United States District Court
Northern District of Texas

Opening a Civil Case / Filing a Complaint

TABLE OF CONTENTS

Opening a Civil Case / Filing a Complaint

A. Introduction. 1
B. Opening a Civil Case. 2
C. Entering the JS 44 /Civil Cover Sheet Information. 4
D. Adding Party Information. 8
E. Entering an Alias. 14
F. Adding an Attorney. 17
G. Filing a Complaint. 19
H. Paying the Filing Fee. 25
I. Requesting a Summons for Service of Process. 26
J. Completing the Filing 27
K. Determining the Judge Assigned to the Case.. 28

A. Introduction

This document is intended to guide a licensed attorney who is a registered user of ECF through the process of opening a public civil case in ECF. It also explains how to docket the complaint or other initiating document, during which you will pay the filing fee (if one is due) and request the clerk to issue a summons, if desired.

For questions concerning electronic civil case opening, please contact your local clerk's office or ECF Help Desk.

You may electronically file the following initiating documents:

- Application for Writ of Garnishment;
- Complaint;
- Notice of Removal;
- Petition for Writ of Habeas Corpus; or
- Petition for Writ of Mandamus
- Petition to Enforce IRS Summons (filed by the U.S. Attorney)

The Complaint event, as explained on page 21, may also be used to docket other types of matters, such as:

- Motion to Quash Administrative Summons or Subpoena; or
- Motion to Quash an IRS Subpoena or Application to Enjoin under 12 U.S.C. § 3410 (Customer Challenge case);

B. Opening a Civil Case

Before you begin, have the following available:

1. The complaint (or other initiating document) saved in Portable Document Format (PDF). Any accompanying document(s), including exhibits, should be saved as separate PDF documents. A 5 MB size limit applies to each PDF file;

2. A completed civil cover sheet and, for a Notice of Removal from state court, a completed supplemental cover sheet, and a certificate of interested persons, saved as separate PDF documents (see LRs 3.1 and 81.1); and

3. A valid credit or debit card (VISA, MasterCard, American Express, Discover, Diner's Club) to pay the required filing fee (if one is due).

To file a new civil case using ECF, log into the system and select "Civil" on the main menu bar. See Figure 1.

Figure 1

Click on the link Open a Civil or Miscellaneous Case. See Figure 2.

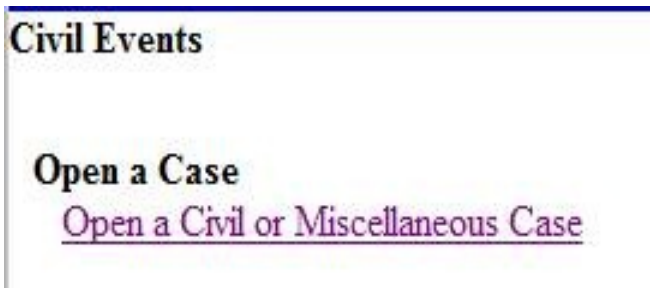

Figure 2

WARNING: **A sealed case may not be electronically filed at this time.**

Select Civil (cv) and click the **[Next]** button. See Figure 3.

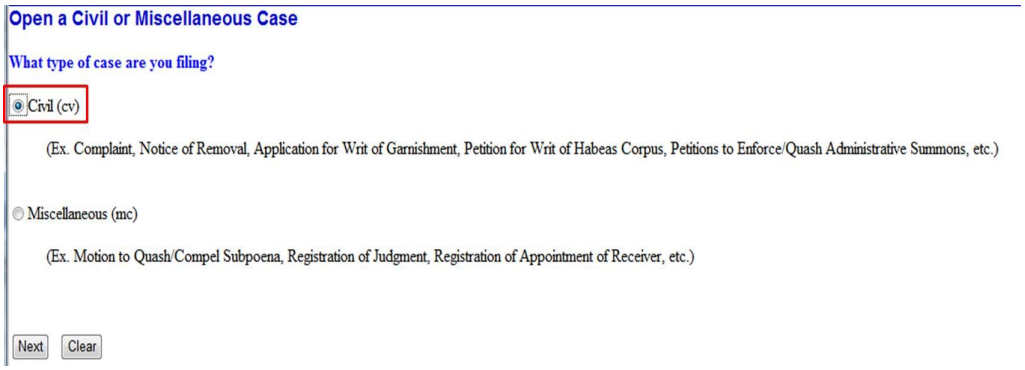

Figure 3

Review the message and click the **[Next]** button. See Figure 4.

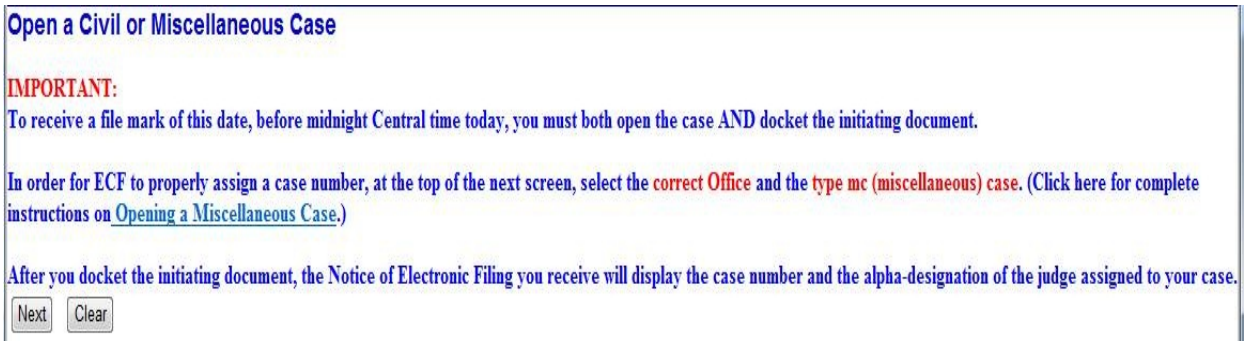

Figure 4

The Open a Civil Case screen appears. See Figure 5.

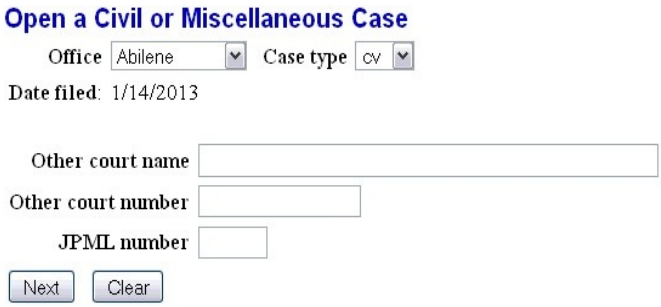

Figure 5

- Select the appropriate divisional **Office** for this case from the drop-down list.

WARNING: **It is critical that you select the appropriate divisional office, as an error will delay your case.**

- Select the default **Case type**, which is "cv" for Civil.

- If filing a Notice of Removal from state court, enter the court name in the **Other court name** field (e.g., 302nd Judicial District). Enter the case number from the other court in the **Other court number** field.

- The **JPML number** is a 1-4 digit number assigned by the Judicial Panel on Multidistrict Litigation. The JPML creates an MDL docket number when it determines that civil cases involving the same issue, but filed in different courts, should be consolidated in one court for pretrial proceedings. Enter the JPML number, if applicable, and click **[Next]** to continue.

C. Entering the JS 44 /Civil Cover Sheet Information

Most of the information needed to complete this screen is on the civil cover sheet. See Figure 6.

Figure 6

Enter the **Jurisdiction** code. See Figure 7.

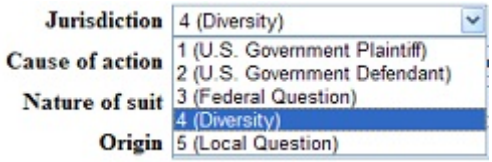

Figure 7

If there is more than one basis for jurisdiction, select the basis for jurisdiction by giving precedence in the following order.

