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CLERK OF COURT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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300 QUARROPAS STREET, WHITE PLAINS, NY 10601

WWW.NYSD.USCOURTS.GOV

Electronic Case Filing Rules & Instructions

June 8, 2015 Edition

Important Information for New Civil Cases

New civil cases are required to be filed on-line through the Court's Electronic Case Filing (ECF) system.

Certain exceptions apply.

See section 14, Opening a Civil Action, for more information.

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Introduction

The United States District Court for the Southern District of New York implemented a Case Management / Electronic Case Filing (ECF) system in December 2003. Electronic versions of documents have largely replaced paper documents in the Court's files. All new civil and criminal cases filed in this Court after December 2, 2003 are ECF cases.

Pro se litigants must file pleadings and documents in the traditional manner on paper unless the assigned judge has granted permission to electronically file on the ECF system. The information in this document applies only to cases assigned to the ECF system.

Please reference any Addenda to these Rules & Instructions for interim updates.

The following should be observed when filing electronically:

- The Federal Rules of Civil and Criminal Procedure,
- The Court's Local Rules,
- The assigned judge's Individual Practices, and
- The Court's Electronic Case Filing Rules & Instructions.

The Court is prepared to assist you in filing electronically in the follow manner:

- The SDNY Electronic Case Filing Rules & Instructions are your guide to electronic filing.
- Training in Electronic Case Filing (ECF) is available both in person at the courthouse and on-line at http://www.nysd.uscourts.gov/ecf_training.php (*See also section 24 - ECF Help Desk and Training*).

What's New

June 8, 2015 Edition

Civil Case Opening - Effective June 8, 2015, new civil cases must be filed electronically on the Court's ECF system. Any required filing fee will be paid on-line during this process. Summonses will be requested and issued electronically on the ECF system. With certain exceptions listed below, new civil cases are no longer filed in hard copy form with the Clerk's Office. See section 14 for details and exceptions.

Bill of Costs - Effective March 1, 2015, requests to tax costs, and any opposition, are required to be electronically filed through the Court's ECF system. Unless requested by the Clerk, parties are no longer required to appear in person at the time designated for taxation.

Electronic Filing Errors – Errors made in electronic filing may now be reported to the Clerk of Court via email. This will permit Filing Users to immediately report an error and refile, even after normal business hours. See section 13.20.

Please see the back of this document for any addendum added since the publication date above.

Part I. Electronic Case Filing Rules

The Court will accept for filing documents submitted, signed or verified by electronic means, that comply with the following rules.

Section 1. Scope of Electronic Filing

1.1 Except as expressly provided and in exceptional circumstances preventing a party from filing electronically, all documents required to be filed with the Court must be filed electronically. Any party unable to comply with this requirement must seek permission of the Court to file in the traditional manner, on paper. Any such application made after regular business hours may be submitted through the night depository box maintained pursuant to Local Civil Rule 1.2. Unless otherwise ordered by the Court, documents filed by *pro se* litigants must be filed in the traditional manner, on paper, and will be scanned and docketed by the Clerk's Office into the ECF system.

1.2 In civil cases the filing of the initial papers, including complaints, notices, petitions, etc., the payment of any applicable fees and the request for and issuance of summonses will be accomplished electronically. (*See section 14 - Opening a Civil Action*).

1.3 Unless limited by their terms to civil cases, the provisions of these procedures relating to electronic filing apply in criminal cases. Electronic filing procedures shall not apply to applications for arrest, search or electronic surveillance warrants; for other orders in aid of or ancillary to a criminal investigation; or to proceedings relating to the grand jury.

1.4 In a criminal case the indictment or information, including any superseders, shall be filed and given to the defendant in the traditional manner on paper in accordance with the Federal Rules of Criminal Procedure and applicable Local Rules rather than electronically; in addition, service of subpoenas shall be made in the traditional manner on paper in accordance with the Federal Rules of Criminal Procedure and applicable Local Rules. After a criminal case has been opened, counseled parties must promptly provide the Clerk of Court with electronic copies in PDF-A format of all documents previously provided in paper form. All subsequent documents must be electronically filed except as provided in these Rules & Instructions or as ordered by the Court.

1.5 The Clerk of Court shall write and revise as necessary Instructions to guide Filing Users and maximize the efficiency of the Electronic Case Filing system. (*See Part II - Electronic Case Filing Instructions*).

Section 2. Eligibility, Registration, Passwords

2.1 Attorneys admitted to the bar of this Court, including those admitted *pro hac vice* and attorneys authorized to represent the United States, may register and may be required to register as Filing Users of the Court's ECF system. Unless excused by the Court, attorneys not already Filing Users appearing in cases must register as Filing Users. Registration is in a form prescribed by the Clerk and requires the Filing User's name, address, telephone number, Internet e-mail address and a declaration that the attorney is admitted to the bar of this Court or authorized to represent the United States or admitted *pro hac vice*. See the ECF page at http://www.nysd.uscourts.gov for details.

2.2 **(a)** The Court may permit or require a *pro se* party to a pending civil action to register as a Filing User in the ECF system solely for purposes of that action. Registration is in a form prescribed by the Clerk and requires identification of the action as well as the name, address, telephone number and Internet e-mail address of the party. A sample Motion for Permission for Electronic Case Filing is available here. The Court may require the party to attend in-

person training for Electronic Case Filing as a condition of registering as a Filing User. If, during the course of the proceeding, the party retains an attorney who appears on the party's behalf the attorney must advise the Clerk to terminate the party's registration as a Filing User upon the attorney's appearance.

(b) A *pro se* party who is not incarcerated may consent to be a Receiving User (one who receives notices of court filings by e-mail instead of by regular mail, but who cannot file electronically). A sample *Pro Se* (Nonprisoner) Consent & Registration Form to Receive Documents Electronically is available here.

2.3 Once registration is completed the Filing User will receive notification of the user log-in and password. Filing Users agree to protect the security of their passwords and immediately notify the Clerk if they learn that their password has been compromised.

2.4 In a civil action the Clerk will transmit Notices of Electronic Filing (NEF) to **(a)** the attorney who electronically filed the case initiating document, **(b)** each attorney identified on the Civil Cover Sheet or case initiating document in cases opened on the ECF system by the Clerk, **(c)** each additional attorney who subsequently appears in the action and electronically files a Notice of Appearance, **(d)** any *pro se* party who has received permission from the Court to register as a Filing User, and **(e)** any *pro se* party who has registered as a Receiving User. In a criminal case the Clerk will enter, as Filing Users to whom Notices of Electronic Filing will be transmitted and who will be granted access to electronically file and retrieve documents in the case, the attorney(s) for the United States identified on the Criminal Designation Form or subsequently identified as representing the United States in the case and each attorney electronically filing a Notice of Appearance on behalf of a defendant.

2.5 An attorney of record may, by written request to the judge, have transmission of Notices of Electronic Filing (NEF) to another attorney in his or her firm terminated. Please review the judge's Individual Practices.
(*See section 22 - ECF Passwords*).

Section 3. Consequences of Electronic Filing

3.1 Except as otherwise provided in section 4 herein, electronic filing of a document in the ECF system consistent with these procedures, together with the transmission of a Notice of Electronic Filing (NEF) from the Court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and the Local Rules of this Court and constitutes entry of the document on the docket kept by the Clerk under Federal Rules of Civil Procedure 58 and 79 and Federal Rules of Criminal Procedure 49 and 55.

