

Filing Practices Examples Handout

Attorney Best Practices Seminar, U.S. District Court, District of Maine

ISSUE	GOOD	NOT-SO-GOOD
<p><b>Adequate document descriptions</b></p> <p><i>Using merely “exhibit A, exhibit B, etc.” to describe attachments is not helpful. Also note redundant use of “exhibit” in the “not-so-good” example, caused by choosing “Exhibit” in the category field of CM/ECF and also typing “Exhibit” in the description. The better approach is to ignore the CM/ECF category drop down menu. Also, do not consolidate multiple exhibits into larger PDF files (see second not-so-good example).</i></p>	<p>STATEMENT OF FACT <i>IN SUPPORT OF PL.’S MOTION FOR SUMMARY JUDGMENT</i> by XYZ Corp. (Attachments: #1 Affidavit of Abraham Lincoln, Esq., #2 Pl’s Answers to Interrogatories, #3 First Deposition of Jane Doe, #4 First Jane Doe Dep. Ex. A, 2010 Evaluation, #5 First Jane Doe Dep. Ex. B, 2011 Evaluation, #6 Second Deposition of Jane Doe, #7 Second Jane Doe Dep. Ex. A, Personal Letter from Supervisor Smith . . . )</p>	<p>STATEMENT OF FACT <i>IN SUPPORT OF PL.’S MOTION FOR SUMMARY JUDGMENT</i> by XYZ Corp. (Attachments: #1 Exhibit Affidavit of Abraham Lincoln, Esq., #2 Exhibit Exhibit A, #3 Exhibit Exhibit B, #4 Exhibit Exhibit C, #5 Exhibit Exhibit D, #6 Exhibit Exhibit E) (<i>inadequate and redundant descriptions</i>)</p> <p><i>A BAD APPROACH:</i>  . . . #2 Exhibit Exhibits to Lincoln Affidavit (<i>meaning counsel has combined all exhibits into one PDF file</i>)</p>
<p><b>Order of filings</b></p> <p><i>Though it may go without saying, be sure to upload your primary filing first and your supportive filings thereafter, in logical order (most often as attachments to your primary filing rather than as separate filings).</i></p>	<p>10 MOTION FOR SUMMARY JUDGMENT <i>with INCORPORATED MEMORANDUM OF LAW</i></p> <p>11 STATEMENT OF FACT <i>IN SUPPORT OF PL’S MOTION FOR SUMMARY JUDGMENT . . . .</i></p> <p>OR</p> <p>10 MOTION FOR SUMMARY JUDGMENT <i>with INCORPORATED MEMORANDUM OF LAW</i> (Attachments: #1 Statement of Material Facts, #2 Affidavit of Abraham Lincoln, #3 . . . (<i>in other words, upload the statement of material facts and as many supporting exhibits as possible as attachments to the motion for summary judgment</i>))</p>	<p>10 STATEMENT OF FACT <i>IN SUPPORT OF PL’S MOTION FOR SUMMARY JUDGMENT . . . .</i></p> <p>11 MOTION FOR SUMMARY JUDGMENT <i>with INCORPORATED MEMORANDUM OF LAW</i></p>

ISSUE	GOOD	NOT-SO-GOOD
<p><b>Over reliance on additional attachments</b></p> <p><i>Avoid using the additional attachments feature unless you are running up against the 5 MB file size limitation or are facing the 59-minute timeout restriction. Overuse of additional attachments quickly results in an ungainly docket. Organize your files before you start to docket!</i></p>	<p>82 RESPONSE to Motion re <u>75</u> MOTION to Exclude Pl.'s Expert Witness, Dr. Watson filed by ABE LINCOLN. (Attachments: #1 Watson Deposition, #2 Watson Report, #3 Watson Report Ex. A data, #4 Affidavit of Def.'s Expert Witness, Dr. Jekyll, #5 Jekyll Aff. Ex. A data . . .</p>	<p>82 RESPONSE to Motion re <u>75</u> MOTION to Exclude Expert Witness, Dr. Watson filed by ABE LINCOLN.                      83 ADDITIONAL ATTACHMENTS filed by ABE LINCOLN re <u>82</u> Response to Motion. Main Document: Watson Deposition. (Attachments: #1 Watson Report, #2 Watson Report Ex. A)                      84 ADDITIONAL ATTACHMENTS filed by ABE LINCOLN re <u>82</u> Response to Motion. Main Document: Jekyll Affidavit. (Attachments: #1 Exhibit Jekyll Aff. Ex. A.)                      85 ADDITIONAL ATTACHMENTS . . . .</p> <p><i>There are cases where this approach has added 10 or more entries to the docket unnecessarily!</i></p>

**MOTIONS TO SEAL**

***How it should look***

<p><i>A companion handout discusses how to file (or avoid filing) confidential information. This example illustrates how a motion to seal will appear on the docket when the related pleading (here a summary judgment motion) incorporates confidential information from one or more supporting exhibits (see Form Confidentiality Order ¶ 7). In this example, docket entry 49 is a motion to seal, but it also attaches a complete version of the associated summary judgment motion, without any redactions. Docket entry 50 (the public version) counts as the filing of the summary judgment motion for purposes of deadlines and response times. In place of the summary judgment motion and the confidential personnel records, in the public version counsel will file redacted versions that indicate to the public that confidential information has been redacted and is subject to a motion to seal.</i></p>	<p>49 (Document sealed from public view) MOTION to Seal Motion for Summary Judgment and Supporting Exhibit 2 (Personnel Records) by SNEEZY DWARF Responses due by 1/30/2013. (Attachments: # 1 Motion for Summary Judgment, # 2 Statement of Material Fact, # 3 Exhibit 1 Contract, # 4 Exhibit 2 CONFIDENTIAL Personnel Records, # 5 Exhibit 3 Affidavit of Snow White, . . . )(mlm) (Entered: 01/09/2013)</p> <p>50 MOTION for Summary Judgment REDACED by SNEEZY DWARF (Attachments: #1 Statement of Material Fact, #2 Exhibit 1 Contract, #3 Exhibit 2 REDACTED Personnel Records, #4 Exhibit 3 Affidavit of Snow White (mlm) (Entered: 01/11/2013)</p> <p>51 ORDER granting 49 Motion to Seal Motion for Summary Judgment and Supporting Exhibit 2 (Personnel Records) due to the confidential nature of the personnel records. Counsel's redactions in the public version of the motion and exhibit 2 are appropriate and no further public disclosure is required. By Magistrate Judge Margaret J. Kravchuk. (mlm) (Entered: 01/09/2013)</p>
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