

## 49.2 Form of Documents.

(a) **Electronic Filings.** Absent a contrary local rule or assigned judge’s order, all documents must be filed electronically using the System. The following provisions apply to all electronically filed documents.

(1) **Legibility.** The filing party is responsible for the legibility of any scanned document uploaded to the System. If a document cannot be easily read after scanning, the filing party must file it nonelectronically with the clerk.

(2) **Evidence, Exhibits, and Attachments.**

(A) **Listing of Index.** Court filings which include hyperlinks to attached evidence, exhibits, and documents must include a listing of each item of evidence being filed. In all other cases, evidence, exhibits, and attachments in support of a motion must be identified on an electronically filed index of evidence, which must identify the related motion.

(B) **Excerpts Required.** A filer must submit as exhibits or attachments only excerpts of the referenced documents that are directly relevant to the matter under consideration. Excerpted material must be clearly and prominently identified. Persons who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional relevant excerpts or, if relevant, the complete document. The court may require parties to file additional excerpts or the complete document.

(C) **Paper Documents.** If the court grants a party leave to submit evidentiary materials in paper, the party must also file a paper index of evidence listing each item of evidence being filed and identifying the motion to which it relates. The party must serve copies of nonelectronically filed supporting materials on other parties as if not subject to electronic filing procedures.

(D) **Additional Information.** Additional information on filing documents in CM/ECF is available on the court’s Web site at <http://www.ned.uscourts.gov/attorney/electronic-case-filing>.

- (3) **Content.** A document must plainly show the case caption, a description or designation of its contents, and the party or person/entity on whose behalf it is filed. All documents after the pleading initiating a proceeding must also show the correct docket number.
- (4) **Hyperlinks.** Electronically filed documents allow only two types of hyperlinks: to other parts of the same document, and to an Internet location that contains a source document for a citation. A hyperlink to evidence attached to a court filing becomes a permissible hyperlink to an internet location upon filing in CM/ECF. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees.
  - (A) **Cited Authority.** Hyperlinks to cited authority may not replace standard citation format. The text of the filed document must include complete citations. Neither a hyperlink, nor any site to which it refers, may be considered part of the record.
  - (B) **Responsibility for Hyperlinks.** The court accepts no responsibility for and does not endorse, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for a hyperlink's availability or functionality. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the court's opinion.
- (b) **Nonelectronic Filings.** If a document must be filed nonelectronically, the following provisions apply.
  - (1) **Paper Size; Margins.** The paper used must be 8½ "x 11", white, and of standard weight. A 2-inch margin must appear at the top of the first page for the clerk's filing stamp.
  - (2) **Presentation.** All documents must be single-sided and legibly typewritten, photocopied, printed, or handwritten if necessary, without materially defacing erasures or interlineations. Exhibits attached to documents must be similarly typewritten, printed, photocopied, or handwritten if necessary, in clear, legible, and permanent form.
  - (3) **Additional Materials.** Any materials filed in connection with a motion must be accompanied by an index listing each item attached. If not

pre-bound, such as a transcript or book, all attachments to the index printed on 8½" x 11" paper must be bound together by fasteners. All materials not amenable to binding must be submitted in an envelope or other closeable container.

- (4) **Content.** A document filed nonelectronically shall must include the same information as an electronically filed document. See NECrimR 49.2(a)(3).

(c) **Signing Documents.**

- (1) **Electronic Filings.** The user login and password required to file documents on the System serve as the filer's signature on electronically filed documents and for purposes of the local rules and any other signature requirement.

- (A) **Attorney's Signature.** An electronically filed document that requires an attorney's signature must be signed as follows: "s/ (attorney name)."

- (i) **Format.** The correct format for an electronic signature follows.

**s/ Judith Attorney**

Bar Number: 12345

Attorney for (Plaintiff/Defendant)

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- (ii) **Challenges to Authenticity.** Any party challenging the authenticity of an electronically filed document or an electronic signature must file an objection within 7 days of receiving the NEF.

- (B) **Defendant or Nonattorney Signature.** If an original document requires a defendant's or other nonattorney's signature, the filer may (A) scan and upload the signed document to the System or (B) electronically file the document with the nonattorney signature represented by an "s/" and the

name typed in the space where the signature would otherwise appear.

- (i) **Maintenance of Original Document.** The filer must maintain the original signed document in paper form until all time periods for appeal expire. At the court's request, the filer must provide the original document for review.
- (ii) **Disputes.** A nonfiling signatory or party who disputes i) the authenticity of an electronically filed document with a nonattorney signature or ii) the authenticity of the signature on a document must file an objection to the document within 7 days of receiving the NEF.

**(C) Multiple Signatures.**

- (i) **Filing Methods.** Documents requiring signatures of more than one party must be electronically filed either by: i) submitting a scanned document containing all necessary signatures; ii) representing the other parties' consent on the document; or iii) any other court approved manner.
- (ii) **Disputes.** A nonfiling signatory or party who disputes the authenticity of an electronically filed document containing multiple signatures or the authenticity of the signatures must file an objection to the document within 7 days of receiving the NEF.

- (2) **Nonelectronic Filings.** The name, address, telephone number, fax number, and a bar number must be typed under each attorney signature.