

CM/ECF USER'S GUIDE FOR FILING IN THE DISTRICT OF MONTANA



UNITED STATES DISTRICT COURT DISTRICT OF MONTANA

Note: While this document references many Local Rules, it is not intended to substitute the Local Rules. Parties filing in the District of Montana should be familiar with both the Local Rules and this Guide.

December 2023

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Section 1: INTRODUCTION

Overview

- This guide provides basic instruction for using Case Management/Electronic Case Files (CM/ECF) in the District of Montana. CM/ECF, in conjunction with Public Access to Court Electronic Records (PACER), allows Registered Users to file, retrieve, and view civil and criminal public documents.
- The United States District Courts initiated electronic filing in 1990. Information about how to locate civil and criminal case information pre-dating 1990 may be found in Section 12 of this guide.

Glossary of Terms

Term	Description
Access Restricted to Counsel of Record and Case Participants	Access that restricts document viewing to a case’s participants.
CM/ECF	CM refers to the Case Management portion of the electronic filing system used by the Clerk’s Office to maintain the electronic record. ECF is short for Electronic Case Files which refers to the Court’s electronic filing system and the cases maintained therein.
CM/ECF NextGen	The latest version of CM/ECF, which introduced Central Sign-on (CSO).
CSO	Central Sign-on, a NextGen module that allows public users to access CM/ECF with their PACER credentials.
Division Codes	<p>Venue codes assigned to the separate Divisional Offices of the Court. <i>See</i> LR 1.2.</p> <ul style="list-style-type: none"> • Billings: 1 • Butte: 2 • Great Falls: 4 • Helena: 6 • Missoula: 9
Docket Entry	A pleading, order, or other document entered on the docket sheet. Each entry includes a filing date, document number, and docket text. Supplemental docket text supplied by a filer will appear in italicized text. Docket entries are created by users selecting events from the available civil and criminal menus that most accurately describe the proceeding being recorded or document being filed.

Docket Sheet	The Court's permanent record of case filings and proceedings is referred to as the docket sheet. Docket sheet information for a case includes the names of the parties or litigants, attorney information, and general statistical data. Docket sheets also contain a chronological list of the pleadings and other documents filed in a case (docket entries).
Document	Any pleading, motion, exhibit, declaration, affidavit, memorandum, paper, order, notice, or other filing made part of the Court's record.
E-Filing	All documents must be e-filed using the appropriate event within CM/ECF. When given the option, the filer may add limited text to a docket entry to supplement the title of the document.
Fed. R. Civ. P.	Federal Rules of Civil Procedure
Fed. R. Crim. P.	Federal Rules of Criminal Procedure
Fee Schedule	A list of services provided by the Court and the fees associated with those services .
File Size Limitation	The maximum upload size allowed for a single PDF, which is 200 MB.
Help Desk	Call the Help Desk for assistance 1-866-463-4052. The Help Desk is available from 8:00 a.m. to 5:00 pm., Monday through Friday, excluding Federal holidays.
LR	Local Rules of Civil Procedure
NEF	Notice of Electronic Filing (NEF) is an e-mail notice delivered to case participants at the completion of filing. The notice is generated automatically by the ECF system upon completion of an electronic filing. The judge and all electronic users in the case will immediately receive the NEF at their e-mail addresses. The NEF will appear in your e-mail in-box from sender MT_CMECF and the subject line will be "Activity in Case" followed by the case number and case name, e.g., Activity in Case 4:08-cv-8000, <i>Jones v. James</i> . Do not delete these e-mails without reviewing them first. If an NEF is received, single click on the document number to download it. If you double click on the document number, PACER will not allow free access.
Nonelectronic Filing	Hard copy documents or other items that are submitted to the Clerk's Office for filing because the filer is not a registered CM/ECF filer, or the document or item is unable to be scanned and filed electronically.
Mountain Time (MT)	Mountain Time (MT) refers to all hours stated in this guide including Standard or Daylight Savings, whichever is applicable.
PACER	Public Access to Court Electronic Records (PACER) is an electronic public access gateway that allows anyone to obtain public case information, including docket sheets and documents, from any federal

	court. Registration for a PACER account is free, but there may be a fee associated with accessing case information.
Party	Plaintiff(s), petitioner(s), defendant(s), respondents(s), or any other named participant in a case.
PDF	<p>Portable Document Format (PDF) is the file format that is used to store documents in CM/ECF. Allows anyone to open the converted document across a broad range of hardware and software, with layout, format, links, and images intact. CM/ECF will only accept PDF and PDF/A documents.</p> <p>Please call the CM/ECF Help Desk at (866) 463-4052 for assistance with flattening a file.</p>
Registered User	An attorney or <i>pro se</i> litigant who has been granted e-filing privileges in CM/ECF.
Remote Public Access	Access to view a document available via PACER. Access to electronic case files is available for all parties and the public at each divisional office of the Court (except Helena) during regular business hours. A copy fee for reproduction of an electronic document will be charged in accordance with the Fee Schedule .
Shell Case	<p>Complaints and other initiating documents can be filed electronically before a case is opened using the shell case. Filers can use the shell case when e-filing any type of initiating document including complaints and notices of removal. The shell cases for each division are as follows:</p> <p>(i) Billings: 1:08-CV-8000 (ii) Butte: 2:08-CV-8000 (iii) Great Falls: 4:08-CV-8000 (iv) Helena: 6:08-CV-8000 (v) Missoula: 9:08-CV-8000</p>
System	Used to reference the Case Management Electronic Case Files (CM/ECF) system adopted and implemented by the District Court.

System Capabilities

A Registered User with a web browser, word processing software, PDF creation software, and access to the Internet will be able to use CM/ECF to perform the following functions:

- Electronically file documents;
- Receive notification of filings and orders made in cases in which the Registered User is a participant;
- View official docket sheets and documents associated with any public case; and
- View various case-related reports.

Hardware and Software Requirements

The following are the minimum requirements for using CM/ECF:

- A personal computer;
- A high-speed Internet connection (CM/ECF may “time out” during the filing process if you’re filing large documents and your internet access is not fast enough);
- A compatible browser that supports 128-bit encryption and has JavaScript and cookies enabled;
- A word processor that can create PDF files, such as Microsoft Word;
- Software and/or flatbed scanner to convert documents to PDF format;
- Software to read PDF documents;
- A valid, active e-mail account.

Note: Some versions of Safari make finding and uploading PDF files into CM/ECF difficult or impossible. Apple users should use an alternative browser, such as Mozilla Firefox or Google Chrome.

Clearing your Cache

Sometimes issues with filing in CM/ECF can be resolved by clearing your web browser’s cache, cookies, and history. For more information follow this [link](#).

Filing Parameters

- PDFs larger than 200 megabytes: CM/ECF will not accept PDFs larger than 200 megabytes. Documents larger than 200 megabytes must be split up into 200-megabyte segments and e-filed as properly named attachments or as separate docket entries using the “Notice of Filing Exhibits” event.
- Filings greater than 1 gigabyte: Docket entries (including the main document and any attachments) greater than one gigabyte may be split into multiple docket entries using the “Notice of Filing Exhibits” event. Alternatively, filings greater than 1 gigabyte may be submitted to the Clerk’s Office on a USB drive in the division of venue.
- Filings with more than 20 exhibits: While there is no limit to the number of exhibits/attachments which may be attached to a single docket entry, filing more than 20 exhibits/attachments to a single main document may cause the system to “time out” during the filing process. Accordingly, exhibits may be split between multiple docket entries using the “Notice of Filing Exhibits” event.

Section 2: RESOURCES

CM/ECF and PACER Assistance

For assistance regarding electronic filing or to reset your CM/ECF username or password, contact the Clerk's Office's Help Desk at 1-866-463-4052.

For assistance regarding the viewing of federal court case information or the recovery of login credentials, contact the PACER Service Center at (800) 676-6856 (you will need to know your account number) or visit the PACER Service Center website at pacer.uscourts.gov. PACER is regulated in Washington, D.C. The District of Montana does not maintain PACER logins or passwords. To update your personal information, firm information, and/or mailing address, log into your PACER account and click on Manage My Account.

The Court's Website

The [Court's website](#) contains information relating to the work of the Court, including Local Rules, Standing Orders, Court policies, and Court contact information.

Section 3: OBTAINING FILING ACCESS IN CM/ECF

Introduction

Only registered CM/ECF users are granted access to file in CM/ECF. All public users of CM/ECF—including attorneys and self-represented parties who have been granted filing privileges—must access CM/ECF using credentials for an upgraded individual PACER account.

YOU MUST HAVE THE FOLLOWING TO ELECTRONICALLY FILE IN NEXTGEN

- Individual PACER Account - If you do not have an individual PACER account, [click here](#) for instructions on how to register.
- Upgraded PACER Account - If you already have an individual PACER account, you must upgrade your account or verify that your account is already upgraded. [Click here for instructions.](#)
- Linked CM/ECF and PACER Accounts - You must link you CM/ECF account to your PACER account to be able to file electronically. [Click here for instructions.](#)

Individuals who were registered users of CM/ECF prior to September 27, 2021, and who have not made any filings since before that date will be required to link an upgraded individual PACER account with their existing CM/ECF user account. Attorneys admitted to the bar prior to September 27, 2021, but who have never registered for a CM/ECF account should contact the Court for assistance.

New Users

All individuals seeking CM/ECF filing access, including attorneys and self-represented parties, will be required to request access using an upgraded individual PACER account.

Attorneys Seeking Admission to Practice in the District of Montana

Attorneys seeking admission to practice in the district should follow the instructions on the Court's website on the [Attorney Admissions](#) page to request admission through PACER.

Pro Hac Vice Admission

Attorneys from other districts seeking to appear pro hac vice in this District should follow the instructions on the Court's website regarding [Pro Hac Vice Admissions](#). Attorneys seeking pro hac vice admission to the District of Montana must:

- Obtain local counsel.
- Have local counsel file a motion for leave to appear pro hac vice with an attached

affidavit that complies with the requirements set out in L.R. 83.1(d).

- Pay the PHV filing fee (see current [fee schedule](#).)
- Request access to the District of Montana's CM/ECF database through PACER.

A Certificate of Good Standing is not required for an appearance Pro Hac Vice.

Pursuant to Local Rule 83.1, PHV attorneys are only allowed to file electronically in the case in which they were granted leave to appear PHV.

Self-Represented Parties

Pro se litigants can file a complaint to initiate a new lawsuit in one of three ways:

- In Person: Documents may be delivered in person to the Clerk of Court's office in Billings, Butte, Great Falls, or Missoula. The Helena office does not accept filings over the counter.
- By Mail: Documents may be mailed to the Clerk of Court's office in the Billings, Butte, Great Falls, Helena, or Missoula.
- Email: Initial pleadings (case filings and supporting documents) may be emailed to mtd_prosecomplaints@mtd.uscourts.gov. This includes new complaints and motions to proceed in forma pauperis). **NOTE - ANY DOCUMENT SENT TO THIS EMAIL OTHER THAN INITIAL PLEADINGS WILL NOT BE FILED.**

Once a complaint has been filed, all documents must be submitted in person, through the mail, or via the court's electronic system. Once the filing fee has been paid or the court has granted permission to proceed IFP, a pro se litigant may register to file documents electronically in CM/ECF and receive and view via e-mail everything that is filed in the case. By registering for electronic filing, pro se litigants waive their right to receive service of documents by first class mail. The Clerk of Court reserves the right to revoke or suspend the electronic filing privilege of any electronic filer who fails to comply with the [Federal Rules of Civil Procedure](#), [Local Rules](#), and this Guide. The [District of Montana Pro Se Filing Instructions](#) provides step by step instructions for filing through the Court's electronic filing system.

Additional information for self-represented litigants is available on the Court's website on the [Filing without an Attorney](#) page.

Accessing CM/ECF

CM/ECF can be accessed at public terminals in Clerk's Office or via the Internet.

Public access at the Clerk's Office

Access to the electronic record is available for all parties and the public at divisional offices in Billings, Butte, Great Falls, and Missoula during regular business hours. A copy fee for an

electronic reproduction is required. Certified copies may also be purchased. The Court's [fee schedule](#) is available on the Court's website.

Internet access to CM/ECF

Click on the E-Filing (CM/ECF) bar on the Court's website or navigate to [CM/ECF](#). Click on the link: "District of Montana – Document Filing System" and the browser will be redirected to PACER. Enter valid PACER credentials and a client code, if necessary. Successful logins will be redirected back to CM/ECF.

The client code field is an optional field available on the login screen for PACER tracking purposes. Any client code is entered for a transaction will be reflected on the billing statement generated by the PACER Service Center.

Because CM/ECF is accessed with PACER credentials, user name and password maintenance must be done through PACER's [lost username](#) or [lost password](#) utilities or by contacting PACER directly. The user's e-mail address, in addition to either the account number or date of birth and first and last names, are required to reset a username or password in PACER.

The Court is unable to reset a user's PACER username and password.

Availability

CM/ECF is designed to provide service 24 hours per day, seven days per week.

Nonelectronic filing: The Clerk's Office is open for nonelectronic filing Monday through Friday, 8 a.m. to 5 p.m., except federal holidays.

Help Desk: The help desk is available Monday through Friday, excluding federal holidays, from 8:00 a.m. to 5:00 p.m. Parties are encouraged to e-file during those hours in the event assistance is needed.

Submitting a Registration Request in PACER

Step	Action
1	Navigate to pacer.uscourts.gov . Mouse over the <i>Manage Your Account</i> panel under <i>What can we help you accomplish?</i> and click on <i>Manage My Account Login</i> . Click the <i>Log in to Manage My Account</i> button and log in with your upgraded PACER credentials.
2	Click on the Maintenance tab.
3	<u>Attorney Filers</u> : click the Attorney Admissions/E-File Registration link. <u>Self-Represented Party Filers</u> : click the Non-Attorney E-File Registration link

	Media Noticing Account: click the Non-Attorney E-File Registration link. IMPORTANT: Type MEDIA or MEDIA ACCOUNT in the Firm/Office Field.
4	Select District for Court Type and Montana District Court for Court. Click Next.
5	Click the E-File Registration Only button and follow the instructions. The request will be sent to the District of Montana, where generally it will be processed within 24 hours. You may check the status of your request in PACER by clicking the <i>Check E-File Status</i> link under the Maintenance tab.

Once an attorney or a self-represented litigant becomes a registered user in CM/ECF, they waive the right to receive service of documents filed in the electronic record by any other means other than electronic.

Section 4: ELECTRONIC FILING PROTOCOLS

Creating and Filing Documents

The standard format for electronically filed documents is Portable Document Format (PDF). There are three primary methods for creating PDF documents: (1) saving a document as a PDF directly from the word processing program, (2) printing a document to PDF, or (3) scanning documents from paper into PDF.

