

KENTUCKY



Photo courtesy of Kentucky Horse Park

ECF USER MANUAL

**FOR THE
UNITED STATES DISTRICT COURT
EASTERN AND WESTERN DISTRICTS**

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GETTING STARTED

INTRODUCTION

This manual provides procedures and instructions for using the Electronic Case Files (ECF) system to file documents with the court, or to view and retrieve docket sheets and documents for all civil, criminal and miscellaneous cases in the system. A Filing User should have a working knowledge of an ECF-compatible web browser and Adobe Acrobat or equivalent software to create and read portable document files (PDF).

ECF DEFINITIONS

The following definitions are used throughout this User Manual:

- A. **“Electronic Filing System”** refers to the court’s automated system that receives and stores documents filed in electronic form. The program is part of the NextGen CM/ECF (Case Management/Electronic Case Files) software which was developed for the Federal Judiciary by the Administrative Office of the United States Courts.
- B. **“Filing User”** is an individual who has a court-issued login and password to file documents electronically. Unless otherwise permitted by the court, a filing user must be an attorney admitted to the Bar of this Court or permitted to practice in a case *pro hac vice*.
- C. **“Notice of Electronic Filing”** is a notice automatically generated by the Electronic Filing System at the time a document is filed with the system, setting forth the time of filing, the date the document is entered on the docket, the name of the party and attorney filing the document, the type of document, the text of the docket entry, the name of the party and/or attorney receiving the notice, and an electronic link (hyperlink) to the filed document which allows recipients to retrieve the document automatically. The electronic link (hyperlink) will not allow access to a sealed document or an *ex parte* motion. A document shall not be considered timely filed for purposes of the Federal Rules of Civil and Criminal procedures until the filing party receives a system generated Notice of Electronic Filing with a hyperlink to the filed document.
- D. **“PACER”** (Public Access to Court Electronic Records) is an automated system that allows an individual to view, print and download court docket information over the Internet.
- E. **“PDF”** refers to portable document format. A document file created with a word processor, or a paper document which has been scanned, must be converted to portable document format to be filed electronically with the court. Converted files contain the extension “.pdf.” Improperly formatted PDFs will be rejected by ECF. Hyperlinks to external resources (not including citation links) are prohibited.
- F. **“Proposed Order”** is a draft document submitted by an attorney for a judge’s signature. A proposed order shall accompany a motion or other request for relief as an electronic attachment to the document.
- G. **“Technical Failure”** is defined as a failure of court owned/leased hardware, software, and/or telecommunications facility which results in the inability of a Filing User to submit a filing electronically. “Technical Failure” does not include the malfunctioning of a Filing User’s equipment.

H. **“Sealed Document”** is defined as a document or motion filed pursuant to (1) a protective order, (2) an order granting leave to file the sealed document or motion, in conjunction with a motion for leave to seal or a previously filed redacted document, or (3) included within a category of documents considered sealed under a federal statute or federal rule of procedure, local rule, or standing order of this court. The sealed document or motion is not available electronically or by any other means to the parties, attorneys or the public.

HELP DESK

The court staffs a help desk for telephone assistance with ECF. **Filing Users are strongly encouraged to electronically file during the operational hours of the help desk.**

Western District of Kentucky	1-866-822-8305	Monday - Friday 8:30 a.m. - 6:00 p.m. ET
Eastern District of Kentucky	1-866-485-6349	Monday - Friday 8:30 a.m. - 5:00 p.m. ET

ECF SYSTEM CAPABILITIES

A Filing User with a PACER account, an ECF-compatible web browser, Adobe Acrobat or equivalent software and access to the Internet can use the court’s ECF system to perform the following functions:

- ◆ Open the court’s web page.
- ◆ View, print or download the most recent version of the ECF User Manual.
- ◆ Self-train on ECF using the ECF Tutorial, which is available on the district court’s website.
- ◆ Electronically file pleadings and documents in cases.
- ◆ View official docket sheets and other documents associated with cases.
- ◆ View reports.

REQUIREMENTS

Hardware and Software Requirements

The hardware and software needed to electronically file, view, and retrieve case documents are the following:

- ◆ A computer running a standard operating system such as Microsoft Windows or Macintosh.
- ◆ A word processing software package such as Microsoft Word.
- ◆ Adobe Acrobat software or some other compatible software to convert documents from the format of their native application to a [portable document format](#) (PDF).

- ◆ A scanner is required to convert paper documents that are not in a word processing format to digital format for electronic filing in the court's ECF system (*e.g.*, medical records filed as exhibits). Use a scanner **ONLY** if you **cannot** electronically prepare your documents with a word processing software package and convert them to PDF format. When scanning documents for ECF, scan at a resolution of **300 dpi**. All documents shall be scanned with a "black and white" setting, unless the exhibit is colored.
- ◆ An Internet service provider and web browser. The installed version of ECF is compatible with Chrome, Firefox or Edge.

PDF Document Requirements

Filing users must have PDF capability both to view and to create electronically filed documents. To view documents that have been electronically filed, filing users must install software that can display PDFs.

To create documents in PDF, filing users must have software that converts electronic files from any application to PDF. All new documents prepared for CM/ECF cases must be converted to PDF before they are entered into ECF.

PDFs with the following content will be rejected:

- ◆ Does not comply with PDF format standards
- ◆ Contains JavaScript
- ◆ Encrypted or password-protected
- ◆ Contains scripts which can launch an external application
- ◆ Contains internal attachments
- ◆ Contains audio and video content
- ◆ Created with Mac OS X using a fillable form in the Safari browser
- ◆ Created with Mac OS X using MS Word and selecting the option, "Best for printing"

SCOPE OF ELECTRONIC FILING

All civil, criminal and miscellaneous cases are assigned to the Electronic Filing System. All cases, proceedings, motions, memoranda of law and other pleadings or documents filed with the court must be filed using ECF unless otherwise specified herein.

The filing of all civil and miscellaneous initial papers shall be accomplished electronically. In a case removed to the federal court, copies of all documents previously filed in the state court shall be filed as attachments to the Notice of Removal, subject to requirements and limitations set forth herein, or as otherwise ordered by the Court. Service of the summons and complaint must be made under Federal Rules of Civil Procedure 4.

A nonparty who is required or permitted by law to file a paper and who is represented by an attorney shall file electronically.

A party proceeding *pro se* may not file electronically, unless otherwise permitted by the court. *Pro se* filers will file paper originals of all documents. The clerk's office will scan these original documents into the court's electronic system.

Due to the nature of their content, social security appeals and immigration cases have restricted status, meaning that remote public access to documents in these cases are limited to Filing Users who are counsel of record. All documents filed in these cases are available for viewing by the public at the clerk's office, unless otherwise sealed.

SEALED AND EX PARTE DOCUMENTS

I. Sealed Documents

A. **Civil Motion for Leave to Seal.** A party seeking to file a sealed document shall electronically file a motion for leave to seal. The motion must state why sealing is required and whether redaction could eliminate or reduce the need for sealing. A motion for leave to seal is not required if the document is (1) already subject to a protective order or (2) included within a category of documents considered sealed under a federal statute or federal rule of procedure, local rule, or standing order of this court. The motion for leave to seal and any attachments to the motion to seal will be available electronically to the public.

B. **Criminal Motion for Leave to Seal.** A party seeking to file a sealed document shall electronically file a motion for leave to seal. The motion must state why sealing is required and whether redaction could eliminate or reduce the need for complete sealing. A motion for leave to seal is not required if the document is (1) already subject to a protective order or (2) included within a category of documents considered sealed under a federal statute or federal rule of procedure, local rule, or standing order of this court. The motion for leave to seal, any attachments to the motion for leave to seal, the document(s) subject to the motion, and any response or reply thereto, will not be available electronically or by any other means. The filing party must use alternate forms of service to provide any parties entitled to notice with a copy of the document.

C. **Sealed Document.** The document to be sealed must not be attached to the motion, but rather must be electronically filed separately as a provisionally sealed document. This document stays provisionally sealed until the court rules on the motion to seal.

D. **Access to Sealed Documents.** Sealed documents will be electronically accessible only to the Court. Upon the filing of a notice of appeal to the Sixth Circuit Court of Appeals, electronic access to sealed documents in the record on appeal will depend upon the policy of the Sixth Circuit.

