APPENDIX E
ELECTRONIC FILING PROCEDURES

I. INTRODUCTION

1. In General. This Appendix sets forth the procedures governing electronic filings. For procedures governing electronic filings in Vaccine Act cases, see Appendix B to these rules ("Vaccine Rules of the United States Court of Federal Claims"), Supplement ("Electronic Filing Procedures in Vaccine Act Cases").

2. Definitions. For purposes of this Appendix, the following definitions apply:

- **(a)** "ECF System" means the court's online system for electronic case filing;
- **(b)** "ECF case" means a case designated by the clerk as an electronic case in which all filings in the case are made via the ECF System;
- **(c)** "Non-ECF case" means a case designated by the clerk as a *pro se* case in which the *pro se* litigant has not been granted access to file documents electronically in the ECF System;
- **(d)** "Filing User" means an individual to whom the court has granted access to file documents electronically via the ECF System;
- **(e)** "filing" means any document that is filed electronically via the ECF System or via e-mail by a *pro se* litigant; and
- **(f)** "court" means the assigned judge or, when appropriate, the assigned special master.

II. CASE DESIGNATION AND NOTICE

3. Scope.

- **(a) Newly Filed Cases.**
  - **(i) In General.** All newly filed cases will be designated ECF cases except cases involving *pro se* litigants.
  - **(ii) *Pro Se* Cases.** All newly filed *pro se* cases will be designated non-ECF cases.
- **(b) Converted Cases.** The court may grant a *pro se* litigant access to file documents electronically via the ECF System, and thereby convert a pending non-ECF case into an ECF case.

4. Notice. The clerk will notify counsel and *pro se* litigants that a case has been designated an ECF case or a non-ECF case by filing a "Notice of Designation."

III. ACCESS TO FILE DOCUMENTS VIA THE ECF SYSTEM; RESPONSIBILITY OF FILING USERS; EXEMPTION FROM USE

5. Access.

- **(a) Applications.** Applications for access to file documents electronically via the ECF System are submitted through PACER (Public Access to Court Electronic Records) at www.pacer.gov, and will be granted to:
  - **(i)** an attorney who is admitted to the bar of this court; and
  - **(ii)** a *pro se* litigant only if allowed or so required by court order.
- **(b) Notification.** The clerk will notify a Filing User when access to file via the ECF System has been granted.

6. Use of ECF Account. No Filing User or other person may knowingly permit or cause a Filing User's login and password to be used by anyone other than an authorized agent of the Filing User. Any Filing User or other person may be subject to sanctions for failure to comply with this provision.

7. Exemption From Filing Electronically in an ECF Case. By filing an appropriate motion, a Filing User or an attorney not yet registered as a Filing User may, for good cause, seek to be exempted from filing documents electronically in an ECF case and to convert the case into a non-ECF case.

IV. FILING REQUIREMENTS IN NON-ECF CASES

8. Case Initiating Documents. Complaints and petitions, along with the required filing fee or an application to proceed *in forma pauperis*, must be submitted in paper form in

compliance with RCFC 5.5 by mail or other delivery to:

Clerk
United States Court of Federal Claims
717 Madison Place, NW
Washington, DC 20439

A copy of the applicable schedule of fees may be found on the court's website at www.uscfc.uscourts.gov or may be obtained from the clerk's office.

9. Filings in Pending Non-ECF Cases.

(a) ECF Filings. The court, the clerk, and counsel of record for the United States must file via the ECF System in Non-ECF cases.

(b) Filings by *Pro Se* Litigants.

(i) In General. *Pro se* litigants may submit case filings in paper form or via e-mail to ProSe_case_filings@cfc.uscourts.gov. All filings must conform to the format requirements of RCFC 5.5.

(ii) Format of Filings via E-Mail.

(A) All documents submitted via e-mail must be attached to the e-mail in Portable Document Format ("PDF"). The e-mail subject line must include the case name and docket number for which the submission is intended.

