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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
500 PEARL STREET, NEW YORK, NY 10007
300 QUARROPAS STREET, WHITE PLAINS, NY 10601

WWW.NYSD.USCOURTS.GOV

Electronic Case Filing Rules & Instructions

January 30, 2013

IMPORTANT INFORMATION FOR NEW CASES

A party filing a new civil or miscellaneous case assigned to the Electronic Case Filing (ECF) system must do the following after obtaining a civil case number:

(1) E-mail a PDF-A copy of the case initiating documents to the Clerk's Office within 24 hours of delivering the paper documents to the Court; and

(2) Serve each party to the action with the initiating documents and a copy of:

(a) SDNY Electronic Case Filing Rules & Instructions; and

(b) The assigned Judge's Individual Practices.

See section 14 - Opening a Civil Action

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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. Almost all new civil and criminal cases filed in this Court after December 2, 2003 are Electronic Case Filing (ECF) cases. Cases filed before December 2, 2003, are not ECF cases. *Pro se* litigants (who are not members of the bar and who do not have an active ECF account) must file pleadings and documents in the traditional manner on paper. The information in this document applies only to cases assigned to the ECF system.

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 these Electronic Case Filing Rules & Instructions.

The Court is prepared to assist you in filing electronically in several ways:

- The SDNY Electronic Case Filing Rules & Instructions is your guide to electronic filing.
- Training in Electronic Case Filing (ECF) is available both in person at the courthouse and on-line at www.nysd.uscourts.gov (*See section 24 - ECF Help Desk and Training*).
- Filing parties are encouraged to view the Court's website, www.nysd.uscourts.gov, for more information regarding Electronic Case Filing (*See section 24 - ECF Help Desk and Training*).

What's New

Revised January 30, 2013.

This edition of the ECF Rules & Instructions contains new material:

Transcripts

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 are available electronically through the Public Access to Court Electronic Records (PACER) computer system. (See section 13.22.)

F.R.C.P. Rule 7.1 Corporate Disclosure Statements

Effective September 6, 2011, non-governmental corporate parties are required to electronically file a Federal Rule of Civil Procedure 7.1 Disclosure Statement on the District Court's Electronic Case Filing (ECF) system (see, Standing Order 11MC278). The Clerk of Court will no longer accept hard copy versions of this document for filing.

Notice of Appeal

Effective October 15, 2012, parties in civil cases must electronically file any Notice of Appeal and pay the associated fee through the ECF system. (See section 17.1.)

Social Security Cases

Effective February 1, 2012, parties who appeal a Social Security Administration (SSA) decision may view an electronic version of the administrative record through PACER. (See section 13.21.)

Pro Se Cases

Effective June 1, 2012, all *pro se* civil cases are assigned to the ECF system. Attorneys in *pro se* cases must electronically file their documents using the ECF system. *Pro se* litigants shall continue to file their documents in the traditional manner, on paper. Documents filed by *pro se* litigants will be scanned and added to the ECF system by the Clerk's Office. (See Standing Order M10-468).

Motion for Admission *Pro Hac Vice*

Effective September 1, 2012, attorneys must electronically file any written motion for admission *pro hac vice* and pay the associated fee through the ECF system. (See section 20.4)

Electronic Signatures

Effective January 30, 2013, judge's signatures may appear in electronic form. (See section 4.1)

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 The Court will designate which cases will be assigned to the Electronic Case Filing (ECF) system. Except as expressly provided and in exceptional circumstances preventing a Filing User from filing electronically, all petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the Court in a case assigned to the ECF system must be filed electronically. A paper may be filed electronically from a remote location via the Internet. Unless ordered by the Court, documents filed by *pro se* litigants (who are not members of the bar and who do not have an active ECF account) will continue to 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 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.

1.3 Electronic filing procedures shall not apply to cases initiated before December 2, 2003.

(*See section 13 - ECF Basics*).

1.4 The filing and service of the initial papers in a civil case, including the complaint, the issuance of the summons and the proof of service of the summons and complaint, as well as service of non-party subpoenas, will be accomplished in the traditional manner on paper in accordance with the Federal Rules of Civil Procedure and applicable Local Rules governing service, rather than electronically. In a criminal case, the indictment or information, including any superseders, shall also 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 case assigned to the ECF system has been opened, parties must promptly provide the Clerk of Court with electronic copies of all documents previously provided in paper form. All subsequent documents must be filed electronically except as provided in these Rules & Instructions or as ordered by the Court.

