United States District Court District of Utah

Attorney's Guide: Opening a Miscellaneous Case



Last Revised: 9/2024

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I. Introduction

This guide will assist you in electronically opening a civil miscellaneous case using this Court's <u>Case Management/Electronic Case Filing (CM/ECF) system.</u>

II. Electronic Filing Support

For assistance with specific rules and guidance for electronic filing at this court, review the following documentation:

CM/ECF Filing Procedures
<u>Chambers E-Filing Preferences</u>
Local Civil and Criminal Rules and General Orders
Federal Rules of Civil Procedure

If you run into any issues throughout this process, you can contact the following:

Technical Assistance:

ECF Support

Available between the hours of 8:00 AM and 4:30 PM, Monday through Friday.

Local: 801-524-6100

Email: ut_support@utd.uscourts.gov

□ ECF Procedures Manual (PDF)

Case Opening Process Assistance:

Attorney Case Opening Help Desk

Available between the hours of 8:00 AM and 4:30 PM, Monday through

Friday. Phone: 801-524-6100

Email: <u>utdecf_clerk@utd.uscourts.gov</u>

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III. Getting Started

3.1 Preparing your Documents

Pay close attention in preparing your documents, making certain that all attorneys who will be appearing in the case have each properly signed the appearance document and you are following all filing requirements including format and size restrictions (see <u>CM/ECF FAQs:</u> page and <u>How to Prepare Your PDF</u>. See our <u>Local Civil Rules</u> and the <u>ECF Filing Procedures (PDF)</u> for further guidance.

3.2 Types of Main Documents
☐ Registration of Judgement from Other District Court (Form AO-451)
□ Notice of Receivership
☐ Letter Rogatory
☐ Request for Subpoena to Identify Copyright Infringer
☐ Motion to Quash
☐ Motion to Compel
☐ Petition to Enforce or Quash IRS/Administrative Subpoenas Petition (or Motion) to Quash IRS or Sec Summons
3.3 Other Possible Attachments
Other possible attachments to your main document are:
☐ <u>Civil Cover Sheet</u> (required for all cases except Petition for Writ of Habeas Corpus)
Note: Most of these forms can be found on the Court Forms page.

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IV. Filing Fee

4.1 Fee Requirements

For information about filing fees in this court, review the **Fee Schedule** on the <u>Paying Fees</u> webpage.

You must pay the filing fee through Pay.gov using one of the following options:

- ☐ Bank Account (ACH): Similar to an online check; the funds are withdrawn from your bank account.
- Debit/Credit Card.

Note: Have your card/banking information ready during the case opening process.

4.2 Requesting a Waiver of Filing Fee (Motion to Proceed In Forma Pauperis)

If you are requesting a waiver of the filing fee, have your Application to Proceed In Forma Pauperis with Written Consent prepared to file as your main document. See Motion for Leave to Proceed In Forma Pauperis for further instructions.

V. Initiating Your Civil Miscellaneous Case

Do not start opening your case unless you are prepared to file your initiating document and its attachment(s).

REMEMBER

- ☐ All documents must be converted to PDF and saved on your computer for easy retrieval. See How to Prepare Your PDF.
- ☐ Have a copy of the Civil Cover Sheet and initiating document available as you will need to refer to these during the process.

5.1 Entering Case Information

The following screens will ask for information that can be found on the civil cover sheet and initiating document. Have them available so you can refer to them during this process.

1. After logging into CM/ECF, select **Civil** on the CM/ECF menu.



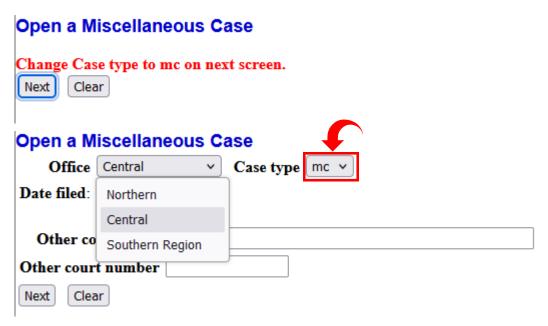
2. To begin the case opening process, select Attorney Case Opening.