(B) Each e-mail submission must be limited to a document that is clearly identified as a filing pursuant to a court rule or in response to a court order.

(C) Only the contents of the attached PDF file will be considered part of the submission and processed by the clerk. Any content in the body of the e-mail will not be reviewed by the clerk or considered for inclusion in the case record.

(D) If a document, including exhibits and attachments, exceeds 50 pages when printed, the *pro se* litigant must supply a courtesy copy of the document in paper form in accordance with RCFC 5.5(c), unless otherwise ordered by the court.

(iii) Signatures on Filings via E-Mail.

(A) To satisfy the signature requirements of RCFC 11, e-mailed submissions must include either a written or an electronic signature (s/[name of *pro se* litigant]).

(B) *Pro se* litigants may not file documents via e-mail on behalf of any other person.

(iv) Revocation of E-Mail Filing Privileges. E-mail filing privileges may be revoked by the court at any time.

V. FILING REQUIREMENTS IN ECF CASES

10. Filings.

(a) Initial Filings. Initial papers, including the complaint, may be filed in paper form or via the ECF System in accordance with the format requirements of RCFC 5.5.

(b) Subsequent Filings. Once a case has been designated an ECF case, all subsequent filings must be made via the ECF System, except as provided in this Appendix or by leave of the court in exceptional circumstances that prevent a Filing User from filing via the ECF System.

(c) Exhibits and Attachments. Unless otherwise ordered by the court, when filing an exhibit or attachment, a Filing User:

(i) must file the exhibit or attachment via the ECF System along with the main document under one entry number;

(ii) must include only those excerpts of the referenced exhibit or attachment that are directly germane to the matter under consideration by the court;

(iii) must clearly and prominently identify the excerpted material; and

(iv) may seek leave to file additional excerpts or the complete document.

11. Technical Requirements

(a) Format.

(i) In General. Documents filed via the ECF System must be:

(A) converted into PDF; and

(B) text searchable.

The ECF System will not accept PDF files containing tracking tags, embedded system commands, password protections, access restrictions, or other security features, special tags, or dynamic features.

(ii) Scanned Documents.

(A) Documents filed via the ECF System must not be scanned prior to filing unless the original documents are unavailable in electronic form.

(B) A Filing User is responsible for ensuring the accuracy and readability of a scanned document.

(b) Size Limitations

(i) In General. A single filing may be divided into multiple PDF files.

(ii) Number of Files. Counsel must endeavor to limit the total number of PDF files that constitute a single filing, particularly when filing appendices and administrative records.

(iii) Size of Files.

(A) Unless otherwise ordered by the court, each PDF file must not exceed the size limitation established by the court.

(B) The current size limitation is posted on the court's website or may be obtained by calling the clerk's office.

(c) Events. Events are used in the ECF System for filing documents and creating docket entries on the docket sheet. A Filing User:

(i) must select an event or events for each filed document based on the purpose of the document or relief requested; and

(ii) should use the most specific event available rather than a more generic event.

(d) Linking Filings. A document filed via the ECF System—such as a response or reply—that pertains to a motion or other filing must be linked properly in the ECF System to the filing to which it pertains.

12. Courtesy Copies in Paper Form. Unless otherwise ordered by the court, if a document, including exhibits and attachments, exceeds 50 pages when printed, the Filing User must supply chambers with a courtesy copy of the document in paper form in accordance with RCFC 5.5(c). The court may order the parties to supply courtesy copies in paper form of any filing in the ECF System.

13. Filing Under Seal. Unless otherwise provided in these rules or by court order, a party:

(a) must seek leave of the court to file a document under seal via the ECF System; and

(b) may concurrently file the document under seal as a separate entry. The document will remain under seal unless and until the court denies the motion.

VI. FILING PROCEDURES

14. Notice of Filing; Service.

(a) Notification of Filings.

(i) ECF Cases. At the time a document is filed, the ECF System automatically generates a "Notice of Electronic Filing" and automatically e-mails the notice to all parties.