1. U.S. Government Plaintiff - Jurisdiction based on 28 U.S.C. §1345 and §1348. Suits by agencies and officers of the United States are included.

2. U.S. Government Defendant - The plaintiff is suing the United States, its officers or agencies.

3. Federal Question - Suits brought under 28 U.S.C. §1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress, or a treaty of the United States.

4. Diversity of Citizenship - Suits brought under 28 U.S.C. §1332, where parties are citizens or businesses of different states or countries. Citizenship for plaintiff and defendant must be entered in the corresponding fields. See Figure 9.

5. Local Question - **This option is not currently used. Do not select this option.**

Select the **Cause of action** and the **Nature of suit** code from the drop down lists or use the **Filter** fields to filter the cause of action and nature of suit pick lists. Both fields will accept up to 10 alpha-numeric characters. Once you begin entering data in the filter field, the corresponding pick list limits the selections to just the items that match the filter string. Enter either partial or complete filter information to locate the cause of action or nature of suit. To change the filter, type over the entered characters, or click the **[Clear filter]** button. Clicking the **[Clear filter]** button returns the cause of action or nature of suit drop down list to its complete list. See Figure 8.

Figure 8

When entering an **Origin** code, choose 1 (Original Proceeding) unless you are filing a Notice of Removal, in which case, choose 2 (Removal from State Court). All other options are for internal use only. See Figure 9.

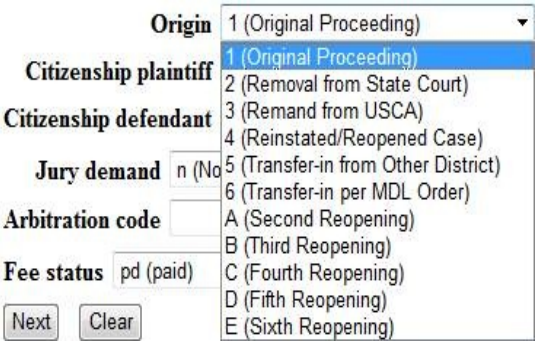

Figure 9

If jurisdiction is based on diversity (see Figure 6, above), enter **Citizenship plaintiff** and **Citizenship defendant**. See Figure 10. Otherwise, skip this step.

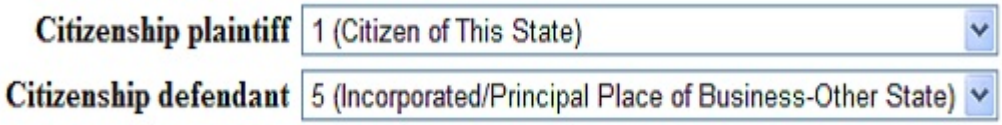

Figure 10

If no jury demand has been made, leave the **Jury demand** field at its default of "n (None)." If you are making a jury demand in your complaint, or if a jury demand was made in the state court action, choose the appropriate code to indicate whether the jury demand was made by the defendant, plaintiff, or both. See Figure 11.

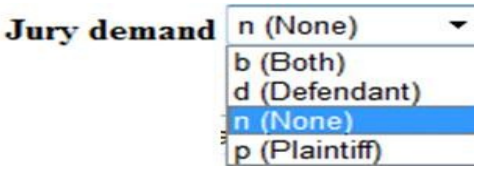

Figure 11

If you are requesting class action certification, change the **Class Action** field from "n" to "y." See Figure 12.

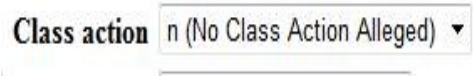

Figure 12

If applicable, enter the monetary **Demand ($000)** of the plaintiff. This must be entered in thousands, rounded to the nearest thousand dollars. For example, if the demand is for $149,800, enter "150." Do not include the dollar sign. See Figure 13.

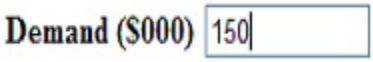

Figure 13

With the exception of a case in which jurisdiction is based on the plaintiff being the United States, in the **County** field, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.) See Figure 14.

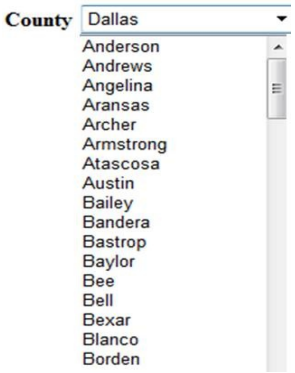

Figure 14

If the case filing fee is waived, or if you are filing on behalf of the United States, change the **Fee status** field to "wv (waived or USA)." If an Application to Proceed In Forma Pauperis will be included with the initiating document you file, change the **Fee status** field to "ifp (in forma pauperis)." Otherwise, leave the **Fee status** field at its default of "pd (paid)." All other selections are for internal use only. See Figure 15.

Figure 15

After selecting or entering all of the required information on the Open a Civil or Miscellaneous Case screen, click the **[Next]** button. See Figure 16.

Open a Civil or Miscellaneous Case

Jurisdiction 4 (Diversity)
Cause of action 28:1332fr (28:1332 Diversity-Fraud) Filter: Diversity Clear filter
Nature of suit 370 (Fraud or Truth-In-Lending) Filter: 370 Clear filter
Origin 1 (Original Proceeding)
Citizenship plaintiff 1 (Citizen of This State)
Citizenship defendant 5 (Incorporated/Principal Place of Business-Other State)
Jury demand n (None) Class action n (No Class Action Alleged) Demand ($000) 150
Arbitration code County Dallas
Fee status pd (paid) Fee date 6/11/2012 Date transfer
Next Clear

Figure 16

A warning screen appears. Read the warning message and click **[Next]**. See Figure 17.

Open a Civil or Miscellaneous Case

WARNING: Add opposing counsel information in removal actions ONLY! The clerk will remove attorney information for any attorney who has not appeared in the case. If you do not file your initiating document immediately, this case number may be voided and reassigned.

Next Clear

Figure 17

D. Adding Party Information

The Party Search screen appears. Notice the screen is divided into two sections. The left pane displays the case participant tree. The right pane displays the search for a party function. If the party has previously been involved in litigation in this district, the name will already exist in the ECF database. To minimize the number of duplicate names in the database, it is a best practice to search for and use an existing name, rather than automatically selecting **[Create new party]**.

To search for the name of a party, enter the last name of the individual or the business name in the **Last/Business Name** field. Using fewer search characters will give you more search results. For example, you may enter "Wi" to find "John Williams." If you get too many search results, use more letters. For example, "John Williams" will also be returned if you enter "Williams."

Enter the first few letters of the plaintiff's last name, and click **[Search]**. See Figure 18.

Figure 18

Party Name Search Hints:

- The search is not case sensitive.
- A wildcard (*) is not required at the beginning or end of a search string, but if it is used it will return different results. For example, entering "Wi" without a wildcard character in the **Last/Business Name** field will display John Williams and Wilson's Auto Parts, but will not display Willie Smith or John Switzer. Entering a wildcard (e.g., "*am") before (or after) the character string will search for the character string within the words. For example, entering "*am" will display Bob Cunningh**am** and the United States of **Am**erica.
- Try alternative searches if the first search was not successful.

If the name of the party is found in the **Party search results**, highlight the name and click on **[Select Party]**. See Figure 19.

