ELECTRONIC CASE OPENING

USER MANUAL
Notice of Removal

United States District Court

Central District of Utah

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I. GENERAL INFORMATION

A) OVERVIEW

Every case-initiating document filed by an attorney in the District of Utah must be filed electronically, **except: (a) in criminal cases, (b) in sealed cases, and (c) where leave to file the case under seal is sought.** Case-initiating documents that must be filed electronically include:

- Complaints
- Notices of Removal
- Motions to Vacate, Set Aside, or Correct Sentence
- Motions to Withdraw Bankruptcy Reference
- Petitions for Writ of Habeas Corpus
- Requests for Appointment of Counsel/Stay of Execution (Capital Habeas Corpus Petitions)
- Registrations of judgments from other districts
- Motions to quash, modify, or enforce subpoenas from other districts
- Notices of receivership pursuant to 28 U.S.C. § 754
- Petitions to quash a third-party IRS summons

All other documents required to be filed concurrently with the case-initiating document must also be filed electronically. Any filing fee that is required must be paid online at the time the case-initiating document is filed, unless a request to proceed *in forma pauperis* is filed concurrently.

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[1] Certain proceedings that are administrative or otherwise ancillary to civil actions are processed by the Court as "miscellaneous" cases, not as civil cases. The case number assigned will reflect the type of case (e.g.:, "14-cv-56789" vs. "14-mc-56789").

To file a document electronically – including a case-initiating document – an attorney must be a registered CM/ECF user. Registered CM/ECF users are reminded of their obligation to keep their personal contact information current – especially the e-mail address, to ensure receipt of electronic notice.

In preparation for filing case-initiating documents electronically, it is strongly recommended that attorneys and support staff review both this Electronic Case Opening User Manual and the training videos available on the Court's website at https://www.utd.uscourts.gov/cmecf-electronic-case-filing.

B)   BEFORE OPENING A NEW CASE

Familiarize yourself with all instructions in this Electronic Case Opening User Manual ("Manual").

Prepare the following documents for filing:
- Case-Initiating Document (e.g., Complaint, Notice of Removal, etc.)
- Civil Cover Sheet (if applicable)
- Summons (if applicable)
- Corporate Disclosure Statement (if applicable)
- Request to Proceed In Forma Pauperis (if applicable)
- Application of Non-Resident Attorney to Appear in a Specific Case *Pro Hac Vice* (if applicable)
- Application for Temporary Restraining Order (if applicable)
- any other necessary case-specific documents

During the case-opening process, you will receive your case number; add your case number to these documents, and, if not already in PDF format, convert them to PDF using your word processing program (DO NOT SCAN).

Have your credit card available for the payment of filing fees, unless you are filing a case in which no fee is required or are filing a Motion to Proceed In Forma Pauperis.

C) OPENING A NEW CASE

The electronic case-opening process consists of two steps. You must complete BOTH STEPS:

1. Open the case by providing sufficient information about the case for CM/ECF to create a docket; AND
2. File your case-initiating document.

If you complete step (1) but do not complete step (2), your case will be closed. Detailed instructions for each of these steps are included in this Manual.

To successfully open a case electronically:

- Complete the entire process as instructed in this Manual.
- Enter all necessary information on all CM/ECF screens.
- Docket the lead event and upload all PDF documents.
- Enter all necessary information on the Pay.gov screens.
- DO NOT click the back button once you begin the process.
- DO NOT electronically open cases that should be filed under seal, or upload documents that should be filed under seal.
- DO NOT attempt to open the same case twice.

In using CM/ECF to open your case electronically, please understand that CM/ECF was originally optimized for internal court use; allowing attorneys to open cases electronically requires that attorneys be given access to parts of the program not initially set up for use by the public. This means that some drop-down menus may contain choices that will never be applicable to you in opening a case, and that some fields are for internal use only, and should be left blank by you during the case-opening process.

D) AFTER OPENING A NEW CASE

Certain supporting documents, such as your Civil Cover Sheet if not attached as an exhibit to the notice of removal, must be filed immediately after filing the notice of removal. (See Section IV, below, for additional information.) If you intend to seek a TRO, file your application immediately after case opening. However, **do not file any subsequent motion** until judges have been assigned to your case.

You will receive a case number during the case opening process, but judges will not be assigned to your case until after court staff have reviewed your case-initiating documents. For most cases, this process should be completed within 1-2 business days of case-opening. In some miscellaneous cases no judge is assigned. You will receive a Notice of Electronic Filing through CM/ECF when a Notice of Assignment is filed in your case.

E) ASSISTANCE AVAILABLE

Several training videos regarding the electronic case-opening process are available on the Court's website at https://www.utd.uscourts.gov/cmecf-electronic-case-filing. After watching the videos and reading this Manual, please contact our office at (801) 524-6100 if you have any questions or need any further assistance. Our office is staffed Monday to Friday, 8:30 a.m. to 4:30 p.m. (Mountain Time).

II. INSTRUCTIONS FOR OPENING A NEW CASE

1. Complete Form JS44 Civil Cover Sheet before proceeding.
   a. Use the most recent version available from the Court's website at https://www.utd.uscourts.gov/usdc-forms.
   b. The information on the Civil Cover Sheet will be needed fill out the following screens. The Civil Cover Sheet will be filed as an attachment to the initiating document later in the process (see Section III (F) Uploading PDF Documents).
2. Log in to CM/ECF.

3. Click "Civil" on the menu bar at the top of the CM/ECF screen
   a. this will take you to the "Civil Events" screen. On the "Civil Events" screen (Figure 1), under the "Open a Case" category.
   b. Select "Attorney Civil Case Opening" On the "Civil Events" screen under the "Open a Case" category. (Figure 1)

Figure 1

A) OPENING A CIVIL CASE

Once you click on "Attorney Case Opening," you should then see the following screen (Figure 2):

Figure 2

On the below screen (Figure 3), you will be prompted to select from drop-down menus for "Office" and "Case type."
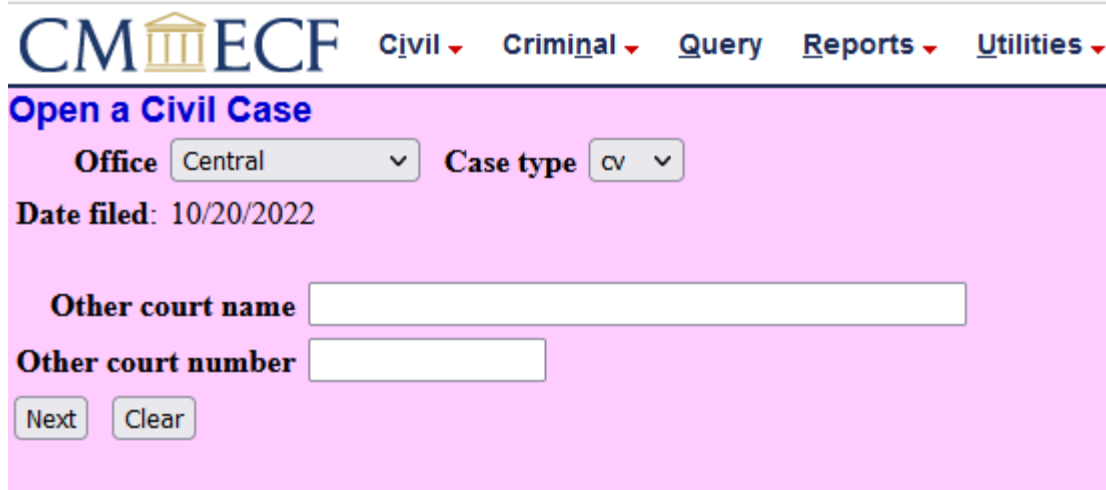
1. Make sure Case type is on "cv".

