

# ANDERSON ON CIVIL E-FILING

IN THE CENTRAL DISTRICT OF CALIFORNIA

## THE UNOFFICIAL CIVIL E-FILING USER MANUAL

For E-Filing Users In  
THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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## I. INTRODUCTION

This is an unofficial instruction manual for the Civil Case Filers using the United States District Court, Central District of California's Case Management/Electronic Case Filing System ("CM/ECF"). For convenience, we will refer to the Court's CM/ECF system as the "E-Filing System" throughout this manual.

**This manual is written and is copyrighted by Martin W. Anderson, an attorney in Santa Ana, California, who specializes in automobile lemon law, consumer warranty law, and consumer fraud law. You may freely distribute and use this manual provided that you make no alterations to the manual and you keep all of the pages together. You may cite this manual using the following convention: Anderson on Civil E-Filing (Anderson Law Firm 2008), § (section number).**

**This manual has not been written by or approved by the Court. This manual is provided AS IS, WITH NO WARRANTIES. We've done our best, but the information in this manual could be wrong. The procedures for E-Filing could also change after this manual is published. If you rely on this manual alone, there is a chance that your document will not be correctly filed or will be stricken. Always review the Court's General Order on E-Filing, the Court's E-Filing web-site, your Judge's web-page ([www.cacd.uscourts.gov](http://www.cacd.uscourts.gov) and click on "Judges Procedures and Schedules" at the top), and your Judge's statement on courtesy copies ([support.cacd.uscourts.gov](http://support.cacd.uscourts.gov) and click on "Courtesy Copies" on the left hand side) before attempting to E-File a document.**

The Court will probably be changing the E-Filing procedures in the future and we will update this manual periodically. You can always find the latest version of this manual at <http://www.efilecdc.com>. To be notified of major updates by e-mail, visit [www.efilecdc.com](http://www.efilecdc.com) and click on the update option.

### A. What's new in this manual?

**07/02/08 Revisions:** Updated section III(D) regarding filing amended complaints to clarify that if the Court grants leave to amend after sustaining a Rule 12(b) motion, amended complaints should be filed manually. Updated section I to add web-addresses for Judge's policies and procedures and courtesy copy requirements.

**06/11/08 Revisions:** Updated section III(GG) concerning the procedures to update name, address, etc. using CM/ECF. Updated section II(C) and II(D) to reflect software updates to the CM/ECF system.

**05/20/08 Revisions:** Added section V regarding transcripts ordered by counsel and changed the numbering on the old section V and the sections that followed.

**05/08/08 Revisions:** Added section III(II) regarding filing applications for writs of execution.

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**04/14/08 Revisions:** Revised help-desk hours and section III(C) concerning the filing type for proofs of service.

**04/14/08 Revisions:** Added section III(II) regarding filing applications for writs of execution.

**04/02/08 Revisions:** Revised section III(EE) to reflect new e-mail addresses for e-mailing bill of costs and related documents to the Court.

**03/28/08 Revision:** Revised section II(A)(1) to add reference to GoPDF and FoxIt Software as less expensive alternatives to Adobe Acrobat.

**03/26/08 Revision:** Revised section II(O) regarding courtesy copies to recommend setting “page scaling” to “none” when printing your PDFs.

**03/21/08 Revision:** Numerous non-substantive changes to improve clarity.

**03/18/08 Revision:** Updated section II(O) regarding courtesy copies to add addressing information for overnight deliveries from the Court’s FAQ page.

**03/06/08 Revision:** Added section II(G) regarding selecting the filing party when E-Filing a document. Updated section II(O) to indicate that the Court has now designated a location outside of each courtroom where overnight carriers may leave courtesy copies and to indicate the proper method to use this location. Revised section III(D) regarding amended complaints to indicate that a Notice of Manual Filing is probably not required and to clarify when the amended complaint must be manually filed and when it must be electronically filed.

**03/05/08 Revision:** Added section III(GG) regarding filing substitutions of attorney.

**03/03/08 Revision:** Updated section I(Z) on filing witness lists, to indicate that witness home addresses should be redacted pursuant to the Court’s General Order.

**02/23/08 Revision:** Revised section II(H)(1) to make the procedure for uploading attachments clearer. No substantive changes were made.

**02/22/08 Revision:** Revised section III(A) to reflect new procedures for scanning and returning new actions to the Court. The Summons is now scanned with the Complaint, instead of separately.

**02/20/08 Revision:** Revised section III(H) to eliminate E-Filing a Notice of Manual Filing when filing a counterclaim/cross-claim/third-party complaint.

**02/08/08 Revision:** Revised manual to refer to General Order 08-02 instead of 07-08, because 08-02 was issued on February 7, 2008, and it supercedes General Order 07-08. Updated section

II(A)(2) concerning signatures of non E-Filers. Updated section II(A)(1) to include the option of typing “/s/” and then the name of the signing attorney who is an E-Filer. Revised section II(A)(1) to indicate that the Court’s General Order requires conversion (rather than scanning) in addition to text searching.

**02/07/08 Revision:** Added section I(A) concerning what’s new. Added filing type for Notice of Interested Parties in Section III(G). Added Section I(E) concerning the best time to use the system.

B. Why use the E-Filing System?

E-Filing is mandatory in all cases filed in the Central District of California as of January 1, 2008. E-Filing is governed by the General Order 08-02, which you can read on the Court’s web-site (<http://support.cacd.uscourts.gov>). Any attorney representing a party in an action *must* register as an E-File user and must submit most documents electronically.

C. The benefits of using the E-Filing System

When using the E-Filing System, you can file documents 24 hours a day, seven days a week (unless the system is down). You will be notified by e-mail after a document is E-Filed. You can obtain one free copy of each electronically filed document by clicking the link on the e-mail notification. When you register for E-Filing, you have the option to be notified immediately or to receive a summary of all E-Filings each day. If you choose the summary, a summary will be e-mailed to you sometime after midnight each day.

Choosing the summary option is not wise. If you choose only to receive a summary, you won’t receive electronically filed *ex parte* applications or responses to those applications until you arrive at your office the day after they are filed. In addition, you won’t be able to download and print-out your free copy until the midnight after you E-Filed the document.

The E-Filing System automatically serves all E-Filed documents by e-mailing a Notice of Electronic Filing on all registered E-File users, except those who have opted out of receiving electronic service. Each user is responsible for clicking on the link on the Notice of Electronic Filing in order to obtain a PDF copy of the document. You are only required to serve paper copies on parties who are not automatically served by the E-Filing System.

A proof of service is not required on an E-Filed document in the Central District, unless you served a paper copy on a person who does not receive electronic service, i.e. an attorney who has opted out of electronic service, a *pro per*, or a manually filed document.

D. What you need to use the E-Filing System

You need a personal computer that is (1) capable of creating Adobe PDF files from both your word processor and by scanning paper documents, (2) capable of sending and receiving e-

mail, and (3) capable of browsing the internet using standard HTML protocols. You also need an e-mail address that is capable of receiving electronic mail from the internet.

You also need a PACER account and a CM/ECF account. Anyone can obtain a PACER account at <http://pacer.psc.uscourts.gov>. Attorneys who are admitted to practice in the Central District can obtain a CM/ECF account by registering at the Court's E-Filing web-site at <http://support.cacd.uscourts.gov/>.

We recommend a PC running Windows XP or Windows Vista, with Adobe Acrobat Standard or Professional, Microsoft Word or WordPerfect, and an e-mail program of your choice. We recommend using Internet Explorer for E-Filing. Both Canon and Fujitsu make small, reasonably priced (\$500) desktop scanners that are capable of creating PDF documents and come with Adobe Acrobat Standard included. You should also consider purchasing the Adobe Acrobat 8 PDF Bible by Wiley Publishing.

E. The best time to use the E-Filing System

The best time to access the system is before 9:00 a.m. and after 5:00 p.m. on weekdays and anytime during the weekend. Filings are heaviest during business hours. There have been times during business hours when the system has been running very slowly. The Court's position is that if the system is "up," you must use it, even if the system is running very slowly. You can find the system status at <http://support.cacd.uscourts.gov>. If you are unable to file a document using the E-Filing System, consult General Order 08-02, section IV(M).

Note some Judges restrict when you can E-File documents in cases assigned to them to certain times during the day. Be sure to read your Judge's web-page, any case related orders from your Judge, and your Judge's policy on courtesy copies before you E-File a document.

