



OPENING A CIVIL CASE
AND
FILING A COMPLAINT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
APRIL 2010

TABLE OF CONTENTS

Introduction	1
Opening Civil Case	2
Case Opening Screen	3
JS44/Civil Cover Sheet Screen	4
Adding Parties	8
Entering Aliases	12
Adding Additional Parties	14
Creating Case	15
Filing Complaint	16
Judge Assignment Notification	24
Important Points to Remember	24

Introduction

This document will guide you through the process of opening a civil case in ECF, docketing the complaint or other case initiating document, paying the filing fee (if one is due) through pay.gov, and requesting a summons. It also explains how you will be notified 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 case initiating documents for a civil case:

- Complaint (except a sealed Complaint)
- Notice of Removal (from a state court)

All other case initiating documents for a civil case must continue to be filed traditionally at the clerk's office. Miscellaneous civil case initiating documents must also be filed traditionally at the clerk's office.

NOTE: When attorneys traditionally file case initiating documents at the counter, the judge assignment will be received via an NEF when the case is opened. This change is due to this new feature that allows attorneys to open cases via e-filing.

A filing user should have the following available before starting the civil case opening process:

1. The complaint (or other case initiating document) saved in Portable Document Format (PDF). Any accompanying document(s), including exhibits, should be saved as separate PDF documents. A 5 MB size limit applies to each PDF file.
2. A valid credit or debit card (Visa, MasterCard, American Express, Discover, Diner's Club) to pay the required filing fee.

1. Click **Open Civil Case** in the Civil Events Menu Screen (see fig. 1).



Figure 1

2. The following informational screen (see fig. 2) will be displayed. Click **[Next]** to continue.

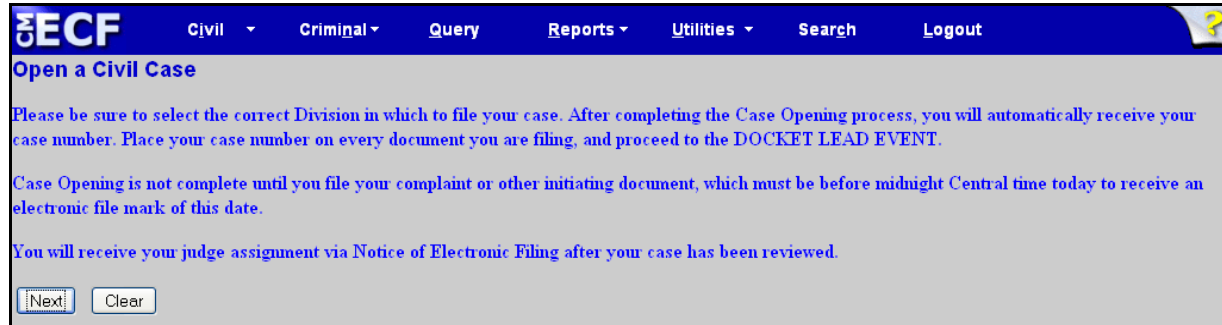


Figure 2

3. Complete the following Case Opening screen (see fig. 3).

The screenshot shows the 'Open a Civil Case' form in the ECF system. The form has a blue header with the ECF logo and navigation tabs for Civil, Criminal, Query, Reports, and Utilities. The main content area is grey and contains the following fields and controls:

- Office:** A drop-down menu with 'Austin' selected. A red arrow labeled 'A' points to this field.
- Case type:** A drop-down menu with 'cv' selected. A red arrow labeled 'B' points to this field.
- Case number:** A text input field.
- Date filed:** A text input field with the value '3/26/2010'.
- Lead case number:** A text input field.
- Association type:** A drop-down menu with 'consolidated' selected. A red arrow labeled 'C' points to this field. A red arrow also points to this field from the text 'Do not complete (internal use only)'.
- Other court name:** A text input field. A red arrow labeled 'C' points to this field.
- Other court number:** A text input field. A red arrow labeled 'D' points to this field.
- Related cases:** A checkbox that is currently unchecked. A red arrow labeled 'D' points to this checkbox. A red arrow also points to this checkbox from the text 'Do not complete (internal use only)'.
- Buttons:** 'Next' and 'Clear' buttons are located at the bottom left.

Figure 3

- A. **Office** - Select the appropriate divisional Office for this case from the drop-down list.
- B. **Case Type** - Select the default case type of “cv”. Do not select “mc” or “md.”
- C. **Other Court Name** - If filing a “Notice of Removal from State Court”, enter the court name in this field.
- D. **Other Court Number** - “Notice of Removal from State Court”, enter the case number from the other court in this field.

After you have completed selecting and entering the above information, click the [Next] button to continue.

