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# Electronic Case Filing Rules & Instructions

February 3, 2020 Edition

SDNY ELECTRONIC CASE FILING RULES & INSTRUCTIONS

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## Introduction

The United States District Court for the Southern District of New York implemented a Case Management/ Electronic Case Filing (ECF) system in December 2003. Electronic versions of documents have largely replaced paper documents in the Court's files. All new civil and criminal cases filed in this Court after December 2, 2003 are ECF cases.

*Pro se* litigants must file pleadings and documents in the traditional manner on paper unless the assigned judge has granted permission to electronically file on the ECF system. The information in this document applies only to cases assigned to the ECF system.

Please reference any addenda to these Rules & Instructions for interim updates.

The following should be observed when filing electronically:

- The Federal Rules of Civil and Criminal Procedure,
- The Court's [Local Rules](#),
- The assigned judge's [Individual Practices](#), and
- The Court's Electronic Case Filing Rules & Instructions.

The Court is prepared to assist you in filing electronically in the following manner:

- The SDNY Electronic Case Filing Rules & Instructions are your guide to electronic filing.
- Training in Electronic Case Filing (ECF) is available both in person at the courthouse and on-line at <https://www.nysd.uscourts.gov/electronic-case-filing> (*See also section 24 - ECF Help Desk and Training*).

## What's New

February 3, 2020 Edition

### Electronic Filing of Sealed Documents

Attorneys seeking to file under seal in a publicly filed civil or miscellaneous case before a judge whose Individual Practices permit electronic filing under seal shall electronically file the proposed sealed document through the ECF system. Where the Individual Practices of the judge to whom the filing is directed do not expressly permit electronic filing under seal, the proposed sealed document must be submitted in the traditional manner, on paper.

See Section 6 Sealed Documents

### Admission to the Bar in Multi-District Litigation Cases

Any attorney of record in any action transferred under 28 U.S.C. § 1407 may continue to represent his or her client in any district court of the United States to which such action is transferred. Parties are not required to obtain local counsel.

See 20.5 Must I seek formal admission to this court when my case is transferred as part of a Multidistrict Litigation (MDL) case?

### Requesting Assistance with a Filing Error

Requests for assistance with a filing error should be submitted by email to [helpdesk@nysd.uscourts.gov](mailto:helpdesk@nysd.uscourts.gov).

See 21.8 What if I mistakenly file sensitive or confidential information?

### Text Searchable Documents Required

Documents filed by parties on the ECF system, excluding exhibits, must be filed in text searchable format.

See 23.3 Must documents filed by parties on ECF be in text searchable format?

## Part I. Electronic Case Filing Rules

The Court will accept for filing documents submitted, signed or verified by electronic means that comply with the following rules.

### Section 1. Scope of Electronic Filing

**1.1** Except as expressly provided and in exceptional circumstances preventing a party from filing electronically, all documents required to be filed with the Court must be filed electronically. Any party unable to comply with this requirement must seek permission of the Court to file in the traditional manner, on paper. Any such application made after regular business hours may be submitted through the night depository box maintained pursuant to [Local Civil Rule 1.2](#). Unless otherwise ordered by the Court, documents filed by *pro se* litigants must be filed in the traditional manner, on paper, and will be scanned and docketed by the Clerk's Office into the ECF system.

**1.2** In civil and miscellaneous cases the filing of the initial papers, including complaints, notices, petitions, etc., the payment of any applicable fees and the request for and issuance of summonses will be accomplished electronically. ([See section 14 - Opening a Civil Action](#)).

**1.3** Unless limited by their terms to civil cases, the provisions of these procedures relating to electronic filing apply in miscellaneous and criminal cases. Electronic filing procedures shall not apply to applications for arrest, search or electronic surveillance warrants; for other orders in aid of or ancillary to a criminal investigation; or to proceedings relating to the grand jury.

**1.4** In a criminal case the indictment or information, including any superseders, shall be filed and given to the defendant in the traditional manner on paper in accordance with the Federal Rules of Criminal Procedure and applicable Local Rules rather than electronically; in addition, service of subpoenas shall be made in the traditional manner on paper in accordance with the Federal Rules of Criminal Procedure and applicable Local Rules. After a criminal case has been opened, counseled parties must promptly provide the Clerk of Court with electronic copies in PDF-A format of all documents previously provided in paper form. All subsequent documents must be electronically filed except as provided in these Rules & Instructions or as ordered by the Court.

**1.5** The Clerk of Court shall write and revise as necessary Instructions to guide Filing Users and maximize the efficiency of the Electronic Case Filing system. ([See Part II - Electronic Case Filing Instructions](#)).

### Section 2. Eligibility and Registration

**2.1** Attorneys admitted to the bar of this Court, including those admitted *pro hac vice* and attorneys authorized to represent the United States, are required to register as Filing Users of the Court's ECF system. Unless excused by the Court, attorneys not already Filing Users appearing in cases must register as Filing Users. Registration is accomplished through the Public Access to Court Electronic Records (PACER)

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system. Registration is in a form prescribed by the Clerk 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 or authorized to represent the United States or admitted *pro hac vice*. See the ECF page at <https://www.nysd.uscourts.gov/attorney-registration> for details.

**2.2** (a) The Court may permit or require a *pro se* party to a pending civil action to register as a Filing User in the ECF system solely for purposes of that action. Registration is in a form prescribed by the Clerk and requires identification of the action as well as the name, address, telephone number and Internet e-mail address of the party. A sample [Motion for Permission for Electronic Case Filing is available here](#). The Court may require the party to attend in-person training for Electronic Case Filing as a condition of registering as a Filing User. If, during the course of the proceeding, the party retains an attorney who appears on the party's behalf the attorney must advise the Clerk to terminate the party's registration as a Filing User upon the attorney's appearance.

(b) A *pro se* party who is not incarcerated may consent to be a Receiving User (one who receives notices of court filings by e-mail instead of by regular mail, but who cannot file electronically). A sample [Pro Se \(Non-prisoner\) Consent & Registration Form to Receive Documents Electronically is available here](#).

**2.3** Filing Users agree to protect the security of their passwords and immediately notify the Clerk and PACER if they learn that their password has been compromised.

**2.4** In a civil action the Clerk will transmit Notices of Electronic Filing (NEF) to:

- (a) the attorney who electronically filed the case initiating document,
- (b) each attorney identified on the Civil Cover Sheet or case initiating document in cases opened on the ECF system by the Clerk,
- (c) each additional attorney who subsequently appears in the action and electronically files a Notice of Appearance,
- (d) any *pro se* party who has received permission from the Court to register as a Filing User, and
- (e) any *pro se* party who has registered as a Receiving User.

In a criminal case the Clerk will enter, as Filing Users to whom Notices of Electronic Filing will be transmitted and who will be granted access to electronically file and retrieve documents in the case, the attorney(s) for the United States identified on the Criminal Designation Form or subsequently identified as representing the United States in the case and each attorney electronically filing a Notice of Appearance on behalf of a defendant.

**2.5** An attorney of record may, by written request to the judge, have transmission of Notices of Electronic Filing (NEF) to another attorney in his or her firm terminated. Please review the judge's Individual Practices.

[\(See section 22 - ECF Passwords\)](#).

### **Section 3. Consequences of Electronic Filing**

**3.1** Except as otherwise provided in section 4 herein, electronic filing of a document in the ECF system consistent with these procedures, together with the transmission of a Notice of Electronic Filing (NEF) from

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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 kept by the Clerk under Federal Rules of Civil Procedure 58 and 79 and Federal Rules of Criminal Procedure 49 and 55.

**3.2** When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court (subject to the exception set out in section 4 below), 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 1, a document filed electronically is deemed filed on the date and time stated on the Notice of Electronic Filing (NEF) from the Court. For *pro se* litigants, paper documents filed with the Court, and subsequently scanned and docketed to the ECF system, shall be deemed filed on the date the documents are received by the Court. Paper documents scanned and docketed to the ECF system by the court are subject to disposal.