## II. OVERVIEW OF FILING A DOCUMENT USING E-FILING

A. Converting your document to Adobe PDF Format

1. Word processing documents

To E-File a document that you created in your word processor, you should convert your file directly to PDF from your word processor. The latest version of WordPerfect has this option built-in, and there are several aftermarket programs that will allow you to convert files directly from Microsoft Word, including Adobe Acrobat Standard or Professional. CutePDF Writer ([www.cutepdf.com](http://www.cutepdf.com)) and DoPDF ([www.dopdf.com](http://www.dopdf.com)) are both free programs that allows you to create PDF files by printing from any program. PDF Tools ([www.pdfill.com/pdf\\_tools\\_free.html](http://www.pdfill.com/pdf_tools_free.html)) is a free program that allows you to split, merge and make other changes to PDF documents. FoxIt Software ([www.foxitsoftware](http://www.foxitsoftware)) makes several PDF programs designed to do what Acrobat does at a fraction of the cost. You should read the instructions associated with those programs for more details.

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Converting a file directly from your word processor has several benefits over printing and then scanning the document. First, the Court's General Order prohibits scanning except in limited circumstances, so converting directly from your word processor is required in most instances. Second, it will ensure that the file is text searchable, which is also required by the Court's General Order. Third, it keeps the file size small and makes it faster to upload to the Court's web-site. Finally, a document that is converted will look better and be easier to read than a scanned document.

If the document is designated for the signature of the attorney whose user name and password will be used to E-File the document, no signatures are required on the E-Filed document. By E-Filing the document, the attorney is deemed to have signed the document on any signature blank that contains his name (including declarations). Customarily, other districts have instructed filers to "sign" the document by typing "/s/" and then the name of the filing attorney on the signature line.

If you want to include an image of your signature, you can find instructions on how to scan your signature and place it in a MS Word document before you convert to PDF here:

<http://www.pcmag.com/article2/0,1759,1204832,00.asp>

In addition, Adobe Acrobat and other PDF programs have similar features which allow you to stamp your signature onto a PDF document. You can find instructions on how to do that here:

[http://blogs.adobe.com/acrolaw/2007/02/creating\\_a\\_tran.html](http://blogs.adobe.com/acrolaw/2007/02/creating_a_tran.html)

Alternatively, you can convert the document from your word processor and then scan the signature page only and append it to the document that was converted from your word processor.

## 2. Paper documents

To E-File a document that you did not create in your word processor and which you cannot obtain in PDF format, you must scan the document. We recommend scanning at 200-300 dots per inch, black and white. This will keep the file size relatively small while still allowing the pages to be read. For reference, 200 dots per inch is the standard used by fax machines that are set on "Fine" settings. Many laser printers print at 300 to 600 dots per inch. The Court uses 200 dots per inch on documents that are scanned to the E-Filing System. If the documents have large black areas (such as copying borders), it may reduce the file size dramatically if you redact them before scanning.

If you prepared the document in your word processor and then obtained a signature from someone other than the E-Filing attorney, you should consider converting the document to PDF using your word processor and then adding the scanned signature page to the end of the converted PDF. That will keep the file size low and make the file text searchable. You must

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maintain the original, signed document until one year after final resolution of the action (including the appeal, if any).

3. PDF forms

If the document is an Adobe PDF form, such as the forms on the Court's web-site, you can fill-out and save those forms directly to PDF using Adobe Acrobat Standard or Acrobat Professional, and certain third-party PDF programs. Adobe Acrobat Reader (which is available for free at Adobe's web-site) *will not* save text that you input into a PDF form. If the form requires only the signature of the filer, you can file the form without printing and scanning it, because by E-Filing the document using your username and password, you are deemed to have electronically signed the document. If the form requires the signatures of others, the form should be printed, signed by all parties, and then scanned.

4. Manual filings

If the document or thing you wish to file cannot be converted to PDF, you should manually file it using the method described in Part VI of this manual, below.

5. Proof of service

If all of the parties in the action are represented by E-Filing users who have not opted out of electronic service, you do not need to attach a proof of service to your E-Filed document, and you do not need to serve your E-Filed document. The E-Filing System will e-mail a Notice of Electronic Filing to each user and that will serve as the proof of service. However, if there are any parties who are not registered E-File users or who have opted out of electronic service, you must attach a proof of service to your documents showing service on those parties using traditional methods (i.e., mail, personal service, etc.) before you E-File the document.

Before E-Filing a document, you can find out if any parties are not registered E-Filing users or have opted out of electronic service and thus must be served manually. Login to E-Filing, click on "Utilities" at the top of the page, then click on "Mailings," and then click on "Mailing Info for a Case." Enter the case number and the system will give you a list of manual filers in the case. The most likely situation where this will occur is in cases involving *pro per* parties, but it could also happen with attorneys who have just appeared in a case and have not registered for E-Filing or attorneys who have elected not to receive electronic service.

The Court's Local Rules do not address timing issues related to E-Filings. For instance, Local Rule 6-1 sets a deadline for filing motions that is based upon whether the motion is served by mail or by personal service. Since the rule contains no indication of which deadline to use for E-Filing, it is best to use the longer deadline associated with serving a motion by mail.

## B. Logging into the Court's E-Filing System

You can access the Court's E-Filing System by pointing your browser to <http://support.cacd.uscourts.gov/> and clicking on the login option in the upper right hand corner.

You will be presented with the Court's CM/ECF and PACER login screen. CM/ECF is the Court's E-Filing System and can be used for free to file documents electronically. PACER is the Court's public records system and will allow you to access docket text and view electronically filed documents for a fee. For convenience, we will refer to the Court's CM/ECF system as E-Filing throughout this manual.

You will use the very same screen to login both to the E-Filing System and to PACER. If you enter your E-Filing username and password, you'll be logged into E-File. If you enter your PACER username and password, you'll be logged into PACER. The "client code" field is ignored when you login to E-Filing. Because you use the same login screen to access both PACER and E-Filing, you should make sure that your login on PACER is different than your E-Filing login.

When you login using your E-Filing Password, some of the options at the top of the screen will be E-Filing functions (Civil, Criminal) and some will be PACER functions (Query, Reports) and some are for both (Utilities, Logout). Also, while you are E-Filing, you will be presented with some links that link to PACER functions. If you select one of those links, you'll be asked for your PACER login and password, and you'll be charged for accessing those items by the PACER system.

Although PACER and CM/ECF use the same login screen, they are different systems. Anyone can get a PACER account by registering with PACER. PACER charges a fee for accessing certain functions. In contrast, only attorneys who are admitted to practice in the Central District can get a CM/ECF account and use of the system is free.

Furthermore, by filing a document using the Court's E-Filing System using an attorney's login and password, the attorney is deemed to have signed every document filed whenever his name appears next to a signature line. For this reason, an attorney should *never* provide his username and password to anyone unless he would have authorized that person to sign his name to documents that are filed with the Court.

Only one person can be logged in to the Court's E-Filing System using a specific username and password at a time. If someone else tries to login using your username and password while you are logged in, they will be presented with a special message so indicating. If they choose to proceed, you will be logged out. This may present problems if you are in the middle of a filing. For this reason, you should instruct any staff who receive such a message to check with all other authorized users before proceeding.

You may also receive the same error message if you exited your browser without clicking on the "log out" option in the upper left hand corner of the screen.

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C. Choosing the type of document that you intend to file

To file a document, begin by clicking on the word “Civil” on the bar at the top of the screen. You will be presented with a list of possible filing types (the Court refers to them as “Civil Events”). Click the one that accurately reflects the document you are filing. For more information on which filing type to select, please see section III of this manual, below, which lists some commonly filed documents and the correct selections to make when filing them.

You can also initiate a filing by clicking “Search” on the bar at the top of the screen. Type in part or all of the filing type and click search. The system will present you with all filing types that match what you entered, and you can click on the filing type. Select your filing type by clicking on it.

D. Entering the case number and verifying that you are filing on the correct case

The E-Filing System will ask you for the case number of the case you are filing. If you have previously E-Filed a document during this session, the case number you filed in the last time will appear here. Enter the case number in the correct format (“##-#####”) and then click “Find This Case”. Enter only the numbers, separated by a dash. Leave off any letters in the case number. Then click “Find This Case.”

If more than one case title appears, click the check box next to the correct case title and click “Next”. The system will then present you a screen showing the case number and short title. If you click the case number/short title, you’ll be transferred to the PACER system to look at the docket. To continue, click “Next”.

**THIS IS YOUR OPPORTUNITY TO MAKE SURE THAT YOU ARE FILING IN THE CORRECT CASE. READ THE CASE NUMBER AND TITLE CAREFULLY!**

E. Selecting a more specific type of document

After you verify the case number, you will be asked to indicate the specific type of document that you will be filing. For more information on which type to select, please see section III of this manual, below.

