

**UNITED STATES  
DISTRICT COURT**

**EASTERN DISTRICT  
OF MISSOURI**

***ADMINISTRATIVE PROCEDURES***

***FOR***

***CASE MANAGEMENT/***

***ELECTRONIC CASE FILING***

***(CM/ECF)***

***Revised on 05-06-2009***

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

**ADMINISTRATIVE PROCEDURES FOR  
CASE MANAGEMENT/ELECTRONIC CASE FILING (CM/ECF)  
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## **PREFACE**

This manual primarily addresses administrative policies and procedures governing CM/ECF in the Eastern District of Missouri, and is not intended as a technical guide to use of the electronic case filing system. Information on training in the use of CM/ECF can be obtained via the Court's website at [www.moed.uscourts.gov](http://www.moed.uscourts.gov), including access to computer-based tutorials.

### **I. THE ELECTRONIC FILING SYSTEM**

#### **A. IN GENERAL**

Unless otherwise permitted by these administrative procedures or authorized by the assigned judge or the Clerk of Court, documents submitted for filing in this district after October 14, 2003, no matter when a case was originally filed, shall be filed electronically using the Electronic Case Filing System (ECF or the System). Electronic filing means uploading a document in .pdf format<sup>1</sup> directly from the registered user's computer, using the Court's Internet-based System, to file that document in the Court's case file. Electronic filers also may use public computers located in the Clerk's Office to electronically file .pdf documents from CD-ROMS or 3.5" floppy disks. Sending a document to the Court via e-mail or fax does not constitute electronic filing. Persons attempting to file any document in paper format will be directed to the public scanner and public computer terminal to file the paper document electronically.

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<sup>1</sup> A document created with almost any word-processing program can be converted to .pdf. The .pdf program in effect takes a picture of the original document and allows anyone with Adobe Acrobat to open the converted document with layout, format, links, and images intact. Because conversion to .pdf may affect the pagination of a document, paper copies of electronic filings should be made from the .pdf version.

An attorney may apply to the Court for an exemption from electronic filing. Such exemptions will be granted only for good cause. Parties proceeding pro se are exempt from the electronic filing requirement.

The Clerk or any judge of this Court may deviate from these procedures in specific cases, without prior notice, if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of matters pending before the Court. The Court may also amend these procedures at any time without prior notice.

**B. REGISTRATION - MEMBERS OF THE BAR AND LAWYERS ADMITTED PRO HAC VICE**

In order to file electronically, each attorney must complete an E-Filing Registration Form attached to these procedures as Appendix A. The form is also available on the Court's web site at [www.moed.uscourts.gov](http://www.moed.uscourts.gov). The registration is attorney-specific and not case-specific. The Court will issue logins and passwords only to attorneys in good standing. To be in good standing, an attorney must meet the requirements of Local Rule 12.01, including timely payment of any assessment required by that rule. All signed original E-Filing Registration Forms shall be mailed or delivered to the Office of the Clerk, United States District Court for the Eastern District of Missouri, 111 South 10th Street, Suite 3.300, St. Louis, Missouri 63102. After assigning the attorney a login and password, the Clerk's Office will send the attorney an Internet e-mail message requesting verification of receipt. The Clerk's Office will then mail login and password information to the attorney by regular, first-class mail.

An attorney not admitted to the bar of the Eastern District of Missouri who enters an appearance in any case must seek admission pro hac vice by filing a motion pursuant to Local Rule 12(E). If the attorney has not previously been issued an electronic filing login

and password, the motion for pro hac vice admission must be filed in paper form, together with the E-Filing Registration Form. Upon admission pro hac vice, a permanent electronic filing login and password shall be issued by the court. All subsequent documents submitted to the court by an attorney admitted pro hac vice shall be filed electronically (except as otherwise provided herein) including each subsequent motion for pro hac vice admission.

**C. PASSWORDS**

Each attorney admitted to practice in the Eastern District of Missouri shall be entitled to one System password from the District Court. Attorneys may change their passwords. The password permits the attorney to participate in the electronic retrieval and filing of documents. The use of an attorney’s electronic filing login and password to file a document constitutes the signature of that attorney on that document, as required by Fed.R.Civ.P. 11. An attorney should therefore use all due care to ensure that his or her login and password are adequately safeguarded to prevent unauthorized filings. In the event of any dispute on the question, the attorney whose login and password were used to electronically file will bear the burden of proof and persuasion if he or she disclaims a particular filing. If an attorney comes to believe that the security of an existing password has been compromised, the attorney must change his or her password immediately. In addition, the attorney shall immediately notify the ECF Help Desk at (866) 883-7749 or (314) 244-7650.

