



District of Utah

ECF Procedures Manual

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INTRODUCTION

On May 2, 2005, the United States District Court for the District of Utah adopted electronic case files as part of the implementation of its Case Management/Electronic Case Files (CM/ECF) system. This system, developed at the direction of the Judicial Conference of the United States, was implemented in federal trial courts throughout the country to facilitate electronic filing of case documents, also called “efiling.” In February 2020, this system was upgraded in this district to NextGen CM/ECF, combining access rights of users’ CM/ECF and PACER accounts.

Efiling is the electronic transmission of Portable Document Format (PDF) documents by uploading the document directly into the electronic case file in CM/ECF. An electronic document has the same legal status and effect as a paper document.

A filer will receive a Notice of Electronic Filing (NEF) when an entry has been made to a CM/ECF case docket. The court's system generates the NEF, which is sent by email to counsel of record or an unrepresented party who has registered to receive electronic notification of case activity. For documents that are filed electronically, the NEF is official notice to all other parties and verification to the court that a filing has been received and docketed in the case. The NEF includes the docket entry as well as a link to the filed document.

The court’s Local Rules of Practice identify who is authorized to electronically file documents in a case. This ECF Procedures Manual supplements those rules by providing administrative guidance for using CM/ECF or filing by email. The court’s [CM/ECF User's Manual](#) provides step-by-step instructions on the technical aspects of using CM/ECF, which are not included here.

Those preparing documents to be filed in a case electronically should follow the Local Rules of Practice and these procedures. Amendments to these resources and updates to these procedures are posted on the court's website: <http://www.utd.uscourts.gov>.

For assistance with any efiling issues, please call:

- for case specific questions, the assigned judge’s docketing clerk (a list is available at <https://www.utd.uscourts.gov/contact>);
- for assistance with viewing documents or account and payment settings, the PACER Service Center at 800-676-6856; or
- for general questions, the Clerk’s Office at 801-524-6100.

I. EFILING REGISTRATION

A. Mandatory Registration for Efiling - Attorney.

1. Attorneys authorized to practice before this court must register to efile using PACER and to receive electronic notifications of case activity through CM/ECF. Detailed efilings registration [instructions](#) are available on the court's website.
 - a. Before efilings, attorneys must have an individual PACER account (shared PACER accounts cannot be used for this process).
 - b. PACER accounts that were created before August 2014, must be upgraded (see [Upgrading Your PACER Account](#) for instructions).
2. A login name and password for efilings is created when an attorney registers for efilings through PACER. The login name and password must not be shared with or made available to anyone other than the registered efiler and staff.
3. Active, federal, pro hac vice, and inactive attorneys must maintain a current telephone number, mailing address, and email address with the court at all times. Contact information must be updated through PACER and a Notice of Change of Contact Information must be filed in active cases filed in CM/ECF to notify the other parties of the changes.
4. The court will inactivate an attorney's efilings privileges when an email to the attorney's primary email address is returned undeliverable and an updated email address has not been provided.
5. The court will limit or inactivate an attorney's efilings privileges if the attorney fails to maintain an active status with the court's Bar or is suspended for disciplinary reasons.
6. Attorneys must file all documents electronically, except those that the court requires to be filed manually. See Nonelectronic Filing below.
7. The Clerk's Office will contact attorneys who have a high rate of errors in electronic filing to arrange for additional training. If after additional training the attorney is still unable to successfully file electronically, the court may require them to file manually.

8. The court may deactivate an attorney's efile privileges if the court determines they have abused the system or violated these procedures.
9. The requirement to efile extends to attorneys who are in active status or are federal attorneys as defined by DUCivR 83-1(b) and acting on their own behalf as a named party in pending action before the court.

B. Email Filing and Electronic Notification – Unrepresented Party.

1. An unrepresented party may return a completed Email Filing and Electronic Notification Form for Unrepresented Parties to the Clerk's Office to sign up to email file and receive Notices of Electronic Filing (NEF). The Email Filing and Electronic Notification Form for Unrepresented Parties is available on the court's [website](#).
2. Documents to be filed may be emailed to the Clerk's Office at utdecf_clerk@utd.uscourts.gov.
3. Emailed documents must be in PDF format and conform to the formatting standards outlined in these procedures.
4. An unrepresented party must maintain a current telephone number, mailing address, and email address with the court at all times.
5. The court may revoke a party's email filing privileges if the court determines the party has abused the system or violated these procedures.

II. PREPARING DOCUMENTS FOR FILING

A. FORMATTING STANDARDS AND REQUIREMENTS.

1. Format.

- a. Document content formatting must comply with the requirements in Local Rule DUCivR 10-1.
- b. All documents served or filed after the commencement of a case must include a properly captioned case number, which includes the division number, calendar year, case type, consecutive case number, and assigned district and/or magistrate judge's initials. Formatting for the case number is as follows:

Legend

Division/Region

1 = Northern Division (Ogden Office)

2 = Central Division (Salt Lake Office)

4 = Southern Region (St. George Office)

Calendar Year – last two digits of the year

Case Types

CV = Civil Case

CR = Criminal Case

AD = Attorney Discipline Case

MC = Miscellaneous Case

MJ = Magistrate Judge Case

RF = Restricted Filer Case

Consecutive Case Number, e.g.: 100

Assigned Judge Initials (the district judge's initials comes after the last number and before the referred magistrate judge's initials, if applicable – e.g.:

4:11CR100 RJS-PK)

