



**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

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Notice of Changes to Electronic Filing Policies and Procedures

On April 4, 2022, the Judges of the United States District Court for the Eastern District of Michigan approved changes to the Electronic Filing Policies and Procedures, effective September 1, 2022. The changes are detailed below and were made to accommodate a new process for uploading media files that are exhibits to papers.

[Additions are indicated by underline, and deletions by strikethrough.]

R5 Filing - In General

(c) ... No embedded interactive content is allowed, such as embedded audio and video. If a party chooses to file audio or video recordings with the Court, the party must ~~utilize appropriate electronic media (DVD, thumb drive, etc.) and obtain leave of Court to file~~ using the Media File Upload procedures under ~~the media as a physical object pursuant to~~ Rule 19(c).

R19 Exhibits

(a) In General

An exhibit available in original electronic format must be converted to PDF, made text-searchable and filed electronically. An exhibit available in paper must be scanned as an electronic image, converted to PDF, made text-searchable and filed electronically. If an individual exhibit's file size is larger than 50 megabytes, filing users must divide the exhibit

August 25, 2022

into separate files, each smaller than 50 megabytes, and upload the files.

Filing users ~~must be directed to~~ file only portions of exhibits that are germane and shall not include any paper that is already part of the record. Previously filed papers ~~must~~ should be referenced using the PageID (see R6).

The offering party shall retain hard copies, or accurate electronic copies, of exhibits until entry of final orders by the District Court and, if applicable, appellate courts.

(b) Filing Exhibits to Papers Electronically

~~For Exhibits must be filed electronically, filing users must use~~ according to the following procedure:

~~(1) If there is only one exhibit, an index of exhibits is not necessary.~~

~~(1)(2)~~ Unless there is only one exhibit, the filing user must prepare an index of exhibits and file the index as the first attachment to the paper. Each exhibit must be described on the index both by an exhibit identifier and by a brief narrative description. See Sample Index of Exhibits (EXHIBIT C).

~~(2)(3)~~ Each exhibit then must ~~then~~ be filed and identified as a separate attachment to the paper and must be labeled in the electronic record with an exhibit identifier and brief narrative description.

SAMPLE DOCKET ENTRY: Motion for Summary Judgment filed by ABC Company (Attachments: #1 Index of Exhibits #2 Exhibit A - Affidavit of John Smith #3 Exhibit B - Excerpts from Jane Doe's Deposition #4 Exhibit C1 - Contract Between XYZ Company and ABC Company, pages 1-35 #5 Exhibit C2 - Contract Between XYZ Company and ABC Company, pages 36-69 #6 Exhibit D - XYZ Company General Ledgers)

(c) Media Files ~~Video Tapes, DVDs and Physical Objects~~

Media files, such as an audio clip or video clip, may be filed only with leave of court and a filing user must use the Media File Upload procedures described below. A

~~filing user must obtain leave of court to file in the traditional manner exhibits that are physical objects that cannot authentically be converted to PDF as required in R19(a). No embedded interactive content is allowed, such as embedded audio and video. See R(5)(c). Examples include but are not limited to media files such as .mp3 and .wav. CDs and DVDs that contain files such as briefs, motions, and exhibits that can be authentically converted to PDF shall not be submitted. See Ex Parte Motion for Leave to File an Exhibits Using the Media File Upload in the Traditional Manner (EXHIBIT D). If the Court grants a filing user's motion, media files must be submitted using the electronic portal called "Media File Upload" located in the ECF system. All media files must be in one of the following formats: avi, mov, mp3, mp4, mpeg, wav, wmv. Files not submitted in the proper format may be stricken. ~~leave of court to file exhibits in the traditional manner, the Notice of Filing Exhibits in the Tradition Manner (EXHIBIT E) must be completed and accompany the original and judge's courtesy copy.~~~~

The exhibits then must be filed according to the following procedures:

(1) The filing user must prepare an index of exhibits. This index must be filed as an attachment to the main paper and must state that the exhibits ~~are~~ is being filed under this rule. ~~in the traditional manner rather than electronically.~~

(2) The filing user shall file the exhibits via the portal. ~~in the traditional manner accompanied by a cover sheet identifying the paper to which the exhibits relate (e.g., "Exhibits in Support of Defendant XYZ Company's Memorandum in Support of Motion for Summary Judgment"). Objects must have a label physically attached that include case number and description. The Clerk's Office will note on the docket its receipt of the exhibit.~~

(3) A filing user must serve materials filed under this rule ~~in the traditional~~

~~manner~~ on other parties in accordance with the federal and local rules, and file a certificate of service. ~~notice electronically~~.

(d) Physical Objects

A filing user with a physical object must obtain leave of court to file it in the traditional manner. See Ex Parte Motion for Leave to File an Exhibit in the Traditional Manner (EXHIBIT E). If the Court grants a filing user's motion, an original and judge's courtesy copy (if practicable) must be brought or mailed to the Clerk's Office for filing. Physical objects must have a label physically attached that include a case number, date of the order granting permission to file and a description.

The exhibit then must be filed according to the following procedures:

(1) The filing user must prepare an index of exhibits. This index must be filed as an attachment to the main paper and must state the exhibit is being filed under this rule.

(2) The filing user shall file the exhibit in the traditional manner. The Clerk's Office will note on the docket its receipt of the exhibit.

(3) A filing user must serve materials filed under this rule (if practicable) on other parties in accordance with the federal and local rules, and file a certificate of service.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

Plaintiff(s).

Case No.

v.

Judge

Defendant(s).

Magistrate Judge

_____ /

EX PARTE MOTION FOR LEAVE TO FILE
AN EXHIBIT USING THE MEDIA FILE UPLOAD

NOW COMES the undersigned _____,
and pursuant to the Electronic Filing Policies and Procedures, seeks leave of this Court to file an
exhibit via the electronic portal "Media File Upload" in CM/ECF.

The exhibit to _____
cannot be converted to PDF for the following reason(s): _____

_____.

For the foregoing reasons, the undersigned respectfully requests that this Court grant the
leave sought in this motion.

Date: _____

s/Name of Filing User _____

Firm Name (if applicable)
Street Address
City, State, Zip Code
Telephone Number
Primary Email Address
Attorney Bar No. (if applicable)

EXHIBIT D

August 25, 2022

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

Plaintiff(s).

Case No.

v.

Judge

Defendant(s).

Magistrate Judge

_____ /

EX PARTE MOTION FOR LEAVE TO FILE
AN EXHIBIT IN THE TRADITIONAL MANNER

NOW COMES the undersigned _____,

and pursuant to the Electronic Filing Policies and Procedures, seeks leave of this Court to file an

exhibit in the traditional manner. If granted, the exhibit would be filed via US mail or brought to the Clerk's

Office.

An original and judge's copy will be provided.

The original cannot be duplicated and a judge's copy is not practicable.

The exhibit to _____

cannot be converted to PDF for the following reason(s): _____

_____.

For the foregoing reasons, the undersigned respectfully requests that this Court grant the
leave sought in this motion.

Date: _____

s/Name of Filing User _____

Firm Name (if applicable)

Street Address

City, State, Zip Code

Telephone Number

Primary Email Address

Attorney Bar No. (if applicable)

EXHIBIT E

August 25, 2022