Saving as PDF

Saving a document to PDF directly from your word-processing program is the preferred method of creating PDFs. Most PDFs created this way are optimized and are text searchable.

Printing to PDF

In some instances, printing to PDF is preferable. This is the case for any PDF-fillable form or for any PDF or document that contains scripts or code. **NOTE:** If CM/ECF blocks a PDF from being uploaded, printing the file to PDF frequently solves the problem.

Scanning to PDF

Scanning a document creates an image, and, therefore, scanned documents are much larger than documents saved directly to PDF.

If for any reason a document cannot be easily viewed after scanning and e-filing, the filing party will be instructed to re-scan and e-file the document. If the issue cannot be resolved by re-scanning, the party will be asked to physically submit the filing to the clerk's office in the division of venue within a specified period of time.

PDF Fillable Forms

DO NOT upload a PDF fillable form to CM/ECF. Instead, print or flatten the fillable PDF before uploading it to CM/ECF so that the fields are removed. This ensures that the document cannot be edited when downloaded. This process will also decrease the file size significantly.

Please call the CM/ECF Help Desk at (866) 463-4052 for assistance with flattening a file.

PDF/A

PDF/A is an International Standards Organization (ISO) standard document format. PDF/A documents are self-contained and do not rely on or access information outside of the document

itself to display the information contained within the document. Accordingly, the PDF document appears, and will continue to appear, identical to the document from which it was created, no matter where or when it is accessed. As a result, most PDF/A documents will have a slightly larger file size.

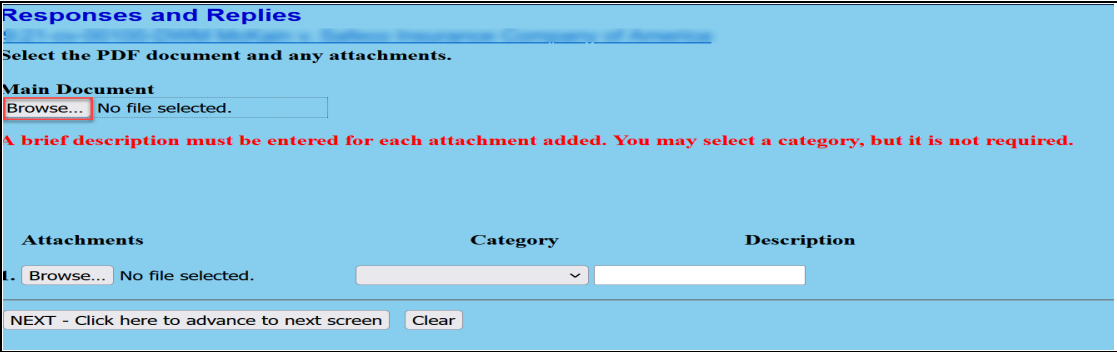
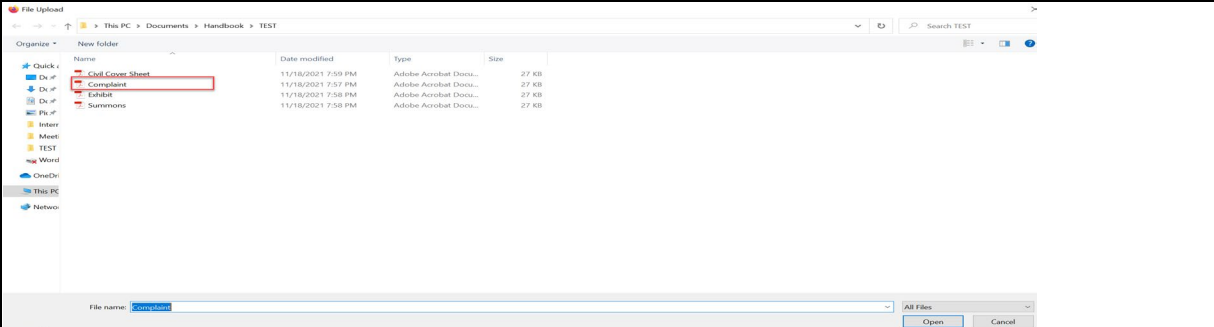
The District of Montana does not currently require filings to be in PDF/A format.

File Size Limits

PDF files that exceed 200 MB will not be accepted by CM/ECF. Files that exceed this limit must be broken down into smaller, separate files and uploaded as attachments to the main document.

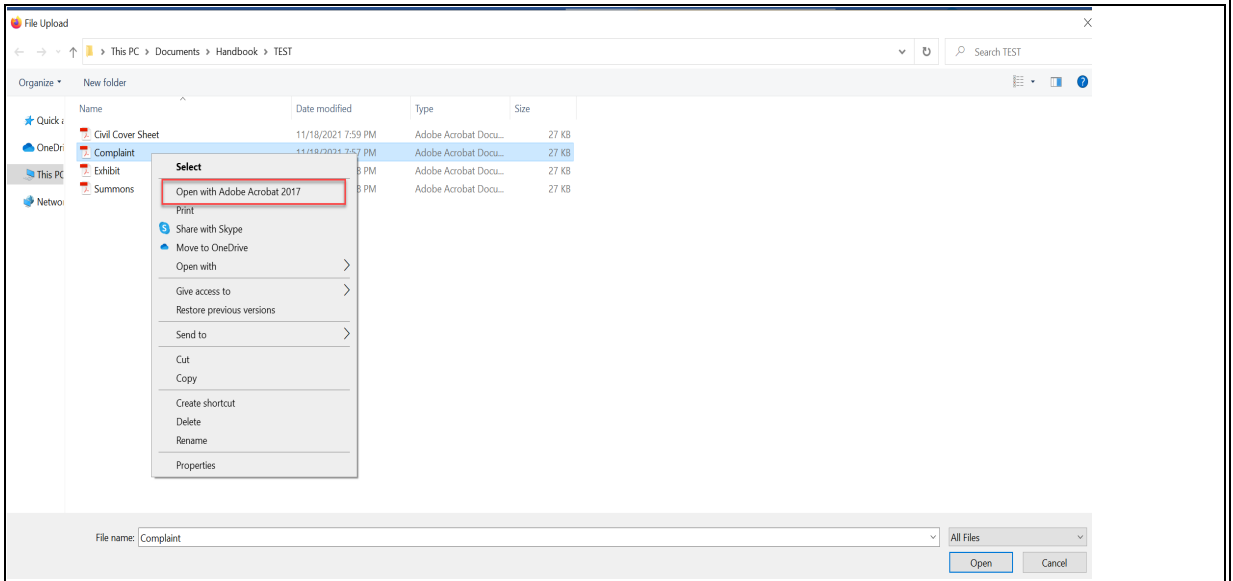
Filings greater than 1 gigabyte: Docket entries (including the main document and any attachments) greater than one gigabyte may be physically submitted to the clerk’s office in the division of venue or split into multiple docket entries using the “Notice of Filing Exhibits” event.

Uploading Documents

Step	Screen
1	<p>This is the document attachment screen, which is presented in all public-user events.</p>  <p>The main document should be the pleading. Right click Browse. . . to locate the document for attachment.</p>
2	<p>A new window will open. Locate your pleading in the location where it has been saved.</p> 

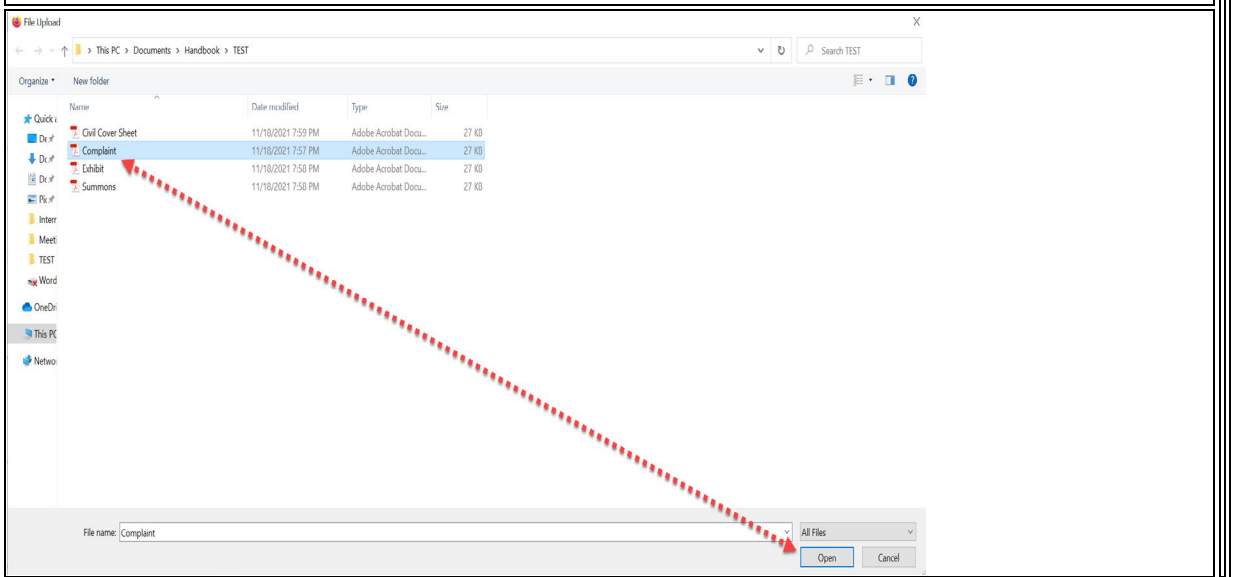
Prior to attachment, it is recommended that the PDF be reviewed to ensure it is accurate and is the correct attachment. This can be done by right clicking on the PDF and selecting the Open with Adobe option. The PDF will open on your screen for review. After confirming the PDF is correct, click the X in the upper right corner of the PDF to close it

3



Make sure the correct document is highlighted, and then click **Open** to continue with document attachment.

4



5

Attachments	Category	Description
1. Browse... No file selected.	<input type="text"/>	<input type="text"/>
<input type="button" value="NEXT - Click here to advance to next screen"/> <input type="button" value="Clear"/>		

Attachments should also be uploaded at this time. Click **Browse...** to locate and confirm your attachment as indicated above.

Attachments	Category	Description
1. <input type="button" value="Browse..."/> No file selected.	<input type="text" value=""/>	<input type="text" value=""/>
NEXT - Click here to advance to next screen		
<ul style="list-style-type: none"> Affidavit Appendix Civil Cover Sheet Errata Exhibit Supplement Text of Proposed Order Redacted Citation 		

6

Each attachment must be labeled with a Category from the drop-down menu OR a Description in the free text field. It is not necessary to enter both a Category and Description.

Attachments	Category	Description
1. <input type="button" value="Browse..."/> Exhibit.pdf	<input type="text" value="Insurance Policy"/>	<input type="button" value="Remove"/>
2. <input type="button" value="Browse..."/> Civil Cover Sheet.pdf	Civil Cover Sheet	<input type="button" value="Remove"/>
3. <input type="button" value="Browse..."/> No file selected.	<input type="text" value=""/>	<input type="text" value=""/>
NEXT - Click here to advance to next screen <input type="button" value="Clear"/>		

7

The first attachment(s) should be any exhibit(s) to the pleading, such as the required state court pleadings for a Notice of Removal. The next attachment should be the Civil Cover Sheet (JS44). Civil Cover Sheet is a selection available in the Category drop-down menu. The next attachments should be individual summons(es) for issuance. Multiple summons(es) may be attached as a single PDF document.

When all documents have been added, click **Next – Click here to advance to next screen** to continue.

NOTE: Attaching a PDF to the Attachment 1 option causes the Attachment 2 option to appear. Repeat the attachment process as many times needed to attach all necessary documents. While there is no limit to the number of exhibits/attachments which may be attached to a single docket entry, filing more than 20 exhibits/attachments to a single main document may cause the system to “time out” during the filing process. Accordingly, exhibits may be split between multiple docket entries using the “Notice of Filing Exhibits” event.

Browser “Back” and “Forward” Buttons

DO NOT USE the browser BACK and FORWARD buttons to navigate through CM/ECF. If an event was selected in error or incorrect information was entered on a prior screen, navigate back to the Civil or Criminal menu, and begin again.

Hyperlinks (L.R. 1.5)

- Hyperlinks to cited authority will be considered no more than a convenient mechanism for accessing material cited in the document.
- The hyperlink will be extraneous and will not be considered a part of the Court’s record.
- Hyperlinks should not be used to circumvent word count limitations.

The Court’s Case Numbering System

Hundreds of cases are filed each year in the District of Montana, and CM/ECF assigns a unique case number to each case when it is opened. The full case number will be formatted as follows:

- **Division Code:** For statistics tracking and case management purposes, each case number includes a division code, which is the number before the colon. The following are the division codes for the District of Montana:
 - **1:** Billings
 - **2:** Butte
 - **4:** Great Falls
 - **6:** Helena
 - **9:** Missoula
- **Year Initiated:** The number after the division code represents the year in which the case was initiated.
- **Case Type:** The two-letter code after the hyphen refers to case type. There are several case types, but most filers will see CV for a civil action or CR for a criminal case.
- **Case Number:** The next number is simply the next available number, starting at 1 and counting up as far as required in a given year.
- **Divisional Office Initial:**
 - BLG—Billings
 - BU—Butte
 - GF—Great Falls
 - H—Helena
 - M--Missoula
- **Assigned Judge Initials:** In cases where a presiding judge has been assigned, the judge’s three letter initials will appear at the end of the case number. The presiding judge’s initials may be followed by the three letter initials of the referral judge if the case has been referred to a magistrate judge. The assigned judge code should be included in the caption of any pleading filed in the case.

Example: 9:22-cv-00001-M-DLC-KLD

Public Access, Privacy, and Sealing (L.R. 5.1)

Sealed Documents

Sealed documents are:

- Not available to the public.
- Always available to the Court.
- May be accessible to all parties or only to the filing party.

Ex Parte Documents

- Ex Parte documents are only accessible to the Court and counsel of record for the filing party.
 - An attorney who has access to view an ex parte or otherwise restricted document or order, must complete the following steps when they receive an NEF:
 - Click **once** on the docket number (NOT the case number) in the NEF. Double clicking on the document number will prevent access to the document and you will have to contact the Clerk's Office for guidance.
 - A login screen will appear. Enter the login and password **of the counsel of record.**

Viewing Restricted Documents

Introduction

Restricted documents are documents that are not remotely viewable by the public but may be remotely viewable by counsel of record in a case. The most common examples of restricted documents are social security case documents and various documents in criminal cases. Some restricted documents are also viewable at the Clerk's Office public terminals, such as documents in social security cases.

