

CM/ECF Civil and Criminal User Manual

Electronic Means for Filing, Signing and
Verification of Documents

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA



(Revised January 31, 2014)

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INTRODUCTION

Welcome to Northern District of Indiana Case Management/Electronic Case Filing (CM/ECF), hereinafter referred to as the “System”. The System permits attorneys to file documents with the court from any location over the Internet. While all parties, including those proceeding pro se, may register to receive “read only” PACER accounts, only registered attorneys, as officers of the court, are permitted to file electronically at this time.

I. REGISTRATION FOR THE ELECTRONIC FILING SYSTEM (“System”)

A. Designation of Cases

On November 1, 2003, the U.S. District Court for the Northern District of Indiana began using the CM/ECF electronic filing system for all civil and criminal cases. “Electronic filing” means uploading a pleading or document directly from the registered user’s computer, using the court’s System, to file that pleading or document in the court’s case file. **Sending a document or pleading to the court via e-mail or facsimile does not constitute “electronic filing.”**

B. Registration

1. An application for CM/ECF Registration is available on the court’s website at www.innd.uscourts.gov.
2. Each attorney registering for the System will receive an internet e-mail message after the application process is completed. This is to insure that the attorney’s internet e-mail address has been entered correctly in the System. After the e-mail address has been confirmed, a separate internet e-mail message will be sent indicating that the registration has been approved.
3. An attorney’s registration will constitute a waiver of conventional service of documents and the attorney agrees to accept service of notice on behalf of the client of the electronic filing by hand, facsimile or authorized e-mail.
4. Attorneys are responsible for notifying the court when their mailing address or e-mail address changes, by filing a Notice of Change of Address in the appropriate case(s) through the System.
5. Registered attorneys who leave the employment of the United States Attorney for the Northern District of Indiana or of the Federal Community

Defender for the Northern District of Indiana and who wish to continue in the practice of law in a different capacity in this district shall complete a new application for registration for a new account in the System. The application is available on the court's website at www.innd.uscourts.gov. Those attorneys' original accounts for the United States Attorney or the Federal Community Defender will remain intact with new passwords and will continue to be administered by staff in those offices.

C. Passwords

Each attorney admitted to practice in this Court pursuant to L.R. 83-5 and currently in good standing shall be entitled to one System password to permit the attorney to participate in the electronic retrieval and filing of pleadings and other documents using the System. Applications for admission to practice in the Northern District of Indiana and CM/ECF registration are available on the court's website at www.innd.uscourts.gov. Attorneys registered to use the CM/ECF system will be able to change their own passwords.

In order to allow electronic retrieval of filings by employees of the Social Security Administration, one read-only system login and password will be issued to the Social Security Administration in their role as a party in civil cases. This account will have read-only access and will not allow a user to file electronically in a case. Any filings on behalf of the Social Security Administration shall be made by attorneys of record for that agency using their court issued attorney logins and passwords. Other than this exception for the Social Security Administration, no system login and password will be issued to a party in a case without prior approval of a judge in the case.

Pursuant to Fed. R. Civ. P. 11, every pleading, motion, and other paper (except lists, schedules, statements or amendments thereto) shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. An attorney's/participant's password issued by the court combined with the user's identification, serves as and constitutes the attorney/participant's signature for Rule 11 and other purposes. Therefore, an attorney/participant must protect and secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney/participant to immediately notify the court by calling the CM/ECF Help Line between 9:00 a.m. and 4:00 p.m. local time in order to prevent access to the System by use of the old password. (See Section V. below for help line numbers) In the event of the resignation or reassignment of the person with authority to use the password, the attorney/participant should change the password immediately.

No attorney shall knowingly permit his or her password to be utilized by anyone other than an authorized employee of his or her office. Once registered, the

attorney shall be responsible for all documents filed with his or her password.

Attorneys/participants may be subject to sanctions for failure to comply with the above provisions.

Registration for a password is governed by Paragraph I(B).

An attorney admitted *pro hac vice* must register for a password in accordance with this User Manual.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. Filing

1. Unless otherwise permitted by these procedures or otherwise authorized by the assigned judge, all documents¹ submitted for filing in this district in civil and criminal cases, no matter when a case was originally filed, shall be filed electronically using the System².
2. Electronically filed documents must meet the same requirements of format and page limits as documents “conventionally filed” (as defined in Section III A) pursuant to the Federal Rules of Civil and Criminal Procedure and this court’s Local Rules.
3. Electronically filed documents may contain hyperlink references to an external document as a convenient mechanism for accessing material cited in the document. A hyperlink reference is neither validated for content nor considered a part of the court’s records. The court neither endorses the product or organization at the destination of a hyperlink reference, nor does the court exercise any responsibility over the content at the destination. In order to preserve the integrity of the court record, attorneys wishing to insert hyperlinks in court filings shall continue to use the traditional citation method for the cited authority, in addition to the hyperlink. A hyperlink contained in a filing is no more than a convenient mechanism for accessing material cited in the document and a hyperlink

¹The requirement that “all documents” be filed electronically includes briefs, and attachments and exhibits used in support of motions.

