

Electronic Filing in U.S. District Court:

Tips for Effective
Advocacy

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- CM/ECF on-line resources -

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2. Update your e-mail address

- Register multiple e-mail addresses

3. Correctly identify your documents as you file them

Why?

Motions Report

U.S. District Court [LIVE] - Western District of Texas

Motions Filed between 1/1/1970 - 3/11/2008

Judge Nancy Stein Nowak

Case number/ Document number	Case and Motion Information	Notes
5:01-cr-00177-XR Dft No. 1 - Gregorio Trejo Bailey	USA v. Bailey, et al Case filed: 03/21/2001	Office: San Antonio President: Xavier Rodriguez Case flags: CLOSED, MOTION_REFERRED
-1 86	MOTION to Vacate under 28 U.S.C. 2255 (Civil Action SA08-cv-39-XR.) Motion filed: 01/11/2008 Filed by: Gregorio Trejo Bailey Referred from: Xavier Rodriguez	
5:02-cr-00182-FB Dft No. 1 - Jaime Alvarez-Ocanegra	USA v. Alvarez-Bocanegra, et al Case filed: 04/17/2002	Office: San Antonio President: Fred Biery Case flags: MOTION_REFERRED
-1 408	MOTION to Vacate under 28 U.S.C. 2255 (Civil Action SA-07-CA-211-FB.) Motion filed: 03/12/2007 Filed by: Jaime Alvarez-Ocanegra Referred from: Fred Biery	Reply filed: 07/16/2007

	Caremark, Inc.	
545	MOTION to Compel Compliance with First Amended Scheduling Order Motion filed: 12/05/2007 Filed by: United States of America	Response filed: 12/17/2007 Reply filed: 12/21/2007
550	MOTION for Leave to Exceed Page Limitation Motion filed: 01/07/2008 Filed by: the State of Texas	
557	MOTION to Quash Motion filed: 01/08/2008 Filed by: Caremark International Holdings, Inc., Caremark International, Inc., Caremark, Inc.	Response filed: 01/11/2008
561	MOTION to Seal Motion filed: 01/14/2008 Filed by: Caremark International Holdings, Inc., Caremark International, Inc., Caremark, Inc.	
564	MOTION to Continue Alternative Motion For Rule 56(f) Continuance of Defendants Motion For Summary Judgment Regarding Obstruction of Investigation Motion filed: 01/17/2008 Filed by: the State of Texas	Response filed: 01/25/2008
577	MOTION for Leave to File Supplemental Brief In Opposition to Caremark's Motion for Summary Judgment Against the United States Motion filed: 02/08/2008 Filed by: United States of America	Response filed: 02/11/2008 Reply filed: 02/14/2008
585	Unopposed MOTION for Leave to Exceed Page Limitation for Filing Its	

Stem Nowak for all Pretrial Matters. Signed by Judge Fred Biery.. Referral Magistrate Judge: Nancy Stem Nowak. (tm)

12 MOTION for Sanctions
Motion filed: 12/12/2007
Filed by: Paul B. Ford, Daniel J. Krauss, MyToons, Inc.
Referred from: Fred Biery

Reply filed: 01/11/2008

MOTION for Sanctions by Daniel J. Krauss, Paul B. Ford, MyToons, Inc. (Attachments: # **1** Cont.) (Exhibits 3 - 13 are SEALED and placed in the vault)(tm)

Related entries:

- 12/21/2007 **17** Agreed MOTION for Extension of Time to File Response/Reply as to **12** MOTION for Sanctions by TVPaint Development. (Hanor, Charles)
- 12/31/2007 **22** Memorandum in Opposition to Motion, filed by TVPaint Development, re **12** MOTION for Sanctions filed by Defendant Daniel J. Krauss, Defendant Paul B. Ford, Defendant MyToons, Inc. (Attachments: # **1** Exhibit A, # **2** Exhibit B, # **3** Exhibit C, # **4** Exhibit D, # **5** Exhibit E, # **6** Exhibit F, # **7** Exhibit G, # **8** Exhibit H, # **9** Exhibit I, # **10** Exhibit J, # **11** Exhibit K, # **12** Exhibit L, # **13** Exhibit M, # **14** Exhibit N)(Hanor, Charles)
- 01/11/2008 **26** REPLY to Response to Motion, filed by Daniel J. Krauss, Paul B. Ford, MyToons, Inc., re **12** MOTION for Sanctions filed by Defendant Daniel J. Krauss, Defendant Paul B. Ford, Defendant MyToons, Inc. (Attachments: # **1** Exhibit A part 1, # **2** Exhibit A part 2, # **3** Exhibit B, # **4** Exhibit C)(Harkins, Jack)