**3.3** Electronic filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day.

**3.4** Judges' Individual Practices should continue to be followed with respect to delivery of courtesy copies. ([See section 19 - Service of Electronically Filed Documents](#)).

### **Section 4. Entry of Court Orders**

**4.1** All orders, decrees, judgments and proceedings of the Court will be filed in accordance with these procedures and entered on the docket kept by the Clerk under Federal Rules of Civil Procedure 58 and 79 and Federal Rules of Criminal Procedure 49 and 55. Orders of the Court may appear solely in electronic form. Documents may be signed by a judge using an electronic signature or may be scanned so as to contain an image of the judge's signature.

**4.2** A Filing User submitting a document electronically that requires a judge's signature must promptly deliver the document in such other form, if any, as the Court requires. ([See section 18 - Non-Electronic Documents](#)).

**4.3** All Filing and Receiving Users have an obligation to review the Court's actual order, decree, or judgment, as available on ECF, and should not rely on the description of such order, decree or judgment in the Notice of Electronic Filing (NEF) alone. In the case of any discrepancy between an order, decree, or judgment of the Court and the description of such order, decree, or judgment in the NEF, the order, decree, or judgment of the Court shall control.

### **Section 5. Attachments and Exhibits**

**5.1** Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless the Court permits paper filing. Exhibits must be filed as attachments to the main document. Each attachment must be clearly titled so the subject of the exhibit is clear. The filing of exhibits in text searchable format is encouraged, but not required.

**5.2** A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are relevant to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this procedure do so without prejudice to their right to file timely additional excerpts or the complete document. Responding parties may file timely additional excerpts that they believe are relevant or the complete document. A party may move before the Court for permission to serve and file in hard copy documents that cannot be reasonably scanned.

**5.3** In cases where the record of an administrative or other prior proceeding must be filed with the Court, such record may be served and filed in hard copy without prior motion and order of the Court. ([See section 15 – Amended Pleadings and Motions](#)).

## **Section 6. Filing Under Seal and Redacting in Civil and Miscellaneous Cases**

### **6.1 Do I need permission to file under seal or redact?**

Yes. Documents may not be placed under seal or redacted without leave of the Court. A filing under seal must be preceded by either a Motion to Seal, a Letter Motion to Seal or an Order of the Court permitting filing under seal. (A Motion to Seal is not required for information redacted in accordance with Federal Rule of Civil Procedure 5.2(a).)

### **6.2 Is electronic filing under seal in ECF limited to publicly filed civil and miscellaneous cases?**

Yes. Electronic filing under seal is limited to publicly filed civil and miscellaneous cases and is not permitted in cases sealed in their entirety, or in criminal cases.

### **6.3 Must all Motions/Letter Motions to Seal or Redact be electronically filed in ECF?**

Yes. All Motions to Seal and Letter Motions to Seal or Redact must be electronically filed through the ECF system.

### **6.4 Must all proposed sealed documents be electronically filed in ECF?**

Consult the judge's [Individual Practices](#) to determine if, in addition to the motion, the proposed sealed document must also be electronically filed on the ECF system. Where the Individual Practices do not expressly permit the electronic filing under seal of the proposed sealed document, or are silent on the subject, the proposed sealed document must be submitted in the traditional manner, on paper.

### **6.5 In brief, how do I electronically file a Motion to Seal or Redact?**

- (a) Electronically file a Motion or Letter Motion to Seal in public view on the court's ECF system. The motion must identify the Viewing Level to be applied to the proposed sealed document.
- (b) Electronically file any Affidavit or Declaration in Support of Motion in public view and electronically relate it to the motion. (For information on redacting supporting documents see 6.8.)



- (c) Electronically file the proposed sealed document under seal using a restricted Viewing Level in ECF, and electronically relate it to the motion. (For information on Viewing Levels see 6.9.)

#### **6.6 How do I electronically file documents in support of a Motion to Seal or Redact?**

Documents filed in support of a Motion to Seal or Redact must be filed separately from the motion, not as attachments to the motion, and each must be electronically related to the motion. Supporting papers may be filed under seal or redacted only to the extent necessary to safeguard information sought to be filed under seal (see 6.8).

#### **6.7 How do I electronically file a proposed sealed document?**

Contemporaneous with the filing of the Motion to Seal/Letter Motion to Seal, the proposed sealed document must be separately filed using a restricted Viewing Level selected by the filer from the list below, and it must be electronically related to the motion.

#### **6.8 How do I electronically file a redacted document?**

It is not possible to file both publicly and under seal in a single docket entry. You must therefore file the entire document, including exhibits, twice: once publicly in redacted form; and again, as a proposed sealed document in un-redacted form, with the redactions highlighted. Both documents must be electronically related to the motion. In the publicly filed entry use the word “Redacted” in the title of the document and in the summary docket text. If an entire exhibit is confidential, substitute a page in the publicly filed entry noting the exhibit is filed under seal (a/k/a placeholder or slip sheet). Caution should be exercised when redacting electronically to ensure redacted text is fully masked. Not all forms of electronic redaction are effective.

#### **6.9 What are Viewing Levels, and how can I limit access to a proposed sealed document filed on ECF?**

By default, documents filed on the ECF system are open to public inspection. However, filers may request permission to limit access to a document (seal) filed in ECF (see 6.1). The filing party has the ability to designate which case participants will have access by selecting the appropriate Viewing Level for the document from the list below. Absent further restriction by the Court, the filing party will have access to their own filings.

- **Public:** No restriction at all (the default option). The document may be viewed by all PACER users and court personnel;
- **Selected Parties:** Access is restricted by the filer to attorneys appearing for selected case participants, selected pro se parties with ECF access, and court personnel;  
or
- **Ex Parte:** Access is restricted to the attorney(s) appearing for the filing party and court personnel.

#### **6.10 Can a non-party case participant view a sealed filing?**

Yes, but only if the filing party clicks to grant access to the non-party when filing under the Selected Parties restricted Viewing Level, which will list each case participant by name and party role.

Under the Selected Parties Viewing Level the name of every case participant who has appeared in the case will also appear in the list of persons the filing party may choose to grant access to the sealed filing. This includes not only plaintiffs and defendants but also other case participants such as Interested Parties, Intervenors, Movants and Miscellaneous parties. Caution should therefore be exercised when selecting individuals who will receive access to a sealed filing under the Selected Parties option.

**6.11 When electronically filing under seal, what will be visible to the public?**

The motion and supporting papers must be filed in public view. Each will be visible to the public and should not include confidential information sought to be filed under seal. Summary docket text on the ECF Docket Report is always visible to the public and should never include confidential information sought to be filed under seal. Pending a decision of the Court, access to the proposed sealed document(s) will be limited to those persons included in the restricted Viewing Level selected by the filing party (see 6.9).

**6.12 How do I electronically file under seal or redact pursuant to a prior Court order?**

Where a prior order of the Court permits filing your document under seal or in redacted form, and the judge's Individual Practices permit electronic filing under seal, no new motion is necessary. The document may be electronically filed under seal using a restricted Viewing Level that is consistent with the Court's order, and it must be electronically related to the order.

**6.13 What happens after the Court rules on the Motion to Seal or Redact?**

If the Court grants the motion, the proposed sealed document will retain the requested restricted Viewing Level.

If the Court denies the motion, in whole or in part, the Court may modify the Viewing Level restriction or the Selected Parties permitted to view the document and/or limit the extent to which the document may be sealed and/or redacted, or unseal the document in its entirety by removing the restricted Viewing Level.

The Court may, by specific order or Individual Practice, require a previously sealed document to be unsealed or filed in redacted form for the public record in accordance with Federal Rule of Civil Procedure 5.2(d).

**6.14 When filing under seal will my co-counsel be able to view the sealed document on ECF?**

Yes, provided the co-counsel has appeared for the filing party on ECF.

**6.15 Will secondary email accounts added to my PACER/ECF account have access to sealed documents?**

Yes. The secondary account holder will have the same access to sealed documents allowed to the primary account holder.

