

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**



**ELECTRONIC FILING
POLICIES AND PROCEDURES**

**Lawrence P. Zatkoff
Chief Judge**

Revised April 5, 2004

PREFACE

In December 2002, the Administrative Office of the United States Courts advised the Eastern District of Michigan that it had been identified to begin implementation of Case Management / Electronic Case Files (CM/ECF) in January 2003.

On December 18, 2002, Chief Judge Lawrence P. Zatkoff approved a recommendation from the Court's Automation and Technology Committee and appointed an *Ad Hoc* Committee on Electronic Filing. The Committee's charge was to discuss and recommend to the Court a position on various policy issues underlying the creation of a new Local Rule governing electronic filing.

At its regular meeting on September 8, 2003, the Court approved Local Rules [http://www.mied.uscourts.gov/localrules/civil/lr5_1_1.htm] establishing the authority for electronic filing in civil and criminal cases in the Eastern District of Michigan. The Court also agreed that papers filed by electronic means must comply with the technical standards in the Electronic Case Filing (ECF) Policies and Procedures (this document), which is also included as an appendix to the Local Rules. This document was approved by the Court at its regular meeting on December 1, 2003.

At its regular meeting on February 2, 2004, the Court approved a delay in the implementation date of ECF from March 1, 2004, to June 1, 2004.

The Court expresses its appreciation to the members of the *Ad Hoc* Committee on Electronic Filing who worked diligently on this document:

Chief Judge Lawrence P. Zatkoff (Ex Officio)
Judge Robert H. Cleland, Chair
Judge Arthur J. Tarnow
Judge Victoria A. Roberts
Judge David M. Lawson
Magistrate Judge Charles E. Binder
Attorney Daniel J. LaCombe (Barris, Sott, Denn & Driker, PLLC)
Attorney Patrick G. Seyferth (Bush, Seyferth & Kethledge)
Assistant United States Attorney Sheldon N. Light
Deputy Federal Defender Andrew N. Wise
Court Administrator David J. Weaver
Deputy Court Administrator Mary E. Miers (ECF Project Manager)
Operations Manager Kevin B. Williams
Management Analyst Jerri Torolski
Secretary to Court Administrator Stephanie Podoris (Reporter)

+ + + + +

Comments and suggestions regarding these ECF Policies and Procedures are welcome. They may be made at mied_efile_comments@mied.uscourts.gov.

TABLE OF CONTENTS

Introduction

R1	Definitions	2
R2	Scope of Electronic Filing	4
R3	Eligibility, Registration, Passwords	5
R4	Withdrawing from Participation in ECF	5
R5	Filing - In General	5
R6	Filing - Initiating Papers	6
R7	Other Exceptions to Filing Electronically	6
R8	Service	7
R9	Signatures	8
R10	Entry of Court-Issued Papers	9
R11	Proposed Orders by Motion or Stipulation	9
R12	Docket/Official Court Record	10
R13	Technical Failures; Malfunctioning of Filing User's Equipment ..	10
R14	Papers Filed In Error/Correcting Docket Entries	10
R15	Deadlines	11
R16	Transcripts	11
R17	Retention Requirements	11
R18	Exhibits	12
	(a) In General	12
	(b) Filing Exhibits and Appendices Electronically	12
	(c) Filing Exhibits and Appendices in Traditional Manner ...	12
R19	Access To Papers in ECF	14
R20	E-Government Act of 2002	14

EXHIBITS

- A Notice of Change of Attorney Information Form
- B Sample Formats - Certificate of Service
- C Sample Exhibits and Appendices Index
- D Sample Ex Parte Motion for Leave to File Exhibits and/or Appendices in the Traditional Manner
- E Sample Notice of Filing Exhibits and Appendices in the Traditional Manner
- F Administrative Order 03-AO-028

Introduction

As of June 1, 2004, the official record of filed cases shall be maintained electronically. After that date, attorneys will be allowed to file papers in all cases by electronic means. The electronic filing system will provide many advantages to those who choose to participate in it. Attorneys who register to participate will have the option to file papers by electronic means through December 1, 2004. After that date, registered attorneys will be required to file papers by electronic means. These policies and procedures set forth the scope and requirements for participating attorneys.