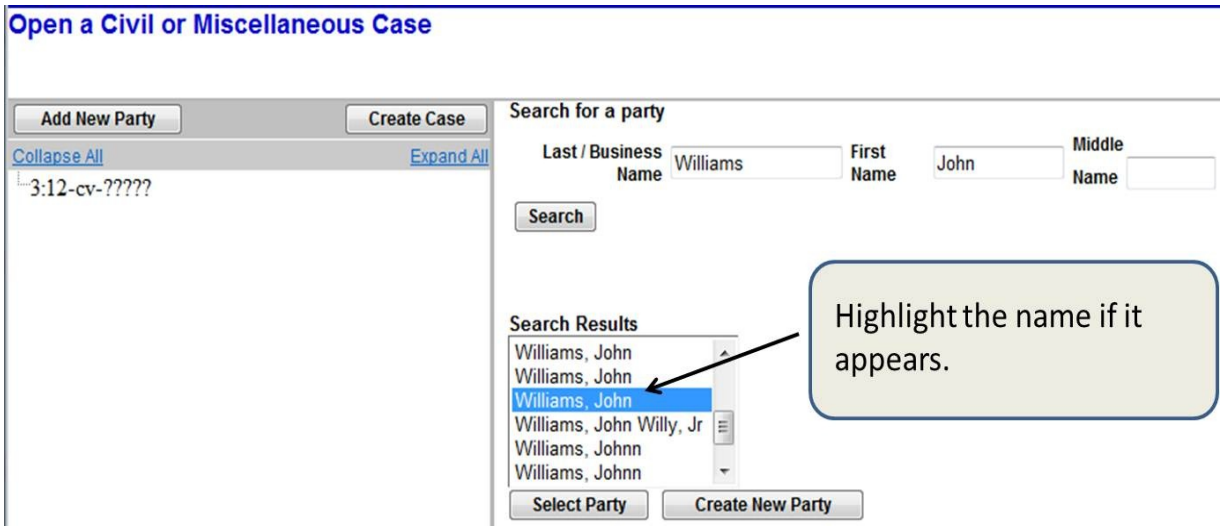

Figure 19

Helpful Hint: Before selecting the name from the list, you may double click the name to see the party record information, including the party's address, if any. See Figure 20.

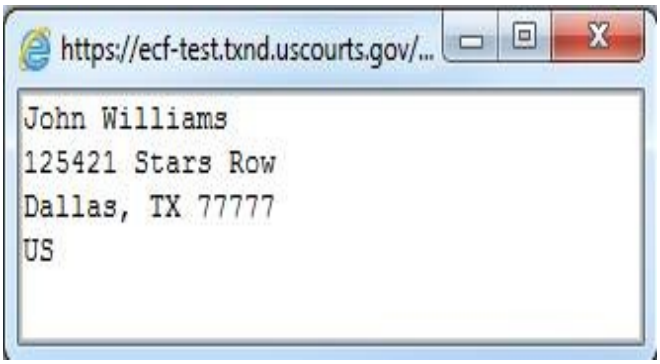

Figure 20

If the address is your party's address, or if there is no address, minimize the party record information, highlight the party name, and click **[Select Party]**.

If an address is already associated with the party name, but the address is not the address of your party, minimize the party record information and then click on **[Create new party]**. You must also click on **[Create new party]** if you do not find your party listed.

When creating a new party, be sure to add the complete name in the appropriate fields at the top of the page. The standard for capitalization in the Northern District of Texas is to capitalize only the first letter of each name. PLEASE DO NOT ENTER THE NAME IN ALL CAPS. If filing on behalf of a minor, enter only the minor's initials, not the minor's full name. See Fed. R. Civ. P. 5.2(a)(3). See Figure 21.

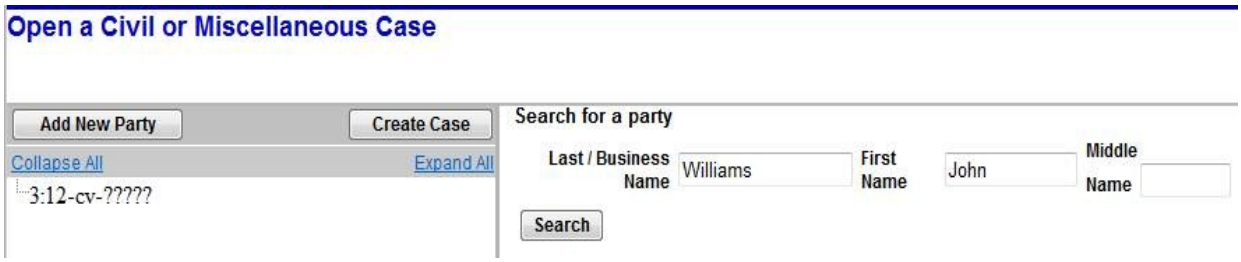

Figure 21

You must identify the role that the party has in the case. Click on the drop down arrow next to the **Role** field and select the appropriate party role (e.g., **Plaintiff (pla:pty), Petitioner (pet:pty))**. See Figure 22.

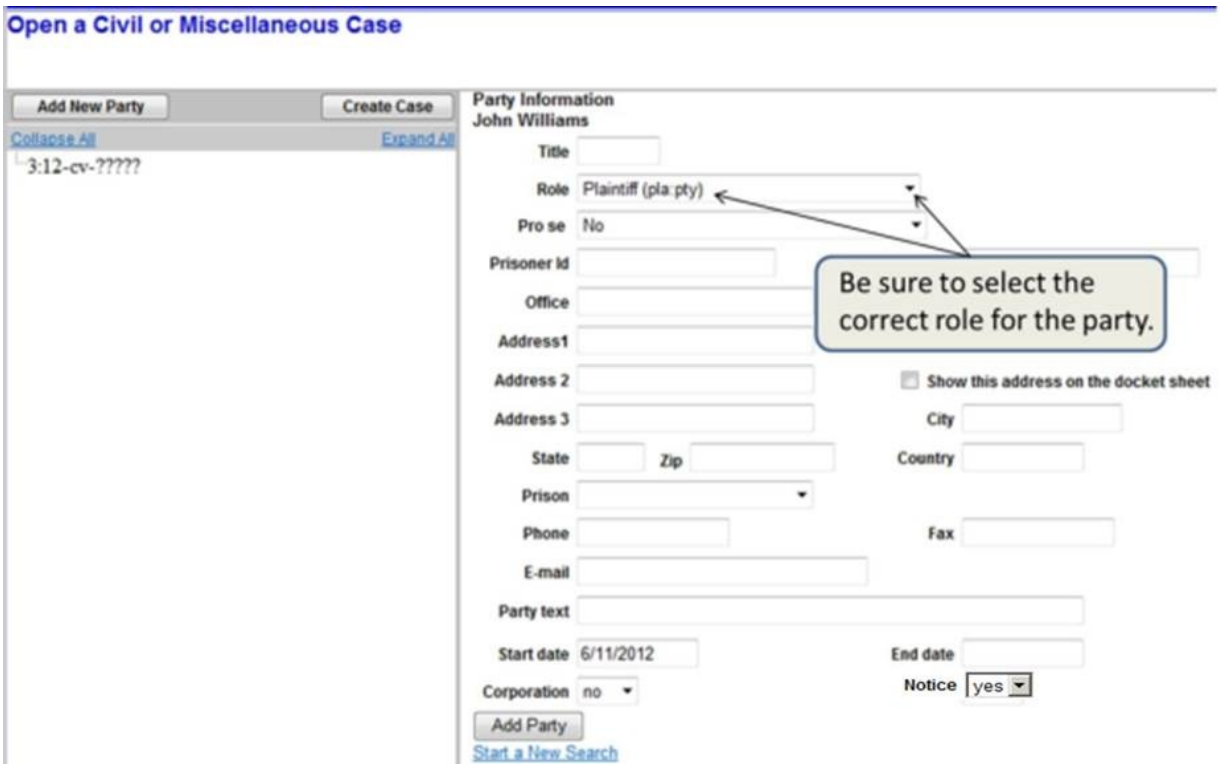

Figure 22

Do not add or modify address information. Do not add an email address for the party. Use the Party text field at the bottom of the Party Information screen if additional identifying information is needed (e.g., "Individually and in his official capacity," " A minor," "Estate of," "Trustee of"). Do not change the Start date field. Leave the Notice field set to its default of "Yes."

Click the **[Add Party]** button at the bottom of the screen to add the party or click the **Start a New Search** link to clear the screen and begin a new party search. See Figure 23.