Examples

Northern Division Civil Cases 1:11CV100 RJS

Central Division Civil Cases 2:11CV100 RJS-JCB

Southern Region Civil Cases: 4:11CV100 DN-PK

Northern Division Criminal Cases 1:11CR100 RJS

Central Division Criminal Cases 2:11CR100 RJS-DBP

Southern Region Criminal Cases: 4:11CR100 DN

- c. Documents filed in CM/ECF must be converted to PDF format before they are efiled. PDF software, in effect, captures the original document and allows the converted document to open across a broad range of hardware and software with the text, layout, format, links, and images intact.
 - i. A document created with almost any word-processing program can be converted to PDF.
 - ii. Scanned documents can also be converted to PDF. For PDF resolution quality, scanners should be set to black and white at 300 dots per inch, rather than color or gray scale scanning unless those settings are needed to properly display the data in the document.
- d. Optical Character Recognition (OCR) is the conversion of scanned images into text (text overlays). Scanned documents should be OCR'd, when possible and practical.
 - i. OCR is a feature readily available in most scanning and PDF-creation software packages, including Adobe Acrobat Standard.
 - ii. OCR'ing a document provides the ability to 'text-search' and 'copy and paste' in a document. This makes it easier for chambers and all other parties to review, research, and use the efiled materials.
 - iii. OCR is most effective on documents that are primarily text-based and is normally **not** beneficial for maps, photos, charts, graphs, and other non-text documents.

- e. Whenever technically feasible, electronically filed documents should be converted to PDF format using Adobe Acrobat or a similar PDF conversion software, and not by scanning. Using PDF conversion software will preserve text attributes like the ability to ‘text-search’ and ‘copy and paste’. See the table below for recommended PDF-conversion methods:

Document Format	Recommended PDF Conversion method
Documents in Word, WordPerfect, or other word-processing software	PDF conversion (rather than scanned)
Transcripts in text format on disk or in email	PDF conversion
Maps and photos in electronic format	PDF conversion where appropriate
Web pages	PDF conversion
Printed copies of documents, contracts, statements, transcripts, etc., where an electronic copy is not normally available	Scanning to PDF
Map, photos, and other materials where an electronic copy is not readily available	Scanning to PDF

- f. After a document has been converted to PDF, it is the best practice to view the PDF before efileing it to ensure it was properly converted. For more information document conversion to PDFs, visit the websites of PDF vendors: Adobe Acrobat, FinePrint, Kofax Power PDF, or PrimoPDF.

2. PDF Content Criteria.

- a. An electronically filed PDF document will be rejected by CM/ECF if the document:
- i. does not comply with PDF format standards;
 - ii. contains JavaScript, scripts that can launch an external application, attachments internal to the PDF file, or audio and video content;
 - iii. is encrypted or password-protected; or

- iv. is created with Mac OS X using a fillable form in the Safari browser or with OS X using MS Word and selecting the option, “Best for printing.”
- b. An electronically filed PDF document will be accepted when the document:
 - i. contains editable forms (and forms should be flattened before filing, see below), hyperlinks to external websites, or OCR meta-data;
 - ii. meets the PDF-A standard;
 - iii. is comprised of scanned documents; or
 - iv. is created with Mac OS X using a fillable form in the Chrome browser or with Mac OS X using MS Word and selecting the option, “Best for Electronic Distribution.”

3. File Size Requirements.

- a. The maximum file size limit for each PDF document efiled in CM/ECF is 50 MB.
- b. PDFs larger than the maximum file size can be broken up into smaller PDF documents and filed together in one event in CM/ECF, with a main document and the remaining documents as separate attachments to the main document.

Date document filed (mandatory)

6/9/2021

Select the PDF document and any attachments.

Main Document

Test Pleading part 1.pdf

Attachments	Category Required	Description Required
1. Browse... Test Pleading part 2.pdf	Affidavit ▼	Part 2 Remove
2. Browse... Test Pleading part 3.pdf	Affidavit ▼	Part 3 Remove
3. Browse... No file selected.	▼	

- c. Oversized documents and other file types not accepted by CM/ECF may be delivered to the Clerk’s Office on a digital storage device, such as a USB flash drive. The delivery should include two copies of the device, one for the

Clerk's Office file and one for chambers. The device must only contain documents or files relating to a single entry in a specific case and must be clearly labeled. The device must be attached to a captioned cover page and include the name of the filing, identify other filings it relates to, if any, and contain a brief description of the documents stored on the device. If a device is provided after filing a Notice of Nonelectronic Filing (as noted in Section III.E. below), a copy of the notice must be attached to the device.

NOTE: Digital storage devices will be screened for viruses and malware by the Clerk's Office IT department prior to recording their receipt on the docket. This may take several days. They will be backdated on the docket to the date of receipt.

4. Flattened PDF.

The simplest way to address most PDF upload rejections is to flatten the PDF and then upload it again. There may be multiple ways to flatten a PDF depending on the PDF creation software used. The most common practice is to flatten by printing to PDF. To print to PDF:

- a. open the PDF in Adobe Acrobat or other PDF creation program;
- b. print the PDF file to PDF printer (File > Print > select Adobe PDF or another PDF printer listed in the drop-out list); and
- c. save the printed PDF and upload it for filing.

NOTE: In [Kofax Power PDF](#), use the Flatten File feature found at Advanced Processing > Flatten File.