R1 Definitions

The following terms appear in these Electronic Filing Policies and Procedures:

- (a) “E-Government Act of 2002” establishes a broad framework for the use of technology to enhance public access to government information and services. Pub. L. No. 107-347, 116 Stat. 2899. See 44 U.S.C. §§ 3601, et seq.
- (b) “Electronic Filing” means filing a paper over the Internet by a registered attorney.¹
- (c) “Electronic Filing System” (hereinafter ECF) refers to the Court's automated system that receives and stores papers filed in electronic form. The program is part of the CM/ECF (Case Management/Electronic Case Files) software, which was developed for the Federal Judiciary by the Administrative Office of the United States Courts.
- (d) “Filing User” is a registered attorney who has a district court-issued login and password to file papers electronically over the Internet in the Eastern District of Michigan.
- (e) “Hyperlink” is a selectable connection from a word, picture, or information object to another, providing a mechanism for navigating to information between or within electronic documents. Hyperlinks are activated when the user clicks on an “active” region on the document. The active region is usually indicated by the highlighting or underlining of text. (In the context of

¹ Filing users are directed to Fed. R. Civ. P. 5(d) and E.D. Mich. LR 26.2 regarding the prohibition of filing certain papers.

CM/ECF, an example of a useful hyperlink would be a case citation, leading the reader to the text of the cited case, maintained on the Internet, outside of the CM/ECF system.)

- (f) “Initiating Papers” are comprised of the following: civil complaints, criminal complaints, indictments or informations, and any other document filed with the Court that creates a new case and new case number on the Court's docket. An appeal to the Court of Appeals is also considered an initiating paper.
- (g) “Notice of Electronic Filing” (hereinafter NEF) is a notice automatically generated by ECF at the time a paper is filed, setting forth the time of filing, the name of the attorney filing the paper, the type of paper, the text of the docket entry, the name of the attorney receiving the notice, and an electronic link (hyperlink) to the filed paper, which allows recipients to retrieve the paper automatically.
- (h) “Paper” is defined as a pleading, motion, exhibit, declaration, affidavit, memorandum, order, notice and any other filing by or to the Court.
- (i) “Portable Document Format” (hereinafter PDF) refers to a non-modifiable, electronic file that is converted to a format that will look the same on a computer screen and in print, regardless of the printer used to print it, and regardless of the software package originally used to create it. [see R5(b)]

- (j) “Proposed Order” is a draft paper submitted for a judge's editing, if necessary, and signature, in a format compatible with WordPerfect and not in PDF. [see R11(a)]
- (k) “Public Access to Court Electronic Records” (hereinafter PACER) is an automated system that allows any individual to view, print and download Court docket information over the Internet.
- (l) “Technical Failure” is defined as a malfunction of Court-owned/leased equipment (e.g., hardware, software or telecommunication facility) that occurs continuously or intermittently for more than one hour after 12:00 noon (Eastern Time) that day, and which results in the inability of a filing user to file papers electronically. Technical failure does not include malfunctioning of a filing user's equipment.
- (m) “Text-Only Order” is a docket entry that itself constitutes the order. These text-only orders, which are generally only used for routine matters, are official and binding.
- (n) “Traditional Manner” means filed on paper (hard copy) at a Clerk’s Office [see R7].

R2 Scope of Electronic Filing

All papers (not simply cases) filed June 1, 2004 and thereafter will be maintained as electronic case files no matter when a case was originally filed. A filing user will be allowed to file papers in all cases by electronic means after June 1, 2004. All filings are subject to the exceptions noted in R7.

R3 Eligibility, Registration, Passwords

(a) A filing user must be an attorney admitted to practice in the Eastern District of Michigan or be an attorney authorized to represent the United States Government, and be a member in good standing.

