

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**



**ELECTRONIC CASE FILING
POLICIES AND PROCEDURES MANUAL**

Revised November 19, 2013

Electronic Case Filing Policies and Procedures Manual

INTRODUCTION.....	3
1. AUTHORIZATION FOR ELECTRONIC FILING.....	3
2. DEFINITIONS AND INSTRUCTIONS.....	3
3. APPLICATION OF RULES AND ORDERS.....	4
4. CASES SUBJECT TO ELECTRONIC CASE FILING.....	4
5. SYSTEM REQUIREMENTS.....	5
6. FILING CASE INITIATING DOCUMENTS.....	6
7. FILING DOCUMENTS ELECTRONICALLY.....	6
8. CASE DOCKET.....	7
9. SYSTEM AVAILABILITY.....	7
10. REGISTRATION.....	7
11. SERVICE OF ELECTRONICALLY FILED DOCUMENTS.....	8
12. APPEARANCES.....	9
13. FORMAT FOR ELECTRONIC FILINGS.....	9
14. SIGNATURE BLOCK.....	12
15. MANUAL FILINGS.....	12
16. TECHNICAL DIFFICULTIES.....	13
17. RETENTION OF ORIGINALS OF DOCUMENTS REQUIRING SCANNING.....	13
18. SEALED FILINGS.....	14
19. RESTRICTED ACCESS FILINGS – SUBMISSION OF SENTENCING LETTERS.....	18
20. EX PARTE DOCUMENTS.....	18
21. CONTACT INFORMATION.....	19
APPENDIX A.....	20
APPENDIX B.....	22
APPENDIX C.....	23
APPENDIX D.....	24

Introduction

The Court's Case Management/Electronic Case Filing system, CM/ECF, permits attorneys appearing in all pending civil and criminal cases to file documents with the Court via the Internet using the ECF (Electronic Case Filing) portion of the system. This ECF Policies and Procedures Manual governs electronic filing in all civil and criminal cases within the Southern District of Indiana. Attorneys, parties, and *pro se* litigants may view civil and criminal dockets as well as electronically filed documents via the Internet using the PACER (Public Access to Court Electronic Records) portion of the system.

1. Authorization for Electronic Filing

Local Rule 5-2 and Local Criminal Rule 49.1 require electronic filing, as allowed by Federal Rule of Civil Procedure 5(d)(3). The following policies and procedures govern electronic filing in this district unless, due to circumstances in a particular case, a judicial officer determines that these policies and procedures should be modified.

2. Definitions and Instructions

The following definitions and instructions shall apply to these Electronic Case Filing Policies and Procedures:

- 2.1 The term "document" shall include pleadings, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices, and any other filing by or to the Court.
- 2.2 The term "attorney" shall include counsel of record.
- 2.3 All hours stated shall be the local time of the division to which the case has been assigned (Local Rule 5-4).
- 2.4 The term "Notice of Electronic Filing" is used to refer to the email notice that is automatically generated by the Electronic Case Filing System at the time a document is filed by an attorney, or an order is entered by the Court. The Notice of Electronic Filing (NEF) will set forth the time of filing or issuance, the type of document, the text of the docket entry, the name of the attorney(s) receiving the notice, and an electronic link (hyperlink) to the document, which allows recipients to retrieve the document electronically.

- 2.5 The term “PDF” is used to refer to a document that exists in Portable Document Format. A document file created with a word processor, or a paper document which has been scanned, must first be converted to portable document format before it can be electronically filed with the Court. Converted files contain the extension “.pdf”.
- 2.6 The term “ECF” is used to refer to the Electronic Case Filing portion of the Court’s CM/ECF System, which may be accessed by attorneys for the purpose of filing documents electronically in civil and criminal cases pending before the Court. Attorneys of record in pending cases may submit an ECF Registration Form in order to obtain an ECF login and password with which to file documents electronically (See Appendix A).
- 2.7 The term “PACER” (Public Access to Court Electronic Records) is used to refer to the Public Access portion of the Court’s CM/ECF System, which may be accessed by members of the public and attorneys for the purpose of viewing case dockets and electronically filed documents in cases pending before the Court. Individuals may obtain a PACER login and password with which to view Court records at <http://pacer.psc.uscourts.gov> or (800) 676-6856.

3. Application of Rules and Orders

Unless modified by order of the Court, all Federal Rules of Civil and Criminal Procedure and Local Rules shall continue to apply to cases maintained in the Court’s Case Management/Electronic Case Filing System (CM/ECF).

