Documents/Attachments:

- when filing more than one document (pages 26-28)
- lengthy documents (page 33)
- courtesy copies (when all documents total 15 pages or more – pages 35-36)

Entering Appearance – you cannot enter an appearance for another attorney (page 38)

Ex parte (pages 48-49)

Motion to Compel – read carefully! (pages 47-48)

Opening a Case (pages 81-103)

Private Information – certain information must be redacted (page 69)

Responses and Replies (pages 52-53)

Sealed documents in unsealed cases (pages 54-58)

Signatures – electronic signatures must meet specific criteria (pages 64-66)

Surreply (page 53)

Transcripts – availability of transcripts and redaction of transcripts (go to http://www.mdd.uscourts.gov/publications/DisplayForms.asp and click the Civil or the Criminal tab).

I. Designation of Cases

A. Cases in Which Electronic Filing Will Be Used

All new civil and miscellaneous cases filed on or after March 3, 2003 are subject to the electronic filing requirements and procedures set out in this manual. All civil cases pending as of March 3, 2003 which are not exempted by the presiding judge also are subject to the electronic filing requirements and procedures set forth in this manual from that date forward. Documents which were filed in paper format prior to March 3, 2003 do not need to be resubmitted in electronic format unless specifically directed by the court in a particular case

Electronic filing was implemented in criminal cases in August, 2008. Separate instructions are available for those cases.

B. Civil Cases Exempt from Electronic Case Opening

The only cases exempt from electronic case opening by counsel are sealed cases, Notices of Removals, Bankruptcy Appeals, cases transferred from another district, and all miscellaneous cases. With the exception of sealed cases, once the case is opened by court staff in CM/ECF, all subsequent filings should be filed electronically.

C. Requesting an Exemption from Electronic Filing

Counsel in a case subject to electronic filing may request the case be exempted from the electronic filing requirements and procedures by filing a motion setting forth the grounds for the request. Requests for exemptions will be granted only for good cause.

When filing documents in a case which is exempt from electronic filing, make a parenthetical notation in the caption under the case number "Exempt from ECF."

II. Use of Electronic Filing System

A. Registration

1. General Requirements

There is no charge for registering to use the electronic filing system. You must, however, be a member in good standing of the bar of this court or entitled by statute or Local Rule to practice without being a member of our bar. Logins and passwords will not be issued to paralegals, secretaries or other paraprofessionals.

2. How to Register

All attorneys in good standing with the court may register for electronic filing by going to the Court's website: http://www.mdd.uscourts.gov/cmecf/registration.asp and completing the on-line registration form. An attorney may register his or her bar number only once. If the information has been misplaced, the attorney will need to contact the Court's Attorney Admissions Specialist at 410-962-3293, to have the information reissued.

Federal government attorneys who are not members of the bar of this Court, but who are eligible to appear under Local Rule 701.1.b, should complete the form entitled *Request for Entry of Appearance on Behalf of a Federal Government Agency*. This form can be found on the Court's website, under Forms and Manuals. Once the form has been received in paper format by the Court, a login and password will be sent to the attorney via email.

3. Effect of Registration

Registration as an electronic filing user constitutes consent to receive and make electronic service under Fed. R. Civ. P. 5 of all documents governed by this manual. This agreement is applicable to all cases, present and future, where the registered user is counsel of record. Moreover, counsel is responsible for both regularly checking the email address connected with the registered account and for keeping a working email address connected with the account. The court is not responsible for filings not received due to an incorrect or inoperative email account.

4. Checking Your Login and Password

When you receive your login and password, you should log in to the system to ensure they work. The login and password fields are case sensitive so you must type them exactly as they appear in the email. If you are unable to log in to the system, you should contact the Court's I.T. Help Desk by calling 410-962-4058.

5. Pro Hac Vice

A motion to appear *pro hac vice* should be filed electronically. The $50 filing fee can be paid online using Pay.gov. Payment also can be made by mail or in person at the Clerk's Office, in which case the motion must be submitted on paper.

Failure to provide all required information will result in the issuance of a deficiency notice and will delay processing of the motion. Required information includes:

- The current Pro Hac Vice motion located on the court's website must be used.
- The moving attorney must provide the 5 digit bar number assigned by this court.
- The moving attorney must obtain the signature of the proposed admittee. The signature must be in the format required by this court (see Section III.F of this manual.)
- The complete name, address, phone number, fax number, and email address for both the moving attorney and the proposed admittee must be included, as required by Local Rule 102.1.b.

If the motion is granted, the attorney will be instructed to register for a login and password. The attorney may use the login and password only in the particular cases where he or she has been admitted *pro hac vice*.

6. Public Access to Court Electronic Records (PACER)

PACER is a fee for use service offered by the Administrative Office of the United States Courts. It offers electronic access to records of most federal district, appellate, and bankruptcy courts. The types of records available electronically will vary from court to court. In almost all jurisdictions docket sheets may be

accessed. Most documents electronically filed in civil cases may be viewed over the Internet by using PACER.

When you access docket sheets or other documents over the Internet using PACER, there is a fee of $.08 per page. This fee applies regardless of whether you simply view the document or download and save it. There is a maximum charge of $2.40 per document.

When a PACER user accesses a document for the first time via the Notice of Electronic Filing (NEF) he/she will not incur fees for accessing the newly filed document, but access to any hyperlinked document from within the original document will incur a fee. When a PACER user accesses a document after the first look, or accesses it from a docket sheet, he/she will be charged for the original document and any documents displayed when using a hyperlink. If documents filed in the same transaction contain hyperlinks to each other, the free look will be available from the document number hyperlink displayed on the NEF document submenu, not from the hyperlinks in the documents themselves.

If a PACER user does not have his/her PACER login already linked to his/her ECF login, he/she will be prompted for the PACER login for the first document he/she tries to view. For information on how to register for a PACER account go to: http://www.pacer.uscourts.gov.

7. CM/ECF Accounts and PACER Accounts are Different

A CM/ECF account allows you to file documents electronically and provides you with email notification of docket activity in any cases where you are counsel of record or have signed up for electronic notification. It does not allow you to view docket sheets or court documents except through the one time link in the email notification. Only attorneys may have CM/ECF accounts.

A PACER account allows you to view docket sheets and documents which have been filed electronically. You cannot file any documents using a PACER account. Anyone can sign up for a PACER account.

When you go to the Court's electronic filing site, you may enter either your CM/ECF login and password or your PACER login and password. Because the accounts allow you to do different things, the options on the main menu bar are different. If you are logged in with your CM/ECF login and password and click on an option that requires a PACER account such as viewing a docket sheet, the system will prompt you to enter your PACER login and password.

Some documents have added security which allows them to be viewed only by case participants. In this situation, when the NEF is received the recipient must login using the CM/ECF password then the PACER login to view the document. This is a security feature so that PACER recognizes the user as a case participant.

B. CM/ECF Passwords

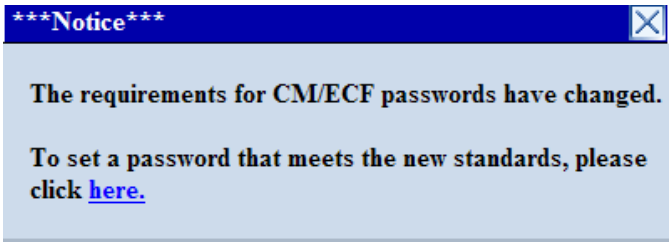
1. Security

An attorney's login and password constitute his or her signature on all documents filed using the login and password. It is very important to protect your login and password from unauthorized use. If you discover someone has used your login and password without your permission, you should immediately notify the Court.

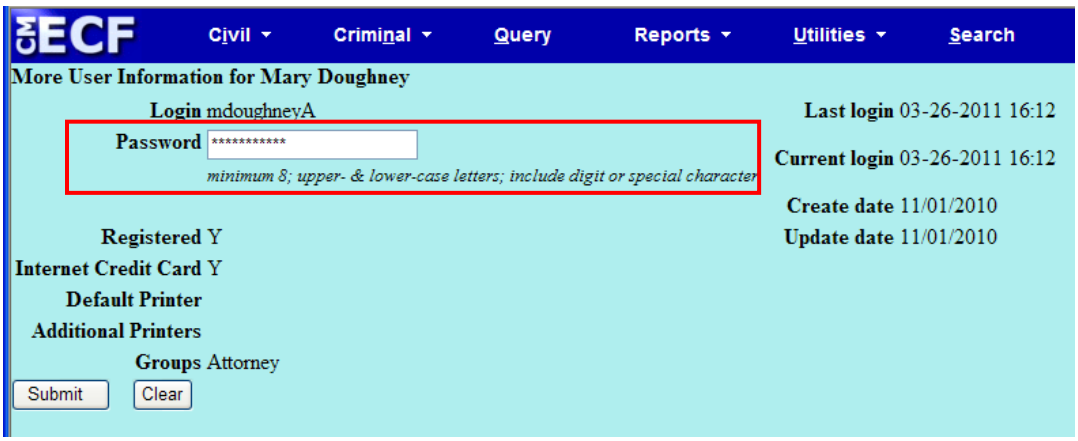
2. New Password Requirements

Beginning with version 5.0, CM/ECF requires users to create more secure passwords. Passwords must be at least eight characters long and include both uppercase and lowercase alphabetic characters and at least one digit or special character (for example, 0-9, @, #, $, %, &, *, +).

If you log in to CM/ECF with a password which was created prior to version 5.0 and does not meet the new requirements, the following pop-up message will appear, instructing you to change your password.



When you click on the **here** link, the following screen appears. Change your password and then click **Submit**.



3. Changing Your Password

Your initial password is computer generated. Once you have your login and password, you can change your password to one which is easy for you to remember. To change your password, take the following steps.

a) After logging into the electronic filing system, click **Utilities** on the blue menu bar. Then click **Maintain Your Account**.
b) The Maintain User Account screen will be displayed. Click **More user information** at the bottom of the screen. This displays the More User Information screen.
c) Enter your new password in the password field. Passwords must be at least eight characters long and include both uppercase and lowercase alphabetic characters and at least one digit or special character (for example, 0-9, @, #, $, %, &, *, +).
d) Click **Return to Account Screen**. Click **Submit**. Click **Submit** again.
e) Click **Logout**. You may now log back in using your new password. It is very important you record your new password and keep it in a safe place.

4. I Forgot My Password

If you forget your password, do not submit another registration form.

Go to our website at https://ecf.mdd.uscourts.gov/cgi-bin/lostPassword.pl. Enter your login ID and click **Submit**. An email will be sent to the address on file with the Court. Click the link in the email and you will be able to select a new password.

5. Delegation of Authority to Use Login and Password

An attorney may allow a paralegal, assistant, or other person in the attorney's office to use his or her login and password to file documents on the attorney's behalf. It is important to remember your login and password constitute your signature, regardless of whether you personally use it or delegate that authority to someone else.

C. Updating Attorney Contact Information

Your contact information (mailing address, phone number, fax number, and email address) must be kept up to date at all times. See Local Rule 102.1.b.

1. Updating Your CM/ECF Account

You can make the following changes to your CM/ECF account:

- change your email address
- add, delete, or change secondary email addresses (your assistant or paralegal, for example)
- change your mailing address, phone number, or fax number
- indicate whether your email address receives Notices of Electronic Filing (NEFs)
- choose whether to receive a notification of everything filed in your cases as soon as it is filed -OR- receive a single daily notice of all activity in your cases
- indicate whether NEFs are in HTML format or text format
- indicate whether your email address should receive general announcement notices from the court
- indicate whether to display all your cases

2. My Name Has Changed. What Should I Do?

If your name has changed, do not change your name using this system. You must send a written request to the court's Attorney Admissions Specialist, along with a copy of a court order or a copy of your marriage certificate.

3. What Do I Want to Update?

To make changes to your email information, follow the instructions below under "How Do I Update my Email Information?" To make changes to your mailing address, phone number, or fax number, see "How Do I Update my Contact Information?"

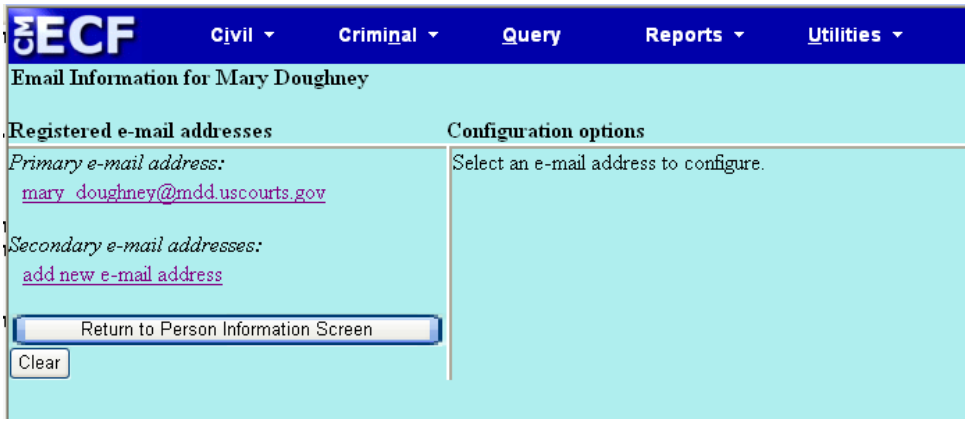
4. How Do I Update My Email Information?

a. Click **Utilities** on the blue menu bar.

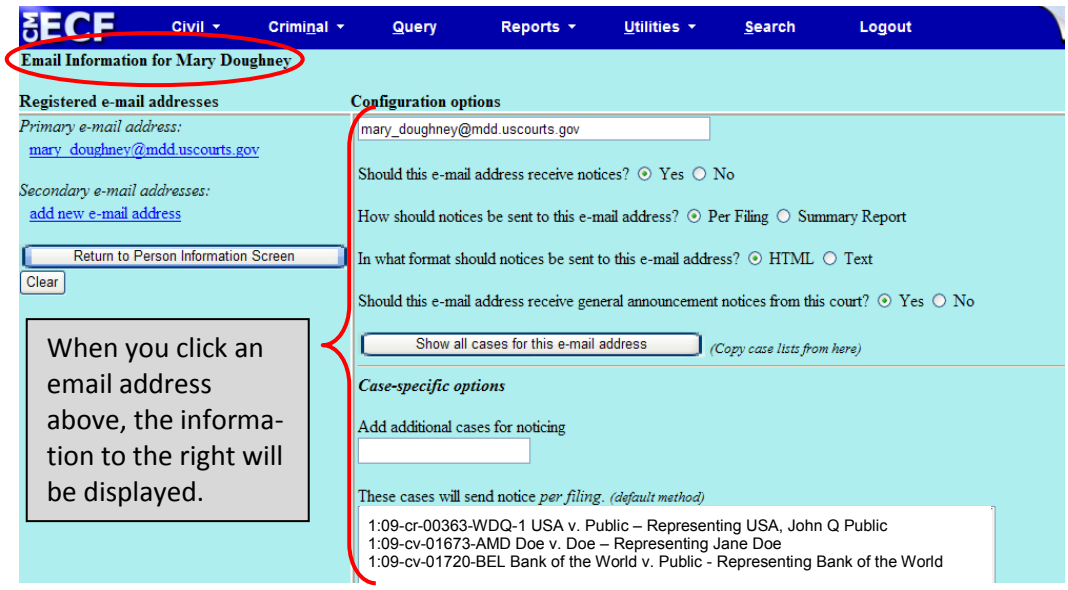
b. Under Your Account, click the link **Maintain Your Account.**

c. A new screen will be displayed showing your name, address, phone number, and other information.

d. At the bottom of the screen, click the **Email information** button. The Email Information screen shown below will be displayed.



e. When you click an email address, the configuration options will be displayed on the right.



5. How Do I Change an Email Address?

Your email address(es) will be displayed on the left side of the screen. To change an existing email address or the configuration options for an email address:

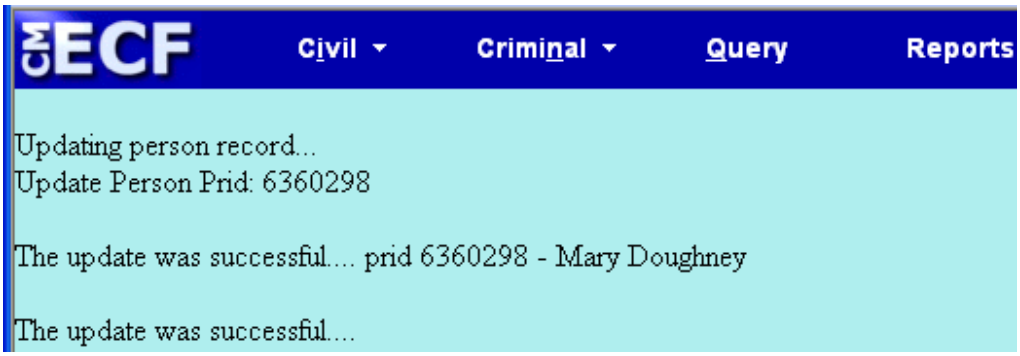
a. Click the address you want to change.

b. Your configuration options will be displayed on the right side of the screen. A description of each option is shown in the chart on the next page.

c. Make the desired changes.

d. Click the button, **Return to Person Information Screen.**

e. Click **Submit**, then **Submit** again. A confirmation screen, shown below, will be displayed.



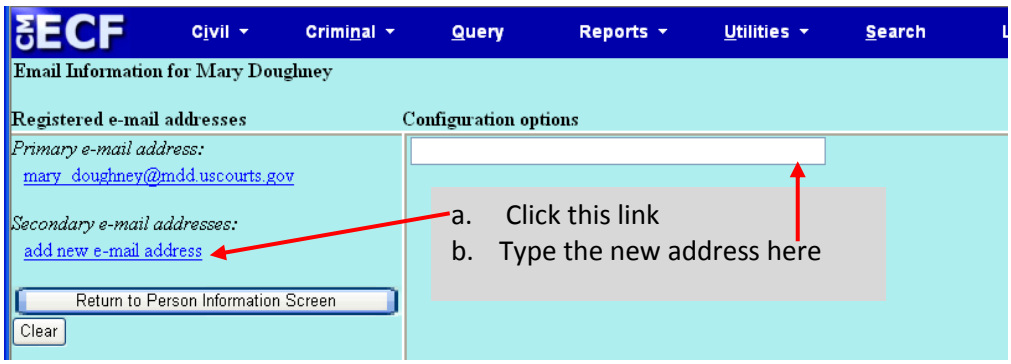
Configuration Options	Explanation
Should this email address receive notices?	For the primary email address, the default is **Yes**. To disable the primary address, select **No**. If set to **No**, the primary email address will not receive notices of electronic filing (NEFs). This is NOT recommended.
How should notices be sent to this email address?	Sets the default delivery method for notices sent to this address. If **Per Filing**, an email will be sent for each individual NEF. If **Summary Report**, one daily summary email notice that lists all the filings for that day will be sent. If this option is selected, an additional option is added to the screen: *Should this email address receive a "no activity" notice when no summary noticing occurs?* If **Yes**, the Daily Summary Report email will include the message *"no transactions found for this time period"* if no activity occurs in the cases for which the user is configured to receive summary notices. If **No**, then no email will be generated when there is no activity in the cases.
In what format should notices be sent to this email address?	Controls the format of the emails—either **HTML** or **Text**.
Should this email address receive general announcement notices from this court?	If **No**, the user will not receive general court announcement email messages unless the court overrides the user's preference (e.g., the message is urgent and must be sent to all users). The default is **Yes**.
Show all cases for this email address	Displays a list of all of the cases for which the user is configured to receive NEFs.

6. How Do I Add a Secondary Email Address?

To add a secondary email address:

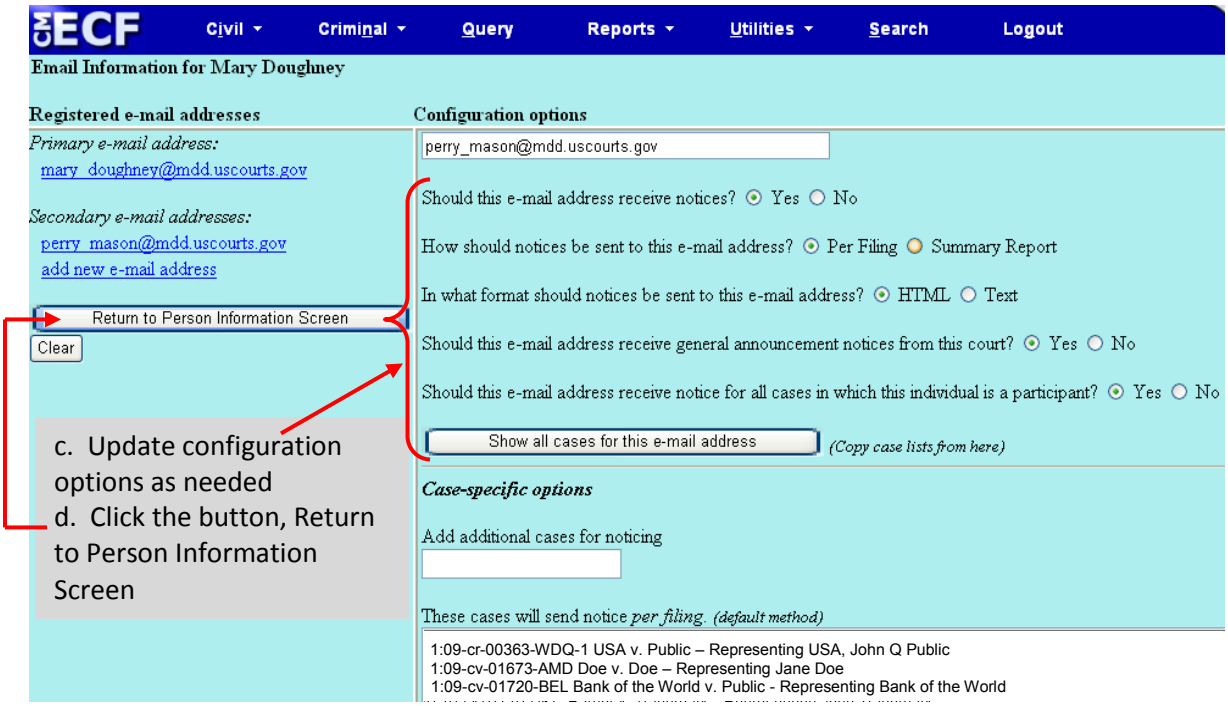
a. From the Email Information screen, click the link **add new email address**.

b. Type the new address in the white text box directly under *Configuration options*.

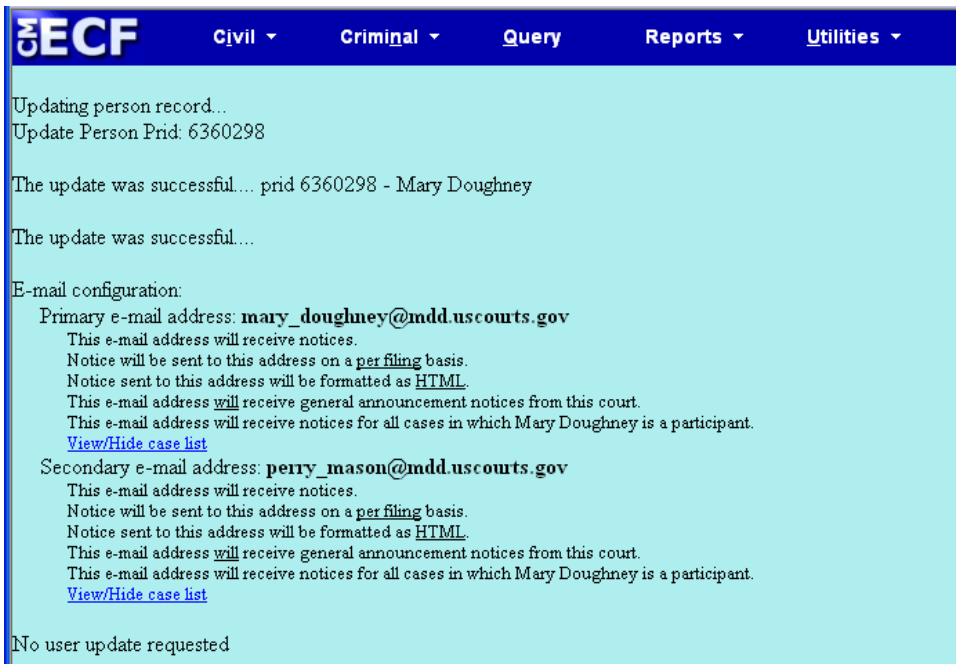


c. As you type the address, the configuration options will be displayed. Update the options as needed.

d. Click the button, **Return to Person Information Screen**.



e. Click **Submit**, then **Submit** again. A confirmation screen will be displayed.



