

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

- The file size limit has been increased to 50 MB per PDF filing. *See Appendix E, ¶ 9(c) and <http://www.uscfc.uscourts.gov/cmecf-faq#PDF>.*
 - A single filing must consist of a main document and may include up to 10 PDF attachments for a total of 550 MB per filing.
 - 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 up to 10 clearly labeled PDF attachments.
- 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.

Docketing Events

Attorney Complaint/Petition

Attorney Complaint/Petition

- Attorney Bid Protest Complaint
- Attorney Complaint
- Attorney Petition

Initial Pleadings and Service

Transfer/Other Complaints and Other Answers

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

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

Answers to Complaints/Counterclaims

- Answer

Motions and Related Filings

Motions

- ADR – Motion to Proceed
- ADR – Motion to Stay
- ADR – Motion to Stay (Post Discovery)
- Amend Pleadings
- Amend/Correct
- Appear
- Appoint Counsel
- Appoint Expert
- Approve Consent Judgment
- Authorization of Service 100+ Miles
- Bond
- Certify Interlocutory Appeal
- Compel
- Continue
- Cross Motion and Response
- Declaration of Mistrial
- Default Judgment
- Disclosure
- Dismiss
- Dismiss – Rule 12(b)(1) and (6)
- Dismiss – Rule 12(b)(4)
- Dismiss – Rule 12(b)(6)
- Dismiss – Rule 41(a)
- Disqualify Counsel
- ADR – Motion to Schedule ENE
- ADR – Motion to Schedule Post-Discovery Meeting
- Alter or Amend Judgment – Rule 59(e)
- Amend Schedule
- Appeal In Forma Pauperis
- Application for Access to Protected Material
- Appoint Custodian
- Appoint Guardian/Attorney ad Litem
- Attorney Fees
- Bifurcate
- Certify Class
- Clarification
- Consolidate Cases
- Correct Transcript
- Cross Motion and Response (Dispositive)
- Declaratory Judgment
- Disbursement of Funds
- Discovery
- Dismiss – Rule 12(b)(1)
- Dismiss – Rule 12(b)(2)
- Dismiss – Rule 12(b)(5)
- Dismiss – Rule 12(b)(7)
- Dismiss – Rule 41(b)
- Disqualify Judge

(Motions – continued)

- Enforce Judgment
- Exceed Page Limit
- Extension of Time
- Extension of Time to Complete Discovery
- Extension of Time to File Reply
- Hearing
- In Limine
- Joinder
- Judgment on Partial Findings
- Judgment on the Pleadings
- Leave to Appeal
- Leave to File Document
- Letters Rogatory
- Limited Admission
- More Definite Statement
- Notify Interested Party
- Partial Summary Judgment
- Preliminary Injunction
- Produce
- Publish
- Reassign Case
- Reconsideration – Rule 59(a)
- Redact
- Release of Bond Obligation
- Relief from Judgment – Rule 60
- Reopen Case
- Sanctions – Rule 11
- Seal Document
- Settlement
- Show Cause
- Stay
- Substitute Attorney
- Substitute Party
- Summons Third Party
- Supplement the Administrative Record
- Temporary Restraining Order
- Unseal Case
- Vacate
- Withdraw
- Entry of Default
- Expedite
- Extension of Time to Amend
- Extension of Time to File Answer
- Extension of Time to File Response
- Hearing for Rule 27 Petition
- Intervene
- Joint Certification – App A, 13(d)
- Judgment on the Administrative Record – Rule 52.1
- Judgment under Rule 54(b)
- Leave to File Amicus Brief
- Leave to File Out of Time
- Lift Stay
- Miscellaneous Relief
- New Trial – Rule 59(a)
- Oral Argument
- Permanent Injunction
- Proceed In Forma Pauperis
- Protective Order
- Quash
- Reconsideration
- Recusal
- Referral to ADR
- Release of Funds
- Remand
- Return of Property
- Sanctions – Rule 37
- Service by Publication
- Sever
- Status Conference
- Strike
- Substitute Attorney (Consented)
- Summary Judgment
- Supplement Pleadings
- Take Deposition
- Transfer
- Unseal Document
- Waive Copy Requirements
- Withdraw as Attorney

Responses and Replies

- Objections to Bill of Costs
- Reply to Objections to Bill of Costs
- Reply to Response to Motion
- Reply to Response to Supplemental Brief
- Response
- 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

(Responses and Replies – continued)

- Response to Proposed Additional Facts
- Response to Proposed Findings of Uncontroverted Fact
- Response to Supplemental Brief
- Sur-Reply

Other Filings

Discovery Documents

- Answer to Interrogatories
- Deposition
- 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
- Notice (Other) PLEASE DO NOT USE FOR NOTICE OF APPEARANCE
- Notice of Acceptance of Offer of Judgment
- Notice of Additional Authority
- Notice of Appearance DEFENDANT ONLY
- Notice of Change of Address
- Notice of Cross Appeal
- Notice of Directly Related Case(s)
- Notice of Indirectly Related Case(s)
- Notice of Intent to Redact Transcript
- Notice of Removal
- Notice of Settlement
- Notice of Voluntary Dismissal
- Notice to Take Foreign Deposition

Trial Documents

- Exhibit List
- Memorandum of Contentions of Fact and Law
- Objection to Exhibit List
- Objection to Witness List
- Post Trial 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
- Amended Document (NOT Motion)
- Bill of Costs
- Counter Statement of Facts
- Declaration
- Expert Report – Rule 26
- Memorandum
- Notice of Appearance
- Administrative Record (Supplement)
- Amicus Brief
- Certificate of Interest
- Decision on Remand by Agency
- Disclosure Statement – Rule 7.1
- Joint Preliminary Status Report
- More Definite Statement
- Post Trial Brief

(Other Documents – continued)

- Pretrial Memorandum
- Proposed Findings of Uncontroverted Fact
- Redacted Document
- Satisfaction of Judgment
- Settlement Agreement
- Status Report
- Stipulation
- Proposed Additional Facts
- Proposed Pretrial Order
- Response to Proposed Additional Facts
- Response to Proposed Findings of Uncontroverted Fact
- Statement of Facts
- Status Report (JOINT)

Congressional Reference Events

Filings

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