U.S. DISTRICT COURT

WESTERN DISTRICT OF NORTH CAROLINA

ATTORNEY CIVIL CASE OPENING GUIDE

[January 18, 2021] Revised

INTRODUCTION

This document will guide you through the process of opening a civil case in ECF, docketing the complaint or other initiating document, paying the filing fee through Pay.gov and requesting a summons.

You must complete the entire process. You will open the new civil case and file your initial document. DO NOT attempt to open the same case twice. As this process used your browser's cookies to store filing information, NEVER click the back button once you begin the filing process or your information may be lost, and your credit card may be billed twice.

File the following documents separately DO NOT attach to the case initiating document.

- Application to Proceed in District Court without Prepaying Fees or Costs
- Request for Waiver of Service of Summons
- Corporate Disclosure Statement

Sealed Cases MUST be mailed or hand-delivered to the Office of the Clerk.
- Sealed cases **cannot be opened electronically** by attorney filers. Opening a sealed case generally falls into two categories. One, the case being sealed is authorized pursuant to statue (e.g., a qui tam case), or the filing party will need to file a motion seeking leave of the court to file a sealed case.

STARTING THE CIVIL CASE OPENING PROCESS

To file a new civil case using ECF, log into the system.

Click **[CIVIL]** on the blue menu bar at the top of the CM/ECF screen.

Select **[Civil Case – Unassigned]** under the Open a Case Category

Read this screen carefully and Select **[Next]** to proceed.

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. If the case is a Notice of Removal select the division as to what county the case is removed.

SELECT THE DIVISIONAL OFFICE

Office

The default office is Charlotte – click on the drop-down box to change. No matter what county, all ASBESTOS cases are assigned to the Asheville division.

Case type

Select the case type from the drop-down menu according to the table.

cv – Civil
mc – Miscellaneous
md – For court use only

Date Filed

The file date is automatically entered by the system

Lead case number

For court use only, leave blank

Association type

Do not enter/change the association type. You should always leave this as "consolidated".

Other Court Name and Other Court Number

Leave these fields blank unless filing a Notice of Removal

Other court name: *Name of Court which the case was removed. (e.g., Mecklenburg County Superior Court)*
Other court number: *Case number assigned to the case from the removing court. (e.g., 21-CVS-11111)*

Related cases

ONLY check this box if you are filing this as related to a case previously filed in this District. On the next screen enter the number of the case previously filed.

If Related case box is checked, you will enter the number of the case previously filed. If there is more than one related case, after entering the first case number check the box before *More related cases*, click on **[Next]** to bring you back to the initial case opening screen.

Once all the information has been selected click **[Next].**

STATISTICAL SCREEN

As part of the case opening process, statistical information is gathered. Using the Civil Cover Sheet (JS-44) as a guide, fill in the blanks. Note: You do **NOT** need to attach the civil cover sheet.

Jurisdiction

ECF defaults to "3 (Federal Question)" because it is the most common. If "4 (Diversity)" is the appropriate jurisdiction, you must also complete the Citizenship fields for both the plaintiff and defendant.

1 (U.S. Government Plaintiff)
2 (U.S. Government Defendant)
3 (Federal Question) – default selection
4 (Diversity)
5 (Local Question)

Cause of Action and Nature of Suit

Select the appropriate codes from the drop-down list or use the alpha-numeric codes in the filter fields.

Origin

There are twelve options in this selection list. Attorney filers should only select the first **["1 (Original Proceeding"]**, or second **[2 "Removal from State Court"]** option. All other options are for Court use only.

Citizenship of Plaintiff and Citizenship of Defendant

Complete these fields only if the Jurisdiction selected was "4 (Diversity)". Otherwise, leave these fields blank.

Jury Demand

The Jury Demand is not valid unless it is in the complaint. There are four options from which to choose (the system default is "n (None)") to indicate whether a jury is demanded and by whom:

b (Both): Notice of Removal cases only, if both parties have requested jury trial in either court.
d (Defendant)
n (None)
p (Plaintiff)

Class Action

The default is "**n (No Class Action alleged)**". If this filing is a Class Action under F.R.Cv.P 23, select "**y" (Class Action Alleged)**" from the drop-down list.

Demand

Leave this field blank.

Arbitration Code

Leave this field blank.