4. Cases Subject to Electronic Case Filing

Electronic filing by attorneys is required for eligible documents filed in civil and criminal cases pending with the Court, unless specifically exempted by Local Rule or Court Order. Attorneys may register for an ECF login and password with which to file documents electronically by visiting the Court’s website at www.insd.uscourts.gov or by contacting the Clerk’s Office.

United States District Court for the Southern District of Indiana
Office of the Clerk
Address: 46 East Ohio Street, Room 105
Indianapolis, IN 46204
Phone: (317) 229-3700

Attorneys, parties, and *pro se* litigants may view dockets and electronically filed documents via the Internet through the use of the Court's PACER (Public Access to Court Electronic Records) system. A login and password may be obtained by visiting the PACER website at www.pacer.psc.uscourts.gov or contacting the PACER Service Center at 1 (800) 676-6856.

5. System Requirements

The following hardware and software are needed to electronically file documents and receive electronic notice of case activity via the Electronic Case Filing system:

- a. A computer running a Windows or a Macintosh operating system;
- b. Software used to create PDF documents from a word processing application, such as Adobe Acrobat Professional® (links to free PDF creators can be found on the Court's website at www.insd.uscourts.gov);
- c. A PDF viewer, such as Adobe Acrobat Reader® (free download available at www.adobe.com);
- d. A PDF-compatible word processor like Macintosh or Windows-based versions of WordPerfect® or Microsoft Word®;
- e. An Internet browser, such as Internet Explorer® or Firefox® (128-bit encryption is strongly recommended);
- f. Internet access and an email address;
- g. Access to a scanner may be necessary for paper exhibits which must be scanned into PDF pursuant to Local Rule 5-1(c); and
- h. The filing attorney must have an ECF login and password assigned by the Clerk with which to access the Court's Electronic Case Filing system. (Appendix A)

NOTE: To view dockets and electronically filed documents through the Court's PACER system, users must access the system through a PACER login and password. Attorneys and parties may register for a PACER account at www.pacer.psc.uscourts.gov or (800) 676-6856.

6. Filing Case Initiating Documents

A Civil Complaint or Notice of Removal may be filed, fee paid, and summons issued either in paper form or electronically through the CM/ECF system. Case initiating papers, including a [civil cover sheet](#), must be served in the traditional manner on paper, rather than electronically. All subsequent papers must be filed electronically except as provided by Local Rule or Court Order. (Local Rule 5-2(b)).

A Criminal Complaint, Information, or Indictment shall be filed and served in the traditional manner on paper, rather than electronically.

7. Filing Documents Electronically

Electronic transmission of a document consistent with the procedures adopted by the Court shall, upon the complete receipt of the same by the Clerk of Court, constitute filing of the document for all purposes of the Federal Rules of Civil and Criminal Procedure and the Local Rules of this Court, and shall constitute entry of that document onto the docket maintained by the Clerk pursuant to FED.R.CIV.P. 58 and 79.

A Notice of Electronic Filing (NEF) acknowledging that the document has been filed will immediately appear on the filer's screen after the document has been submitted. Attorneys are strongly encouraged to print or electronically save a copy of the NEF. Attorneys can also verify the filing of documents by inspecting the Court's electronic docket sheet through the use of a PACER login. The Court may, upon the motion of a party or upon its own motion, strike any inappropriately filed document.

Documents filed electronically must be submitted in PDF (Portable Document Format). Filing documents electronically does not alter filing deadlines. All electronic transmissions of documents must be completed (*i.e.* received completely by the Clerk's Office) prior to midnight of the local time of the division in which the case is pending in order to be considered timely filed that day (NOTE: time will be noted in Eastern Time on the Court's docket. If you have filed a document prior to midnight local time of the division in which the case is pending and the document is due that date, but the electronic receipt and docket reflect the following calendar day, please contact the Court). Although attorneys may file documents electronically 24 hours a day, 7 days a week, attorneys are encouraged to file all documents during the normal working hours of the Clerk's Office (Monday through Friday, 8:30 a.m. to 4:30 p.m.) when technical support is available.

8. Case Docket

Upon the electronic filing of a document, a docket entry will be automatically created by the CM/ECF System, using the information provided by the filing party. The Clerk of Court, where necessary and appropriate, will modify the docket entry description to comply with quality control standards.

9. System Availability

The Court's system is designed to provide service 24 hours a day, 7 days a week. Occasionally the CM/ECF system may be unavailable for brief scheduled maintenance. Notice of scheduled maintenance will be posted on the Court's website in advance. Attorneys are encouraged to file documents in advance of filing deadlines and during normal business hours. Questions regarding the electronic filing system and the registration process should be referred to the Clerk's Office, at (317) 229-3700. Technical difficulties should be referred to the Court's Help Desk, at (317) 229-3737. The Help Desk is staffed business days from 8:30 a.m. to 4:30 p.m.

