

Fifth Circuit U.S. Court of Appeals How to File a Motion with an Incorporated Response

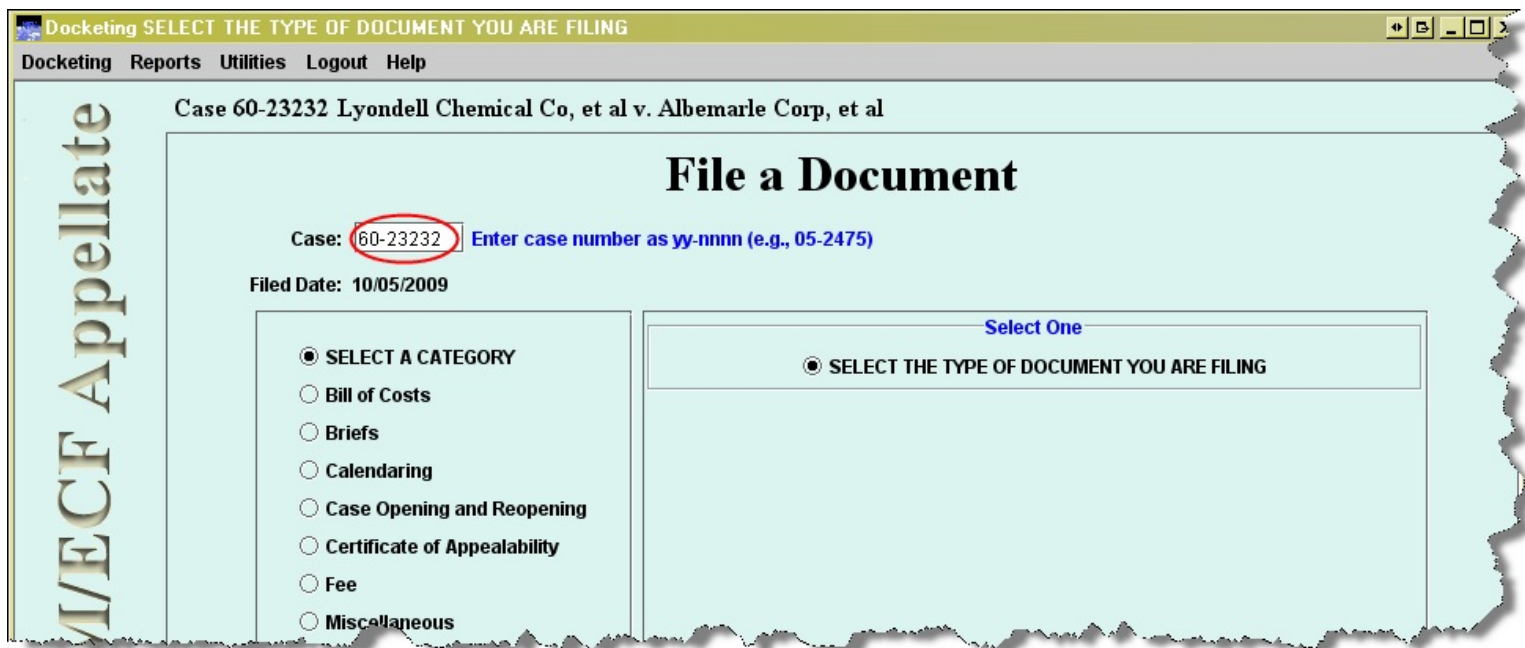
Note: Use this event only if you are responding to another party's previously filed motion, and you want to include a new motion in the same document.

1. Single click **Docketing** from the menu bar.
2. Single click **File a Document** from the drop-down menu.



3. Click to place your cursor in the **Case:** text box.

Note: the test case used for demonstration purposes is not real, the year is 1960 on the test.