(b) Each filing user must complete an On-Line Attorney ECF Registration Form by visiting <http://www.mied.uscourts.gov/ECF/ecfprereg.html>.

(c) Each filing user has an ongoing responsibility to notify the Court when any information provided in the On-Line ECF Registration Form changes by completing a Notice of Change of Attorney Information Form. (EXHIBIT A) The filing user must promptly file any such change with the Court and serve a notice on all other parties in that filing user's open cases. Service upon an obsolete e-mail address will constitute valid service if the user has not notified the Court of a new address.

(d) A filing user must have a PACER account and an ECF account in the Eastern District of Michigan.

(e) The Clerk will issue a login and password.

R4 Withdrawing from Participation in ECF

A filing user may withdraw from participation in ECF within the first 60 days after registration by providing the Clerk's Office with written notice, and thereafter with leave of Court. The Chief Judge or designee shall act for the Court.

R5 Filing - In General

(a) Filing users are expected to file papers electronically [except initial papers and other exceptions noted in R7] beginning June 1, 2004, and must so file after December

1, 2004, subject to extenuating circumstances.² Where multiple attorneys, at least one of whom is a filing user, appear on behalf of a party, all papers filed on behalf of that party should be filed electronically.

(b) A file created with a word processor, or a paper that has been scanned, must be converted to PDF to be filed electronically with the Court. Converted files contain the extension “.pdf”. All fonts embedded in PDF records (except in papers that have been scanned) must have been publicly identified as legally embeddable (i.e., the font license permits embedding) in a file for unlimited, universal viewing and printing [font styles, which are the most commonly used fonts for document production: Courier (Regular, Bold, Italic, and Bold Italic), Arial MT (Regular, Bold, Oblique, and Bold Oblique), Times New Roman PS MT (Roman, Bold, Italic, and Bold Italic), Symbol, and ZapfDingbats]. [see R1(i)]

(c) A hyperlink [as defined in R1(e)] contained in an electronic filing is merely a convenient mechanism created by the author for accessing material cited in a document. A hyperlink is not a part of the Court’s record. Accordingly, the Court does not endorse nor exercise any responsibility over the content at the destination. Any hyperlink to a case or other authority included in an electronic filing must be expressed in the full traditional citation method for the cited authority.

R6 Filing - Initiating Papers

(a) The filing of initiating papers, issuance and service of the summons, and payment of initial filing fees must be accomplished in the traditional manner.

(b) The filing of criminal initiating papers (e.g., criminal complaints, indictments,

² Filing users are directed to Fed. R. Civ. P. 5(d) and E.D. Mich. LR 26.2 regarding the prohibition of filing certain papers.

or informations) must be accomplished in the traditional manner.

R7 Other Exceptions to Filing Electronically

The following papers must be filed in the traditional manner:

- (a) Sealed,
- (b) In Camera,
- (c) State court record and other Rule 5 material under 28 U.S.C. § 2254,
- (d) Administrative records and transcripts in social security benefits claims,
- (e) Grand Jury matters, and
- (f) Warrants issued.

R8 Service

(a) Fed. R. Civ. P. 5(b) and Fed. R. Crim. P. 49(b) do not permit electronic service of process for purposes of obtaining personal jurisdiction, i.e., Rule 4 service. Therefore, service of process must be effected in the traditional manner.

(b) Whenever a paper is filed electronically in accordance with these procedures, ECF will generate a NEF to all filing users associated with that case and to the judge to whom the case is assigned.

(c) If the recipient is a filing user, the NEF shall constitute service of the paper as if by first class mail. If two or more attorneys appear on behalf of a party, service on one of the attorneys shall be sufficient, unless otherwise required by law.

(d) A certificate of service on all parties entitled to service or notice is still required when a party files a paper electronically. The certificate must state the manner in which service or notice was accomplished on each party so served. This may be included as

part of the paper rather than a separate filing. See EXHIBIT B for sample certificate of service formats.