10. Registration

Attorneys seeking to file electronically must be admitted to practice in the U.S. District Court for the Southern District of Indiana, either via standard or pro hac vice admission, and must be in good standing. Each attorney seeking to file documents electronically must also submit a completed Electronic Case Filing Attorney Registration Form (Appendix A). Regardless of the division in which the attorney most frequently practices, completed registration forms should be returned to:

U.S. District Court, Southern District of Indiana
Attn: ECF Registration Processing
46 East Ohio Street, Room 105
Indianapolis, IN 46204

A registering attorney will receive an Internet e-mail message indicating his/her login and password have been assigned; this is to insure that the attorney's Internet e-mail address has been entered correctly in the ECF System. Use of the login and password when filing documents will serve in part as that attorney's signature for purposes of FED.R.CIV.P.11. Attorneys agree to protect the security of their passwords and immediately notify the Clerk of Court if they learn that their password has been compromised.

11. Service of Electronically Filed Documents

By participating in the Electronic Case Filing Program, attorneys consent to the electronic service of documents, and shall make available electronic mail addresses for service. Upon the filing of a document by a party, an e-mail message will be automatically generated by the electronic filing system and sent via electronic mail to the e-mail addresses of all registered attorneys who have appeared in the case. The Notice of Electronic Filing will contain a document hyperlink which will provide recipients with one “free look” at the electronically filed document. Recipients are encouraged to print and/or save a copy of the document during the “free look” to avoid incurring PACER charges for future viewings of the document. *It is the responsibility of the filing attorney to conventionally serve all parties who do not receive electronic service* (the identity of these parties will be indicated on the filing receipt generated by the ECF system). In addition to receiving e-mail notifications of filing activity, the parties are strongly encouraged to sign on to the PACER system at regular intervals to check the docket in their case.

Note: Although sealed documents are filed electronically, sealed documents must be served manually upon counsel pursuant to FED R. CIV. P. 5. See Local Rule 5-11 and Section 18 of this Policies and Procedures Manual.

A certificate of service must be included with all documents filed electronically. Such certificate shall indicate that service was accomplished pursuant to the Court’s electronic filing procedures. With the exception of documents filed under seal, the party effectuates service on all registered attorneys by filing electronically. Service by electronic mail shall constitute service pursuant to FED.R.CIV.P. 5(b)(2)(E) and shall entitle the party being served to the additional three (3) days provided by FED.R.CIV.P. 6(d).

The following is a suggested format for a certificate of service for electronic filing:

Certificate of Service

I hereby certify that on [date], a copy of the foregoing [name of document] was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the Court’s electronic filing system. Parties may access this filing through the Court’s system.

I further certify that on [date] a copy of the foregoing [name of document] was mailed, by first-class U.S. Mail, postage prepaid and properly addressed to the following:

[List parties receiving conventional service with law firm name (if applicable) and **postal** address]

Name of Receiving party
LAW FIRM NAME
Postal Address
City, State, ZIP Code

A distribution list must be included on each proposed order, as required by Local Rule 5-5(d). Pursuant to Local Rule 5-5(b)(2), if a party is represented by multiple attorneys from the same law firm, and one or more is ECF-registered, notice of entry of an order or judgment in a case assigned to the Electronic Case Filing System will be transmitted only to the ECF-registered user(s).

A current distribution/service list for a case, may be obtained through the “Mailings” feature located under the “Utilities” menu in the Electronic Case Filing System.

12. Appearances

The filing of a Notice of Appearance shall act to establish the filing attorney as an attorney of record representing a designated party or parties in a particular cause of action. As a result, it is necessary for each attorney to file a separate Notice of Appearance when entering an appearance in a case. A joint appearance on behalf of multiple attorneys may be filed electronically only if it is filed separately for each attorney, using his/her ECF login.

A Notice of Appearance filed in a case which is maintained under seal must be filed in the traditional paper manner in order to establish the filing attorney as an attorney of record before access may be granted to the sealed case.

13. Format for Electronic Filings

Electronically filed documents must meet the requirements of FED. R. CIV. P. 10 (Form of Pleadings), Local Rule 5-1 (Format of Papers Presented for Filing), and Fed. R. Civ. P. 5.2 and Fed R. Crim. P 49.1 (Privacy Protection for Filings Made with the Court), as if they had been submitted on paper. Documents filed electronically are also subject to any page limitations set forth by Court Order, by Local Rule 7-1 (Motion Practice), or Local Rule 56-1 (Summary Judgment Practice), as applicable.

