

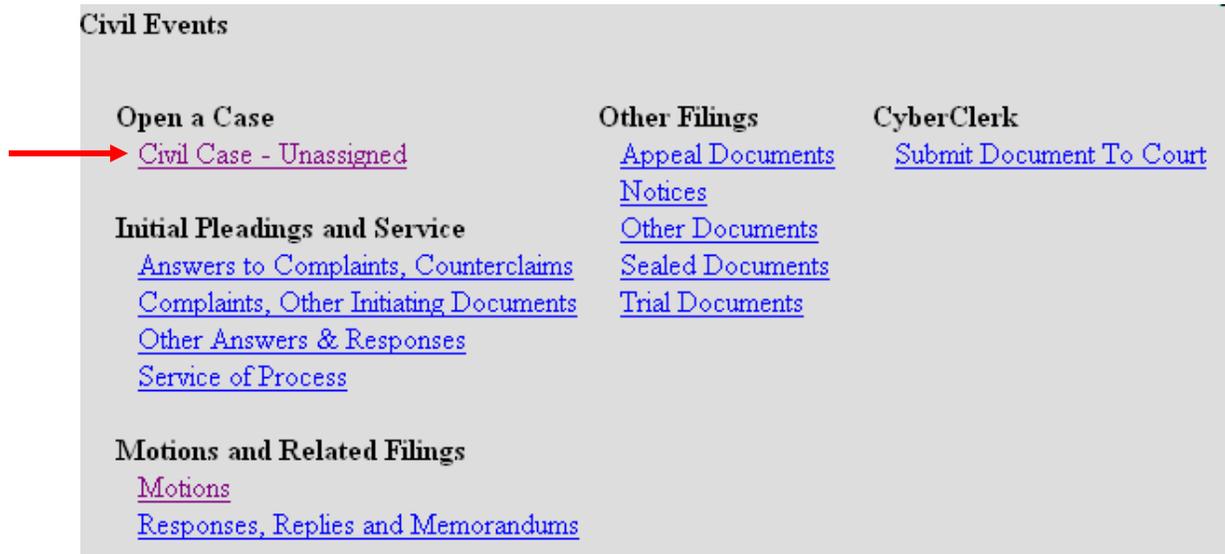
Filing a Civil Complaint and Other Initiating Documents

This reference document describes the procedures for filing civil case initiating documents through ECF.

1. Select **Civil** from the blue menu bar at the top of the ECF screen.



2. Select **Civil Case – Unassigned** under **Open a Case**.



3. The following screen appears (see below for instructions for each field):

A screenshot of the 'Open Unassigned Civil Case' form. The form has a title 'Open Unassigned Civil Case' in blue. Below the title are two dropdown menus: 'Office' (set to 'Charlotte') and 'Case type' (set to 'CV'). Below these is the text 'Date filed: 10/28/2011'. The form contains several input fields: 'Lead case number' (empty), 'Association type' (set to 'consolidated'), 'Other court name' (empty), and 'Other court number' (empty). At the bottom, there is a checkbox labeled 'Related cases' which is unchecked. Below the checkbox are two buttons: 'Next' and 'Clear'.

- a. The first section to verify or change is the **Office**. The default is *Charlotte* - click on the drop down box to change. The office does not automatically change when you select the county on the next screen. The United States District Court for the Western District of North Carolina is divided into four (4) divisions, Asheville, Bryson City, Charlotte and Statesville. No matter what county, all **ASBESTOS** cases are assigned to the Asheville division.

If the defendant(s) reside in, or if the action on which the lawsuit is based occurred in one of the counties listed in the following divisions below than the case should be filed in that divisional office. The divisions are comprised by counties as follows:

ASHEVILLE DIVISION: Avery, Buncombe, Burke, Cleveland, Haywood, Henderson, Madison, McDowell, Mitchell, Polk, Rutherford, Transylvania and Yancey counties. **ALL ASBESTOS CASES.**

BRYSON CITY DIVISION: Cherokee, Clay, Graham, Jackson, Macon and Swain counties.

CHARLOTTE DIVISION: Anson, Gaston, Mecklenburg and Union counties.

STATESVILLE DIVISION: Alexander, Alleghany, Ashe, Caldwell, Catawba, Iredell, Lincoln, Watauga and Wilkes counties.

