

# Civil/Removal Case Processing Requirements for an Attorney Filer

## **Attorney Requirements**

- The attorney of record must be generally admitted in the Southern District of Illinois or be prepared to file a motion to appear pro hac vice. (Refer to Local Rule 83.1 – Admission of Attorneys.)
- The attorney of record must sign the original complaint pursuant to Federal Rule of Civil Procedure (FRCP) 11. When the attorney is opening the new case in CM/ECF, use of the login and password assigned by the court complies with FRCP 11. (Refer to Electronic Filing Rule 8 – Signature.)

## **Filing a Civil Case or Removal**

- A new civil case or removal must be opened electronically by an attorney in CM/ECF if the attorney meets the requirements for filing (as listed above), has a Southern District of Illinois login and password, and has a valid credit card.

## **Filing Requirements**

- Pursuant to the E-Government Act of 2002, all civil pleadings filed, including exhibits, must not contain personal identifiers (*i.e.*, social security numbers, names of minor children, dates of birth, account numbers, etc.). Personal identifiers **MUST** be redacted before the case is submitted to the court.
- If filing a removal, the plaintiffs and defendants listed in the caption of the notice of removal must match exactly the plaintiffs and defendants as captioned on the original state court petition. The CM/ECF filing must include the notice of removal with the state court complaint and civil cover sheet filed as attachments, at a minimum, in that order.
- If filing a new civil case, with the exception of a removal, the CM/ECF filing must include the complaint with the civil cover sheet and completed summons filed as attachments in that order. If service by summons is being requested after the initiating documents have been filed, refer to the Instructions for Requesting Service by Summons.
- The civil cover sheet shall be completed in its entirety to include all information requested in each section. When the new civil case or removal is opened, the cover sheet is filed as an attachment to the complaint or notice of removal.

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- As of December 1, 2022, in addition to corporations, a disclosure statement is now required of all intervenors and parties in an action where jurisdiction is based on diversity under 28 U.S.C. § 1332(a). *See* Fed. R. Civ. P. 7.1. The disclosure statement must be filed with the party or intervenor's first appearance, pleading, petition, motion, or request. In addition to the information required of corporations, in a diversity case under § 1332(a), it must also identify the citizenship of every individual or entity whose citizenship is attributed to that party of intervenor. *See* Fed. R. Civ. P. 7.1. Please use the template form found here:

<https://www.ilsd.uscourts.gov/forms-0>.

The disclosure statement must be filed as a separate CM/ECF filing entry found under Civil Events -> Other Filings -> Other Documents -> *Disclosure Statement*.

### PRACTICE TIPS FOR ALLEGATIONS OF CITIZENSHIP

- ❖ If the party or intervenor is an individual, citizenship is domicile, meaning the state where the person is physically present with an intent to remain indefinitely; residency alone is not sufficient. *See Perry v. Pogemiller*, 16 F.3d 138, 140 (7th Cir. 1993).
  - ❖ If the party or intervenor is a corporation, citizenship requires identification of both the state of incorporation and its principal place of business. *See Dalton v. Teva N. Am.*, 891 F.3d 687, 690 (7th Cir. 2018).
  - ❖ If the party or intervenor is a noncorporate entity that sues or is sued as an entity, for example, an LLC or partnership, the citizenship of each partner or member must be named and identified through all layers until you reach individuals and/or corporations (and identify the citizenship of those individuals and/or corporations). *See Meyerson v. Harrah's East Chicago Casino*, 299 F.3d 616, 617 (7th Cir. 2002).
  - ❖ *See also* 28 U.S.C. § 1332(c)(1) (regarding direct actions against liability insurers) and (2) (regarding legal representatives of the estate of a decedent, an infant, or an incompetent).
- **The fee for filing a civil case or removal is \$405.** If the attorney is opening the case via CM/ECF, a valid debit or credit card is required for payment through Pay.gov. The court accepts payment by cash, check, credit card, or money order. If payment is being made by check, it should be made payable to "Clerk, U.S. District Court."

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## Service

- If summons is requested at the time of case filing, it must be filed as an attachment to the complaint. If summons is being requested after the initiating documents have been filed, the filer will select the CM/ECF event *Summons Requested* and attach one completed summons for each defendant in compliance with FRCP 4.
- If effecting service by waiver of summons, pursuant to FRCP 4, it is not necessary to file the request for waiver in CM/ECF until it has been executed or deemed unexecuted. At that time, the waiver will be filed in CM/ECF using the applicable event *Waiver of Service Executed* or *Waiver of Service Unexecuted*.
- If the United States or any employee thereof is a named defendant, service pursuant to FRCP 4 is to be effected by submitting one completed summons for the named defendant and delivering a copy of the summons and complaint to the government agency, the U.S. Attorney, and the U.S. Attorney General, in addition to the employee. The United States is exempt from service by waiver of service of summons. Service is effected by certified or registered mail. (Refer to FRCP 4(i).) If summons is requested at the time of case filing, it must be filed as an attachment to the complaint. If summons is requested after the initiating documents have been filed, the filer will select the CM/ECF event *Summons Requested* and attach one completed summons for each defendant in compliance with FRCP 4.