

DISTRICT COURT OF GUAM
DISTRICT OF GUAM

FILED
DISTRICT COURT OF GUAM

NOV 19 2018

Chw
4:52pm

JEANNE G. QUINATA
CLERK OF COURT

In Re:

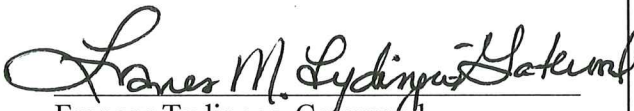
GENERAL ORDER

Adoption of Updated General Local Rules
of Practice and Administrative Procedures for
Filing, Signing, Verification and Service of
Documents by Electronic Means in Civil,
Criminal, and Bankruptcy Cases.

No. 18-00 22

Pursuant 28 U.S.C. § 2071, and after appropriate public notice and an opportunity for
comment, the District Court of Guam hereby adopts the attached updated General Local Rules of
Practice and Administrative Procedures for Filing, Signing, Verification and Service of
Documents by Electronic Means in Civil, Criminal, and Bankruptcy Cases, effective December
1, 2018.

SO ORDERED this 19th day of November, 2018.


Frances Tydingco-Gatewood
Chief District Judge

GNLR 5.1 Format and Filing.

(a) Form; Copy. All papers presented for filing shall be on white opaque paper of good quality, eight and one-half inches by eleven inches (8 ½ x 11) in size, and shall be flat, unfolded (except where necessary for the presentation of exhibits), without back or cover and shall comply with all other applicable provisions of these Rules. All pages shall be numbered consecutively at the bottom. In addition to the original, a legible conformed copy of all documents, except certificates of service, summons, subpoenas and notices of depositions, shall be filed for the judge's use. Matter shall be presented by typewriting, printing, or other clearly legible reproduction process, and shall appear on one side of each sheet only. Facsimile reproductions are not acceptable. All papers shall be double-spaced except for the identification of counsel, title of the case, footnotes, quotations, and exhibits. No facsimile filings shall be accepted as the original for filing unless the party seeking to file by facsimile has secured the permission of the Court to file by facsimile by motion to the Court.

(b) Format. The title of the Court shall be centered and commence not less than three inches from the top of the page.

(c) Title Page. The first page of every document shall contain the following information which may be single spaced:

(1) The name, address and telephone number of the attorney appearing for a party in an action or individual appearing pro se and for whom the attorney appears shall be printed or typewritten in the upper left-hand corner. The space to the right of the page's center shall be reserved for the clerk's filing stamp.

(2) Below and to the left of the title of the Court, the title of the action or proceeding shall be inserted. In a complaint, the title of the proceeding shall contain the names of all parties and ~~in the event that~~ if the parties are too numerous for all to be named on the first page, the names of the parties may be carried onto successive page(s). In all papers other than a complaint, the title of the proceeding may be appropriately abbreviated.

(3) In the space to the right of the title of the action, the following shall appear:

(A) the file number of the action or proceeding;

(B) a designation of the action or proceeding as civil, criminal, bankruptcy, or adversary;

(C) a brief description of the nature of the document; and

(D) mention of any notice of motion or affidavits or memorandum in support.

(4) Cover Sheets. All documents initiating civil, criminal and adversary proceedings shall be accompanied by the appropriate cover sheet, which shall be fully completed and executed. Cover sheets are available upon request at the Clerk's Office. Persons in the custody of state or federal institutions and pro se litigants are exempt from the requirements of this subdivision.

(d) Typed Names Below Signature Lines. Names shall be typed below signatures on all pleadings and documents filed.

(e) Court Automation Requirements. The Court may issue guidelines on requirements for papers and pleadings as may be necessary to comply with court automation systems.

(f) Electronic Filing.

~~(1) The Court will accept for filing documents submitted, signed, verified or served by electronic means that comply with administrative procedures established by the Court. Except as expressly provided in these rules or as ordered by the Court, and in accordance with the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the Federal Rules of Bankruptcy Procedure, in the absence of exceptional circumstances preventing a person from filing electronically, all pleadings and documents required to be filed with the Court in civil, criminal, and bankruptcy cases must be electronically filed using the practices and procedures outlined in the Court's published Administrative Procedures for Filing, Signing, Verification and Service of Documents by Electronic Means in Civil, Criminal, and Bankruptcy Cases.~~

(2) Failure to use electronic filing will be brought to the attention of the presiding judge for appropriate action, which may include issuance of a show cause order and sanctions against the filer, and a requirement by the Clerk of Court of the District Court of Guam (hereinafter "the Clerk") that the pleadings or documents be returned to the filer for electronic filing.

