

District of Utah
CM/ECF and E-filing
Administrative Procedures
Manual

Version December 4, 2017
Updated September 28, 2018

INTRODUCTION AND DEFINITIONS

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 new Case Management/Electronic Case Files (CM/ECF) system. This new system, developed at the direction of the Judicial Conference of the United States, is being implemented in federal trial courts throughout the country. During the summer of 2005, registration and training began for all members of this Court's Bar. Electronic filing (E-filing) is now mandatory.

The Court's official case file now comprises electronic documents, which are the electronic version of pleadings, motions, and other official case documents formerly filed in paper format. An electronic document has the same legal status and effect as a paper document. E-filing is the electronic transmission of a Portable Document Format (PDF) document to the Court for inclusion in the case file; transmission is accomplished by a user uploading the document directly from a computer using the Court's CM/ECF system. E-filing includes transmission of both text PDF documents and scanned documents converted to PDF format. A document created with most standard word processing programs can be converted to PDF. The PDF conversion program, in effect, freezes the document so that the converted document can be opened across a broad range of hardware and software with the layout, format, links, and images intact. The text PDF converted documents are also searchable electronically. Documents which have not been created on the filer's word processing system are scanned and saved as an image PDF, then attached to electronic documents and filed with the court. (Electronic filers are encouraged to configure their scanners for black and white at 300 dots per inch (dpi), rather than color or gray scale scanning, unless those settings are needed to properly display the image of data in the PDF.)

Notice to e-filers that an entry has been made to a CM/ECF case docket is effected by means of a Notice of Electronic Filing (NEF). The NEF is generated by the Court's system and sent by email to counsel of record. For e-filed documents, the NEF (i) serves as verification of the court's receipt of the electronic pleading, and (ii) constitutes official notice to all other e-filers. The NEF includes the docket entry as well as a link to the filed document.

The Court has developed several tools to assist electronic filers. The authority for e-filing is in the Court's Rules of Practice. This Administrative Procedures Manual supplements those rules by providing administrative guidance to attorneys using the CM/ECF program. Attorneys should follow these administrative procedures when preparing electronic documents for filing with the Court. A separate manual, Court's [*CM/ECF User's Manual*](#), provides step-by-step instructions on the process of filing electronically. Amendments to these resources and updates to these procedures are posted

on the Court's website: <http://www.utd.uscourts.gov>. E-filers may contact the assigned judge's docketing clerk for help with electronic filing. The Court's PACER system, which provides access to electronic case information, has a Help Desk which can be reached at 1-800-676-6856.

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I. BECOMING AN ELECTRONIC FILER OR E-FILER

A. REGISTRATION

1. All attorneys who are members of the Bar of this Court or admitted to practice pro hac vice are eligible to register to become e-filers with access to the Court's Electronic Case Files. Registration is required for each individual attorney. No law firm may register as an e-filer.
2. Parties appearing pro se shall file conventionally absent an order of the Court allowing registration as an e-filer.
3. An attorney wishing to register as an e-filer shall:
 - a. complete the Court's training program or provide reasons why the training requirement should be waived (see paragraph 4 below);
 - b. complete and submit a registration form;
 - c. maintain current telephone numbers, mailing and email addresses with the Court at all times. An e-filer whose email address, mailing address, and/or telephone number have changed from what is noted on his/her Registration Form shall inform the Court and all other parties of those changes within 24 hours.
4. Attendance at a court-sponsored training session may be waived if the attorney registering as an e-filer either:
 - a. is a registered electronic filer for CM/ECF in another federal district court;
 - b. is a registered electronic filer in the District of Utah Bankruptcy Court;
 - c. has received training equivalent to the court's training sessions from an in-house trainer approved by the Court; or
 - d. has successfully completed CM/ECF training tutorials available on the Court's website.
5. Registered e-filers shall electronically file all materials that the attorney files in the Court, except those which the court requires to be filed conventionally. See Conventional Filing.

