United States Court of Federal Claims General Filing Tips

Pro Se Cases

Pursuant to the Rules of the United States Court of Federal Claims (RCFC), Appendix E:

- Case initiating documents such as complaints and petitions, along with the required filing fee or application to proceed *in forma pauperis*, must be submitted in paper form in compliance with RCFC 5.5.
- Once a case is opened, the pro se litigant may choose either to continue submitting case filings in paper form or to submit case filings electronically via e-mail to ProSe case filings@cfc.uscourts.gov.
- All documents submitted by e-mail must comply with the format and signature requirements of Appendix E, RCFC, ¶ 9(b).
- Pro se litigants may, if feasible, receive instant notification by e-mail of all electronic filings.
- To receive instant notification of filings by e-mail, a pro se litigant must file an E-Notification Consent Form in each active cases before the court. *See Forms 15A and 15B, RCFC*.
- By filing an E-Notification Consent Form, the pro se litigant consents to receiving notice by e-mail of all electronic filings in the named case, pursuant to RCFC 5(b), via the court's electronic filing system and waives service and notice of these filings by first class mail.
- Pro Se plaintiffs must be registered with PACER (Public Access to Court Records) to view electronic filings in their case.
- The court and defendant may file electronically via CM/ECF. If plaintiff has consented to e-notification, a certificate of service is not necessary. Otherwise, proof of service is required pursuant to RCFC 5.3.

Filing Initial Pleadings Electronically via CM/ECF (attorneys only)

- When filing an initial pleading electronically via CM/ECF, all documents associated with the pleading (e.g., motion to seal, notice of related cases, notice of filing) should be filed as attachments to the pleading.
 - o DO NOT file any motions, notices, or other documents as separate entries in the shell case.
- Once you submit payment of the filing fee in CM/ECF, you must complete the transaction. If you hit the back button, you will be charged twice.
 - o If the transaction requires modification, complete the transaction and then call the Clerk's Office at (202) 357-6406 for assistance.

PDFs Filed Electronically via CM/ECF (attorneys only)

- For each filing, the main document and each attachment must be no more than 200 MB in size. *See Appendix E*, ¶ 11(b) and http://www.uscfc.uscourts.gov/cmecf-faq#PDF.
 - o If a scanned PDF is too large, the "Optimize Scanned Image" feature in Adobe Acrobat will compress the file. A file size can often be reduced by 50 to 90 percent.
- All PDFs should be text searchable. See Appendix E, $\P 11(a)(i)(B)$.

Filing Voluminous Records Electronically in CM/ECF

- Accessing large files on a slower network connection can sometimes take an excessive amount of time. We ask that attorneys avoid scanned files whenever practicable and utilize PDF optimization methods to keep files as small as possible. These optimization methods vary depending on the PDF software used.
- Voluminous records should be filed electronically in CM/ECF whenever possible.
 - o CDs should be avoided as they are often damaged during delivery and deteriorate over time.
 - o Filing voluminous records electronically allows public access to the record via PACER.
- If a single PDF exceeds 200 MB, the parties must split the document into a main document and clearly labeled PDF attachments, but counsel must endeavor to limit the total number of attachments.
- When filing a voluminous record consisting of a large number of attachments, parties are encouraged to split the filing into multiple filings to avoid delays or failure (e.g., Administrative Record Part 1, Administrative Record Part 2).
 - o Each filing must consist of a main document (e.g., Notice of Filing Administrative Record Part 1) and

- may include multiple attachments (including a description of what is contained in each attachment).
- When filing each segment of a voluminous record (i.e., Part 1, Part 2), be sure to use the proper event (e.g., Administrative Record or Medical Records) rather than the generic Notice of Filing.
- If exceptional circumstances require that a record be filed in some other format, a party must seek appropriate relief from the court. See Appendix E, \P 10(b).

Attorney of Record

- Each party may have only one attorney of record in a case at a time. See RCFC 83.1(c).
 - Only the attorney of record is listed on the docket sheet in CM/ECF and may have access to sealed documents via CM/ECF.
 - Any attorneys assisting the attorney of record as "of counsel" are not listed on the docket and need not file any notice of participation.
 - O All filings must be signed by or on behalf of the attorney of record, but "of counsel" attorneys may be included on the signature page.
 - The signature on the filing and the filing user's CM/ECF login and password must match ("s/[name of filing user]" or "s/[name of attorney of record] by s/[name of filing user]." See Appendix E, \P 20–22.
- An attorney may participate *pro hac vice* in any proceeding before the court if the attorney of record:
 - o has requested and received the court's prior approval; and
 - \circ is present for such participation. See Rule 83.1(a)(2).
- Any party other than the United States must seek leave of the court to substitute its attorney of record by filing a motion to substitute counsel.
 - o This includes pro se cases when an attorney is entering the case.
 - O A motion to substitute counsel must be signed by the party or the newly appointed attorney of record and include an affidavit of appointment. See Rule 83.1(c)(4).
 - o Only the United States is permitted to file notices of appearance.

