

ATTORNEY'S GUIDE TO FILING A NEW CIVIL CASE

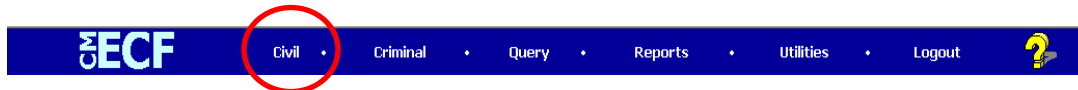
Online case opening will allow for cases to be filed 24 hours a day, 7 days a week and will eliminate the delay caused by emailing the complaint and civil cover sheet to the Clerk's Office.

This guide describes the procedures for opening a new case using the CM/ECF system.

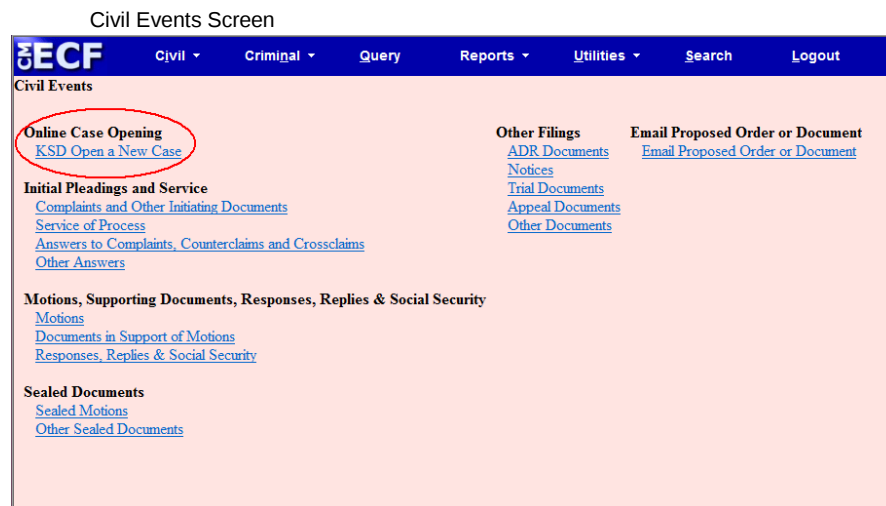
A CM/ECF login and password are required to complete online case opening. If you do not have a CM/ECF login and password, please complete the Attorney Electronic Filing Registration Form available on our website or contact the Clerk's Office for instructions on how to file your complaint. You may contact the clerk's office at any of the telephone numbers or email addresses below:

Kansas City: 913-735-2200 ksd_clerks_kansascity@ksd.uscourts.gov
Topeka: 785-338-5400 ksd_clerks_topeka@ksd.uscourts.gov
Wichita: 316-315-4200 ksd_clerks_wichita@ksd.uscourts.gov

1. Select **Civil** from the blue menu bar at the top of the ECF screen.



2. Select **KSD Open a New Case** under **Online Case Opening** on the Civil Events screen.



3. The following screen includes important information regarding opening a new case in CM/ECF. Please review the information carefully.

KSD Open a Civil Case

ATTENTION: If this is your first time electronically filing a new civil case, we strongly recommend you view the [CASE OPENING](#)

SEALED CASES are **NOT** to be opened online. Contact the Clerk's Office at (KC) 913-735-2200, (Topeka) 785-338-5400, or (Wichita) 316-315-4200 for instructions.

NOTICE: The Clerk's Office reserves the right to correct any incorrect information entered during online case opening.

4. The next screen is the initial case opening screen. The selection of the case type and counties will provide the system with the information it needs to assign a case number and judge. You will receive a case number after the case has been created. A judge will be assigned to the case after the case has been opened. The Clerk's Office will send out a Notice of Judge Assignment after the complaint has been filed.

Following is a description of each of the fields in the case opening screen.