(3) Notwithstanding the foregoing, an attorney may, for good cause shown, request by written motion an exemption from mandatory electronic case filing. If the exemption pertains to a specific case, the motion should be filed in that case. If the exemption pertains to all cases before the Court, current and future, a motion must be filed with the Clerk and will be submitted to the Chief Judge and shall state the reason for the attorney's inability to comply with mandatory electronic case filing.

GNLR 7.1 Clerk of Court.

(a) Location and Hours. ~~(1)~~ The Office of the Clerk of this Court shall be located at 520 West Soledad Avenue, Fourth Floor of the U.S. Courthouse, Room 460, in Hagåtña, Guam. The mailing address is 4th Floor, U.S. Courthouse, 520 West Soledad Avenue, Hagåtña, Guam 96910. The regular hours shall be from 8:00 a.m. to 3:00 p.m. each day except Saturdays, Sundays, legal holidays and other days or at times so ordered by the Court. Nothing in this Rule precludes the filing of papers as provided in Rule 77, Federal Rules of Civil Procedure.

~~(2) Pleadings to be filed after December 31, 2009 and outside of the regular hours set forth in GNLR 7.1(a)(1) shall be filed electronically using the court's Case Management/Electronic Case Filing ("CM/ECF") System, pursuant to the court's published "Administrative Procedures for Filing, Signing, Verification and Service of Documents by Electronic Means in Civil and Criminal Cases" and "Administrative Procedures for Filing, Signing, Verification and Service of Documents by Electronic Means in Bankruptcy Cases."~~

(b) Court Calendar. The Clerk shall publish the court's calendar on the court's public website and shall, no later than Friday of each week, publish the court's calendar for the following week on the public bulletin board of the District Court.

GNLR 17.1 Attorneys - Admission to the Bar of this Court - Duties.

(b) Procedure for Admission. Each applicant for admission shall present to the clerk a written petition for admission stating the applicant's full name, residence address, office address, the names of the courts before which the applicant is admitted to practice, and the respective dates of admission to those courts.

(1) The petition shall be accompanied by:

(A) a certificate from the Supreme Court of Guam evidencing the fact that the applicant is an active member in good standing of the Territorial Bar,

(B) a certificate of a member of the bar of this Court, stating that he knows the applicant and can affirm that he is of good moral character, and

(C) an order for admission to be signed by the judge. (Copies of the petition for admission and order of admission shall be supplied by the clerk upon request.)

(2) Upon qualification, the Clerk or his authorized deputy shall administer the following oath of admission to the applicant:

"I solemnly swear that I will support the Constitution of the United States, the Organic Act of Guam, the applicable statutes of the United States and the laws of the territory of Guam; That I will maintain the respect due to the Courts of Justice and Judicial Officers and that I will demean myself uprightly as an attorney at law; And to abide by ~~the Code of Professional Responsibility of~~ the American Bar Association ~~Model Rules of Professional Conduct.~~"



Case Management

CM / ECF

Electronic Case Files

ADMINISTRATIVE PROCEDURES
FOR THE ELECTRONIC FILING, SIGNING,
VERIFYING, AND SERVING OF
CIVIL, CRIMINAL, AND BANKRUPTCY DOCUMENTS

rev. December 1, 2018

SCOPE OF CM/ECF PROCEDURES	5
APPLICABILITY.....	5
PARTICIPATION	5
CONSEQUENCES OF ELECTRONIC FILING	5
EFFECTIVENESS OF ELECTRONICALLY FILED DOCUMENT	5
TIME OF FILING.....	5
VIRTUAL DOCUMENTS.....	6
SIGNATURES.....	6
FILING PARTY	6
MULTI-SIGNATURE DOCUMENTS	7
PARTY OTHER THAN FILING PARTY	7
BANKRUPTCY PETITIONS.....	7
RETENTION REQUIREMENTS	8
ELIGIBILITY, TRAINING, PASSWORDS.....	8
TRAINING.....	8
LOGIN AND PASSWORD.....	8
ELECTRONIC FILING PROTOCOLS.....	9
FORMAT.....	9
SIZE OF DOCUMENTS.....	9
NAME OF DOCKET ENTRY	10
SINGLE DOCKET ENTRY	10
HYPERLINKS	10
CORRECTING DOCKET ENTRIES.....	10
ATTACHMENTS AND EXHIBITS.....	11
SEALED DOCUMENTS	12
EMERGENCY MOTIONS.....	12
VERIFICATION OF DOCUMENT IMAGE	12