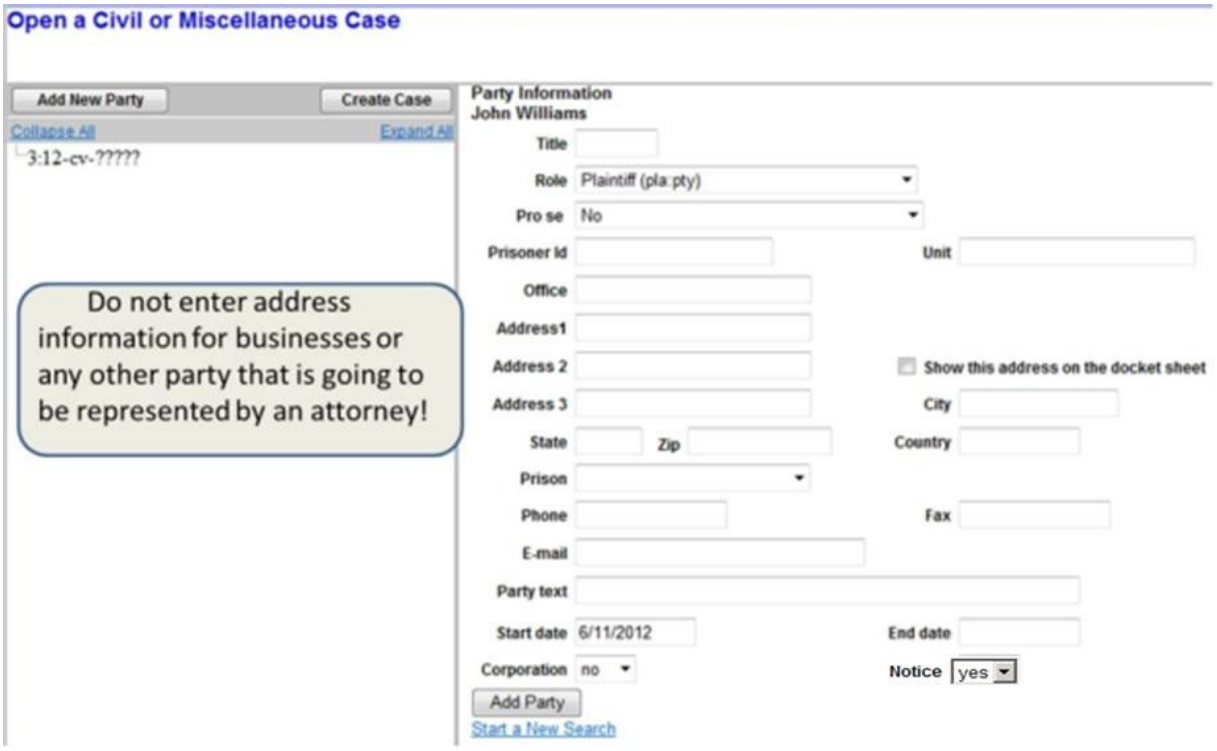

Figure 23

The Search for a party screen appears again and John Williams and his role type now appear in the participant tree. See Figure 24.

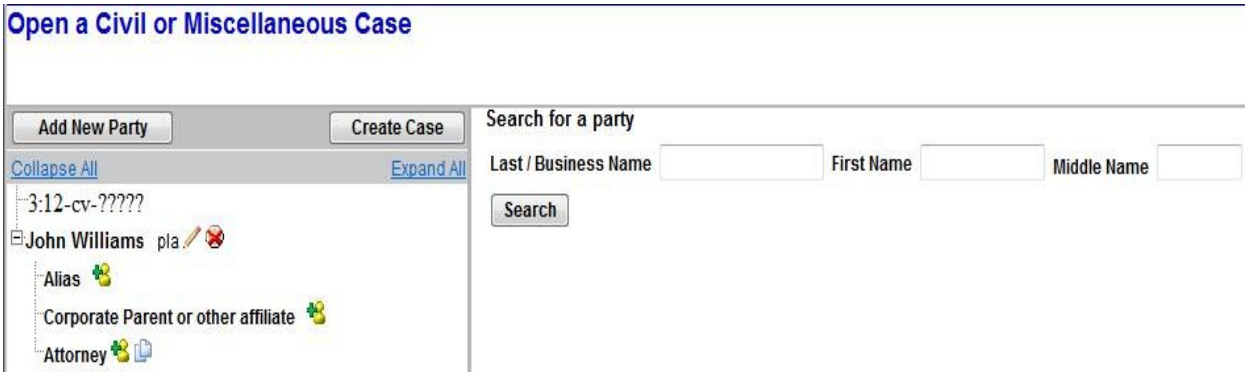

Figure 24

After searching for, selecting, and adding a filer, the filer's name appears in the participant tree and is added to the party pick list. You can either:

- edit the party information by clicking on the pencil "edit" icon;
- delete the party by clicking on the red X "delete" icon;
- add an alias by clicking on the "add alias" icon;
- add an attorney for this party by clicking on the "add attorney" icon, entering a name, and searching;

- copy attorney(s) from other parties in the case to another party by clicking on the "copy attorney" icon; or
- add a new party by clicking on the **[Add New Party]** button at the top left of the screen.

When a new party is added, he/she is added to the party pick list and to the participant tree in the left pane. Parties that are added to civil cases during docketing will have control icons in the participant tree so you can add aliases, corporate parents, or other affiliates for the party during this process.

Note: There are no icon controls for existing participants in the participant tree during docketing. If a new participant is added during the docketing process, then icon controls will be available for the new participant only.

Following is a table of showing the functional icons that allow you to delete a party; add an alias, corporate parent, or attorney; copy an attorney from one party to another in the case; or edit a party, alias, corporate parent, or attorney. See Figure 25.

Icon	Description
	Delete this party from this case.
	Add new alias, corporate parent, or attorney.
	Copy attorney(s) from other parties in the case to this party.
	Edit the party, alias, corporate parent, or attorney. Only displays beside actual names of participants, so if no participant has been added, this icon is suppressed.

Figure 25

Note: The participant tree is displayed during case opening, and during docketing if the screen allows you to add, select, or edit a case participant.

E. Entering an Alias

If a party has an alias that is identified in the complaint, (e.g., dba, aka) click the **Add Alias** icon and use the search techniques discussed under **Search for a party**. See Figure 26.

Figure 26

Search for an alias by entering part or all of the last name or business name. See Figure 27.

Figure 27

Review the Alias search results, highlight a name, and click **[Select Alias]**. If you do not find the alias you are seeking, click **[Create New Alias]**. See Figure 28.

Figure 28

After clicking on **[Create New Alias]**, enter the complete name of the alias on the Alias Information screen. Next, change the **Role** to the correct type. Choose from:

agent = agent of, one acts for another
aka = also known as
dba = doing business as
fdba = formerly doing business as
fka = formally known as
nee = born (placed before a married woman's maiden name)
obo = on behalf of
other = an alias of a role not otherwise listed
rpi = real property in interest
ta = trading as

After completing the Alias Information screen, click the **[Add Alias]** button. See Figure 29.

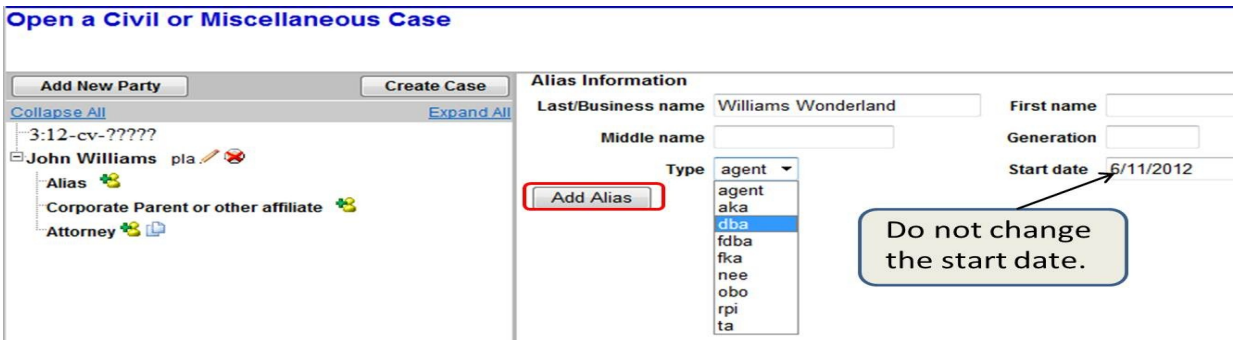

Figure 29

The Alias Information for John Williams now appears in the participant tree. See Figure 30.