Warning Screens

Not all restricted documents are viewable. Documents with the following warning screens may be remotely viewable by certain users: ·

- Warning – This document is restricted to specific users. ·
- Warning – This document is restricted to court users and the applicable party. ·
- Warning – This document is restricted to court users, case participants, and public terminal users.

Notices of Electronic Filing (NEFs)

The restricted documents must be accessed via the NEF. The combination of the filing user's login and password verify that the individual trying to access the document remotely is

authorized to view the document remotely. Thus, restricted documents cannot be accessed through PACER. A sealed document is not remotely viewable by anyone.

Steps to Remotely View a Restricted Document

Follow these steps to remotely view a restricted document:

1. Click on the document number in the NEF
2. Enter your PACER login and password when the login screen appears.
3. Click on the *View Document* button on the warning screen.
4. Save or print the document.

Note: You can view a document via the NEF only once. Once you have viewed the document via the NEF, you will not be able to view it again. For example, the filing user may not be able to view the document if someone else (i.e., any secondary e-mail addresses associated with the filing user's account) clicks on the NEF and attempts to view the document first because the system believes that the one free look has been used.

E-Government Act of 2002, F.R.Civ.P.5.2, F.R.Crim.P. 49.1.

Parties must redact personal data identifiers from all documents filed with the Court, including exhibits thereto, whether the document is made available electronically or only in paper, unless otherwise ordered by the Court.

- Personal identifiers:
- Social Security Numbers redacted to the last four numbers: xxx-xx-5271.
- Tax-Payer Identification Numbers redacted to last four numbers: xx-xxxx4578.
- Names of minor children redacted to initials only.
- Dates of birth redacted to the year only: xx/xx/2001.
- Financial account numbers redacted to the last four digits of the account numbers: xxxxxxxxxxxxxxxxxxxxxx3567.
- Personal address redacted to the city and state in criminal cases only.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. Personnel in the Clerk's Office will not review each document for compliance with this rule.

The following are not available for public access:

- Criminal summonses.
- Unexecuted criminal warrants.
- Pretrial bail reports and presentence investigation reports.
- The sentencing judge's statement of reasons in a criminal judgment.
- Juvenile records.
- Documents containing identifying information about jurors or potential jurors.
- Financial affidavits filed by persons seeking representation pursuant to the Criminal Justice Act.

- Sealed documents, including but not limited to motions for subpoenas under Fed.R.Crim.P. 17(b).
- Motions for downward departures for substantial assistance.
- Minutes and transcripts from sealed court proceedings.
- Transcripts of Voir Dire.
- Petitions for summons or warrant, until defendant appears on the petition.
- Grand jury matters, if ordered filed in a case.
- Supporting documentation relating to payment of Court appointed counsel or experts.
- Other documents or proceedings as provided by statute, rule, or policy.

For more information, see [Privacy Policy for Electronic Case Files](#).

Redaction

Redaction, once a matter of drawing a heavy black line through the words on paper, has changed with the electronic filing of documents. A black bar drawn over the text is no longer enough to block it from view. In an electronic file, the obscured text still lurks beneath the highlighter box and can be readily recalled. The text is hidden, not excised. One example of redaction prior to creating a PDF is to replace numbers with X's, i.e., Social Security numbers as xxx-xx-5325, birthdates as xx/xx/2001.

To redact text, its metadata—literally the information about the data—must be removed. For best results, delete the text from the file before creating a PDF file and save it with a new name. Commercial software designed specifically to redact is also available. If you have questions, please call the Help Desk at (866) 463-4052.

Signing of Pleadings, Motions and Other Papers (L.R. 11.1)

Electronic Signature Format.

- A registered user's log-in and password serve as the user's signature on all documents electronically filed with the court and as a signature for purposes of Fed. R. Civ. P. 11, these rules, and any other purpose for which a signature is required in connection with proceedings before the court. Therefore, the registered user signing the document must be the same registered user filing the document. That is, use the signer's log-in and password to file the document.
- Except as provided by L.R. 11.2, where a hand signature would otherwise appear, each document filed electronically by a registered user must be signed with the filer's name, e.g., "/s/ John E. Attorney," a digital stamp, or a scanned handwritten signature.
- Only a judge, a registered user, a self-represented litigant filing using PACER, the clerk of court, a court reporter, or deputy clerks of court may use the "/s/" signature form, and, except as provided by L.R. 11.2(a), only when signing the document as the filer and filing electronically.

- All other signatures, including those on any affidavit, must be hand signatures.
- When any hand signature is used, the name of the signer must be printed or typed under the signature line. L.R. 1.5(b).

Signing on Behalf of Another Attorney

- If someone in your office has asked you to sign and e-file a document for them, you must use your own login and password.
- The attorney signing for someone else should not associate themselves to the case when prompted by CM/ECF.

Multiple Signatures (L.R. 11.2)

Documents requiring signatures of more than one party may be filed in one of the following ways:

- Where the filing party is a registered user and all signers (including non-registered users and pro se litigants) consent to the filing, by using the “/s/” electronic signature as to all parties;
- Where all signers use hand signatures, by scanning the document and filing it electronically without the “/s/” signature by any party; or
- By scanning one or more identical documents with hand signatures and attaching each document as an exhibit to a document bearing the registered user’s “/s/” electronic signature.

Section 5: E-MAIL NOTIFICATION

Notice of Electronic Filing (NEF)

At the conclusion of a filing transaction, the system will generate a Notice of Electronic Filing (NEF) to confirm that the document has been filed and served on the parties who are Registered Users. The NEF displays the recipient's names, primary e-mail addresses, and secondary e-mail addresses (if any). The NEF will also indicate which case participants (if any) were not served electronically. The filing party is responsible for effecting service in hard copy on parties who were not served electronically.

NEFs each contain a hyperlink to the main document attached to the docket entry. TEXT orders do not include a link because the entire order is visible as the docket text and included as part of the NEF.

Registered Users have two options to receive NEFs: either per filing or as a daily summary report that is generated only if case activity has occurred. These preferences may be changed in your PACER account.

NEF Details

	Screen
The date and time of the filing are documented in the NEF. The time is recorded as Mountain time (either MDT or MST) based on the location of CM/ECF.	<p>Notice of Electronic Filing</p> <p>The following transaction was entered on 5/14/2009 at 3:47 PM MDT and filed on 5/14/2009</p>
The case name and number, the filing party, the document number assigned to the entry, and the judge assigned to the case are listed in the NEF.	<p>Case Name: M... ..</p> <p>Case Number: 2:21-cv-00049-BMM</p> <p>Filer:</p> <p>Document Number: 16</p>
The docket text of the entry is also displayed.	<p>Docket Text:</p> <p>ORDER granting [15] Stipulated Motion. The above captioned case is hereby dismissed with prejudice. Signed by Judge Brian Morris on 2/1/2022. (KAH)</p>
NEF recipients are listed below this line.	<p>2:21-cv-00049-BMM Notice has been electronically mailed to:</p>
Parties who are not Registered Users who require	<p>2:21-cv-00049-BMM Notice has been delivered by other means to:</p>

service by another means are listed below this line.	
Each document attached to the entry receives an electronic document stamp verifying that it was filed in CM/ECF.	<p>The following document(s) are associated with this transaction:</p> <p>Document description:Main Document Original filename:n/a Electronic document Stamp: [STAMP dcecfStamp_ID=1105468959 [Date=2/1/2022] [FileNumber=2706088-0] [8a4e1f62835b903bf41ea99a5aa4a30c615c09814673136dcf6bd071cd0021e0d7ebe4f370457d8d92a7f5d6a94ef27e14d7347625d466d50b8c93e72693dbf8]]</p>

NOTE: Some e-mail systems follow hyperlinks to check for security risks, which will use up the “free look,” so e-mails from CM/ECF should be exempted from this type of scanning.

The “Free Look”

Except for transcripts of proceedings and documents filed under seal or otherwise restricted, each recipient of an NEF receives one “free look” at the filed document. Any subsequent access to the document will result in assessment of applicable PACER fees.

Restricted Documents

Only Registered Users associated with the case as counsel or party of record may view documents filed with restriction levels. Users attempting to access such documents will be prompted to log in before the document may be viewed. These document types include, but are not limited to, the following:

- Documents filed in Social Security cases;
- Documents filed in criminal cases PRIOR to November 1, 2004;
- Documents restricted pursuant to a protective order in a civil case;
- Documents filed *ex parte*; and
- Party consents to jurisdiction by a magistrate judge.

Applying for a Media Noticing Account

The District of Montana uses media noticing accounts to allow media professionals to receive Notices of Electronic Filing (NEFs) in selected cases. Note: clicking on a link included in an NEF will result in PACER fees.

Prerequisites

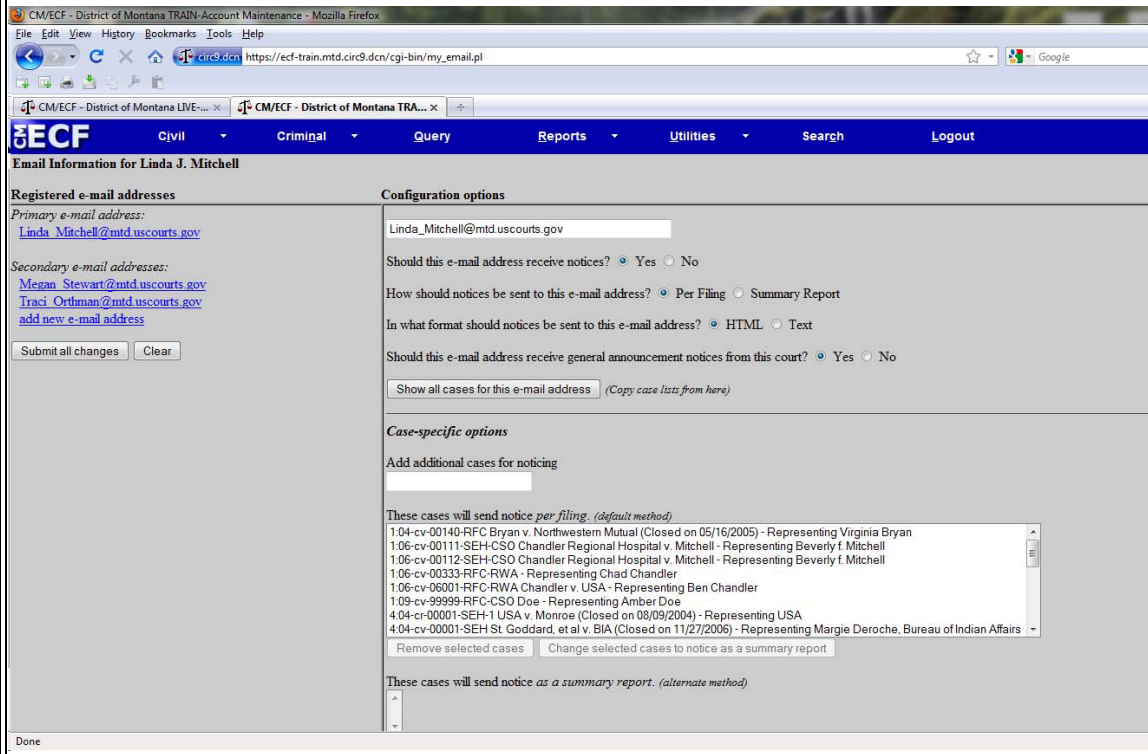
An upgraded PACER account is required to apply for a Media Noticing Account. For instructions on registering or upgrading a PACER account, visit pacer.uscourts.gov.

Instructions

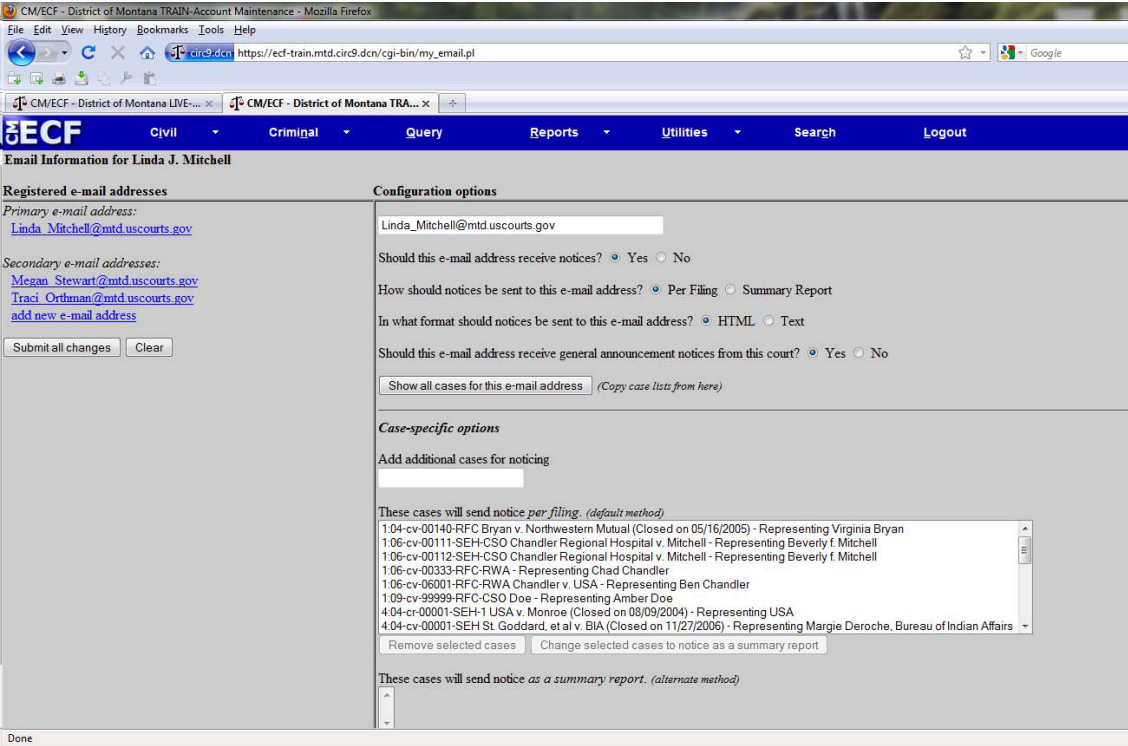
For instructions on registering for a District of Montana CM/ECF media noticing account, see Submitting a Registration Request in PACER and follow the instructions for a media noticing account in Step 3. When entering/reviewing your address, type MEDIA OR MEDIA ACCOUNT in the Firm/Office field. Requests for Media Noticing Accounts that do not include this will be rejected.

For additional information on Media accounts, see the [Media Account Information](#) page on the Court's website.