**D. REQUIREMENTS TO USE THE SYSTEM**

The following table outlines both the minimum and the recommended requirements to use the System.

Minimum	Recommended
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IBM or Mac PC with a Pentium 100 MHz processor (or equivalent), 128 MB RAM, 40 MB free disk space	IBM Pentium III (or higher) processor (or Mac equivalent), 256 MB RAM, 1 GB free disk space
Windows 95 or higher	Windows 98, 2000, XP, NT or higher
Netscape 4.7 or Internet Explorer 5.5	Netscape 7.1 OR Internet Explorer 6.0
Internet Access via a 56k or faster modem	High Speed Internet Access (DSL, Cable, or T1)
Adobe Acrobat Reader 3.0 or higher (only allows viewing of documents)	For filing documents, Adobe Writer 5.0 or higher (or other software to convert documents to PDF)
	Scanner

## **II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS**

### **A. ELECTRONIC FILING IN GENERAL**

With few exceptions, all documents in a case shall be electronically filed on the System. The official Court record shall be the electronic file maintained on the Court's servers, along with any documents or exhibits permitted to be filed in paper format. In the event that the Clerk scans a paper filing and converts it to electronic format, the Clerk may dispose of the paper document and it will not be returned to the filer.

Electronic filing is permitted at all times, except when the System is temporarily unavailable due to routine or necessary emergency maintenance. An electronic filing completed at any time before midnight Central time shall be entered on the docket as of that date. The System determines the date and time when a filing is completed. A document shall not be considered electronically filed for purposes of the Federal Rules of Civil Procedure until the filing party receives a System-generated "Notice of Electronic Filing." The "Notice of Electronic Filing" will state the official date and time of the filing.

### **B. DOCUMENTS REQUIRING LEAVE TO FILE**

**For instructions concerning the filing of documents under seal or ex parte, see Section VI of this Manual.** When a document requires leave to be filed (other than documents to be filed under seal and ex parte), the attorney should electronically file a motion for leave, and submit the document requiring leave as an attachment to the motion. If the Court grants the motion, the Clerk will file the document.

### **C. COMPLAINTS**

**With the exception of Qui Tam (False Claims Act) complaints**, civil cases may be filed through ECF by an attorney of record as long as that attorney meets the following requirements:

- The attorney must be a member of the bar of this Court or have been previously admitted Pro Hac Vice in another case and must file with the complaint a Verified Pro Hac Vice Motion (See Local Rule 12.01 for requirements) and pay the Pro Hac Vice fee.
- The attorney must have a login and password assigned by this Court. (The E-Filing Registration Form can be found under the CM/ECF section of our web site by clicking on “Register for Filing”.)
- The attorney must have a valid credit card for the payment of fees or file a Motion to Proceed Without Prepayment.

Attorneys who wish to appear as co-counsel with the attorney of record must file a separate Entry of Appearance using the login and password assigned to them by the Court.

**The documents required for filing all new civil actions are as follows:**

- Civil Cover Sheet
- Original Filing Form
- Disclosure of Corporate Interests Form (if the plaintiff is a corporation)
- Complaint
- Service documents (i.e., summons or waiver of service of summons forms - see Fed.R.Civ.P. 4)
- Notice of Process Server form (if service is to be effected by Summons on a defendant who is not a government agency)
- Verified Motion Pro Hac Vice Motion and Fee (if applicable)
- Motion for Temporary Restraining Order or Preliminary Injunction (if applicable)

When opening a case through ECF, the attorney of record will enter the data required on the Civil Cover Sheet, then enter the parties as they appear on the Complaint. (See Civil Case Opening instructions on [www.moed.uscourts.gov](http://www.moed.uscourts.gov) - select Training - then select Case Opening Training). When all parties have been entered, the Complaint may then be filed. Attachments to the Complaint should include any exhibits, the Civil Cover Sheet, the Original Filing Form and the completed Summons. All documents must be converted to .pdf format and should not be over 5 megabytes. If any document is over 5 megabytes, it must be split to keep it under the size requirement and filed accordingly, (e.g., exhibit 1 - part 1, exhibit 1 - part 2, etc.). After the Complaint and all attachments have been up-loaded, the Pay.Gov screen will appear for payment. The credit card information is entered at this time. The Clerk's Office will be electronically notified when the case is filed and will then review the filing for errors or omissions, assign a judge and issue service. Plaintiff's attorney will be electronically noticed and Summons will be issued

through the automated system. The Summons will be e-mailed to plaintiff's attorney for service upon the defendants.