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Civil Events

Open a Case Attorney Civil Case Opening Attorney Miscellaneous Case Opening

- 3. The next screen gives you information on how to find help throughout the filing process. To continue, select **Next**.
- 4. Enter your case-specific information in the numbered fields. Use <u>Table A</u> as a reference.
- a. If you need to start over on this page, select **Clear** to erase all of your entries.



Determine the correct office.

For "Case type," select "mc" to indicate that you are opening a miscellaneous case. This is extremely important. The default for this drop-down menu is "cv," and unless you change it to "mc" now, you will not succeed in opening a miscellaneous case. This will cause significant problems for you both during and after the case opening process.

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Т	ABLE A	
	Field	Description
	Office	 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 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: Court Divisions
	Case Type	Select mc for civil case. For "Case type," select "mc" to indicate that you are opening a miscellaneous case. This is extremely important. The default for this drop-down menu is "cv," and unless you change it to "mc" now, you will not succeed in opening a miscellaneous case. This will cause significant problems for you both during and after the case opening process.

Open a M	iscellan	eous C	ase				
Office	Central	~	Case ty	pe mc v	ı		
Date filed:	5/1/2024						
Other co	urt name	USDC Dis	strict of	_, Any Divisio	n		
Other cour	t number	2300xxx]			
Next Clea	ar						

- If another case is involved include the information, if not, leave blank.
 Other Court Name USDC Dist of _____ or State, District & County
 Other Court Number District court case number or State case number
- 6. When you finish entering your case information, select **Next** to continue.

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5.3 Entering Statistical Case Data

The next screen asks for information that is found on the case's civil cover sheet. Have it available so you can refer to it during this process. Use <u>Table B</u> as a reference. If you need to start over on this page, select **Clear** to erase all of your entries.

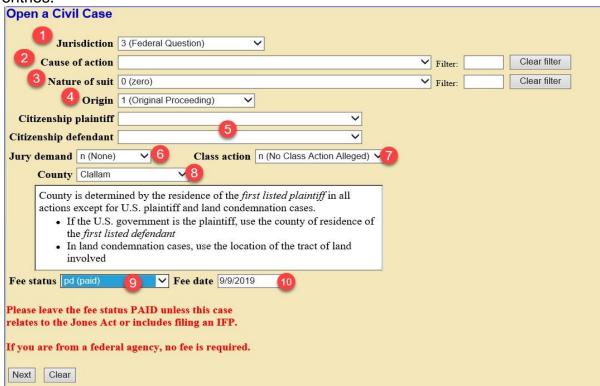


TABLE B Field **Description** Select the case jurisdiction. This field defaults to 3 (Federal Question). For those civil actions where more than one jurisdiction code can be applied, the preference should be in the numerical order listed (i.e., U.S. Government Plaintiff as highest Open a Civil Case Jurisdiction priority and Local Question as 1 (U.S. Government Plaintiff) 2 (U.S. Government Defendant) lowest). Jurisdiction 3 (Federal Que 4 (Diversity) 5 (Local Question) Select "misc (Civil Miscellaneous Case)" from the drop-down menu (it appears at the bottom of the list).