3.2 When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court (subject to the exception set out in section 4 below), and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically under section 1, a document filed electronically is deemed filed on the date and time stated on the Notice of Electronic Filing (NEF) from the Court. For *pro se* litigants, paper documents filed with the Court, and subsequently scanned and docketed to the ECF system, shall be deemed filed on the date the documents are received by the Court.

3.3 Electronic filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day.

3.4 Judges' Individual Practices should continue to be followed with respect to delivery of courtesy copies. (*See section 19 - Service of Electronically Filed Documents*).

Section 4. Entry of Court Orders

4.1 All orders, decrees, judgments and proceedings of the Court will be filed in accordance with these procedures and entered on the docket kept by the Clerk under Federal Rules of Civil Procedure 58 and 79 and Federal Rules of Criminal Procedure 49 and 55. Orders of the Court may appear solely in electronic form. Documents may be signed by a judge using an electronic signature or may be scanned so as to contain an image of the judge's signature.

4.2 A Filing User submitting a document electronically that requires a judge's signature must promptly deliver the document in such other form, if any, as the Court requires. (*See section 18 - Non-Electronic Documents*).

4.3 All Filing and Receiving Users have an obligation to review the Court's actual order, decree, or judgment, as available on ECF, and should not rely on the description of such order, decree or judgment in the Notice of Electronic Filing (NEF) alone. In the case of any discrepancy between an order, decree, or judgment of the Court and the description of such order, decree, or judgment in the NEF, the order, decree, or judgment of the Court shall control.

Section 5. Attachments and Exhibits

5.1 Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless the Court permits paper filing.

5.2 A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are relevant to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this procedure do so without prejudice to their right to file timely additional excerpts or the complete document. Responding parties may file timely additional excerpts that they believe are relevant or the complete document. A party may move before the Court for permission to serve and file in hard copy documents that cannot be reasonably scanned.

5.3 In cases where the record of an administrative or other prior proceeding must be filed with the Court, such record may be served and filed in hard copy without prior motion and order of the Court. (*See section 15 – Amended Pleadings and Motions*).

Section 6. Sealed Documents

6.1 Documents may not be placed under seal without leave of the Court. Documents ordered to be placed under seal may not be filed electronically.

6.2 A motion to file documents under seal should be filed electronically unless prohibited by law, in redacted form if necessary; however, a motion to file under seal that includes a statement of why the filing should not be made electronically may be made in paper copy. The order of the Court authorizing the filing of documents under seal may be filed electronically unless prohibited by law. For complete instructions see the sealed records filing instructions on the Cases page at http://nysd.uscourts.gov/index.php.

6.3 A paper copy of the sealing order must be attached to the outside of the envelope containing the documents under seal and be delivered to the Clerk's Office. (*See section 18 - Non-Electronic Documents*).

Section 7. Retention Requirements

Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained

in paper form by the Filing User until one year after all time periods for appeals expire, except that affidavits, declarations and proofs of service must be maintained in paper form by the Filing User until five years after all time periods for appeals expire. On request of the Court, the Filing User must provide original documents for review.

Section 8. Signatures

8.1 The user log-in and password required to submit documents to the ECF system serve as the Filing User's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of the Federal Rules of Civil Procedure, including Rule 11, the Federal Rules of Criminal Procedure, the Local Rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court.

8.2 Electronically filed documents must include a signature block and must set forth the name, address, telephone number and e-mail address all in compliance with the Federal Rules of Civil Procedure and Local Civil Rule 11.1. In the absence of a scanned signature image, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "s/" typed in the space where the signature would otherwise appear.

8.3 No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User. Filing Users are obligated to immediately bring to the attention of the court any unauthorized filings.

8.4 A document requiring the signature of a party or witness shall be electronically filed in a scanned format that contains an image of the actual signature.

8.5 Documents requiring signatures of more than one party must be electronically filed either by: (a) submitting a scanned document containing all necessary signatures; (b) representing the consent of the other parties on the document; (c) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three business days after filing; or (d) in any other manner approved by the Court. (*See section 13 - ECF Basics*).

Section 9. Service of Documents by Electronic Means

9.1 In cases assigned to the ECF system, service is complete provided all parties receive a Notice of Electronic Filing (NEF), which is sent automatically by email from the Court (see the NEF for a list of who did/did not receive notice electronically). Transmission of the NEF constitutes service upon all Filing and Receiving Users who are listed as recipients of notice by electronic mail. It remains the duty of Filing and Receiving Users to maintain current contact information with the court and to regularly review the docket sheet of the case.

9.2 Attorneys and *pro se* parties who are not Filing or Receiving Users must be served with a paper copy of any electronically filed pleading or other document. Service of such paper copy must be made according to the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure and the Local Rules. Such paper service must be documented by electronically filing proof of service. Where the Clerk scans and electronically files pleadings and documents on behalf

of a *pro se* party, the associated NEF constitutes service.

Section 10. Notice of Court Orders and Judgments

Immediately upon the entry of an order or judgment in a proceeding assigned to the ECF system, the Clerk will transmit to all Filing and Receiving Users in the case, in electronic form, a Notice of Electronic Filing (NEF). Electronic transmission of the NEF constitutes the notice required by Federal Rule of Criminal Procedure 49(c) and Federal Rule of Civil Procedure 77(d). In ECF cases, it remains the duty of Filing and Receiving Users to regularly review the docket sheet of the case. The Clerk must give notice in paper form to a person who is not a Filing or Receiving User in accordance with the Federal Rules of Civil Procedure or the Federal Rules of Criminal Procedure. In the case of any discrepancy between an order, decree, or judgment of the Court and the description of such order, decree, or judgment in the NEF, the order, decree, or judgment of the Court shall control. (*See section 19 - Service of Electronically Filed Documents*).

Section 11. Technical Failures

A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court. (*See section 23 - ECF Computer System Information*).

Section 12. Public Access

A person may review filings that have not been sealed by the Court, in person, at the Clerk's Office.

A person may also view available Court records on-line through the Public Access to Court Electronic Records (PACER) electronic public access service at pacer.gov (separate PACER log-in and password required). A person who has PACER access may retrieve docket sheets in civil, criminal and miscellaneous cases; documents in civil and miscellaneous cases assigned to the ECF System; and documents in criminal cases filed after November 1, 2004. Only counsel for the United States and for a defendant may retrieve documents in criminal cases filed prior to November 1, 2004. (*See section 13 - ECF Basics*).

Part II. Electronic Case Filing Instructions

Section 13. ECF Basics

13.1 May letters be filed electronically?

Except for letters to be filed under seal, letters addressed to judges who accept letters may be filed electronically. Parties should consult the assigned judge's Individual Practices to determine if the judge accepts letters at all and, if he or she does, whether the judge has any page limitations on letters and/or requires courtesy copies of letters filed on ECF (and, if so, by what means of delivery). All letters addressed to the Court must include a subject line with the case name and docket number (e.g., "Re: *Doe v. Smith*, 13 Civ. 1234 (ABC)"). Letters solely between parties or their counsel or otherwise not addressed to the Court may not be filed electronically on ECF (except as exhibits to an otherwise properly filed document).