#### **D. NOTICES OF REMOVAL**

Cases being removed from the state court to this court may be filed through ECF by an attorney of record as long as that attorney meets the following requirements:

- The attorney must be a member of the bar of this Court or have been previously admitted Pro Hac Vice in another case and must file with the removal a Verified Pro Hac Vice Motion (See Local Rule 12.01 for requirements) and pay the Pro Hac Vice fee.
- The attorney must have a login and password assigned by this Court. (The E-Filing Registration Form can be found under the CM/ECF section of our web site by clicking on "Register For Filing.")
- The attorney must have a valid credit card for the payment of fees or file a Motion to Proceed Without Prepayment.

Attorneys who wish to appear as co-counsel with the attorney of record must file a separate Entry of Appearance using the login and password assigned to them by the Court.

When removing a case through ECF, the attorney of record will enter the data required on the Civil Cover Sheet, then enter the parties as they appear on the state court Complaint, beginning with the party(ies) the attorney represents. (See Civil Case Opening Instructions on [www.moed.uscourts.gov](http://www.moed.uscourts.gov) - select Training - then select Case Opening Training.) When all parties have been entered, the Notice of Removal may then be filed. Attachments to the Notice of Removal should include a copy of the complete state court

case, the Civil Cover Sheet and the Original Filing Form. If any document is over 5 megabytes, it must be split to keep it under the size requirement and filed accordingly (e.g., exhibit 1 - part 1, exhibit 1 - part 2, etc.). After the Notice of Removal and all attachments have been up-loaded, the Pay.Gov screen will appear for payment. The credit card information is entered at this time. The Clerk's Office will be electronically notified when the case is filed and will review the filing for errors or omissions and assign a judge. The attorney of record will be electronically noticed.

**The documents required for filing all Notices of Removal are as follows:**

- Civil Cover Sheet
- Original Filing Form
- Disclosure of Corporate Interests Form (if the filing party is a corporation)
- Verified Pro Hac Vice Motion and Fee (if applicable)
- Notice of Removal
- Notice to Plaintiff
- Notice to State Court
- Copy of the complete state court file including summons and return of summons (if any) for all defendants

Within three business days of filing the notice of removal, the attorney shall file through ECF the Notice to State Court that has been acknowledged by the Clerk of the State Court.

**E. SUMMONSES**

Fed.R.Civ.P. 4 does not permit electronic service of the complaint and summons or waiver of service. A summons submitted by mail or e-mail will be electronically signed and sealed by the Clerk and returned to the filing party by e-mail.

#### **F. EXHIBITS**

Each exhibit is to be filed as a separate .pdf attachment. Each such attachment should be identified by a name that includes both the exhibit designation and a brief description of the exhibit, for example:

Ex. 1--May 2003 Agreement

Ex. A--Affidavit of Michael Smith

The System will reject any .pdf file in excess of 5 megabytes. Therefore, larger documents must be segmented and submitted as separate attachments, appropriately identified as related, for example, "Ex. 1A--May 2003 Agreement," "Ex. 1B--May 2003 Agreement (contd.)," "Ex. B1--Affidavit of Michael Smith (Part 1)," "Ex. B2--Affidavit of Michael Smith (Part 2)." If these requirements cannot be met, the Clerk may permit an oversized exhibit to be filed in paper format along with the Notice of Exhibit Filing (See Appendix B). The Notice of Exhibit Filing must be filed electronically as an attachment to the primary filing. A paper copy of the Notice of Exhibit Filing must be served and filed with the paper exhibits. In addition to the foregoing, a judge may require a paper courtesy copy of exhibits in some instances; check the Case Management Order and/or the "Judges Requirements" section of the Court's website ([www.moed.uscourts.gov](http://www.moed.uscourts.gov)) for this information.

Text documents and black and white graphics should be scanned at 200 dpi. Color images requiring higher resolution, e.g., color photographs, may be scanned in color at a

setting up to 250 dpi before being uploaded to the System. The filing party is required to verify the legibility of scanned documents before filing them electronically with the Court.