- b. The next section is the **Case type** field. Select **cv** for a civil case or **mc** for a miscellaneous case. The default is *cv* – click on the drop down box to change.
- c. Do not fill in the **Lead case number** or change the **Association type**.
- d. **Other court name.** In the instance of a notice of removal, enter the name of the court, i.e. *Mecklenburg County Superior Court*.
- e. **Other court number.** Enter the state or county's case number.
- f. **Related cases.** Check this box only if there is a related case in our district and enter that case number in the appropriate box.

If the **Related cases** box is checked, then the following screen appears:

If there is more than one related case, after entering the first case number check the box before **More related cases** and enter the other case number(s). When you are finished entering related cases, click on **[Next]** to bring you back to the initial case opening screen.

- g. You should now be finished with the initial case opening screen, check the information and click on **[Next]**.
4. Use the **civil cover sheet** as a guide in filling out the next screen. Note: it will not be necessary to attach the **civil cover sheet**.

Use the drop down boxes to select the appropriate information for each field highlighted in yellow. Citizenship plaintiff and defendant are only used when the jurisdiction is 4 (Diversity).

The *Nature of Suit* and *Cause of Action* fields permit the user to filter the items displayed in the picklist. The user can enter either numeric or alpha characters in the *Filter* field, which immediately narrows the dropdown list to just the items that match the string entered. (i.e. to change the filter, the user can type over the characters already entered, or click the **Clear filter** button.) The **Clear filter** button, when clicked, returns the contents of the dropdown to the complete list.

DO NOT ENTER any information or change the information in the following fields: **Class action, Arbitration code, Fee date or Date transfer**. You do not need to enter any information in the **Demand (\$000)** field, however, if you do enter in thousands (\$000).

Open Unassigned Civil Case

Jurisdiction 3 (Federal Question)

Cause of action

Nature of suit 0 (zero)

Origin 1 (Original Proceeding)

Citizenship plaintiff Only if jurisdiction is 4 (Diversity)

Citizenship defendant Only if jurisdiction is 4 (Diversity)

Jury demand n (None) Class action n (No Class Action Alleged) Demand (\$000)

Arbitration code County Alexander

Fee status pd (paid) Fee date 10/28/2011 Date transfer

If you will be paying the filing fee during the complaint event, leave the **Fee status** as **pd (paid)**.

When finished entering the information click on **[Next]**.

5. Adding Parties

a. Party Naming Conventions:

- **USE** uppercase and lowercase letters – DO NOT use all caps.
- **Company:** enter the entire company name in the **Last name** field.
- **Individual:** fill out the **Last name, First name, Middle name, and Generation** (i.e. Jr., Sr., III) fields as appropriate.
- **County or City:** enter in the **Last name** field the COUNTY or CITY first (i.e. Charlotte, City of or Mecklenburg County, etc.).
- **State:** use the two letter abbreviation (i.e. NC Attorney General, NC Department of Motor Vehicles, etc.).
- **Federal:** use US and the full name of agency (i.e. US Internal Revenue Service, US Small Business Administration, etc.)

- b. **Searching for a Party.** Designate if the party you are adding is a plaintiff, defendant or any other role by clicking on the radio button before the appropriate role. Then you must perform a search to see if your party is already entered on the ECF system. Type the last name or first few letters of the party's last name for an individual, or the first few letters of the company name. Click **[Search]**.

If a match is found, ECF will display a list of party names. If the name of the party you represent appears in the list, click on it and then click **[Select Party]**. If a match is not found, or your party does not appear in the list, click **[Create new party]**.

Open Unassigned Civil Case

Add New Party **Create Case**

[Collapse All](#) [Expand All](#)

3:11-cv-?????

Search for a party

(Plaintiff Defendant Any)

Last / Business Name First Name Middle Name

Search Results

Case, Edward Frank, Jr
Case, Elaine H.

The party information screen appears next. Verify or enter information, if appropriate, only in the fields highlighted in yellow. Verify or choose the correct party role from the drop down list. Use the party text field to add descriptive information about the party if necessary (i.e. Individually and as a Police Officer). **DO NOT** add addresses or phone numbers.

Open Unassigned Civil Case

Add New Party **Create Case**

[Collapse All](#) [Expand All](#)

3:11-cv-?????