E. **Notice.** When a sealed document is filed, ECF provides notice of electronic filing to all parties in the case. A sealed document will not be available electronically to parties, attorneys or the public. The sealed document will be available electronically to the Court. The filing party must use alternate forms of service to provide any parties entitled to notice with copies of the sealed document. In accordance with Rule 6(d) of the Federal Rules of Civil Procedure and 45(c) of the Federal Rules of Criminal Procedure, when a party may or must act with a specified time after being served and service is made under Rule 5(b)(2)(C), (D), or (F), 3 days are added after the period would otherwise expire under 6(a).

- F. **Docket Sheet Entries.** When a sealed document is filed, an entry appears on the public electronic docket sheet. The parties, attorneys and the public do not have electronic access to the sealed document.
- G. **Motion to Unseal.** A motion to unseal or obtain a copy of a sealed document may be made on any legal grounds.
- H. **Privacy Policy.** Federal rules support compliance with the E-Government Act. *See* Fed. R. Civ. P. 5.2; Fed. R.Crim. P. 49.1. Parties and their attorneys are responsible under the rules for preventing disclosure of certain confidential information in case filings. **The clerk does not review case filings for compliance or independently redact or seal noncomplying filings.**

II. Documents in a Sealed Case

- A. **Motion to Seal Case.** A party seeking to seal a case shall electronically file a motion to seal. The motion must state why sealing is required and whether redaction could eliminate or reduce the need for complete sealing.
- B. **Criminal Motion to Seal Case.** A criminal motion to seal, any attachments to the motion, and any response or reply thereto, will not be available electronically or by any other means. The filing party must use alternate forms of service to provide any parties entitled to notice with a copy of the document filed in a criminal case.
- C. **Filing a Document in a Sealed Case.** A document filed in a sealed case must be filed with the court on paper in a sealed envelope marked “sealed” citing thereon the style of the case and case number. The clerk may require the document to be accompanied by a portable memory device, (*e.g.*, USB drive, CD-ROM) containing the document in a PDF format.
- D. **Notice.** When a document is filed in a sealed case, ECF will not provide a notice of electronic filing. The document will not be available electronically to parties, attorneys or the public. The document will be available electronically to the Court. The filing party must use alternate forms of service to provide any parties entitled to notice with copies of the document. In accordance with Rule 6(d) of the Federal Rules of Civil Procedure and 45(c) of the Federal Rules of Criminal Procedure, when a party may or must act with a specified time after being served and service is made under Rule 5(b)(2)(C), (D), or (F), 3 days are added after the period would otherwise expire under 6(a).
- E. **Motion to Unseal.** A motion to unseal a case or obtain a copy of a document in a sealed case may be made on any legal grounds.

III. *Ex Parte* Documents

A party **seeking** to file an *ex parte* motion shall electronically file an *ex parte* motion with attachments. Parties must ensure an *ex parte* motion is proper in light of the substantive, procedural and ethical rules that apply in the context of the filing. When an *ex parte* motion is filed, an entry appears on the public electronic docket sheet. An *ex parte* motion and attachments are not available electronically or by any other means to the parties, attorneys or the public.

SPECIAL FILING REQUIREMENTS AND EXCEPTIONS

I. Special Filing Requirements

The documents listed below shall be presented for filing on paper. The clerk may require the document be accompanied by a portable memory device, (*e.g.*, USB drive, CD-ROM) containing the document in PDF format:

- Documents in sealed cases
- In Camera Documents
- Ex parte* documents in sealed cases
- Qui Tam Cases (under seal)

II. Exceptions

- A. All documents shall be filed electronically unless otherwise ordered by the Court or specifically exempt herein.¹
- B. Mandatory Exceptions - The following documents are excluded from the Electronic Filing System and shall be filed on paper, unless otherwise ordered by the court:

ADMINISTRATIVE RECORDS

PLEA AGREEMENTS

GRAND JURY MATTERS:

The following documents are examples of grand jury matters:

- 1) Minute sheets of swearing in and impanelment.
- 2) Grand jury returns.
- 3) Voting slips.
- 4) Any requests to be excused from grand jury for medical or some other reason and the order appointing an alternate.
- 5) Motions to quash subpoenas and orders ruling on them.
- 6) Motions to enforce subpoenas and orders ruling on them.
- 7) Motions for immunity and orders ruling on them.
- 8) Motions for appointment of counsel and orders ruling on them.

WARRANTS OF ANY KIND (e.g., arrest, seizure, etc.)

CRIMINAL SUMMONS

PEN REGISTERS (wire-tap orders)

CRIMINAL SUBPOENAS (issued or returned - executed or unexecuted)

PRE-INDICTMENT/PRE-INFORMATION:

- 1) Complaints filed by U. S. Attorney on behalf of Federal Agents or by the Federal Agents themselves.
- 2) Affidavits accompanying complaints usually signed by the Federal Agent.

¹Because large documents may not upload properly to ECF or download within a reasonable amount of time, documents over one hundred (100) megabytes may be rejected by ECF and must be broken down into one hundred (100) megabyte segments.

- 3) Warrants issued by another district for a defendant residing in our district. The Rule 5 (arraignment) hearing is held in our district and then the paperwork is sent to the other district on a Rule 40 transfer.

CONSENT TO PROCEED BEFORE U. S. MAGISTRATE JUDGE

(if not signed by all parties.) Consent signed by all parties may be filed electronically.

CJA 23 - FINANCIAL AFFIDAVITS

ELIGIBILITY, REGISTRATION AND PASSWORDS

If you are interested in registering for ECF you may electronically register for a PACER account (www.pacer.uscourts.gov) and request e-filing access to the Eastern District of Kentucky and/or the Western District of Kentucky.

Unless otherwise exempt as set forth herein, an attorney admitted to the bar of this court, including an attorney admitted *pro hac vice*², shall register as a Filing User by requesting e-filing access through their PACER account. A Filing User may serve a document on a registered filing user by filing it with the court's electronic filing system in accordance with the Administrative Policies and Procedures and Orders of the Court, and the Federal Rules of Civil and Criminal Procedure. A document may be served by any other electronic means that a person consents to in writing. Electronic service by registering and participating in the electronic filing process does not constitute consent to service by any other means for purposes of Federal Rule of Civil Procedure 5(b)(2)(F).

If the Filing User intends to become a Filing User in both Districts, a separate request for e-filing access must be completed in each District.

By requesting e-filing privileges through their PACER account, Filing Users certify that they have read and are familiar with the rules of practice of the court, the Administrative Policies and Procedures and Order governing electronic filing³, and verify completion of training in the System.

Once the e-filing request is processed by the clerk, the Filing User will receive notification of the user login and password, via e-mail. A Filing User shall protect the security of the User's password. If the Filing User learns that the password has been compromised, they should change their password immediately and notify the clerk. Filing Users may be subject to sanctions for failure to comply with this provision.

Exemptions from mandatory electronic filing may be granted upon submission of a written request to the clerk. The written request shall include a supporting affidavit showing good cause. Final authority to grant such request is vested in the Chief Judge or a designee of the Chief Judge.

If an attorney is leaving a law firm and is the attorney of record on an existing case and representation in the case will remain with the law firm, it is extremely important that a withdrawal and substitution⁴ of counsel is made prior to the attorney's termination in the law firm, for the following reason. The attorney leaving the firm has an e-mail address with the law firm they are leaving on record with the court. This e-mail address may be disabled by the law firm as soon as the attorney terminates their

²A separate motion shall be filed for each attorney seeking *pro hac vice* admission to the Court. Attorneys admitted *pro hac vice* will be given 30 days to register as an ECF Filing User. Also, see LR 83.2(a) or LCrR 57.2(a) to obtain information regarding permission to practice in a particular case.

³Rules of practice and administrative policies and procedures along with tutorials and other information may be found at <http://www.kywd.uscourts.gov> or <http://www.kyed.uscourts.gov>.

⁴ See LR 83.6 or LCrR 57.6 to obtain information regarding substitution or withdrawal of an attorney of record.

employment. The electronic notices in ECF will continue to go to the terminated attorney's e-mail address at the former firm. If the e-mail address is disabled at the law firm, no one will receive the electronic notice. If a withdrawal/substitution of counsel has not been filed prior to the attorney leaving the firm, the law firm should not disable the e-mail account of the attorney leaving the firm until another attorney in the firm enters their appearance. The law firm should designate someone in the firm to check this e-mail account for ECF notices until substitution of counsel has been filed with the court.

If the attorney leaving the firm is taking active cases from the firm, this attorney needs to change their e-mail address as soon as possible, otherwise the attorney will not receive electronic notices from ECF. The e-mail will continue to be sent to the former law firm's e-mail address still on record.