Figure 3

The "**Office**" drop-down menu provides three choices, equivalent to the three divisions of the Central District:

- **Northern Division** – Box Elder, Cache, Davis, Morgan, Rich, Weber
- **Central Division** – Carbon, Daggett, Duchesne, Juab, Salt Lake, Summit, Tooele, Uintah, Utah, Wasatch
- **Southern Region** – Beaver, Emery, Garfield, Grand, Iron, Kane, Millard, Piute, San Juan, Sanpete, Sevier, Washington, Wayne

To make the correct choice for county and region, follow these three criteria:

1. In most cases, make your choice based on the residence of the first-named plaintiff.
2. Where the United States is a plaintiff, make your selection based on the residence of the first-named defendant
3. In land condemnation cases, use the county where the property is located at issue

The appropriate division for your case is determined by the Court's General Orders and local rules. You may not choose a division based on your personal preference; you must select the division based on the county. The following link also shows you the divisions based on county: https://www.utd.uscourts.gov/general-information#Court%20Divisions.

Select the division from the "**Office**" drop-down menu (see Figure 4):

Figure 4

For "**Case type**," select "cv" to indicate that you are opening a civil case (see Figure 5):
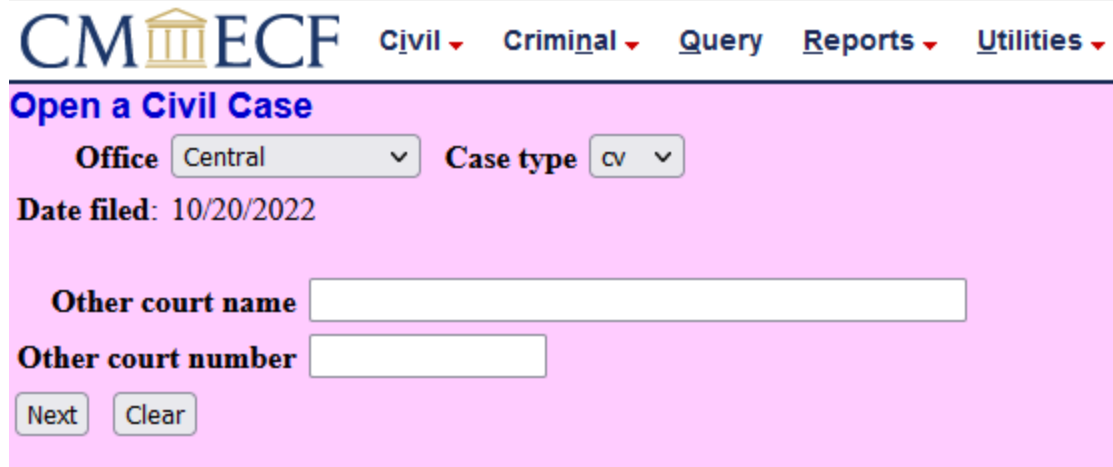

Figure 5

The "**Date filed**" is automatically displayed on the screen and cannot be modified.

IGNORE all the other fields on this screen

See Figure 6 for an example:

Once you have made your selections for "**Office**" and "**Case type**" – and, if applicable, provided information regarding the state court or bankruptcy case – click "NEXT."

The following screen (Figure 7) collects statistical data about your case. Please read the instructions below carefully. The information required to complete this screen should be found either on your completed Cover Sheet or in the Notice of Removal.

Figure 7

Complete the fields on the statistical screen as detailed below, then click "NEXT":

1) **Jurisdiction**: A drop-down menu is provided. You should
   - Choose the option that best reflects your basis for invoking federal court jurisdiction.
   - Choose what you selected in Section II of the Civil Cover Sheet (Figure 8)

Figure 8

   - Note that there are five options in the onscreen drop- down menu:
     - U.S. Government Plaintiff
     - U.S. Government Defendant
     - Federal Question

- Diversity
- Local Question – do **not** choose this. It is not a valid basis for asserting federal jurisdiction and so is not on the cover sheet

2) **Cause of action**: Select the appropriate code from the drop-down list.
- Enter the first cause of action only if there is more than one.
- Match your selection to the civil statute number entered on Section VI of the Civil Cover Sheet. (Figure 9)

| VI. CAUSE OF ACTION | Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*: |
| | Brief description of cause: |

Figure 8

- Using the "filter" field can help to quickly locate the correct choice in the drop-down menu.
    - For instance, for 28 U.S.C. § 1983, you may type "1983" in the field to avoid scrolling through all the choices in the drop-down list and then choose the appropriate one from the remaining options. (See Figure 9 below)

Open a Civil Case

Jurisdiction	3 (Federal Question) ⌄		
Cause of action	28:1983 (28:1983 Civil Rights) ⌄	Filter:	1983	Clear filter
Nature of suit	28:1983 (28:1983 Civil Rights)	Filter:		Clear filter
Origin	42:1983cv (42:1983 Civil Rights Act)		
Citizenship plaintiff	42:1983ed (42:1983 Civil Rights (Employment Discrimination))		
Citizenship defendant	42:1983pr (42:1983 Prisoner Civil Rights)		

Open a Civil Case

Jurisdiction	3 (Federal Question) ⌄		
Cause of action	42:1983ed (42:1983 Civil Rights (Employment Discrimination)) ⌄	Filter:	1983	Clear filter
Nature of suit	0 (zero) ⌄	Filter:		Clear filter

Figure 9

3) **Nature of suit**: Select the appropriate code from the drop-down list.
- Match your selection to the nature of suit checked in Section IV of the Civil Cover Sheet. (See Figure 10 below)

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*   Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	**PERSONAL INJURY**	**PERSONAL INJURY**	625 Drug Related Seizure	422 Appeal 28 USC 158	375 False Claims Act
120 Marine	310 Airplane	365 Personal Injury -	of Property 21 USC 881	423 Withdrawal	376 Qui Tam (31 USC
130 Miller Act	315 Airplane Product	Product Liability	690 Other	28 USC 157	3729(a))
140 Negotiable Instrument	Liability	367 Health Care/			400 State Reapportionment
150 Recovery of Overpayment	320 Assault, Libel &	Pharmaceutical		**PROPERTY RIGHTS**	410 Antitrust
& Enforcement of Judgment	Slander	Personal Injury		820 Copyrights	430 Banks and Banking
151 Medicare Act	330 Federal Employers'	Product Liability		830 Patent	450 Commerce
152 Recovery of Defaulted	Liability	368 Asbestos Personal		835 Patent - Abbreviated	460 Deportation
Student Loans	340 Marine	Injury Product		New Drug Application	470 Racketeer Influenced and
(Excludes Veterans)	345 Marine Product	Liability		840 Trademark	Corrupt Organizations
153 Recovery of Overpayment	Liability	**PERSONAL PROPERTY**		880 Defend Trade Secrets	480 Consumer Credit
of Veteran's Benefits	350 Motor Vehicle	370 Other Fraud	**LABOR**	Act of 2016	(15 USC 1681 or 1692)
160 Stockholders' Suits	355 Motor Vehicle	371 Truth in Lending	710 Fair Labor Standards		485 Telephone Consumer
190 Other Contract	Product Liability	380 Other Personal	Act	**SOCIAL SECURITY**	Protection Act
195 Contract Product Liability	360 Other Personal	Property Damage	720 Labor/Management	861 HIA (1395ff)	490 Cable/Sat TV
196 Franchise	Injury	385 Property Damage	Relations	862 Black Lung (923)	850 Securities/Commodities/
	362 Personal Injury -	Product Liability	740 Railway Labor Act	863 DIWC/DIWW (405(g))	Exchange
	Medical Malpractice		751 Family and Medical	864 SSID Title XVI	890 Other Statutory Actions
REAL PROPERTY	**CIVIL RIGHTS**	**PRISONER PETITIONS**	Leave Act	865 RSI (405(g))	891 Agricultural Acts
210 Land Condemnation	440 Other Civil Rights	**Habeas Corpus:**	790 Other Labor Litigation		893 Environmental Matters
220 Foreclosure	441 Voting	463 Alien Detainee	791 Employee Retirement	**FEDERAL TAX SUITS**	895 Freedom of Information
230 Rent Lease & Ejectment	442 Employment	510 Motions to Vacate	Income Security Act	870 Taxes (U.S. Plaintiff	Act
240 Torts to Land	443 Housing/	Sentence		or Defendant)	896 Arbitration
245 Tort Product Liability	Accommodations	530 General		871 IRS—Third Party	899 Administrative Procedure
290 All Other Real Property	445 Amer. w/Disabilities -	535 Death Penalty	**IMMIGRATION**	26 USC 7609	Act/Review or Appeal of
	Employment	**Other:**	462 Naturalization Application		Agency Decision
	446 Amer. w/Disabilities -	540 Mandamus & Other	465 Other Immigration		950 Constitutionality of
	Other	550 Civil Rights	Actions		State Statutes
	448 Education	555 Prison Condition			
		560 Civil Detainee -			
		Conditions of			
		Confinement			

V. ORIGIN

<div align="center">

Figure 10

</div>

- Using the "filter" field can help to quickly locate the correct choice in the drop-down menu.

