

Attorney Procedure - Spreading Text in Consolidated Cases

Background

With the implementation of CM/ECF Version 3.0 on March 12, 2007, court users and attorneys can now spread text in consolidated cases from a lead case to member cases.

Definition

Spreading text allows the filer to file a document in the “lead case” of consolidated civil cases and have the system automatically file the document in each of the designated “member cases.”

Limitations

The spreading text functionality is only available in consolidated civil cases.

Spreading text is NOT allowed in some events and it will still be necessary to file a document separately in each appropriate case. These events include:

- complaint events;
 - answers;
 - reassigning motions;
 - assigning cases;
 - use of the credit card functionality; and
 - service of process events.
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Identifying lead and member cases

The “lead” case will have a “CONSOLIDATED-LEAD CASE” flag on the docket sheet. The “member” case(s) will have a “CONSOLIDATED-MEMBER CASE” flag on the docket sheet.

The docket sheets of both the “lead” case and the “member” case(s) will reference one another and provide a hyperlink.

Procedure

Follow the steps in this table to spread text:

| STEP | ACTION |
|------|---|
| 1 | Docket the appropriate event in the lead case. |
| 2 | At the prompt, "Do you want to spread this docket entry?" leave the default at Yes and click Next . <u>Note:</u> Changing the default to No files the document in the lead case only. |
| 3 | Leave the "Select associated cases to which text should be spread" at "*** ALL ****" and click Next . |
| 4 | Select the party or parties filing the document and click on Next . <u>Note:</u> All parties in the lead and member cases are listed alphabetically in the "Select the Party" box. Each party's role and case number are listed by that party's name. |
| 5 | Upload the document and any corresponding attachments and click Next . |
| 6 | Verify that the final docket text is correct. <u>Note:</u> The lead and member cases will be designated at the end of the docket entry with the lead case number listed first. <u>Example:</u> MOTION to amend by Attorney Kathy M. Griess on behalf of Plaintiff Colleen Beran. Member Cases: 8:07-cv-00017-LSC-FG3, 8:07-cv-00022-LSC-FG3 (Griess, Kathy) |
| 7 | Click Next to complete the filing and display the Notice of Electronic Filing (NEF). The NEF will show the docket text, along with the following for each case: <ul style="list-style-type: none">• the document number;• who has been electronically noticed; and• who needs to be noticed by other means. <u>Note:</u> Notice will go to all attorneys of record. |

Consolidation order

A consolidation order is required before the spreading text functionality can be used. The judges have agreed to use standard language in orders granting a motion to consolidate. A sample consolidation order is shown below:

| | |
|---|----------------------------|
| IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA | |
| , |) |
| Plaintiff(s), |) |
| vs. |) |
| , |) |
| Defendant(s). |) |
| | Case No. __:07CV_____ |
| | CONSOLIDATION ORDER |

Upon review of the [*motion or stipulation for consolidation*], the court finds that consolidation pursuant to Fed. R. Civ. P. 42(a) is warranted. Accordingly,

IT IS ORDERED that the [*motion or stipulation for consolidation*] is granted, as follows:

1. Cases Nos. [*list docket numbers*] are hereby consolidated for discovery, trial, and all other purposes. The cases will be tried [*to a jury/to the court*] in [*Omaha/Lincoln/ North Platte*].
2. Case No. [*docket number*] is hereby designated as the "Lead Case." Cases Nos. [*docket numbers*] are hereby designated as the "Member Cases."
3. The court's CM/ECF System now has the capacity for "spreading" text among the consolidated cases. If properly docketed, the documents filed in the Lead Case will automatically be filed in all Member Cases. To this end, **the parties are instructed to file in the Lead Case, No. _____, all further documents except those described in paragraph 4 and to select the option "yes" in response to the System's question whether to spread the text.**
4. The parties may **not** use the spread text feature to file complaints, amended complaints, and answers; to pay filing fees electronically using pay.gov; or to file items related to service of process.
5. If a party believes that an item in addition to those described in paragraph 4 should not be filed in all the consolidated cases, the party must move for permission to file the item in one or more individual member cases. The motion must be filed in all the consolidated cases using the spread text feature.