

APPENDIX E
ELECTRONIC CASE FILING PROCEDURE

I. INTRODUCTION

1. In General. This Appendix sets forth the procedures governing electronic filings in the United States Court of Federal Claims. A Case Management/Electronic Case Files (CM/ECF) User Manual is available on the court's website—<http://www.uscfc.uscourts.gov>.

2. Definitions. For purposes of this Appendix, the following definitions apply:

- (a) "ECF System" means the court's system for electronic case filing;
- (b) "ECF case" means any case designated by the court as an electronic case in the ECF System;
- (c) "Filing User" means a member of the court's bar to whom the court has issued a log-in and password to file documents electronically in the ECF System;
- (d) "filing" means any document that is filed electronically in the ECF System; and
- (e) "court" means the assigned judge or, where appropriate, the assigned special master.

**II. ELECTRONIC CASE
DESIGNATION AND NOTICE**

3. Scope.

- (a) **Newly Filed Cases.** All newly filed cases will be designated ECF cases except for cases involving *pro se* litigants.
- (b) **Converted Cases.** The court may convert a pending non-ECF case to an electronic case at any time.

4. Notice to Counsel. The clerk will notify counsel that a case has been designated an ECF case by filing a "Notice of Designation." All ECF cases will be listed on the court's website.

**III. ACCESS TO ECF SYSTEM;
RESPONSIBILITY OF FILING USERS;
EXEMPTION FROM USE**

5. Eligibility. An attorney admitted to the bar of this court may register as a Filing User by completing the form provided by the clerk, a copy of which is available on the court's website. By registering as a Filing User, an attorney consents to electronic service of all filings.

6. Log-in and Password.

- (a) **Notification.** Once registered, a Filing User will be notified of his or her user log-in and password.
- (b) **Security.** A Filing User must protect the security of his or her password and immediately notify the clerk if it appears to have been compromised.
- (c) **Use.** No Filing User or other person may knowingly permit or cause a Filing User's log-in and password to be used by anyone other than an authorized agent of the Filing User. Any Filing User or other person may be subject to sanctions for failure to comply with this provision.

7. Exemption From Filing Electronically. By filing an appropriate motion, an individual not registered as a Filing User may, for good cause, seek to be exempted from filing documents electronically in an ECF case.

IV. FILING REQUIREMENTS

8. Filings.

- (a) **Initial Filings.** The filing of initial papers, including the complaint, and the payment of the initial filing fee must be accomplished in the traditional manner in accordance with the court's rules rather than electronically.
- (b) **Subsequent Filings.** Once a case has been designated an ECF case, all subsequent filings must be made electronically, except as provided in this Appendix or by leave of the court in exceptional circumstances that prevent a Filing User from filing electronically.

- (c) **Exhibits and Attachments.** Unless otherwise ordered by the court, when filing an exhibit or attachment, a Filing User:
 - (i) must file the exhibit or attachment electronically along with the main document under one entry number;
 - (ii) must include only those excerpts of the referenced exhibit or attachment that are directly germane to the matter under consideration by the court;
 - (iii) must clearly and prominently identify the excerpted material; and
 - (iv) may seek leave to file additional excerpts or the complete document.

9. Size Limitations.

- (a) **In General.** A single filing may be divided into multiple Adobe PDF files.
- (b) **Number of Files.** Counsel must endeavor to minimize the total number of Adobe PDF files that constitute a single filing, particularly when filing appendices and administrative records.
- (c) **Size of Files.**
 - (i) Unless otherwise ordered by the court, each Adobe PDF file must not exceed the size limitations established by the court.
 - (ii) Current size limitations are posted on the court’s website or may be obtained by calling the clerk’s office.
- (d) **Exceeding Size Limitations.** For files that exceed size limitations, the Filing User must seek appropriate relief from the court, which may, for example, authorize a filing in some other electronic format (e.g., a CD-ROM) or in paper form.

10. Courtesy Copies in Paper Form. Unless

otherwise ordered by the court, if a document, including exhibits and attachments, exceeds 50 pages when printed, the Filing User must supply chambers with a courtesy copy of the document in paper form in accordance with RCFC 5.4(c). The court may order the parties to supply courtesy copies in paper form of any ECF filing.

11. Filing Under Seal. In all cases except cases filed under the National Vaccine Injury Compensation Program, a party:

- (a) must seek leave of the court to file documents electronically under seal; and
- (b) may not attach the documents to be filed under seal to the motion for leave but rather may file the documents electronically only after the motion is granted.

V. FILING PROCEDURES

12. Notice of Filing; Service.

- (a) **Notifying Filing Users.** At the time a document is filed, the ECF System automatically generates a “Notice of Electronic Filing” and automatically e-mails the notice to all case participants who are Filing Users.
- (b) **Notifying Individuals Other Than Filing Users.** The clerk will serve the “Notice of Electronic Filing” (but not the underlying filing) on case participants who are not Filing Users by e-mail, hand delivery, facsimile, or first-class postage-prepaid mail.
- (c) **Service.** The transmission of the “Notice of Electronic Filing” satisfies the service requirement of RCFC 5 and the proof of service requirement of RCFC 5.1.

13. Effect of Filing and Transmission of Notice of Filing. A filing by a party under this Appendix, together with the transmission of the “Notice of Electronic Filing,” constitutes a filing under RCFC 5 and an entry on the docket kept by the clerk under RCFC 58 and 79.

14. Official Court Record. The official court record is the electronic recording of the document as stored by the court and the filing party is bound

by the document as filed.