Filing Motions

- A motion for enlargement of time should be filed in advance of the filing deadline. See Rule 6(b).
- Select the proper event in CM/ECF when filing motions, cross-motions, and responses (see attached list of filing events).
 - When filing a cross-motion, select the "cross-motion" event rather than the "response" event.
 - When filing a response to a dispositive motion, select the "response to motion to dismiss/summary judgment" event instead of the generic "response" event.
 - o Selecting the proper event ensures that proper deadlines are set in CM/ECF.
- When filing a motion for leave, the proposed filing should be attached to the motion.
 - o Exception Motions for Leave to File Under Seal. See Appendix E, ¶ 13.
 - o If the motion for leave is granted, the party must file the proposed filing as a separate docket entry using the proper event so that proper deadlines are set in CM/ECF, and other filings may be linked to the entry.
 - A motion for leave to exceed the page limitation (see Rule 5.4(b)) should be filed in advance of the filing deadline. DO NOT file a brief or memorandum that exceeds the page limitation without first receiving proper relief from the court.
- When filing a motion to intervene:
 - o add the party name in ALL CAPS; and
 - o select "movant" as the party role. (Once the motion to intervene is granted, the court will change the party role to "intervenor.")

Redacted Filings

- Personal identifiers such as a minor's name or a social security number should be redacted before filing. *See Rule* 5.2.
 - o If personal identifiers are not redacted and the court becomes aware of their existence, the Clerk of Court will seal the filing immediately.
- When a document is filed under seal, the court may later unseal the filing or order the party who made the filing

- to file a redacted version for the public record.
- When filing a redacted version of a sealed document, use the "redacted document" event and link the document to the original sealed filing.

Access to Sealed Filings

- Only attorneys of record are given automatic access to sealed documents in CM/ECF and need not file an application for access to protected material
 - An individual granted access to protected material must obtain access to sealed documents through an attorney of record. The individual will not be granted access to view sealed documents via CM/ECF.

Bid Protests

- Pre-filing notices must be provided at least 24 hours in advance of filing a bid protest case. See Appendix C, ¶2.
 - Updates to a notice should be promptly provided (e.g., a change in the anticipated filing date or withdrawal of the notice).
 - o For more information, please visit https://www.uscfc.uscourts.gov/bid-protest-info.
- When filing a motion for leave to file the complaint under seal, the sealed complaint must be accompanied by a proposed redacted version of the pleading. See Appendix C, \P 6.
- When a party files a document under seal, the filing party must later file a redacted version of the document for the public record consistent with the procedures specified in the court's standard protective order. See Form 8, RCFC.

Any questions regarding case management should be directed to the Clerk's Office at (202) 357-6406. For more helpful information, please visit the court's website at www.uscfc.uscourts.gov.

PLEASE GO TO THE NEXT PAGE FOR A LIST OF CM/ECF DOCKETING EVENTS

Civil Events

Attorney Complaint/Petition

Attorney Complaint/Petition

- Attorney Bid Protest Complaint
- **4** Attorney Complaint
- **4** Attorney Petition

Certificate of Good Standings

Certificate of Good Standings

♣ Request for Certificate of Good Standing

Initial Pleadings and Service

Service of Process

- Certificate of Service
- ♣ Proof of Service of Subpoena Rule 45(b)
- ♣ Return of Service Executed
- Return of Service Unexecuted
- Service by Publication

Transfers/Other Complaints and Other

Answers

- ♣ Amended Answer to Complaint
- Amended Answer to Third Party Complaint
- Amended Complaint
- Amended Intervenor Complaint
- ♣ Answer to Amended Complaint
- Attorney Transfer Complaint
- Withdrawal of Claim

Answers to Complaints/Counterclaims

- 🖊 Anti-filing Order
- Bid Protest Scheduling Order
- Canceling Deadline/Hearing
- Concluding ADR Proceedings
- Consolidating

Motions and Related Filings

Motions

- ♣ Alter or Amend Judgment Rule 59(e)
- ♣ Amend Pleadings
- ♣ Amend Schedule
- Amend/Correct
- 🦊 Appear in Forma Pauperis
- Appear
- Application for Access to Protected Material
- Appoint Counsel
- Appoint Expert
- 🦊 Appoint Guardian/Attorney ad Litem