Adding a secondary email account, including a third-party service provider (e.g., PACER Pro, DocketBird, CourtDrive, RECAP), creates the potential to inadvertently reveal sealed or restricted case information. Failure to take proper precautions to protect the confidentiality of information filed under seal could be a violation of an order of the court or state bar rules regarding confidentiality. See the court's [March 27, 2019, Notice to the Bar](#) on this subject.

**6.16 What if I believe a document cannot or should not be electronically filed on ECF?**

Any party unable to comply with a judge’s requirement for electronic filing under seal through the ECF system, or who has reason to believe that a particular document should not be electronically filed, must move for leave of the Court to file in the traditional manner, on paper.

**6.17 When is electronic filing under seal not permitted?**

Electronic filing under seal of proposed sealed documents is not permitted unless authorized by the [Individual Practices](#) of the judge to whom the filing is directed.

Electronic filing under seal is not permitted in criminal cases.

Electronic filing under seal is not permitted in cases sealed in their entirety. It is only available to parties seeking to file individually sealed or redacted documents in publicly filed civil and miscellaneous cases.

New civil or miscellaneous actions that include case initiating documents sought to be filed under seal may not be filed electronically (Amended Standing Order, 15mc131).

Electronic filing under seal is not permitted by pro se parties with electronic filing privileges without express permission of the Court. This includes pro se parties who have been granted general permission to electronically file documents on ECF.

Where electronic filing under seal is not permitted, the filing shall be submitted in the traditional manner, on paper. A copy of the sealing order must be attached to the outside of the envelope containing the documents under seal and be hand delivered to the Records Management Office.

**Section 7. 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 Filing User until one year after all time periods for appeals expire, except that affidavits, declarations and proofs of service must be maintained in paper form by the Filing User until five years after all time periods for appeals expire. On request of the Court, the Filing User must provide original documents for review.

**Section 8. Signatures**

**8.1** The user log-in and password required to submit documents to the ECF system serve as the Filing User’s signature on all electronic documents filed with the Court. They also serve as a signature for purposes of the Federal Rules of Civil Procedure, including Rule 11, the Federal Rules of Criminal Procedure, the Local Rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court.

**8.2** Electronically filed documents must include a signature block and must set forth the name, address,

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telephone number and e-mail address all in compliance with the Federal Rules of Civil Procedure and Local Civil Rule 11.1. In the absence of a scanned signature image, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an “S/” typed in the space where the signature would otherwise appear.

**8.3** No 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. Filing Users are obligated to immediately bring to the attention of the court any unauthorized filings.

**8.4** A document requiring the signature of a party or witness shall be electronically filed in a scanned format that contains an image of the actual signature.

**8.5** Documents requiring signatures of more than one party must be electronically filed either by: (a) submitting a scanned document containing all necessary signatures; (b) representing the consent of the other parties on the document; (c) 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 (d) in any other manner approved by the Court. ([See section 13 - ECF Basics](#)).

### **Section 9. Service of Documents by Electronic Means**

**9.1** In cases assigned to the ECF system, service is complete provided all parties receive a Notice of Electronic Filing (NEF), which is sent automatically by email from the Court (see the NEF for a list of who did/did not receive notice electronically). Transmission of the NEF constitutes service upon all Filing and Receiving Users who are listed as recipients of notice by electronic mail. It remains the duty of Filing and Receiving Users to maintain current contact information with the court and PACER and to regularly review the docket sheet of the case.

**9.2** Attorneys and *pro se* parties who are not Filing or Receiving Users must be served with 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. Such paper service must be documented by electronically filing proof of service. Where the Clerk scans and electronically files pleadings and documents on behalf of a *pro se* party, the associated NEF constitutes service.

### **Section 10. Notice of Court Orders and Judgments**

Immediately upon the entry of an order or judgment in a proceeding assigned to the ECF system, the Clerk will transmit to all Filing and Receiving Users in the case, in electronic form, a Notice of Electronic Filing (NEF). Electronic transmission of the NEF constitutes the notice required by Federal Rule of Criminal Procedure 49(c) and Federal Rule of Civil Procedure 77(d). In ECF cases, it remains the duty of Filing and Receiving Users to regularly review the docket sheet of the case. The Clerk must give notice in paper form to a person who is not a Filing or Receiving User in accordance with the Federal Rules of Civil Procedure or the Federal Rules of Criminal Procedure. In the case of any discrepancy between an order, decree, or judgment of the Court and the description of such order, decree, or judgment in the NEF, the order, decree,

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or judgment of the Court shall control. ([See section 19 - Service of Electronically Filed Documents](#)).

### **Section 11. Technical Failures**

A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court. ([See section 23 - ECF Computer System Information](#)).

### **Section 12. Public Access**

A person may review filings that have not been sealed by the Court, in person, at the Clerk's Office.

A person may also view available Court records on-line through the Public Access to Court Electronic Records (PACER) electronic public access service at <https://www.pacer.gov/>. A person who has PACER access may retrieve docket sheets in civil, criminal and miscellaneous cases; documents in civil and miscellaneous cases assigned to the ECF System; and documents in criminal cases filed after November 1, 2004. Only counsel for the United States and for a defendant may retrieve documents on-line in criminal cases filed prior to November 1, 2004. ([See section 13 - ECF Basics](#)).

## Part II. Electronic Case Filing Instructions

### Section 13. ECF Basics

#### 13.1 May letters be filed electronically?

Letters addressed to judges who accept letters may be filed electronically. Parties should consult the assigned judge's Individual Practices to determine if the judge accepts letters at all and, if he or she does, whether the judge has any page limitations on letters and/or requires courtesy copies of letters filed on ECF (and, if so, by what means of delivery). All letters addressed to the Court must include a subject line with the case name and docket number (e.g., "Re: *Doe v. Smith*, 13 Civ. 1234 (ABC)"). Letters solely between parties or their counsel or otherwise not addressed to the Court may not be filed electronically on ECF (except as exhibits to an otherwise properly filed document).

In civil and miscellaneous cases, letters filed electronically must be filed in the following manner:

- Letters that are informational in nature, and do not request relief, should be filed using the ECF Filing Event LETTER listed under OTHER DOCUMENTS.
- Letters requesting relief must be permitted by the Local Rules and these Rules and must be filed using the ECF Filing Event MOTION. After selecting the ECF Filing Event MOTION, the Filing User should identify the motion as a LETTER-MOTION. The Filing User must then select from the following list of motions that may be made by LETTER-MOTION:

- Motion to Adjourn Conference
- Motion to Change Attorney Name on Roll
- Motion to Compel
- Motion for Conference
- Motion to Consolidate Cases
- Motion to Continue
- Motion re: Discovery
- Motion to Expedite
- Motion for Extension of Time
- Motion for Extension of Time to Amend
- Motion for Extension of Time to Answer
- Motion for Extension of Time to Complete Discovery
- Motion for Extension of Time to File Document
- Motion for Extension of Time to File Response/Reply
- Motion for Extension of Time re Transcript
- Motion to File Amicus Brief
- Motion for Leave to File Document
- Motion for Leave to File Excess Pages
- Motion for Local Rule 37.2 Conference

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Motion for Oral Argument  
Motion to Reopen  
Motion to Reopen Case  
Motion to Seal  
Motion to Stay  
Motion to Substitute Attorney

- If the Filing User is making a type of motion that does not appear in this list, the motion may not be made by letter.
- If a motion is made by letter, the opposing party may file any response in letter form and the moving party may file any reply in letter form. When filing such a response letter or reply letter, the Filing User should answer yes when prompted if the filing is in connection with a letter-motion.

In criminal cases, letters filed electronically must be filed in the following manner:

- Letters relating to sentencing should be filed using the ECF Filing Event SENTENCING SUBMISSION.
- All other letters requesting relief should be filed using the ECF Filing Event MOTION. After selecting the ECF Filing Event MOTION, the Filing User should identify the motion as a LETTER-MOTION. If a motion is made by letter, the opposing party may file any response in letter form and the moving party may file any reply in letter form. When filing such a response letter or reply letter, the Filing User should answer yes when prompted if the filing is in connection with a LETTER-MOTION.
- All other letters - that is, letters that are informational in nature and do not request relief - should be filed using the ECF Filing Event LETTER listed under OTHER DOCUMENTS.