It is the responsibility of the Filing User to maintain contact information, including but not limited to, current telephone number, mailing address, and email address through their PACER account. Additional email addresses may be entered in the Filing User's profile maintained in the System. Procedures for changing an e-mail address may be found in this manual under [Utilities Feature - Maintain Your Email](#).

The Court is not responsible for notifying a Filing User that an attempted transmission of an electronic notice by the court's system failed.

PACER REGISTRATION

You must have a PACER account to use the ECF system and to access documents filed in the ECF system. If you do not have a PACER login, contact the PACER Service Center to establish an account. Call the PACER Service Center at (800) 676-6856 or (210) 301-6440 for information or to register for an account. Also, you may register for PACER online at www.pacer.uscourts.gov.

If your PACER account was created prior to August 2014, you must upgrade it and link your upgraded PACER account to your CM/ECF. Instructions are available at www.kyed.uscourts.gov or www.kywd.uscourts.gov.

ECF TRAINING

The following training is available for the Eastern District of Kentucky and the Western District of Kentucky:

- ◆ ECF Tutorial - Electronic Learning Modules (ELMs) available on-line at the courts' web site.
- ◆ On-site training at a law firm may be arranged through the clerk's office.

ELECTRONIC FILING AND SERVICE OF DOCUMENTS

Electronic transmission of a document to the Electronic Filing System in accordance with these procedures, together with the transmission of a Notice of Electronic Filing from the court with a hyperlink to the electronically filed document, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure and the Joint Local Rules of this court.

E-mailing a document to the clerk's office or to the assigned Judge does not constitute filing of the document. **A document shall not be considered filed until the system generates a Notice of Electronic Filing with a hyperlink to the electronically filed document.**

Before filing a scanned document with the court, a Filing User must verify its legibility.

A document filed electronically is **deemed filed on the date and time stated on the Notice of Electronic Filing from the court.** The official record is the electronic recording as stored by the court whether the document has been filed electronically or on paper and scanned into the system. The filing party is bound by the document as filed.

Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight, **EASTERN TIME**, unless otherwise ordered, in order to be considered timely filed that day. If time of day is of the essence, the assigned Judge may order a document filed by a certain time.

Upon the filing of a document, a docket entry will be created using the information provided by the Filing User. The clerk will, where necessary and appropriate, modify the docket entry description to comply with quality control standards.

In the event a Filing User electronically files a document in the wrong case, the incorrect PDF document is attached, or a sealed document is filed in error, the Clerk of Court, or his/her designee, shall be authorized to strike the document from the record. A notice of the action striking a document from the record shall be served on all parties in the case.

Pursuant to Rule 5(b)(2)(E) of the Federal Rules of Civil Procedure and 49(a)(3) of the Federal Rules of Criminal Procedure and by participating in the electronic filing process, the parties permit electronic service of all documents, and shall make available current and correct electronic mail addresses for service. Upon the filing of a document by a Filing User, an e-mail message containing the Notice of Electronic Filing (NEF), with a hyperlink to the electronically filed document, will be automatically generated by the Electronic Filing System and sent via electronic mail to the e-mail addresses of all parties who have registered in the case. The Court is not responsible for notifying a Filing User that an attempted transmission of an electronic notice by the court's system failed. Electronic service by registering and participating in the electronic filing process does not constitute consent to service by any other means for purposes of Federal Rule of Civil Procedure 5(b)(2)(F).

In addition to receiving e-mail notifications of filing activity, the Filing User is strongly encouraged to sign on to the Electronic Filing System at regular intervals to check the docket in their case.

When a sealed document is filed, ECF provides notice of electronic filing to all parties in the case. A sealed document will not be available electronically to parties, attorneys or the public. The filing party **must use** alternate forms of service to provide any parties entitled to notice with copies of the sealed document. In accordance with Rule 6(d) of the Federal Rules of Civil Procedure and 45(c) of the Federal Rules of Criminal Procedure, when a party may or must act with a specified time after being served and service is made under Rule 5(b)(2)(C), (D), or (F), 3 days are added after the period would otherwise expire under 6(a).

If the filing of an electronically submitted document requires leave of court, such as an amended complaint, the attorney shall attach the proposed document as an attachment to the motion requesting leave to file. If the court grants the motion, the clerk will electronically file the document without further action by the Filing User.

A sealed document must not be attached to the motion, but rather must be electronically filed separately as a provisionally sealed document. The document stays provisionally sealed until the court rules on the motion to seal.

A party who is not a registered participant in the System is entitled to a paper copy of any electronically filed pleading, document, or order. The Filing User must therefore provide the non-registered attorney or party, including a terminated party or attorney, if appropriate, with the pleading,

document, or order pursuant to the Federal Rules of Civil Procedure (Fed.R.Civ.P.5(b)). Under the rules, they can be served with a paper copy of the electronically filed document or they can consent in writing to service by any other method, including other forms of electronic service such as fax or direct e-mail. In accordance with Rule 6(d) of the Federal Rules of Civil Procedure and 45(c) of the Federal Rules of Criminal Procedure, when a party may or must act with a specified time after being served and service is made under Rule 5(b)(2)(C), (D), or (F), 3 days are added after the period would otherwise expire under 6(a).

If a Filing User is unable to file a document electronically, the Filing User must serve the document in paper form to all counsel of record.

ENTRY OF COURT ORDERS AND RELATED PAPERS

A document entered or issued by the court will be filed in accordance with these procedures and such filing shall constitute entry on the docket kept by the clerk under Fed. R. Civ. P. 58 and 79 and Fed. R. Crim. P. 55.

All signed orders will be electronically filed and entered on the docket. An order bearing the electronic signature of a Judge shall have the same force and effect as if the Judge had affixed a signature to a paper copy of the order and the order had been entered on the docket in a conventional manner.

Orders may also be issued as “text-only” entries on the docket, without an attached document. Such orders are official and binding.

The court may sign, seal and issue a summons electronically, although a summons may not be served electronically.

A Filing User submitting a document that requires a Judge’s signature shall submit the document as an electronic attachment to a motion or other request for relief in accordance with the procedure for a “Proposed Order” as outlined in this manual. See [Proposed Orders](#).

NOTICE OF COURT ORDERS AND JUDGMENTS

Immediately upon the entry of an order or judgment in an action, the clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing **with a hyperlink to the document**, constitutes the notice required by Fed. R. Civ. P. 77(d) and Fed. R. Crim. P. 49(d). The clerk must give notice in paper form to a person who has not consented to electronic service to the extent notice is required. The clerk shall serve a sealed order or judgment, in paper form, to any party entitled to notice.

When the Notice of Electronic Filing transmitted to a party contains a complete court order and states there is no document attached, notice of entry of the order shall be deemed served on the date and time stated on the Notice of Electronic Filing that is transmitted to the party served.

SIGNATURES

The user login and password required to submit documents to the Electronic Filing System serve as the Filing User’s signature on all electronic documents filed with the court. They serve as a signature for purposes of Fed. R. Civ. P. 11, all other Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the Joint Local Rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court.

An electronically filed document must include a signature block in compliance with Rule 11(a) of the Federal Rules of Civil Procedure and Rule 49(b)(4) of the Federal Rules of Criminal Procedure, and must set forth the name, address, telephone number, and e-mail address. In addition, the name of the Filing User under whose login and password the document is submitted must be preceded by an “s/” and typed in the space where the signature would otherwise appear. No Filing User or other person may knowingly permit or cause to permit a Filing User’s password to be used by anyone other than an authorized agent of the Filing User. A handwritten signature is required for any document filed in paper.

A document containing the signature of a defendant in a criminal case shall be electronically filed as a scanned document in PDF format containing an image of the defendant’s original signature. The Filing User is required to verify the scanned document is legible before filing it electronically.

A document requiring signatures of more than one party must be filed electronically either by: (1) electronically filing a scanned document containing all necessary signatures; (2) representing the consent of the other parties on the document; (3) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than seven (7) days after filing; or (4) in any other manner approved by the Court.

A non-filing signatory or party who disputes the authenticity of an electronically filed document with a non-attorney signature, or the authenticity of the signature on that document, or the authenticity of an electronically filed document containing multiple signatures or the authenticity of the signatures themselves, must file an objection to the document within fourteen (14) days of service of the document.

Any party challenging the authenticity of an electronically filed document or the attorney’s signature on that document must file an objection to the document within fourteen (14) days of service of the document.