Managing Your E-mail Addresses

Step	Action
1	Log in to CM/ECF via PACER and click on Utilities.
2	<p>Click on the Update Your E-mail Address link, and on the next screen, click on your e-mail address. The initial e-mail information screen is divided into two sides. On the left-hand side, there are two e-mail address hyperlinks—one for the primary email address and one for the secondary e-mail addresses. To edit the existing Primary e-mail address, click on the hyperlink on the left-hand side of the screen. In the text field on the right-hand side, enter the new e-mail address. Click on submit all changes, then click submit.</p>  <p>The screenshot displays the 'Email Information for Linda J. Mitchell' page. On the left, under 'Registered e-mail addresses', the primary address is 'Linda_Mitchell@mtd.uscourts.gov' and secondary addresses include 'Megan_Stewart@mtd.uscourts.gov' and 'Traci_Orthman@mtd.uscourts.gov'. There are 'Submit all changes' and 'Clear' buttons. On the right, 'Configuration options' include: 'Should this e-mail address receive notices?' (Yes selected), 'How should notices be sent to this e-mail address?' (Per Filing selected), 'In what format should notices be sent to this e-mail address?' (HTML selected), and 'Should this e-mail address receive general announcement notices from this court?' (Yes selected). Under 'Case-specific options', there is a list of cases for which notices will be sent per filing, including '1:04-cv-00140-RFC Bryan v. Northwestern Mutual' and '1:06-cv-00111-SEH-CSO Chandler Regional Hospital v. Mitchell'.</p>

Adding Cases for Noticing

Step	Action
1	Log in to CM/ECF via PACER and click on Utilities.
2	Click on the Update Your E-mail Address link, and on the next screen, click on your e-mail address.
3	<p>Under Configuration Options, find Case-Specific Options. Enter the case number for the case in which you wish to receive NEFs in the Add Additional Cases for Noticing field and click Find This Case.</p> 
4	CM/ECF will reformat the case number if the case is found. Click Add case(s). The case will now appear in the list cases below.
5	After you finish adding cases, click Submit all changes in the left panel. A confirmation screen will appear.

E-mail Notification Message Failures

Service of a document to a Registered User is deemed complete upon filing the document in CM/ECF, at which point the system transmits the NEF. Fed.R.Civ.P. 5(b). To ensure proper service, it is essential that Registered Users maintain current, working e-mail addresses in CM/ECF and PACER. Furthermore, it is important that interference with the NEF not occur after it leaves the Court's mail server, such as being deemed junk mail by a spam filter. The Court cannot stress enough that NEF delivery failures will not excuse missed deadlines. It is the

users' obligation to keep an updated and working e-mail address current in CM/ECF and PACER.

Failure Bounce backs

An NEF transmission may fail if the recipient's mailbox is too full or if the recipient's e-mail is otherwise unavailable. Though a bounce back message will be delivered, the Court will not retransmit the NEF. Again, it is the user's obligation to maintain a working e-mail address in CM/ECF and PACER.

Discontinuing NEFs for a Case

The Court is required under Fed. R. Civ. P 77(d) to notify counsel of record of the entry of all orders and judgments, including post-judgment orders and appeal activity, even if the litigant represented has been terminated from the case. Counsel desiring to terminate electronic notices in a case must do so affirmatively by either:

- Withdrawing from the case as counsel of record (LR 83); or
- Filing a formal notice in pleading form requesting that the e-mail notification in the case be turned off.

Section 6: EVENT SELECTION

Events

After logging into CM/ECF, registered users will be able to use the main menu to file documents or perform other tasks.



The filing events are organized by category:

Menu Item	Types of Events
Civil	To see a menu of events that can be docketed to civil cases, such as motions, notices, service documents, responses, replies, and answers.
Criminal	To see a menu of events that can be docketed to criminal cases, such as plea-related documents, motions, responses, replies, appeal documents, notices, and trial documents.
Query	To find a case-by-case number, case characteristics, or name/type of a participant, then see a menu of query options.
Reports	Access the written opinions report, run civil and/or criminal case reports, calendar event reports, docket sheet reports, etc.
Utilities	View Court information, link a PACER account to a CM/ECF account, review billing history, etc.
Search	This option can help you find and get to the menu option or docket event that you need. Type in some letters of a word, and a complete list of menu items and events whose names contain those letters is displayed. Each of the displays is a link, so that all you have to do is click it -- if it's an event, you go immediately to the first screen for docketing.
Help	See a help file for the screen you are viewing.
Logout	To log out of CM/ECF and see the login screen.

Criminal Events

The menus of events under the Criminal selection include: Charging Instruments and Pleas, Motions and Related Filings, and Other Filings. Selection of the links under those headings reveals the individual docket events.

Civil Events

The menus of events under the Civil selection include: Initial Pleadings and Service, Motions and Related Filings, and Other Filings. Selection of the links under those headings reveals the individual docket events.

Example: To electronically file a Motion for Summary Judgment in a civil case, first select **Civil** from the main menu and click on the **Motions** menu under **Motions and Related Filings**. The event **Motion for Summary Judgment** appears under the **Motions** menu.

Motions

Available Events (click to select events)

- Show Cause
- Stay
- Stay Discovery - MT
- Stipulation Motion - MT
- Strike - SDM
- Substitute Attorney
- Substitute Party
- Summary Judgment - SDM
- Supplement - MT
- Take Deposition
- Temporary Restraining Order
- Transfer - MT
- Unseal Case
- Unseal Document
- Vacate
- Withdraw

Selected Events (click to remove events)

- Summary Judgment - SDM

NEXT - Click here to advance to next screen Clear

Search Function

If you are having trouble finding a specific event, click the Search function and start typing the name of the event you wish to file. A list of all events that include the word entered in the search field will be displayed.

CM/ECF Civil Criminal Query Reports Utilities Search Help Log Out

Search results for 'summary'
2 events found

Civil Events → Motions and Related Filings → Motions

- Summary Judgment - SDM
- Partial Summary Judgment - SDM

Search Menus and Events

 Search

Find the correct event and click on the event name to begin the filing process.

Section 7: OPENING A CIVIL CASE

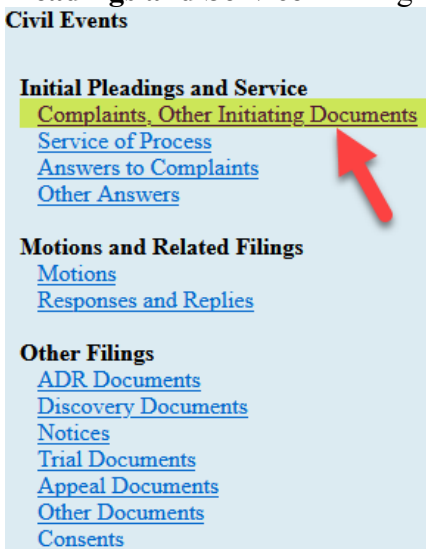
Required Documents

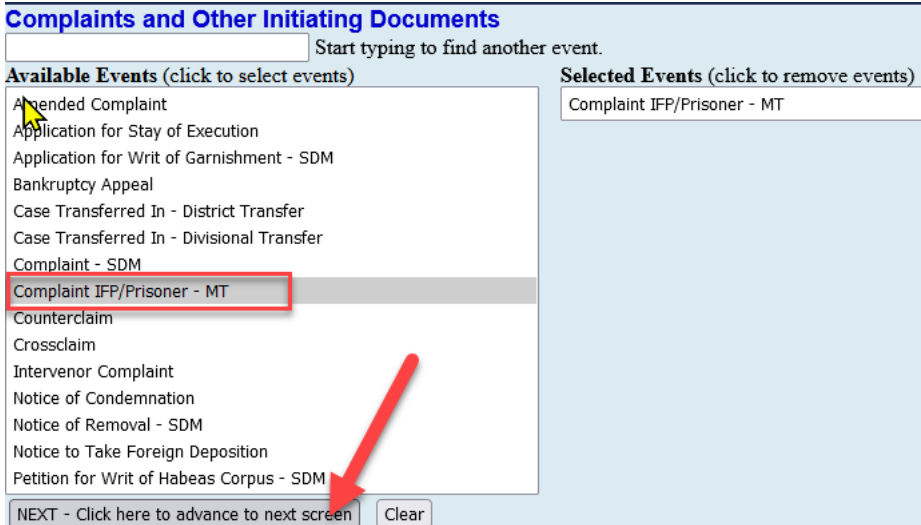
The following documents must be prepared prior to beginning the case opening process:

To file a Complaint or Petition	To file a Notice of Removal
<ol style="list-style-type: none"> 1. Complaint or Petition 2. Civil Cover Sheet (JS44) 3. Summons for issuance by the Clerk’s Office, if appropriate 	<ol style="list-style-type: none"> 1. Notice of Removal 2. Civil Cover Sheet (JS44) 3. Copies of the required state court pleadings <ul style="list-style-type: none"> o Complaint o Executed summons o Answers o Pending motions
<p>NOTE: PDFs should be text-searchable, and PDF fillable forms must be flattened or otherwise unmodifiable prior to attachment.</p>	

Using the Shell Case to Open a Case

Complaints and other initiating documents can be filed electronically before a case is opened using the shell case. Filers can use the shell case when e-filing any type of initiating document including complaints and notices of removal.

Step	Actions
1	<p>Under the Civil tab, select Complaints, Other Initiating Documents under the Initial Pleadings and Service heading.</p>  <p>Civil Events</p> <p>Initial Pleadings and Service</p> <p>Complaints, Other Initiating Documents</p> <p>Service of Process</p> <p>Answers to Complaints</p> <p>Other Answers</p> <p>Motions and Related Filings</p> <p>Motions</p> <p>Responses and Replies</p> <p>Other Filings</p> <p>ADR Documents</p> <p>Discovery Documents</p> <p>Notices</p> <p>Trial Documents</p> <p>Appeal Documents</p> <p>Other Documents</p> <p>Consents</p>

<p>2</p>	<p>Select the appropriate event such as Complaint, Notice of Removal, Bankruptcy Appeal, etc. Click NEXT – Click here to advance to the next screen.</p>  <p>Complaints and Other Initiating Documents</p> <p>Start typing to find another event.</p> <p>Available Events (click to select events)</p> <ul style="list-style-type: none"> Amended Complaint Application for Stay of Execution Application for Writ of Garnishment - SDM Bankruptcy Appeal Case Transferred In - District Transfer Case Transferred In - Divisional Transfer Complaint - SDM Complaint IFF/Prisoner - MT Counterclaim Crossclaim Intervenor Complaint Notice of Condemnation Notice of Removal - SDM Notice to Take Foreign Deposition Petition for Writ of Habeas Corpus - SDM <p>Selected Events (click to remove events)</p> <ul style="list-style-type: none"> Complaint IFF/Prisoner - MT <p>NEXT - Click here to advance to next screen Clear</p>
<p>3</p>	<p>Selecting the Divisional Venue</p> <ul style="list-style-type: none"> • When filing a Complaint or Petition, the divisional venue is the division of the Court in which a substantial part of the events or omissions giving rise to the claim occurred or a substantial part of the property that is the subject of the action is situated. • When filing a Notice of Removal, the divisional venue is the county where the originating complaint was filed. • LR 1.2 establishes counties, and their corresponding divisional codes as follows: <ol style="list-style-type: none"> 1. The BILLINGS DIVISION (Division Code 1) is the Counties of Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Garfield, Golden Valley, McCone, Musselshell, Park, Petroleum, Powder River, Prairie, Richland, Rosebud, Stillwater, Sweetgrass, Treasure, Wheatland, Wibaux, and Yellowstone. Court is held at the James F. Battin Courthouse in Billings, Montana. 2. The BUTTE DIVISION (Division Code 2) is the Counties of Beaverhead, Deer Lodge, Gallatin, Madison, and Silver Bow. Court is held at the Mike Mansfield Federal Building and United States Courthouse in Butte, Montana. 3. The GREAT FALLS DIVISION (Division Code 4) is the Counties of Blaine, Cascade, Chouteau, Daniels, Fergus, Glacier, Hill, Judith Basin, Liberty, Phillips, Pondera, Roosevelt, Sheridan, Teton, Toole, and Valley. Court is held at the Missouri River Courthouse in Great Falls, Montana. 4. The HELENA DIVISION (Division Code 6) is the Counties of Broadwater, Jefferson, Lewis and Clark, Meagher, and Powell. Court is held at the Paul G. Hatfield Courthouse in Helena, Montana. 5. The MISSOULA DIVISION (Division Code 9) is the Counties of Flathead, Granite, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders. Court is held at the Russell Smith Courthouse in Missoula, Montana. <p>Enter the appropriate Division’s shell case to file initial pleadings.</p> <ul style="list-style-type: none"> • Billings: 1:08-CV-8000 • Butte: 2:08-CV-8000 • Great Falls: 4:08-CV-8000

- Helena: 6:08-CV-8000
- Missoula: 9:08-CV-8000

Complaints and Other Initiating Documents

Civil Case Number

9:08-cv-8000 Hide Case List

Select a case:

1:08-cv-08000 Plaintiff v. Defendant

2:08-cv-08000 Plaintiff v. Defendant

4:08-cv-08000 Plaintiff v. Defendant

6:08-cv-08000 Plaintiff v. Defendant

9:08-cv-08000 Plaintiff v. Defendant

NEXT - Click here to advance to next screen Clear

Click **NEXT** – Click here to advance to the next screen.

4

Select Defendant as the party that the filing is against and click **NEXT**. DO NOT CREATE A NEW PARTY or enter any party information. The e-filing attorney SHOULD NOT add themselves to the shell case when filing an initiating document.

Complaints and Other Initiating Documents

[9:08-cv-08000 Plaintiff v. Defendant](#)

Pick Party

Please select the party that this filing is against.

[Collapse All](#) [Expand All](#)

Defendant dft

Plaintiff pla

Select the Party: **OR** **Select a Group:**

Defendant [dft]

Plaintiff [pla]

No Group

All Defendants

All Plaintiffs

All Parties

Next Clear New Party

5

Review the important reminders and click next to advance to the next screen.