ANTI-VIRUS SOFTWARE.....	13
PAYMENT OF FILING FEES.....	13
PAYMENT OVER THE COUNTER.....	13
PAYMENTS TRANSACTED ONLINE.....	13
DEFERRAL / WAIVER OF FEES.....	13
SERVICE OF DOCUMENTS BY ELECTRONIC MEANS.....	13
CONSENT TO ELECTRONIC SERVICE	13
NOTICE OF ELECTRONIC FILING	14
SUBMISSION OF PROPOSED ORDERS.....	14
ORDERS REQUIRING JUDGE'S SIGNATURE ONLY	14
ORDERS REQUIRING ADDITIONAL SIGNATURES.....	14
NOTICE OF ORDERS AND JUDGMENTS.....	14
ELECTRONIC TRANSMISSION	14
NOTICE BY MAIL	14
SERVICE OF ORDERS.....	15
TECHNICAL FAILURES.....	15
PUBLIC ACCESS	15
INTERNET ACCESS.....	15
CONVENTIONAL COPIES; CERTIFIED OR EXEMPLIFIED COPIES	16
ELECTRONIC PUBLIC ACCESS CHARGES.....	16
FILING OF PAPER DOCUMENTS.....	16
NON-ECF USERS	16
CONVENTIONAL FILINGS.....	16
PAPER QUALITY	17
PAPER SIZE.....	17
ASSEMBLY.....	17
TEXT AND MARGINS	17

LENGTH.....	17
NUMBER OF COPIES.....	17
PRIVACY CONCERNS.....	18

SCOPE OF CM/ECF PROCEDURES

APPLICABILITY

The provisions of these Administrative Procedures for the filing of documents through the Case Management / Electronic Case Files (“CM/ECF”) system apply in all pending Civil cases (including Admiralty and Tax cases), Criminal cases (including Magistrate cases), and Bankruptcy cases (including adversarial proceedings) in the District Court of Guam. These procedures contain provisions for both the electronic filing of documents through the Internet and the filing of paper documents and their electronic recording and storage by the court.

PARTICIPATION

Attorneys admitted to the bar of this Court, including those admitted pro hac vice and attorneys authorized to represent the United States, United States Trustees and their assistants, trustees in Bankruptcy and their assistants, and others as the court deems appropriate must register as users of the Court's Electronic Case Filing System (hereinafter “ECF”) concurrent with their application for admission to this Court. Registration is in a form prescribed by the Clerk and requires the ECF User's name, address, telephone number, e-mail address, and Bar Roll number, if applicable. Non-ECF Users, including pro se parties, shall continue to file documents conventionally by submitting paper documents to the court.

CONSEQUENCES OF ELECTRONIC FILING

EFFECTIVENESS OF ELECTRONICALLY FILED DOCUMENT

The electronic filing of a document consistent with these procedures, together with the transmission of a Notice of Electronic Filing from the court, constitutes the filing of the document for all purposes of the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, the Federal Rules of Criminal Procedure, and the Local Rules of this court, and constitutes entry of the document on the docket by the Clerk under Fed. R. Civ. P. 5, 58, and 79; Fed. R. Crim. P. 49 and 55; and Fed. R. Bankr. P. 5003. The official record of all documents is the electronic record of the document as stored by the court.

TIME OF FILING

Filing a document electronically does not alter the filing deadline for that document. Unless otherwise ordered by the court, filing must be completed before midnight Chamorro Standard Time (ChST) to be considered timely filed that day. The date and time of filing is that stated on

the Notice of Electronic Filing from the court. This time stamp is based on the time of the electronic receipt of the document by the court, not by the time of transmission by the ECF User.

VIRTUAL DOCUMENTS

Virtual documents are certain documents (including some orders) which are frequently used by certain parties and the court and the text of which does not vary from case to case. A virtual document consists entirely of the text contained in the docket entry and is not embodied in any other document or electronic record. The docket entry for a virtual document shall be fully effective despite the absence of a document or electronic record apart from the docket entry.

SIGNATURES

FILING PARTY

USE OF LOGIN AND PASSWORD

The use of a login and password assigned to an ECF User in the electronic filing of a document shall constitute the ECF User's signature on the document, for purposes of the Federal Rules of Civil, Criminal, and Bankruptcy Procedure, the Local Rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court.

SIGNATURE BLOCK

Electronically filed documents must include the name (preceded by "/s/") of the ECF User filing the document.

AUTHORITY TO SIGN

An ECF User may authorize one or more employees or office staff members to use the ECF User's login and password for the electronic filing of a document. No ECF User or other person may knowingly permit or cause to permit an ECF User's login and password to be used by anyone other than an authorized agent of the ECF User, and all ECF Users shall take reasonable precautions to prevent such unauthorized use. The use of the ECF User's login and password, whether authorized or not, constitutes the ECF User's signature on the document for all purposes, including those under Fed. R. Civ. P. 11(a) and Fed. R. Bankr. P. 9011.