If a party wishes to challenge the authenticity of an electronically filed document or signature after the fourteen (14) day period, the party shall file a motion to seek a ruling from the court.

SERVICE OF DOCUMENTS BY ELECTRONIC MEANS

Nothing in these procedures shall eliminate the responsibility of a party to make service in accordance with the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and the Joint Local Rules of court.

Federal Rule of Civil Procedure 5(b) and Federal Rule of Criminal Procedure 49(b) do not permit electronic service of process for purposes of obtaining personal jurisdiction, *i.e.*, Rule 4 service. Therefore, service of process must be effected in the traditional manner.

Upon the electronic filing of a pleading or other document, the court’s Electronic Case Filing System will automatically generate and send a Notice of Electronic Filing (NEF) to Filing Users associated with the case. Transmission of the Notice of Electronic Filing, along with a hyperlink to the document, constitutes service of the filed document, **unless the document is sealed.**

When a sealed document is filed, ECF provides notice of electronic filing to all parties in the case. A sealed document will not be available electronically to parties, attorneys or the public. The filing party **must use** alternate forms of service to provide any parties entitled to notice with copies of the sealed document. In accordance with Rule 6(d) of the Federal Rules of Civil Procedure and 45(c) of the Federal Rules of Criminal Procedure, when a party may or must act with a specified time after

being served and service is made under Rule 5(b)(2)(C), (D), or (F), 3 days are added after the period would otherwise expire under 6(a).

The NEF must include the time of filing, the date the document was entered on the docket, the name of the party and attorney filing the document, the type of document, the text of the docket entry, and an electronic link (hyperlink) to the filed document, allowing anyone receiving the notice by e-mail to retrieve the document automatically. If the Filing User becomes aware that the NEF was not transmitted successfully to a party, or that the notice is deficient, *i.e.*, the electronic link to the document is defective, the Filer shall serve the electronically filed document by e-mail, hand, facsimile, or by first-class mail postage prepaid immediately upon notification of the deficiency of the NEF. The Court is not responsible for notifying a Filing User that an attempted transmission of an electronic notice by the court's system failed.

A non-registered participant is entitled to receive a paper copy of any electronically filed document from the party making such filing. Service of such paper copy must be made according to the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure and the Joint Local Rules.

RETENTION REQUIREMENTS

A document that is electronically filed and requires an original signature other than that of the Filing User must be maintained in paper form by counsel and/or the firm representing the party on whose behalf the document was filed until **one year** after all periods for appeals expire. On request of the court, said counsel must provide the original document for review.

The clerk's office may choose to discard certain documents brought to the clerk's office for filing in paper form after those documents are scanned and uploaded to the System. Therefore, counsel shall provide the court with a copy of the original documents with intrinsic value for scanning and maintain the original signature. See [Signatures](#).

Pursuant to Fed. R. Civ. P. 5(d) disclosures under Rule 26(a)(1) or (2) and discovery material must not be filed until they are used in the proceeding or the court orders filing. Pursuant to Joint Local Rule 26.1(b), the party responsible for service of a discovery document not filed of record, including disclosures, notices, interrogatories, requests and answers or responses thereto, shall be the custodian and must retain the original document. The custodian must provide access to all parties of record during the pendency of the action.

TECHNICAL FAILURE

If the site is unable to accept filings continuously or intermittently for more than one (1) hour occurring after 12:00 noon Eastern Time that day, the clerk shall deem the court's Electronic Case Filing web site to be subject to a technical failure.

If a Filing User experiences a technical failure as defined herein, the Filing User may submit the document to the clerk of court, provided that the document is accompanied by a certification, signed by the Filing User, that the Filing User has attempted to file the document electronically at least twice, with those unsuccessful attempts occurring at least one (1) hour apart after 12:00 noon Eastern Time that day. The clerk may require the document to be accompanied by a disk or portable memory device, (*e.g.*, USB drive, CD-ROM) which contains the document in PDF format.

The initial point of contact for a Filing User experiencing technical difficulty filing a document electronically will be the court's ECF [Help Desk](#) at the numbers listed on the court's web site and in the ECF User Manual.

A Filing User who suffers prejudice as a result of a technical failure as defined herein or a Filing User who cannot file a time-sensitive document electronically due to unforeseen technical difficulties, such as the malfunctioning of a Filing User's equipment, may seek relief from the Court.

BASICS

USER INTERACTIONS

A User normally interacts with the Electronic Case Filing System in three ways:

- ◆ Entering information in data fields.
- ◆ Mouse-clicking on hyperlinks.
- ◆ Selecting command buttons to direct system activities.

CONVENTIONS USED IN THIS MANUAL

- ◆ Hyperlinks are denoted in **underlined boldface type**.
- ◆ Command buttons appear in **[bracketed boldface type]**.

INCORRECTLY FILED DOCUMENTS

A document incorrectly filed in a case may result from:

- ◆ posting the wrong PDF file to a docket entry.
- ◆ selecting the wrong document type from the menu.
- ◆ entering the wrong case number and not discovering the error before completing the transaction; or
- ◆ filing a sealed document erroneously.

For assistance in the Western District telephone the Help Desk toll free at 1-866-822-8305.

For assistance in the Eastern District telephone the Help Desk toll free at 1-866-485-6349.

Please provide the case and document number for the document in question. **If appropriate, the clerk's office will make an entry indicating that the document was filed in error.**

The ECF system does not permit the Filing User to make changes to the misfiled document or incorrect docket entry after the transaction has been accepted.

INITIATING DOCUMENTS

The filing of civil and miscellaneous initial papers, e.g., complaint, notice of removal, etc., shall be accomplished electronically as set forth herein. See [Filing Initial Documents](#).

In a case removed to federal court, parties are required to provide electronic copies of all documents previously filed in the state court, which have been served upon them. Electronic copies of the state

court record shall be filed as attachments to the Notice of Removal. [Service of the summons and complaint](#) must be made under Federal Rules of Civil Procedure 4.

FEE PAYABLE TO CLERK

Any fee required for filing a pleading or document in District Court is payable upon filing of the document. Filing Users will be automatically directed to the Department of Treasury's Internet payment process when filing any pleading or document which requires a fee. The receipt of the fee

will be indicated in the text of the docket entry. The court will not maintain electronic billing or debit accounts for litigants. See [Request for Fee Refund](#).

<p>NOTE: Credit card transactions may be verified through the Utilities function of ECF. See Internet Payment History.</p>

A refund of a fee collected upon filing is generally prohibited. In the event a fee is erroneously collected electronically via credit card, the refund will be processed through the electronic credit card system; the court will not issue a refund through a check. A Filing User shall request a refund by written application to the court.

ENTERING THE ECF SYSTEM

Enter the system to file a document in the Eastern District of Kentucky by going to the court's web page at <http://www.kyed.uscourts.gov>. Enter the system in the Western District of Kentucky by going to the court's web page at <http://www.kywd.uscourts.gov>.

LOGGING IN

To log into the system, you must have a login and password provided by PACER. If you do not have a login and password, you are not yet officially registered in ECF. Please contact the PACER Service Center at (800) 676-6856 for information. Or, you may register for PACER/ECF online at www.pacer.uscourts.gov.

Enter your PACER login name and user password in the appropriate data entry fields. All login names and passwords are case-sensitive. The client code field is provided so that, attorneys may track usage by client for billing purposes. You must also check and comply with the redaction rules on the log-in screen to successfully log in.

Attorney users must check the checkbox to acknowledge they have read the redaction disclaimer and verify they must comply with the redaction rules. Hyperlinks to the specific Federal Rules of Civil Procedure and Federal Rules of Criminal Procedure regarding the redaction requirements are accessible from the login screen.

After you enter the correct login, password, client code information, and indicate your compliance with the Notice of Redaction Responsibility, click on the [**Continue**] button to transmit your user information to the ECF system.

Note: There is a charge of .10 cents per page for viewing, printing, and/or downloading case dockets with the total for any document, docket sheet, or case-specific report not to exceed the fee for thirty pages. However, transcripts of federal court proceedings shall not be subject to the thirty-page fee limit. No fee is owed under this provision until an account holder accrues charges of more than \$15 in a quarterly billing cycle.

After ECF accepts your login and password, the Main ECF screen will display a functional selection menu bar at the top.

SELECTING ECF FEATURES

ECF provides the following features that are accessible from the menu bar at the top of the opening screen.