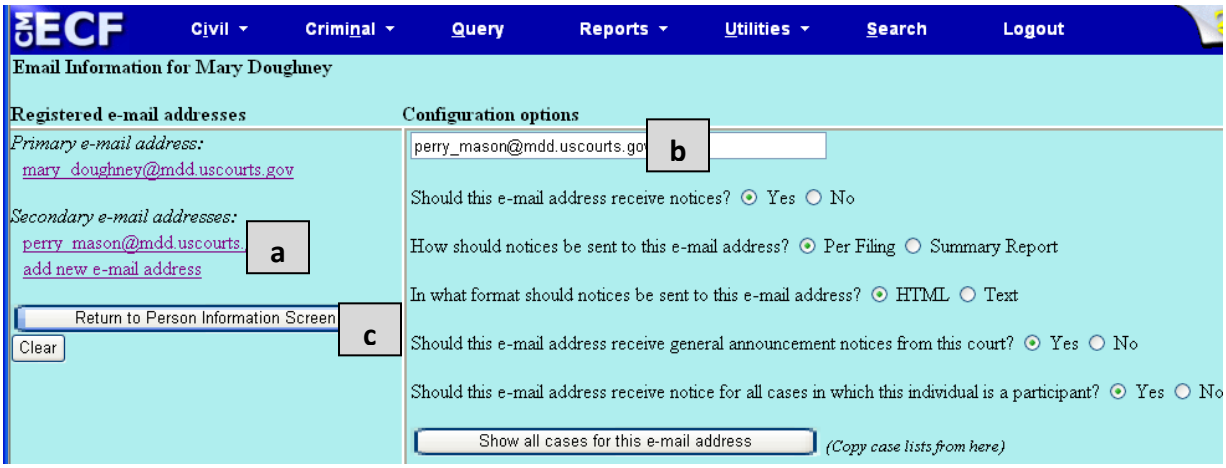
7. How Do I Delete a Secondary Email Address?

To delete a secondary email address:

a. From the Email Information screen, click the email address you want to remove. The email address and the configuration options will be displayed to the right.

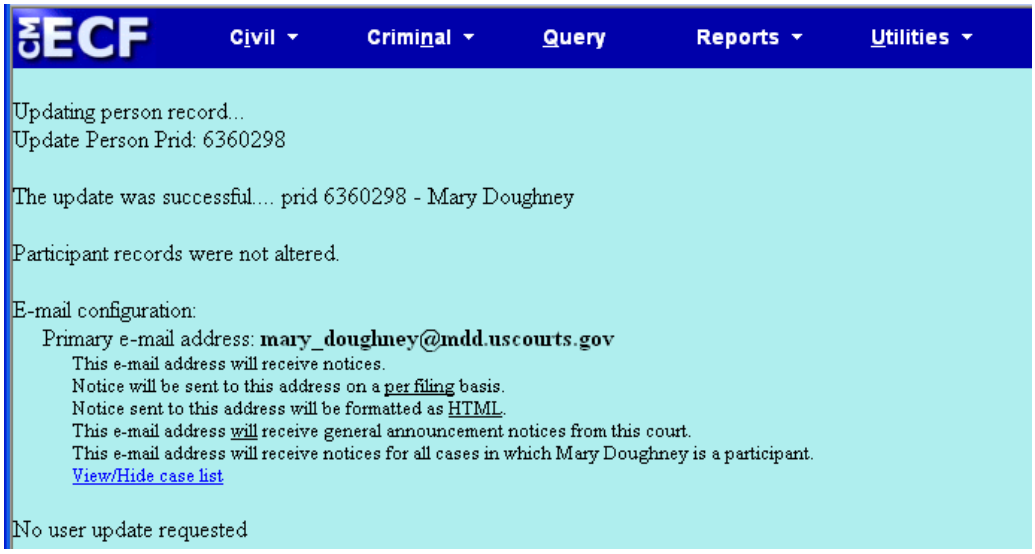
b. Using the **Delete** or **Backspace** key on your keyboard, remove the email address.

c. Click the button, **Return to Person Information Screen.**



d. If you have more than one secondary email address, a pop-up box will ask if you wish to delete this email address. Click **OK**. Click **Return to Person Information Screen.**

e. Click **Submit**, then **Submit** again. A confirmation screen similar to the one below will be displayed.



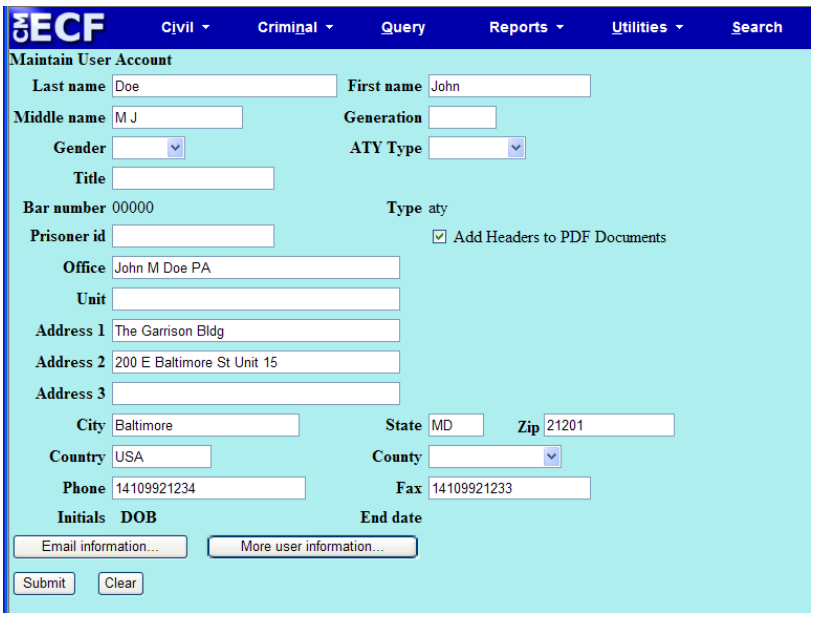
8. How Do I Update My Contact Information?

To update your mailing address, phone number, or fax number, follow the instructions below:

a. Click **Utilities** on the blue menu bar.

b. Under Your Account, click the link **Maintain Your Account.**

c. A new screen will be displayed showing your name, address, phone number, and other information.



d. Enter your address as follows:

- Use only letters and numbers.
- Use standard postal codes.
- Abbreviate street suffixes.
- Spell out numbers less than 10.
- Do <u>not</u> use any punctuation marks or symbols.

e. Always enter 1 in front of your phone and fax numbers.

f. Do not enter or change any information in the remaining fields.

g. Below is an example of contact information and how it should be entered:

Office:	John M Doe PA				
Address 1:	The Garrison Bldg				
Address 2:	200 E Judicial Ave Ste 123				
City:	Baltimore	**State**:	MD	**Zip:**	21202-0001
Country:	USA	**County**:			
Phone:	14105559999	**Fax**:	14105552345		

h. When you have finished updating your contact information, click **Submit** to save your changes.

i. The system then prompts you to select the cases to be updated. Click **Update All**, then **Submit**, so that all cases to which you are linked will be updated.

j. A confirmation screen similar to the one below will be displayed.

D. Hardware and Software Requirements

1. The Basics

- A personal computer running a standard platform such as Windows or Macintosh.
- A PDF-compatible word processor like Macintosh or Windows-based versions of WordPerfect or Word.
- Internet access - CM/ECF has been certified to work with Internet Explorer 7.0 and 8.0, and Firefox 3.5.x. Macintosh users should use Firefox – not Safari – when working with CM/ECF.
- Software to convert documents from a word processor format to portable document format (PDF).
- Software for viewing PDF documents. Adobe Acrobat Reader is available free of charge at: http://get.adobe.com/reader/

2. Optimizing Usage

- A scanner to create electronic images of documents not in your word processing system. *Be sure your scanner is set to 300 pixels per inch or higher.*
- A PACER account for viewing docket sheets and documents.

3. Equipment Available at the Courthouse

The Clerk's Offices in Baltimore and Greenbelt are equipped with public access terminals which may be utilized by registered users to electronically file documents. Scanners also are available.

III. Electronic Filing and Service of Documents

A. Electronic Filing Step by Step

1. Convert Your Document to PDF Format

Convert the document(s) you are filing to PDF format. The system will not accept documents in WordPerfect or Word format, nor does it automatically convert such documents to PDF.

a) Converting a WordPerfect Document

1) Click **File** on the toolbar
2) Select **Publish to** and then **PDF** OR select **Publish to PDF** (the selection depends on the version of WordPerfect you are using)
3) Save the PDF document on your computer.

HELPFUL HINT:

When converting your document to PDF format, make sure the filename ends in .pdf. This will ensure that others will be able to easily download and view it

b) Converting a Word Document

If you are using Word 2007, you can easily convert your Word document to PDF while in Word 2007. If you are using an earlier version of Word, you must use the Adobe Acrobat application to convert your Word document.

Word 2007

To convert to PDF format:

1) Click the Office button (the round button in upper, left corner of screen)
2) Select **Save As**
3) Select **Adobe PDF**
4) The Save Adobe PDF File As window opens. Type the name of the file and click **Save**.

Versions Prior to 2007

To convert the Word document to PDF format, the Adobe Acrobat application must be used. The Word file must be closed before converting it to PDF. Then:

1) Open the Adobe Acrobat application. Click on **File** in the toolbar and select **Create PDF** and then **From File**...

2) A navigation window opens. Navigate, if necessary, to the directory/folder where the Word document is stored. Select the document and click the **Open** button.
3) A series of windows open as the document is converted. When the conversion is completed, the document is displayed in an Adobe Acrobat window. (The hyperlink is converted automatically.)
4) Close the Adobe file. Respond **Yes** to the save changes message and save the PDF document in the appropriate directory/file.

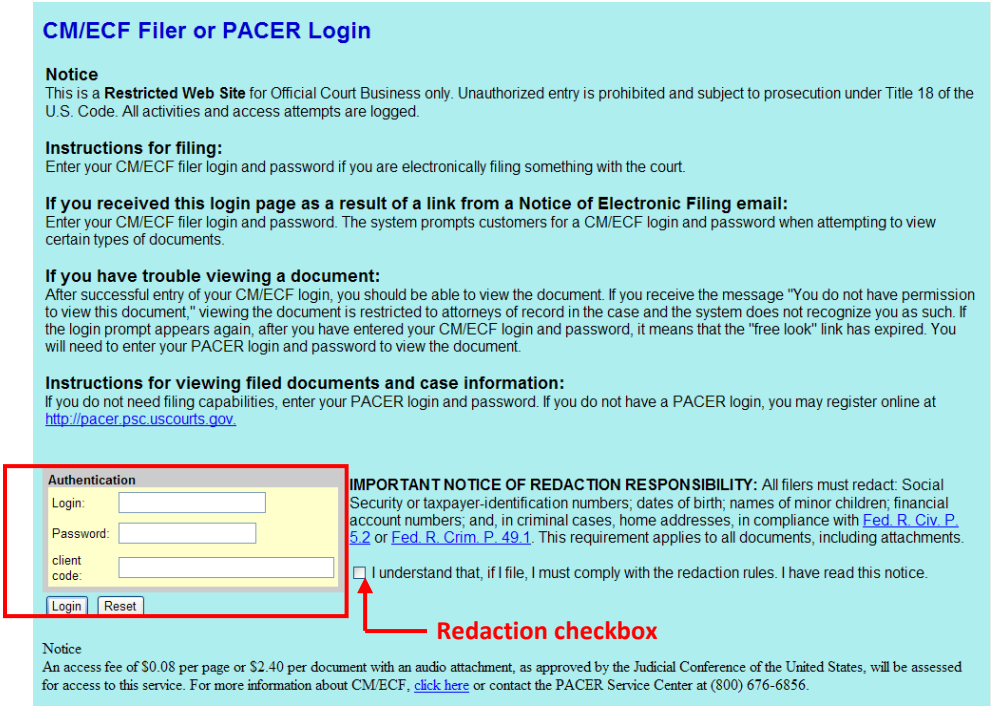
2. Log on to the Court's Website

Go to the Court's electronic filing site on the Internet:

a. Click http://www.mdd.uscourts.gov/
b. Click the CM/ECF button
c. Click **Electronic Case Filing**
d. Click **District of Maryland - Document Filing System** (you may want to bookmark this page for direct access in the future)

3. Enter Login and Password

a. Log in to the CM/ECF system with your court-issued login and password. The login and password fields are case sensitive.



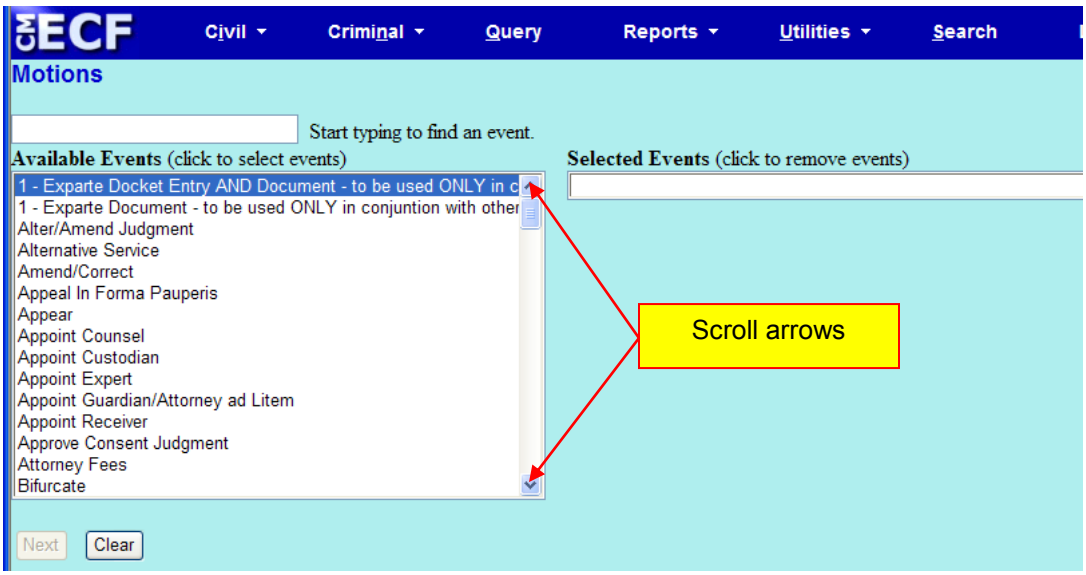
b. The client code field may be displayed and is optional. It serves no purpose if you are logging in with your court issued login and password. If you are logging in as a PACER user, the client code field may be used for billing purposes. It will appear on your PACER billing reports so you may track usage on behalf of particular clients.
c. Click the redaction checkbox to indicate you have read and will comply with the redaction rules.

4. Select Event(s)

Once you are logged in, click **Civil** on the blue menu bar. This will display the **Civil Events** screen. Click on the type of document you are filing.

The system will display a menu of documents in that category. Although every effort has been made to make sure the menus reflect the terminology commonly used in this district, it is possible the menu will not display exactly the same wording as is in the title of your document. The court does not expect you to change the title of your document to exactly match the terminology employed by the system.

If you are not sure what to select, please call the Clerk's Office for assistance.



All menus are in alphabetical order. You may scroll through them by using the arrows to the right of the menu or you may type in the first letter of the name of the document you are filing. This will take you to the first document on the list beginning with that letter. (The documents in the list are also known as "events.")

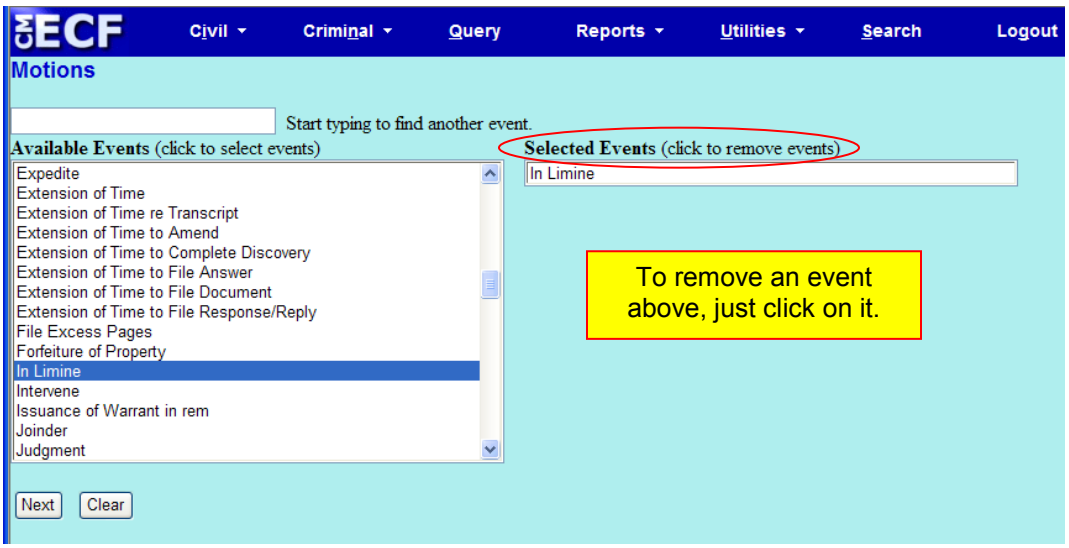
Click on the name of the document you are filing and then click **Next**.

HELPFUL HINT:

A complete list of documents (events) in each category is contained in Appendix A.

You can choose multiple events within the same category. For example, if you are filing a motion for a preliminary and permanent injunction, simply click on them and all of the events you have selected will appear in the text box entitled "Selected Events."

If you click on an event by mistake, you can remove it from the Selected Events list by clicking on it.



5. Enter Case Number

You will be prompted to enter your case number. The system will automatically display the case number of the last case you accessed during the session. If it is the case number you are now filing under, click **Next**. Otherwise, enter the case number using one of the following formats:

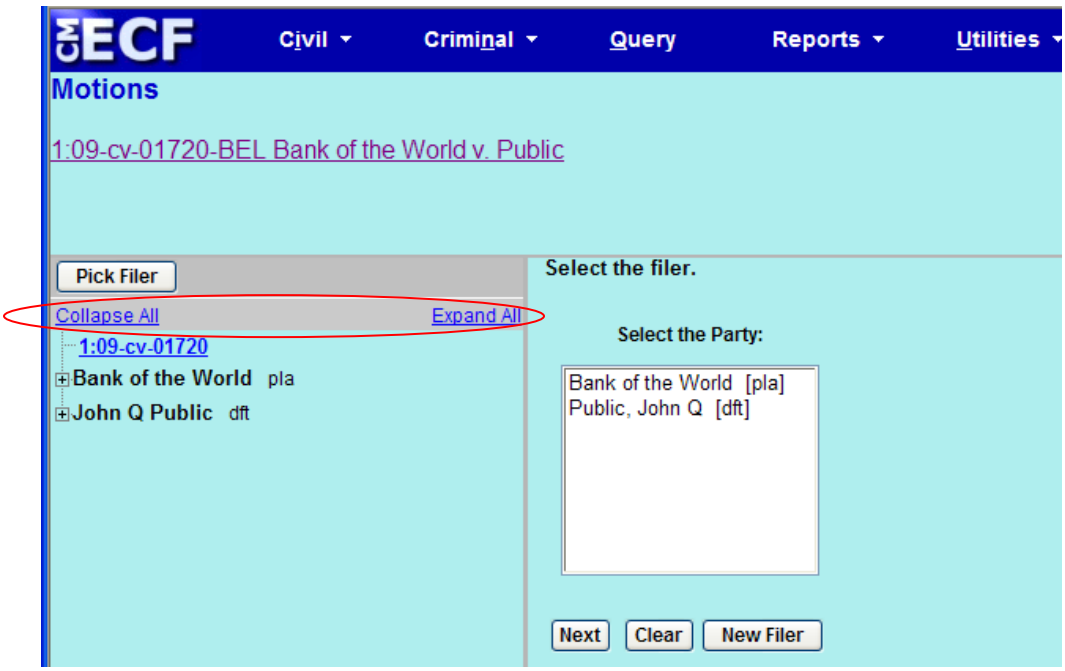
- 99-12345
- 1:99-cv-12345
- 1-99-cv-12345
- 99cv12345
- 1:99cv12345

Click **Find This Case**. If there is more than one case matching the case number information you entered, the system will display a screen with the full numbers of any cases with that number. Select the appropriate case and click **Next**.

If the case number(s) displayed is the correct case number, click **Next**. If it is not the correct case, simply click on your browser's **Back** button and re-enter the case number.

6. Party Information Screen

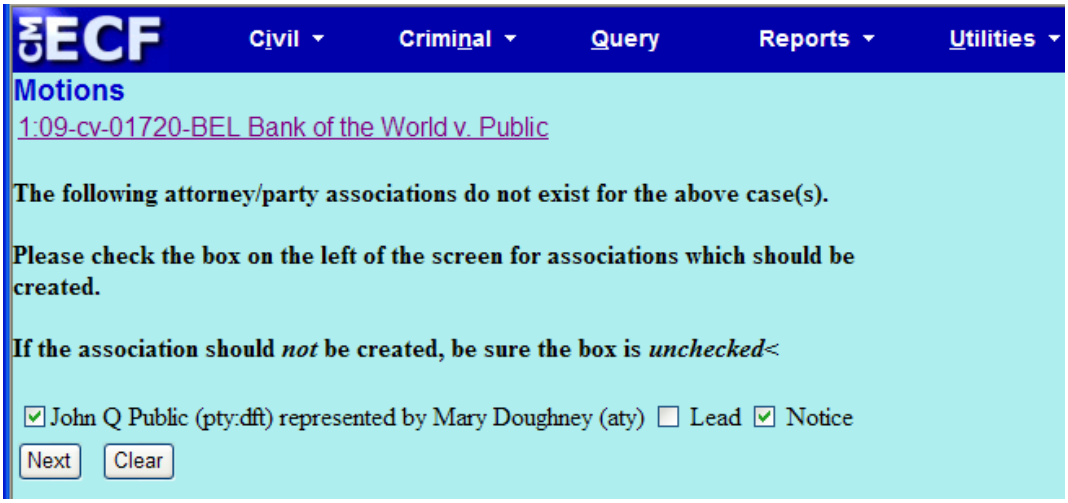
The party information screen will be displayed. The left side of the screen shows parties and case participants. To display all case participants, click **Expand All**. Click **Collapse All**, and only the parties will show.



You will now be prompted to select the filer. Using the right side of the screen, click on the filing party and then click **Next**.

For certain documents you may be prompted to select the party on whose behalf you are filing and then the party against whom you are filing.

If this is the first time you are filing on behalf of a party, the following screen will be displayed.



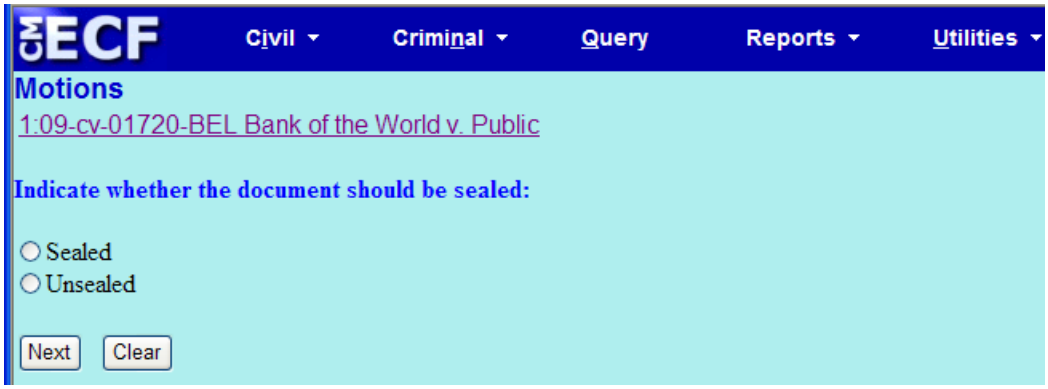
If you are representing the party, make sure the box in front of the party's name and the check box for Notice are checked. By doing so, there is no need to file a

separate Notice of Appearance. (If you are the lead attorney, you may also check the Lead check box).

If you are filing a document jointly with another party such as a joint motion for extension of time, be sure all of the boxes are unchecked so you do not unintentionally enter your appearance on behalf of an opposing party.

7. Should Documents Be Sealed?

Sealed documents may be filed in unsealed cases. While docketing, you may be prompted to select either **Sealed** or **Unsealed**.



Because your filing may include more than one document, one of the following situations will apply:

- No document needs to be sealed
- All documents should be sealed
- Some documents should be sealed; some documents should be unsealed

If no document needs to be sealed, click the **Unsealed** radio button, and then click **Next**.

If one or more documents should be sealed, follow the instructions below.

a) Prepare Document(s)

Prepare your sealed document. In the caption, on the right side, either directly above or below the case number, one of the following should appear in all capital letters and in bold: "**SEALED"** or **"FILED UNDER SEAL**." If the document is an exhibit which does not bear the case caption, one of these phrases should appear prominently on the upper right side of the document.

While it is acceptable to put red seals on documents, keep in mind seals can mean things other than the fact that a document is being filed under seal. Therefore, a seal in and of itself is not sufficient to flag a document as sealed.

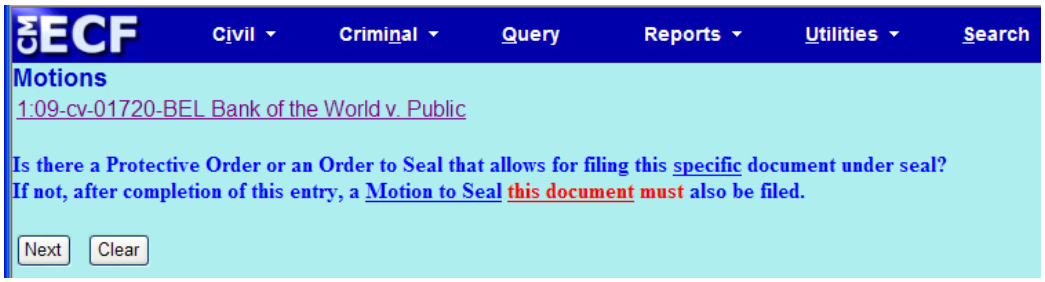
If you would like to seal all the documents for this filing, follow the instructions under *b) All Documents should be Sealed.* Otherwise, if you would like some documents to be sealed and some to be unsealed, follow the instructions under *c) Main Document should be Unsealed; One or More Attachments should be Sealed.*

b) All Documents Should Be Sealed

Select the same event you would use if the document(s) did not need to be sealed. However, when prompted to indicate whether the document should be sealed or unsealed, click the Sealed radio button, then click **Next**. **Unless there is already a Protective Order or an Order to Seal which allows this specific document to be sealed, you will be required to file a Motion to Seal this document.** The Motion to Seal must be filed *immediately* after filing the sealed document.

