

FILING EX PARTE

United States District Court
Western District of Michigan

The Western District of Michigan Local Civil Rules and Local Criminal Rules govern electronic filing and filing *ex parte*. Parties should familiarize themselves with the pertinent Local Rules before proceeding, and may want to reference:

CIVIL

[Local Civ. R. 5.7](#), Filing and service by electronic means

[Local Civ. R. 10.5](#), *Ex Parte* submissions

CRIMINAL

[Local Crim. R. 49.10](#), Filing and service by electronic means

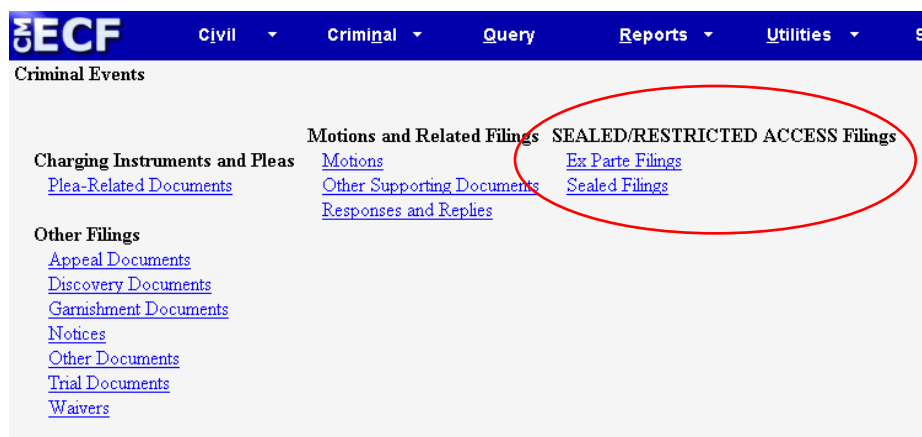
[Local Crim. R. 49.7](#), *Ex Parte* submissions

Ex Parte submissions may be electronically filed under a menu heading entitled **SEALED/RESTRICTED ACCESS Filings** in CM/ECF. By making an appropriate selection from the [Ex Parte Filings](#) menu, the document will be automatically restricted upon entry, however, keep in mind that the resulting text on the docket will be available to the public, and the name of the pdf file you upload will appear on the Notice of Electronic Filing (NEF).

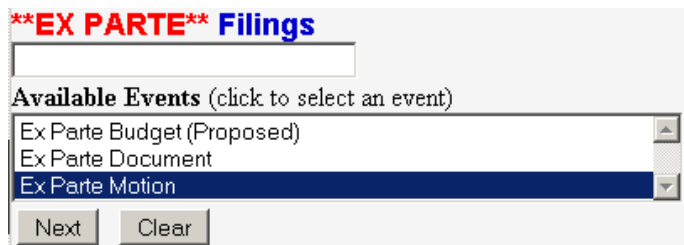
The following will describe how to file an *ex parte* motion in a criminal case.

To begin, the document must be in pdf format to be filed (when naming the pdf file, keep in mind that the file name will be available to the public). Additionally, the document must be marked appropriately on its face as per Local Civil Rule 10.5/Local Criminal Rule 49.7.

For this example, we'll be filing in a criminal case. After gaining access to CM/ECF, click Criminal on the blue menu bar to proceed with electronic filing. Under the **SEALED/RESTRICTED ACCESS Filings** heading, click [Ex Parte Filings](#).



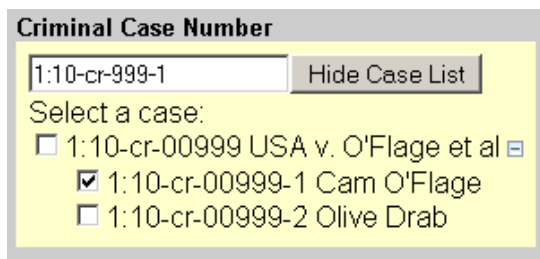
A list of available events will appear. Click to select an appropriate event from the list. For this example, we have selected *Ex Parte* Motion. Click Next to continue.



The next screen will prompt for the case number. Enter the case number in one of the example formats displayed. The system will search for a match to the information provided.

For this example, we're filing in a multi-defendant criminal case. Select the appropriate case in which to file the *ex parte* motion.

- All defendants' cases →
- Defendant O'Flage's case only →
- Defendant Drab's case only →



This motion is being filed by defendant O'Flage. Note that we have selected defendant Cam O'Flage's case only above.

Next, a message will be displayed to bring important information to the attention of the filer:

This entry on the docket will be accessible to the public - USE CAUTION when adding information to the docket text. Electronic notice of this filing will be sent to all counsel, however the document(s) will be RESTRICTED upon filing. Only the filing party and the court will have access to the filed document.