6. The Court shall disable an e-filer's login and password if the e-filer fails to maintain active status as a member of the Bar of the Court or is suspended for disciplinary reasons.
7. The Court shall disable an e-filer's login and password if the e-filer's email is returned as undeliverable, and no correct email address has been provided by the attorney.
8. If an e-filer has a high rate of errors in electronic filing, he or she will be contacted to arrange for additional training. If, after additional training, the e-filer is still unable to successfully file electronically, the Court may require the e-filer to file conventionally.
9. The Court may disable an e-filer's login and password if the Court determines they have been used in violation of these Administrative Procedures or if other abuse of the system is attributable to that e-filer.

II. PREPARING PAPERS FOR COURT FILING

A. SIGNATURES

1. **Filing Attorney's Signature.** Each attorney who files electronically shall be issued a login name and password by the Court. The attorney is responsible for maintaining the security of that login and password. The submission of a document that is (i) signed with an "/s/attorney name" or electronic image of the attorney's signature, and (ii) filed under that attorney's login and password, shall constitute an original signature for purposes of Federal Rule of Civil Procedure 11. CM/ECF presently cannot accommodate documents which have been digitally signed using Adobe Acrobat's Digital Signature feature.
2. **Signatures of Other Attorneys.** When a document to be filed requires the signature of attorneys other than that of the filing attorney, such as a stipulation, the attorney may obtain approval from any other attorney to state that the other attorney has authorized the filing attorney to electronically sign the document. Such approval shall be indicated by any of the following:

- a. **Verbal Approval for Electronic Signature**

/s/ Other Attorney

(Signed by Filing Attorney with permission of Plaintiff Attorney)

Electronic Signature or /s/ Filing Attorney

The filing attorney is responsible for maintaining a record of when and how permission was obtained to sign the other attorney's name until all appeals have been exhausted or the time for seeking appellate review has expired.

- b. **Approval by Signature.** The filing attorney may obtain and maintain a paper copy of the document signed by the other attorney. Possession of a signed copy shall be indicated as follows:

/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

The filing attorney shall maintain the signed copy of the document until all appeals have been exhausted or the time for seeking appellate review has expired.

c. Scanned Signatures. The filing attorney may obtain original signatures, scan the signature page only and file it as an attachment to the pleading or other paper. The filing attorney shall maintain the signed original until all appeals have been exhausted or the time for seeking appellate review has expired.

3. Non-Attorney Signatures: Documents that are required to be signed by persons who are not counsel of record (e.g. verified pleadings, contracts, affidavits, etc.) may be submitted in electronic format in any of the following ways, provided that the filer maintains the signed original until all appeals have been exhausted or the time for seeking appellate review has expired:

a. An electronic version of the document bearing "/s/name" can be filed along with a statement that the filer has the signed original, for example:

/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. An electronic version of the document bearing "/s/name" can be filed with a scanned copy of the signature page as an attachment.

c. If the document containing original signatures is not digitally available, it may be scanned and then filed electronically.

4. Signatures in Criminal Cases. Documents in criminal cases requiring the signature of a non-attorney, such as a grand jury foreperson, a defendant, a third-party custodian, or a United States Marshal will be presented in paper format to the Office of the Clerk, scanned by the Clerk, docketed in the ECF System, and retained in paper format.

5. **Signature Disputes.** Anyone 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.
6. **Signatures of Judges and Court Officials.** The submission of a document, signed with an "/s/ name" or electronic image of the traditional signature when filed with the login and password of a judge or court official, shall constitute an original signature for all purposes. In addition, an order of the Court may be entered as a docket text order without any accompanying document or image.