Party Information
Elaine H. Case

Title

Role

Pro se

Prisoner Id Unit

Office

Address1

Address 2 Show this address on the docket sheet

Address 3 City

State Zip Country

Prison

Phone Fax

Party text

Start date End date

Corporation Notice

[Start a New Search](#)

Leave all other fields blank and when finished click **[Add Party]**. This will bring you back to the **Search for a party** screen.

After entering all the parties, you can go to the left side of the participant tree and add attorneys, aliases and corporate parents, if necessary.

IMPORTANT

If the user clicks the browser **Back** button from the participant processing screen, and then clicks the browser Forward button without making any changes on the previous screen, then the participants will remain in the participant tree, and the user can continue to add and modify participants, and then click the **Create Case** or **Modify Case** button. If the user clicks the **Back** button, then makes changes on the previous screen (e.g., the statistical information screen in case opening), and clicks the **Next** button from that previous screen, then the participant tree will be blank and the user will have to start adding participants from scratch.

The participant processing screens in civil case opening utilize panes to include a participant tree on the left side of the screen. The left partition contains the controls to **Add New Party** and **Create Case**. Initially the tree is empty.

The Expand all hyperlink displays all the participants in the case, once they are added. The Collapse all hyperlink displays only the parties in the case, with the other participants collapsed in the tree.

ICONS: The following table provides a description for each of the icons that may appear in the participant tree. Additionally, the + and – icons for each node expand or collapse the node, respectively.

Icon	Description
	Delete this party from this case.
	Add new alias, corporate parent, or attorney.
	Copy attorney(s) from other parties in the case to this party.
	Edit the party, alias, corporate parent, or attorney. Only displays beside actual names of participants, so if no participant has been added, this icon is suppressed.
	Change the name of the party.



Alias: If the party has an alias click on  next to the word Alias and the **Search for an alias for [Party's Name]** will appear to right of the participant tree. You would follow the same criteria for entering an alias name as you did for a party name.

After selecting an alias name or clicking on the **[Create new alias]** button, the following screen appears:

Alias Information			
Last Business name	<input type="text" value="Wayne"/>	First name	<input type="text" value="Barkey"/>
Middle name	<input type="text"/>	Generation	<input type="text"/>
Type	<input type="text" value="adm"/> 	Start date	<input type="text" value="11/23/2011"/>
<input type="button" value="Add Alias"/>			
Start a New Search			

Below is a listing of alias roles:

- adm = as Administrator of the Estate of
- admX = as Administratrix of the Estate of
- agent = agent of
- aka = also known as
- dba = doing business as
- div = Division of
- exec = as Executor of the Estate of
- execX = as Executrix of the Estate of
- fdbA = formerly doing business as
- fka = formerly known as

nee = born
nka = now known as
obo = on behalf of
other = other
rpi = real party in interest
suc = as successor to
ta = trading as
tte = trustee for

Select the alias **Role** in the drop down box and click on **[Add alias]** this will take you back to the **Search for an alias for Party Name** screen.

Corporate parents: You can add any corporate parents at this point by clicking on the  next to Corporate Parent or other affiliate. However, pursuant to the rules you are still required to e-file a corporate disclosure statement.

Attorneys: You can add the attorney now or when you e-file the complaint, the attorney will be added. If the initiating document is a Notice of Removal, add the plaintiff's attorney. **NOTE:** If an attorney is not in the court's database you will not be able to add them.

When you are finished adding all parties, aliases, corporate parents and attorneys click on the **[Create Case]** button. The case has now been assigned a case number.

6. Click on **Docket Lead Event?** to take you to the **Complaints and Other Initiating Documents** screen.

Open Unassigned Civil Case

Case Number 11-15 has been opened.

[Docket Lead Event?](#)

Complaints and Other Initiating Documents

Start typing to find an event.

Available Events (click to select events)

- Amended Complaint
- Application for Stay of Execution
- Application to Confirm or Vacate Arbitration Award
- Complaint
- Counterclaim
- Crossclaim
- Intervenor Complaint
- MC-Application Pursuant to 28:1782
- MC-Motion to Compel
- MC-Motion to Quash
- Notice of Removal
- Petition for Writ of Habeas Corpus
- Petition for Writ of Mandamus
- Petition to Enforce IRS Summons
- Registration of Foreign Judgment

Selected Events (click to remove events)

7. Select the appropriate case initiating document and click on **[Next]**.
8. Check the case number on the following screen. If no case number is present, enter the case number and click on **Find This Case**. The system may identify more than one case with that number. Select the appropriate case by clicking on the box next to the case number. Click on **[Next]**.