**G. SERVICE UNDER FED.R.CIV.P. 5**

Whenever a document is filed electronically, the System will generate a “Notice of Electronic Filing” to the filing party and to any other party to the action who is a registered user. If the recipient is a registered user, the System’s e-mailing of the “Notice of Electronic Filing” will constitute service pursuant to Fed.R.Civ.P. 5. A party who is not a registered user is entitled to service of a paper copy of any electronically filed documents.<sup>2</sup> A paper copy for service should be generated from the .pdf version of the document to preserve uniform pagination. A certificate of service shall reflect that service was made by means of the “Notice of Electronic Filing” or in paper format as appropriate. A sample certificate of service is at Appendix C.

The computation of response times remains governed by Fed.R.Civ.P. 6(a) and is unaffected by the conversion to electronic filing. As previously, when the period is less than 11 days, Saturdays, Sundays and federal holidays are excluded. Rule 6(d) provides for the addition of three days to the prescribed period both for service by mail and for service by electronic means.

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<sup>2</sup>To determine whether an attorney for a represented party is a registered user, the filer can select the System’s “Utilities” category and then click on “Mailings ...” and “Mailing Info for a Case.” Entering the case number will then generate a list showing the attorneys who received e-mail notices and the attorneys or parties who do not receive e-mail notices.

## H. SIGNATURES

Every document filed electronically shall include an attorney signature block and a representation of the filing attorney's signature. To represent the filing attorney's signature on the document, use the following format for the signature block:

**/s/ Judith Attorney**  
Judith Attorney Bar Number: 12345  
Attorney for (Plaintiff/Defendant)  
ABC Law Firm  
123 South Street  
St. Louis, Missouri 63102  
Telephone: (314) 977-4567  
Fax: (314) 977-4567  
E-mail: judith\_attorney@law.com

Alternatively, a facsimile signature of the filing attorney can be used. Documents without the filing attorney's signature may be ordered stricken by the Court.

The use of an attorney's electronic filing login and password to file a document constitutes the signature of that attorney on that document for purposes of Fed.R.Civ.P.11. The login and password issued to an individual attorney may be used only to file documents on behalf of that attorney. For a document filed in paper format, only an attorney whose original signature appears on the document will be entered as an attorney of record. For an electronic filing, only the attorney whose login and password are used to file the document will be entered as an attorney of record. **Additional attorneys who wish to appear of record must enter their appearances separately using their own logins and passwords.**

The electronic filing of pre-existing documents, not created for the litigation, requires no verification as to signatures (e.g., a contract that is a subject of litigation). When a document to be electronically filed has been created for the litigation, but is signed by other than the filing attorney (e.g., an affidavit), the document must be physically signed, and the paper copy bearing the original signature(s) must be retained by the filing attorney during the pendency of the litigation including all possible appeals. The electronic filing of such a document with a blank signature line must be accompanied by a verification in which the filing attorney attests to the existence of the signed original. A sample of the required verification form is at Appendix D.

#### **I. ORDERS**

All orders shall be electronically filed. An electronically signed order has the same force and effect as if the judge had affixed his/her signature to a paper copy of the order. A judge's electronic signature may take one of two forms: (1) "/s/" followed by the judge's typed name; or (2) a facsimile signature having the appearance of the judge's handwritten signature. When mailing paper copies of an electronically filed order to a party who is not a registered participant of the System, the Clerk's Office will include the Notice of Electronic Filing to provide the non-participant with proof of the filing.

#### **J. PROPOSED ORDERS**

Any proposed order or proposed judgment should be filed electronically as a .pdf attachment to the motion or memorandum to which it pertains. Additionally, a courtesy copy of the proposed order or judgment should be sent to the court in a word processing format as an e-mail attachment. The e-mail address to which these courtesy copies are to be sent is:

MOED\_Proposed\_Orders@moed.uscourts.gov

The e-mail of a proposed order should be identified in the subject line by case number (including the judge's initials) and the document to which it pertains:

*Example - Subject: 4:03cv1000-DJS mtn for default judgment*

#### **K. CORRECTING DOCKET ENTRIES**

Once a document is submitted it becomes part of the court file, and corrections can be made only by the Clerk's Office. The System will not permit the filing party to make changes to the document(s) or docket entry once the transaction has been accepted. The filing party should not attempt to refile the document. As soon as possible after an error is discovered, the filing party should contact the assigned judge's case management team. Errors include posting the wrong .pdf file to a docket entry, selecting the wrong document type from the menu, or entering the wrong case number. The filing party will be advised of what corrective steps need to be taken and should not attempt to refile the document unless instructed to do so.