²Documents filed in the CM/ECF must be in .pdf format. A document created with almost any word-processing program can be converted to .pdf format. The .pdf program in effect takes a picture of the original document and allows anyone to open the converted document across a broad range of hardware and software, with layout, format, links, and images intact. For information on .pdf, users may visit the websites of .pdf vendors, such as <http://www.adobe.com/products/acrobat/> or <http://www.fineprint.com/>.

reference is extraneous to any filed document and is not part of the court's record.

4. All documents which form part of a single pleading and which are being filed at the same time and by the same party may be electronically filed together under one document number, e.g., the motion and a supporting affidavit, with the exception of memoranda in support. Memoranda in support shall be electronically filed separately and shown as a related document to the motion.
5. In order to file a document which requires leave of court such as an amended complaint or a document to be filed out of time, the proposed document shall be attached as an exhibit to a motion.
6. Filing users must submit in electronic form all documents referenced as exhibits or attachments, unless the court permits conventional filing. A filing user must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane 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 do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane. The court may require parties to file additional excerpts or the complete document.

B. Filing a Civil Complaint:

All new civil complaints must be filed electronically in CM/ECF, and should be accompanied by a Civil Cover Sheet (JS-44) and summons forms with the top portion completed. If the complaint alleges a violation of a patent, trademark or copyright, a completed AO 120 (Patent & Trademark) or AO 121 (Copyright) form should also be attached. The court may sign, seal and issue a summons on paper or electronically. However, a party may not electronically serve a summons and complaint, but instead must perfect service according to the Fed. R. Civ. P. 4.

C. Filing Criminal Charges

All criminal complaints, informations, indictments and requests for issuance of warrants shall be filed conventionally on paper with the court. The court may issue a warrant or summons electronically. They may only be served in accordance with Fed.R.Crim.P. 4(c).

D. Service of Filed Documents on Parties

1. The System will generate a "Notice of Electronic Filing" when any document is filed. This notice represents service of the document on parties who are registered participants with the System. Except as provided in Paragraph III.B, the filing party shall not be required to serve any pleading³ or other documents on any party receiving electronic notice.
2. The filing party shall also serve those parties not designated or able to receive electronic notice but nevertheless are entitled to notice of said pleading or other document in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Northern District of Indiana. If such service of a paper copy is to be made, it shall be done in the manner provided in the Federal Rules of Civil Procedures and the Local Rules of the Northern District of Indiana.
3. A party may not electronically serve a summons and complaint, but instead must perfect service according to the Fed. R. Civ. P. 4.

E. Signatures

1. **Civil cases:** Documents which must be filed and which must contain original signatures other than those of a participating attorney or which require either verification or an unsworn declaration under any rule or statute, shall be filed electronically, with originally executed copies maintained by the filer. The pleading or other document electronically filed shall contain a signature.
2. **Criminal cases:** All documents which must contain original signatures other than those of a participating attorney or which require either verification or an unsworn declaration under any rule or statute, shall first be filed electronically with a .pdf version of the document and shall then also be filed conventionally on paper and maintained in the Clerk's office. The electronically filed document shall be completed and shall contain a signature in all places in which the original document contains a signature.

³ The term "pleading" refers only to those documents listed in Federal Rules of Civil Procedure 7(a).

The conventionally filed document shall contain original signatures and shall be accompanied by a copy of the Notice of Electronic Filing generated when the document was filed electronically. Plea agreements signed by a defendant are an example of this type of document.

3. In the case of a stipulation or other document to be signed by two or more attorneys, the following procedure should be used:
 - (a) The filing attorney shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the physical signatures of all attorneys on the document.
 - (b) The filing attorney then shall file the document electronically, indicating the signatories, e.g., “s/Jane Doe,” “s/John Doe,” etc.
 - (c) The filing attorney shall retain the hard copy of the document containing the original signatures.

