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July 25, 2013

Mr. Larry S. Royster
Clerk, Michigan Supreme Court
Michigan Hall of Justice
P.O. Box 30052
Lansing, MI 48909

Re: **Proposed New Rules 2E.001 *et seq.***
ADM File No. 2013-18

Dear Mr. Royster:

The Court should adopt the proposed rules, but should modify proposed Rule 2E.101(A) to permit timely filing up to 11:59 p.m. on a business day.

SADO is one of the most frequent users of the current Tyler/Odyssey electronic filing system in place in the Court of Appeals. Current office policy encourages attorneys to e-file all Court of Appeals major pleadings. One of the most significant incentives leading to compliance with that policy is the midnight filing deadline. The Court of Appeals Electronic Filing & Service Guidelines provide, in pertinent part:

> Filings received by 11:59 PM on a business day will be docketed for that business day. Filings received between 12:00 AM and 11:59 PM on a Saturday, Sunday, or Court holiday will be docketed for the next business day [Guidelines, ¶ 9].

By implementing e-filing, we have been able to eliminate our regular daily court run, resulting in significant savings in photocopy costs, postage, and parking fees; as well as better use of support staff time. In addition, based on feedback from training sessions we have conducted in the criminal defense community, the midnight filing deadline is a significant incentive that will encourage private practitioners to voluntarily participate, notwithstanding transaction fees charged by the Court's vendor. Proposed Rule 2E.202 ensures that counsel who is served after 5:00 p.m. shall be deemed to have been served on the next day that is not a Saturday, Sunday, or legal holiday. The Federal district courts in both the Eastern and Western District of Michigan already have a midnight deadline for electronic filing, so retaining the midnight deadline for Michigan courts will provide a uniform standard. See, ED Mich Electronic Filing R 15(b); WD Mich Civil R 5.7(d)(iv).

We applaud the steps the Court is taking to expand e-filing to all of our State's courts, and we look forward to helping the Court implement that process.

Sincerely,

Dawn Van Hoek
Director

DVH/red

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

ELECTRONIC FILING

POLICIES AND PROCEDURES

Gerald E. Rosen
Chief Judge

Revised March 2010

PREFACE

In December 2002, the Administrative Office of the United States Courts advised the Eastern District of Michigan that it had been identified to begin implementation of Case Management / Electronic Case Files (CM/ECF) in January 2003.

On December 18, 2002, Chief Judge Lawrence P. Zatkoff approved a recommendation from the Court's Automation and Technology Committee and appointed an *Ad Hoc* Committee on Electronic Filing. The Committee's charge was to discuss and recommend to the Court a position on various policy issues underlying the creation of a new Local Rule governing electronic filing.

At its regular meeting on September 8, 2003, the Court approved Local Rules [http://www.mied.uscourts.gov/Rules/RuleViewer.cfm?n=LR%205.1.1] establishing the authority for electronic filing in civil and criminal cases in the Eastern District of Michigan. The Court also agreed that papers filed by electronic means must comply with the technical standards in the Electronic Case Filing (ECF) Policies and Procedures (this document), which is also included as an appendix to the Local Rules. This document was approved by the Court at its regular meeting on December 1, 2003.

At its regular meeting on February 2, 2004, the Court approved a delay in the implementation date of ECF from March 1, 2004, to June 1, 2004. At its meeting on September 6, 2005, the Court approved amendments to LR 5.1.1, which mandated that all papers - not simply cases - filed after November 30, 2005, be filed electronically.

In anticipation of mandatory e-filing, the Court also approved mandatory training for all ECF filing users effective September 19, 2005.

The Court expresses its appreciation to the original members of the *Ad Hoc* Committee on Electronic Filing who worked diligently on this document:

Chief Judge Lawrence P. Zatkoff (Ex Officio)
Judge Robert H. Cleland, Chair
Judge Arthur J. Tarnow
Judge Victoria A. Roberts
Judge David M. Lawson
Magistrate Judge Charles E. Binder
Attorney Daniel J. LaCombe (Barris, Sott, Denn & Driker, PLLC)
Attorney Patrick G. Seyferth (Bush, Seyferth & Kethledge)
Assistant United States Attorney Sheldon N. Light
Deputy Federal Defender Andrew N. Wise
Court Administrator David J. Weaver
Deputy Court Administrator Mary E. Miers (ECF Project Manager)
Operations Manager Kevin B. Williams
Management Analyst Jerri Torolski
Secretary to Court Administrator Stephanie Miszkowski (Reporter)

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Introduction

As of June 1, 2004, the official record of filed cases shall be maintained electronically. These policies and procedures set forth the scope and requirements for filing users.

R1 Definitions

The following terms appear in these Electronic Filing Policies and Procedures:

(a) "E-Government Act of 2002" establishes a broad framework for the use of technology to enhance public access to government information and services. Pub. L. No. 107-347, 116 Stat. 2899. See 44 U.S.C. §§ 3601, et seq.

(b) "Electronic Filing" means filing a paper over the Internet by a registered attorney or a non-incarcerated *pro se* party. [1]

(c) "Electronic Filing System" (hereinafter ECF) refers to the Court's automated system that receives and stores papers filed in electronic form. The program is part of the CM/ECF (Case Management/Electronic Case Files) software, which was developed for the Federal Judiciary by the Administrative Office of the United States Courts.

(d) "Filing User" is a registered attorney or a *pro se* party who has a district court-issued login and password to file papers electronically over the Internet in the Eastern District of Michigan. *Pro se* party refers to a non-incarcerated person only.

(e) "Hyperlink" is a selectable connection from a word, picture, or information object to another, providing a mechanism for navigating to information between or within electronic documents or to Internet material. Hyperlinks are activated when the user clicks on an "active" region on the document.

[1] Filing users are directed to Fed. R. Civ. P. 5(d) and E.D. Mich. LR 26.2 regarding the prohibition of filing certain papers.

The active region is usually indicated by the highlighting or underlining of text.

(f) "Initiating Papers" are comprised of the following: civil complaints, statements of disclosure of corporate affiliations and financial interest, notices of removal, criminal complaints, indictments or informations, and any other document filed with the Court that creates a new case and new case number on the Court's docket.

(g) "Notice of Electronic Filing" (hereinafter NEF) is a notice automatically generated by ECF at the time a paper is filed, setting forth the time of filing, the name of the filing user, the type of paper, the text of the docket entry, the name of the filing user receiving the notice, and an electronic link (hyperlink) to the filed paper, which allows recipients to retrieve the paper automatically.

(h) "Paper" is defined as a pleading, motion, exhibit, declaration, affidavit, memorandum, order, notice, and any other filing by or to the Court.