In civil cases, letters filed electronically must be filed in the following manner:

- Letters that are informational in nature, and do not request relief, should be filed using the ECF Filing Event LETTER listed under OTHER DOCUMENTS.

- Letters requesting relief must be permitted by the Local Rules and these Rules, and must be filed using the ECF Filing Event MOTION. After selecting the ECF Filing Event MOTION, the Filing User should identify the motion as a LETTER-MOTION. The Filing User must then select from the following list of motions that may be made by LETTER-MOTION:

  Motion to Adjourn Conference
  Motion to Change Attorney Name on Roll
  Motion to Compel
  Motion for Conference
  Motion to Consolidate Cases
  Motion to Continue
  Motion re: Discovery
  Motion to Expedite
  Motion for Extension of Time
  Motion for Extension of Time to Amend
  Motion for Extension of Time to Answer
  Motion for Extension of Time to Complete Discovery
  Motion for Extension of Time to File Document
  Motion for Extension of Time to File Response/Reply
  Motion for Extension of Time re Transcript
  Motion to File Amicus Brief
  Motion for Leave to File Document
  Motion for Leave to File Excess Pages
  Motion for Local Rule 37.2 Conference
  Motion for Oral Argument
  Motion to Reopen
  Motion to Reopen Case

Motion to Seal Document
Motion to Stay
Motion to Substitute Attorney

- If the Filing User is making a type of motion that does not appear in this list, the motion may not be made by letter.

- If a motion is made by letter, the opposing party may file any response in letter form and the moving party may file any reply in letter form. When filing such a response letter or reply letter, the Filing User should answer yes when prompted if the filing is in connection with a letter-motion.

In criminal cases, letters filed electronically must be filed in the following manner:

- Letters relating to sentencing should be filed using the ECF Filing Event SENTENCING SUBMISSION.

- All other letters requesting relief should be filed using the ECF Filing Event MOTION. After selecting the ECF Filing Event MOTION, the Filing User should identify the motion as a LETTER-MOTION. If a motion is made by letter, the opposing party may file any response in letter form and the moving party may file any reply in letter form. When filing such a response letter or reply letter, the Filing User should answer yes when prompted if the filing is in connection with a LETTER-MOTION.

- All other letters - that is, letters that are informational in nature and do not request relief - should be filed using the ECF Filing Event LETTER listed under OTHER DOCUMENTS.

13.2 In brief, how do I file a document electronically?

(a) Use your secure SDNY ECF password to log-in to the ECF system from any Internet connection.
(b) Select the appropriate category, CIVIL or CRIMINAL.
(c) Find the appropriate ECF Filing Event, or title, for the document. Find a list of ECF Filing Events in the ECF Filing Event Dictionary.
(d) Indicate the party filing the document (hold down the control key to designate more than one party).
(e) Upload a PDF-A version of the document. Include any exhibits as attachments to the main document. Separately file supporting documents such as a Memorandum of Law or Affidavit in Support.
(f) Save the final screen, the Notice of Electronic Filing (NEF).
(g) Submit a paper courtesy copy to the judge if required (see the judges' Individual Practices at www.nysd.uscourts.gov).

13.3 What is the secure website for electronic filing on the SDNY ECF system?

To file electronically, go to https://ecf.nysd.uscourts.gov, or link to the filing website via the Court's website (see below). You will need your SDNY ECF log-in and password to file electronically.

13.4 What is the public website for information about the Court?

For publicly available information, go to www.nysd.uscourts.gov (no password required). From the homepage click on ECF for information on Electronic Case Filing.

13.5 What are the mailing addresses for the Court?

United States District Court, Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007-1312;

United States District Court, Southern District of New York, Thurgood Marshall United States Courthouse, 40 Centre Street, New York, NY 10007-1312; and

United States District Court, Southern District of New York, Charles L. Brieant Jr. Federal Building and United States Courthouse, 300 Quarropas Street, White Plains, NY 10601-4150.

13.6 How can I tell if my case is an ECF case?

All new civil and criminal cases are assigned to the ECF system. The docket sheet will include the letters "ECF" in the upper right corner and an entry titled "CASE DESIGNATED ECF".

13.7 If a case is deemed an ECF case, am I required to file documents electronically?

Yes. In an ECF case the Filing User is responsible for electronically filing documents over the Internet using a secure SDNY log-in and password. With certain exceptions outlined below, the Clerk's Office will not accept paper filings in an ECF case. (See *section 18 - Non-Electronic Documents*).

13.8 May I file documents electronically in a non-ECF (paper) case?

No. Do not file documents electronically in non-ECF (paper) case.

13.9 Will the Court file documents electronically in a non-ECF (paper) case?

Yes, the Court may file Orders and Opinions in electronic format in a non-ECF (paper) case. This will not convert a non-ECF case to an ECF case, and parties should continue to file documents on paper.

13.10 Can I file electronically at any time?

Yes. You can file electronically 24 hours a day, 7 days a week, 365 days a year. Filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day. (*See section 3 - Consequences of Electronic Case Filing*).

13.11 When is an electronically filed document deemed filed?

An electronically filed document is deemed filed on the "filed on" date indicated on the Notice of Electronic Filing (NEF). (*See section 3 - Consequences of Electronic Case Filing*).

13.12 What is a docket sheet, and how can I view one?

The docket sheet is the official record of a case. You can view the docket sheet, including images of electronically filed documents, at the Clerk's Office or remotely via the Public Access to Court Electronic Records (PACER) electronic public access service (pacer.gov). (*See section 12 - Public Access*).

13.13 Should I routinely view the docket sheet in my case?

Yes. In ECF cases parties are alerted to case activity by a Notice of Electronic Filing (NEF) sent by email. However, e-mail is not infallible. It remains the duty of Filing and Receiving Users to regularly review the docket sheet of the case in order not to miss a filing and in order to ensure all items filed using his/her ECF password are authorized filings. Filing Users are obligated to immediately bring to the attention of the court any unauthorized filings. (*See section 9 - Service of Documents by Electronic Means*).

13.14 How do I sign an electronically filed document?

The ECF log-in and password of the filing attorney serve as an electronic signature. The filing attorney may sign a document by placing an "s/" before his or her typed name or by using a digital image of his or her signature. The attorney's name and contact information, including e-mail address, must appear in the signature block below the signature line. Signatures for all others (clients, witnesses, etc.) must be scanned in order to capture the ink signature. (*See section 8 - Signatures*).

13.15 How will I know if it is appropriate to electronically file my document?

First, determine if your case is an ECF case - not all cases are ECF cases (see 13.6 above). When filing in an ECF case, if you can find an ECF Filing Event that directly matches your document then it should be electronically filed. If you cannot find a matching ECF Filing Event it may not be appropriate to file electronically. See the list of non-ECF documents in section 18. (*See section 24 - ECF Help Desk and Training*).