#### **L. TECHNICAL FAILURES**

If technical failure of the System prevents timely electronic filing of any document, the filing party may seek relief from the Court. Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider or hardware or software problems, will not constitute a technical failure under these procedures nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end may use the public computer facilities in the Clerk's Office to upload the document to the System.

## **M. PRIVACY**

In compliance with policy of the Judicial Conference of the United States and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal identifiers:

1. **Social security numbers.** *Use only the last four digits.*
2. **Names of minor children.** *Use only the initials of the child.*
3. **Dates of birth.** *Use only the year.*
4. **Financial account numbers.** *Use only the last four digits of the account number.*
5. **Home Addresses.** *The home address of a non-party should not appear in any filing. If it must be included, use only the city and state.*

See Administrative Order of the Court, October 8, 2004, In Re: Redaction of Personal Identifiers (available at <http://www.moed.uscourts.gov>).

## **III. FILING OF DOCUMENTS IN PAPER FORMAT**

### **A. MAGISTRATE JUDGE CONSENTS**

Pursuant to Fed.R.Civ.P. 73(b), parties' filings of consent to jurisdiction by United States Magistrate Judge or District Judge option will continue to be treated as non-public documents until all parties have consented. Therefore, parties must file their consent forms in paper (either mailed or delivered to the Clerk's Office) because electronic filing of a Magistrate Judge consent form will create a public document. If all parties consent to the jurisdiction of the Magistrate Judge, the Clerk will scan all consent forms which will then become public documents.

**B. PRO SE LITIGANTS**

Pro se litigants are exempt from electronic case filing. Pro se litigants will submit all documents for filing in paper format unless otherwise permitted by the presiding judge. The Clerk's Office will convert all pro se documents into electronic format for filing, will retain the documents in chronological order for a period of six months, and then will discard them.

**C. SOCIAL SECURITY CASES**

Social Security appeals will be electronically filed, including the answer. A courtesy copy of the Social Security administrative record is to be provided to chambers. To address the privacy issues inherent in a social security review, Internet access to the individual documents will be limited to counsel and Court staff. Docket sheets, however, will be available over the Internet to non-parties. Further, non-parties will continue to have direct access to the documents on file at the Clerk's Office.

**D. HABEAS CORPUS CASES - STATE COURT RECORD**

If the state court record required by Rule 5 of the Rules Governing 2254 Cases exceeds 100 pages, it may be filed in paper format. If the state court record totals 100 pages or fewer, it must be electronically filed.

**E. QUI TAM (FALSE CLAIMS ACT) CASES**

All Qui Tam complaints must be filed in paper format via mail or in person.

**F. OTHER DOCUMENTS**

The Court or Clerk may also authorize the filing of other documents in paper format.

**G. EXHIBITS FILED IN PAPER FORMAT PURSUANT TO SECTIONS D, AND F**

If any exhibits or attachments to an electronic document are filed in paper format pursuant to Sections D, and F above, a Notice of Exhibit Filing is required. Notice of Exhibit Filing forms are available on the District Court's web site (<http://www.moed.uscourts.gov>) and a sample form is at Appendix B. The Notice of Exhibit Filing must be filed electronically as the first attachment to the primary filing. A paper copy of the Notice of Exhibit Filing must be served and filed with the paper exhibits.

#### **IV. DOCUMENTS FILED IN CRIMINAL CASES**

Filings in criminal cases include standard forms for which case specific information is entered, documents created for signature by someone other than the filing attorney, documents submitted under seal, and documents signed by the defendant after arrest. In addition, throughout the post-indictment stage motions and pleadings are created electronically for filing in the case. The method and manner of filing in criminal cases will vary depending on the type of document being submitted. For each of the categories of documents described below, the filing procedure indicated shall govern unless a judge orders otherwise:

##### **A. COMPLAINTS, INDICTMENTS AND INFORMATIONS**

Complaints, indictments and informations will be filed by the government in paper format, and the court will scan them for permanent electronic storage. The paper filings will be retained in a master chronological file, but the electronic version shall serve as the official record. Documents accompanying a charging instrument, such as motions for detention, arrest warrants, entries of appearance and motions to seal may be filed in paper

format, but those will be discarded after scanning by the court. The government shall provide courtesy copies of indictments to chambers.

**B. INITIAL APPEARANCE DOCUMENTS**

Documents created in connection with a defendant's initial appearance under Fed.R.Crim.P. 5 may be filed in paper format and will then be scanned by the court. The paper shall not be retained. A financial affidavit signed by the defendant shall be scanned and filed electronically and the paper version discarded.