  - For instance, for 362, you can type in 362 or type in "personal" in the field to avoid scrolling through all the choices in the drop-down list. (See Figure 11 below)

Open a Civil Case

Jurisdiction	3 (Federal Question)
Cause of action	28:1391 (28:1391 Personal Injury) Filter: 1391 Clear filter
Nature of suit	362 (Personal Inj. Med. Malpractice) Filter: persona Clear filter
Origin	362 (Personal Inj. Med. Malpractice)
Citizenship plaintiff	365 (Personal Inj. Prod. Liability)
	367 (Personal Injury: Health Care/Pharmaceutical Personal Injury Product Liability)
Citizenship defendant	380 (Personal Property: Other)
Jury demand	n (No $000)

Open a Civil Case

Jurisdiction	3 (Federal Question)
Cause of action	28:1391 (28:1391 Personal Injury) Filter: 1391 Clear filter
Nature of suit	362 (Personal Inj. Med. Malpractice) Filter: persona Clear filter

<div align="center">

Figure 11

</div>

4) **Origin**: There are several options provided in the drop-down menu. Match the selection of the option checked in Section V of the Civil Cover Sheet. (Figure 12 below)

Figure 12

ONLY SELECT the following choice from the drop down menu:

- "2 (Removal from State Court)"
  - Choose then when filing a Notice of Removal.
- See Figure 13 below

Figure 13

5) **Citizenship plaintiff/Citizenship defendant**: Complete these fields only if you selected "4 (Diversity)" in the "Jurisdiction" field.
   - Match the selection to the option checked in Section III of the Civil Cover Sheet.
   - Base your choices on the citizenship of the **first-named plaintiff** and **first-named defendant.** See Figure 14 below.

Figure 14

6) **Jury Demand**: Select the appropriate code from the drop-down menu. See Figure 15 below:

Figure 15

- Note that marking this field is equivalent to marking the Civil Cover Sheet **and is not sufficient in itself to constitute a demand for a jury trial pursuant to Fed. R. Civ. P. 38**. As your choice should be based on the state of the record at the time of filing, it is unlikely that you will pick "b" or "d" at the time of e-filing:
- *n (None)*: no party has yet requested a jury trial
- *b (Both)*: both plaintiff and defendant have requested a jury trial
- *d (Defendant)*: defendant has requested a jury trial and plaintiff has not
- *p (Plaintiff)*: plaintiff has requested a jury trial and defendant has not

7) **Class Action**: Select the appropriate code from the drop-down menu.
- Match the selection to your response in Section VII of the Civil Cover Sheet (See Figure 16).

- N (Class Action Alleged) – if box unchecked
- Y (Class Action Alleged) – if box checked

Figure 16

8) **Demand ($000)**: Enter the dollar amount to the nearest thousand with no punctuation. (See Figure 17)
- If the Notice of Removal asserts damages of $75,000 enter "75."
- If $5,000,000, enter "5000".
- The smallest amount which can be entered is "1" (for $1,000) and the largest is "9999" (for $9,999,000).
    - If larger than $9,999,000, enter "9999".
- Round up or down as needed to the nearest thousand.
    - Eg 750 = 1; $1,498.56 = 1; $25,501.99 = 26
- If no specific dollar amount is demanded, leave this field blank.

Figure 17

9) **Arbitration Code**: Leave this field blank.

10) **County**: The drop-down menu for "County" lists every county in Utah, as well as choices for "XX US, Outside State" and "XX Outside US."
- In most cases, make your choice based on the residence of the first-named plaintiff.
- Where the United States is a plaintiff, make your selection based on the residence of the first-named defendant.
- In land condemnation cases, use the county where the property at issue is located.

11) **Fee Status**: Leave this field blank.

12) **Fee Date**: System generated. Do not modify.

13) **Date Transfer**: Leave this field blank.

14) After completing the statistical screen, click "Next." If you did not select the

"cv" case type on the screen shown in Figure 8, you will not receive a warning. **Please check the screen to make sure it shows cv and not mc** (Figure 18):

Figure 18

If it shows mc, return to the screen shown in Figure 6, make the correct case-type selection, and then re-enter the information on the statistical screen before continuing. Otherwise, continue to Section II.B.

B) ADDING PARTIES

Before adding parties, please keep in mind the following points:
- **Do not alter the "Start date" or "Notice" fields.**
- **If a minor is involved do NOT add them as a party unless it's an exception in FRCP Rule 17(c).**

Party Name

You will now be asked to enter the name of each party named in the Notice of Removal. This process will create the online docket for your case.

The first step in adding a party is to run a search to see if that party is already in the Court's CM/ECF database. Large corporations, especially, may have been involved in prior litigation, which means that their information will already have

been added to the system. **Please do not create a duplicate entry for a person or company with an existing record in the database.**

1. The "Search for a party" section in the right pane of the screen shown in Figure 19 is where to begin the process of adding parties to a case.
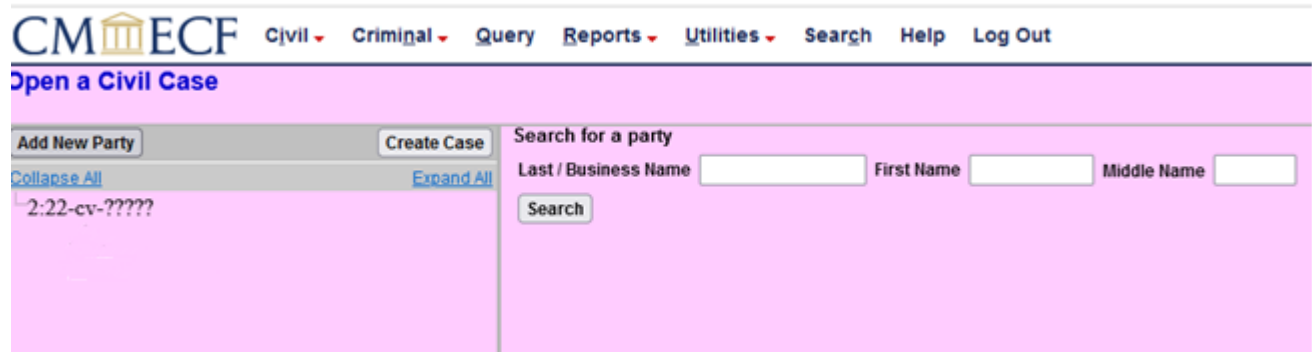

Figure 19

2. Add each party in the order in which they appear in the caption of the Notice of Removal.
   a. If there is an "In re" party, enter the information for that party first.
   b. Only add a Doe party if the Doe party is the only party.
   c. If the party is an individual, enter the last name in the "Last/Business Name" field and the first name in the "First Name" field
      i. If the party name is only first and last initial (e.g. B. L.) you MUST put the period after the letter. (Figure 20):
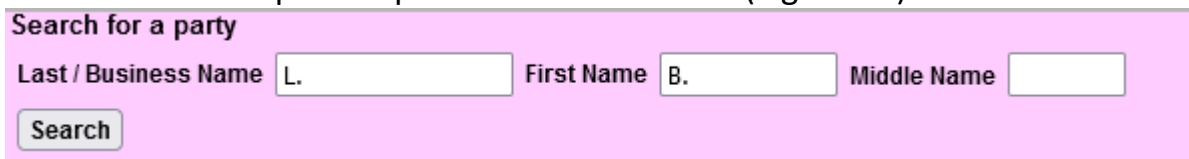

Figure 20

   d. If the party is a corporation put the full name in the "Last/Business Name" field. (Figure 21):
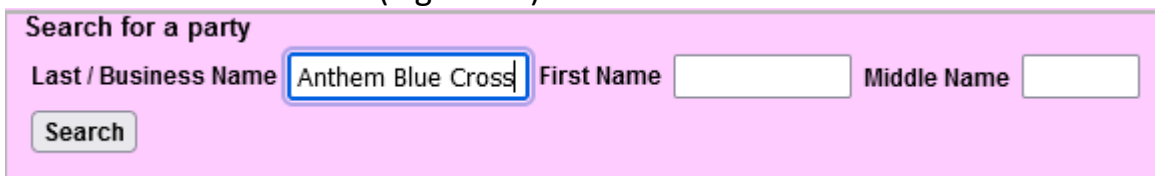

Figure 21

   e. Use upper and lower case letters to input names (e.g.:, "Jane Doe" or "XYZ Corporation").
   f. DO NOT USE ALL CAPS.