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1 _	Cause of	Jurisdiction	3 (Federal Question)		v]						
	action	Cause of action	tion misc (Civil Miscellaneous Case)				~	Filter:	misc	Clear filter	
		Nature of suit	890 (Other Statutory	Actions)			~	Filter:	890	Clear filter	
		Origin	1 (Original Proceedin	g)			~				
		Select	Cause of action								
	Nature of	the	Nature of suit	130 (Mille		······································					
	suit	nature of		140 (Negotiable Instrument) 150 (Contract: Recovery/Enforcement)							
	Juli	suit.				ery Medicare ery Student L					
			Select "890 (0	Other S	Statutory	y Action)	" from th	e dro	p-do	own menu	
_	Origin		ases leave	,	Nature o	of suit 315	(Airplane Pro	oduct L	iability)	<u> </u>	
	Origin	1 (Origina	I Proceedir	ng)	(Origin 1(0	Original Proce Removal from	eding)	Court)		
						2 (1	temoval nom	State	oouit)		
	Citizenship plaintiff and	jurisdiction Citizens	ds are only un. For misc o		•		cted (4) [Dive	rsity	•	~
	Citizenship	Citizenshi	p defendant								~
	defendant										
	Jury		party dema	_	, ,					b (Bot	
	Demand	-	and" are on		-	nt captio	n.	Jury	dem		fendant) ne)
	Bomana	For misc of	ases leave	n(Non	e).			J		p (Pla	
		0.1	. (1 01 .	Λ							
	Class		ether Class	Action	Cla	ss action	n (No Class				
	action	alleged.					y (Class Ac	uon Al	egeu)		
		Select the	county whe	rein th	ne <i>Plain</i>	tiff resid	es. or wh	nere	Plair	ntiff's Plai	ce of
_			s located. F				•				
	County		in that case		,	2					
		-	utside State								

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	This field defaults to pd (paid). Leave • a US Attorney: none (no fee re	-	unless you are:	
 filing the case in forma pend (IFP pending) filing a Jones Act case: wv 	illing the case in forma	Fee status	none (no fee required) pd (paid) pend (IFP pending) wv (waived)	pauperis:
		(waived)	(waived)	
Fee date	This field is populated automatically a	nd should	not be altered.	

When you finish entering your case information, select **Next** to continue.

VI. Adding Parties

This screen allows you to enter all of the parties in your case. All parties listed on the caption of your initiating document must be entered at this time, even parties whose names are unknown.

IMPORTANT PLEASE READ:

DO NOT add addresses, phone numbers or email to any party on the next screen. DO NOT use all caps and avoid commas. Thank you



The screen is divided into two sections. We refer to the left section as the **Participant Tree** and the right as the **Party Information** screen.



6.1 Before You Get Started

- ☐ Have your initiating document available.
 - This will help you enter the party names correctly and in the proper order (ordered exactly as listed on the complaint/petition caption).

office at 801-524-6100 or send email to utdecf_clerk@utd.uscourts.gov

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☐ Review the Standards for Entering Party Names in CM/ECF.

Note: Parties or companies with unknown names must also be added to the case. These are often listed as "John Doe," "Jane Doe," or "Unknown Companies XYZ." For more information on how to add unknown parties, refer to the "Unknown/Doe Parties" section of the Standards for Entering Party Names in CM/ECF.

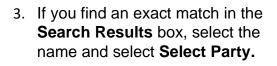
6.2 Searching for a Party

 Enter the first party's surname or the company name in the Last/Business Name and first name in the First Name field and select Search.



Note: You should never add a party description, text, or alias here. This should be added in the **Party Text** or **Party Alias** fields later. See <u>Table C</u> (5).

 If there are names in ECF matching your party's name, they will be displayed in the Search Results box.





4. If you *do not* find an exact match, or your search returns no results, select **Create New Party.** See <u>6.3 Entering Party Information</u> for next steps.

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REMEMBER

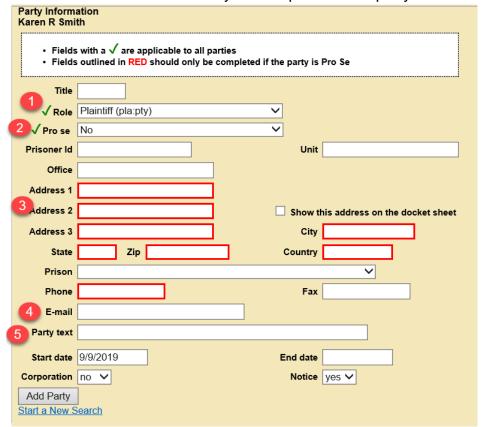
☐ Parties must be entered in the order they are listed on the initiating document.

