

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Electronic Case Filing ("ECF")

P R O C E D U R A L O R D E R

1. Definitions

(a) "ECF Filing User" means those who have Court-issued log-ins and passwords to file documents electronically.

(b) "Notice of Electronic Case Filing" means the notice generated by the ECF system when a document has been filed electronically, stating that the document has been filed.

(c) "Judge" means the District Judge assigned to the case, or the Magistrate Judge to whom all or any part of a case has been referred pursuant to 28 U.S.C. § 636.

(d) "Court" shall mean the United States District Court for the Eastern District of Pennsylvania

2. Scope of Electronic Case Filing

(a) All civil and criminal cases filed in this court on or after May 1, 2002, will be entered into the court's Electronic Case Filing ("ECF") System in accordance with this Procedural Order on Electronic Case Filing ("Procedural Order"). Except as expressly provided in this Procedural Order and in exceptional circumstances preventing a registered ECF Filing User from filing electronically, all pleadings, documents, motions, memoranda of law, petitions, certificates of service and other documents required to be filed with the clerk of court in connection with a case assigned to the ECF System must be electronically filed.

(b) The filing of all initial papers in civil cases, such as the complaint and the issuance and service of the summons, and, in criminal cases, the indictment or information, warrant for arrest or summons, will be accomplished by hard copy filed in the traditional manner rather than electronically. In a case assigned to the ECF system, parties must concurrently provide the clerk of court with a computer disk, in such form as may be required by the clerk of court, containing a copy of all documents provided in paper form at the time of filing. All subsequent documents and pleadings in cases designated by the court to be assigned to the ECF System must be filed electronically, except as provided in this Procedural Order or as ordered by the judge.

(c) Attorneys and others who are not registered ECF Filing Users in the ECF System are not required to file pleadings electronically and other papers in a case assigned to the system. Once registered, an ECF Filing User may withdraw from participation in the ECF System by providing the clerk of court with written notice of the withdrawal and upon approval of the judge.

(d) Nothing in this Procedural Order shall be construed to nullify or contradict the provisions set forth in Rule 26.1 of the Local Rules of Civil Procedure, *Discovery*, directing that interrogatories, requests for production and inspection and requests for admission under Fed. R.Civ.P. 33, 34 and 36 that answers, responses and objections to interrogatories and to Rules 34 and 36, and that requests, notices of depositions and depositions under Fed.R.Civ.P. 30 and 31, shall not be filed with the court.

(e) Nothing in this Procedural Order shall be construed to nullify or contradict the provisions set forth in Rule 39.3 of the Local Rules of Civil Procedure, *Records, Files and Exhibits*, directing that the clerk of court maintain custody of all records, files and exhibits in all cases filed in this court until such time as the case is finally resolved, dismissed or abandoned, as set forth in paragraph (e) of Rule 39.3.

(f) All cases filed in the ECF System in which a notice of appeal is filed shall be governed by Rule 10 of the Federal Rules of Appellate Procedure and relevant Local Rules and internal operating procedures of the United States Court of Appeals for the Third Circuit, with any differences about whether the record truly discloses what occurred in the district court to be submitted to and settled by the judge. Cases in which there is a right of direct appeal to the United States Supreme Court shall be governed by the rules of the United States Supreme Court.

3. Eligibility, Registration and Password

(a) Attorneys admitted to the bar of this court, including those admitted pro hac vice, may register as ECF Filing Users of the court's ECF system. Registration is in a form prescribed by the clerk of court and requires the Filing User's name, address, telephone number, Internet e-mail address and a declaration that the attorney is admitted to the bar of this court and is a member in good standing.

(b) Upon the approval of the judge, a party to a case who is not represented by an attorney may register as an ECF Filing User in the ECF System solely for purposes of the action. Registration is in a form prescribed by the clerk of court and requires identification of the case as well as the name, address, telephone number and Internet e-mail address of the party. If, during the course of the case, the party retains an attorney who appears on the party's behalf, the attorney must advise the clerk of court to terminate the party's registration as a Filing User upon the attorney's appearance.