B. PRIVACY

1. To promote electronic access to case files while also protecting personal privacy and other legitimate interests, attorneys and parties should review the [Judicial Conference Privacy Policy](#) and applicable federal and local rules before entering documents on the CM/ECF system.
2. Any personal information not redacted or sealed will be made available online via PACER and CM/ECF.
3. The Clerk's Office may review any efiled document to determine whether it includes personal information, but it is the responsibility

of attorneys and the parties to redact personal identifiers.

C. REDACTION

1. Documents filed with the court must not include (or must partially redact where inclusion is necessary) the personal data identifiers, whether filed electronically or manually, including exhibits and other attachments, unless otherwise ordered by the court.
2. Filers should use extra care to make sure documents are fully and completely free of information that should be redacted, including hidden data. Documents that are incorrectly redacted may still contain personal data identifiers or other information. Although documents may appear to be redacted, hidden data may still contain unredacted personal data identifiers.
3. The court does not endorse any specific method for “sanitizing” a document. Several consulting and software resources specialize in redaction of data.
4. The following issues should be considered when redacting information from electronically filed documents:
 - a. changing the font to white does not make the words disappear;
 - b. document files created using word processing software (including Microsoft Word, Corel WordPerfect, etc.) retain a lot of hidden code called “metadata,” which can contain revision history and other information. Metadata can reveal anything that was contained in the document file at any time, even text that was previously deleted or changed—even if the document was re-saved. This is useful for tracking revisions, but if this information is not purged from the document file, someone can look at this information, even after the document has been converted to PDF;
 - c. Adobe Acrobat (the full version) has some graphic and “commenting” tools that blackout, cover over, or remove sections of text. The edits these tools make can be removed at another time by a party to reveal the text underneath; and
 - d. using markers, semitranslucent tape, or paper to cover areas of a document to be scanned sometimes still show enough information for someone to see what was assumed hidden,

especially if that same data repeats several times throughout a document.

D. SIGNATURES.

1. The process of logging into CM/ECF or PACER, combined with a signature (as identified below) on the document, represents a valid electronic signature.
2. Approved Signatures. A typed signature using a “/s/” before an attorney or party’s name, or an electronic image of the attorney's or party’s signature qualifies as a signed document for purposes of Fed. R. Civ. P. 11. Signature example:

a. Typed signature:

/s/ John Smith

b. Electronic image of handwritten signature:

A handwritten signature in black ink that reads "John Smith". The signature is written in a cursive, flowing style.

3. Signing on Behalf of Others. When a document requires the signature of someone different from the person who is filing the document, the following apply:

a. the person filing the document must obtain approval and authorization to electronically sign the document on behalf of the other person. The approval must be indicated on the filed document. Signature examples:

i. /s/ Jane Adams

(Signed by John Smith with permission of Jane Adams)

Electronic Signature or /s/ Filing Attorney

ii. /s/ Other Attorney

(Signed copy of document bearing signature of Other Attorney is being maintained in the office of the Filing Attorney)

Electronic Signature or /s/ Filing Attorney

iii. /s/ Party Smith*

(I certify that I have the signed original of this document, which is available for inspection during normal business hours by the court or a party to this action.)*

Electronic Signature or /s/Filing Attorney

- b. the person who obtained the approval must maintain a record of when and how permission was obtain until the time to appeal has expired or all appeals have been exhausted.
- c. false representation of permission to sign on behalf of another person a document that is filed with the court may be sanctioned under Fed. R. Civ. P. 11.
- d. Judges and Court Officials. Signing a document with a "/s/ name" or electronic image of the handwritten signature—when filed with the login and password of a judge or court official—constitutes an original signature for all purposes. A court order may be entered as a docket text order without any accompanying signature or separate signed document.
- e. Disputes. Any person other than a judge who disputes the authenticity of any signature must file an objection to the pleading or other paper within 10 days of the filing of that document.
- f. Invalid Signatures. PDFs containing a ***digital signature certificate cannot*** be uploaded to CMECF.

E. FILING BRIEFS IN SOCIAL SECURITY APPEALS CASES

- 1. Plaintiff's Opening Brief. In CM/ECF, an Opening Brief must be filed using the event "Motions for Review of Social Security Agency Action." Do not use the CM/ECF event "Briefs." If the wrong event is selected, the incorrectly filed document will be stricken and a Notice of Deficiency will be docketed.

Motions
review| Click your selection, or use arrows to highlight it and press Enter.
Available Events (click to select events) **Selected Events** (click to remove events)
Review of Agency Action
Review of Social Security Agency Action
Next Clear

- 2. Commissioner's Response Brief. The Response Brief must be filed using the CM/ECF event "Commissioner's Brief" and linked to the "Motion for Review of Social Security Agency Action." If the wrong event is selected, the incorrectly filed document will be stricken and a Notice of Deficiency will be docketed.

Responses, Replies and Other Motion Related Documents

Available Events (click to select an event)

- Affidavit/Declaration in Opposition to Motion
- Affidavit/Declaration in Support of Motion
- Commissioner's Brief
- Memorandum in Opposition to Motion
- Memorandum in Support of Motion
- Reply Memorandum/Reply to Response to Motion
- Response to Motion

Next Clear

Selected Event

Commissioner's Brief

3. Plaintiff's Reply Brief. The Reply must be filed using the CM/ECF event "Reply Memorandum/Reply to Response to motion" and linked to the "Motion for Review of Agency Action." If the wrong event is selected, the incorrectly filed document will be stricken and a Notice of Deficiency will be docketed.