F. Orders

All orders issued by the court shall be filed electronically by either the office of the clerk or a judge. Any order or other court-issued document filed electronically without the original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner. The assigned judge or the clerk’s office, if appropriate, may grant routine orders by a text-only entry upon the docket. In such cases, no .pdf document will issue. The text-only entry shall constitute the court’s only order on the matter, is in fact an order from the judge and carries the same weight and authority as a written order signed by the judge. The System will generate a Notice of Electronic Filing for text-only entries as described in these procedures, which will contain language indicating that no document is attached. Immediately upon the entry of an order or judgment in an action assigned to the System, the clerk will transmit to filing users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed.R.Civ.P. 77(d). The clerk will give notice in paper form to a person who has not consented to electronic service in accordance with the Federal Rules of Civil Procedure.

PROPOSED ORDERS PROCEDURE

Proposed orders shall not be filed electronically either as a separate document or as an attachment to the main pleading or other document. Instead, all proposed orders must be e-mailed to the chambers of the appropriate judicial officer for the case. The proposed order must be in WordPerfect Format or Rich Text Format

(RTF).⁴ Proposed orders should be attached to an e-mail and sent to the appropriate judicial officer at the address listed below. The subject line of the e-mail message should indicate the case title, cause number and document number of the motion, e.g., *Smith v. Jones 1:02-cv-1234, motion#__*.

Chief Judge Robert L. Miller, Jr.	miller_chambers@innd.uscourts.gov
Judge William C. Lee	lee_chambers@innd.uscourts.gov
Judge James T. Moody	moody_chambers@innd.uscourts.gov
Judge Rudy Lozano	lozano_chambers@innd.uscourts.gov
Judge Philip P. Simon	simon_chambers@innd.uscourts.gov
Judge Theresa L. Springmann	springmann_chambers@innd.uscourts.gov
Judge Joseph S. Van Bokkelen	van_bokkelen_chambers@innd.uscourts.gov
Judge Jon E. DeGuilio	deguilio_chambers@innd.uscourts.gov
Magistrate Judge Andrew P. Rodovich	rodovich_chambers@innd.uscourts.gov
Magistrate Judge Roger B. Cosby	cosbey_chambers@innd.uscourts.gov
Magistrate Judge Christopher A. Nuechterlein	nuechterlein_chambers@innd.uscourts.gov
Magistrate Judge Paul R. Cherry	cherry_chambers@innd.uscourts.gov
Magistrate Judge John E. Martin	martin_chambers@innd.uscourts.gov

PROPOSED DISCOVERY PLANS/SCHEDULING ORDERS AND FINAL PRETRIAL ORDERS

Unlike proposed orders, Proposed Discovery Plans/Scheduling Orders and proposed Final Pretrial Orders should not contain a signature line for the Judge. The attorney filing these documents shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the physical signatures of all attorneys on the document. The filing attorney then shall file the document electronically, indicating the signatories, e.g., “s/Jane Doe,” “s/John Doe,” etc. The filing attorney shall retain the hard copy of the document containing the original signatures.

G. Title of Documents

The person electronically filing a pleading or other document will be responsible for designating a title for the pleading or other document by using one of the categories contained in the Events Lists on the court’s website at www.innd.uscourts.gov.

H. Certificate of Service

A Certificate of Service is still a requirement when filing documents electronically. A sample **Certificate of Service** is attached as **Form 3**.

⁴ MS Word will allow a document to be saved in WordPerfect format or Rich Text Format (RTF).

I. Filing Deadlines

Filing documents electronically does not alter any filing deadlines or any time computation pursuant to Fed. R. Civ. P. 6. The counties of Lake, Porter, LaPorte, Pulaski and Starke are located in the Central time zone and the remaining counties in the Northern District of Indiana are located in the Eastern time zone. Nevertheless, all electronic transmissions of documents must be completed (*i.e.*, received completely by the clerk's office) prior to **midnight Eastern Time**, (South Bend/Fort Wayne/Lafayette time) in order to be considered timely filed that day, **regardless of the local time in the division where the case is pending**. Although documents can be filed electronically 24 hours a day, filers are strongly encouraged to file all documents during hours when the CM/ECF Help Line is available, from 9:00 a.m. to 4:00 p.m. local time. (See Section V. below for help line numbers)

J. Consents to Proceed before a Magistrate Judge

All parties to a civil action will receive Magistrate Judge Consent Forms from the court by electronic means, or by United States Mail if the party is not registered to receive electronic notices. Completed Magistrate judge consent forms should be returned by e-mail OR by United States Mail to the appropriate clerk's office where the case is pending. Consent forms in WordPerfect format are also available on the court's website at www.innd.uscourts.gov, under Info/Forms, FORMS, MISC FORMS, Magistrate Judge Consent Forms.