6.3 Entering Party Information

After selecting **Select Party/Create New Party**, you will enter your party's information on the **Party Information** screen. Parties must be entered in compliance with the <u>Standards for Entering Party Names in CM/ECF</u>.

Enter information as instructed in the fields indicated below

- Fields with a green checkmark are applicable to all parties.
- Fields outlined in red should only be completed if the party is Pro Se.



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TABLE C							
Field	Description						
Role	This field lists the available party roles. The system automatically defaults to Defendants for all parties; remember to change the role when entering parties with different roles (e.g., Defendant or Petitioner). Intervenor Plaintiff (intyp:pty) Material Witness (mw:pty) Mediator (med:pty) Movant (mov:pty) Nominal Defendant (nd:pty) Petitioner (pet:pty) Plaintiff (pla:pty) Plaintiff/Appellant (pla/a:pty)						
TABLE C							
Field	Description						
Pro Se		rty is representing themselves (Pro Se). nis should be set to No . Very Role Plaintiff (pla:pty) Very Pro se No Pro Se but not allowed to file electronically					
Address and Phone	Only enter this inform	Only enter this information if the party is pro se. (See Standards for Entering Party Names in CM/ECF)					
E-mail	Always leave this field	blank.					
	 You must enter Party Text exactly as it appears on the caption. Party Text includes: Descriptive information about the parties. For example, a company might be described as "a Washington corporation." 						
Party text	·	such as military ranks (exclude generic Mr.					
	Do not use the Last Name or Title fields for this information. And, if there is no such information in the caption, <i>leave this field blank</i> (see <u>Standards for Entering Party Names in CM/ECF</u>).						
	the Party text field. (see Add Alias section						

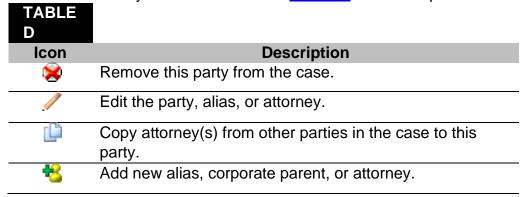
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- 1. Review this screen carefully before proceeding. Once you are confident that your party information is correct and complete, select **Add Party.**
- 2. After selecting **Add Party**, you will see your party's name in the **Participant Tree**.
- a. You may make changes/additions here. See Icons in the Participant Tree.
- 3. Select **Add New Party** to start adding the next party.
- Repeat this process until all parties have been added and are listed in the Participant Tree.



6.4 Icons in the Participant Tree

You may use the icons located next to the party names in the **Participant Tree** to make modifications to your entries. Refer to <u>Table D</u> for a description of each icon.





If you do not see these icons, use the **Expand All** link to expand the **Participant Tree**.

6.5 Adding an Attorney

Note: *Do not* add attorneys for any party, You will be added as the attorney when filing the case initiating document. Any other attorneys will be added by the docket clerk upon their review of the case filings.

6.6 Adding an Alias

If the caption on your initiating document indicates an alias, i.e. another name that a person or business is also known by:

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 Select the icon next to Alias for the appropriate party in the Participant Tree.



- On the Search for an alias screen, enter the alias in Last/Business
 Name and First Name (if applicable see <u>Standards for Entering Party Names in CM/ECF</u>) then select Search.
- a. If a match is found, highlight the name and select Select Alias.
- b. If a match is not found, select Create New Alias.
- 3. In both cases, the **Alias Information** screen is displayed. If not already entered, enter the alias and select a **Type** from the dropdown menu. Refer to **Table E** for a description of alias types.

