UNITED STATES DISTRICT COURT
Eastern District of Virginia

ATTORNEY CIVIL CASE OPENING PROCEDURES

Revised July 2, 2019

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Part 1: Introduction

THINGS YOU NEED BEFORE YOU BEGIN	
Complaint	**Notice of Removal**
1. Complaint in PDF 2. Civil Case Cover Sheet in PDF **3.** Exhibits **(Do Not Attach Summons)**	1. Notice of Removal in PDF 2. Civil Case Cover Sheet in PDF 3. State Court Complaint, Answer, Counterclaim, Cross-Claim, Amended Initiating Pleadings, Proof(s) of Service on Summons and Complaint, and Request for Party Dismissals

If you have opened a case incorrectly, do not open another case. Call the Help Desk and we will resolve any issues with the first case. The Clerk's Office Operations Section Helpdesk is available from 8:30 a.m. to 5:00 p.m. Monday through Friday except for federal holidays or closures.

Division	Helpdesk Contact Number
Alexandria	703-299-2101
Norfolk/Newport News	757-222-7201
Richmond	804-916-2220

The civil event *Civil Case (Attorney)* should be used to file the following civil initiating documents:

- Complaint
- Notices of Removal
- Petition for Confirmation of Arbitration
- Petitions for Writ of Habeas Corpus
- Petitions for Writ of Mandamus
- Miscellaneous Cases (e.g., motion to compel or quash a subpoena from another district court).

Exemptions: Civil initiating documents exempted from electronic submission and to be filed traditionally on paper are:
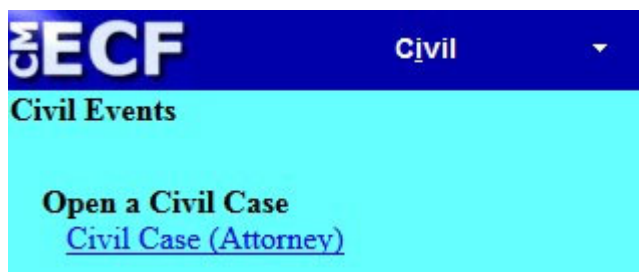
- Cases filed by a pro se litigant
- Ship Attachment cases
- Qui tam cases
- Cases to be filed **under seal**
- Receivership cases
- Registrations of Foreign Judgment
- Bankruptcy Appeal
- Cases transferred in from another district