16 MOTION for Sanctions *Under Rule 11*
Motion filed: 12/20/2007
Filed by: TVPaint Development
Referred from: Fred Biery

Response filed: 01/07/2008
Reply filed: 01/18/2008

MOTION for Sanctions *Under Rule 11* by TVPaint Development. (Hanor, Charles)

Related entries:

- 01/07/2008 **25** Response in Opposition to Motion, filed by Daniel J. Krauss, Paul B. Ford, MyToons, Inc., re **16** MOTION for

3. Correctly identify your documents as you file them

- Use the correct event (or multiple events)
- Don't combine motions and responses in one document
- Correctly link the submission to the underlying motion
- Designate "joint" motions

4. File the most useful version of your document

- “Text .pdfs” ... not “scanned pdfs”

What's the difference?

Counter-Defendants.§
§**BAUHAUS' RESPONSE TO DEFENDANT'S MOTION TO STRIKE PLAINTIFF'S REPLY IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (Docket No. 249)**

Plaintiff and Counter-Defendants Bauhaus Software, Inc. and Counter-Defendants Dan Kraus, Paul Ford and Stacey Ford (collectively, "Bauhaus") respond to Defendant's Motion to Strike Plaintiff's Reply in Support of Plaintiff's Motion for Summary Judgment (Docket No. 249) (the "Motion").

In its Motion, TVPaint argues that because Bauhaus' Reply in Support of its Motion for Summary Judgment (Docket No. 247) (the "Reply") exceeded the five page allowance of Local Rule CV-7, it should be stricken. TVPaint correctly points out that Local Rule CV-7(e) requires that "[a] reply shall be limited to five (5) pages, unless otherwise authorized by the Court." Motion at 2. TVPaint also points out that "[w]hile the Court advise[d] all parties that it will

and found the corporation to be the alter ego of the judgment debtor. *Maiz* at 345.

In *Maiz*, the judgment creditors presented evidence to the District Court that the corporations holding assets for which they applied for a turnover order were sham corporations operated strictly to shield assets from potential creditors.  alleged, in effect, that the corporate entities were being used to perpetrate a fraud upon potential creditors and, therefore, the District Court could appropriately order a receiver to take possession of those assets. The Fifth Circuit considered Plaintiffs' argument and held that the fact that the corporations were distinct legal entities with substantive property rights in the assets the judgment creditors sought was controlling. The Court found that the Turnover Statute was purely procedural in nature and held that the District Court did not

5. Present your supporting documents on a “silver platter”

- Clearly identify attachments by “category” and “description”



Motions

[5:30-cr-05000-UA USA v. TestDoe](#)

Select one or more attachments.

1) Enter the pdf document path that contains attachment (for example: C:\appendix.pdf).

File name

F:\COMMON\ramarova\training\PD [Browse...]

2) At your option, select a document category, enter a description, and select a type.

Category Description

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Go to the list box below. If you have more attachments, go back to Step 1. When the list of filenames is displayed, click the Next button.