A screenshot of the 'File a Document' form in the M/ECF Appellate system. The page title is 'Docketing SELECT THE TYPE OF DOCUMENT YOU ARE FILING'. The navigation bar includes 'Docketing', 'Reports', 'Utilities', 'Logout', and 'Help'. The case name is 'Case 60-23232 Lyondell Chemical Co, et al v. Albemarle Corp, et al'. The main heading is 'File a Document'. There are two input fields: 'Case: 60-23232' (with the number circled in red) and 'Filed Date: 10/05/2009'. Below these are two radio button groups. The first group is titled 'SELECT A CATEGORY' and includes options: 'Bill of Costs', 'Briefs', 'Calendaring', 'Case Opening and Reopening', 'Certificate of Appealability', 'Fee', and 'Miscellaneous'. The second group is titled 'SELECT THE TYPE OF DOCUMENT YOU ARE FILING' and includes a 'Select One' dropdown menu. The M/ECF Appellate logo is visible on the left side of the page.

4. Enter your case number (ex. 08-10084, 08-2).
5. Single click a radio button to the left of **Motion, Response, Reply**. When a choice is made, the available events for that category display on the

right.

SELECT A CATEGORY

- Bill of Costs**
- Briefs**
- Calendaring**
- Case Opening and Reopening**
- Certificate of Appealability**
- Fee**
- Miscellaneous**
- Motion, Response, Reply**
- Party, Attorney**
- Transcript, Court Reporter**

6. Single click a radio button to the left of **Motion Filed with Incorporated Response**.

Select One

SELECT A CATEGORY

- Bill of Costs**
- Briefs**
- Calendaring**
- Case Opening and Reopening**
- Certificate of Appealability**
- Fee**
- Miscellaneous**
- Motion, Response, Reply**
- Party, Attorney**
- Transcript, Court Reporter**

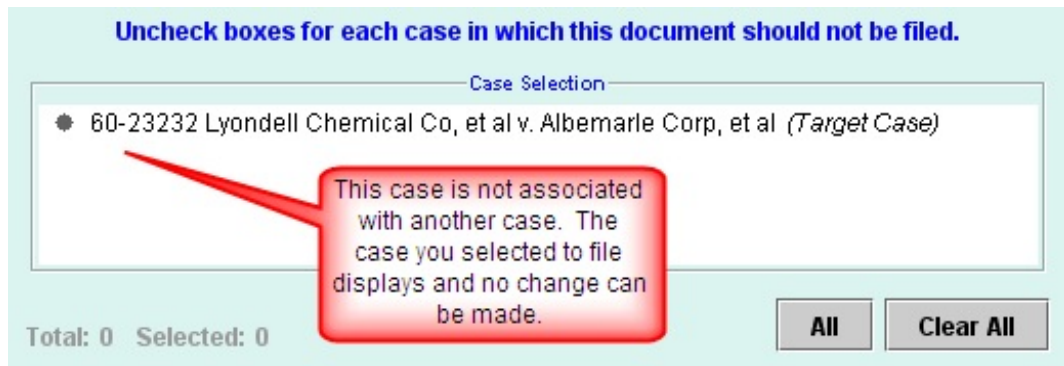
When Motion, Response, Reply is selected as the category, available events display to the right.

SELECT THE TYPE OF DOCUMENT YOU ARE FILING

- ECF Motion filed on Behalf of Party**
- ECF Motion Filed with Incorporated Response**
- ECF Brief in Support of Motion**
- ECF Motion of Attorney on Own Behalf**
- ECF Joint Stipulation of the Parties**
- ECF Motion and/or Document Filed Under Temporary SEAL**
- ECF Corrected Motion Filed (replaces previously filed motion)**
- ECF Motion to File a Brief as Amicus**
- ECF Motion to Intervene**
- ECF Petition filed**
- ECF Response/Objection Filed**

7. If your case is associated with another case (e.g., consolidated, cross-appeal, additional), the other case will display in the **Case Selection** box and will default as checked so that the entry you are docketing will be applied to both cases (or all cases if multiple are listed).

In the situation where your filing does not apply to all cases checked, single click the checkbox to the left of the case to de-select it.