(i) "Portable Document Format" (hereinafter PDF) refers to a non-modifiable, electronic file that is converted to a format that will look the same on a computer screen and in print, regardless of the printer used to print it, and regardless of the software package originally used to create it. [see R5(c)]

(j) "Proposed Order" is a draft paper submitted for a judge's editing, if necessary, and signature, in a format compatible with WordPerfect and not in PDF. [see R11(a)]

(k) "Public Access to Court Electronic Records" (hereinafter PACER) is an automated system that allows any individual to view, print and download

Court docket information over the Internet.

(l) "Technical Failure" is defined as a malfunction of Court-owned/leased equipment (e.g., hardware, software or telecommunication facility) that occurs continuously or intermittently for more than one hour after 12:00 noon (Eastern Time) that day, and which results in the inability of a filing user to file papers electronically. Technical failure does not include malfunctioning of a filing user's equipment.

(m) "Text-Only Order" is a docket entry that itself constitutes the order. These text-only orders, which are generally only used for routine matters, are official and binding.

(n) "Traditional Manner" means filed on paper (hard copy) at a Clerk's Office [see R7].

R2 Scope of Electronic Filing

All papers (not simply cases) filed June 1, 2004 and thereafter will be maintained as electronic case files no matter when a case was originally filed. All filings are subject to the exceptions noted in R7.

R3 Eligibility, Registration, Passwords

(a) A filing user must be an attorney admitted and in good standing to practice in the Eastern District of Michigan, an attorney authorized to represent the United States Government, or a non-incarcerated *pro se* party granted access permission.

(1) Attorneys already admitted to practice who have a case pending before the Court must immediately comply with (b).

(2) Newly-admitted attorneys who have a case pending before the Court

at the time of admission have up to two weeks to comply with (b). Newly-admitted attorneys do not need to comply with (b) until such time as the attorney has a case pending before the Court.

(b) Each filing user must complete and submit the ECF Registration Form https://secure.mied.uscourts.gov/CMECF/AttorneyReg/. Effective September 19, 2005, filing users must complete mandatory ECF Training.

(c) Each filing user is responsible for maintaining valid contact information in his or her ECF Registration account profile. When a user's contact information changes, the user must promptly update his or her ECF Registration account profile. If the filing user has a pending case before the Court, the user must also promptly notify all parties in all cases. Electronic service upon an obsolete e-mail address will constitute valid service if the user has not updated the account profile with the new e-mail address.

(d) A filing user must have a PACER account.

(e) Once the above requirements have been met, the Clerk will issue a login and password.

R4 Non-Compliance

(a) The Court may excuse a party from electronic filing on motion for good cause shown. [LR 5.1.1(a)]

(b) The Court may issue an order to show cause for repeated filing errors or other instances of non-compliance with these Policies and Procedures. The Court may also subject a filing user to sanctions in accordance with LR 11.1. See Procedure to Address Non-Compliance with ECF Policies and Procedures (EXHIBIT G).

R5 Filing - In General

(a) Filing users are required to file papers[2] electronically [see R6 and R7 for exceptions] beginning December 1, 2005.

(b) Effective January 8, 2007, filing users must present one "courtesy" or "chambers copy" of all dispositive motion papers, as defined in LR 7.1(e)(1)(A), (including responses and replies) and all accompanying exhibits must be submitted directly to the judge's chambers on paper. Any exhibits must be properly tabbed and all papers firmly bound, usually along the left margin ("book-style"). Good practice requires that in appropriate cases, relevant portions of lengthy documents be highlighted. A printed copy of the Notice of Electronic Filing must be attached to the front of the paper.

The chambers copy must be sent via first class mail the same day the document is e-filed, unless it relates to a court proceeding scheduled within the next five days or otherwise requires the immediate attention of the Court, in which case the chambers copy must be hand-delivered to chambers not later than the morning of the next business day after the document is e-filed.

(c) A file created with a word processor, or a paper that has been scanned, must be converted to PDF to be filed electronically with the Court. Converted files contain the extension ".pdf". All fonts embedded in PDF records (except in papers that have been scanned) must have been publicly identified as a font that may be legally imbedded (i.e., the font license permits embedding) in a file for unlimited, universal viewing and printing [font styles, which are the most commonly used fonts for document production: Courier

[2] Filing users are directed to Fed. R. Civ. P. 5(d) and E.D. Mich. LR 26.2 regarding the prohibition of filing certain papers.

(Regular, Bold, Italic, and Bold Italic), Arial MT (Regular, Bold, Oblique, and Bold Oblique), Times New Roman PS MT (Roman, Bold, Italic, and Bold Italic), Symbol, and ZapfDingbats]. [see R1(i)]

(d) A hyperlink [as defined in R1(e)] contained in an electronic filing is merely a convenient mechanism created by the author for accessing Internet material. A hyperlink is not a part of the Court's record. Accordingly, the Court does not endorse nor exercise any responsibility over the content at the destination. Any hyperlink to a case or other authority included in an electronic filing must be expressed in the full traditional citation method for the cited authority. If a cited Internet resource is fundamental to the paper and refers to information that has not already been made part of the record, the Internet material must be captured, preserved in PDF, and attached to the paper. The attachment should include a notation of the date it was viewed and the case to which it relates.

(e) A complaint must not be combined with a motion for preliminary relief and a response or reply to a motion must not be combined with a counter-motion. Papers filed in violation of this rule will be stricken.

(f) Papers containing advertisements, which may be generated as a result of the use of free or trial-run PDF conversion software, will be stricken.

R6 Filing - Initiating Papers

(a) The filing of civil initiating papers, issuance and service of the summons, and payment of initial filing fees may be done electronically until July 31, 2008, and must be done electronically beginning August 1, 2008. A case is not considered filed until an initiating paper has been uploaded and a judicial officer has been assigned to the case.

(b) The filing of criminal initiating papers (e.g., criminal complaints, indictments, or informations) must be accomplished in the traditional manner.

(c) Corporate plaintiffs must file the Statement of Disclosure of Corporate Affiliations and Financial Interest in accordance with LR 83.4, along with initiating papers. Corporate defendants in either civil or criminal cases should e-file the Statement as one of the first pleadings or papers filed with the Court, or as soon as the party becomes aware of the corporate affiliation or financial interest, or as otherwise ordered by the judge to whom the case is assigned.

R7 Other Exceptions to Filing Electronically

The following papers must be filed in the traditional manner:

(a) sealed criminal papers,

(b) papers submitted *in camera*, and

(c) warrants issued.

R8 Service

(a) Fed. R. Civ. P. 5(b) and Fed. R. Crim. P. 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.

