

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**GENERAL ORDER 08 - 4  
December 2, 2008**

Effective January 1, 2009, in furtherance of the Court's implementation of electronic case filing through the Case Management/Electronic Case Files (CM/ECF) program, Local Rule 5.4 and Local Rule 67.4 have been amended for all attorneys registered to use the CM/ECF system. The court has determined that pursuant to 28 U.S.C. § 2071(e) there is an immediate need for the amendment of these Local Rules.

Local Rule 5.4(E) has been amended to require that all attorneys registered with the Court's CM/ECF system file new civil cases electronically, except for those cases filed under seal or *ex parte*.

Local Rule 67.4 has been amended to require that when electronically filing any pleading or paper through CM/ECF that requires a filing fee, ECF registered attorneys, unless exempted, must use the Treasury Department's Internet payment process (pay.gov) through CM/ECF to pay the fee.

*Pro se* filers and attorneys who have been exempted from electronic filing may file new civil action cases by submitting, in person or by mail, the case opening materials along with the required fee, in check or money order. Whenever possible, a PDF version of the documents on a compact disk also should be filed.

So Ordered.

*/s/ Mark L. Wolf*

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Mark L. Wolf  
Chief Judge

*/s/ Rya W. Zobel*

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Rya W. Zobel  
United States District Judge

*/s/ Douglas P. Woodlock*

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Douglas P. Woodlock  
United States District Judge

*/s/ Richard G. Stearns*

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Richard G. Stearns  
United States District Judge

*/s/ Patti B. Saris*

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Patti B. Saris  
United States District Judge

*/s/ Michael A. Ponsor*

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Michael A Ponsor  
United States District Judge

*/s/ F. Dennis Saylor IV*

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F. Dennis Saylor IV  
United States District Judge

*/s/ Joseph L. Tauro*

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Joseph L. Tauro  
United States District Judge

*/s/ William G. Young*

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William G. Young  
United States District Judge

*/s/ Nathaniel M. Gorton*

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Nathaniel M. Gorton  
United States District Judge

*/s/ Reginald C. Lindsay*

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Reginald C. Lindsay  
United States District Judge

*/s/ Nancy Gertner*

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Nancy Gertner  
United States District Judge

*/s/ George A. O'Toole*

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George A. O'Toole  
United States District Judge

## **RULE 5.4 FILING AND SERVICE BY ELECTRONIC MEANS**

**(A) Electronic Filing Generally.** Unless exempt or otherwise ordered by the court, all pleadings and other papers submitted to the court must be filed, signed, and verified by electronic means as provided herein.

**(B) ECF Administrative Procedures.** Subject to the supervision of the court, the clerk will maintain Electronic Case Filing (ECF) Administrative Procedures, including procedures for the registration of attorneys and other authorized users and for distribution of passwords to permit electronic filing. All electronic filings must be made in accordance with the ECF Administrative Procedures. The ECF Administrative Procedures will be generally available to the public and shall be posted on the court's web site.

**(C) Service of Pleadings.** Unless exempt or otherwise ordered by the court, all pleadings and other papers must be served on other parties by electronic means. Transmission of the Notice of Electronic Filing (NEF) through the court's transmission facilities will constitute service of the filed document upon a registered ECF user. Any pleading or other paper served by electronic means must bear a certificate of service in accordance with Local Rule 5.2(b).

**(D) Deadlines.** Although the ECF system is generally available 24 hours a day for electronic filing, that availability will not alter filing deadlines, whether set by rule, court order, or stipulation. All electronic transmissions of documents must be completed prior to 6:00 p.m. to be considered timely filed that day.

**(E) Civil Case Opening Documents.** All ECF filers registered in the District of Massachusetts must file civil case opening documents, such as a complaint (or petition or notice of removal), civil action cover sheet, or category sheet, electronically. Cases which include sealed or *ex parte* documents and supporting materials presented contemporaneously with civil case opening documents may be filed and served initially in paper format and not electronically. *Pro se* filers, others exempt from electronic filing, or otherwise ordered by the court, may file case opening documents in paper format and not electronically. Whenever possible, at the time a civil case is submitted in paper format, the filing party may also file a disk with the clerk's office containing in PDF format the opening documents and any emergency motions and supporting papers not filed electronically.

**(F) State Court Record in Removal Proceedings.** Within thirty days after filing a notice of removal in a civil action, a party removing an action under 28 U.S.C. §§ 1441-52 must file certified or attested copies of all docket entries, records, and proceedings in the state court in paper format. Unless exempt or otherwise ordered by the court, the removing party must also file a disk with the clerk's office containing the state court record in PDF format.

**(G) Exemptions.**

(1) *Documents That Should Not Be Filed Electronically.* The following types of documents must not be filed electronically, and will not be scanned into the ECF system by the clerk's office:

- (a) sealed documents;
- (b) *ex parte* motions;
- (c) documents generated as part of an alternative dispute resolution (ADR) process;
- (d) the administrative record in social security and other administrative proceedings;
- (e) the state court record in proceedings under 28 U.S.C. § 2254; and
- (f) such other types of documents as the clerk may direct in the ECF Administrative Procedures.

(2) *Documents That Need Not Be Filed Electronically.* The following types of documents need not be filed electronically, but may be scanned into the ECF system by a filing party or the clerk's office:

- (a) handwritten pleadings;
- (b) documents filed by *pro se* litigants who are incarcerated or who are not registered ECF users;
- (c) indictments, informations, criminal complaints, and the criminal JS45 form;
- (d) affidavits for search or arrest warrants and related documents;
- (e) documents received from another court under Fed. R. Crim. P. 20 or 40;
- (f) appearance bonds;
- (g) any document in a criminal case containing the original signature of a defendant, such as a waiver of indictment or a plea agreement;
- (h) petitions for violations of supervised release;
- (i) executed service of process documents under Rule 4; and
- (j) such other types of documents as the clerk may direct in the ECF Administrative Procedures.

*Effective January 1, 2006. Amended effective January 1, 2009.*

**RULE 67.4 PAYMENTS AND DEPOSITS MADE WITH THE CLERK**

(a) The clerk will not routinely accept payments or deposits in cash; but the court, on motion of any party, may order that the clerk accept cash in a particular instance.

(b) All checks must be made payable to "Clerk, United States District Court." The clerk is authorized to refuse any check not so made payable.

(c) The clerk may, in his discretion, require any payment to be made by certified check or its equivalent. The clerk shall require payment of bail to be made by certified check or its equivalent, unless otherwise ordered by the court.

(d) When electronically filing any pleading or paper through CM/ECF that requires a fee, all registered ECF users are to pay the fee electronically through the Treasury Department's Internet payment process (pay.gov). *Pro se* filers and those who have been exempted from electronic filing and/or electronic payment of fees may submit payments by check or money order made payable to "Clerk, U.S. District Court".

*Effective September 1, 1990. Amended Effective January 1, 2009.*