B. FILING STANDARDS

1. All motions, pleadings, applications, briefs, memoranda of law, or other documents in civil and criminal cases except those listed under Conventional Filing Section F, shall be e-filed in PDF (Portable Document Format) form on the ECF System with a page setup of 8 1/2 x 11 inches, portrait format, on white background, with a top margin of not less than 1 1/2 inch, all other margins of not less than 1 inch, designed for printing only on one side of the paper. Subject to order of the court or of a judge in a specific case, the documents listed under Conventional Filing Section F shall not be presented for filing in electronic format, but shall be submitted in paper.
2. Documents may also be submitted on CD-ROM, DVD or other medium as directed by the court, must only contain documents relating to a single case and must be labeled with the attorney's name, the case number, case name, a brief description of the documents on the medium, and the phone number of the attorney submitting the medium. Each PDF filename on disk must be titled with a sufficient description so that they may be readily identified. All PDF's submitted should each be within the 25 MB size limit.

C. TECHNICAL REQUIREMENTS

1. An electronically filed PDF document may contain hyperlinks to other portions of the same document. It may also contain hyperlinks to other documents e-filed within the District of Utah E-filing system (or to any other US District Court e-filing system). Also, citations of legal authority in standard citation format may be hyperlinked to recognized electronic research services, such as Westlaw, Lexis/Nexis, Findlaw and official government sites. Hyperlinks to cited legal authority may not replace standard citation format. Neither a hyperlink, nor any site to which it refers, shall be considered part of the record.
2. No embedded data shall be allowed in documents e-filed with the Court.
3. Whenever technically feasible, all e-filed documents should be converted to PDF format using Adobe Acrobat or similar PDF conversion software, and not by scanning. This will preserve text attributes such as the ability to 'text-search' and 'copy and paste'. See the table below for recommended PDF creation 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

4. Scanned documents should be OCR'd where possible and practical. OCR stands for Optical Character Recognition, and is the conversion of scanned images into text (text overlays). OCR is a feature readily available in most scanning and PDF creation software packages, including Adobe Acrobat Standard.

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 e-filed materials. OCR'ing is most effective on documents that are primarily text-based. OCR'ing is normally **not** beneficial for maps, photos, charts, graphs, financial statements, and other non-text documents.

D. PRIVACY

1. All counsel should carefully review proposed pleadings and attachments with regard to the inclusion of personal information. Certain types of sensitive information should not be included in documents filed with the Court. Personal information not protected will be available on the Internet via CM/ECF. If sensitive information must be included, the personal data identifiers must be redacted in the document.
 - a. Social Security numbers - show only the last four numbers;
 - b. Names of minor children - show only the initials;
 - c. Dates of birth - show only the year;
 - d. Financial account numbers - show only the last four numbers; and
 - e. Home addresses - show only the city and state.
2. In addition, counsel shall carefully consider whether the following types of information should be redacted in court filing:
 - a. Personal identifying numbers such as driver's license number;
 - b. Medical records including treatment and diagnosis records;
 - c. Employment history;
 - d. Proprietary or trade secret information;
 - e. Information regarding an individual's cooperation with the government;
 - f. Information regarding the victim of criminal activity;
 - g. National security information; and
 - h. Sensitive security information described in 49 U.S.C. § 114(s).
3. It is the sole responsibility of counsel and the parties to redact personal identifiers; the Clerk will not review any e-filed document to determine whether it includes personal information. All e-filers should review the Judicial Conference Privacy Policy and applicable court rules before

entering documents on the CM/ECF system:

<http://www.privacy.uscourts.gov>

E. ATTACHING EXHIBITS TO A DOCUMENT

1. Exhibits in support of a motion or memorandum or attached to a declaration or affidavit shall be filed electronically in PDF format.
2. The filer shall verify the readability of scanned document exhibits before submitting them to the court. Text PDF files are preferred, but image PDF documents will be accepted.
3. Filers shall attach only those excerpts of referenced documents which are directly germane to the matter under consideration, clearly labeling them as excerpts. Filing of an excerpt does not affect the ability to subsequently file additional excerpts or even the full document, if allowed by the court.
4. The use of PDF bookmarks is strongly encouraged. [[Instructions on how to create bookmarks](#)]
5. Exhibits shall be electronically filed as follows:
 - a. Create an index to the exhibits, including the title of the exhibit and the exhibit number. Then attach the index to the memorandum.
 - b. Title and number each exhibit, then attach each exhibit to the memorandum. In addition to numbering and/or lettering, each exhibit should be given a descriptive title when e-filing. See the diagram below:

Date document filed (mandatory)
 9/14/2012

Select the pdf document and any attachments.

