

Local Rule 5.1 - General Format of Documents Presented for Filing

(a) Electronic Filings.

(1) **Format of Documents Submitted Electronically.** Documents submitted via the Court's electronic filing system under Rule 5.4 must be in PDF (Portable Document Format). Whenever possible, documents shall be converted to PDF directly from a word processing program (e.g. Microsoft Word® or Corel WordPerfect®), rather than created from the scanned image of a paper document. Documents which exist only in paper format may be scanned into PDF for electronic filing. Proposed Orders must not be scanned into PDF, and must always be converted to PDF directly from a word-processing application.

(2) **Signature.** Every electronically filed document shall clearly identify the name, address, and telephone number, and Internet e-mail address of the filing attorney. Any electronically filed document not signed by the filing attorney appearing of record (as required by Local Rule 5.11) and submitted electronically using the filing attorney's ECF Login and Password shall, upon discovery of such omission, be stricken from the record unless such omission is promptly corrected upon notice to said attorney.

(3) **Electronic Copies and Electronic File-Stamps.** When a document is filed electronically, the official record is the electronic recording of the document as stored by the Court. The Court's system will generate a Notice of Electronic Filing, which will be transmitted by the Court via e-mail to the filer and all attorneys of record in the matter who are Filing Users. The Notice of Electronic Filing will contain a hyperlink to the filed document which constitutes service of the electronically filed document, thereby replacing conventional paper service. The Notice of Electronic Filing also serves as the Court's date-stamp and proof of filing. When filing electronically, it is not necessary to provide the Court with envelopes and postage or additional copies of the document, as the document will be served on all registered counsel via email.

(4) **Form of Orders.** The filing of a motion or petition requiring the entry of a routine or uncontested order by the Judge or the Clerk shall be accompanied by a

suitable tendered form of order together with a service list of all parties or their counsel whose names and email addresses (or postal address, if appropriate) shall be typed in the lower left-hand corner of the tendered form of order. The tendered order must be converted to a separate PDF file directly from a word-processing application (as opposed to scanning) and must be submitted electronically as an attachment to the motion or petition.

(b) Paper Filings.

(1) Form, Style and Size of Paper Filings. In order that the paper files of the Clerk's office may be kept under the system commonly known as "flat filing," all papers presented to the Clerk or Judge for filing shall be flat and unfolded. All paper filings shall be on white paper of good quality, 8 ½" x 11" in size, and shall be plainly typewritten, printed, or prepared by a clearly legible duplication process, on single-sided paper, and double spaced, except for quoted material. Paper filings shall be either stapled in the top left corner or bound in a manner which permits the document to lie reasonably flat when open (*e.g.*, spiral bound), and shall be two-hole punched at the top (but not fastened)(the punches shall be 2 ¾" apart and appropriately centered). Should the nature of the filing be so unusual as to make these methods of fastening infeasible, a party may seek leave of the Court to use a different method. Such leave shall be sought prior to the submission of any filing fastened in any way not conforming to this Rule. The title of each filing must be set out on the first page. Each page shall be numbered consecutively. Any paper filing containing four or more exhibits shall include a separate index identifying and briefly describing each exhibit.

(2) Signature. Every paper filing shall clearly identify the name, address, and telephone number of the *pro se* litigant or attorney. Any paper filing not signed by at least one attorney appearing of record as required by Rule 11, *Federal Rules of Civil Procedure* shall, upon discovery of such omission, be stricken from the record unless such omission is promptly corrected upon notice to said attorney. A rubber stamp or facsimile signature on the original copy of such document shall not be used.

(3) Number of Copies; Return of File-Stamped Copies. An original of all papers filings shall be submitted for filing unless ordered otherwise. If a party wishes to receive a file-stamped copy of a paper filing by return mail, the party shall include an additional copy to be file-stamped, and a self-addressed envelope of adequate size and with adequate postage.

(4) **Form of Orders.** The filing of a motion or petition requiring the entry of a routine or uncontested order by the Judge or the Clerk shall be accompanied by a suitable tendered form of order together with sufficient copies thereof for service upon all parties or their counsel whose names and addresses shall be typed in the lower left-hand corner of the tendered form of order. Whenever the Clerk is required to give notice, as provided by Rules 53(d)(1), 53(e)(1), 65.1 and 77(d) of the Federal Rules of Civil Procedure, or Local Rule 24.1, the party or parties requesting such notice shall furnish the Clerk with sufficient copies of the proposed notice to be given and the names and addresses of the parties or their counsel to whom such notice is to be given.

