

United States Court of Federal Claims

Filing Tips and Procedural Innovations

Pro Se Cases

- No parties, including defendant/respondent, are permitted to file electronically in pro se cases. *See Rule 5.5(d)(2) and Appendix E, ¶ 3.*

Filing Initial Pleadings Electronically

- When filing an initial pleading electronically, 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.
 - DO NOT file any motions, notices, or other documents as separate entries in the shell case.
- Once you submit payment in CM/ECF, you must complete the transaction. If you hit the back button, you will be charged twice.
 - If the transaction requires modification, complete the transaction and then call the Clerk's Office at (202) 357-6406 for assistance.

PDFs Filed Electronically

- For each filing, the main document and each attachment must be no more than 50 MB in size. *See Appendix E, ¶ 9(c) and <http://www.uscfc.uscourts.gov/cmecf-faq#PDF>.*
 - 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.

Filing Medical and Administrative Records

- Medical and administrative records should be filed electronically in CM/ECF whenever possible.
 - CDs should be avoided as they are often damaged during delivery and deteriorate over time.
 - Filing the administrative record electronically allows public access to the record via PACER.
- If a single PDF exceeds 50 MB, parties are encouraged to 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).
 - 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, ¶¶ 8(b), 9(d).*

Attorney of Record

- Each party may have only one attorney of record in a case at a time. *See Rule 83.1(c).*
 - Any attorney assisting the attorney of record must be designated "of counsel."
 - Only the attorney of record is listed on the docket sheet in CM/ECF.
 - All filings must be signed by the attorney of record but "of counsel" attorneys may be included on the signature page.
- An attorney may participate *pro hac vice* in any proceeding before the court as long as the attorney of record:
 - has requested and received the court's prior approval; and
 - 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.

- This includes pro se cases when an attorney is entering the case. NOTE: A motion to substitute for a pro se plaintiff must be filed in paper form.
- 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)*.
- 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.
 - 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.
 - *Exception* - Motions for Leave to File Under Seal. *See Appendix E, ¶ 11(b)*.
 - If the motion for leave is granted, the party should file the proposed filing as a separate docket entry 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:
 - add the party name in ALL CAPS; and
 - 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*.
 - 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 access to sealed documents in CM/ECF.
 - An individual granted access to protected materials must obtain access to sealed documents through an attorney of record. The individual will not be granted access to view sealed documents in 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).
 - For more information, please visit <http://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, ¶ 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 of the court’s rules*.

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.