(b) Whenever a paper is filed electronically in accordance with these procedures, ECF will generate a NEF to all filing users associated with that case and to the judge to whom the case is assigned.

(c) If the recipient is a filing user, the NEF shall constitute service of the paper as if by first class mail. If two or more attorneys appear on behalf of a party, service on one

of the attorneys shall be sufficient, unless otherwise required by law.

(d) A certificate of service on all parties entitled to service or notice is still required when a party files a paper electronically. The certificate must state the manner in which service or notice was accomplished on each party so served. This should be included as part of the paper rather than a separate filing. See Sample Certificate of Service (EXHIBIT A).

(e) A party who is *pro se* and not a filing user, or a party excused from electronic filing, is entitled to a hard copy of any paper filed electronically. Service of such copy must be made according to the federal rules of procedure (civil and criminal) and local rules. Unless otherwise ordered by the Court, an attorney who is not a filing user is not entitled to this traditional service.

R9 Signatures

(a) The user login and password serve as the filing user's signature on all papers filed electronically with the Court. They serve as a signature for purposes of Fed.R.Civ.P. 11, all other federal rules (civil and criminal), the local rules, and for any other purpose for which a signature is required in connection with proceedings before the Court.

(b) A paper filed electronically must include a signature block containing the name of the filing user represented by "s/", "/s/" or a scanned signature, firm name (if applicable), street address, telephone number, primary e-mail address, and bar ID number (where applicable). The format of the signature block should substantially conform to the following sample:

SAMPLE: s/Christopher Adams
Adams, Adams & Adams P.C.
123 Main Street
Detroit, MI 48200
(313) 555-1234
cadams@adamslaw.com
P12345

(c) A paper containing the signature of a defendant in a criminal case shall be scanned and filed by filing users or Court personnel.

(d) An affidavit, declaration or paper containing the signature of a non-attorney shall be scanned and filed electronically.

(e) A paper requiring the signature of more than one party shall be filed electronically by:

(1) submitting a scanned paper containing all necessary signatures, or

(2) representing the consent of the other parties on the paper by including the name of the consenting party in a separate signature block as shown in the following sample;

SAMPLE: s/ with consent of Morgan Davis
Law Office of Davis & Davis
456 Mockingbird Lane
Ann Arbor, MI 49888
(734) 555-6789
mdavis@DavisDavis.com
P23456

or

(3) in any other manner approved by the Court.

R10 Entry of Court-Issued Papers

(a) All signed orders will be filed by Court personnel. Any order signed electronically (with s/judge's name) shall have the same force and effect as if the judge had affixed his or her signature to a hard copy of the order and it had been entered on the docket in the traditional manner.

(b) The judge to whom a case is assigned may issue routine text-only orders for which ECF will generate a NEF. For text-only orders, no PDF paper will be issued; the text-only order entry shall constitute the Court's only order on the matter. In civil cases, such orders may include but are not limited to orders setting or modifying a schedule, orders extending time, and orders granting leave to file papers. In criminal cases, such orders could include orders of dismissal filed under Fed. R. Crim. P. 48(a) and orders unsealing documents.

R11 Proposed Orders

(a) Proposed orders [see R1(j)] must be submitted to the judge to whom the case is assigned or to the magistrate judge to whom the matter is referred via the link located under the Utilities section of CM/ECF. This link may not be used for any other purpose.

(1) If the movant (filing user) obtains concurrence pursuant to E.D. Mich. LR 7.1(a)(1), the proposed stipulated order must be submitted via the link referred to in (a).

(2) If concurrence is obtained and the movant (filing user) prepares a separate stipulation and separate proposed order, the stipulation must be submitted with the proposed order via the link referred to in (a), unless:

(i) the stipulation requires the signature of a *pro se* party who is not a filing user or a non-attorney, in which case the stipulation is to be electronically filed and the proposed order submitted via the link referred to in (a); or

(ii) the stipulation is regarding trial exhibits for appeal purposes and does not require an order signed by a district or magistrate judge.

(3) Proposed orders shall not be combined with *ex-parte* motions. The *ex-parte* motion must be filed electronically first and the proposed order must be submitted via the link referred to in (a).

(4) An exception to the submission of proposed orders via the link referred to in (a) is found in E.D. Mich. LR 58.1(c).

(b) The movant (filing user) must provide all other parties a copy of the proposed order either by e-mail or other form. CM/ECF does not automatically generate an NEF or a copy of the proposed order for them.

(c) Alternatively, a motion or stipulation may request that routine relief be granted by text-only order. Such orders are official and binding.

R12 Docket/Official Court Record

A paper filed electronically in accordance with these policies and procedures shall constitute entry of that paper on the docket kept by the Clerk under Fed. R. Civ. P. 58 and 79, and Fed. R. Crim. P. 55.

R13 Technical Failure of Court Equipment; Malfunction of Filing User's Equipment

(a) If a filing user encounters technical failure of Court equipment [as defined in R1(l)], the paper may be submitted to the Court as indicated below, provided that it is

accompanied by an affidavit of the filing user's failed attempts to file electronically at least two times after 12:00 noon, each attempt separated by at least one hour. The following methods of filing are acceptable in the case of a technical failure:

(1) Via e-mail sent that day with PDF attachment to the e-mail address for technical failures (technicalfailures@mied.uscourts.gov); or

(2) Via electronic filing the next business day that ECF is operational.

(b) A filing user who suffers prejudice as a result of a malfunction of the filing user's own equipment may seek appropriate relief from the Court.

R14 Correcting Docket Entries Including Papers Filed in Error

Once a paper is filed electronically and becomes part of the docket, corrections to the docket may be made only by the Clerk's Office. If a paper is filed in error, the filing user must seek appropriate relief from the Court.

R15 Deadlines

(a) A paper filed electronically is deemed filed on the date and time stated on the NEF.

(b) Filing electronically does not alter the filing deadline for a paper. Filing users are encouraged to file electronically during ordinary business hours; however, filing electronically must be completed before 12:00 midnight (Eastern Time) in order to be considered timely filed that day, unless a technical failure [see R13(a)] or malfunction of filing user's equipment occurs [see R13(b)]. In accordance with Fed.R.Civ.P. 6(d) and Fed.R.Crim.P. 45(c), service by electronic means is treated the same as if by first class mail.

R16 Transcripts of Federal Court Proceedings

(a) Transcripts of federal court proceedings will be filed electronically in CM/ECF by the court reporter or transcriber.

(b) Access to transcripts of federal court proceedings will be governed by the Court's Procedures Governing the Electronic Availability and Redaction of Transcripts (EXHIBIT F).