A key objective of the electronic filing system is to ensure that as much of the case as possible is managed electronically. To facilitate electronic filing and retrieval, documents to be filed electronically are to be reasonably broken into their separate component parts.

By way of example, most filings include a foundation document (*e.g.*, motion) and other supporting items (*e.g.*, exhibits, proposed orders, proposed amended pleadings). The foundation document, as well as the supporting items, are each separate components of the filing; supporting items must be filed as *attachments* to the foundation document. These exhibits or attachments should include only those excerpts of the referenced documents that are directly germane to the matter under consideration.

When uploading attachments during the electronic filing process, exhibits must be uploaded in a logical sequence and a brief description must be entered for each individual PDF file. The description must include not only the exhibit number or letter, but also a brief description of the document. This information may be entered in CM/ECF using a combination of the *Category* drop-down menu, the *Description* text box, or both (see Figure 1 below). The information that is provided in each box will be combined to create a description of the document as it appears on the case docket (see Figure 2 below).

EXAMPLE: A *Motion for Continuance* is filed with the following three attachments:
Exhibit A – Affidavit of John Brown
Exhibit B - Letter from Bob Smith
Proposed Order

Category	Description
Exhibit	A - Affidavit of John Brown

Figure 1

09/1/2008 MOTION for Continuance, filed by Plaintiff XYZ CORPORATION.
7 (Attachments: # 1 **Exhibit A - Affidavit of John Brown**, # 2 Exhibit B - Letter from Bob Smith, 12/20/08, # 3 Text of Proposed Order)

Figure 2

To facilitate document retrieval for users who are accessing the system with a dial-up connection, components may not exceed an electronic file size of **5 megabytes**. [Local Rule 5-1]. To electronically file a document or attachment that exceeds 5MB, the document must first be broken down into two or more smaller files. For example, if Exhibit A is a 6MB PDF file, it should be divided into 2 equal parts prior to electronic filing. Each component part of the exhibit would be filed as an attachment to the main document and described appropriately as “Exhibit A (part 1 of 2)” and “Exhibit A (part 2 of 2).”

The supporting items mentioned above should not be confused with memorandums or briefs in support of motions as outlined in Local Rule 7-1 or 56-1. These memorandums or briefs in support are to be filed as entirely separate documents pursuant to the appropriate rule. Additionally, no motion shall be embodied in the text of a response or reply brief/memorandum unless otherwise ordered by the Court.

All pleadings and other filings, including motions, briefs, and proposed orders must be converted to PDF format directly from a word processing program (e.g., Microsoft® Word or Corel WordPerfect®), rather than created from the scanned image of a paper document. An exhibit may be scanned into PDF format, at a recommended 300 dpi resolution or higher, only if it does not already exist in electronic format. The filing attorney is responsible for reviewing all PDF documents for legibility before submitting them through the Court's Electronic Case Filing system. For technical guidance in creating PDF documents, please contact the Clerk's Office at (317) 229-3700.

Where an individual component cannot be included in an electronic filing (e.g. the component cannot be converted to electronic format), the filer shall electronically file the prescribed Notice of Manual Filing in place of that component. A model form is provided as Appendix C.

Note: Sealed documents must be filed electronically as required by Local Rule 5-11. See Section 18 of this Policies and Procedures Manual.

The following example illustrates the application of this section:

An attorney seeks to file a motion with three exhibits (A, B, and C), and a proposed order. The motion is a text document that was created with a word processing application and after conversion to PDF has a file size of 45kb. Exhibit A is a scanned image of a one-page document that after conversion to PDF has a size of 200kb. Exhibit B is a 100-page deposition transcript that exists on CD and after conversion to PDF it has a size of 5 MB. Exhibit C is an object that cannot be converted to digital format, such as a videotape. The proposed order is a text document that after conversion to PDF has a file size of 5kb.

In order to facilitate easy retrieval of any individual component, each document must be kept as a separate component (PDF file) rather than being merged together as one file. Each of the components should be filed electronically in one submission by filing the motion as the main document, and *attaching* the exhibits and proposed order to the motion, through the Electronic Case Filing System.

Exhibit C is a videotape and exists in a format that cannot be filed electronically. During the electronic submission, when exhibit C would normally be attached to the motion, it should instead be replaced by a Notice of Manual Filing (Appendix C) clearly stating what the exhibit is and why it cannot be filed electronically. Exhibit C should then be filed and served as it would if a traditional paper filing system were being used. When Exhibit C is presented to the Clerk for manual filing, it should be accompanied by a paper copy of the Notice of Manual Filing that was electronically filed in its place.