4. Complete the following JS44/Civil Cover Sheet screen (see fig. 4).

Figure 4

A. Jurisdiction

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

Figure 5

1. **U.S. Government Plaintiff** - Suits by agencies and officers of the United States are included.
2. **U.S. Government Defendant** - The plaintiff is suing the United States, its officers or agencies.
3. **Federal Question** - Suits 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.
4. **Diversity** - Suits where parties are citizens or businesses of different states or countries. Citizenship for plaintiff and defendant must be entered in the corresponding fields. **See fig 8.**

B. Cause of Action and Nature of Suit

Utilize the drop down list to select the Cause of Action and Nature of Suit code (see fig. 6) that is listed on your Civil Case Cover sheet. Notice the filter field on the right side. If the user enters “18” or ‘rico” in the Cause of action filter field and then clicks the down arrow for the Cause of action field, only those causes of action which contain “18” or which contain “rico” will be displayed in the selection list.

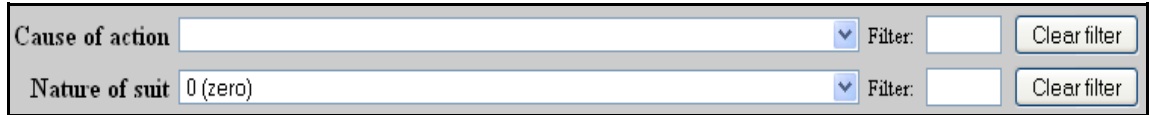


Figure 6

C. Origin

Select **Origin Code 1** (Original Proceeding) for most new case types, including a Complaint.

Select **Origin Code 2** (Removal from State Court) for a Notice of Removal.

All other Origin Code options are for internal use only.

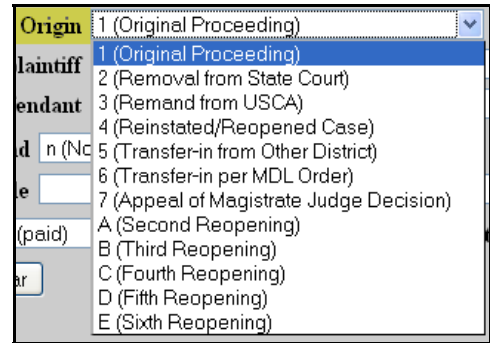


Figure 7

D. Citizenship plaintiff and Citizenship defendant

The Citizenship fields (see fig. 8) are **not** to be completed unless **Diversity** was selected under the Jurisdiction field.

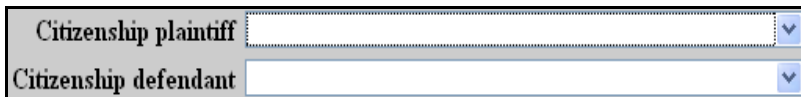


Figure 8

E. Jury demand

If no jury demand has been made, leave the jury demand field (see fig. 9) 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.

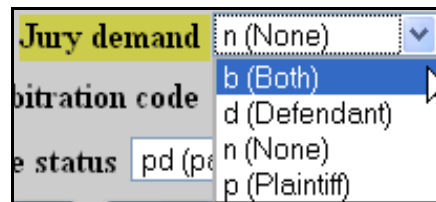


Figure 9

F. **Demand**

If applicable, enter the monetary Demand for the plaintiff (*see fig. 10*). This must be entered in thousands, rounded to the nearest thousand dollars. Example: \$100,000 = 100

A screenshot of a web form field. The label "Demand (\$000)" is positioned to the left of a rectangular text input box. The input box is currently empty.

Figure 10

G. **County**

Except for a case in which jurisdiction is based on the plaintiff being the United States, in the County field (*see fig. 11*), enter the name of the county where the first listed plaintiff resides at the time of the filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing.

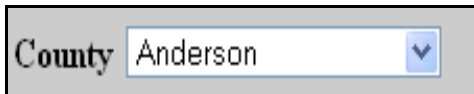
A screenshot of a web form field. The label "County" is to the left of a dropdown menu. The dropdown menu is open, showing the text "Anderson" and a small downward-pointing arrow on the right side.

Figure 11

H. **Fee Status**

If you are filing on behalf of the United States, change the Fee status field (*see fig. 12*) to “**wv (waived USA).**”

If an Application to Proceed In Forma Pauperis will be included with the initiating document you file, change the Fee Status field to “**fp (informa pauperis).**”

Otherwise, leave the Fee status field at its default or “**pd (paid).**”

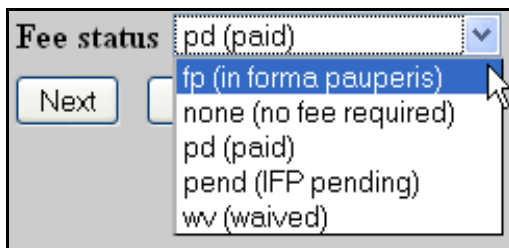
A screenshot of a web form field. The label "Fee status" is to the left of a dropdown menu. The dropdown menu is open, showing a list of options: "pd (paid)", "fp (in forma pauperis)", "none (no fee required)", "pd (paid)", "pend (IFP pending)", and "wv (waived)". The "fp (in forma pauperis)" option is highlighted in blue. A mouse cursor is pointing at the "fp (in forma pauperis)" option. To the left of the dropdown menu is a "Next" button.