The document(s) will be temporarily placed under seal until a ruling is made on the request to seal.

Example – you are filing a response in opposition to a motion. Select the event Response in Opposition to Motion. If you want to seal the response and attachments (if any), select "Sealed" when prompted. Whenever "Sealed" is selected, the screen below will then be displayed.



c) Main Document Should Be Unsealed; One or More Attachments Should Be Sealed

In this example, let's assume you are filing a reply to a response to a motion. You have decided the reply does not need to be sealed, but Exhibit A should be sealed. **Your filing will occur in two parts.**

First:

1) File the unsealed document (the main document) by selecting the same event you would use if none of the documents needed to be sealed.
2) In place of the sealed document (i.e., Exhibit A), complete the "Notice of Filing Exhibit or Attachment Under Seal" sample of this document is located in Appendix B) as a placeholder for the sealed document(s). Attach it as an attachment to the main document.
3) When prompted to indicate whether the document should be sealed or unsealed, click the **Unsealed** radio button, then click **Next**.

> **Example** – select the event *Reply to Response to Motion*. Attach the reply. Instead of attaching the sealed exhibit, complete and attach the "Notice of Filing Exhibit or Attachment Under Seal". When prompted, click the "Unsealed" radio button.

Second:

1) After filing the unsealed document(s) and the placeholder(s) as explained above, file the sealed document(s) by using the event *Notice of Filing Exhibit or Attachment Under Seal*. (Click **Civil** on the blue menu bar, then click **Notices**, then select *Notice of Filing Exhibit or Attachment Under Seal)*.
2) Attach the sealed document(s). The document will be automatically sealed. Electronic access to sealed documents is limited to specific court users that have sealed access.
3) **Unless there is already a Protective Order or an Order to Seal which allows this specific document to be sealed, you must also file a Motion to Seal this specific document.** The Motion to Seal must be filed *immediately* after filing the sealed document.

> **Example** – select the event Notice of Filing Exhibit or Attachment Under Seal. Attach Exhibit A (your sealed document). The document will be automatically sealed, so you will not be prompted to select "Sealed" or "Unsealed".

d) Procedures Applicable to All Sealed Documents

At the same time, or immediately after filing the sealed document, you must serve a copy of the sealed document on any party required to be served by the Federal Rules of Civil Procedure. Service may be made in paper format or in any other format/means agreed to by the parties. Your filing with the court must include a Certificate of Service reflecting service by other means.

Any document you are filing under seal must be accompanied by a courtesy copy for chambers. Documents filed under seal cannot be served through CM/ECF because parties do not have access to sealed documents.

e) Redacted Documents

Similar to a sealed document, if you are filing a redacted document and an unredacted version of a document, prepare both documents. In the caption of the redacted version, on the right side, either directly above or below the case number, one of the following should appear in all capital letters and in bold: "**REDACTED**" or "**REDACTED VERSION.**"

If a document is to be redacted, (for example, a memorandum containing personal identifiers in only one section):

1) File the redacted version of the document using the event, *Redacted Document*.
2) File the unredacted version using the event, *Unredacted Document*. This document WILL NOT be sealed, but only case participants will have access to it.

8. Add PDF Documents

You cannot proceed any further until you have attached a main document**.**

If you are filing more than one document, the other documents must be added as attachments and each document must be a separate PDF file. For example, you must have a separate PDF file for each of the following:

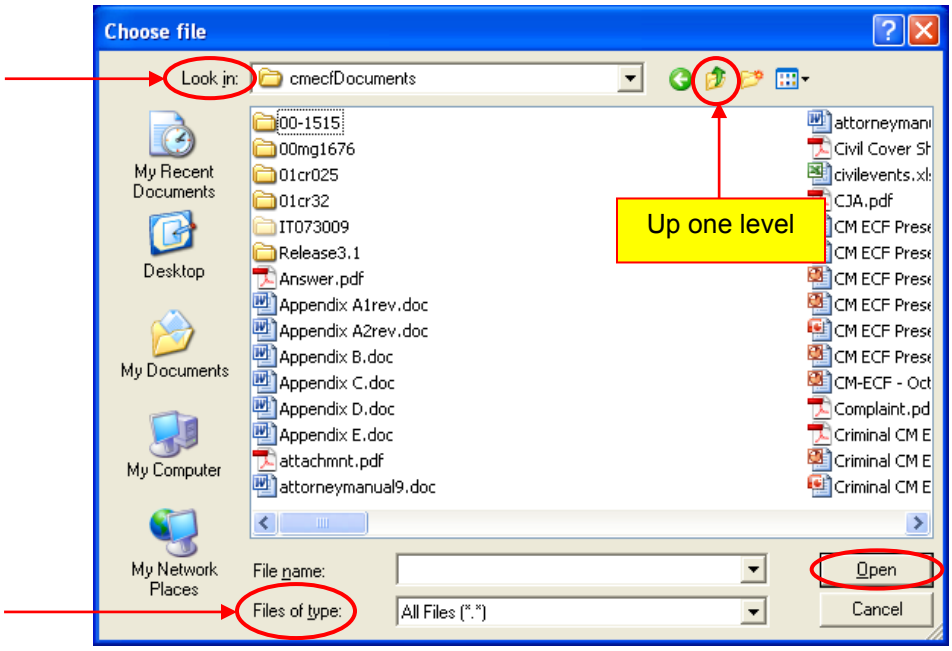
- Motion to Stay
- Memorandum in Support
- Proposed Order
- Exhibit A
- Exhibit B

REMINDER:
When filing more than one document, each document must be a separate PDF.

To attach a PDF document you can either enter the path and filename of the document using the PDF extension in the Filename field, or you can click on the **Browse...** button and follow the instructions below.

a) Add Main Document

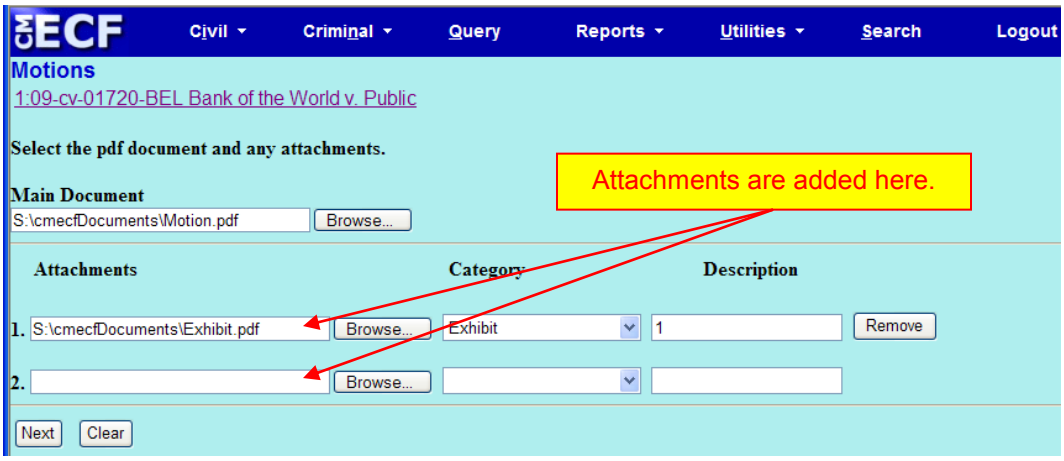
1) Click the **Browse...** button under Main Document and the system will display the Choose file window.
2) Change the Files of type field at the bottom of the window to "All Files (*.*)" or "Acrobat (*.pdf)" so you can view PDF documents.
3) Navigate through your directories and folders by clicking on either the down arrow at the right of the Look in field or the up one level icon to the right of the field.



4) Once you have located the PDF document you wish to file, you should view the document to verify it is the correct one by right clicking on the file name. A menu will open. Click either **Open** or **Open with Acrobat**.
5) This will cause the system to launch Adobe Acrobat Reader and display the contents of the document. Close Acrobat Reader by clicking the **X** in the upper right corner. This will return you to the Choose file window.
6) Once you have located the correct document, click the **Open** button in the lower right corner of the Choose file window. The system will then insert the path and file name in the filename field next to the **Browse…** button.

b) Add Attachments

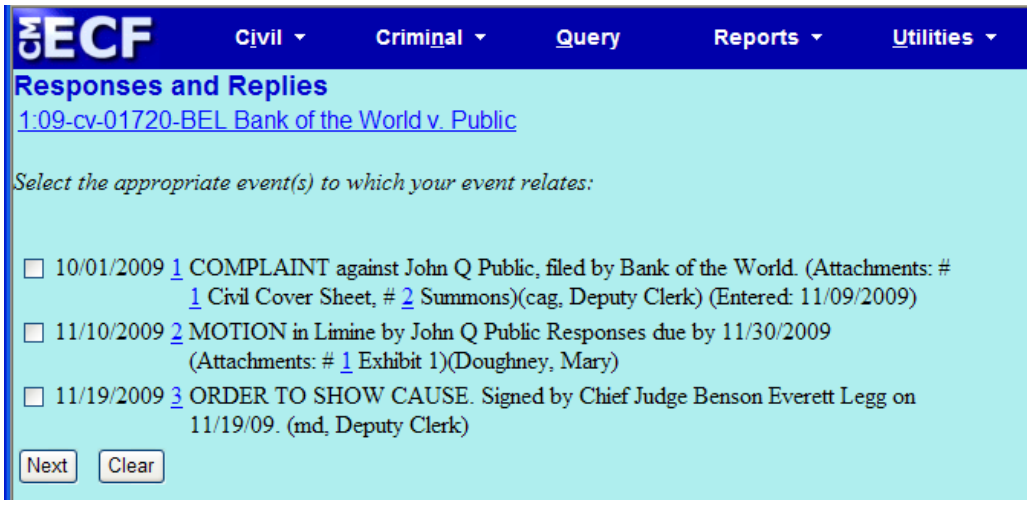
1) To attach additional documents, click the **Browse…** button under Attachments and follow steps 2) through 6) above.
2) After adding an attachment, you must choose a category from the drop-down list and/or enter a description of the attachment. It can be useful to use descriptive labels when there are multiple attachments. Whether you select a category listed or enter a description on your own, both will display in the final docket text. Therefore, do not repeat the same text in both places.
3) If you make a mistake and add the wrong attachment, click the **Remove** button to remove it.
4) Continue doing this until you have added all attachments. Then click **Next**.



9. Link to Other Documents

Depending upon the type of document you are filing, the system may offer you the chance to link your document to another document previously filed in the case. Creating a link will cause the system to reference the other document in the docket entry.

To create a link, check the box next to the appropriate document, then click **Next**.

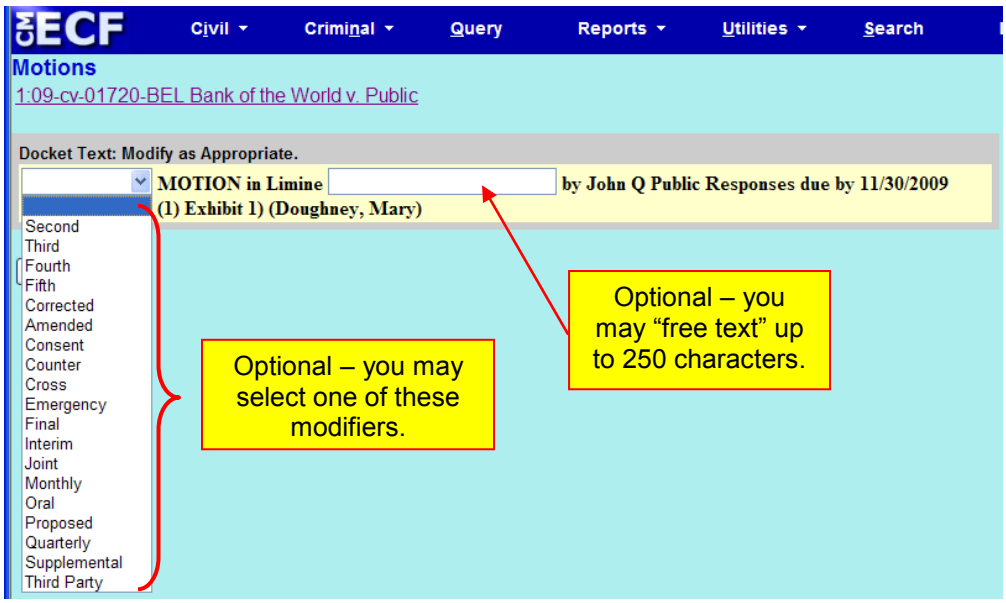


10. Docket Text

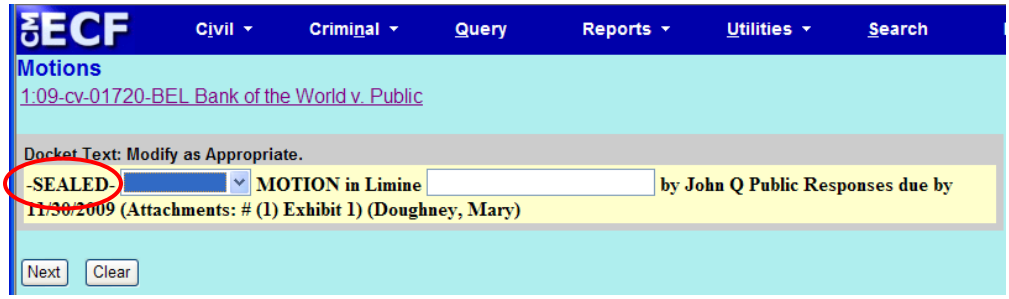
The system will display the text of the docket entry which will be made.

You may not modify the language inserted by the system. However, certain events such as motions allow you to add modifiers from the drop-down list at the beginning of the entry and free text up to 250 characters in the field after the name of the motion. Some other events do not allow you this opportunity.

After you make any modifications to the docket entry, click **Next.**

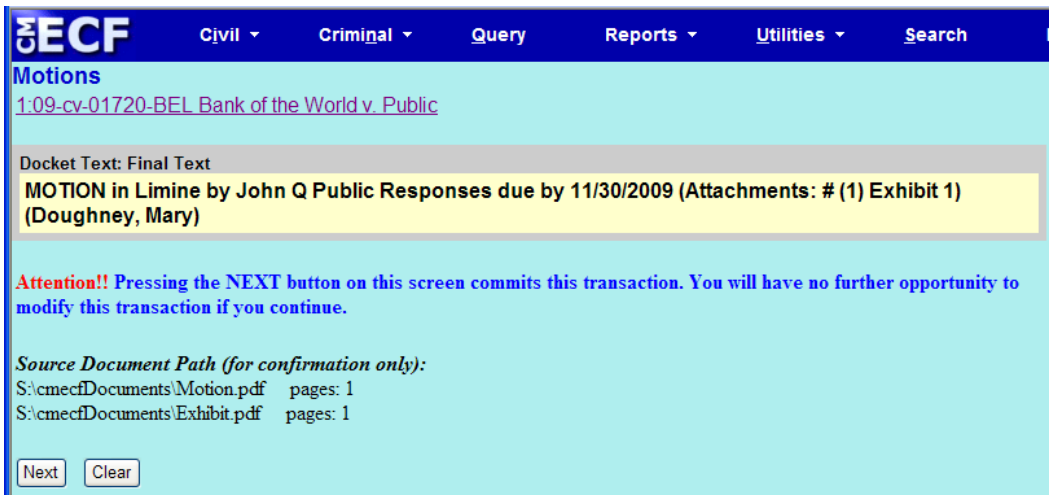


If you had indicated the document should be sealed, "SEALED" will precede the usual docket text. Again, make any necessary modifications, and click **Next**.



11. Final Docket Text

The system now displays the final text of the docket entry along with a warning that clicking **Next** will file the document. This page will also provide the name of your attachment and the number of pages.



Up to this point, no information has been entered into the system and no notice has been sent to any party. If you decide you do not wish to file the document, you may simply log out of the system. If you wish to change something, you may click on your browser's **Back** button until you reach the point where you wish to make the change.

If you receive a "Warning Page Expired" message, you will need to click **Civil** on the blue menu bar and start this filing from the beginning.

This is the "point of no return!" If you are sure you want to file the document with the docket entry text displayed, click **Next**.

12. Notice of Electronic Filing (NEF)

The system will now display a Notice of Electronic Filing (NEF). This is proof the document has been filed. You should save a copy of this notice and can print a copy by clicking on your browser's print button. You can save an electronic copy by clicking on **File** and then **Save As** on your browser's menu bar.

CM ECF Civil Criminal Query Reports Utilities Search Logout

Motions

1:09-cv-01720-BEL Bank of the World v. Public

U.S. District Court

District of Maryland

Notice of Electronic Filing

The following transaction was entered by Doughney, Mary on 11/10/2009 at 1:16 PM EST and filed on 11/10/2009

Case Name: Bank of the World v. Public
Case Number: 1:09-cv-01720-BEL
Filer: John Q Public
Document Number: 2

Docket Text:
MOTION in Limine by John Q Public Responses due by 11/30/2009 (Attachments: # (1) Exhibit 1)(Doughney, Mary)

1:09-cv-01720-BEL Notice has been electronically mailed to:

Mary Doughney mary_doughney@mdd.uscourts.gov

1:09-cv-01720-BEL Notice will not be electronically delivered to:

Virginia zahner

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename:n/a
Electronic document Stamp:

a) Service on Registered CM/ECF Users

If the Notice of Electronic Filing (NEF) lists counsel for a party under the heading: "Notice has been electronically mailed to" this is the equivalent of service by first class mail, postage prepaid, subject to the provisions of Fed.R.Civ.P. 5 (b)(3).

This is why it is CRITICAL to maintain current contact information, including email addresses, in your CM/ECF attorney record.

If all parties are represented by counsel to whom the system sends an NEF, it is not necessary to file a separate Certificate of Service.

HELPFUL HINT:
If you click Utilities, Mailings, then Mailing Labels by Case, you can enter a case number and the system will generate addresses for counsel for the case in a format which can be printed on a label.

Documents filed under seal cannot be served through CM/ECF because parties do not have access to sealed documents.

b) Service on Parties Not Registered to Use CM/ECF

If the NEF lists a party or counsel under the heading: "Notice will not be electronically delivered to," the filing party must serve the document in accordance with the Federal Rules of Civil Procedure within 24 hours of the electronic filing. The filing party must serve a copy of the NEF with the document. For any document served on a party by means other than the CM/ECF system, the filing party must file an electronic version of the Certificate of Service attached to the document. A sample Certificate of Service is located at the end of this manual as Appendix D.

B. General Procedures

1. Lengthy Documents

Excessively large documents, especially those that are scanned, may exceed the system's per document capacity (30 megabytes). If you have a very large document (usually well over 100 pages in length*), create and file a Notice of Filing of Lengthy Exhibit in substantially the same form as Appendix C. This notice serves as a placeholder for the document that cannot be electronically filed. Within 24 hours (not counting intervening weekends and holidays) you must file and serve the document in paper format along with:

REMINDER:
Documents exceeding 30 megabytes must be filed as a lengthy document in paper format.

- a traditional Certificate of Service
- a paper copy of the Notice of Filing of Lengthy Document
- a paper copy of the Notice of Electronic Filing (NEF)

In addition, the Clerk's Office must receive the original of any document that cannot be electronically filed in the system. This version will be used as the official record of the Court. The copy for the Clerk's Office is in addition to any courtesy copy which you are required to provide to chambers.

** The 100 page limit is flexible. Depending on the contents of the document, type of scanner and software used, you may be able to electronically file longer documents. Many documents longer than 100 pages will be accepted by the system. If your document exceeds 30 megabytes, the system will display an error message.*

2. Complaints and Other Case Initiating Documents

New cases may either be filed electronically or submitted in paper format to the Clerk's Office for filing. To file a new case electronically, please refer to the Civil Case Opening Procedures in Section XIII of this manual.

WARNING: Failure to submit PDF versions of the complaint and other documents will cause delays in the opening of the case. The clerk may decline to issue summonses until PDF versions of the documents are provided.

To file a new case with the Clerk's Office in paper format, you should submit to the clerk:

- One paper copy of the complaint or other initiating document, along with any attachments, motions, or other documents being filed at the same time.
- The paper copy of the complaint or other initiating document should be signed by counsel. It is not necessary to scan counsel's signature for the PDF version.
- One paper copy of the civil cover sheet.
- A CD containing PDF versions of the complaint or other initiating document(s), civil cover sheet, attachments (subject to the procedures governing lengthy documents), motions, or other documents being filed at the same time. Each attachment, motion, or other document **MUST** be a separate PDF. It is not necessary to submit a separate CD for each document.
- If you are filing more than one case, each case must be on a separate CD.
- If summonses are needed, original paper summonses must be provided (PDF versions of the summonses are not required).
- If service is to be made by private process, there is no need to submit service copies to the clerk.
- If service is to be made by the U.S. Marshal, you must submit the appropriate number of service copies of the complaint and related documents to the clerk.

The Clerk's Office will open the case and electronically file the complaint or other

initiating document and any other documents submitted. You will be electronically notified of the filing of the complaint and the notification will include your case number. We will issue the summonses, scan them, and docket the PDF versions. The paper summonses will be returned to you for service or, if appropriate, sent to the U.S. Marshal for service. The paper copies of the complaint and other documents will be sent to the assigned judge for his or her chamber's file. The official court documents will be the PDF versions electronically filed.

When filing a new case with a motion for a temporary restraining order, you should submit two paper copies of the complaint, motion and any other documents along with the PDF versions.

Detailed instructions for opening Social Security cases are available on the Court's web site. Go to www.mdd.uscourts.gov, click the **CM/ECF** button, click the **CM/ECF Procedures** link, click the **CM/ECF** tab, and then click the icon next to "Social Security Cases Procedures Manual."

3. Documents Subject to Electronic Filing

All documents in a case subject to electronic filing (except those exempted by Section III.B.1.) are to be filed electronically. If the court receives a paper document which should have been filed electronically, it may be returned without being docketed. If the document is accepted and scanned by court staff, the paper version may be sent to the presiding judge as a courtesy copy and a warning letter will be sent to the filing party.

4. Courtesy Copies (Paper Copies)

REMINDER:
You must submit a paper copy to chambers for documents which are 15 pages or longer. The printed NEF should be placed on top.

When the number of pages for the **main document plus attachments** total 15 pages or more, one paper copy of all the documents must be submitted to the Clerk's Office for the presiding judge. The paper copy should be printed after the document is converted to PDF so the pagination matches the version filed electronically. A paper copy of the Notice of Electronic Filing (NEF) must be attached to the front of the copy. The copy should be received by the Clerk's Office within 48 hours (excluding weekends, holidays, and days the court is closed) of the electronic filing of the document.

Any documents which, because of their length or any other reason, are not filed electronically should be accompanied by the number of copies required by Local Rule 105.1.b.

5. Margins for All Documents

To ensure all information is legible, please allow a one-inch top margin of white space on all documents, including letterhead.

C. Special Procedures for Particular Documents

1. Amended Documents

a) Original of Proposed Amendment to Accompany Motion

Whenever a party files a motion requesting leave to file an amended filing, the original of the proposed amended document must accompany the motion. If the motion is granted, an additional copy of the amended document need not be filed. The amended document will be deemed to have been served, for the purpose of determining the time for response under Fed. R. Civ. P. 15(a), on the date the court grants leave for its filing.

b) Exhibits to Amended Documents

Unless otherwise ordered by the court, only newly added exhibits are to be attached to an amended document. However, if the amended document adds a new party, counsel must serve all exhibits referred to in the amended document upon the new party.

REMINDER: Amended documents must include a "red-lined" version.

c) Identification of Amendments

Unless otherwise ordered by the court, the party filing an amended document must file and serve (1) a clean copy of the amended document and (2) a copy of the amended document in which stricken material has been lined through or enclosed in brackets and new material has been underlined or set forth in bold-faced type.

Attach the clean copy of the amended document as the main document and attach the "red-lined" version as an attachment.

d) Requested Consent of Other Counsel

Before filing a motion requesting leave to file an amended document, counsel must attempt to obtain the consent of other counsel. Counsel must state in the motion whether the other counsel consents to the motion.

2. Answers

In a civil case subject to electronic filing, answers must be filed electronically.

To electronically file an answer, follow the steps below:

a) Log in, Select Event, Select Case

Log into the CM/ECF system and click **Civil** on the blue menu bar. The system will display the Civil Events screen. Click **Answers to Complaints**.