TABLE E

Туре	Description	Туре	Description
agent	Agent of	mnr	Minor
aka	Also known as	nee	Born (usually refers to maiden name)
assign	As assignee of	nka	Now known as
dba	Doing business as	obo	On behalf of
div	A division of	other	Other
est	Estate of	pro	Personal representative of
exrel	Ex Rel	rpi	Real party interest
fdba	Formally doing business	suc	Successor in interest
	as		
fka	Formally known as	ta	Trading as
1 (nce you finish entering your a	- aliae	Alias Information

4. Once you finish entering your alias information, select **Add Alias**.

5. The alias is added to the Participant Tree under the party you selected.





6. Repeat this process until all aliases are entered.

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6.7 Adding a Corporate Parent/Other Affiliate



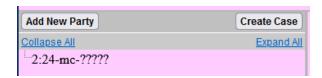
Do not add a corporate parent at this stage. You are required to add corporate parents/other affiliates when filing a Corporate Disclosure Statement which should be filed after initial case opening. See <u>Follow-up Filings</u>.

6.8 Creating your Civil Miscellaneous Case

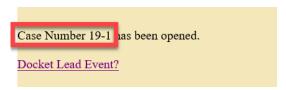


Before creating your case, be sure that you have finished adding all associated party information to the case as you will not be able to go back and edit the parties.

 When you are certain your case information is accurate and complete, select Create Case at the top of the Participant Tree.



- 2. CM/ECF asks you to confirm that your new case should be created.
 - a. If you have not finished adding all parties, select **No** to resume entering parties; otherwise, select **Yes** to create the case.
- The next screen lists your case number and instructs you to select **Docket Lead Event** to file your initiating document and attachments and to pay the filing fee (if required).
 - a. Before proceeding, take note of your case number, should you need assistance with this case.



Note: Although the case is created, it will *not* proceed until the initiating document is filed and the filing fee is paid (if required).

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VII. Docketing the Lead Event

7.1 Paying the Miscellaneous Case Filing Fee

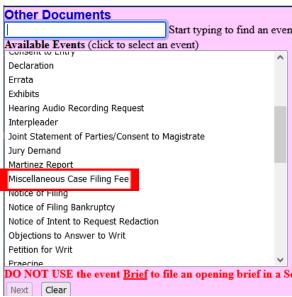
Once the case is created, the Lead Event needs to be filed in the case.

 Do Not Use: Docket Lead Event . Misc. Cases need to file a motion, petition, or notice after paying the filing fee. Return to Civil Events.



2. Go to Other Filings, Other Documents. Select Miscellaneous Filing Fee, then **Next** to continue.





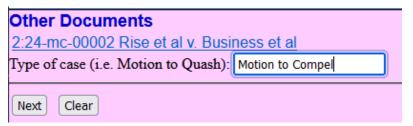
3. On the next screen, the case number and case short title are shown, select **Next** to continue.

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4. Select the party filing the case, usually the petitioner, select Next.



On the next field type in the type of miscellaneous case you are filing, select **Next**.

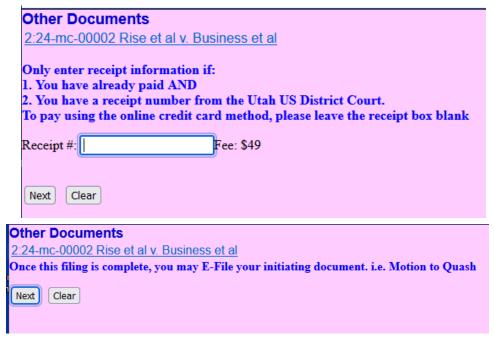


 On the next page you will see the pay.gov information screen, select Next. After you have paid the filing fee you will be directed back to CM/ECF to complete your filing.

Other Documents 2:24-mc-00002 Rise et al v. Business et al Payments will be completed using PACER and Pay.gov on the screens that follow. After entering your payment information you will be redirected to CM/ECF to finish the event. NOTE: You will still be charged if you make the payment but do not finish the event in CM/ECF. Save a copy of your payment receipt. Your receipt number is required to process any refund, if necessary. Next Clear

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7. If you previously paid the fee and backed out of did not come back to finish the filing after paying, simply enter the receipt number on the next page. When left blank you will be directed to pay.gov.



8. After your payment transaction is complete you can proceed to file your Motion, Notice or Petition.

7.2 Filing your initiating document.

 Select the motions event under Civil.