(c) Registration as an ECF Filing User constitutes agreement to receive and consent to make electronic service of all documents as provided in this Procedural Order in accordance with Rule 5(b)(2)(D) of the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure, as referenced in Rule 49(b) of the Federal Rules of Criminal Procedure. This agreement and consent is applicable to all future cases until revoked by the ECF Filing User.

(d) Once registration is completed, the ECF Filing User will receive notification of the user log-in and password. ECF Filing Users agree to protect the security of their passwords and immediately notify the clerk of court by telephone, with said notification confirmed immediately thereafter in writing delivered by e-mail, facsimile or hand-delivery to the attention of the clerk of court, if they learn that their password has been compromised. Users may be subject to sanctions by the judge for failure to comply with this provision. For security reasons, the court recommends that ECF Filing Users periodically change their passwords, which shall be done by notifying the clerk of the court who shall implement the change.

4. Consequences of Electronic Filing

(a) Electronic transmission of a document to the ECF System consistent with this Procedural Order, together with the transmission of a notice of electronic case filing from the court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure and the Local Rules of this court, and constitutes entry of the document on the docket maintained by the clerk of court pursuant to Rules 58 and 79 of the Federal Rules of Civil Procedure and Rules 49 and 55 of the Federal Rules of Criminal Procedure.

(b) A document that has been filed electronically is the official record of the document, and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically under Section 2 above, a document filed electronically is deemed filed at the time and date stated on the notice of electronic case filing from the court.

(c) Filing a document electronically does not change any filing deadline set by the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the Local Rules of the court, or an order of the judge.

(d) All pleadings and documents filed electronically must be transmitted in the form prescribed by Rule 10(a) of the Federal Rules of Civil Procedure. All transmissions for electronic case filings of pleadings and documents to the ECF system shall be titled in accordance with the approved directory of civil and criminal events of the ECF system.

5. Attachments and Exhibits

ECF Filing Users may submit all documents identified as exhibits or attachments in either hard copy filed in the traditional manner or electronic form. If using electronic form, an ECF Filing User must submit as exhibits or attachments only those excerpts of the identified documents that are relevant to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. ECF Filing Users who file excerpts of documents as exhibits or attachments electronically pursuant to this Procedural Order do so without prejudice to their right to file timely additional excerpts or the complete document, provided however, that the total number of pages of attachments and exhibits electronically filed shall not exceed 50 without prior approval of the judge. Pages of attachments and exhibits in excess of 50 may be filed as of right in hard copy filed in the traditional manner. Responding parties who choose to file exhibits and attachments electronically may also timely file additional excerpts or the complete document, subject to the same page limitations as set forth above.

6. Sealed Documents

Documents ordered to be placed under seal must be filed in hard copy filed in the traditional manner and not electronically. A motion to file documents under seal may be filed electronically unless prohibited by law. The order of the court authorizing the filing of documents under seal may be filed electronically unless prohibited by law. A paper copy of the order must be attached to the documents under seal and be delivered to the clerk of court.

7. Service of Documents by Electronic Means

(a) When an ECF Filing User electronically files a pleading or other document using the ECF system, a Notice of Electronic Case Filing shall automatically be generated by the system, and shall be sent automatically to all parties entitled to service under the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure and the Local Rules of the Eastern District of Pennsylvania who have consented to electronic service. Electronic service of the Notice of Electronic Case Filing constitutes service of the filed document to all such parties and shall be deemed to satisfy the requirements of Rule 5(b)(2)(D) of the Federal Rules of Civil Procedure and Rule 49 of the Federal Rules of Criminal Procedure

(b) All documents filed using the ECF system shall contain a Certificate of Service stating that the document has been filed electronically and is available for viewing and downloading from the ECF system. The Certificate of Service must identify the manner in which service on each party was accomplished, including any party who has not consented to electronic service.

(c) Parties who have not consented to electronic service are entitled to receive a paper copy of any electronically filed pleading or other document. Service of such paper copy must be made according to the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure and the Local Rules of the Eastern District of Pennsylvania.

