UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

MDL CASE OPENING BY ATTORNEYS

Effective December 12, 2006, attorneys can open a new MDL civil case and file a complaint electronically in the Ortho Evra Products Liability Litigation and the Welding Fume Products Liability Litigation.
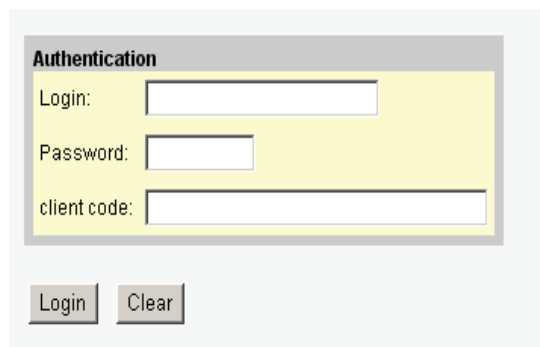
Key Points to Remember

- You **<u>must</u>** complete the **<u>entire</u>** process.

- You will open the new civil case **<u>and</u>** file your initial document/pleading.

- The required filing fee must be paid with a credit card over the internet.

- Do **<u>not</u>** attempt to open the same case twice.

- **<u>Never</u>** hit the back button once you begin the process.

- **You must attach the civil cover sheet and if applicable, the summonses as <u>separate</u> <u>attachments</u> to your Complaint, Notice of Removal, etc.**

- Summonses will be issued electronically.

    Very Important. You must change your print setting in Adobe to **document and stamps** in order for the court seal and signature to appear. If it is set to **document** or **document and markups**, the stamp will not appear on the printed copy.

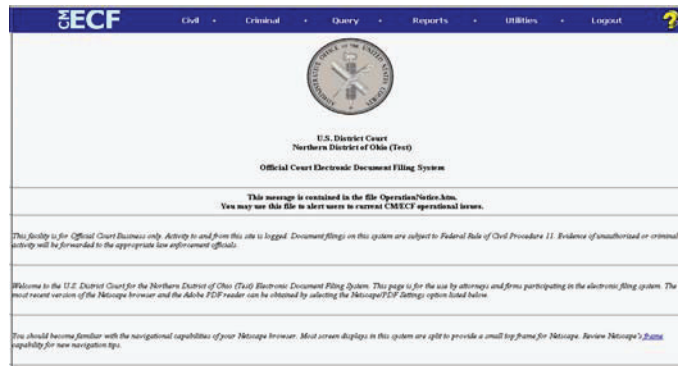The following instructions will walk you through the entire process.

1.   LOG INTO CM/ECF

- Log into CM/ECF with your CM /ECF login and password.

• Click on *Civil*.

2. OPEN A NEW MDL CIVIL

• Click on *Open a MDL Case*.

The Open a New MDL screen appears and displays initial case filing information.

• Select the appropriate MDL case from the Case Type drop down box.
• Enter the JPML number

    Do not select any of the other options on this screen unless you are filing a Notice of Removal. In that case enter the county court's name in the Other court name field and the county case number in the Other court number field.

• Click the [Next] button.

The Civil Cover Sheet (JS-44) Information screen appears displaying information typically found on the civil cover sheet (JS-44).

• Complete the JS-44 screen:

Product Liability Cases

- • Jurisdiction. Select "4 (Diversity)."
- • Cause of Action. Select "28:1332pl Diversity-Product Liability."
- • Nature of Suit. Select "365 (Personal Inj. Prod Liability) or 367 (Personal Injury: Health Care/Pharmaceutical Personal Injury Product Liability)"
- • Origin. Select the origin of the case.
- • Citizenship Plaintiff. Select either "1 (Citizen of This State)" or "2 (Citizen of Another State)."
- • Citizenship Defendant. Select either "4 (Incorporated/Place of Business-This State)" or "5 (Incorporated/Place of Business-Another State)"
- • Jury Demand. Enter if applicable.
- • Class Action. Leave blank.
- • Demand. Enter the dollar amount if applicable.
- • Arbitration Code. Leave blank.
- • County. Enter "Cuyahoga."
- • Fee Status. Leave the default "paid."
- • Fee Date. Leave default date.
- • Date Transfer. Leave blank.

Antitrust Litigation

- • Jurisdiction. Select "3 (Federal Question)."
- • Cause of Action. Select "15:1 Antitrust Litigation."
- • Nature of Suite. Select "410 (Anti-Trust)."
- • Origin. Select the origin of the case.
- • Citizenship Plaintiff/Defendant. Leave blank.
- • Jury Demand. Enter if applicable.
- • Class Action. Leave blank.
- • Demand. Enter the dollar amount if applicable.
- • Arbitration Code. Leave blank.
- • County. Enter "Cuyahoga."
- • Fee Status. Leave the default "paid."
- • Fee Date. Leave default date.
- • Date Transfer. Leave blank.

• Click the [Next] button when the screen is complete.