R17 Retention Requirements

The official Court record shall be the electronic file maintained on the Court's servers and any papers allowed to be filed in the traditional manner. The Clerk's Office will discard all papers brought to the Clerk's Office for entry on the docket after those papers are scanned and uploaded to ECF. Therefore, the Court encourages filing users to retain the originals of papers with intrinsic value.

R18 Exhibits

(a) In General

An exhibit available in original electronic format must be converted to PDF and filed electronically, subject to size limitations contained herein. A filing user must scan a paper exhibit that is less than 5 megabytes (5 megabytes equals approximately 80 pages of conventional text - filing users are directed to file only portions of exhibits that are germane and not include any paper that is already part of the record) and submit the exhibit as a PDF file. Because PDF files containing scanned papers take up considerably more space on ECF than PDF files containing electronically-generated papers, filing users may submit PDF files containing scanned papers of more than 5 megabytes only if they

are filed in separate 5 megabyte segments.

The offering party shall retain hard copies, or accurate electronic copies, of exhibits until entry of final orders by the District Court and, if applicable, appellate courts.

(b) Filing Exhibits to Papers Electronically

Exhibits must be filed electronically according to the following procedure:

(1) If there is only one exhibit, an index of exhibits is not necessary.

(2) The filing user must prepare an index of exhibits and file the index as the first attachment to the paper. Each exhibit must be described on the index both by an exhibit identifier and by a brief narrative description. See Sample Index of Exhibits (EXHIBIT B).

(3) Each exhibit must then be filed and identified as a separate attachment to the paper, and must be labeled in the electronic record with an exhibit identifier and brief narrative description.

> SAMPLE DOCKET ENTRY: Motion for Summary Judgment filed by ABC Company (Attachments: #1 Index of Exhibits #2 Exhibit A - Affidavit of John Smith #3 Exhibit B - Excerpts from Jane Doe's Deposition #4 Exhibit C1 - Contract Between XYZ Company and ABC Company, pages 1-35 #5 Exhibit C2 - Contract Between XYZ Company and ABC Company, pages 36-69 #6 Exhibit D - XYZ Company General Ledgers)

(c) Video Tapes, DVDs and Physical Objects

A filing user must obtain leave of court to file in the traditional manner exhibits that are physical objects that cannot authentically be converted to PDF as required in R18(a). Examples include but are not limited to media files such as .mp3 and .wav and objects such as oversized maps and blueprints. CDs and DVDs that contain files such as

briefs, motions, and exhibits that can be authentically converted to PDF shall not be submitted. See Ex Parte Motion for Leave to File Exhibits in the Traditional Manner (EXHIBIT C). If the Court grants a filing user leave of court to file exhibits in the traditional manner, the Notice of Filing Exhibits in the Traditional Manner (EXHIBIT D) must be completed and accompany the filing. The exhibits then must be filed according to the following procedures:

(1) The filing user must prepare an index of exhibits. This index must be filed as an attachment to the main paper and must state that the exhibits are being filed in the traditional manner rather than electronically.

(2) The filing user shall file the exhibits in the traditional manner accompanied by a cover sheet identifying the paper to which the exhibits relate (e.g., "Exhibits in Support of Defendant XYZ Company's Memorandum in Support of Motion for Summary Judgment"). Objects must have a label physically attached that include case number and description. The Clerk's Office will note on the docket its receipt of the exhibits.

(3) A filing user must serve materials filed in the traditional manner on other parties in accordance with the federal and local rules, and file a notice electronically [see R8(d)].

R19 Access To Papers in ECF

(a) Subject to the "Transcript of Court Proceedings" section, a person may retrieve information from ECF at the Court's Internet site by obtaining a PACER login and password. A person who has PACER access may retrieve the docket and papers in civil

cases, except immigration and social security benefits cases. In immigration and social security benefits cases, only counsel of record or parties in the case may retrieve papers. Judicial Conference of the United States policy prohibits routine public access via the Internet of immigration and social security benefits cases.

(b) A person who has PACER access may retrieve the docket and papers filed after November 1, 2004 in a criminal case. However, only counsel of record in a case, or a *pro se* defendant with PACER access, may retrieve papers filed before November 1, 2004.

R20 E-Government Act of 2002

Effective December 1, 2007, privacy protection for filings made with the Court is governed by Fed.R.Civ.P. 5.2 and Fed.R.Crim.P. 49.1. To supplement the federal rules, the Court has entered an administrative order (EXHIBIT E) which makes it clear that counsel and the parties are responsible for redacting filings with the Court. The Clerk's Office will not review papers for compliance with the federal rules.

CERTIFICATE OF SERVICE

I hereby certify that on _____, I electronically filed the foregoing paper with the Clerk of
[Date]
the Court using the ECF system which will send notification of such filing to the following: _____

_____

_____, and I hereby certify that I have mailed by United States Postal

Service the paper to the following non-ECF participants: _____

_____.

s/Name of Filing User
Firm Name (if applicable)
Street Address
City, State, Zip Code
Telephone Number
Primary Email Address
Attorney Bar No. (if applicable)

EXHIBIT A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

SAMPLE INDEX OF EXHIBITS

Exhibit	**Description**
A	Affidavit of John Smith
B	Excerpts from Jane Doe's Deposition
C-1	Contract Between XYZ Company and ABC Company (Part 1, Pages 1-35)
C-2	Contract Between XYZ Company and ABC Company (Part 2, Pages 36-69)
D	XYZ Company General Ledgers

EXHIBIT B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

Plaintiff(s), Case No.

v. Judge

Magistrate Judge

Defendant(s).
_____/

EX PARTE MOTION FOR LEAVE TO FILE
EXHIBITS IN THE TRADITIONAL MANNER

NOW COMES the undersigned _____, and pursuant to the Electronic Filing Policies and Procedures, seeks leave of this Court to file exhibits in the traditional manner.

The exhibits to _____ cannot be authentically converted to electronic form for the following reason(s): _____
_____
_____
_____.

For the foregoing reasons, the undersigned respectfully requests that this Court grant the leave sought in this motion.

Date: _____ s/Name of Filing User

Firm Name (if applicable)
Street Address
City, State, Zip Code
Telephone Number
Primary Email Address
Attorney Bar No. (if applicable)

EXHIBIT C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

Plaintiff(s), Case No.

v. Judge

Magistrate Judge

Defendant(s).
_____/

NOTICE OF FILING EXHIBITS IN THE TRADITIONAL MANNER

Please take notice that the undersigned has filed exhibits to the following paper in the traditional manner.