3. Do not use the apostrophe, hyphen, or dash characters in any party name or address field.
    a. Even if the correct spelling of a name includes one of those characters.
    b. Unfortunately, use of those characters may cause a system error that prevents service on the affected party.
4. For additional instructions regarding the proper entry of party names, please refer to the following link: https://www.utd.uscourts.gov/cmecf-electronic-case-filing.

Search results will then be displayed (Figure 22).

Figure 22

1. If one of the names displayed in the "Search Results" box matches the party in your case, double click on the party name.
2. A pop-up box will appear displaying the party's name – as well as the address, if any. Figure 23.
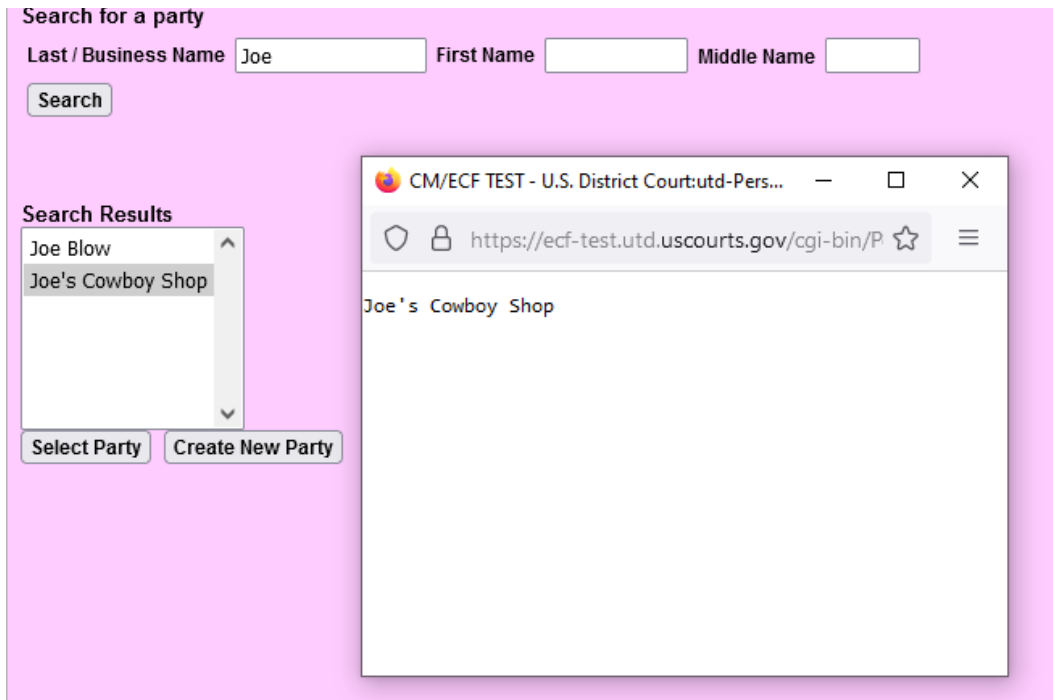
Figure 23

        a. If an address has previously been entered for that party, DO NOT choose them.

            i. Select "Create New Party" instead.

3. If you find a match with no associated address information, exit the dialog box.
4. Your choice should be highlighted. (Figure 22)
5. Click "Select Party".
6. If no appropriate match is found, click "Create New Party".

Party Information

- Whether you selected "Select Party" or "Create New Party," you will see Figure 24.
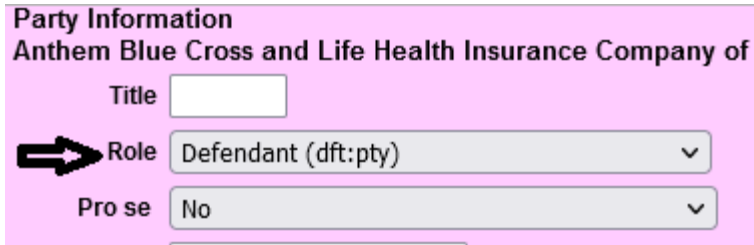
Figure 24

- This screen has numerous fields for entry of information about the person or entity identified as a party in your case.

Important Note: only change the "Role" field and, if applicable, the "Party text" field

Role: Select the correct party "Role."
1. Note that this field defaults to "Defendant." (Figure 25):

Party Information
Anthem Blue Cross and Life Health Insurance Company of

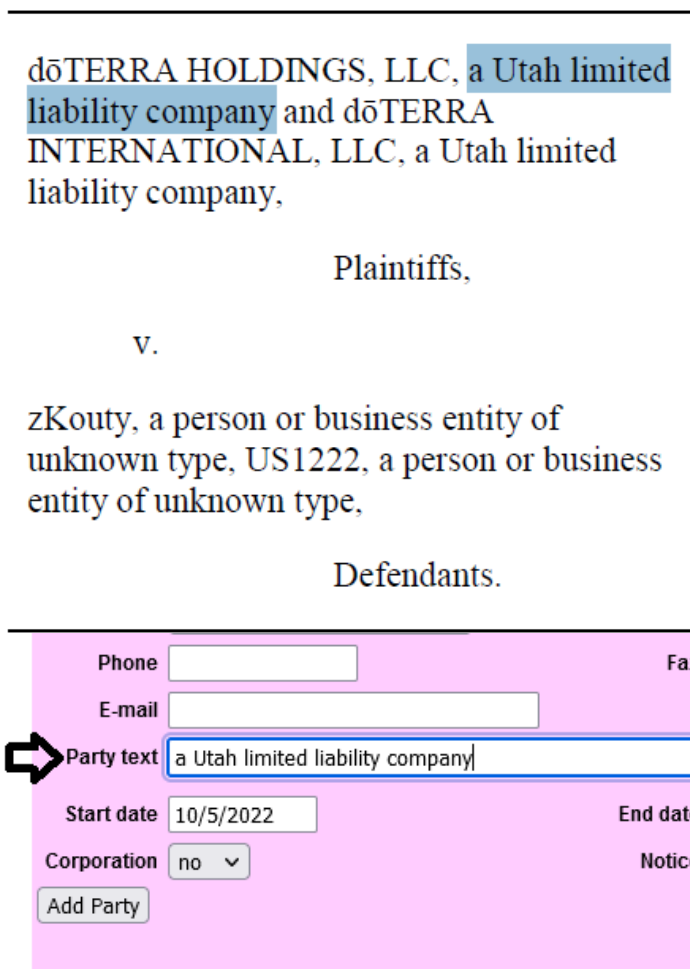|	
Title	
➤ Role	Defendant (dft:pty) ⌄
Pro se	No ⌄

Figure 25

1. **Party Text:** Enter any descriptive "Party text" information appearing in the caption of the Notice of Removal.

2. e.g.:, "individually," or "a Utah corporation," etc. See Figure 26 reference:

dōTERRA HOLDINGS, LLC, a Utah limited liability company and dōTERRA INTERNATIONAL, LLC, a Utah limited liability company,

                    Plaintiffs,

     v.

zKouty, a person or business entity of unknown type, US1222, a person or business entity of unknown type,

                    Defendants.

Phone		Fax	
E-mail			
➤ Party text	a Utah limited liability company		
Start date	10/5/2022	End date	
Corporation	no ⌄	Notice	yes
Add Party			

Figure 26

Note: Do not enter any alias, corporate parent, or other affiliate information in this field - See the "Editing Party Information" section, below for adding aliases.