Figure 12

I. **Class action, Arbitration code, Fee date and Date transfer**

IMPORTANT: Do not change the Class action, Arbitration Code, Fee Date and Date transfer fields (*see fig. 13*). These fields are for internal use only.

The screenshot shows a web form with the following fields and values:

- Origin: 1 (Original Proceeding)
- Citizenship plaintiff: [empty]
- Citizenship defendant: [empty]
- Jury demand: n (None)
- Class action: n
- Demand (\$000): [empty]
- Arbitration code: [empty]
- County: Anderson
- Fee status: pd (paid)
- Fee date: 3/25/2010
- Date transfer: [empty]

At the bottom left, there are two buttons: "Next" and "Clear". Four red arrows originate from a single point below the "Next" button and point to the "Class action", "Arbitration code", "Fee date", and "Date transfer" fields.

Figure 13

After you have completed JS44/Civil Cover Sheet Information screen, click the **NEXT** button to accept this screen (*see fig. 13*).

5. Complete the Add Party Information

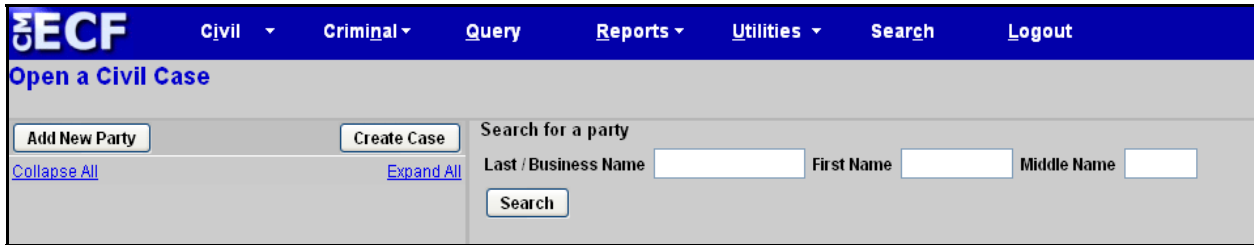


Figure 14

The party screen now appears (*see fig. 14*). If the party has previously been involved in litigation in this district, the name will already exist in the ECF database. To minimize the number of duplicate names in the database, use an existing name, rather than automatically selecting [Create new party].

- A. Enter the last name of the individual or the business name in the Last/Business Name field (*see fig. 15*) and click **[Search]**.

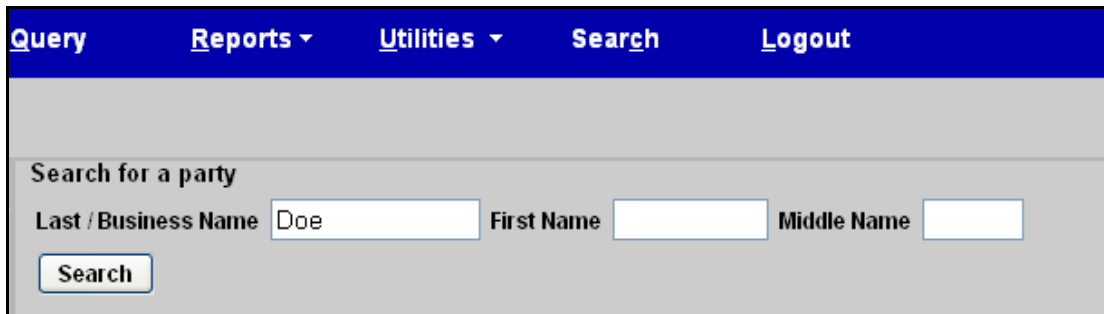


Figure 15

- B. If the name of the party is found in the Party search results (*see fig. 16*), click on that name to highlight it.

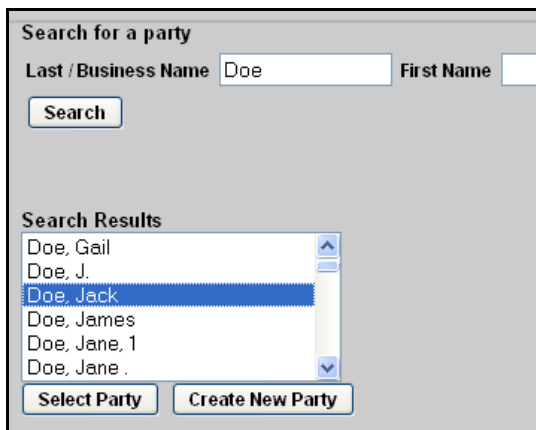


Figure 16

- C. Before selecting the name from the list, double click on the name to see the party record information (see fig. 17). The following window will be displayed. Verify that this is the address of your party. If this is the address, close this window and proceed to step F.