NEXT - Click here to advance to next screen

6	<p>Click Browse to upload pdf of the complaint and click Next</p> <p>Complaints and Other Initiating Documents 9:08-cv-08000 Plaintiff v. Defendant Select the PDF document and any attachments.</p> <p>Main Document Browse... No file selected.</p> <p>A brief description must be entered for each attachment added. You may select a category, but it is not required.</p> <table border="1"> <thead> <tr> <th>Attachments</th> <th>Category</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>1. Browse... No file selected.</td> <td><input type="text" value=""/></td> <td><input type="text" value=""/></td> </tr> </tbody> </table> <p>NEXT - Click here to advance to next screen <input type="button" value="Clear"/></p>	Attachments	Category	Description	1. Browse... No file selected.	<input type="text" value=""/>	<input type="text" value=""/>
Attachments	Category	Description					
1. Browse... No file selected.	<input type="text" value=""/>	<input type="text" value=""/>					
7	<p>Complaints and Other Initiating Documents 9:08-cv-08000 Plaintiff v. Defendant Is this filed with an Application to Proceed Without Prepayment of Fees?</p> <p>or</p> <p>Is this application filed on behalf of the USA?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>NEXT - Click here to advance to next screen <input type="button" value="Clear"/></p>						
8	<p>When filing an initiating document in the shell case, it's advantageous for the filer to pay online with a credit card. This will allow the e-filer 24-hour access to file Complaints and Notices of Removal. A filer who elects to pay the filing fee with a check, money order, or cash must wait for the Clerk's Office to provide them with a receipt number before filing the document.</p> <p>Complaints and Other Initiating Documents 9:08-cv-08000 Plaintiff v. Defendant If paying by credit card, click the next button. After entering your payment information, return to CM/ECF to complete the filing process or your complai</p> <p>Receipt #: <input type="text" value="12345"/> Fee: \$405</p> <p>NEXT - Click here to advance to next screen <input type="button" value="Clear"/></p>						
9	Click Next						
10	Login into PACER						

11

Account Number [redacted]
Username [redacted]
Account Balance \$0.00
Case Search Status Active
Account Type Upgraded PACER Account


Pay Filing Fee for Montana District Court

*** Required Information**

Payment Amount

Amount Due * **\$405.00**

Select a Payment Method



Enter a credit card

Note: We protect the security of your information during transmission using Secure Sockets Layer (SSL) software, which encrypts information you submit.


Click next. Complete the payment process and wait for PACER to redirect you back to CMECF to finish the filing process. **WARNING:** You must complete the filing process in CMECF or your complaint will not be filed even if the filing fee has been paid.

12

You will then see this screen. Provide an e-mail for receipt and check the authorization box, then click submit to return to CM/ECF to complete the filing.

Pay Filing Fee for Montana District Court (test)

Payment Summary

Payment Method	Payment Details
 XXXXXXXXXXXX4747 01/2039	Payment Amount \$405.00 Fee Type Filing Fee

John Smith
2601 2nd Avenue North
Billings, MT
59101
USA

Email Receipt

Email

Confirm Email

Additional Email Addresses

Authorization

I authorize a charge to my credit card for the amount above in accordance with my card issuer agreement. *

Note: We protect the security of your information during transmission using Secure Sockets Layer (SSL) software, which encrypts information you submit.

<p>13</p>	<p>Complaints and Other Initiating Documents 9:08-cv-08000 Plaintiff v. Defendant</p> <p>Docket Text: Modify as Appropriate. COMPLAINT <input type="text"/> against Defendant (Filing fee \$ 405 receipt number 12345.) .</p> <p><input type="button" value="NEXT - Click here to advance to next screen"/> <input type="button" value="Clear"/></p> <p>Modify the docket text as appropriate. For example: Complaint “for Declaratory Relief” or Complaint “Second Amended” Click NEXT – Click here to advance to next screen.</p>
<p>14</p>	<p>Complaints and Other Initiating Documents 9:08-cv-08000 Plaintiff v. Defendant</p> <p>Docket Text: Final Text COMPLAINT against Defendant. (<input type="text"/>)</p> <p>Attention!! Pressing the NEXT button on this screen commits this transaction. You will have no further opportunity to modify this transaction if you Have you redacted?</p> <p><i>Source Document Path (for confirmation only):</i> C:\fakepath\Complaint.pdf pages: 13</p> <p><input type="button" value="NEXT - Click here to advance to next screen"/> <input type="button" value="Clear"/></p>
<p>15</p>	<p style="text-align: right;">U.S. District Court District of Montana</p> <p>Notice of Electronic Filing</p> <p>The following transaction was entered by Bliven, Michael on 10/9/2023 at 4:37 PM MDT and filed on 10/9/2023</p> <p>Case Name: Plaintiff v. Defendant Case Number: 9:08-cv-08000 Filer: Document Number: 1433 Judge(s) Assigned: None (please contact the court)</p> <p>Docket Text: COMPLAINT against Defendant (Filing fee \$ 402 receipt number AMTDC-3140461.). (Attachments: # (1) Civil Cover Sheet) <input type="text"/></p> <p>9:08-cv-08000 Notice has been electronically mailed to: 9:08-cv-08000 Notice has been delivered by other means to: Plaintiff</p> <p>MAKE SURE THAT THE LAST SCREEN YOU SEE IS THE NOTICE OF ELECTRONIC FILING: If you do not get to this screen then your complaint has not been filed.</p>
<p>16</p>	<p>During regular business hours, the Clerk’s Office will view the shell case, assign a judge, issue a case number, and file the initiating document(s) from the shell case accordingly. Cases are opened as of the date of the initial filing in the shell case. Once the clerk e-files all the documents into the new case, the parties will receive an NEF of their documents. Displayed on the header will be all the information including case number, judge, and original date the initiating documents(s) were filed.</p>

Requesting a Refund for a Duplicate Payment on Pay.gov

A CM/ECF Registered User who makes a duplicate or erroneous fee payment through Pay.gov may request a refund by sending an e-mail to MTD_Restitution@mtd.uscourts.gov.

Avoiding Erroneous Payments

To avoid making duplicate payments:

- Never use the browser back and forward buttons to navigate within CM/ECF.
- Do not complete the payment screens and then close the browser window or navigate away from the application. Always wait until Pay.gov redirects you back to CM/ECF to complete the transaction. Like other CM/ECF transactions, there will be a final warning screen where you can review the docket text and submit the transaction.
- If, either due to a system or user error, the transaction is not completed but you have completed the payment screens, do not refile your pleading. If you attempt to refile, you will be prompted to make the payment again.
- Do not click the “Submit Payment” button more than once from the Online Payment, Step 2 screen. Be patient while the payment processes. A successful payment will generate an NEF that includes the Agency Tracking ID number from Pay.gov.
- To cancel a transaction from within Pay.gov, click either the “Cancel” button or the “Return to your originating application” link that appear on both the Online Payment, Step 1, and Online Payment, Step 2, pages. This will end the payment process, and the event will not be docketed. A display message will confirm that that the payment process has been canceled, and the event will not be completed.

Notice of Removal (L.R. 3.3)

- File using the same procedures as for filing complaints.
- When filing in the shell case, file the Notice of Removal using the **Notice of Removal—SDM** event under the **Civil Events → Initial Pleadings and Service → Complaints, Other Initiating Documents** menu.
- Once the removing party delivers a copy of the notice of removal to State Court, the State Court will send the original state court record to the Clerk’s Office to be e-filed into the federal case.
- Motions and other requests directed to the State Court are automatically terminated upon removal.

Social Security Cases

- Social security cases are restricted to court users, case participants, and public terminal users.
- Because there is a special restriction applied to these cases, follow these steps to view filed documents.
- Click once on the docket number (NOT the case number) in the NEF.
- A login screen will appear. Enter your PACER login and password.

Filing with Motion to Proceed in Forma Pauperis

If a Motion to Proceed in Forma Pauperis is being filed in the shell case, the e-filing attorney shall attach the following to the motion:

- Complaint (which shall be considered “lodged”).
- Civil Cover Sheet.
- Proposed Order.

Complaints filed without using the shell case

Complaints may be filed nonelectronically by delivering the initiating documents and the filing fee to the Clerk’s Office. All documents filed nonelectronically must bear nonelectronic signatures.

Any summons accompanying the complaint will be issued by the Clerk’s Office at the time of the filing of the complaint.

Patent, Trademark, and Copyright Cases, L.R. 3.1(b)

Within 30 days after filing a patent, trademark, or copyright case or claim, the filer must complete the appropriate AO-120 or AO-121 form, found on the [Court’s website](#).

Patent or trademark (Form AO 120): Use the event **Patent/Trademark** found under the **Civil Events** → **Other Filings** → **Other Documents** menu. The event will generate an e-mail sending the form to the appropriate office.

Copyright cases (Form AO 121): Use the event **Copyright** found under the **Civil Events** → **Other Filings** → **Other Documents** menu. The event will generate an e-mail sending the form to the Copyright Office in Washington, DC.

Update, file and send new forms:

- Each time an amended pleading, answer, cross or counterclaim involving any additional patent, trademark or copyright is filed.
- Upon termination of the action.

Corporate Disclosure Statements

Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure, a Corporate Disclosure Statement must be filed by any nongovernmental corporate party with its first appearance, pleading, petition, motion, response, or other request addressed to the court. The disclosure statement must:

- Identify any parent corporation and any publicly held corporation owning 10% or more of its stock; or
- State that there is no such corporation.

A supplemental statement must be filed if any required information changes.

Use the **Corporate Disclosure Statement** event under the **Civil Events** → **Other Filings** → **Other Documents** menu. CM/ECF will prompt you to enter the names of all corporate parents and affiliates. DO NOT SKIP this step in the filing.

Notice of Interested Parties

Pursuant to Local Rule 7.1-1 a Notice of Interested Parties must be filed by all non-governmental parties with their first appearance. The notice must list all:

- persons,
- associations of persons,
- firms,
- partnerships, and
- corporations (including parent corporations, clearly identified as such),

other than the parties and their immediate families, that may have a financial interest in the outcome of the proceeding, including any insurance carrier that may be liable in whole or in part (directly or indirectly) for a judgment in the action or for the cost of defense.

A corporate party may include in the Notice filed under this L.R. 7.1-1 any disclosures required under Fed.R.Civ.P. 7.1. If this information is included in the corporation's Notice of Interested Parties, the corporation is not required to file a separate Disclosure Statement under Fed.R.Civ.P. 7.1.

All parties have a continuing duty to supplement this Notice. The terms “proceeding” and “financial interest” shall have the meaning assigned by 28 U.S.C. § 455 (d)(1), (3) and (4), respectively.

Use the event **Notice of Interested Parties** under the **Civil Events** → **Other Filings** → **Other Documents** menu. CM/ECF will prompt you to enter the names of all interested parties. DO NOT SKIP this step in the filing.

Section 8: SERVICE OF PROCESS

Introduction

To file service events, select **Service and Process** from the **Initial Pleadings and Service** menu. This menu list contains both Fed. R. Civ. P. 4 and 5 events. Select the appropriate event shown in the drop-down menu.

Regular Civil Cases

Issuing Process

- **Waiver of Service:** Attorneys wishing to pursue waiver of service pursuant to Fed. R. Civ. P. 4(d) should use the **Request for Waiver** event under the **Civil Events → Initial Pleadings and Service → Service of Process** menu.
- **Summons Issued:** The clerk will issue process following the filing of the initial pleading and will make an appropriate entry on the docket. (L.R. 4.1 and Fed.R.Civ.P.4)
 - The filing party may attach an unissued summons as an exhibit to the Complaint. The Clerk's Office will file the issued summons which may be downloaded and printed by counsel for service.
 - A summons can be issued at a later date by delivering the original to the Clerk's Office or by filing them in the case using the event **Submission of Proposed Summons-MT** under the **Civil Events → Initial Pleadings and Service → Service of Process** menu. The Clerk's Office will issue the summons, return the original, and e-file a copy.

Returns of Service of Process

The **USMS 285 Return Executed** and **USMS 285 Return Unexecuted** events under the **Civil Events → Initial Pleadings and Service → Service of Process** menu should be used when the U.S. Marshal has effected or attempted to effect service. The **Summons Returned Executed** and **Summons Returned Unexecuted** events under the **Civil Events → Initial Pleadings and Service → Service of Process** menu should be selected when the return has been made on the reverse of the summons or some other form of return. These events are to be used in connection with Fed. R. Civ. P. 4 service of process.

Service under Fed. R. Civ. P. 5

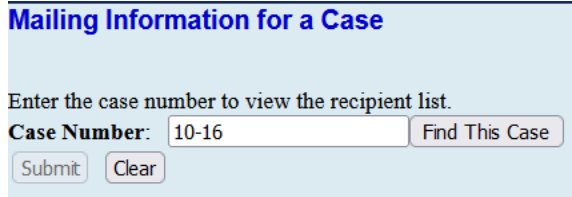
The events for **Affidavit of Service** and **Certificate of Service** under the **Civil Events → Initial Pleadings and Service → Service of Process** menu are used to record service under Fed. R. Civ. P. 5.

Identifying Service Information for a Case

A Certificate of Service is required when one or more parties is a conventional filer. A certificate of Service must be included with all documents, even when filing electronically, if one or more parties is not an electronic user. The certificate should reflect who is being served through CM/ECF and which parties require service by other means and how they are being served. This will be the same information present on the Notice of Electronic Filing (NEF) provided at the conclusion of the filing. Following are the instructions for locating this information prior to filing your documents in CM/ECF.

Login to CM/ECF

- Click on Utilities from the Main menu bar
- Under the Miscellaneous category
- Select Mailings
- Select Mailing Info for a Case
- Enter the case number and click find this case



Mailing Information for a Case

Enter the case number to view the recipient list.

Case Number:

Select Case and click Submit

Mailing Information for a Case 1:18-cv-00056-BMM-JTJ Ellison v. Yellowstone County et al

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Mark A. English**
[redacted]@yellowstonecountymt.gov, [redacted]@yellowstonecountymt.gov, [redacted]
- **Melissa Williams**
[redacted]ns@yellowstonecountymt.gov, [redacted]n@yellowstonecountymt.gov, [redacted]

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to provide service to these recipients.

Lionel Scott Ellison

[redacted]
Shelby, MT 59474

Electronic Mail Notice List - Will indicate the primary e-mail address of the attorney and any secondary email addresses included in that attorney's ECF account.

Manual Notice List - Will indicate those parties not receiving service through ECF. It is the responsibility of the filing party to provide service on any parties in this section.

Certificate of Service: You may copy the information from this screen and paste into your document to create the certificate of service.

Section 9: ANSWERS TO COMPLAINTS

First Appearance by an Attorney

- An attorney making a first appearance in a case by filing an answer or other paper must associate him or herself with the party he or she represents.
- By default, the system will create a case association by placing a check mark next to the party's name. If the attorney is lead counsel in the case, a check mark may be placed in the "Lead" box. By default, the system will also place a check mark in the "Notice" box. **It is critical** that this box remain checked as this will determine whether a Notice of Electronic Filing (NEF) is generated to the new attorney.
- If multiple attorneys represent the same party, each additional attorney should create an association with the party by filing a Notice of Appearance.

Answers to Complaints

The **Civil Events** → **Initial Pleadings and Service** → **Answers to Complaints** event will allow the user to add attorneys and may only be used to file the first answer by a defendant to the complaint. **Subsequent answers must be filed using the Civil Events** → **Initial Pleadings and Service** → **Other Answers** menu.