Any party who wishes to consent to jurisdiction by a United States Magistrate Judge shall sign the form and file it with the Clerk as soon as practicable but in any event within twenty (20) days following the date the Preliminary Pretrial Conference is held or within 20 days of receipt of the form in cases where no Preliminary Pretrial Conference is held. Nothing in this paragraph shall be construed as a limitation of the assigned district judge to refer, in his or her discretion, the case to a magistrate judge upon consent of all parties even though untimely filed. See General Order 2007-10 on the court's website at www.innd.uscourts.gov, under Local Rules and General Orders.

Clerk's Office E-mail addresses:

Hammond - hmdclerks@innd.uscourts.gov

Fort Wayne - fwclerks@innd.uscourts.gov

South Bend- sbclerks@innd.uscourts.gov

Lafayette - lafclerks@innd.uscourts.gov

Mailing addresses:

District Court Clerk's Office
1300 S. Harrison St.
Fort Wayne, IN 46802

District Court Clerk's Office
5400 Federal Plaza
Hammond, IN 46320

District Court Clerk's Office
204 S. Main St. Room 102
South Bend, IN 46601

District Court Clerk's Office
230 North Fourth Street
P.O. Box 1498
Lafayette, IN 47901

K. Filing a Social Security Administrative Record

1. The United States Attorney's Office will file the Administrative Record provided by the Social Security Administration electronically. The System will generate a "Notice of Electronic Filing" when the document is filed. This notice represents service of the document on parties who are registered participants with the System and the filing party shall not be required to serve the document on any party receiving electronic notice.
2. One (1) courtesy paper copy of the administrative record must be delivered to the Clerk's Office in the division where the case is filed for routing to the presiding Judge in the case. This paper copy will not be returned to the United States Attorney's Office. Failure to deliver a paper copy will constitute an improper filing.
3. The United States Attorney's Office shall also serve those parties not designated or able to receive electronic notice but nevertheless are entitled to notice of said document in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Northern District of Indiana. If such service of a paper copy is to be made, it shall be done in the manner provided in the Federal Rules of Civil Procedures and the Local Rules of the Northern District of Indiana.

III. CONVENTIONAL FILING OF DOCUMENTS

- A. Conventional Filings.** As used in these procedures, a "conventionally" filed or submitted document or pleading is one presented to the Clerk or a party in paper or other non-electronic, tangible format. The following documents shall be filed conventionally and not electronically unless specifically authorized by the Court:

1. Exhibits and other documents which cannot be converted to a legible electronic form. Whenever possible, counsel is responsible for converting filings to an electronic form. However, if that is not physically possible, counsel shall electronically file a .pdf document titled *Notice of Manual Filing* as a notation on the docket sheet that filings are being held in the clerk's office in paper. A sample **Notice of Manual Filing** is attached as **Form 4**. If documents are filed in paper format, counsel must provide an original for the clerk's office, a copy for the judge and a copy must be served on all parties in the case. Large documents which do not exist in an electronic format shall be scanned into .pdf format by counsel, in small batches if necessary, and filed electronically as separate attachments in the System.
2. Certain documents which are listed in II. C. and II. E. 2. above.
3. Documents filed by pro se litigants.

B. Service of Conventional Filings

Pleadings or other documents which are filed conventionally rather than electronically shall be served in the manner provided for in the Federal Rules of Civil Procedure and the Local Rules of the Northern District of Indiana, except as otherwise provided by order of the Court.

IV. FILING OF SEALED AND EX PARTE MATERIALS

A. Civil Cases

1. New civil cases filed under seal shall be filed conventionally pursuant to II. B above and L.R. 5-3. Any distribution to parties must be made conventionally on paper. Attorneys will not have electronic access to file documents or receive electronic notices for sealed cases. All subsequent filings and service made by attorneys must be made conventionally
2. In instances where a civil case is not sealed, but a party wishes to file sealed motions or sealed documents, those documents shall be filed electronically in the CM/ECF system using the appropriate civil event, either "Sealed Motion" or "Sealed Document". These events will produce a publicly viewable docket entry but will not allow access to the attached pdf document. Any distribution to parties must be made conventionally on paper.
3. Ex parte motions and ex parte documents in non-sealed civil cases shall be filed electronically in the CM/ECF system using the appropriate civil

event, either “Ex Parte Motion” or “Ex Parte Document”. The docket entries and pdf documents for these events will be accessible only to authorized court staff and the filing party. Other parties and the general public will not see the docket entry or have access to the pdf document.