(ii) Non-ECF Cases. A *pro se* litigant may consent to receive notice of all filings via e-mail by filing an E-Notification Consent Form in each active case before the court (*see* Appendix of Forms, Form 15A).

(b) Service.

(i) ECF Cases; Public Filings. The transmission of the "Notice of Electronic Filing" satisfies the service requirement of RCFC 5 and the proof of service requirement of RCFC 5.3.

(ii) Non-ECF Cases; Public Filings.

(A) Service by *Pro Se* Litigants. A *pro se* litigant filing in paper form or via e-mail need not separately serve his or her filings on opposing counsel. Opposing counsel will be served when a filing is entered by the clerk in the ECF System.

(B) Service by E-mail on *Pro Se* Litigants.
If a *pro se* litigant has filed an E-Notification Consent Form:

(I) the *pro se* litigant consents to having his or her e-mail address entered into the ECF System to receive notice of electronic filings;

(II) the transmission of the "Notice of Electronic Filing" satisfies the service requirement of RCFC 5 and the proof of service requirement of RCFC 5.3;

(III) the *pro se* litigant must be registered with PACER at www.pacer.gov to view electronic filings; and

(IV) the *pro se* litigant waives service by first class mail.

(C) Service by First Class Mail on *Pro Se* Litigants. If a *pro se* litigant has not consented to electronic service by filing an E-Notification Consent Form:

(I) the clerk will serve the litigant with all court-issued filings by first class mail; and

(II) opposing counsel must serve the litigant with all of opposing counsel's filings in a manner listed in RCFC 5(b)(2) and attach to each filing, or file within a reasonable time after service, a certificate of service pursuant to RCFC 5(d)(1)(B).

(iii) Filings Made Under Seal. For filings made under seal:

(A) the clerk must effectuate service of court-issued filings outside the ECF System by other appropriate means as provided in RCFC 5(b)(2);

(B) to satisfy the service requirement of RCFC 5, the parties must effectuate service outside the ECF System by other appropriate means as provided by RCFC 5(b)(2); and

(C) to satisfy the proof of service requirement of RCFC 5.3, the parties must attach to each filing a certificate of service pursuant to RCFC 5(d)(1)(B).

15. Effect of Filing.

(a) ECF Cases. A filing by a party via the ECF System, together with the transmission of the "Notice of Electronic Filing," constitutes a filing under RCFC 5 and an entry on the docket kept by the clerk under RCFC 58 and 79.

(b) Non-ECF Cases. A document submitted by a *pro se* litigant via e-mail or in paper form constitutes a filing under RCFC 5 once entered by the clerk in the ECF System.

16. Official Court Record. The official court record is the electronic recording of the document in the ECF System as stored by the court and the filing party is bound by the document as filed.

17. Date of Filing.

(a) ECF Cases. A document filed in an ECF case is deemed filed on the date and time stated in the "Notice of Electronic Filing."

(b) Non-ECF Cases. A document submitted by a *pro se* litigant via e-mail or in paper form is deemed filed on the date and time received by the clerk or, if not in compliance with the court's rules, on the date and time filed by leave of the judge or special master.

18. Timeliness of Filing. Unless otherwise ordered by the court, an electronic filing under this Appendix must be submitted before midnight local time in Washington, DC, to be considered timely filed on that date.

19. Date Stamp. The filing date of each filing in the ECF System will appear at the top of the first

page in an automatically generated banner stating the case number, the document number, and the date filed.

VII. SIGNATURES AND RELATED MATTERS IN ECF CASES

20. Signature Defined. A Filing User's login and password will serve as his or her signature on a filing for all purposes, including those under RCFC 11.

21. Signature Requirements.

(a) Electronic Signature. Filings must include a signature block, in compliance with RCFC 11(a), with the name of the Filing User under whose login and password the document is submitted along with an "s/[name of Filing User]" typed in the space where the signature would otherwise appear.

(b) Written Signature. A Filing User may also satisfy the signature requirement by scanning a document containing his or her written signature.