13.16 How do I find the correct ECF Filing Event for my document?

When filing electronically you will be asked to name your document by selecting the appropriate ECF Filing Event. The ECF Filing Event is essentially the title of the document on the docket sheet, such as Motion for Summary Judgment or Affidavit in Support of Motion. ECF Filing Events are listed by category on the ECF system. Within each category is an alphabetical listing of available ECF Filing Events. You may use the search function to find your Filing Event. The ECF Event Dictionary (available on our website at www.nysd.uscourts.gov) is useful for finding your event and the category in which it is listed. If you cannot find the appropriate event for your document do not file it using the wrong event. Call the ECF Help Desk at (212) 805-0800 for assistance if necessary. (*See section 24 - ECF Help Desk and Training*).

13.17 Should I submit courtesy copies?

Read the judge's Individual Practices to learn if courtesy copies are required. Individual Practices are available on-line at www.nysd.uscourts.gov/judges. (*See section 3 - Consequences of Electronic Case Filing*).

13.18 Are transcripts filed electronically?

Pursuant to the Judicial Conference of the United States Policy on Privacy and Public Access to Electronic Case Files, official transcripts of Court proceedings taken by official court reporters, contract court reporters and transcribers may be available electronically through the PACER electronic public access service.

13.19 In Consolidated and MDL cases can I file simultaneously in member cases?

Yes. When filing in Consolidated and Multi-District Litigation (MDL) cases you can save time by electronically filing a

document simultaneously in the member case(s) using the computer function titled "Spread Text and Effects" (not available in related cases). Please observe the following MDL filing rules:

- In consolidated and MDL cases you must file all documents first under the Lead or MDL case number.
- You then may precisely designate the member case(s) in which you wish to simultaneously file.
- Do not file in all cases unless it is appropriate. Your document may not relate to all member cases.
- The case caption must include all the case numbers in which your document will be filed.
-

13.20 What if I make a mistake in electronic filing?

Immediately refile the document in correct form on the ECF system. Then send an email to the Court's Quality Assurance Unit (ECF_error@nysd.uscourts.gov). The email must include the case number, case title, judge's name, the document number and name/title of the document that was incorrectly filed as well as the document number and name/title of the document that was the correctly filed. Please indicate the error that was made when filing the initial document.

Other questions regarding electronic filing may be directed to the ECF Help Desk at helpdesk@nysd.uscourts.gov. For information regarding the filing of sensitive or confidential information in error, see section 21.8.

Section 14. Opening a Civil Action

14.1 Must new civil cases be electronically filed on the ECF system?

Yes. Attorneys seeking to commence a new civil case are required to electronically file the new case on the Court's ECF system. With the exception of certain cases listed below, the Clerk's Office will not accept new civil cases filed in paper form.

Any party unable to electronically file must seek permission of the court to file in the traditional manner, on paper. Any such request made after business hours may be submitted through the night depository box maintained pursuant to Local Civil Rule 1.1.

14.2 Are there cases that must not be electronically filed?

Yes. The following cases must not be electronically filed and must be filed in the traditional manner, on paper:

- Civil cases that include an Order to Show Cause, Temporary Restraining Order, or other documents sought to be filed under seal;
- Civil cases commenced by a *pro se* party;
- *Habeas Corpus* cases filed pursuant to 28 U.S.C. §2255 (prisoner in Federal custody);
- False Claims Act cases (*Qui Tam* or "whistleblower" cases) filed pursuant to 31 U.S.C. §3729 et seq;

14.3 How do I electronically file a new civil case?

Directions for electronically filing a new civil case on the ECF system may be found at www.nysd.uscourts.gov/ecf.

14.4 Are courtesy copies required?

Read the judge's Individual Practices to determine if a courtesy copy of the case initiating documents should be submitted to chambers.

14.5 Can a Motion for Admission *Pro Hac Vice* and a new civil case be electronically filed simultaneously?

Yes. An attorney who is not admitted to the bar of this court who seeks to file a new civil case may apply for a temporary ECF account enabling the electronic filing of the case initiating documents as well as a Motion for Admission *Pro Hac Vice*. Applicants must first complete the Petition for Admission *Pro Hac Vice*/ECF Registration form at www.nysd.uscourts.gov/pro_hac.php. Temporary ECF account information will be sent to the applicant via email. The new civil case may then be electronically filed, including a Motion for Admission *Pro Hac Vice*.

14.6 Are summonses issued electronically?

Yes. After electronically filing a new case, a party must electronically file a REQUEST FOR ISSUANCE OF SUMMONSES and attach proposed summonses in PDF format to the filing. The Clerk's Office will review the REQUEST and use the ECF system to issue summonses suitable for printing.

14.7 Does the method for serving a summons and complaint remain the same?

Yes. Although new civil cases must be commenced with the court through electronic filing, the method of serving a summons and complaint remains the same pursuant to Fed.R.Civ.P. 4.

14.8 Am I required to deliver other documents to my adversary?

Yes. In order to alert an adversary to the requirements of Electronic Case Filing and the assigned Judge's Individual Practices you are required to send to all parties the following documents (available at www.nysd.uscourts.gov), either as a pdf attachment to an e-mail or in paper form: (a) Electronic Case Filing Rules & Instructions (this document); and (b) the Individual Practices of the assigned Judge. *Pro se* litigants who are not Filing Users are exempt from this Rule.

14.9 How is proof of service for the case initiating document filed?

- Electronically file the proof of service for the initiating document on the ECF system (do not e-mail); and
- Deliver the original paper proof of service, with summons attached, to the Clerk's Office. Include a copy of the ECF Notice of Electronic Filing (NEF or filing receipt).

Pro se litigants who have been granted *in forma pauperis* (IFP) status are exempt from this Rule. *Pro se* litigants who have not been granted IFP status shall deliver the original paper proof of service with summons attached to the Clerk's Office. (*See section 19 - Service of Electronically Filed Documents*).

14.10 Are records from state or administrative courts electronically filed?

Where the record of an administrative or other prior proceeding must be filed with the Court, and it is voluminous, such record may be filed and served in hard copy without prior motion and order of the Court. (*See section 5 – Attachments and Exhibits*).

14.11 What if I make a mistake electronically filing a new civil case?

New civil cases filed electronically that contain the following deficiencies may be administratively closed without prejudice and summons may not be issued unless the deficiency is corrected within five (5) days of electronic transmission by the Clerk of a Notice of Deficient Filing:

- The case initiating document contains the wrong document; an illegible or unreadable document; or no document at all; or
- The filing fee due was not paid, either in whole or in part.

Where a case is administratively closed for one of the reasons above, a filing party may move to reopen the case after any deficiency is cured.

Questions regarding other errors may be directed to the ECF Help Desk at helpdesk@nysd.uscourts.gov.

14.12 What if I make a duplicate payment when electronically filing a new civil case?

You may request a refund of a duplicate payment by sending a letter to the Clerk of Court. The letter should include the case number, date of payment, the document associated with the payment, the pay.gov receipt number(s) and an email address where you can be reached. Do not contact your credit card company to request a refund.

Section 15. Amended Pleadings and Motions

15.1 Are amended pleadings filed electronically?

Yes. After a case is opened in accordance with section 14 of these Rules, all subsequent amended complaints, intervenor complaints, third party complaints, etc. must be filed electronically on the ECF system. When filing, select only those parties the amended pleading is filed against. Do not select "all plaintiffs or "all defendants" unless it is appropriate. Filers should review the judge's Individual Practices to determine if courtesy copies are necessary.