Leave of Court was previously granted on _____ by the above judicial officer.
[Date]

Title of Paper:_____
_____
_____
_____

The exhibits have been served in hard copy on all parties pursuant to federal and local rules.

Date: _____

s/Name of Filing User
Firm Name (if applicable)
Street Address
City, State, Zip Code
Telephone Number
Primary Email Address
Attorney Bar No. (if applicable)

EXHIBIT D

FILED

2007 NOV 30 P 2:42

U.S. DIST. COURT CLERK
EAST. DIST. MICHIGAN
DETROIT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

In re: Federal Rules Governing Privacy Protection for Filings Made with the Court - Responsibility for Redaction

Administrative Order

No. 07-AO- 030

ADMINISTRATIVE ORDER

It appearing that privacy protection for filings made with this Court have been governed by Administrative Orders 05-AO-025 (civil) and 05-AO-026 (criminal); and

It further appearing that new federal rules, Fed.R.Civ.P. 5.2 and Fed.R.Crim.P. 49.1, governing privacy protection for filings made with the Court will take effect on December 1, 2007, absent contrary Congressional action;

NOW THEREFORE IT IS ORDERED that counsel and the parties are responsible for redacting filings with the Court. The Clerk's Office will not review papers filed with the Court for compliance with the federal rules.

This administrative order supersedes Administrative Orders 05-AO-025 and 05-AO-026 in their entirety, and remains in effect until amendments to the appropriate local rule have been approved by the Court.

IT IS ORDERED.

FOR THE COURT:

Bernard A. Friedman
Chief Judge

EXHIBIT E

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

PROCEDURES GOVERNING THE ELECTRONIC AVAILABILITY AND REDACTION OF TRANSCRIPTS

(Revised September 2009)

A. Authority

At its September 2007 session, the Judicial Conference of the United States approved a new policy regarding the availability of transcripts of courtroom proceedings. The language from that session states:

(1) A transcript provided to a court by a court reporter or transcriber will be available at the office of the clerk of court for inspection only, for a period of 90 days after it is delivered to the clerk.

(2) During the 90-day period, a copy of the transcript may be obtained from the court reporter or transcriber at the rate established by the Judicial Conference, the transcript will be available within the court for internal use, and an attorney or party who obtains the transcript from the court reporter or transcriber may obtain remote electronic access to the transcript through the court's CM/ECF system for the purposes of creating hyperlinks to the transcript in court filings or for other purposes.

(3) After the 90-day period has ended, the filed transcript will be available for inspection and copying in the clerk's office and for downloading from the court's CM/ECF system through the judiciary's PACER system.

In addition, amendments to the Federal Civil and Criminal Rules of Procedure that took effect on December 1, 2007, require that personal identification information be redacted from documents filed with the court - individuals' Social Security numbers, names of minor children, financial account numbers, dates of birth, and, in criminal cases, home addresses.

B. Procedures

These procedures apply to all transcripts of federal court proceedings, or parts of federal court proceedings, filed by official court reporters, contract court reporters, and transcribers.

The responsibility to review the transcripts and request redactions, if necessary, rests solely with the attorneys and parties to the case.

EXHIBIT F

Nothing in these procedures creates a private right of action against the court, the official court reporter, the contract court reporter, or transcriber.

1. Transcripts of federal court proceedings, or parts of federal court proceedings, will be filed electronically in CM/ECF by the court reporter or transcriber. Transcripts will not be made electronically available for 90 calendar days from the date of filing, however they may be viewed at the clerk's office using the public terminal. CM/ECF will calculate the release of transcript restriction deadlines.

2. Upon receipt of payment from the ordering party, the court reporter or transcriber will grant the attorney or party electronic access to the transcript in CM/ECF. If the transcript is ordered by a Federal Government agency, the agency will be granted access to the transcript in CM/ECF upon its completion.

3. Any attorney or party needing to review the transcript for redaction purposes may purchase a copy from the court reporter or transcriber, or view the transcript at the clerk's office using the public terminal.

4. Once a prepared transcript is filed with the clerk's office, the attorneys or parties in the case are responsible for reviewing it for the personal data identifiers required by the federal rules to be redacted, and providing the court reporter or transcriber with a statement of the redactions to be made to comply with the rules. Attorneys and parties must request the redaction of the following personal data identifiers:

- Social Security numbers (or taxpayer identification numbers) to the last four digits;
- financial account numbers to the last four digits;
- dates of birth to the year;
- names of minor children to the initials; and
- in criminal cases, any home addresses stated in court to the city and state.

5. Unless otherwise ordered by the court, attorneys and parties must review the following portions of the transcript:

- opening and closing statements made on the party's behalf;
- statements of the party;
- the testimony of any witnesses called by the party;
- sentencing proceedings; and
- any other portion of the transcript as ordered by the court.

6. An attorney serving as "standby" counsel appointed to assist a *pro se* defendant in his or her defense in a criminal case must review the same portions of the transcript as if the *pro se* defendant were his or her client. The attorney conducting the review is entitled

to compensation under the Criminal Justice Act for functions reasonably performed to fulfill the redaction obligation and for reimbursement for related reasonable expenses.

7. Within 21 days from the filing of the transcript, or longer if the court so orders, an attorney or party must submit to the court reporter or transcriber a statement (Redaction Request) indicating where the personal data identifiers appear in the transcript, by page and line number, and how they are to be redacted. A copy must also be filed with the clerk's office. [NOTE: The Court's standard Redaction Request is attached. It is also available on the Court's website.]

8. If an attorney or party wishes to redact additional information, he or she may make a motion to the court within the 21-day period, with a copy served on the court reporter or transcriber. 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.

9. If redaction is requested, the court reporter or transcriber must, within 31 days from the filing of the original transcript, or longer if the court so orders, perform the requested redactions and file a redacted version of the transcript with the clerk of court. A copy of the redaction request must be retained by the court reporter or transcriber in order to have a record to support the redactions made.

10. The redacted transcript will be available for remote access after 90 calendar days from the date the original transcript was filed. The unredacted, original transcript will be retained by the clerk of court as a restricted document, and will continue to be available at the clerk's office public terminal for viewing only.

11. If, at the end of the 90-day restriction period, there are no redaction documents or motions linked to the transcript, CM/ECF will automatically remove the access restrictions.

12. Transcripts that include voir dire or other juror information will only be available to parties in the case if they are specifically requested. The voir dire transcript will be sealed to ensure a juror's right to privacy. Parties to the case will be required to seek permission of the Court to use the transcript in any other proceeding except an appeal of the same case. Members of the public must receive permission from the judge that ordered the voir dire transcript sealed prior to obtaining a copy of the transcript, and the transcript may be subject to redaction before it is given to any member of the public.