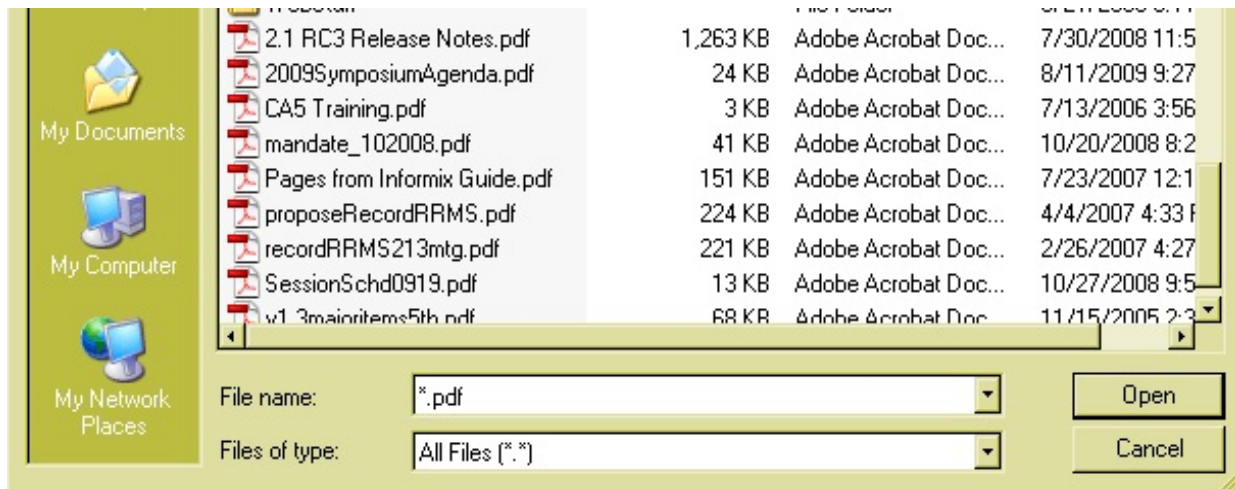
8. Click **Continue** to proceed to the next screen.



9. Single click the **Continue** checkbox to acknowledge that you have filed an appearance in this case. If you have not, do not click the checkbox, simply click **OK**. The event will not proceed. Obtain the appearance form from our web site, file the appearance with that event and then docket the motion.



10. Upload your document.
 - a. Either type the complete path to the file or click **Browse** to locate it (single click to select the file and click **Open**).



- b. Enter a description for your document using the format of the examples below. A description is mandatory.

Appellant's Response to Appellee Motion to Dismiss and Motion for Stay

PDF Document

Document: **Description:**

If the document is filed on behalf of the only appellant or appellee, you need not specify the party name. However, if the document is filed on behalf of one or more parties but there are other parties in the case of the same type, you should indicate the party's name. Note: the text box allows 80 characters even though fewer characters are visible.

11. If you have additional documents to attach to this filing, click **Add Another** and follow the steps in 9 above.

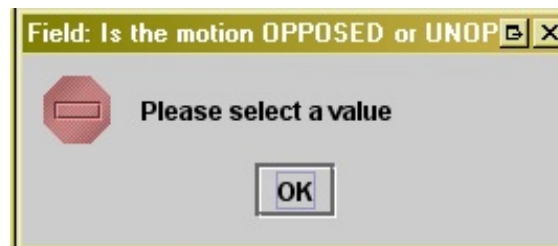
If you wish to file a brief in support of a motion, there is a separate event you should use instead of making it an attachment. However, if your document is so large that it needs to be broken into separate documents because of the file size limitation, you would upload the extra parts of the documents as attachments. The file size limitation for a single file is 10 MB. If multiple files are attached to the entry, the limitation for all files is 50 MB.

12. Single click the **Please Select** drop-down box and select **Unopposed**, **Opposed** or the **blank line/space** selection to indicate that your motion is or is not opposed or that you are uncertain. Use the blank line/space to indicate you do not know whether it is opposed or unopposed.