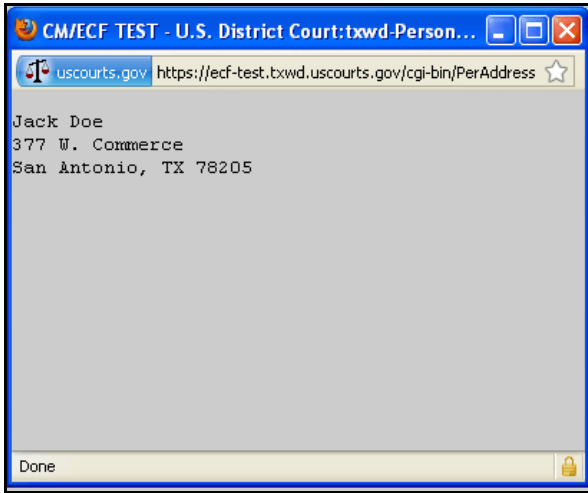


Figure 17

- D. If this is not the address of your party or you do not find your party listed, close the party record window above and then click on [**Create New Party**](see fig. 18).

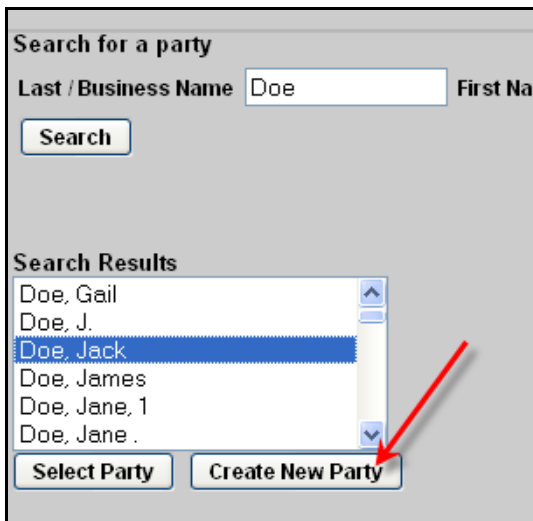


Figure 18

- E. Complete **only** the following when creating a new party:
1. **Last Name, First Name, Middle Name and Generation**
Do not enter the name in all caps. If filing on behalf of a minor, enter only the minor’s initials, not the minor’s full name.
 2. **Role**
Click on the drop down arrow next to the Role field. All parties will default to the defendant role and must be changed to the appropriate party role (e.g. Plaintiff (pla:pty)).
 3. **Party Text**
Use the Party text field if additional identifying information is needed (e.g., “Individually and as surviving spouse,” “Individually and in his official capacity,” “A minor,” “Estate of,” “Trustee of”)

Do not add or modify address information. Only complete the fields highlighted below. All other fields are for internal use only (see fig. 19). Click **[Add Party]** to accept this screen.

The screenshot shows a web form titled "Party Information". The following fields are highlighted in yellow:

- Last name: Doe
- First name: Jack
- Middle name: Mathew
- Generation: Jr.
- Role: Plaintiff (pla:pty)
- Party text: (empty text box)
- Start date: 3/24/2010

Other visible fields include: Title, Pro se (No), Prisoner Id, Unit, Office, Address 1, Address 2, Address 3, City, State, Zip, Country, Prison, Phone, Fax, Corporation (no), Notice (yes), and an "Add Party" button.

Figure 19

- F. After clicking on **[Add Party]**, a participant tree is displayed on the left hand side of the screen (see fig. 20). This allows filers to readily see all the case participants. Clicking on **“Expand All”** will display the aliases, corporate parent or other affiliate, and attorneys for each of the parties listed.

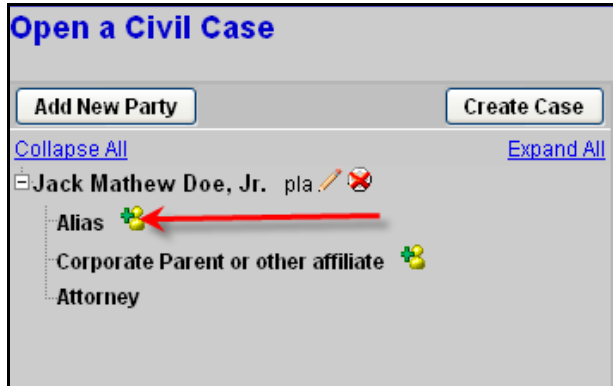


Figure 20

6. **Enter Aliases**

- A. If a party has an alias that is identified in the complaint, (e.g., dba, aka) click on the add icon (see fig. 21).

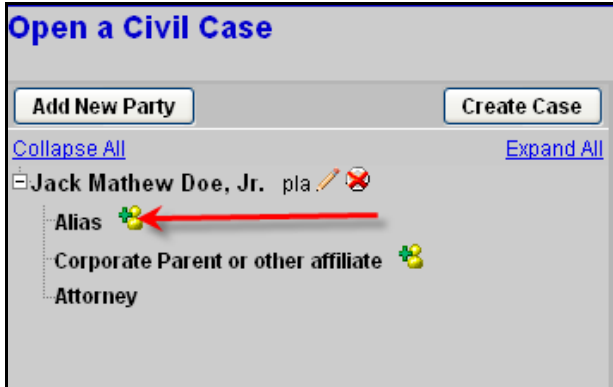


Figure 21

- B. Search for an alias by entering part or all of the last name or business name (see fig. 22).