VIRTUAL DOCUMENTS

The use of an ECF User's login and password shall constitute the user's signature on a virtual document. A virtual document that is a court notice or order entered by the court shall be deemed signed by the individual whose name appears as Judge or Clerk.

MULTI-SIGNATURE DOCUMENTS

CIVIL CASES

Documents which must bear original signatures, or which require either verification or an unsworn declaration under any rule or statute, shall be filed electronically with originally executed copies maintained by the filer for three (3) years after final resolution of the action, including final disposition of all appeals. The pleading or other document electronically filed shall indicate a signature, e.g., "/s/ Jane Doe".

CRIMINAL AND BANKRUPTCY CASES

Documents requiring signatures of more than one party must be electronically filed by: (1) submitting a scanned document containing all necessary signatures; (2) representing the consent of the other parties on the document; and (3) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three business days after filing; or (4) in any other manner approved by the court. The pleading or other document electronically filed shall indicate a signature, e.g., "/s/ Jane Doe".

Plea agreements in Criminal and Magistrate cases may only be filed by submitting a scanned copy of the original containing all necessary signatures.

PARTY OTHER THAN FILING PARTY

A document requiring the signature of a person other than the filing party must contain an image of the other party's signature. An ECF User may satisfy this requirement by attaching to the document a counterpart signature page containing an image of the other party's signature. Seals may be noted by expressions such as "Legal Seal," "L.S.," "Notary Seal," etc., if the seal is not clear in the scanned image of the document. The electronic filing of a document signed by a person other than the ECF User shall be deemed to include the ECF User's representation to the court that, to the best of the ECF User's knowledge, the document is a true and correct copy of the original document bearing such other person's signature.

BANKRUPTCY PETITIONS

REQUIREMENT FOR A DECLARATION RE: ELECTRONIC FILING

The declarations and certifications by a debtor required on the bankruptcy petition, the accompanying schedules and statements, any amendments thereof, and, if a chapter 13 case, the proposed plan, shall be made by filing (in paper form) a Declaration re: Electronic Filing with the original signature of each individual or joint debtor, or the original signature of an authorized individual on behalf of a debtor that is a corporation, partnership or other artificial entity. The use of the ECF User's login and password in the filing of a bankruptcy petition shall be a

representation to the court that, at the time of filing, the filing party is in possession of a copy of the petition with the original signature of the debtor(s) or a Declaration re: Electronic Filing with the original signature(s) of the debtor(s).

TIME TO FILE

The Declaration re: Electronic Filing shall be filed not later than 5 business days after the date of the electronic filing of the subject document(s). Failure to file a timely Declaration re: Electronic Filing for the petition may result in dismissal of the case without further notice or a hearing. Failure to file a timely Declaration re: Electronic Filing for documents other than the petition may result in striking such documents from the docket.

RETENTION REQUIREMENTS

Documents that are electronically filed and require original signatures other than that of the ECF User must be maintained in paper form by the ECF User until three (3) years after all time periods for appeals expire. On request of the court, the ECF User must provide original documents for review.

ELIGIBILITY, TRAINING, PASSWORDS

TRAINING

The court will provide training as necessary to attorneys and staff for participation in the CM/ECF system. Training may be a combination of classroom and online computer-based training (CBT). Following registration, an ECF User applicant will be issued a login and temporary password limited to use in the CM/ECF training database (<https://ecf-train.gud.uscourts.gov> and <https://ecf-train.gub.uscourts.gov>). The court may require satisfactory completion of a training program as qualification for CM/ECF participation and issuance of a password for use in the “live” database. Training may be modified or waived by the court for a limited ECF User or a full participant ECF User registered as an ECF user in another district.

LOGIN AND PASSWORD

FULL ACTIVATION

After satisfactory completion of training or waiver thereof, a registrant will receive a password for filing documents in the “live” database (<https://ecf.gud.uscourts.gov> and <https://ecf.gub.uscourts.gov>).

USE OF LOGIN AND PASSWORD

The login and password assigned to an ECF User shall be used exclusively by the registered ECF User and any non-attorney employee or staff member explicitly authorized by the ECF User to use the login and password. The ECF User shall not knowingly permit use of the login and password by any person not so authorized, shall take reasonable steps to prevent such unauthorized use, and shall be fully responsible for all use of the login and password whether authorized or unauthorized. If authorization to use a login and password is withdrawn (e.g., when a staff member leaves employment) or if unauthorized use of a login and password is suspected, the ECF User shall forthwith select and activate a new password for use in the ECF system. The ECF User also shall immediately notify the court's Clerk's Office upon learning of any unauthorized use. Failure to change the password and notify the court under the aforementioned circumstances may result in sanctions against the registered ECF user.