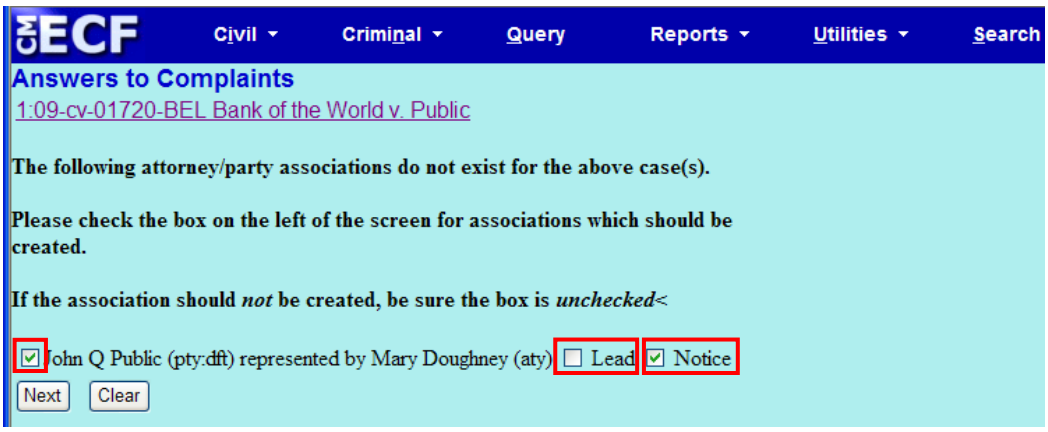
You will be prompted to enter the case number of the case in which the answer is to be filed. After entering the number, click **Next**.

b) Select the Filer

The system will display the Select Filer screen.

Click on the name of the party on whose behalf you are filing the answer. If you are filing on behalf of more than one party, you may select multiple parties by holding down the control (Ctrl) key while clicking on the parties. Once the party or parties have been selected, click **Next**.

If this is the first document you have filed in the case, the following screen will be displayed.



If you are representing the party, make sure the party/attorney and Notice boxes are checked. By doing so, there is no need to file a separate Notice of Appearance. Check the Lead attorney box if appropriate.

You cannot enter the appearance of an attorney other than the one whose login and password are being used. If a party is represented by more than one attorney who is a registered ECF user, the appearance of the additional attorney should be entered separately by the second attorney. The second and any subsequent attorneys must electronically file a Notice of Appearance after the answer has been filed.

REMINDER:
Attorneys cannot enter the appearance of another attorney.

c) Seal the Documents?

The system will ask if the document you attached should be sealed. Select Sealed or Unsealed and click **Next.**

<u>Unless there is already a Protective Order or an Order to Seal which allows this specific document to be sealed, you must also file a Motion to Seal this specific document.</u>

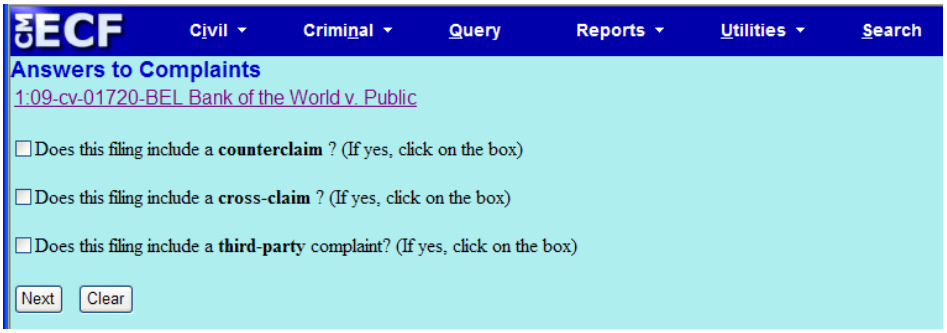
d) Select the Complaint and Attach your Answer

The system will display the complaint selection screen. This screen lists the docket entries for all complaints, counterclaims, cross-claims, and third party complaints for which an answer is still due. Click the check box next to the filing which you are answering, then click **Next**.

The system will display the select document screen. Attach your PDF answer document and click **Next**.

e) Counterclaim, Cross-Claim, or Third-Party Complaint?

The system will prompt you to indicate whether the answer includes a counterclaim, cross-claim, or third party complaint.



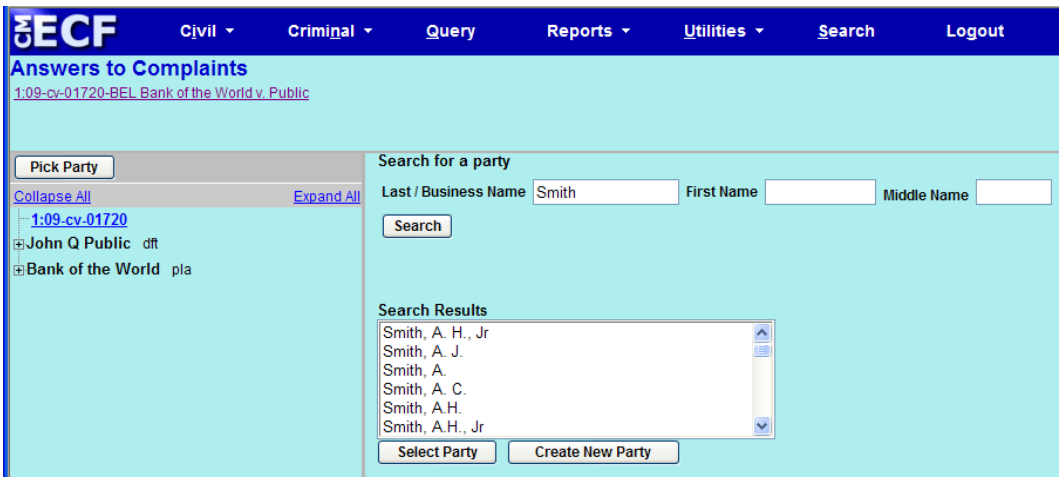
If your answer includes a counterclaim, cross-claim, or third party complaint, click the appropriate check box(es). If the answer does not include any of these, leave the check boxes blank. Then click **Next**.

If you checked that you are filing a counterclaim, cross-claim, or third party complaint, you will be prompted to select the party against whom you are filing. If you are filing against a party already in the case, select the party from the list, click **Next**, and go to Step f).

If the party you are filing against is not on the list, click the **New Party** button.

1) When creating a new party, you will first be prompted to search the system for the party. (A party not already in your case may be in the system because they were a party to a different case). You do not need to enter the entire name of the party. Simply input the first two letters and the system will show all names beginning with the letters you entered.

2) If the party is a person, type in his or her last name. If it is a business or other entity, type in the name. For a business or other entity, enter the business name in the Last/Business Name field.



3) Click **Search**. If the name of the party you wish to add is on the list, click on their name to highlight it and then click **Select Party**.

4) If, after searching for a party the system finds no matches or no one on the list matches the party you wish to add, click **Create New Party**. This will bring up the party information screen.

   - The system will automatically enter the last name field with the name for which you searched. If the party is a person, enter his or her first name, middle name, and generation (if applicable). If the party is a business, agency or other entity, do not fill in a first or middle name. Enter the full name of the business or other entity in the last name field.
   - Do not fill in an address, phone number or email address for any party.
   - As a default setting, the system lists the role of a new party as defendant. If this is not correct, click on the drop-down arrow for the role field. Scroll through the list until you find the correct party type and click on it.
   - Click **Add Party**.

5) You will be returned to the select party screen. Select the party against whom you are filing by clicking on their name. Click **Next**.

f) Jury Demand

You have the opportunity to update the jury demand information. If your answer includes a jury demand select Yes. If not, select No, then click **Next**.

g) *Disclosure Statement Filed?*

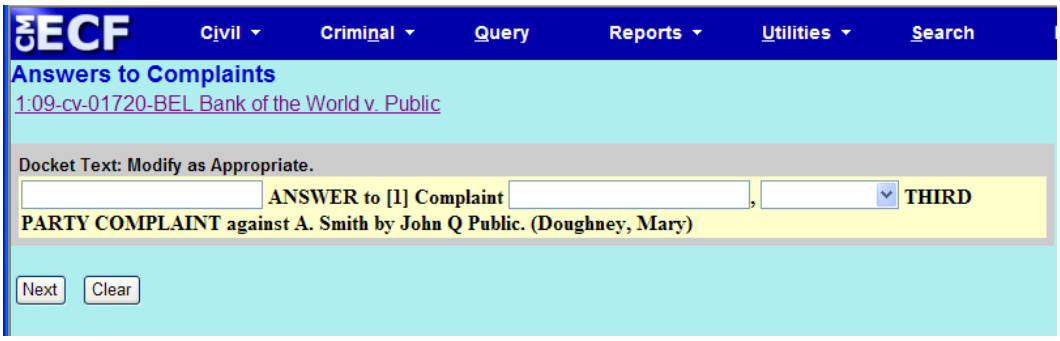
The system will ask if you have filed a disclosure statement pursuant to Local Rule 103.3.

When filing an initial pleading or promptly after learning of the information to be disclosed, counsel must file a statement (separate from any pleading) containing the corporate affiliation and financial interests in the outcome of the litigation (see Local Rule 103.3 for more information). If a disclosure statement is not filed with the answer, a deficiency notice will be issued when the court performs its quality control review.

Select either Yes or No and click **Next**. (See section 8 - *Disclosure of Corporate Interest* for instructions on how to file a Disclosure of Corporate Interest).

h) *Docket Text*

The system will display the text of the docket entry that will be made. You may modify the text only in the first two blank fields. If you need to modify the third field, you must select items from the drop-down menu. When the docket entry is in final form, click **Next**.



i) *Final Docket Text*

The system now displays the final text of the docket entry along with a warning that clicking **Next** will file the document. This page will also provide the name of your attachment and the number of pages.

This is the "point of no return!" If you are sure you want to file the document with the docket entry text displayed, click **Next**.

j) Notice of Electronic Filing (NEF)

The system will now display a Notice of Electronic Filing (NEF). This is proof the document has been filed. You should save a copy of this notice and can print a copy by clicking on your browser's print button. You can save an electronic copy by clicking on **File** and then **Save As** on your browser's menu bar.

k) New Party Summons Needed

If you added a party for whom a summons must be issued, you must prepare the summons and electronically file it using the event Notice (Other).

You will have the opportunity to add language after you attach your summons. In the free text box you should add: "For the clerk to issue summons."

You may also hand deliver your summons to the Clerk's Office for issuance. The clerk will issue the summons, scan it, file an electronic copy, and return the paper copy to you for service.

3. Appeals

a) Filing

REMINDER:
A Notice of Appeal cannot be filed until after the Judgment has been filed.

A Notice of Appeal should be filed electronically as with any other document, but it should not be filed prior to a judgment being filed. Click **Civil** on the blue menu bar, then click **Appeal Documents**. It is not necessary to provide the court with paper copies of the notice for service on the other parties. The Notice of Electronic Filing constitutes the copy the clerk is required to serve under Fed. R. App. P. 3(d).

b) Fees

Payment of the appellate filing fee can be done through the Pay.gov website. (Please refer to XIII.C.5. for more information). If you do not pay online through Pay.gov, the fee must be remitted to the clerk within 24 hours (excluding weekends, holidays, and days the court is closed) of filing the Notice of Appeal. If you are filing a Motion for Leave to Appeal *in forma pauperis*, it should be electronically filed immediately after filing the Notice of Appeal.

c) Briefs

If you are appealing to the United States Court of Appeals for the Fourth Circuit or to the Federal Circuit, do not electronically file copies of your brief with this Court. Briefs may be electronically filed with this court only in cases where the appeal is to a district judge.

4. Bankruptcy Cases

a) Appeals, Motions for Leave to Appeal, and Motions for Withdrawal of Reference

Notices of appeal, motions for leave to appeal, and motions for withdrawal of reference should be filed in the bankruptcy court in the format being used by that court for the particular case involved.

b) Designation of Record

The designation of record should be filed in the bankruptcy court in the format being used by that court for the particular case involved. The bankruptcy court will transmit all designated items to the district court and the parties are not required to submit additional copies unless requested by the bankruptcy court.

Electronic documents in the bankruptcy case will be transmitted electronically from the bankruptcy court to the district court. If the bankruptcy case consists of paper documents, the bankruptcy court will convert the paper case documents to electronic format before transmitting to the district court. However, transcripts, bound materials, and exhibits in paper format will be transmitted by paper from the bankruptcy court to the district court.

c) Filings after Case is Transmitted to District Court

Unless the case is exempt from electronic filing by order of the presiding judge, any filing made directly to the district court should be in electronic format and in accordance with the procedures established in this manual.

Once a district court case using electronic filing has been opened, any documents which by federal or local rule are required to be filed in the bankruptcy court and then transmitted to the district court, are to be filed in both courts by the parties. The documents must be electronically filed in the

district court and filed in the bankruptcy court in whatever format is being utilized for the bankruptcy case.

5. Certified Documents, Notarized Documents, or Documents Authenticated by Other Means

Documents which are certified, notarized or authenticated by other means should be scanned and filed electronically if they are not excessively lengthy (less than 30 megabytes). The filer is responsible for maintaining the original and making it available for inspection upon request by the court or another party.

The original should be maintained at least until all appeals have been completed or the time for taking an appeal has expired.

If the document is excessively large, file the original in paper format and follow the procedures for filing a lengthy document. (See Section III.B.1. for more information.)

6. Correspondence

The main civil menu contains a category for correspondence. The events in this category include requests for conferences, hearings, extensions of time, etc. Judges also will use the CM/ECF system to send routine correspondence to counsel.

7. Cross-claims, Counterclaims, and Third Party Complaints

The system allows for the filing of cross-claims, counterclaims, and third party complaints as separate documents. To file these documents, follow the general instructions in Section III.C.2, Answers.

8. Disclosure of Corporate Interest

a) Click **Civil** on the blue menu bar.

b) The system will display the **Civil** events screen. Click on **Other Documents**, then **Local Rule 103.3 Disclosure Statement**. Click **Next**.

c) You will be prompted to enter the case number. Click **Find This Case**. If necessary, select the appropriate case number. Click **Next**.

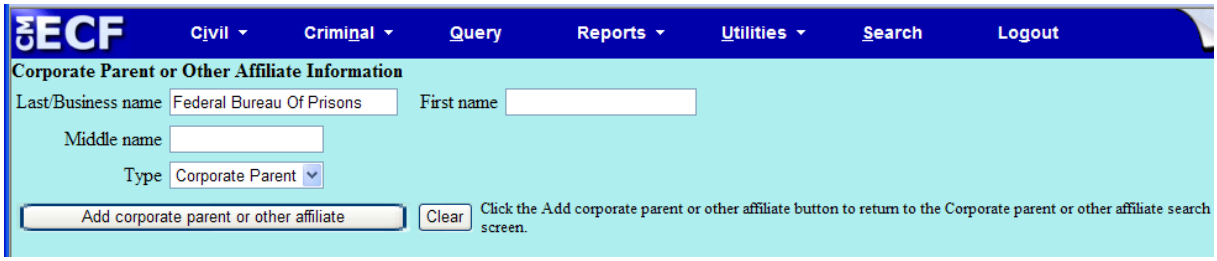
d) The system will now allow you to attach your Local Rule 103.3 statement. Please refer to Section III.A.8. if you need further instructions on how to attach a document.

e) The system will display the Select Filer screen. Click on the name of the party on whose behalf you are filing the Local Rule 103.3 Disclosure Statement.

f) A message will appear "Add Corporate Parent and/or Corporate Affiliate(s)." Click **Next**.

g) On the "search for a corporate parent or other affiliate screen," enter the corporate parent in the Last/Business name field. Click **Search**. This search screen will allow the user to search for the corporate parent or affiliate, or add a new one.

h) If the party is not found in the database, click **Create New Corporate Parent or Other Affiliate**. Verify the spelling of your corporate parent and select the appropriate Type. Click **Add corporate parent or other affiliate**.

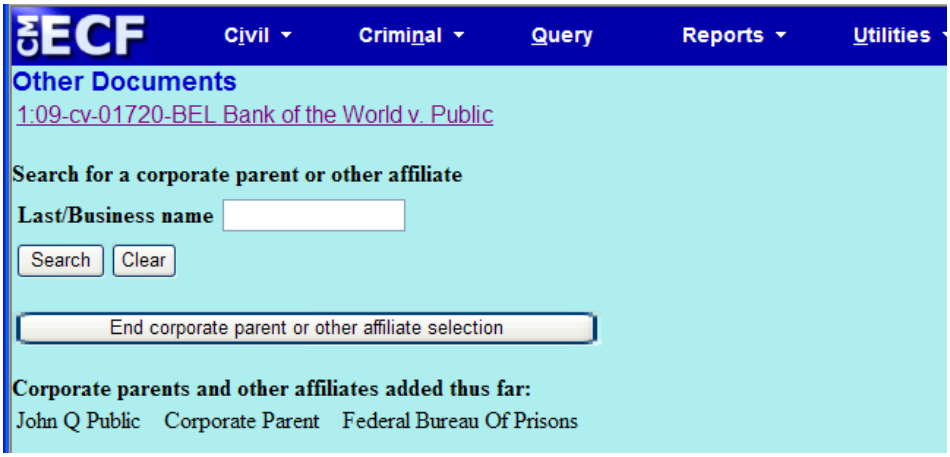


i) After a corporate parent or affiliate has been selected, you will be

prompted to select the party or parties to which the corporate parent or affiliate is to be linked. Select the correct party and click **Next**.

j) You may add additional corporate parents and/or affiliates without limit. Repeat steps g) through i) for each corporate parent or other affiliate listed on your Local Rule 103.3 disclosure statement.

k) When you have finished adding all of the corporate parents or other affiliates, click **End corporate parent or other affiliate selection**. The system will also show a preview of the previously added party.



l) The system will display a verify case number screen. Click **Next**.

m) Up to this point, no information has been entered into the system and no notice has been sent to any party. If you decide you do not wish to file the document, simply log out of the system. If you wish to change something, click on your browser's **Back** button until you reach the point where you wish to make the change. However, if you are sure you want to file the document with the docket entry text displayed, click **Next**.

9. Discovery

REMINDER:
A Certificate of Service should not be filed with the court for Discovery filings.

CM/ECF should not be used for filing routine discovery requests, responses, or Rule 26(a) disclosures. See Local Rule 104.5. Procedures for electronic filing of other documents related to discovery are outlined below.

A Notice of Service should not be filed with the Court.

a) Motion for Leave to Take Deposition

If by statute, rule, or court order, court approval is required before taking a deposition, you may file a Motion for Leave to take deposition. Choose **Motions** from the main civil menu and select **Take Deposition**. Proceed as outlined in Section III.A.

b) Motion to Compel Discovery (where no response has been received by a party concerning deposition questions or where the request was directed to a non-party)

1) From the Main Civil menu click **Motions**, then choose **Compel**. Proceed as outlined in Section III.A.
2) After selecting your motion, be sure to attach your Local Rule 104.7 certification. If the certification is not attached, the court may direct your motion be marked "filed in error" and not consider it.
3) When you reach the Modify Docket text screen, type in "Discovery" and any additional information you want to include in the docket entry. Proceed as outlined in Section III.A.

> **HELPFUL HINT**:
> All motions to compel require a Local Rule 104.7 certification, regardless of whether answers to discovery requests have been received

c) Motion to Compel Discovery (where a response has been received from a party but is not considered satisfactory)

Service of Motions and Memoranda

If a party who has propounded interrogatories or requests for production is dissatisfied with the response to them and has been unable to resolve informally (by oral or written communications) any disputes with the responding party, that party must serve a motion to compel within thirty days of the party's receipt of the response.

The memorandum in support of the motion must set forth, as to each response to which the motion is directed, the discovery request, the response thereto, and the asserted basis for the insufficiency of the response. The memorandum must be succinct and need not include citation to legal authorities unless such citation is necessary in order to understand the issues presented.

The opposing party must serve a memorandum in opposition to the motion

within fourteen days thereafter. The moving party must serve any reply memorandum within fourteen days thereafter.

The parties must **serve motions and memoranda under L.R. 104.8 in accordance with Fed. R. Civ. P. 5(a) and must not serve them through the Court's electronic filing system nor file with the court notices of service of the motion and memoranda.** Extensions of time given by the parties to one another to serve any discovery document need not be approved by the court, provided that no extension of time limits set in any scheduling order entered by the court are made without the court's prior approval.

If the dispute is not resolved by the conference required by Local Rule 104.7, the party seeking to compel discovery may present the remaining issues to the court for resolution.

On the main **Civil** menu, click **Other Documents**. From the drop-down menu choose **Local Rule**. In the free text box, type "104.7 Certificate." Docket the Local Rule 104.7 as your main document. Any motion and memoranda previously served by the parties under L.R. 104.8 should be created and filed as an attachment to the Local Rule 104.7 Certificate.

10. Ex Parte Matters

You may file a document ex parte. Ex parte documents can be viewed by attorneys for the filing party, but cannot be viewed by:

- attorneys for other parties (unless selected by the filer as an ex parte recipient).
- those using public terminals.
- PACER users.

To file a document ex parte, you have two options:

a) Option 1

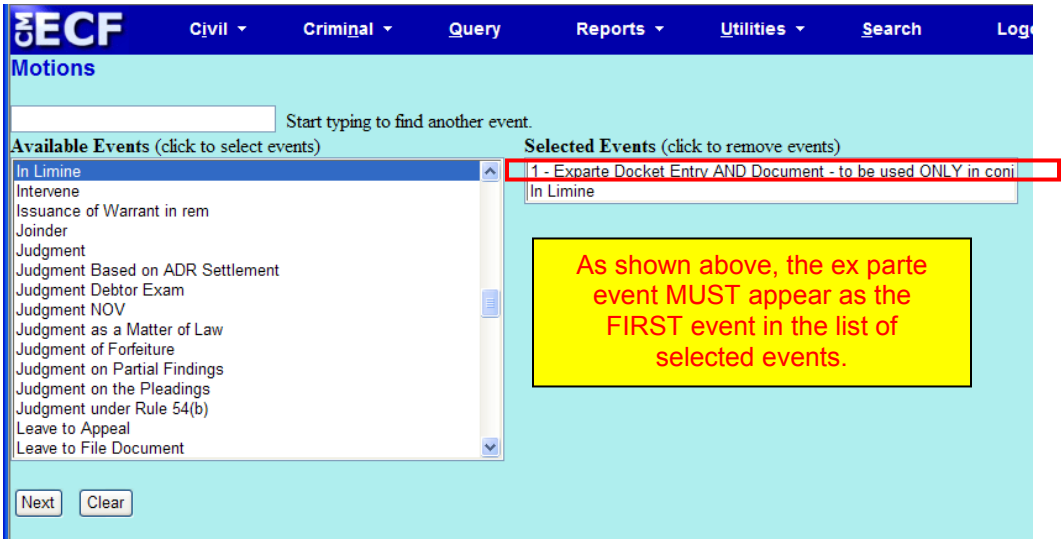
1) Click **Civil** on the blue menu bar, then click **Notices**
2) Select **Notice of Filing of Ex Parte Document**
3) Proceed as outlined in Section III.A.

b) Option 2

1) Click **Civil** on the blue menu bar, then click either **Motions** or **Responses**

and Replies as appropriate.

2) From the menu, carefully select one of the following:
   - *1 – Ex parte Docket Entry AND Document – to be used ONLY in conjunction with other selection* – to restrict access to both the docket entry and the document
   - *1 – Ex parte Document – to be used ONLY in conjunction with other selection – to restrict access to only the document*
3) After selecting the ex parte event, you must also select the appropriate motion, response, or reply.
4) Be sure the ex parte event appears as the first event in the list of selected events.
5) Click **Next**.
6) Proceed as outlined in Section III.A.



11. Memoranda

A memorandum in support of a motion should be filed as an attachment to the motion. Detailed instructions for attaching a document are in Section III.A.8. After you attach the memorandum, enter its title in the Description field.

If the memorandum relates to more than one motion, it is not necessary to attach the memorandum to each motion. Simply attach it to the first motion.

If the motion and memorandum are a single PDF document, file it as a motion and when you edit the docket text, add "and Memorandum in Support."

If you forget to attach the memorandum or it is being filed at a different time as

the motion, click **Responses and Replies** and choose **Memorandum** from the drop-down menu. Do not use the Motion event to file a memorandum.

12. Motions

To file a motion, follow the general filing instructions in Section III.A.

You may file a multi-part motion, such as a motion to dismiss and a motion for summary judgment by selecting the events **Dismiss** and **Summary Judgment**. Each selected motion will appear in the Selected Events field. If you select the wrong motion, simply click on that motion in the Selected Events field to remove it.

Exhibits, memorandum in support, and proposed orders **must** be filed as attachments to the motion.

Special procedures where Local Rule 105.2.c applies:

- The party filing the initial motion for summary judgment should follow the procedures set out above.

- The party filing a cross motion and memorandum in support of its motion and in opposition to the initial motion should file the motion. Attach to it the memorandum. In the Description field, type in "memorandum in support of cross motion for summary judgment and in opposition to Plaintiff or Defendant's motion for summary judgment" or similar language.

- The party filing the initial motion should file its response/reply as a response to the cross motion.

- If the party who filed the cross motion wishes to file a reply, it should be filed as a reply to response to motion.

Filing a motion will automatically trigger the setting of a 14-day deadline for filing a response. See Local Rule 105.2.a and Fed. R. Civ. P. 6. If a different deadline has been established by court order, it is the deadline in the order which controls.