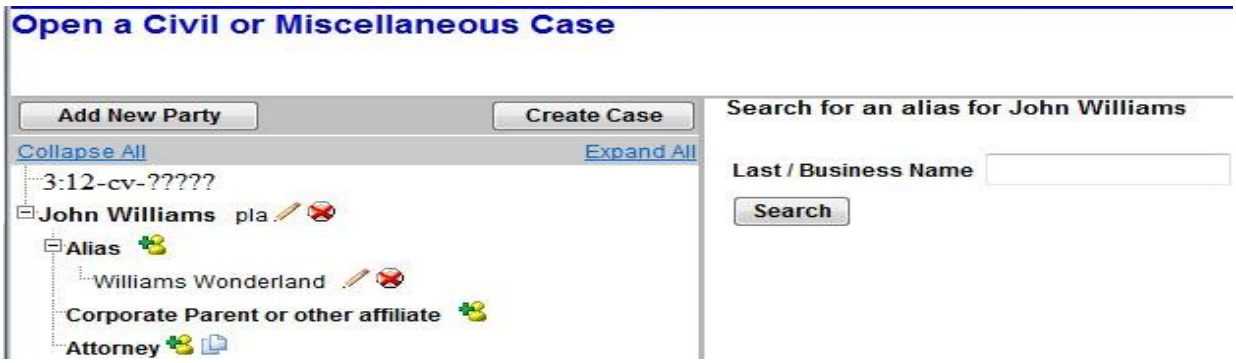

Figure 30

Note: Do not add a corporate parent or other affiliate at this time. You will add these, if necessary, when docketing the certificate of interested persons.

Continue adding parties as appropriate using the steps outlined in Section D above. See Figure 31.

Figure 31

After completing the information screen for each party, click the **[Add Party]** button at the bottom of the screen.

Important: At this point, the parties and linked information listed in the participant tree are temporarily stored but are not saved in the database until the case is actually *created*. If you need to make modifications, use the appropriate functional icons to add, delete, or modify case participant information. You can collapse or expand the party tree information by toggling individual plus/minus symbols. Alternatively, you can collapse or expand the party lists by clicking on the **Collapse All** or **Expand All** hyperlink located at the top of the participant tree.

Note: In a large civil case (one with many parties), parties will be divided into chapters of 10 parties each. Each chapter will be displayed in the participant tree as a hyperlink, and a chapter can be expanded by clicking on the hyperlink.

F. Adding an Attorney

Next, you must add yourself to the case. Click the **Add Attorney** icon to use the search techniques discussed under **Search for a party**, and, then enter your information. See Figure 32.

Figure 32

Search for an attorney by entering your Bar Id or part or all of your last name, and click **[Search]**. See Figure 33.

Figure 33

Review the Attorney search results, highlight your name, and click **[Select Attorney]**. See Figure 34.

Figure 34

The Attorney Information screen appears. If your address is incorrect, but you are confident the attorney record is yours, add yourself to the case with the incorrect address. (Do not edit your address in these fields. Immediately following case opening, correct your address information using the Maintaining Your Account instructions.)

Since you are opening the case under your login and password, leave the **Lead attorney** selection set to **Yes** to designate yourself as the lead attorney for the case. Only one attorney per party should be designated as lead attorney (see LR 77.1 (b)). Set the **Notice** field to **Yes** so that you will receive a Notice of Electronic Filing (NEF) each time a filing is made in this case. Do not change the **Start date** or the **Seal Flag**. These fields are for internal use only. Click the **[Add Attorney]** button. See Figure 35.

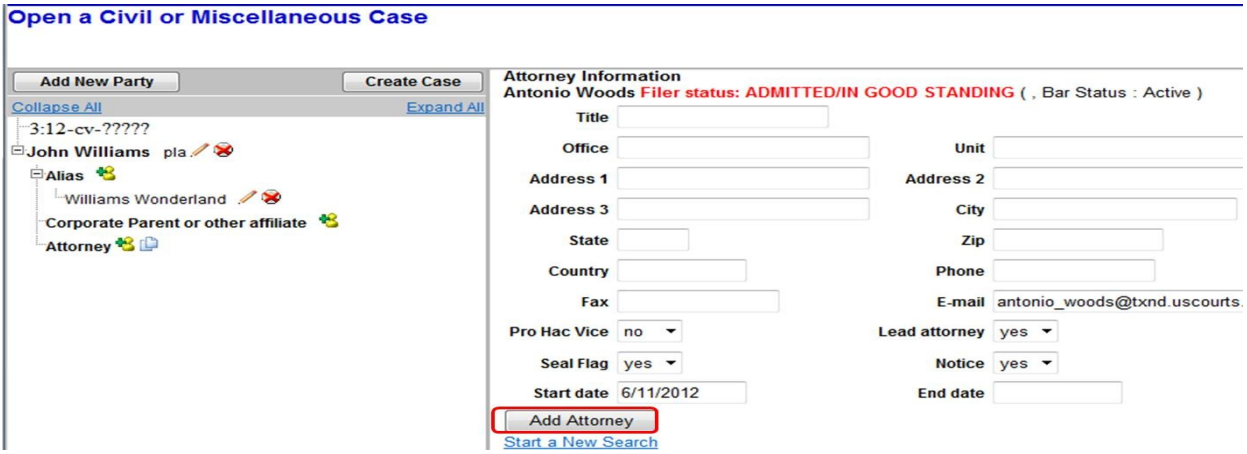

Figure 35

After you are satisfied with the party and attorney information in the participant tree, click **[Create Case]**. See Figure 36.

Figure 36

Click **[Yes]** to proceed with Case Opening. Click **[No]** to return to the case participant tree screen to add or modify case participant information, or, if necessary, to abort the case opening process. See Figure 37.

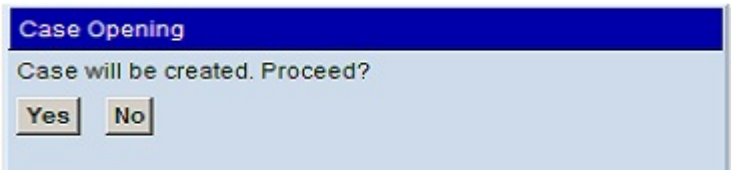

Figure 37

A warning screen appears. Read the warning message and click **[Next]**. See Figure 38.

Figure 38

G. Filing a Complaint

After creating the case, **write down or otherwise note the case number before continuing.** The case number displayed will show only the year and civil case number (e.g., "12-63"). See Figure 39. It will not display the division in which the case was filed ("1" for Abilene; "2" for Amarillo; "3" for Dallas; "4" for Fort Worth: "5" for Lubbock; "6" for San Angelo; or "7" for Wichita Falls), nor the type of case (e.g., "cv" for civil).

Note: After the case number is assigned, you may not use the back button to make corrections or additions. If you did not add all parties to the case before the case number was assigned, you may add additional parties in the next step when you file your complaint (or other initiating document). Even if you made a significant error that you cannot correct while docketing the complaint, it is best to proceed in the case, since the clerk will correct any errors by the end of the next business day.

WARNING: **Even though your case number has been assigned, you are not finished. The case opening process is incomplete until you docket your complaint or other initiating document and pay any required filing fee.**

Click on the Docket Lead Event? hyperlink to file your complaint or other initiating document. See Figure 39.