If there any questions, call our court: 801-524-6100.

After choosing the correct party role and adding party text if applicable, click the "Add Party" button.

- If you need to edit the information after adding the parties, see Section D below.

NOTE: The system can time out during this process. If there are multiple parties and the system times out before all can be entered, enter what you can and contact us to add additional parties once the case opened.

C) EDITING PARTY INFORMATION

After searching for, selecting, and adding all parties, the parties' names will appear in the left pane, in the "participant tree." (Figure 27). Parties added to civil cases will have control icons in the participant tree so the user can add aliases for the party during the case-opening process.
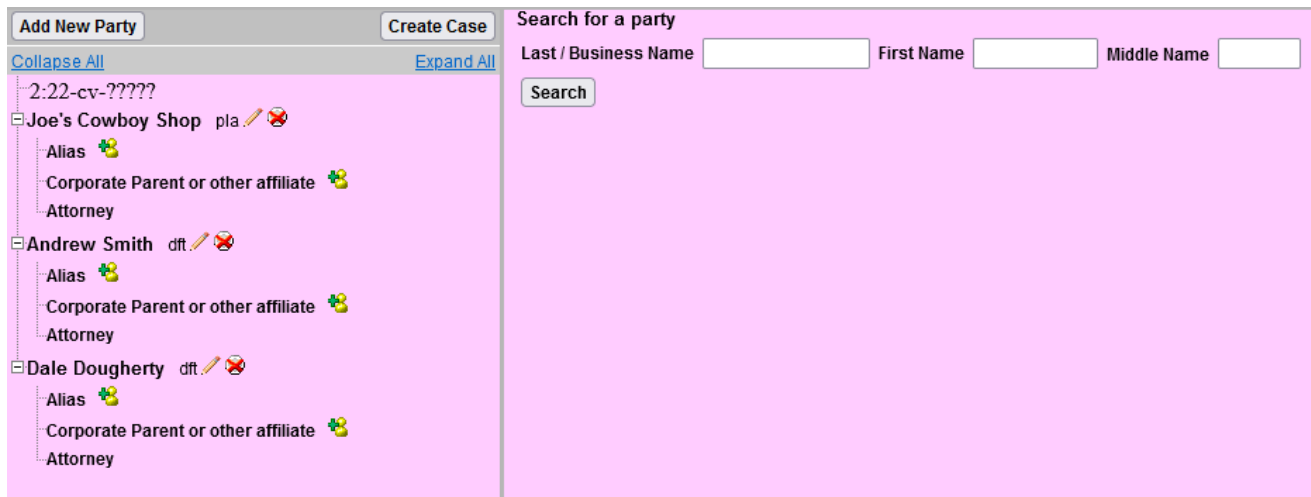

Figure 27

From this screen, the user can:

- Add an **alias** by clicking on the corresponding "add" icon;
- **Edit** the party information by clicking on the pencil "edit" icon;
  - This will take you back to the screen shown in Figure 24.
- **Delete** the party by clicking the red X "delete" icon; or
- **Add** a new party by clicking on the "Add New Party" button at the top left of the screen.
- **Any edits, deletions, additions etc. can take place until the case has been created.**
- If any of the above icons aren't showing, move the grey vertical line to

the right (Figure 28):

Figure 28

D) CREATING THE CASE

Once all parties have been entered, the correct roles assigned, and any necessary aliases or corporate parents/affiliates added, click "Create Case." (Figure 29.)
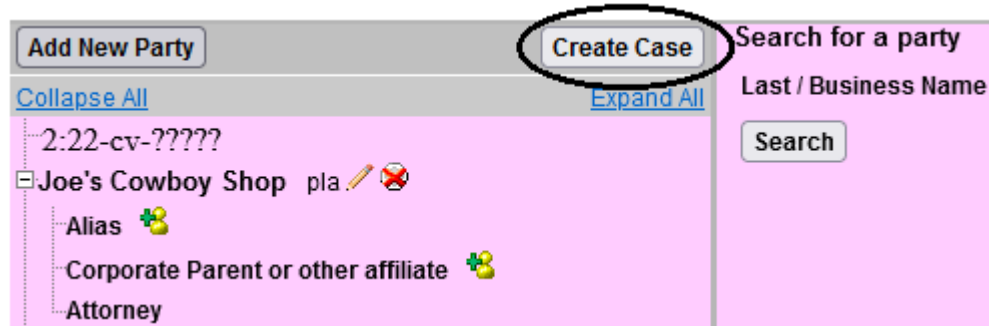
Figure 29

A pop-up window will appear (Figure 30).

1. Click "Yes" to proceed with case opening, or
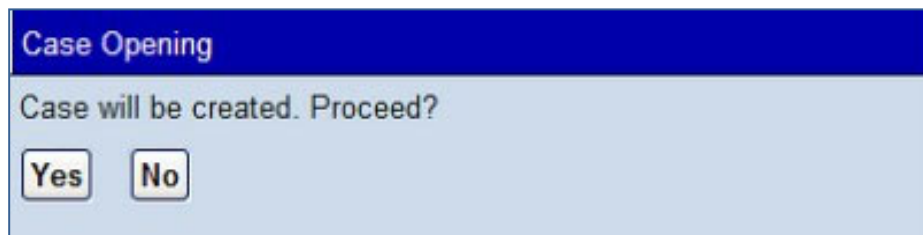2. Click "No" to return to the party screen.

Figure 30

If you click "Yes," you should then see the following screen (Figure 31):

Figure 31

1. The new case number you are given on this screen must be entered on all documents filed with the Court in this case.
2. Remember to format the case number correctly.
   a. You will need to add the case type ("CV" or "MC").
   b. The office code (for the division you selected from the "Office" drop-down menu shown in Figure 4)

        i.   Office codes are as follows: 1 for the Northern Division; 2 for the Central Division; 4 for the Southern Division

3. For instance, in the example from Figure 31, the full case number is "2:22-CV-00021."

4. On subsequent documents, filed after judges have been assigned to your case, the case number should include the judge's initials.

E)   DOCKETING THE LEAD EVENT

You must now file and docket the Notice of Removal document, or "lead event," to complete the opening of your new case. Otherwise, the case you just opened will be closed. See Section III, below, for instructions on how to file and docket the Notice of Removal.

III.   INSTRUCTIONS FOR E-FILING THE NOTICE OF REMOVAL

A)   BEGINNING THE FILING PROCESS

After successfully opening a new case, you must file and docket the Notice of Removal, or "lead event" **within 3 business days**, otherwise the court will close the case. If you proceed directly to this step when opening a case, you may begin the docketing process by clicking "Docket Lead Event" on the screen in which your case is assigned a case number (Figure 31).
NOTE: The filing date will be adjusted to the date of the lead event if it is not filed the same day as the creation of the case.

Alternatively, you may begin the docketing process from the "Civil Events" Screen. Remember, however, that you must file and docket a case-initiating document after opening your case, or your case will be closed. If you do not proceed directly to this step when opening a case – perhaps you log out of the system briefly while adding your new case number to the case-initiating document, you are about to file – you must resume the docketing process as soon as possible.