(c) **Facsimile Filings**

The Clerk is authorized to file papers received by facsimile transmission only upon specific authorization by a Judge of the Court granted upon a finding of compelling circumstances warranting such method of filing. Whenever facsimile filings are permitted, a substitute copy that complies with Local Rule 5.1(a) shall be filed to replace the facsimile within seven (7) days.

(d) **Notice by Publication.**

All notices required to be published in a case shall be delivered by the Clerk of the Court to the party originating such notice or his counsel, who shall have the responsibility for delivering such notice to the appropriate newspapers for publication.

Notes: Rule amended and effective September 1, 2004. Previous amendments effective January 1, 2000. Subsection (f) was formerly contained in Local Rule 4.1(b).

Local Rule 5.2 - Public Access to Certain Case Information

(a) Personal Identifiers. In compliance with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings and documents filed with the Court, including exhibits thereto, whether filed electronically or on paper, unless otherwise ordered by the Court:

- (1) Social Security numbers. If an individual's social security number must be included in a pleading or document, only the last three digits of that number should be used.
- (2) Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- (3) Dates of birth. If an individual's date of birth must be included in a pleading or document, only the year should be used.
- (4) Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.

(b) Redaction. In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may:

- (1) file an unredacted version of the document under seal, following the procedure set forth in Local Rule 5.3(c); or
- (2) file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its(their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right.

The unredacted version of the document or the reference list shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file.

(c) Responsibility for Redaction. The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each pleading for compliance with this rule.

The Court maintains an Internet website at www.insd.uscourts.gov.

Notes: Rule amended and effective September 1, 2004. Rule adopted July 1, 2002, and amended to comply with the E-Government Act on April 16, 2003, and September 1, 2004.

Local Rule 5.3 - Filing of Documents Under Seal

(a) General Rule. No document will be maintained under seal in the absence of an authorizing statute, Court rule, or Court order.

(b) Filing of Cases Under Seal. Any new case submitted for filing under seal must be accompanied by a motion to seal and proposed order. Any case presented in this manner will be assigned a new case number, District Judge and Magistrate Judge. The Clerk will maintain the case under seal until a ruling granting the motion to seal is entered by the assigned District Judge. If the motion to seal is denied, the case will be immediately unsealed with or without prior notice to the filing party.

(c) Filing of Documents Under Seal. Materials presented as sealed documents shall be inside an envelope which allows them to remain flat. Affixed to the exterior of the envelope shall be an 8 ½ x 11" cover sheet containing:

- i. the case caption;
- ii. the name of the document if it can be disclosed publicly, otherwise an appropriate title by which the document may be identified on the public docket;
- iii. the name, address and telephone number of the person filing the document; and
- iv. in the event the motion requesting the document be filed under seal does not accompany the document, the cover sheet must set forth the citation of the statute or rule or the date of the Court order authorizing filing under seal.

(d) Prohibition of Electronic Filing of Sealed Documents. Sealed documents will not be filed electronically, but rather manually on paper. The party filing a sealed document shall file electronically a Notice of Manual Filing (see Form in Electronic Case Filing Administrative Policies and Procedures Manual for the Southern District of Indiana). The courtroom deputy to the District or Magistrate Judge should be contacted for instructions when filing certain *ex parte* documents which could not be disclosed by the electronic Notice of Manual Filing.

Notes: Rule adopted effective July 1, 2002.

Local Rule 5.4 - Filing of Documents Electronically

The Court will accept for filing documents submitted, signed or verified by electronic means consistent with Local Rule 5.11 and the rules and procedures established by the Court. Filing of documents electronically in compliance with these rules and procedures shall constitute filing with the Court for purposes of FED.R.CIV.P. 5(e).

Notes: Rule amended and effective September 1, 2004. Rule adopted July 1, 2002.

Local Rule 5.5 - Definitions for Cases Filed Electronically

(a) The term “Electronic Case Filing System” (ECF) is used to refer to the Court’s system that receives documents filed in electronic form via the Internet.

(b) The term “Filing User” is used to refer to attorneys who have an ECF log-in and password to file documents electronically.

(c) The term “Notice of Electronic Filing” is used to refer to the notice that is automatically generated by the Electronic Case Filing System at the time a document is filed with the system, setting forth the time of filing, the name of the party and attorney filing the document, the type of document, the text of the docket entry, the name of the attorney(s) receiving the notice, and an electronic link (hyperlink) to the filed document, which allows recipients to retrieve the document automatically.