The screenshot shows a web form titled "KSD Open a Civil Case" in blue text. The form has a light pink background. It contains several fields: "Case type" with a dropdown menu showing "cv"; a note "NOTE: See Local Rule 40.2 for more information regarding determination of office"; "Is this a removal case?" with a dropdown menu showing "No"; "Defendant's county of residence" with a dropdown menu; "County where claim for relief arose" with a dropdown menu; a text box containing "Not Yet Determined" with a note above it stating "The division to which the case will be assigned will display below upon completion of the selections above."; "Date filed: 9/30/2013"; "Division: Not Yet Determined"; and two buttons at the bottom, "Next" and "Clear".

KSD Open a Civil Case

Case type

NOTE: See Local Rule 40.2 for more information regarding determination of office

Is this a removal case?

Defendant's county of residence

County where claim for relief arose

The division to which the case will be assigned will display below upon completion of the selections above.

Date filed: 9/30/2013

Division: Not Yet Determined

Case Type

Only civil and miscellaneous cases can be opened by attorneys. Select "cv" for a civil case or "mc" for a miscellaneous case.

The following initiating documents are to receive a civil "cv" case number:

- Complaint
- Notice of Removal
- Petition for Writ of Habeas Corpus (contact the Topeka Clerk's Office at 785-338-5400 for fee instructions)

The following initiating documents are to receive a miscellaneous "mc" case number:

- Application to Enter Premises

- Letters Rogatory
- Motion to Enforce IRS Summons
- Motion to Quash IRS Summons
- Motion to Enforce Subpoena
- Motion to Perpetuate Testimony
- Motion to Quash Subpoena
- Motion to Vacate or Enforce Arbitration Award
- Motion to Withdraw Reference to Bankruptcy Court
- Notification of Appointment of Receiver
- Registration of Foreign Judgment

NOTE: When filing a miscellaneous case use the *Miscellaneous Case Initiating Document* event and make appropriate choice, as to the type of miscellaneous case, from the list displayed on the screen.

Complaints and Other Initiating Documents
[6:13-mc-00101 Smith v. Jones](#)

Select Type of Miscellaneous Action from List

☐ Application to Enter Premises
☐ Consent Order of Receivership
☐ Letters Rogatory
☐ Motion
☐ Notification of Appointment of Receiver
☐ Registration of Foreign Judgment

If your miscellaneous case involves a motion, such as a *Motion to Enforce Subpoena*, you will use the Miscellaneous Case Initiating Document event but you will not be prompted to attach a document. After docketing the *Miscellaneous Case Initiating Document* event you should file your motion separately using the appropriate motion event. If there isn't an appropriate motion event please file your motion using the *Motion for Order* event. You will be able to attach your motion to this event. If you have questions when filing a miscellaneous case please contact the Clerk's Office (*Kansas City* (913)735-2200; *Topeka* (785)338-5400; *Wichita* (316)315-4200).

Is this a removal case?

Select yes if the case is being removed from a state district court. When you select yes, the following prompt will display.

Is this a removal case?

Please select the county of the court from which the case is being removed

Other court name Other court number

From the drop down box, select the county of the court from which the case is being removed and enter the court name and case number in the boxes provided.

Is this a removal case? Yes ▾

Please select the county of the court from which the case is being removed Sedgwick ▾

Other court name Sedgwick County District Court Other court number 13-23451

Defendant's county of residence

From the drop down box, select the defendant's county of residence. If there are multiple defendants and at least two of the defendants reside in different divisions, select the division in which one or more of the defendants reside.

County where claim for relief arose

From the drop down box, select the county where claim for relief arose.

Selecting Divisional Venue

The system will evaluate the information provided by the user to determine the eligible division(s) to which the case should be assigned. The user may select the requested venue from the selection box. This selection must match the requested city in the Designation of Place of Trial, which should either be included in the complaint, or should be filed separately after the complaint.

Defendant's county of residence Sedgwick ▾

County where claim for relief arose Republic ▾

Based upon the information provided, in accordance with Local Rule 40.2, this case is eligible to be filed in the the following division(s).