### 13.2 In brief, how do I file a document electronically?

- (a) On the Internet go to <https://www.pacer.gov/> to reach the court's ECF system.
- (b) Select the appropriate category, CIVIL or CRIMINAL.
- (c) Find the appropriate ECF Filing Event, or title, for the document. Find a list of ECF Filing Events in the [ECF Docketing Events List](#).
- (d) Indicate the party filing the document (hold down the control key to designate more than one party).
- (e) Upload a PDF-A version of the document. Include any exhibits as attachments to the main document. Separately file supporting documents such as a Memorandum of Law or Affidavit in Support.
- (f) Save the final screen, the Notice of Electronic Filing (NEF).
- (g) Submit a paper courtesy copy to the judge if required (see the judges' Individual Practices at <https://nysd.uscourts.gov/judges>).

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### 13.3 How are exhibits filed?

Exhibits must always be filed as attachments to a document. Exhibits should not be scanned into the same PDF file with the main document. Each attachment must be clearly titled in the ECF entry, so the subject of the exhibit is clear. For example: NOTICE OF REMOVAL (Attachments: #1 State Court Complaint, #2 State Court Summons). The filing of exhibits in text searchable format is encouraged, but not required.

### 13.4 What is the secure website for electronic filing on the SDNY ECF system?

To file electronically, go to <https://www.pacer.gov>, or link to the filing website via the Court's website <https://www.nysd.uscourts.gov>.

### 13.5 What is the public website for information about the Court?

For publicly available information, go to <https://www.nysd.uscourts.gov> (no password required). From the homepage click on ECF for information on Electronic Case Filing.

### 13.6 What are the mailing addresses for the Court?

- United States District Court, Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007-1312;
- United States District Court, Southern District of New York, Thurgood Marshall United States Courthouse, 40 Centre Street, New York, NY 10007-1312; and
- United States District Court, Southern District of New York, Charles L. Brieant Jr. Federal Building and United States Courthouse, 300 Quarropas Street, White Plains, NY 10601-4150.

### 13.7 How can I tell if my case is an ECF case?

All new civil, criminal and miscellaneous cases are assigned to the ECF system. The docket sheet will include the letters "ECF" in the upper right corner and an entry titled "CASE DESIGNATED ECF".

### 13.8 If a case is deemed an ECF case, am I required to file documents electronically?

Yes. In an ECF case the Filing User is responsible for electronically filing documents over the Internet using a secure SDNY log-in and password. With certain exceptions outlined below, the Clerk's Office will not accept paper filings in an ECF case. (See [section 18 - Non-Electronic Documents](#)).

### 13.9 May I file documents electronically in a non-ECF (paper) case?

No. Do not file documents electronically in non-ECF (paper) case.

### 13.10 Will the Court file documents electronically in a non-ECF (paper) case?

Yes, the Court may file Orders and Opinions in electronic format in a non-ECF (paper) case. This will not



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convert a non-ECF case to an ECF case, and parties should continue to file documents on paper.

### **13.11 Can I file electronically at any time?**

Yes. You can file electronically 24 hours a day, 7 days a week, 365 days a year. Filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day. ([See section 3 - Consequences of Electronic Case Filing](#)).

### **13.12 When is an electronically filed document deemed filed?**

An electronically filed document is deemed filed on the “filed on” date indicated on the Notice of Electronic Filing (NEF). ([See section 3 - Consequences of Electronic Case Filing](#)).

### **13.13 What is a docket sheet, and how can I view one?**

The docket sheet is the official record of a case. You can view the docket sheet, including images of electronically filed documents, at the Clerk’s Office or remotely via the Public Access to Court Electronic Records (PACER) electronic public access service (<https://www.pacer.gov>). ([See section 12 - Public Access](#)).

### **13.14 Should I routinely view the docket sheet in my case?**

Yes. In ECF cases parties are alerted to case activity by a Notice of Electronic Filing (NEF) sent by email. However, e-mail is not infallible. It remains the duty of Filing and Receiving Users to regularly review the docket sheet of the case in order not to miss a filing and in order to ensure all items filed using his/her ECF password are authorized filings. Filing Users are obligated to immediately bring to the attention of the court any unauthorized filings. ([See section 9 - Service of Documents by Electronic Means](#)).

### **13.15 How do I sign an electronically filed document?**

The ECF log-in and password of the filing attorney serve as an electronic signature. The filing attorney may sign a document by placing an “S/” before his or her typed name or by using a digital image of his or her signature. The attorney’s name and contact information, including e-mail address, must appear in the signature block below the signature line. Signatures for all others (clients, witnesses, etc.) must be scanned in order to capture the ink signature. ([See section 8 - Signatures](#)).

### **13.16 How will I know if it is appropriate to electronically file my document?**

First, determine if your case is an ECF case - not all cases are ECF cases. When filing in an ECF case, if you can find an ECF Filing Event that directly matches your document then it should be electronically filed. If you cannot find a matching ECF Filing Event, it may not be appropriate to file electronically. See the list of non-ECF documents in section 18. ([See section 24 - ECF Help Desk and Training](#)).

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### **13.17 How do I find the correct ECF Filing Event for my document?**

When filing electronically you will be asked to name your document by selecting the appropriate ECF Filing Event. The ECF Filing Event is essentially the title of the document on the docket sheet, such as Motion for Summary Judgment or Affidavit in Support of Motion. ECF Filing Events are listed by category on the ECF system. Within each category is an alphabetical listing of available ECF Filing Events. You may use the search function to find your Filing Event. The [ECF Docketing Events List](#) is useful for finding your event and the category in which it is listed. If you cannot find the appropriate event for your document do not file, it using the wrong event. For assistance contact the ECF Help Desk at [helpdesk@nysd.uscourts.gov](mailto:helpdesk@nysd.uscourts.gov), or call (212) 805-0136 during business hours. ([See section 24 - ECF Help Desk and Training](#)).

### **13.18 Are proposed orders, judgments, stipulations and consents electronically filed in civil cases?**

Yes. In civil cases proposed orders (including orders to show cause without a temporary restraining order or other request for emergency relief), judgments, stipulations and consents must be filed electronically on the court's ECF system using the Filing Events found under PROPOSED ORDERS.

Filers are required to use the specific ECF Filing Event that correctly describes the proposed order. See Appendix A for a list of electronically filed proposed orders, judgments, stipulations and consents and the associated ECF Filing Events.

In criminal cases, proposed orders must not be filed electronically but should be submitted to chambers directly, outside of the ECF system.

### **13.19 Are Notices of Voluntary Dismissal and Stipulations of Voluntary Dismissal electronically filed?**

Yes. Those Notices of Voluntary Dismissal that cite Fed. R. Civ. P. § 41(a)(1)(A)(i) and Stipulations of Voluntary Dismissal that cite Fed. R. Civ. P. § 41(a)(1)(A)(ii) must be electronically filed on the ECF system. This procedure applies only when the filing dismisses the entire action and does not request any further relief or order of the court.

If the filing seeks an order of the court pursuant to Fed. R. Civ. P. § 41(a)(2) filers should use the ECF Filing Event PROPOSED ORDER.

### **13.20 Should discovery related requests and responses be electronically filed?**

No. Most discovery related requests and responses "must not be filed until they are used in the proceeding or the court orders filing..." (see Fed. R. Civ. P. 5(d)(1)). When the filing of discovery related material is appropriate only relevant excerpts should be filed (see Local Civil Rule 5.1 and ECF Rule 5.2).

### **13.21 Should I submit courtesy copies?**

Read the judge's Individual Practices to learn if courtesy copies are required. Individual Practices are available on-line at <https://www.nysd.uscourts.gov/judges>. ([See section 3 - Consequences of Electronic Case Filing](#)).

