

# CM/ECF ATTORNEY CIVIL CASE OPENING

## PETITION TO COMPEL, CONFIRM, MODIFY, STAY, VACATE ARBITRATION

**April 3, 2015**

1. Petition to Compel, Confirm, Modify, Stay, Vacate Arbitration

Arbitration, a form of alternative dispute resolution (ADR), is a technique for the resolution of disputes outside the courts. Arbitration is the submission of a dispute to an unbiased third person (arbitrator) designated by the parties to the controversy, who agree in advance to comply with the award-decision of the arbitrator to be issued after a hearing at which both parties have an opportunity to be heard. The arbitrator reviews the evidence in the case and impose a decision that is legally binding on both sides and enforceable in the courts.

A petition to compel arbitration is a request to the court that it issue an order requiring both sides to attend an arbitration meeting for (hopefully) purposes of reaching a mutual agreement. The request may stem from a party's failure or refusal to comply with a contractual arbitration agreement.

A petition to confirm arbitration is a request to the court by a party to an arbitration in which an award was made, to have a judgment of the court entered upon the award made pursuant to the arbitration or to enforce the award.

A petition to modify arbitration is a request to the court by any party to an arbitration in which an award was made, to have the award modified or corrected.

A petition to stay arbitration is a request to the court by a party who has been served with a demand to arbitrate, or who alleges that an arbitration proceeding has been threatened or commenced, to stay the arbitration proceeding pending a decision from the court.

A petition to vacate arbitration is a request to the court by an adverse party to an arbitration or a person, other than a party to the arbitration, who is adversely affected or aggrieved by the award, to have the award invalidated.

2. Enter the Civil Cover Sheet (JS44) Statistical Information

A. Each time a new civil action is filed on the CM/ECF system, the statistical information must be entered. Entering the statistical information for a new

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civil action must be done before filing the initial pleading in the case. The statistical information that will be entered on the CM/ECF system is the information that is on the Civil Cover Sheet. **(NOTE: Refer to the SDNY Statistical Civil Case Opening Codes Manual for instructions on entering information in the fields below)**

- I. **Open a Case, [Open a Civil Case - Attorney](#)**
- II. Enter the statistical information for a new civil action
  - a. Office - **Foley**
  - b. Case Type - **cv**
  - c. Other court name (if filing a Notice of Removal)
  - d. Other court number (if filing a Notice of Removal)
  - e. Jurisdiction - **3 (Federal Question)**
  - f. Cause of action - **09:0001 (U.S. Arbitration Act)**
  - g. Nature of suit - **896 (Other Statutes: Arbitration)**
  - h. Origin - **1 (Original Proceeding)**
  - i. Citizenship plaintiff (if Jurisdiction is 4 (Diversity))
  - j. Citizenship defendant (if Jurisdiction is 4 (Diversity))
  - k. Jury Demand - **n (None)**
  - l. Class action - **n (No Class Action Alleged)**
  - m. Demand (\$000)
  - n. Arbitration code **(NOTE: Do not select an arbitration code)**
  - o. County - **XX Out of State**
  - p. Fee Status - **paid**
  - q. Fee date **(NOTE: Do not change the fee date)**
  - r. Date transfer **(NOTE: Do not enter a date transfer)**
3. Add Party Information
  - A. Before adding the parties to the civil action, search the database first. If a party name is in the system, use the existing record. Do not add duplicate party names. **(NOTE: Refer to the Party Name Data Conventions for CM/ECF Manual for instructions on entering a party in CM/ECF)**

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- I. Search for a party
  - a. Last/Business Name
  - b. First Name
  - c. Middle Name (Optional)
  
- II. Party Information
  - a. Title (Optional)
  - b. Role
  - c. Pro Se (**NOTE:** Do not change unless attorney of record is representing self)
  - d. Prisoner Id (**NOTE:** Do not enter prisoner id code)
  - e. Unit (**NOTE:** Do not enter unit information)
  - f. Office (**NOTE:** Do not enter office information)
  - g. Address 1 (**NOTE:** Do not add address information)
  - h. Address 2 (**NOTE:** Do not add address information)
  - i. Address 3 (**NOTE:** Do not add address information)
  - j. City (**NOTE:** Do not add city information)
  - k. State (**NOTE:** Do not add state information)
  - l. Zip (**NOTE:** Do not add zip information)
  - m. Country (**NOTE:** Do not add country information)
  - n. Prison (**NOTE:** Do not add prison information)
  - o. Phone (**NOTE:** Do not add phone information)
  - p. Fax (**NOTE:** Do not add fax information)
  - q. Party text (Optional)
  - r. Start date (**NOTE:** Do not change the start date)
  - s. End date (**NOTE:** Do not enter an end date)
  - t. Corporation (Optional)
  - u. Notice (**NOTE:** Do not change the notice field)