Main Document

Acceptable

Attachments	Category	Description
1. <input type="text" value="C:\Documents and Settings\usdc\My Doc"/> <input type="button" value="Browse..."/>	Exhibit	A
2. <input type="text" value="C:\Documents and Settings\usdc\My Doc"/> <input type="button" value="Browse..."/>	Exhibit	B
3. <input type="text" value="C:\Documents and Settings\usdc\My Doc"/> <input type="button" value="Browse..."/>	Exhibit	C
4. <input type="text" value=""/> <input type="button" value="Browse..."/>		

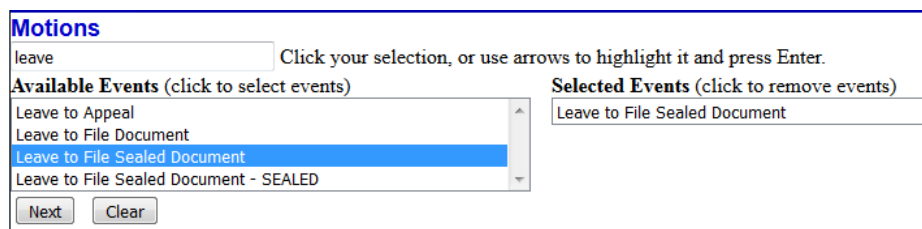
Better description

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

- c. Any single exhibit larger than twenty-five (25) megabytes shall be divided into parts or sections smaller than 25 megabytes and shall be clearly labeled.
- d. The use of PDF bookmarks is strongly encouraged
[\[Instructions on how to create bookmarks\]](#)
6. If the exhibit cannot be filed electronically, the filer shall (i) electronically file a notice of conventional filing; (ii) submit the original exhibit and a judge's copy to the Court with a disk containing a broken-down PDF version of the document for filing; and (iii) conventionally serve any other party. This provision applies to sealed exhibits or diagrams and photographs which cannot be scanned into PDF format. The filing party shall file an original of the exhibits with the Clerk. The exhibits must clearly identify the case name, number and the document which they relate to. A courtesy copy of the exhibits, tabbed and enclosed in a three-ring binder, shall be provided for chambers' use.
- F. ELECTRONIC SUBMISSION OF SEALED DOCUMENTS
- Pursuant to local rule DUCivR 5-3, electronic filing of sealed documents by registered e-filers is limited to only civil cases. Documents in sealed civil cases, criminal cases, and motions to proceed *in forma pauperis* (IFP) will continue to be filed in paper, following the procedure outlined in section "G. Conventional Filing/Courtesy Copies" of this manual.
 - A proposed sealed document may be maintained under seal only upon the filing of a redacted version of the document and an order of the court

granting a motion for leave to file under seal. The caption page of the redacted document must state REDACTED VERSION. The redacted version will be considered the operative document in terms of briefing and calculating deadlines.

3. The caption for sealed versions must clearly state FILED UNDER SEAL PURSUANT TO ORDER DATED _____.
- a. Documents filed under seal per statute and without motion must so indicate in the document caption.
4. PDF images of sealed filings must include highlighting of the redacted portions of the previously filed redacted copy.
5. Sealed documents may be unsealed at any time upon order of the court.
6. E-Filing Procedure:
 - a. Filing the REDACTED version.
 - i. Select CIVIL on the blue toolbar at the top of the screen.
 - ii. Choose the appropriate document type/event (motion, memorandum, exhibit, affidavit, etc).
 - iii. Add “REDACTED” to the final docket text and submit the filing.
 - b. Filing the Motion for Leave to File Under Seal.
 - i. Select CIVIL on the blue toolbar at the top of the screen.
 - ii. Select MOTIONS and choose the **Leave to File Sealed Document** motion relief.