Please select one division for this case. If you believe there is statutory authority to file your case in another division other than those listed, please contact the Clerk's Office.

Kansas City
Topeka
Wichita

Select the desired division from the selection(s) provided. Verify that the correct division has been selected and click **Next**.

Based upon the information provided, in accordance with Local Rule 40.2, this case is eligible to be filed in the the following division(s).

Please select one division for this case. If you believe there is statutory authority to file your case in another division other than those listed, please contact the Clerks Office.

Kansas City
Topeka
Wichita

Date filed: 9/5/2013

Division: Wichita

Next

Clear

5. Case Information Screen

Please note – this screen will NOT appear for MISCELLANEOUS CASES

The Case Information Screen can be completed from the information supplied on the Civil Cover Sheet. Please remember that it is still necessary to file the civil cover sheet in .pdf format after filing the case initiating document.

Please be aware that the selections you make on the Case Information Screen are very important. An error will be displayed if information is not entered correctly. To continue opening the case, all errors must be corrected.

Case Information Screen – Civil Cases

KSD Open a Civil Case

Jurisdiction	3 (Federal Question)	
Cause of action		Filter: Clear filter
Nature of suit	0 (zero)	Filter: Clear filter
Origin	1 (Original Proceeding)	
Citizenship plaintiff		
Citizenship defendant		
Jury demand	n (None)	Class action n (No Class Action Alleged)
Demand (\$000)		
Arbitration code		County Allen
Fee status	pd (paid)	Fee date 9/5/2013
Date transfer		
Next	Clear	

Jurisdiction

Jurisdiction defaults to Federal Question. The drop down list displays additional options for jurisdiction, including Diversity, U.S. Government Plaintiff and U.S. Government Defendant.

The jurisdiction for miscellaneous cases is 3 (Federal Question).

Cause of Action

The statutes, also referred to as causes of action, are listed in numerical order. To select the cause of action, users can click the drop down list and scroll down to find the appropriate statute.

An alternate way of finding the cause of action is to enter the full or partial statute in the Filter field. CM/EFC will narrow down the drop down list to just the items that match the string entered.

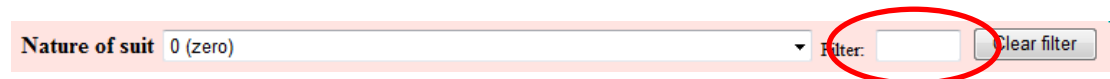


Cause of action Filter:

Nature of Suit

The natures of suit are listed in numerical order. To select the nature of suit, users can click the drop down list and scroll down to find the appropriate entry.

An alternate way to find the nature of suit is to enter the full or partial nature of suit in the Filter field to further narrow down the drop down list to just the items that match the string entered.



Nature of suit 0 (zero) Filter:

Origin

A complaint originating in the Federal Court is always 1 (Original Proceeding). A notice of removal is always 2 (Removal from State Court). Use the drop down box to select the appropriate origin.

Citizenship

The Citizenship fields only need to be filled out for diversity cases. If you are filing a diversity case, select the appropriate citizenship statement for the parties. Note: Diversity must be selected on the Jurisdiction field if you are completing the citizenship fields.

Jury Demand

Jury demand should only be requested if there is a jury demand contained within the case initiating document you are filing. The jury demand can be made by the plaintiff when filing a complaint or the defendant when filing a notice of removal. N (none) should be selected if the document filed does not state a jury demand.

Class Action

If you are alleging a class action, click the drop down box and select "y". To request class certification, you must file a motion once your case has been opened.

Demand

If a monetary demand is requested in the complaint, enter the amount to the nearest thousand. For example, if you are requesting \$1,500,000 enter 1500, without a dollar sign, comma or decimal. The amount will display as \$1,500,000 on the docket sheet.

Arbitration

The Arbitration code field is not used in the District of Kansas and is left blank.