(*See section 14 - Opening a Civil Action*).

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 assigned to the ECF system must register as Filing Users upon the case being so designated. 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 www.nysd.uscourts.gov for details.

2.2 The Court may permit or require a party to a pending civil action, who is not represented by an attorney, 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. 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.

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. Users may be subject to sanctions for failure to comply with this provision.

2.4 In a civil action, the Clerk will enter, as Filing Users to whom Notices of Electronic Filing (NEF) will be transmitted, (a) each attorney identified on the Civil Cover Sheet, as well as (b) each additional attorney who subsequently appears in the action and files a Notice of Appearance (which must be filed electronically). 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 filing a Notice of Appearance on behalf of a defendant. Notices of Appearance on behalf of a criminal defendant must be electronically filed in the ECF system.

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 Rule 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 Rule 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 Rule 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 Individual Judges' 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. Documents may be signed by a judge using an electronic signature or may be scanned so as to contain an image of the judges's signature. Where a judge uses an electronic signature the electronically filed document may be the only version of the document in the public file. In the event of a discrepancy between an electronically filed copy and a manually signed original, the manually signed original shall control.

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 18.4).

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 - Motions*).

Section 6. Sealed Documents

6.1 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 www.nysd.uscourts.gov.

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.

(*See section 13 - ECF Basics*).

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. Each document filed electronically must indicate that it has been electronically filed (see section 13.15).

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 addition, 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.

8.4 A document requiring the signature of a defendant in a criminal case may be electronically filed only in

a scanned format that contains an image of the defendant's 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; © 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 a case assigned to the ECF system, transmission of the Clerk's Notice of Electronic Filing (NEF) of a document shall constitute service of such document upon any Filing User in that case. It remains the duty of the Filing User to regularly review the docket sheet of the case.

9.2 Attorneys and *pro se* parties who are not Filing Users shall 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. Where the Clerk scans and electronically files pleadings and documents on behalf of a *pro se* party, the associated NEF does not constitute service (see section 9.3 below for information regarding waiver of this rule).

9.3 Attorneys in *pro se* cases may waive paper service upon themselves and rely on service via the NEF by electronically filing a Notice of Waiver of Paper Service in the ECF system and delivering a paper copy of said Notice to the *pro se* party (form available at www.nysd.uscourts.gov). Where such waiver has been filed, the *pro se* party will no longer be required to serve paper documents on the attorney who filed the waiver or file proof of service on such document.

(*See section 19 - Service of Electronically Filed Documents*).

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 Users in the case, in electronic form, a Notice of Electronic Filing (NEF). Electronic transmission of the Notice of Electronic Filing (NEF) constitutes the notice required by Federal Rule of Criminal Procedure 49© and Federal Rule of Civil Procedure 77(d). In ECF cases, it remains the duty of the Filing User with an active ECF account 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 User in accordance with the Federal Rules of Civil Procedure or the Federal Rules of Criminal Procedure.

(*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) computer system (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 government 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?

No. Letters are submitted in the traditional manner on paper. An attorney should not file a letter electronically on the ECF system. The Judge may direct the Clerk to place a letter on the docket if it is deemed appropriate. In criminal ECF cases, a letter brief may be filed electronically as a motion. The letter must include the formal case caption.

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

(a) Use your secure SDNY ECF password (*see section 22 - ECF Passwords*) 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 your document. Find a list of ECF filing events at http://www.nysd.uscourts.gov/ecf/dictionary/dictionary.pdf.

(d) Indicate the party filing the document (hold down the control key to designate more than one party).

(e) Upload a PDF-A copy (*see section 23 - ECF Computer System Information*) of your 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) Print the final screen, the Notice of Electronic Filing (NEF), for your records.

(g) 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 was/was not served electronically). If a party will not receive electronic notice via the NEF email, such as a *pro se* party, you must serve that party in the traditional manner on paper, then electronically file proof of service (*see section 9.3 - Service of Documents by Electronic Means*).