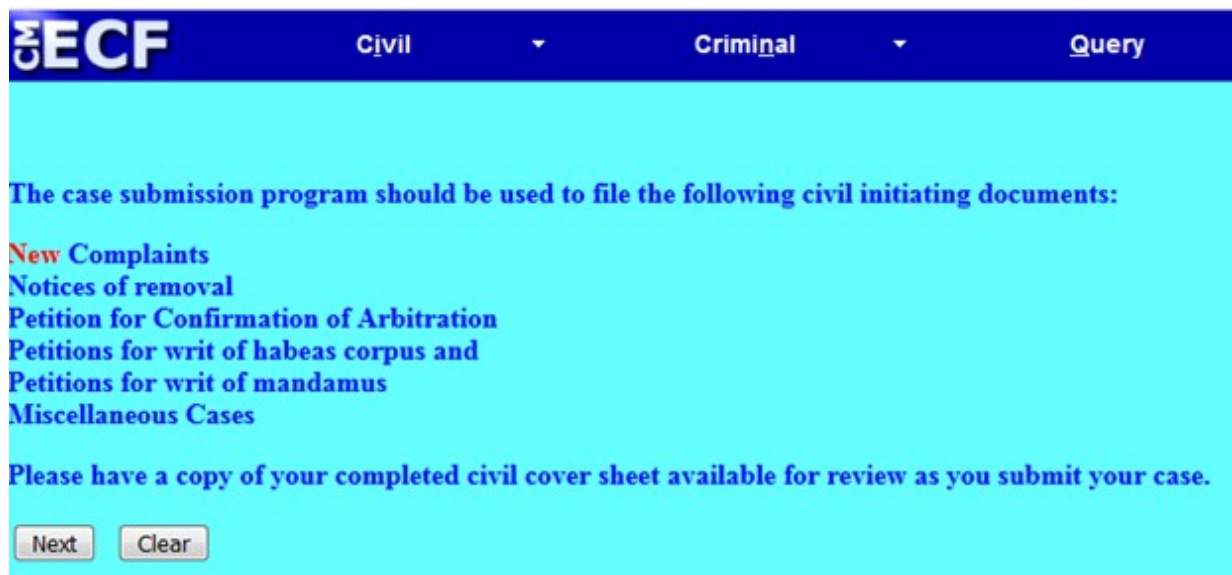## Part 2: Case Opening Screen

Begin with logging into CM/ECF.

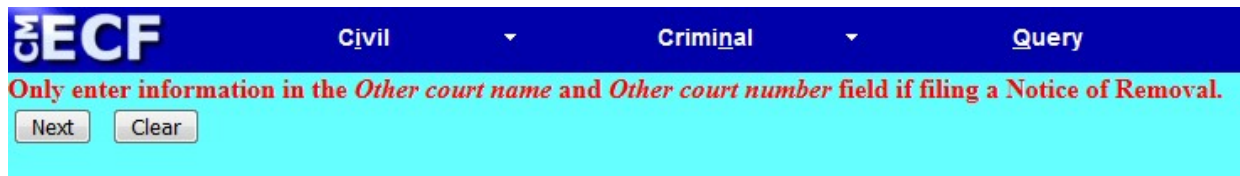Select *Civil* from the blue menu bar >*Open a Civil Case>Civil Case (Attorney).*

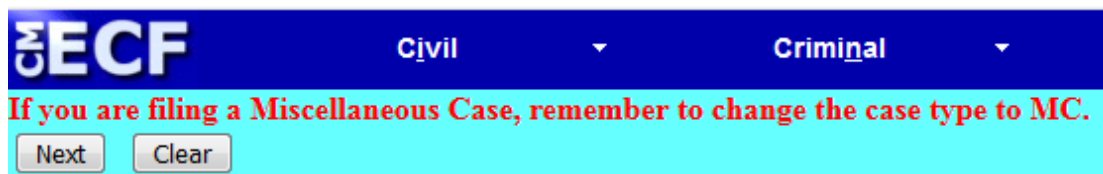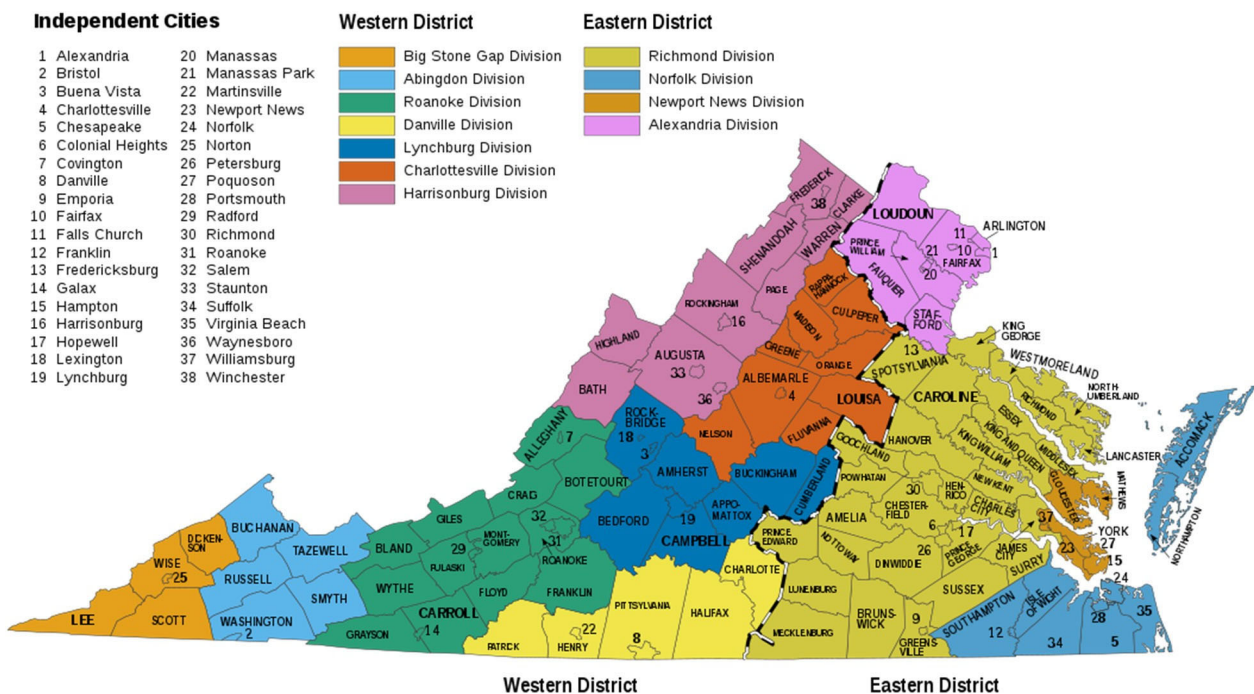Select *Next.*