County

There is only one county field on the Statistical Information screen. Except for a case in which jurisdiction is based on the plaintiff being the United States, in the County field:

Enter the name of the county where the **first listed plaintiff** resides at the time of filing. If the party resides outside the Western District of North Carolina select XX, Outside of District or XX, Outside of U.S.

Fee Status

Select the appropriate code from the drop-down list.

due (due)	COURT USE ONLY
fp (in forma pauperis)	COURT USE ONLY
none (no fee required)	For U.S. Attorney use only
pd (paid)	Filing fee is being paid online with this filing
pend (IFP pending)	If submitting a motion to proceed in forma pauperis with filing
wv (waived)	For 28 U.S.C. § 2255 cases only

Fee Date and Date Transfer
Leave blank or defaulted values.

After the appropriate information has been entered, click **[Next]** to begin adding the parties to the case.

ADDING PARTIES

DO NOT enter party names in ALL CAPS. Use upper and lower case letters to input names (Ex: Jane Doe or ABC Corporation)

DO NOT enter any address information for a party unless that party is proceeding pro se.

SEARCH, SEARCH, SEARCH. In order to avoid the addition of duplicate parties, search the database for existing party names before adding a new name.

The next screen in the case opening process is the interface for adding parties to the case. The screen is divided into two sections.

- The left pane contains the controls to Add New Party and Create Case and displays the Case Participant Tree.
- The right pane displays the party search fields.

Search for a party. If the system finds the correct name, highlight the name already in the database to eliminate different versions of the same party name and then click **[Select Party]**. If no match is found, click the **[Create New Party]** button.

When all required information is entered, click the **[Add Party]** button at the bottom of the screen to add the party to the case.

As each party is added, the party name will appear in the panel on the left side of the screen. The information in the left side is referred to as the Case Participant Tree.

Aliases

An alias may be entered for a party only if the party alias appears in the caption of the complaint. For example, if the complaint reads: "Adam Smith, d/b/a Smith Lawn Care." In this situation, Smith Lawn Care should be added as an alias for Adam Smith. You may add that information by selecting the Alias icon. Search for the alias name in the Last/Business Name field.
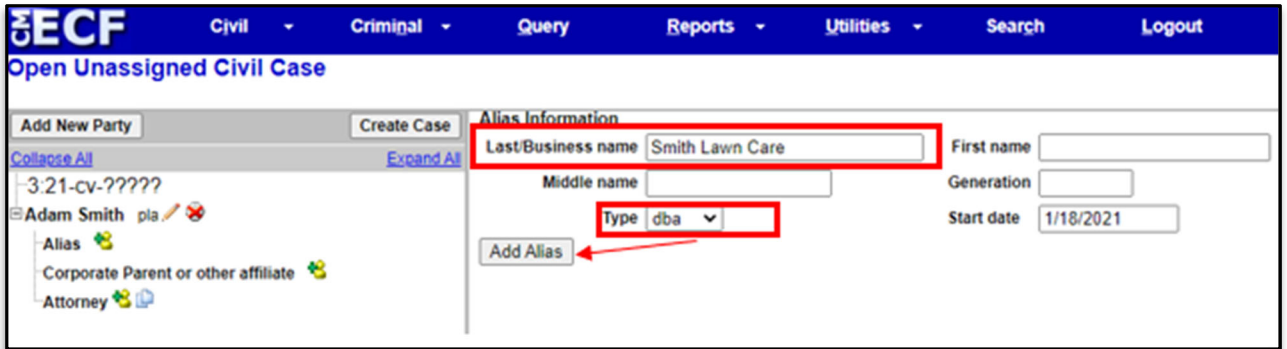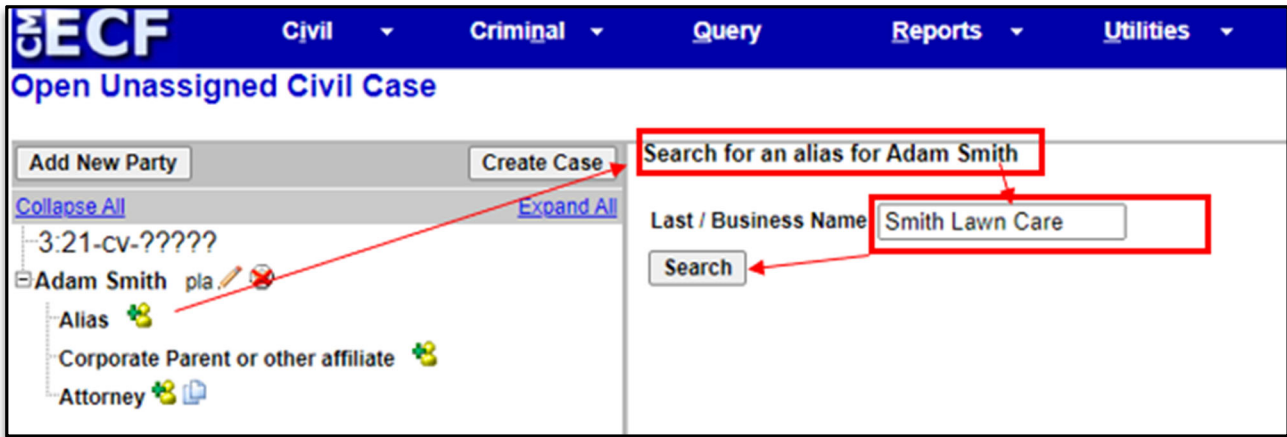
CREATING THE CASE