F. Associating an attorney with a case

If you haven’t previously filed a document in this particular case, you will be asked to associate your E-Filing account with the case. You have the option of being designated as the lead counsel, a counsel who will be noticed on events in the case, or both. You should always designate yourself as counsel to be noticed, or you won’t receive any e-mails from the E-Filing System when documents are filed. Generally, you also want to designate yourself as lead counsel as well, since some Judges require the appearance of lead counsel at all hearings.

**If you receive this message on a case that you have previously filed a document, something has gone wrong. Carefully read the title of the case at the top of the screen to verify that you are filing in the right case.**

G. Selecting the identity of the filing party

At some point during the E-Filing process, the system will present you with a screen asking for the identity of the party filing the document. This screen appears at different times depending upon the document you are filing. For some filings, the screen appears before you upload the document and for other filings, it appears after you upload the document. Regardless, there are two important rules to remember about this screen.

First, **NEVER USE THE “Add/Create New Party” link that may appear on these screens.** That link is intended for use by Court staff only and will probably be removed soon. This point was emphasized repeatedly during the training videos prepared by the Court. If you are filing a document on behalf of a party that is not listed or your filing adds a new party, you should submit your filing on paper, and not electronically, following the procedures specified in section III(A) of this manual, below.

Second, if you are filing a stipulation or any kind of joint document, you should only select the parties you represent, and not all of the parties whose counsel signed the document.

H. Uploading the file and any attachments

1. How to upload the file and attachments

The E-Filing System will present you with an opportunity to upload a main file and to upload additional files. The system refers to additional files beyond the first uploaded file as “attachments.” Click “Browse” to select your main document. A new window will open and you can find and select the document you want to E-File. Before selecting a particular file, you might want to right click and select “Open” to double-check that you have selected the correct document. If you wish to attach additional files, change the “Attachments to Document” selection from “No,” to “Yes” before proceeding.

After you select your main document and indicate whether you want to add attachments, click “Next.” When you do so, the system will transfer your main document to the Court’s server. Depending upon the size of the file, this could take a while, so be patient.

If you changed the “Attachments to Document” selection from “No” to “Yes,” the E-Filing System will take you to the attachments screen, where you can browse to each attachment. When you click “Browse,” a new window will open and you can select the file you want to attach.

Before the attachment will be uploaded to the Court’s server, you *must* either select a category or provide a description and then click on “Add to List” for each attachment. If you

click “Next” without first clicking “Add to List,” your attachment will not be filed. When you click “Add to List” the system will transfer the file from your computer to the Court’s server. Depending upon the size of your file, this could take a while, so be patient. The system will display a list of all attachments (but not the main document) in the box at the bottom of the screen. Once you’re finished, click “Next.”

The system will automatically merge the main file and any attachments you upload into a single docket entry.

## 2. When to use attachments

Attachments can be used for several reasons:

1. Attachments can be used if you have several different PDF files that make up a single document, and you cannot or do not want to merge them into one file yourself. For instance, if you prepared a motion on your word processor which you converted to PDF, and you have a scanned declaration (which is not captioned separately) and several scanned exhibits, you can convert the motion to PDF and upload it as the main document, and then upload the scanned declaration and each scanned exhibit as an attachment. It is much better, however, if you combine all of these into a single file using Adobe Acrobat or a similar program.

2. Attachments can also be used if a PDF file is too large and the system times out while uploading the file. You can break your document into several smaller PDF files and upload them separately. The first file is the main document, and each document thereafter would be an attachment.

3. Attachments must be used for any document that would traditionally have been lodged, rather than filed, including proposed orders, proposed judgments, proposed amended complaints, and any other document that requires a judicial officer’s or a deputy clerk’s signature. Never E-File such a document as a main document. Such documents must always be E-Filed as an attachment to either a Notice of Lodging (which can be the main document) or, preferably, as the last attachment to the main document to which the proposed order relates.

**If you attempt to E-File a stipulation or an ex-parte application with the order as part of the document, the Clerk’s office will issue a discrepancy notice and the Judge will probably strike the filing. You must make the order a completely separately document (with its own caption) and submit it as an attachment to the main document.** Remember to also e-mail proposed orders to Chambers as indicated in section II(P) of this manual, below.

4. DO NOT use an attachment to file a separately captioned document, unless that separately captioned document is a document which would have traditionally been lodged (see point 3, above). Rather, E-File that separate document separately.

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The words “separately captioned” mean a document that would traditionally have been stapled and filed by itself, with its own face page containing the attorney’s information, the court name, the case caption, case number, and document title.

For instance, if you have prepared a motion and a separate declaration, E-File the motion and E-File the declaration separately. On the other hand, if you have prepared a single motion with an attached declaration that is not separately captioned, then E-File that as one (using attachments as indicated above if necessary). Again, Proposed Orders/Judgments/Amended Complaints, etc. must always be separately captioned and submitted as an attachment to the main document to which it relates or as an attachment to a Notice of Lodging.

### 3. Limits on file sizes

After you have uploaded your main file and attachments, the system will combine the documents in the order you submitted them into a single docket entry. The total size of the main document and all attachments cannot exceed 5.5 megabytes for each E-Filed document. We expect to see this limit increase in the future, so be sure to check the Court’s web-site if you have a document that may exceed that limit.

Converting your documents to PDF without scanning will dramatically reduce the size of your documents. If you need to file a document that exceeds the limit, you should consider breaking the filing down into several documents. For instance, instead of one large document with a declaration and exhibits 1 to 30, you could instead E-File three separate documents that are captioned and titled as follows:

1. Declaration of John Smith Supporting Motion for (whatever); Exhibits 1 to 10 (Exhibits 20 through 30 filed separately)
2. Declaration of John Smith Supporting Motion for (whatever); Exhibits 11 through 20
3. Declaration of John Smith Supporting Motion for (whatever); Exhibits 21 through 30

Alternatively, if the PDF file is too large, you can file the document manually after you E-File a Notice of Manual Filing. See section VI of this guide for more information.

### 4. Filenames and paths

The full path and file name of the main file and any attachments will be recorded in the E-Filing System and will be displayed on the Notice of Electronic Filing. For this reason, you should avoid including any information that you may not want the public to know in the path (i.e. client name/ThirdDUI/) or in the file name (i.e., OpptoBozosMotion.pdf). It is even possible that the Court may impose sanctions if disparaging information is included in the path or file name.

I. Entering docket specific information

After you select the files to upload, the E-Filing System will present you with a series of screens that ask for information that the system needs in order to generate the text that will appear on the docket in connection with your filing. At this stage, you are essentially doing what the Clerk's office used to do when you filed a document manually.

Depending on the type of filing, you may be asked which party is doing the filing, the role of the party doing the filing (Plaintiff/Defendant), various related dates, and others. You may also be asked to click a check box indicating whether the document you are filing relates to another document that was already filed, such as which complaint you are answering, which motions you are opposing, etc.

It is very important that you answer these questions correctly and using exactly the desired text, because your answers will be used to generate the official docket text. More information about the specific questions and the appropriate answers for commonly filed documents is included in section III of these instructions, below.

J. Read the docket text carefully

After you answer all the screens designed to generate the docket text, the system *might* present you with the "Docket Text: Modify as Appropriate" screen. If it does, this means that there are some free entry fields available for you to add text to the docket. You are not required to add anything here, but if you do, it will appear in italics on the docket when you are finished.

K. The point of no return

The system will present you with the "Docket Text: Final Text" screen. **You are now at the point of no return.**

Read the docket text carefully. If there is anything that doesn't make sense, anything that is factually incorrect, or anything spelled incorrectly, it is because you did not answer the docketing questions correctly. If you made an error, use the "Back" button to go back and correct it before proceeding, or start over by clicking "Civil" at the top of the screen.

Please note that the docket entry will end with the name of the attorney whose username and password were used to E-File the document. That attorney is responsible for the accuracy of the E-Filing and the docket text, and is deemed to have signed all documents wherever a signature line appears with his printed name, regardless of who actually E-Filed the document.

Before you click "Next", nothing has been filed with the Court (or sent to anyone else) and you may abandon the filing by logging out or clicking the "civil" option at the top of the page. However, once you click "Next", the document is filed, all E-Filing users on the action will be e-mailed a copy of the Notice of Electronic Filing, and the document will be available to anyone using PACER. You will be unable to change, modify, or delete the document.

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L. The Notice of Electronic Filing

The system will present you with a Notice of Electronic Filing (“NEF”) screen and will also e-mail you a copy of the NEF. The Notice of Electronic Filing (“NEF”) is your proof that the document has been E-Filed. You should print the screen to a piece of paper or a PDF (or both) before proceeding, because you will need to attach the NEF as the last page of the courtesy copy that you submit to the Court.