13. Patents

Effective July 1, 2011, the Local Rules of this court include new rules regarding patents (see Local Rules 801 – 807 at http://www.mdd.uscourts.gov/localrules/LocalRules.pdf). The following events have been created in light of these amendments, with the appropriate rule number listed next to the related event:

- Motion for Stay Pending Re-examination (L.R. 807)
- Joint Claim Construction Statement (L.R. 805.1.f, L.R. 805.2.e, L.R. 805.3.e, L.R. 805.4)
- Opening Brief (L.R. 805.1.g, L.R. 805.2.f, L.R. 805.3.f, L.R. 805.4)
- Responsive Brief (L.R. 805.1.h, L.R. 805.2.g, L.R. 805.3.g, L.R. 805.4)

14. Proposed Orders

If you are submitting a proposed order along with a motion, the proposed order should be filed as an attachment to the motion. It is very important the proposed order be a separate PDF. If you are submitting a proposed order without a motion - for example a joint proposed confidentiality order - select **Notices** from the main **Civil** menu, then click **Notice (Other)** on the drop-down menu.

15. Redacted Documents

Similar to a sealed document, if you are filing a redacted document and an unredacted version of a document, prepare both documents. In the caption of the redacted version, on the right side - either directly above or below the case number - one of the following should appear in all capital letters and in bold: "**REDACTED**" or "**REDACTED VERSION.**"

If a document is to be redacted, (for example, a memorandum containing personal identifiers in only one section):

1) File the redacted version of the document using the event, Redacted Document.
2) File the unredacted version using the event, Unredacted Document. This document WILL NOT be sealed, but only case participants will have access to it.

16. Removals

When removing a case from state court, you should:

a) Scan any state court documents being filed which do not exist in electronic format. Each document **must** be scanned separately.

   Any single scanned state court document which is excessively lengthy (more than 30 megabytes) should be treated as a lengthy document. See Section III.B.1. for more information on lengthy documents.

b) Submit a CD to the clerk containing separate PDF versions of the notice of removal, civil cover sheet, and state court documents. The notice and each state court document **must** be a separate PDF.

Also provide the clerk with a paper copy of the notice of removal, civil cover sheet, and any state court documents filed.

17. Responses and Replies

a) Response to a Motion

To file a response to a motion, follow the general filing instructions in Section III.A. Choose **Responses and Replies** from the main **Civil** menu and then select one of the following, as appropriate:

- Response
- Response in Opposition to Motion
- Response in Support of Motion
- Response to Motion

REMINDERS:

- Responses to motions and subsequent replies must be linked to the motion.
- Surreplies cannot be filed without leave of court.

After attaching your document, the system will show a list of all pending motions. Check the *motion(s)* to which your response relates, and continue as you would for filing any other document.

b) Reply to a Response to a Motion

To file a reply to a response to a motion, follow the general filing instructions in Section III.A. Choose **Responses and Replies** from the main civil menu and then select **Reply to Response to Motion.**

After attaching your document, the system will show a list of all pending motions. Check the *motion(s)* to which your reply relates – *do not link to the Response*. Continue as you would for filing any document.

c) Surreply

A surreply is not permitted to be filed without leave of court. Therefore, before a surreply can be filed with the Court, you must:

1) File a Motion for Leave to File Document
2) Attach the motion as the main document
3) Attach the proposed surreply as an attachment

If the Motion for Leave to File Document is granted, the court will file the proposed surreply.

18. Return of Service

When an executed summons or waiver of service is docketed, CM/ECF will automatically enter the date an answer is due, based upon the date service was made and using default settings of 21 or 60 days. If a different amount of time in which to answer is permitted by statute, rule, or court order for the case, the date set by CM/ECF may not be accurate. If the date of service is not entered correctly, the date set by CM/ECF will not be accurate. The date an answer is due under a statute, rule, or order controls. Reliance upon the date set by the system does not excuse a late filing.

The following variations to the basic steps of electronic filing will occur when you are filing an executed return of service:

- A return of service should be filed by counsel, not submitted directly to the court by a private process server. The only occasion when a return is filed directly with the court is if the U.S. Marshal was directed to make service.

- A return of service is almost always in paper format and will need to be scanned. It is the responsibility of the filing party to maintain the original paper version at least until the conclusion of any appeal or expiration of the time for filing an appeal. The original paper version must be made available for inspection at the request of the court or any other party.

- Summons Returned Executed
  - ✓ If you are filing a return for a party who was served with a 21 day summons, choose the event, Summons Returned Executed.
  - ✓ If you are filing a return for a party who was served with a 60 day summons, choose the event, Summons Returned Executed as to USA.

After selecting the filing party, you will be prompted to select the party who was served.

You will be prompted to enter the date of service.

You should **not** enter the date the answer is due. Click **Next** and proceed as you would to file any other document.

19. Scanned Documents

Each document should be a separate PDF. Exhibits should be filed as attachments to the document to which they relate. (See Section III.A. for more information on filing documents). A document which exists only in paper format should be scanned unless it is excessively large. (See Section III.B.1. for more information on lengthy documents).

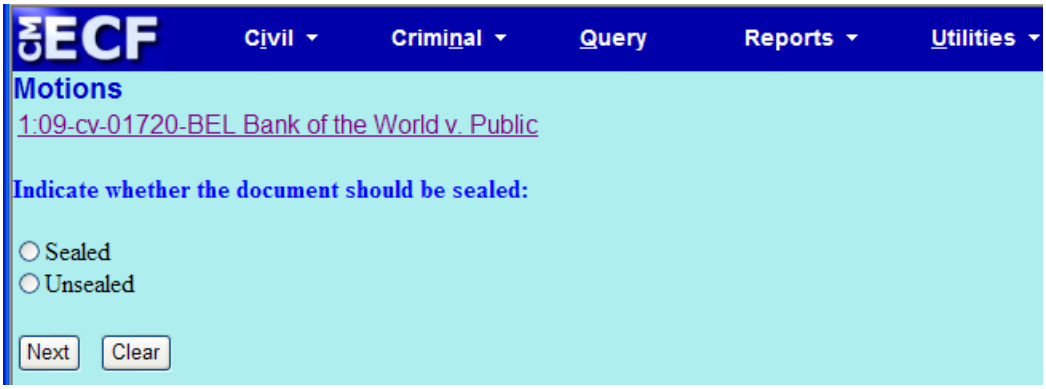
If you are filing a transcript as an exhibit and have an ASCII version, you can convert it to PDF. Open it using your word processing program, and then convert it to PDF using whichever method you normally use. (See Section III.A.1. for more information on converting documents to PDF format).

20. Sealed Documents

It is important to understand this section applies only to sealed **documents***;* sealed **cases** must continue to be filed in paper format and accompanied by a PDF version on a CD, along with a cover letter.

Sealed documents may be filed in unsealed cases. While docketing, you may be prompted to indicate whether the documents you attach should be sealed or unsealed.

However, **unless there is already a Protective Order or an Order to Seal which allows this specific document to be sealed, you will also need to file a Motion to Seal this document**.



Because your filing may include more than one document, one of the following situations will apply:

- No document needs to be sealed.
- All documents should be sealed.
- Some documents should be sealed; some documents should be unsealed.

If no document needs to be sealed, click the **Unsealed** radio button, and then click **Next**.

If one or more documents should be sealed, follow the instructions below.

a) Prepare Document(s)

Prepare your sealed document. In the caption, on the right side, either directly above or below the case number, one of the following should appear in all capital letters and in bold: "**SEALED"** or **"FILED UNDER SEAL**." If the document is an exhibit which does not bear the case caption, one of these phrases should appear prominently on the upper right side of the document.

While it is acceptable to put red seals on documents, keep in mind seals can mean things other than the fact that a document is being filed under seal. Therefore, a seal in and of itself is not sufficient to flag a document as sealed.

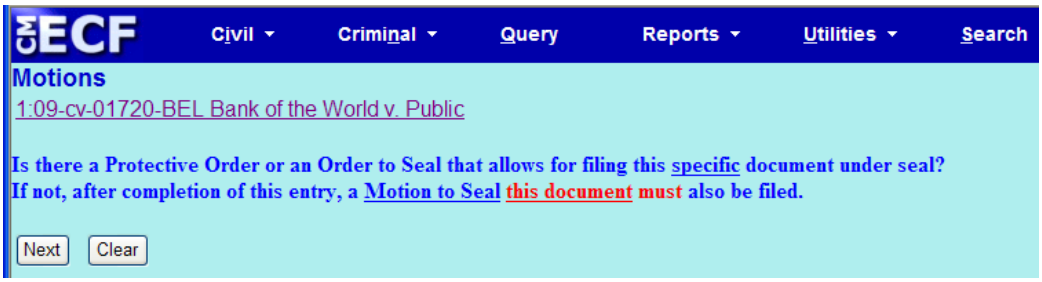
If you would like to seal all the documents for this filing, follow the instructions under *b) All Documents Should be Sealed.* Otherwise, if you would like some documents to be sealed and some to be unsealed, follow the instructions under *c) Main Document Should be Unsealed; One or More Attachments Should be Sealed.*

b) *All Documents Should be Sealed*

Select the same event you would use if the document(s) did not need to be sealed. However, when prompted to indicate whether the document should be sealed or unsealed, click the Sealed radio button, then click **Next**. **Unless there is already a Protective Order or an Order to Seal which allows this specific document to be sealed, you will be required to file a Motion to Seal this document.** The Motion to Seal must be filed *immediately* after filing the sealed document.

The document(s) will be temporarily placed under seal until a ruling is made on the request to seal.

> **Example** – you are filing a response in opposition to a motion. Select the event Response in Opposition to Motion. If you want to seal the response and attachments (if any), select "Sealed" when prompted. Whenever "Sealed" is selected, the screen below will then be displayed.



c) *Main Document Should be Unsealed; One or More Attachments Should be Sealed*

In this example, assume you are filing a reply to a response to a motion. You have decided the reply does not need to be sealed, but Exhibit A should be sealed. **Your filing will occur in two parts.**

First:

1) File the unsealed document (the main document) by selecting the same event you would use if none of the documents needed to be sealed.
2) In place of the sealed document (i.e., Exhibit A), complete the "Notice of Filing Exhibit or Attachment Under Seal" (a sample of this document is

located in Appendix B) as a placeholder for the sealed document(s). Attach it as an attachment to the main document.

3) When prompted to indicate whether the document should be sealed or unsealed, click the **Unsealed** radio button, then click **Next**.

> **Example** – select the event *Reply to Response to Motion*. Attach the reply. Instead of attaching the sealed exhibit, complete and attach the "Notice of Filing Exhibit or Attachment Under Seal". When prompted, click the "Unsealed" radio button.

Second:

1) After filing the unsealed document(s) and the placeholder(s) as explained above, file the sealed document(s) by using the event *Notice of Filing Exhibit or Attachment Under Seal*. (Click **Civil** on the blue menu bar, then click **Notices**, then select *Notice of Filing Exhibit or Attachment Under Seal*).
2) Attach the sealed document(s). The document will be automatically sealed. Electronic access to sealed documents is limited to specific court users that have sealed access.
3) **Unless there is already a Protective Order or an Order to Seal which allows this specific document to be sealed, you must also file a Motion to Seal this specific document.** The Motion to Seal must be filed *immediately* after filing the sealed document.

> **Example** – select the event *Notice of Filing Exhibit or Attachment Under Seal*. Attach Exhibit A (your sealed document). The document will be automatically sealed, so you will not be prompted to select "Sealed" or "Unsealed".

d) Procedures Applicable to All Sealed Documents

At the same time, or immediately after filing the sealed document, you must serve a copy of the sealed document on any party required to be served by the Federal Rules of Civil Procedure. Service may be made in paper format or in any other format/means agreed to by the parties. Your filing with the court must include a Certificate of Service reflecting service by other means.

Any document you are filing under seal must be accompanied by a courtesy copy for chambers. Documents filed under seal will not be served through CM/ECF because parties do not have access to sealed documents.

21. Service – Certificate of

When you are required by statute, federal rule, or local rule to serve a document other than original process on a party who is not a registered CM/ECF user, you must serve it in accordance with Fed. R. Civ. P. 5 and electronically file a Certificate of Service with the Court.

Any party to a case subject to electronic filing who is represented by counsel is expected to have at least one attorney who is a registered user of CM/ECF. In cases subject to electronic filing, the court will not mail paper copies of documents to attorneys.

If a party is represented by at least one attorney who is a registered user of CM/ECF, electronic service on that attorney constitutes service on the party. As long as a document is electronically served on at least one attorney for a party, service need not be made on any other attorney for that party even if the other attorney is not a registered user of CM/ECF.

Pro se parties must be served by paper as they usually are not registered users of CM/ECF.

The Certificate of Service may be filed as a part of the document or as a separate document.

a) As a Part of the Document

Before converting your document to PDF and filing it electronically, check to see which parties will not be electronically noticed. Click on **Utilities**, **Mailings**, **Mailing Info for a Case**, and enter your case number. The system will show who will be electronically noticed and who will not be noticed.

Add a traditional Certificate of Service to your document, stating specifically who copies were mailed to (or served by other means). It is not sufficient to state that copies will be mailed to any party not electronically noticed. Then file your document as outlined in Section III. A.

b) As a Separate Document

If you will not know whether a party will be electronically noticed until after you file your document and see the Notice of Electronic Filing (NEF), you can create and file a separate notice of service. A sample Certificate of Service is contained in Appendix D.

Create a Certificate of Service in your word processing program and convert it to PDF. To file the Certificate of Service, click on **Civil**, **Service of Process**, and choose **Certificate of Service** from the drop-down menu.

D. Creating Document Hyperlinks

CM/ECF users can file a document that includes a hyperlink to a previously filed document

- in the same case.
- in another case residing on the CM/ECF system where the filing is being entered.
- on any other court's CM/ECF system.

The hyperlink, as set by the filer, may link to the start of the document or to a specific page in the document. A filer can file a document that includes a hyperlink to a document that is being filed simultaneously (in the same docketing transaction) with the primary document. For example, a Memo in Support of Summary Judgment may have hyperlinks to the attached documents that are part of the same docketing transaction.

Any document that includes a hyperlink must also include a description of the standard citation to the hyperlinked material. The hyperlink is a convenience, not a citation replacement.

Users should not copy hyperlinks from the Notice of Electronic Filing (NEF). The document hyperlinks in NEFs contain special information that allows them to provide one "free look" to qualified recipients of the NEF. Instead of copying hyperlinks in NEFs, users should run a report in CM/ECF, such as the Docket Report, and copy the document number hyperlink from the report.

Instructions for running a Docket Report may be found in Section VII.A.

1. Using WordPerfect to Create Hyperlinks to Existing CM/ECF Documents

a) Open CM/ECF Document

Access CM/ECF and run the docket report for the case that contains the document you want to link. Then locate the document among the docket entries. The document link displays after the Date Filed and is represented by a number with an underscore, e.g. **2**. Open the document.

b) Copy URL to Clipboard

Copy the URL of the document to the clipboard:

1) place your mouse pointer on the URL (address)
2) click the right mouse button
3) select **Copy** or **Copy Shortcut** (Internet Explorer/Netscape) or **Copy Link Location** (Firefox) from the selection list.

c) Add Hyperlink to WordPerfect Document

Open the Word Perfect document you want to add the hyperlink to and highlight the citation text for which you wish to create the hyperlink.

Click **Tools** on the menu bar and select **Hyperlink** from the drop-down selection list. When the Hyperlink Properties window opens:

1) Paste the URL into the *Document/Macro* field (by clicking the right mouse button and selecting **Paste** or by using the Ctrl + V command).
2) Optional - add a specific page number within the document. To do this, enter `?page=<page number>` at the end of the URL. For example `https://usdc.uscourts.gov/doc1/00103032?incHeader=y?page=23`.
3) Click the **OK** button and the dialog box will close. The hyperlink text now is underlined indicating a hyperlink has been created.

Save the WordPerfect document. Convert to PDF and file in CM/ECF as usual.

2. Using Microsoft Word to Create Hyperlinks to Existing CM/ECF Documents

a) Open CM/ECF Document

Access CM/ECF and run the docket report for the case that contains the document you want to link. Then locate the document among the docket entries. The document link displays after the filed date and is represented by a number with an underscore, e.g. **2**. Open the document.

b) Copy URL to Clipboard

Copy the URL of the document to the clipboard. To do this:

1) place your mouse pointer on the URL (address)
2) click the right mouse button
3) select **Copy** or **Copy Shortcut** (Internet Explorer/Netscape) or **Copy Link Location** (Firefox) from the selection list.

c) Add Hyperlink to Word Document

Open the Word document you want to add the hyperlink to and highlight the citation text for which you wish to create the hyperlink.

Click **Insert** on the menu bar and then select **Hyperlink**. When the Insert Hyperlink window opens:

1) Paste the URL into the *Address* field (by clicking the right mouse button and selecting **Paste**, or by using the Ctrl + V command).
2) Optional – add a specific page number within the document. To do this, enter `?page=<page number>` at the end of the URL. For example, `https://ap10-dev-dcn.td.ocads.ao.dcn/doc1/00103032?incHeader=y?page=23.`
3) Click the **OK** button and the dialog box will close. The hyperlink text now is underlined indicating a hyperlink has been created.

Save the Word document. Convert to PDF and file in CM/ECF as usual.

3. Creating Hyperlinks between Documents Filed in the Same Event

It is possible to link two or more documents to be filed in the same event - create a hyperlink from the main document to an attachment - even when those documents were not filed previously in CM/ECF.

a) Using WordPerfect to Create Hyperlinks between Documents Filed in the Same Event

1) Create the secondary WordPerfect document(s) (the attachment) to which the main document will be linked and convert it to PDF.
2) Create/open the main document (the document that will have the hyperlink to the secondary document).
3) Select the text in the main document that will be displayed as the hyperlink. Click **Tools** on the menu bar and select **Hyperlink** from the drop- down selection list. The Hyperlink Properties window will open.
4) Click the Folder icon next to the *Document/Macro* field.
5) Navigate to the folder in which the secondary document you wish to link to is located. Highlight the file and click the **Select** button. (The file selected as the link must be in PDF format.) Optional: Add a specific page number within the document. To do this, enter `?page=<page number>`, e.g., `Exhibit 2.pdf?page=23`.
6) Click **OK** in the Hyperlink Properties window. The hyperlink text will be underlined.
7) Save the main WordPerfect document and convert it to PDF.

b) Using Microsoft Word to Create Hyperlinks between Documents Filed in the Same Event

1) Create the secondary Word document(s) (the attachment) to which the main document will be linked and convert it to PDF.
2) Create/open the main document (the document that will have the hyperlink to the secondary document).
3) Select the text in the main document that will be displayed as the hyperlink. Click **Insert** on the menu bar and select **Hyperlink.**
4) Navigate to the folder in which the secondary document you wish to link to is located. Highlight the file and click the **OK** button. (The file selected as the link must be in PDF format.)
5) The name of the selected file displays in the *Address* field.
6) Click the **OK** button and the dialog box will close. The hyperlink text will be underlined.
7) Save the Word document and then convert it to PDF.

c) Add PDF Document to Docket Entry

Docket an event in CM/ECF and upload the main document and attachments as usual.

E. Documents Filed in Error

1. Errors Found During Quality Control Process

All documents filed by counsel will be reviewed by Clerk's Office staff to ensure they were docketed correctly and they comply with the Federal Rules of Civil Procedure and the Local Rules of this Court.

If a document is incorrectly filed with the Court, you will be contacted by the Clerk's Office and/or an electronic letter will be sent to the parties indicating the document was filed in error.

The link to the document will be reset so the document may only be accessed by court users, not by counsel or PACER users. The original docket entry will remain with a notation "FILED IN ERROR" noted at the beginning of the entry.

If you file a document in the wrong case, it is your responsibility to refile it in the correct case and contact the Clerk's Office immediately to notify them of the error. If you electronically file a document in a case which is exempt from electronic filing, the link to the document will be reset so it cannot be accessed by non-court users. You are required to submit the original and appropriate number of paper copies within 48 hours.

In some cases (for example, Rule 26(a) disclosures which should only have been served on an opposing party), the court will mark the document as filed in error.

2. Errors Reported by the Filing Party

If you notice you have made a mistake, you should immediately contact the court and ask for the case administrator handling the case. If circumstances warrant, the case administrator may temporarily reset the link to the document so it may only be accessed by court users, not by counsel or PACER users.

If you need assistance, please contact the case administrator for your case. Case

administrators are assigned to cases based on the last digit of the case number. For a listing of case administrators by digit, please go to our website at http://www.mdd.uscourts.gov/courtinfo/directoryFindCaseAdmin.asp.

F. Signatures

1. Attorneys

Anything filed using an attorney's login and password will be deemed to have been signed by that attorney for all purposes, including Fed. R. Civ. P. 11. Attorneys may, but are not required to, place an electronic signature on documents and papers. For the attorney whose login and password is being used, it is sufficient to indicate a signature as in the following example:

/s/
John M. Barrister, Esquire

2. Documents Requiring Signatures of Multiple Attorneys

Documents and papers which are normally signed by more than one attorney, regardless of whether the attorneys represent the same party or different parties, may be handled in any of the following ways.

First, the attorney whose login and password are being used to file the document may obtain approval from any other attorney to state the other attorney has authorized him or her to sign the document on his or her behalf. Such approval may be indicated as in the following example:

/s/
Sally Solicitor, Esquire

/s/
John M. Barrister, Esquire
(signed by John M. Barrister with permission of Sally Solicitor)

In such circumstances, the attorney whose login and password is used to file the document is responsible for maintaining a record of when and how permission was obtained to sign the other attorney's name, in case any questions arise.

Second, the attorney whose login and password are being used to file the

document may obtain and maintain in his or her records a paper copy of the document signed by the other attorney. Possession of such a signed copy may be indicated as in the following example:

> _____/s/_____
> *Sally Solicitor, Esquire*
>
> _____/s/_____
> *John M. Barrister, Esquire*
> *(signed copy of document bearing signature of Sally Solicitor is being maintained in office of John M. Barrister)*

In such circumstances, the attorney whose login and password are used to file the document is responsible for maintaining the signed copy of the document until all appeals have been exhausted or the time for seeking appellate review has expired.

Third, the attorney whose login and password are being used to file the document may obtain original signatures from all attorneys who are filing the document, scan the signature page **only** and file it as an attachment to the document. In this situation, the electronic version should bear language similar to the following:

> _____/s/_____
> *Sally Solicitor, Esquire*
>
> _____/s/_____
> *John M. Barrister, Esquire*

**A copy of the signature page bearing original signatures is attached hereto as Attachment 1.*

In such circumstances, the attorney whose login and password are being used to file the document is responsible for maintaining the signed copy of the document until all appeals have been exhausted or the time for seeking appellate review has expired.

In any case where an attorney becomes aware that it has been proffered to the court that he or she has consented to his or her signature being placed on a document or that he or she has signed a document when in fact he or she has not signed or consented, it is the responsibility of that attorney to notify the court immediately and request the document be stricken.

3. Identifying Information

The requirements of Local Rule 102.1.b. - that counsel state their name, address, telephone, email address and fax number at the bottom of all court papers - apply to all documents filed electronically.

4. Non-Attorneys

Documents required to be signed by persons who are not counsel of record in a particular case (verified documents, affidavits, etc.), may be submitted in electronic format in any of the following ways so long as counsel has and maintains a signed copy.

- Unless the document is excessively lengthy (see Section III.B.1), it can be scanned and then filed electronically.

- An electronic version of the document bearing a "/s/" can be filed along with a statement by counsel that he or she has a signed copy, as in the following example.

  _____/s/*_____
  Polly Plaintiff

  **Counsel hereby certifies that he or she has a signed copy of the foregoing document available for inspection at any time by the court or a party to this action.*

- An electronic version of the document bearing a "/s/" can be filed with a scanned copy of the signature page as an attachment.

  _____/s/*_____
  Polly Plaintiff

  **A copy of the signature page bearing an original signature is attached hereto.*

G. Consequences of Electronic Filing

1. What Constitutes Filing

Electronic transmission of a document to CM/ECF, along with transmission of a Notice of Electronic Filing (NEF), constitutes filing of the document and entry of the document on the docket.

Please be reminded that documents filed under seal must be served on other parties outside the CM/ECF system.

2. Time of Filing

A document is "filed" at the time the NEF states it was entered. Thus, if you begin the process of electronically filing a document on December 20 at 11:55 p.m. and do not complete it until December 21 at 12:05 a.m., the NEF will state the document was entered on December 21 at 12:05 a.m. and this will be the date the document was filed.

The availability of electronic filing after normal business hours and on weekends and holidays does not in any way extend any deadlines imposed by statute, rule, or court order.

H. Notice of Electronic Filing (NEF)

If you are a registered CM/ECF user, you will receive an NEF of almost all docket activity.

Some docket entries made by court staff do not have any type of document, either electronic or paper. Examples of entries that do not have a document are:

- entries that relate to court or chambers proceedings (trials, hearings, conferences).
- entries that relate to case management (setting/clearing flags and deadlines).
- entries that are made to add or terminate parties, attorneys or judges.

You will receive the NEF of many of these events, but there will be no link to a document.

You also will receive NEFs of the filing of paper documents in cases which are exempt from electronic filing. There will, however, be no link to a document. The document

will be served by traditional means.

You will receive NEFs in all cases where your appearance was entered and never officially stricken. If you receive NEFs in a case where you are no longer representing a party, you must file a Motion to Withdraw as Attorney or a Notice to Substitute Attorney. The Clerk's Office is not permitted to remove you from the case based on either an oral request or an email request.

Do not reply to an NEF. You cannot send documents to the court for filing by attaching them to a reply to an NEF. You should not attempt to communicate with other parties or staff within your office by replying to an NEF since the reply will be sent to the Court.