When all parties have been added and appear correctly in the Case Participant Tree, click **[Create Case]** on the left panel.
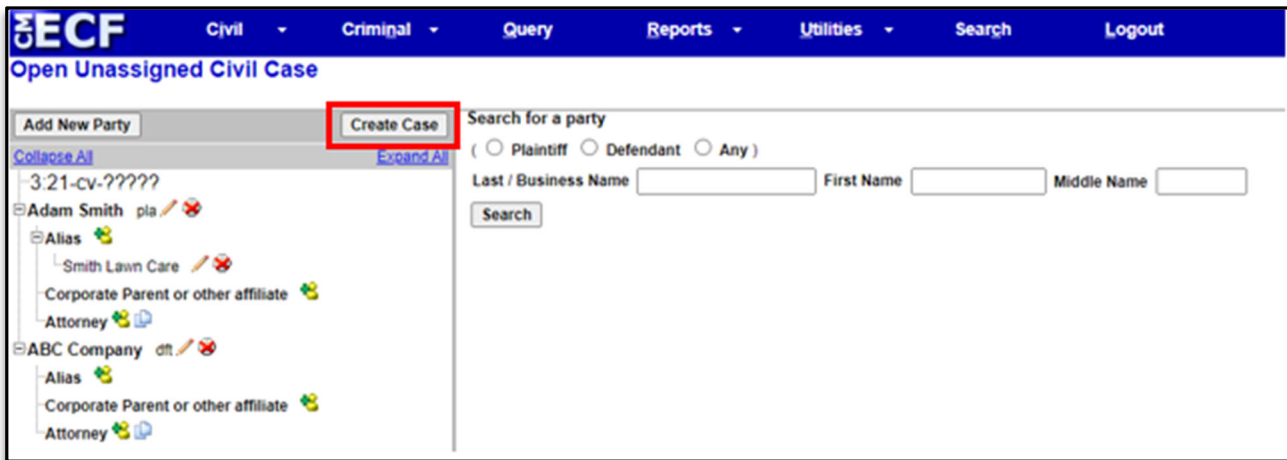
DOCKETING THE LEAD EVENT

After opening a case in ECF, click on **[Docket Lead Event]** from the Open Unassigned Civil Case.

From the list of Available Events choose the appropriate initiating document:
- Complaint
- Application to Confirm/Enforce/Vacate Arbitration Award
- Notice of Removal

ECF will display the case number.

ECF will display the case caption and number, click **[Next]**.

SELECTING THE FILER(S)

ECF will prompt you to choose the filer of the complaint. If there is more than one plaintiff, hold down the Control key on your PC while selecting the additional plaintiffs.

ATTORNEY/PARTY ASSOCIATION SCREEN

The next screen creates the attorney/party association. Do NOT uncheck the box.

SELECTING PARTY(IES) THAT FILING IS AGAINST

The next screen will prompt you to choose the defendant(s). Again, use the Control key to select multiple defendants.