SUSPENSION OR CANCELLATION BY COURT

Upon appropriate notice and for cause shown, the court at any time may suspend or cancel an ECF User's use of a login and password. The court may require that additional training be taken in order to reactivate ECF participation.

WITHDRAWAL

An ECF User may withdraw from ECF participation by giving notice of not less than 30 days to all parties in matters in which the ECF User is a party or represents a party. Such withdrawal will be deemed to be cancellation of the consent to receive notice and service by electronic means, unless otherwise stated in writing by the withdrawing party.

ELECTRONIC FILING PROTOCOLS

FORMAT

A document filed electronically must be submitted as a Portable Document Format ("PDF") file. Such files may be created by using Adobe® Acrobat® software or through certain other software for word processing and scanning of documents. In creating the PDF file, the "Document Security" must be the "No Security" default setting for the PDF document to be filed in the CM/ECF system. Scanned documents should have a resolution of 300 dpi.

SIZE OF DOCUMENTS

Document files must be no larger than 5 megabytes (MB) in size, or approximately 40 pages of text in a standard word processing format, converted into PDF. A file containing non-text items such as scanned photographs may be considerably larger, requiring adjustment before electronic

transmission is attempted. Transmission of a large document as a single file may not be successful due to security constraints on the length of time taken by an electronic filing. Large-sized documents should be broken down into sections and filed as consecutively numbered attachments.

NAME OF DOCKET ENTRY

The ECF User shall select the most appropriate description of the type of document from the docketing event “pick list” presented. The ECF User shall call the Clerk’s Office for assistance if the type of document to be filed does not appear as a selection. The ECF User may add appropriate descriptive text before submitting the final docket text entry.

SINGLE DOCKET ENTRY

All documents with exhibits and attachments capable of electronic imaging and filing shall be filed together as a single docket entry. Related documents generally signed by the filing individual, such as supporting memoranda, declarations, etc., may be filed separately but, if available for filing at the same time, should be filed as attachments to the underlying document in a single docket entry.

HYPERLINKS

Electronically filed documents may contain the following types of hyperlinks:

- Hyperlinks to other portions of the same document; and
- Hyperlinks to a location on the Internet that contains a source document for a citation.

Hyperlinks to other documents filed within the CM/ECF system are not permitted. Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of the filed document. Neither a hyperlink, nor any site to which it refers, shall be considered part of the record.

CORRECTING DOCKET ENTRIES

NO CHANGES AFTER SUBMITTAL

Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk’s Office. The system will not permit the filing party to make changes to the document(s) or docket entry filed in error once the transaction has been accepted.

NO REFILING OF INCORRECT ENTRIES

A document incorrectly filed in a case may be the result of posting the wrong pdf file to a docket entry, selecting the wrong document type from the menu, or entering the wrong case number and

not catching the error before the transaction is completed. The filing party should not attempt to refile the document.

CONTACTING THE CLERK'S OFFICE

As soon as possible after an error is discovered, the filing party should contact the Clerk's Office with the case number and document number for which the correction is being requested. If appropriate, the court will make an entry indicating that the document was filed in error. The filing party will be advised if the document needs to be refiled.

ATTACHMENTS AND EXHIBITS

IDENTIFICATION OF ATTACHMENTS

Each attachment to a document must be concisely but adequately identified in additional text. e.g.: Declaration of Jane Doe in Support of Motion. A large document being broken down to 2 or more smaller sized attachments should clearly identify the sections. e.g.: Memorandum in Support - Part 1; Memorandum in Support - Part 2, etc. Documents related to a motion or other pleading which are not available for attachment to the main document may be filed later as a separate document. e.g.: *Declaration of Jane Doe* (relating it to the underlying motion or other pleading).

COMPOUND DOCUMENTS

As an alternative to attaching separate documents to a main document, a series of related documents may be filed together as a single PDF file, subject to the 5 MB size restriction of the file. e.g.: *Motion with Memorandum in Support and Declaration of Luke Lender*.

RELEVANT EXCERPTS ONLY

An exhibit to an electronic filing shall include only excerpts of the referenced document that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. A party filing excerpts of a document under this provision does so without prejudice to the right to file timely additional excerpts or the complete document. A responding party may file timely additional excerpts or the complete document that the party believes to be directly germane to the subject matter.