(*Use the **Leave to File Under Seal – SEALED** only if the motion must be filed under seal.)

- iii. Link the document to the REDACTED version of the document.
- iv. NOTE: this motion may be filed under seal without leave of court, if necessary. Use the event called “Sealed Motion for Leave to File Under Seal.”
- c. Filing the SEALED version.

- i. Select CIVIL on the blue toolbar at the top of the screen.
- ii. Sealed documents are filed using the **Sealed Document** event found under **Other Documents** in the CIVIL filing menu. Do not

The screenshot shows a software interface for filing documents. At the top, there is a blue header with the text 'Other Documents'. Below this, there is a search box containing the word 'sealed'. To the right of the search box is a prompt: 'Click your selection, or use'. Below the search box is a dropdown menu with the text 'Available Events (click to select an event)'. The dropdown menu is currently open, showing 'Sealed Document' as the selected option. At the bottom of the interface, there are two buttons: 'Next' and 'Clear'.

use the motion event even if your proposed sealed document is a motion.

- iii. NOTE: as you proceed, a caution message will alert you that only the document will be sealed and not the entry on the docket. A NEF will be sent to the parties on the case without access to the document. **Filers must continue to provide copies to all other parties with a copy of the NEF attached.** A certificate of service should reflect the method service.
- iv. Filers must link the sealed document to the original REDACTED version and any related motions.

G. CONVENTIONAL FILING/ COURTESY COPIES

1. Paper documents presented to the Court for conventional filing may be scanned and docketed. The scanned PDF image will become the official court record, except for documents filed pursuant to paragraph 4, below.
2. Attorneys or parties filing conventionally shall continue to provide courtesy copies at the time of filing. Courtesy copies shall be clearly identified as such in capital letters on the face sheet of the courtesy copy.
3. Attorneys who e-file documents and pleadings are not required to provide courtesy copies to the Court unless specified in the [judge preferences](#) on the Court's website.
 - a. If individual chambers require courtesy copies of voluminous documents with numerous exhibits, such as administrative records, they are to be tabbed and bound in a three-ring binder.

Courtesy copies may be mailed directly to chambers or dropped off at the Office of the Clerk with a designation of the chambers to which they should be delivered.

4. Attorneys shall file the following types of papers conventionally:
 - a. Pleading and other papers filed pro se;
 - b. Documents in sealed civil cases, motions for leave to proceed in forma pauperis, and sealed documents in all criminal cases;
 - c. All charging documents in criminal cases (including the complaint, information, and indictment);
 - d. All documents signed by a defendant in a criminal case;
 - e. Documents that exceed twenty-five (25) megabytes (MB) when converted to PDF that cannot be separated into smaller than twenty-five megabyte segments.

Note that a registered e-filer may file exhibits to a pleading conventionally if the exhibits are photographs or other material which cannot be easily viewed or submitted in electronic format. See paragraph E 6 above.

5. A registered e-filer shall electronically file all materials filed in the court with the exception of those listed in the preceding paragraphs. *A registered e-filer who files a document conventionally due to size limitation, an exhibit that cannot be scanned, or other reason, shall electronically file a Notice of Conventional Filing **if that filing would have normally been filed electronically.*** (This requirement may be removed in the future). Notices of Conventional Filing are **NOT** necessary for documents that are required to be filed in paper.
6. Attorneys filing civil complaints in paper must also submit the opening document(s) and cover sheet on a disc in PDF format.
7. Parties filing sealed documents conventionally must deliver the documents to the court in the following manner:
 - a. Original Document. The original document must be unfolded in an envelope with a copy of the document's cover page affixed to the outside of the envelope. The cover page must include a notation that the document is being filed under court seal, and in civil cases, must

indicate one of the following reasons why the document has been filed under seal:

- i. filed under seal pursuant to court order; or
- ii. filed in a case that the court has ordered sealed.