(d) As set forth in Section 3 of this Procedural Order, registration as an ECF Filing User constitutes agreement to receive and consent to make electronic service of all documents as provided in this Procedural Order in accordance with Rule 5(b)(2)(D) of the Federal Rules of Civil Procedure and Rule 49 of the Federal Rules of Criminal Procedure. This agreement and consent is applicable to all pending and future actions assigned to the ECF System until revoked by the ECF Filing User.

(e) In accordance with Rule 6(e) of the Federal Rules of Civil Procedure, service by electronic means is treated the same as service by mail for the purpose of adding three (3) days to the prescribed period to respond.

(f) In accordance with Rule 77(d) of the Federal Rules of Civil Procedure, the court may serve notice of entry of orders or judgments by electronic means as provided in Rule 5(b) and Section 3 of this Procedural Order.

(g) In civil cases, the provisions of this Section 7 apply to service of documents covered by Rule 5(a) of the Federal Rules of Civil Procedure. Service of Original Process under Rule 4 of the Federal Rules of Civil Procedure is not authorized under this Procedural Order to be accomplished electronically. This Section 7 does not apply to service of an arrest warrant, summons or subpoena in criminal cases.

8. Signature

(a) The user log-in and password required to submit documents to the ECF System serve as the ECF Filing User's signature on all electronic documents filed with the court. They also serve as a signature for purposes of Rule 11(a) of the Federal Rules of Civil Procedure, the Local Rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court. Each document filed electronically must, if possible, indicate that it has been electronically filed. Electronically filed documents must include a signature block and must set forth the name, address, telephone number and the attorney's state bar identification number, if applicable. In addition, the name of the ECF Filing User under whose log-in and password the document is submitted must be preceded by an "s/" and typed in the space where the signature would otherwise appear.

(b) No ECF Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

(c) Documents requiring signatures of more than one party must be electronically filed either by: (1) submitting a scanned document containing all necessary signatures; (2) representing the consent of the other parties on the document; (3) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three business days after filing; or (4) any other manner approved by the court.

9. Submission of Stipulations and Proposed Orders

An ECF Filing User electronically submitting stipulations or proposed orders which may require a judge's signature must promptly deliver on computer disk or e-mail the stipulation or proposed order to the clerk of court for delivery to the judge unless the judge orders otherwise. An ECF Filing User who electronically submits a stipulation or proposed order is bound by all signature requirements set forth in Section 8 of this Procedural Order and Rule 11(a) of the Federal Rules of Civil Procedure.

10. Retention Requirements

Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the ECF Filing User until three (3) years after the time period for appeal expires. The ECF Filing User must provide original documents for review upon request of the judge.

11. Public Access

(a) Any person or organization, other than one registered as an ECF Filing User under Section 3 of these rules, may access the ECF Filing System at the court's Internet site, www.paed.uscourts.gov, by obtaining a PACER log-in and password. Those who have PACER access but who are not Filing Users may retrieve docket sheets and those documents which the court makes available on the Internet for the fee normally charged for this service as set by the fee schedule authorized by the Administrative Office of United States Courts, but they may not file documents.

(b) Documents in civil cases should be made available electronically to the same extent that they are available for personal inspection in the office of the clerk of court at the U.S. Courthouse. Social Security numbers, dates of birth, financial account numbers and names of minor children should be modified or partially redacted in electronically filed documents.

(c) In connection with the filing of any material in an action assigned to the ECF System, any person may apply by motion for an order limiting electronic access to, or prohibiting the electronic filing of, certain specifically identified materials on the

grounds that such material is subject to privacy interests and that electronic access or electronic filing in the action is likely to prejudice those privacy interests.

(d) Public remote electronic access to documents in criminal cases is not currently available, except in cases where requests for documents impose extraordinary demands on a court's resources, upon consent of all parties and a finding by the judge that such access is warranted. This is consistent with the policy of the Judicial Conference of the United States.