IV. Privacy Policy

A. Information to be Redacted

REMINDER:
Private information must be redacted from all documents not submitted under seal.

In accordance with Fed. R. Civ. P. 5.2, the parties must refrain from including or must redact the following information from all documents not submitted under seal:

- Full Social Security numbers. If an individual's Social Security number must be included in a document, only the last four digits of the number should be used.
- Taxpayer identification numbers. If an individual's taxpayer identification number must be included in a document, only the last four digits of the number should be used.
- Names of minor children. If a minor child must be mentioned, only the initials of the child should be used.
- Full dates of birth unless essential to a claim or defense. It is acceptable to disclose an age or year of birth if relevant.
- Full financial account numbers. If financial account numbers are relevant, only the last four digits of the number should be used.

B. Enforcement

It is the responsibility of counsel and the parties to redact these personal identifiers. The clerk will not screen documents and will not reject them solely on the basis that they contain personal identifiers.

However, on its own initiative or at the request of a party, the court may strike the document or direct other corrective action and/or impose sanctions on any party failing to redact such information.

V. Orders

A. Entry

Electronic filing by the court or court personnel of any orders, decrees, judgments, or proceedings of the court constitutes entry on the docket as well as notice to and service on registered users in the case, under the Federal Rules of Civil Procedure.

B. Signatures

Any order filed electronically without the original signature of a judge has the same force and effect as if the judge had affixed his or her signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

C. Paperless Orders

At his or her discretion, a judge may rule upon a motion by having a text only entry made on the docket. There will be no PDF document attached to the entry. The system will however, generate a notice of the entry. Such entries have the same force and effect as any other type of order. You will receive electronic notice of the filing of the order; however, the notice will not have a link to a document.

VI. Query

The Query option on the main menu bar allows you to search for cases. To use this option, you must have a PACER account. You may log into the CM/ECF system using your PACER account. This will allow you access to PACER functions, but not electronic filing. If you are already logged in as a CM/ECF user, when you click on Query you will be prompted to enter your PACER login and password. This will bring up the search screen.

You can search by case number, party or attorney name or a combination of a range of case filing dates, range of document filing dates, and type of case.

The Query menu includes the new MDL Case Report query. All cases associated with the same JPML (Judicial Panel on Multidistrict Litigation) number as the target case will be listed, sorted by case type, (descending so **md** case type sorts before **cv**) and case number. When the MDL Case Report is run, the user can determine whether all MDL-related cases or only pending MDL-related cases should display.

VII. Reports

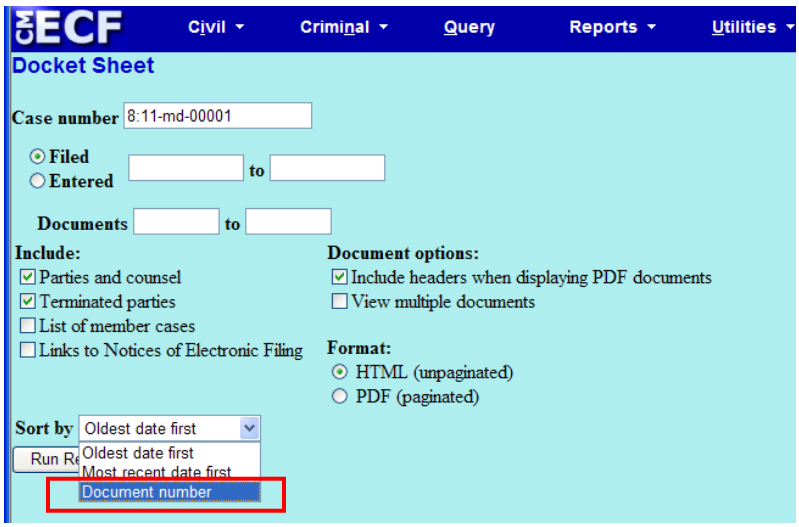
The **Reports** option on the blue menu bar will allow you to run several reports through PACER without having to go to the PACER website. You will need a PACER login and password to access the docket sheet, judgment index, and case reports and PACER fees will apply. You may log into the CM/ECF system using your PACER login and password. This will allow you to access the PACER functions but not electronic filing. If you are already logged in as a CM/ECF user, you will be prompted to enter your PACER account information when you click on one of the reports. The calendar events report may be accessed with your CM/ECF login. However, we will not be entering hearing dates into the system so the information in the report will not be accurate.

A. Docket Sheet

This report allows you to access the docket sheet for a particular case. You may choose to view the documents in either chronological or reverse chronological order. You may limit the portion of the docket sheet you are viewing by entering either a date range or range of document numbers. Limiting the amount of the docket you want to view will reduce the PACER fee and in cases where the docket sheet has many entries can reduce the amount of time it takes to access it.

To obtain a docket sheet, click **Reports** on the blue menu bar, then click **Docket Sheet.** Enter the case number, then click **Find This Case**. Depending on how much of the docket you would like to view and in what order, select your options and then click **Run Report.**

The *Sort by* drop-down list on the Docket Sheet selection criteria screen now includes a **Document number** option. If selected, those entries without document numbers will appear chronologically within the entries that do have document numbers.



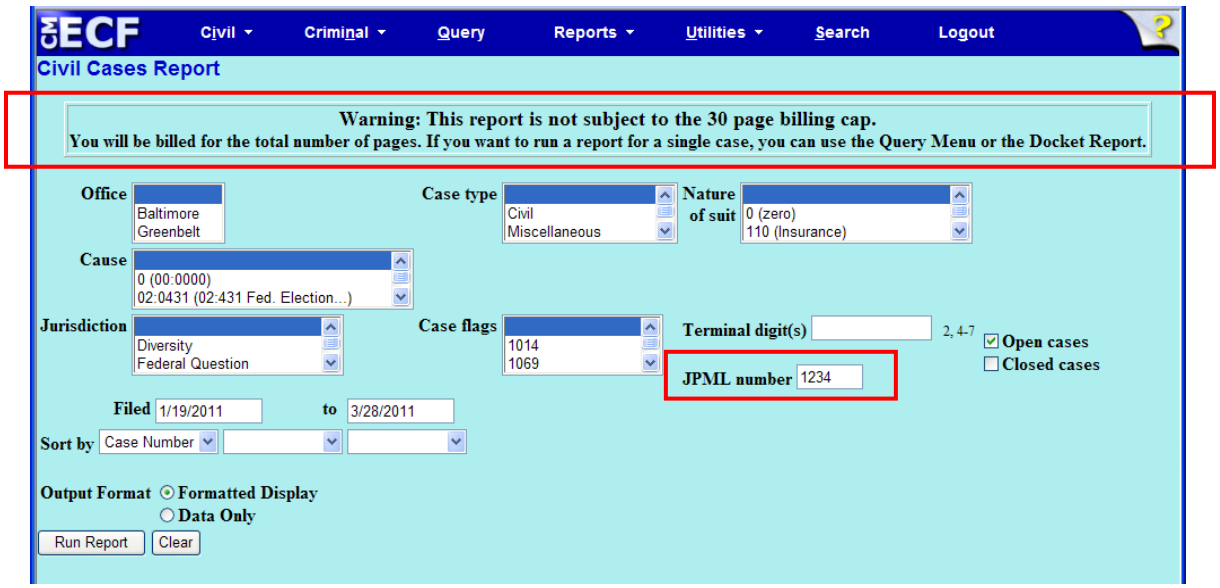
B. Civil Cases Report

This report is similar to Query but allows a few more options for limiting your search, such as case flags, the division the case is assigned to, etc.

To obtain a Civil Cases Report, click **Reports** on the blue menu bar, then click **Civil Cases.** Enter the criteria for your report, and then click **Run Report.**

This report is not subject to the 30-page billing cap. You will be billed for the total number of pages. If you want to run a report for a single case, you can use the Query Menu or the Docket Report.

The Civil Cases Report now includes a *JPML number* (Judicial Panel on Multidistrict Litigation) field on the selection criteria screens, so the report can be run by JPML number.



C. Judgment Index

This report allows you to search for judgments by case number, party name, or a particular date range. Judgments entered prior to March 3, 2003, may not appear in your search results. When using the report, please keep in mind the "Status" will be only as accurate as the information which is entered into the system. If a party has not entered information relating to satisfaction of a judgment, it will not appear on the report.

VIII. Utilities

Clicking **Utilities** on the blue menu bar allows you access to a number of functions.

A. Maintain Your Account

It is CRITICAL to maintain current contact information, including all email addresses, in your CM/ECF attorney record.

To change your name, mailing address, email address, phone, or fax numbers, refer to Section II.C. of this manual.

B. Login and Password

1. View Transaction Log

This function allows you to review all documents filed using your login and password during a specified period. It is an easy way to monitor your account to ensure that it is not used without your permission.

2. Change Your PACER Login

If you have a PACER account, this option will allow you to change your login. If you wish, you can make it correspond to your CM/ECF login.

C. Legal Research

This option allows you to access on-line medical and legal dictionaries and access Westlaw. This is a pre-packaged option which came with the system. The court does not endorse any particular web sites or on-line services.

D. Mailings

This function is a quick way to check to see which parties in a case are electronically noticed and which are not. It also allows you to generate addresses in a format which can be easily copied to label printing software.

Because service of documents is the filer's ultimate responsibility, it is very important you ensure that all parties in a case who are entitled to notice actually receive it by checking to make sure they are electronically noticed, and if they are not registered for electronic noticing to serve them with a paper copy.

IX. Troubleshooting

A. Cannot View Document Using Link in Email Notification

1. System Prompts to Enter PACER Login and Password

Each Notice of Electronic Filing (NEF) stating a document has been filed electronically contains a link to the document which you may use one time without charge to view, download, and/or print the document. If you click on that link and you are prompted to enter your login and password, it means that according to the system you have already had your one time "free look." Certain things will make the system act as if you have accessed the document when in fact, you have not.

To avoid this problem, do not forward an email notification to another email address, and do not open the email and close it without using the link to view, download or print the document.

2. The Link to the Document Does Not Work

Frequently you will receive an NEF of docket activity, but you will be unable to link to a document. The most common reason for this is that there is no electronic document.

Many docket entries are made by the court without either a paper or electronic document. Such entries include ones related to court proceedings, entries made to update case or party information, and marginal or paperless orders by a judge. Also, because the NEF is linked to the case management software, NEFs are sent in cases that are exempt from electronic filing. There is no link to the document because it was filed in paper format.

B. System Will Not Allow You to Attach a Document

Occasionally you will try to attach a document, but when you click **Next**, you will receive the message: *ERROR: Document is not a well-formed PDF document*.

This means the system is not recognizing your document as a PDF. First, check to make sure you did not accidentally attach a document in another format. Second, try going back to your word processing version of the document, convert it again, save it with a new name, and attempt to file it. If this does not work, the problem is most likely with your software and you will need to contact your technical support or the software company.

If you cannot resolve the problem before a filing deadline, you may want to print the document from your word processing program and scan it. You also may bring a CD with the document on it in Word or WordPerfect format to the Court, convert it to PDF on one of the public terminals in the Clerk's Office, and file it from there**. (**Please do not ask court staff to do this on your behalf.)

X. Help with Electronic Filing

Court staff will be available to answer questions Monday through Friday (excluding holidays and days when the court is closed) from 9:00 a.m. to 4:00 p.m.

If you need assistance, please contact the case administrator for your case. Case administrators are assigned to cases based on the last digit of the case number. For a listing of case administrators by digit, please go to our website at http://www.mdd.uscourts.gov/courtinfo/directoryFindCaseAdmin.asp.

XI. Technical Issues

The court will make every effort to post the dates and times the system will be unavailable because of maintenance or upgrades on both its main web site and the electronic filing site or will send an email notification to all users.

In the event of unplanned system-wide down time, the court will post or distribute detailed instructions to all users.

If you experience a technical problem, you may use one of the public terminals at the Clerk's Office.

XII. Public Access

In general, a document in a civil case which has been filed electronically may be accessed by registered users of the PACER system. Some exceptions include:

1. If the Nature of Suit is one of those shown below, the restrictions depend on the date the document was filed:

   - Documents filed prior to 12/1/07 are restricted to case participants and those using public terminals at the courthouse.
   - Documents filed on or after 12/1/07 are restricted to case participants and those using public terminals at the courthouse only if they are not judgments, orders, or opinions.

     - ✓ 462 Naturalization Application
     - ✓ 463 Habeas Corpus – Alien Detainee
     - ✓ 465 Other Immigration Actions
     - ✓ 861 Social Security: HIA
     - ✓ 862 Social Security: Black Lung
     - ✓ 863 Social Security: DIWC/DIWW
     - ✓ 864 Social Security: SSID Title XIV
     - ✓ 865 Social Security: RSI Tax Suits

2. Certain documents are also restricted to viewing by case participants and those using public terminals at the courthouse.

3. Some documents which have additional security and have been restricted to certain parties or court staff may not be accessible on PACER.

XIII. Civil Case Opening Procedures

The court allows attorneys to open some civil cases electronically. Cases that are excluded and should be filed in the traditional manner through the Clerk's Office are:

- Sealed
- Bankruptcy Appeal
- Notice of Removal
- Miscellaneous
- Cases transferred in from another district

These cases should be filed in paper format and accompanied by a CD containing PDF versions of all documents and attachments to be filed.

If you are filing an emergency matter, you must contact the Clerk's Office before electronically filing the case. Clerk's Office staff will contact the appropriate judge if necessary.

Before you begin instituting your case in CM/ECF, you must first prepare your complaint, any exhibits, summonses, civil cover sheet, and your Local Rule 103.3 Corporate Disclosure statement, if applicable. You must convert each document into a separate PDF document. You can find a copy of the Civil Cover sheet under the Forms section on the Court's website by clicking http://www.mdd.uscourts.gov/publications/DisplayForms.asp?ActiveTab=Civil then clicking the icon next to "Civil Cover Sheet."

It is imperative this form is completed correctly. Information such as Jurisdiction, Cause of Action, and Nature of Suit is used to collect statistical information for the Court.

If you do not wish to remit payment online via Pay.gov, then you must file your new case in the traditional manner through the Clerk's Office. Remember to include a CD containing PDF files of all documents and attachments to be filed.

A. Local Rule 501

Civil cases, other than removals and prisoner cases, will be assigned in accordance with the principles set forth in this paragraph, with priority accorded to the first principle that may be applicable.

1. Cases Involving Government Agencies

Cases in which a Maryland local government is a party will be assigned to judges sitting in the division of the court in which the principal office of the agency is located.

Cases in which the United States, the State of Maryland, or one of their agencies and a non-governmental entity or individual residing in Maryland are opposing parties will be assigned to judges sitting in the division of the court in which the non-governmental party resides.

2. Cases Involving Maryland Residents

Cases in which all of the Maryland parties reside in the same division (a corporation's residence will be its principal place of business in Maryland) will be assigned to judges sitting in that division.

Cases in which the Maryland parties reside in different divisions of the court will be assigned to judges sitting in the division where a majority of the Maryland parties reside. However, if there is not a majority resident in either division, then the case will be assigned to judges sitting in the division of the court in which the events described in the Complaint took place.

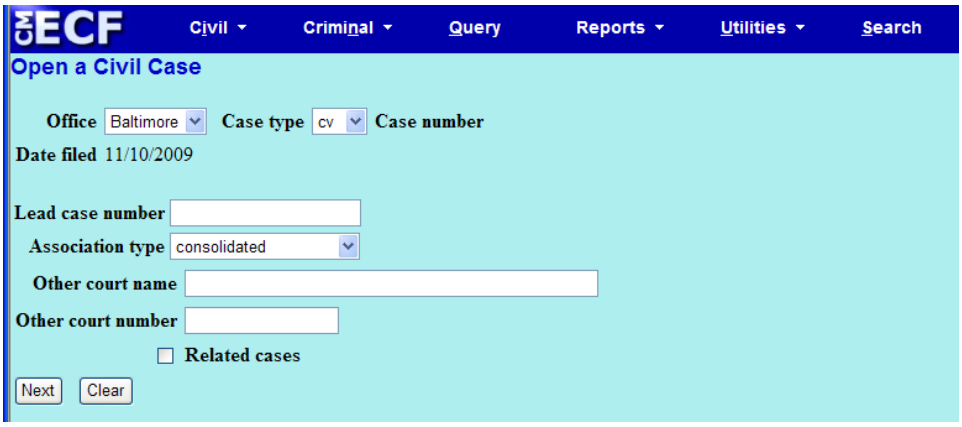
3. Local Rule 501.4.c

All complaints must include the county of residence of any Maryland parties in the caption. Cases in which no party is a resident of Maryland will be assigned to judges sitting in the division where the events allegedly giving rise to the claim(s) set forth in the complaint occurred. For the purpose of remedying any imbalance in caseload, the court may direct any case be assigned to any judge regardless of the division where the judge sits.

B. Opening a Civil Case Electronically

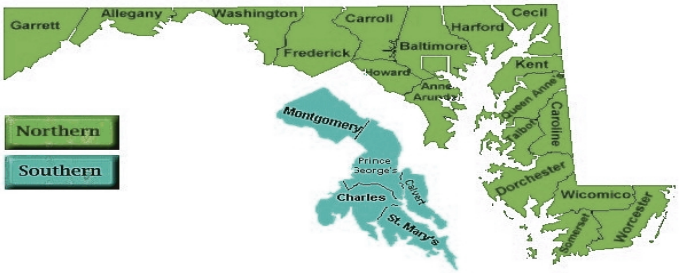
To begin opening your civil case, log in to the CM/ECF system. On the blue menu bar, click **Civil**. Under the Civil Events menu select **Open Case - Attorney**. The next few screens will prompt you to enter information from the Civil Cover sheet.

1. Case Opening Screen



a) Select a Divisional Office

It is very important you make the right selection. Please refer to the map below for guidance.



- Northern Division Counties:
  Garrett, Allegany, Washington, Frederick, Carroll, Howard, Baltimore City, Baltimore, Anne Arundel, Harford, Cecil, Kent, Queen Anne, Talbot, Caroline, Dorchester, Somerset, Worchester, Wicomico

REMINDER:
You must follow Local Rule 501 when selecting the divisional office

- Southern Division Counties:
  Montgomery, Prince George's, Charles, Calvert, St. Mary's

Select the office (Baltimore or Greenbelt) according to the county in which the parties reside or a corporation's principal place of business. The Clerk's Office will change the divisional office if entered incorrectly. Please refer to Local Rule 501 for further guidance. If you need assistance in determining the correct

division, call the Clerk's Office for guidance.

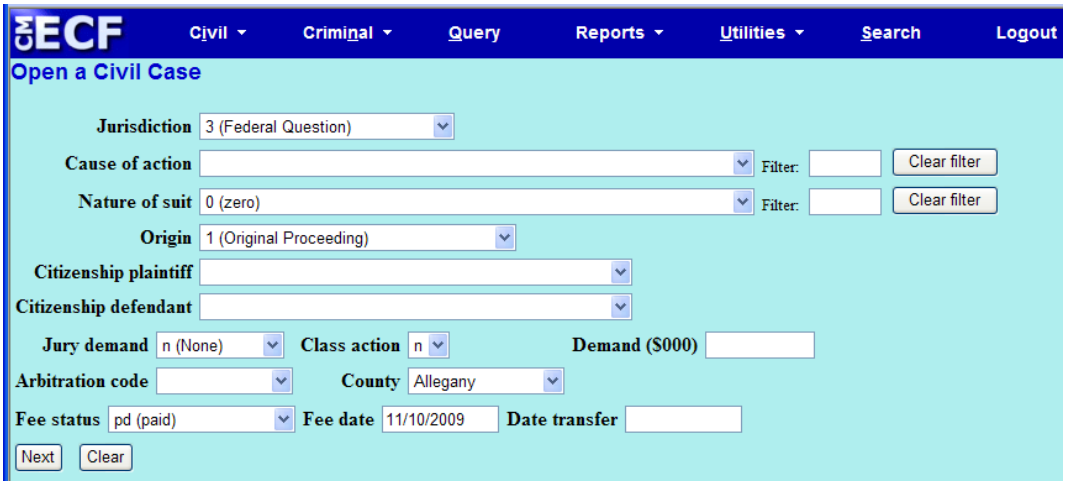
The following fields are for court use only. Do not change or add any information in these fields:

- Case type (cv - Civil Case)
- Lead case number
- Association type
- Other court name
- Other court number
- Related Cases

Click **Next**.

b) Enter General Information

Enter the information shown below. You should not use the browser's Back button during this process. If you make a mistake, it is better to start the process from the beginning by selecting **Civil** on the blue menu bar.



- Jurisdiction - There are five options. The CM/ECF system defaults to 3 (Federal Question), however, you may choose from other options: 1 (U.S. Government Plaintiff, 2 (U.S. Government Defendant), 4 (Diversity) and 5 (Local Question). If you select 4 (Diversity), you will be required to complete the Citizenship fields for both Plaintiff and Defendant.

- Filter – To narrow the selection in the Cause of action drop-down menu, enter words or numbers related to your search in the Filter field. For

example, if you are looking for a cause of action pertaining to fraud, type "fraud" in the filter field. Then when you click on the drop-down arrow, the list to select from will be much shorter. There is also a Filter field for the Nature of suit field.

- Clear filter – if you typed something in the Filter field and would like to remove it, click the Clear filter button. Clicking this button will also restore the Cause of action field or the Nature of suit field to the complete list.

- Cause of Action **-** From the drop-down menu, select the title that best applies to your case.

- Nature of Suit - From the drop-down menu, select the appropriate Nature of Suit.

- Origin - Select the default Origin code 1 (Original Proceeding)

- Citizenship fields - Make the appropriate selection of Citizenship plaintiff and Citizenship defendant <u>only</u> if Diversity was selected in the Jurisdiction field.

- Jury Demand - Indication of jury demand on the Civil Cover sheet is not sufficient. The Jury Demand must be requested in the Complaint or filed as a separate PDF document.

- Class Action - This field is for <u>Court Use Only</u>. If this is a class action case, the Clerk's Office will make the necessary modifications.

- Demand - Enter dollar amount (in thousands of dollars) being demanded. Example: $100,000 = 100. If the demand is greater than $10,000,000, then enter 9999.

- Arbitration Code - Do not enter any data in this field.

- County - This field is a statistical code for the county of the first listed plaintiff. If the U.S. Government is the plaintiff or if this is a land condemnation case, use the county of residence of the first listed defendant or the location of the tract of land involved.

  If the plaintiff is the State of Maryland, the County should reflect that county where the events described in the Complaint took place.

- Fee Status:
  - Select **fp (in forma pauperis)**
  - Select **none (no fee required)** if Jones Act (Seaman's Act) applies
  - Select **pd (paid)** if being paid on-line with this filing.
  - Select **pend (IFP pending)** if submitting a motion to proceed in forma pauperis with filing.
  - **wv (waived)** is for US Attorney use only.

- Fee Date - Do not enter data in this field.

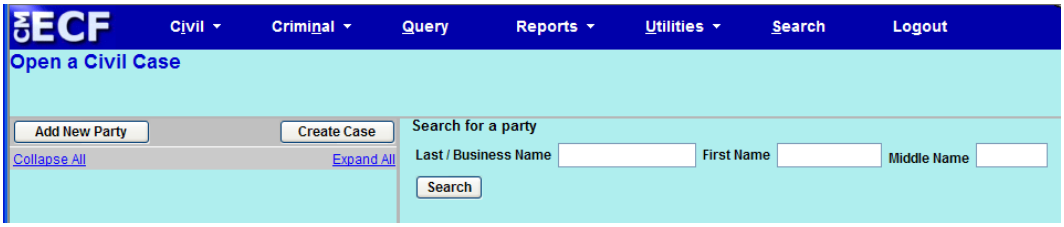
- Date Transfer - Do not enter any data in this field.

Click **Next.**

2. Adding Parties

The next step is to enter the parties for your case. Do not enter any extra information, even if the system shows available text boxes. Enter the parties in upper and lower case as appropriate. All information added on this screen will be viewable by the public.

The system will display the Search for a party screen. The left side of the screen allows you only to view the parties in the case. Using the right side of the screen, enter all parties in the case in sequential order as listed in the Complaint. All plaintiffs should be entered first, followed by all defendants.



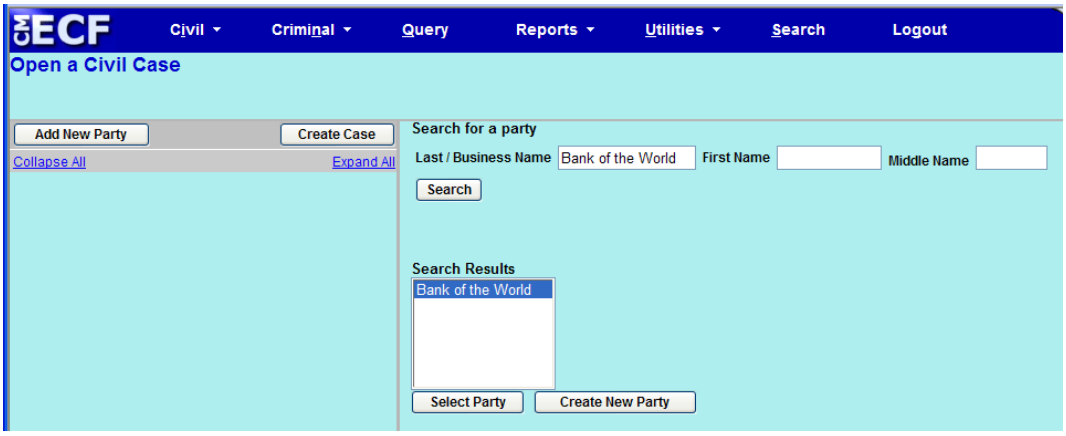
a) Search for a party

If the party is an individual, type the last name of the party. If the party is a business or other entity, type the business name in the Last/Business Name field. *Do not enter information in the First Name or Middle Name field*. Click **Search**.

