FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
APR 16 2004
JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

IN RE: Procedural Rules for)
Electronic Case Filing) General Order No. 100-04-1
)
_____)

Federal Rules of Civil Procedure 5 and 83 and Federal Rule of Criminal Procedure 57 authorize courts to establish practices and procedures for the filing, signing and verification of documents by electronic means.

IT IS THEREFORE ORDERED:

I. The Clerk of the District Court is authorized to implement and publish interim Administrative Procedures for Electronic Case Filing in the District Court, including the procedure for registration of attorneys and for distribution of passwords to permit electronic filing and notice of pleadings and other papers. In the event of a conflict between the Eastern District of Washington Local Rules and these Administrative Procedures, the Administrative Procedures shall govern.

II. The electronic filing of a petition, pleading, motion, or other paper by an attorney who is a registered participant in the Electronic Filing System shall constitute the signature of that attorney under Federal Rule of Civil Procedure 11.

III. No attorney shall knowingly permit or cause to permit his/her password to be utilized by anyone other than an authorized employee of his/her law firm.

IV. No person shall knowingly utilize or cause another person to utilize the password of a registered attorney unless

such person is an authorized employee of the law firm.

V. The electronic filing of a pleading or other paper in accordance with the Electronic Filing Procedures shall constitute entry of that pleading or other paper on the docket kept by the Clerk under Federal Rule of Civil Procedure 79.

VI. The assigned judge or the Clerk's Office shall electronically file all orders, decrees, judgments, and proceedings of the court in accordance with the Electronic Filing Procedures, which shall constitute entry of the order, decree, judgment or proceeding on the docket kept by the Clerk under Federal Rule of Civil Procedure 58 and Federal Rule of Criminal Procedure 55.

VII. Service

A. Whenever a pleading or other paper is filed electronically in accordance with the Electronic Filing Procedures, the Office of the Clerk shall serve the filing party with a "Notice of Electronic Filing" by electronic means at the time of docketing.

B. The filing party shall serve the pleading or other paper upon all persons entitled to notice or service in accordance with the applicable rules, or, if service by first class mail is permitted under the rules, the filing party may make service in accordance with sub-paragraph (C) below.

C. If the recipient of notice or service is a registered participant in the Electronic Filing System, service by electronic means of the Notice of Electronic Filing shall be the equivalent of service of the pleadings or other paper by first class mail, postage prepaid.

D. Service by electronic means is complete on transaction.

E. Service by electronic means is not effective if the

party making service learns that the attempted service did not reach the person to be served.

VIII. Participation in the Electronic Filing System by receipt of a password from the court shall constitute a request for service and notice electronically pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) and Federal Rule of Criminal Procedure 49. Participants in the Electronic Filing System, by receiving a password from the court, agree to receive service by electronic means.

IX. The effective date of this General Order is October 4, 2004.

IT IS SO ORDERED.

DATED this 16th day of April, 2004.

FRED VAN SICKLE
CHIEF U.S. DISTRICT JUDGE

ROBERT H. WHALEY
U.S. DISTRICT JUDGE

JUSTIN L. QUACKENBUSH
SENIOR U.S. DISTRICT JUDGE

EDWARD F. SHEA
U.S. DISTRICT JUDGE

ALAN A. MCDONALD
SENIOR U.S. DISTRICT JUDGE

LONNY R. SUKO
U.S. DISTRICT JUDGE

WM. FREMMING NIELSEN
SENIOR U.S. DISTRICT