

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 98-1232 (CKK)

STATE OF NEW YORK, *et al.*,

Plaintiffs

v.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 98-1233 (CKK)

ORDER ESTABLISHING PROCEDURES FOR ELECTRONIC FILING

This case has been assigned to the Court's Case Management and Electronic Case Files system ("CM/ECF"). Pursuant to Federal Rule of Civil Procedure 5(e), it is this ___ day of September, 2001, hereby

ORDERED that the procedures set forth below be followed in this case:

1. **All documents in this case are to be filed electronically**, except with leave of Court upon good cause shown. Leave to file in paper form will be routinely granted for records of state court proceedings and documents that must be filed under seal. All electronically filed documents are to be in Portable Document Format (pdf). While electronic filing via Internet is preferred, the Clerk's office will accept documents in pdf format either on disk

- or by email at dcd_cmecf@dcd.uscourts.gov.
2. A CM/ECF password may only be used by the person to whom it is assigned, or, in the case of a member of the Bar of this Court, by that attorney or an authorized employee of the attorney's law firm or organization.
 3. The use of a CM/ECF password to login and submit documents creates an electronic record that operates and serves as the signature of the person to whom the password is assigned for all purposes under the Federal Rules of Civil Procedure and the Local Rules of this Court.
 4. The electronic submission of any order or document in accordance with these procedures constitutes filing for all purposes under the Federal Rules of Civil Procedure and the Local Rules of this Court and simultaneously creates an official docket entry.
 5. **No certificate of service is required for documents filed electronically.** Service is complete upon electronic submission of an order or document and will be effected by electronic notice. Counsel are responsible for monitoring their e-mail accounts and, upon receipt of notice of an electronic filing, for retrieving the order or document electronically.
 6. **No proposed orders are to be submitted with motions in this case.** The Court in its discretion may grant or deny a motion by creating (and electronically serving) a docket entry without issuing a separate document.
 7. Reasonable latitude will be given for late filing occasioned by technical difficulties, but counsel are on notice that **no allowance can be made for late filing documents whose time limits are jurisdictional.**
 8. Documents bearing original signatures or notarial seals (e.g., affidavits, stipulations) are to be filed in electronic form. The filing of such a document by an attorney certifies that the original signed (and, if applicable, sealed) document is in the attorney's possession.
 9. Due to the complex nature of this case, **"hard" courtesy copies of all filings shall be delivered to chambers** (NOT to the Clerk's Office) **on the date of filing in the CM/ECF system.**
 10. Only the parties the Court has designated are authorized to file pleadings in this case through the CM/ECF system. At this point, only counsel for the United States, Microsoft Corp., and the various individual states are authorized to file pleadings in this case through the EM/ECF system.

The Electronic Case Filing system for the above captioned case will be operational as of the date of this Order. Accordingly, it is further

ORDERED that counsel in this case shall be required to register and obtain the necessary training for the Court's Electronic Case Filing system FORTHWITH. In this regard, it is the Court's intent that the Parties will file their Joint Status Report, which is to be filed with the Court not later than September 14, 2001, through the Electronic Case Filing system. Contact information regarding registration and training for the Electronic Case Filing System has been

attached to this Order as Appendix A.

SO ORDERED.

COLLEEN KOLLAR-KOTELLY
United States District Judge

APPENDIX A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

**ELECTRONIC CASE FILES
Attorney/Participant Registration Form**

LIVE SYSTEM

This form shall be used to register for an account on the Court's Electronic Case Files (ECF) System. Registered attorneys and other participants will have privileges both to electronically submit documents, and to view and retrieve electronic docket sheets and documents for all cases assigned to the Electronic Case Files System. The following information is required for registration:

First/Middle/Last Name _____

Last four digits of Social Security Number _____

DC Bar ID# _____

Firm Name _____

Firm Address _____

Voice Phone Number _____

FAX Phone Number _____

Internet E-Mail Address _____

By submitting this registration form, the undersigned agrees to abide by the following rules:

1. This system is for use only in cases permitted by the *U.S. District Court for the District of Columbia*. It may be used to file and view electronic documents, docket sheets, and notices. **Please contact Mike Kittell at 202-354-3017, to schedule training.**
2. Pursuant to Federal Rule of Civil Procedure 11, every pleading, motion, and other paper (except list, schedules, statements or amendments thereto) shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. An attorney's/participant's password issued by the court combined with the user's identification, serves as and constitutes the attorney/participant's signature.

Therefore, an attorney/participant must protect and secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney/participant to immediately notify the court. This should include the resignation or reassignment of the person with authority to use the password. The court will immediately delete that password from the electronic filing system and issue a new password.

3. An attorney's/participant's registration will not waive conventional service of a summons and complaint, subpoena, or other judicial process; submit the client to the jurisdiction of the Court; or operate as a consent to accept service of pleadings, documents and orders in actions in which such attorney/participant has not entered an appearance. An attorney/participant's registration will constitute a waiver in law only of conventional service of other non-process pleadings, documents and orders in the case. The attorney/participant agrees to accept, on behalf of the client, service or notice of the electronic filing by hand, facsimile, or authorized e-mail.
4. Attorneys must be active members of the bar of this Court to file pleadings electronically.

Please return to:

U.S. District Court
for the District of Columbia
Attn: Attorney Admissions
333 Constitution Avenue, NW, Room 1825
Washington, D.C. 20001

Applicant's Signature

Initial of First & Last Name-----Last 4 Digits SSN#