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### **13.22 Are transcripts filed electronically?**

Pursuant to the Judicial Conference of the United States Policy on Privacy and Public Access to Electronic Case Files, official transcripts of Court proceedings taken by official court reporters, contract court reporters and transcribers may be available electronically through the PACER electronic public access service.

### **13.23 In Consolidated and MDL cases can I file simultaneously in member cases?**

Yes. When filing in Consolidated and Multi-District Litigation (MDL) cases you can save time by electronically filing a document simultaneously in the member case(s) using the computer function titled "Spread Text and Effects" (not available in related cases). Please observe the following MDL filing rules:

- In consolidated and MDL cases you must file all documents first under the Lead or MDL case number.
- You then may precisely designate the member case(s) in which you wish to simultaneously file.
- Do not file in all cases unless it is appropriate. Your document may not relate to all member cases.
- The case caption must include all the case numbers in which your document will be filed.

### **13.24 How to file when the assigned judge is no longer on the bench.**

If it is necessary to file in a closed case that is assigned to a judge who is no longer on the bench (due to elevation to another court, retirement or death) a courtesy copy should be provided to the Clerk of Court. This will assist the court in swiftly reassigning the matter to a sitting judge.

### **13.25 What if I make a mistake in electronic filing?**

Immediately refile the document in correct form on the ECF system. Then send an email to the Court's Quality Assurance Unit (ECF\_error@nysd.uscourts.gov). The email must include the case number, case title, judge's name, the document number and name/title of the document that was incorrectly filed as well as the document number and name/title of the document that was the correctly filed. Please indicate the error that was made when filing the initial document. Other questions may be directed to the ECF Help Desk at [helpdesk@nysd.uscourts.gov](mailto:helpdesk@nysd.uscourts.gov). For information regarding the filing of sensitive or confidential information in error, see section 21.8.

## **Section 14. Opening a Civil Action**

### **14.1 Must new civil and miscellaneous cases be electronically filed on the ECF system?**

Yes. Attorneys seeking to commence a new civil or miscellaneous case are required to electronically file the new case on the Court's ECF system. With the exception of certain cases listed below, the Clerk's Office will not accept new civil or miscellaneous cases filed in paper form.

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Any party unable to electronically file must seek permission of the court to file in the traditional manner, on paper. Any such request made after business hours may be submitted through the night depository box maintained pursuant to [Local Civil Rule 1.1](#).

### 14.2 Are there cases that must not be electronically filed?

Yes. The following cases must not be initiated electronically and must be filed in the traditional manner, on paper:

- Civil or miscellaneous cases that include an Order to Show Cause, Temporary Restraining Order, or other documents sought to be filed under seal;
- Civil or miscellaneous cases commenced by a *pro se* party;
- *Habeas Corpus* cases filed pursuant to 28 U.S.C. §2255 (prisoner in Federal custody);
- False Claims Act cases (*Qui Tam* or “whistleblower” cases) filed pursuant to 31 U.S.C. §3729 et seq;

In the cases listed above, the filing party must, within 24 hours of filing the case, send PDF-A copies of the case initiating documents to the Clerk’s Office by email. The email must include:

- (a) the case initiating document, including the case number and judge’s initials;
- (b) the Civil Cover Sheet, form JS 44C/SDNY; and
- (c) a Related Case Statement (if applicable).

Email case initiating documents to: [caseopenings@nysd.uscourts.gov](mailto:caseopenings@nysd.uscourts.gov)

Each document must be in a separate PDF-A file no larger than 10 megabytes (separate large files into smaller parts if necessary, and label accordingly). The subject line of the e-mail and the name of the file should list the case number followed by a brief document description (ex. “Re: 01cv1234 JLP-complaint”). Failure to do so within 24 hours will delay adding your documents to the computerized ECF docket.

*Pro se* litigants are exempt from that portion of this Rule that requires the party to email documents to the Clerk’s Office.

### 14.3 How do I electronically file a new civil or miscellaneous case on the ECF system?

Directions for electronically filing a new civil or miscellaneous case may be found at <https://www.nysd.uscourts.gov/electronic-case-filing>.

### 14.4 Are courtesy copies required?

Consult the judge’s [Individual Practices](#) to determine if a courtesy copies should be submitted to chambers.

### 14.5 Can a Motion to Appear *Pro Hac Vice* and a new civil or miscellaneous case be electronically filed simultaneously?

Yes. An attorney who is not admitted to the bar of this court who seeks to file a new civil or miscellaneous case may apply for electronic filing (ECF) privileges at [www.pacer.gov](http://www.pacer.gov), enabling the electronic filing of a Motion to Appear *Pro Hac Vice* and the case initiating documents.

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### 14.6 Are summonses issued electronically?

Yes. After electronically filing a new case, a party must electronically file a REQUEST FOR ISSUANCE OF SUMMONSES and attach proposed summonses in PDF format to the filing. The Clerk's Office will review the REQUEST and use the ECF system to issue summonses suitable for printing.

### 14.7 Does the method for serving a summons and complaint remain the same?

Yes. Although new civil and miscellaneous cases must be commenced with the court through electronic filing, the method of serving a summons and complaint remains the same pursuant to Fed.R.Civ.P. 4.

### 14.8 Am I required to deliver other documents to my adversary?

Yes. In order to alert an adversary to the requirements of Electronic Case Filing and the assigned Judge's Individual Practices you are required to send to all parties the following documents (available at <https://www.nysd.uscourts.gov>), either as a PDF attachment to an e-mail or in paper form: (a) Electronic Case Filing Rules & Instructions (this document); and (b) the [Individual Practices](#) of the assigned Judge. *Pro se* litigants who are not Filing Users are exempt from this Rule.

### 14.9 How is proof of service for the case initiating document filed?

Electronically file the proof of service for the case initiating document on the ECF. ([See section 7 – Retention Requirements](#)).

*Pro se* litigants who have been granted *in forma pauperis* (IFP) status are exempt from this Rule. *Pro se* litigants who have not been granted IFP status shall deliver the original paper proof of service with summons attached to the Clerk's Office. ([See section 19 - Service of Electronically Filed Documents](#)).

### 14.10 Are records from state or administrative courts electronically filed?

Where the record of an administrative or other prior proceeding must be filed with the Court, and it is voluminous, such record may be filed and served in hard copy without prior motion and order of the Court. ([See section 5 – Attachments and Exhibits](#)).

### 14.11 What if I make a mistake electronically filing a new case?

New civil and miscellaneous cases filed electronically that contain the following deficiencies may be administratively closed without prejudice and summons may not be issued unless the deficiency is corrected within five (5) days of electronic transmission by the Clerk of a Notice of Deficient Filing:

- The case initiating document contains the wrong document; an illegible or unreadable document; or no document at all; or
- The filing fee due was not paid, either in whole or in part.

Where a case is administratively closed for one of the reasons above, a filing party may seek to reopen the case after any deficiency is cured. Within 60 days after the case closing a party should file a Notice of

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Application to Reopen Case, describing the efforts to cure the deficiency and seeking to reopen the case. Applications to reopen such administratively closed cases filed after 60 days of closing must proceed by motion. Questions regarding other errors may be directed to the ECF Help Desk at [helpdesk@nysd.uscourts.gov](mailto:helpdesk@nysd.uscourts.gov) or by calling (212) 805-0136 during business hours.

### **14.12 What if I make a duplicate payment when electronically filing a new case?**

You may request a refund of a duplicate payment by sending a letter to the Clerk of Court. The letter should include the case number, date of payment, the document associated with the payment, the pay.gov receipt number(s) and an email address where you can be reached. Do not contact your credit card company to request a refund.

## **Section 15. Amended Pleadings and Motions**

### **15.1 Are amended pleadings filed electronically?**

Yes. After a case is opened in accordance with section 14 of these Rules, all subsequent amended complaints, intervenor complaints, third party complaints, etc. must be filed electronically on the ECF system. If an order of the court is required to file the amended pleading, the signed order must be attached to the filing as an exhibit. When filing, select only those parties the amended pleading is filed against. Filers should review the judge's Individual Practices to determine if courtesy copies are necessary.