(h) Submit a paper courtesy copy to the Judge if required (*see the Judge's 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; 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?

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 1 - Scope of Electronic Case Filing* and *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.

(*See section 1 - Scope of Electronic Case Filing*).

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 (PDF-A) 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 date and time stated on the Notice of Electronic Filing

(also referred to herein as the NEF or "filing receipt") from the Court.

(*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 all filings in a case. You can view the docket sheet, including images of electronically filed documents, via the Public Access to Court Electronic Records (PACER) public access computer system (for details go to http://pacer.psc.uscourts.gov or call (800) 676-6856). Or you can use one of the public access computers available in the Clerk's Office.

(*See section 12 - Public Access*).

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

Yes. In ECF cases, service is accomplished by an e-mail sent by the Court, the Notice of Electronic Filing (NEF). However, e-mail is not foolproof. Therefore it remains the duty of the Filing User to review regularly the docket sheet of the case in order not to miss a filing.

(*See section 9 - Service of Documents by Electronic Means*).

13.14 How will I know if it's appropriate to electronically file my document?

First, determine if your case is an ECF case - not all cases are ECF cases. 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 probably should not be electronically filed. The ECF Event Dictionary (a PDF document available on our public website at www.nysd.uscourts.gov) is very useful for finding your event and the category in which it is listed. See the list of non-ECF documents in section 18.1.

(*See section 24 - ECF Help Desk and Training*).

13.15 Must the caption indicate the case is an electronic (ECF) case?

Yes. The case number must be followed by the judge's initials in parenthesis, and "ECF CASE" below the case number. For example:

06 cv 1234 (ABC)
ECF Case

(*See section 8 - Signatures*).

13.16 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 place an "s/" as the signature. The attorney's name and contact information, including e-mail address, must appear below the signature line. Signatures for all other persons (clients, witnesses etc.) must be scanned in order to capture the actual ink signature.
(*See section 8 - Signatures*).

13.17 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 (a PDF document available on our public website at www.nysd.uscourts.gov) is also very useful for finding your event and the category in which it's listed. Print the dictionary for future reference. 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*).

13.18 Must I retain paper originals of documents I electronically file?

Yes. Filing Users must retain original versions of electronically filed documents for a period of time after filing. On request of the Court, the Filing User must provide original documents for review. See section seven for specific retention requirements.

(*See section 7 - Retention Requirements*).

13.19 Should I continue to 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*).

13.20 Are administrative records filed electronically?

Yes. If, however, the administrative record is too large to be scanned, it may be served and filed in hard copy without prior motion and order of the Court.

(*See section 5 - Attachments and Exhibits*).

13.21 Are administrative records filed electronically in Social Security cases?

Yes. Effective February 1, 2012, parties who appeal a Social Security Administration (SSA) decision may view an electronic version of the administrative record through the PACER computer system.

13.22 Are transcripts filed electronically?

Yes. 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 are available electronically through the PACER computer system. More information is available at http://nysd.uscourts.gov/court_reporting.php

13.23 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 may then 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.

- Instructions for Spread Text and Effects are available on-line at www.nysd.uscourts.gov

13.24 What if I make a mistake in electronic filing?

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.

(*See section 24 - ECF Help Desk and Training*).

Section 14. Opening a Civil Action

14.1 Electronically filed (ECF) cases are opened and service of the initiating documents (complaint, notice of removal, etc.) is accomplished in the traditional manner on paper.

14.2 In order to alert your adversary(s) to the requirements of Electronic Case Filing and the Judge's Individual Practices you are required to deliver paper copies of the following documents to all parties (available at the courthouse, and www.nysd.uscourts.gov):

- Electronic Case Filing Rules & Instructions (this document)
- The Individual Practices of the assigned Judge

Pro se litigants (who are not members of the bar and who do not have an active ECF account) are exempt from this Rule.

14.3 Within 24 hours of the assignment of a case number, you are required to e-mail to the Clerk's Office the initiating documents, including all exhibits, in PDF-A format only (please note, e-mail is not ECF filing). The case number followed by the Judge's initials and "ECF CASE" must appear in the case caption. Failure to do so within 24 hours will delay adding your documents to the computerized ECF docket.