C. Purchase of Transcripts by the Public

Members of the public, including the news media, who purchase a transcript from the court reporter or transcriber within the 90-day restriction period, will not be granted remote electronic access during the restriction period. At the end of the restriction period, the public will be provided remote electronic access to the redacted transcript, or if no

redaction was done, to the transcript originally submitted, unless it is under seal.

If both redacted and unredacted versions exist at the time a transcript is ordered by a member of the public, including the news media, the redacted transcript is the version that should be sold.

D. Redaction Procedures

Court reporters and transcribers may perform the requested redactions manually or with the assistance of various software programs. To manually redact, an "x" should be placed in the space of each redacted character. Regardless of the method used, the page and line numbers of the original transcript must be preserved.

E. Certification of Redacted Transcripts

The title page of the transcript will include a notation of "REDACTED TRANSCRIPT" on a blank line immediately below the case caption and before the volume number and the name and title of the Judge.

At the end of the transcript, and without affecting the page number, the redacted transcript should be certified by the court reporter or transcriber by stating:

> *"I (we) certify that the foregoing is a true and correct copy of the transcript originally filed with the clerk of court on mm/dd/yy, and incorporating redactions of personal identifiers requested by the following attorneys of record or parties:_____ in accordance with Judicial Conference policy. Redacted characters appear as an "x" (or black box) in the transcript."*

F. Remote Access and PACER Charges

Charges for access through PACER will accrue during and after the 90-day restriction period. Charges will accrue for the entire transcript rather than being capped at 30 pages. The user will incur PACER charges each time the transcript is accessed even though he or she may have purchased it from the court reporter or transcriber and obtained remote access through CM/ECF. There will not be a remote free copy of the transcript. In addition, the transcript policy approved by the Judicial Conference does not provide for a free copy of the transcripts for the Department of Justice at the clerk's office.

G. Effective Date

These procedures apply to transcripts of court proceedings, or parts of proceedings, filed on or after June 16, 2008.

Attachment

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

Plaintiff(s), Case No.

v.

Defendant(s).
_____/

REDACTION REQUEST – TRANSCRIPT

Pursuant to Judicial Conference policy, _____requests redaction of transcript(s) on file in this case:

(Please list the document number, page, and line number and a redacted identifier for each redaction necessary; *e.g.,* Doc. No. 15, Page 12, Line 9, Social Security No. to read xxx-xx-6130.)

Document Number	Page Number	Line Number(s)	Redacted Identifier

The undersigned understands that redaction of information other than personal identifiers listed below requires an order of the court.

Social Security or taxpayer-identification numbers to the last four digits
Dates of birth to the year
Names of minor children to the initials
Financial account numbers to the last four digits
Home addresses to the city and state (in a criminal case)

The requesting party is responsible for providing a copy of this request to the Court Reporter.

Date: _____

_____
Signature

_____
Bar No.

_____
Street Address

_____
City, State, Zip Code

_____
Telephone Number

_____
Primary Email Address

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

PROCEDURE TO ADDRESS NON-COMPLIANCE WITH ECF POLICIES AND PROCEDURES

(Revised September 2009)

I. Authority

At the May 2007 Judges' Meeting, the Court approved a Procedure to Address Non-Compliance with the ECF Policies and Procedures (Appendix ECF to the Local Rules).

II. Overview

With each e-filing error or instance of non-compliance a Notice of E-Filing Error or Notice of Non-Compliance will be generated and served on the filing user, opposing counsel, and the judge's chambers. Action will be taken after there have been a combined threshold of three occurrences of e-filing errors, or non-compliance, or a combination of the two within a six-month period. The threshold will be met whether three violations occur in a single case or a single violation occurs in three different cases.

With each violation, the offending filing user will receive a Notice of E-filing Error or Notice of Non-Compliance that will identify the problem and the course of action that should be taken. The Notice will caution the offending filing user that sanctions may result from repeated errors and/or instances of non-compliance.

III. Definitions

(A) E-filing Error. Electronically filing a document which violates the local and/or federal rules.

(B) Non-Compliance.

(1) Registered filing users filing a document in paper without leave of Court.

(2) Failure to update the Court with current contact information resulting in an e-mail being returned to the Court's electronic mailbox as undeliverable.

(3) An attorney who is admitted to practice before this Court, and has an active case or cases, but has not registered for electronic filing.

(4) Any other violation of local and/or federal rules.

EXHIBIT G

(C) Chief Judge's Designee. For purposes of this procedure, the Chief Judge has designated Judge Robert H. Cleland to act for the Court.

IV. Clerk's Office Contact

After the third violation within a six-month period, the offending filing user will be contacted in writing by CM/ECF Help Desk personnel. The offending filing user will be instructed to follow a prescribed course of action appropriate for the violations that have occurred. Appropriate action may include, but not be limited to, completion of online training, a violation warning or direction to review specific online content related to electronic filing. The user will be warned that further violations will be referred to the Chief Judge's designee for further action.

V. Further Violations

Upon the fourth violation within a six-month period, the Chief Judge's designee may issue an Order to Show Cause directing the offending filing user to explain the offending conduct. The Chief Judge's designee may take any remedial action deemed appropriate.

Any additional violations within a six-month period may be considered contempt of court. If held in contempt, an appropriate monetary fine will be imposed.

VI. Newly-Admitted attorneys

Newly admitted attorneys, who have a pending case at the time of admission, have up to two weeks from their admission date to register and otherwise comply with the ECF Policies and Procedures. Attorneys who do not have any active cases pending at the time of admission are not required to register until such time as the attorney has appeared in an active case.

Approved: May 7, 2007
Revised: September 2009

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WESTERN DISTRICT OF MICHIGAN
LOCAL CIVIL RULE 5.7

(Amended April 1, 2012)

5.7 Filing and service by electronic means

(a) General information; definitions - Pursuant to Rule 5(d) of the Federal Rules of Civil Procedure, the Clerk will accept pleadings and other papers filed and signed by electronic means in accordance with this rule. All papers filed by electronic means must comply with technical standards, if any, now or hereafter established by the Judicial Conference of the United States.

This rule shall apply to all civil actions maintained in the court's electronic case filing system. All documents, whether filed electronically or on paper, will be placed into the electronic case filing system, except as provided below. Attorneys must file and serve all documents electronically by use of the ECF system unless (1) the attorney has been specifically exempted by the Court for cause or (2) a particular document is not eligible for electronic filing under this rule.