15.2 How are summonses issued when electronically filing an amended pleading?

If a party is added when electronically filing an amended pleading, a summons should be requested by electronically filing a REQUEST FOR ISSUANCE OF SUMMONS and attaching a proposed summons in PDF/A format. Where multiple parties are added, a rider may be attached to a single summons listing all new parties. In response, the Clerk's Office will electronically file a SUMMONS ISSUED event containing a summons with an electronic seal suitable for printing. Summons forms are available at www.nysd.uscourts.gov/forms. A summons is not necessary when no party is added to a case.

15.3 Are sealed pleadings filed electronically?

No. See sealed filing instructions on the cases page at www.nysd.uscourts.gov/cases.

15.4 What ECF Filing Event should be used to file a motion?

Use the ECF Filing Event beginning with the word "Motion." The ECF system contains over 160 separate motion Filing

Events, all beginning with the word "Motion". See the ECF Filing Events Dictionary for a complete list of motions and supporting documents. Do not use the "Notice" filing event to file a motion.

15.5 What ECF Filing Event should be used to file supporting papers?

Use the ECF Filing Events for supporting papers found in the category "Replies, Opposition and Supporting Documents". Do not use the ECF Filing Event for Motion to file supporting papers. For example, a motion, an affidavit in support and a memorandum of law in support constitute three separate filings. Labeling each one "Motion" is incorrect and would make it appear that three motions were filed instead of one.

15.6 How do I file exhibits?

Exhibits must be filed only as attachments to a document, such as a motion or an affidavit. Do not use the ECF Filing Event for "Motion" to file exhibits separately. Exhibits are the only items that should be attached to electronically filed documents. You are limited to electronically filing only relevant excerpts of exhibits. Excerpts must be clearly identified as such. If the exhibit is too large to be scanned and electronically filed you may contact the ECF Help Desk. (*See section 5 - Attachments and Exhibits*).

15.7 How can I learn to electronically file amended pleadings and motions?

Instructions and training information are available at www.nysd.uscourts.gov/ecf_training.php.

Section 16. Default Judgments

16.1 How do I file a Default Judgment?

Consult the Individual Practices of the assigned judge to determine the appropriate method (at www.nysd.uscourts.gov). If the judge's Individual Practices contain no specific rules regarding Default Judgments you should follow section 16.4 below.

When electronically filing a Request to Enter Default Judgment before submitting a Default Judgment, you must:

(a) File an unsigned Clerk's Certificate as an attachment to the Request to Enter Default;

(b) Submit a paper copy of the proposed Clerk's Certificate to the Orders and Judgments Clerk (the clerk will sign and docket the Clerk's Certificate); and

(c) After completion of the above, you may then move for a Default Judgment using the appropriate method outlined in section 16.2, 16.3 or 16.4 below.

When necessary, submit paper documents to the Orders and Judgements Clerk in Manhattan or White Plains, depending upon where the judge sits. If sending documents by mail, enclose a return envelope with postage. For mailing addresses *see section 13 - ECF Basics*.

16.2 Default Judgment brought by Motion:

(a) Submit to the Orders and Judgments Clerk a paper Clerk's Certificate. The clerk will sign and docket the Certificate, and provide a copy to the filing party.

(b) Electronically file the Motion for Default Judgment on the ECF system. The following items should be filed as attachments to the Motion: (1) the signed Clerk's Certificate; (2) a copy of the Summons and Complaint with proof of service; and (3) a form of proposed default judgment. The following supporting documents should be filed as separate ECF Filing Events: Affidavit in Support; and Statement of Damages (unless requesting an inquest).

(c) Electronically file proof of service for the Motion for Default Judgment.

(d) Submit a courtesy copy of the Motion to the judge, including all attachments.

16.3 Default Judgment brought by Order to Show Cause (O.S.C.):

(a) Submit to the Orders and Judgments Clerk a paper original of the O.S.C. Include the following: Affidavit or Affirmation in Support; a Clerk's Certificate if failure to answer is the basis for the default; a Statement of Damages; a proposed Default Judgment; copies of the case initiating document; and the Affidavit of Service of the original Summons and Complaint. Include courtesy copies of all documents.

(b) If signed by the Court, the Clerk's Office will electronically file only the Order. After the Order appears on the docket sheet, the attorney must electronically file all supporting papers and exhibits.

(c) Electronically file proof of service for the O.S.C.

16.4 Default Judgment brought on by Default Judgment and Order:

(a) Submit to the Orders and Judgments Clerk: (1) a paper original of the proposed Default Judgment and Order; (2) the Affidavit in Support; (3) a Statement of Damages (unless requesting an inquest); (4) a copy of the Summons and Complaint with proof of service; and (5) a Clerk's Certificate. The papers will be forwarded to the judge for signature.

(b) If signed by the Court, the Clerk's Office will electronically file only the Order. After the Order appears on the docket sheet, the attorney must electronically file all supporting papers.

Section 17. Appeals

17.1 How do I file a Notice of Appeal in a civil case?

In civil cases Filing Users must electronically file any Notice of Appeal through the ECF system. The fee is paid on-line through the ECF system. Instructions and training are available at nysd.uscourts.gov/ecf_training.php.

Pro se litigants who are not Filing Users are exempt from that portion of this Rule that requires litigants to electronically file

the Notice of Appeal. The Clerk's Office will scan and electronically file all proper appellate papers received from *pro se* litigants who are not Filing Users.

17.2 How do I file a Notice of Appeal in a criminal case?

A Notice of Appeal in a criminal case must be filed in the traditional manner on paper either at the courthouse or by mail. Include the filing fee if necessary. Within 24 hours of filing the paper copy of your Appeal, you are required to e-mail to the Clerk's Office a stamped electronic copy of the Notice of Appeal in PDF-A format. Include any exhibits. Each document must be in a separate file no larger than 4 megabytes. The District Court case number followed by the judge's initials must appear in the document's case caption. When sending e-mail, the subject line of the e-mail should always list the case number followed by a document description (e.g., "Re: 01cv1234-appeal"). Questions may be directed to the Appeals Clerk in Manhattan at (212) 805-0636, or in White Plains at (914) 390-4000. Send the e-mail (do not file on the ECF system) to:

- For appeals from an ECF case assigned to a Manhattan judge's e-mail to:
  appeals@nysd.uscourts.gov

- For appeals from an ECF case assigned to a White Plains judge's e-mail to:
  wpclerk@nysd.uscourts.gov

Pro se parties who are not Filing Users are exempt from that portion of this Rule that requires litigants to e-mail to the Clerk's Office the Notice of Appeal. The Clerk's Office will scan and electronically file all proper appellate papers received from *pro se* litigants who are not Filing Users.

Section 18. Non-Electronic Documents

18.1 In an ECF case are there documents that should not be electronically filed?

Yes, including:

- Miscellaneous Case initiating documents, see below;
- Proposed orders; proposed judgments, stipulations; consents, see below;
- Orders to show cause / temporary restraining orders, see below;
- Sealed documents, see below;
- Surety bonds, see below; and
- Notices of Appeal in criminal cases, see section 17;

18.2 How is a Miscellaneous Case opened?

Civil miscellaneous cases are opened in the traditional manner, on paper. Subsequent documents must be electronically filed on the ECF system. A party initiating a civil miscellaneous case is required to submit the following:

(a) A completed miscellaneous civil cover sheet (original & two copies).
(b) The hard copy of the civil miscellaneous application and any other supporting documents.
(c) The applicable filing fee.