Complaints and Other Initiating Documents

Civil Case Number

9. Again verify the case number and click on **[Next]** and the Pick Filer screen appears. Select the **Filer** and click on **[Next]**.

Complaints and Other Initiating Documents

[3:11-cv-00015 Wayne v. Lee](#)

Pick Filer

[Collapse All](#) [Expand All](#)

Sara Lee dft

Buck Wayne pla

Select the filer.

Select the Party:

Lee, Sara [dft]

Wayne, Buck [pla]

Next **Clear** **New Filer**

10. If you did not add the attorney during case opening in the case participant tree, the **Attorney/Party Association** screen appears. This screen defaults to create the association between the party and the attorney. If you **DO NOT** want to create the association, uncheck the boxes. The box before the "party" will put the attorney on the docket sheet. The box before "notice" will flag the attorney to receive e-notices. The box before "lead" puts "Lead Attorney" on the docket sheet. Click on **[Next]**.

Complaints and Other Initiating Documents

[3:11-cv-00015 Wayne v. Lee](#)

The following attorney/party associations will be created for the above case(s).

NOTE: If you DO NOT want to make the association, uncheck the box on the left.

Buck Wayne (pty:pla) represented by Larry Beetle (aty) Lead Notice

Next **Clear**

11. Select the defendant(s). To select more than one defendant, press and hold down the **Ctrl** key and click on each of the desired parties or you can click on the radio button before "All Defendants." After selecting the defendant(s), click on **[Next]**.

Complaints and Other Initiating Documents

[3:11-cv-00015 Wayne v. Lee](#)

Pick Party

[Collapse All](#) [Expand All](#)

- Buck Wayne pla
- Sara Lee dft

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

Select the Party: **OR** **Select a Group:**

Wayne, Buck [pla]
Lee, Sara [dft]

No Group
 All Defendants
 All Plaintiffs
 All Parties

Next **Clear** **New Party**

12. You are now ready to browse and attach your case initiating documents. All documents that you intend to file in ECF **must** be in PDF format and 5 MB or less. ECF will not accept individual documents that are not in PDF format or more than 5 MB. Click on the **[Browse]** button. Navigate to the appropriate directory and file name to select the PDF document you wish to e-file. Highlight the file to upload to ECF. Once you have verified the document is correct, close Adobe Acrobat and click on the **[Open]** button. ECF closes the **File Upload** screen and inserts the PDF file name and location in the **Filename** box.

Attach any exhibits by clicking on the **[Browse]** button under Attachments. Navigate to the appropriate directory and upload the document(s) as described above. Select the description from the category drop down box or type the description of the document in the “description” box. If you are finished adding attachments, click on **[Next]**.

Complaints and Other Initiating Documents

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Select the pdf document and any attachments.

Main Document

Browse...

YOU MUST ENTER EITHER A CATEGORY OR DESCRIPTION FOR EACH ATTACHMENT ADDED.

Attachments	Category	Description
1. <input type="text"/> Browse...	<input type="text"/>	<input type="text"/>

Next **Clear**

13. ECF will prompt you with the following questions.

Complaints and Other Initiating Documents
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Does this Complaint include a jury demand?

Yes
 No

Check appropriate box:

Proceeding IFP -OR- Filing on Behalf of USA
 Filing Fee Required

- a. Answer each question appropriately and click on **[Next]**.

If a filing fee is required proceed to 13b.

You are now presented with the **Docket Text** screen. Fill in any information in the “free-text” box you feel is necessary and click on **[Next]**.

- b. When a filing fee is required, first you will be presented with a warning regarding duplicate fees. Click on **[Next]**.

Complaints and Other Initiating Documents
[3:11-mc-05000 Doe v. Roe](#)

WARNING - Do Not use the BACK BUTTON located on your browser after submitting your Credit Card Payment - this will result in DUPLICATE CHARGES!

- c. The amount of the filing fee to be charged to your credit card will be displayed. Click on **[Next]**.

Complaints and Other Initiating Documents
[3:11-mc-05000 Doe v. Roe](#)

Fee: \$350

You will be directed to www.pay.gov to pay the filing fee. Fill in the required fields on the following **Online Payment – Step 1** screen and click on **[Continue with Plastic Card Payment]**.