(d) The term “PDF” is used to refer to a document that exists in Portable Document Format. A document file created with a word processor, or a paper document which has been scanned, must first be converted to portable document format before it can be electronically filed with the Court. Converted files contain the extension “.pdf”

(e) The term “PACER” (Public Access to Court Electronic Records) is used to refer to the automated system that allows an individual to view, print and download court docket information via the Internet.

Notes: Amended effective September 1, 2004. Sections (a) and (b) amended, and sections (c) through (e) added, September 1, 2004. Rule adopted July 1, 2002.

Local Rule 5.6 – Scope of Electronic Filing

All civil cases filed in this Court on or after July 1, 2002, are assigned to the Court's Electronic Case Filing System and shall be maintained in the system in accordance with these local rules. All documents required to be filed with the Court in connection with a case assigned to the Electronic Case Filing System must be electronically filed, except as expressly provided in these rules or as authorized by the Court. Pro se litigants may not file documents electronically.

The initial pleading and accompanying documents, including the complaint and the issuance and service of the summons, shall be filed and served in the traditional manner on paper. All subsequent documents must be filed electronically except as provided in these rules or as ordered by the Court.

All documents filed electronically must comply with the format and procedures set forth in the Electronic Case Filing Administrative Policies and Procedures Manual for the Southern District of Indiana.

Notes: Rule amended and effective September 1, 2004. Rule adopted July 1, 2002.

Local Rule 5.7 – Eligibility, Registration, and Passwords for Electronic Filing

(a) **Eligibility.** Attorneys who are eligible to register as Filing Users of the Court's Electronic Case Filing System include attorneys admitted to the bar of this Court, attorneys admitted pro hac vice to the bar of this Court, and attorneys authorized to represent the United States. 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. Filing Users must notify the Clerk in writing within 30 days of any change of address, electronic or otherwise.

(b) **Registration.** Attorneys of record for pending cases assigned to the Electronic Case Filing System must register with the Clerk to obtain an ECF login and password for use when filing documents electronically. Attorneys who wish to be exempted from participation in the program may file a Petition for ECF Exemption and a CM/ECF Technical Requirements Questionnaire. The petition and questionnaire must be filed for each pending case on the CM/ECF system. The petition will be reviewed by the Court in each case and granted only upon showing of good cause. The Court's ECF Registration Form and CM/ECF Technical Requirements Questionnaire are available on the Court's Internet website at www.insd.uscourts.gov.

Registration as a Filing User constitutes consent to electronic service of all documents as provided in these rules in accordance with the Federal Rules of Civil Procedure.

Once registration is completed, the Filing User will receive notification of the user log-in and password. Filing Users agree to protect the security of their passwords and immediately notify the Clerk if they learn that their password has been compromised.

Note: Rule amended and effective September 1, 2004. Rule adopted July 1, 2002.

Local Rule 5.8 - Consequences of Electronic Filing

Electronic transmission of a document to the Electronic Case Filing System consistent with these rules, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure and the local rules of this Court, and constitutes entry of the document on the docket kept by the Clerk under FED. R. CIV. P. 58 and 79.

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court, and the filing party is bound by the document as filed.

Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight local time of the division to which the case has been assigned in order to be considered timely filed that day.

When a document is filed electronically, the Court's system will generate a Notice of Electronic Filing, which will be transmitted by the Court via e-mail to the filer and all attorneys of record in the matter who are Filing Users. The Notice of Electronic Filing will contain a hyperlink to the filed document. The party filing the document should retain a paper or electronic copy of the Notice of Electronic Filing, which serves as the Court's date-stamp and proof of filing. Transmission of the Notice of Electronic Filing to an attorney's registered e-mail address constitutes service of the hyperlinked document(s) upon the attorney. Only the Notice of Electronic Filing, generated and transmitted by the Court's system, is sufficient to constitute electronic service of an electronically filed document. Those parties or attorneys within the case who are exempt from the electronic filing requirement must be provided notice of the filing in paper form in accordance with the Federal Rules of Civil Procedure.

Notes: Rule amended and effective September 1, 2004. Rule adopted effective July 1, 2002.

Local Rule 5.9 – Entry of Court Orders in Cases Filed Electronically

All orders, decrees, judgments, and proceedings of the Court in cases filed electronically will be filed in accordance with these rules which will constitute entry on the docket kept by the Clerk under FED. R. CIV. P. 58 and 79. All signed orders will be filed electronically by the Court or Court personnel. Any order or other court-issued document filed electronically without the original signature of the Judge or Clerk has the same force and effect as if the Judge or Clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner. Orders may also be issued as “text-only” entries on the docket, without an attached document. Such orders are official and binding.