The screenshot shows a web form with a section titled "Additional Information". A question asks, "Is this filing OPPOSED or UNOPPOSED? Select". Below this is a dropdown menu currently showing "Please Select". A red callout box points to the dropdown with the text: "If you are unsure whether the filing is opposed or unopposed, select the blank line. One of the 3 options in this drop-down list must be selected or you will not be able to move off this screen." Below the dropdown, there are two radio buttons labeled "unopposed" and "opposed". To the right, there is a checkbox and the text "Select the party you represent by clicking the check box." Below these elements is a table with columns: Filer, Party, Case Number, and Short Title.

Filer	Party	Case Number	Short Title
Joanen, Lewis Scott	Appellant-Defendant	60-23232	Lyondell Chemical ...

Note: this is required, if you try to continue past this screen you will receive an error message asking you to complete this selection.



13. Select the filer of the document. In most cases, even though you are the attorney, you are filing on behalf of the party, so the party name(s) should be selected.

Single click the checkbox to the left of the name/type. Select all applicable filers. Use the **All Cases** button if the party is in multiple cases. This will automatically select all the cases at once for you for the party chosen prior to clicking **All Cases**. If you neglect to use this button, you would have to single click each party in each case.

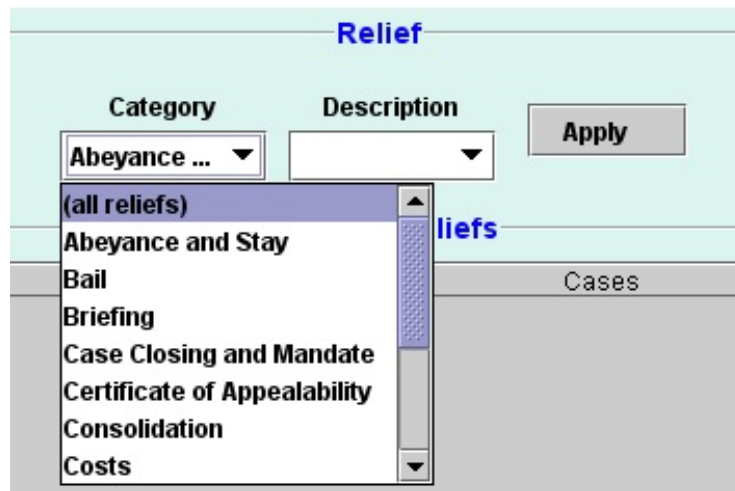


Use the **Select All** button to select all filers listed. Use the **Clear All** button to remove selections and start filer selection again. Do not use the Display All Parties button.

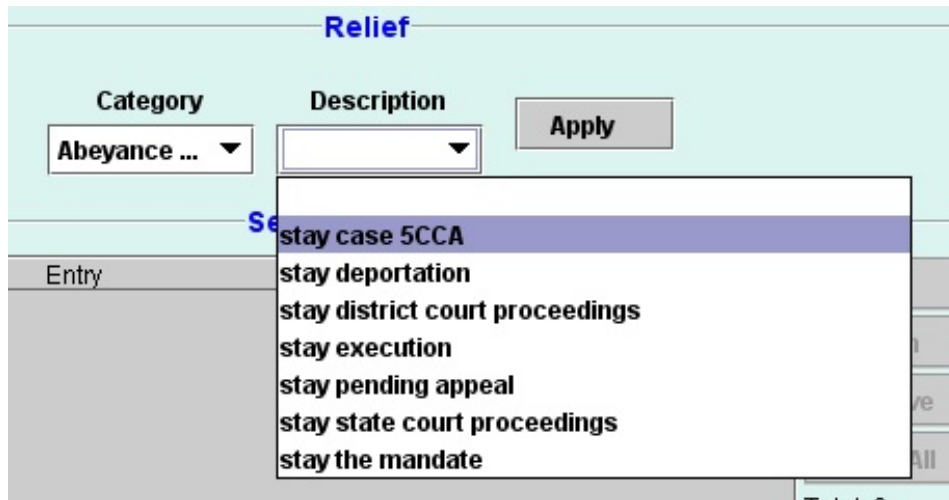
If you are filing on behalf of multiple attorneys:

Add the additional party and attorney names in the box provided on the docket text window.