- **Add/Create New Party** (Standard Party Guidelines attached as Appendix A)

  The next screen that appears is the party search screen. The screen will allow you to enter all of the parties to the case. Enter the party names in the exact order they are listed the complaint. First, you must do a search to see if the party has already been entered into the CM/ECF party data base.

  In the *Last/Business name field*, type the first few letters of the last name of the individual, or the business name of the party you wish to add. Click the [Search] button.

  After you click the search button, the system will look for any matches to your party name entry. If a match is found, the results will display in a new window.

  Scroll down the list of names to search for the party to your case. If you find a name that exactly matches the party to your case, click on it and then click the [Select name from list] button. If you do not find a name that matches the party to your case, click the [Create new party] button.

  The [Next] screen that displays will allow you to enter party specific information. Enter the Party name (if you selected Create new party), Role and Party text. Enter the entire company name in the Last name field. **Choose the party role (i.e. Plaintiff, Defendant) from the pull-down list.** Party text is also an option field that can be used to enter additional descriptive party information. For example, if a company name is added, party text might be "An Ohio corporation."

  Do **not** add an alias or corporate parent to the party in MDL cases.

  Do **not** add address information for the party.

- Click the [Submit] button.

A new party screen will display to allow you to do another party name search in the system.

- Once all the parties to your case have been entered, click the [Create Case] button.

3. FILE THE INITIATING DOCUMENT/PLEADING

- Highlight the name of the document you are filing from the drop down box.

- Click the [Next] button.

The assigned case number appears in the Case Number box.

- Click the [Next] button.

Highlight the party filing the complaint (If there is more than one party filer, you would click the names while pressing down the Control key)

- Click the [Next] button.

- Place a check mark to create an attorney/party association.

  Please note: System will default for Notice but you must place a check mark in the box for "Lead" if you are lead counsel for the plaintiff(s). Do not remove the check mark in the Notice box.

- Click the [Next] button.

Highlight the party that this filing is against (If there is more than one defendant, you would click the names while pressing down the Control key).

- Click the [Next] button.

Complaints/Initiating Documents
5:06-cv-00201 Test v. Test Company

Please select the party that this filing is **against**.

Select the Party: OR   Select a Group:
                                              Add/Create New Party

Test, Party [Plaintiff]
Test Company [Defendant]

○ No Group
○ All Defendants
○ All Plaintiffs
○ All Parties

Next   Clear

You should convert the complaint into portable document format (PDF) before logging into CM/ECF. To tell CM/ECF where the document is located on your computer, you have to type in the exact file path and the document.

BEST PRACTICES. To avoid the chance of error, the best practice is to use the browse button to select the file.

- Click the [Browse] button to locate the PDF document on your computer.
- Clicking the [Browse] button takes you to your local hard drive or network server.

Create a folder for your District Court case files.   Use a naming scheme for each of your cases that helps you identify the contents of the folder.

- Locate your pdf document (initial pleading) and right click to open the document. Make sure this is the document you want to file.
- Close your document and click on Open (the file name will appear in the file name box).
- Click Yes for attachments.
- Click the [Next] button.

Complaints/Initiating Documents
5:06-cv-00201 Test v. Test Company

Remember to upload the CIVIL COVER SHEET and any other required documents as attachments to the complaint.

Select the **pdf** document (for example: C:\199cv501-21.pdf).
Filename

[   ] Browse...

Attachments to Document: ○ No ○ Yes

Next   Clear

- Click the [Browse] button.

- Click the *Category* drop down menu and highlight the correct document you are attaching. (If nothing matches what you are filing, text in the descriptive wording in the *Description* text box.)

  You must add any exhibits as attachments to the complaint and the civil cover sheet, summons(es), and USM 285 form, if applicable. It is not necessary to make the summonses separate attachments.

- Click the [Add to List] button

- Click the [Next] button

Please Note: If you have more than one attachment, the system will loop you around to add another attachment to your filing.

If filing your complaint informa pauperis do **not** attach the motion/application to proceed in forma pauperis to the complaint. You must file it as a separate document using the appropriate motion event.

Filing Fee Screens

If filing informa pauperis or if exempt from the filing fee, answer Y to the following question. (The screen will default to N)

Filers answering Y will bypass all payment screens.

Filers answering N will get the next screen. The screen is for use by the Clerk's Office in filing complaints which were submitted on paper and paid by check or

cash. Complaints can only be filed electronically if the fee is paid by credit card while filing. The fee cannot be paid before filing electronically. Therefore, there will be no receipt number to enter.

•   Click the [Next] button.

The following screen will appear. Filer cannot proceed without paying by credit card.

•   Fill in required information.

•   Although the security code is not required, but would be used in the event of a disputed transaction. Without it, the bank may not be able to process the chargeback.

•   Click [Continue with Plastic Card Payment] button.

Enter your email address if you wish to have confirmation sent to you upon completion of this transaction.