12. Excluded Documents and Cases

A list of types of documents and categories of cases, which are presently excluded from the provisions of this Procedural Order, as may be amended from time to time, is attached hereto and made a part of this Procedural Order.

13. Entry of Court Order

All orders, decrees, judgments and proceedings of the court will be filed in accordance with these rules which will constitute entry on the docket maintained by the clerk of court pursuant to Fed.R.Civ.P. 58 and 79, and Rules 49 and 55 of the Federal Rules of Criminal Procedure. All signed orders will be filed electronically by the clerk of court. Any order filed electronically without the original signature of a judge has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket in hard copy filed in the traditional manner.

14. Notice of Court Order and Judgment

Immediately upon the entry of an order or judgment in an action assigned to the ECF System, the clerk of court will transmit to ECF Filing Users in the case, in electronic form, a notice of electronic filing. Electronic transmission of the Notice of Electronic Case Filing constitutes the notice required by Rule 77(d) of the Federal Rules of Civil Procedure and Rule 49(c) of the Federal Rules of Criminal Procedure. The clerk of court must give notice in paper form to a person who has not consented to electronic service in accordance with the Federal Rules of Civil Procedure.

15. Technical Failure

An ECF Filing User whose filing is determined to be untimely as the result of a technical failure may seek appropriate relief from the judge, provided that the User

immediately notifies the clerk of court of the technical failure by telephone, with said notification confirmed immediately thereafter in writing delivered by e-mail, facsimile or by hand to the attention of the clerk of court. The clerk of the court shall forthwith notify the chambers of the judge.

ATTACHMENT A
Excluded Cases and Documents

As set forth in Section XI of the court's ECF Procedural Order, the following categories of cases and types of documents, as may be amended from time to time, are presently excluded from the provisions of the ECF Procedural Order, consistent with the policy of the Judicial Conference of the United States:

A. EXCLUDED CASES

1. Grand jury matters
2. Qui tam cases
3. Sealed cases

B. EXCLUDED DOCUMENTS

CIVIL CASES

1. All initial papers in civil cases, such as the complaint, amended complaint, third-party complaint, notice of removal and the issuance and service of the summons.
2. Administrative records, including Social Security records.
3. All documents, including the initial complaint and initial habeas corpus petitions, including death penalty habeas corpus petitions, filed by prisoners and pro se litigants.
4. Bankruptcy appeal records.
5. Sealed documents.
6. State court records.
7. Transcript of any proceeding.
8. Discovery material, as set forth in Section I of the court's ECF Procedural Order, referencing Rule 26.1 of the Local Rules of Civil procedure, *Discovery*, including:
 - a) interrogatories, requests for production and inspection and requests for admission under Rules 33, 34 and 36 of the Federal Rules of Civil Procedure;
 - b) answers, responses and objections to interrogatories and to Rules 34 and 36 of the Federal Rules of Civil Procedure;
 - c) requests, notices of depositions and depositions under Rules 30 and 31 of the Federal Rules of Civil Procedure.
9. Praecipe for Writ of Execution.
10. Applications for Writ of Continuing Garnishment.
11. Praecipe to Issue Writ of Revival.
12. Praecipe for Writ of Seizure.
13. Praecipe for Writ to Restore.
14. Civil Jury Verdict Sheets.
15. All Civil Court Orders and Judgments, except for routine scheduling

and pretrial orders.

CRIMINAL CASES

1. In criminal cases, the indictment or information, superseding indictment or superseding information, warrant for arrest or summons.
2. Sealed documents.
3. Transcript of any proceeding.
4. All documents requiring the signature of a defendant in a criminal or magistrate proceeding, such as waiver of indictment, waiver of presentence report, waiver of a jury trial, plea agreement, appearance bond, affidavit, and financial affidavit.
5. Criminal Jury Verdict Sheets.
6. All Criminal Court Orders and Judgments, except for routine scheduling and pretrial orders.
7. Presentence Reports and any objections or other documents filed related to the Presentence Reports.

Click [here](#) for the **REGISTRATION FORM.**

Click [here](#) for the **NOTIFICATION FORM.**