Responses, Replies and Other Motion Related Documents

Available Events (click to select an event)

- Affidavit/Declaration in Opposition to Motion
- Affidavit/Declaration in Support of Motion
- Memorandum in Opposition to Motion
- Memorandum in Support of Motion
- Reply Memorandum/Reply to Response to Motion
- Response to Motion

Next Clear

Selected Event

Reply Memorandum/Reply to Response to Motion

III. PAYMENT AND FILING GUIDANCE

This section does not address all scenarios associated with filing documents in CM/ECF. It is intended to clarify commonly misunderstood efilings procedures. Visit the court's website at <https://www.utd.uscourts.gov/cmecf-electronic-case-filing> for reference materials and other instructions for filing various types of documents.

A. PAYMENT OF FEES

1. Attorneys registered to efile may pay the fees associated with initiating a case, applications for admission Pro Hac Vice, notices of appeal, and annual attorney registration, etc., online by filing the appropriate event in CM/ECF. CM/ECF will temporarily redirect the filer to Pay.gov to complete the payment and then redirect back to CM/ECF to complete the filing. *The case or event will not be filed if the remaining steps are not completed in CM/ECF.*
2. Creating an account with Pay.gov is not required to complete a filing or to make a fee payment.
3. Some court fees—e.g., filing fee, appeal fee, Pro Hac Vice admission fees—may be prepaid to the Clerk's Office by check, money order, or debit/credit card. When prepaying fees, the

clerk will give the filer a receipt number that must be entered into CM/ECF to bypass making an online payment using Pay.gov and to complete electronically filing the document.

Only enter receipt information if:
1. You have already paid AND
2. You have a receipt number from the Utah US District Court.
To pay using the online credit card method, please leave the receipt box blank

Receipt #: Fee: \$402

4. Court fees paid online are processed, as follows:
 - a. When efilng a document, the attorney will be temporarily directed from CM/ECF to Pay.gov to complete the payment.
 - b. After the payment information is received and processed or the payment system is bypassed because the payment was prepaid, Pay.gov will redirect the attorney back to CM/ECF to finish filing the document.
 - c. After the payment has been made the filing in CM/ECF must be completed all the way to conclusion and the generation of a Notice of Electronic Filing (NEF). If the filing is stopped after the payment is made but before a NEF is generated, the payment will still be processed but the document will not show as filed.

NOTE: If this happens, please electronically refile the document again and when prompted use the receipt number generated to avoid duplicate payments.
 - d. Contact the Clerk's Office if you have any question about payment or filing being accepted.

B. EFILING NEW CASES AND PAYING ONLINE

1. Detailed instructions for filing and paying the filing fee for new civil and miscellaneous cases are available on the court's website at <https://www.utd.uscourts.gov/cmecf-electronic-case-filing>.
2. Unrepresented Parties

- a. An unrepresented party may email the initiating documents in PDF format to the Clerk's Office at utdecf_clerk@utd.uscourts.gov and pay the filing fee in person or over the telephone.
 - b. New cases will be processed until 4:00 pm Monday-Friday each day the court is open. New cases received outside those times will be processed the next business day. The filing date is the date the document is filed with the Clerk's Office.
- 3. Registered Attorneys
 - a. Per Local Rule DUCivR 3-1, a registered efilng attorney must create and file new cases without the aid of the Clerk's Office.
 - b. New cases opened by attorneys may be filed prior to 11:59 p.m. to preserve the filing date..
- 4. Filing Fee
 - a. The filing fee should be paid at the time of filing the complaint or initiating document.
 - b. Attorneys will pay the filing fee through CM/ECF. When filing the complaint or appropriate event, CM/ECF will temporarily redirect the filer to Pay.gov to complete the payment.
 - c. The Clerk will close the case if the fee is not paid within 7 days. See DUCivR 3-1(c).

C. ATTACHING EXHIBITS TO A DOCUMENT

- 1. Like any document filed in CM/ECF, exhibits efiled or emailed for filing must be in PDF format.
- 2. The readability of PDF exhibits must be verified by the attorney or unrepresented party before filing them.
- 3. Exhibits must be added as separate attachments, with clear descriptions, to the main document in CM/ECF. (See the example on the next page.) The use of PDF bookmarks is strongly encouraged.
- 4. Exhibits electronically filed in CM/ECF must be filed as follows:
 - a. Identifying Exhibits. Create an index for the exhibits.

Each exhibit must have a descriptive title and an exhibit number. Then attach the index to the motion, response, or reply.

Date document filed (mandatory)
9/14/2012

Select the pdf document and any attachments.

Main Document
C:\Documents and Settings\usdc\My Doc

Attachments	Category	Description
1. C:\Documents and Settings\usdc\My Doc Browse...	Exhibit	A
2. C:\Documents and Settings\usdc\My Doc Browse...	Exhibit	B
3. C:\Documents and Settings\usdc\My Doc Browse...	Exhibit	C
4. Browse...		

Acceptable

Better description

Description
A - Evidentiary hearing tra
B - Affidavit of Jed Johnson
C - Expert Report of Dr. Sr

- b. File Size. Any single exhibit larger than 50 MBs must be divided into parts or sections smaller than 50 MBs and be clearly labeled.
- c. Unable to Attach. If the exhibit cannot be filed electronically in CM/ECF, the attorney must—
 - i. electronically file a Notice of Nonelectronic Filing, linking the notice to the docket entry the exhibit relates to; and
 - ii. manually file with the Clerk's Office two copies of the Notice of Nonelectronic Filing each attaching a digital storage device containing a clearly labeled, broken down PDF version of the exhibit. One copy shall be clearly marked "Judge's Copy."