14. Signature Block

Use of the attorney's login and password when filing documents electronically serves in part as the attorney's signature for purposes of Fed.R.Civ.P. 11, the local rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court. All documents filed electronically shall include a signature block and include the filing attorney's typewritten name, address, telephone number, facsimile number and e-mail address. In addition, the name of the filing attorney under whose ECF login the document will be filed should be preceded by a "s/" and typed in the space where the attorney's handwritten signature would otherwise appear. Documents signed by an attorney, must be filed using that attorney's ECF log-in and password and may not be filed using a log-in and password belonging to another attorney.

s/ [Name of Filing Attorney]
Name of Filing Attorney
Law Firm Name
Address
City, State, ZIP Code
Phone: (xxx) xxx-xxxx
Fax: (xxx) xxx-xxxx
E-mail: xxx@xxx.xxx

Documents requiring signatures of more than one attorney shall be filed either by: (a) obtaining consent from the other attorney, then typing the "s/ [Name]" signature of the other attorney on the signature line where the other attorney's signature would otherwise appear; (b) identifying in the signature section the name of the other attorney whose signature is required and by the submission of a Notice of Endorsement (see Appendix B) by the other attorney no later than three business days after filing; (c) submitting a scanned document containing all handwritten signatures; or (d) in any other manner approved by the Court.

Documents requiring a signature other than that of an attorney must bear an original handwritten signature and must be scanned into PDF for electronic filing.

15. Manual Filings

Parties otherwise participating in the electronic filing system may be excused from filing a particular component electronically under certain limited circumstances, such as when the component cannot be reduced to an electronic format. Such components shall not be filed electronically, but instead shall be manually filed with the Clerk of Court and served upon

the parties in accordance with the applicable Federal Rules of Civil and Criminal Procedure and the Local Rules for filing and service of non-electronic documents.

Before making a manual filing of a component, the filing party shall first electronically file a Notice of Manual Filing (See Appendix C). The filer shall initiate the electronic filing process as if filing the actual component but shall instead attach to the filing the Notice of Manual Filing setting forth the reason(s) why the component cannot be filed electronically. The manual filing should be accompanied by a copy of the previously filed Notice of Manual Filing. A party may seek to have a component excluded from electronic filing pursuant to applicable Federal and Local Rules (*e.g.* FED.R.CIV.P. 26(c)).

16. Technical Difficulties

Parties are encouraged to file documents electronically during normal business hours, in case a problem is encountered. In the event a technical failure occurs, and despite the best efforts of the filing party a document cannot be filed electronically, the party should print (if possible) a copy of the error message received. In addition, as soon as practically possible, the party should file a “Declaration that Party was Unable to File in a Timely Manner Due to Technical Difficulties.” A model form is provided as Appendix D.

If a party is unable to file electronically and, as a result, may miss a filing deadline, the party must contact the Clerk’s Office at (317) 229-3700 to inform the court’s staff of the difficulty. If a party misses a filing deadline due to an inability to file electronically, the party may submit the untimely filed document, accompanied by a declaration stating the reason(s) for missing the deadline. The document and declaration must be filed no later than 12:00 noon of the first day on which the Court is open for business following the original filing deadline.

17. Retention of Originals of Documents Requiring Scanning

Originals of documents filed electronically which require scanning (*e.g.* documents that contain signatures such as affidavits) must be retained by the filing party and made available, upon request, to the Court and other parties for a period of two years following the expiration of all time periods for appeals (Local Rule 5-9).

18. Sealed Filings

Criminal Matters

In criminal matters, which may include criminal, magistrate, or miscellaneous case types, the following documents may be filed under seal without motion or further order of the court, provided counsel has a good faith belief that sealing is required to ensure the safety, privacy or cooperation of a person or entity, or to otherwise protect a substantial public interest.

- charging instruments (e.g., complaint, information, indictment) and accompanying documents (prior to the arrest of the defendant)
NOTE: During a defendant's initial appearance on a sealed charging instrument, the magistrate judge shall order the clerk to unseal the case, absent a showing of good cause why the defendant's case should remain under seal. For sealed multi-defendant charging instruments, the case shall be unsealed as to all defendants absent a showing of good cause why any defendant's case should remain under seal.
- warrant-type applications (e.g., arrest warrants, search warrants, pen registers, and wiretaps (and their associated documents) under 18 U.S.C. §§ 2516 and 2703)
- motions for tax return information pursuant to 26 U.S.C. § 6103
- documents filed in grand jury proceedings
- documents filed in juvenile prosecutions
- plea agreements that reference a defendant's cooperation and related documents
- motions for sentence variance filed under Fed. R. Crim. P. 35(b) or U.S.S.G. § 5K1.1 and supporting or related documents, such as a motion for temporary custody
- motions for competency evaluation and related documents, filed under the provisions of Fed. R. Crim. P. 12.2 and 18 U.S.C. § 4241

A document other than those listed above may be filed under seal only if the document is subject to sealing by a prior order of the court, accompanied by a motion to seal, or filed under seal pursuant to Fed. R. Crim. P. 49.1.