The next screen prompts the user to upload the pdf document (see below). Upload the *ex parte* motion document, as well as any attachments. For this example, we're filing an *ex parte* motion for subpoenas. As attachments, we have included a proposed order and the proposed subpoenas.

Each attachment must be identified in the system. Note that for the first attachment, we used the pre-defined category, and for the second attachment, we used our own description. Using either a category or a description, or a combination of both, is acceptable.

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[1:10-cr-00999 USA v. O'Flage et al](#)

Select the pdf document and any attachments.

Main Document

LIMIT ATTACHMENTS TO 5 PER FILING.
 See [Attachments](#) for more info.

Select a Category, enter a Description, or both to identify ea. attachment:

Attachments	Category	Description
1. <input type="text" value="N:\cmecf\samplepdfs\order on motion.pdf"/> <input type="button" value="Browse..."/>	<input type="text" value="Proposed Order"/> <input type="button" value="Remove"/>	
2. <input type="text" value="N:\cmecf\samplepdfs\subpoenas.pdf"/> <input type="button" value="Browse..."/>	<input type="text" value="Proposed Subpoenas"/> <input type="button" value="Remove"/>	
3. <input type="text" value=""/> <input type="button" value="Browse..."/>	<input type="text" value=""/>	

Next, the user is prompted to select the filer of the document. Click to highlight and select defendant O'Flage, then click Next.

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- USA [pla]
- Cam O'Flage [dft]
- Olive Drab [dft]

Select the filer.

Select the Party:

NOTE: The selection on this screen is VERY IMPORTANT. A wrong selection here will have unintended consequences. Not only is the user selecting the party filing the document, the selection here plays a role in who will have access to the resulting filed document.

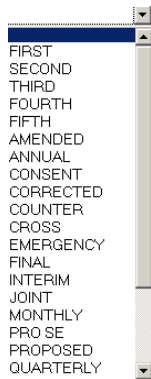
The docket text is presented:

****EX PARTE** Filings**
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Docket Text: Modify as Appropriate.

filed by Cam O'Flage (Attachments: # (1) Proposed Order, # (2) Proposed Subpoenas) (D'Fence, Victor)

Additional Information



There are white boxes provided wherein the filer may, at their option, add additional pertinent information. The first white box at the beginning of the entry provides a drop-down list with pre-determined items that may be selected. Each item in the list *merely adds text to the resulting entry*; there are no functions tied to the words. For this example, we will not make a selection from the list.

The second white box is for free text. The filer can add any additional information they deem appropriate in this box. *Note that as previously cautioned, any information typed in the box will appear to the public on the docket report.*

For this example, we want to include in the docket text that the filing includes a brief in support of our motion that is incorporated into the document, and to further identify the filing, we're adding the relief we're requesting, which is for subpoenas.

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Docket Text: **Modify as Appropriate.**

and brief for subpoenas filed by Cam O'Flage (Attachments: # (1) Proposed Order, # (2) Proposed Subpoenas) (D'Fence, Victor)

Next Clear

The final docket text is displayed:

****EX PARTE** Filings**
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Docket Text: **Final Text**

EX PARTE MOTION and brief for subpoenas filed by Cam O'Flage (Attachments: # (1) Proposed Order, # (2) Proposed Subpoenas)(D'Fence, Victor)

Attention!! Pressing the NEXT button on this screen COMMITS THIS TRANSACTION. You will have no further opportunity to modify this transaction if you continue.

Source Document Path (for confirmation only):
Ex Parte Motion.pdf pages: 1
order on motion.pdf pages: 1
subpoenas.pdf pages: 1

Next Clear

Notice at the bottom of the screen, that the Source Document Path appears for confirmation. *This is a reminder to check the pdf file name, to ensure that it does not inadvertently disclose information or otherwise compromise the ex parte matter.* Clicking

the Next button on the Final Text screen commits the transaction. As with other filings, a Notice of Electronic Filing (NEF) will display as a confirmation of filing/receipt, and simultaneously, electronic notification of the filing will be sent. However, only the filing party and the court will have access to the *ex parte* motion and other documents filed under this transaction.

EX PARTE FILINGS SUMMARY

Only documents properly filed under the [Ex Parte Filings](#) menu option under the ***SEALED/RESTRICTED ACCESS Filings*** menu heading have *ex parte* restrictions on filing.

Once properly filed, access to *ex parte* documents is only available to the filing party and the court.

However, the DOCKET TEXT/ENTRY ON THE DOCKET, the NEF, and the PDF FILE NAME(S) are available to the public.