Any exhibits filed must include a paper index to the exhibits, including the title (description) of the exhibit and the exhibit number.

- (2) CD-ROM. The sealed filing must be accompanied by a CD-ROM (or other tangible electronic media) containing separate PDF versions of each document filed, including individual exhibits and the index of exhibits. The CD-ROM shall be placed in the same envelope as the original document and shall be marked with the case name, case number, and the date of delivery,
- (3) Courtesy Copies. Courtesy copies of both the document and the CD-ROM, prepared in the manner described above, shall be delivered at the same time as the originals. Individual chambers may also notify counsel that an electronic version of the sealed document shall be delivered to chambers via email or other method of secured electronic delivery.

H. SUBMISSION OF PROPOSED DOCUMENTS

Proposed Orders, Judgments, Jury Instructions, Voir Dire Questions, and Findings of Fact and Conclusions of Law.

- 1. No proposed order in support of a motion shall be transmitted to chambers prior to the filing and docketing of the motion to which the proposed order relates. Other proposed orders pursuant to DUCivR 54-1, proposed jury instructions, voir dire questions and findings of fact and conclusions of law shall be transmitted to the Court in the manner prescribed in the scheduling order of the Court. Proposed orders, judgments, voir dire questions, jury instructions, and findings of fact and conclusions of law shall be (i) prepared as word processing documents; (ii) saved in WordPerfect or Word format, and (iii) transmitted to the assigned judge via email. A courtesy

copy shall be provided to all other parties. An additional copy of the proposed order, judgment, jury instruction, voir dire questions, or findings of fact and conclusions of law shall be saved as a PDF file and filed electronically as an attachment to the motion to which the order relates or, for other documents, as ordered by the Court.

2. 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.) shall be submitted 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 (to extend briefing deadlines, continue trial, motions in limine) shall be submitted to the assigned district judge.
3. 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, shall be submitted to the assigned magistrate judge; and
 - b. Proposed orders relating to objections to an order of the magistrate judge shall be submitted to the assigned district judge.
4. If in doubt as to whether to email the proposed order to the assigned magistrate judge or to the assigned district judge, do not submit it to both judges. Rather, the proposed order shall be emailed to the magistrate judge who will, if appropriate, forward the proposed order to the assigned district judge.
5. Proposed orders or other documents shall be clearly identified in the subject line of the sender's email as follows:

Proposed order in (case title) and (case number)
Plaintiff/Defendant's Proposed Jury Instructions in (case title) and (case number)

Plaintiff/Defendant's Proposed Findings of Fact and Conclusions of Law in (case title) and (case number)
Proposed Judgment in (case title) and (case number)

- 6. The proposed documents shall be emailed to the following mailboxes.

<i>utdecf_shelby@utd.uscourts.gov</i>	<i>Chief Judge Robert J. Shelby</i>
<i>utdecf_waddoups@utd.uscourts.gov</i>	<i>Judge Clark Waddoups</i>
<i>utdecf_nuffer@utd.uscourts.gov</i>	<i>Judge David Nuffer</i>
<i>utdecf_parrish@utd.uscourts.gov</i>	<i>Judge Jill N. Parrish</i>
<i>utdecf_jenkins@utd.uscourts.gov</i>	<i>Senior Judge Bruce S. Jenkins</i>
<i>utdecf_sam@utd.uscourts.gov</i>	<i>Senior Judge David Sam</i>
<i>utdecf_benson@utd.uscourts.gov</i>	<i>Senior Judge Dee Benson</i>
<i>utdecf_campbell@utd.uscourts.gov</i>	<i>Senior Judge Tena Campbell</i>
<i>utdecf_kimball@utd.uscourts.gov</i>	<i>Senior Judge Dale A. Kimball</i>
<i>utdecf_stewart@utd.uscourts.gov</i>	<i>Senior Judge Ted Stewart</i>
<i>utdecf_warner@utd.uscourts.gov</i>	<i>Chief Magistrate Judge Paul M. Warner</i>
<i>utdecf_wells@utd.uscourts.gov</i>	<i>Magistrate Judge Brooke C. Wells</i>
<i>utdecf_furse@utd.uscourts.gov</i>	<i>Magistrate Judge Evelyn J. Furse</i>
<i>utdecf_pead@utd.uscourts.gov</i>	<i>Magistrate Judge Dustin B. Pead</i>
<i>utdecf_braithwaite@utd.uscourts.gov</i>	<i>Magistrate Judge Robert T. Braithwaite</i>