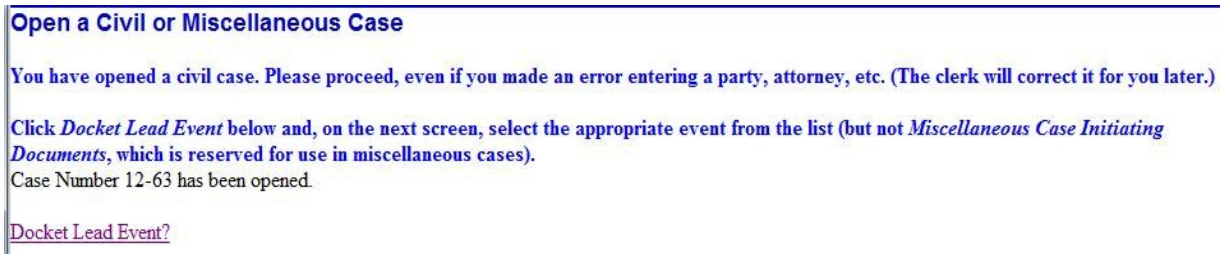

Figure 39

Select the applicable initiating document type (e.g., Complaint, Notice of Removal, Petition for Writ of Habeas Corpus) and click the **[Next]** button. For this example, Complaint is selected. See Figure 40.

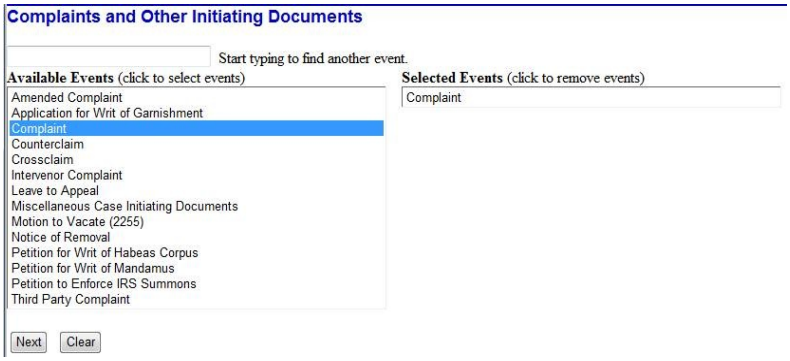

Figure 40

The system automatically displays the last case number accessed. See Figure 41.

Figure 41

Verify the case number before continuing. If this is not your newly assigned case number, use your back button to return to the previous screen and enter the correct case number. When you have verified that you have the correct case number, click **[Next]** to continue.

Select the party or parties filing the complaint. You may select multiple parties by holding down the "Ctrl" key on the keyboard and using the mouse to highlight more than one name. Click **[Clear]** to deselect the party or parties. See Figure 42. Click **[Next]** to continue.

Figure 42

Select the party(ies) this filing is against. You may select multiple parties by holding the "Ctrl" key down and clicking to highlight more than one name. When all defendants have been selected, click **[Next]** to continue. See Figure 43.

> NOTE: If any party(ies) were not added previously, add them now by clicking **[New Party]**. Follow the procedure for adding or creating a new party explained in Section D above.

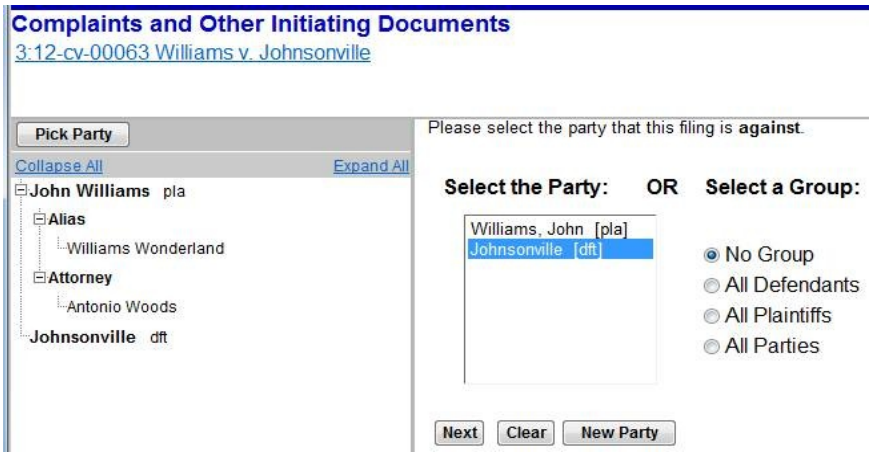

Figure 43

Attach the complaint. Click **[Browse...]**. See Figure 44.

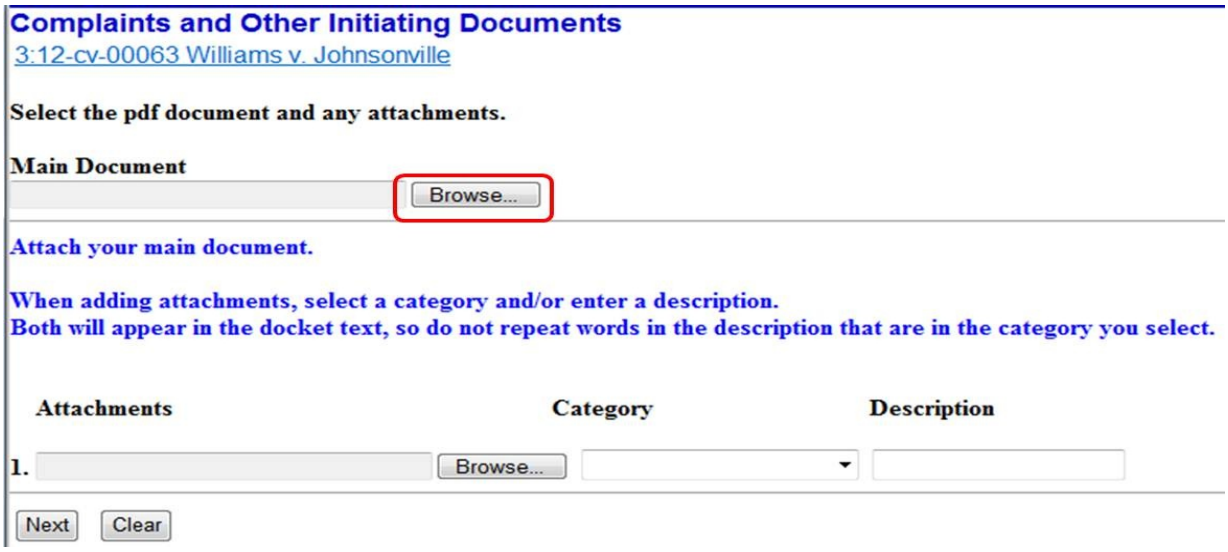

Figure 44

A pop-up box will appear. Navigate to the appropriate folder containing the PDF document(s) you wish to file. Right-click on the document and select the option to open the document in Adobe Acrobat. This allows you to preview the document to ensure you have selected the correct file. (Remember, once submitted, a document cannot be edited.) See Figure 45.

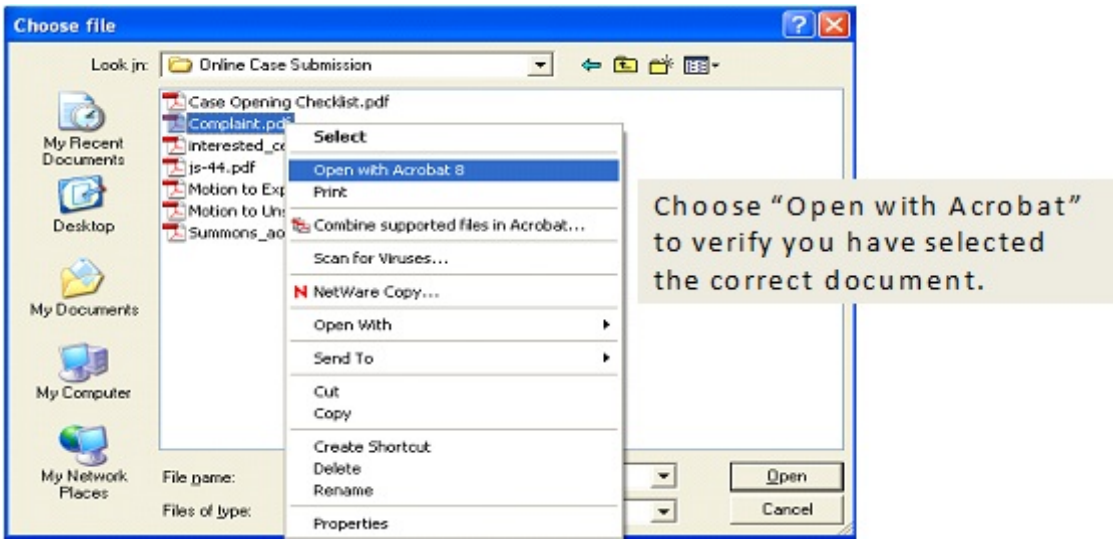

Figure 45

After verifying you have selected the correct PDF document, click **[Open]** to accept the PDF for filing. See Figure 46.