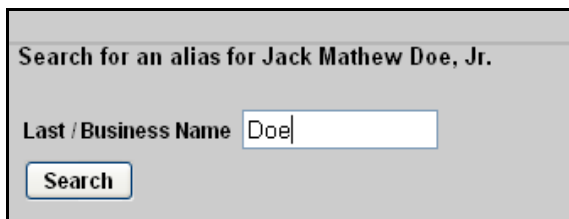


Figure 22

- C. Review the Alias search results (see fig. 23), highlight a name, and click [Select Alias]. If you do not find the alias you are seeking, click [Create New Alias].

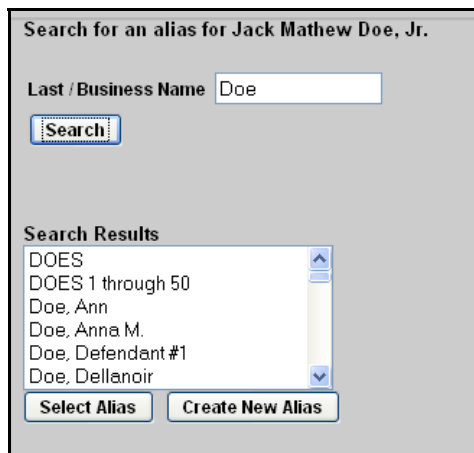


Figure 23

D. After clicking on **[Create New Alias]**, enter the complete name on the Alias Information screen (see fig. 24). Choose the correct Role type. Choose from:

agent	agent of, one acts for another
aka	also known as
dba	doing business as
fdba	formerly doing business as
fka	formally known as
nee	born (placed before a married woman's maiden name)
obo	on behalf of
other	an alias of a role not otherwise listed
rpi	real property in interest
ta	trading as

After completing the Alias Information screen, click **[Add Alias]**.

Alias Information

Last Business name: Doe First name: _____

Middle name: _____ Generation: _____

Type: aka (dropdown menu open showing: agent, aka, dba, fdba, fka, nee, obo, other, rpi, ta)

Start date: 3/24/2010

Do not change the start date.

Add Alias

Figure 24

7. **Add Additional Parties**

A. If additional parties need to be added, click on **[Add New Party]**(see fig. 25).

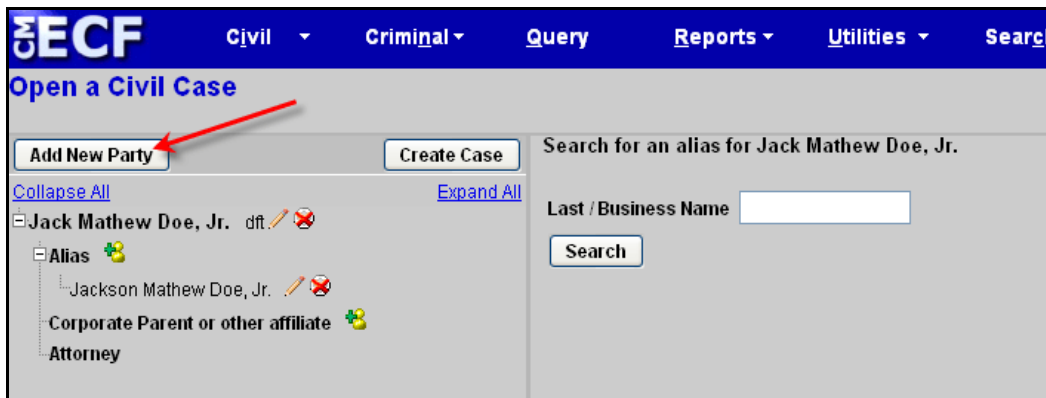


Figure 25

B. The Search for a party screen (see fig. 26) will now be displayed. Complete steps 5 and 6 to add all other parties to the case. Ensure that you choose the appropriate role for each party. Verify that you have added both a plaintiff and defendant to your case.

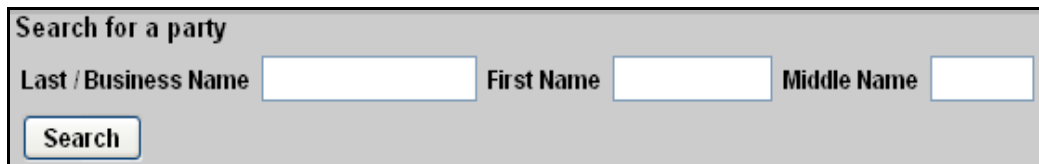


Figure 26

8. Create Case

- A. You have now completed all the information necessary to create your case. Please do not add Attorneys and/or Corporate Parents (see fig. 27). All other attorneys will be added by Clerk’s Office staff.