Find your type of motion: Compel, Quash, Writ, Letters Rogatory, if the motion you are requesting is not available, use miscellaneous relief. The docket clerk can then change the type of motion when reviewing your documents.

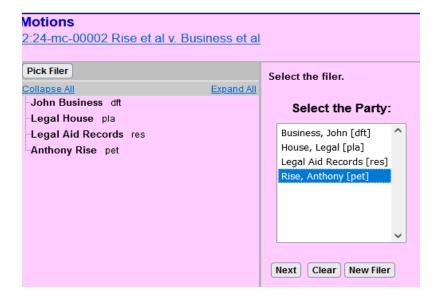
 For, Registration of a foreign Judgment, look under Complaints and Other Initiating Documents, Then you'll find Registration of a



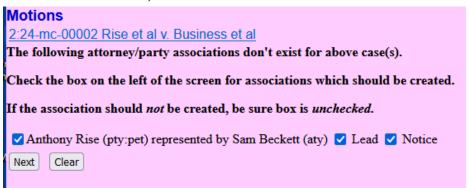
Foreign Judgment. For Receiverships, look under Complaints and Other Initiating Documents, and file under Notice of Receivership.

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3. Then you'll find party filing the document (the party represented by you) then select **Next**.



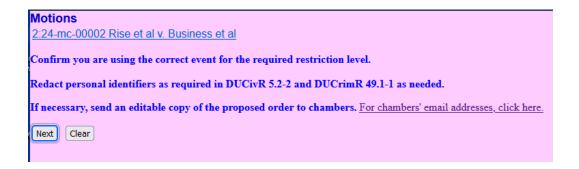
4. Leave all fields checked, then select Next.



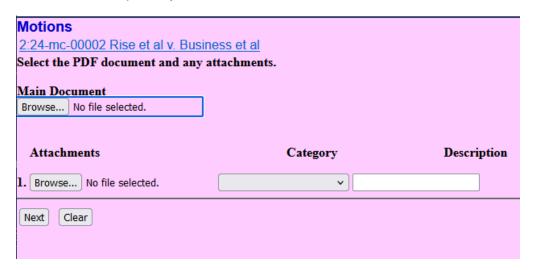
- a. CM/ECF links your name to the name of the party you are representing (the party you selected on the previous page) and activates electronic notice for this case.
- You will then see the two following messages re motions.Select Next after reading.

Motions
2:24-mc-00002 Rise et al v. Business et al
Under $\underline{DUCivR \ 7-1(\underline{a})(\underline{1})}$, the motion and any supporting memorandum must be contained in one document, nless the motion is one enumerated in $\underline{DUCivR \ 7-1(\underline{a})(\underline{2})}$.
Next Clear

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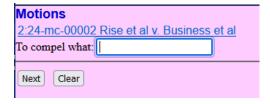


6. Select and upload your documents, then select Next.



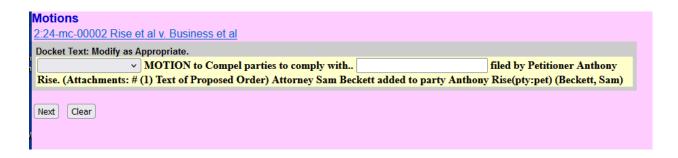
Note: All documents including the proposed order must be in pdf format. Whenever possible also attach the docket sheet from the original court case.

7. CM/ECF asks prompts regarding the different motions or events selected.



The following options will allow you to modify as appropriate before docketing the transaction.

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a. If you are confident that you have added all the information and documents in this filing, select **Yes** and then select **Next.**

7.5 Paying the Filing Fee

- ☐ If you filed your motion, petition or notice prior to paying the miscellaneous filing fee. Please go back and finish the payment.
- ☐ Go to Other Filings, Other Documents. Select Miscellaneous Filing Fee, then **Next** to continue

VIII. Follow-up filings:

☐ If your case requires a judge, you will be notified by CM.ECF through a Notice of Electronic Filing of which Judge is assigned to your case. After your case is assigned, please proceed with service to the other parties.

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