4. A civil motion event exists for a “Motion to Seal”, which will not be treated as a sealed or restricted entry in the CM/ECF system. Filers selecting this event will be presented with a warning that sealed pdf documents should not be attached to this event, but should, instead, be electronically filed separately as a “Sealed Motion” or “Sealed Document” pursuant to IV. A. 2. above.

B. Criminal Cases

In instances where a criminal case is not sealed, but a party wishes to file sealed motions or sealed documents, those documents shall be filed electronically in the CM/ECF system using the appropriate criminal events. A party must file a “Motion to Seal” or a “Motion to Seal Document,” prior to filing a “Sealed Motion” or a “Sealed Document.” Failure to file a “Motion to Seal” or a “Motion to Seal Document” will result in the striking from the record any “Sealed Motion” or “Sealed Document” that has been filed. These events will produce a publicly viewable docket entry but will not allow access to the attached pdf document. Any distribution to parties must be made conventionally on paper.

V. PUBLIC ACCESS TO THE SYSTEM DOCKET

A. Public Remote Access Through Pacer

Civil cases: Public remote access to the System for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records (“PACER”) system. The Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing certain detailed case information, such as docket sheets and filed documents. PACER users may access the System at the Court’s Internet site at www.innd.uscourts.gov. Such access to the System through the Internet site will allow retrieval of the docket sheet and documents on a time delayed basis. Unless a user has a CM/ECF filing level account, access to the System will be on a “read only” basis.

Social Security cases: Until further order of the court, only attorneys of record and employees of the Social Security Administration with access to the login and password authorized in Paragraph (D)(C) above may remotely view records in social security cases. Public remote access will be limited to viewing docket sheets only.

Criminal cases: Public remote access to non-sealed documents in criminal cases will be limited to documents filed on or after January 1, 2005, pursuant to the Judicial Conference Policy on Privacy and Public Access to Electronic Criminal Case Files. Public remote access to documents filed prior to January 1, 2005 will be limited to viewing docket sheets only.

B. Public Access at the Court

The public will have electronic access to civil and criminal documents filed in the System and to the System dockets in the Office of the Clerk, for viewing during regular business hours, from 9:00 a.m. to 4:00 p.m. (local time) Monday through Friday. A copy fee for reproduction is still required in accordance with 28 U.S.C. §1914.

C. Conventional Copies and Certified Copies

Conventional copies and certified copies of the electronically filed documents may be purchased at the Office of the Clerk, during business hours listed in Paragraph B above. A list of fees is available on the court's website at www.innd.uscourts.gov.

VI. TECHNICAL FAILURES

A. The Court's System

The Clerk shall deem the Public Web site for the Northern District of Indiana to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 noon that day, in which case filings due that day which were not filed due solely to such technical failures shall become due the next business day. Such delayed filings shall be rejected unless accompanied by a declaration or affidavit attesting to the filing person's failed attempts to file electronically at least two times after 12:00 p.m. separated by at least one hour on each day of delay due to such technical failure. Questions about CM/ECF may be directed to our Help Line at the one of the following numbers between 9:00 a.m. to 4:00 p.m. local time:

Fort Wayne	800-745-0265
Hammond	800-473-0293
South Bend	866-217-5925
Lafayette	877-377-1219

B. The Attorney's System

If the attorney is unable to file a document in a timely manner due to technical difficulties in the user's system, the attorney must file a document with the court as soon as possible notifying the court of the inability to file the document. A sample document entitled **Declaration that Party was Unable to File in a Timely Manner Due to Technical Difficulties** is attached hereto as **Form 5**.

VII. PRIVACY

Counsel should not include sensitive information in any document filed with the court unless such inclusion is necessary and relevant to the case. See Fed. R. Civ. P. 5.2 regarding protection of personal identifiers in civil cases and Fed. R. Cr. P. 49.1 regarding privacy protection in criminal cases.

SPECIAL NOTICE TO SOCIAL SECURITY ATTORNEYS

It is the responsibility of counsel for plaintiff to provide the U.S. Attorneys' office with the social security number of the plaintiff upon the filing of a new social security case.

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

Certificate of Service

I hereby certify that on _____ (Date) I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following: _____ and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: _____.

s/

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

*IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF INDIANA
_____ DIVISION*

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

NOTICE OF MANUAL FILING

_____ is in paper form only and is being maintained in the case file in the Clerk’s office.

Attorney for (Plaintiff or Defendant)
Address: _____

Date: _____