**C. WAIVERS OF DEFENDANTS' RIGHTS**

Documents signed by the defendant that seek to waive any right of a defendant shall be filed with the court in paper format and shall bear the defendant's original signature. The clerk shall scan the document for filing and it may be discarded.

**D. BOND DOCUMENTS**

Bond orders and conditions of release shall be signed by the defendant in open court. Agreements to forfeit property requiring signatures of property owners shall be signed in paper format. All such documents containing original signatures shall be scanned by the court and filed in the case electronically. Paper documents may be discarded, except that the court may direct that attachments to bond documents such as deeds and tax records be retained in a chambers work file.

**E. HEARING EXHIBITS**

Parties offering affidavits or other documentary evidence at hearings before a United States Magistrate Judge shall submit only paper copies, which will be scanned for filing in electronic format. The admitted copies will be discarded. The offering party shall retain any document bearing an original signature. Exhibits that cannot be scanned shall be retained by the court.

## **F. OTHER DOCUMENTS**

Any other document existing only in paper format in a criminal case shall be scanned and filed in the record electronically and may thereafter be discarded. Except as otherwise provided above, all documents filed in a criminal case shall be created and filed electronically unless otherwise ordered by a judge.

## **V. PUBLIC ACCESS TO THE SYSTEM**

### **A. PUBLIC ACCESS AT THE COURT**

Access to the electronic docket and to documents filed in the System is available to the public at no charge at the Clerk's Office during regular business hours. Copies are available for a fee.

### **B. INTERNET ACCESS**

Only PACER (Public Access to Court Electronic Records) subscribers have remote access to the System. Parties' initial access to a document filed electronically is free of charge. Parties are encouraged to download or print the filed document when it is initially accessed via the Notice of Electronic Filing generated by the System. If parties remotely access the document again, they will be charged a fee of seven cents per page, up to a maximum of \$2.10 per document. Each attachment in CM/ECF is considered a separate document. Therefore the cap will apply separately to each attachment over 30 pages. The cap of \$2.10 does not apply to transcripts of federal court proceedings.

## VI. SEALED AND EX PARTE DOCUMENTS (Effective May 1, 2008.)

### A. BACKGROUND

With the implementation of CM/ECF Version 3.1, sealed and ex parte functionality is enhanced. As a result, effective May 1, 2008, attorneys can electronically file (1) sealed motions and documents, and (2) ex parte motions and documents. The filing attorney will be able to view ONLY the document number and the docket entry.

The Clerk's Office current procedure with regard to processing of sealed orders and sealed courtroom minute entries will not change. The parties/attorneys will not receive electronic notice of a sealed order or sealed courtroom minute entry and will not be able to access the document from the docket sheet. Sealed orders will be distributed via U.S. Mail.

### B. SEALED MOTIONS AND DOCUMENTS

With the exception of documents filed pursuant to a protective order, when filing sealed motions and documents, it is necessary to make two separate entries in the CM/ECF system. The first entry will contain a motion requesting leave to file a sealed motion or document; the second entry will contain all of the documents to be sealed and any supporting documents. **Note: If a Protective Order granting leave to file documents under seal has already been entered in a case, it is not necessary to file a motion for leave.** Qui Tam complaints must be filed in paper format.

Follow the steps below to file a sealed motion or document:

1. File a motion for leave to file a sealed motion/document using the CM/ECF event Motion > Leave to file sealed motion/document
2. File the sealed motion/document using one of the following events and the instructions below:

Motion > Sealed Motion

or

Other Documents > Sealed Document.

**Note:** The document is “provisionally” sealed pending the judge’s ruling on the Motion for leave to file sealed motion/document. If the Motion for leave to file sealed motion/document is granted, the motion/document will remain sealed. If the judge denies the motion for leave, he or she may instruct the Clerk’s Office to remove the sealed access level on the motion/document in question and the document will be publicly available.

**Exhibits to Sealed Motions and Documents**

Attach all exhibits in support of the sealed motion or document to the sealed motion or document. Each exhibit is to be filed as a separate PDF attachment. Each such attachment should be identified by a name that includes both the exhibit designation and a brief description of the exhibit, for example:

Ex. 1--May 2003 Agreement

Ex. A--Affidavit of Michael Smith

*(For additional information on filing exhibits see section 2(f) of this manual.)*

**Proposed Orders Relating to Sealed Motions.**

Counsel should not send courtesy copies of proposed orders containing restricted or sealed information to the proposed orders e-mail address. Such orders should be mailed or hand-delivered to the Clerk’s Office in paper format.