14. Single click the **Category** drop-down list to select a category for the type of relief you are seeking. Scroll the list and make your selection. When a category is chosen, the corresponding reliefs available in that category display in the **Description** drop-down list.



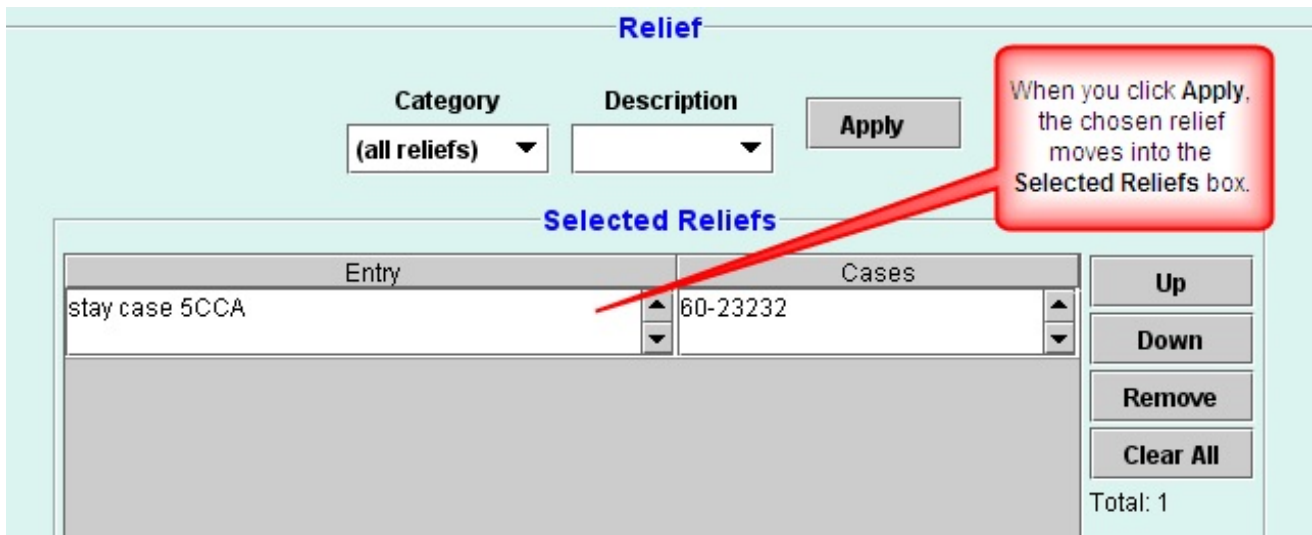
15. Single click the **Description** drop-down list to select a relief. Scroll the list and make your selection.



- Click **Apply**. Your selected relief will move down into the **Selected Reliefs** box.

Note: if your motion requests multiple actions, perform steps 13 - 15 again. In this situation, you'll end with both/all reliefs chosen in the **Selected Reliefs** box.

If you realize that you have over-chosen reliefs, single click the erroneous relief and click the **Remove** button to remove it from the **Selected Reliefs** box. Click the **Clear All** button to remove all the reliefs and start that selection again.



- Click **Continue**.
- Select the motion you are responding to from the list of entries in the **Related Previous Entries** box.

Single click the row containing your motion. Note: when you click to select, if the entry was lengthy it may adjust on the screen pushing the first row up. To return to the original display, single click a different row to confirm the entry text and then select your row again.

Related Previous Entries

INCORPORATED RESPONSE
Select the motion or other filing to which you are filing a response.

