UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO



CIVIL CASE OPENING BY ATTORNEYS CM/ECF VERSION 6.1

Pursuant to Local Rule 5.1, attorneys are required to receive notice of filings electronically and to file documents electronically. Attorneys may also open their own civil cases and electronically file the initial document/pleading. The court strongly encourages attorneys to open their cases electronically.

In order to file a case electronically, an attorney must be able to do one of the following:

- (1) Pay the required filing fee with a credit card over the internet;
- (2) File the case without paying filing fee, accompanied by a motion to proceed informa pauperis; or
- (3) File a case where the filing fee is waived.

Important Points to Remember:

- The entire process <u>must</u> be completed. You will open the new civil case and file
 your initial document/pleading. A case is not considered filed until the complaint
 is filed. If you wait and file the complaint on a later date, the case filing date will
 be changed to match the date that the complaint was filed.
- Do <u>not</u> attempt to start over again once a case number has been assigned, even
 if you believe that you have made a mistake in case opening. The Clerk's Office
 can correct case opening errors, and you should file your complaint or other
 initiating document under the first case number assigned.
- The filing fee is paid while filing the complaint or other initiating document.
 <u>Never</u> hit the back button after you have passed the credit card screens. Doing so could result in double charges.

Required attachments to your complaint or other initiating document:

<u>Civil cover sheet</u> <u>Summons</u> and <u>US Marshal forms</u>, if applicable, which can be uploaded as one attachment.

If you file the initial document with an accompanying Motion to Proceed Informa Pauperis, you must file the Motion/Application to proceed in forma pauperis as a separate document using the appropriate motion event.

The Clerk's Office will issue summonses 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. Please have your case opening documents converted to PDF format before starting.

LOG INTO CM/ECF



Log into CM/ECF with your CM/ECF login and password. Please note that you must check the box indicating that you understand, and will comply with, the redaction requirements contained in the Local Rules.

If you have forgotten your password, you may use the link directly above the login section.



Click on Civil

OPEN A NEW CIVIL CASE - GETTING STARTED

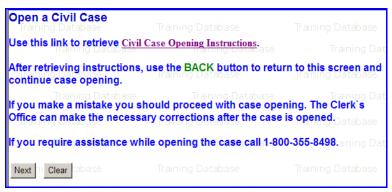


Click on Open a Civil Case.

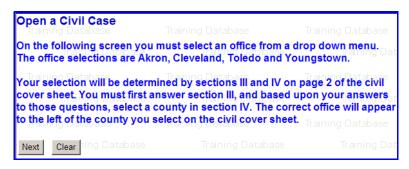
The next four screens contain important information.

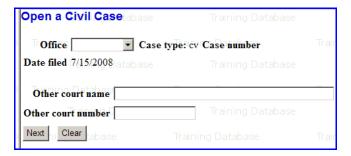
Please read them carefully and click the [Next] button on each screen.











The **Open a Civil Case** screen appears and displays initial case filing information.

Select the office name by clicking the pull down arrow.

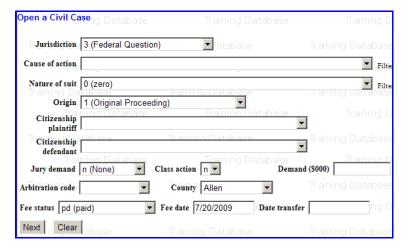
You must select the correct office based on the county you are filing your new civil case under. The office selections are Akron, Cleveland, Toledo and Youngstown. You will decide your selection by sections III and IV on page 2 of the civil cover sheet. You must first answer section III, and based upon your answers to those questions, select a county in section IV. The correct office will appear to the left of the county you select the civil cover sheet.

The Case type field is set to default at **cv** which represents a civil case.

Do not select any of the other options on this screen unless you are filing a Notice of Removal. For a removal case you will enter the name of the county court in the *Other court name* field and the county case number in the *Other court number* field.

Click the [Next] button.

ENTER THE CIVIL COVER SHEET INFORMATION (JS-44)



A new screen appears and displays multiple fields for entry of information typically found on the civil cover sheet (JS-44).

Select from the options displayed from the pull down arrows or fill in the necessary fields.

You must select from the drop down boxes the:

- jury demand
- whether the case is a class action
- the county you are filing the case under
- the fee status. This field defaults to paid, but you should select wv (waived) or pend (ifp pending) if applicable.
- You should also enter your demand dollar amount.

