

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN RE: CAPITAL ONE CONSUMER)
DATA SECURITY BREACH LITIGATION) MDL No. 1:19md2915 (AJT/JFA)
_____)

This Document Relates to ALL Cases

PRETRIAL ORDER #5

This order deals in more detail with the electronic filing of documents with the Clerk (“ECF”) by counsel who are not members of the bar of this Court (hereinafter, “foreign attorneys”).


1. All Lead Counsel, designated by this Court in Pretrial Order #2 [Doc. 38] and Pretrial Order #3 [Doc. 210], who are foreign attorneys will be issued an ECF login and password.
2. All other foreign attorneys, not designated as Lead Counsel, will not be issued an ECF login and password. To the extent foreign attorneys have associated with local counsel, their local counsel shall file all documents as in other cases.
3. The login and password will not be issued until the attorney registering for it has completed the requirements for ECF registration found at <http://www.vaed.uscourts.gov/ecf/E-Filing%20Registration.html>. They include (a) passing an online quiz with a score of 92% or higher, and (b) printing out and completing the ECF certification / Electronic Case Registration form attached hereto as **Schedule A**. The attached certification / registration form is a distinct form prepared for this MDL litigation, and foreign attorneys must use it.
4. All foreign attorneys receiving an ECF login and password pursuant to this Order

may use them only for this litigation. They will be deactivated at the end of a foreign attorney's involvement in this litigation.

5. All electronic filings shall be made in accordance with the procedures described in Initial Order, Pretrial Order #1 [Doc. 3].

6. Foreign attorneys, who find it necessary to file a document with the Clerk, may do so in paper form, with a copy to chambers. The Clerk will file the paper document electronically and email of the Notice of Electronic Filing generated thereby shall constitute service on all parties for all purposes under the Federal and Local Rules of Civil Procedure.

It is so ORDERED.



/s/
Anthony J. Trenga
United States District Judge

Alexandria, Virginia
December 11, 2019

SCHEDULE A

ECF Certification Form

MDL 2915 In Re: Capital One Consumer Data Security Breach Litigation (1:19md2915)

MEMBER CASE: 1:19cv _____

Complete this form in its entirety, attach a photocopy of a government-issued photo id, and mail or deliver both documents in an envelope addressed as follows: ECF Certification, U.S. District Court, EDVA, Clerk's Office, 600 Granby Street, Norfolk, Virginia 23510. Then, if you have not already done so, register to e-file online by going to www.vaed.uscourts.gov.

This notice informs all attorneys and their staffs who do business with the United States District Court for the Eastern District of Virginia (EDVA) that improper registration to e-file with us is a serious matter that may have serious consequences. Falsely certifying and/or registering to e-file with the EDVA constitutes making false statements to the Court, which is a grave offense. Such actions may lead to disbarment and a referral to the Virginia State Bar. The Court will act on any known instance of false certification and/or registration for e-filing in the CM/ECF system.

[First Name] [Middle Name] [Last Name]

Phone Number: _____ E-mail Address: _____

You may not register to e-file with the EDVA until you have completed the mandatory training Requirement by passing the online EDVA ECF policies and procedures quiz with a score of 92% or higher.

*You must check in **all** of the boxes below.*

As an officer of the Court, I certify the following:

- No other attorney representing this plaintiff in this case has already received an ECF login and password in the EDVA.
- I passed the EDVA online ECF policies and procedures quiz.
- A photocopy of government-issued photo identification accompanies this form. (We are collecting this photocopy as proof of the identity of the signer of this form. The photocopies will be secured and not made available to the public in any way.)
- I agree to abide by all Court rules, orders, and policies and procedures governing the use of the electronic filing system. I also consent to receiving notice of filings pursuant to Federal Rules of Civil Procedure and Federal Rules of Criminal Procedure via the Court's electronic filing system.

[Your signature]

[Date]



United States District Court Eastern District of Virginia

[VAED-Home](#) || [Electronic Case Filing Home Page](#)

Electronic Case Registration Form

This form must be used to register for an EDVA electronic case filing system (ECF) account. By submitting this registration form, you agree to abide by the requirements stated herein.

NOTE: Your ECF registration will not be processed until your completed ECF Certification form and copy of government issued photo id is received by the Clerk's Office.

Please do NOT re-register if you already have received an EDVA ECF login and password.

Pro hac attorneys are NOT eligible to register.

(*)Represents a Required Field.

*First Name

Middle Name

*Last Name

Generation (e.g., "Jr.," "III," etc.)

*US Attorney's Office Attorney Select one

*Are you a CJA Panel Attorney? Select one

*If U.S. Attorney's Office attorney,
you must enter 99999 as Bar
Number.

*If not a U.S. Attorney's Office
attorney, enter your **VA bar number**
here (must be 5 numeric characters)

*Bar Number

*If you are an attorney not Admitted
to the EDVA but are participating in
MDL 2915, you must enter 88888 as
Bar Number.

*Law Firm

*Address

Suite/Building

*City

*State

*Zip Code

*Telephone (numeric digits only
eg:7001234567)

Fax

*Email

*Retype Email

By placing a check in the acceptance box below, I state that, as an officer of the Court, I agree to abide by all Court rules, orders, and policies and procedures governing the use of the electronic filing system. I also consent to receiving notice of filings pursuant to Federal Rules of Civil Procedure and Federal Rules of Criminal Procedure via the Court's electronic filing system. The combination of login and password will serve as my official signature when I file documents in the system. I must protect the security of my password. If I believe that my password has been compromised, I must immediately notify the Court and must apply for a new password using the Forgotten Password link on the CM/ECF section of the EDVA Internet site.

Note: *You will not receive Notices of Electronic Filing (NEFs) from our Court if your e-mail filtering software blocks transmission from our CM/ECF address -- cmecf@vaed.uscourts.gov. We will turn off your electronic noticing until any filter blocking issue is resolved.*

I accept the above rules and guidelines. (If you do not check this box, your application will not be submitted)