County of first plaintiff

Click the drop down list to display a list of all counties in the District of Kansas. Select the county of the first plaintiff listed in the case. If the county of the first named plaintiff is outside the District of Kansas, select either *XX US, Outside State* or *XX Outside US* from the drop down list.

Fee Status

Unless you are a U.S. government agency or you are filing in forma pauperis, the fee status should be set to pd (paid). If a motion to proceed in forma pauperis is being filed, fp (in forma pauperis) should be selected. Attorneys for the United States or agencies of the United States government should select the fee status waived.

Fee Date

The fee date will automatically default to the current date. Please do not change or remove the date.

Date Transfer

The Date transfer field remains blank.

When finished entering the all of the information on the Case Information Screen, click Next to continue.

6. Perhaps the most critical piece of Online Case Opening is the entry of party names. It is important that this be done correctly since it impacts not only your case, but the general records for the court. The **Party Entry Guide** is available on our website to assist you in adding parties. We suggest you print it for future reference.

The attorney search screen is divided into two panels. The left panel contains controls to Add New Party and Create Case. The search fields in the right panel allow users to search the CM/ECF database for parties.

KSD Open a Civil Case

[Collapse All](#)
[Expand All](#)

6:13-cv-?????

Search for a party

Last / Business Name First Name Middle Name

Searching for a Party

BEFORE ENTERING ANY PARTY NAME, do a search of the current list of names in the CM/ECF database by entering at least three letters of the party's last name in the last name field that's presented. If your party is a corporation, enter the first three letters of the corporate name. The **Party Entry Guide** includes search hints to help you search the CM/ECF database for parties.

If the system finds a match, CM/ECF will display a list of party names. Be SURE to scroll down through the list offered on the screen. If you find something similar, check your own spelling or configuration to determine which is preferable.

KSD Open a Civil Case

[Collapse All](#)
[Expand All](#)

6:13-cv-?????

Search for a party

Last / Business Name First Name Middle Name

Search Results

- Smith, Alton L.
- Smith, Alvin Joel
- Smith, Alycia N.
- Smith, Amanda J.
- Smith, Amanda
- Smith, Amy Marie

If the name of the party you represent appears in the list, select it and then click Select Party.

Creating a New Party

If you do not find a match AFTER performing a search, click Create New Party to enter the party as a new entry into the database.

ECF will display the Party Information screen to collect information on the new party.

KSD Open a Civil Case

Add New Party
Create Case

Collapse All
Expand All

6:13-cv-????

Last name
Smith

First name

Middle name

Generation

Title

Role
Defendant (dft:pty)

Pro se
No

Prisoner Id

Unit

Office

Address1

Address 2

☐ Show this address on the docket sheet

Address 3

City

State

Zip

Country

Prison

Phone

Fax

E-mail

Party text

Start date
9/5/2013

End date

Corporation
no

Notice
yes

While there are many data entry boxes on this screen, only limited fields are completed:

Last name;
 First name;
 Middle name (If Applicable);
 Generation (If Applicable);
 Role; and
 Party text (If Applicable)

Do not enter any additional information for new parties.

Party Name

For businesses, the company name is entered in the Last name field. For individuals, the Last name, First name and Middle name fields are used. The Generation field is also completed if applicable.

Role

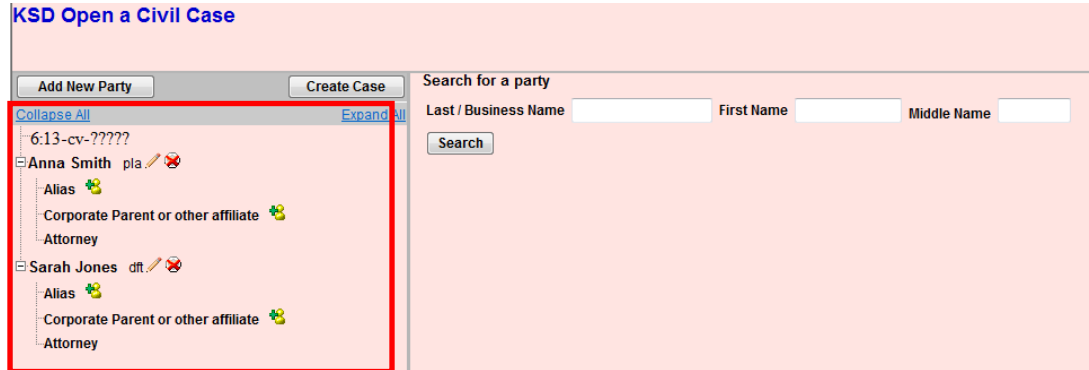
The Role type defaults to defendant. Select the correct party role from the drop down list.