### **15.2 How are summonses issued when electronically filing an amended pleading?**

If a party is added when electronically filing an amended pleading, a summons should be requested by electronically filing a REQUEST FOR ISSUANCE OF SUMMONS and attaching a proposed summons in PDF/A format. Where multiple parties are added, a rider may be attached to a single summons listing all new parties. In response, the Clerk's Office will electronically file a SUMMONS ISSUED event containing a summons with an electronic seal suitable for printing. Summons forms are available at <https://nysd.uscourts.gov/forms>. A summons is not necessary when no party is added to a case.

### **15.3 What ECF Filing Event should be used to file a motion?**

Use the ECF Filing Event beginning with the word "Motion". The ECF system contains over 160 separate motion Filing Events, all beginning with the word "Motion". See the [ECF Docketing Events List](#) for a complete list of motions and supporting documents. Do not use the "Notice" filing event to file a motion.

### **15.4 What ECF Filing Event should be used to file supporting papers?**

Use the ECF Filing Events for supporting papers found in the category "Replies, Opposition and Supporting Documents". Do not use the ECF Filing Event for Motion to file supporting papers. For example, a motion, an affidavit in support and a memorandum of law in support constitute three separate filings. Labeling each as "Motion" is incorrect and would make it appear three motions were filed instead of one.

### **15.5 How can I learn to electronically file amended pleadings and motions?**

Instructions and training information are available at <https://www.nysd.uscourts.gov/electronic-case-filing>.

## **Section 16. Judgments**

### **16.1 How do I obtain a Clerk's Certificate of Default before-seeking a Default Judgment?**

A Clerk's Certificate of Default is required before seeking a default judgment.

- (a) Electronically file a PROPOSED CLERK'S CERTIFICATE OF DEFAULT (form available at <https://www.nysd.uscourts.gov/forms>, and
- (b) Electronically file as a separate ECF Filing Event an AFFIDAVIT or DECLARATION in support of the request.

The Clerk's Office will review the request and, where appropriate, electronically file a signed Clerk's Certificate of Default on the ECF system. After the Clerk's Certificate of Default is entered on the docket, you may then seek a Default Judgment. For a Default Judgment pursuant to Rule 55 (b)(1), please see rule 16.4 below. For a Default Judgment pursuant to Rule 55 (b)(2), consult the Individual Practices of the assigned judge to determine the appropriate method (at <https://www.nysd.uscourts.gov/judges>). If the judge's Individual Practices contain no specific rules regarding Default Judgments, follow rule 16.4 below.

### **16.2 Default Judgment brought by Motion**

- (a) After the Clerk's Office enters a signed Clerk's Certificate of Default on the docket, you may electronically file a MOTION FOR DEFAULT JUDGMENT on the ECF system.
- (b) Electronically file the following documents as separate ECF Filing Events: (1) AFFIDAVIT or DECLARATION IN SUPPORT OF MOTION (include as attachments copies of the case initiating document and the proof of service); (2) STATEMENT OF DAMAGES (unless requesting an inquest); and (3) a PROPOSED DEFAULT JUDGMENT using the Filing Event found under PROPOSED ORDERS.
- (c) Electronically file proof of service for the Motion for Default Judgment.

### **16.3 Default Judgment brought by Order to Show Cause (O.S.C.)**

- (a) After the Clerk's Office enters a signed Clerk's Certificate of Default on the docket (see Rule 16.1) you may electronically file a PROPOSED ORDER TO SHOW CAUSE WITHOUT EMERGENCY RELIEF using the Filing Event found under PROPOSED ORDERS.
- (b) Electronically file the following documents as separate ECF Filing Events (1) the AFFIDAVIT or DECLARATION in Support (include as attachments copies of the case initiating document and the proof of service); (2) a STATEMENT OF DAMAGES (unless requesting an inquest); and (3) a PROPOSED DEFAULT JUDGMENT using the Filing Event found under PROPOSED ORDERS.
- (c) Electronically file proof of service for the signed O.S.C.

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### 16.4 Default Judgment

Where a judge's Individual Practices contain no specific rules regarding default judgments you may proceed by directly seeking a default judgment.

- (a) After the Clerk's Office enters a signed Clerk's Certificate of Default on the docket (see Rule 16.1) you may electronically file a PROPOSED DEFAULT JUDGMENT using the Filing Event found under PROPOSED ORDERS.
- (b) Electronically file the following documents as separate ECF Filing Events (1) the AFFIDAVIT or DECLARATION in Support (include as attachments copies of the case initiating document and the proof of service); and  
(2) a STATEMENT OF DAMAGES (unless requesting an inquest).

### 16.5 How do I file a Satisfaction of Judgment?

Electronically file a PROPOSED SATISFACTION OF JUDGMENT on the ECF system (form available at <https://www.nysd.uscourts.gov/forms>).

### 16.6 How do I request an Abstract of Judgment?

Electronically file a PROPOSED ABSTRACT OF JUDGMENT on the ECF system. (Form available at <https://www.nysd.uscourts.gov/forms>). A filing fee is required and must be paid on-line during this filing. The Clerk's Office will review the request and, where appropriate, issue an Abstract of Judgment.

### 16.7 How do I register a judgment from this district in another district court?

Electronically file a PROPOSED CERTIFICATION OF JUDGMENT TO BE REGISTERED IN ANOTHER DISTRICT on the ECF system. (Form AO 451 is available at <https://www.nysd.uscourts.gov/forms>). A filing fee is required and must be paid on-line during this filing. The Clerk's Office will review the request and, where appropriate, issue a Clerk's Certification of a Judgment to be Registered in Another District.

## Section 17. Appeals

### 17.1 How do I file a Notice of Appeal in a civil or miscellaneous case?

In civil and miscellaneous cases Filing Users must electronically file any Notice of Appeal through the ECF system. The fee is paid on-line through the ECF system. Instructions and training are available at <https://www.nysd.uscourts.gov/electronic-case-filing>.

*Pro se* litigants who are not Filing Users are exempt from that portion of this Rule that requires litigants to electronically file the Notice of Appeal. The Clerk's Office will scan and electronically file all proper appellate papers received from *pro se* litigants who are not Filing Users.



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### 17.2 How do I file a Notice of Appeal in a criminal case?

A Notice of Appeal in a criminal case must be filed in the traditional manner on paper either at the courthouse or by mail. Include the filing fee if necessary.

## Section 18. Non-Electronic Documents

### 18.1 In an ECF case, are there documents that should not be electronically filed?

Yes, including:

- Temporary restraining orders or other proposed order for emergency relief, see below;
- Sealed documents in criminal cases;
- Sealed documents directed to judges who do not permit electronic filing under seal;
- Consent to Proceed Before U.S. Magistrate Judge (Fed. R. Civ. P. § 73), see below;
- Writ of Execution, see below;
- Surety bonds, see below;
- Proposed orders in criminal cases, see below; and
- Notices of Appeal in criminal cases, see section 17;

### 18.2 Is an Order to Show Cause that includes a Temporary Restraining Order filed electronically?

No. A proposed ORDER TO SHOW CAUSE that includes a TEMPORARY RESTRAINING ORDER or other proposed order for emergency relief must be submitted in the traditional manner, on paper, to the Orders and Judgments Clerk. If signed by the Court, the Clerk's Office will electronically file only the order. After the order appears on the docket sheet, the attorney must separately file all supporting papers on the ECF system.

Note, a PROPOSED ORDER TO SHOW CAUSE WITHOUT EMERGENCY RELIEF must be electronically filed using the ECF Filing Event found under PROPOSED ORDERS.

### 18.3 Is a Consent to Proceed Before a U.S. Magistrate Judge filed electronically?

No. A CONSENT TO PROCEED BEFORE A U.S. MAGISTRATE JUDGE pursuant to 28 U.S.C. §636(c) and Fed. R. Civ. P. § 73, may be sent to the Clerk's Office by U.S. Mail or by email to [judgments@nysd.uscourts.gov](mailto:judgments@nysd.uscourts.gov). Only consent forms with the original signatures of all parties may be forwarded to the judge. The form is available at <https://nysd.uscourts.gov/forms>.