Select *Next.*

Select *Next.*

Part 3: Selecting Division

Select proper *Office* (Alexandria, Newport News, Norfolk, or Richmond) and *Case Type* will be *cv* or *mc*. Only enter information in the *Other Court Name* and *Other Court Number* field if filing a *Notice of Removal*. If you have a related case, file a *Notice of related case* after filing the initiating documents.

You may check the map of offices and divisions to verify your selection (Refer to <u>VAED Cities & Counties</u> for guidance).

Part 4: Entering Civil Case Statistical Information

Complete the fields on this screen using the guidelines provided in the table below>Select *Next*.

Much of the information needed for this screen is found on the civil cover sheet. Be sure to enter the appropriate county.

Jurisdiction	3 (Federal Question) ▼
Cause of action	05:C704 (05:704 Labor Litigation) ▼ Filter: [ ] Clear filter
Nature of suit	310(Airplane) ▼ Filter: [ ] Clear filter
Origin	1 (Original Proceeding) ▼
Citizenship plaintiff	▼
Citizenship defendant	▼
Jury demand	p (Plaintiff) ▼ **Class action** n (No Class Action Alleged) ▼ **Demand ($000)** 200
Arbitration code	▼ **County** Arlington ▼
Fee status	pd (paid) ▼ **Fee date** 10/2/2018 **Date transfer** [ ]

Next   Clear

Jurisdiction	1 (U.S. Government Plaintiff) 2 (U.S. Government Defendant) 3 (Federal Question) default 4 (Diversity) must enter citizenship for diversity case 5 (Local Question) court use only
Cause of action	Select the U.S. Civil Statute under which you are filing, as cited in the initiating document.
Nature of suit	Select the primary nature of suit from the drop down list. (Refer to Civil Cover Sheet for guidance).
Origin	1 (Original Proceeding) used when filing an original complaint 2 (Removal from State Court) used when filing a Notice of Removal All other codes are for Court use only
Citizenship	Complete this field only if the selected jurisdiction is diversity.
Jury demand	Complete this field only if the jury demand is contained in the initiating document.
Class action	n = no (No Class Action Alleged) y = yes (Class Action Alleged)
Demand ($000)	Dollar amount demanded in thousands, e.g. $100,000 = 100; complete this field only if dollar demand is contained in the initiating document or on the civil cover sheet. Leave blank for Notice of Removal. Money demand over 9 million should be entered as four 9's (9999).
Arbitration code	Leave blank
County	County is a statistical code for the county of residence of the first listed plaintiff in all actions except U.S. government plaintiff actions. If the U.S. government is the plaintiff, enter the statistical code for the county of residence of the first listed defendant.
Fee status	Leave default (paid); for government plaintiff set fee status to (waived); for IFP plaintiffs, set fee status to in forma pauperis.
Fee date	Leave default
Date transfer	Leave blank