Motions, cont'd

- ♣ Approve Consent Judgment
- **4** Attorney Gees
- ♣ Authorization of Service 100+ Miles
- **♣** Bifurcate
- 🖊 Bond
- Certify Interlocutory Appeal
- Clarification
- **♣** Compel
- Complete the Administrative Record
- Consolidate Cases
- **♣** Continue
- ♣ Correct Transcript
- Cross Motion and Response
- **♣** Cross motion and Response (Dispositive)
- Declaration of Mistrial
- Declaratory Judgment
- Default Judgment
- ♣ Disbursement of Funds
- ♣ Disclosure
- **♣** Discovery
- ➡ Dismiss Rule 12(b)(1) Lack of Jurisdiction Subject Matter
- ♣ Dismiss Rule 12(b)(1) and (6) Lack of Jurisdiction/Failure to State a Claim
- ♣ Dismiss Rule 12(b)(2) Lack of Jurisdiction Over Person
- \blacksquare Dismiss Rule 12(b)(4) Insufficiency of Process
- → Dismiss Rule 12(b)(5) Insufficiency of Service of Process
- ♣ Dismiss Rule 12(b)(6) Failure to State of Claim
- \blacksquare Dismiss Rule 12 (b)(7) Failure to Join a Party
- \blacksquare Dismiss Rule 41(a) Voluntary
- ightharpoonup Dismiss Rule 41(b) Involuntary
- Dismiss Rule Unspecified
- **♣** Disqualify Counsel
- Disqualify Judge
- Enforce Judgment
- Exceed Page Limit
- Expedite
- **Lead** Extension of Time to Amend
- **Lead of Time to Complete Discovery**
- **Lead of Time to File Answer**
- Let Extension of Time to File Reply
- ♣ Extension of Time to File Response
- **4** Hearing

Motions, cont'd

- Hearing for Rule 27 Petition
- ♣ In Limine
- Intervene
- 🖶 Joinder
- Judgment on Partial Findings
- ♣ Judgment on the Administrative Record Rule
 52.1
- Judgment on the Pleadings
- 🖊 Judgment under4 Rule 54(b)
- Leave to File Amicus Brief
- Leave to File Document
- Leave to File out of Time
- Leave to File a Highly Sensitive Document
- Letters Rogatory
- ♣ Lift Stay
- Limited Admission
- Miscellaneous Relief
- More Definite Statement
- ♣ New Trial Rule 59(a)
- Notify Interested Party
- 🖊 Oral Argument
- Permanent injunction
- Preliminary Injunction
- Pro Hac Vice Participation
- ♣ Proceed In Forma Pauperis
- **♣** Produce
- ♣ Protective Order
- **♣** Publish
- **♣** Quash
- 🦊 Reassign Case Rule 40.1(c)
- Reconsideration
- ♣ Recusal
- **♣** Redact
- 🦊 Referral to ADR
- 🖶 Release of Bond Obligation
- Release of Funds
- ♣ Relief from Judgment Rule 60
- **♣** Remand
- 🖊 Reopen Case
- ♣ *Return of Property*
- **♣** Sanctions Rule 11
- Sanctions Rule 37
- 🖊 Seal Document
- 🖊 Service by Publication
- **♣** Sever
- Show Cause
- ♣ Status Conference
- 📥 Stay
- **♣** Strike
- **♣** Substitute Attorney
- Substitute Attorney (Consented)

Motions, cont'd

- **♣** Substitute Party
- Summary Judgment
- 🖊 Summary Judgment Partial
- Summons Third Party
- Supplement the Administrative Record
- **♣** Take Deposition
- **♣** Transfer
- Treat previously Field Document as Highly Sensitive
- **↓** Unseal Case
- Unseal Document
- ♣ Vacate
- Waive Copy Requirements
- ₩ Withdraw
- ♣ Withdraw as Attorney

Responses and Replies

- Objection to Bill of Costs
- ♣ Reply to Objections to Bill of Costs
- ♣ Reply to Response to Motion
- Reply to Response to Supplemental Brief
- **♣** Response (Not a motion)
- Response to Amicus Brief
- Response to Cross Motion
- Response to Cross Motion to Dismiss/Summary Judgment
- Response to Motion
- Response to Motion to Dismiss/Summary Judgment
- Response to Order to Show Cause
- ♣ Response to Supplemental Brief
- **♣** Sur-Reply

Other Filings

ADR Documents

- ♣ ADR Notice to Proceed
- *♣ ADR Notification of Close of Discovery*
- ♣ ADR Scheduling Order
- Consent to Arbitration
- Consent to Meditation
- Referral to ADR