- CIVIL** Select **Civil** to electronically file all civil and miscellaneous case pleadings, motions, and other court documents.
- CRIMINAL** Select **Criminal** to electronically file all criminal case pleadings, motions and other criminal court documents.
- QUERY** **Query** ECF by specific case number or party name to retrieve information and documents relevant to the case. **Other options are available.**
- REPORTS** Choose **Reports** to retrieve cases-filed reports and docket sheets.
- UTILITIES** View your personal ECF transaction log and maintain personal account information in the **Utilities** area of ECF.
- SEARCH** When clicked, a small pop-up window appears, and the user may enter text to search for an event or menu item. Enter text in the search box and click on the **[Search]** button. Search results are displayed on the screen with the search string characters highlighted.
- LOGOUT** Provides the means to gracefully exit from ECF.

The cascading menu system will allow navigation from one ECF menu item to another by hovering over the main menu bar and selecting items from the cascading menus. If a user clicks on one of the main menu items, the legacy static menu page is displayed. This gives users the option of using the cascading menus or the static menus.

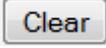
EVENTS FEATURE

Filing Users will use the Civil and Criminal Events feature of ECF to electronically file pleadings, motions, and other documents for civil, criminal and miscellaneous cases.

GENERAL RULES AND MANIPULATIONS

Manipulating the Screens

Each event screen has two buttons associated with data entry:

Use the  button to remove **all** characters entered in its associated field or box.

Use the  button to accept entered data, display the next data-entry screen and commit and finalize the transaction.

Correcting a Mistake

Abort the ECF filing or return to previous screens by clicking on any feature on the ECF menu bar *to abort* the current transaction. ECF will reset to the beginning of the process based on your selection. Once you click on the [NEXT] button after the warning screen, “**Attention!! Pressing the NEXT button on this screen commits this transaction**”, you will have no further opportunity to modify the transaction or correct any mistakes. Please call the ECF [Help Desk](#) for assistance.

HOW TO FILE DOCUMENTS

There are nine (9) basic steps for filing a pleading and/or document in ECF.

- 1) Select the Case Type from the menu bar at the top of the screen. (Civil or Criminal) or use the **Search** function to locate the appropriate event.
- 2) Select the type of event to file (*e.g.*, motion, notice, etc.).
- 3) Locate the case for which the pleading or document is being filed.
- 4) Designate the parties for whom the pleading or document is being filed.
- 5) Specify the PDF document to file.
- 6) Add attachments, if any, to the document being filed.
- 7) Modify docket text as necessary.
- 8) Submit the pleading or document to ECF.
- 9) Receive Notice of Electronic Filing (NEF).

Filing Initial Documents

A Filing User is required to file a civil or miscellaneous initial pleading electronically. Any fee required for filing a pleading or document (*e.g.*, initiating documents, Notice of Appeal or Motion for *pro hac vice* admission) in District Court is payable upon filing of the document. A valid credit card is necessary to file any pleading or document requiring a fee. After successfully logging into ECF, follow these steps to file a civil or miscellaneous initial pleading (*e.g.*, complaint.)

- ◆ Select **Civil** from the menu bar at the top of the ECF screen to file a Civil or Miscellaneous initial pleading. The Civil Event window opens displaying all of the events available for selection to electronically file a pleading or document.
- ◆ Click on **Initial Case Filings and Pleadings** under the **New Case Filings** category. A drop-down menu will appear with the initial pleading types listed. Select the correct event and click on the [Next] button.
- ◆ Selecting the category **Initial Case Filings and Pleadings** will automatically direct the filer to the appropriate case number for filing a new case.
- ◆ You will be prompted to attach your initial pleading in PDF format as the main document in the fictitious case entry. The summons, civil cover sheet, and any other document to be filed with the initial pleading shall be an attachment to the main document. See [How to Add Attachments](#).
- ◆ You will be prompted to type in the appropriate text box the name of the first plaintiff in your civil action and the name of the first defendant in your civil action. Click the [Next] button.

- ◆ Select the particular jury division for proper case assignment according to Joint Local Rule 3.2. Click the **[Next]** button.
- ◆ When choosing the event **Complaint**, make a selection regarding the return of process issued by the clerk's office. Click the **[Next]** button. To present a summons to the clerk for signature and seal, a properly prepared summons must be an electronic attachment to the complaint. The clerk's office may return the process electronically or via regular mail to the Filing User, unless information is selected requesting the summons be held at the clerk's office for pick up.
- ◆ When a fee is required, the Filing User will be automatically directed to the Department of Treasury's Internet payment process and required to enter a valid credit card number. American Express, Discover, Master Card, Visa and Diner's Club will be accepted. The receipt of the fee will be indicated in the text of the docket entry. The Filing User is encouraged to print or save the Notice of Electronic Filing. The Notice of Electronic Filing will be transmitted to the Clerk's office and will not be transmitted to the Filing User's e-mail account.

WARNING

Aborting a transaction after your credit card information has been authorized may debit your credit card in the amount of the fee. Filing Users are advised to track ECF internet payments through the Utilities function of [Internet Payment History](#). Also see [Fees Payable to the Clerk](#).

- ◆ Once the clerk's office receives the initial pleading, it will be assigned a civil action number and judge and opened in the CM/ECF system by the clerk's office. If applicable, the clerk's office will process the summons, which will be issued and returned electronically, mailed, or, at the Filing User's request, may be picked up. The Filing User will receive an NEF indicating the file date for the case, the case number and other pertinent information.
- ◆ Upon receipt of the NEF, all new filings in the case shall be entered under the new civil action number.

A civil action initiated without payment of a filing fee requires an Application to Proceed In Forma Pauperis. Click on **Initial Case Filings and Pleadings** to select the event **Application to Proceed In Forma Pauperis**. The initial document, i.e., complaint, and properly prepared process, if any, shall be an electronic attachment to the main document. See [How to Add Attachments](#).

In a case removed from state court to federal court, the Filing User is required to provide electronic copies of all documents previously filed in the state court as attachments to the Notice of Removal.

Service of Summons and Complaint

Service of the summons and complaint must be in compliance with Rule 4 of the Federal Rules of Civil Procedure. The summons will be issued by the clerk's office and returned to the Filing User electronically, via regular mail or, at the Filing User's request, may be picked up at the clerk's office.

FILING A MOTION OR OTHER TYPE OF DOCUMENT

The process for filing a motion or other types of documents is similar because the screens are basically the same.

For purposes of describing the electronic filing process and the ECF screens, this section of the User Manual describes the process for filing a civil motion in ECF.

Select the Type of Civil Event being filed

- ◆ Select **Civil** from the menu bar at the top of the ECF screen. The Civil Event window opens displaying all the categories from which you may choose for your filing.
- ◆ Click on **Motions** under Motions and Related Filings.

The **Motions** screen appears and displays a motion selection field with a scroll bar next to it. Scroll through the menu to find the type of motion or application you wish to file or enter one or more characters in the docket event search field to execute a more precise search. If the Filing User enters characters in the text field, the list is filtered to display events matching the character pattern. Click on the event you wish to file, which will move the selected event to the *selected events* list. The order in which events are added to the *selected events* list is the order in which they will be entered, and the order in which they will appear in the docket text.

Locate the Case for Which the Document is Being Filed

A new screen opens with a Case Number field. Enter the case number and click the **[Find This Case]** button. The list of possible matches will appear for selection. If there is more than one case with the same case number, select the appropriate case. Click on the **[Next]** button.

If you submit a case number that is formatted incorrectly, ECF will prompt an error message advising you of the correct format for entering the case number.

- ◆ Click **[OK]** to acknowledge and close the error message.
- ◆ Click the **[Clear]** button on the screen and re-enter the case number in the correct format.
- ◆ Click the **[Find This Case]** button and select the correct case from the list.
- ◆ Click on the **[Next]** button.

NOTE: ECF defaults to the last case in which you worked. Ensure the proper case number is entered in this field to avoid filing a document in the wrong case. The case number format is Year-Number. The case type is not needed. If ECF finds a civil and miscellaneous case with the same number, it will list both cases. The list of cases will display the case number and short title of the case, which will allow you to select the correct case.

For filing in a multi-defendant criminal case, the user must select one or more defendant cases or the main case. For multi-defendant criminal cases, clicking on the **[+]** beside the main case number expands the list of cases to display all defendants. Once the list of defendants is expanded, clicking on the **[-]** beside the main case number collapses the list of defendants, so only the main case number is visible.