(c) Noncompliance. A filing that does not comply with this provision will be deemed in violation of RCFC 11 and may be stricken from the record.

22. Signatures of Multiple Parties. Documents requiring signatures of more than one party may be filed via the ECF System:

(a) by submitting a scanned document containing all necessary written signatures; or

(b) by submitting a document containing an electronic signature for each party ("s/[name of party]") and the filing attorney's representation that the other parties have reviewed the document and consent to its filing.

VIII. COURT ORDERS, JUDGMENTS, AND APPEALS

23. Filings by the Court. Any order, opinion, judgment, or other proceeding of the court will be filed in accordance with this Appendix.

24. Effect of Filing. A filing by the court under this Appendix:

(a) is an entry on the docket kept by the clerk under RCFC 58 and 79; and

(b) has the same force and effect as a paper copy entered on the docket in the traditional manner.

25. Notice of Filing; Service.

(a) Notifying the Parties. Notice of a filing by the court will be accomplished in the manner prescribed in paragraph 14 of this Appendix.

(b) Service. Service of a filing by the court will be accomplished in a manner prescribed in paragraph 14 of this Appendix.

26. Court-Ordered Deadlines. If an order or opinion specifies a due date for the filing of a document, that date will control over any other filing deadline listed on the docket for that document.

27. Notice of Appeal. A notice of appeal to the United States Court of Appeals for the Federal Circuit:

(a) may be filed electronically via the ECF System by a Filing User; but

(b) should be filed in paper form, along with the required filing fee, by a *pro se* litigant who has not been granted access to file via the ECF System.

IX. PRIVACY

28. Personal Information.

(a) In General. Counsel and *pro se* litigants are advised that any personal information in a filing that is not otherwise protected will be available over the Internet through PACER.

(b) Including Personal Information in a Filing. In compliance with the E-Government Act of 2002, counsel and *pro se* litigants should not include personal information in any filing unless such inclusion is necessary and relevant to the filing.

(c) Excluding or Redacting Personal Information in a Filing. The following personal identifiers should be excluded, or redacted when inclusion is necessary, from all filings, unless otherwise ordered by the court:

(i) Social Security or taxpayer-identification numbers—if an individual's Social Security number

or a taxpayer's identification number must be included in a filing, only the last four digits of the number should be used;

(ii) names of minor children—if the name of a minor child must be mentioned in a filing, only the initials of the child should be used;

(iii) dates of birth—if an individual's date of birth must be included in a filing, only the year should be used; and

(iv) financial account numbers—if a financial account number is relevant to a filing, only the last four digits of the number should be used.

(d) Using Caution When Including Other Sensitive Information. Counsel and *pro se* litigants should exercise caution when filing documents containing:

(i) a personal identifying number, such as a driver's license number;

(ii) medical records;

(iii) employment history;

(iv) individual financial information; or

(v) proprietary or trade secret information.

29. Deciding When to Include, Redact, or Exclude Personal Information. Counsel are strongly urged to discuss with all clients the use of personal information so that an informed decision about including, redacting, or excluding such information may be made.

30. Responsibility to Protect Personal Information. It is the sole responsibility of counsel and the parties to protect any personal information included in a filing; the clerk's office will not review filings to ensure that personal information has been adequately protected.

X. PUBLIC ACCESS; TECHNICAL FAILURE; HYPERLINKS

31. Reviewing Filings. The public may review filings in the clerk's office. A person may also access filings in the ECF System by obtaining a PACER login and password (*see* www.pacer.gov).

32. Technical Failure of the ECF System.

(a) Relief by Motion. If a filing via the ECF System is deemed untimely as the result of a technical failure of the ECF System, the Filing User may seek appropriate relief from the court.

(b) Deeming the Clerk's Office Inaccessible. If the ECF System is inaccessible for any significant period of time, the clerk will deem the clerk's office inaccessible under RCFC 6.