PROOFS OF CLAIM IN A BANKRUPTCY CASE

SUPPORTING DOCUMENTS

Only documents that are necessary to show the basis for the amount of the claim and the basis for any secured claim or perfected security interest should be filed as attachments to a proof of claim. Thus, a creditor should file a summary of invoices rather than copies of the invoices themselves. A

summary or excerpt should be clearly and prominently identified as such. A creditor filing a summary or excerpt does so without prejudice to the right to file additional supporting documents or complete exhibits.

CLAIMS FILED BY DEBTOR OR TRUSTEE IN A BANKRUPTCY CASE

A debtor's attorney or a trustee electronically filing a proof of claim on behalf of a creditor under Fed. R. Bankr. P. 3004 shall be responsible to give the notice of the filing to the creditor, debtor and trustee as required by Rule 3004. A form of notice is available from the clerk's office.

MAILING MATRIX IN A BANKRUPTCY CASE

The creditor mailing matrix to accompany an electronically filed bankruptcy petition shall be formatted according to the CM/ECF Style Guide issued by the Clerk of Court. The matrix shall be prepared as a .txt file and uploaded immediately after the petition is filed. An amended matrix shall also be prepared as a text file (.txt) for uploading, containing only the names and addresses being added to the matrix.

SEALED DOCUMENTS

A motion to file one or more documents under seal shall be filed conventionally in paper form.

Until the court has ruled on any motion to seal, no document that is the subject of a motion to seal, nor the motion itself or any response thereto, will be available electronically or in paper form.

Pre-Sentence Investigation Reports shall be electronically filed under seal by the U.S. Probation Office. Electronic or other access to the Pre-Sentence Investigation Reports shall be restricted to Court staff, U.S. Probation Office staff, and the attorneys of record for both the United States Attorney's Office and the Defendant.

EMERGENCY MOTIONS

An emergency motion or other matter requiring expedited attention by the court, such as an application for a temporary restraining order or a motion for a protective order, may be filed electronically in the same manner as other documents. The moving party shall contact the Clerk's Office by telephone at (671) 969-4500 to alert the court to the filing and the emergency nature of the motion.

VERIFICATION OF DOCUMENT IMAGE

An ECF User shall verify, by checking the link in the Electronic Notice of Filing or by reviewing the docket within 2 business days after the electronic filing, that the image of the document filed is a correct and complete copy of the document intended to be filed. An ECF User shall immediately notify the court of the discovery of an incorrect or incomplete image of a document.

ANTI-VIRUS SOFTWARE

Each ECF User shall utilize updated anti-virus software at all locations from which Internet ECF access is made. The filing party must check all electronic files submitted on disk or transmitted by e-mail to the Clerk's Office or a Judge's Chambers for viruses and worms.

PAYMENT OF FILING FEES

PAYMENT OVER THE COUNTER

Fees due from non-ECF users shall be paid at the Clerk's Office.

PAYMENTS TRANSACTED ONLINE

The court accepts Visa, MasterCard, American Express, and Discover card payments online for filing fees associated with bankruptcy and civil cases. Automated Clearing House (ACH) payments from checking accounts are also accepted. ECF Users may contact the Clerk's Office (671) 969-4500 or email clerks@gud.uscourts.gov to have their CM/ECF account enabled for these transactions.

DEFERRAL / WAIVER OF FEES

An ECF User who believes that the fee for a particular event may be deferred or waived by the court shall file a separate request for such deferral or waiver at the time of filing the document requiring a fee.

SERVICE OF DOCUMENTS BY ELECTRONIC MEANS

CONSENT TO ELECTRONIC SERVICE

Pursuant to Fed. R. Civil P. 5(b)(2)(E), Fed. R. Crim. P. 49(a)(3)(A), and Fed. R. Bankr. P. 8011(c)(3), registration for electronic filing will constitute consent to service by electronic means using the transmission facilities of the court.

Parties who are not ECF Users must be served by other means with a copy of any pleading or other document filed electronically in accordance with the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and the Local Rules.

Service of conventionally filed and sealed documents must be accomplished by other means in accordance with the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the Federal Rules of Bankruptcy Procedure and the Local Rules.

NOTICE OF ELECTRONIC FILING

Electronic transmission of the Notice of Electronic Filing through the court's transmission facilities constitutes service or notice of the filed document to those parties who have registered for electronic filing. A paper copy of the Notice of Electronic Filing, together with a paper copy of the electronically filed document, shall be served in accordance with the Federal Rules of Civil, Criminal, and Bankruptcy Procedure and the Local Rules, upon non ECF Users.

SUBMISSION OF PROPOSED ORDERS

ORDERS REQUIRING JUDGE'S SIGNATURE ONLY

Orders requiring only the judge's signature shall be submitted in electronic form, in a standard word processing format, such as WordPerfect® or Word®, which may be edited as necessary by the judge. The proposed order or other document shall be submitted to the judge on a computer diskette, other removable media, or by e-mail to chambers@gud.uscourts.gov.