The NEF includes a “document number” and a link. Be sure to note that document number, as you will need it if you need to e-mail a proposed order to the Court. The NEF also includes an “Electronic Document Stamp” which is a string of letters and numbers which Court staff can use to verify the authenticity of the NEF. The NEF also contains the path and file name of the document you uploaded and any attachments.

Be sure to read the next step before you click anything on this screen.

M. Downloading and saving your one, free copy

Each E-Filing user gets one free copy of the filed PDF document. You can access that one free copy by clicking on the blue document number to the right of the words “Document Number:” of the e-mailed NEF. Note that if you click on the link in the NEF on the E-Filing web-site, you will be charged for accessing the document on the PACER system.

Be sure to save the PDF on your hard drive. You will need it in order to prepare the mandatory courtesy copy and to e-mail to chambers if you are submitting a proposed order.

For each E-Filing User who gets a NEF, the first person to click on that link gets to view the file at no charge. Each additional click results in charges from the PACER system.

N. Logging out

Click the Logout option in the upper right hand corner. If you forget, you’ll get a warning message the next time you login, and you may spend unnecessary time wandering the office asking if anyone else is using your login and password.

O. Submitting courtesy copies to the Court

Using the one-free PDF copy that you downloaded, print-out a courtesy copy to submit to the Court. On the final screen before you print a PDF, Acrobat presents you with a “page scaling” option (left side, third box down, under “page handling”). Make sure that this option is set to “none.” If you use the default “Shrink to Printable Area,” the text on your courtesy copies will be shrunk well-below the font-size permitted by the Local Rules. Attach a copy of the Notice of Electronic Filing to the end of the courtesy copy. Write or stamp the words:

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E-FILED  
COURTESY COPY  
FILED: (DATE FILED)  
TIME: (TIME FILED)

in the upper right hand corner of the first page (where the clerk would previously have conformed the document). You may wish to order a custom stamp for this purpose. Ordinarily, one courtesy copy must be received by noon the day after you file the document, unless the Judge has ordered otherwise.

Most Judges require that one courtesy copy of each E-Filed document be delivered to the Court by noon the day after you E-File. However, some Judges have different requirements for where and when you should submit courtesy copies and some require more than one copy. Before filing any documents, be sure to check the Court's CM/ECF web-site at <http://support.cacd.uscourts.gov/>, and then click on "courtesy copies" on the left hand side. Please note that Judges may change their requirements at any time. It is possible that the Court may strike your document if a courtesy copy is not received by the deadline set by the Judge and in the location designated by the Judge.

The courtesy copy must comply with all of the requirements of the Local Rules, including Local Rule 11-3 (i.e., 13-point font, bluebacks<sup>1</sup>, two-hole punched at the top, stapled at the top, exhibit tabs, etc.). Because the Notice of Electronic Filing is your proof of filing, the Clerk's office will not conform a copy for you when you submit the courtesy copy.

You do not need to send the courtesy copy with an attorney service. The Court will accept courtesy copies by Federal Express or any other overnight method of delivery. The Court has established a location near each courtroom where overnight documents may be left by overnight carriers. If you use an overnight method of delivery, be sure to designate that the document may be left without a signature. Note that some Judges only allow these boxes to be used for overnight deliveries, so check your Judge's specific rules on courtesy copies before you instruct your attorney service or office staff to leave a document in such a box.

If your Judge requires delivery of courtesy copies to Chambers or the Courtroom, address the envelope as follows:

Judge's Name  
United States District Court  
Chambers of Judge (Name)  
Courthouse Address and Room Number  
City, State Zip

---

<sup>1</sup> "Bluebacks" are made by Southworth and marketed as "manuscript covers." They can be purchased at amazon.com and other stationary stores. Use the 9" x 12.5" covers, and not the longer, legal-sized covers.

If your Judge requires delivery of courtesy copies to the Clerk's office, address the envelope as follows:

Judge's Name  
U.S. District Court  
Office of the Clerk  
Courthouse Address and Clerk's Office Room Number  
City, State Zip

You can obtain the Judge's or Clerk's office room number by going to the Court's main web-site ([www.cacd.uscourts.gov](http://www.cacd.uscourts.gov)). Click on "General Information" at the top and then select "Directories."

Most Judges will probably rely on the courtesy copy and *not* the E-Filed document, so timely submission of the courtesy copy is essential. This is especially true if you are filing a reply brief (the law clerks often begin working motions up during the week the reply brief is due), an *ex parte* related document, or any other document that requires immediate judicial action. If you do not submit a courtesy copy as required, it is possible that the Judge may never read your document.

P. E-mail Proposed Orders in Word or WordPerfect format to chambers along with PDFs of the relevant documents

If you included a proposed order, proposed judgment, or any other document requiring a signature of the Court or the Clerk's office, you must e-mail a copy of the proposed order (or other document) to the Court or the Clerk's office in WordPerfect or Microsoft Word (.doc, not .docx) format along with the one free PDF of the main document that you downloaded from the PACER system. It is also a good idea to include the one free PDF of any other documents filed in connection with the matter (if there are any). It is unclear whether parties should e-mail proposed documents that don't need a signature, but do need to be docketed by the Clerk (i.e. Proposed First Amended Complaint submitted with a motion for leave or a proposed judgment submitted with a Notice of Acceptance of Rule 68 Offer).

There are two ways to e-mail a document to the Court. First, you can click on "Civil" and select the "Proposed Orders" link on the right hand side of the screen. The system will prompt you for the information needed to send the e-mail. Alternatively, you can obtain the e-mail address for each Judge on the E-Filing System and for the Clerk's office by clicking on "Utilities" at the top screen and then selecting "Chambers Email Addresses." You can send directly to these addresses from any e-mail program. The e-mail address for most Judges follows this format: Judge's initials (from the case number) and then "\_Chambers@cacd.uscourts.gov".

Thus, Chief Judge Alicemarie H. Stotler's address is "AHS\_Chambers@cacd.uscourts.gov," while Judge Charles F. Eick's address is "E\_Chambers@cacd.uscourts.gov".

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Please note that the Court may change the e-mail address format in the future. To ensure that you are using the correct e-mail address, login to E-Filing, click “utilities” on the top of the screen, and then click “Chambers E-mail Addresses.”

When e-mailing these documents to the Court, the subject line of the e-mail must use the following format:

Court’s Divisional Office (LA/SA/ED) Year (08) Case Type (CV) Case Number (00001), docket number of main document from the Notice of Electronic Filing (01) Judge’s Initials (AHS) and filing party name (Johnson)

Here’s an example:

SA07CV00001-10-AHS-Johnson

This would indicate case number SA CV 07-00001 AHS, document number 10 on the docket, and the filing party is Johnson.

So, basically, you take the full case number, switch the year with the CV, put the docket number of the document between the last number in the case number and the Judge’s initials, drop the Magistrate Judge’s initials, add your client’s name, and add dashes.

Q. If you make a mistake

If you make a mistake and you have not yet passed the point of no return, simply click on the “Civil” option at the top of the screen. Nothing has been transmitted to the Court and you can start over.

If you have received a Notice of Electronic Filing, then you have passed the point of no return. Either re-file your document correctly, file a Notice of Errata (Civil, Miscellaneous Filings, Errata) correcting the error, or contact the ECF Help Desk. Contact information is at the end of this manual.

### **III. PROCEDURES FOR SPECIFIC TYPES OF DOCUMENTS**

A. Complaint and Related Documents (Civil Case Cover Sheet, Notice of Assignment to Magistrate Judge, Notice of Interested Parties)

Filing Type: NOT E-FILED  
Docketing Questions: None  
Special Notes:

At this time, the complaint and related initiating documents should *not be electronically filed*. In the future, the Court may implement a system for E-Filing new cases, but that system is not yet operational.

Instead, submit the Summons, Complaint, Civil Case Cover Sheet, and Notice of Interested Parties, along with the required filing fee (currently \$350) or waiver documents, to the Court on paper. The Summons (CV-001A), Civil Case Cover Sheet (CV-071), and Notice of Interested Parties (CV-030) are all available in PDF on the Court's web-site (<http://cacd.uscourts.gov>) by clicking on "Forms" at the top and then clicking on "Civil Forms."

The Complaint and Notice of Interested Parties should be bluebacked. The Summons and Civil Case Cover Sheet should not be bluebacked. All documents should be two-hole punched and labeled as originals or copies. You should submit one original and one copy of each document for the Court to keep, plus one additional copy or face page to be conformed and returned to your office. The Court also requires an additional copy (for a total of one original and two copies) of the Civil Case Cover Sheet.