D. FILING DOCUMENTS UNDER SEAL

1. Local Rules.

Local Rule DUCivR 5-3 and DUCrimR 49-2 govern electronically filing sealed documents in civil and criminal cases.

2. Sealed Documents in Unsealed Civil Cases.

- a. Filers must seek leave to file documents under seal if not sealed per statute or local rule. To do so, the filer must file:
 - i. a REDACTED document, choosing the appropriate CM/ECF event;
 - ii. a Motion for Leave to File under Seal; and
 - iii. an UNREDACTED copy of the document as a

Sealed Document, linking it to the Redacted original. Below is an example of how the docket should read when this process is completed.

- b. Documents filed under seal per statute or local rule and without motion must so indicate in the document caption.
- c. The redacted original will be considered the operative document in terms of briefing and calculating deadlines.

12/08/2022	 3	Redacted MOTION to Compel filed by Plaintiff Almond Joy. (Beckett, Sam) (Entered: 12/08/2022)
12/08/2022	 4	MOTION for Leave to File Sealed Document re 3 Redacted MOTION to Compel filed by Plaintiff Almond Joy. (Beckett, Sam) (Entered: 12/08/2022)
12/08/2022	 5	**SEALED DOCUMENT** re 3 Redacted MOTION to Compel filed by Plaintiff Almond Joy NOTE: Filer is instructed to serve the <u>sealed document</u> on all other parties.. (Beckett, Sam) (Entered: 12/08/2022)

- d. **E-Filing Procedure.**
 - i. **File the REDACTED document.**
 - A. Select the CIVIL link on the menu toolbar at the top of the CM/ECF screen.
 - B. Choose the appropriate document event (e.g., motion, memorandum, exhibit, affidavit, etc.) and follow the prompts to file the document.

Add “REDACTED” to the final docket text from the dropdown menu and click next on this screen and the next to complete

Docket Text: Modify as Appropriate.

Redacted MOTION for Summary Judgment filed by

Defendant Wal-Mart Stores. (Utdattorney, Three)

Next Clear

the filing.

ii. **File the Motion for Leave to File Under Seal.**

- A. Select the CIVIL link on the menu toolbar at the top of the CM/ECF screen.
- B. Select MOTIONS and choose **Leave to File Sealed Document**.

Motions

leave Click your selection, or use arrows to highlight it and press Enter.

Available Events (click to select events)

Leave to Appeal

Leave to File Document

Leave to File Sealed Document

Leave to File Sealed Document - SEALED

Selected Events (click to remove events)

Leave to File Sealed Document

Next Clear

NOTE: choose the *Leave to File Sealed Document – SEALED* event only if the motion for leave must also be filed under seal. Leave of court and a redacted copy are not necessary to file this sealed motion for leave.

- C. Link the motion for leave to the REDACTED document and complete the filing.

iii. **File the Unreacted Document Under Seal.**

- A. The unredacted version of the proposed sealed document must have the privileged or protectable information highlighted.
- B. Select the CIVIL link on the menu toolbar at the top of the CM/ECF screen.
- C. Select Other Documents and then choose the Sealed Document (Atty) event.

Other Documents

seal Click your selection, or u
Available Events (click to select an event)
Sealed Document (Atty)

NOTE: DO NOT use the *Sealed Motion* event here even if your proposed sealed document is a motion.

- D. Link the proposed sealed document to the REDACTED original.

☒ Should the document you are filing link to another document in this case?
Filed to
Documents to

Select the appropriate event(s) to which your event relates:

☒ 12/08/2022 [3](#) Redacted MOTION to Compel filed by Plaintiff Almond Joy. (Beckett, Sam)
☐ 12/08/2022 [4](#) MOTION for Leave to File Sealed Document re [3](#) Redacted MOTION to Compel filed by Plaintiff Almond Joy. (Beckett, Sam)

- E. Follow the prompts to complete the filing.
F. After the proposed sealed document is filed, it will only be viewable by the court and unavailable to the parties and the public.

Note: The filing party must serve a copy of the sealed, unredacted document on the opposing party.

3. Restricted and Sealed Documents in Criminal Cases.

- a. **Authorization to file Restricted or Sealed Documents**
i. [General Order 24-004](#) authorized a pilot program allowing parties to file with limited or no access to docket entries and/or documents by filers. The pilot program established three levels of access restriction in addition to Sealed. The levels are outlined in the General Order.

- ii. Document events with presumptive restrictions are noted on the [Presumptive Restriction Level](#) available on the court's website. This list will continue to be revised during the pilot period.
- b. **Access and Service**
 - i. Restricted documents will generate a NEF will be accessible only to the court and to the parties corresponding to the predetermined restriction levels.
 - ii. Sealed documents, including motions will not appear on the public docket, and a NEF will not be sent.
 - iii. If the criminal case is sealed, electronic filing is unavailable and only court staff can access and file documents in the case.
 - iv. Documents to be filed in sealed cases must be emailed to or filed manually with the Clerk's Office.
 - v. The attorney is responsible for serving copies of sealed documents on other parties.
- c. **Restricted Ex Parte Motions Filed**
 - i. The following ex parte motions may be efiled in CM/ECF in unsealed cases using the Ex Parte Defense Authorization (Restricted) motion event:
 - A. motions for issuance of subpoenas;
 - B. motions for subpoenas duces tecum;
 - C. motions for appointment of co-counsel; and
 - D. motions for orders permitting medical or psychological contact/visits.
 - ii. Instructions for filing restricted motions are found on the court's [Electronic Case Filing Information page](#).
- d. **Procedure for Filing Restricted Documents.**
 - i. Most events with presumptive restricted access levels are preprogrammed to add the appropriate

restriction level as the entry is filed.