Discovery Documents

- Answer to Interrogatories
- Deposition
- **♣** Expert Report Rule 26
- 🖶 Interrogatories Propounded
- Notice to Take Deposition
- Request for Admissions
- Request for Production of Documents
- **♣** Response to Discovery Request

Notices

- ♣ ADR Notice to Proceed
- *♣ ADR Notification of Close of Discovery*
- Call Issued
- Notice (Other)
- ♣ Notice of Acceptance with Offer of Judgment
- ♣ Notice of Additional Authority
- ♣ Notice of Appearance (DEFENDANT/RESPONDENT ATTORNEY ONLY)
- ♣ Notice of Change of Address
- ♣ Notice of Directly Related Case(s)
- Notice of Filing Opt-In Consent Form
- **♣** *Notice of Indirectly Related Case(s)*
- Notice of Intent to Redact Transcript
- ♣ Notice of Providing Bond
- Notice of Return of Bond
- Notice of Voluntary Dismissal
- Notice to Take Foreign Deposition
- ♣ Pro bono Consent Notice

Trial Documents

- Exhibit List
- **♣** Joint Certification App A, 13(d)
- ♣ Memorandum of Contentions of Fact and Law
- Objection to Exhibit List
- Objection to Witness List
- Post Trial Brief
- ♣ Pretrial Brief
- Proposed Findings of Fact and Conclusions of Law
- Trial Brief
- **₩** Witness List

Appeal Documents

- ♣ *Notice of Appeal*
- ♣ Notice of Cross Appeal

Other Documents

- **♣** Administrative Record
- Administrative Record (Supplement)
- 🦊 Amended Complaint
- Amended Document (NOT Motion)
- Amended Intervenor Complaint
- Amended Third Party Complaint
- ♣ Amicus Brief
- **♣** Bill of Costs
- Certificate of Interest
- Counter Statement of Facts
- Cover Sheet
- ♣ Decision on Remand by Agency
- Declaration
- ♣ Disclosure Certification App A, 13(d)
- Joint Preliminary Status Report

Other Documents Cont'd

- **♣** Memorandum
- ♣ More Definite Statement
- ♣ More Definite Statement Regarding Claim
- ♣ Notice of Appearance (DEFENDANT/RESPONDENT ATTORNEY ONLY)
- Notification of Default
- 🖊 Proposed Pretrial Order
- Redacted Document
- Satisfaction of Judgment
- Statement of Facts
- Status Report
- Status Report (JOINT)
- ♣ Status Report (Multiple Plaintiffs Summary)
- Stipulation
- Stipulation for Entry of Judgment
- ♣ Stipulation of Dismissal
- Stipulation of Partial Dismissal
- **♣** Suggestion of Bankruptcy
- Suggestion of Death
- Supplemental Brief

Vaccine Events

Vaccine Responses

- ♣ Amended Respondent's Report
- ♣ Reply to Response to Motion
- ♣ Reply to Response to Supplemental Brief
- ♣ Respondent's Report
- Respondent's Report and Proffer
- Response (Not a motion)
- ♣ Response to Cross Motion
- Response to Motion
- Response to Motion for Review
- Response to Motion for Attorney Fees
- ♣ Response to Order to Show Cause
- 🖊 Response to Supplemental Brie
- ♣ Sur-Reply

Other Vaccine Documents

- ↓ 15-Week Petitioner Stipulation Status Report (Response)
- 🦊 15-Week Respondent Stipulation Status Report
- ♣ ADR Notice to Proceed
- Additional Documentation
- ♣ Affidavit
- 🖊 Amended Petition
- Certificate of Service
- **♣** Cover Sheet
- ♣ Declaration
- Exhibit List
- Expert Report