If a proposed order does not contain restricted or sealed information, e-mail the proposed order to:

moed\_proposed\_orders@moed.uscourts.gov.

In the subject line of the e-mail include the document number of the restricted motion or restricted document provisionally filed.

**Electronic Notice and Access to Sealed Filings; Service.**

Upon filing a sealed motion or document, electronic notice goes ONLY to the attorneys of record and indicates the document number; however, the document IS NOT accessible from the Notice of Electronic Filing (NEF). The docket entry appears for court users and all attorneys of record active in the case. ONLY Court users CAN ACCESS OR VIEW the document from the system. The docket text will read "SEALED MOTION" or "SEALED DOCUMENT."

**PLEASE NOTE:** The attorney filing the sealed motion or sealed document will have to serve opposing counsel by other means as service will not occur via the CM/ECF System.

**C. EX PARTE MOTIONS AND DOCUMENTS**

An attorney wishing to file an ex parte motion or ex parte document must use the Motion > Ex Parte or Other Documents > Ex Parte Document event. Attorneys should not use the sealed motion or sealed document event to file ex parte matters, as all case participants have access to the docket entries for sealed motions and documents.

Ex parte documents in support of an ex parte motion, such as an affidavit or brief in support of a motion, should be attached to the motion. Electronic notice is ONLY sent to the filing attorney and indicates the document number. The docket entry and document number can ONLY be accessed and viewed by court users and the filing attorney. Opposing counsel and PACER users cannot see any ex parte docket entry or the document number. The docket text will read "(Ex Parte) MOTION," and "(Ex Parte) DOCUMENT and can only be viewed by court users and the filing attorney.

UNITED STATES DISTRICT COURT- EASTERN DISTRICT OF MISSOURI

**E-FILING REGISTRATION FORM**

Complete Part A, including your original signature, and present it to the Clerk's Office at the address below. This form cannot be submitted electronically, but it can be filled out on-line at [http://www.moed.uscourts.gov/cmecf/Form\\_EFilingRegistration.pdf](http://www.moed.uscourts.gov/cmecf/Form_EFilingRegistration.pdf).

Name: _____
Firm: _____
Address: _____
City/State/Zip: _____
Phone: _____
Fax: _____
E.D. Missouri Bar Number: _____
Date of Birth: _____
Appointment Types: <input type="checkbox"/> Criminal <input type="checkbox"/> Gen. Civil
<input type="checkbox"/> Employment <input type="checkbox"/> All

**PART A. I request access to the District Court Electronic Case Filing (ECF) system.**

Primary e-mail address: \_\_\_\_\_

Secondary e-mail address: \_\_\_\_\_

E-mail software used: \_\_\_\_\_

I have an existing PACER account.

My firm has an existing PACER account.

**\*A PACER account is necessary for viewing electronic documents.\*** (<http://pacer.psc.uscourts.gov>)

**NOTE: Local rules may be found at:**  
[http://www.moed.uscourts.gov/CMECF/CMECF\\_locirule.pdf](http://www.moed.uscourts.gov/CMECF/CMECF_locirule.pdf)

- I CERTIFY THAT I AM A MEMBER IN GOOD STANDING OF THE BAR OF THIS COURT AND I AM FAMILIAR WITH THE ELECTRONIC FILING RULES OF THE EASTERN DISTRICT OF MISSOURI.
- I AM A GOVERNMENT ATTORNEY EXEMPT FROM MEMBERSHIP PURSUANT TO LOCAL RULE 83-12.01 BUT I AM FAMILIAR WITH THE ELECTRONIC FILING RULES OF THE EASTERN DISTRICT OF MISSOURI.
- I HAVE FILED A MOTION FOR (OR HAVE BEEN GRANTED) ADMISSION PRO HAC VICE IN CASE # \_\_\_\_\_ AND I AM FAMILIAR WITH THE ELECTRONIC FILING RULES OF THE EASTERN DISTRICT OF MISSOURI.
- ATTORNEYS IN MULTI-DISTRICT LITIGATION CASES IN THIS COURT ARE NOT REQUIRED TO FILE A MOTION FOR ADMISSION PRO HAC VICE. I AM AN ATTORNEY OF RECORD IN MDL CASE # \_\_\_\_\_ AND I AM FAMILIAR WITH THE ELECTRONIC FILING RULES OF THE EASTERN DISTRICT OF MISSOURI.
- By registering under this rule, attorneys consent to electronic service by the court of all documents, including orders and judgments. See Local Rule 5-2.12, Fed.R.Civ.P. 5, Fed.R.Civ.P. 77, and Fed.R.Crim.P. 49.