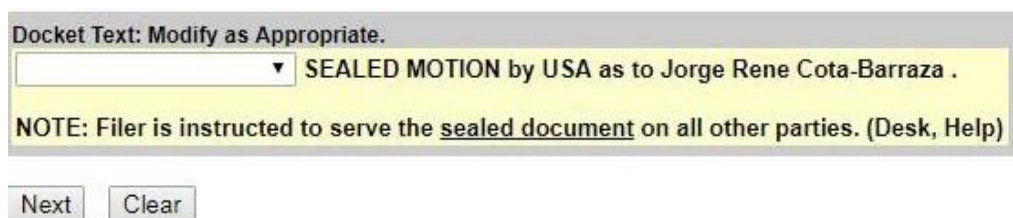
- ii. Instructions for filing restricted documents are found on the court's [Electronic Case Filing Information page](#).

e. **Procedure for Filing Sealed Motions.**

- i. Select the CRIMINAL link on the menu toolbar at the top of the CM/ECF screen.
- ii. Under **Motions and Related Filings**, select **Motions**.
- iii. Enter the case number and answer the prompts until you reach the event selection menu.
- iv. Select **Sealed Motion**



- v. Read the Notifications that follow.
- vi. Attach the PDF copy of the motion.
- vii. Review the final docket text and add a modifier from the dropdown menu, if needed.



NOTE: The docket text relating to sealed documents in criminal cases does not have descriptive text in the Docket Text. The text will state only the name of the event, such as “Sealed Motion,” the name of the filing party, and the defendant the filing applies to.

NOTE: The docket text reminds the filer that they are responsible for serving sealed documents on other parties, as no NEF will be sent for sealed documents. Even though a NEF will appear upon completion of the motion this notice will not be sent to any party on the case, including the filer.

f. Procedure for Filing Sealed Documents.

- viii. Select **CRIMINAL** on the blue toolbar.
- ix. Select **Other Documents** under the Other Filings category.
- x. Select **Sealed Entry-Document (atty)** from the drop-down menu.

Other Documents

sealed Click your selection, or type to search

Available Events (click to select an event)

Sealed Entry-Document (atty)

Next Clear

- iv. Enter the case number. Select the appropriate defendant, if necessary.
- v. Follow the prompts and instructions by clicking Next at each screen.
- vi. Verify that a mailing certificate will be needed and click Next.

You will need to attach a mailing certificate.

Next Clear

- vii. Add the PDF(s) of the Main Document, and any attachments.
- viii. Select the party filing the Document.
- ix. Link the entry to any related entries.
- x. Click Next to complete the filing.
- xi. A NEF will not be sent. The filer is responsible for forwarding a copy of the filing to the appropriate parties.

E. NONELECTRONIC FILING

1. Manual Delivery to Clerk's Office.

- a. As much as possible documents must be efiled or emailed.
- b. Documents that cannot be efiled or emailed to the Clerk's Office—e.g., documents with large file sizes that cannot

be separated into smaller files, non-PDF file types (e.g., audio or video files, spreadsheets), etc.—must be delivered to the Clerk’s Office for filing.

- c. Unrepresented parties not authorized to file by email must mail or hand-deliver documents to the Clerk’s Office for filing.
- d. Documents filed in sealed cases must be emailed or delivered to the Clerk’s Office.
- e. Exhibits to a document may be filed manually, if the exhibits are photographs or other material that cannot be easily viewed or filed in PDF format.
- f. Documents filed manually must be in paper or saved on a digital storage device (e.g.: flash/thumb drive, or device with a USB or USB-C connection).
 - i. Documents or files saved on a digital storage device must be clearly labeled and organized to facilitate easy access.
 - ii. Multiple copies of a filed storage device should be delivered to the Clerk’s Office – one for filing and one for each judge assigned to the case.
- g. Paper documents presented to the court for nonelectronic filing will be scanned and docketed by the Clerk’s Office staff. The scanned PDF image will become the official court record. The paper originals will be destroyed 30 days after quality control review by the Clerk’s Office.

2. Procedure for Nonelectronic Filing.

a. Unrepresented Parties.

Unrepresented parties may manually file two copies of documents or files that cannot be emailed by:

- i. mailing or delivering originals or copies in paper to:
United States District Court
District of Utah
Orrin G. Hatch Courthouse
351 S. West Temple St., Room 1.100
Salt Lake City, UT 84101

- ii. mailing or delivering the document saved on a digital storage device along with a copy of the front page of the filed document.

b. Attorneys.

An attorney may manually file documents by:

- i. Electronically filing a Notice of Nonelectronic Filing prior to delivery of the document to the Clerk's Office.
- ii. Save the document on a digital storage device.
- iii. Deliver two copies of the Notice of Nonelectronic Filing and two copies of the digital storage device to the Clerk's Office at the address above.