Civil Matters

In civil matters, which may include civil or miscellaneous case types, a document may be filed under seal only if the document is subject to sealing by a prior order of the court, accompanied by a motion to seal, or filed under seal pursuant to Fed. R. Civ. P. 5.2.

A document filed under seal in a civil matter must be accompanied by a *Sealed Cover Sheet*, which is submitted as an attachment to the sealed filing. The contents of the *Sealed Cover Sheet* are set forth in Local Rule 5-11.

Service of Sealed Filings

Documents filed electronically under seal are not served upon opposing counsel through the court's CM/ECF system (see Local Rule 5-11(d)). A document filed electronically under seal, must be served upon opposing counsel in the traditional paper manner, or by using any approved method listed under Fed. R. Civ. P. 5.

Sealed Filing Procedure

A sealed document must be filed electronically via the court's CM/ECF system, unless listed as an exception to the electronic filing requirement under Local Rule 5-3 or Local Criminal Rule 49.1. As with any electronically filed document, sealed filings must be submitted by an attorney of record in the case for which the document is being filed and must be filed on behalf of a party or parties for whom the filing attorney has previously appeared.

a) Filing a Document in a CASE which is under Seal (applies to civil and criminal matters)

Sealed cases as well as associated docket entries and documents are not available for public viewing via the court's PACER system. Therefore, documents filed electronically in a sealed case may be filed using any event from the CM/ECF civil or criminal events menu. It is not necessary to use one of the sealed filing events listed under subsection (b) when filing document in a sealed case. Before counsel may electronically file a document in a sealed case, the attorney must first file a *Notice of Appearance* in the traditional paper manner to obtain access to the sealed case via CM/ECF.

When a document is electronically filed in a sealed case, a *Notice of Electronic Filing* is not distributed via email to counsel of record in the case, including the filing attorney. For that reason, filers should print the *Notice of Electronic Filing* confirmation screen that appears at the conclusion of the filing as proof of the transmission to the court. A document filed electronically in a sealed case must be served upon opposing counsel in the traditional paper manner, or by using any approved method listed under Fed. R. Civ. P. 5.

NOTE: If a sealed case is later unsealed by order of the court, any or all of the documents previously filed in the case may also be unsealed. Prior to the unsealing of a case, counsel should bring to the court's attention any documents in the record which should remain under seal.

b) Filing a Sealed Document in a Case which is NOT under Seal

Sealed documents filed electronically in a case which is not under seal must be submitted using one of the sealed civil or criminal filing events listed below.

Civil Matters

Sealed Civil Filing Events

- SEALED Motion (Motion filed under Seal) (Sealed – doc)
- SEALED Response to Motion (Sealed – doc)
- SEALED Reply in Support of Motion (Sealed – doc)
- SEALED Document (Sealed – doc)
- Redaction Index (Sealed – doc)

Availability

PDF documents filed electronically using a sealed civil event are not accessible via the court's PACER system to the public and attorneys, including counsel of record in the case. *Docket text/entries* generated by the CM/ECF system or entered by the filer during the electronic filing process are displayed on the court's docket and available for public viewing via PACER.

Service

Each of the sealed civil events generates and distributes a *Notice of Electronic Filing* to ECF-registered counsel of record. The *Notice of Electronic Filing* provides recipients with the docket text and a description of the document(s) filed, but does not permit recipients to view any PDF document(s) filed under seal. Therefore, a document filed electronically under seal, must be served upon opposing counsel in the traditional paper manner, or by using any approved method listed under Fed. R. Civ. P. 5.