After entering all information click the [Next] button.

The system will verify the accuracy of combinations entered on this screen. For example, if an invalid Nature of Suit and Jurisdiction combination is selected, a screen will appear stating:

Invalid Nature of Suit/Jurisdiction combination [440/4]. Valid Jurisdiction code(s) for Nature of Suit [440] are [1,2,3]

If you receive this error message, click [OK] and select valid combinations as suggested.

ADD PARTY NAMES

The next screen is the participant entry screen where you all enter all parties to the case. The participant entry screen is split into two sides. The right side is used for searching/creating parties, and the left side displays what parties have been added to the case.





Very Important: Before adding a party, you should first SEARCH to see if the party has already been entered into the CM/ECF party database.

Note: Standard Party Guidelines for the entry of party names attached as Appendix A.

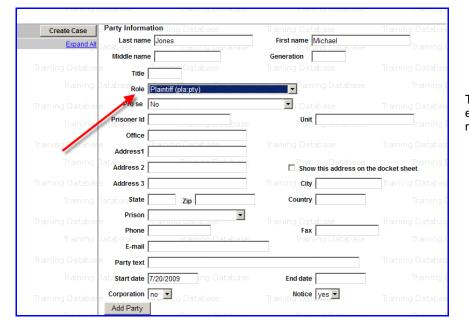
Please do not enter party names in all caps. Only the first letter should be capitalized.

In the *Last/Business Name* field enter the first few letters of the last name of the individual, or the business name of the party you wish to add.

Click [Search]. After you click the search button, the system will look for any matches to your party name entry.

If the correct party name is found, click **Select Party**.

If the correct party name is not found, click Create New Party.



The party information screen expands to allow the entry of more information.

When entering a company name, the entire name is entered in the Last name field.

The court prefers that you not enter addresses for parties.
Using the drop down menu, select the proper role for the party being added. (plaintiff/defendant)

The *Party text* field is used to enter additional descriptive information that does not belong in Last/First Name fields. For example, if a company name is added, party text might be "An Ohio corporation."

After entering all necessary party information, click [Add Party].

The party name will appear on the left side of the screen. All participants (parties, aliases, attorneys and corporate parents) that are added to a case are displayed in a tree with icons to edit, add, and delete participants.



Continue searching for/adding all parties to the case. To add an **alias** to the party in the case, simply click the + sign next to the Alias icon in the case participant tree. Corporate Parents or other affiliates should be added later, while filing the Corporate Disclosure Statement.

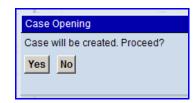
Please note, attorneys are not added to the case at this point. Attorneys cannot add other attorneys to a case. You will be prompted to add yourself as counsel for the filing party while filing the initiating pleading.

Once all participants have been added Click the [Create Case] button near the top on the left half of the screen.



The following message will appear.

Click Yes to continue with case opening.



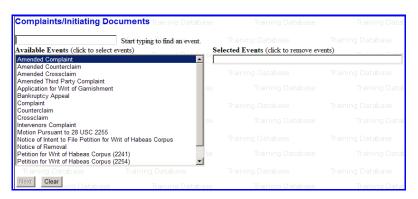
IMPORTANT NOTE:

The case number has been assigned at this point, but it will not be displayed until <u>after</u> you select which initiating document will be filed. Please DO NOT start over again, as you will be assigning two case numbers to your action.

Click the Next button to be taken to the screens for filing the complaint or other initiating pleading.

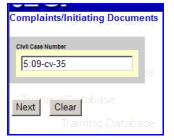


FILE THE INITIATING DOCUMENT/PLEADING



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

Click the [Next] button.



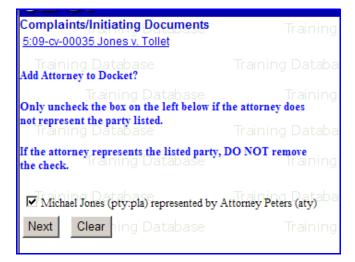
The assigned case number appears in the Case Number box.

Click the [Next] button



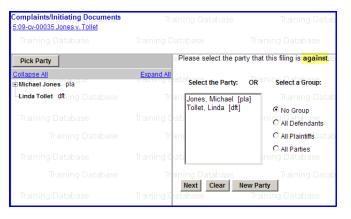
Highlight the party filing the complaint (If there is more than one party filer, you would click the names while pressing down the Control key)

Click the [Next] button.