Each document must be in a separate PDF-A file no larger than 4 megabytes (separate large files into smaller parts if necessary, and label accordingly). The subject line of the e-mail and the name of the file should list the case number followed by a brief document description (ex. "Re: 01cv1234 KMW-complaint").

Send a copy of the initiating documents by e-mail (do not file on the ECF system) to:

- For new civil cases assigned to a Manhattan Judge e-mail to:
  caseopenings@nysd.uscourts.gov

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

Pro se litigants (who are not members of the bar and who do not have an active ECF account) are exempt from this Rule.

14.4 File the proof of service for the initiating document in the following manner:

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

(b) 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 (and who are not members of the bar and who do not have an active ECF account) shall deliver the original paper proof of service with summons attached to the Clerk's Office.

(See section 19 - Service of Electronically Filed Documents).

14.5 Subsequent documents, including F.R.C.P. Rule 7.1 Disclosure Statements and the Defendant's Answer, must be filed electronically on the ECF system at https://ecf.nysd.uscourts.gov. With the exception of documents filed by *pro se* litigants and other limited exceptions, the Clerk's Office will not accept a paper document for filing in an ECF case.

(See *section 18 - Non-electronic Documents*).

14.6 *Pro se* cases

Pro se litigants – including *pro se* defendants – are not permitted to file documents electronically without permission of the Court and must continue to file documents in the traditional manner on paper. The Clerk's Office will scan documents received from *pro se* litigants and will file them electronically on the ECF system. Attorneys in *pro se* cases must electronically file their documents using the ECF system.

(*See section 1 - Scope of Electronic Filing*)

Section 15. Motions

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

A motion must be filed using an ECF Filing Event beginning with the word "Motion". The ECF system contains over 160 separate motion Filing Events for your use, all beginning with the word "Motion" (e.g., "Motion for Summary Judgment", etc.). See the ECF Events Dictionary at www.nysd.uscourts.gov for a complete list of motions and supporting documents. Do not use the "Notice" filing event to file a motion. *Pro se* litigants (who are not members of the bar and who do not have an active ECF account) shall continue to file motions and supporting papers in the traditional manner on paper. Where directed by the Court, the Clerk will scan documents received from *pro se* litigants and will file them electronically on the ECF system.

15.2 Should I file supporting papers as attachments to the motion?

No. File supporting or response documents separately under the appropriate ECF Filing Event found in the category "Replies, Opposition and Supporting Documents." For example, a motion, an affidavit in support and a memorandum of law in support must be filed separately.

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

Use the appropriate ECF Filing Events for supporting papers found in the category "Replies, Opposition and Supporting Documents" (e.g. Affidavit in Support of Motion, Memorandum of Law in Support of Motion, etc.). Never use the ECF Filing Event for Motion to file supporting papers. For example, filing a motion, an affidavit in support and a memorandum of law in support, and labeling each one "Motion" would make it appear incorrectly that three motions were filed instead of one.

15.4 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 via email at helpdesk@nysd.uscourts.gov, or by telephone at (212) 805-0800, Monday through Friday during normal Clerk's Office hours.

(*See section 5 - Attachments and Exhibits; see also section 24 - ECF Help Desk and Training*).

Section 16. Default Judgments

16.1 How do I file a Default Judgment?

Consult the Individual Practices of the 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, (212) 805-0143, or White Plains (914) 390-4000, 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; and (2) a copy of the Summons and Complaint with proof of service. 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 a copy of the original signed Clerk's Certificate and a copy of the proof of service.

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 as exhibits to the Affidavit in Support a Clerk's Certificate and a proposed Default Judgment. 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.

(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?

A Notice of Appeal in a civil case must be electronically filed through the ECF system. The fee is paid on-line through the ECF system. Any party unable to comply with this requirement must seek permission of the court to file a Notice of Appeal in the traditional manner, on paper. Instructions and training are available at http://nysd.uscourts.gov/ecf_training.php.

Pro se litigants (who are not members of the bar and who do not have an active ECF account) 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 do not have an active ECF account.

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 and "ECF CASE" 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 e-mail to:

  appeals@nysd.uscourts.gov

- For appeals from an ECF case assigned to a White Plains Judge e-mail to:

  wpclerk@nysd.uscourts.gov

Pro se litigants (who are not members of the bar and who do not have an active ECF account) 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 do not have an active ECF account.