Other Vaccine Documents Cont'd

- Joint Notice Not to Seek Review
- Joint Prehearing Submission
- 👃 Life Care Plan
- Medical Literature
- Medical Records
- 🖶 Memorandum
- Notice (Other)
- ♣ Notice to Not to Seek Review
- ♣ Notice of Additional Authority
- ♣ Notice of Appearance (DEFENDANT/RESPONDENT ATTORNEY ONLY)
- Notice Of Change of Address
- ♣ Notice of Communication of Settlement Office
- Notice of Filing
- ♣ Notice of Filing Opt-In Consent Form
- ♣ Notice of Intent
- Notice of Intent to File on Portable Storage
 Disc or Drive
- ♣ Notice of Intent to Redact Transcript
- ♣ Notice of Intent to Remain in the Program
- ♣ Notice of Intent to Withdraw Petition
- Objection to Exhibit List
- Objection to Public Disclosure
- Objection to Witness List
- ♣ PAR Medical History Questionnaire
- Petitioners Election to Accept Judgment
- ♣ Petitioners Election to File Civil Action
- Position on Short Form Petitions
- Post Hearing Brief
- ♣ Prehearing Submissions
- **♣** Proffer
- Satisfaction of Judgment
- ♣ Statement Regarding General Order No. 9
- Statement of Completion
- 🖊 Status Report
- Status Report (JOINT)
- Status Report (Multiple Plaintiffs Summary)
- ♣ Stipulation
- Stipulation for Award
- Stipulation for Fees
- **♣** Stipulation of Dismissal
- Suggestion of Death
- **♣** Supplemental Brief
- ₩itness List

Vaccine Motions

- ♣ Alter or Amend Judgment Vaccine Rule 36 RCFC 59(e)
- ♣ Amend Schedule

Vaccine Motions Cont'd

- **♣** Amend/Correct
- ♣ Appeal in Forma Pauperis
- 🖊 Appear
- 🦊 Application for Access to Protected Material
- Appoint Counsel
- Appoint Expert
- Appoint Guardian/Attorney ad Litem
- Attorney Fees
- Attorney Fees (UNOPPOSED)
- **♣** Compel
- Consolidate Cases
- **♣** Continue
- Correct Transcript
- **♣** *Cross Motion and Response (Vaccine)*
- Decision
- ♣ Disbursement of Funds
- **♣** Discovery
- Dismiss
- ♣ Dismiss Vaccine Rule 21(a) Voluntary
- ♣ Dismiss Vaccine Rule 21(b) Involuntary
- **♣** *Disqualify Counsel*
- ♣ Disqualify Special Master
- Exceed Page Limit
- Expedite
- **Extension of Time**
- **Lead** Extension of Time to Amend
- **Let up** Extension of Time to File Reply
- **Lead of Time to File Response**
- **Hearing**
- Interim Attorney's Fees and Costs
- Interim Attorney's Fees and Costs (UNOPPOSED)
- 🖊 Intervene
- 🖊 Issue Subpoena
- Leave to File Complaint
- **↓** *Leave to File out of Time*
- **♣** Lift Stay
- More Definite Statement
- Motion for Judgement on the Record
- Oral Argument
- Pro Hac Vice Participation
- Proceed In Forma Pauperis
- Protective Order
- **♣** Publish
- **♣** Quash
- ♣ Reassign Case Rule 40.1(c)
- **♣** Reconsideration
- ♣ Reconsideration Vaccine

Vaccine Motions Cont'd

- ♣ Recusal
- ♣ Redact Decision
- ♣ Referral for Possible Pro Bono Representation
- Referral to ADR
- ♣ Reimbursement of Fees (PRO SE ONLY)
- Relief from Judgment Vaccine Rule 36 RCFC 60
- **♣** Remand
- 🖊 Reopen Case
- ♣ Request for Filing Fee Pay.gov Refund
- ♣ Review
- Ruling on the Record
- Seal Document
- Show Cause
- 🖶 Status Conference
- **♣** Stay
- \rm 🕹 Strike
- **♣** Substitute Attorney
- Substitute Attorney (Consented)
- Substitute Party
- **♣** Summary Judgment
- Supplement
- **♣** Take Deposition
- **♣** Vacate
- ♣ Waive Copy Requirements
- ₩ithdraw
- **♣** Withdraw as Attorney

Congressional Reference Filings

Filings

- Notice of Exceptions to Hearing Officers Report
- ♣ Notice to Accept Hearing Officers Report

See List of Events Under Service of Process

Sealed Answers

Sealed Other Answers and Complaints

♣ See List of Events Under <u>Transfers/Other</u> <u>Complaints and Other Answers</u>

Sealed Motions

See list of events Under motions

Sealed Responses and Replies

♣ See list of events under <u>Response</u> and <u>Replies</u>

Sealed ADR Documents

♣ See list of Events Under <u>ADR Documents</u>

Sealed Discovery

See List of Events Under <u>Discovery Documents</u>

Sealed Notices

See List of Events Under Notices

Sealed Trial Documents

- ♣ See List of Events Under <u>Trial Documents</u> <u>Sealed Appeals</u>
- ♣ See List of Events Under <u>Appeal Documents</u>
 Sealed Other Documents
- ♣ See List of Events Under <u>Other Documents</u>

SEALED Congressional Reference

Sealed Filings

See List of Events Under Congressional Filings