After you receive the documents back from the Court, you must scan the documents in PDF format and e-mail them to the Clerk's office within 24 hours. The following documents should be scanned into a single PDF File, in this order: (1) the Complaint/Removal, (2) the Notice of Assignment to Magistrate Judge, (3) the Summons, and (4) the Cover Sheet.

Any other documents that were filed should be scanned by themselves into a separate PDF file (i.e., the Certification and Notice of Interested Parties, etc.) and e-mailed together with the PDF you created above. However, it is not necessary to scan and return the civility guidelines.

At this time, the Court is providing a one-page flyer on the procedure for scanning and e-mailing documents. Be sure to check that flyer to make sure that you are following the correct procedures, because the Court has made changes in the past, and may do so after this manual is published.

The subject line of the e-mail should be the case number.

E-mail the documents to the e-mail address indicated below based upon the first two digits of the case number:

Case No.	E-mail address
CV	CivilIntakeCourtDocs-LA@cacd.uscourts.gov
SA CV	CivilIntakeCourtDocs-SA@cacd.uscourts.gov
ED CV	CivilIntakeCourtDocs-RS@cacd.uscourts.gov

You must serve the summons, complaint, and whatever other documents were given to you by the Clerk's office in the manner prescribed by the Federal Rules of Civil Procedure.

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B. Responses to Orders to Show Cause

Filing Type: Civil, Miscellaneous Filings (non-motion), Response (Non-Motion)

C. Proof of Service of Summons and Complaint

Filing Type: Civil, Service/Waivers of Summons and Complaints

Docketing Questions:

If you are filing a proof of service of a summons and complaint, you'll most likely select "Service of Summons and Complaint Returned Executed (20 days)". However, read the choices carefully and pick the one that's most appropriate to your case.

Role of Filing Party: plaintiff/plaintiffs/defendant/defendants

Date Served: use either "xx/xx/xx" or "not specified." The system will automatically calculate the date the answer is due, but you may need to modify the date due if the response date is extended.

Method of Service: Enter the method as reflected in Item 4 or Item 5 of the Proof of Service (but leave off the word "service" because the system will add that word automatically after whatever you type), or the words "not specified."

Federal or State Statute: federal/state/not specified

Who received service & title: Copy this from your proof of service. If it is not specified on the proof of service, type "not specified"

Due Diligence Declaration: attached/not attached.

Original Summons: returned/not returned

**Note: There is almost never a reason to return the Summons, so don't do it unless you feel you must.** There's a special video training module on the Court's web-site about how to return the original Summons, so if you decide you need to return a Summons, be sure to watch that video.

Special Notes:

You may not file a single proof of service for multiple parties unless you served the multiple parties in the exact same manner (i.e., method of service, authorizing statute, upon the same person on the same date and time). If you served different parties and there is anything different about the manner of service, you must E-File a separate proof of service for each so that the docket text accurately reflects what has been filed.

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D. Amended Complaint

Filing Type: Manually filed unless an order is required  
Special Notes:

If the amended complaint does not require an order of the Court before you can file it, you should file the amended complaint manually. A Notice of Manual Filing is not required. You will presumably be required to e-mail the amended complaint to the Clerk's office in the same manner as an initial complaint (see above).

If you seek leave to file the amended complaint by a stipulation or a motion, use the procedures below with respect to motions or stipulations (as the case may be). Submit the amended complaint as an attachment to your stipulation or motion. If your requested order is granted, the Deputy Clerk in the Courtroom should electronically file the PDF of the amended complaint that you attached to the stipulation or the motion once the order is signed.

If you request leave to file an amended complaint in opposition to a motion by another party (such as a Rule 12(b) motion) and the Court grants the motion with leave to amend, you should file your amended complaint manually.

E. Request for Entry of Default and Proposed Default

Filing Type: Civil, Requests, Clerk to Enter Default  
Special Notes:

The proposed default should be submitted as an attachment to the request for entry of default. The proposed default should be e-mailed to the chambers e-mail address in WordPerfect or Microsoft Word format along with a PDF of the main document. The proof of service of the Summons and Complaint should be filed separately (see above). Even though the default is signed by the Clerk and not the Court, send these documents via e-mail to chambers and not to the Clerk's office. Chambers will forward the documents to the appropriate clerk for handling.

F. Stipulation Extending Time to Answer (no order required)

Filing Type: Civil, Stipulations, Extending Time to Answer (First Request – 30 days)  
Docketing Questions:  
Role of Filer: plaintiff/plaintiffs/defendant/defendants  
Special Notes:

If you are granting a second extension or the extension is for more than 30 days, an order is required. Do not use this procedure. Instead, read the section on Stipulations and Orders, below.

G. Answer and Related Documents (Notice of Interested Parties)

Filing Type:

1. The Answer - Civil, Answers to Complaints
2. Notice of Interested Parties – Notices, Certificate of Interested Parties

Docketing Questions:

Even though you associate your Answer with the complaint early in the docketing process, you must check the box next to the words “Should the document you are filing link to another document in this case” and relate your answer to the complaint (a second time). This may seem redundant (and it is), but you must do it regardless.

Special Notes:

When selecting the type of Answer, be aware of the following:

“Answer to Complaint (recovery)” is for use in student loan cases

“Answer to Complaint (referred)” is for use in cases where the entire action was referred to the Magistrate Judge (there will be an upper-case X after the Magistrate Judge’s initials (which appear in parenthesis at the end of the case number)).

“Answer to Complaint (discovery)” is for use in cases where only discovery was referred to the Magistrate Judge (there will be a lower-case x after the Magistrate Judge’s initials (which appear in parenthesis at the end of the case number)).

Be sure to also file a Notice of Interested Parties on the form provided on the Court’s web-site.

H. Counterclaim/Cross-Claim/Third-Party Complaint/etc.

Filing Type: Not E-Filed

Special Notes:

If you are filing a counterclaim/cross-claim or you are filing a third-party complaint, submit the documents to the Court on paper, following all of the requirements of the Local Rules for paper filings. A Notice of Manual Filing is not required. After you receive the paper documents back from the Clerk’s office, you must scan and e-mail them to the Clerk’s office in the same manner as you would for a new Complaint. Do not E-File these documents.

However, if you are submitting a proposed counterclaim/cross-claim/third-party complaint pursuant to a stipulation or a motion, you may E-File the stipulation or motion, with the proposed counterclaim/cross-claim/third party complaint and proposed order as attachments. Follow the instructions below with respect to stipulations and orders.

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I. Rule 26 Report

Filing Type: Civil, Pretrial and Trial Documents, Joint Rule 26(f) Discovery Plan  
Docketing Questions:

Enter Estimated Length of Trial – number of days, weeks or months: (read your Rule 26 Report and enter the number of days, weeks, or months for the trial estimate in the report; your entry should be a number and then days, weeks, months, or the words “not specified”).

Filing Party: (Select only those parties who you represent)

J. Settlement Procedure Selection Form and Order

Filing Type: Civil, ADR/Mediation Documents, Notice/Request of Settlement Procedure (Spx)  
Note: Replace x with the settlement procedure selected on the form (i.e. procedure 1, 2, or 3)  
Special Notes:

The Court has revised its settlement procedure selection form and the order to be separate documents and has made the order into a WordPerfect document. You must use the new forms.

You cannot E-File any document that has an order combined with something else. The proposed order should *never* be E-Filed as the main document. The Proposed Order should be separately captioned and submitted as an attachment to the Settlement Procedure Selection Form in PDF Format. Don't forget to e-mail the proposed order in WordPerfect or MS Word format to Chambers as described in section II(P), above.

K. Attorney Settlement Officer Selection Form

Filing Type: Civil, ADR/Mediation Documents, Stipulation Re: Attorney Settlement Officer  
Note: There are several different “Stipulation Re: Attorney Settlement Officer” choices, designated with parenthesis. Pick the one that most closely matches the choice made in the stipulation.

L. Discovery Demands and Responses

Filing Type: NOT E-FILED  
Docketing Questions:  
Special Notes:

Discovery demands and responses should not be E-Filed except in cases permitted under the Federal Rules of Civil Procedure or the Local Rules. It is unclear from the Court's General Order whether these documents can be served electronically via e-mail. On the one hand, the General Order states that by signing up for E-Filing, you consent to receive service electronically. On the other hand, a Court might interpret this rule as applying only to Notices of Electronic Filing issued by the E-Filing System when a document is filed and not to items that

are e-mailed by the parties without being E-Filed. For this reason, it is probably best to continue serving these items on paper and by mail until the Court addresses this issue specifically.