UPLOADING PDF DOCUMENT & ATTACHMENTS

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 50 MB or less. Click on the **[Browse]** button. Navigate to the appropriate directory and file name to select the PDF document you wish to e-file (always open the PDF file to verify that you are attaching the correct PDF.)

Attach any exhibits by clicking on the **[Browse]** button under Attachments.

Click **[Next]** to proceed.

TIP: When filing an attachment, you are given a drop-down menu that allows you to select from several key words such as Exhibit, Appendix, Affidavit, etc. The next box is for free text and will allow you to better describe the attachment. Please keep in mind that the text from the drop-down menu you select under **Category** will appear in the docket entry. It is only necessary for you to add additional descriptive wording in the free text box under **Description**.

Example:

FILING FEE, MOTION IFP OR USA FILER

ECF will prompt you with questions about a jury demand and filing fee. Answer each question appropriately and click **[Next]**.

Complaints and Other Initiating Documents
3:21-cv-00024 Smith v. ABC Company
Does this Complaint include a jury demand?
⦿ Yes
◯ No

Check appropriate box:
◯ Proceeding IFP -OR- Filing on Behalf of USA
⦿ Filing Fee Required

Next   Clear

Jury demand?

Filing a motion to proceed IFP or paying filing fee.

ONLINE CREDIT CARD PAYMENT

NOTE: CM/ECF will temporarily route the filer to the government's Pay.gov website for collection of fees.

IMPORTANT: DO NOT use the internet browser's back button from this point forward in the transaction.

Complaints and Other Initiating Documents
3:21-cv-00024 Smith v. ABC Company

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

Next   Clear

On the credit card entry screen, some data fields are pre-populated with information from ECF. The remaining "required" fields will need to be entered. The "required" fields are noted with a red asterisk (*) to the right of each field.

After the "required" fields have been entered and reviewed, click the **[Continue]** button.

AUTHORIZATION SCREEN

The credit card process will display Address Information, Account Information, and Payment Information for you to review. In the Authorization and Disclosure section, you must check the authorization check box. Click on the **[Continue]** button to submit the transaction.

RECEIPT AND ADDITIONAL DOCKET TEXT

When you click on the "Continue" button on the Pay.gov payment screen, Pay.gov returns you to ECF application to complete the filing transaction. Click **[Next]** and the next screen is the ECF filing process in the Docket Text Modification screen. This screen allows you to enter optional free form text (up to 256 characters.) For example, you might want to add text like "for Declaratory Judgment". You should not use any abbreviations in the text or duplicate text already listed.

FINAL DOCKET TEXT SCREEN

The Final Text screen is your last chance to review the submission, click **[Next]** to submit the filing. Once **Next** is clicked, the filing is submitted to the Court and immediately available on the docket report.

NOTICE OF ELECTRONIC FILING (NEF)

The Notice of Electronic filing ("NEF") will be displayed. The NEF constitutes your receipt for the transaction; it is recommended that you save and/or print the NEF.

REQUESTING SUMMONS FOR SERVICE OF PROCESS

After receipt of the case number, the plaintiff or plaintiff's counsel will create the civil summons (both sides) in PDF format for each named defendant being served using the Civil Summons (AO 440) form located on our webpage.

The summonses may be one PDF or multiple. For example, if there are five summonses to be processed, a single PDF may be submitted with the five summonses, or each summons may be submitted separately via **CyberClerk**. Please note that a combined PDF of all summonses should be "flattened" first to lock in the fields and then combined.

Click **[CIVIL]** on the blue menu bar at the top of the CM/ECF screen.

