



FILED COURT

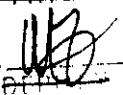
**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

MAR 04 PM 3:50

DISTRICT OF UTAH

In Re:

:
:
:
:
:
:
:

BY: 
DEPUTY CLERK

**AUTHORIZATION AND
PROVISIONS FOR
ELECTRONIC FILING**

**GENERAL ORDER
2004-01**

Federal Rules of Civil Procedure 5 and 83, and Federal Rule of Criminal Procedure 57 authorize courts to establish local rules, practices, and procedures for the filing, service, signing, and verification of documents by electronic means. Pursuant to that authority,

IT IS ORDERED:

- A. The District of Utah will implement the federal judiciary's Case Management and Electronic Case Files (CM/ECF) information management system. Once CM/ECF is fully implemented and operational, the official record of the court shall be the electronic case file maintained on and accessible through the court's information management system.
- B. The court will implement CM/ECF and publish appropriate administrative procedures and guides for the filing, service, and signature of documents by electronic means. The court also will establish and enforce standards for registering and authorizing parties to secure remote access to the court's electronic case files. In the event of conflict between the District Court Rules of Practice and the administrative procedures while they are in effect, the administrative procedures shall govern.
- C. The electronic filing of a document by a registered party in accordance with the court's electronic filing procedures shall constitute entry of that document on the docket maintained by the Clerk pursuant to Federal Rules of Civil Procedure 58 and 79, and Federal Rules of Criminal Procedure 49 and 55.
- D. The electronic filing of a document and submission of accompanying information by a registered party or by an authorized user of that party's login and password shall constitute the signature of that participant under Federal Rule of Civil Procedure 11 and all other purposes.

- E. Parties who register with the Clerk for CM/ECF and who receive from the Clerk a login and password and parties otherwise having consented in writing to service by e-mail thereby consent to the electronic service of notices and documents pursuant to the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.
- F. Registered parties shall not divulge their logins or passwords to any persons other than their authorized representatives within their firm or office. No person shall knowingly use, permit, or cause another person to use the login or password of a party registered for CM/ECF with this Court unless such person is an authorized representative of the registered party. A registered party shall be deemed to have filed any document that is filed with the use of that party's login and password.
- G. After CM/ECF is fully operational, all active members of this Court's bar and all attorneys currently admitted *pro hac vice* to said bar shall be required to file electronically all documents in cases in which they are parties at such a time and manner as specified in the administrative procedures published by the Clerk.
- H. Persons who are not members of this Court's bar, subject to the discretion of the Clerk of Court, shall continue to file documents pursuant to the provisions of DUCivR 5-1.
- I. Parties of record who are registered neither for electronic filing nor electronic noticing will receive from the Clerk via first class USPS mail applicable notices, orders, opinions, and judgments.
- J. The Clerk will acknowledge any document that is filed electronically and in accordance with the District Court Rules of Practice at the time it is docketed by transmitting a Notice of Electronic Filing to the filing party.
- K. Any party of record filing a pleading or other documents with the clerk must comply with the service provisions of Fed. R. Civ. P. 5. Parties filing electronically must serve a paper copy of (i) all pleadings or other documents filed with the Clerk, and (ii) the *Notice of Electronic Filing* on all other parties entitled to notice or service who are not designated or who are unable to receive electronically transmitted filings or notices pursuant to DUCivR 5-1.
- L. The administrative procedures may require that certain documents be filed in paper format.
- M. All orders, decrees, judgments, and proceedings of the Court shall be entered in

accordance with the electronic filing procedures. Such entry shall constitute entry of the order, decree, judgment, or proceeding on the Court's docket maintained by the Clerk.

DATED this 19th day of March, 2004

BY THE COURT:


Dee Benson, Chief Judge