- Affidavit
- Appendix
- Brief
- Civil Cover Sheet
- Errata
- Exhibit
- Memo in Support
- Supplement
- Proposed Order

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[Text Box]



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Stem Nowak for all Pretrial Matters. Signed by Judge Fred Biery.. Referral Magistrate Judge: Nancy Stem Nowak. (tm)

<p>12 MOTION for Sanctions <i>Motion filed:</i> 12/12/2007 <i>Filed by:</i> Paul B. Ford, Daniel J. Krauss, MyToons, Inc. <i>Referred from:</i> Fred Biery</p>	<p><i>Reply filed:</i> 01/11/2008</p>
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MOTION for Sanctions by Daniel J. Krauss, Paul B. Ford, MyToons, Inc. (Attachments: # [1](#) Cont.) (Exhibits 3 - 13 are SEALED and placed in the vault)(tm)

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- 01/11/2008 [26](#) REPLY to Response to Motion, filed by Daniel J. Krauss, Paul B. Ford, MyToons, Inc., re [12](#) MOTION for Sanctions filed by Defendant Daniel J. Krauss, Defendant Paul B. Ford, Defendant MyToons, Inc. (Attachments: # [1](#) Exhibit A part 1, # [2](#) Exhibit A part 2, # [3](#) Exhibit B, # [4](#) Exhibit C)(Harkins, Jack)

<p>16 MOTION for Sanctions <i>Under Rule 11</i> <i>Motion filed:</i> 12/20/2007 <i>Filed by:</i> TVPaint Development <i>Referred from:</i> Fred Biery</p>	<p><i>Response filed:</i> 01/07/2008 <i>Reply filed:</i> 01/18/2008</p>
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MOTION for Sanctions *Under Rule 11* by TVPaint Development. (Hanor, Charles)

Related entries:

- 01/07/2008 [25](#) Response in Opposition to Motion, filed by Daniel J. Krauss, Paul B. Ford, MyToons, Inc. re [16](#) MOTION for

Document Selection Menu



Select the document you wish to view.

Part	Description	
1	Main Document	15 pages
2		3 pages
3		10 pages
4		6 pages
5		6 pages
6		6 pages
7		6 pages
8		8 pages

Part	Description	
1	Main Document	18 pages
2	Exhibit A - Patent	16 pages
3	Exhibit B - Sevea Brochure	7 pages
4	Exhibit C - Activ Inst Sheet	5 pages
5	Exhibit D - Photo Sample Product	2 pages
6	Exhibit E - Photo Sevea Pamphlet	8 pages
7	Exhibit F - Photo ACA	35 pages
8	Exhibit G - Email to Plaintiff	3 pages

5. Present your supporting documents on a “silver platter”

- Clearly identify attachments by category and description
- Hyperlink your case and statutory authority

WordPerfect X3 - F:\NOWAK\TEXT\CIVIL\Fowler.revision 2.ms.j.wpd (unmodified)

File Edit View Insert Format Table Tools Window Help

Times New Roman 11.8 B / U <None> SEC FONT

that the Government has not waived its immunity from suit on claims arising out of libel and slander. [28 U.S.C. § 2680\(h\)](#). Since the United States is correct on the law, and Fowler does not dispute that he currently has no viable suit against the United States based on the law as cited, the United States' motion to dismiss, or in the alternative for summary judgment, should be granted, for the reason that Fowler has failed to first present an administrative tort claim to the United States as a prerequisite to his maintenance of the instant suit. [28 U.S.C. § 2675\(a\)](#); see *McNeil v. United States*, 508 U.S. 106 (1993).⁴

It is of no moment in ruling on the Government's motion to dismiss that Fowler *wants* his lawsuit to be against Gonzalez, individually, and *not* the Government. Whether Fowler agrees or not, as it now stands, the Government *is* the defendant in lieu of Gonzales by operation of law by virtue of the Government's certification of scope of employment of Gonzales under [28 U.S.C. § 2679\(d\)\(2\)](#), as confirmed by the District Court's June 6, 2007 Order on the substitution. Docket Entry # 11; see *Haley v. Osborn*, ___ U.S. ___, ___, 127 S. Ct. 881, 900 (2007) (upon certification the action is

outline.wpd Document2 fowler.revision 2.ms.j.wpd < Count > Insert Pg 1 Ln 1" Pos 1"

6. Submit proposed orders assuming they will be used

- Submit as an attachment
- Submit as a “text .pdf”
- Itemize the specific relief requested

ORDER

On this _____ day of _____, 2008, the Court considered Plaintiff's Motion to Compel Production of Documents. Having carefully considered the pleading, the Court is of the opinion that the motion should be GRANTED.