Within 24 hours of the assignment of a case number, the filing party is required to e-mail the PDF-A copy of the initiating document, any supporting documents and the civil miscellaneous case cover sheet to:

- For miscellaneous applications assigned to Manhattan e-mail to:
  miscfoley@nysd.uscourts.gov

- For miscellaneous applications assigned to White Plains e-mail to:
  miscwhiteplains@nysd.uscourts.gov

The subject line of the e-mail and name of the file should list the case number followed by a brief document description (e.g., "Re: 10 MC 1234 - a letter rogatory"). Each document must be in a separate PDF-A format file no larger than 4.0 megabytes (separate large computer files into smaller parts if necessary). Failure to do so within 24 hours will delay adding your documents to the computerized ECF docket.

The party commencing the civil miscellaneous action is required to serve initiating documents on the opposing party in the traditional manner on paper. Filing Users must electronically file the proof of service for the initiating documents on the ECF system. The original paper proof of service is required to be delivered to the Clerk's Office along with a copy of the ECF Notice of Electronic Filing (NEF) of the proof of service (the filing receipt).

There is no fee for the subsequent filing of any opposition/response and/or reply papers. *Pro se* parties who are not Filing Users are exempt from those portions of this rule requiring electronic filing.

18.3 Are Proposed Orders, Proposed Judgments, Stipulations or Consents filed electronically?

No. Any document that requires the signature of a judge should not be electronically filed except as an exhibit to another document. Proposed orders, judgments, stipulations and consents should not be submitted through the ECF system. Instead they should be sent by e-mail to the Clerk. Proposed orders should be submitted in word processing format (WordPerfect or Word) rather than as a PDF document. Stipulations should be submitted in PDF-A format. Stipulations must contain ink signatures not s/. Faxed or emailed signatures are acceptable. Please note that Stipulations of Voluntary Dismissal pursuant to F.R.C.P. Rule 41(a)(1)(A)(ii) do not require the signature of a judge and must be electronically filed on the ECF system. Questions may be directed to the Orders and Judgments Clerk in Manhattan at (212) 805-0143 or in White Plains at (914) 390-4000.
Email the proposed order, judgment or stipulation to:

- For cases assigned to a Manhattan judge e-mail to:
  judgments@nysd.uscourts.gov

- For cases assigned to a White Plains judge e-mail to:
  wpclerk@nysd.uscourts.gov

Pro se litigants who are not Filing Users are exempt from that portion of this Rule that requires litigants to email proposed orders, judgments, stipulations and consents, and shall deliver such documents to the Clerk's Office in paper form.

18.4 Are Orders to Show Cause filed electronically?

No. An Order to Show Cause or Temporary Restraining Order must be submitted in the traditional manner on paper, to the Orders and Judgments Clerk. If signed by the Court, the Clerk's Office will electronically file only the Order. <u>After</u> the

Order appears on the docket sheet, the attorney must electronically file all supporting papers

18.5 Are sealed documents filed electronically?

No. Sealed documents are filed in the traditional manner on paper. The sealed envelope must contain the paper document and a CD-ROM containing a PDF-A copy of the document. A copy of the judge's sealing order must be attached to the outside of the envelope. (*See section 6 - Sealed Documents*).

18.6 Are surety bonds filed electronically?

No. Surety bonds are filed in the traditional manner on paper. Include a copy of the Court's Order regarding the bond.

Section 19. Service of Electronically Filed Documents

19.1 How is service accomplished for electronically filed documents?

Filing and Receiving Users who have appeared in the case will receive a Notice of Electronic Filing (NEF) by e-mail whenever there is case activity. The NEF constitutes service upon all Filing and Receiving Users. A hyperlink to a PDF image of any electronically filed document will be included (not all activity includes a PDF document). The Clerk's Office will no longer mail paper copies of court-initiated documents to Filing and Receiving Users. The Clerk's Office will mail copies of all court-initiated documents to *pro se* parties who have not registered as Filing or Receiving Users. *(See section 9 - Service of Documents by Electronic Means).*

19.2 Am I required to serve a paper copy of an electronically filed document?

Possibly. In cases assigned to the ECF system, if all parties receive a NEF, service is complete upon transmission of the NEF by the Court, and you are not required to serve a paper copy.

If any party does not receive a NEF, you are required to accomplish service on that party in the traditional manner, in paper form. Then you must electronically file proof of service (see below).

The NEF receipt will inform you who will receive notice of the filing "electronically" (by e-mail from the Court) and who will receive notice "by other means" (traditional service in paper form). (*See section 9 - Service of Documents by Electronic Means*).

19.3 Am I required to electronically file proof of service in an ECF case?

Only two circumstances require the electronic filing of proof of service in an ECF case:

(a) Proof of service for the case initiating document must be filed as follows:

(1) Electronically file proof of service for the case initiating document on the ECF system (do not send by e-mail), and

(2) Deliver the original paper proof of service with summons attached to the Clerk's Office. Attach a

copy of the ECF filing receipt for this document.

(b) Proof of service must be electronically filed any time a party is served with a paper document.

Pro se parties who are not Filing Users are exempt from that portion of this Rule requiring proof of service to be filed electronically. (*See section 9 - Service of Documents by Electronic Means*).

19.4 Is a filing timely if it is completed before midnight?

Yes. Filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day. (*See section 3 - Consequences of Electronic Case Filing*).

19.5 Do I receive a receipt when I file electronically?

Yes. When an electronic filing is successful the final screen will display a Notice of Electronic Filing (NEF), or filing receipt. The NEF indicates what was filed, by whom, when it was filed and if a document number was assigned on the docket sheet. If you do not see the NEF screen your filing may not have been successful and you are advised to check the docket sheet.

19.6 Should I routinely view the docket sheet in my case?

Yes. Although service is accomplished in ECF cases by an e-mail sent by the Court, e-mail is not infallible and you risk missing an e-mail message. It remains the duty of Filing and Receiving Users to maintain current contact information with the court and to review regularly the docket sheet of the case. Filing Users are obligated to immediately bring to the attention of the court any unauthorized filings. (*See section 9 - Service of Documents by Electronic Means*).

Section 20. Attorney Appearances

20.1 How does an attorney's name appear on the docket sheet?

Each attorney whose name appears under the signature line on the initiating document will be added to the docket sheet when the Clerk's Office opens the case on the ECF system. The attorney responding to that filing must add his or her own name to the docket sheet the first time he or she appears in the case. When electronically filing the first document, the responding attorney must: (a) click to create an "Association" with the client (i.e. represent the client); (b) ensure the "Notice" box is checked to receive electronic notice of case activity; and (c) click the "Lead" attorney box if applicable. If the responding attorney is not offered the opportunity to create an "association" with the client on the first electronic filing, the attorney must electronically file a Notice of Appearance in order to appear on the docket.