M. Motions (other than discovery)

Filing Type: Civil, and then either Application, Motion, Petition or Requests (as appropriate)  
Docketing Questions:

During the docketing process, the E-Filing System will ask you for the name of the Judge before whom the motion is set. Please note that the system will calendar the motion to the assigned District Judge in the case regardless of the name you select. The selection you make is used for the docket text only.

Special Notes:

A proposed order should *never* be E-Filed as the main document. The Proposed Order should be separately captioned and submitted as an attachment to the motion. Don't forget to e-mail the proposed order in WordPerfect or MS Word format to Chambers as described in section II(P), above.

Declaration and other documents supporting motions that are captioned separately should be filed using a different filing type. See the section III(Q), below.

N. Discovery Motions (including a Joint Stipulation)

Filing Type:

1. The Motion – Civil, and then either Discovery Ex Parte Applications or Discovery Motions (as appropriate)

2. The Joint Stipulation – Motions and Related Filings, Responses/Replies/Other Motion Related Documents, Joint Stipulation re Discovery Motion (Rule 37)

Docketing Questions:

During the docketing process, the E-Filing System will ask you for the name of the Judge before whom the motion is set. Please note that the system will calendar the motion to the assigned discovery judge in the case regardless of the name you select. The selection you make is for the docket text only.

Special Notes:

A proposed order should *never* be E-Filed as the main document. The Proposed Order should be separately captioned and submitted as an attachment to the motion. Don't forget to e-

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mail the proposed order in WordPerfect or MS Word format to Chambers as described in section II(P), above.

Declarations and other documents supporting motions that are captioned separately should be filed using a different filing type. See the entry concerning Declarations, below, for more details.

O. Ex Parte Motions and Proposed Orders

Filing Type: Civil, and then Ex Parte Application or Ex Parte Motion (as appropriate)

Docketing Questions:

Special Notes:

A proposed order should *never* be E-Filed as the main document. The proposed order should be separately captioned and submitted as an attachment to the motion. Don't forget to e-mail the proposed order in WordPerfect or MS Word format to Chambers as described in section II(P), above.

Declarations and other documents supporting motions that are captioned separately should be filed using a different filing type. See the entry concerning Declarations, below, for more details.

P. Oppositions to Motions

Filing Type: Civil, Responses/Replies/Other Motion Related Documents, Memorandum in Opposition to Motion

Docketing Questions:

During the docketing process, you'll be asked to select the motion to which your opposition relates.

Special Notes:

There have been rare instances where motions were not coded properly when they were filed. If this happens, the motion you are opposing will not be listed and you will be unable to link your opposition papers to the motion you are opposing. If that happens, use the following Filing Type instead: "Civil, Miscellaneous Filings (Non-Motion), Memorandum of Points and Authorities in Opposition (Non-Motion)". Before you complete the E-Filing, you'll be given the option to add docket text. We recommend that you type in the full title of your document in that location so that the docket entry accurately describes what you're filing.

Q. Declarations Supporting or Opposing Motions (Separately Captioned)

Filing Type: Civil, Responses/Replies/Other Motion Related Documents, Declaration (motion related)

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## Docketing Questions:

Enter party Role of Filer: plaintiff/plaintiffs/defendant/defendants

Name of Declarant: Enter as stated on the declaration

Indicate in opposition to – or –in support of, as appropriate at the prompt: in opposition to/in support of

You'll be asked to relate your declaration to a pending motion. Your declaration should be linked to the moving document, even if your declaration is filed in opposition to that motion. Click the check box next to the motion to which the document relates and click "Next".

## Special Notes:

If the Declaration is not separately captioned, it should be submitted as an attachment to the main document or just attached as part of the main PDF file. However, if the Declaration is separately captioned, use this Filing Type to E-File it.

If the Declaration and the attached exhibits exceed 5.5 megabytes, see section II(H)(3) of this manual for instructions on how to split the Declaration and exhibits into several files.

If you're filing something that's motion related other than a Declaration, and you can't find a better choice on the pull-down menu, you can use the "Motion Related Document" as an all-purpose option.

During the docketing process, you'll be asked to select the motion to which your opposition relates.

There have been rare instances where motions were not coded properly when they were filed. If this happens, the motion you are opposing will not be listed and you will be unable to link your opposition papers to the motion you are opposing. If that happens, use the following Filing Type instead: "Civil, Miscellaneous Filings (Non-Motion), Declaration (Non-Motion)". Before you complete the E-Filing, you'll be given the option to add docket text. We recommend that you type in the full title of your document in that location so that the docket entry accurately describes what you're filing.

### R. Reply Briefs on Motions

Filing Type: Civil, Responses/Replies/Other Motion Related Documents, Reply (motion related)

### S. Stipulations with Orders

Filing Type: Civil, Stipulations

Special Notes:

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Before E-Filing, it was common practice to submit a stipulation with a proposed order attached that merely read “IT IS SO ORDERED.” This practice is no longer allowed. The order must be prepared with a separate caption and submitted as an attachment to the E-Filed stipulation.

Don’t forget to e-mail the order in WordPerfect or MS Word format to Chambers as described in section II(P), above.

If your stipulation is for leave to file an amended complaint (or a counterclaim or third party claim), submit both the proposed order and the proposed amended complaint (or a counterclaim or third party claim) as an attachment to the stipulation. When you e-mail the proposed order and the stipulation to the Court, also attach the amended complaint in PDF. When the order is signed, the Clerk’s office will E-File and docket the amended complaint (or counterclaim or third party claim). If you need to serve the amended complaint, you must submit a paper Summons to the Clerk’s office and have it issued after the amended complaint is E-Filed by the Clerk’s office.

#### T. Proposed Orders

Filing Type: Civil, Notices, Notice of Lodging  
Special Notes:

A proposed order should *never* be E-Filed as the main document. If the Proposed Order is submitted at the request of the Court, use the filing type above to file a “Notice of Lodging.” The Proposed Order should be submitted as an attachment to the Notice of Lodging.

If the proposed order is not requested by the Court, it should be submitted as an attachment to the main document to which it is related (i.e., the motion, opposition, etc.). If you forget at the time of filing, you can attach it to a notice of lodging later.

Don’t forget to e-mail the proposed order in WordPerfect or MS Word format to Chambers as described in section II(P), above.

#### U. Notice of Acceptance of Rule 68 Offer and Proposed Judgments

Filing Type:

1. Offer- Civil, Miscellaneous Filings (non-motion), Offer of Judgment
2. Acceptance- Civil, Miscellaneous Filings (non-motion), Acceptance of Offer of Judgment
3. Proposed Judgment- submit as an attachment to the Acceptance

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## Special Notes:

A proposed judgment, like a proposed order, should be submitted as an attachment. It should never be filed as a main document. In this case, the Proposed Judgment should be submitted as an attachment to the Notice of Acceptance of Rule 68 Offer.

Don't forget to e-mail the proposed judgment in WordPerfect or MS Word format to Chambers or to the Clerk's office as described in section II(P), above.

### V. Notice of Settlement and Proposed Order

Filing Type: Civil, Notices, Settlement

#### Special Notes:

Most of the Judges in the Central District have adopted a practice of immediately dismissing the action upon receipt of a Notice of Settlement, and giving the parties a certain amount of time to reopen the case. You may wish to submit a proposed order dismissing the action without prejudice and retaining jurisdiction to enforce the settlement if necessary.

A proposed order should be submitted as an attachment to the main document. It should never be filed as a main document. In this case, the proposed order should be submitted as an attachment to the Notice of Settlement.

Don't forget to e-mail the proposed order in WordPerfect or MS Word format to Chambers as described in section II(P), above.

### W. Proposed Final Pretrial Conference Orders

Filing Type: Civil, Notices, Notice of Lodging Pretrial Conference Order

#### Special Notes:

A proposed order should be submitted as an attachment. It should never be filed as a main document. In this case, the Proposed Final Pretrial Conference Order should be submitted as an attachment to a "Notice of Lodging of Final Pretrial Conference Order."

Don't forget to e-mail the proposed order in WordPerfect or MS Word format to Chambers as described in section II(P), above.

### X. Memorandum of Contentions of Fact and Law

Filing Type: Civil, Pretrial and Trial Documents, Memorandum of Contentions of Fact and Law

#### Special Notes:

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Y. Trial Brief

Filing Type: Civil, Pretrial and Trial Documents, Trial Brief

Z. Joint Exhibit Lists; Witness Lists

Filing Type: Civil, Pretrial and Trial Documents, Witness List or Exhibit List

**Special Notes: If the witness list contains a home address, the home address must be redacted pursuant to the Court's General Order governing E-Filing.** The General Order offers three options when redaction is required. First, you can simply file a redacted version of the document and retain the unredacted version for inspection by the Court and opposing counsel. Second, you can file the entire document under seal without redaction. Third, you can redact the addresses and place unique identifiers in place of the redacted information, and then file a decoder for the unique identifiers under seal. In any case, you need only redact the street address, and not the city and state.