- Check the box authorizing a charge to your card account.

- Click the [Submit Payment] button.

Very Important: Do not use the back button after entering credit card information. You will not be able to complete the transaction without entering the credit card information a second time, and a second charge will occur.

Payment will be processed and you will then receive the following screen. The receipt number appearing in the docket text is generated by Pay.gov.

Enter any additional language in the text box, if appropriate.

- Click the [Next] button

CM/ECF presents the final version of the docket text to you.

- Click the [Next] button if everything is correct.

CM/ECF issues the receipt confirming that the entry has been received.

Complaints/Initiating Documents
5:06-cv-00201 Test v. Test Company

U.S. District Court

Northern District of Ohio (Train)

Notice of Electronic Filing

The following transaction was received from Lancy, Attorney entered on 6/20/2006 at 9:08 AM EDT and filed on 6/20/2006
Case Name: Test v. Test Company
Case Number: 5:06-cv-201
Filer: Party Test
Document Number: 1

Docket Text:
Complaint with jury demand against Test Company (Filing fee 350 receipt number 38293.). Filed by Party Test. (Attachments: # (1) Civil Cover Sheet)(Lancy, Attorney)

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename: n/a
Electronic document Stamp:
[STAMP OHNDStamp_ID=875560366 [Date=6/20/2006] [FileNumber=20373-0] [5 0dc70cff951f59db5ce9e258e282b273ffdc36c6f238e41cab5aa008683a09a107e508 9a40a9e4289e5e5a45cb937a0471f7e1a3208234280f4122825709bc8]]
Document description: Civil Cover Sheet
Original filename: n/a
Electronic document Stamp:
[STAMP OHNDStamp_ID=875560366 [Date=6/20/2006] [FileNumber=20373-1] [2 5b82e81e17dcec87ed9e9d8a7d3e6f4c00735b6c5a513a655c5c9ee0bffe9ff6c149b2 45ab209a7c6ef14d3812896460527020f6e76a43346b0c8d84d5d67eb]]

5:06-cv-201 Notice will be electronically mailed to:

If applicable, file additional documents with the appropriate events. (i.e., Motion/Application to proceed in forma pauperis, Motion for temporary restraining order)

> Please note: If an emergency filing is included with your new case filed after normal business hours, please refer to Local Rule 77.1 on how to proceed.

Clerk's Office staff will receive electronic notification of the filing and will assign a Judge and a Magistrate Judge. An electronic notice will be issued to the attorney notifying them of the judge assigned to your case.

Clerk's Office staff will issue the summons and return them to the attorney electronically.

> Please Note: If service by the clerk has been requested, counsel will need to follow the steps outlined in Local Rule 4.2

APPENDIX A
STANDARD PARTY GUIDELINES

1.   **Omit the word "The".**

      <u>Examples</u>:
      The Enrich Company, Inc.
      Last Name: Enrich Company, Inc.

      The City of Toledo
      Last Name: City of Toledo

2.   **Social Security Cases.** Always enter party name as Commissioner of Social Security.

      <u>Examples</u>:
      Department of Health and Human Services
      Jo Ann B. Barnhart, Commissioner of Social Security
      Social Security Commissioner
      Secretary of Health and Human Services

      Last Name Field: Commissioner of Social Security

3.   **John Does.** If complaint includes numerous John Does add as one party name. Never add the numbers, letters or roman numerals to the party name, always add as party text.

      <u>Examples</u>:
      John Doe I-X
      Last Name Field: **Doe**
      First Name Field: **John**
      Party Text: **I-X**

      John Doe Police Officers   1-10
      Last Name Field: **Doe**
      First Name Field: **John**
      Party Text: **Police Officers 1-10**

4.   **Estates**

Example: *The Estate of James P. Sentinel by Joseph Smith*

Last Name Field: **Smith**

First Name Field: **Joseph**

Party Text Field: **Executor of the Estate of**

Create Alias:

Last Name Field: **Sentinel**

First Name Field: **James**

Middle Name Field: **P.**

Alias Code: **dec**

5.   **Individuals with Titles**

Example:

James S. Haviland, Warden of Allen Correctional Institution

Last Name Field: **Haviland**

First Name Field: **James**

Middle Name Field: **S.**

Party Text Field: **Warden of Allen Correctional Institution**

6.   **Unknown Names**

Example:

Unknown Spouse of Kenneth M. Keller, If any

Last Name Field: **Unknown Spouse of Kenneth M. Keller**

Party Text Field: **If any**

Create Alias:

Last Name Field: **Keller**

First Name Field: **Kenneth**

Middle Name Field: **M.**

Alias Code: **-**

7. **Union Names**

Example:

Building Laborers Local 310 Pension Fund

Last Name Field: Local 310 Building Laborers Pension Fund

PLEASE NOTE: If unsure on how to enter a party name, please contact the clerk's office for guidance.