F. ADDING OR TERMINATING PARTIES IN CM/ECF

1. CM/ECF currently allows attorneys to add new parties to a case when filing many types of documents. However, when filing anything other than an amended complaint or third-party complaint, such as a motion to intervene or motion to file amicus brief, the attorney must:
 - a. contact the docketing clerk for the assigned judge and request the addition of new or termination of parties prior to filing the document adding or removing the party; or
 - b. email a request and a PDF version of the proposed filing adding or terminating the parties to the Clerk's Office at utdecf_clerk@utd.uscourts.gov.
2. The Clerk's Office, upon the review of appropriately filed documents, will also terminate parties no longer involved in a case. Counsel is reminded to review their case dockets periodically to verify that the parties on a case docket appear correctly.

IV. SERVICE AND COURTESY COPIES

A. SERVICE

1. Email Notices.

- a. After a document is filed in a case, CM/ECF generates a NEF and sends it by email to the email addresses identified for each party. The NEF includes a copy of the docket entry as well as a link to the filed document, which is viewable through PACER. Each user will have one free look at the document in PACER. A fee will be charged to review the document after the free look. The NEF:
 - i. serves as verification of the court's receipt of the electronically filed pleading; and
 - ii. constitutes official notice to all other parties in a case who are authorized to use CM/ECF.
- b. All parties and counsel registered to efile or file and receive notice by email will receive a NEF whenever documents or notices are entered on a case.
- c. Attorneys and unrepresented parties who file by email may designate up to 3 email addresses to which NEFs may be sent.
- d. Attorneys whose clients have been terminated from the case will continue to receive NEFs. An attorney who does not wish to receive a NEF of case activity, including the final judgment, after their party is no longer active in the case must file a **Notice of Removing Counsel from Service List**.
- e. Attorneys must comply with the requirements of DUCivR 83-1.4 to withdraw from a case. An attorney who has withdrawn from a case under the local rule will no longer receive a NEF in that case.

2. Initial Service.

- a. Attorney. After efiling a complaint, a registered filer may email PDF summonses to the Clerk's Office in PDF. The summons and complaint must be served on the defendant(s) as provided in Federal Rule of Civil Procedure

4. The returned summons may be either imaged and electronically filed by the party who served the summons, or filed manually.

- b. Unrepresented Party. A party may email a summons for each defendant to the Clerk's Office email address, utdecf_clerk@utd.uscourts.gov. The clerk will sign each summons and file them in the case. The email filer will receive a NEF when the summons are entered in the case. The issuing clerk will email the completed summons to the email filer. Copies of the summons may also be retrieved through the document link on the NEF. Summons may also be mailed or delivered to the Clerk's Office in Salt Lake City to be signed.

3. Subsequent Filings.

- a. Service. Documents filed after the initial service of the complaint and summons must be served upon opposing counsel and/or parties according to Federal Rule of Civil Procedure 5.
- b. NEFs. If a document is electronically filed, CM/ECF will generate a NEF. This notice will be sent by email to any attorney or party registered to receive notices by email. The notice will contain the case information and a link to the filed document. This link will be good for one free look at the document in PACER. Any subsequent attempts to view using the link will incur a charge by PACER. This electronic notice and PACER link to the document will constitute service of the document.
- a. Non-NEF Service. If a party or attorney is not registered to receive email notices through CM/ECF, the filing party must serve a copy of that document by mail or an agreed upon alternative method, e.g., email, file sharing site, etc.

NOTE: To determine whether another party or attorney will be emailed a NEF, a user can select the "Utilities" menu in CM/ECF and select **Mailings** and then **Mailing Info for a Case**.

- d. Sealed Documents. The filing party will be responsible

for serving sealed documents on opposing counsel or parties. A NEF may be generated when the document is efiled, but the document will not be available through the NEF document link.

4. Certificates of Service.

- a. Not Required. A certificate of service is not required when all parties to a case are registered to receive email notices of filings. In that instance, the NEF serves as the proof of service.
- b. Required. A certificate of service is required if service of a document is made by means other than through a NEF generated by CM/ECF. The certificate must state the way service or notice will be accomplished and must be filed as an attachment to the document.

B. COURTESY COPIES

1. Parties are not required to provide courtesy copies to the court unless specified in the [judge preferences](#) on the court's website. A courtesy copy must be clearly labeled with the words "COURTESY COPY" on the caption page.
2. Courtesy copies may be mailed directly to chambers or dropped off at the Clerk's Office.
3. If an individual chambers requires courtesy copies of voluminous documents with numerous exhibits—e.g., administrative records—the documents must be tabbed and bound in a three-ring binder or provided on a digital storage device as well or in place of a paper copy.
4. Courtesy copies of both the document and the digital storage device, if needed and prepared in the manner described above, must be delivered at the same time as the original filing.
5. An individual chambers may also notify counsel that an electronic version of any sealed document must be delivered to chambers via email or other secured electronic method .

C. DELIVERY OF PROPOSED DOCUMENTS

1. Proposed orders, judgments, voir dire questions, jury instructions, and findings of fact and conclusions of law:
 - a. must be saved as both Microsoft Word and PDF formatted