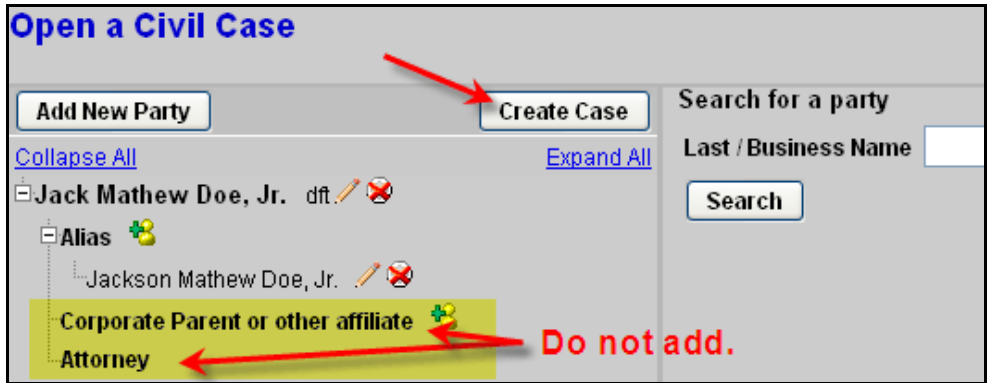


Figure 27

- B. Do Not click [Create Case] until All parties have been added. Once this button has been selected, the filer will not be able to return to enter additional parties. Click [Create Case] to accept this screen. Your case will not be opened until, the “Create Case” button is selected.
- C. The following screen will be displayed (see fig. 28). Click [Yes] to proceed.

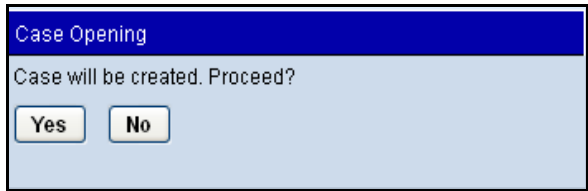


Figure 28

9. File Complaint

After clicking on **[Create Case]**, your case number has now been assigned (*see fig. 29*). It is important that you add this case number to all documents filed. The case number displayed will show only the year and civil case number (e.g. 10-126). It will not display the division in which the case was filed, nor the type of case (e.g. “cv” for civil). Please note the division numbers for the Western District of Texas: Austin-1, Del Rio-2, El Paso-3, Pecos-4, San Antonio-5, Waco-6, and Midland-7. Place this case number on the first page of each case initiating document.

After the case number is assigned, you may not use the back button to make corrections or additions. If you did not add all parties to the case before the case number was assigned, you may add additional parties in the next step when you file your complaint (or other case initiating document).

IMPORTANT: Even though your case number has been assigned, your case opening process is not complete. You must docket your complaint or other case initiating document and pay any required filing fee.



Figure 29

- A. Click on **Docket Lead Event** (*see fig. 29*).
- B. From the Available Events list (*see fig. 30*), select the applicable case initiating document and click **[Next]** to accept this screen.

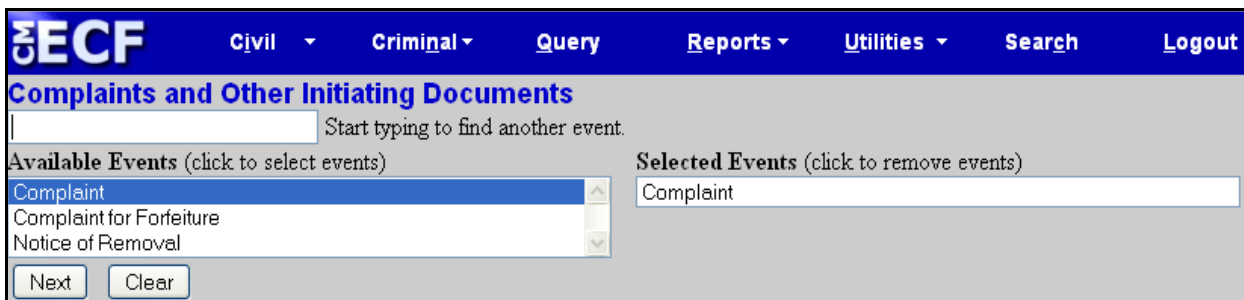


Figure 30

- C. CM/ECF automatically displays the last case number assigned (see fig. 31). Click **[Next]** to accept this screen.

ECF Civil Criminal Query Reports Utilities

Complaints and Other Initiating Documents

Civil Case Number
1:10-cv-126

**Enter YY-NNNNN and pick your case from the list.
For example 01-100 will return all cases for year 2001 and case number 100**

Or use the following chart to translate pleading case style to CM case style format:
For the civil cases use 'cv' in place of 'CA'
For example, pleading styled A-08-CA-002-LY would be entered as 1:08-cv-2
In the examples below, replace **XX** with cv, mc, cr or mj;

A or AU (Austin) = 1 (1:YY-XX-12345)	DR (Del Rio) = 2 (2:YY-XX-12345)
EP (El Paso) = 3 (3:YY-XX-12345)	MO (Midland) = 7 (7:YY-XX-12345)
PE (Pecos) = 4 (4:YY-XX-12345)	SA (San Antonio) = 5 (5:YY-XX-12345)
WA (Waco) = 6 (6:YY-XX-12345)	

Next Clear

Figure 31

- D. Select the party(ies)(see fig. 32) you represent as the filer of the complaint or other case initiating document. You may select multiple parties by holding the “Ctrl” key down and clicking to highlight more than one name. Select **[Next]** to continue.