The next screen is creating an association with you (the attorney) and the party you are filing the document for. This association will cause your name to be added to the docket as representing the party you are filing on behalf of. Do not remove the $\sqrt{ }$.

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.



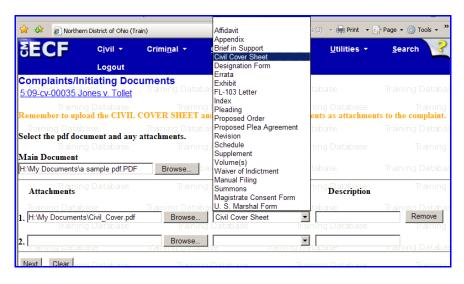
Please read the entire message on the screen before uploading documents.

The initial pleading (complaint, notice of removal, etc.) should be converted into portable document format (PDF) before beginning the case opening process. When filing the document it will be necessary to enter the exact file path and the document. For ease in locating/uploading your PDF documents the court recommends that you 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.

In the Main Document section, click [**Browse**] to find the PDF document on your computer. Clicking the [**Browse**] button takes you to your local hard drive or network server.

To avoid the chance of erroneously uploading the wrong document, filers are strongly encouraged to use the [Browse] button to locate the file, and then right click on the file name and select **Open with Acrobat.** This will open the PDF and allow you to view it and ensure that it is the correct document before filing.

Once you have found the correct main document (complaint, notice of removal, etc.), you can begin uploading the attachments (civil cover sheet, summons, exhibits, etc.).



Click the [**Browse**] button on the line for Attachment 1. Click the *Category* drop down and highlight the correct document you are attaching. If nothing matches what you are filing, enter descriptive text in the free text box.

You must add any exhibits as attachments to the complaint. The civil cover sheet, summons and USM 285 form, if applicable, will also be attachments to the complaint. All summons can be uploaded as one attachment. If you select a word from the drop down list, do not type the same word in the Description box. This will result in duplicate text in the docket entry.

When you have finished uploading all attachments, click the [Next] button

If filing your complaint informa pauperis do <u>not</u> 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.

The corporate disclosure statement should also be filed as a separate entry and should not be uploaded as an attachment to the complaint.

PAYMENT OF FILING FEE



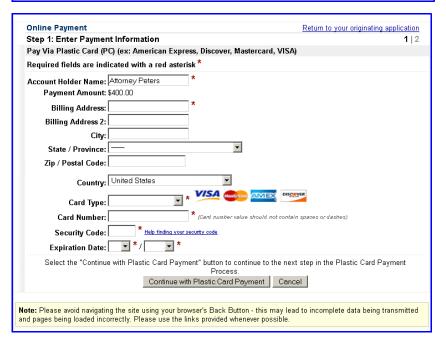
If filing informa pauperis or if exempt from the filing fee, answer Y to the following question. The screen will default to N.

Filers answering Y will bypass all payment screens and will be taken to the final docket text screen to complete the filing. (See Page 12 - **Completing the Filing**)



Filers answering N will see this screen.

Click the [Next] button.



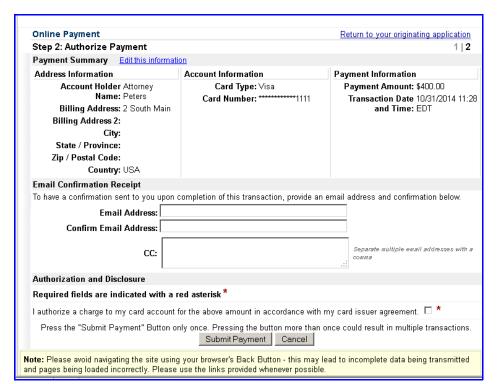
You will be taken to Pay.gov for electronic payment of the filing fee via credit card.

The Court is not accepting Bank Account Debits at this time

The filer cannot continue without paying the filing fee by credit card. Fill in the required information. Fields with a red asterisk are required.

Click [Continue with Plastic Card Payment] button.

Please do not hit the back button once you have filled in credit card information. Doing so may result in duplicate charges.



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.

Finish by clicking [Submit Payment]

COMPLETING THE FILING

Complaints/Initiating Documents 5:14-cv-00025 Jones v. Miracle Market If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a state court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court. (Local Rule 3.1.) Next Clear

After payment has been processed, or after indicating IFP or exempt status, you will see this message regarding related cases.