20.2 If the attorney's name is on the docket sheet why doesn't the attorney receive e-mail notification of filings?

It could be because the attorney's name was added to the docket sheet before the attorney obtained an ECF password. In that case the attorney's name and firm address will appear at the top of the docket sheet, but the e-mail address will be missing. If this is the case the solution is to obtain an ECF password. Or it could be because the attorney filed a Notice of Appearance but failed to check the "Notice" box when creating an association with the client to receive e-mail notification of activity in the case. In this case, call the ECF Help Desk at (212) 805-0800. (*See section 24 - ECF Help Desk and Training*).

20.3 How do I file a Notice of Appearance in an ECF case?

An attorney who joins a case already in progress must electronically file a Notice of Appearance. When electronically filing the Notice of Appearance, the attorney must: (a) click to create an "Association" with the client (i.e., represent the client); (b) ensure the "Notice" box is checked to receive electronic notice of case activity; and (c) click the "Lead" attorney box if applicable. Please note the ECF system will not allow an attorney to file electronically a Notice of Appearance on behalf of another attorney. The Notice of Appearance and the ECF password must belong to the same attorney. (*See section 2 - Eligibility, Registration, Passwords*).

20.4 How do I file a Motion for Admission *pro hac vice* in an ECF case?

A Motion for Admission *pro hac vice* (PHV) must be filed electronically and the associated fee paid on the ECF system. See the Attorney Admissions page at www.nysd.uscourts.govfor details and sample forms. For information regarding filing a PHV motion and a new civil case simultaneously, see section 14.5 above.

20.5 Am I required to notify the Court when my contact information changes?

Yes. To ensure communications from the court reach all parties, Local Civil Rule 1.3(d) requires an attorney to notify the court of any changes in contact information. For more information go to www.nysd.uscourts.gov. A *pro se* party must notify the court of any changes in contact information, whether or not the party is a Filing or Receiving User, by submitting a Notice of Change of Address for *Pro Se* Litigants form.

20.6 What if only my e-mail address has changed?

Filing Users can change their own e-mail addresses on the ECF system: log into the SDNY ECF system, click on Utilities, click on Maintain Your Account and E-mail Information. If, however, other contact information has changed, the directions above must be followed to update full contact information. Receiving Users must send a letter to the court to update any changes in contact information, including email addresses.

20.7 Can I specify additional e-mail addresses to receive notification of activity in my cases?

Yes. You can add alternate e-mail addresses in the ECF system by clicking on Utilities, Maintain Your Account, and E-mail Information.

20.8 Can I receive electronic notification of activity in cases where I do not represent a party?

Yes. You can add a case to your e-mail notification list on the ECF system even if you don't represent a party to the case. Click on Utilities, Maintain Your Account, and E-mail Information.

Section 21. Privacy and Public Access to ECF Cases

21.1 Has electronic filing expanded public access to documents?

Yes, documents filed electronically on the ECF system are more widely available than ever before. Electronic documents can now be viewed over the Internet by anyone with a PACER account. In order to protect people's privacy and reduce

the threat of identity theft, parties should be cautious when filing sensitive information.

21.2 Who is responsible for redacting sensitive information from filed documents?

It is the sole responsibility of counsel and the parties to be sure that all documents comply with the rules of this Court requiring redaction of personal identifiers. Neither the judge nor the Clerk of Court will review documents for compliance with these rules.

21.3 Am I required to redact certain sensitive information in a document?

Yes. Amendments to Federal Rule of Civil Procedure 5.2 and Criminal Procedure 49.1 require that personal identification information be redacted from documents filed with the Court. You should not include sensitive information in any document filed with the Court unless such inclusion is necessary and relevant to the case. A party wishing to file a document containing the personal data identifiers listed below must file a redacted version in the public file:

In all cases:

- Social Security Numbers: include only the last four digits of the number.
- Names of Minor Children: include only the initials of the child.
- Dates of Birth: include only the year.
- Financial Account #'s: include only the last four digits of these numbers.

In criminal cases:

- Home Addresses: include only the City and State.

21.4 Is there other sensitive information that I should consider redacting?

Yes. Caution should be exercised when filing documents that contain the following:

- Personal identifying numbers (PIN #'s), such as a driver's license number
- Medical records, treatment and diagnosis
- Employment history
- Individual financial information
- Proprietary or trade secret information
- Information regarding an individual's cooperation with the government

21.5 Am I required to file sensitive information under seal?

No. In addition to the redacted public filing a party may, but is not required to, file the personal data identifiers listed above by filing under seal. You may file under seal either: (a) a reference list or (b) an original, unredacted version of the document.

If you find it necessary to file sensitive information, the Court prefers a reference list to the filing of a complete document. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. The reference list may be amended as of right.

21.6 Are sealed documents filed electronically?

No. Sealed documents are filed in the traditional manner on paper. The sealed envelope must contain the paper document and a CD-ROM containing a PDF-A format copy of the document. A copy of the judge's sealing order must be attached to the outside of the envelope. For complete instructions see the sealed records filing instructions on the Cases page at www.nysd.uscourts.gov. (*See section 6 - Sealed Documents*).

21.7 Who should maintain custody of original unredacted documents?

Parties are responsible for maintaining possession of original, unredacted documents, and information redacted from publicly filed documents. The Court may later require counsel to furnish the unredacted information.

21.8 What if I mistakenly file sensitive or confidential information?

(a) Contact the ECF Help Desk via email at helpdesk@nysd.uscourts.gov, or by telephone at (212) 805-0800, Monday through Friday during normal Clerk's Office hours. The filing will be temporarily sealed and made invisible to the public.

(b) After notifying the ECF Help Desk, the filing party must ask the presiding judge, in writing, for the filing to be formally sealed by the Court.

(c) Electronically file a redacted version of the mistaken filing.

Section 22. ECF Passwords

22.1 To file electronically in this Court, do I need an ECF password from the United States District Court for the Southern District of New York?

Yes. To file electronically in this District Court you must have an ECF log-in and password issued by this Court. ECF accounts are available to attorneys in good standing and *pro se* parties granted permission to file electronically. This password is unique, and is not the same as a password from another District or Bankruptcy Court, or a PACER password. Protect the security of your password. You may reset a lost ECF password via a link on the SDNY ECF login page at ecf.nysd.uscourts.gov. (See addendum)*(See section 2 - Eligibility, Registration , Passwords)*.

22.2 How do I obtain an ECF password if I am already admitted to the bar of this Court?

An attorney admitted to the bar of this court may register for an ECF password on-line at www.nysd.uscourts.gov.

22.3 How do I gain admission to the bar of this court and obtain an ECF password?

The application to be admitted to the bar of this Court includes a request for an ECF password. Go to www.nysd.uscourts.gov.

22.4 How do I gain admission *pro hac vice* and obtain an ECF password?

An attorney may be admitted to practice in one case only by moving for admission *pro hac vice*. For complete *pro hac vice* motion and ECF password instructions go to www.nysd.uscourts.gov.

22.5 Do I need a new ECF password if I change law firms?

No. Your ECF password will remain the same even if your contact information changes. Local Civil Rule 1.3 requires an attorney to notify the court of any contact information changes. For more information go to www.nysd.uscourts.gov.

22.6 How will I know if my ECF password application was submitted successfully on-line?

When you are ready click the "Submit" button on the bottom of the form. The screen will turn red and you will be asked to review your answers for accuracy. After review click "Proceed." If the screen turns green your application was submitted successfully.