Case, Party Filer, and Link Party Filer Screens

The ordering of the screens under Answers to Complaints is unique in that the user will not see a drop-down list for types of answers to complaints but will instead be immediately prompted to enter the case number. The system will then return a list of unanswered complaints based upon the type of complaint filed.

Unanswered Complaint Screen

Check the box next to each unanswered complaint being answered by this filing.

Additional Effects Screen

This screen will collect information about any third-party complaints. Checking this box will invoke additional screens to add the third-party defendant(s). The user must select the party against whom the complaint is being filed.

Jury Demand

Users will be reminded to update jury demand information.

Other Answers

The **Civil Events** → **Initial Pleadings and Service** → **Other Answers** menu contains the events for Answers and Responses to non-motion events. Events to file subsequent answers by the same defendant are available in this menu. This menu includes the following events:

- **Affidavit in Opposition**
- **Affidavit in Support**
- **Amended Answer to Complaint**
- **Answer to Complaint (Notice of Removal)**
- **Answer to Writ of Garnishment**
- **Waiver of Reply LR 12.1**
- **Withdrawal of Claim**

Section 10: MOTIONS

Overview

As with other filings, the user must choose the event, enter the case number, pick the party filer, and complete the Link Party Attorney screen as appropriate. During the transaction, the user will be prompted to upload the corresponding PDF file. To access the available motion types, the user should click on **Motions** under the **Motions and Related Filings** menu. Multiple motion types may be selected simultaneously. *See* L.R. 7.1 and L.R. CR 47.

Motions

Motions for Extension of Time

Several separate events address variations of motions for extension of time. Because each motion type creates and satisfies different deadlines when ruled on by the Court, it is important to select the motion type that most closely corresponds to the extension request.

Objections to Magistrate Judges' Findings and Recommendations and Orders

- The **Objections to Findings and Recommendations** event is located under the **Civil Events** → **Motions and Related Filings** → **Responses and Replies** menu.
- The **Objection to Non-Dispositive Order** event is located under the **Civil Events** → **Other Filings** → **Other Documents** menu.

Filing Under Seal

- Documents/Motions Preauthorized to file Under Seal
 - Pursuant to Local Rule 5.2(b) a motion for leave to file under seal is required unless the case is sealed or unless:
 - a protective order is sought under Fed. R. Civ. P. 26(c) and L.R. 26.4;
 - a party is submitting documents for in camera review; or
 - filing under seal is otherwise preauthorized by state or federal law or an order already entered in the case.
 - Use the event **Exparte Motion** under the **Civil Events** → **Motions and Related Filings** → **Motions** menu when filing a motion that is preauthorized to file under seal. Neither the docket text nor the document will be accessible to the public or any other party in the case. Use the event **Exparte Brief/Memorandum in Support** found under **Responses and Replies** to file a support brief. Nonelectronically serve any party who should have access to the Ex Parte Motion and Brief. Each of the filings should include a Certificate of Service.
 - Use the event **Sealed Document Unredacted** under **Other Documents** when you are e-filing documents that are preauthorized to be filed under seal. Link the

filing to the applicable motion if it is motion related. Describe the documents filed under seal in the space provided, taking care to not divulge the purpose of sealing the document. The docket text will be available in the public record, although the documents themselves will not be accessible by the public. The documents will be accessible to all parties. Therefore, there is no need to nonelectronically serve other parties with the documents.

- Use the event **In Camera Document**, when you intend to file documents that are preauthorized to be filed under seal but that should not be accessible to anyone other than the filing party and the court. Link the filing to the applicable motion if it is motion related. Describe the documents filed under seal in the space provided, taking care to not divulge the purpose of sealing the document. The docket text will be available in the public record, although the documents themselves will not be accessible by the public.
 - Any document preauthorized to be filed under seal must have a cover sheet that includes the phrase “FILED UNDER SEAL” in the caption, followed by the citation to the authority for sealing, e.g., per Fed.R.Civ.P.45(e)(2)(B)” or “L.R. 5.2(c), 26.4”.
- **Motions for Leave to File under Seal**
 - Unless excepted under LR 5.2(b), a motion for leave to file under seal is required. Use the **Motion for Leave to File under Seal** event. This event is not sealed. After e-filing the Motion for Leave to File under Seal, immediately e-file the proposed sealed document as the next document in the case using the **Lodged Sealed Document** event, linking back to the Motion for Leave to File under Seal.
 - The filing party is responsible for nonelectronically serving a hard copy of the sealed document on all necessary parties unless ex parte filing is authorized.
 - When the Motion for Leave to File under Seal is granted, the “Lodged” sealed document is deemed filed in the record. The attorney is not required to file the sealed document again. If a judge orders that a document be redacted rather than sealed, you must e-file the redacted document using the event **Redacted Document** under the **Civil Events** → **Other Filings** → **Other Documents** menu.
 - Nonelectronically filed sealed documents must be placed in an envelope with the case number, date, and “Filing Under Seal Requested” clearly printed on the envelope. Nonelectronic filers must accompany the document with a Motion for Leave to File Under Seal, if such a motion is required.
 - **Criminal Cases**
 - A Motion for Leave to File Under Seal is always required if a party wants to seal a plea agreement. L.R. CR 49.3(a)(1).
 - L.R. CR 49.3(a)(2) lists filings that are preauthorized to be filed under seal. Follow the procedures set forth above to file documents preauthorized to be filed under seal or for filing a motion to file under seal.

Motions for Protective Order, L.R. 26.4

A Motion for Protective Order must be filed in the public record. If you wish to accompany a Motion for Protective Order with documents for *in camera* review, prepare a cover sheet for the documents, including in the caption the phrase “FILED UNDER SEAL.” E-file the documents using the event **In Camera Document** and link it to the Motion for Protective Order. File the brief in support of the motion in the public record. If you wish to file a supplemental brief in support of the motion in accordance with L.R. 26.4(a)(3), e-file it using the event **Exparte Brief/Memorandum in Support** found under the **Civil Events → Motions and Related Filings → Responses and Replies** menu. If you have received leave to file a redacted document subject to a protective order, you may either attach it to your brief or e-file it separately using the event **Redacted Document** under the **Civil Events → Other Filings → Other Documents** menu and link it to the motion, if it is motion related.

Motion for Interim Payment of Attorney Fees

Pre-judgment, if an attorney files a motion for interim payment of attorney fees because the case is considered complex or for interim payment of authorized fees, i.e., interpreter or investigator fees, the attorney must e-file the motion *ex parte* and must include the phrase (Circuit Approval Required) immediately below the title of the motion.

Motion to Vacate (2255)

- A Motion to Vacate pursuant to 28 U.S.C § 2255 must be filed nonelectronically because the event, which is only available to the Clerk’s office, automatically opens a civil case for statistical purposes.
- No filing fee is required for a 2255 Motion.
- Do not serve the motion on other defendants or defense counsel. L.R. 49.2.
- After the 2255 motion has been e-filed by the Clerk’s Office, counsel should e-file all subsequent documents. The documents should be filed only in the criminal case, although the caption should bear the numbers of both the criminal and civil cases.
- When the 2255 motion has been finally decided, the Clerk’s Office will file a judgment in the civil case. Any notice of appeal, however, should be filed in the criminal case.

Multiple Motions

- If you are filing two or more motions in one document, you must select all motion types from the drop-down list during the initial filing process.
- If you only click on one motion and then text in the other motions, those added motions will not be dealt with as they should. For example, if you are filing a Motion for Summary Judgment or in the Alternative a Motion to Dismiss, you must select both motion types, Summary Judgment and Dismiss, from the drop-down list in the Motion category.

Motion to Intervene (L.R. 24.1)

- A Motion to Intervene, the Brief in Support, and any proposed supplemental documents must be filed by physically submitting the documents to the clerk's office. The documents will be scanned and filed by the Clerk's office and registered users who are parties to the case will receive an NEF regarding the filing. It is the filers responsibility to serve the documents on non-registered users via non-electronic means.
- Must be signed with a non-electronic signature.
- Upon leave of court, the Clerk's Office will enter the intervening parties. Supplemental pleadings can then be e-filed.

Motion for Leave to File an Amicus Brief (L.R. 7.5)

- A motion for leave to file an amicus brief must be filed by physically submitting the documents to the clerk's office. The documents will be scanned and filed by the Clerk's office and registered users who are parties to the case will receive an NEF regarding the filing. It is the filers responsibility to serve the documents on non-registered users via non-electronic means.
- Must be signed with a non-electronic signature.
- Upon leave of court, the Clerk's Office will enter your appearance as an amicus party and your brief can then be e-filed.

Nonparty Motions.

- If a nonparty seeks relief in a case, e.g., to quash a subpoena, the moving papers must be filed nonelectronically with the Clerk and signed with a nonelectronic signature. The documents will be scanned and filed by the Clerk's office and registered users who are parties to the case will receive an NEF regarding the filing. It is the filers responsibility to serve the documents on non-registered users via non-electronic means.
- The Clerk will enter the nonparty's appearance as an interested party, and any remaining papers can then be e-filed.

Motion to Appear Pro Hac Vice (L.R. 83.1(c))

- A separate pro hac vice motion must be filed for each attorney requesting leave of court to proceed pro hac vice. CM/ECF will only allow one filing fee per motion.
- If the Court grants permission to appear pro hac vice, the attorney must immediately request access to the District of Montana's CM/ECF database through PACER. Instructions for doing so can be found on the Court's website on the [Attorney Admission](#) page. The Clerk's Office will not serve by mail any non-registered attorney who has not obtained an exemption under L.R. 1.4.
- Information regarding access to the District of Montana's CM/ECF database can be found in the Registration section of this guide and on the Court's website on the [Attorney Admission](#) page.
- An attorney granted leave to appear pro hac vice may only file in the case(s) in which

their motion to appear was granted.

Unopposed Motions (L.R. 7.1(c) and L.R. CR 47.1)

- The word “unopposed” must appear in the title of all unopposed motions.
- A proposed order is required with a motion for extension of time or with an unopposed motion.
- The proposed order must be attached to the motion as an exhibit (in PDF format) with “Text of Proposed Order” selected from the Category drop-down menu.
- The proposed order should be e-mailed (in Word format) to the judge’s e-mail address for proposed orders. Omit macros or special coding in formatting other than appropriate citation format.
- Proposed Order e-mail addresses:
 - Judge Morris: mailto:bmm_propord@mtd.uscourts.gov
 - Judge Christensen: mailto:dlc_propord@mtd.uscourts.gov
 - Judge Watters: spw_propord@mtd.uscourts.gov
 - Judge Molloy: dwm_propord@mtd.uscourts.gov
 - Judge Johnston: jtj_propord@mtd.uscourts.gov
 - Judge Cavan: tjc_propord@mtd.uscourts.gov
 - Judge DeSoto: kld_propord@mtd.uscourts.gov
- These e-mail addresses are not to be used to communicate with the Court unless otherwise permitted or when communications are solicited by the Court.

Briefs and Exhibits

Briefs (L.R. 7.1(d)(2) and L.R. CR 47.2)

- Support Brief
 - A motion must be accompanied by a supporting brief.
 - The support brief must be filed separately from the motion and linked back to the related motion.
- Parties are encouraged to file response and reply briefs as separate documents.
- Use the events under the **Responses and Replies** category.
- Link all briefs and any separately filed supporting documents to the relevant motion so that all materials pertinent to the motion appear on the Judge’s motions report.
- Time for Filing (L.R. 7.1(d)(1), L.R. CR 47.2(a) and Fed.R.Civ.P. 6(d)).
 - The time for filing response and reply briefs is calculated in multiples of seven. All weekends and holidays are counted.
 - Three days will no longer be added to the time for filing response and reply briefs because the time period begins to run upon the **filing** of motions or briefs.
 - Exception: Unless a response is due on a date certain, three days for mailing are added to the time for filing when a self-represented litigant nonelectronically serves a document or is served nonelectronically with a document. L.R. 83.8(c)(4)(B) and (d)(4)(B).

- Refer to L.R. 7.1 and L.R. CR 47.1 and 47.2 for other briefing requirements including, but not limited to, length of briefs and tables of contents.

Exhibits and Attachments (L.R. 5.1, L.R. 7.2)

- Exhibits e-filed as attachments to documents must be identified so as to allow the Court, the parties, and the public easy access to a specific exhibit. Use a short descriptive name when prompted for a description, for example: Range Rover Vehicle Registration or, alternatively, Exhibit A - Range Rover Vehicle Registration.
- If you select a Category from the drop-down box, there is no need to text in the selected category in the Description Box. For example, when e-filing Exhibit A - Range Rover Vehicle Registration, select Exhibit from the Category box and text in A - Range Rover Vehicle Registration in the Description box.
- Any documents larger than 200 megabytes shall be e-filed and attached in 200-megabyte segments.
- Judge Preferences:
 - If you forget to file your exhibits with a particular document, **DO NOT E-FILE AN AMENDED DOCUMENT**. Instead, prepare and file the document(s) using the **Notice of Filing Exhibits** event under the **Civil Events** → **Other Filings** → **Notices** menu. Link the Notice of Filing Exhibits back to the originally e-filed document and, if the exhibit is motion related, to the applicable motion.
 - Check the Judge's scheduling order to see if courtesy copies are required. If it is not mentioned, contact divisional Clerk's Office to see if chambers requires a courtesy copy of any document over 20 pages.

Responses and Replies

Events in this category are to be used in connection with all motion category events. The user should select the most appropriate event and then further describe the pleading in the docket text box. Following are some Response and Reply events of special note:

Scheduling: Response and Reply Deadlines:

The response due date (*see* LR 7-1(f)(1)) and reply due date (*see* LR 7-1(f)(2)) for civil motions are automatically calculated by the system and will be set in the background. Although the due date for the response or reply will appear during the docket transaction, it is not editable by a non-court user, and it will not display in the docket text. Subsequent or extended response and reply dates set by the Court will display in the docket text.

Responses to Discovery Motions (See LR 26-3(c))

These events do not set a reply date.

Findings and Recommendations of USMJ

- Civil (L.R. 72.3): Objections must be filed within 14 days of service of the F&R. Responses must be filed within 14 days of service of the objection. No replies are allowed.
- When filing a response, use the event **Reply to Objection to Findings and Recommendations** found under **Responses and Replies**.
- Criminal (L.R. CR 59.2): Objections must be filed within 14 days of service of the F&R. Responses and replies are not permitted absent order of the Court.
- Service is the triggering event under L.R. 72.3 and L.R. CR 59.2. Therefore, unless the F&R provides otherwise, add three days for mailing when computing time for filing objections and, in civil cases, responses to objections.