Complaints/Initiating Documents
5:14-cv-00025 Jones v. Miracle Market
Have you indicated on the civil cover sheet that this action is related to another case in the Northern District
of Ohio or being refiled pursuant to LR. 3.1?
○ Yes
○ No
Next Clear

Answering Yes will prompt you to select related or refiled and enter the case number of the previous case, This information will be added to docket text.

After answering the question about related or refiled case, click the [Next] button.

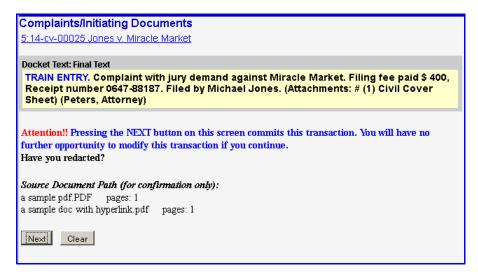
You will be taken to the final docket text screen.



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

Pay.gov generates the receipt number appearing in docket text.

Click the [Next] button



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

Click the [**Next**] button to complete the filing.

CM/ECF issues a receipt confirming the filing of the document(s).

U.S. District Court Northern District of Ohio (train) Notice of Electronic Filing The following transaction was entered by Peters, Attorney on 10/31/2014 at 11:44 AM EDT and filed on 10/31/2014 Case Name: Jones v. Miracle Market Case Number: 5:14-cv-00025 Filer: Michael Jones Document Number: 1 Docket Text: TRAIN ENTRY. Complaint with jury demand against Miracle Market. Filing fee paid \$ 400, Receipt number 0647-88187. Filed by Michael Jones. (Attachments: # (1) Civil Cover Sheet) (Peters, Attorney) 5:14-cv-00025 Notice has been electronically mailed to: Attorney Peters Stacy_S_Peters@ohnd.uscourts.gov 5:14-cv-00025 Notice has been delivered by other means to: 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=10/31/2014] [FileNumber=40958-0] [2506e57cbf05a8a1eb803dcb5d80b63059f3c7471b4c4512e89b7a64c04a416e5af986 9f1550b5a1ec2fb62561fa550d2ad26c9aa2b9fa8014aaa2624fe4e3ab]]

If applicable, file additional documents with the appropriate events.

Examples: Motion to Proceed In Forma Pauperis, Motion for Temporary Restraining Order¹,

Corporate Disclosure Statement.

ASSIGNMENT OF JUDGE/ISSUANCE OF SUMMONS

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 counsel notifying them of the judge assigned to the case.

Clerk's Office staff will issue the summons and return them to the attorney electronically. If service by the clerk has been requested, counsel will need to follow the steps outlined in Local Rule 4.2.

Reminder – To print electronically issued summons, the Adobe print settings should be set to "Document and Stamps."

¹ If an emergency filing is included with a new case filed after normal business hours, please refer to Local Rule 77.1 on how to proceed.

Appendix A

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO



PARTY NAMES GUIDELINES for ATTORNEYS

December 2014

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General Guidelines

- Enter party names as they appear on the complaint and in the order in which they appear.
- Do thorough searches before adding new party names.
- Use punctuation that appears in the name of the party.
- Do not enter party names in all capital letters.
- Do not use spaces between initials.

Example: AO Smith

IBM M&I

• If a **business name** on the complaint begins with an article (**A, An or The**), enter the name without the article preceding the name as written.

Example: The Franklin Mint Company

The Grand Avenue Mall
The Chocolate Factory

- If the business name uses "and," use "and." If the business name uses "&," use "&."
- If the company name is U. S. Furnace Co., use "U.S. Furnace Co." in the last name field (**U.S.** is the official name of the company, not United States).
- If the **United States** is named as a party, use "United States of America" in the last name field.
- For all federal government agencies, use "U.S. [Agency Name] in last name field.
- For all cases against the Commissioner of Social Security, use "Commissioner of Social Security" in the last name field, regardless of the name used in the complaint.
- If a party has a title, along with a first and last name, enter the title in the title field.

Example: Dr. John Jones

Specific Rules

<u>Agency Names – Federal, State and Local Government</u>

Example Name: FDA Last Name: FDA

Example Name: Bureau of Alcohol, Tobacco & Firearms
Last Name: Bureau of Alcohol, Tobacco & Firearms

NOTE: When a federal government agency is named and begins with "United States," use "U.S. [Agency name]" in last name field.