ORDERS REQUIRING ADDITIONAL SIGNATURES

Orders requiring the signatures of one or more parties in addition to that of the judge should be submitted in paper form.

NOTICE OF ORDERS AND JUDGMENTS

ELECTRONIC TRANSMISSION

Immediately upon the entry of an order or judgment, the clerk will transmit to ECF Users in the case or proceeding a Notice of Electronic Filing through the court's transmission facilities.

Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Civ. P. 77(d), Fed. R. Crim. P. 49(a) and Fed. R. Bankr. P. 9022. The clerk must give notice in paper form to a person who has not consented to electronic service in accordance with the Federal Rules of Civil, Criminal, and Bankruptcy Procedure.

NOTICE BY MAIL

To the extent required by Fed. R. Civ. P. 5(b), Fed. R. Crim. P. 49(d) and Fed. R. Bankr. P. 9022, the clerk shall give notice of the entry of an order or judgment by mail to parties who have not consented to notice by electronic transmission.

SERVICE OF ORDERS

If the court directs a party to prepare a proposed order or judgment, the drafting party shall serve, as soon as practicable after notification of the entry of the order or judgment, a paper copy of the order on all parties who have not consented to service by electronic transmission. Conformed copies of orders and judgments will be available for collection at the clerk's office. The Clerk will mail conformed copies to the drafting party if a stamped, self-addressed envelope is included with the copies of the proposed order or judgment submitted to chambers.

TECHNICAL FAILURES

An ECF User whose filing is made untimely as the result of a technical failure of the Court's ECF system or the ECF User's electronic filing system may seek appropriate relief from the Court, but such relief must be sought expeditiously.

The Court and Clerk shall have no responsibility for the failure of the ECF User's computer systems and are under no obligation to resend any pleadings, documents, orders, notices, judgments, or any other filings to a ECF User which were not delivered due to technical failure of a ECF User's electronic filing system. It is the responsibility of the ECF User to maintain a working current e-mail account and to make any changes promptly to e-mail addresses.

The Clerk will not monitor "bounced-back" e-mails or e-mails which were not electronically delivered.

PUBLIC ACCESS

INTERNET ACCESS

VIEWING DOCUMENTS

Any person or organization may access the ECF system at <https://ecf.gud.uscourts.gov> by establishing an account with the Public Access to Electronic Records (PACER) Service Center and obtaining a login and password. Registration may be made online at <http://pacer.psc.uscourts.gov> or by calling the PACER Service Center at (800) 676-6856 or (210) 301-6440. Such access will allow only retrieval of docket sheets and documents.

FILING DOCUMENTS

In addition to the ability to retrieve documents at the court's ECF site, ECF Users may file documents with the court over the Internet. ECF Users receiving a Notice of Electronic Filing via e-mail will not be charged for an initial, single retrieval of a filing download, viewing or printing of a document when accessing the document directly through the link in the e-mail notification.

ACCESS AT COURT

During regular business hours (8:00 a.m. to 3:00 p.m.), electronic access to documents is available at the court (4th Floor, U.S. Courthouse, 520 West Soledad Avenue, Hagatna, Guam). There are no fees for the electronic viewing of docket records and documents at the clerk's office. For printing copies of any record or document accessed electronically at a public terminal at the court, there is a fee of 10 cents per page.

CONVENTIONAL COPIES; CERTIFIED OR EXEMPLIFIED COPIES

Conventional and certified/exemplified copies of electronically filed documents may be obtained from the Clerk at fees specified in the District Court Miscellaneous Fee Schedule as authorized by 28 U.S.C. § 1914 and the Bankruptcy Court Miscellaneous Fee Schedule as authorized by 28 U.S.C. § 1930.

ELECTRONIC PUBLIC ACCESS CHARGES

Charges for electronic access to court records and documents are described in the Electronic Public Access Fee Schedule set by the Judicial Conference, pursuant to 28 U.S.C. § 1914 and § 11930. For public users obtaining information through a federal judiciary Internet site, there is a fee of 8 cents per page, with the total for any document not to exceed the fee for 30 pages (\$2.40). Note that each attachment to a document in a docket entry is a separate document for purposes of this rule.

FILING OF PAPER DOCUMENTS

NON-ECF USERS

Non-ECF Users may continue to file documents conventionally by submitting paper documents in accordance with the following provisions. Pursuant to the order adopting these procedures, the provisions below shall govern in the event of any conflict with a local rule or general order.