Unless you are filing on behalf of all defendants, select only the defendant(s) to which your filing relates.

Motions

Criminal Case Number

7:11-cr-25-2

Select a case:

7:11-cr-00025-ART-EBA USA v. Mosley et al

7:11-cr-00025-ART-EBA-1 Arnold Mosley, Jr.

7:11-cr-00025-ART-EBA-2 Billie Lou Mosley

7:11-cr-00025-ART-EBA-3 Arnold Mosley, III

Designate the Parties for Whom the Document is Being Filed

ECF refreshes the screen with a list of parties in the case.

Highlight the name of the party or parties for whom you are filing the motion. If you represent all defendants or all plaintiffs, you may select the entire group by holding down the **CTRL** key while pointing and clicking on each party of the group. When filing a joint pleading, select all pertinent parties as filers.

After highlighting the parties filing the motion, click on the **[Next]** button.

Specify the PDF Document to File

ECF accepts the party or parties you select and refreshes the screen to display the screen depicted in ECF displays a field for locating the PDF file of the document you are filing.

Note: It is imperative that you attach an electronic copy of the actual motion when prompted by the system. All documents **MUST** be filed in PDF format. Otherwise, ECF will not accept the document and Filing Users will be unable to retrieve and read the document from within ECF.

PDF Upload

You must describe the document using the Category list, the Description box, or both.
Select the pdf document and any attachments.

Main Document

Attachments	Category	Description
1. <input type="text"/>	<input type="button" value="Browse..."/> <input type="text"/>	<input type="text"/>

Click on the **[Browse]** button. Navigate to the appropriate directory and file name to select the PDF document you wish to file. Highlight the file to upload to ECF.

IMPORTANT!
View the document to verify that it is correct, complete and legible.

Click the [**Open**] button from the screen. ECF closes the **File Upload** screen. The PDF file name is inserted in the **Main Document** field.

◆ **If there are no attachments**, click on [**Next**].

If you are filing attachments, *i.e.*, a proposed order, see “Filing Attachments and Exhibits” under [“How to Add Attachments.”](#)

In the event you selected and highlighted a file that is not in PDF format or a PDF with prohibited content, ECF will display an error message after you click on the [**Next**] button.

Click on the [Back**] button and ECF will return to the [PDF Upload](#) screen.**

Failure to Select a Document to File

If you fail to select a document to file, ECF will display an error message.

Click on the [**OK**] button to return to the [PDF Upload screen](#). Click the [**Browse**] button to find the PDF file name for the document being filed.

Filing Attachments and Exhibits

Attachments in the ECF System are any documents being filed as an exhibit or attachment to the **Main Document**. Examples might be a memorandum in support, affidavits, exhibits, proposed documents, etc. A Filing User must submit in electronic form all documents referenced as exhibits or attachments in accordance with the court’s ECF User Manual, and the Joint Local Rules of this court, unless otherwise ordered by the court. A Filing User shall submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such, unless the document is attached to a sealed filing. Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane. The court may require parties to file additional excerpts or the complete document.

Exhibits in General

A filing party should electronically image, *i.e.*, “scan” a paper exhibit less than one hundred (100) megabytes and submit the exhibit as a PDF file. However, because PDF files containing scanned documents take up considerably more space on the system than PDF files containing electronically generated documents, filing parties may submit PDF files containing scanned documents of more than one hundred (100) megabytes **only** if they are filed in separate one hundred-megabyte segments.

Because documents scanned in color or containing a graphic may take much longer to upload, filing parties must configure their scanners to scan documents at 300 dpi and in black and white, rather than in color. Documents appearing in color in their original form, such as color photographs, may be scanned in color and then uploaded to the system.

Filing Users are required to verify that scanned documents are legible before the documents are filed electronically with the court.

Attaching Exhibits

Exhibits must be filed in accordance with LR 83.10(b) or LCrR 55.2 and the following procedures:

- ◆ Each separate exhibit must be filed as a separate attachment to the main document.
- ◆ If any particular exhibit exceeds one hundred (100) megabytes, the exhibit must be broken down into separate components of one hundred (100) megabytes or less, and each component must be filed as a separate attachment.
- ◆ A clear and concise description of each exhibit must be typed into the description field of each attachment, unless the event is sealed. The following is a sample of how to describe each attachment.

<u>Type</u>	<u>Description</u>
Exhibit	A - Affidavit of John Smith
Exhibit	B - Excerpts from Jane Doe's Deposition
Exhibit	C-1 - Contract between XYZ Company and ABC Company (Part 1, Page 1-159)
Exhibit	C-2 - Contract between XYZ Company and ABC Company (Part 2, Pages 160-240)
Exhibit	D - XYZ Company General Ledgers

Conventional Filing of Exhibits

Exhibits that cannot be made available in electronic form, *e.g.*, a video recording, must be filed according to the following procedures.

- ◆ The Filing User must prepare an exhibit index in pleading form. The pleading's caption shall identify the document to which the exhibits relate (*e.g.*, "Notice of Filing Exhibits in Support of Defendant XYZ Company's Memorandum in Support of Motion for Summary Judgment") and must state that "the exhibits are being filed conventionally due to the following reason . . ."
- ◆ File the exhibit index as an attachment to the electronically filed main document it supports.
- ◆ The exhibit index pleading shall accompany the exhibits when filed with the court. The exhibits should be properly identified and marked. The clerk's office will make an entry on the docket noting the receipt of the index and exhibits.
- ◆ A party must serve conventionally filed materials on other parties as if not subject these electronic filing procedures.

Proposed Orders

A proposed order shall be electronically filed as an attachment to the main document. Select description "proposed order" from the attachment **Type**. See [How to Add Attachments](#).

The proposed order should not contain a date line, signature line or the Judge's name. Provide a minimum space of 1½ inches on the proposed order so the electronic signature of the Judge may be inserted thereon should the Judge decide to sign the order. The proposed order should not contain the word "proposed" in the title.

How to Add Attachments

Click on [**Browse**] to search for the document file name of the first attachment. Open the PDF document to verify the document is correct, complete and legible.

- ◆ Click the [**Open**] button from the [PDF Upload](#) screen ECF closes the **File Upload** screen and inserts the PDF file name in the **Attachment** field.
- ◆ Under the field for attachment **Category**, click on the arrow and ECF opens a drop-down screen. Highlight the type of attachment from the displayed selection when the type of attachment is listed.
- ◆ Describe each attachment in the **Description** box. Click in the **Description** box and type a clear and concise description of the attachment.
- ◆ The Filing User is required to select a **Category** and/or type a **Description**. Failure to select a **Category** or type a **Description** will result in an error message.
- ◆ Repeat the sequence for each additional attachment.
- ◆ After adding all of the desired PDF documents as attachments, click on [**Next**].
- ◆ The previous screen closes and ECF opens a new screen.

Refining Docket Text

Determine the filing text that will appear on the docket sheet.

- ◆ Click on the arrow to open a modifier drop-down list. You may select one of the words in the drop-down list or leave the field blank.
- ◆ Click on the field by the party's name and type a description of the document that will appear in the docket report.
- ◆ The docket text should reflect the title of the filed document, when possible.

Submit Document for Filing

After entering docket text, click on the [**Next**] button. A new window appears to display the text of the entry, which will appear on the docket report.

NOTE: The screen contains the following warning:

Attention!! Pressing the **NEXT** button on this screen commits this transaction. You will have no further opportunity to modify this transaction if you continue.

Have you redacted?

At any time **prior to this step**, you may abort the ECF filing or return to previous screens by clicking on any feature on the ECF menu bar *to abort* the current transaction. ECF will reset to the beginning of the process based on your selection.

Aborting a transaction after your credit card information has been authorized may debit your credit card in the amount of the fee. Filing Users are advised to track ECF internet payments through the Utilities function of [Internet Payment History](#).

NOTE: Using the [Back] button on the browser toolbar may produce a message “Warning: Page has Expired” and the entry is effectively aborted.

- ◆ Click on the [Next] button to commit the transaction.

WARNING

WHEN YOU CLICK ON THE [Next] BUTTON, YOUR TRANSACTION WILL BE COMPLETED AND THE DOCUMENT IS FILED.

Notice of Electronic Filing

ECF opens a new window displaying the ECF filing receipt, a Notice of Electronic Filing (NEF).

- ◆ The NEF provides confirmation that ECF registered your transaction, and the document is now an official court record. It displays the date and time of your transaction and the number assigned to your document.