Objections to Findings and Recommendations

- Findings and Recommendations are treated as motions; consequently, the objection and response events to these documents are located on the Responses and Replies menu. The **Objections to Findings and Recommendations** event is located under the **Civil Events** → **Motions and Related Filings** → **Responses and Replies** menu.

Linking

When filing a response or reply to a motion, the user is prompted to select the subject motion to create the link automatically. The response and reply are to be linked to the subject motion.

Section 11: OTHER FILINGS

Overview

The **Civil Events** → **Other Filings** menu offers events for ADR Documents, Discovery Documents, Notices, Trial Documents, Appeal Documents, and Other Documents. Procedures for filing these events are straightforward and similar to filing other documents where the user selects the event, selects the party, and completes the Link Party Attorney screen. Events of note are described below.

Amended Pleadings (L.R. 15.1)

- When a party moves to file a pleading that requires leave of court (e.g., an amended complaint), the filer must e-file the proposed pleading as an attachment to the motion for leave to amend.
- Upon receiving leave of court, the attorney **MUST E-FILE** the amended pleading unless otherwise ordered.

Appeal Documents

The **Notice of Appeal** event found under the **Civil Events** → **Other Filings** → **Appeal Documents** menu is used for appeals to the Ninth Circuit as well as appeals to the Federal Circuit. The filing fee is payable during the event transaction.

Bill of Costs

Pursuant to Rule 54(d) of the Federal Rules of Civil Procedure, costs incurred by the prevailing party may be assessed against the non-prevailing party. The types of costs that may be taxed against the non-prevailing party are identified in 28 U.S.C. § 1920.

Application for the Taxation of Costs

- A prevailing party may file an Application for the Taxation of Costs on an AO-133, Bill of Costs form available on the Court’s website. (L.R. 54.1(a))
- The form should be e-filed using the event **Application for Taxation of Costs** found under the **Civil Events** → **Other Filings** → **Other Documents** menu.
- Documentation
 - AO-133 requires the parties to attach “an itemization and documentation for requested costs in all categories.”
 - The Court’s Local Rules provide: “Sufficient documentation showing the amount of costs (including but not limited to, copies of invoices, receipts, orders, vouchers billing statements, etc.) is required. Failure to attach sufficient

documentation to support a claimed cost is grounds for disallowance of that particular item.” (L.R. 54.1(a))

- Other documentation (i.e., explanatory memorandum or affidavit) may be submitted to explain the purpose of costs.
- All supporting documentation should be filed as attachments to the Application for Taxation of Costs.

Objections

- Any objections to the Application for Taxation of Costs must be filed within 14 days after the application was filed. (L.R. 54.1(b).)
- Objections must specify the item and/or amount objected to and give reasons for the objection. (L.R. 54.1(b).)

Order Taxing Costs

- If no objections are filed, the clerk will approve the application for taxation of costs by completing the taxation of costs portion of the AO-133 form within 14 days of expiration of the time for filing objections.
- If objections are filed, the court will make a determination and issue an order as to costs.

Consent to Proceed Before a U.S. Magistrate Judge (L.R. 73)

- Parties will receive a **Service of Consent to Magistrate Judge form** by electronic means with the consent/objection form attached.
- Consent forms should be returned electronically by registered users using the **Consent to Jurisdiction by Magistrate Judge – by Party** event under the **Civil Events → Other Filings → Consents** menu. Forms submitted non-electronically by non-registered users will be scanned and filed using this same event. The docket text will look like this:

<i>Entered:</i> 11/03/2022 08:33:23 <i>Filed:</i> 11/03/2022	<i>Category:</i> limited <i>Event:</i> Consent to Jurisdiction by Magistrate Judge - by Party <i>Document:</i>  34 
Individual Party Consent to Jurisdiction by U.S. Magistrate Judge.	

- Individual party consents do not include the name of the filer, and the PDF attached to the entry is restricted to protect the voluntariness of the party's consent under 28 U.S.C. § 636(c)(2). The event is sealed and will restrict the document from being viewed by the public, parties, and chambers.
- If all parties consent to the magistrate judge's jurisdiction, the Clerk will file a "Clerk's Notice upon Consent to USMJ" and the matter will be assigned to the magistrate judge to conduct all further proceedings.
- If one or more parties do not consent to the magistrate judge jurisdiction, an order notifying the parties that the Article III Judge will retain jurisdiction will issue.

Consolidated Cases

- Review the Order consolidating for the proper caption.
- All documents shall be e-filed in the LEAD case and spread to the appropriate member case(s), unless otherwise ordered.
 - The LEAD case will be designated with a **LEAD** flag in the upper right-hand corner of the docket.
 - File all documents in the LEAD case and when doing so, answer yes to the question, “Do you want to spread this docket entry?” The documents will then be automatically filed in the consolidated case(s).

Do you want to spread this docket entry? Yes No

NEXT - Click here to advance to next screen

Clear

Deposit or Disperse Registry or Interpleader Funds

Filing a Motion to Deposit Funds:

- Prior to filing your motion in CM/ECF, a draft motion, a proposed order, and a Registry Deposit Information Form must be reviewed and approved by the court’s finance department.
- In CM/ECF use the search function to locate the Deposit Funds or Interpleader Deposit event. (The Deposit Funds event and the Interpleader Deposit event are located under the **Civil Events** → **Motions and Related Filings** → **Motions** menu). Following Local Rule 67, docket the appropriate motion event. Attach the Registry Deposit Information form, and a proposed order to the entry. Serve documents on all parties who have appeared in the case.

Filing a Motion for Disbursement of Funds

- Prior to filing your motion in CM/ECF, a draft motion and proposed order must be reviewed and approved by the court’s finance department.
- File a Redacted Motion to Disburse:
 - In CM/ECF use the search function to locate the **Disbursement of Funds** event or **Interpleader Disbursement** event which are located under the **Civil Events** → **Motions and Related Filings** → **Motions** menu.
 - Following Local Rule 67, docket the appropriate motion event.
 - The motion to disburse shall include the following information for each payee: name, **redacted** address, **redacted** social security number or **redacted** tax identification number, and the amount of the principal and interest to be paid.

- Serve documents on all parties who have appeared in the case.
- File an Unredacted Motion to Disburse:
 - In CM/ECF use the search function to locate the **Sealed Unredacted Document(s) with Personal Identifiers for Disbursing Funds** event under the **Civil Events → Other Filings → Other Documents** menu.
 - Following Local Rule 67, docket the unredacted motion using the Personal Identifiers for Disbursing Funds event.
 - The document shall include the following information for each payee: name, **unredacted** address, **unredacted** social security number or **unredacted** tax identification number, and the amount of the principal and interest to be paid.
 - The document will be restricted to the filing party in CM/ECF and should **NOT** be served on other parties.

Discovery (L.R. 26.2)

- Pursuant to Fed. R. Civ. P. 5(d)(1), the following discovery documents are not routinely filed:
 - initial disclosures under Fed. R. Civ. P. 26(a)(1)(A),
 - depositions,
 - interrogatories,
 - requests for production of documents,
 - requests for admissions,
 - answers, responses, and objections to discovery requests,
 - expert disclosures,
 - expert reports,
 - notices of deposition,
 - notices of service of subpoena, and
 - certificates or notices indicating service of discovery documents on opposing parties.
- Pursuant to LR 26.2(b) discovery documents must be attached as exhibits to any motion relating to discovery.
- Discovery responses or admission used as exhibits to any other type of motion may be filed without leave of court.

Exhibits

Mandatory Electronic Filing of Exhibits

Unless otherwise ordered by the court, within ten days of the conclusion of a hearing or trial, a party must file in CM/ECF an electronic version of each documentary exhibit that the party offered or introduced into evidence. Only exhibits which were considered by the judge or jury during the hearing or trial need be filed.

Physical Exhibits

When a party offers or introduces physical exhibits into evidence, they must electronically file a photograph of that physical exhibit in accordance with subsection (b)(1) of Local Rule 5.1. The parties shall retain all such exhibits (or a representative sample in the case of narcotics and other contraband substances) during the pendency of the proceeding and any appeal, and, in a criminal case, shall retain the exhibit for an additional period of one year after the date on which the pertinent defendant's judgment of conviction becomes final.

Digital Exhibits not Supported by CM/ECF

Electronic records in a format not supported by CM/ECF (e.g., audio files, video files, etc.) must be physically submitted to the clerk's office in the division of venue on a DVD, CD, or a USB drive with a notice of filing. The clerk's office will upload all such exhibits to a server maintained by the clerk's office and the docket shall reflect their location. The DVDs, CDs, and/or USBs will not be returned and will not be maintained by the clerk's office.

Voluminous Documents

- If the size of a document (such as an administrative record) exceeds the filing parameters set forth above in Section 1, the filing party may physically submit the filing to the clerk's office in the division of venue on a DVD, CD, or USB drive with a notice of filing explaining why the filing cannot be done in CM/ECF.
- The clerk's office will file the notice of filing in CM/ECF, upload the voluminous documents to a server maintained by the clerk's office, and have the docket reflect their location.
- The DVDs, CD, and/or USBs will not be returned and will not be maintained by the clerk's office.

Notices

Notice events for the appearance, withdrawal, or substitution of counsel of record will prompt the user to add or terminate an attorney.

Orders

- All orders shall be e-filed and served with the same force and effect as if a judge had affixed an original signature to a paper copy.
- Text Orders
 - A text order may be entered by a judge.
 - A docket entry will be created but a document will not be generated or attached.
 - CM/ECF will generate an NEF which will be forwarded to all parties and will have the full force and effect of a regular order.

Other Documents

- The Other Documents menu contains various events that vary in type. Select the event, select attorney, select party, and link party filer. Select the type of event to be filed from the multi-select list. Multiple events may be selected simultaneously.

Plea Agreements

- Plea agreements are not generally filed under seal, therefore a motion for leave to file under seal is required if a party wants to seal a plea agreement. L.R. CR 11.1 and 49.1(a)(1).

Sentencing Letters

- Prepare a document called “Defendant’s Letters in Aid of Sentencing” and file using **Notice (Other)--SDM** event under the **Criminal Events** → **Other Filings** → **Notices** menu, with the letters as attachments to the document.
- Judge Molloy allows no more than ten letters of support to be filed.

Social Security Administrative Records

- Upon filing of the answer, the electronic Certified Administrative Record (eCAR) shall be electronically filed.
- A hard copy of the Administrative Record must be submitted to the clerk’s office for the court’s use.

Trial Documents

- The procedure for filing trial events is similar to the procedure for filing other documents. First enter a case number, then select the filer. The next screen permits the user to choose what type of trial event to file. Select the type of trial event to be filed from the multi-select list.
- Proposed Jury Instructions, Voir Dire, and Verdict Form are some of events are found on this menu.
- Multiple trial events may be selected simultaneously by holding down the Ctrl key.

Withdrawal & Substitution of Attorney

Withdrawal (L.R. 83.3)

- If the attorney’s withdrawal will leave any party without counsel for a period of time, the attorney must file a motion for leave to withdraw by using the event **Motion to**

Withdraw found under the **Motions** menu.

- The motion must include the client's last known mailing address.
- If the attorney wishes to file an affidavit ex parte under L.R. 83.3(b)(2)(B), they may use the event **In Camera Document**. It should be linked to the Motion to Withdraw.

Substitution

- Substitution of an attorney is accomplished by filing a **Notice of Substitution of Counsel** using the event of the same name, found under the **Other Filings** → **Notices** menu.
- It is the duty of new counsel to ensure that he or she is added to the case and designated to receive the NEFs. This is done by associating yourself to the party you represent.

Section 12: FILING IN A MULTI-DEFENDANT CASE

Filings in multi-defendant cases should be e-filed only in the defendant's case in which the filing pertains to. The following screen shots depict how to e-file a document that pertains to defendant Pipe in case number CR-10-002-GF-SEH.

In the example below, 10-2 has been entered as the case number. A list of all possible cases fitting the search criteria of 10-2 is displayed below. Notice that 4:10-CR-00002- SEH, USA v. Pipe, et al, has a box with a "+" to the right of the case number, which indicates it's a multi-defendant case.

Criminal Case Number

10-2 [Hide Case List](#)

Select a case:

- 1:10-cr-00002-SPW USA v. Jansen (closed 03/31/2010)
- 1:10-mj-00002-CSO USA v. White (closed 01/26/2010)
- 2:10-cr-00002-DWM USA v. Chelini (closed 06/24/2010)
- 2:10-mj-00002-JCL USA v. Ramos-Alvarez et al (closed 03/03/2010) [+](#)
- 4:10-cr-00002-BMM USA v. Pipe et al (closed 11/02/2010) [+](#)
- 4:10-mj-00002-RKS USA v. Lepla (closed 02/03/2010)
- 6:10-cr-00002-DWM USA v. Jones (closed 07/29/2010)
- 6:10-mj-00002-JCL USA v. Jenkins (closed 04/13/2010)
- 9:10-cr-00002-DWM USA v. Burrington (closed 07/22/2010)
- 9:10-mj-00002-JCL USA v. Meza-Flores (closed 02/18/2010)

[NEXT - Click here to advance to next screen](#) [Clear](#)

For multi-defendant cases, it's **EXTREMELY** important to click the box to the **right** of the desired case to expand the list so that all defendants appear as shown below. Once the list has expanded, click the box to the **left** of the defendant that the filing relates to, then click Next. **Do not select all defendants, or simply select the main case number, if the filing only pertains to one defendant, select only the defendant the filing relates to.** Doing so will unnecessarily put the filing in the case for every defendant when it only relates to one defendant. If motions pertaining to only one defendant are filed in the cases of all defendants, the joinder functionality will not function if a co-defendant attempts to join in a motion. **Note:** If the filing pertains to all defendants, then select all defendants by clicking in the box to the left of the case number.

Criminal Case Number

4:10-cr-2-1

Select a case:

- 1:10-cr-00002-SPW USA v. Jansen (closed 03/31/2010)
- 1:10-mj-00002-CSO USA v. White (closed 01/26/2010)
- 2:10-cr-00002-DWM USA v. Chelini (closed 06/24/2010)
- 2:10-mj-00002-JCL USA v. Ramos-Alvarez et al (closed 03/03/2010)
- 4:10-cr-00002-BMM USA v. Pipe et al (closed 11/02/2010) ▾
- 4:10-cr-00002-SEH-1 Shelly Devonne Pipe (closed 11/01/2010)
- 4:10-cr-00002-BMM-2 Paul James Bemer (closed 11/01/2010)
- 4:10-cr-00002-BMM-3 Evadna M. Running Bear (closed 11/02/2010)
- 4:10-cr-00002-BMM-4 Dolly Diane Crowe (closed 11/01/2010)
- 4:10-cr-00002-BMM-5 Connie Jean Smith (closed 11/01/2010)
- 4:10-cr-00002-BMM-6 Angelita Marie Headdress (closed 11/02/2010)
- 4:10-mj-00002-RKS USA v. Lepla (closed 02/03/2010)
- 6:10-cr-00002-DWM USA v. Jones (closed 07/29/2010)
- 6:10-mj-00002-JCL USA v. Jenkins (closed 04/13/2010)
- 9:10-cr-00002-DWM USA v. Burrington (closed 07/22/2010)
- 9:10-mj-00002-JCL USA v. Meza-Flores (closed 02/18/2010)

From the pick filer screen, select the filing party, defendant Pipe in the example below, and click the next button. Complete the e-filing process as with any other case.