Party Text

This field is OPTIONAL and allows you to add descriptive information about the party. Examples of party text are: A Kansas Corporation, Individually and in the Official Capacity, etc.

When all required information is entered, click the Add Party button.

- As the parties are added, you will see them appear in the left panel. The information in the left panel is referred to as the Case Participant Tree.



The following chart provides you with a description of the icons and hyperlinks you see in the left panel of the Case Participant Tree.

Case Participant Tree Icons

Icon	Description
	Delete this party from the case.
	Add new alias or corporate parent.
	Edit the party, alias or corporate parent.

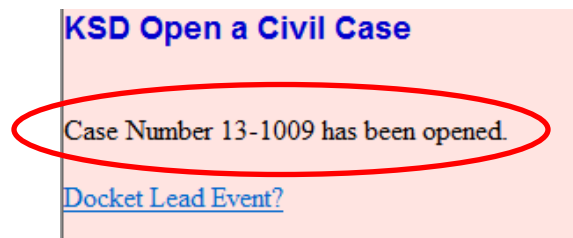
The Expand all hyperlink displays all parties, including aliases, corporate parents and attorneys. The Collapse all hyperlink displays only the parties in the case, with all other information collapsed in the tree.

Each branch of the case participant tree can be expanded or collapsed individually by clicking on the + and – icons.

- If the party tree is not expanded, you should expand it to make sure you have all parties and aliases added. If necessary, click the appropriate icon in the Case Participant Tree to add or correct information. When all parties have been added and appear correctly in the Case Participant Tree, click Create Case.
- CM/ECF gives you one last opportunity to makes changes to case opening information.

Clicking No will allow you to add, delete or modify parties. If all of the information is correct, click Yes to create the case.

10. The case is now open in CM/ECF and a case number has been assigned. Please make a note of the case number for future reference.



Click Docket Lead Event to docket your complaint, notice of removal or miscellaneous case initiating document.

You must file your case initiating document immediately after the case has been opened.

If you have summonses that need to be issued, please send them to the clerk's office via email (see next page for addresses).

11. The Civil Cover Sheet should be filed immediately after the complaint. Click Civil on the blue menu bar. Under the category Other Filings, click Other Documents and select the event Civil Cover Sheet.
12. **If you are filing a Motion to Proceed In Forma Pauperis, it should be filed immediately after the civil cover sheet is filed.** Click Civil on the blue menu bar. Under the category Motions and Related Filings, click Motion and select the event Proceed In Forma Pauperis.
13. If you are filing a patent, trademark or copyright case, please complete and file either the AO 120 (patent/trademark) or AO 121 (copyright), located in the "Forms" section of the court's website.

Once you file the case initiating document and receive the Notice of Electronic Filing, your case is considered opened. The Clerk's Office will review all information entered during Online Case Opening

and, if needed, make any corrections. A judge will then be assigned and the Clerk's Office will file a Notice of Judge Assignment in the case.

If you require assistance during Online Case Opening or other filing matters, please contact the Clerk's Office:

Kansas City:	913-735-2200	ksd_clerks_kansascity@ksd.uscourts.gov
Topeka:	785-338-5400	ksd_clerks_topeka@ksd.uscourts.gov
Wichita:	316-315-4200	ksd_clerks_wichita@ksd.uscourts.gov