Complaints and Other Initiating Documents

1:10-cv-00126 Doe v. Doe

Verify the case number is correct.

Pick Filer

Collapse All Expand All

1:10-cv-126

- Jack Mathew Doe, Jr. pla
- John B Doe dft

Select and click [Next].

Select the filer.

Select the Party:

- Doe, Jack Mathew, Jr. [pla]
- Doe, John B [dft]

Next Clear New Filer

Figure 32

- E. The following screen (*see fig. 33*) will be displayed if CM/ECF does not recognize you as the attorney of record for the party listed. Read the text on this screen carefully. If you are the attorney of record for the party listed, click the check box to the left of the party name and then click [Next] to accept this screen.

Complaints and Other Initiating Documents
1:10-cv-00126 Doe v. Doe

This screen is displayed because CM/ECF does not recognize you as the attorney of record for the party listed below.

1. If you **want to establish** yourself as the attorney of record for the listed party, check the box(es) on the far left side. If you do not check this box, you will NOT receive e-mail notice on this case as to this party.
2. If you are **NOT** the attorney of record for the party listed and you selected the wrong filer, utilize the BACK button to select the correct filer from the previous screen.
3. If you are **filing a joint or agreed pleading** and selected more than one filer from the previous screen, please check the box(es) on the far left side for only the parties **you** represent. Click the Next button to proceed. If you do not represent any of the parties, click the NEXT button to proceed.
4. **Do not uncheck the Lead and Notice boxes.**

Jack Mathew Doe, Jr (ptypla) represented by Test Attorney (aty) Lead Notice

Next Clear

Figure 33

- F. The following information screen (*see fig. 34*) will be displayed regarding PDF requirements. Click [Next] to accept this screen.

Complaints and Other Initiating Documents
1:10-cv-00126 Doe v. Doe

Please ensure that your PDF document is:

1. Complete
2. Converted in the proper format - 8 1/2 x 11 portrait
3. Legible
4. Includes a certificate of service
5. Includes a proposed order (if required)
6. Meets the electronic signature requirements

Ensure that you are in compliance with our *Administrative Policies and Procedures for Electronic Filing*.

Next Clear

Figure 34

- G. The following party screen (*see fig. 35*) will now be displayed. If you did not add all of the plaintiffs or defendants earlier in the Case Opening process, add them now by clicking [**New Party**]. Follow the procedures for adding or creating a new party.

You now need to identify the party this filing is against. On complaints and notices of removal, select all defendants on this screen. Click and highlight the name of the party against whom the complaint is being filed. You may select multiple parties by holding the “Ctrl” key down and clicking to highlight more than one name. When all defendants have been highlighted, click [**Next**] to continue.

Figure 35

- H. The following informational screen (*see fig. 36*) will be displayed reminding the filer to affix the case number on the first page of each document filed. Click [**Next**] to continue.

Figure 36

- I. The following pdf attachment screen (*see fig. 37*) will be displayed. Click [**Browse**] to attach your complaint.

Figure 37

- J. A pop up box will appear (see fig. 38). Navigate to the appropriate folder containing the PDF document you wish to file. After verifying this is the correct PDF document, click **[Open]** (see fig. 39) to accept the PDF for filing.

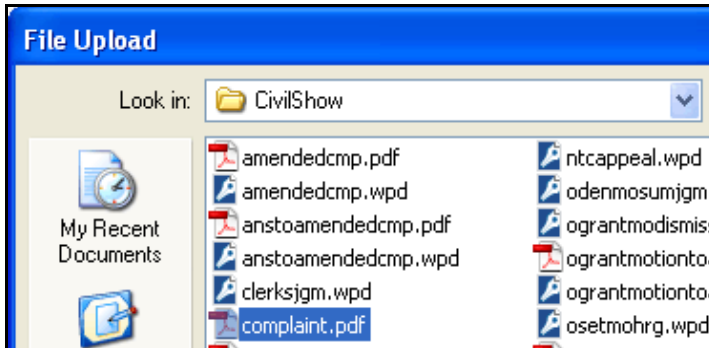


Figure 38

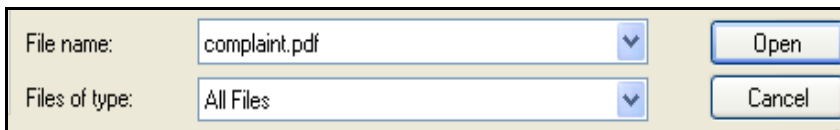


Figure 39

- K. The path to the Filename will appear in the text field box (see fig. 40). Since you are required to attach additional PDF documents to the case initiating document (e.g. civil cover sheet and/or supplemental civil cover sheet), and may have other documents (e.g. exhibits) to attach, click **[Browse]** under Attachments to navigate to the appropriate folder.