REMINDER: The time of filing of the document occurs at such time as state on the Notice of Electronic Filing. IT IS NOT THE TIME YOU LOGIN TO ECF. Please allow yourself sufficient time to complete all filing fields and attach all documents.

- ◆ The Notice of Electronic Filing represents your electronic file stamp and service for Filing Users associated with the case. You may save it to a file on your computer hard drive, print it, and/or retain a hard copy in your personal files.
- ◆ Select [**Print**] on the browser toolbar to print the document receipt.
- ◆ Select [**File**] on the browser menu bar and choose [**Save As**] from the drop-down window to save the receipt to a file on the hard drive of your computer.
- ◆ ECF will electronically transmit the Notice of Electronic Filing to other attorneys in the case who have registered as ECF Filing Users. The ECF filing receipt displays the names and addresses of individuals who will **NOT** be electronically notified of the filing. **It is the filer’s responsibility to serve paper copies of the document to attorneys and parties who are not registered for electronic notification and serve documents filed under seal to any party entitled to notice.**

E-Mail Notification of Documents That Were Filed

After a document is electronically filed, the ECF System sends an e-mail of the **Notice of Electronic Filing**, with a hyperlink to the electronically filed document, to the designated attorneys registered as ECF Filing Users. Individuals who receive electronic notification of the filing are permitted “one free look” at the document by clicking on the associated hyperlinked document number embedded in the **Notice of Electronic Filing**. The court strongly urges you to save the document to your hard

drive for future access. Subsequent retrieval of the document from ECF must be made through your PACER account and is subject to regular PACER fees.

REMINDER: It is the responsibility of the Filing User to send paper copies of the document to *pro se* parties and attorneys who are not ECF Filing Users, and serve documents filed under seal to any party entitled to notice.

Filing Other Types of Documents

If a Filing User prepares a single document containing a motion, response and/or reply, the Filing User must file the document using two or more separate entries, making the appropriate selections from the **Civil Events** or **Criminal Events** menu. For example, the filing is “Plaintiff’s Response to Defendant’s Motion to Dismiss and Plaintiff’s Motion to Amend Complaint.” In this instance the Filing User will file the document using the event “Response to Motion.” After you complete the transaction of filing the Response, file and attach the same document using the event “Motion” as a separate entry.

Reports are generated by the Electronic Filing System from the information entered in regard to motions, responses and replies. The reports are used by chambers for case management. If the proper information is not entered as stated above, the reports will not properly reflect pending motions, responses and replies.

A Filing User who wishes to file any document should make the appropriate selection from the **Civil Events** or **Criminal Events** menu. The process for other filings is very similar to what has been described in this manual for filing a motion. Choose the event carefully to identify the one which most closely represents your filing.

PUBLIC ACCESS

A person may access information from the Electronic Filing System at the court’s Internet site by using their PACER login and password.⁵ A person who has PACER access may retrieve docket sheets and documents (unless otherwise sealed or restricted) in criminal and civil cases, except for social security appeals and immigration cases, in which only a Filing User who is counsel in the case may retrieve documents electronically. Documents in social security appeals and immigration cases are not available for public view over the Internet in accordance with Fed. R. Civ. P. 5.2.

If a document is restricted, a PACER user may retrieve the docket sheet over the Internet, but only a Filing User who is counsel of record may retrieve restricted documents electronically. However, a restricted document is available for viewing by the public at the clerk’s office.

Electronic access to electronic docket sheets and all documents filed in the System, unless sealed, is available to the public for viewing at no charge during regular business hours at the clerk’s office. A

⁵Pursuant to the Judicial Conference Electronic Public Access Fee Schedule, non-judiciary CM/ECF users will be charged a fee of ten cents per page obtained remotely through the PACER system, with a total for any document, docket sheet, or case-specific report not to exceed the fee for 30 pages. However, transcripts of federal court proceedings shall not be subject to the thirty (30) page limit.

The access fee does not apply to official recipients of electronic documents, *i.e.*, parties legally required to receive service or to whom service is directed by the filer in the context of service under Federal Rules of Civil Procedure. Official recipients will receive the initial electronic copy of a document free to download as they see fit, but if they remotely access the document again, they will be charged ten cents per page.

copy fee for an electronic reproduction is required in accordance with 28 U.S.C. 1914. A sealed case, sealed document or *ex parte* motion shall not be available electronically or through any other means.

Conventional copies and certified copies of electronically filed documents may be obtained at the clerk's office. The fee for copying and certifying will be in accordance with 28 U.S.C. 1914.

FILING A SEALED DOCUMENT

Civil Motion for Leave to Seal a Document

A party seeking to file a sealed document shall electronically file a motion for leave to seal prior to filing a sealed document. A [civil motion for leave to seal](#) is not required when the document is already subject to a protective order, or included within a category of documents considered sealed under a federal statute or federal rule of procedure, local rule or standing order.

WARNING: A civil motion for leave to seal a document and any attachments to the motion to seal **will be available** electronically to the public.

A sealed document **must not be attached** to the motion. The sealed document **must be** electronically filed separately as a provisionally sealed document. The sealed document stays provisionally sealed until the court rules on the motion to seal.

When a sealed document is filed, ECF provides electronic notice to all parties in the case, but the sealed document will not be available electronically, or by any other means, to parties, attorneys or the public. The filing party must use an alternate form of service to provide any parties entitled to notice with copies of a sealed document. In accordance with Rule 6(d) of the Federal Rules of Civil Procedure and 45(c) of the Federal Rules of Criminal Procedure, when a party may or must act with a specified time after being served and service is made under Rule 5(b)(2)(C), (D), or (F), 3 days are added after the period would otherwise expire under 6(a).

From the Civil Motions category, select the motion relief “for leave to Seal a Document.”

During the filing process, messages will be displayed warning the Filing User that a sealed document or sealed motion should **not** be attached to the entry, but instead filed as a separate entry. To file a sealed document in a civil case, select Sealed Events under the Sealed Document category. Select the event, which describes the sealed document being filed. A warning message indicates the restrictions on the usage of this event. The authority to file a sealed document must meet one of the following requirements:

- ◆ A Motion for leave to Seal Document has been filed.
 - ◆ The Court granted leave to file a sealed document.
 - ◆ The Court entered a Protective Order.
- OR
- ◆ The sealed document is filed in conjunction with a previously filed redacted document.

Making the proper selections during filing is required, including a link to the order allowing a sealed document to be filed, the motion for leave to seal or the redacted document. A sealed document or sealed motion event seals the Main Document and any attachments.

Descriptions for attachments should be generic, because the description will appear on the public docket sheet.

The following is a sample of how to describe each sealed attachment.

<u>Type</u>	<u>Description</u>
Exhibit	A.
Exhibit	B.

Criminal Sealed Motion for Leave to Seal A Document

A [criminal sealed motion for leave to seal](#), any attachments to the motion, and any response or reply thereto, will not be available electronically or by any other means. The filing party must use an alternate form of service to provide any parties entitled to notice with copies of a sealed document. Each document must be filed electronically using the appropriate event. In accordance with Rule 6(d) of the Federal Rules of Civil Procedure and 45(c) of the Federal Rules of Criminal Procedure, when a party may or must act with a specified time after being served and service is made under Rule 5(b)(2)(C), (D), or (F), 3 days are added after the period would otherwise expire under 6(a).

WARNING: If the correct event is not used, the document is not sealed.

A party seeking to file a sealed document shall electronically file a sealed motion for leave to seal prior to filing a sealed document. A sealed motion for leave to seal is not required when the document is: (a) a response or a reply to a sealed motion; (b) already subject to a protective order; (c) included within a category of documents considered sealed under a federal statute or federal rule of procedure; or (d) filed pursuant to local rule or standing order.

From the Criminal Motions category, select the motion relief “Sealed Motion for leave to Seal a Document.”

During the filing process, messages will be displayed warning the Filing User that a sealed document or sealed motion should **not** be attached to the entry, but instead filed as a separate entry.

To file a sealed document in a criminal case, select Sealed Events under the Sealed Document category. Select the event, which describes the sealed document being filed.

A warning message will indicate the restrictions on the usage of this event. Making the proper selection during filing is required, including a link to the appropriate document previously filed. A sealed document, sealed motion, sealed response or sealed reply event seals the Main Document and any attachments. Descriptions for attachments must be generic, because the description will appear on the public docket sheet.

