

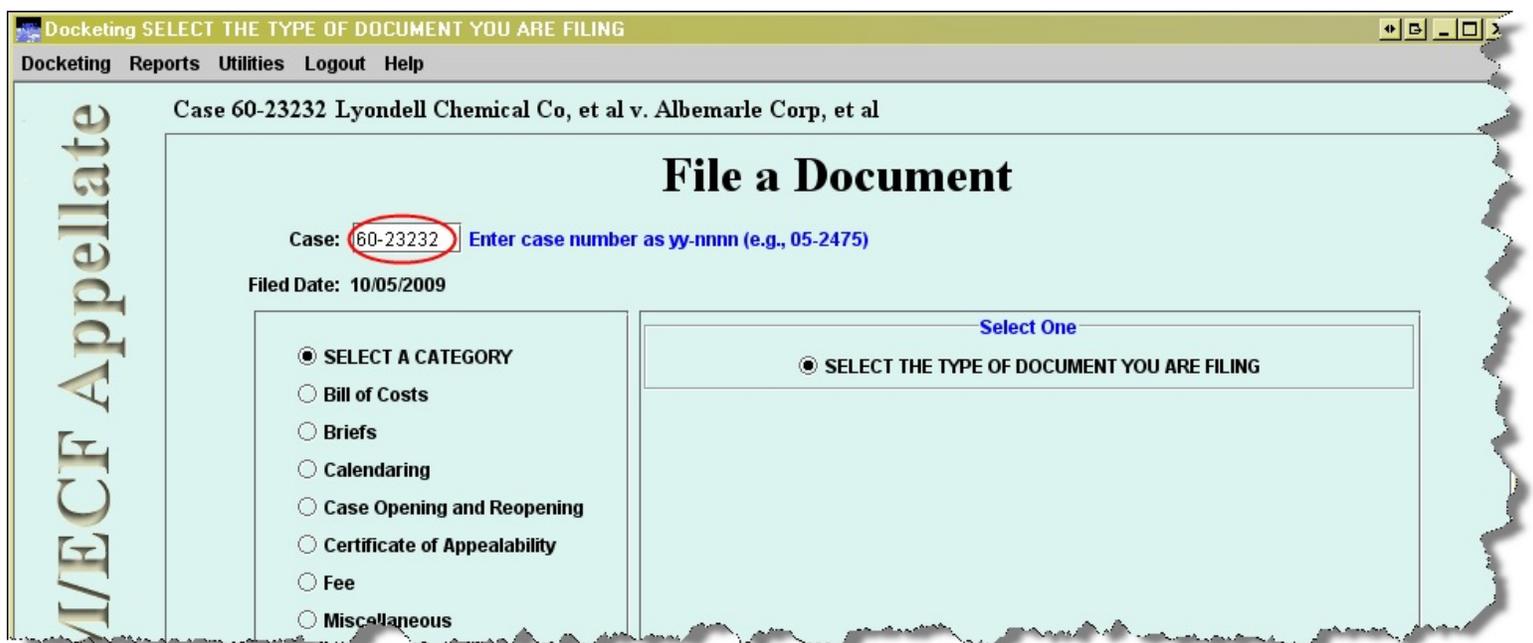
Fifth Circuit U.S. Court of Appeals How to File a Brief in Support of a Motion

Note: File the motion this brief supports first. Then, docket this event.

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.

A screenshot of the 'File a Document' form in the M/ECF Appellate system. The browser window title is 'Docketing SELECT THE TYPE OF DOCUMENT YOU ARE FILING'. The page header includes 'Docketing Reports Utilities Logout 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'. The 'Case:' field contains '60-23232' and is circled in red. Below it, the text says 'Enter case number as yy-nnnn (e.g., 05-2475)'. The 'Filed Date:' is '10/05/2009'. There are two main sections for selection. The left section is titled 'SELECT A CATEGORY' and has radio buttons for: 'Bill of Costs', 'Briefs', 'Calendaring', 'Case Opening and Reopening', 'Certificate of Appealability', 'Fee', and 'Miscellaneous'. The right section is titled 'SELECT ONE' and has a radio button for 'SELECT THE TYPE OF DOCUMENT YOU ARE FILING'. On the left side of the page, there is a vertical logo that reads 'M/ECF Appellate'.

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 **Brief in Support of Motion**.

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 event category, available events display for selection to the right.