Part 5: Adding Parties

The left pane contains the controls to *Add New Party* and *Create Case*; this section is the participant tree. Since no participants exist for this new case, the participant tree is empty.
The right pane contains the fields to *Search* for a party. Search for each party listed in the caption of your initiating document (Refer to <u>Instructions for Searching and Adding Parties</u> for guidance). Choose the appropriate party from the list and click *Select Party>*If the appropriate party does not appear in the list, click *Create New Party*.

Reminder:

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Part 6: Participant Screen

The Role field is defaulted to *Defendant* and must be changed to the appropriate role.

If you have descriptive information for a party as reflected in the case caption, enter the description in the *Party Text* field. Leave all other fields blank. Do not enter address or email information.

Select *Add Party*.

When the user clicks the *Add Party* button on the *Party Information* screen, the party will be added to the participant tree on the left side of the screen as shown below. Continue to add all parties as they appear in the caption of your initiating document. Use upper and lower-case letters to input names. Do not use all CAPS.
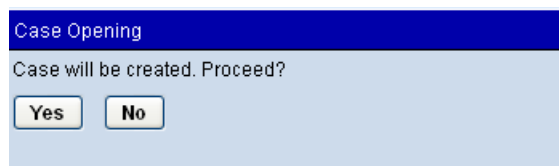
Part 7: Functional Icons

Once all parties are added to the participant tree, please review the information for accuracy. The functional icons displayed next to a participant's name allow you to make the following modifications at this point in the case opening process:

  Delete this party from this case

  Add new alias

  Edit the party or alias

To delete an incorrect party, click on the icon. Search for the correct party and add the correct party to the case. To make changes to the role or party text fields, click on the icon. To add an alias, click on the icon, search for the alias name and select the proper alias type as shown below. To delete an alias, click on the icon.

Alias Types	Description
aka	also known as
aso	as subrogee of
ata	also trading as
dba	doing business as
fdba	formally doing business as
fka	formerly known as
fta	formerly trading as
nee	born
nka	now known as
obo	on behalf of
other	other
rpi	real party in interest
ta	trading as

Select only when you are finished adding all parties and have reviewed the participant tree>Select *Yes*> If you forgot to add all parties, you will be given another opportunity when filing the initiating document.
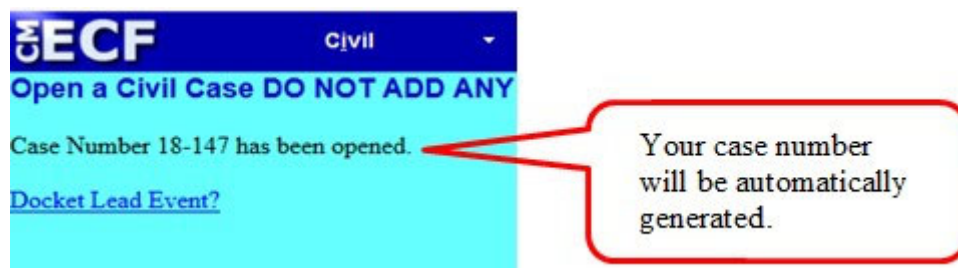