To resume the docketing process after logging out of the system, log in to CM/ECF, and click "Civil" on the menu bar at the top of the CM/ECF screen; this will take you to the "Civil Events" screen. On the "Civil Events" screen (Figure 32), under the "Initial Pleadings and Service" Category, click on "Complaints and Other Initiating Documents."
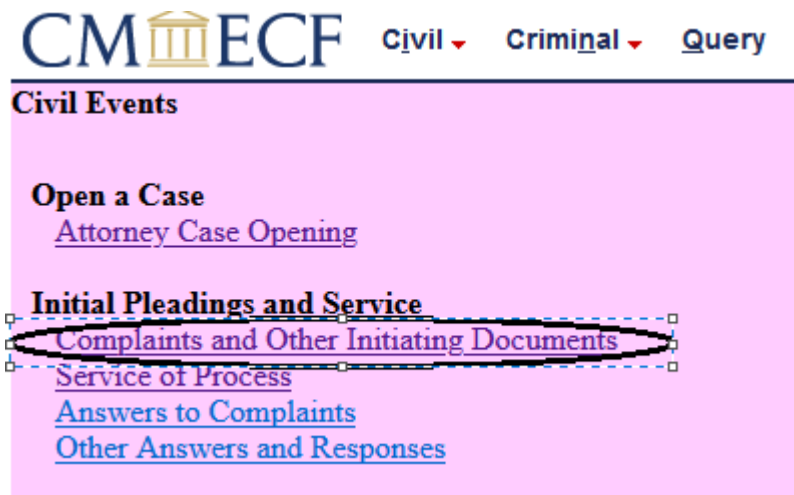
Figure 32

B)   SELECTING THE LEAD EVENT

Whether you proceed to the docketing process directly after opening a case through the "Docket Lead Event" link shown in Figure 31, or through the "Complaints and Other Initiating Documents" link shown in Figure 32, you will next see a version of the following screen (Figure 33):
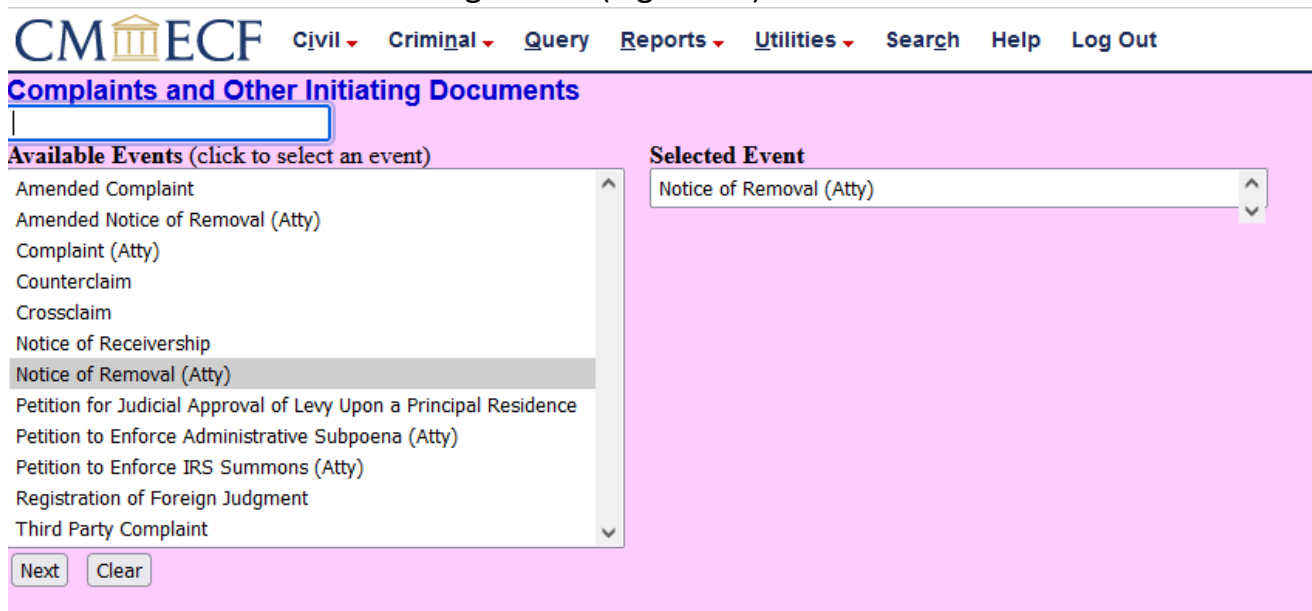

Figure 33

On this screen (Figure 33), you will see a list of "Available Events." You must choose "Notice of Removal," then click "NEXT."
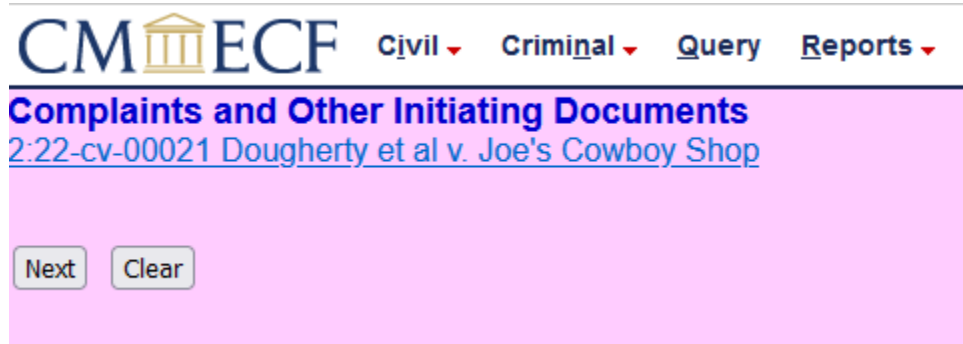
You will next see a version of the following screen (Figure 34):

Figure 34

The "Civil Case Number" field should be pre- populated with the case number of the case you just opened. Do not alter any information or click the "Clear" button.

1. When the correct case number has been entered, click "NEXT" to proceed.
   a. You may be shown a screen with a list of multiple cases.
   b. Check the box next to the correct case, and click "NEXT."
2. When you see the screen shown in Figure 35, verify that the case number and case title are correct, and click "NEXT."

Figure 35

C)   SELECTING THE FILER(S)

On the next screen (Figure 36), indicate the party who is filing the Notice of Removal by clicking on that party's name in the "Select the Party" box. To select multiple filers, hold down the [Ctrl] key on your keyboard and click on the names of all applicable filers. After all filing parties are highlighted, click "Next."

Figure 36

D)   ASSOCIATING THE FILING ATTORNEY WITH THE FILING PARTY

1. The system allows only the attorney whose CM/ECF login and password are being used to file the Notice of Removal to be associated with the case.

2. Once the Notice of Removal is filed, additional attorneys who wish to appear on the docket as counsel of record for a specific party may file a "Notice of Appearance."

    a. This is not required for attorneys listed on the Notice of Removal, all of

whom will eventually be added to the docket by court staff even if no separate Notice of Appearance is filed.

3. If an attorney uses his or her own CM/ECF login to file a Notice of Appearance, that attorney will be added to the docket immediately and will receive electronic notice of all filings from that point forward. Otherwise, there may be some delay.

4. Refer to the Court's website at https://www.utd.uscourts.gov/attorneys for additional information.

5. The filing attorney must be associated with a party as counsel of record when the Notice of Removal is filed.

6. Select the filing party on the screen shown in Figure 36.

7. The next screen (Figure 37) will display a warning that "the following attorney/party associations do not exist."

8. The box on the left-hand side of the page must be checked for each party the filing attorney represents.

9. If that attorney wants to be identified as lead counsel on the docket sheet, click the "Lead" box to the right.

10. The "Notice" box on the right should be pre-populated with a checkmark
    a. **DO NOT UNCHECK THIS BOX**.

11. When all necessary boxes are checked, click "NEXT."

Figure 37

E)	SELECTING PARTY ROLES

Next (Figure 38), select the party or parties that this filing is against. To select

multiple parties, hold down the "Ctrl" key on your keyboard and click all applicable parties. If you are sure the information you have entered to this point is correct, click "Next."

Figure 38

F)   UPLOADING PDF DOCUMENTS

The general process for uploading documents will be the same regardless of the type of lead event you selected. Before proceeding, remember to add your new case number to the caption of all documents you intend to file, and make sure that each document is saved as a PDF file. (Either open your document using word processing software, add the case number, and then save the document as a PDF file, or use the "edit document text" or similar function of Adobe Acrobat to edit a previously created PDF file.)

In brief, upload your Notice of Removal as your "Main Document," upload any exhibits to that document as "Attachments" to the Main Document, and the Civil Cover Sheet if applicable. ***The following documents should be filed separately and not added as Attachments***:

- Summons (if applicable)
- Corporate Disclosure Statement (if applicable; *see* Fed. R. Civ. P. 7.1)
- Motion to Proceed In Forma Pauperis (if applicable)

- Motion for Admission *Pro Hac Vice* (if applicable)
- Motion for Temporary Restraining Order (if applicable)

After clicking "Next" on the screen shown in Figure 38, you will see some version of the following, depending on the type of lead event you selected (a possible example shown in Figure 39):

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

Complaints and Other Initiating Documents
2:22-cv-00023 Joe's Cowboy Shop v. Schimmelbusch et al

Upload the Complaint in the **Main Document** section and any exhibits and civil cover sheet to your Complaint in the **Attachments** section.