As used in this rule, the term

- "ECF system" means the electronic case filing system maintained by this Court;
- "registered attorney" means an attorney who is authorized pursuant to Rule 5.7(b) to file documents electronically and to receive service on the ECF system;
- "initial pleading" means the complaint, petition or other document by which a civil action is initiated;
- "electronically filed document" means any order, opinion, judgment, pleading, notice, transcript, motion, brief or other paper submitted electronically to the ECF system;
- "traditionally filed document" means a pleading or other paper submitted to the Clerk in paper form for filing;
- "NEF" means the Notice of Electronic Filing generated by the ECF system;
- "nonelectronic means of service" means one of the methods of service authorized by Rule 5(b) of the Federal Rules of Civil Procedure, except electronic service under Rule 5(b)(2)(E).

(b) Mandatory registration; Attorney training

(i) Every attorney practicing in this Court must register to file and serve documents electronically by the ECF system.

(ii) To be entitled to register as a user of the ECF system, an attorney must be admitted to practice in this District, be a member in good standing, and have filed with the Clerk a completed ECF Attorney Registration form. In addition, the attorney or the attorney's firm must have a Public Access to Court Electronic Records (PACER) account and an e-mail address.

Detailed registration information is available on the Court's Website (www.miwd.uscourts.gov). Upon receipt of the ECF Attorney Registration form, the Court will issue a login name and a user password to qualified attorneys. All registered attorneys have an affirmative duty to update their accounts with any change in their e-mail address. A registered attorney may not knowingly cause or allow another person to file a document using the attorney's login name and password, except for members of the attorney's staff. Authorized use of an attorney's login name and password by a staff member is deemed to be the act of the attorney. However, a registered attorney must not allow an unregistered attorney, even a member of the same firm, to use his or her login name and password. If a login name and/or password should become compromised, the attorney is responsible for notifying the ECF Help Desk immediately.

(iii) The Clerk's Office will provide periodic training sessions on use of the ECF system. The Court will also provide on its Website a User's Manual containing instructions on the use of the ECF system and an on-line tutorial. Law firms are encouraged to have individuals responsible for electronic filing (attorney, paralegal or automation specialist) attend a live training session or use the on-line tutorial.

(c) Initial pleading - All attorneys must submit complaints and other initial pleadings in civil cases electronically, following the "Case Opening Protocol" posted by the Clerk on the Court's Website, unless the pleading is exempt from electronic filing under subrule (d)(ii) of this rule, or the attorney is granted an exception by the Chief Judge for good cause shown. Filing fees must be paid (or a motion for leave to proceed in forma pauperis must be filed) electronically at the time the initial pleading is electronically submitted. A civil case is not commenced until the initial pleading has been accepted by the ECF system and a Notice of Electronic Filing has issued. Unrepresented parties must file initial pleadings and pay the filing fee (or seek in forma pauperis status) by the traditional method.

(d) Electronic filing

(i) Mandatory Electronic Filing - All attorneys must file all pleadings and other papers permitted by the Federal Rules and the Local Rules of this Court electronically in all civil cases, subject to the exceptions set forth below. All electronically filed documents must be in PDF digital format and must be submitted in accordance with the instructions set forth in the User's Manual. *Pro se* parties who are not members of the bar of the Court may not file pleadings or other papers electronically, but must submit them in paper form.

(ii) Papers that may not be filed electronically - The following documents must not be filed electronically, but must be submitted in paper form:

(A) Documents submitted by a person who is not a registered attorney (for example, a *pro se* litigant);

(B) The state-court record and other Rule 5 materials in habeas corpus cases filed under 28 U.S.C. § 2254;

(C) Documents that are required by statute to be filed *in camera*, such as complaints and certain other filings submitted under the Federal False Claims Act or analogous state statutes.

(D) Papers filed in cases that have been sealed in their entirety.

(E) Garnishee disclosures and other documents submitted by unrepresented third parties in response to writs or other court process.

(iii) Electronic Filing of Affidavits and Other Original Documents: The following documents must be filed electronically by submission of a scanned PDF version of the original document:

(A) Affidavits in support of or in opposition to a motion (this rule does not apply to affidavits of service);

(B) Declarations under penalty of perjury;

(C) Certified copies of judgments or orders of other Courts.

The electronically filed version of such documents must bear a scanned image of all original manuscript signatures. The filer must meet the requirements of Rule 5.7(e)(viii) regarding evidence of an original signature.

(iv) Deadlines - Filing documents electronically does not in any way alter any filing deadlines. An electronically filed document is deemed filed upon completion of the transmission and issuance by the Court's system of an NEF. In situations where Rule 5.7(d)(vii) requires that attachments to an electronically filed document be submitted in paper form, the electronic document is deemed filed upon issuance of the NEF, provided that the paper exhibits are filed and served within 72 hours thereof. All electronic transmissions of documents must be completed (i.e., received completely by the Clerk's Office) prior to midnight, Eastern Time, in order to be considered timely filed that day. Where a specific time of day deadline is set by Court order or stipulation, the electronic filing must be completed by that time.

(v) Technical failures - The Clerk shall deem the Court's Website to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 noon (Eastern Time) that day, in which case, filings due that day which were not filed due solely to such technical failures shall become due the next business day. Such delayed filings must be accompanied by a declaration or affidavit attesting to the filer's failed attempts to file electronically at least two times after 12:00 noon separated by at least one hour on each day of delay because of such technical failure. The initial point of contact for any practitioner experiencing difficulty filing a document electronically shall be the ECF Help Desk, available via phone at (616) 456-2206 or (800) 290-2742, or via e-mail at ecfhelp@miwd.uscourts.gov.

(vi) Official record; discarding of traditionally filed documents - For purposes of Rule 79 of the Federal Rules of Civil Procedure, the record of filings and entries created by the ECF system for each case constitutes the docket. The official record of all proceedings in civil cases filed on and after August 1, 2001, is the electronic file maintained on the Court's ECF system. The Clerk's Office will discard all traditionally filed documents after they have become part of the electronic record, unless the document produces a low-quality electronic file.

(vii) Exhibits and attachments -

(A) Oversized documents. No PDF document exceeding 5 MB in size may be filed in the CM/ECF system. Filers must divide such documents into component parts, each part not to exceed 5MB in size, for purposes of electronic filing. The docket entry must clearly indicate that the document is filed in parts. An exhibit

may be filed traditionally only if it is exempt from electronic filing under subrule (d)(ii) of this rule.

(B) Requirements. Filers must not attach as an exhibit any pleading or other paper already on file with the Court, but shall merely refer to that document. All exhibits and attachments, whether filed electronically or traditionally, must contain on their face a prominent exhibit number or letter. If one or more attachments or exhibits to an electronically filed document are being submitted traditionally under this rule, the electronically filed document must contain a notice of that fact in its text.

