

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: Amended Rule 5.1.4 of the Local Rules of Civil Procedure,
*Format of Documents in Electronic Form***

O R D E R

AND NOW, this 17th day of May 2004, it appearing to the court that Federal Rule of Civil Procedure 5(e) authorizes the Court to establish practices and procedures for the filing, signing, serving and verification of documents by electronic means, and that the Office of the Clerk of Court of the United States District Court for the Eastern District of Pennsylvania was selected by the Judicial Conference of the United States to implement an electronic case filing (“ECF”) system,

AND, it appearing that this Court is vested with authority, pursuant to 28 U.S.C. §2071(b) and §2077 and Federal Rule of Civil Procedure 83, to promulgate Local Civil Rules not inconsistent with the Federal Rules of Civil Procedure and applicable statutes, the judges of the United States District Court for the Eastern District of Pennsylvania, on March 25, 2002, approved for publication and solicitation of comment, the *Procedural Order on Electronic Case Filing*, establishing practices and procedures for the filing, signing, serving and verification of documents by electronic means,

AND, it appearing that in order to implement the *Procedural Order on Electronic Case Filing*, the judges of this court, on May 16, 2002, approved and adopted Rule 5.1.2 of the Local Rules of Civil Procedure, incorporating by reference the provisions of the *Procedural Order on Electronic Case Filing*,

AND, it appearing that in order to augment the provisions of the *Procedural Order on Electronic Case Filing*, the judges of this court on April 5, 2004, amended and approved for publication and solicitation of comment Rule 5.1.4 of the Local Rules of Civil Procedure, incorporating by reference the provisions of the *Procedural Order Governing the Format of Documents in Electronic Form*, which may be amended from time to time by the court, it is hereby

AND, it further appearing that no comments were received in response to the publication of notice and solicitation of comment, it is hereby

ORDERED that, in accordance with the Resolution approved by the judges of this Court on May 17, 2004, Rule 5.1.4 of the Local Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania, *Format of Documents in Electronic Form*, as so amended, will apply to all relevant cases and will read as follows:

Rule 5.1.4, *Format of Documents in Electronic Form* -- In accordance with the *Procedural Order on Format of Documents in Electronic Form*, the provisions of which are incorporated herein by reference, and which may be amended from time to time by the court,

(a) All complaints must be submitted on disk in portable document format (PDF) at the time of filing, so that the complaint may be entered into the District Court's ECF system, and must be accompanied by a courtesy copy of the complaint in paper format for use by the court; under this paragraph, all attorneys are required to complete the *Rule 5.1.4 Validation of Signature* form, as described in Paragraph (c) below;

(b) All documents filed subsequent to the complaint by attorneys who are not registered as ECF Filing Users, as defined in the *Procedural Order on Electronic Case Filing* referenced in Rule 5.1.2 of the Local Rules of Civil Procedure, must be submitted on disk in portable document format (PDF), so that the filings may be entered into the District Court's ECF system, and must be accompanied by a courtesy copy of the document in paper format for use by the court; under this paragraph, all attorneys are required to complete the *Rule 5.1.4 Validation of Signature* form, as described in Paragraph (c) below;

(c) attorneys who complete the *Rule 5.1.4 Validation of Signature* form will receive a signature code which must be used by the attorney on the signature line of all courtesy copies submitted with a disk for purposes of signature validation pursuant to Rule 11 of the Federal Rules of Civil Procedure; the document as submitted under Local Rule 5.1.4 on disk will constitute the original document, except for those documents which are excluded from the provisions of Local Rule 5.1.4 as set forth in the *Procedural Order on Electronic Case Filing* and the *Procedural Order on Format of Documents in Electronic Form*; attorneys are required to have submitted a completed *Rule 5.1.4 Validation of Signature* form just once in order to file all complaints and documents in all subsequent cases in this court.

(d) Nothing in Rule 5.1.4 of the Local Rules of Civil Procedure or in the *Procedural Order Governing the Format of Documents in Electronic Form* shall preclude attorneys who complete the *Rule 5.1.4 Validation of Signature* form from also registering with the court's ECF system under Rule 5.1.2 of the Local Rules of Civil Procedure, nor preclude attorneys who are currently registered with the court's ECF system from completing a *Rule 5.1.4 Validation of Signature* form;

(e) Service of process will continue to be made in accordance with those provisions set forth in Rule 5 of the Federal Rules of Civil Procedure;

(f) For convenience of attorneys who do not have access to compatible hardware or software, a computer with PDF conversion capability is available in the Clerk's Offices at Philadelphia and Allentown, with assistance for PDF conversion provided by Clerk's Office staff as needed; attorneys who have reason for not providing this material on disk are required to notice the Clerk's Office in writing attached to the document, explaining the reason for not providing this material on disk;

(g) Attorneys who do not register to participate in the ECF program are requested to register and participate in the court's Program for Facsimile Service of Notice to Counsel or Litigants in Civil and Criminal Cases (the "Fax Noticing Program").

Therefore, this 17th day of May 2004, it is hereby

ORDERED that, until further Order of the court, amended Rule 5.1.4 of the Local Rules of Civil Procedure is approved and adopted concurrent with approval of the *Procedural Order Governing the Format of Documents in Electronic Form*, amended to conform with Rule 5.1.4, a copy of which is attached to this Order, to be effective immediately. It is further

ORDERED that Rule 1.2 of the Local Rules of Criminal Procedure for the United States District Court for the Eastern District of Pennsylvania, *Applicability and Effect of Local Rules*, is amended to include Rule 5.1.4 of the Local Rules of Civil Procedure, *Format of Documents in Electronic Form*, as fully applicable to all criminal proceedings, also effective immediately. It is further

ORDERED that the Clerk of Court transmit a copy of amended Rule 5.1.4 of the Local Rules of Civil Procedure and amended Rule 1.2 of the Local Rules of Criminal Procedure to the Director of the Administrative Office of the United States Courts and the Judicial Council of the Third Circuit Court of Appeals and make said Rules available to the bar and public.

FOR THE COURT:

JAMES T. GILES,
Chief Judge