REMINDER:
Names of parties must be entered exactly as shown in the Complaint.

If a list of names appears and one is an exact match, click on that name and then click **Select Party**. If no list appears or if there is no *exact* match, click **Create New Party**.

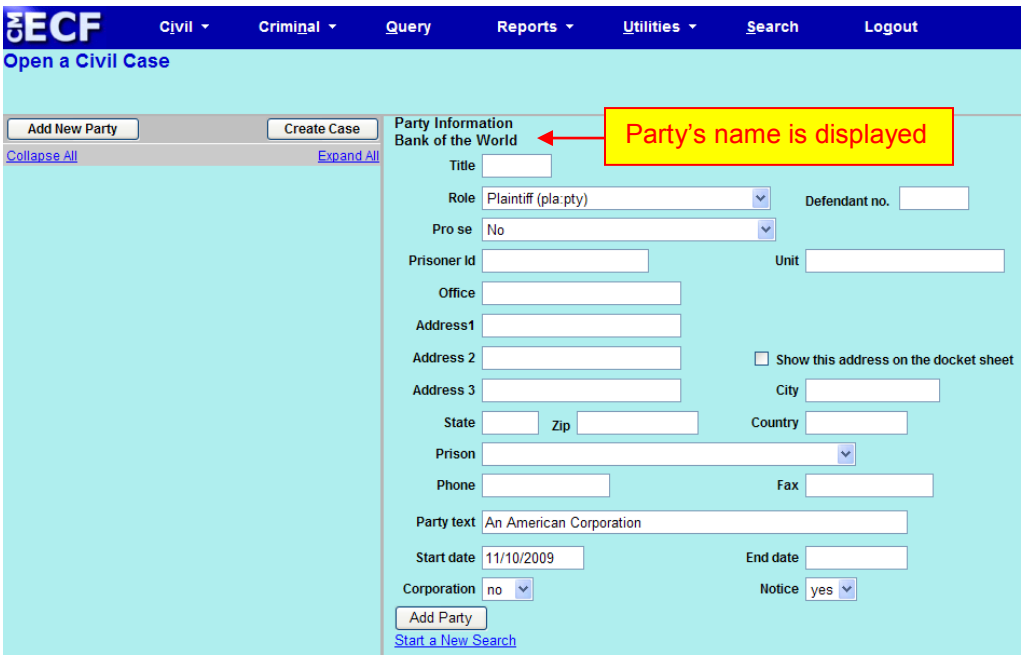
In this example, the party search located only one option. We clicked on "Bank of the World" to select it and then clicked **Select Party**.



b) Update Party Information

The Party Information screen will be displayed. If you clicked **Create New Party** in the prior step, you must now enter the last name, first name, middle initial and generation, if applicable. Be sure to enter the information *exactly* as it appears in the Complaint.

In our example, the party's name – Bank of the World – is already displayed because we had clicked **Select Party** in the previous step.



- Role - Be sure to select the correct role for the party, i.e. Plaintiff. Do not enter the party's address or any other information on this screen.

REMINDER: Role will default to "defendant". Be sure to change this when necessary.

- Pro Se - Do not change the designation

- Party text - This field will allow you to add descriptive information about the party that is being entered such as, "Individually a Maryland Corporation." Do not add alias information such as, "Trading As," "Doing Business As," etc. in this field.

Click **Add Party.**

Repeat steps a) and b) until all plaintiffs and defendants have been added to the case. Each time you click **Add Party**, party information will be added to the left side of the screen. You will also notice the following icons next to the parties:

Edit

Delete

Add Attorney, Alias, Corporate Parent, or other affiliate

Copy Attorney

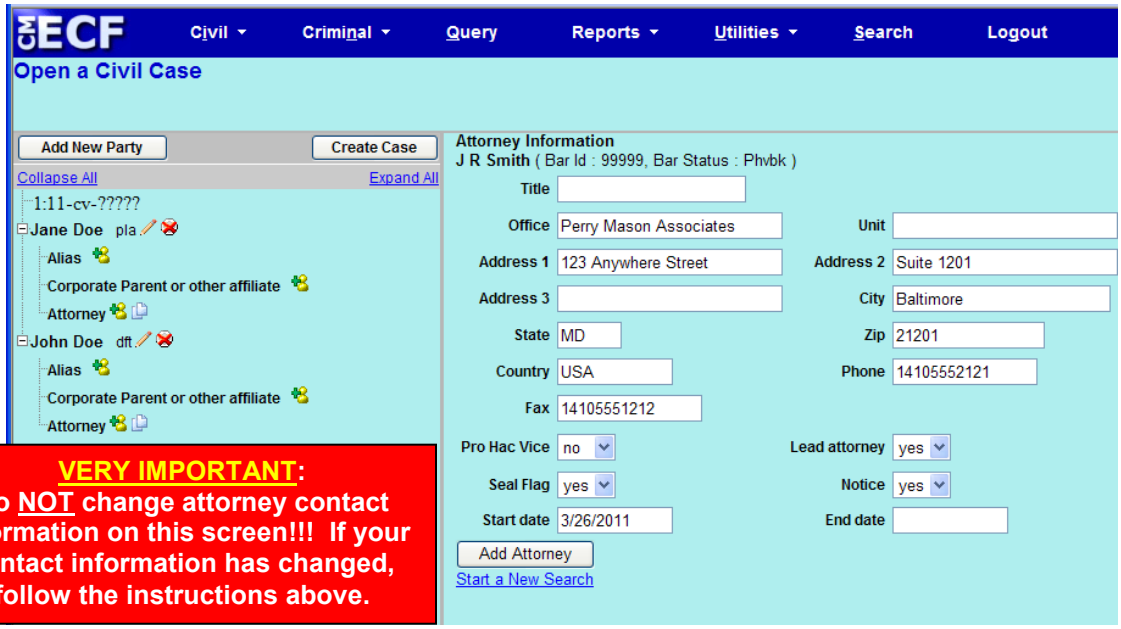
3. Add Attorney

At this point, only attorneys who have signed the Complaint in accordance with this court's procedures may be added to the case. For information on valid signatures, please read Section III.F.

In our example, assume you represent the Plaintiff and have signed the Complaint. To enter your appearance:

a) On the left side of the screen click the **Add Attorney** icon next to one of the parties you represent.
b) The right side of the screen will display a field to search for your name. Enter your name, and click **Search**,
c) Select your name from the list, and click **Select Attorney**.
d) The next screen will display your name and contact information. DO NOT CHANGE ANY ATTORNEY CONTACT INFORMATION DISPLAYED ON THAT SCREEN. If your contact information needs to be changed:

   1) Click **Utilities** on the blue menu bar.
   2) Select **Maintain Your Account**.
   3) Enter the correct contact information.
   4) Click both **Submit** buttons.

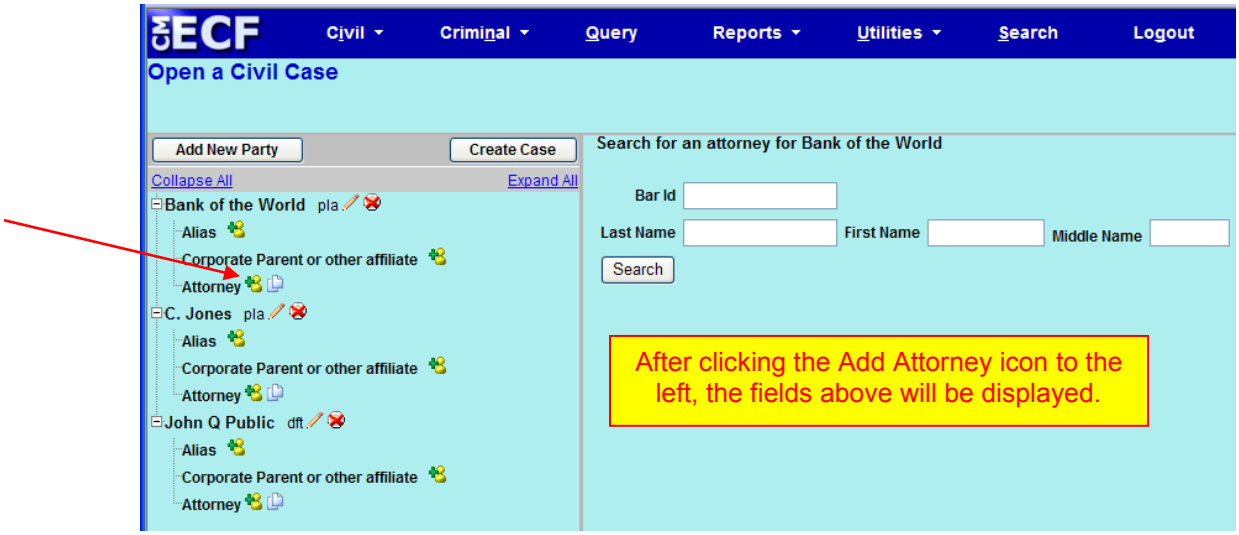


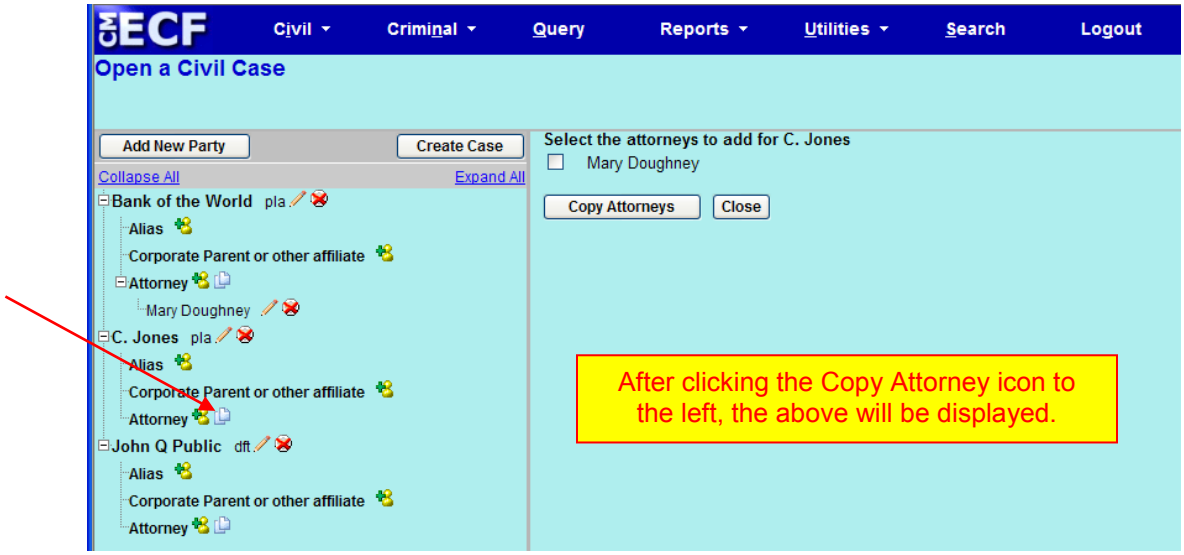
VERY IMPORTANT:
Do NOT change attorney contact information on this screen!!! If your contact information has changed, follow the instructions above.

If you are representing additional parties in the case, you can easily copy your information to the other parties.

a) On the left side of the screen click the **Copy Attorney** icon next to the party to which you want to be added.
b) On the right side of the screen a check box will be displayed next to your name. Click the box, then click **Copy Attorneys**.

After you have completed this filing, check the docket sheet to ensure your appearance has been entered.





If you want to add an alias, skip the remainder of this step and go to "Adding

Aliases."

If there is no alias:

a) Click the **Create Case** button.
b) A window will be displayed with the message "Case will be created. Proceed?" Click **Yes**.
c) If you are ready to docket the lead event, click the link "Docket Lead Event?" The Complaints and Other Initiating Documents screen will be displayed. Follow the instructions under "Docketing the Lead Event."

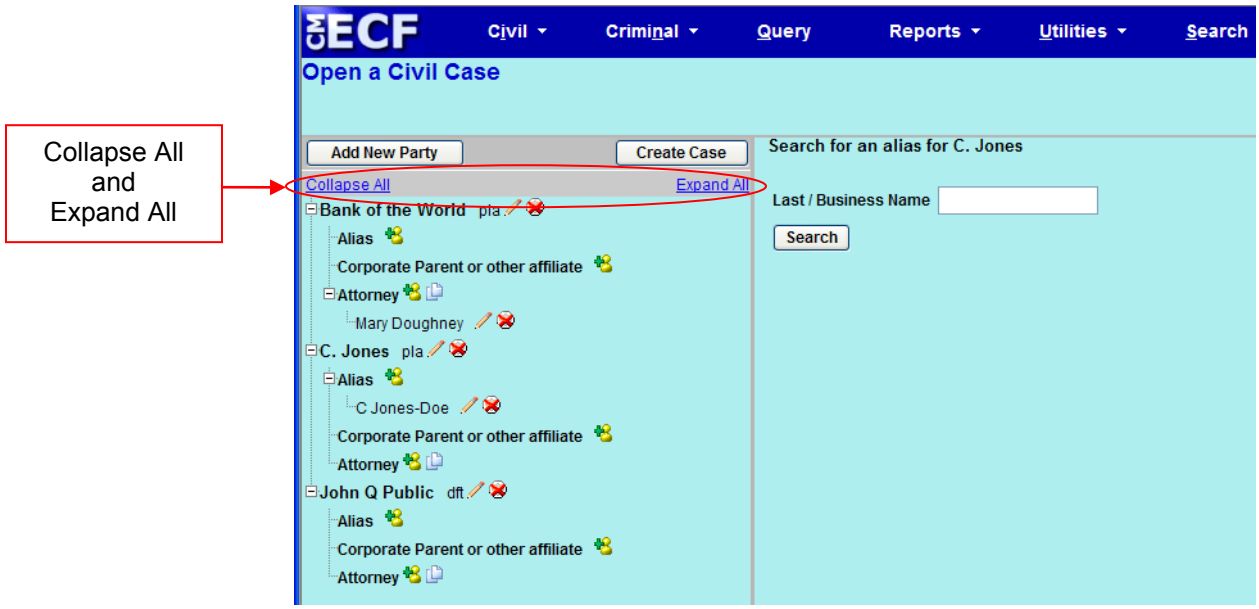
4. Adding Aliases

You must add aliases *before* you click **Create Case**. Adding an Alias is similar to searching and selecting parties or attorneys. To add an alias:

1) On the left side of the screen, click the **Add Alias** icon next to Alias for the appropriate party.
2) The right side of the screen will display a field to enter the last name of the alias. Enter the name, and click **Search**.
3) If the name you entered is in the list, click on the name and then click **Select Alias**.
4) If the name is not in the list, click **Create New Alias**, add the information, and click **Add Alias**.
5) Repeat these steps if additional aliases are associated with the party.

5. Displaying Parties and Case Participants

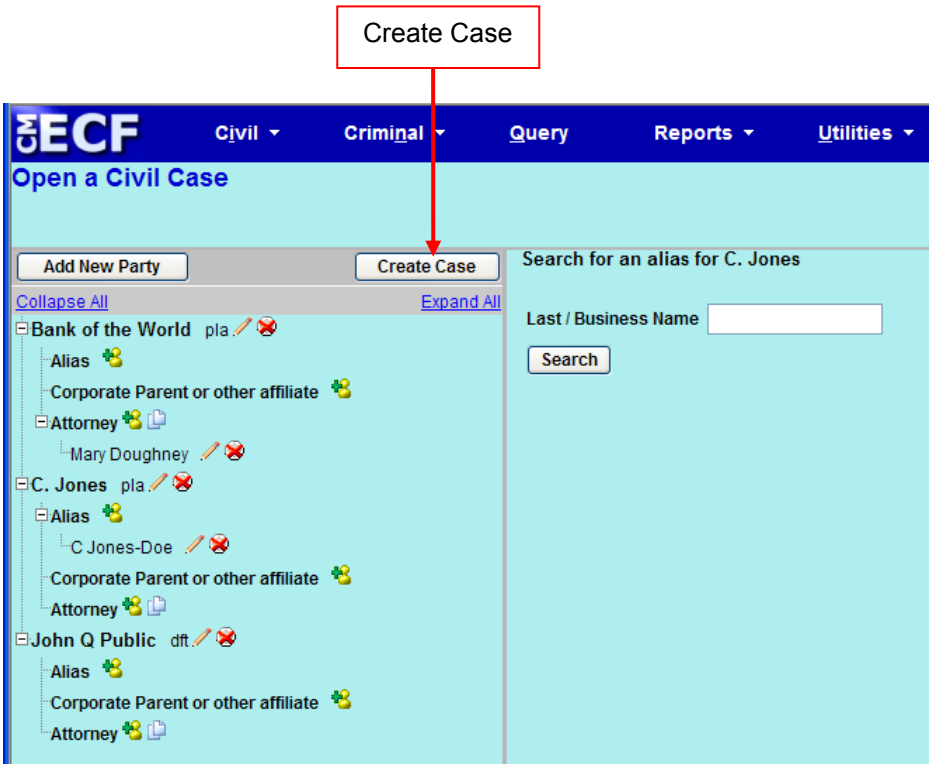
After you have added all parties and case participants, you may want the left side of the screen to display only the parties. Click **Collapse All** and only the parties will show. To display all case participants again, click **Expand All**.



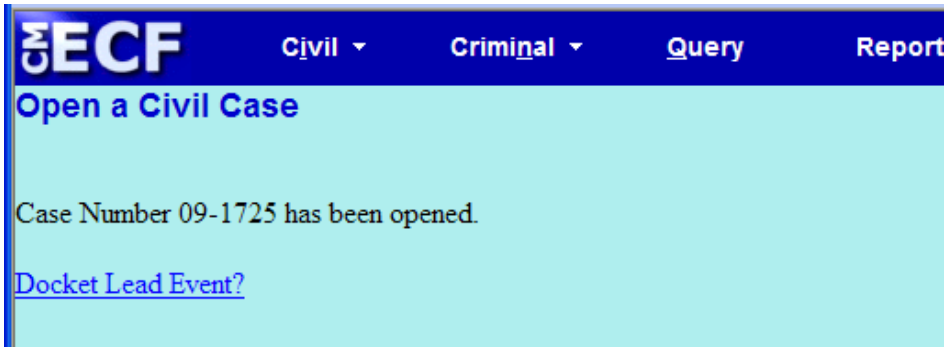
6. Create the Case

After you have added plaintiffs, defendants, attorneys, and aliases, you are ready to create the case:

1) Click the **Create Case** button.
2) A window will be displayed with the message "Case will be created. Proceed?" Click **Yes**.



3) If you are ready to docket the lead event, click the link **Docket Lead Event**? The Complaints and Other Initiating Documents screen will be displayed. Follow the instructions under "Docketing the Lead Event."



C. Docketing the Lead Event

Once you click **Create Case**, the system will display the **Docket Lead Event** link. Click the link and the system will send you to the Complaints and Other Initiating Documents screen. Select the appropriate Complaint event. Click **Next**.

1. Select the Case

The system will display the case number screen. Verify the case number. If it is correct, click **Next**. If this is not the correct case number, enter the correct case number and click **Find this Case**. Click **Next** once you have selected the correct case number.

2. Select the Parties

The system will now display the Select the filer screen.

a) Select the Filer

Select the appropriate party that is filing the document. You may either:

- Select an existing party

OR

- Add a new filing party now if you forgot to add them earlier. If you are adding a new party now, follow the instructions under "Adding Parties."
- Click **Next**

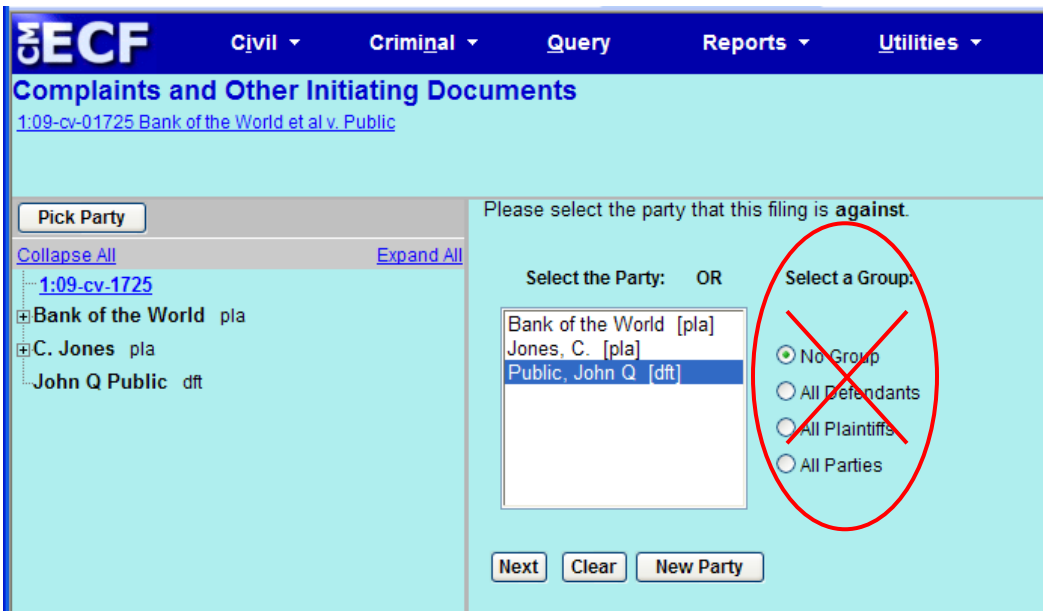
b) Select the Party this Filing is Against

Select the party that this filing is against. Similar to Step a), you may either:

- Select an existing party

OR

- Add a new party now if you forgot to add them earlier. If you are adding a new party now, follow the instructions under "Adding Parties."
- *Important - Do not* use the options under "Select a Group." For example, if this filing is being filed against all the defendants, select the individual defendants in the Select the Party area.
- Click **Next**



3. Add PDF Documents

You cannot proceed any further until you have attached a main document**.** All documents must be in separate PDF files. For example, you should have a separate PDF file for each of the following:

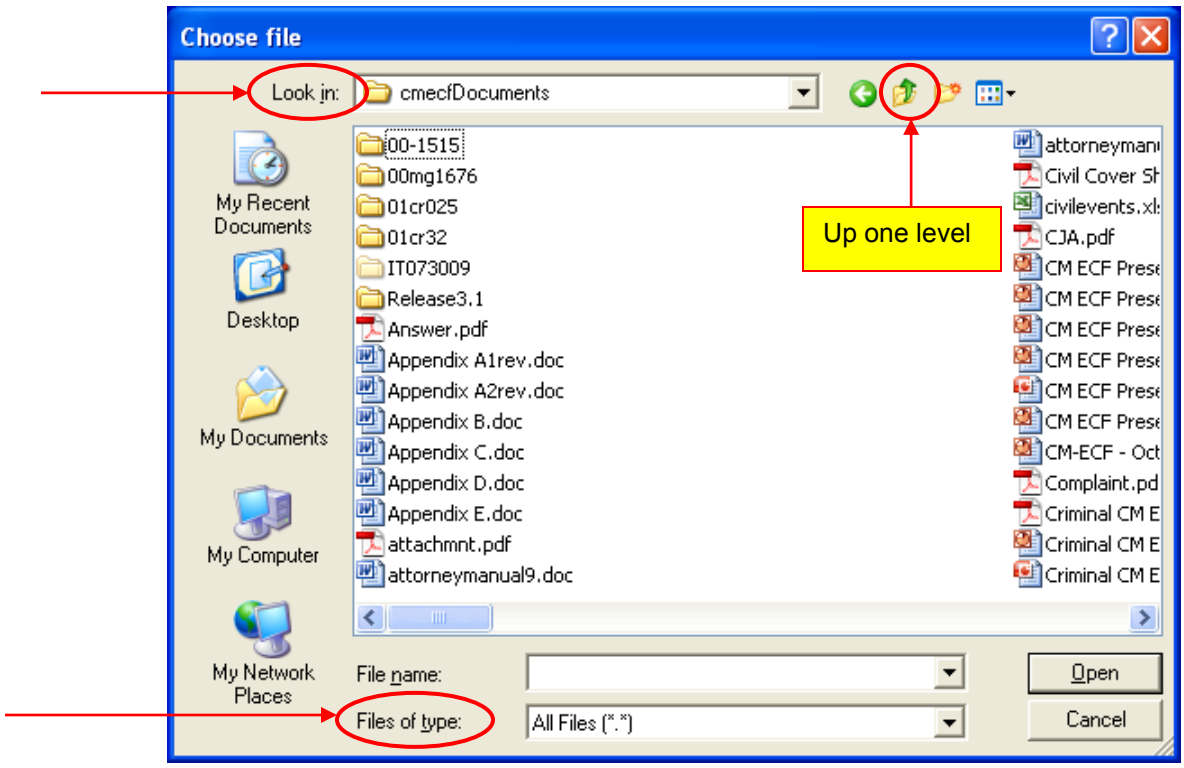
- Complaint
- Civil Cover Sheet
- All Exhibits/Attachments to the Complaint
- Judicial Summons for the clerk to issue (if applicable)

To select a PDF document you can either enter the path and filename of the document using the .pdf extension in the Filename field, or you can click on the **Browse...** button to view documents on your computer or network.

