

Filing an Initial Pleading in a Civil or Miscellaneous Case

Rev 4/11/08

Beginning February 1, 2008, a registered user of CM/ECF may file a civil or miscellaneous initial pleading (e.g. complaint) electronically using a credit card to pay any required filing fee. The user will be prompted to enter credit card information during the filing process. After logging into CM/ECF, the filing should proceed as follows:

Select **Civil** from the **blue** menu bar at the top of the CM/ECF screen so that the Civil Event window opens, displaying all of the available events.

By clicking on **Open New Case** under the **Initial Pleadings and Service** events group, a drop-down menu will appear with various initial pleading options, including **Complaint**. The appropriate event should be selected.

The case number 99-9999 should be used for electronically filing an initial pleading in all civil or miscellaneous cases. This case has been designated as an interim holding case for initial documents. The Clerk's Office will receive the document(s) electronically and assign an actual civil or miscellaneous case number. (Please do not list 99-mc-9999 on any of the documents filed.)

Once 99-9999 is entered, the next screen will require attachment of the pleading in PDF format. Accompanying documents (civil cover sheet, prepared summons forms, motions, etc.) should also be filed in PDF format as **attachments** to the initial pleading, by checking the attachment box (yes) and separately adding each document to the list.

The following screen asks the user to type in a short caption, such as Smith v Jones, et al.

The user will then be asked if he/she is a government attorney, or if an Application to Proceed Without Prepayment of Fees is one of the attachments. A "yes" response to this inquiry will bring the user to the screen with the final docket text. A "no" response will open the credit card payment screen. **Once credit card payment information is entered and processed via pay.gov, the user is returned to the docketing system to finalize the new case filing transaction. From this point forward, use of the BACK button or aborting the transaction will result in a credit card charge, as well as a loss of data.**

Once the previous step is completed, the final screen before submission will appear. The document will be filed when the "next" button is selected.

In accordance with Local Rule 5.3, a paper copy of the pleading must be furnished to the Clerk of Court.

Please note that it is the user's responsibility to complete the summons forms before including them as attachments. Once the Clerk's Office opens the actual case, Court personnel will print the summons forms, add the actual case number, sign and seal them, and either mail them to counsel or make them available at the intake counter for pickup. When summons forms are issued, a NEF will

be sent indicating their issuance. The user should contact the Clerk's Office Help Desk at 302-573-6170 if he/she wants the summons forms mailed. Otherwise, the issued summons forms will be made available for pickup at the Clerk's Office Intake counter, Room 4209, during regular office hours. If summons forms are not issued, a NEF will be sent stating that none were issued.

Please further note that when the intent is to file a document just after midnight, it is suggested that the docketing process not be initiated prior to midnight. In some instances, when the process begins prior to midnight but is not completed (submitted) until after midnight, the resulting NEF may display a file date of the previous day and a transaction entry date reflecting the current day. Conversely, when the intent is to file a document prior to midnight, it is recommended that the docketing process begin well enough in advance to insure completion of the entry and creation of the NEF prior to midnight.