A Filing User submitting a document electronically that requires a Judge's signature must do so in accordance with the policy set forth in the Electronic Case Filing Administrative Policies and Procedures Manual for the Southern District of Indiana.

Notes: Rule amended and effective September 1, 2004. Rule adopted July 1, 2002.

Local Rule 5.10 – Attachments and Exhibits in Cases Filed Electronically

Filing Users must submit in electronic form all documents referenced as exhibits or attachments, except as specifically permitted in these Rules or as granted by the Court. Each supporting exhibit or attachment must be created as a separate PDF document and submitted in one filing as an attachment to the main document. A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane 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 rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane.

Exceptions to the electronic filing requirement include the following documents:

- a. transcripts in cases filed by claimants under the Social Security Act, and related statutes;
- b. PDF documents exceeding 2MB (see Electronic Case Filing Policies and Procedures Manual for more information);
- c. exhibits in a format that does not readily permit electronic filing, such as large maps, charts, video tapes, and similar materials;
- d. paper documents that are illegible when scanned into PDF format,
- e. documents filed under seal (see Local Rule 5.3).

Such component shall not be filed electronically, but instead shall be manually filed, on paper, with the Clerk of Court and served upon the parties in accordance with the applicable Federal Rules of Civil Procedure and the Local Rules for filing and service of non-electronic documents. Parties making a manual filing of a component shall file electronically, in place of the manually filed component, a Notice of Manual Filing setting forth the reason(s) why the component cannot be filed electronically (see form in Electronic Case Filing Policies and Procedures Manual for the Southern District of Indiana). The manually filed component must be presented to the Clerk within 24 hours after the electronic submission of the Notice of Manual Filing. A paper copy of the electronically filed Notice of Manual Filing must accompany the component at the time of manual filing.

Notes: Rule amended and effective September 1, 2004. Rule adopted July 1, 2002.

Local Rule 5.11 – Signatures in Cases Filed Electronically

The ECF log-in and password required to submit documents to the Electronic Case Filing System serve in part 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 FED. R. CIV. P. 11), the local rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court. Electronically filed documents must include a signature block and must set forth the name, address, telephone number and e-mail of the Filing User. When converting case documents to PDF directly from a word processing application (as opposed to scanning), the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "s/" and typed on the signature line where the Filing User's handwritten signature would otherwise appear. Documents requiring a signature other than that of a Filing User must bear an original handwritten signature and must be scanned into PDF for electronic filing.

Documents signed by an attorney, must be filed using that attorney's ECF log-in and password and may not be filed using a log-in and password belonging to another attorney. 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.

Documents requiring signatures for two or more parties represented by different counsel must be electronically filed either by: (a) representing the consent of the other attorney(s) on the signature line where the other attorney's handwritten signature would otherwise appear; (b) identifying in the signature block attorneys whose signatures are required and by the submission of a notice of endorsement by the other attorneys no later than three business days after filing; (c) submitting a scanned document containing all necessary signatures; or (d) in any other manner approved by the Court.

Notes: Rule amended and effective September 1, 2004. Rule adopted July 1, 2002.

Local Rule 5.12 – Notice of Court Orders and Judgments in Cases Filed Electronically

Immediately upon the entry of an order or judgment in an action assigned to the Electronic Filing System, the Clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. If a party is represented by multiple attorneys from the same law firm, and one or more is a Filing User, notice of entry of an order or judgment in a case assigned to the Electronic Filing System will be transmitted only to the Filing User(s). Electronic transmission of the Notice of Electronic Filing constitutes the notice required by FED. R. CIV. P. 77(d). If a party is not represented by at least one attorney who is a Filing User, the Clerk will give notice in paper form in accordance with the Federal Rules of Civil Procedure.

Notes: Rule amended February 2, 2004, and originally adopted effective July 1, 2002.

Local Rule 5.13 – Public Access to Cases Filed Electronically

A person may review at the Clerk's office filings that have not been sealed by the Court. A person also may access the Electronic Filing System at the Court's Internet site www.insd.uscourts.gov by obtaining a PACER log-in and password. A person who has PACER access may retrieve docket sheets and documents. Only a Filing User under Rule 5.4 of these rules may file documents.

Notes: Rule adopted effective July 1, 2002.

Local Rule 5.14 - Retention of Documents in Cases Filed Electronically

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 two (2) years after all time periods for appeals expire. On request of the Court, the Filing User must provide original documents for review.

Notes: Rule adopted effective July 1, 2002.