Once the case has been created it is too late to click the back button on your browser. If you realize you made a mistake, contact the Clerk's office for assistance.
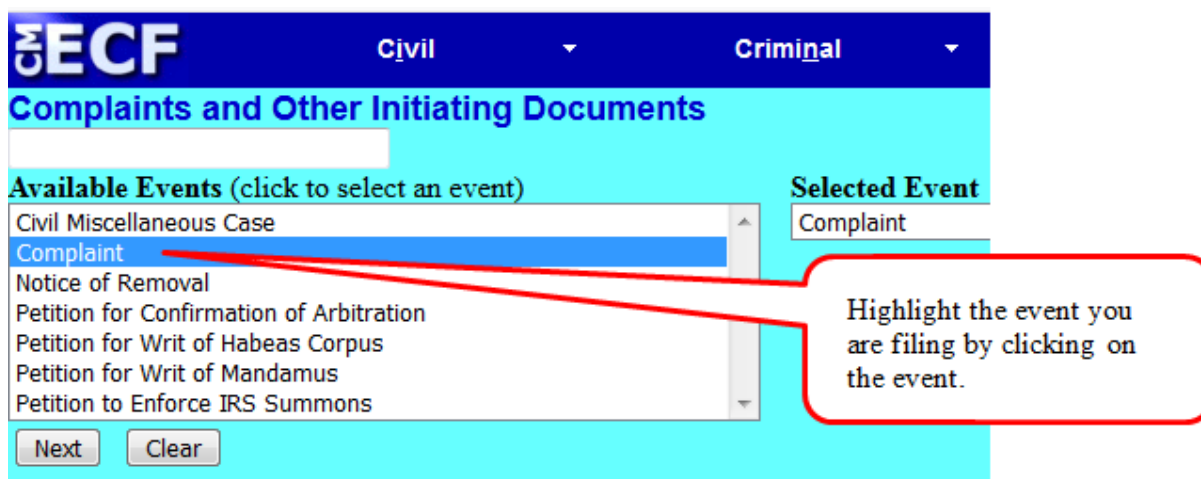
Part 8: Docketing Lead Event

Once the case has been opened, click on the *Docket Lead Event* link.

Now that you have opened the new civil case, you must file and docket the initiating documents. All exhibits and supporting documents should be filed as attachments. You should proceed directly to this step after opening the case by selecting the appropriate event.

Select *Next>Next*.
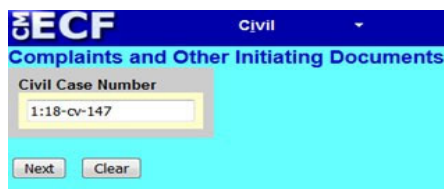
Select the filer (Plaintiff or Defendant)>Select *Next*.

Check the box to the left of the party name to associate your appearance with the party>*Next*.

Select the appropriate party that this filing is against. If you are filing a Notice of Removal, this filing is against the *Plaintiff*. You may choose the *All Defendants* radio button, or, for Notices of Removal, the *All Plaintiffs* radio button and Select *Next*.
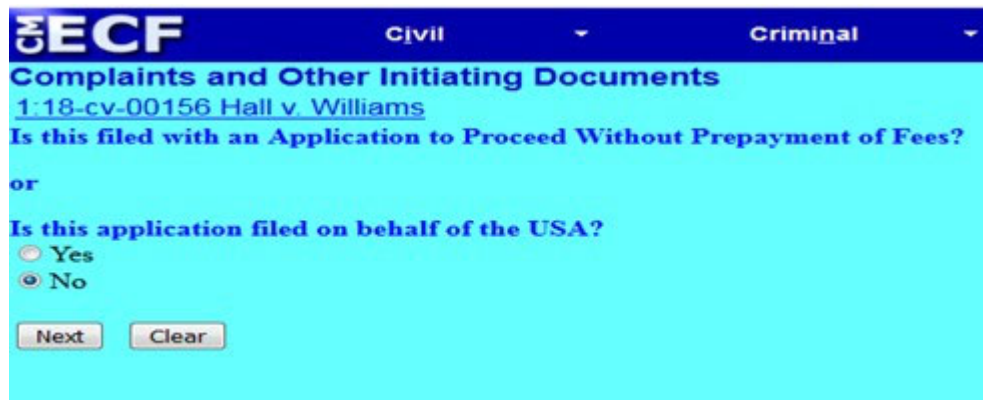
Click *Browse* button for your PDF initiating document, right click and open the document to verify file, click *Open* button to upload and proceed to add your civil cover sheet and exhibits under *Attachments*. Do not attach summons to initiating documents (See page 14 for summons instructions). When you have completed adding attachments, select *Next*.