IT IS THEREFORE ORDERED THAT:

WITHIN TWENTY (20) DAYS OF THE ENTRY OF THIS ORDER:

1. Defendant shall produce the records as requested in Plaintiff's First Request for Production of Documents, Request No. 17;
2. Defendant shall make available a corporate representative to discuss the financial condition of Defendant in a continuance of the 30(b)(6) deposition within the seven (7) hour limitation; and
3. Produce any and all documents responsive to Plaintiff's Second Request for Production of Documents, Request Nos. 1, 2, 3, 6, 7, 8, and 9 to the extent that the documents have not been produced pursuant to Rule 26 of the Federal Rules of Civil Procedure.

U.S. District Court [LIVE]

Western District of Texas

Notice of Electronic Filing

The following transaction was entered on 3/4/2008 at 1:54 PM CST and filed on 3/4/2008

Case Name: USA v. Hernandez et al

Case Number: [5:07-mj-650](#)

Filed:

Document Number: No document attached

Docket Text:

Text Order GRANTING [21] Motion to Continue as to Matilda L. Avila (2). Reset jury trial to April 28, 2008 at 9:30 a.m. Plea deadline April 7, 2008. Time between two trial settings shall be excluded from speedy trial. Entered by Judge Nancy Stein Nowak. (This is a text-only entry generated by the court. There is no document associated with this entry.) (NSN)

5:07-mj-650-1 Notice has been electronically mailed to:

Clare Koontz Clare_Koontz@fd.org, Irma_Gonzalez@fd.org, TXWSA_ECF@fd.org

Lackland Staff Judge Advocate david.moussette@lackland.af.mil, maria.deleon@lackland.af.mil

Alex J. Scharff alexjoss@yahoo.com, cindy@campionlawfirm.com

Mary Nelda Valadez mary.nelda.valadez@usdoj.gov, jorie.hughes@usdoj.gov, usatzw.ecfsacriminal@usdoj.gov

7. Reminder: Some things haven't changed

- Signatures

ELECTRONIC SIGNATURE

OR

/s/ - FOLLOWED BY TYPED NAME

BY:



J.D. Smith

State Bar of Texas No. 12345678

Smith and Jones, LLP

234 Barrister Avenue

San Antonio, Texas 78207

BY: /S/ J.D. Smith

State Bar of Texas No. 12345678

Smith and Jones, LLP

234 Barrister Avenue

San Antonio, Texas 78207

7. Reminder: Some things haven't changed

- Signatures
- Complaints, answers, amended complaints/answers, sealed documents, large files—*but stay tuned...*
- After hours filing box
- Certificates of Service – who served and “how served”

Administrative Policies and Procedures for Electronic Filing

(Sample Language)

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of October, 2004, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Jacob Smith
Attorney at Law
123 South St. Mary's Street
San Antonio, Texas 78212

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

JoAnn JoHansson
Attorney at Law
745 East Mulberry Avenue
San Antonio, Texas 78212
Attorney for James Jameson

/s/Peter Peterson

7. Reminder: Some things haven't changed

- Signatures
- Complaints, answers, amended complaints/answers, sealed documents, large files—*but stay tuned...*
- After hours filing box
- Certificates of Service – who served and “how served”
- Policy and procedure guides for the District and Magistrate Judges



Western District of Texas

us district court - us pretrial services - us probation



Federal Judges' Policies and Procedures

Austin Division

- [U.S. District Judge Sam Sparks](#)

El Paso Division

- [U.S. District Judge David Briones](#)

San Antonio Division

- [U.S. District Judge Fred Biery](#)
- [U.S. District Judge Royal Furgeson](#)
- [U.S. District Judge Orlando Garcia](#)
 - [Proposed Scheduling Order](#)
 - [Key for Proposed Scheduling Order](#)
Key which sets out suggested discovery deadlines in cases before Judge Orlando L. Garcia
- [U.S. District Judge Xavier Rodriguez](#)
- [U.S. Magistrate Judge Pamela Mathy](#)
- [U.S. Magistrate Judge Nancy Stein Nowak](#)
 - [Rules for Mediation](#)

8. Share this information!