Online Payment [Return to your originating application](#)

Step 1: Enter Payment Information 1 | 2

Pay Via Plastic Card (PC) (ex: American Express, Diners Club, Discover, Mastercard, VISA)

Required fields are indicated with a red asterisk *

Account Holder Name: *

Payment Amount: \$350.00

Billing Address: *

Billing Address 2:

City:

State / Province:

Zip / Postal Code:

Country: *

Card Type: *    

Card Number: * (Card number value should not contain spaces or dashes)

Security Code: * [Help finding your security code](#)

Expiration Date: * / *

Select the "Continue with Plastic Card Payment" button to continue to the next step in the Plastic Card Payment Process.

Note: Please avoid navigating the site using your browser's Back Button - this may lead to incomplete data being transmitted and pages being loaded incorrectly. Please use the links provided whenever possible.

Fill in the required fields on the following **Online Payment – Step 2** screen and click on **[Submit Payment]**. To have a confirmation receipt emailed, provide an email address in the appropriate box.

Online Payment		Return to your originating application
Step 2: Authorize Payment		1 2
Payment Summary Edit this information		
Address Information	Account Information	Payment Information
Account Holder Name: Larry Beetle Billing Address: N Billing Address 2: City: State / Province: Zip / Postal Code: 39856 Country: USA	Card Type: Visa Card Number: *****1111 Expiration Date: 1 / 2010	Payment Amount: \$350.00 Transaction Date 05/05/2008 11:10 and Time: EDT
Email Confirmation Receipt		
To have a confirmation sent to you upon completion of this transaction, provide an email address and confirmation below.		
Email Address: <input type="text"/>		
Confirm Email Address: <input type="text"/>		
CC: <input type="text"/> <small>Separate multiple email addresses with a comma</small>		
Authorization and Disclosure		
Required fields are indicated with a red asterisk *		
I authorize a charge to my card account for the above amount in accordance with my card issuer agreement. <input type="checkbox"/> *		
Press the "Submit Payment" Button only once. Pressing the button more than once could result in multiple transactions.		
<input type="button" value="Submit Payment"/> <input type="button" value="Cancel"/>		
Note: Please avoid navigating the site using your browser's Back Button - this may lead to incomplete data being transmitted and pages being loaded incorrectly. Please use the links provided whenever possible.		

After you click on the **[Submit Payment]** button, the payment has been processed. If you need to abort the e-filing of the complaint, please contact the Help Desk.

For duplicate payments, you can request a refund under **Utilities** and then click on **Request Credit Card Refund** and enter the required information.

You are now presented with the **Docket Text** screen. Fill in any information in the "free-text" box you feel is necessary and click on **[Next]**.

14. After receipt of the case number, counsel should create the civil summons (both sides) in PDF format for each named defendant using the Civil Summons (AO440) form located on our webpage, and submit through **CyberClerk** under **Civil Events**.

Civil Events

Open a Case

[Civil Case - Unassigned](#)

Initial Pleadings and Service

[Answers to Complaints, Counterclaims](#)

[Complaints, Other Initiating Documents](#)

[Other Answers & Responses](#)

[Service of Process](#)

Motions and Related Filings

[Motions](#)

[Responses, Replies and Memorandums](#)

Other Filings

[Appeal Documents](#)

[Notices](#)

[Other Documents](#)

[Sealed Documents](#)

[Trial Documents](#)

CyberClerk

[Submit Document To Court](#)

CyberClerk

Start typing to find an event.

Available Events (click to select events)

[Submit Civil Summons/Process](#)
[Submit Proposed Document to Judge](#)
[Submit Proposed Ex parte Document to Judge](#)
[Submit Proposed Form/Document to CLERK](#)

Selected Events (click to remove events)

CyberClerk

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Select your PDF document to upload:

CyberClerk

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Answering **Y** to the prompt below will immediately submit this Civil Summons document to the clerk's office for processing.

Submit email message with attached document? Y/N

15. The Clerk's office will process the summons. Counsel will receive a notice of electronic filing (NEF) when the summons issued. Counsel should print the summons and serve with other case opening documents in accordance with Fed.R.Civ.P.4 and the Court's Case Assignment Packet*.
**Case Assignment Packet obtained from the court's website or through the NEF of the Judge Assignment*