[4:10-cr-00002-BMM USA v. Pipe et al](#) **CASE CLOSED on 11/02/2010**

[Collapse All](#) [Expand All](#)

- ⊕ USA pla
- ⊕ Shelly Devonne Pipe (T) dft
- ⊕ Paul James Bemer (T) dft
- ⊕ Evadna M. Running Bear (T) dft
- ⊕ Dolly Diane Crowe (T) dft
- ⊕ Connie Jean Smith (T) dft
- ⊕ Angelita Marie Headdress (T) dft

Select the filer.

Select the Party:

- USA [pla]
- Pipe, Shelly Devonne (T) [dft]**
- Bemer, Paul James (T) [dft]
- Running Bear, Evadna M. (T) [dft]
- Crowe, Dolly Diane (T) [dft]
- Smith, Connie Jean (T) [dft]
- Headdress, Angelita Marie (T) [dft]

Section 13: COURT REPORTERS AND TRANSCRIPTS

Transcripts of Proceedings

Ordering an Official Transcript reported by a Court Reporter

- Ordering a transcript of a court-reported proceeding can be done by e-filing a [Transcript Order Form](#) available on the Court's website using the following events:
 - Civil Transcripts: Use the **Transcript Order Form** event under the **Civil Events** → **Other Filings** → **Other Documents** menu.
 - Criminal Transcripts: Use the **Transcript Order Form** under the **Criminal Events** → **Other Filings** → **Other Documents** menu.
- Select the PDF of the transcript order form. Make sure to flatten the PDF form by scanning or printing the form to PDF.
- Enter the date of the hearing for which you are ordering a transcript and the hearing judge

Other Documents
[9:08-cv-08000 Plaintiff v. Defendant](#)
For Dates of

Hearing Judge

- Indicate whether the hearing was recorded by FTR—that is a hearing recorded via audio recording and not by a court reporter.

Other Documents
[9:08-cv-08000 Plaintiff v. Defendant](#)
Is this request from a FTR hearing (hearing which was recorded via audio and not by a court reporter)?
 Yes
 No

- Indicate the type of transcript/delivery time:

Other Documents
[9:08-cv-08000 Plaintiff v. Defendant](#)
Select the appropriate transcript type
 30-Day
 14-Day
 7-Day
 3-Day
 Daily
 Hourly
 Realtime

- Select the court reporter who reported the hearing. By so doing, an e-mail will be sent to the court reporter notifying that the request has been filed.

Other Documents
[9:08-cv-08000 Plaintiff v. Defendant](#)
 Select the appropriate court reporter

- JoAnn Jett Corson
- Yvette Heinze
- Kim Marchwick
- Rebecca Sabo
- Tina Brilz
- Terra Rohlfs
- Rich Mattson
- Stacy Baldwin
- Mary Sullivan
- Christine Lively
- Julie DeLong
- Julie Lake
- Lisa Lesofski
- Other

NEXT - Click here to advance to next screen

- After filing the transcript order form, you must make financial arrangements with the court reporter. Transcripts will not be prepared until financial arrangements have been made.

Audio Recordings—FTR Gold

- To order transcripts or audio copies of recorded proceedings, complete the [FTR Gold Recording/Transcription Order Form](#) also available on the Court’s website and e-file using the events above.

The Transcript Order Form or FTR Gold Recording/Transcription Order Form must be filed in the case in which the proceeding took place.

The Transcript Order Form must be filed nonelectronically if the requesting party is not an attorney of record in the case.

A transcript is an official record only if it is certified by a reporter or transcriber and filed separately by the Clerk’s Office. L.R. 1.3(b)(4).

Redaction of Personal Identifiers from Transcripts of Proceedings

The [Transcript Redaction Procedure and Schedule](#) is available on the Court’s website and provides procedures regarding deadlines for redacting personal identifiers from transcripts. There are several deadlines that parties must be aware of when transcripts are filed electronically.

Section 14: QUERIES AND REPORTS

Case Information Sources

Case docket information sources are stored by various media depending on when the case was filed. The following date ranges are approximate. Users should contact the Clerk's Office for assistance in locating information for cases filed prior to 1990.

Access PACER to locate civil and criminal cases filed since 1990.

Search Guidelines

To search for a name or party, you must have a minimum of two characters (alphabetic or numeric). A wildcard (*) symbol may be used in place of a character before the two known or after the two known characters entered. Entry of the wildcard character before the two known characters will generate a very broad search result. The system will view the two known characters as a string and display any names that contain the string.

Alternatively, use of the wildcard symbol following the two known characters will generate a report containing only those names that begin with the two known characters. The addition of known characters will further limit the search results. If more than one case/person meet the criteria, the user must select one from the generated list and then choose what data to view.

Query

The Query main menu option allows users to search for specific case information by name or case number such as docket report, alias, attorney, party, or associated case information. Some options, like the motions report, will require additional selection criteria by the user. Users should note that name fields are not case sensitive and can be for both parties and attorneys. Users may further refine their search for case specific information on the Query sub-menu to reduce PACER charges by selecting the most appropriate item.

Reports

The Reports main menu option allows users to search for District-wide information for both civil and criminal cases. Menu selections are predicated upon the user's access level. In most report selection screens, the following rules apply:

- If a selection box displays more than one choice, multiple items may be selected.
- If a selection list includes a blank item, it can be used to select "all."
- If multiple selection criteria are specified, *i.e.*, judge and office, only those items for which both are true will be retrieved.

Docket Sheet

The Docket Sheet report displays the cover page and selected docket entries for a single case. If a document range is specified, docket entries which do not have an associated document will not be listed. This report is the same as generated via the Query menu option Docket Report.

Registered Users will be able to view the Notices of Electronic Filing by selecting Docket Sheet and checking the box to include the links to the Notice of Electronic Filing.

Docket Sheet

Case number:

Select a case:

- 1:23-cr-00023-SPW USA v. Brooks
- 1:23-cv-00023-KLD Howell v. Garland et al
- 2:23-cv-00023-BMM Patterson v. Bozeman City Court et al (closed 05/12/2023)
- 4:23-cr-00023-BMM USA v. Ledeau (closed 11/01/2023)
- 4:23-cv-00023-BMM-JTJ Zurich American Insurance Company v. MK Weeden Construction
- 6:23-cv-00023-BMM-KLD Simpson v. Capt. Bragg et al (closed 07/06/2023)
- 9:23-cr-00023-DWM USA v. Isaacson (closed 11/07/2023)
- 9:23-cv-00023-DLC-KLD Tennison v. WRG Asbestos PI Trust

Filed to

Entered

Documents to

Include:

- Parties and counsel
- Terminated parties
- List of member cases
- Links to Notices of Electronic Filing

Document options:


- Include headers when displaying PDF documents
- View multiple documents



Format:

- HTML (unpaginated)
- PDF (paginated)

Sort by:

When viewing the system-generated Docket Sheet, the user may click on the icon next to the document number to display the Notice of Electronic Filing for that transaction.



Date Filed	#	Docket Text
04/11/2023	 1	MOTION for I
04/11/2023	 2	COMPLAINT

Civil and Criminal Selected Reports

- **Calendar – Events:** This report displays schedule records, including deadlines and hearings, that match the selection criteria. The report may be sorted by time or divisional office location.
- **Docket Activity:** The Docket Activity Report displays a summary of docketed events selected by numerous criteria, including start date, end date, office, category of event, or case number. Each item listed includes a case number hyperlink to a docket report and a link to the related PDF document.
- **Written Opinions:** This report allows the user to view those documents designated as written opinions in the system. Pursuant to the E-Government Act of 2002, the District Court is now providing public access to written opinions issued by judges of the court. The Judicial Conference of the United States defines “written opinion” as any document issued by a judge of the court, sitting in that capacity, that sets forth a reasoned explanation for a decision in a matter before the court. There are no PACER charges incurred when viewing written opinions. You will not be billed for accessing the written opinion document itself, but you will be billed for the report or query used to identify the document.

Civil Cases Report

This report displays a summary list of cases selected by numerous criteria, including office, nature of suit, cause of action, jurisdiction, and case flag. The report can be sorted by case number or any of the criteria selected.

Civil Cases Report

Warning: This report is not subject to the 30 page billing cap.
You will be billed for the total number of pages. If you want to run a report for a single case, you can use the Query Menu or the Docket Report.

Office Billings Butte	Case type Attorney Discipline Civil	Nature of suit 0 (zero) 110 (Insurance)	
Cause 0 (No cause code entered) 00:0000 (00:0000 Cause Code U...)			
Jurisdiction Diversity Federal Question	Case flags 1ST STEP ACT 782	Terminal digit(s) 2, 4-7 JPML number	<input checked="" type="checkbox"/> Open cases <input type="checkbox"/> Closed cases
Filed 12/4/2023 to 12/11/2023			
Sort by Case Number			
Output Format <input checked="" type="radio"/> Formatted Display <input type="radio"/> Data Only			
Run Report Clear			

Criminal Cases Report

This report displays a summary list of cases selected by numerous criteria including office, case flags, or citation, and can include pending and/or terminated defendants. The report can be sorted by case number, terminal digit, or office.

Criminal Cases Report

Warning: This report is not subject to the 30 page billing cap.
You will be billed for the total number of pages. If you want to run a report for a single case, you can use the Query Menu or the Docket Report.

Office Billings Butte	Case types Criminal Grand Jury	Case flags 1ST STEP ACT 782	
Citation			
Count Status <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Disposed			
Include CVB Cases <input type="radio"/> Yes <input checked="" type="radio"/> No			
Filed 12/4/2023 to 12/11/2023			
Terminal digit(s) 2, 4-7 <input checked="" type="checkbox"/> Pending defendants <input type="checkbox"/> Terminated defendants			
Sort by Case Number			
Output Format <input checked="" type="radio"/> Formatted Display <input type="radio"/> Data Only			
Run Report Clear			

Section 15: UTILITIES

Utilities

The Utility menu allows Registered Users to view their transaction log, change their PACER exempt status, change the client code, review their billing history, view their internet payment history, and maintain their e-mail.

Internet Payments Made Report

The Internet Payment History Report in CM/ECF can be used to view the transaction history for credit card payments you have made in CM/ECF as part of the electronic filing process.

The Internet Payment History Report displays:

- The case number associated with each payment (clicking the case number directs you to PACER);
- The date each payment was made;
- A description of each item (the type of CM/ECF event used);
- The method of payment used for each transaction;
- The receipt number (also referred to as the Agency Tracking Number) for each transaction; and
- The amount of each transaction.

U.S. District Court District of Montana					
Internet Payment History for [REDACTED] 11/4/2021 to 12/4/2021					
Case no.	Date Paid	Description	Payment Method	Receipt #	Amount
9:08-cv-08000	2021-12-02 19:28:59	Petition for Writ of Habeas Corpus (9:08-cv-08000) [cmp pwrithc] (5.00)	cr card	AMTDC-27[REDACTED]	\$ 5.00

Non-Electronic Filing

- When an attorney is unable to file electronically in a case, he or she must seek an exemption by filing a Motion for Leave to File Nonelectronically. Exemption must be sought in each case in which the attorney participates. L.R. 1.4(b).
- Documents filed by nonelectronic filers will be scanned and filed electronically at all divisional offices.
- Nonelectronically filed documents will be disposed of after e-filing.
- Documents or items that cannot be scanned must be physically submitted to the clerk's office in the division of venue and properly served.
 - Prepare and physically submit to the clerk's office in the division of venue a signed Certificate of Service that indicates who was served, the manner of service with a description of the document(s) being filed. Submit the item(s) that cannot

- be scanned along with the original Certificate of Service to the Clerk's Office.
 - Do not e-file the Certificate of Service. The Clerk's Office will e-file it.
 - Serve the Certificate of Service and the item on all other parties by non-electronic means.
- Documents or items that cannot be scanned must be delivered to the Division of venue, unless otherwise directed by the Clerk.
- Documents that cannot be scanned and e-filed will be uploaded by the clerk's office to a server maintained by the clerk's office, and have the docket reflect their location.
- Items that cannot be scanned will not be retained by the Court.

Nonelectronic Service

- Nonelectronic service means service by means other than CM/ECF
- Nonelectronic service is required when:
 - A self-represented litigant has not agreed to in writing to receive electronic service of all documents filed electronically in CM/ECF. L.R. 83.8(c).
 - One or more attorneys is a nonelectronic filer.
 - A document or item is nonelectronically filed at the Clerk's Office.
 - A document, such as a Lodged Sealed Document, is not served via CM/ECF.
- All nonelectronically served documents or items must include a Certificate of Service that states the manner of service or notice and include a description of what is being served.

Correction of Filing or Docketing Errors

- Under no circumstance should the filing party attempt to correct a filing by refileing the document.
- If errors are discovered, immediately call the Help Desk for assistance 1-866-463-4052.
- If appropriate, the Court will make an entry indicating that the document was e-filed in error.
- The filing party will be advised if the document needs to be refiled.

Court's Technical Failures (L.R. 1.4(c)(4)(B))

- The clerk of court will deem the CM/ECF filing site to be subject to a technical failure on a given day if the site is unable to accept filings for at least one hour after 10:00 a.m. that day. Known system outages will be posted on the court's website, if possible. Registered users are authorized to file nonelectronically, or by e-mail to an address posted on the website, on any day the clerk posts notice of an outage.
- The clerk may post notice on the court's website extending filing deadlines for registered users to 9:00 a.m. the following business day. Registered users unable to meet the extended deadline may seek appropriate relief.

User's Technical Failures (L.R. 1.4(c)(4)(a))

- Problems on the e-filer's end, such as phone line problems, problems with the e-filer's internet service provider, or hardware or software problems, will not excuse untimely filing.
- Parties must contact the Help Desk (1-866-463-4052) to obtain permission to send a document by e-mail OR file the document nonelectronically at the Clerk's Office.

Computing Time (Fed.R.Civ.P.6, and Fed.R.Crim.P.45)

- Count every day, including intermediate Saturdays, Sundays, and all legal holidays.
- The three-day rule for service by mail applies to service by electronic means when a party must act within a specified time after **service**. However, the three-day rule does not apply when a party must act within a specified time after **filing**.