Complaints and Other Initiating Documents
 1:10-cv-00126 Doe v. Doe

YOU MUST ALSO INCLUDE THE CIVIL COVER SHEET (JS-44) AS AN ATTACHMENT.

Select the pdf document and any attachments.

Main Document
 G:\CMECF\Application Training\CivilShc [Browse...]

Attachments	Category	Description
1. [Text Field] [Browse...]	[Dropdown]	[Text Field]

[Next] [Clear]

Figure 40

- L. After attaching your PDF, enter a Category and/or a Description for the attachment using the Category list and/or the Description field (see fig. 41). If additional documents need to be added, click on the [Browse] button on the next attachment field. When all documents are attached, click [Next] to continue.

Complaints and Other Initiating Documents
 1:10-cv-00126 Doe v. Doe

YOU MUST ALSO INCLUDE THE CIVIL COVER SHEET (JS-44) AS AN ATTACHMENT.

Select the pdf document and any attachments.

Main Document
 G:\CMECF\ApplicationTraining\CivilShc [Browse...]

Attachments	Category	Description
1. G:\CMECF\ApplicationTraining\CivilShc [Browse...]	Civil Cover Sheet	[Remove]
2. [Browse...]		

[Next] [Clear]

Figure 41

- M. The following fee screen (see fig. 42) will be displayed, click [Next] to continue.

ECF Civil Criminal Query

Complaints and Other Initiating Documents
 1:10-cv-00126 Doe v. Doe

Fee: \$350

[Next] [Clear]

Figure 42

- N. The following payment screen (see fig. 43) will be displayed. Enter your payment information.

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

Step 1: Enter Payment Information 1 | 2

Pay Via Plastic Card (PC) (ex: American Express, 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.

Figure 43

- O. The following summons screen (see fig. 44) will be displayed. If you select yes, you will be expected to e-file your summons and utilize the event: **“Request for issuance of summons.”** If you select “No”, the final docket text will be updated with this information.

Complaints and Other Initiating Documents

[1:10-cv-00126 Doe v. Doe](#)

Will you be issuing the summons at this time - YES or NO?

YES

NO

Figure 44

- P. The docket text field for the complaint is displayed (*see fig. 45*). Review the final docket text. Enter any additional docket text into the text field. Click **[Next]**.

Docket Text: Modify as Appropriate.
 COMPLAINT (Filing fee \$ 350 receipt number 0542-938813) . No Summons requested at this time , filed by Jack Mathew Doe, Jr. (Attachments: # (1) Civil Cover Sheet) (Attorney, Test)
 Next Clear

Figure 45

- Q. The final docket text will now be displayed (*see fig. 46*). Complete the transaction by clicking **[Next]**.

Docket Text: Final Text
 COMPLAINT (Filing fee \$ 350 receipt number 0542-938813). No Summons requested at this time, filed by Jack Mathew Doe, Jr. (Attachments: # (1) Civil Cover Sheet)(Attorney, Test)
 Attention!! Pressing the NEXT button on this screen commits this transaction. You will have no further opportunity to modify this transaction if you continue.
 Have you redacted?
 Source Document Path (for confirmation only):
 complaint.pdf pages: 1
 civil cover sheet.pdf pages: 1
 Next Clear

Figure 46

- R. Review the Notice of Electronic Filing (NEF) (*see fig. 47*). 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 the NEF via email. **WARNING:** Only the filing attorney will receive a NEF when opening a new case, since no other attorneys have appeared. The filing attorney is responsible for service on all other parties.

Complaints and Other Initiating Documents
[1:10-cv-00126 Doe v. Doe](#)
 U.S. District Court [TEST]
 WESTERN DISTRICT OF TEXAS
 Notice of Electronic Filing
 The following transaction was entered by Attorney, Test on 3/24/2010 at 12:40 PM CDT and filed on 3/24/2010
 Case Name: Doe v. Doe
 Case Number: [1:10-cv-00126](#)
 Filer: Jack Mathew Doe, Jr
 Document Number: [1](#)
 Docket Text:
 COMPLAINT (Filing fee \$ 350 receipt number 0542-938755). No Summons issued at this time, filed by Jack Mathew Doe, Jr. (Attachments: # (1) Civil Cover Sheet)(Attorney, Test)

Figure 47

10. Judge Assignment Notification

After Clerk's Office reviews the case opening filing by the attorney, a "Case Assigned" event will be docketed by Clerk's Office staff. At that time, attorneys will receive a NEF, informing them which Judge has been assigned to the case.

11. Important Points to Remember

- A. The entire process must be completed. You will open the new civil case and file your initial document/pleading. A case is not considered filed until the Complaint or Notice of Removal is filed.
- B. Do not attempt to start over again once a case number has been assigned, even if you believe that you have made a mistake in case opening. The Clerk's Office can correct case opening errors, and you should file your Complaint or other initiating document under the first case number assigned.
- C. The filing fee is paid while filing the complaint or other initiating document. Never hit the back button after you have passed the credit card screens. Doing so could result in double charges.