Section 18. Non-Electronic Documents

18.1 In an ECF case are there documents that I should not file electronically?

Yes, including:

- Letters, see below.
- Case initiating documents (complaint, notice of removal, etc.), see section 14;
- All types of civil complaints (Third Party, Interpleader etc.), 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;
- Bill of Costs, see below;
- Miscellaneous Initiating Documents, see below; and
- Notices of Appeal in criminal cases, see section 17;

18.2 May letters be filed electronically?

No. Letters are submitted in the traditional manner on paper. An attorney should not file a letter electronically on the ECF system. The Judge may direct the Clerk to place a letter on the docket if it is deemed appropriate. In criminal ECF cases, a letter brief may be filed electronically as a motion. The letter must include the formal case caption.

18.3 Are Amended Complaints, Third Party Complaints, Interpleader Complaints, etc., filed electronically?

No. All civil complaints, no matter what type, are filed the same way:

(a) Deliver the paper original to the appropriate Clerk's Office (Manhattan or White Plains), and

(b) Within 24 hours of filing you must email a PDF-A copy of the document, including exhibits, to the Clerk's Office. Send the e-mail to:

- For cases assigned to a Manhattan Judge e-mail to:

  caseopenings@nysd.uscourts.gov

- For cases assigned to a White Plains Judge e-mail to:

  wpclerk@nysd.uscourts.gov

Pro se litigants (who are not members of the bar and who do not have an active ECF account) are exempt from that portion of this Rule that requires litigants to email to the Clerk's Office all complaints. The Clerk's Office will scan and electronically file all complaints received from *pro se* litigants who do not have an active ECF account.

18.4 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. 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/. Please note - effective August 1, 2008, 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. E-mail 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 members of the bar and who do not have an active ECF account) are exempt from that portion of this Rule that requires litigants to e-mail to the Clerk's Office proposed orders, judgments, stipulations and consents. *Pro se* litigants shall, instead, deliver such documents to the Clerk's Office. The Clerk will deliver them to the judge for consideration. Where possible, proposed orders, judgments, and stipulations filed on consent and jointly by a represented party and a *pro se* party shall be e-mailed by the represented party in conformity with this Rule.

18.5 Must a Stipulation or Consent include a traditional ink signature?

Yes. You cannot substitute s/ for a traditional ink signature for these documents. Faxed signatures are acceptable.

(*See section 8 - Signatures*).

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

18.7 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*).

18.8 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.

18.9 Is a Bill of Costs filed electronically?

No. A Bill of Costs should be filed in the traditional manner on paper. See Local Civil Rule 54.1 for details. See also the required Bill of Costs form at www.nysd.uscourts.gov.

18.10 How are Miscellaneous documents filed?

As of December 1, 2010 civil miscellaneous cases will be filed electronically through the District Court's ECF system. The party initiating the civil miscellaneous case is required to appear at the Clerk's Office and present the following documents:

1. A completed civil miscellaneous case cover sheet (original & two copies)
2. The hard copy of the civil miscellaneous application and any other supporting documents
3. 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 and any supporting documents 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"). Failure to do so within 24 hours will delay adding your documents to the computerized ECF docket. 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).

The party commencing the civil miscellaneous action is required to serve initiating documents on the opposing party in the traditional manner on paper, and 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).

All subsequent filings on an existing ECF civil miscellaneous case are required to be filed electronically. The party initiating the application will be required to pay a filing fee (see fee schedule). There will be no fee for the filing of the opposition/response and or reply papers, if any.

Pro se litigants (who are not members of the bar and who do not have an active ECF account) are not permitted to file documents electronically without permission of the Court and must continue to file documents in the traditional manner on paper. Where directed by the Court, the Clerk will scan documents received from *pro se* litigants and will file them electronically on the ECF system.

Section 19. Service of Electronically Filed Documents

19.1 How is service accomplished for electronically filed documents?

In cases assigned to the ECF system you will receive a Notice of Electronic Filing (NEF) by e-mail whenever there is activity in your case, including court orders and filings by your adversary. In non-*pro se* cases, that e-mail from the Court constitutes service. A hyperlink to a PDF image of any electronically filed document will be included (not all activity includes a PDF document). Save a copy of the document and the NEF for your records. The Clerk's Office will no longer mail paper copies of electronically filed documents to Filing Users with active ECF accounts. The Clerk's Office will mail copies of all court-initiated documents to non Filing Users in *pro se* cases.

