

## 2<sup>nd</sup> Amended Instructions for Filing an Electronic Case or Appeal

**Important** - your new case is an electronically filed case (ECF case) and you will be **required** to file documents electronically instead of on paper (with certain exceptions listed below). If you don't have your ECF password yet, you should register now (no fee required) on the CM/ECF page of the Court's website at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov) Please follow the instructions below.

### ECF Judges:

Batts *	Castel **	Griesa **	Kaplan *	Marrero **	Pollack **	Swain **
Berman **	Chin **	Haight **	Keenan **	McMahon *	Rakoff **	Sweet *
Briant *	Conner *	Hellerstein **	Koeltl *	Mukasey *	Robinson *	Wood **
Buchwald **	Cote **	Holwell **	Leisure **	Pauley **	Scheidlin **	Magistrate-
Casey **	Daniels **	Jones **	Lynch **	Preska *	Stein *	Judges *

\* **ECF Wave 1 Judge**, assigning cases filed on or after December 2, 2003 to the ECF system.

\*\* **ECF Wave 2 Judge**, assigning cases filed on or after March 1, 2004 to the ECF system.

Older cases filed prior to the above dates, as well as Pro Se cases, Habeas Corpus cases, Social Security cases, and Multi-District Litigation will not be electronically filed and should be filed on paper. Do not file documents electronically in cases that are not assigned to the ECF system.

(1) Electronic cases are opened and service of the initiating documents (complaint, notice of removal, etc.) is accomplished in the traditional manner, on paper.

(2) **Important** - In addition to serving the initiating documents in the traditional manner, on paper, you are also required to deliver paper copies of the following documents to all other parties (copies available at the courthouse, & on our website):

(a) The assigned Judge's Individual Rules

(b) USDC/SDNY Instructions for Filing an Electronic Case or Appeal (this document)

(c) USDC/SDNY Procedures for Electronic Case Filing

(d) USDC/SDNY Guidelines for Electronic Case Filing.

(3) Within 24 hours of the assignment of a case number, you are required to email to the Clerk of Court the initiating documents in Adobe Acrobat pdf format only. Failure to do so within 24 hours will delay adding your case to the computerized ECF docket. Include a F.R.C.P. Rule 7.1 Statement (if applicable) and any exhibits. The case number, the Judge's initials, and "ECF CASE" must appear in the document's case caption. Each document must be in a separate pdf file no larger than 2.5 megabytes (separate large computer files into smaller parts if necessary, and label accordingly). When sending email, the subject line of both the email & the pdf should list only the case number followed by a document description (ex. "Re: 01cv1234-complaint"). Send the email (do not file on the ECF system) to:

(a) For new civil cases assigned to a Manhattan Judge, email a pdf copy of the documents to

**[case\\_openings@nysd.uscourts.gov](mailto:case_openings@nysd.uscourts.gov)**

(b) For new civil cases assigned to a White Plains Judge, email a pdf copy of the documents to

**[wpclerk@nysd.uscourts.gov](mailto:wpclerk@nysd.uscourts.gov)**

(4) File the Affidavit of Service for the initiating document (complaint, notice of removal, etc.) in the following manner:

(a) electronically file the Affidavit of Service for the initiating document on the ECF system (do not send by email),

(b) file the original Affidavit of Service with summons attached in the traditional manner, on paper with the Clerk.

- (5) All subsequent documents, including the Defendant's Answer, must be filed electronically on the ECF system. Electronic filing involves using your ECF password to docket the item directly into the ECF system. Electronic filing is not the same as email to the Clerk. Read the Judge's Individual Rules to determine if courtesy copies (on paper) are required.
- (6) Appeals will be assigned to the ECF system only if the original case was also electronically filed. File the appeal in the traditional manner, on paper. Then within 24 hours of filing the paper copy of your Appeal at the courthouse, you are required to email to the Clerk of Court an electronic copy of the Appeal in pdf format. Include any exhibits. Each document must be in a separate pdf file no larger than 2.5 megabytes. The District Court case number, the Judge's initials, and "ECF CASE" must appear in the document's case caption.

When sending email, the subject line of the email should always list the case number followed by a document description (ex. "Re: 01cv1234-appeal"). Send the email (do not file on the ECF system) to:

- (a) For appeals from an ECF case assigned to a Manhattan Judge, email a pdf copy of the appeal to

**[appeals@nysd.uscourts.gov](mailto:appeals@nysd.uscourts.gov)**

- (b) For appeals from an ECF case assigned to a White Plains Judge, email a pdf copy of the appeal to

**[wpclerk@nysd.uscourts.gov](mailto:wpclerk@nysd.uscourts.gov)**

- (7) Follow all the rules for Electronic Case Filing (available at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov)):

- (a) SDNY Procedures for Electronic Case Filing
- (b) SDNY Guidelines for Electronic Case Filing
- (c) Individual Rules of the Assigned Judge
- (d) Local Rules of this Court, and
- (e) Federal Rules of Civil Procedure

- (8) An ECF Help Desk is available to answer your ECF questions from 8:30 AM to 7:30 PM at (212) 805-0800, and from 8:30 AM to 5:00 PM at (914) 390-4204, and by email at **[help\\_desk@nysd.uscourts.gov](mailto:help_desk@nysd.uscourts.gov)**

## Learn How to File Electronically

To learn how to file electronically, go to the Court's website, [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov) and follow these steps:

- Click on the "CM-ECF" page to learn more about the system.
- Attorneys should use the "Attorney Registration" page to register now on-line to be ECF Filing Users (no fee required). **Early registration is essential; otherwise, there may be a lengthy delay in your receipt of a password.** Don't wait until you are facing a filing deadline. Only registered ECF users may file documents electronically.
- Read the Court's new rules for electronic filing on the ECF "Policies and Procedures" page.
- Learn how to file documents electronically on the "ECF Training" page
- Sign up for our "Point of Contact" (POC) email mailing list and receive ECF newsletters containing helpful information on filing electronic cases. POC's will also be the first to be notified by email of interruptions in service, system upgrades, and trouble shooting tips. You don't have to be an attorney to be a POC, and a firm may have more than one POC.
- Learn what computer hardware and software you will need to use ECF on the "System Requirements" page on the website.
- Sign up now for a SDNY PACER account if you don't already have one. Call PACER at (800) 676-6856, or go to <http://pacer.psc.uscourts.gov> You will need PACER to access ECF.