Example Name: United States Department of Labor

Last Name: U.S. Department of Labor

Note: When an agency of the government and its head are named as a party, enter the agency (i.e., Secretary of the Department of Labor) in the Last Name field unless the agency head is being sued in their individual capacity.

Example Name: Elaine L. Chao, Secretary of the Department of Labor

Last Name: Secretary of the Department of Labor

Example Name: Elaine L. Chao, Secretary of Department of Labor, both

individually and in her official capacity

Last Name: Chao First Name: Elaine

Middle Name: L.

Party Text: Secretary of Department of Labor, both individual and in her

official capacity

NOTE: Always enter party name as **Commissioner of Social Security** on **all** social security cases.

Example Names: Mike Leavitt, Secretary of Health and Human Services

Mike Leavitt, Commissioner of Social Security

Secretary of Health and Human Services

Last Name: Commissioner of Social Security

<u>Aliases</u>

If a nickname, as well as a proper name, is listed, enter the nickname as an "ALIAS," and use the alias role of "aka."

Example Name: Manuel "Manny" Valle

Last Name: Valle First Name: Manuel

With the following alias:
Alias Last Name: Manny
Alias Role: aka

Board of Supervisors and Trustees

Enter names exactly as they appear on the complaint.

Example Name: Sandusky County Board of Supervisors
Last Name: Sandusky County Board of Supervisors

Example Name: Cuyahoga Board of School Directors
Last Name: Cuyahoga Board of School Directors

Commissioner of Social Security

Always enter party name as **Commissioner of Social Security** on all social security cases.

Example Names: Mike Leavitt, Secretary of Health and Human Services

Mike Leavitt, Commissioner of Social Security

Secretary of Health and Human Services

Last Name: Commissioner of Social Security

Courts and Personnel

Enter courts and personnel exactly as the name appears on the complaint.

Example Name: Summit County Court of Common Pleas
Last Name: Summit County Court of Common Pleas

Example Name: Judge Cook

Last Name: Cook First Name: Judge

Estates

When an estate is a party named in a case, the executor's name is entered in Last and First Name fields and any additional text, such as "by executor," is entered in Party Text. Deceased party is added as an alias.

Example Name: Estate of James P. Sentinel by Joseph Smith, as Executor of

the Estate of James P. Sentinel

Last Name: Smith First Name: Joseph

Party Text: Executor of the Estate of

With the following alias:

Alias Last Name: Sentinel Alias First Name: James Alias Middle Name: P. Alias Code: dec

Generations

A party's generation should be entered into the generation field.

Example Name: Robert E. Woods, III

Last Name: Woods First Name: Robert Middle Name: E. Generation: III

Example Name: Theodore Thomas Bell, Sr.

Last Name: Bell

First Name: Theodore Middle Name: Thomas Generation: Sr.

Guardian ad Litem

Example Name: K. T., a minor, by his or her Guardian ad Litem James N.

Johnson

Last Name: Johnson
First Name: James
Middle Name: N.

Party Text: Guardian ad litem

Alias Last Name: T. Alias First Name: K. Alias Code: obo

Jails and Prisons

Enter the names of jails and prisons exactly as they appear on the complaint.

Example Name: Trumbull County Jail Last Name: Trumbull County Jail

Example Name: Belmont Correctional Institution
Last Name: Belmont Correctional Institution

John and Jane Doe

Never add numbers, letters or roman numerals to the party name. Always add as party text.

Example Name: John Doe

Last Name: Doe First Name: John

Example Name: Jane Doe Nurse at Federal Correctional Facility

Last Name: Doe First Name: Jane

Party Text: Nurse at Federal Correctional Facility

Example Name: John Does I - X

Last Name: Does First Name: John Party Text: I – X

Party Text

Example Name: John B. Jones, Jr., husband, and the marital community

composed thereof

Last Name: Jones
First Name: John
Middle Name: B.
Generation: Jr.

Party Text: husband, and the marital community composed thereof

Personal Property

Enter name exactly as it appears on the complaint.

