

Local Rule 5-4 – Timing and Consequences of Electronic Filing

(a) Deadlines. A document due on a particular day must be filed before midnight local time of the division where the case is pending.

(b) When Electronic Filing Is Completed. Electronic transmission of a document to the electronic case filing ("ECF") 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 court's local rules.

(c) Consequences of Electronic Filing. When a document has been filed electronically:

- (1)** it is deemed entered on the clerk's docket under Fed. R. Civ. P. 58 and 79;
- (2)** the document's electronic recording stored by the court is the official record of the document;
- (3)** the document, as filed, binds the filing party;
- (4)** the notice of electronic filing for the document serves as the court's date-stamp and proof of filing;
- (5)** transmission of the notice of electronic filing generated by the ECF system to an attorney's e-mail address constitutes service of the document on that attorney; and
- (6)** no other attempted service will constitute electronic service of the document.

(d) Service on Exempt Parties. A filer must serve a copy of the document consistent with Fed. R. Civ. P. 5 on any party or attorney who is exempt from participating in electronic filing.

(e) Technical Difficulties. If a party will miss a filing deadline due to a technical or functional failure of the court's ECF system, the party should:

- (1)** print a copy of any error message received or displayed;
- (2)** file a "Declaration of Inability to Timely File Due to Filing Difficulties," stating the reasons for missing the filing deadline, accompanied by a copy of the error message received or displayed, if any, as an attachment; and

(3) transmit a courtesy copy of the attempted filing to opposing counsel before the deadline passes. This step is not required if the opposing party is unrepresented.

Unless the court orders otherwise, the document and declaration must be filed no later than 4:00 p.m. of the next business day following the original filing deadline.

Note: Effective January 1, 2012, former Local Rule 5.8 becomes Local Rule 5-4. Amended July 1, 2026, to add subsection (e) Technical Difficulties.