*Pro se* litigants who are not Filing Users are exempt from that portion of this Rule that permits litigants to send documents by email and shall deliver documents to the Clerk's Office in paper form.

### 18.4 Is a Writ of Execution filed electronically?

No. A WRIT OF EXECUTION must be submitted to the Clerk's Office in paper form and include an original

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signature from the attorney. The Writ may be mailed to the Orders and Judgments Clerk with a stamped, self-addressed return envelope, or hand delivered. The Writ of Execution form is available at <https://nysd.uscourts.gov/forms>.

### **18.5 Are Proposed Orders in Criminal Cases filed electronically?**

No. In criminal cases, proposed orders must not be filed electronically but should be submitted to chambers directly, outside of the ECF system.

### **18.6 Are surety bonds filed electronically?**

No. Surety bonds are filed in the traditional manner on paper. Include a copy of the Court's Order regarding the bond.

## Section 19. Service of Electronically Filed Documents

### **19.1 How is service accomplished for electronically filed documents?**

Filing and Receiving Users who have appeared in the case will receive a Notice of Electronic Filing (NEF) by e-mail whenever there is case activity. The NEF constitutes service upon all Filing and Receiving Users. A hyperlink to a PDF image of any electronically filed document will be included (not all activity includes a PDF document). The Clerk's Office will no longer mail paper copies of court-initiated documents to Filing and Receiving Users. The Clerk's Office will mail copies of all court-initiated documents to *pro se* parties who have not registered as Filing or Receiving Users. ([See section 9 - Service of Documents by Electronic Means](#)).

### **19.2 Am I required to serve a paper copy of an electronically filed document?**

Possibly. In cases assigned to the ECF system, if all parties receive a NEF, service is complete upon transmission of the NEF by the Court, and you are not required to serve a paper copy.

If any party does not receive a NEF, you are required to accomplish service on that party in the traditional manner, in paper form. Then you must electronically file proof of service (see below). The NEF receipt will inform you who will receive notice of the filing "electronically" (by e-mail from the Court) and who will receive notice "by other means" (traditional service in paper form). ([See section 9 - Service of Documents by Electronic Means](#)).

### **19.3 Am I required to electronically file proof of service in an ECF case?**

Only two circumstances require the electronic filing of proof of service in an ECF case:

- (a) Proof of service for the case initiating document must be electronically filed on the ECF system, and

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- (b) Proof of service must be electronically filed any time a party is served with a paper document.

*Pro se* parties who are not Filing Users are exempt from that portion of this Rule requiring proof of service to be filed electronically. ([See section 9 - Service of Documents by Electronic Means](#)).

### 19.4 Is a filing timely if it is completed before midnight?

Yes. Filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day. ([See section 3 - Consequences of Electronic Case Filing](#)).

### 19.5 Do I receive a receipt when I file electronically?

Yes. When an electronic filing is successful the final screen will display a Notice of Electronic Filing (NEF), or filing receipt. The NEF indicates what was filed, by whom, when it was filed and if a document number was assigned on the docket sheet. If you do not see the NEF screen your filing may not have been successful, and you are advised to check the docket sheet.

### 19.6 Should I routinely view the docket sheet in my case?

Yes. Although service is accomplished in ECF cases by an e-mail sent by the Court, e-mail is not infallible and you risk missing an e-mail message. It remains the duty of Filing and Receiving Users to maintain current contact information with the court and PACER and to review regularly the docket sheet of the case. Filing Users are obligated to immediately bring to the attention of the court any unauthorized filings. ([See section 9 - Service of Documents by Electronic Means](#)).

## Section 20. Attorney Appearances

### 20.1 How does an attorney's name appear on the docket sheet?

When a new civil case is electronically filed on the ECF system, the name of the filing attorney will appear on the docket sheet as attorney of record. Any co-counsel wishing to appear must electronically file a Notice of Appearance.

If the new civil case is one that must be filed in hard copy form (see Rule 14.2), the Clerk's Office will open the case on the ECF system and add the name of each attorney that appears below the signature line of the case-initiating document.

In a pending case, an attorney may use his or her ECF account to electronically file a Notice of Appearance on his or her own behalf but not on behalf of another attorney.

An attorney responding to a filing must add his or her own name to the docket sheet the first time he or she appears in the case. When electronically filing the first document, the responding attorney must: (a)

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click to create an “Association” with the client (i.e. represent the client); (b) ensure the “Notice” box is checked to receive electronic notice of case activity; and (c) click the “Lead” attorney box if applicable.

### **20.2 If the attorney’s name is on the docket sheet why doesn’t the attorney receive e-mail notification of filings?**

It could be because the attorney’s name was added to the docket sheet before the attorney obtained electronic filing (ECF) privileges from this court. In that case the attorney’s name and firm address will appear at the top of the docket sheet, but the e-mail address will be missing. If this is the case the solution is to obtain electronic filing (ECF) privileges at <https://www.pacer.gov/>. Or it could be because the attorney filed a Notice of Appearance but failed to check the “Notice” box when creating an association with the client. In this case, contact the ECF Help Desk at [helpdesk@nysd.uscourts.gov](mailto:helpdesk@nysd.uscourts.gov), or call (212) 805-0136 during business hours. ([See section 24 - ECF Help Desk and Training](#)).

### **20.3 How do I file a Notice of Appearance in an ECF case?**

An attorney who joins a case already in progress must electronically file a Notice of Appearance. When electronically filing the Notice of Appearance, the attorney must: (a) click to create an “Association” with the client (i.e., represent the client); (b) ensure the “Notice” box is checked to receive electronic notice of case activity; and (c) click the “Lead” attorney box if applicable. Please note the ECF system will not allow an attorney to file electronically a Notice of Appearance on behalf of another attorney. The Notice of Appearance and the ECF password must belong to the same attorney. ([See section 2 – Eligibility and Registration](#)).

### **20.4 How do I file a Motion to Appear *Pro Hac Vice* in an ECF case?**

To file a Motion for Admission *Pro Hac Vice* on your own behalf you must:

- (a) At [www.pacer.gov](http://www.pacer.gov), apply for *pro hac vice* electronic filing privileges; and
- (b) on the S.D.N.Y. ECF system, electronically file a Motion to Appear *Pro Hac Vice* in the appropriate case and pay the required fee. A sponsoring attorney is not required.

When a sponsoring attorney moves (files) a *Pro Hac Vice* Motion on behalf of an attorney applicant, the sponsoring attorney must notify the attorney applicant when the order has been signed granting *Pro Hac Vice* motion. The attorney applicant must, upon granting of the order, immediately obtain a PACER account, pay the required fee and file a Notice of Appearance online through the court's ECF system. A separate *Pro Hac Vice* Motion is required for each attorney applicant.

For complete *pro hac vice* instructions go to the Attorney tab of the court's website at <https://nysd.uscourts.gov/attorney/prohac>.

### **20.5 Must I seek formal admission to this court when my case is transferred as part of a Multidistrict Litigation (MDL) case?**

No. Any attorney of record in any action transferred under 28 U.S.C. § 1407 may continue to represent

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his or her client in any district court of the United States to which such action is transferred. Parties are not required to obtain local counsel ([Rules of Procedure of the U.S. Panel on Multidistrict Litigation](#), Section I, Rule 2.1(c)).

A CM/ECF account from this court will be required. Apply for a CM/ECF account at [pacer.gov](http://pacer.gov) by selecting the MDL option under the attorney admission/e-filing registration link on the Manage My Account page. Include the MDL number. No fee will be required.

### **20.6 Am I required to notify the Court and PACER when my contact information changes?**

Yes. To ensure communications from the court reach all parties, filing parties are required to notify the court and PACER of any changes in contact information. Attorneys must file a Notice of Change of Address in every pending case. For more information go to <https://www.nysd.uscourts.gov>. A *pro se* party must notify the court of any changes in contact information, whether or not the party is a Filing or Receiving User, by submitting a [Notice of Change of Address for Pro Se Litigants](#) form.