Doc	Date Filed	Entry
	11/09/2009	UNOPPOSED MOTION filed by Appellant Mr. Lewis Scott Joanen to stay further proceedings in this court.. Date of service: 10/02/2009 via email -
	11/05/2009	OPPOSED MOTION filed by Appellee PPG Industries Inc to dismiss the appeal [6402976-2]. Date of service: 10/30/2009 via US mail - Attorney
	10/16/2009	MOTION AND/OR DOCUMENT UNDER TEMPORARY SEAL pending a ruling by the court filed by Appellant Mr. Lewis Scott Joanen The filing of

If you are unsure which motion to select, click the Document icon to view it. Sealed documents appear with a lock icon.

Add

With a row selected, single click **Add** to move your selection into the box below.

Related Previous Entries

INCORPORATED RESPONSE
Select the motion or other filing to which you are filing a response.

Doc	Date Filed	Entry
	11/09/2009	UNOPPOSED MOTION filed by Appellant Mr. Lewis Scott Joanen to stay further proceedings in this court.. Date of service: 10/02/2009 via email -
	11/05/2009	OPPOSED MOTION filed by Appellee PPG Industries Inc to dismiss the appeal [6402976-2]. Date of service: 10/30/2009 via US mail - Attorney
	10/16/2009	MOTION AND/OR DOCUMENT UNDER TEMPORARY SEAL pending a ruling by the court filed by Appellant Mr. Lewis Scott Joanen The filing of

Add

Selected Entries

Date Filed	Entry	Cases
11/05/2009	OPPOSED MOTION filed by Appellee PPG Industries Inc to dismiss the	60-23232

Up

Down

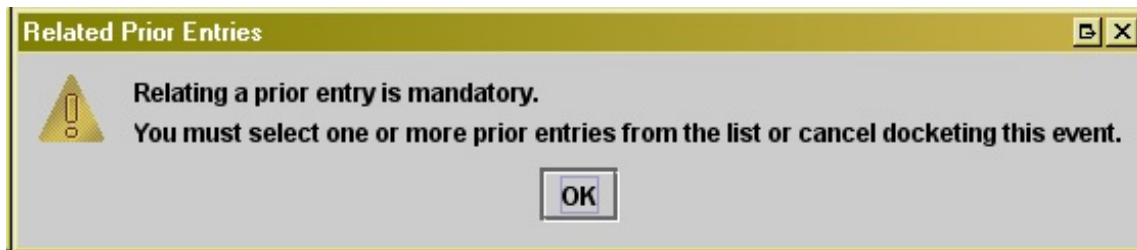
Remove

Clear All

Total: 1

Use the **Up** and **Down** buttons to order multiple selected entries, if any. The **Remove** button removes a selected row from the box. **Clear All** removes all selected entries so you can start over.

Until your entry displays in the **Selected Entries** box it is not linked to the original motion and you will not be able to proceed. If you click **Continue** without a previous entry selected, you will receive the following error message.



19. Click **Continue**.
20. Enter the date on your certificate of service. Either type the date in the **Service Date:** text box or single right click in the box. Choose **Select Date from Calendar** and then do so from the popup monthly calendar.



21. Indicate who you served and how.

Attorneys in the case will display in the **Service** box. Single click the checkbox to the left of the name to de-select anyone you have not served. To de-select all, single click the checkbox to the left on the title row.

The individual's service preference will default as checked. Registered attorneys will all have a preference checked of **Email**. In the circumstance where an attorney has not yet registered during the voluntary phase, their preference may be set to **US mail** and you should serve them in the pre-CM/ECF manner.

The **Display All** button displays other attorneys that didn't originally display, e.g., attorneys linked to terminated parties. To undo your changes and begin the service process again, click the **Reset** button. The **Service** box will return to it's original state.