(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 Notice of Electronic Filing (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 on paper. Then you must electronically file proof of service (see below).

The Notice of Electronic Filing (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 on paper).

See section 9 for information regarding service in pro se cases.

(*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 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 anytime a party is served with a paper document. This usually occurs when a party will not receive electronic notice of the filing (via e-mail) from the Court. See the Notice of Electronic Filing (NEF) for a list of who was or was not served electronically.

Pro se litigants (who are not members of the bar and who do not have an active ECF account) 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 (Notice of Electronic Filing (NEF)) when I file electronically?

Yes. When you successfully complete an electronic filing the final screen will display a NOTICE OF ELECTRONIC FILING (NEF), or filing receipt. Save a copy for your records. The NEF receipt 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 foolproof and you risk missing an e-mail message. Therefore it remains the duty of the Filing User with an active ECF account to review regularly the docket sheet of the case.

(*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 that 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?

If an attorney joins a case already in progress he or she 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* must be filed electronically and the associated fee paid on the ECF system. See the Attorney Admissions page at www.nysd.uscourts.gov for details and sample forms.

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

Yes. Local Civil Rule 1.3 requires an attorney to notify the court of any contact information changes. For information go to www.nysd.uscourts.gov.

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

You can change your e-mail address yourself on the ECF system. To update your primary e-mail address log into the SDNY ECF system, click on Utilities, click on Maintain Your Account and E-mail Information. If, however, your other contact information has changed you must follow the directions above to update your full contact information.

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 SDNY 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 cases to your e-mail notification list on the SDNY 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. This applies to both ECF cases and non-ECF (paper) cases. In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed below must file a redacted version in the public file:

- 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.
- 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 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. 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) 805-0800.

(*See section 2 - Eligibility, Registration , Passwords*).

22.2 Is my SDNY ECF password the same as my PACER password?

No. Your SDNY ECF password is unique and is not the same as your password for the PACER public access system. For information on PACER go to http://pacer.psc.uscourts.gov or call (800) 676-6856.

22.3 Must I be an attorney admitted to this Court to obtain an ECF password?

Yes. ECF passwords are available only to attorneys in good standing with this Court.

22.4 How do I obtain an ECF password if I am already admitted to practice in this Court?

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

22.5 How do I obtain an ECF password if I am not yet admitted to practice in this Court?

The application to be admitted to the bar of this Court includes a request for an ECF password. Go to www.nysd.uscourts.gov and from the homepage click on Attorney Admission. If you wish to practice in one case only, you may move for admission *pro hac vice* (see instructions below).

22.6 How do I obtain an ECF password if I am admitted to practice *pro hac vice*?

An attorney may be admitted to practice in one case by moving for admission *pro hac vice*. For complete *pro hac vice* motion and password instructions go to www.nysd.uscourts.gov, then click on Attorney Admission.

22.7 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 information go to www.nysd.uscourts.gov

22.8 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.

22.9 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 by scanning a printed document 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?

Scan your documents 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 you to fit more pages into a single PDF-A file. If that doesn't 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 below).

(*See section 24 - ECF Help Desk and Training*).

23.5 Do I need the Court's permission to file on paper in an ECF case?

Yes. If your document is too large to file electronically after following the directions above, you may seek permission from the Judge to file on paper.
(*See section 5 - Attachments and Exhibits*).

23.6 Must I file only relevant excerpts of exhibits?

Yes. You are limited to electronically filing only relevant excerpts of exhibits. Excerpts must be clearly identified as such.

(*See section 5 - Attachments and Exhibits*).

23.7 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 (eg. 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 bi-weekly for attorneys and support staff (approx. 1 hour).

(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) "ECF 101" is a short interactive web-based introduction to electronic filing available on-line.

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) 805-0800, Monday through Friday during normal Clerk's Office hours.

The preceding Electronic Case Filing Rules & Instructions were approved by the Board of Judges of the Southern District of New York on January 30, 2013.