(e) A party who is not a filing user is entitled to a hard copy of any paper filed electronically. Service of such hard copy must be made according to the federal rules (civil and criminal) of procedure and local rules.

R9 Signatures

(a) The user login and password serve as the filing user's signature on all papers filed electronically with the Court. They serve as a signature for purposes of Fed.R.Civ.P. 11, all other federal rules (civil and criminal), the local rules, and for any other purpose for which a signature is required in connection with proceedings before the Court.

(b) A paper filed electronically must include a signature block containing name, address, telephone number, primary e-mail address, and bar ID number (where applicable). In addition, the name of the filing user under whose login and password the paper is filed must be preceded by an "s/" typed in the space where the signature would otherwise appear.

SAMPLE: s/Name of Filing User
Address
City, State, Zip Code
Phone: (xxx) xxx-xxxx
E-mail: xxx@xxx.xxx
[attorney bar number, if applicable]

(c) A paper containing the signature of a defendant in a criminal case shall be scanned and filed by filing users or Court personnel.

(d) A paper requiring the signature of more than one party shall be filed electronically by:

(1) Submitting a scanned paper containing all necessary signatures, or

- (2) Representing the consent of the other parties on the paper; or
- (3) In any other manner approved by the Court.

R10 Entry of Court-Issued Papers

(a) All signed orders will be filed by Court personnel. Any order signed electronically (with s/judge's name) shall have the same force and effect as if the judge had affixed his or her signature to a hard copy of the order and it had been entered on the docket in the traditional manner.

(b) The judge to whom a case is assigned may issue routine text-only orders for which ECF will generate a NEF. For text-only orders, no PDF paper will issue; the text-only order entry shall constitute the Court's only order on the matter. In civil cases, such orders may include but are not limited to orders setting or modifying a schedule, orders extending time, and orders granting leave to file papers. In criminal cases, such orders could include orders of dismissal filed under Fed. R. Crim. P. 48(a) and orders unsealing documents.

R11 Proposed Orders by Motion or Stipulation

(a) Proposed orders shall not be combined with the motion or stipulation into one paper. The motion or stipulation must be filed electronically first [see R1(j)]. Proposed orders must be submitted to the judge to whom the case is assigned or to the magistrate judge to whom the matter is referred, in a format compatible with WordPerfect and not in PDF, via the link located under the Utilities section of CM/ECF. This link may not be used for any other purpose.

(b) A copy of the proposed order must be provided either by e-mail or other form to all other parties.

(c) Alternatively, a motion or stipulation may request that routine relief be granted by a text-only order. Such orders are official and binding.

R12 Docket/Official Court Record

A paper filed electronically in accordance with these policies and procedures shall constitute entry of that paper on the docket kept by the Clerk under Fed. R. Civ. P. 58 and 79, and Fed. R. Crim. P. 55.

R13 Technical Failure of Court Equipment; Malfunction of Filing User's Equipment

(a) If a filing user encounters technical failure of Court equipment [as defined in R1(l)], the paper may be submitted to the Court as indicated below, provided that it is accompanied by an affidavit of the filing user's failed attempts to file electronically at least two times after 12:00 noon, each attempt separated by at least one hour. The following methods of filing are acceptable in the case of a technical failure:

- (1) Via e-mail sent that day with PDF attachment to the e-mail address for technical failures (technicalfailures@mied.uscourts.gov); or
- (2) Via electronic filing the next business day that ECF is operational.

(b) A filing user who suffers prejudice as a result of a malfunction of the filing user's own equipment may seek appropriate relief from the Court, which may include leave to file in the traditional manner.

R14 Papers Filed In Error/Correcting Docket Entries

Once a paper is filed electronically and becomes part of the docket, corrections to the docket may be made only by the Clerk's Office.

R15 Deadlines

(a) A paper filed electronically is deemed filed on the date and time stated on the NEF.