Other documents (e.g., Summons, Motions, Applications, Notice of Interested Parties, Notice of Related Case(s), etc.) are each to be electronically filed **separately** using the events designated for those documents.

Select the PDF document and any attachments.

Main Document
Browse... No file selected.

Attachments	**Category**	**Description**
1. Browse... No file selected.	⌄	

Next   Clear

<p align="center">**Figure 39**</p>

Main Document: Under "Main Document," click "Browse"; you will be able to select the PDF version of your Notice of Removal from wherever it is stored on your system.

Attachments: Under "Attachments," upload the Civil Cover Sheet if applicable. You may upload any exhibits attached to your Notice of Removal. In line 1, click "Browse" to select the desired PDF document from your system, and either enter a description in the "Description" field or select the appropriate description from the drop-down menu in the "Category" field. See Figure 40.

NOTE: Each attachment must be under 25MB in size. Oversized exhibits may be attached in parts. E.g.: Exhibit A Part 1 – Picture of House. See Figure 40.

Figure 40Important Note: The system requires that you upload a PDF document as your Main Document. If you upload a non-PDF document, the next screen will you give you the message in Figure 41 and you will not be able to complete the docket entry.

Figure 41

1. After you have attached all necessary documents, click "NEXT."
2. Enter the other court information. (Figure 42)

a. Fill in the "Name and county of other court". (Figure 43)

b. Fill in the "Case number in other court". (Figure 43)

Name and county of other court (i.e. 3rd District Court Salt Lake County) 4th District, Utah County

Case number in other court 220401021

Next   Clear

Figure 43

3. Answer Yes or No to the next screen. (Figure 44)

CM⛫ECF   Civil ▾   Criminal ▾   Query   Reports ▾   Utilities ▾   Search   Help   Log Out

Complaints and Other Initiating Documents
2:22-cv-00045 Dillards v. Really Ripped Abs

Is this filed with an Application to Proceed Without Prepayment of Fees?
or
Are you filing this on behalf of the USA?

○ Yes
◉ No

Next   Clear

Figure 44

a. If you are filing with a Motion for IFP or on behalf of the USA.

    i. Choose Yes and then click Next.

    ii. Confirm your filing and the docket text on the next screen. (Figure 45)

CM⛫ECF   Civil ▾   Criminal ▾   Query   Reports ▾   Utilities ▾   Search   Help   Log Out

Complaints and Other Initiating Documents
2:22-cv-00045 Dillards v. Really Ripped Abs

Docket Text: Modify as Appropriate.
NOTICE OF REMOVAL from 4th District, Utah County, case number 220401021, [   ] No Filing Fee No Filing Fee filed by Really Ripped Abs. (Attachments: # (1) Civil Cover Sheet 1) (Becker, Arnie)

Next   Clear

Figure 45

    iii. Click "Next".

    iv. Click "Next" again to complete the filing process.

    v. No further changes to the docket entry can be made at this point.

b. If you are not filing with an IFP Motion or on behalf of the USA:

    i. Choose No and then click Next and you will go to an information screen, click Next. (Figure 46)

Figure 46

    ii. If you have not already paid, leave the receipt # box blank and hit next to be directed to the filing screen. (Figure 47)

Figure 47

G) PAYING THE FEE ONLINE

If you indicated that you are paying the filing fee, you will see the following screen (Figure 48) after clicking "NEXT" on the screen shown in Figure 47. Please wait while the online payment screen appears. **DO NOT CLICK THE "BACK" BUTTON ONCE YOU START THE PAYMENT PROCESS.**
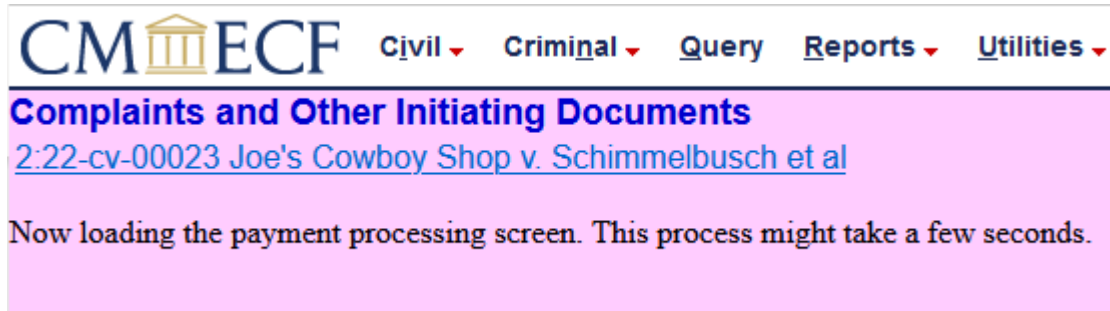
Figure 48

Next, the online payment screen will be displayed (Figure 49):

Figure 49

Complete all payment data fields as required in Figure 49 (required fields are indicated with a red asterisk). Make sure all information is correct, and then click "Continue with Plastic Card Payment." A payment authorization screen will appear (Figure 50). You may enter one or more email addresses here to receive payment confirmation.

Figure 50

If you need to make any changes to information on this screen, click the "Edit this information" link at the top left of the screen. Do not click the "back button."

1. Click the payment authorization checkbox next to the statement "I authorize a charge to my card account for the above amount in accordance with my card issuer agreement."

2. Click the "Submit Payment" button to proceed when the form is completed.
   a. If you proceed past this point, no further corrections can be made to the docket entry.
   b. If there may be errors, you may start over.
      i. Click the "Cancel" button, or
      ii. Click the "Return to your originating application" link in the upper right corner of the screen.
   c. Once you click "Submit Payment," you are committed to the transaction.

3. If you choose to "Submit Payment," you will be returned to the CM/ECF site.

4. Click "NEXT."

H) CONFIRMING FINAL DOCKET ENTRY

1. Next, the screen will ask for confirmation of filing and the text of the docket entry (Figure51) displaying:

a. The final docket text;

b. The pay.gov receipt number (if applicable); and

c. Descriptions of any attachments to your Notice of Removal

Figure 51

2. Click "Next".

3. Click "Next" again to complete the filing process.

4. No further changes to the docket entry can be made at this point.

5. If there is a problem (e.g.: missing party, selected wrong party, wrong document attached), do one of the following:

a. If the filing was not paid, you may abandon your transaction and start over.

b. If the filing fee was paid, click "Next" to complete the filing. Failure to complete the transaction could result in dismissal of your case.

i. File a "Notice of Errata" to correct any problem significant enough to merit correction.

ii. You will be charged the filing fee whether or not the transaction is complete.

I) RECEIVING CONFIRMATION

Next, as a confirmation of your transaction, the Notice of Electronic Filing ("NEF") is displayed (Figure52). You should also receive a copy of this NEF, and all future NEFs, by email. Remember that the Court's local rules require you to update your email address and other information within five days of any change. See the "Attorneys" page on the Court's website for additional information about keeping your contact information up to date: www.utd.uscourts.gov/attorneys.