Under current rules, you are required to serve your witness list at the pretrial meeting of counsel and then file it a few weeks later with your Memorandum of Contentions of Fact and Law and Joint Exhibit List. You may wish to add the following language to the witness list that you serve at the pretrial meeting of counsel:

“The witness list stated above may contain home addresses. Pursuant to General Order 08-02(E)(6), before filing with the Court, the home addresses will be redacted and replaced with the words [HOME ADDRESS REDACTED]. Plaintiff will file the redacted Witness List pursuant to General Order 08-02(G)(1). The witness list served on opposing counsel at the pretrial meeting of counsel was not redacted and included the home addresses. A copy of the unredacted witness list has been retained by counsel and will be made available to the Court and any other party upon request.”

Serve the unredacted witness list at the pretrial meeting of counsel and then redact home addresses before filing the witness list with the Court.

AA. Proposed Special Verdict Forms

Filing Type: Civil, Pretrial and Trial Documents, Jury Verdict (Proposed)

BB. Proposed Jury Instructions

Filing Type: Civil, Pretrial and Trial Documents, Jury Instructions (Proposed)

CC. Motions *in Limine*/Oppositions/Reply

Filing Type:

1. Motions *in Limine*- Civil, Motions in Limine

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2. Oppositions- Civil, Responses, Replies and Other Motion Related Documents, Memorandum in Opposition to Motion
3. Reply- Civil, Responses, Replies and Other Motion Related Documents, Reply (Motion related)

DD. Proposed Judgments

Filing Type: Civil, Notices, Notice of Lodging  
Special Notes:

A proposed judgment should usually be submitted as an attachment to a Notice of Lodging. Don't forget to e-mail the proposed judgment in WordPerfect or MS Word format to Chambers as described in section II(P), above.

EE. Bill of Costs and Application to Tax Costs

Filing Type: Civil, Applications, Clerk to Tax Costs  
Special Notes:

In federal court, unlike state court, the Bill of Costs (Local Form CV-59) is not effective until it is signed by a Deputy Clerk. Because the Bill of Costs must be signed by a Deputy Clerk, it should be treated like a proposed order. Thus, it should be attached to the application to tax costs as an attachment, and e-mailed to the Clerk's office. Since the form is not available in Word or WordPerfect format, you should send the bill of costs in PDF. Send it, along with a PDF of the Application to Tax Costs, to the following e-mail address depending upon where your case is assigned:

[Cost\\_billsLA@cacd.uscourts.gov](mailto:Cost_billsLA@cacd.uscourts.gov) – for Los Angeles

[Cost\\_billsSA@cacd.uscourts.gov](mailto:Cost_billsSA@cacd.uscourts.gov) – For Santa Ana

[Cost\\_billsRV@cacd.uscourts.gov](mailto:Cost_billsRV@cacd.uscourts.gov) – For Riverside

Please note that the Court has changed these e-mail addresses in the past. To ensure that you are using the correct e-mail address, login to E-Filing, click "utilities" on the top of the screen, and then click "Chambers E-mail Addresses."

When asked whether you want to link your filing to another document, you may wish to link your filing to the judgment to which the application to tax costs relates.

For information on when to notice the application to tax costs, go to the Court's web-site, click on "General Information" at the top and then click on "Bill of Costs Handbook."

FF. Notice of Appeal

Filing Type: Civil, Appeal Documents, Appeal to 9<sup>th</sup> Circuit Court of Appeals  
Special Notes:

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After E-Filing your Notice of Appeal, submit courtesy copies to the Court as required by your Judge. Submit the filing fee along with an extra copy of the Notice of Appeal to the Clerk's office so that they can process the filing fee.

GG. Substitution of Attorney

Filing Type: Civil, Applications, Substitute Attorney  
Special Notes:

Substitution of Attorney is accomplished using the Court's Local Form G-01 (Request for Approval of Substitution of Attorney) and Local Form G-01 ORDER (Order on Request for Approval of Substitution of Attorney). You can get the form by going to the Court's main website ([www.cacd.uscourts.gov](http://www.cacd.uscourts.gov)), clicking "Forms" at the top, and then expanding the "General Forms" category. Be sure to download the latest version from the Court's web-site.

Versions of the form that predate March of 2006 contain a combined request and order, and will be rejected. The newest version of the form changes the title from "Substitution of Attorney" to "Request for Approval of Substitution of Attorney" and separates the order from the request. The order is available for download only in WordPerfect format. Be sure to download both the PDF request and the WordPerfect Order.

Do not E-File any document that has an order combined with something else. The proposed order should *never* be E-Filed as the main document. The Proposed Order should be separately captioned and submitted as an attachment to the Request for Approval of Substitution of Attorney in PDF Format. Don't forget to e-mail the proposed order in WordPerfect or MS Word format to Chambers as described in section II(P), above.

Note that this form is used only to change the identity of the principal attorney or firm handling the case. If you want to change your address, phone number, or remove or add a single lawyer in the case (and the firm representing the party remains the same), use Local Form G-6, which is entitled "Notice of Change of Attorney Information." The advantage to Local Form G-6 is that no order is required to effect the change. Be sure to read the instructions: They explain when G-6 is appropriate and when you must use the substitution of attorney form instead. When filing Form G-6, use the "Civil, Notices, Change of Attorney Information (G-06)" filing type. You should also update your information in the CM/ECF system using the Utilities option.

If you wish to change the address, telephone number, e-mail address, or the firm name associated with your E-Filing login, use the Utilities option at the top of the CM/ECF main screen. You must also file Form G-6 on all pending cases. The Court has more information on updating your information on CM/ECF at the following web-address:  
[http://support.cacd.uscourts.gov/Updating\\_Attorneys\\_Profiles.pdf](http://support.cacd.uscourts.gov/Updating_Attorneys_Profiles.pdf)

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## HH. Pro Hac Vice Admissions

Filing Type: Civil, Applications, Appear Pro Hac Vice  
Special Notes:

Be sure to read Local Rule 83 before submitting your *pro hac vice* application.

Local counsel must E-File the application on the Court's G-64 Form (Application of Non-Resident Attorney to Appear in Specific Case) and the Court's G-64 Order (Order on Application of Non-Resident Attorney to Appear in Specific case) must be submitted as an attachment to the application.

The application and order are available in PDF format, and the order is available in WordPerfect format from the Court's web-site at [www.cacd.uscourts.gov](http://www.cacd.uscourts.gov). Click on "Forms" at the top of the screen, and then click on "General Forms."

Don't forget to e-mail the order in WordPerfect or MS Word format to Chambers as described in section II(P), above.

After E-Filing the application and order, submit a courtesy copy to the Court in accordance with the Judge's requirements. Submit the required filing fee along with another copy of the application to the Clerk's office in Los Angeles.

Once the application has been approved, the non-resident attorney can register for E-Filing on the Court's web-site at <http://support.cacd.uscourts.gov>. If the non-resident attorney is already registered for E-Filing in another district, training is not required. However, remind the non-resident attorney that the Central District has E-Filing procedures that are different than those in other districts.

## II. Writ of Execution

Filing Type: Manually Filed  
Special Notes:

The Court has two forms that are used to obtain a writ of execution. The Affidavit and Application for Writ of Execution (CV-24) and the Writ of Execution (CV-23). You can obtain both at the Court's web-site (<http://cacd.uscourts.gov>). Click on "Forms" at the top and then "Civil."

The Clerk appears to require manual filing of these documents, although nothing in the current General Order so indicates. It appears that these documents can be filed manually without a Notice of Manual Filing. All of the other requirements of manual filing apply, i.e. original plus one copy, bluebacked, proof of service, etc.

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#### IV. REDACTING PERSONAL INFORMATION

Because every document filed using the E-Filing System is immediately available to anyone using the PACER system, the Court requires that attorneys redact certain types of personal information. You must carefully review any documents and redact any of the following types of information: **Social Security Numbers** (if necessary, you can leave the last four digits), **Taxpayer ID Numbers** (if necessary, you can leave the last four digits), **Names of Minor Children** (if necessary, use initials), **Dates of Birth** (if necessary, leave the year), **Financial Account Numbers** (if necessary, leave the last four digits), and **Home Addresses** (if necessary, leave the City and State).

There are some exemptions to the redaction requirement, so be sure to read General Order 08-02, section IV(E), (F), and (G) if redaction is an issue. If the personal information is relevant to the case and you want the Court to see it, you may follow the procedure described in General Order 08-02, section IV(G).