(b) Filing electronically does not alter the filing deadline for a paper. Filing users are encouraged to file electronically during ordinary business hours; however, filing electronically must be completed before 12:00 midnight (Eastern Time) in order to be considered timely filed that day, unless a technical failure [see R13(a)] or malfunction of filing user's equipment occurs [see R13(b)]. In accordance with Fed.R.Civ.P. 6(e) and Fed.R.Crim.P. 45(c), service by electronic means is treated the same as if by first class mail.

R16 Transcripts of Court Proceedings

(a) A transcript of Court proceedings filed electronically by an official Court reporter by use of the Court reporter's log-in name and password shall be deemed the filing of a signed and certified original transcript for all purposes.

(b) Public access to transcripts of Court proceedings shall be subject to rules to be drafted following action by the Judicial Conference of the United States.

R17 Retention Requirements

The official Court record shall be the electronic file maintained on the Court's servers and any papers allowed to be filed in the traditional manner. The Clerk's Office will discard all papers brought to the Clerk's Office for entry on the docket after those papers are scanned and uploaded to ECF. Therefore, the Court encourages attorneys to retain the originals of papers with intrinsic value.

R18 Exhibits and Appendices

(a) In General

An exhibit or appendix available in original electronic format must be converted to PDF and filed electronically, subject to size limitations contained herein. A filing user must scan a paper exhibit that is less than 5 megabytes³ and submit the exhibit as a PDF file. Because PDF files containing scanned papers take up considerably more space on ECF than PDF files containing electronically-generated papers, filing users may submit PDF files containing scanned papers of more than 5 megabytes only if they are filed in separate 5 megabyte segments.

The offering party shall retain hard copies, or accurate electronic copies, of exhibits and appendices until entry of final orders by the District Court and, if applicable, appellate courts.

(b) Filing Exhibits and Appendices to Papers Electronically

Exhibits and appendices must be filed electronically according to the following procedure:

- (1) The filing user must prepare an exhibit index (see EXHIBIT C) and file the index as the first attachment to the main paper.
- (2) Each exhibit must be filed and identified as a separate attachment to the main paper.

(c) Filing Exhibits and Appendices in Traditional Manner

A filing user must obtain leave of court to file exhibits and appendices in the

³ 5 megabytes equals approximately 80 pages of conventional text. Filing users are directed to file only portions of exhibits that are germane and not include any paper that is already part of the record.

traditional manner if the exhibits and appendices cannot authentically be converted to electronic form as required in R18(a). See Sample Ex Parte Motion for Leave to File Exhibits and Appendices in the Traditional Manner (EXHIBIT D). If the Court grants a filing user leave of court to file exhibits or appendices in the traditional manner, the Notice of Filing Exhibits and Appendices in the Traditional Manner (EXHIBIT E) must be completed and accompany the filing. The exhibits and appendices must then be filed according to the following procedures:

- (1) The filing user must prepare an exhibit index. This exhibit index must be filed as an attachment to the main paper and must state that the exhibits are being filed in the traditional manner rather than electronically.
- (2) The filing user shall file the exhibits in the traditional manner accompanied by a cover sheet identifying the paper to which the exhibits and appendices relate (e.g., “Exhibits in Support of Defendant XYZ Company's Memorandum in Support of Motion for Summary Judgment”). The exhibits and appendices must be tabbed and bound. The Clerk's Office will note on the docket its receipt of the exhibits or appendices with a text-only entry.
- (3) A filing user must serve materials filed in the traditional manner on other parties in accordance with the federal and local rules, and file a notice electronically [see R8(d)].

R19 Access To Papers in ECF

(a) Subject to the “Transcript of Court Proceedings” section, a person may retrieve information from ECF at the Court’s Internet site by obtaining a PACER login and password. A person who has PACER access may retrieve the docket and papers in civil cases, except social security benefits cases. In social security benefits cases, only counsel of record or parties in the case may retrieve papers. The docket in a criminal case is available to a person with PACER access, but only counsel for the government and counsel for a defendant, or a *pro se* defendant with PACER access, may retrieve papers relating to that defendant electronically.