(e) Signature

(i) Attorneys - A registered attorney's use of the assigned login name and password to submit an electronically filed document serves as the registered attorney's signature on that document for purposes of Fed. R. Civ. P. 11 and for all other purposes under the Federal Rules of Civil Procedure and the Local Rules of this Court. The identity of the registered attorney submitting the electronically filed document must be reflected at the end of the document by means of an " s/[attorney's name] " block showing the attorney's name, followed by the attorney's business address, telephone number, and e-mail address. Graphic and other electronic signatures are discouraged.

(ii) Multiple attorney signatures - The filer of any electronically filed document requiring multiple signatures (e.g., stipulations, joint status reports) must list thereon all the names of other attorney signatories by means of an " s/ [attorney's name] " block for each. By submitting such a document, the filer certifies that each of the other attorneys has expressly agreed to the form and substance of the document, that the filer has their actual authority to submit the document electronically, and that the requirements of Rule 5.7(e)(viii) regarding evidence of original signature have been met. This paragraph does not apply to pro-se or unrepresented parties, whose manuscript signature, in original or scanned form, must appear on the face of the document.

(iii) Court reporters - The electronic filing of a transcript by a court reporter by use of the court reporter's login name and password shall be deemed the filing of a signed and certified original document for all purposes.

(iv) Judges - The electronic filing of an opinion, order, judgment or other document by a judge (or authorized member of the judge's

staff) by use of the judge's login and password shall be deemed the filing of a signed original document for all purposes.

(v) Clerk of Court or Deputy Clerks - The electronic filing of any document by the Clerk or a Deputy Clerk of this Court, of the Bankruptcy Court of this District, or of any Circuit Court of Appeals by use of that individual's login and password shall be deemed the filing of a signed original document for all purposes.

(vi) Office of the U.S. Marshal - The office of the U.S. Marshal for this District is authorized to file and serve documents electronically. The electronic filing of any document by the Office of the U.S. Marshal by use of the assigned login and password shall be deemed the filing of a signed original document for all purposes.

(vii) Officers of the Court - If the court has appointed a special master, monitor, or other court adjunct who is required to make regular filings, the Court may authorize the officer to file and serve documents electronically. The officer of the court shall complete a registration form, and upon assignment of a login and password to the system, has authority to file and serve documents electronically in the case in which the officer was appointed. The electronic filing of any document by a court officer by use of the assigned login and password shall be deemed the filing of a signed original document for all purposes.

(viii) Evidence of Original Signature - Filers of documents containing signatures authorized by Rule 5.7(e)(ii) (multiple attorney signatures) must maintain any records evidencing concurrence, and filers of documents containing signatures authorized by Rule 5.7(d)(iii) (electronically filed affidavits, etc.) must maintain the documents bearing the original manual signature for subsequent production to the Court or for inspection by a party until one year after the final resolution of the action (including appeal, if any). A non-filing signatory or party who disputes the authenticity of a signature on an electronically filed document must file an objection to the document within fourteen (14) days after service of that document.

(f) Proposed pleadings - Except for proposed sealed filings, if the filing of an electronically submitted document requires leave of court, such as an amended complaint or brief in excess of page limits, the proposed document must be attached as an exhibit to the motion seeking leave to file. If the Court grants leave to file the document, the Clerk of Court will electronically file the document without further action by the attorney. Requests to file documents under seal are governed by Local Civil Rule 10.6.

(g) Proposed orders - Proposed orders may be submitted electronically. All proposed orders must be in PDF format and must be: (1) attached as an exhibit to a motion or stipulation; or (2) contained within the body of a stipulation; or (3) submitted separately. If the Judge approves the proposed order, it will be refiled electronically under a separate document number.

(h) Court orders, judgments, writs and other process - Judgments and orders may be filed electronically by the Court or authorized Court personnel. Any order or other Court-issued document filed electronically without the image of the manuscript signature of the judge or clerk has the same force and effect as a document bearing an original signature. The Clerk may electronically affix the Seal of the Court on writs, summons, and other process, which shall have the same legal force and effect as process bearing an imprinted seal.

(i) Service of electronically filed documents

(i) Summons and initial pleading - Summons, writs and other court process may be issued in electronic form with electronically affixed signatures and seal. Service of the summons and complaint or other initial pleading, however, must be made by one of the methods allowed by Rule 4 of the Federal Rules of Civil Procedure and may not be made electronically.

(ii) Service on registered attorneys - By registering under this rule, an attorney automatically consents to electronic service by both the Court and any opposing attorney of any electronically filed document in any civil action in which the registered attorney appears. Consequently, service of an electronically filed document upon a registered attorney is deemed complete upon the transmission of an NEF to that attorney under subsection (i)(iv) of this rule and no separate certificate of service should be filed. Traditionally filed documents and sealed documents must be served on registered attorneys by nonelectronic means of service. A proof of service must be filed.

(iii) Service on unregistered attorneys and *pro se* parties - Counsel filing any pleading or other paper must serve attorneys not registered under this rule and *pro se* parties by nonelectronic means of service under Rule 5. A proof of service must be filed.

(iv) Method of electronic service - At the time a document is filed either electronically or by scanning paper submissions, the Court's system will generate an NEF, which will be transmitted by e-mail to the filer and all registered attorneys who have appeared on that case. The NEF will contain a hyperlink to the filed document. The

attorney filing the document should retain a paper or digital copy of the NEF, which serves as the Court's date-stamp and proof of filing. Except in the case of sealed documents (see Local Civil Rule 10.6(d)) and *ex parte* filings (see Local Civil Rule 10.5(a)), transmission of the NEF to the registered e-mail address constitutes service of an electronically filed document upon any registered attorney. Only service of the NEF by the Court's system constitutes electronic service; transmission of a document by one party to another by regular e-mail does not constitute service.

(v) Effect on time computation - Electronic service under this rule is complete upon transmission. The additional three (3) days to do an act or take a proceeding after service of a document applies when service is made electronically, by virtue of Fed. R. Civ. P. 6(d).

(j) Remote Access to electronically stored documents - The general public, as well as any party to the litigation, may access and download any electronically stored document, with the following exceptions: (1) remote access to documents filed in social security and immigration cases is restricted as required by Fed. R. Civ. P. 5.2 (c); (2) access to certain documents may be restricted to the Court or to the parties of record, by order or local rule; and (3) the Court may restrict access to other classes of documents by future order in conformity with resolutions of the Judicial Conference of the United States.

(k) Facsimile transmissions - The Clerk will not accept for filing any pleading or other paper submitted by facsimile transmission.