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

Complaints and Other Initiating Documents
2:22-cv-00045 Dillards v. Really Ripped Abs

Electronic Case Filing System [TEST]

District of Utah [TEST]

Notice of Electronic Filing

The following transaction was entered by Becker, Arnie on 10/5/2022 at 1:01 PM MDT and filed on 10/5/2022
Case Name: Dillards v. Really Ripped Abs
Case Number: 2:22-cv-00045
Filer: Really Ripped Abs
Document Number: 1

Docket Text:
NOTICE OF REMOVAL from 4th District, Utah County, case number 220401021, (Filing fee $ 402, receipt number AUTDC-1234567) filed by Really Ripped Abs. (Attachments: # (1) Civil Cover Sheet 1) (Becker, Arnie)

2:22-cv-00045 Notice has been electronically mailed to:

Arnie Q. Becker   jessica_lykins@utd.uscourts.gov, nancy_lealaisalanoa@utd.uscourts.gov

2:22-cv-00045 Notice has been delivered by other means to:

Dillards

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename: n/a
Electronic document Stamp:
[STAMP dcecfStamp_ID=1060034973 [Date=10/5/2022] [FileNumber=80241-0] [b19ad76c80655cb5a2b55166f6b870116c21d9b0b2866a9f2e88951d45690ee8988ac 3d52601760824a3f7131a234e89c1f95d158afd4d63e23e3e4d6958086f]]
Document description: Civil Cover Sheet 1
Original filename: n/a
Electronic document Stamp:
[STAMP dcecfStamp_ID=1060034973 [Date=10/5/2022] [FileNumber=80241-1] [3c1e0b0f259cae69fb55c37c6de61c8681dcf321a99e68cf30a80aa08cc6aa953527e 77d09669a37d429307681f9d39a6d1241e7b010dbd7cebfd1261f5eebc6]]

Figure 52

IV.   FILING OTHER DOCUMENTS REQUIRED AT CASE OPENING

After successfully opening the case and docketing the lead event (e.g.: your Notice of Removal), you must immediately proceed to file all other documents required by Federal and Local Rules to be filed at the time of case opening (see below for instructions). **Everyone who opens a civil case electronically must file a Civil Cover Sheet.** In addition, you may need to file one or more of the following:

- Corporate Disclosure Statement (if applicable)
- Motion to Proceed In Forma Pauperis (if applicable)
- Motion for Admission *Pro Hac Vice* (if applicable)
- Motion for Temporary Restraining Order (if applicable)

You may also choose to submit a summons at the time you file your Notice of Removal, though doing so is not mandatory.

A)   CIVIL COVER SHEET

ANYONE WHO OPENS A NEW CIVIL CASE MUST FILE A CIVIL COVER SHEET. File this as an attachment to the Notice of Removal. If this is missed:

1. Click "Civil" on the menu bar at the top of any CM/ECF screen.
    a. this will take you to the "Civil Events" screen.
2. On the "Civil Events" screen, under the "Other Filings" category, click on "Other Documents".
3. The next screen will ask for your case number.
    a. Enter or confirm the number as needed and click "NEXT".
4. On the following screen, confirm the system has located the correct case, and click "NEXT".
5. Select "Civil Cover Sheet" from the available events.
6. Upload your Civil Cover Sheet (remember to use the latest version, available from the Court's website) on the next screen F.
7. Follow the onscreen prompts and proceed with the filing according to standard electronic filing protocols.

B) CORPORATE DISCLOSURE STATEMENT

Note that every corporate party is required by Fed. R. Civ. P. 7.1 to file a disclosure statement with its initial appearance in a case. To file a Corporate Disclosure Statement, either at case-opening or if required by Fed. R. Civ. P. 7.1(b)(2), using the "**Rule 7 Corporate Disclosure Statement**" event under "Other Documents" in the "Other Filings" category.

C)   OTHER DOCUMENTS

The following documents, if applicable, should be filed using the events indicated:

Document	Category	Sub-Category	Event (under "Available Events" menu)
Notice of Appearance (not required for attorneys listed on the case-initiating document)	Other Filings	Notices	Notice of Appearance
Motion to Proceed In Forma Pauperis	Motions and Related Filings	Motions	Proceed in Forma Pauperis
Motion to Proceed Without Prepayment of Fees	Motions and Related Filings	Motions	Proceed in Forma Pauperis

Motion for Admission *Pro Hac Vice*	Motions and Related Filings	Motions	Admission Pro Hac Vice (fee collected during entry)
Motion for Temporary Restraining Order	Motions and Related Filings	Motions	Temporary Restraining Order

V.   AFTER INITIAL FILING HAS BEEN COMPLETED

A)   JUDGE ASSIGNMENT

After you have opened your case and filed your case-initiating document, it will be subject to review by the Clerk. Upon the completion of this quality review process, judges will be assigned to your case in accordance with the General Orders of the Court. (In civil cases, judges will be assigned immediately; in some miscellaneous cases, judges may not be assigned at all.) When judges are assigned, a Notice of Assignment will be filed in your case, and a NEF for this filing will be sent to you by email. Upon receipt of a Notice of Assignment, you must immediately deliver any chambers copies of all previously filed documents in your case to the assigned judge(s) if required by that judge's chambers. See the court's website for the judge's preferences.

B)   MOTIONS

Do not e-file any subsequent **motion** until judges have been assigned to your case and a Notice of Assignment has been filed.

C)   FILING OF OTHER CLAIM-INITIATING DOCUMENTS

All amended Notices of Removals and other claim-initiating documents must also be electronically filed. This includes third-party complaints, amended complaints, complaints in intervention, counterclaims, and crossclaims.

If you file a claim-initiating document that adds new parties to your case, you must follow the directions for adding parties set forth in Section II.D., above. However, if you file an amended pleading that does not include parties named in an earlier version of that document, DO NOT terminate any parties – this will be done by Clerk's Office staff.

If your claim-initiating document names new parties, you may submit a proposed form of Summons electronically at the time you file your claim-initiating document. Submit a proposed Summons for each defendant, on Form AO-440 (Summons in a Civil Action) or Form AO-441 (Summons on Third-Party Complaint), which are available from the Court's website at https://www.utd.uscourts.gov/usdc-forms. Refer to Section IV.B. of this Manual

for further details on e-filing a Summons request.

The appropriate civil events to use for claim-initiating documents are located under the category "Initial Pleadings and Answers," in two sub-categories: "Complaints and Other Initiating Documents" and "Other Complaint Filings."

The following events are listed under "Complaints and Other Initiating Documents" (see Figure53):

- Application/Motion/Request (Attorney Civil Case Opening)

- Complaint (Attorney Civil Case Opening)

- Counterclaim
- Crossclaim
- Intervenor Complaint
- MISC – Motion Related to Subpoena from Another District
- MISC – Notice of Receivership (28 USC 754)
- MISC – Receipt of Letters Rogatory (Foreign Judicial Assistance)
- MISC – Registration of Judgment from Another District (AO-451)
- MISC – Subpoena to Identify Infringer (DMCA)
- Motion to Vacate, Set Aside, or Correct Sentence (28:2255) (Attorney Civil Case Opening)
- Motion to Withdraw Bankruptcy Reference (Attorney Civil Case Opening)
- Notice of Removal (Attorney Civil Case Opening)
- Petition (Attorney Civil Case Opening)
- Petition for Writ of Habeas Corpus (Attorney Civil Case Opening)
- Third Party Complaint

Figure 53

The following events are also listed under "Complaints and Other Initiating Documents:"

- Amended Complaint
- Amended Counterclaim
- Amended Crossclaim
- Amended Third-Party Complaint

If you electronically file any of these documents and need to add more parties to your case, you may not be able to add all parties in one transaction. Please review our website, https://www.utd.uscourts.gov/attorneys, for information about adding additional parties in such a case.

VI.   REQUEST FOR REFUND

Filing fees paid to open a case electronically will generally not be refundable, even if a case is filed in error or is dismissed by the Court. The following link has our information about Refund Requests and the form: https://www.utd.uscourts.gov/refund-request.

To request a refund, complete and file an Application for Refund of Fees.

1. Click "Civil" on the menu bar at the top of any CM/ECF screen. This will take you to the "Civil Events" screen.
2. On the "Civil Events" screen, under the "Other Filings" category, click on "Other Documents". Choose the event "Refund Request-Duplicate or Erroneous Payment in a Case."
3. The next screen will ask for your case number.
4. Enter or confirm the number as needed. Click "Next."
5. The next screen tells you NOT to click on the case number. Click "Next."
6. The next screen instructions you to download and complete the request form if you haven't yet. Click "Next."
7. Attach the request form. Click "Next."
8. Choose the option that matches why you are requesting a refund. Click "Next."
9. On the following screen, check the box "Should the document you are filing link to another document in this case?" Click "Next."
10. On the following screen, check the box of the entry for which the refund is being sought. Click "Next."
11. Confirm the docket entry. Click "Next."
12. Confirm again. Click "Next.