**Note that simply blacking out information on a scanned PDF file in Adobe Acrobat does not redact it. The PDF specification retains the original data and simply displays a black box over it. Such information can be easily read by deleting the black box. The only way to properly redact a PDF file is to use a special redaction option in a PDF program like Adobe Acrobat, or by redacting the paper document before you scan it.**

**If you inadvertently E-File a document without redacting personal information, you should immediately contact the Court's Help Desk (see the end of this manual for contact information).**

#### V. TRANSCRIPTS ORDERED BY COUNSEL

Effective May 27, 2008, the Court will require court reporters to E-file all court transcripts using the Court's E-Filing system whenever a transcript is ordered by counsel. For the first 90 days after the transcript is E-Filed, the transcript will be available through PACER only to the person who ordered the transcript and court personnel. Anyone, may view (but not print) the transcript at the public terminals in the Clerk's office. At the same time, the Court Reporter will E-File a Notice of Filing of Official Transcript which all parties will receive. Transcripts that have been ordered sealed will not be E-Filed.

If the transcript contains personal information that must be redacted under the Court's General Order or under Federal Rules of Civil Procedure 5.2, any party will have five business days to file a Notice of Intent to Request Redaction indicating that a Request for Redaction will be filed. Within 21 calendar days after the Notice of Filing of Transcript is E-Filed, the party must file a Request to Redact. The Request must identify by page and line number any portions of the transcript that must be redacted because they contain personal information subject to the Court's General Order, and indicate how the redaction should be performed, i.e. "Redact the Social Security number on page 12, line 9 to read xxx-xx-6789."

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Only the following personal identifiers listed by the Judicial Conference in its policy on the Electronic Availability of Transcripts may be redacted:

1. Minors' names: use the minors' initials;
2. Financial account numbers: use only the last four numbers of the account number;
3. Social Security numbers: use only the last four numbers;
4. Dates of birth: use only the year;
5. Home addresses: use only the city and state (applicable in criminal cases only).

A party is only responsible for reviewing and indicating the redactions in the testimony of the witnesses it called and its own statements (e.g. opening statements and closing arguments), statements of the party, and any transcript of the sentencing proceeding.

If a party wants to redact other information, that party must move the Court for further redaction by separate motion served on all parties and the court reporter within the 21-day period. The transcript will not be electronically available until the Court has ruled on any such motion even though the 90-day restriction period may have ended.

If a Request for Redaction is filed, the Court reporter will then E-File a redacted version of the transcript, which will become available to the public through PACER 90 days after the original, unredacted transcript was E-Filed. The original unredacted transcript will continue to be restricted permanently. If no Request for Redaction is E-Filed, the original transcript will become available to the public 90 days after it was E-Filed.

## **VI. MANUAL FILINGS**

Filing Type: Civil, Notices

Docketing Questions:

Choose "Manual Filing (G-92)" from the event list

Describe document or object to be filed over the counter: (here enter a brief description of the item you are manually filing).

Special Notes:

Manual filings are not permitted except in the circumstances referenced in General Order 08-02, Part V. Manual filings are commonly used for applications and orders to file documents under seal, exhibits that cannot be converted to PDF (i.e., blueprints, DVDs, and other tangible things), Administrative Records, initiating documents, *pro se* litigants, and others listed in the General Order.

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For more information on filing a document under seal, visit the Court's web-site (<http://www.cacd.uscourts.gov>), click on "Filing Procedures" at the top, and select "Preparing Sealed Documents on Civil Cases." Note that the application and order to file under seal should themselves be manually filed.

Manual Filings are also used if you choose to return the original summons to the Court, because when returning the original summons, you must return the actual original summons to the Clerk's office. Note, however, the returning the original summons to the Court is almost never required.

If you are required to manually file a document, you must E-File a "Notice of Manual Filing" in place of the document to be manually filed. If the entire document is being manually filed, E-File a Notice of Manual Filing. If one exhibit in a larger document is being manually filed, insert the Notice of Manual Filing where the exhibit would appear, but E-File the remainder of the document. Remember that you must submit a courtesy copy of the Notice of Manual filing to chambers as you would with any other E-Filed document.

The Notice of Manual Filing form (Form G-92) is available on the Court's main web-site ([www.cacd.uscourts.gov](http://www.cacd.uscourts.gov)). Click on "forms" at the top, and the select "General Forms". Form "G-92 Notice of Manual Filing" is towards the bottom of that list.

According to the training videos, you must submit the manual filing to the Court within 3 days of E-Filing the Notice of Manual Filing. It is probably a better practice to file it the same day. The manual filing should comply with all Local Rules governing filing of documents (i.e., original and one-copy, bluebacks, proof of service, exhibit tabs, etc.), must be served on all opposing parties/counsel, and should be accompanied by one courtesy copy of the Notice of Manual Filing and the Notice of Electronic Filing that you received after you E-File the Notice of Manual Filing. Submit the courtesy copy of the Notice of Manual Filing as a separate blue-backed document with the Notice of Electronic Filing at the end along with the manually filed documents.

## **VII. DEFICIENCY NOTICES**

If you make an error, the Clerk's office will file a Notice of Deficiency, and all parties will be notified. The assigned Judge will decide what action to take, and you will receive an order advising you if the Judge strikes the filing or requires you to take corrective action.

## **VIII. WHERE TO GET HELP**

### **A. Authority**

The Central District's General Order Number 08-02 is the most comprehensive source of information regarding E-Filing. At some point in the future, the Court may adopt some or all of the General Order into the Local Rules. Federal Rules of Civil Procedure Rules 5(d)(2), (3) and (4), and 83 also govern E-Filing.

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B. The help desk

You can contact the E-Filing Help Desk by calling (213) 894-0242 or by e-mailing to “[ecf-helpdesk@cacd.uscourts.gov](mailto:ecf-helpdesk@cacd.uscourts.gov).” The help desk is open from 8:00 a.m. to 5:00 p.m. pacific Monday to Friday.

## **Addendum: E-Filing in the Southern District of California**

The Southern District of California also uses an E-Filing System, but it has adopted some different procedures than those in effect in the Central District. Before filing in the Southern District, be sure to read all of the documents on the Court's web-site. If you are accustomed to filing in the Central District, you should note the following differences between the Southern District and the Central District (as of 02/04/2008):

1. The Southern District only requires paper filings for initial complaints and other documents that require a filing fee. By Spring 2008, the Southern District expects to be accepting new cases by E-Filing as well. The Court requires an original and one copy of the Complaint, an original and two copies of the Summons, and an original and one copy of the Cover Sheet. The Southern District uses the standard AO Cover Sheet (available on the Court's web-site) and not the lengthier form used in the Central District. The Southern District neither requires nor wants bluebacks. The Court scans these documents for you, so there is no need to scan and return the initial filing as you would in the Central District.

2. All documents other than documents that require a filing fee must be E-Filed, including Amended Complaints, Counterclaims, Cross-Claims, and Third-Party Complaints. If you E-File one of these documents and it adds parties, you must use the "Add Party" link and add the new parties yourself.

3. The Southern District has re-named "Stipulations" to "Joint Motions." Although Proposed orders are required on all motions, **DO NOT E-FILE PROPOSED ORDERS**. Proposed Orders are never E-Filed in the Southern District, even as attachments. Instead, e-mail the Proposed Order to opposing counsel and to the Court at [efile\\_JudgeLastName@casd.uscourts.gov](mailto:efile_JudgeLastName@casd.uscourts.gov) where you replace "JudgeLastName" with the Judge's last name in all lower case. Subject line should be the case number – description of order. Proposed Orders should not have counsel's firm name on them and should not have the word "Proposed" in the caption. Opposing counsel has one day thereafter to e-mail any objections to the order to chambers.

4. The Local Rules require that the case number appear at the bottom right hand corner of each page of each document other than the initial filing.

5. A proof of service is required on all E-Filed documents, even if everyone on the case is an E-Filer. If all parties are E-Filers, your proof of service can simply indicate that everyone listed was served electronically by the Court's CM/ECF system.

6. Courtesy copies must be sent direct to chambers within 24 hours, but *only* if the document is more than 20 pages or if more than 20 pages total are filed in one day. The Southern District does not require and does not want bluebacks.

7. The file size limit is 10 megabytes.

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8. Motion dates must be obtained from the law clerk for Judge before you file your motion.

9. The Southern District has far fewer Filing Types (the Court calls them Civil Events) for civil cases and it is much easier to find the correct type for whatever filing you need to make.

10. For policies of your particular judge, visit the Court's web-site at [www.casd.uscourts.gov](http://www.casd.uscourts.gov). Click on the "Rules" link at the top and select "Chambers' Rules."