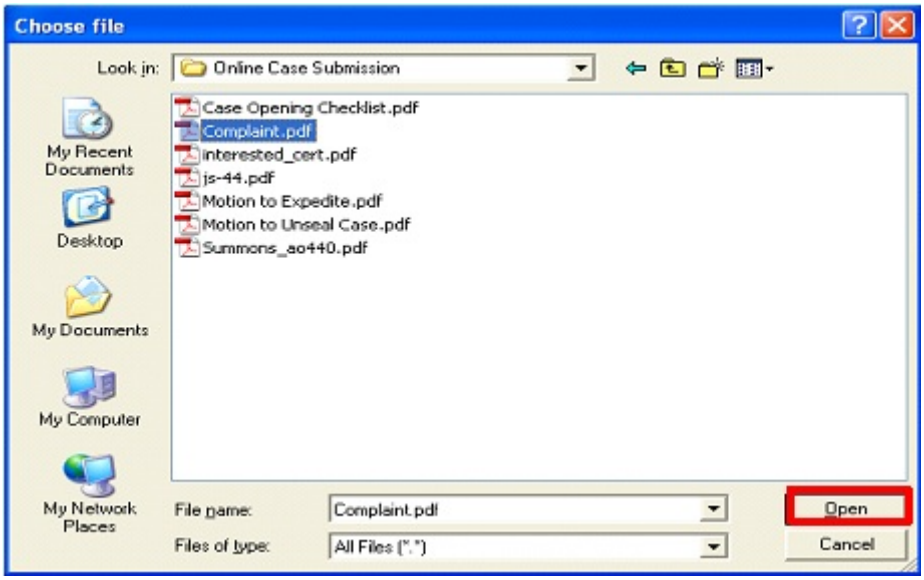

Figure 46

The path to the **Filename** will appear in the **Main Document** text field box. Since you are required to attach additional PDF documents to the initiating document (e.g., civil cover sheet, supplemental civil cover sheet), and may have other documents (e.g., exhibits) to attach, click **[Browse]** under the **Attachments** section of the screen to add the first attachment. See Figure 47.

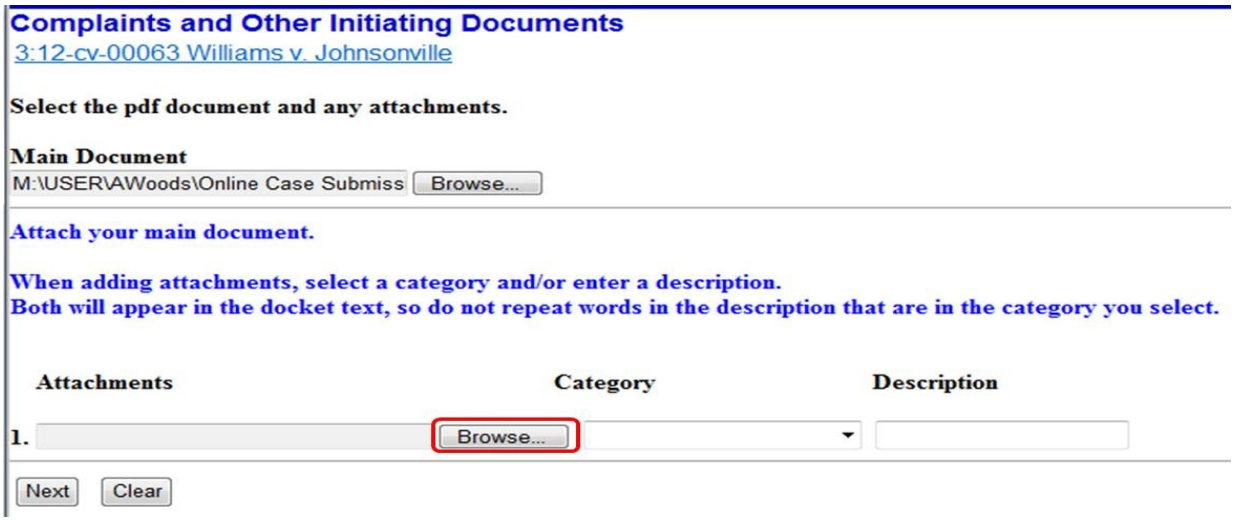

Figure 47

Navigate to the appropriate folder and select the next PDF document to be attached. View the document before attaching it. After attaching it, enter a **Category** and/or a **Description** for the attachment using the Category list and/or the Description field. Additional rows will be added as needed to attach the next PDF document. Click **[Browse]** to repeat the process until all attachments have been added.

When all of the documents are attached, click the **[Next]** button. See Figure 48.

Figure 48

If, as plaintiff, you have made a jury demand, select Yes; otherwise, leave the radio button set to No. See Figure 49.

Figure 49

H. Paying the Filing Fee

After attaching all of the documents, you will be asked if this complaint is being filed under any of three possible exemptions from the payment of the filing fee. If you do not qualify under any of these four options, select **None of the above**, and click **[Next]** to continue. The option for filing a complaint in an existing case (fee previously paid) should not be used when filing a complaint in a new civil case. See Figure 50.

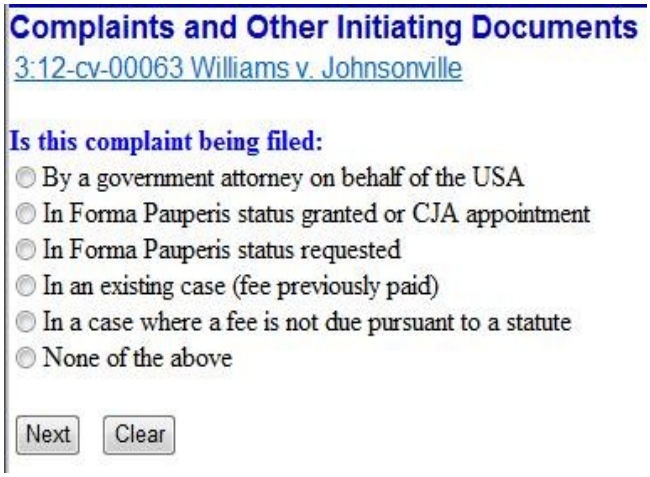

Figure 50

If **None of the above** was selected, a filing fee is required, and the filing fee payment screen will appear. See Figure 51. Click **[Next]** to continue.

Complaints and Other Initiating Documents
3:12-cv-00063 Williams v. Johnsonville

Fee: $350

You will be redirected to the payment submission software. Enter your account information carefully! Incorrect information will result in payment reversal, for which a non-sufficient funds (NSF) fee may be charged.

To receive a receipt, you must provide your email address as requested during Step 2. Authorize Payment.

Next Clear

Figure 51

Note: Secure payment screens will guide you through paying the filing fee.
For additional instructions on how to electronically pay a filing fee, please see the Online Filing Fee Payment Guide.

I. Requesting a Summons for Service of Process

Next, you will be presented with the opportunity to request a summons to be issued by the clerk. Select the appropriate option for your case and click **[Next]**. See Figure 52.