Criminal Matters

Sealed Criminal Filing Events

* Events that offer the filer the option to seal are designated as “optional Sealed”

- Plea Agreement (optional Sealed – entry)
- Petition to Enter a Plea of Guilty (optional Sealed – entry)
- Addendum to Plea Agreement (optional Sealed – entry)
- Stipulated Factual Basis (optional Sealed – entry)
- SEALED Motion – Motion filed under Seal (Sealed – entry)
- Motion for Temporary Custody (optional Sealed – entry)

- Motion for Writ of Garnishment (optional Sealed – entry)
- Response to Motion (Sealed - entry)
- Reply in Support of Motion (Sealed – entry)
- OBJECTION to Presentence Investigation Report (optional Sealed – entry)
- SEALED Document (Sealed – entry)
- Submission of Signature Requirement (optional Sealed – entry)

Availability

Docket text/entries and associated *PDF documents* filed electronically using a sealed criminal event are not displayed on the court’s docket for public viewing via the court’s PACER System.

Service

Sealed criminal events do not generate and distribute a *Notice of Electronic Filing* to ECF-registered counsel of record. A document filed electronically under seal, must be served upon opposing counsel in the traditional paper manner, or by using any approved method listed under Fed. R. Civ. P. 5.

c) Split Filings; filings in which at least one, but not all documents are sealed

Sealed exhibits or attachments filed in conjunction with a non-sealed foundation document (e.g., motion, brief, response, reply) must be submitted in a separate transaction using the appropriate sealed event. For example, a non-sealed response might be filed with 10 exhibits, only 3 of which are sealed. In this situation, the foundation document (response) and any non-sealed exhibits must first be filed using the appropriate non-sealed filing event. Then, in a separate filing, using the *SEALED Document* event, the filer should submit the *Sealed Cover Sheet* as the main document and each of the 3 sealed exhibits as attachments.

26	RESPONSE in Opposition re 14 MOTION for Summary Judgment filed by ROBERT SMITH. (Attachments: # 1 Exhibit 1 # 2 Exhibit 2 # 3 Exhibit 5 # 4 Exhibit 6 # 5 Exhibit 7 # 6 Exhibit 9 # 7 Exhibit 10)(Jones, Michael)
27	SEALED Exhibits in Support re 26 Response in Opposition to Motion filed by ROBERT SMITH. (Attachments: # 1 .Sealed Exhibit 3 # 2 .Sealed Exhibit 4 # 3 .Sealed Exhibit 8)(Jones, Michael)

d) Motions to Seal

A motion to seal is not filed under seal, unless sealing is warranted because not only the content but also the existence of the document to be sealed should not be revealed on the court’s public docket. Whether filed under seal or not, a motion to seal is filed

electronically and must be accompanied by a proposed order, which is required by Local Rule 7-1(d) and is filed as an attachment to the motion.

When filing a motion to seal a document, the document for which counsel is requesting an order to seal must first be filed electronically using the appropriate sealed event listed under subsection (b). After filing under seal the document that is object of the motion to seal, the motion may be filed and should be linked to the sealed filing.

If the motion to seal is granted, the object of the motion shall remain under seal. If the motion to seal is denied, the object of the motion will be unsealed immediately upon issuance of the order.

19. Restricted Access Filings – Submission of Sentencing Letters

Under appropriate circumstances, counsel may file documents and restrict access to only case parties and the court. This filing restriction can only be used under specific circumstances and for specific documents, and only when authorized by the court.

Counsel for each criminal defendant is encouraged to be the recipient of all letters in support of the defendant, and counsel for the government is encouraged to be the recipient of all victim impact letters. Counsel must file all defendant support and victim impact letters received, via CM/ECF, using the event listed below, which restricts access to these documents to case participants and the court. Submission of these letters via CM/ECF will allow the content of letters to become quickly accessible to the assigned Probation Officer, the Judge, and opposing counsel. Because access to the letters is restricted to case participants only, redaction under Federal Rule of Criminal Procedure 49.1 is not required.

To restrict access to case participants, counsel will submit victim impact letters and letters in support of defendants through the court's CM/ECF system, using the following event, which is located under "Other Documents":

- Sentencing Letter (Case participants – entry)

20. Ex Parte Documents

Ex parte documents must be filed electronically, as required by Local Rule 5-1. All ex parte filings must be submitted using an appropriate EX PARTE filing event. Docket text and PDF documents associated with an electronic filing created using an EX PARTE filing

event are not posted on the Court's public docket and cannot be accessed via the Court's Counsel fPACER System.

When a filing is submitted electronically using an EX PARTE filing event, a Notice of Electronic Filing is distributed via email only to counsel for the filing party. If the Motion remains ex parte at the time of the Court's ruling, any Order issued referencing the EX PARTE Motion will generate and distribute an NEF only to counsel for the applicable party.

21. Contact Information

Additional information about electronic filing may be obtained by visiting the court's website at www.insd.uscourts.gov or contacting the Clerk's Office at (317) 229-3700.