(b) Judicial Conference of the United States policy prohibits routine public access via the Internet of social security benefits cases and criminal cases. However, upon agreement of the parties, the Court may permit access to papers in a particular case when it is for the convenience of the parties and in the public interest to do so.

R20 E-Government Act of 2002

(a) Because the public may access certain case information over the Internet through ECF, sensitive information should not be included in any paper filed with the Court unless it is necessary and relevant to the case. In accordance with Administrative Order No. 03-AO-028 (EXHIBIT F), if sensitive information must be included, the filing party must redact the following personal data identifiers from the paper, whether the paper is filed electronically or in the traditional manner:

- Social Security numbers,
- Financial account numbers,

- Dates of birth,
- Names of minor children, and
- Driver's license or State-issued personal identification card numbers.

Redactions must be indicated in the manner outlined in Administrative Order 03-AO-028, attached as EXHIBIT F.

(b) A party wishing to file a paper containing the personal data identifiers listed above may file an unredacted paper under seal. This paper shall be retained by the Court as part of the record. The Court may, however, require the party to file a redacted copy for the public file.

(c) In addition, caution must be exercised when filing papers containing information such as the following:

- (1) Other personal identifying numbers, such as home addresses and home telephone numbers;
- (2) Medical records, treatment and diagnosis;
- (3) Employment history;
- (4) Individual financial information; and
- (5) Proprietary or trade secret information.

(d) Counsel are strongly urged to share this notice with all clients so that an informed decision about the inclusion of certain materials may be made. If a redacted paper is filed, it is the sole responsibility of counsel and the parties to ensure that all papers comply with the rules and orders of this Court requiring redaction of personal data identifiers. The clerk will not review a paper for redactions.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

[FILLABLE SPACE]

Plaintiff(s),

Case No.: [FILLABLE SPACE]

v.

Judge: [DROP DOWN MENU]

[FILLABLE SPACE]

Defendant(s).

NOTICE OF CHANGE OF ATTORNEY INFORMATION

To: Attorney Admission Clerk and All Other Parties

Pursuant to the Electronic Filing Policy and Procedures, please take notice of the following attorney information change(s) for: _____

Name of Attorney

Name

From: _____ To: _____

I am a Michigan attorney. My Bar Number is: _____

I am an out-of-state attorney.

Law Firm/Government Agency Association:

From: _____

To: _____

I will continue to be counsel of record on the above-entitled case at my new firm/agency.

I am no longer counsel of record on the above-entitled case; please serve all subsequent documents on: _____, Michigan Bar Number: _____ at my former firm/agency. This attorney is is not currently on the Court's docket.

Address: _____

Telephone Number: _____

E-Mail Address: _____

Dated: _____

Signature of Attorney

EXHIBIT A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

SAMPLE FORMATS - CERTIFICATE OF SERVICE

Sample A

I hereby certify that on (date) , I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

_____, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: _____.

s/Name of Filing User
Address
City, State, Zip Code
Phone: (xxx) xxx-xxxx
E-mail: xxx@xxx.xxx
[attorney bar number, if applicable]

Sample B

I hereby certify that on (date) , I presented the foregoing paper to the Clerk of the Court for filing and uploading to the ECF system which will send notification of such filing to the following: _____,

_____ and I hereby certify that I have mailed by United States Postal Service the document to the following non ECF participants: _____.

s/Name of Filing User
Address
City, State, Zip Code
Phone: (xxx) xxx-xxxx
E-mail: xxx@xxx.xxx
[attorney bar number, if applicable]

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

SAMPLE OF EXHIBITS AND APPENDICES INDEX

<u>Exhibit</u>	<u>Description</u>
A	Affidavit of John Smith
B	Excerpts from Jane Doe's Deposition
C-1	Contract Between XYZ Company and ABC Company (Part 1, Pages 1-35)
C-2	Contract Between XYZ Company and ABC Company (Part 2, Pages 36-69)
D	XYZ Company General Ledgers

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

[FILLABLE SPACE],

Plaintiff(s),

CASE NO. [FILLABLE SPACE]

v.