Documents prepared for the signature of the clerk of court, such as default certificates, orders to extend time under DUCivR 77, civil summons, etc. shall be emailed to

utdecf_clerk@utd.uscourts.gov

- 7. The court will continue to add parties to the CM/ECF database. Counsel shall contact the docketing clerk for the assigned judge and request the addition of new parties. Counsel may also email their requests and a PDF version of the proposed filing adding the parties to the clerk’s office at the following address:

utdecf_clerk@utd.uscourts.gov

Pleadings that can add parties include

Motion to Intervene
Motion to File Amicus Brief
Complaints
Amended Complaints
Cross claims, Counterclaims, and
Third-Party Complaints

The Clerk's office, by way of Quality Control review, will also add new parties or terminate parties no longer involved in a case.

I. SERVICE

1. Attorneys of record who are currently registered to receive notices, orders, and judgments electronically from the Court will receive a Notice of Electronic Filing (NEF) whenever a document is filed in a case.
2. The Court will issue a summons upon the filing of a civil complaint. The summons and complaint shall be served on the defendant(s) as provided in Federal Rule of Civil Procedure 4. The returned summons may be either (i) imaged and electronically filed by the party who served the summons, or (ii) filed conventionally.
3. Subsequent to the filing of the complaint and pursuant to Federal Rule of Civil Procedure 5, papers will be served upon opposing counsel and/or parties as follows:
 - a. If an attorney files a paper document with the Clerk, paper copies shall be served unless the other attorneys in the case have agreed to accept alternate service, in which case the serving attorney may use the agreed upon alternate service method.
 - b. If an attorney is registered as an electronic filer and files electronically, a NEF will be served on any attorney in the case who also is a registered electronic filer. To determine whether another party is a registered electronic filer, a user can select from the "Utilities" menu and select mailing information for a case. All other attorneys or parties including those with an email address but are not registered e-filers shall be served conventionally by the electronic filer.

4. A certificate of service is required whenever a pleading is filed either electronically or conventionally, **but shall not be required when all parties to a case are registered electronic filers. In that instance, the Notice of Electronic Filing (NEF) shall serve as the proof of service.** The certificate must state the manner in which service or notice will be accomplished and may be filed as an attachment to the document or as a separate filing.

III. PROBLEMS IN FILING

A. CORRECTING ERRORS

1. Once a document has been submitted and becomes part of the electronic case file, corrections to the docket text can only be made by the Clerk's office.
2. 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 record.
3. If the filing attorney fails to attach an exhibit to a filing, the attorney shall file the omitted attachment and reference the prior filing.
4. If an electronic document has been filed in the wrong case, the filer shall notify the Court and re-file in the correct case. The Clerk's Office may remove the document link but not the docket entry in the incorrect case. An explanatory note may be placed in the docket in the incorrect case.
5. If the Clerk of Court notes a deficiency in a document e-filed by an attorney, such as an incorrect number of pages or an electronic copy which cannot be clearly viewed, (i) a notice of the deficiency will be docketed in the case; (ii) and the e-filer will re-file the document with a new document number.
6. If a document filed by the attorney is not allowed to be filed by the Federal Rules of Civil or Criminal Procedure or under the local rules, (i.e. 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 can be addressed by a docket text order striking the filing and removing the link to document or image. The original docket text entry will remain.
7. If the error is failure to sign with an "/s/attorney name", the Clerk's Office will alert the attorney. However, the document and its link to the docket entry will not be changed.