Appendix A

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF INDIANA

ELECTRONIC CASE FILING
Attorney Registration Form

This form shall be used to register for an account on the Court's Electronic Case Filing (ECF) system. Registered attorneys will have privileges both to electronically file documents, and to receive electronic notice of case activity for civil and criminal cases assigned to the Electronic Case Filing system. The following information is required for registration:

First/Middle/Last Name _____

Attorney Bar ID # _____ State _____

Firm Name _____

Firm Address _____

Voice Phone Number _____

FAX Phone Number _____

Primary E-Mail Address: _____

Secondary E-Mail Address: _____

Basis under which attorney is permitted to practice law in the U.S.D.C. for Southern Indiana (check one):

- Admitted in INSD Pro Hac Vice Government Attorney

If Pro Hac Vice or Gov't Attorney, indicate the cause number for which admission is pending or has been granted:

Cause Number(s): _____

By submitting this registration form, the undersigned agrees to abide by all Court rules, orders and policies and procedures governing the use of the electronic filing system. The undersigned

also consents to receiving notice of filings via the Court's electronic filing system.

1. This system is for use only in cases permitted by the *U.S. District Court for the Southern District of Indiana*. It may be used to file documents electronically for all pending civil and criminal cases in the Southern District of Indiana. Please contact the Clerk's Office at (317) 229-3700, to schedule training.
2. Pursuant to Federal Rule of Civil Procedure 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 ECF login and password issued by the court, serves in part as the attorney's signature, per Local Rule 5-7. Therefore, an attorney 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 to immediately notify the court. The Court will immediately delete that password from the electronic filing system and issue a new password.
3. An attorney's registration will not waive conventional service of a summons and complaint, subpoena, or other judicial process; submit the client to the jurisdiction of the Court; or operate as a consent to accept service of pleadings, documents, and orders in actions in which such attorney has not entered an appearance. An attorney's registration will constitute a waiver in law only of conventional service of other non-process pleadings, documents, and orders in the case. The attorney agrees to accept, on behalf of the client, service of notice of the electronic filing by hand, facsimile or authorized e-mail.
4. Attorneys must be active members of the bar of this Court to file pleadings electronically.

Please return this form
with original signature to:

U.S. District Court, Southern District of Indiana
Attn: ECF Registration Processing
46 East Ohio Street, Room 105
Indianapolis, IN 46204

***Photocopies and faxes WILL NOT be accepted.

Attorney's Signature

First Initial of Full Last Name 4 Digit Number (last 4 digits of SSN is suggested)
First Name

Appendix B

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

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

Notice of Endorsement

Please take notice that [Plaintiff/Defendant, Name of Party] electronically filed the following document on [Date of Filing]: [Title of Document]

[Plaintiff's/Defendant's] counsel now notifies the Court that [Plaintiff/Defendant, Name of Party] endorses the [Title of Document] filed by [Filing Party's Name] and would join in submitting said document for the Court's review.

s/ [Name of Filing Attorney]
Name of Filing Attorney
Law Firm Name
Address
City, State, ZIP Code
Phone: (xxx) xxx-xxxx
Fax: (xxx) xxx-xxxx
E-mail: xxx@xxx.xxx

Appendix C

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

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

Notice of Manual Filing

Please take notice that [Plaintiff/Defendant, Name of Party] has manually filed the following:
[Title of Document or Object]

This exhibit has not been filed electronically because [it is an object and cannot be converted to an electronic format/the document exists only in paper form and is illegible when scanned to PDF].

The document or object has been manually served on all parties.

s/ [Name of Filing Attorney]
Name of Filing Attorney
Law Firm Name
Address
City, State, ZIP Code
Phone: (xxx) xxx-xxxx
Fax: (xxx) xxx-xxxx
E-mail: xxx@xxx.xxx

Appendix D

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

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

**Declaration that Party was Unable to File in a Timely Manner
Due to Technical Difficulties**

Please take notice that [Plaintiff/Defendant, Name of Party] was unable to file his/her [Title of Document] in a timely manner due to technical difficulties. The deadline for filing the [Title of Document] was [Filing Deadline Date]. The reason(s) that I was unable to file the [Title of Document] in a timely manner and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the Court and the other parties that I could not do so are set forth below.

[Statement of reasons and good faith efforts to file and to inform (including dates and times)]

I declare under penalty of perjury that the foregoing is true and correct.

s/ [Name of Filing Attorney]

Name of Filing Attorney

Law Firm Name

Address

City, State, ZIP Code

Phone: (xxx) xxx-xxxx

Fax: (xxx) xxx-xxxx

E-mail: xxx@xxx.xxx