Part 9: Filing Fee Information

Unless you are filing on behalf of the USA or filing a Motion to Proceed In Forma Pauperis, you must answer *No* on this screen. Select *Next*.
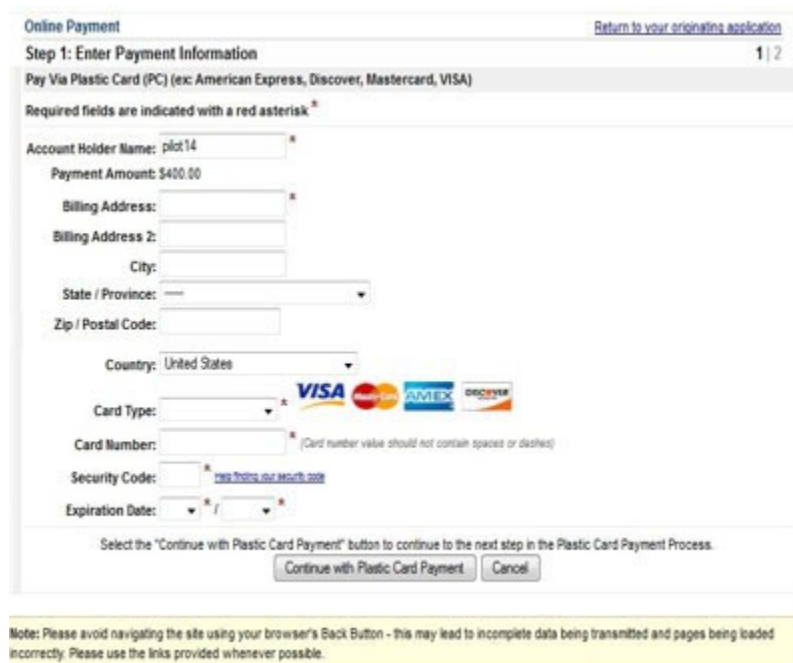
The next step is entering your payment information administered by pay.gov. After payment of the filing fee, you **MUST** continue with the docket transaction until its completion. Failure to continue will result in your credit card being charged, with no record of your entry on the docket.

Part 10: Completing Your Transaction

On this screen, you may add additional text to the text fields; however, this is unnecessary. Make sure there is a receipt number for the filing fee otherwise it has not been paid. Select *Next* if the docket text is correct.

This is the final screen to complete your transaction. If correct, select *Next* and you will have completed the filing of your complaint.

Once the final transaction is submitted, a Notice of Electronic Filing (NEF) is generated, as shown below. If you do not receive a NEF, contact the clerk's office immediately.

After the case is examined by the clerk's office, you will be notified of the Article III Judge assigned to the case.

Part 11: Proposed Summons Request

A summons (AO 440) should be filed separately using the *Proposed Summons* event. Before filing any form through CM/ECF please print the document to an Adobe PDF to remove the fillable form fields. This can be accomplished through Adobe Acrobat by clicking on File, Print, and Print to Adobe PDF. Be sure to add the case number to your proposed summons prior to docketing. In the screenshot below, the summons was filed separately and not as an attachment to the initiating documents.

🌐	1	Complaint against Darren Jones (Filing fee $400.00, receipt number 0973-1
🌐	2	Proposed Summons by Joshua B. Taylor (ntestaty,) (Entered: 11/29/2018)
🌐	3	Financial Interest Disclosure Statement (Local Rule 7.1) by Joshua B. Tayl