Service

Service Date: 11/09/2009

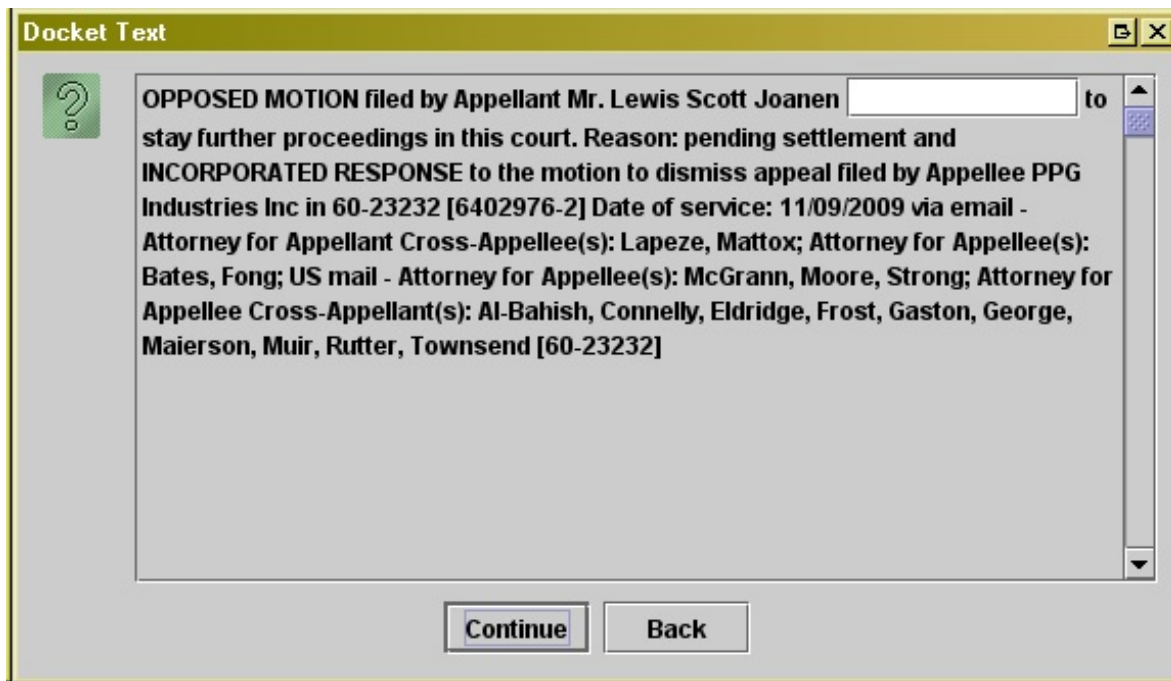
Service

<input type="checkbox"/>	Name	Originate/Party Type	US mail	Fax	Hand	Email	Clerk	3rd party
<input type="checkbox"/>	Testaty, Anne, aty	Appellant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Lapeze, Keith W, aty	Appellant Cross-App...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Mattox, Sharon M, aty	Appellant Cross-App...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Bates, David Matthew, aty	Appellee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Fong, Kevin Murray, aty	Appellee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Display All