15. Date of Filing. Except in the case of a document first filed in paper form and subsequently converted to an ECF filing, a document filed in an ECF case is deemed filed on the date stated in the “Notice of Electronic Filing.”

16. Timeliness of Filing. Unless otherwise ordered by the court, a filing under this Appendix must be submitted before midnight local time in Washington, DC, to be considered timely filed on that date.

17. Date Stamp. Each filing must contain at the top of the first page a banner stating that it was “Electronically Filed on [date].”

VI. SIGNATURES AND RELATED MATTERS

18. Signature Defined. A Filing User’s log-in and password will serve as his or her signature on a filing for all purposes, including those under RCFC 11.

19. Signature Requirements.

(a) **Electronic Signature.** Filings must include a signature block, in compliance with RCFC 11(a), with the name of the Filing User under whose log-in and password the document is submitted along with an “s/” typed in the space where the signature would otherwise appear.

(b) **Written Signature.** A Filing User may also satisfy the signature requirement by scanning a document containing his or her written signature.

(c) **Noncompliance.** A filing that does not comply with this provision will be deemed in violation of RCFC 11 and may be stricken from the record.

20. Signatures of Multiple Parties. Documents requiring signatures of more than one party may be filed electronically:

(a) by submitting a scanned document containing all necessary written signatures;

(b) by representing the consent of the other parties on the document; or

(c) in any other manner approved by the court.

VII. COURT ORDERS, JUDGMENTS, AND APPEALS

21. Filings by the Court. Any order, opinion, judgment, or other proceeding of the court in an ECF case will be filed in accordance with this Appendix.

22. Effect of Filing. A filing by the court under this Appendix:

(a) is an entry on the docket kept by the clerk under RCFC 58 and 79; and

(b) has the same force and effect as a paper copy entered on the docket in the traditional manner.

23. Notice of Filing; Service.

(a) **Notifying the Parties.** Notice of a filing by the court will be accomplished by delivering to the parties a “Notice of Electronic Filing” in the manner prescribed in paragraph 12(a) or (b).

(b) **Service.** The transmission of the “Notice of Electronic Filing” satisfies the service requirement of RCFC 77(d).

24. Court-Ordered Deadlines. If an order or opinion specifies a due date for the filing of a document, that date will control over any other filing deadline listed on the docket for that document.

25. Notice of Appeal. A notice of appeal to the United States Court of Appeals for the Federal Circuit must be accomplished in the traditional manner in accordance with the court’s rules rather than electronically.

VIII. PRIVACY

26. Personal Information.

(a) **In General.** Filing Users are advised that any personal information in an ECF filing that is not otherwise protected will be made available over the Internet via Web Pacer.

(b) **Including Personal Information in**

a Filing. In compliance with the E-Government Act of 2002, Filing Users should not include personal information in any ECF filing unless such inclusion is necessary and relevant to the filing.

(c) Excluding or Redacting Personal Information in a Filing. The following personal identifiers should be excluded, or redacted when inclusion is necessary, from all ECF filings, unless otherwise ordered by the court:

- (i) Social Security numbers**—if an individual’s Social Security number must be included in a filing, only the last four digits of the number should be used;
- (ii) names of minor children**—if the name of a minor child must be mentioned in a filing, only the initials of the child should be used;
- (iii) dates of birth**—if an individual’s date of birth must be included in a filing, only the year should be used; and
- (iv) financial account numbers**—if a financial account number is relevant to a filing, only the last four digits of the number should be used.

(d) Using Caution When Including Other Sensitive Information. Filing Users should exercise caution when filing documents containing:

- (i)** a personal identifying number, such as a driver’s license number;
- (ii)** medical records;
- (iii)** employment history;
- (iv)** individual financial information; or
- (v)** proprietary or trade secret information.

27. Deciding When to Include, Redact, or Exclude Personal Information. Counsel are strongly urged to discuss with all clients the use of personal information so that an informed decision about including, redacting, or excluding such

information may be made.

28. Responsibility to Protect Personal Information. It is the sole responsibility of counsel and the parties to protect any personal information included in a filing; the clerk’s office will not review filings to ensure that personal information has been adequately protected.

IX. RETENTION, TECHNICAL FAILURE, AND PUBLIC ACCESS

29. Retaining in Paper Form Documents Requiring More Than One Signature. A document requiring signatures of more than one party (e.g., an affidavit or a joint status report) must be maintained in paper form by the Filing User until three years after all periods for appeal expire. The court may request the Filing User to provide the original document for review.

30. Technical Failure of the ECF System.

(a) Relief by Motion. If a filing is deemed untimely as the result of a technical failure of the ECF System, the Filing User may seek appropriate relief from the court.

(b) Deeming the Clerk’s Office Inaccessible. If the ECF System is inaccessible for any significant period of time, the clerk will deem the clerk’s office inaccessible under RCFC 6.

31. Reviewing ECF Filings. The public may review ECF filings in the clerk’s office. A person may also access filings in the ECF System on the court’s website or by obtaining a PACER log-in and password (see <http://pacer.psc.uscourts.gov>).

Rules Committee Note 2007 Adoption

Appendix E replaces former General Order No. 42A (“Interim Procedures for Electronic Case Filing”), issued on November 4, 2004, and establishes electronic case filing as a mandatory procedure applicable to all new cases filed in the court except for those cases involving *pro se* litigants. For supplemental procedures governing electronic filings in cases under the National Vaccine Injury Compensation Program, counsel shall refer to the Office of Special Masters General

Orders, which can be found on the court's website.

Former Appendix E ("Procedure in Carrier Cases") has been redesignated in these rules as Appendix I.