33. Hyperlinks.

(a) Type. Filings via the ECF System may contain the following types of hyperlinks:

(i) hyperlinks to other portions of the same document;

(ii) hyperlinks to documents already filed in the court's ECF System; and

(iii) hyperlinks to a location on the Internet that contains a source document for a citation.

(b) Cited Authority. Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of the filed document.

(c) Limitation. Neither a hyperlink, nor any site to which it refers, will be considered part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document. If a party wishes to make any hyperlinked material part of the record, the party must include the material as an attachment to the filing.

(d) Disclaimer. The court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The court accepts no responsibility for the availability or functionality of any hyperlink.

Rules Committee Notes
2007 Adoption

Appendix E replaces former General Order No. 42A ("Interim Procedures for Electronic Case Filing"), issued on November 4, 2004, and establishes electronic case filing as a mandatory procedure applicable to all new cases filed in the court except for those cases involving *pro se*

litigants. For supplemental procedures governing electronic filings in cases under the National Vaccine Injury Compensation Program, counsel shall refer to the Office of Special Masters General Orders, which can be found on the court's website. Former Appendix E ("Procedure in Carrier Cases") has been redesignated in these rules as Appendix I.

2011 Amendment

Paragraph 1 has been amended to include a cross-reference to the separate procedures governing electronic filings in Vaccine Act cases set forth in the Supplement to Appendix B ("Vaccine Rules of the United States Court of Federal Claims").

2012 Amendment

Paragraph 25 has been amended to eliminate the requirement that parties file paper copies of notices of appeal in electronic cases.

2015 Amendment

Paragraph 4 has been amended by deleting the statement that all ECF cases will be listed on the court's website.

Paragraph 8 has been amended to allow a plaintiff not appearing *pro se* to file a complaint electronically.

2016 Amendment

Paragraph 9(b) has been amended to clarify that single filing may not exceed 11 separate Adobe PDF files.

In addition, paragraph 12 has been amended by deleting as no longer necessary former paragraph 12(b) which provided that the clerk "will serve the 'Notice of Electronic Filing' (but not the underlying filing) on case participants who are not Filing Users by e-mail, hand delivery, facsimile or first-class postage prepaid mail."

Paragraph 17 also has been amended to clarify that the ECF system automatically generates a filing date stamp at the top of first page of each filing.

Finally, paragraph 23(a) has been amended to delete the reference to former paragraph 12(b).

2017 Amendment

Paragraph 9(b) has been amended to remove the specific limitation on the number of Adobe PDF files that constitute a single filing.

2019 Amendment

Paragraph 20 has been amended to clarify that a document requiring the signature of more than one party must contain either a scanned written signature of each party or an electronic signature of each party along with the filing attorney's representation that the other parties have reviewed the document and consent to its filing.

2020 Amendment

Paragraph 2(c) has been amended to define a Filing User as an individual, rather than as a member of the court's bar, to whom the court has granted access to file documents electronically in the ECF System.

Paragraph 5 has been amended to reflect that applications for access to file documents electronically in the ECF System are submitted through PACER and that access may be granted to an individual who is not represented by an attorney only if allowed or so required by court order.

Paragraph 9 has been amended to include additional technical requirements related to document format, event selection, and linking filings. In additional, paragraph 9(b) has been amended to substitute the phrase "a portable storage disc or drive" for CD-ROM.

Finally, new paragraph 32 has been added to address hyperlinks in filings.

2023 Amendment

Appendix E has been amended to require the court, the clerk, and counsel of record for the United States to file via the ECF System in non-ECF cases, and to provide *pro se* litigants with alternative means of submitting filings and receiving notice of filings electronically.

In addition, Paragraph 13 ("Filing Under Seal") has been amended to allow exceptions to this rule beyond Vaccine Act cases.

Paragraph 28 has also been amended to clarify that taxpayer-identification numbers should be excluded, or redacted when inclusion is

necessary, in all publicly available filings unless otherwise ordered.

2026 Amendment

Appendix E has been amended to require that filings made under seal must be served by the filing party outside the ECF System and that a certificate of service must be filed with the underlying sealed submission.