### **20.7 Can I specify additional e-mail addresses to receive notification of activity in my cases?**

Yes. You can add alternate e-mail addresses in the ECF system in Utilities, Maintain Your Account, and E-mail Information.

### **20.8 Can I receive electronic notification of activity in cases where I do not represent a party?**

Yes. You can add a case to your e-mail notification list on the ECF system even if you don't represent a party to the case. Click on Utilities, Maintain Your Account, and E-mail Information.

## **Section 21. Privacy and Public Access to ECF Cases**

### **21.1 Has electronic filing expanded public access to documents?**

Yes, documents filed electronically on the ECF system are more widely available than ever before. Electronic documents can now be viewed over the Internet by anyone with a PACER account. In order to protect people's privacy and reduce the threat of identity theft, parties should be cautious when filing sensitive information.

### **21.2 Who is responsible for redacting sensitive information from filed documents?**

It is the sole responsibility of counsel and the parties to be sure that all documents comply with the rules of this Court requiring redaction of personal identifiers. Neither the judge nor the Clerk of Court will review documents for compliance with these rules.

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### 21.3 Am I required to redact certain sensitive information in a document?

Yes. Amendments to Federal Rule of Civil Procedure 5.2 and Criminal Procedure 49.1 require that personal identification information be redacted from documents filed with the Court. You should not include sensitive information in any document filed with the Court unless such inclusion is necessary and relevant to the case. A party wishing to file a document containing the personal data identifiers listed below must file a redacted version in the public file:

In all cases:

- Social Security Numbers: include only the last four digits of the number.
- Names of Minor Children: include only the initials of the child.
- Dates of Birth: include only the year.
- Financial Account #'s: include only the last four digits of these numbers.

In criminal cases:

- Home Addresses: include only the City and State.

### 21.4 Is there other sensitive information that I should consider redacting?

Yes. Caution should be exercised when filing documents that contain the following:

- Personal identifying numbers (PIN #'s), such as a driver's license number
- Medical records, treatment and diagnosis
- Employment history
- Individual financial information
- Proprietary or trade secret information
- Information regarding an individual's cooperation with the government

### 21.5 Am I required to file sensitive information under seal?

No. In addition to the redacted public filing a party may, but is not required to, file the personal data identifiers listed above by filing under seal. You may file under seal either: (a) a reference list or (b) an original, unredacted version of the document.

If you find it necessary to file sensitive information, the Court prefers a reference list to the filing of a complete document. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. The reference list may be amended as of right.

### 21.6 Who should maintain custody of original unredacted documents?

Parties are responsible for maintaining possession of original, unredacted documents, and information redacted from publicly filed documents. The Court may later require counsel to furnish the unredacted information.

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### 21.7 What if I mistakenly file sensitive or confidential information?

- (a) Contact the ECF Help Desk via email at [helpdesk@nysd.uscourts.gov](mailto:helpdesk@nysd.uscourts.gov). The subject line should include the words “Emergency Sealing Request”. The filing will be temporarily sealed and made inaccessible to PACER users.  
The suggested hours for the electronic filing of sealed documents are 8:30 AM – 4:00 PM, Monday through Friday, excluding holidays, when court staff are available to assist with any difficulties you may encounter. If the request for assistance is received after business hours, it will be addressed the next business day.
- (b) After notifying the ECF Help Desk, the filing party must ask the presiding judge, in writing, for the filing to be formally sealed by the Court.
- (c) Electronically file a redacted version of the mistaken filing.

## Section 22. Electronic Filing (ECF) Privileges

### 22.1 To file electronically do I need electronic filing (ECF) privileges for the United States District Court for the Southern District of New York?

Yes. To file electronically in this court, you must have electronic filing (ECF) privileges issued by the U.S. District Court for the Southern District of New York. ECF accounts are available to attorneys in good standing and *pro se* parties granted permission to file electronically. To obtain electronic filing (ECF) privileges go to <https://www.pacer.gov/>. Protect the security of your password. ([See section 2 – Eligibility and Registration](#)).

### 22.2 How do I obtain electronic filing (ECF) privileges if I am already admitted to the bar of this Court?

An attorney admitted to the bar of this court may register for electronic filing (ECF) privileges (“E-File Registration Only”) at <https://www.pacer.gov/>.

### 22.3 How do I gain admission to the bar of this court and obtain electronic filing (ECF) privileges?

The application to be admitted to the bar of this Court includes a request for electronic filing (ECF) privileges. Go to <https://www.pacer.gov/>.

## Section 23. ECF Computer System Information

### 23.1 What Internet browser should I use to file electronically on the ECF system?

Each new version of ECF is tested with specific Internet browsers before release. Check the ECF log-in page for a list of approved Internet browsers.

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### 23.2 What is a PDF-A file and how do I create one?

All documents electronically filed on the ECF system must be in PDF-A format (portable document format). A PDF-A file is created using PDF writer software such as Adobe Acrobat (go to <https://www.adobe.com/> for details). PDF-A files cannot be altered and provide archiving and security features to the filer and the Court.

### 23.3 Must documents filed by parties on ECF be in text searchable format?

Yes. Documents filed by parties on the ECF system must be in text searchable format. The filing of exhibits in text searchable format is encouraged, but not required. Best results are obtained by converting documents directly from word processor format to PDF-A format.

### 23.4 Is there a limit to the size of a document that can be filed on ECF?

Yes. No single PDF file may be larger than 10.0 megabytes (10.0 mb). If the filing is too large, the ECF system will not allow it to be filed, and you will not see a Notice of Electronic Filing (NEF or filing receipt) screen. To determine the size of an Adobe Acrobat PDF file, click on File, Document Properties, Summary.

### 23.5 What if my document exceeds the file size limit?

Converting documents directly from a word processor to PDF-A format creates the smallest possible file in terms of computer memory. If that is not possible, scan your document at low resolution. Within the Adobe Acrobat program, on the "Scan Manager" screen, adjust the settings for black and white and 200 dpi (dots per inch). This allows more pages to fit into a single PDF-A file. If that does not work, separate an oversized file into 2 or more parts. Simply label each file 1a, 1b, 1c, etc. Only relevant excerpts of exhibits should be electronically filed. ([See section 5 - Attachments and Exhibits](#)).

### 23.6 What if a technical failure prevents me from filing electronically?

If a technical failure prevents you from filing electronically, follow the steps below:

- (a) Do not attempt to file paper documents in ECF cases except for emergency filings (e.g., Temporary Restraining Order).
- (b) If the Court's ECF system is out of order you should electronically file your document as soon as the system is restored.
- (c) If you missed a filing deadline when the ECF system was out of order, attach a statement to your filing explaining how the interruption in service prevented you from filing in a timely fashion. ([See section 11 - Technical Failures](#))

## Section 24. ECF Help Desk & Training

### 24.1 How can I learn how to file electronically?

The Court offers several options for ECF training. Details are available on the ECF page at



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<https://nysd.uscourts.gov/electronic-case-filing>

- (a) In-person training classes.
- (b) Step by step filing instructions can be found on-line in the course materials for our in-person training. From the ECF page click on Training. Then click on Instructor Led Training and click on the course title.
- (c) A web-based tutorial for electronic filing is also available.

### **24.2 How do I contact the court's ECF Help Desk?**

The court's ECF Help Desk is available via email at [helpdesk@nysd.uscourts.gov](mailto:helpdesk@nysd.uscourts.gov), or by telephone at (212) 805-0136, Monday through Friday during business hours.

### **24.3 Whom should I contact for assistance with my PACER/ECF account?**

For assistance with a log-in or password issue, contact the PACER service center at [pacer@psc.uscourts.gov](mailto:pacer@psc.uscourts.gov), or by calling (800) 676-6856.

Addenda to these ECF Rules & Instructions may be included at the end of this document and on the ECF Rules & Instructions page at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov).

The preceding Electronic Case Filing Rules & Instructions have been approved by the Board of Judges of the Southern District of New York.