Select **[Submit Document to Court]** under the **CyberClerk** Category.
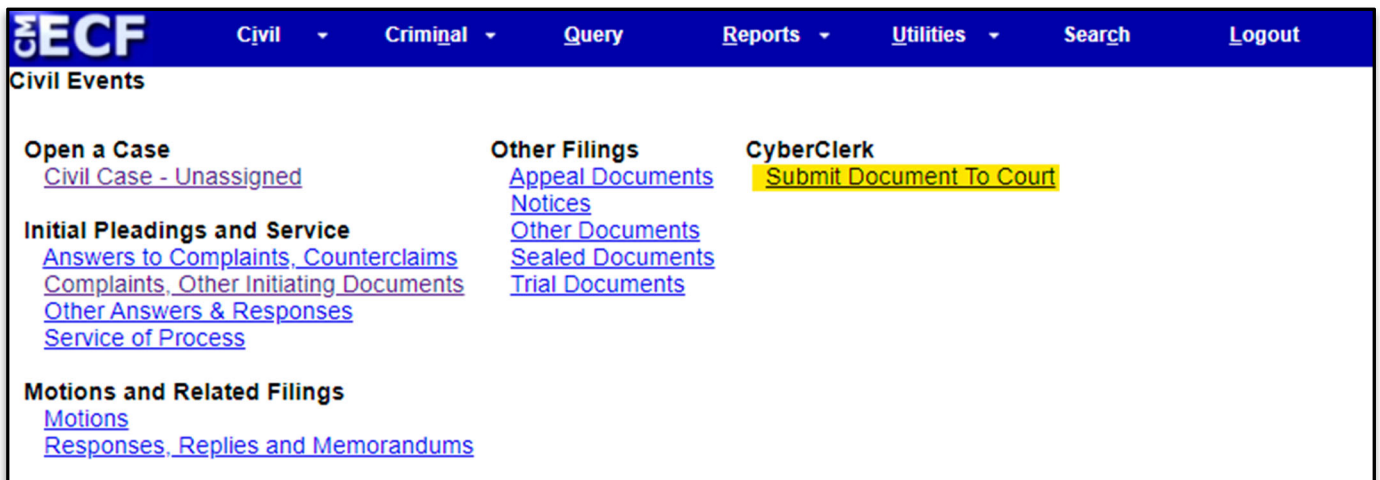
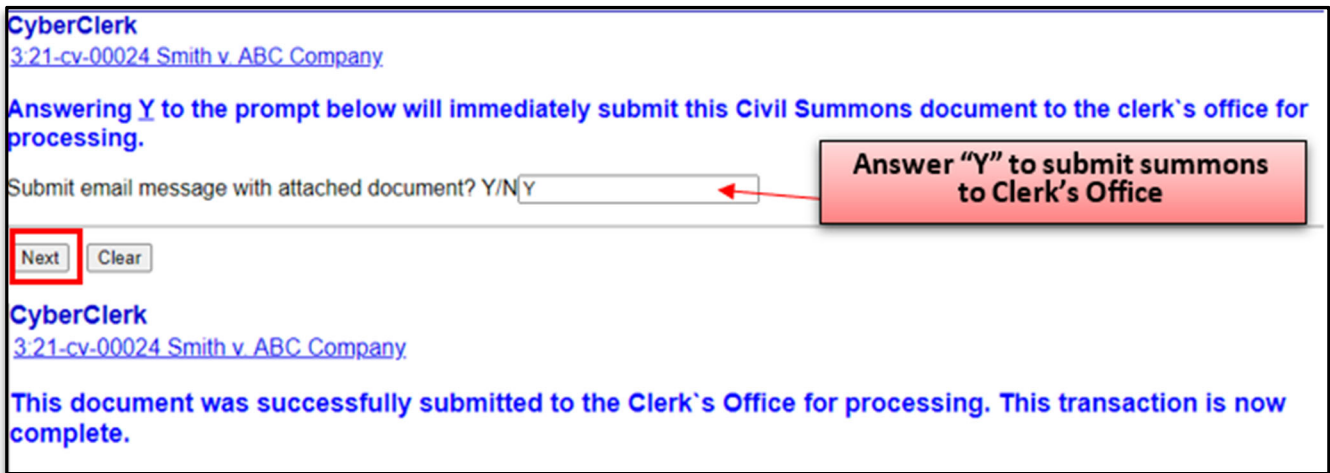Select **[Submit Civil Summons/Process]** under the Available Events in **CyberClerk.**

Enter the case number when prompted. Please click [Next] on THIS screen and the next TWO screens.

Upload summons in PDF format.

You will be prompted to enter **"Y"** to submit summons.

Done! Great job.

The Clerk's office will process the summons and docket the completed summons on to the case docket. Counsel will receive a notice of electronic filing (NEF) and shall print out the summons and serve with other case opening documents in accordance with F.R.Cv.P. 4 and the Court's Case Assignment Packet. *
Case Assignment Packet obtained through the NEF of the Judge Assignment.