CONVENTIONAL FILINGS

The following documents shall be filed conventionally in paper form and not electronically unless specifically authorized by the Court:

- Charging documents in a criminal case, including the complaint, information, indictment, and superseding information or indictment.
- Document(s) to be filed under seal. (See section "Sealed Documents" above.)
- Documents in miscellaneous cases.
- Handwritten papers or pleadings.

PAPER QUALITY

Documents must be printed on white, unglazed, opaque, medium weight (20 lb.) paper capable of producing a good quality image when scanned using the court's equipment and software. Text must not be highlighted.

PAPER SIZE

All documents, including exhibits, must be on standard letter size (8.5" x 11") paper. The filing party is responsible for reducing larger size documents to the standard letter size and for copying smaller size documents on standard letter size sheets of paper.

ASSEMBLY

Documents submitted for filing shall be bound only by binder clips or clamps. Documents shall not be bound by staples, prong fasteners, or standard metal or plastic paper clips. Documents may not contain tabs. Exhibits may be marked by noting the exhibit letter or number at the bottom of the first page of the exhibit or by including a separation sheet marked with the exhibit letter or number.

TEXT AND MARGINS

Margins (top, bottom, left, right) shall be at least one (1) inch. The preferred font style is Times New Roman, with font size 12.

The Local Rules with respect to formatting and margins do not apply to local forms (generally identified by a form ID at the bottom of the document), and any other papers as directed by the court.

LENGTH

A document exceeding 40 pages must be separated into 2 or more parts. Multiple parts of a separated document shall be identified, for example, as being "Part 1 of 3," "Part 2 of 3," and "Part 3 of 3." A document should attach only the germane part of an exhibit rather than the entire exhibit, without prejudice to the filing party's right to file a supplemental or complete exhibit, or to a responding party's right to file an alternate or more complete exhibit.

NUMBER OF COPIES

Only the original document and one copy need to be presented for filing, in addition to copies being returned to the filing party (limited to five).

PRIVACY CONCERNS

In compliance with the policy of the Judicial Conference of the United States, and the EGovernment Act of 2002, and any amendments thereto, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents and pleadings filed with the Court, including exhibits thereto, whether filed electronically or by paper, unless otherwise ordered by the Court, or required by statute, or a federal rule of procedure:

1. Social Security numbers. If an individual's social security number must be included in a pleading, only the last four digits of that number should be used (i.e., XXX-XX6789).
2. Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.
3. Dates of birth. If an individual's date of birth must be included in a pleading, only the year should be used.
4. Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.
5. Home addresses for criminal cases. If a home address must be included in criminal case documents, only the city and state should be listed.

In compliance with the E-Government Act of 2002 and any amendments thereto, a party (other than the U.S. Probation Office) wishing to file a document containing the personal data identifiers listed above may:

1. file an unredacted version of the document in paper form under seal with the Clerk's Office; or
2. file a reference list in paper form under seal with the Clerk's Office. The reference list shall contain the complete personal data identifiers and the redacted identifiers used in their place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifiers. The reference list may be amended as of right.

The document or reference list must contain the following heading: "SEALED DOCUMENT PURSUANT TO E-GOVERNMENT ACT OF 2002." The unredacted version of the document or reference list shall be retained by the Court as part of the record until further order of the Court. The party must also file a redacted copy of the document for the public file.

Because of remote electronic availability, caution should be exercised and the necessity to seal or redact considered when filing documents that contain any of the following information:

1. any personal identifying number, such as driver's license number;
2. medical records, treatment and diagnosis;
3. employment history;
4. individual financial information;

5. proprietary or trade secret information;
6. information regarding an individual's cooperation with the government;
7. information regarding the victim of any criminal activity;
8. national security information; and
9. sensitive security information as described in 49 U.S.C. § 114(s).

Without a Court order, the following documents shall not be included in the public case file and should not be made available to the public at the courthouse or via remote electronic access:

1. unexecuted summonses or warrants of any kind (e.g., search warrants, arrest warrants);
2. pretrial bail or pre-sentence investigation reports;
3. statements of reasons in the judgment of conviction;
4. juvenile records;
5. documents containing identifying information about jurors or potential jurors;
6. financial affidavits filed in seeking representation pursuant to the Criminal Justice Act;
7. ex parte requests for authorization of investigative, expert or other services pursuant to the Criminal Justice Act; and
8. sealed documents.

If the Court seals a document after it has already been included in the public file, the Clerk shall restrict viewing of the document from both the electronic and paper files as soon as the order sealing the document is entered.

The responsibility for redacting personal data identifiers and properly filing documents to be sealed rests solely with counsel and the parties. The Clerk's Office will not review each pleading for compliance with this section.