- documents;
 - b. the PDF version must be filed electronically as an attachment to the motion or, for other documents, as ordered by the court;
 - c. the Microsoft Word version must be emailed to the assigned judge's chambers (a list of chambers email addresses is available on the [Court's website](#)) after the CM/ECF filing; and
 - d. a copy must be provided to all other parties.
2. Proposed orders or other documents must be clearly identified in the subject line of the sender's email as follows:
- a. proposed order in (case title) and (case number);
 - b. plaintiff/defendant's Proposed Jury Instructions in (case title) and (case number);
 - c. plaintiff/defendant's Proposed Findings of Fact and Conclusions of Law in (case title) and (case number); or
 - d. proposed Judgment in (case title) and (case number).
3. If the case has been referred to a magistrate judge under 28 U.S.C. § 636(b)(1)(A):
- a. proposed orders corresponding to non-dispositive civil motions (e.g., motions to compel, motions to modify scheduling orders, etc.) must be sent to the assigned magistrate judge, and
 - b. proposed orders corresponding to dispositive motions (e.g., motions to dismiss, motions for summary judgment, motions to remand, etc.) and motions relating to dispositive motions or trial (e.g., to extend briefing deadlines, continue trial, motions in limine) must be sent to the assigned district judge.
4. If the case has been referred to a magistrate judge under 28 U.S.C. § 636(b)(1)(B):
- a. all proposed orders, except orders related to objections to an order of the magistrate judge, must be sent to the assigned magistrate judge; and

- b. proposed orders relating to objections to an order of the magistrate judge must be sent to the assigned district judge.
- 5. If in doubt as to whether to email the proposed order to the assigned magistrate judge or to the assigned district judge, do not send it to both judges. Rather, the proposed order must be emailed (with an explanation that the sender is unsure which judge should receive the proposed order) to the magistrate judge who will, if appropriate, forward the proposed order to the assigned district judge.

V. PROBLEMS IN FILING

A. ELECTRONIC FILING ERRORS

1. Clerk Corrections. After a document has been electronically filed and becomes part of the electronic case file, corrections to the docket text can only be made by the Clerk's Office.
 - a. Notification. If a filer notices an error in the docketing of an entry, they should contact the Clerk's Office and ask to speak to the specific judge's docketing clerk. The phone numbers for each docketing clerk is available under the judge's information on the court's website at <https://www.utd.uscourts.gov/contact>.
 - b. Deficiency. If the Clerk's Office notes a deficiency in a document efiled by an attorney (e.g., filing using the wrong event, an incorrect number of pages, or an electronic copy which cannot be clearly viewed), a **Notice of Deficiency** will be entered in the case with instructions for the attorney to refile the document. The refiled document will receive a new document number.

If corrections to the entry are made by the Clerk's Office, a **Modification of Docket** will be entered explaining the correction. A **Notice of Possible Error** may also be entered by the Clerk's Office if it appears an error may be present or does not merit a refiling or correction. This may be done for instructional purposes more than to correct an error.
2. Inconsistent Text/Caption. If the text of the docket entry and the electronic copy of an order are inconsistent, the electronic copy of the order serves as the official court action.
3. Exhibit Omission. If the filing attorney fails to attach an exhibit to a filing, the attorney may file the omitted attachment by clicking the **Other Documents** link under Other Filings and using the **Exhibits** event. The exhibit must be linked to the entry where it was omitted.

Date Filed	#	Docket Text
11/22/2005	 73	Defendant's MEMORANDUM in Support re 72 Defendant's MOTION to Dismiss for Lack of Jurisdiction (<i>Rule 12(b)(1)</i>) filed by Defendants Hugh Boyle, James McMinimee, David Nazare. (Evans, Timothy) (Entered: 11/22/2005)
11/22/2005	 74	EXHIBITS filed by Hugh Boyle, James McMinimee, David Nazare re 73 Memorandum in Support of Motion. (Evans, Timothy) (Entered: 11/22/2005)

4. Wrong Case. If an electronic document has been filed in the

wrong case, the party who filed the document must notify the Clerk's Office and refile the document in the correct case. The Clerk's Office will adjust the entry as needed to clarify the error. An explanatory note may be placed on the docket in the incorrect case.

5. Wrong Event. If the document was filed using the wrong event, direct the attorney to refile the document in a **Notice of Deficiency**. The docket clerk may alternatively modify the event type, if it is a motion, and/or the docket text to clarify the filing, followed by a **Modification of Docket**.
6. Impermissible Filing. If a document filed by the attorney is not allowed to be filed by the Federal Rules of Civil or Criminal Procedure or local rules, (e.g., disclosures, offer of judgment, an amended complaint requiring leave of the court to be filed), the Clerk's Office will inform the assigned judge's chambers of the problem. The problem may be addressed by a docket text order or by striking the filing.
7. Unsigned Document. If the error is a failure to sign the document with an approved signature, the Clerk's Office will notify the filer. The document and its link to the docket entry, however, will not be changed. The party may refile the document or file an Errata to correct the issue if correction is required.
8. Unintentional Unsealed Filing. If a document is inadvertently filed on the public docket and the filer wishes to have it sealed, the filer must comply with the requirements of DUCivR 5-3 and obtain a court order to seal the document. In the interim, the filer may contact the docket clerk and request the document be sealed pending the filing and resolution of the motion to seal. The docket clerk will seek approval to seal from the assigned judge's chambers and then seal it, if appropriate.

B. TECHNICAL PROBLEMS - DOWNTIME

1. A party whose filing is untimely because of a technical failure of CM/ECF may seek appropriate relief from the court.
2. The court will consider CM/ECF to be subject to a technical failure if the site is unable to accept filings for more than one hour after 12:00 noon on any given day. Scheduled system outages will be posted on the court's web site. The clerk will

maintain a log of all periods of technical failure.

3. If there is a technical failure on the attorney's system (e.g., data communication problems, Internet Service Provider (ISP) problems, or other hardware and software problems), the document must be filed manually or by email to the Clerk's Office. If sending by email, the email must include a statement explaining why it was not efiled. Once the attorney can electronically file again, a Notice of Nonelectronic Filing must be filed stating why the document was not efiled.