8. If the filer has made an incorrect docket entry, the docket clerk may place a remark on the incorrect entry, and either re-docket the document and attach the document to the corrected entry or direct counsel to re-file correctly.
9. If, after filing electronically, the filer determines that a document or exhibit should have been sealed, the filer must comply with the requirement of DUCivR 5-2 and obtain an order of the court sealing the exhibit or document. Upon the docketing of the order, the document or exhibit will be sealed. Absent order of the court, the docket entry will not be modified.

B. TECHNICAL PROBLEMS - DOWNTIME

1. A party whose filing is untimely as the result of a technical failure of the Court's CM/ECF site may seek appropriate relief from the court.
2. The Court shall consider the CM/ECF site 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 shall be posted on the court's web site. The Clerk will maintain a log of all periods of technical failure.
3. If the filer has a technical failure on the filer's end, such as phone line problems, Internet Service Provider (ISP) problems, or other hardware and software problems, the filer is responsible for filing the document conventionally.

IV. EMAIL NOTICES TO ATTORNEYS

1. An attorney may designate up to three email addresses to which notices will be sent. It is technically possible to add even more than three email addresses. The court will instruct any user who wants to maintain more than three addresses on the procedures to do so.
2. All attorneys of record who are e-filers will receive Notices of Electronic Filing.
3. Attorneys whose clients have been terminated from the case will continue to receive Notices of Electronic Filing for that case unless the attorneys inform the court that the attorney does not wish to receive notice of further case activities, including the final judgment.
4. Attorneys must comply with the requirements of DUCivR 83-1.4 to withdraw from a case. An attorney who has withdrawn from a case pursuant to those requirements will no longer receive Notices of Electronic Filing in that case.

V. PAYMENT ONLINE THROUGH CM/ECF

A. ELECTRONIC FILING OF PLEADINGS REQUIRING A FEE

1. E-filers may file complaints, applications for admission Pro Hac Vice and notices of appeal electronically and pay by use of a credit card through CM/ECF and the Pay.gov system.
2. Alternatively, attorneys may also prepay fees at the Office of the Clerk and then electronically file the pleading requiring a fee, enter the receipt number given to them by the clerk, and bypass the online payment.

B. FILING COMPLAINTS AND PAYING ON LINE

1. In order to e-file a complaint and pay online, the clerk's office must first receive from the filing attorney the information necessary to open the case on the CM/ECF system. Therefore, counsel must first email a copy of the civil coversheet and the complaint to utdecf_clerk@utd.uscourts.gov.

The emailed complaint is for information purposes only and will not be filed by the clerk's office. The complaint must be filed by counsel. New cases will be processed until 4:00 pm Monday-Thursday and 3:30 pm on Friday each day the court is open. New cases received after this time will be processed the following morning.

After the case has been opened and a judge assigned, the filing attorney will be notified by email or telephone and shall electronically file the complaint and pay the filing fee through CM/ECF (and pay.gov). In order to preserve the filing date, the electronic filing must occur on the same day that the case has been opened. The case is not considered filed until the complaint has been e-filed and the filing fee is paid. See 28 U.S.C. § 1914 and DUCivR 3-1.

Attorneys filing civil complaints in paper must also submit the opening document(s) and cover sheet on a disc in PDF format.

C. FILING APPLICATIONS FOR PRO HAC VICE AND PAYING ONLINE

1. Local counsel may enter their appearance in the case and then electronically file the motion for admission Pro Hac Vice, with the Pro Hac Vice attorney's completed application and a proposed order of admission as exhibits to the motion. An electronic filing registration form for the Pro Hac Vice attorney should also be attached if the pro hac attorney does not already have a CM/ECF login and password for the District of Utah.

D. DETAILED INSTRUCTIONS FOR USING PAY.GOV

1. The clerk has detailed instructions for using Pay.Gov available separately from the Administrative Procedures. Counsel should consult these instructions for updates and changes in procedures before e-filing pleadings requiring payment.