**NOTE:** Add Alias if needed

- III. Search for a party
  - a. Last/Business Name
  - b. Select Alias (if applicable) or Create New Alias

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IV. Alias Information

- a. Verify the Last/Business Name is correct
- b. First name
- c. Middle name
- d. Generation
- e. Type (**NOTE:** select the applicable Alias type)
- f. Start Date (**NOTE:** Do not change the start date)

**NOTE:** Do Not add Corporate Parents/Affiliates. Corporate Parents/Affiliates are added at the time of filing the Rule 7.1 Corporate Disclosure Statement

V. Create Case

- a. Once the parties have been added to the participant tree on the left hand side of the screen
- b. Click on the Create Case button on the upper left hand side of the screen
- c. Prompt the user with the message *Case will be created. Proceed?*
- d. Make a note of the civil case number that has been opened

4. File Initiating Documents

A. The case is not considered open until the lead event has been docketed. On the screen that provides the case number, please click on the hyperlink on the screen to docket the lead event.

I. [Docket Lead Event, Initial Pleadings and Service, Complaints and Other Initiating Documents](#), Petition to Compel/Confirm/Modify/Stay/Vacate Arbitration

- a. Select the Petition to Compel/Confirm/Modify/Stay/Vacate Arbitration event

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- b. Enter the case number that was given
- c. Verify that the case number entered is correct
- d. Select the party or parties filing the initial pleading
- e. Prompt the user with the following message **WARNING! DO NOT** select the radio buttons All Defendants, All Plaintiffs, All Parties
- f. Create attorney/party association  
(**NOTE:** This will associate the attorney with the named party)
- g. Select the party or parties the filing is against  
(**NOTE:** Do not select the radio buttons for All Defendant, All Plaintiffs, All Parties)
- h. Specify the PDF file name from your saved documents with the Browse feature
- i. Add attachments, if any, by selecting the browse feature
- j. Prompt the user to enter the type of petition being filed
- k. Prompt the user to indicate if the initial pleading is filed to correct a deficient pleading for which the fee was already paid or if the initial pleading is filed with an application to proceed without prepayment of fees or if the initial pleading is filed under the Jones Act without prepayment of fees or if the initial pleading is filed on behalf of the USA  
(**NOTE:** If the user selects **Yes**, the system will bypass the payments screen.) If the user selects **No**,
- l. Prompt the user with a message regarding last opportunity to make changes to the filing
- m. Enter payment Information
- n. Prompt the user with a message informing them of the fee payment processed by Pay.gov
- o. Review the final docket text prior to submitting for accuracy and verify the Source Document Path
- p. Submit the transaction to ECF
- q. Review NEF for service by other means to parties not receiving electronic services. Mail or make personal delivery of these documents

## II. **Other Filings, [Other Documents](#), Civil Cover Sheet**

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- a. Select the Civil Cover Sheet event
- b. Enter the case number in which the document is to be filed
- c. Verify that the case number entered is correct
- d. Specify the PDF file name from your saved documents with the Browse feature
- e. Review the final docket text prior to submitting for accuracy and verify the Source Document Path
- f. Submit the transaction to ECF
- g. Review NEF for service by other means to parties not receiving electronic services. Mail or make personal delivery of these documents

**III. Initial Pleadings and Service, [Service of Process](#),  
Request for Issuance of Summons**

- a. Select the Request for Issuance of Summons event
- b. Enter the case number in which the document is to be filed
- c. Verify that the case number entered is correct
- d. Prompt the user with a message to only use the official S.D.N.Y. Summons form
- e. Prompt the user with the following message WARNING! DO NOT add the DATE on the summons form. Leave the Date on the summons BLANK.
- f. Specify the PDF file name from your saved documents with the Browse feature
- g. Add attachments, if any to the document being filed
- h. Enter name(s) of the party or parties Summons is to be issued for
- i. Select the party or parties filing the request
- j. Select the applicable event(s) to which the event relates
- k. Review the final docket text prior to submitting for accuracy and verify the Source Document Path
- l. Submit the transaction to ECF
- m. Review NEF for service by other means to parties not receiving electronic services. Mail or make personal delivery

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