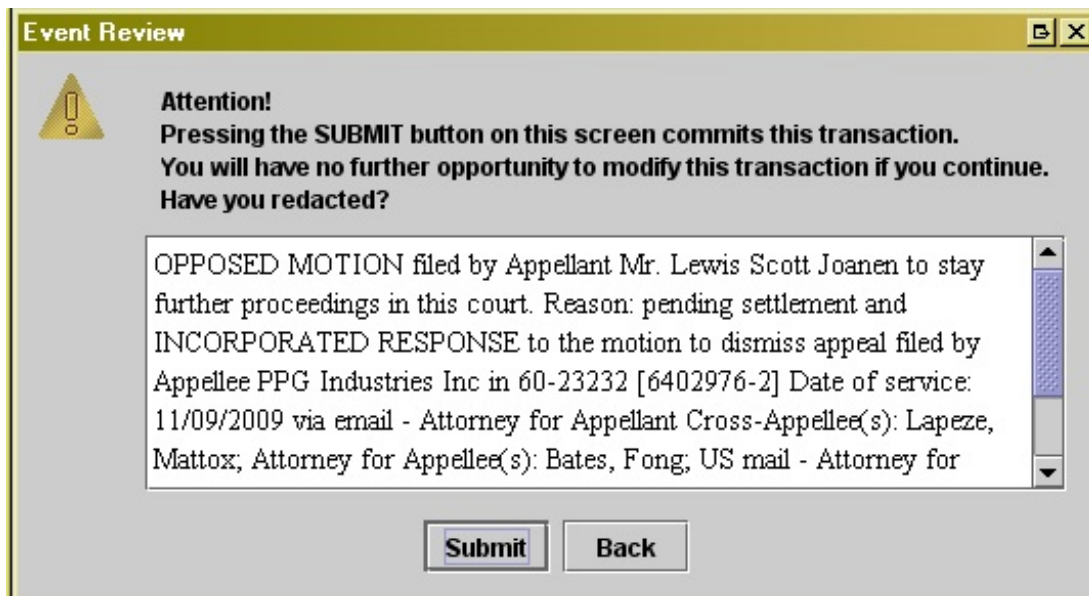
Reset

22. Enter any other information specific to the type of relief you are seeking. See the event/relief listing for specific detail.
23. Click **Continue**.
24. On the **Docket Text** box, you cannot make changes to the existing text on the popup screen. This is an advance of how the text will look if you complete your transaction. If you need to add text about parties you did not see listed or other attorneys also filing this document, add that in the white text box on this screen. The box appears small, but it will hold over 200 characters. When complete, click **Continue**.



If something in the text causes you to believe you have made an error, click **Back** to return to the event. Use the **Back** button to maneuver through the entry to see where you make the mistake.

25. Click **Submit** on the final **Event Review** popup screen. Any text you entered in the box on the prior window will appear in *italics*. Again, if you notice an error at this point, click **Back** to return to the entry and make adjustments.



26. Click **OK** on the **Event Docketed** popup screen as confirmation that the entry has been completed.



27. The Notice of Docket Activity (NDA) will open in a new screen at the completion of your entry. Click the upper right X to close the screen after you have printed or saved it. Alternatively, select **File** from the browser menu and then **Exit**.

60-23232 Lyondell Chemical Co, et al v. Albemarle Corp, et al "ECF Motion Filed with Incorporat - Windows Internet Explorer

https://ecf.ca5.uscourts.gov/cmecf/servlet/TransportRoom?servlet=ShowDoc/0051960451&type=n-html

File Edit View Favorites Tools Help

60-23232 Lyondell Chemical Co, et al v. Albemarle Corp...

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Click the case number takes you to the docket report for this case. Clicking the Document(s) link will open the uploaded document (if only one) or display a list (if multiple).

Notice of Docket Activity

The following transaction was entered on 11/12/2009

Case Name: Lyondell Chemical Co, et al v. Albemarle Corp, et al

Case Number: [60-23232](#)

Document(s): [Document\(s\)](#)

Docket Text:

OPPOSED MOTION filed by Appellant Mr. Lewis Scott Joanen to stay further proceedings in this court. Reason: pending settlement and INCORPORATED RESPONSE to the motion to dismiss appeal filed by Appellee PPG Industries Inc in 60-23232 [6402976-2] Date of service: 11/09/2009 via email - Attorney for Appellant Cross-Appellee(s): Lapeze, Mattox; Attorney for Appellee(s): Bates, Fong; US mail - Attorney for Appellee(s): McGrann, Moore, Strong; Attorney for Appellee Cross-Appellant(s): Al-Bahish, Connelly, Eldridge, Frost, Gaston, George, Maierson, Muir, Rutter, Townsend [60-23232] (AT)

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

Document Description:Appellant Response to Motion to Dismiss and Motion for Stay

Original Filename:sample1.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1105048708 [Date=11/12/2009] [FileNumber=6407809-0]
 [03297f1e3d1477160c6b663a15d5943eaf4ed500712ea306af569abf1a211b4b2e28732fd92d9fdf9531cbf0d0ab2ac1e0bdf42bcf0c0a90955b73ecf38]

Notice will be electronically mailed to: