United States District Court
Eastern District of Tennessee

Opening a Civil Case / Filing a Complaint

TABLE OF CONTENTS

Opening a Civil Case / Filing a Complaint

Introduction. 1
Getting Started. 2
Opening a Civil Case. 3
Entering the JS44 /Civil Cover Sheet Information. 6
Adding Party Information.. 10
Case Number Assignment and Docketing Lead Event. 14
Requesting Summons for Service of Process 18
Paying the Filing Fee. 19
Completing the Filing 22
Determining the Judge Assigned to the Case.. 24

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 (if one is due) through pay.gov, and requesting a summons. It also explains how you may determine which judge has been assigned to your case after you have successfully opened your new civil case and filed your complaint.

A licensed attorney who is a registered ECF user may electronically file the following initiating documents for a civil case:

- Complaint (except a sealed Complaint);
- Notice of Removal (from a state court);
- Petition for Writ of Habeas Corpus
- Motions filed under 28 U.S.C. § 2255 are to be filed in the criminal case under the **Motions** category as Vacate (2255). CM/ECF will automatically assign a new civil case number and the case will be assigned to the same judge as the criminal case.

The following initiating documents for a civil case must continue to be filed on paper at the clerk's office:

- Sealed Complaint.
- Motion to Quash Administrative Summons or Subpoena;
- Motion to Quash an IRS Subpoena or Application to Enjoin under 12 U.S.C. § 3410 (Customer Challenge cases)

Miscellaneous civil documents must also continue to be filed on paper at the clerk's office, including:

- Letters Rogatory or Letters of Request;
- Motion to Quash or Compel Foreign Subpoena;
- Motion to Quash or Enforce Grand Jury Subpoena;
- Petition to Perpetuate Testimony, Fed. R. Civ. Proc. 27(a)
- Petition to Enforce IRS Summons; or
- Registration of Foreign Judgment or Receivership

Getting Started

1. The complaint (or other initiating document) saved in Portable Document Format (PDF). Any accompanying document(s), including exhibits, should be saved as separate PDF documents. A 10 MB size limit applies to each PDF file.

2. A valid credit or debit card (VISA, MasterCard, American Express, and Discover) to pay the required filing fee (if one is due).

3. A completed civil cover sheet, to be used for reference when entering civil case information into ECF. This form should be saved in PDF - see Item 1., above.

4. A corporate interest disclosure statement . See *Fed.R.Civ.P 7.1*

Questions concerning electronic civil case opening should be directed to your local clerk's office.

WARNING: DO NOT abort once the case opening process has begun, at the credit card screen, or when docketing the lead event. If you think an error has occurred, complete the entry then contact the clerk's office for assistance. Aborting case opening may result in double billing of your credit card as well as create errors in the case. In all cases, the clerk's office will review your filing for errors.

Opening a Civil Case

To file a new civil case using ECF, log into the system and select “Civil” on the main menu bar.

Figure 1

Click on the link Open a Civil Case.

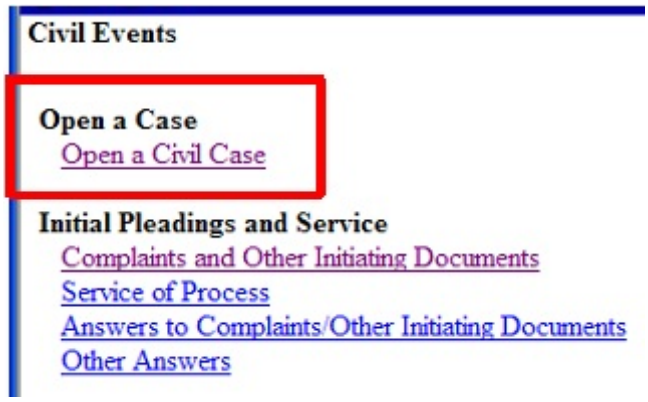
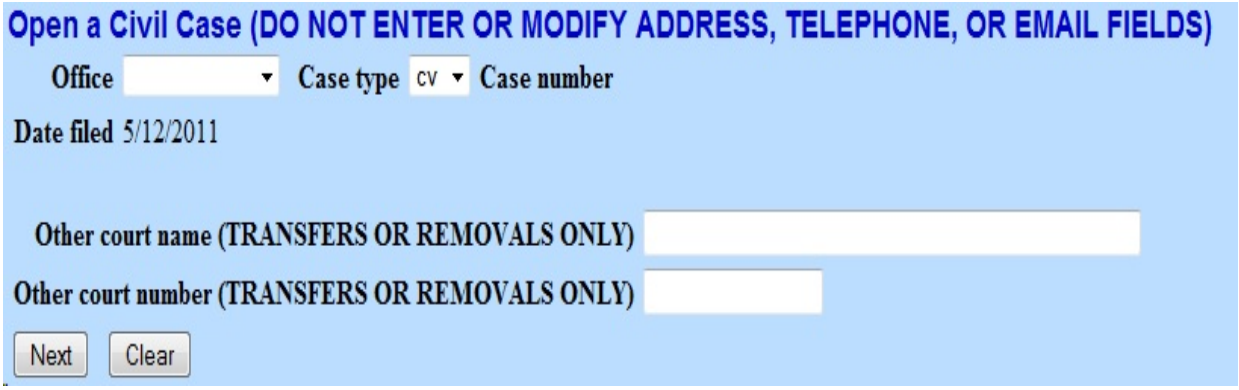


Figure 2

WARNING: A sealed case may not be electronically filed at this time.

Opening a Civil Case



At the "Open a Civil Case" screen

Select the appropriate divisional **Office** for this case from the drop-down list.
The office is determined by:

1) The county of the residence of first listed plaintiff (except in U.S. plaintiff cases), or
2) The county of residence of first listed defendant (In U.S. Plaintiff cases only) or
3) If neither 1 or 2 apply, the county in which the incident occurred occasioning the lawsuit.
4) For Notice of Removal cases, division in which the state court is located

Divisional offices are as follows:

(1) Chattanooga Division is composed of the following counties: Bledsoe, Bradley, Hamilton, McMinn, Marion, Meigs, Polk, Rhea and Sequatchie.

(2) Greeneville Division is composed of the following counties: Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi and Washington.

(3) Knoxville Division is composed of the following counties: Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier and Union.

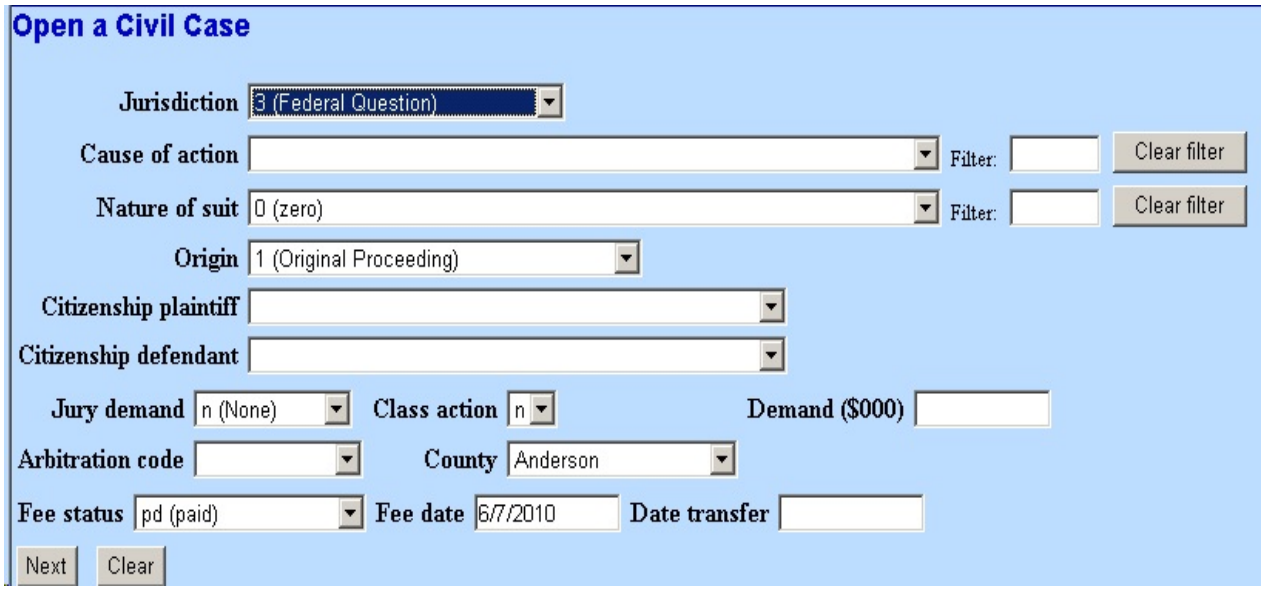
(4) Winchester Division is composed of the following counties: Bedford, Coffee, Franklin, Grundy, Lincoln, Moore, Warren and Van Buren.

WARNING: **It is critically important for you to select the appropriate divisional office. Selecting the incorrect division will delay your case.**

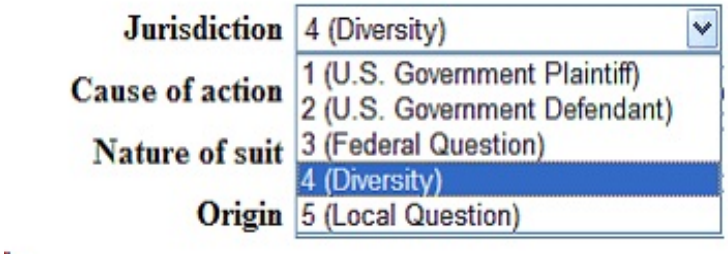
- The default **Case type**, is “cv” for Civil.
- If filing a Notice of Removal from state court, enter the court name in the **Other court name** field (e.g., Hamblen County Chancery Court). Enter the case number from the other court in the **Other court number** field.
- Click **[Next]** to continue.

Entering the JS44 /Civil Cover Sheet Information

The statistical screen appears and displays multiple fields to enter new case 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.



Enter the **Jurisdiction** code.



If there is more than one basis for jurisdiction, select the basis for jurisdiction by giving precedence in the following order.

1. United States Plaintiff - Jurisdiction based on 28 U.S.C. §1345 and §1348. Suits by agencies and officers of the United States are included.

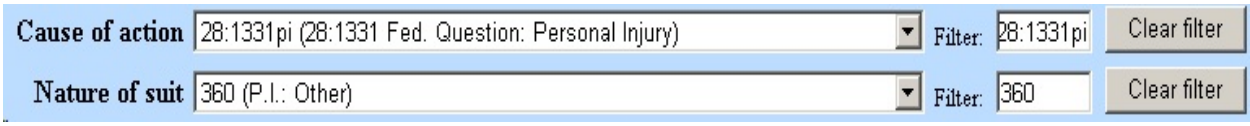
2. United States Defendant - The plaintiff is suing the United States, its officers or agencies.

3. Federal Question - Suits brought under 28 U.S.C. §1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress, or a treaty of the United States. The ECF system defaults to **3 (Federal Question)** because it is the most common.

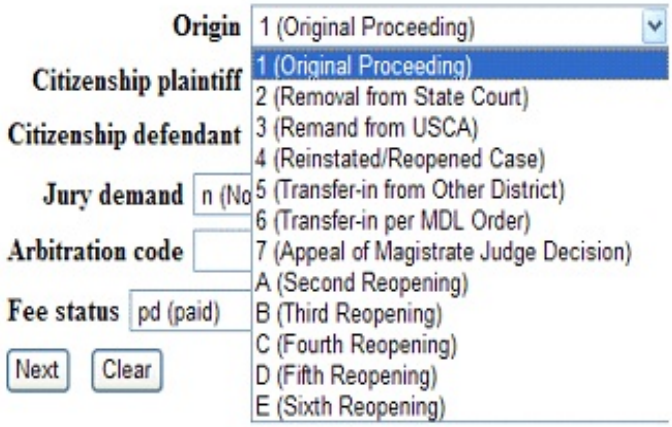
4. Diversity of Citizenship - Suits brought under 28 U.S.C. §1332, where parties are citizens or businesses of different states or countries. Citizenship for plaintiff and defendant must be entered in the corresponding fields.

5. Local Question - **Not currently used. Do not select this option.**

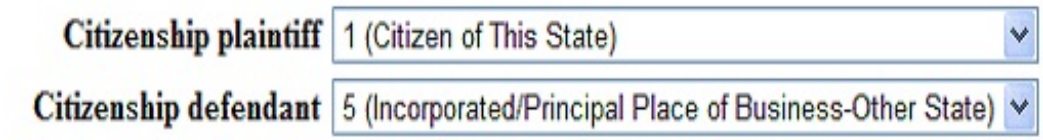
Select the **Cause of action** and the **Nature of suit** code from the drop down lists. The "Filter" is a shortcut to these selections.



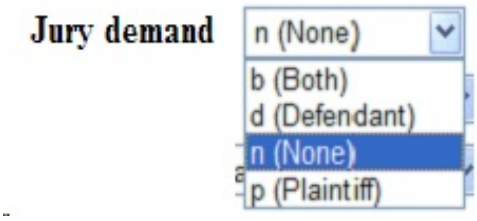
When entering an **Origin** code, choose 1 (Original Proceeding) for most new case types, including a Complaint, or 2 (Removal from State Court) for a Notice of Removal. **All other options are for <u>COURT USE ONLY</u>**.



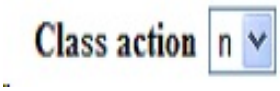
If jurisdiction is based on diversity (see above), enter **Citizenship plaintiff** and **Citizenship defendant**. Otherwise, skip this step.



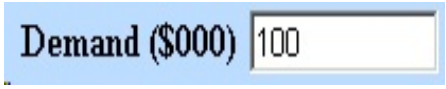
If no jury demand has been made, leave the **Jury demand** field at its default of "n (None)." If you are making a jury demand in your complaint, or if a jury demand was made in the state court action, choose the appropriate code to indicate whether the jury demand was made by the defendant, plaintiff, or both.



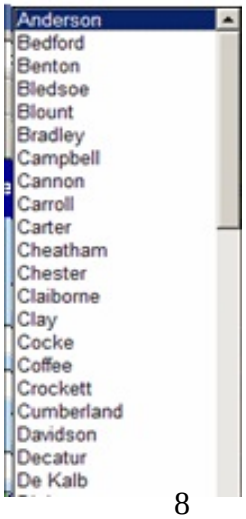
If you are requesting class action certification, change the **Class Action** field to "y." .



If applicable, enter the monetary **Demand ($000)** of the plaintiff. This must be entered in thousands, rounded to the nearest thousand dollars. For example, if the demand is for $149,800, enter "150." Do not include the dollar sign.

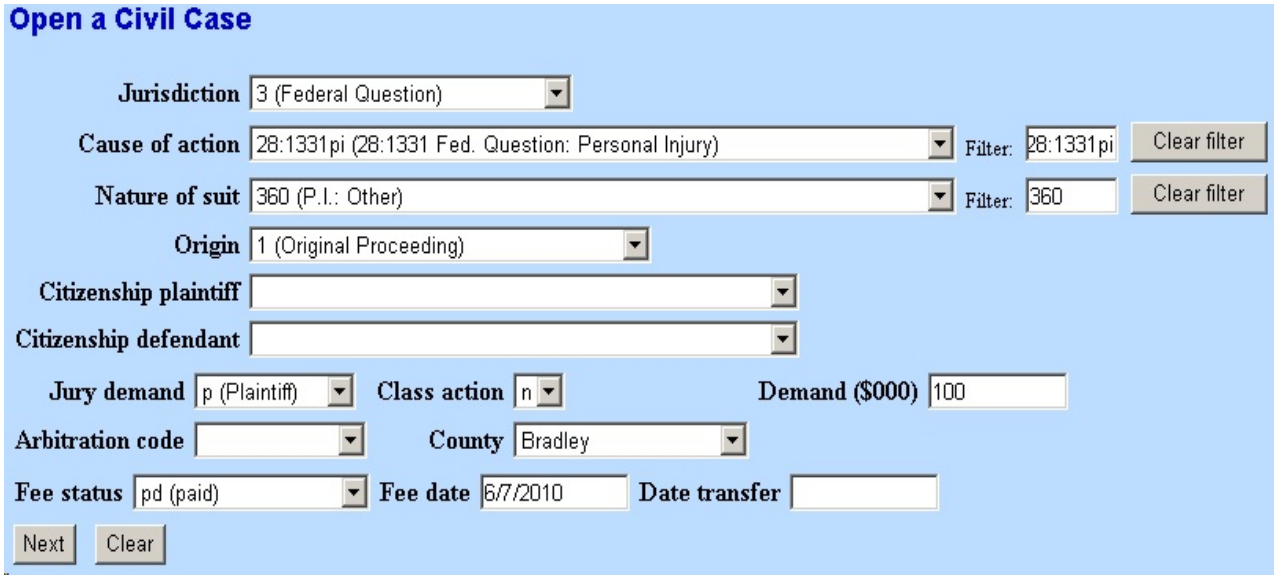


Except for a case in which jurisdiction is based on the plaintiff being the United States, in the **County** field, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTES: **1**. In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved. **2**. The last two options in this menu are for parties outside of Tennessee and outside of the United States.)



If the case filing fee is waived, or if you are filing on behalf of the United States, change the **Fee status** field to "wv (waived)." If an Application to Proceed In Forma Pauperis will be included with the initiating document you file, change the **Fee status** field to "pend (ifp pending)." Otherwise, leave the **Fee status** field at its default of "pd (paid)." All other selections are for internal use only.

After selecting or entering all of the required information on the **Open a Civil Case** screen, click the **[Next]** button.



Adding Party Information

If a party has previously been involved in litigation in this district, the name will already exist in the ECF database.

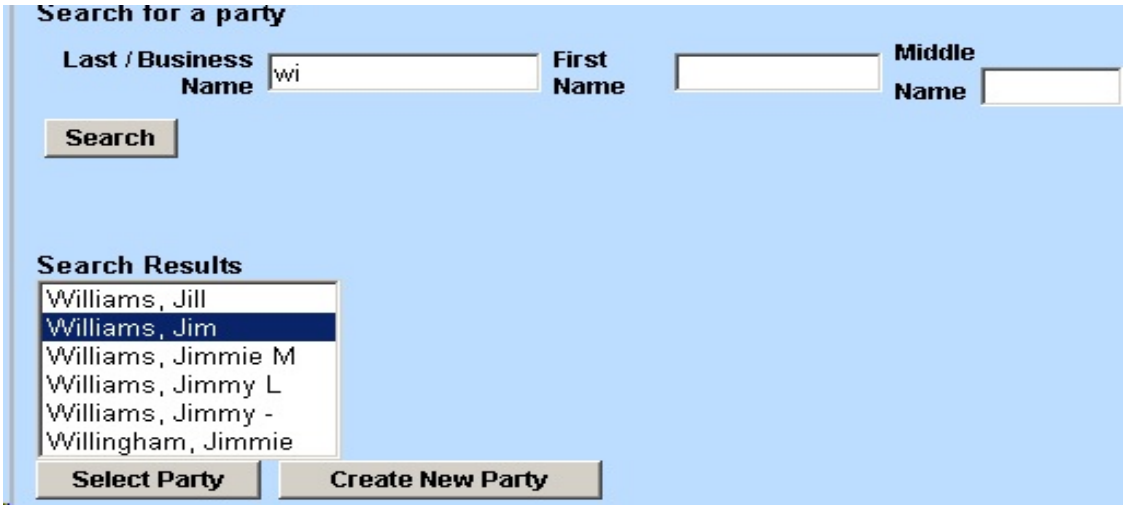
At the "Party Search Screen," search for the name of a party. Enter the last name of the individual or the business name in the **Last/Business Name** field. Using fewer search characters will give you more search results. For example, you may enter "Wi" to find "Jim Williams." If you get too many search results, use more letters. For example, "Jim Williams" will also be returned if you enter "Williams." For assistance in searching for party names, please contact your local clerk's office .

Enter the first few letters of the plaintiff's last name, and click **[Search]**.

Party Name Search Hints:

- A search is not case sensitive.
- A wildcard (*) is not required at the beginning or end of a search string, but if it is used it will return different results. For example, entering "wi" without a wildcard character in the **Last/Business Name** field will display Jim Williams and Wilson's Auto Parts, but will not display Willie Smith or John Switzer. Entering a wildcard (e.g., "*am") before (or after) the character string will search for the character string within the words. For example, entering "*am" will display Bob Cunningh**am** and the United States of **Am**erica.
- Try alternative searches if the first search was not successful.

If the name of the party is found in the **Search results**, highlight the name and click **[Select Party]**.



Helpful Hint: Before selecting the name from the list, double click the name to see the party record information, including the party's address, if any.

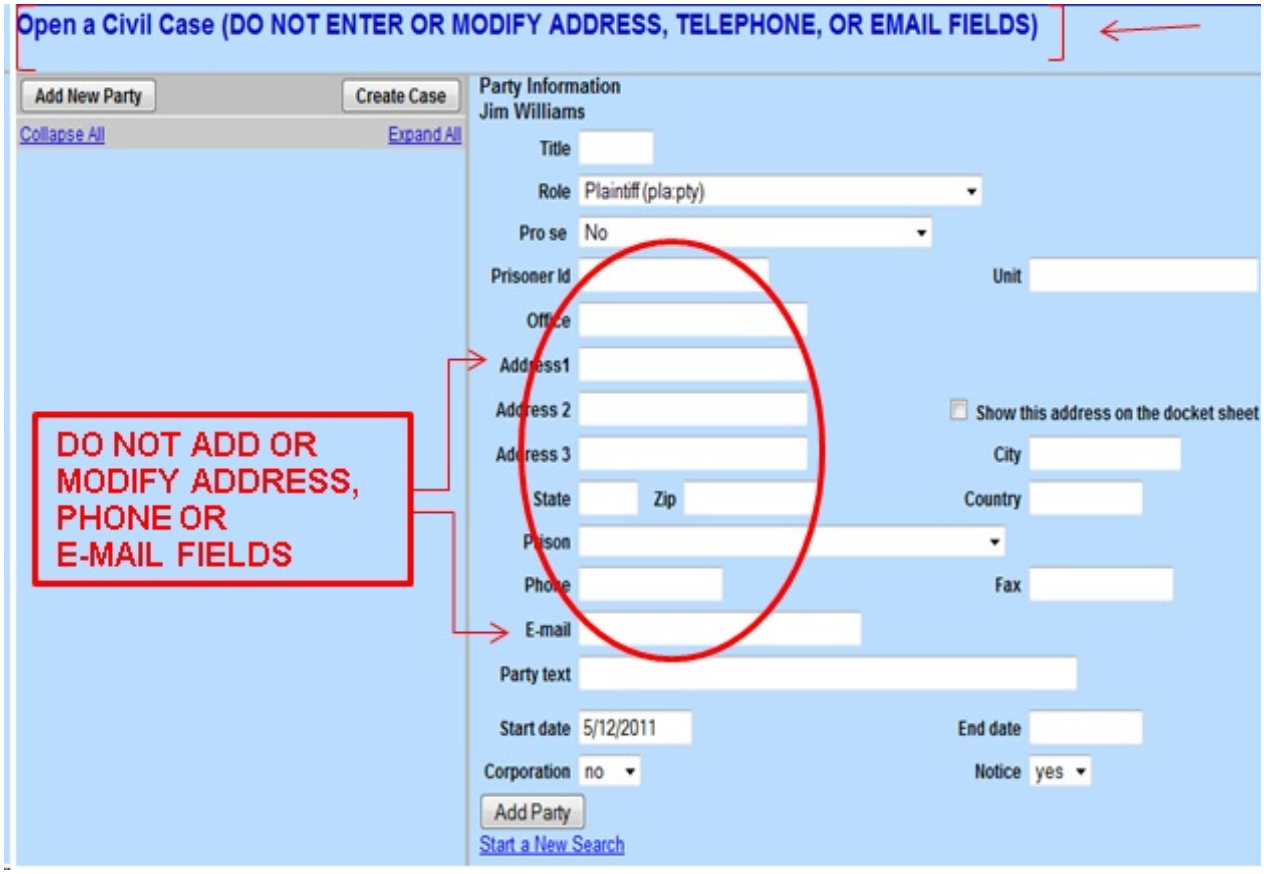
If the address is your party's address, or if there is no address, close the party record information, highlight the party name, and click **[Select Party]**.

If an address is already associated with the party name, but the address is not the address of your party, minimize the party record information and then click on **[Create new party]**. You must also click on **[Create new party]** if you do not find your party listed.

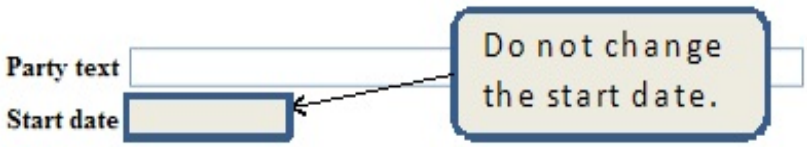
When creating a new party, be sure to add the complete name in the appropriate fields at the top of the page. The standard for capitalization in the Eastern District of Tennessee is to capitalize

only the first letter of each name. PLEASE DO NOT ENTER THE NAME IN ALL CAPS. DO NOT add party addresses, telephone numbers or e-mail information. If filing on behalf of a minor, enter only the minor's initials, not the minor's full name. See Fed. R. Civ. P. 5.2(a)(3). Also, do not add identifying information (e.g. "on behalf of" or "doing business as') in these fields. This is information for party text.

You must identify the role that the party has in the case. The role type defaults to **Defendant**. It is important to select the appropriate role type from the drop down menu on this screen.



In this example, the role was changed to **Plaintiff.** Click on the drop down arrow next to the **Role** field and select the appropriate party role (e.g., **Plaintiff (pla:pty), Petitioner (pet:pty))**.
Do not add or modify address information.

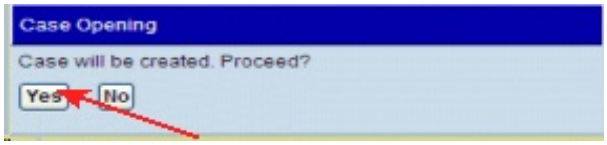


Use the **Party text** field at the bottom of the Party Information screen if additional identifying information is needed . (e.g., “Individually and in his official capacity,” “A minor,” “Doing business as”). Do not change the **Start date** field.

Click the Add Party

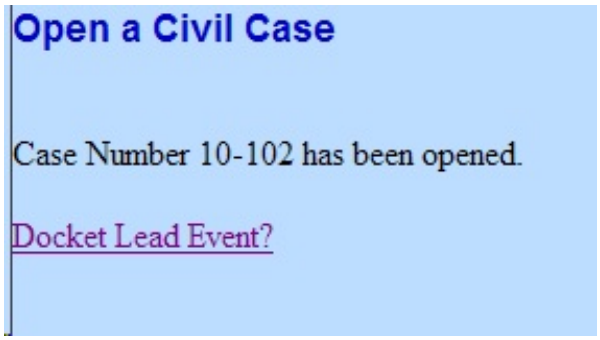
button. Continue adding parties. After **all** parties have been entered, click on the **Create Case** button.

The **“Case Opening - Case will be created. Proceed?”** window will display. Click the “Yes” button to create the case.



Case Number Assignment and Docketing Lead Event

The civil case is officially opened. A civil case number was automatically assigned when you clicked the “Yes” button. This created the “Case Opening - Case will be created - Proceed?” window. Notice the “Case Number 10-102 has been opened” message displayed on the screen below. This is the assigned case number.

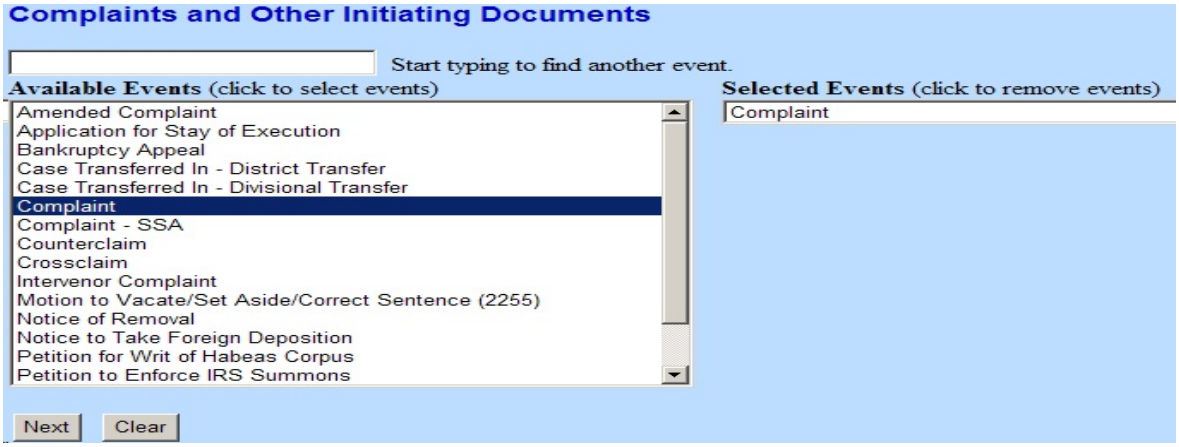


The final step in opening a new civil case is to docket the "**Lead Event**." Click the "**Docket Lead Event?**" hyperlink. This will allow the filer to electronically submit the initial pleading to the court.

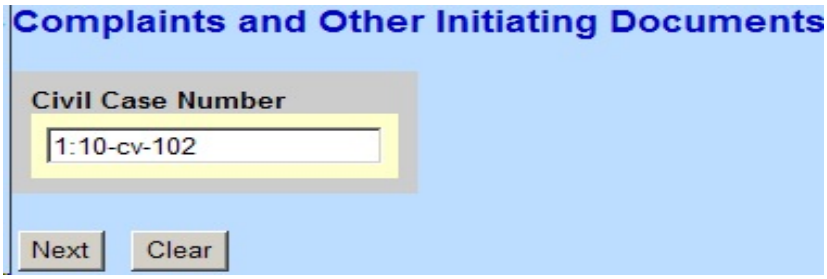
WARNING: **Even though your case number has been assigned, you are not finished. The case opening process is incomplete until you docket your complaint or other initiating document and pay any required filing fee.**

DOCKETING LEAD EVENT

After you have clicked the "**Docket Lead Event?**" hyperlink, ECF takes the user to the Complaints and Other Initiating Documents screen. (The filer can also find this event listing under the main **CIVIL** event menu under Complaints and Other Initiating Documents.) From the Available Events list, select the applicable initiating document type (e.g., Complaint, Notice of Removal, Petition for Writ of Habeas Corpus) then click the **[Next]** button. For this example, Complaint is selected.



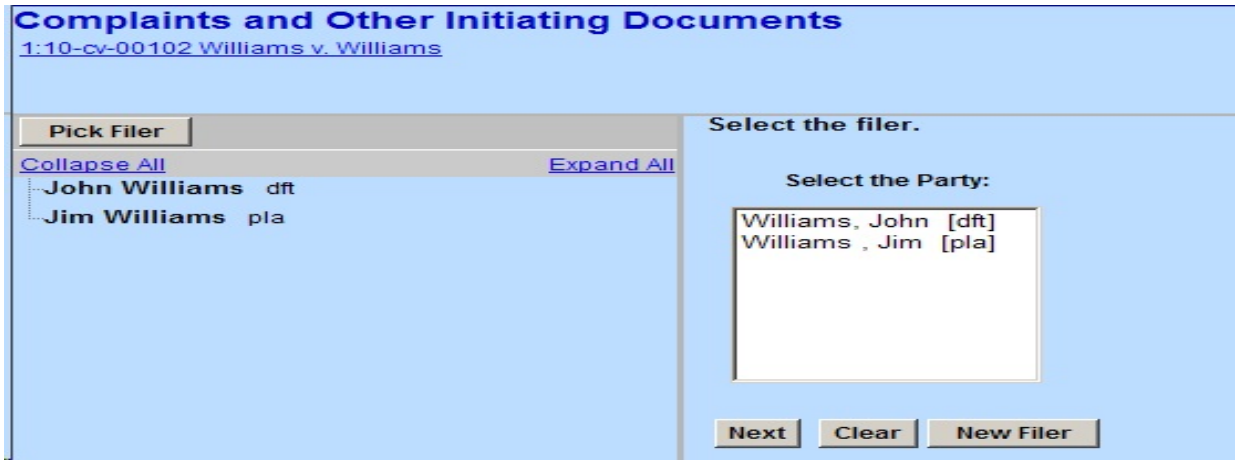
The next screen is the case number. The system automatically displays the last case number accessed.



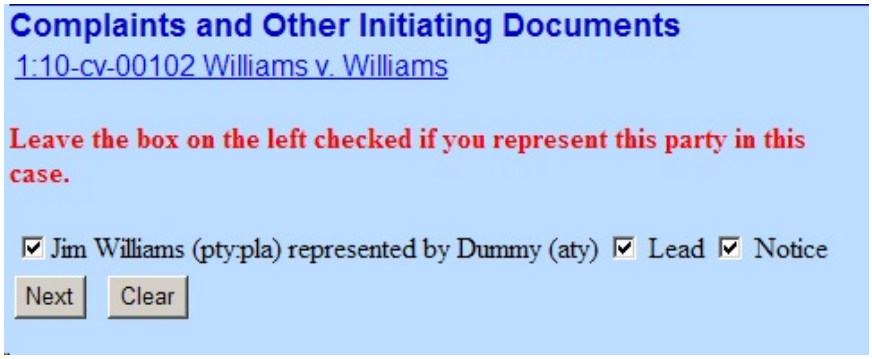
Verify the case number before continuing. If incorrect, enter the correct case number. When you have verified that you have the correct case number, click [Next] to continue.

The next step is to select the party(ies) you represent as the filer of the complaint or other initiating document. If you did not add all of the plaintiffs during the Case Opening process, add them now by clicking [New Filer]. Follow the procedure for adding or creating a new party explained above.

Select the party or parties filing the complaint. Select multiple parties by holding down the "Ctrl" key on the keyboard and using the mouse to highlight more than one name. Click [Next] to continue.

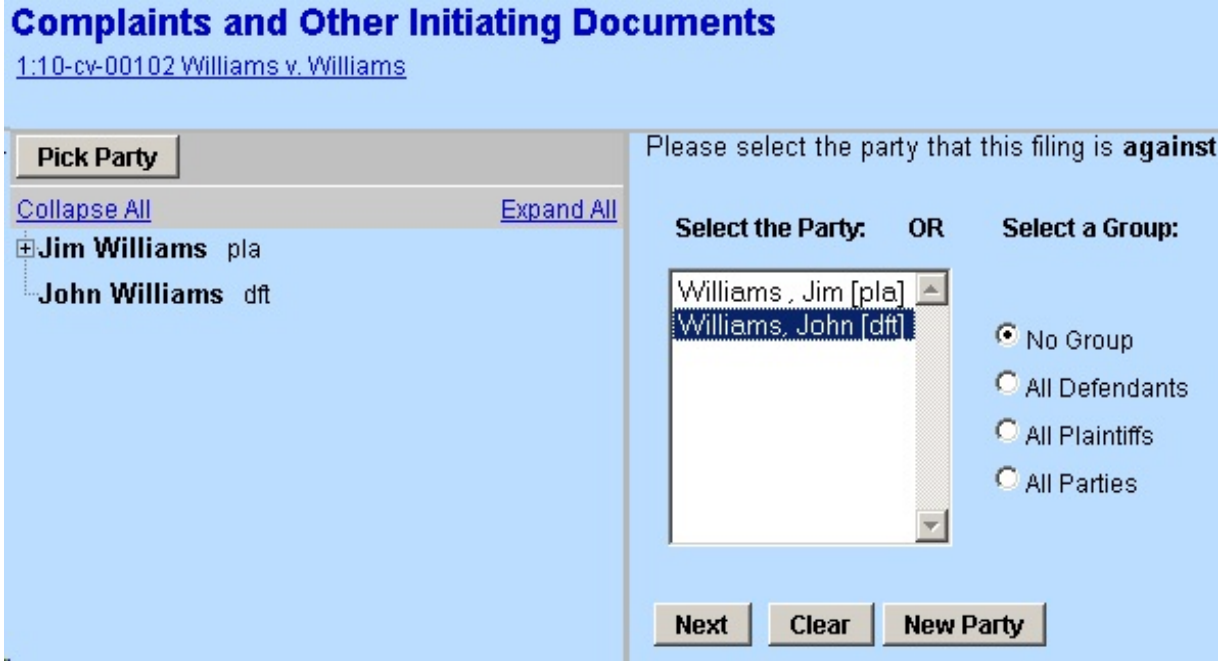


The next screen will require the filing attorney to associate themselves with the filing party. This ensures that notice of electronic filing will be served on the filing attorney for all parties indicated. Leave **all** the boxes (✔) checked. By doing this the filer is indicating that this party is being represented by the attorney currently logged into CM/ECF and filing this document."



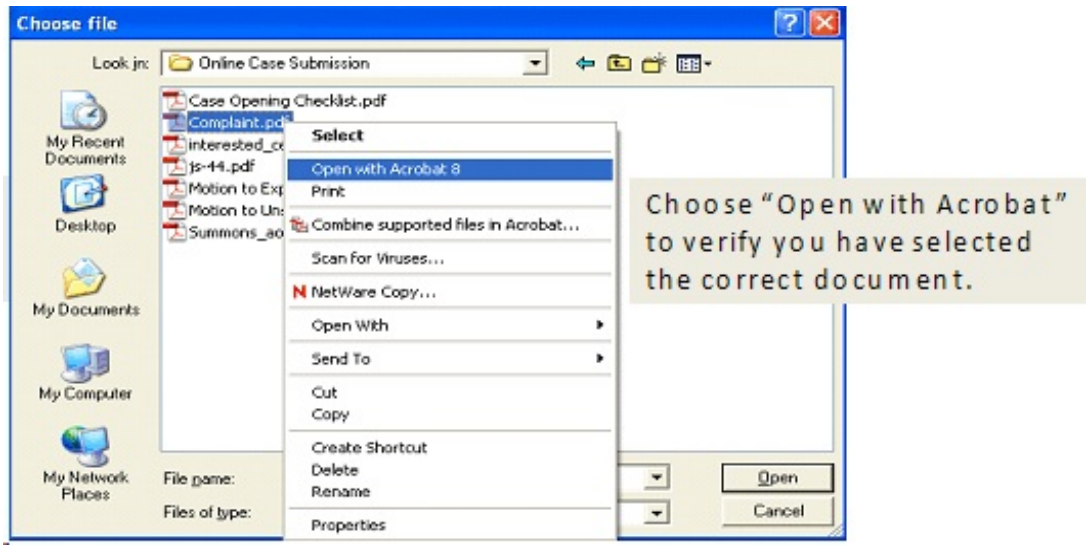
Select the party that this filing is against. Again, highlight the appropriate parties before continuing, then click the Next button.

If there are many defendants, the filer may simply click the radio button for **"ALL DEFENDANTS"** from the "Select a Group" list on the right side of the party listing. This saves scrolling through a large list of names to identify multiple parties and guarantees all defendants are selected.
Multiple defendants can also be selected by pressing the control key, and clicking on each defendant's name, multiple parties will be highlighted. Click the Next button to continue.

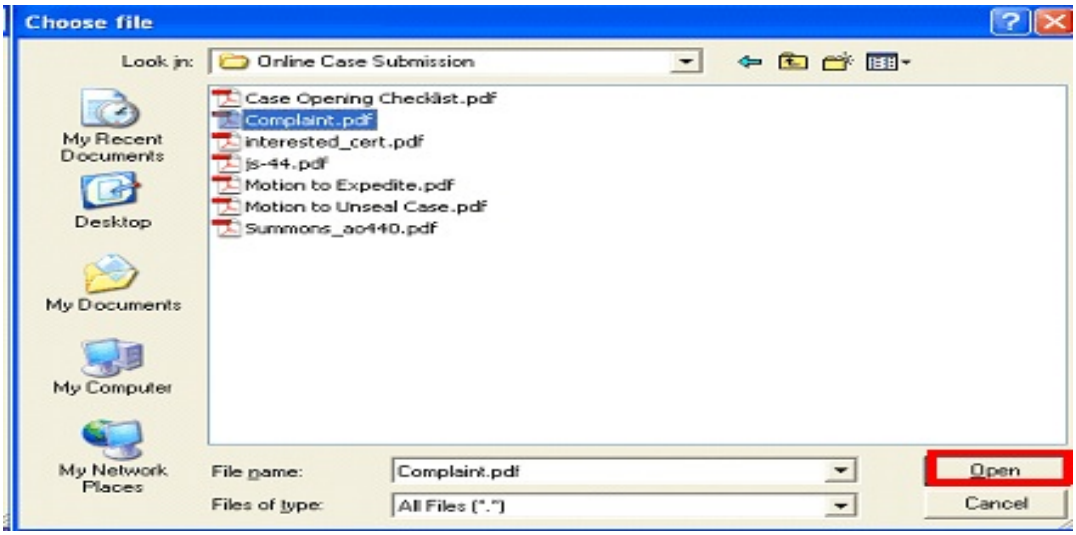


The next step is to attach the complaint. Click **[Browse].**

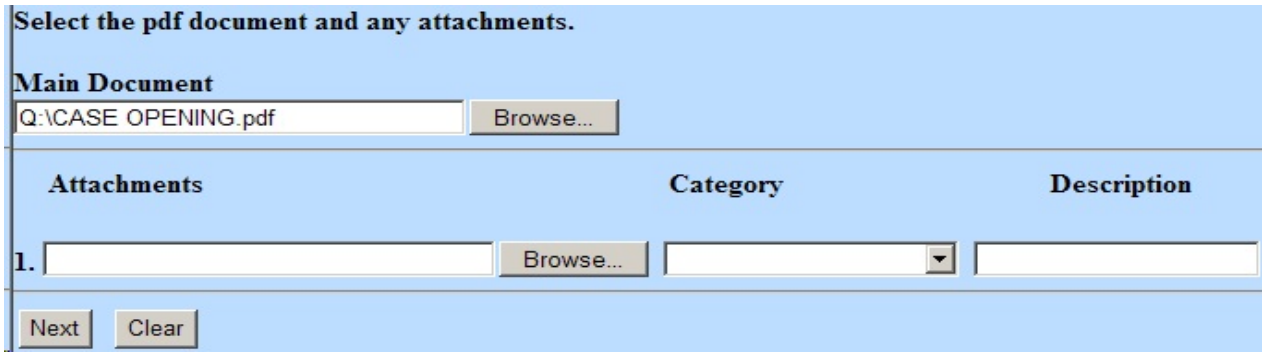
A pop-up box will appear, providing access to the files on your computer or network. Navigate to the appropriate folder containing the PDF document(s) you wish to file. Right-click on the document and select the option to open the document with Adobe. This allows you to preview the document to ensure you have selected the correct file. (***Remember, once submitted, a document cannot be retrieved***.)



After verifying you have selected the correct PDF document, click [**Open**] to accept the PDF for filing.



The path to the filename will appear in the text field box. Since you are required to attach additional PDF documents to the initiating document (e.g., civil cover sheet, supplemental civil cover sheet, certificate of interested persons), and may have other documents (e.g., exhibits) to attach, repeat these steps for the **Attachments section**. Click **[Next] to continue.**



After including the attachments, enter a category and/or a description for the attachment using the **Category** list and/or the **Description** field. Click **[Browse...]** to repeat the process until all attachments have been added.

Requesting Summons for Service of Process

If you request summons to be issued, you must complete a summons for each defendant and file the summons, in pdf format as an attachment, to the complaint. The clerk's office will electronically issue the summons(es) within one business day and docket *Summons Issued*, with the summons attached. You may print the summons forms and then effect service of process pursuant to Fed. R. Civ. P. 4.

In cases in which *in forma pauperis* has been granted and service will be effected by the United States Marshal, the summons will be issued electronically by the clerk and entered in CM/ECF. **You** will be responsible for the preparation of the service packets for each defendant.
The service packet should include:

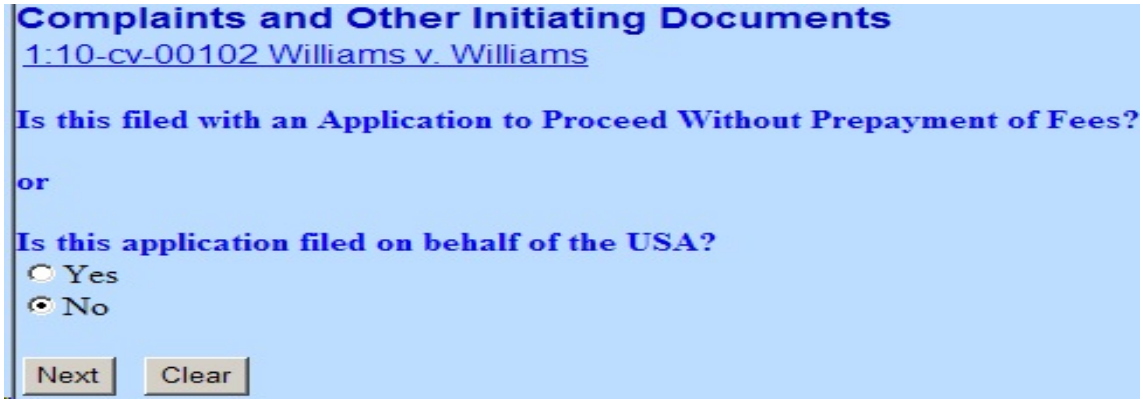
- **1** copy of the complaint
- **1** copy of the Order granting *in forma pauperis*
- **1** copy of the USM 285
- **2** copies of the summons form

In Social Security cases you will include the page with the plaintiff's social security number per L.R. 9.1(a)
The completed service packet should be mailed to the United States Marshal's Service, 800 Market Street, Suite 320 Knoxville, TN 37902.

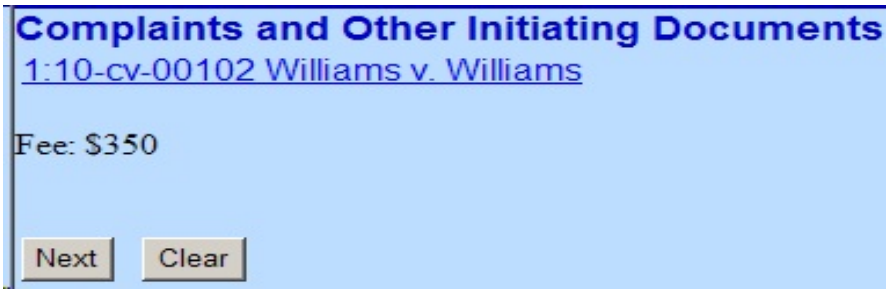
When all of the documents are attached, click the [Next] button.

Paying the Filing Fee

After attaching all of the documents, you will be asked if this complaint is being filed with an application to proceed without prepayment of fees or on behalf of the USA. If you do not qualify under either of these options, select No then **[Next]** to continue.



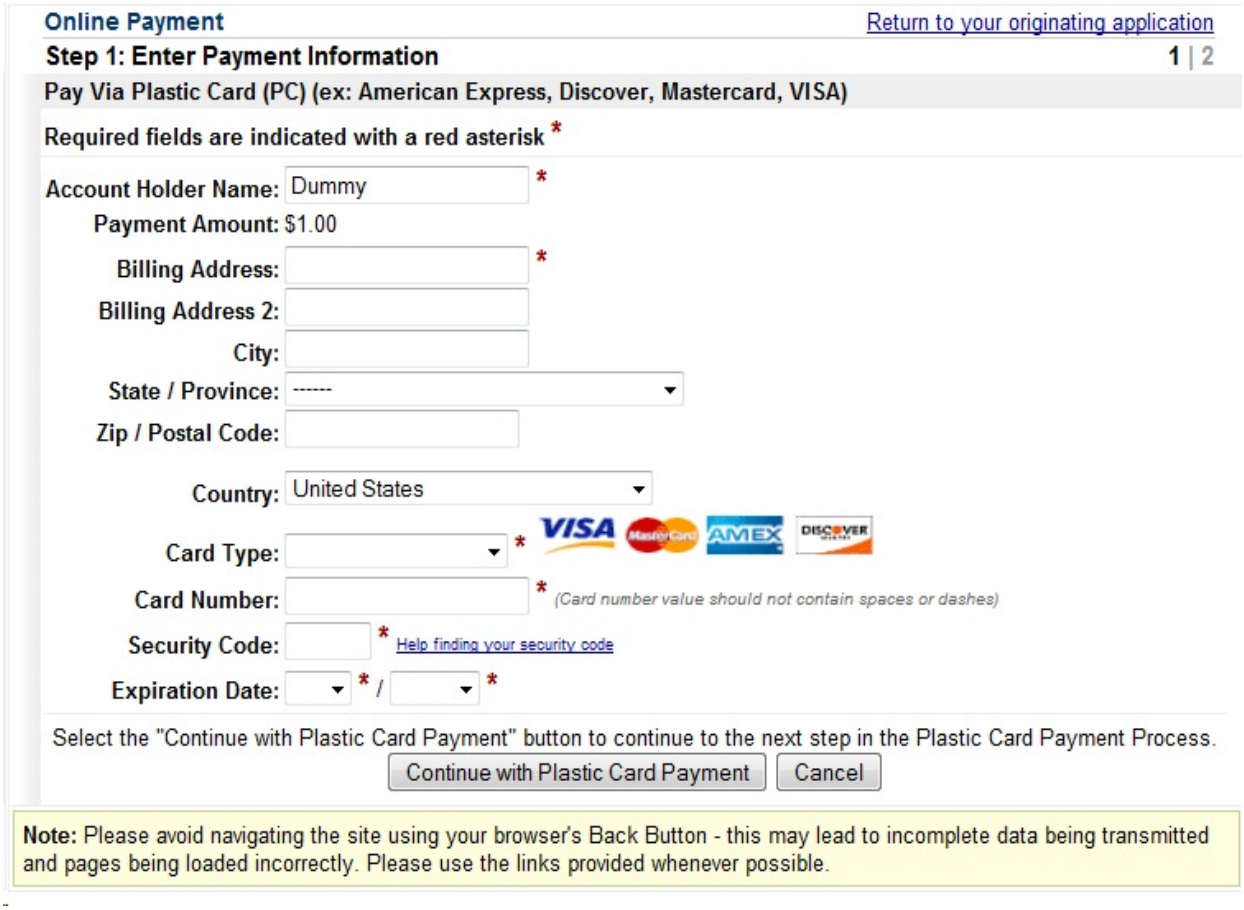
If none of the above was selected, a filing fee is required, and the filing fee payment screen will display. Click **[Next]** to continue.



Note: Secure payment screens will guide you through paying the filing fee.

Enter Payment Information

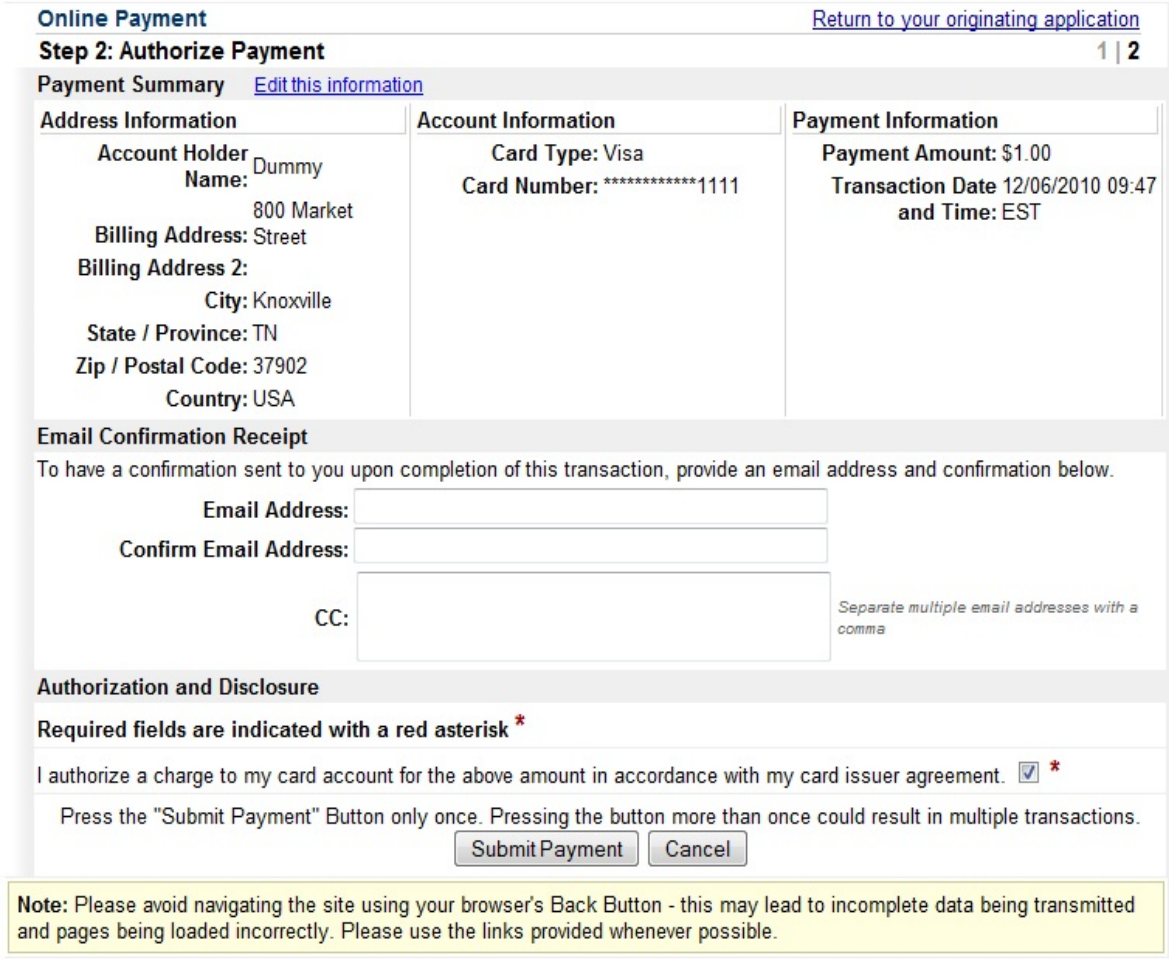
This is the first screen of the pay.gov payment process. There are two screens. Note that all fields marked with the red asterisk (*) are required.



Verify that the billing information is correct and complete and matches the billing address for your card.

Authorize Payment

Once you click the "Continue with Plastic Card Payment" button, the **Authorize Payment** screen is displayed.



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: Dummy	Card Type: Visa	Payment Amount: $1.00
Billing Address: 800 Market Street	Card Number: **********1111	Transaction Date and Time: 12/06/2010 09:47 EST
Billing Address 2:		
City: Knoxville		
State / Province: TN		
Zip / Postal Code: 37902		
Country: USA		

Email Confirmation Receipt

To have a confirmation sent to you upon completion of this transaction, provide an email address and confirmation below.

Email Address:

Confirm Email Address:

CC: *Separate multiple email addresses with a comma*

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. ☑ *

Press the "Submit Payment" Button only once. Pressing the button more than once could result in multiple transactions.

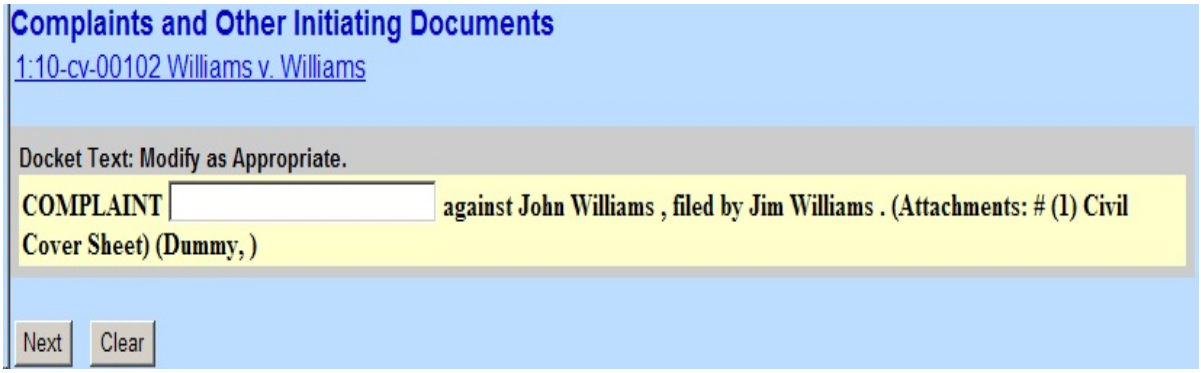
Submit Payment | Cancel

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.

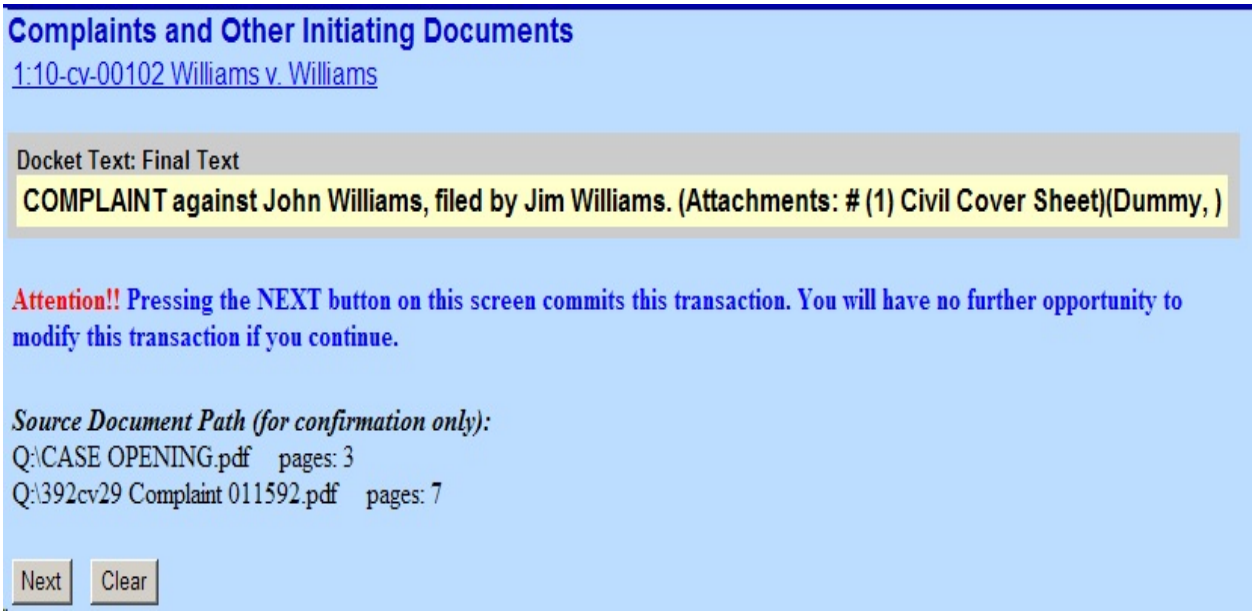
REMINDER, never hit the back button or abort the filing of the lead document once you have completed the payment screens. If you try to start over again filing the lead document, your credit card will be billed twice.

Completing the Filing

The docket text field for the complaint is displayed. Review the final docket text. Enter any additional docket text into the text field. Click **[Next].**



The final docket text will be displayed. **Complete** the transaction by clicking the **[Next]** button.



If you need to correct any errors (e.g., linking the complaint to the wrong party), contact the clerk's office for assistance. Do not attempt to refile or begin a new case filing.

Review the Notice of Electronic Filing. In addition to serving as notification that the event was accepted by the court's database, and providing document filing information and relevant hyperlinks, the NEF indicates who will and will not receive a "Notice of Electronic Filing" via email. WARNING: Only the filing attorney will receive a Notice of Electronic Filing when opening a new case, since no other attorneys have appeared. **The filing attorney is responsible for service on all other parties.**

Notice of Electronic Filing

The following transaction was entered by Dummy, on 6/21/2010 at 12:05 PM EDT and filed on 6/21/2010

Case Name: Williams v. Williams

Case Number: 1:10-cv-00102

Filer: Jim Williams

Document Number: 1

Docket Text:

COMPLAINT against John Williams, filed by Jim Williams. (Attachments: # (1) Civil Cover Sheet)(Dummy,)

1:10-cv-00102 Notice has been electronically mailed to:

1:10-cv-00102 Notice has been delivered by other means to:

Determining the Judge Assigned to the Case

After you have successfully opened your case, attached your documents, and paid any filing fee, a judge will be assigned to your case, by the Court. This judge assignment will not be shown in the Notice of Electronic Filing presented to you at the completion of case opening.

The clerk's office will review your filing for accuracy, then assign a District and Magistrate Judge, accordingly. **A *Public Docket Annotation* will be entered, on the record, to notify you of the assignment.**