JUDGE [DROP DOWN MENU]

[FILLABLE SPACE],

Defendant(s).

_____ /

SAMPLE
EX PARTE MOTION FOR LEAVE TO FILE
EXHIBITS AND/OR APPENDICES IN THE TRADITIONAL MANNER

NOW COMES [FILLABLE SPACE - PARTY], and pursuant to the Electronic Filing Policies and Procedures, seeks leave of this Court to file exhibits and/or appendices in the traditional manner.

The exhibits and/or appendices to [TITLE OF PAPER] cannot authentically be converted to electronic form for the following reason(s): [FILLABLE SPACE]_____

For the foregoing reasons, [FILLABLE SPACE - PARTY], respectfully requests that this Court grants the leave sought in this motion.

Respectfully submitted,

s/Name of Filing User
Address
City, State, Zip Code
Phone: (xxx) xxx-xxxx
E-mail: xxx@xxxx.xxx
[attorney bar number, if applicable]

Date:

EXHIBIT D

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

[FILLABLE SPACE]

Plaintiff(s),

Case No.: [FILLABLE SPACE]

v.

Judge: [DROP DOWN MENU]

[FILLABLE SPACE]

Defendant(s).

/

SAMPLE

NOTICE OF FILING EXHIBITS AND APPENDICES IN THE TRADITIONAL MANNER

Please take notice that [FILLABLE SPACE, PARTY] has filed exhibits and/or appendices to the following paper in the traditional manner. Leave of Court was previously granted on [FILLABLE SPACE, DATE THAT ORDER ALLOWING FILING WAS ENTERED] by [FILLABLE SPACE, NAME OF JUDICIAL OFFICER].

[TITLE OF PAPER]

The exhibits and/or appendices have been served in hard copy on all parties pursuant to federal and local rules.

Respectfully Submitted,

s/Name of Filing User

Address

City, State, Zip Code

Phone: (xxx) xxx-xxxx

E-mail: xxx@xxxx.xxx

[attorney bar number, if applicable]

Date:

EXHIBIT E

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

Re: Filing of Papers - Compliance with
E-Government Act of 2002
(Pub. L. No. 107-347)

Administrative Order

No. 03-AO-028

ADMINISTRATIVE ORDER

In compliance with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all papers filed with the Court, including exhibits thereto, whether filed electronically or in the traditional paper form, unless otherwise ordered by the Court:

- a. **Social Security Numbers.** If an individual's social security number must be included in a paper, only the last four digits of that number may be used and the number specified in substantially the following format: XXX-XX-1234.
- b. **Names of Minor Children.** If the involvement of a minor child must be mentioned, only the initials of that child may be used.
- c. **Dates of Birth.** If an individual's date of birth must be included in a paper, only the year may be used and the date specified in substantially the following format: XX/XX/1998.
- d. **Financial Account Numbers.** If a financial account number must be included in a paper, only the last four digits of these numbers may be used and the number specified in substantially the following format: XXXXX1234.
- e. **Driver's License Numbers and State-Issued Personal Identification Card Numbers.** If an individual's driver's license number or state-issued personal identification card number must be included in a paper, only the last four digits of that number should be used and the number specified in substantially the following format: X-XXX-XXX-XX1-234.

In compliance with the E-Government Act of 2002, a party asserting that it must file a paper containing a complete personal data identifier listed above may present a motion, supported by a showing of good cause, to file such an unredacted document under seal. If filed, such paper shall be retained by the Court as part of the record. The Court may,

however, still require the party to file a redacted copy for the public file.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each paper for compliance with this order.

This order, which is effective immediately, is intended to supplement Local Rule 5.1, Filing of Papers, until such time as it is amended by action of the Court.

FOR THE COURT:

s/
Chief Judge Lawrence P. Zatkoff

Filed: October 14, 2003