Example Name: \$14,669.00 U.S. Currency Last Name: \$14,669.00 U.S. Currency

Example Name: Approximately \$200,000 in U.S. Currency
Last Name: Approximately \$200,000 in U.S. Currency

Example Name: Green Backpack
Last Name: Green Backpack

Real Estate

Example Name: 17.29 Acres of Land, More or Less, Situated in the County of

Cuyahoga, State of Ohio

Last Name: 17.29 Acres of Land, More or Less, Situated in the County of

Cuyahoga, State of Ohio

Example Name: An Exclusive Natural Gas Storage Easement Beneath 66

Acres in Fairfield Township, Ohio

Last Name: Exclusive Natural Gas Storage Easement Beneath 66 Acres

in Fairfield Township, Ohio

Schools, Colleges, and Universities

Enter school names exactly as they appear on the complaint. Do not use "The."

Example Name: Medina School District
Last Name: Medina School District

Example Name: The Ohio State University
Last Name: Ohio State University

Example Name: University of Akron Last Name: University of Akron

Sheriff, Police Departments, and Personnel

Enter sheriff and police department personnel exactly as they appear on the complaint.

Example Name: Tuscarawas County Sheriff's Department, State of Ohio Last Name: Tuscarawas County Sheriff's Department, State of Ohio

Example Name: Cleveland Police Department
Last Name: Cleveland Police Department

Example Name: *CPD*Last Name: CPD

States, Counties, and Cities

Enter a state, county, or city exactly as the name appears on the complaint.

Example Name: City of Mentor
Last Name: City of Mentor

Example Name: Licking County
Last Name: Licking County

Example Name: Cuyahoga County, Ohio Cuyahoga County, Ohio

Surnames - Hyphenated

Example Name: Shirley Forrest-Harris

Last Name: Forrest-Harris

First Name: Shirley

Surnames – Not Hyphenated

Example Name: Shirley Forrest Harris (no middle initial)

Last Name: Harris
First Name: Shirley
Middle Name: Forrest

Example Name: Shirley A. Forrest Harris (with middle initial)

Last Name: Forrest Harris

First Name: Shirley Middle Name: A.

Surnames - Spanish

Example Name: Jesus Adolfo Villegas Navarro

Last Name: Villegas Navarro

First Name: Jesus Middle Name: Adolfo

<u>Titles</u>

Example Name: Nurse Sizemore

Last Name: Sizemore First Name: Nurse

Example Name: James Haviland, Warden of Allen Correctional Institution

Last Name: Haviland First Name: James

Party Text: Warden of Allen Correctional Institution

Example Name: Dr. James R. Olson

Last Name: Olson First Name: James Middle Name: R. Title: Dr.

Example Name: Judge Gary Cook

Last Name: Cook First Name: Gary Title: Judge

Trustees

Example Name: Jane Pettit Charitable Fund, by its Administrator/Trustee

James N. Johnson

Last Name: Jane Pettit Charitable Fund Party Text: by its Administrator/Trustee

With the following alias:

Alias Last Name: Johnson Alias First Name: James Alias Middle Name: N. Alias Code: -

Union Names – With a Local Number

Always enter "Local" first in Last Name field, if applicable.

Example Name: Operating Engineers Local 139 Health Benefit Fund Local 139 Operating Engineers Health Benefit Fund

Example Name: Sheet Metal Workers Union Local 18
Last Name: Local 18 Sheet Metal Workers Union

Example Name: Brewery Workers Local 9 UAW
Last Name: Local 9 Brewery Workers UAW

<u>Union Names – Without a Local Number</u>

Example Name: American Nurses' Association
Last Name: American Nurses' Association

Example Name: United Textile Workers Union
Last Name: United Textile Workers Union

U.S. Government Agencies

For all U.S. government agencies, use "U.S. [name of agency]"

Example Name: United States Department of Treasury

Last Name: U.S. Department of Treasury

Example Name: United States Food and Drug Administration

Last Name: U.S. Food and Drug Administration

United States of America

Always enter the United States of America as "United States of America."

Example Name: U.S.A.

Last Name: United States of America

<u>Unknowns</u>

Enter "unknown" in the Last Name field.

Example Name: Unknown Stark County Sheriff's Deputy
Last Name: Unknown Stark County Sheriff's Deputy

Example Name: Unknown Nurse at St. Thomas' Emergency Room Last Name: Unknown Nurse at St. Thomas' Emergency Room

First Name Unknown (FNU) is entered in the first name field.

Example Name: fnu Smith, nurse

Last Name: Smith First Name: (FNU) Party Text: nurse

Last Name Unknown (LNU) is entered in the last name field.

Example Name: Susan Inu, nurse

Last Name: (LNU)
First Name: Susan
Party Text: nurse