Any other documents you are filing in this case must be filed separately, under the appropriate event.

a) Add Main Document

1) Click the **Browse...** button under Main Document and the system will display the Choose file window.



2) Change the Files of type field at the bottom of the window to "All Files (*.*)" or "Acrobat (*.pdf)" so you can view PDF documents.

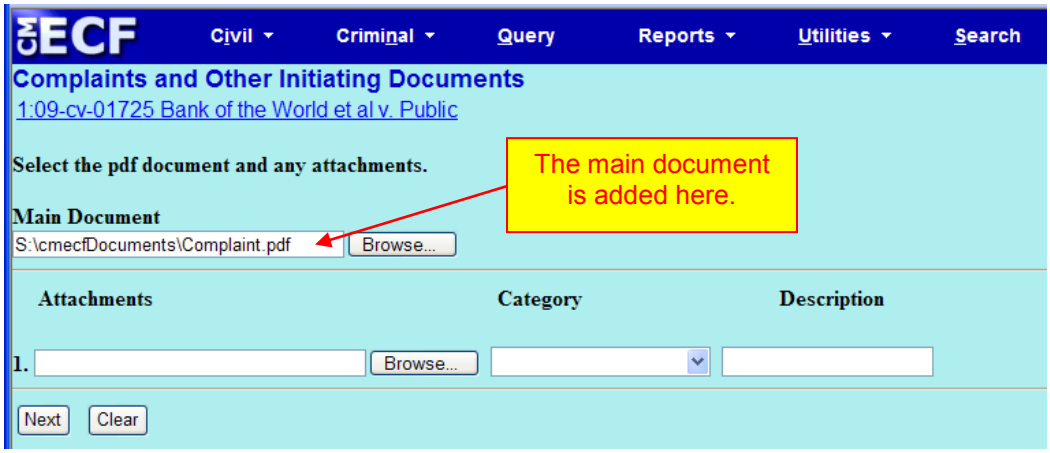
3) Navigate through your directories and folders by clicking on either the down arrow at the right of the Look in box or the up one level icon to the right of the box.

4) Once you have located the PDF document you wish to file, click on it to select it.

5) You should view the document to verify it is the correct one by right clicking on the file name. A menu will open. Click either **Open** or **Open with Acrobat**.

6) This will cause the system to launch Adobe Acrobat Reader and display the contents of the document. Close Acrobat Reader by clicking the **X** in the upper right corner. This will return you to the Choose file window.

7) Once you have located the correct document, click **Open** in the Choose file window. The system will then insert the path and file name in the filename box next to the **Browse…** button.



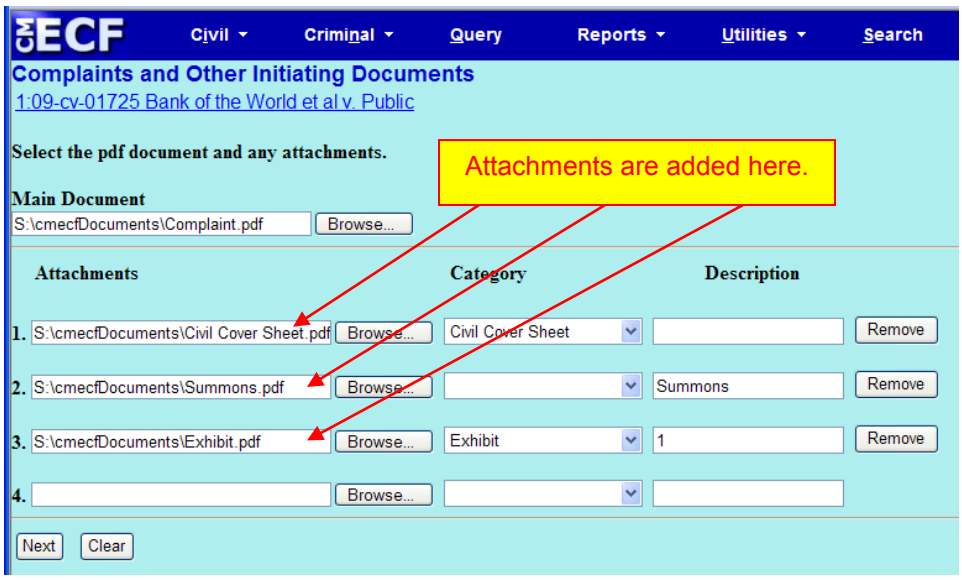
b) Add Attachments

1) To attach a Civil Cover Sheet, Exhibits, and/or Summonses, click the **Browse…** button under Attachments and follow the instructions above.

2) After adding the attachment, you must choose a Category from the drop-down list and/or enter a description of the attachment. This can be useful, especially where there are multiple attachments.

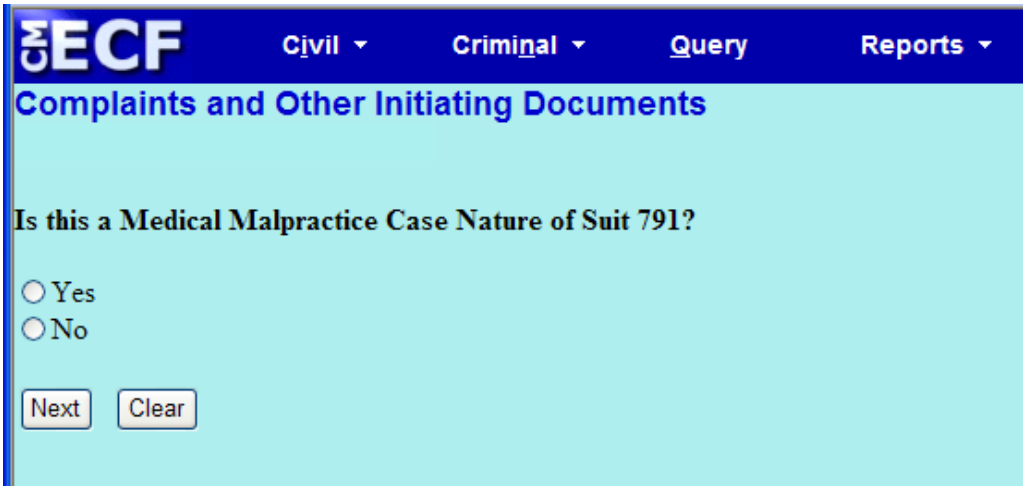
3) If you make a mistake and add the wrong attachment, click the **Remove** button to remove it.

4) Continue doing this until you have added all attachments. Then click **Next**.

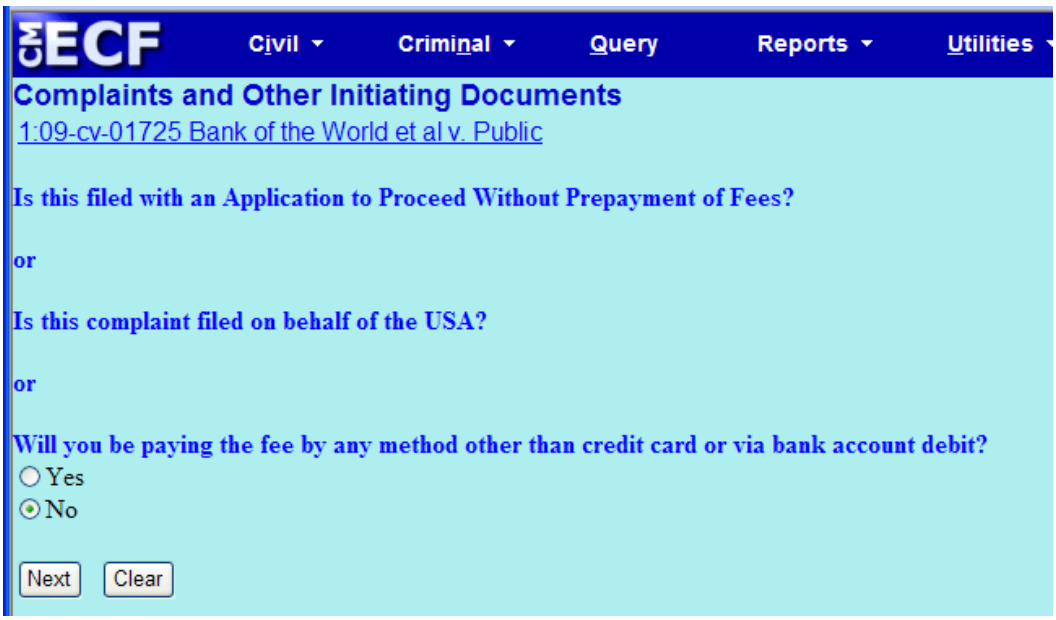


4. Answer Potential Questions

Depending on the Cause of Action and the Nature of Suit, you MAY be asked one or more questions. Simply select Yes or No as appropriate for each question and click **Next.**



The system will ask three questions regarding payment. If you are paying by credit card or check, or can answer no to any of the questions, select No. If you can answer yes to any of the questions, select Yes. Click **Next**.

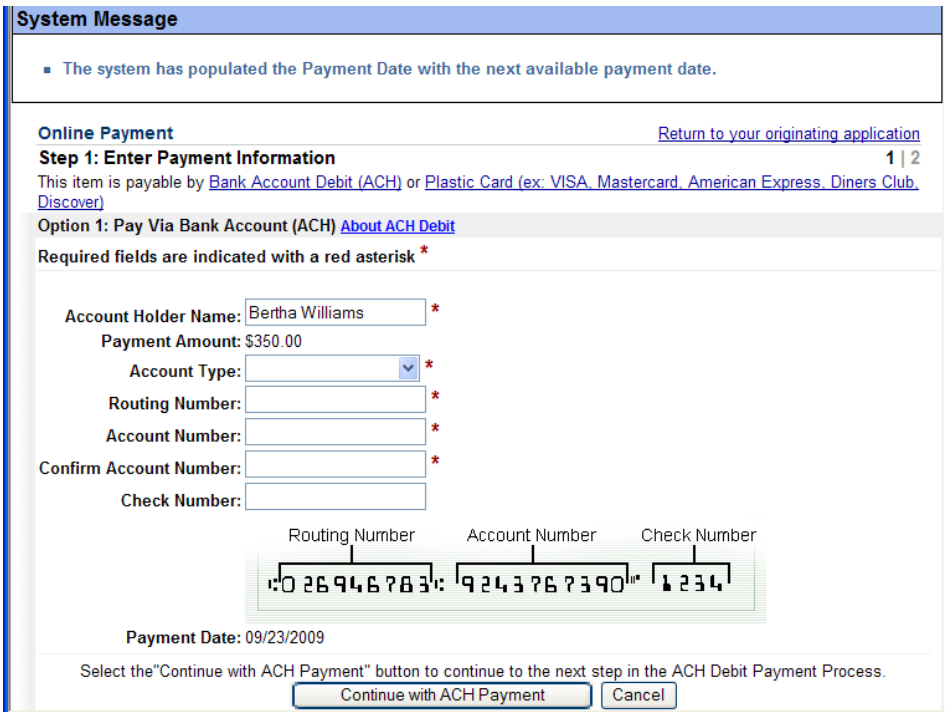


If you answer Yes, the system will automatically direct you to the docket text screen. Go to step 6, "Complete the Filing."

However, if you answer No, the system will display the filing fee. Click **Next** and you will be automatically directed to the Pay.gov website.

5. Pay.gov Website

When you see the following screen, you will know you have reached the Pay.gov website:



Once you reach this site it is strongly recommended you not click the **Back** button on your browser.

If you do not wish to remit payment online via Pay.gov for filing a new case, then you must submit your entire filing in the traditional manner through the Clerk's Office.

Attorneys may pay certain fees on-line with a credit card or via bank account debit. The fees that may be paid on line are:

- Filing fee for a new case (only for those attorneys who have the ability to open their own cases).
- Filing fee for a notice of appeal, subsequent notice of appeal, notice of cross appeal, and notice of interlocutory appeal.
- Fee for admission pro hac vice.

There are two ways to pay from this website. Pay.gov allows for payment via bank account debit (Option 1) or credit card (Option 2). If paying by credit card, you may use Visa, MasterCard, American Express, Diner's Club, or Discover.

a) Option 1 - Payment via Bank Account Debit

Your name and the payment amount will be displayed. You will need to do the following:

- From the drop-down list choose an account type
- Enter the routing and account numbers
- Retype the account number for verification
- You may, but are not required to, enter a check number

Click **Continue with ACH Payment**.

b) Option 2 - Payment via Credit Card.

The name and address of the attorney whose login and password were being used in CM/ECF are automatically imported into the billing information screen. If you are using a firm credit card or one with a different name and/or billing address, you will need to change that information. Then:

1) From the drop-down list, select the type of credit card you are using.
2) Enter the credit card number, security code and expiration date.

Click **Continue with Plastic Card Payment**.

c) Authorize Payment

Regardless of which type of payment you choose, the next screen will show a summary of the payment and allows you to enter an email address where confirmation of the transaction may be sent. It is strongly recommended you enter an email address.

In order for the transaction to go through, you **must** indicate your authorization by clicking on the box next to one of the following:

- "I authorize a charge to my card account for the above amount in accordance with my card issuer agreement."
- "I agree to the authorization and disclosure language."

Click **Submit Payment**.

If you entered an email address, you will receive an email confirmation of the transaction.

Pay.Gov Payment Confirmation
paygovadmin

```
THIS IS AN AUTOMATED MESSAGE.  PLEASE DO NOT REPLY.

Your transaction has been successfully completed.

Payment Summary

Application Name: MDD CM ECF
Pay.gov Tracking ID: 3FOED1QA
Agency Tracking ID: 0416-2160897

Account Holder Name: Bertha Williams
Transaction Type: Sale
Billing Address: 101 W. Lombard Street
Billing Address 2: Fourth Floor
City: Baltimore
State/Province: MD
Zip/Postal Code: 21201
Country: USA
Card Type: Master Card
Card Number: ************5100
Payment Amount: $350.00
Transaction Date: Sep 22, 2009 9:36:08 AM
```

You will know the transaction has been processed when the system returns you to the CM/ECF site. Your credit card will be billed regardless of whether you finish filing your document.

If for any reason you are unable to complete filing the document once the Pay.gov transaction has been completed and have to start the filing process over, you will be charged a second fee. To have the first fee removed from your credit card account or bank account, you must contact the Case Administrator. You will need the Agency Tracking ID and Pay.gov Tracking ID from the confirmation email you receive as well as the date of the transaction and the name of the attorney whose CM/ECF login and password were used.

When you are returned to the CM/ECF site, your docket text will be displayed. You may add any additional text in the blank field if needed. Pay.gov automatically updates your docket text with your receipt number and it will show in this preview. Click **Next**.

6. Complete the Filing

The system will display the final version of your docket text. It will also display all of the attachments and documents you added. If everything is accurate, click **Next**. If there are any discrepancies, hitting your **Back** browser button will only allow you to modify your docket entry; you will not be able to attach or remove any other documents to this Complaint.

By clicking Next, you are committing to this transaction and there will be no other opportunities to modify. If, after filing the case, you realize a mistake was made, contact the Clerk's Office to notify them of the error so that immediate action may be taken to rectify the problem. DO NOT ATTEMPT TO OPEN ANOTHER CASE!

Click **Next**.

The system will display a Notice of Electronic Filing (NEF). This is confirmation the document has been filed. You should save a copy of this notice and can print a copy by clicking on your browser's print button. You can save an electronic copy by clicking **File** and then **Save As** on your browser's menu bar.

Please keep in mind that once a document is filed, CM/ECF will only allow one opportunity to view and or print the document free of charge for each login account.

If case assignment fails, contact the court immediately at 410-962-2600.

Appendix A - CM/ECF Civil Events List - Attorney

(Revised July, 2011)

Open A Case

Open Case - Attorney

Initial Pleadings and Service

Complaints and Other Initiating Documents

- Amended Complaint
- Application for Writ of Garnishment
- Complaint
- Complaint for Forfeiture
- Counterclaim
- Cross Claim
- Fifth Party Complaint
- Fourth Party Complaint
- Intervenor Complaint
- Notice of Condemnation
- Petition for Writ of Habeas Corpus
- Petition to Enforce IRS Summons
- Petition to Quash IRS Summons
- Third Party Complaint

Service of Process

- Acknowledgment of Service
- Affidavit of Service
- Certificate of Service
- Request for Waiver of Service
- Service by Publication
- Summons Returned Executed
- Summons Returned Executed as to USA
- Summons Returned Unexecuted
- Trial Subpoena Returned Executed
- Trial Subpoena Returned Unexecuted
- Waiver of Service Executed
- Waiver of Service Unexecuted
- Writ of Attachment Issued
- Writ of Garnishment Executed
- Writ of Habeas Corpus ad Prosequendum Executed
- Writ of Habeas Corpus ad Prosequendum Unexecuted
- Writ of Habeas Corpus ad Testificandum Executed
- Writ of Habeas Corpus ad Testificandum Unexecuted

Answers to Complaints

Other Answers

- Amended Answer to Complaint
- Answer to Writ of Garnishment
- Claim
- Objection to Report and Recommendations
- Response in Opposition
- Response in Support
- Response to Order to Show Cause
- Withdrawal of Claim

Motions and Related Filings

Frequently Used Motions

- Change Venue
- Default Judgment
- Expedite
- Extension of Time to Complete Discovery
- Extension of Time to File Response/Reply
- Summary Judgment

Motions

- 1 – Ex parte Docket Entry AND Document – to be used ONLY in conjunction with other selection
- 1 – Ex parte Document – to be used ONLY in conjunction with other selection
- Alter/Amend Judgment
- Alternative Service
- Amend/Correct
- Appeal In Forma Pauperis
- Appear
- Appoint Counsel
- Appoint Custodian
- Appoint Expert
- Appoint Guardian/Attorney ad Litem
- Appoint Receiver
- Approve Consent Judgment
- Attorney Fees
- Bifurcate
- Bond
- Certificate of Appealability
- Certify Class
- Change Venue
- Compel
- Consolidate Cases
- Continue
- Copy Work
- Declaration of Mistrial
- Declaratory Judgment
- Default Judgment
- Deposit Funds
- Directed Verdict
- Disbursement of Funds
- Disclosure
- Discovery
- Dismiss
- Dismiss Case as Frivolous
- Dismiss for Failure to State a Claim
- Dismiss/Lack of Jurisdiction
- Dismiss/Lack of Prosecution
- Disqualify Counsel
- Disqualify Judge
- Disqualify Juror
- Enforce
- Enforce IRS Summons
- Entry of Default
- Ex parte
- Expedite
- Extension of Time
- Extension of Time re Transcript
- Extension of Time to Amend
- Extension of Time to Complete Discovery
- Extension of Time to File Answer
- Extension of Time to File Document
- Extension of Time to File Response/Reply
- File Excess Pages
- Forfeiture of Property
- In Limine
- Intervene
- Issuance of Warrant in rem
- Joinder
- Judgment
- Judgment Based on ADR Settlement
- Judgment Debtor Exam
- Judgment NOV
- Judgment as a Matter of Law
- Judgment of Forfeiture
- Judgment on Partial Findings
- Judgment on the Pleadings
- Judgment under Rule 54(b)
- Leave to Appeal
- Leave to File Document
- Letters Rogatory
- Limited Admission
- Miscellaneous Relief
- More Definite Statement
- New Trial

Motions (continued)

- Order of Sale
- Other Relief
- Partial Summary Judgment
- Permanent Injunction
- Preliminary Injunction
- Pro Hac Vice
- Proceed In Forma Pauperis
- Produce
- Protective Order
- Quash
- Reassign Case
- Reconsideration
- Recusal
- Redact Transcript
- Release of Bond Obligation
- Release of Funds
- Remand
- Remand to Agency
- Remand to Bankruptcy Court
- Remand to State Court
- Reopen Case
- Return of Property
- Review the Clerk's Order Taxing Costs
- Sanctions
- Seal
- Seal Case
- Service by Publication
- Set Aside
- Set Aside Default
- Set Aside Forfeiture
- Set Aside Judgment
- Set Aside Verdict
- Settlement
- Sever
- Shorten Time
- Show Cause
- Stay
- Stay Pending Re-examination
- Strike
- Substitute Party
- Summary Judgment
- Take Deposition
- Temporary Restraining Order
- Transfer Case
- Unseal
- Unseal Case
- Vacate
- Voluntary Dismissal
- Withdraw
- Withdraw Reference
- Withdraw as Attorney
- Writ of Garnishment
- Writ of Habeas Corpus ad Prosequendum
- Writ of Habeas Corpus ad Testificandum
- Writ of Mandamus

Responses and Replies

- 1 – Ex parte Docket Entry AND Document – to be used ONLY in conjunction with other selection
- 1 – Ex parte Document – to be used ONLY in conjunction with other selection
- Memorandum
- Reply to Response in Opposition to Bill of Costs
- Reply to Response to Motion
- Response
- Response in Opposition to Bill of Costs
- Response in Opposition to Motion
- Response in Support of Motion
- Response to Motion
- Responsive Brief

Other Filings

Notices

- Certificate of Counsel
- Notice (Other)
- Notice Administrative Record
- Notice of Acceptance with Offer of Judgment
- Notice of Appearance
- Notice of Change of Address
- Notice of Filing Exhibit or Attachment Under Seal
- Notice of Filing of Ex Parte Document
- Notice of Hearing
- Notice of Lis Pendens
- Notice of Settlement
- Notice of Voluntary Dismissal
- Notice of filing of state court discovery material
- Notice to Substitute Attorney

Correspondence

- Accepting Service
- Conference - requesting
- Correcting earlier submission
- Extension of Time - requesting
- Hearing/trial date - requesting
- Magistrate Judge - consent to
- Miscellaneous
- Report re: Deposition Hours
- Settlement Conference - requesting
- Status Report Submitted
- Substantive legal issues - addressing

Trial Documents

- Joint Claim Construction Statement
- Opening Brief
- Pretrial Memorandum
- Proposed Exhibit List
- Proposed Findings of Fact
- Proposed Jury Instructions
- Proposed Pretrial Order
- Proposed Verdict
- Proposed Voir Dire
- Trial Brief
- Witness List

Appeal Documents

- Amended Notice of Appeal
- Appeal Transcript Request
- Appeal of Magistrate Judge Decision to District Court
- Appellants Brief
- Appellants Reply Brief
- Appellees Brief
- Designation of Record on Appeal
- Notice of Appeal
- Notice of Cross Appeal
- Notice of Interlocutory Appeal

Other Documents

- Affidavit
- Amicus Curiae Appearance
- Application/Request for Writ
- Bill of Costs
- Bond
- Consent to Magistrate Judge Disposition on Motion
- Final Accounting and Application
- Financial Affidavit
- Financial Affidavit - CJA 23
- Interpleader
- Jury Demand
- Local Rule
- Local Rule 103.3 Disclosure Statement
- Notice of Intent to Request Redaction
- Notice to Take Deposition
- Objections to Answer to Writ

Other Documents (continued)

- Proposed Social Security Scheduling Order
- Redacted Document
- Redacted Request – Transcript
- Redaction Index
- Report of Expense
- Report of Rule 26(f) Planning Meeting
- Report of Sale
- Request by Court-Appointed Counsel for Reimbursement of Expenses
- Request for Hearing
- Request for Writ (Post Judgment)
- Rule
- Satisfaction of Judgment
- Sealed Document
- Settlement Agreement
- Status Report
- Stipulation
- Stipulation of Dismissal
- Suggestion of Bankruptcy
- Suggestion of Death
- Supplemental
- Transcript
- Transcript Request
- Unredacted Document

Appendix B – Notice of Filing Exhibit or Attachment Under Seal

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

*

vs. * **Case No.**

*

****

NOTICE OF FILING EXHIBIT OR ATTACHMENT UNDER SEAL

Check one:

[ ] Exhibit _____, which is an attachment to_____

_____

will be filed with the Clerk's Office in PDF format within 24 hours of the filing of this Notice so that it may be electronically filed under seal.

[ ] _____
(title of document)

will be filed with the Clerk's Office in PDF format within 24 hours of the filing of this Notice so that it may be electronically filed under seal.

I certify that at the same time I am filing this Notice, I will serve copies of the document identified above by_____

_____/s/_____

_____
Date

_____
Printed Name and Bar Number

_____
Address

_____
City/State/Zip

_____
Phone No.

_____
Fax No.

Appendix C – Notice of Filing of Lengthy Exhibit

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

*

vs. * **Case No.**

*
****

NOTICE OF FILING OF LENGTHY EXHIBIT

Exhibit _____, which is an attachment to_____

_____

exists only in paper format. It will be filed with the Clerk's Office in paper format.

I certify that within 24 hours of the filing of this Notice, I will file and serve paper copies of the document identified above.

_____
Date

_____
Signature

_____
Printed Name *Bar Number*

_____
Address

_____
City/State/Zip

_____
Phone No.

_____
Fax No.

Appendix D – Certificate of Service

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

*

vs. * **Case No.**

*
****

CERTIFICATE OF SERVICE

I hereby certify that on _____, 20__ a copy of _____

_____

which was electronically filed in this case on _____, 20__, was mailed via first class mail, postage prepaid, to _____

_____

_____/s/_____

_____
Printed Name and Bar Number

_____
Address

_____
City/State/Zip

_____
Phone No.

_____
Fax No.

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