Attorney's signature: \_\_\_\_\_

**\*\*YOUR LOGIN/PASSWORD WILL BE MAILED TO YOU AFTER THE FORM HAS BEEN PROCESSED. THIS IS YOUR ELECTRONIC SIGNATURE FOR ECF. PLEASE MAINTAIN ACCESS TO THIS INFORMATION.\*\***

Return this form *via hand delivery or via mail* to:

**Clerk, U.S. District Court  
E-Filing Registration  
111 South Tenth Street, Rm. 3.300  
St. Louis, MO 63102**

Court Use Only
E-Filing Login Assigned: _____
E-Filing Password Assigned: _____
_____
<input type="checkbox"/> "You are registered" e-mail sent <input type="checkbox"/> Copy of form mailed to attorney
<input type="checkbox"/> Attorney's e-mail record updated <input type="checkbox"/> Copy of form to OSU

**PART B. APPLICATION FOR E-FILING EXEMPTION**

Pursuant to Local Rule 3-2.10, I hereby state that I do not have the technical capacity to file documents with the Court electronically at this time, and therefore ask for a 90 day exemption from electronic filing requirements. I will notify the Court when my circumstances change. I understand that I must submit the CM/ECF requirements questionnaire to support my exemption request (questionnaire available on the court's website at [www.moed.uscourts.gov](http://www.moed.uscourts.gov)).

Attorney's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Attorney's name (please print): \_\_\_\_\_ Phone number: \_\_\_\_\_

\*\*\*\*\***(For Court Use Only)**\*\*\*\*\*

- REQUEST IS DENIED \_\_\_\_\_ Date: \_\_\_\_\_
- REQUEST IS GRANTED \_\_\_\_\_ Date: \_\_\_\_\_

S A M P L E F O R M A T

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Plaintiff(s),
vs.
Defendant(s).
Case No.

NOTICE OF EXHIBIT FILING

Exhibit \_\_\_\_ to \_\_\_\_\_
(title of document)
will be filed with the Clerk's Office in paper format.

I certify that within 24 hours of the filing of this Notice, I will file and serve paper copies
of the document identified above.

Date

Attorney for (Plaintiff or Defendant)

Federal Bar Number: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

S A M P L E F O R M A T

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI

SAMPLE FORMAT - CERTIFICATE OF SERVICE

I hereby certify that on     (Date)    , the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:  
\_\_\_\_\_.

I hereby certify that on     (Date)    , the foregoing was mailed by United States Postal Service to the following non-participants in Electronic Case Filing: \_\_\_\_\_.

\_\_\_\_\_  
Attorney's Name and Bar Number  
Attorney for (Plaintiff/Defendant)  
Law Firm Name  
Law Firm Address  
Law Firm Telephone Number

S A M P L E F O R M A T

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Plaintiff(s),
vs.
Defendant(s).
Case No.

VERIFICATION OF SIGNED ORIGINAL DOCUMENT

Pursuant to Local Rule 11-2.11, (Attorney for Plaintiff or Defendant) hereby attests to the existence of a paper copy of bearing the original signature(s) of . The document was filed electronically on with a blank signature line. Counsel will retain the paper copy bearing the original signature(s) during the pendency of the litigation including all possible appeals.

Attorney for (Plaintiff or Defendant)
Federal Bar Number:
Address:

CERTIFICATE OF SERVICE

I hereby certify that on (Date), the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

I hereby certify that on (Date), the foregoing was mailed by United States Postal Service to the following non-participants in Electronic Case Filing:

Attorney's Signature

S A M P L E F O R M A T

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Plaintiff(s),
vs.
Defendant(s).
Case No.

NOTICE OF FILING DOCUMENT UNDER SEAL

[ ] Exhibit \_\_\_\_ to \_\_\_\_
(title of document)
will be filed with the Clerk's Office in paper format so that it may be placed under seal.

[ ] \_\_\_\_
(title of document)
will be filed with the Clerk's Office in paper format so that it may be placed under seal.

I certify that within 24 hours of the filing of this Notice, I will file and serve paper copies
of the document identified above.

\_\_\_\_
Date

\_\_\_\_
Attorney for (Plaintiff or Defendant)

Federal Bar Number: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_
\_\_\_\_\_