

## Attorney E-filing of an Initial Pleading in a new Civil or Miscellaneous Case

Revised: 3/28/2017

An attorney who is a registered user of CM/ECF may file a Civil (e.g. Complaint) or Miscellaneous (e.g. Motion to Quash) initial pleading electronically, using a credit card to pay any the required filing fee. The user is 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.

**NOTE:** If the initial pleading is a Miscellaneous Case in the form of a motion, such as a Motion to Quash or Motion to Compel, **DO NOT** select the event under the motions list. Under **Initial Pleadings and Services**, please select “New Miscellaneous Case” and follow the steps described below. This event will allow the user to type in the title of the pleading, such as “Motion to Quash” or “Motion to Compel.”

Case number **99-mc-9999** functions as the only designated interim holding case for the e-filing of initial case documents. Once 99-mc-9999 is entered, the next screen will require uploading of an initial or main pleading in PDF format. All accompanying documents (civil cover sheet, patent report, completed summons forms, motions, etc.) must be filed in PDF format as **attachments to the initial pleading or main document**, by separately adding each document to the attachment screens below the main document.

When adding documents, **DO NOT** create an association with plaintiff or defendant. When the initial pleading is a Motion, as in a new Miscellaneous case where a Motion to Quash or Compel is filed, please attach all briefs, exhibits, declarations, and appendices to the initial pleading. Each attachment should be described by using either a selection from the **category** list, or by entering a description in the box provided.

**DO NOT ADD SEALED DOCUMENTS** when filing an initial pleading in the 99-mc-9999 holding case. Sealed documents accompanying any initial pleading must be provided in person or by mail to the Clerk's Office along with one hard copy and CD Rom including said documents in pdf format. A motion to seal must accompany the documents. The motion to seal may be filed in the 99-mc-9999 holding case, along with the initial pleading, but must not contain any confidential information.

After adding documents, the next screen requires insertion of a short caption, such as Smith v Jones, et al.

The filer 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 filer 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. When the “next” button is selected, the new case, with all of its attachments and fee payment information will be filed via 99-mc-9999. The entire filing should consist of a MAIN document and attachments, all under a single docket item number. To ensure that the transaction goes through, remember to wait for the confirmation screen.

If it is later determined that additional attachments should have been included, or an error was made, please contact the Help Desk during business hours (302) 573-6170. DO NOT attempt to correct a problem by adding documents in another 99-mc-9999 entry.

The Clerk’s Office will download the PDF document(s) filed in 99-mc-9999 and assign an actual Civil or Miscellaneous case number. Please do not display 99-mc-9999 as the actual case number on any of the PDF documents filed. When the Clerk’s Office opens the actual case, the filing attorney is added to the docket and should receive a Notice of Electronic Filing (NEF) as documents are entered on the docket.

Effective September 8, 2014, courtesy copies of the following initial pleadings are no longer needed to be furnished to the Clerk’s office when the original pleading is electronically filed in the Court’s designated holding case, 99mc9999:

- Complaints;
- Notices of Removal;
- Petitions to Enforce, and;
- Any other case initiating document.

For further information, please refer to the September 8, 2014, Standing Order on the Court’s website: Courtesy Copies of Initial Pleadings.

**NOTES:**

**Summons Forms:**

**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 302-5736170 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.**

**Time of the Filing:**

**Please 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.**