Complaints and Other Initiating Documents
3:12-cv-00063 Williams v. Johnsonville

Regarding service of process:

- (●) The clerk is requested to issue a summons for each defendant
- ( ) The clerk is requested to issue a summons for each federal defendant
- ( ) The clerk is requested to issue a summons for each federal and non-federal defendant
- ( ) The clerk is requested to issue summons if the motion to proceed IFP is granted
- ( ) I will submit the summons forms to the clerk for issuance using the Request for Clerk to Issue Document event
- ( ) I do not wish for a summons to be issued at this time - eg, waiver of service of summons, IFP requested, delayed service, etc

Next Clear

Figure 52

If you request summons to be issued, the clerk's office will electronically issue the summons(es) within one business day. A Notice of Electronic Filing will be sent to you with links to the requested summons forms. You may print the summons forms and then effect service of process pursuant to FED. R. CIV. P. 4.

Read the message and click **[Next]**. See Figure 53.

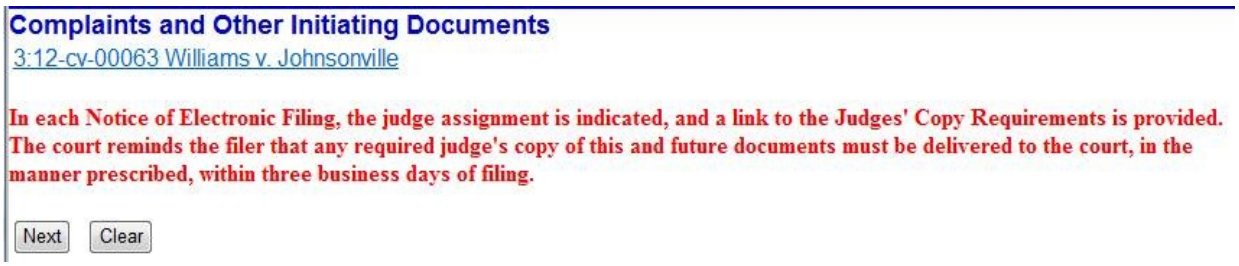

Figure 53

J. Completing the Filing

The docket text field for the complaint is displayed. Review the final docket text. Enter any additional docket text into the text field. (If you have used the complaint event to docket any of the other initiating documents noted in the introduction, enter the title in the text field.) See Figure 54. Click **[Next]**.

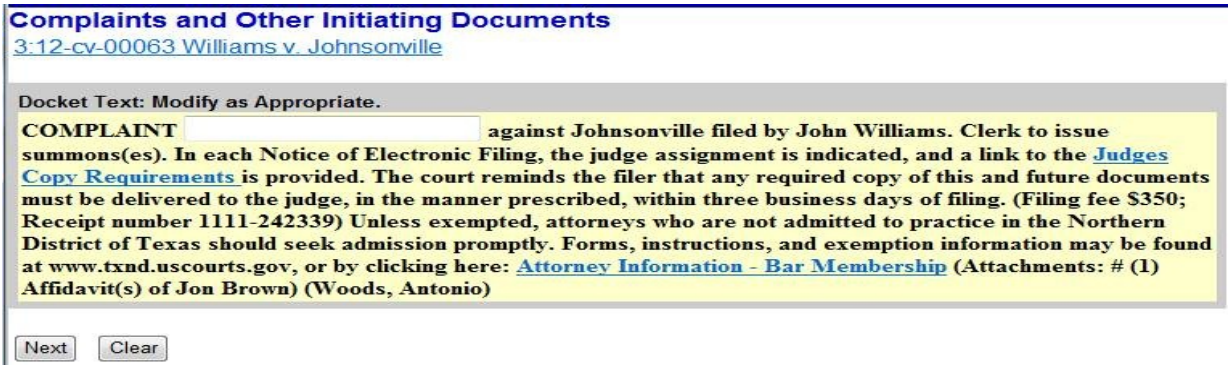

Figure 54

The final docket text will be displayed. Complete the transaction by clicking the **[Next]** button. If you need to correct any errors (e.g., linking the complaint to the wrong party), contact the clerk's office for assistance. See Figure 55.

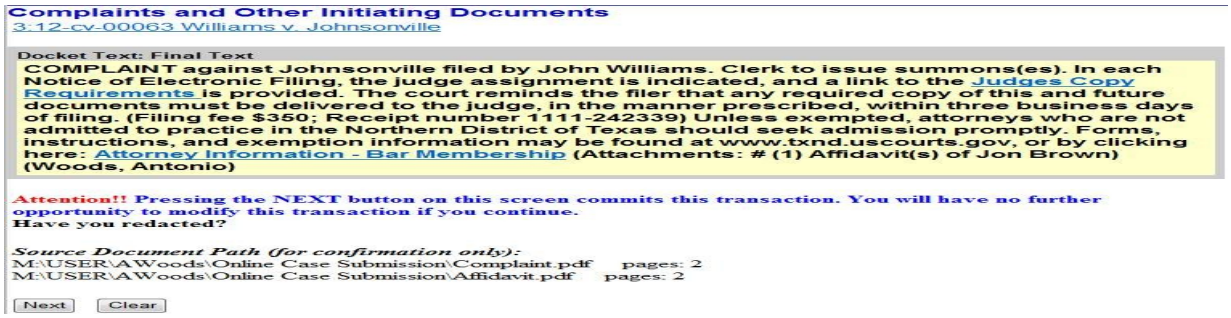

Figure 55

K. Determining the Judge Assigned to the Case

Review the Notice of Electronic Filing. In addition to serving as notification that the event was accepted by ECF, and providing document filing information and relevant hyperlinks, the NEF indicates who will and will not receive a "Notice of Electronic Filing" via email. The NEF also identifies the judge assignment. The presiding judge's alpha designation appears at the end of the case number, and the judge's name appears in the Judge Assigned section. In this illustration, case 3:12-cv-00063-B was randomly assigned to U.S. District Judge Jane B. Boyle. See Figure 56.

WARNING: Only the filing attorney will receive a Notice of Electronic Filing when opening a new case, since no other attorneys have appeared. The filing attorney is responsible for service on all other parties.

Complaints and Other Initiating Documents
3:12-cv-00063 Williams v. Johnsonville

U.S. District Court

Northern District of Texas

Notice of Electronic Filing

The following transaction was entered by Woods, Antonio on 6/11/2012 at 3:50 PM CDT and filed on 6/11/2012
Case Name: Williams v. Johnsonville
Case Number: 3:12-cv-00063-B
Filer: John Williams
Document Number: 1
Judge Assigned: Jane J Boyle (presiding)

Docket Text:
COMPLAINT against Johnsonville filed by John Williams. Clerk to issue summons(es). In each Notice of Electronic Filing, the judge assignment is indicated, and a link to the Judges Copy Requirements is provided. The court reminds the filer that any required copy of this and future documents must be delivered to the judge, in the manner prescribed, within three business days of filing. (Filing fee $350; Receipt number 1111-242339) Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas should seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov, or by clicking here: Attorney Information - Bar Membership (Attachments: # (1) Affidavit(s) of Jon Brown) (Woods, Antonio)

3:12-cv-00063-B Notice has been electronically mailed to:

Antonio Woods antonio_woods@txnd.uscourts.gov,

3:12-cv-00063-B Notice required by federal rule will be delivered by other means (as detailed in the Clerk's records for orders/judgments) to:

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename:n/a
Electronic document Stamp:
[STAMP dcecfStamp_ID=1004035775 [Date=6/11/2012] [FileNumber=114137-0]
[53fa03a96e39b2b134038941c14c8edb3207488631f94d048b3890049b46ad9f761a
c323c3ced1a3db0203a5f0b891a193aa84e332fb445f6cde0b12847b7468]]
Document description: Affidavit(s) of Jon Brown

Figure 56

A table listing all of the district and magistrate judges' alpha designations and their copy requirements is provided on the ECF page of the court's website.