22.7 How long does it take to obtain an ECF password?

Your ECF password will be sent to you by e-mail, within 48 hours of your on-line request. The Court recommends you print a copy of your ECF account information for your records.

Section 23. ECF Computer System Information

23.1 What Internet browser should I use to file electronically on the ECF system?

Each new version of ECF is tested with specific Internet browsers before release. Check the ECF log-in page for a list of approved Internet browsers.

23.2 What is a PDF-A file and how do I create one?

All documents electronically filed on the ECF system must be in PDF-A format (portable document format). A PDF-A file is created using PDF writer software such as Adobe Acrobat (go to Adobe.com for details). PDF-A files cannot be altered, providing security to the filer and the Court.

23.3 Is there a limit to the size of a document that can be filed on ECF?

Yes. No single PDF file may be larger than 4.0 megabytes (4.0 mb). If the filing is too large, the ECF system will not allow it to be filed, and you will not see a Notice of Electronic Filing (NEF or filing receipt) screen. To determine the size of an Adobe Acrobat PDF file click on File, Document Properties, Summary.

23.4 What if my document exceeds the file size limit?

Converting documents directly from a word processor to PDF-A format creates the smallest possible file in terms of computer memory. If that is not possible, scan your document at low resolution. Within the Adobe Acrobat program, on the "Scan Manager" screen, adjust the settings for black and white and 200 dpi (dots per inch). This allows more pages

to fit into a single PDF-A file. If that does not work, separate an oversized file into 2 or more parts. Simply label each file 1a, 1b, 1c, etc. Only relevant excerpts of exhibits should be electronically filed. (*See section 5 - Attachments and Exhibits*).

23.5 What if a technical failure prevents me from filing electronically?

If a technical failure prevents you from filing electronically, follow the steps below:

(a) Do not attempt to file paper documents in ECF cases except for emergency filings (e.g., Temporary Restraining Order).

(b) If the Court's ECF system is out of order you should electronically file your document as soon as the system is restored.

(c) If you missed a filing deadline when the ECF system was out of order, attach a statement to your filing explaining how the interruption in service prevented you from filing in a timely fashion. (*See section 11 - Technical Failures*)

Section 24. ECF Help Desk & Training

24.1 How can I learn how to file electronically?

The Court offers several options for ECF training. Details are available on the ECF page at www.nysd.uscourts.gov

(a) In-person training classes are offered for attorneys and support staff.

(b) Step by step filing instructions can be found on-line in the course materials for our in-person training. From the ECF page click on Training. Then click on Instructor Led Training, and click on the course title.

(c) A web based tutorial for electronic filing is also available.

24.2 How do I sign up for free alerts concerning ECF news?

Sign up for free electronic alerts from the Court at www.nysd.uscourts.gov. From the homepage click on ECF, then POC. You will receive periodic RSS messages through your web browser alerting you to interruptions in ECF service and other ECF information. You do not need to be an attorney to sign up for this service.

24.3 How do I contact the ECF Help Desk?

The ECF Help Desk is available via email at helpdesk@nysd.uscourts.gov, or by telephone at (212) 805-0136, Monday through Friday during normal Clerk's Office hours.

The preceding Electronic Case Filing Rules & Instructions were approved on May 27, 2015.

United States District Court
Southern District of New York
ECF Rules & Instructions

June 15, 2015, Addendum to the
June 8, 2015 Edition

ECF Password Reset Feature

The Southern District of New York has announced the availability of a new feature for resetting a lost ECF password.

Effective Monday, June 15, 2015, attorneys admitted to the bar of this court who are registered ECF Filing Users may reset their password via a link on the SDNY ECF login page at ecf.nysd.uscourts.gov. A new password will be sent by email to the address registered to the user's ECF account.

The ECF Rules & Instructions have been revised accordingly, as described below.

> Section 22.1 – To file electronically in this court, do I need an ECF password from the United States District Court for the Southern District of New York?
> Yes. To file electronically in this District Court you must have an ECF log-in and password issued by this Court. ECF accounts are available to attorneys in good standing and *pro se* parties granted permission to file electronically. This password is unique, and is not the same as a password from another District or Bankruptcy Court, or a PACER password. Protect the security of your password. ~~by reporting a lost or stolen password immediately to the ECF Help Desk by email helpdesk@nysd.uscourts.gov or by telephone (212) 805-0136~~. You may reset a lost ECF password via a link on the SDNY ECF login page at ecf.nysd.uscourts.gov. *(See section 2 - Eligibility, Registration , Passwords)*.

Questions may be directed to the ECF Help Desk at helpdesk@nysd.uscourts.gov, or by calling (212)805-0136 during business hours.

United States District Court
Southern District of New York
ECF Rules & Instructions

September 1, 2015, Addendum to the
June 8, 2015 Edition

ECF Rule 2.4 Revised to Note Recipients of Notices of Electronic Filing

With the advent of the electronic filing of new civil cases by attorneys, a revision to Rule 2.4 is necessary to note the recipients of Notices of Electronic Filing.

Where an attorney electronically files a new civil case on the court's ECF system, only the filing attorney will receive Notices of Electronic Filing (NEF) for case activity. Any co-counsel must electronically file a Notice of Appearance in order to receive a NEF.

Where a new civil case is permitted to be filed in hard copy form and the Clerk files the case on the ECF system, each attorney identified on the civil cover sheet or case initiating document will receive Notices of Electronic Filing (NEF) for case activity. (See Section 14.2 for cases filed in hard copy form.)

ECF Rule 2.4 has been revised accordingly, as described below:

> **2.4** In a civil action the Clerk will transmit Notices of Electronic Filing (NEF) to (a) **the attorney who electronically filed the case initiating document,** (b) each attorney identified on the Civil Cover Sheet **or case initiating document in cases opened on the ECF system by the Clerk,** **(c)** each additional attorney who subsequently appears in the action and electronically files a Notice of Appearance, **(d)** any *pro se* party who has received permission from the Court to register as a Filing User, and **(e)** any *pro se* party who has registered as a Receiving User. In a criminal case the Clerk will enter, as Filing Users to whom Notices of Electronic Filing will be transmitted and who will be granted access to electronically file and retrieve documents in the case, the attorney(s) for the United States identified on the Criminal Designation Form or subsequently identified as representing the United States in the case and each attorney electronically filing a Notice of Appearance on behalf of a defendant.

Questions may be directed to the ECF Help Desk at helpdesk@nysd.uscourts.gov, or by calling (212)805-0136 during business hours.

United States District Court
Southern District of New York
ECF Rules & Instructions

September 1, 2015, Addendum to the
June 8, 2015 Edition

ECF Rule 13.1 Revised to Include Additional Letter Motions

The Southern District of New York has announced that effective Tuesday, September 1, 2015, ECF Rule 13.1, "May letters be filed electronically?", has been revised to include the following additional letter motions that may be electronically filed:

Motion to Compel
Motion to Consolidate Cases
Motion to Continue
Motion re: Discovery
Motion to Expedite
Motion to File Amicus Brief
Motion for Leave to File Document
Motion for Oral Argument
Motion to Reopen
Motion to Seal Document
Motion to Stay
Motion to Substitute Attorney

Before filing, parties should consult the Individual Practices of the assigned judge for guidance regarding the filing of motions.

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