Ex Parte Motions

A party seeking to file an [ex parte motion](#) shall file such motion electronically. Include *ex parte* in the caption of the document. The correct event **must be** used to properly restrict access to the document. An entry will appear on the docket sheet; however, parties, attorneys and the public will not have access to the document. To file an *ex parte motion*, select *Ex Parte Motion* from the listed

reliefs in the Motions category. Generic text is displayed on the docket sheet and descriptions for attachments should be generic because the description will appear on the public docket sheet. A [proposed order](#) is required.

Motion to Seal a Case

A party seeking to seal a case shall electronically file a [motion to seal a case](#). The motion must state the reason and show good cause for sealing the case. If the motion to seal is granted, the case under seal will not be available electronically or through any other means.

A criminal motion to seal a case, any attachments to the motion, and any response or reply thereto, will not be available electronically or by any other means. The filing party must use an alternative form of service to provide any parties entitled to notice with a copy of the sealed motion to seal a criminal case. In accordance with Rule 6(d) of the Federal Rules of Civil Procedure and 45(c) of the Federal Rules of Criminal Procedure, when a party may or must act with a specified time after being served and service is made under Rule 5(b)(2)(C), (D), or (F), 3 days are added after the period would otherwise expire under 6(a).

Filing Documents in a Sealed Case

A [document filed in a sealed case](#) must be filed with the court on paper in a sealed envelope marked “sealed” citing thereon the style of the case and case number. The clerk may require the document to be accompanied by a portable memory device, (e.g., USB drive, CD-ROM) containing the document in a PDF format. The signature of a sealed document filed in paper must be handwritten. The filing party must use an alternate form of service to provide any party entitled to notice with a copy of a document filed in a sealed case. In accordance with Rule 6(d) of the Federal Rules of Civil Procedure and 45(c) of the Federal Rules of Criminal Procedure, when a party may or must act with a specified time after being served and service is made under Rule 5(b)(2)(C), (D), or (F), 3 days are added after the period would otherwise expire under 6(a).

A motion to unseal a case or obtain a copy of a document in a sealed case may be made on any legal grounds.

QUERY FEATURE

To query the Electronic Case Filing System for specific case information, enter the Query mode. Click on **Query** from the ECF menu bar.

SELECTING A CASE TO QUERY

If you know the number that the court has assigned to the case, enter it in the **Case Number** field and click on the **[Find this Case]** button.

For multi-defendant criminal cases, clicking on the **[+]** beside the main case number expands the list of cases to display all defendants. Once the list of defendants is expanded, clicking on the **[-]** beside the main case number collapses the list of defendants, so only the main case number is visible.

Users may type or paste complete cases numbers to quickly retrieve the desired case. For criminal cases, a defendant number can be entered, preceded by a hyphen (e.g., 3:06-cr-86-2). To enter multiple defendants, use commas to separate the defendant numbers (e.g., 3:06-cr-86-1-2,3,5).

Click on the **[Run Query]** button.

You may query the ECF database by the name of a party or an attorney to the case. Enter the last name of the party or a business in the appropriate field. If more than one person with that name is in the database, ECF returns a screen from which to select the correct name.

If you click on the name of the party, ECF will open the query screen. If the individual is a party to more than one case, ECF will open a screen listing all of the party's cases. Click on the case number hyperlink and ECF opens the query screen.

At the top of the window, ECF displays the case number, short title of the case, presiding Judge, date the initial claim was filed, and date of last filing for the case. You may select specific case information from a list of query options by clicking on the appropriate hyperlink.

QUERY

Attorney

The Attorney Query function displays the names, addresses, and telephone numbers of the attorneys who represent each of the parties to the case.

Docket Report

When you select Docket Report, ECF opens the Docket Report screen.

Docket Report

Case Number
5:03-cv-00140-JMH-JBT Mac's Convenient Stores, LLC v. Mt. Sterling Associates, LLC

Filed to
 Entered to

Documents to

Go to Document or PageID

Include:
 Parties and counsel
 Terminated parties
 List of member cases
 Links to Notices of Electronic Filing

Document options:
 Include headers when displaying PDF documents
 View multiple documents
 Create Appendix

Format:
 HTML (unpaginated)
 PDF (paginated)

Sort by

You may select a date range for your docket report as well as a range of docket numbers. If you leave the range fields blank, ECF will default to print the entire docket report. The PDF headers checkbox on the Docket Report selection criteria screen allows a user to turn PDF headers on or off for documents on the selected docket report only.

After parameters are selected for the report, click on the **[Run Report]** button. ECF will run your custom docket report.

The document numbers in the middle column are hyperlinks to PDF files of the actual documents. Place your cursor on the silver button next to the document number and click to display the **Notice of Electronic Filing** for the document. In order to obtain the link to the Notice of Electronic Filing, select the box next to "Include links to Notice of Electronic Filing" in the criteria

REPORTS FEATURE

The Reports feature of ECF provides the user with report options. After selecting the **Reports** feature from the menu bar, ECF opens the **Reports** screen.

WRITTEN OPINIONS REPORT

Written Opinions filed by the Court and designated as a written opinion after April 15, 2005, are searchable and available at no cost to ECF and PACER users. Click on the **Written Opinions** hyperlink. Enter search parameters by case number, party name, Nature of Suit or Cause of Action.

The Written Opinion Report is a free report that allows PACER users to search for written opinions. The public will not be charged for viewing documents that are written opinions or accessing the written opinion report. The user will be charged for accessing the docket report (as usual) or other document hyperlinks within the report, which are not written opinions.

UTILITIES FEATURE

The **Utilities** feature provides the means for Filing Users to maintain their account in ECF and to view all of their ECF transactions.

YOUR ACCOUNT

This section of the **Utilities** feature allows you to maintain certain aspects of your ECF account with the court and to view a log of all your transactions within ECF.

Maintain Your E-Mail

Clicking on the **Maintain Your E-Mail** hyperlink allows you to add secondary e-mail addresses to receive Notices of Electronic Filings (NEFs) and to configure how NEFS are received.

As a safeguard to ensure that nothing is missed, the Filing User is encouraged to enter secondary e-mail addresses for additional ECF notices to be delivered to a central repository address that several people have access to, and/or the email of a secretary, legal assistant, or paralegal.

WARNING

**ANY ADDITIONS, DELETIONS OR CHANGES SHOULD BE REVIEWED
CAREFULLY PRIOR TO FINAL SUBMISSION.**

INACCURACIES WILL AFFECT ELECTRONIC SERVICE!

MISCELLANEOUS

ECF provides three **Miscellaneous** functions within the Utilities feature of the system.

- ◆ Internet Payment History
- ◆ Mailings
- ◆ Verify a Document

The hyperlink to **Mailings** opens a new screen for making or requesting mailings from ECF.

Mailing Info for a Case allows you to check a particular case to verify whether participants in the case receive e-mail notification or manual notification.

Select the **Verify a Document** hyperlink to open a query screen and enter data in the screen fields to locate a particular document attached to a specific case number.

Internet Payment History

From the **Utilities** screen, click on the **Internet Payment History** hyperlink. ECF opens a screen with two fields for entering the Date Selection Criteria for a Payment History Report.

- ◆ Enter the date range for your report and click on the **[Run Report]** button. ECF displays a report of all your credit card transactions in ECF within the date range you specified for Date Selection Criteria.

This feature allows you to review all credit card transactions ECF has processed. If an incorrect credit card transaction has occurred, telephone the ECF [Help Desk](#). A Filing User is required to make written application to the Court to obtain a credit of a fee erroneously collected electronically via credit card. See [Fees Payable to the Clerk](#) and [Request for Fee Refund](#).

Request for Fee Refund

In the event a fee is erroneously collected electronically via credit card, the Filing User shall electronically file a **Request for Fee Refund**. The written request shall include an explanation regarding the erroneous transaction. To electronically file a **Request for Fee Refund**, click on the hyperlink to the menu item **Other Documents** and choose the event **Request for Fee Refund**. See [Fees Payable to the Clerk](#).

SEARCH FEATURE

The Event and Menu Search feature, labeled as the **Search** hyperlink is available from the main menu bar. When clicked a small pop-up window appears, and the Filing User can enter text for a search. Once the Filing User enters text in the search box and clicks on the **[Search]** button, the results are displayed on the screen, with the search string characters highlighted. Each item is a hyperlink to the corresponding menu item or event, so the Filing User can access the menu item or event directly from the search results screen.

LOGOUT

After all transactions have been completed for a particular session in ECF, perform a graceful exit from the system. Click on the **Logout** hyperlink from the ECF menu bar.