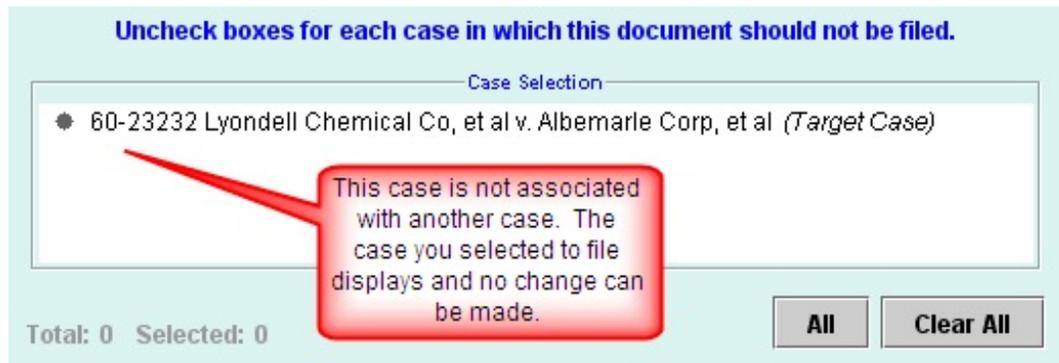
Select One

- SELECT THE TYPE OF DOCUMENT YOU ARE FILING**
- ECF Motion filed on Behalf of Party**
- 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/Opposition Filed**
- ECF Reply Filed to Response/Opposition**

Note: Brief in Support of Motion is also available under the **Fee** and **Certificate of Appealability** categories.

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.



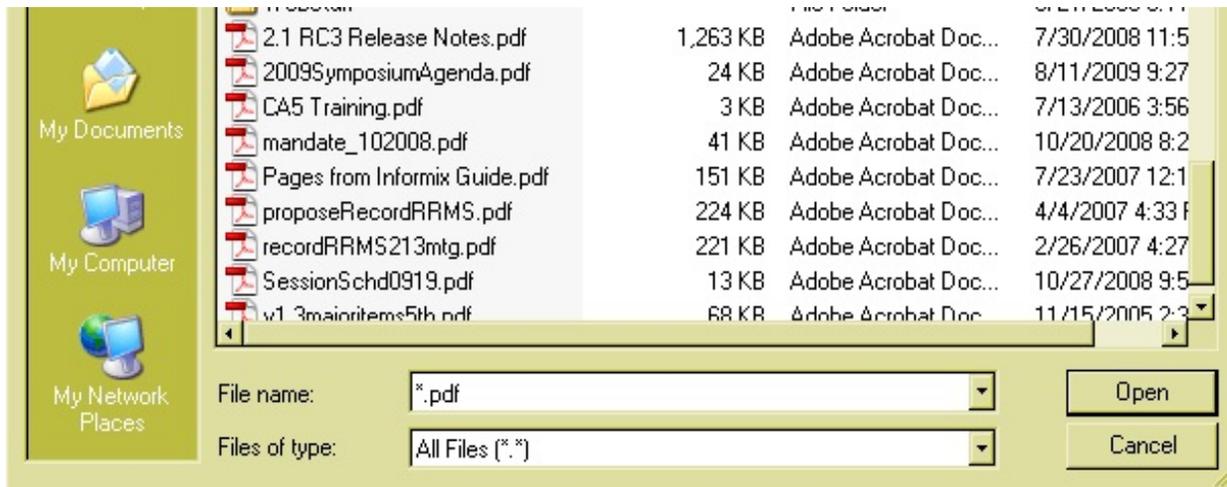
8. Click **Continue** to proceed to the next screen.



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 example below. A description is mandatory.

Brief in Support of Motion for COA

PDF Document

Document: **Description:**

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

If your document is so large that it needs to be broken into separate documents because of the file size limitation, 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. Select the filer of the document. In most situations, 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.

Party Filer

Select the party you represent.

	Filer	Type	Case Number	Short Title
<input checked="" type="checkbox"/>	Joanen, Lewis Scott	Appellant-Defendant	60-23232	Lyondell Chemical ...

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 click 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.

13. Select the motion that the brief is filed in support of from the list of motions in the **Related Previous Entries** screen.

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

This document is filed in support of a motion.
Select the applicable motion below.

Doc	Date Filed	Entry
	10/16/2009	appealability [b388413-2]. Date of service: 10/02/2009 via US mail - Attorney for Appellant Cross-Appellee(s): Lapeze, Mattox; Attorney for Appellee Cross-Appellant(s): Al-Bahish, Connelly, Eldridge, George, Meieron, Muir, Butler, Strong
	10/09/2009	filed by Appellant Mr. Lewis Scott Joanen to stay further proceedings in this court.. Date of service: 10/02/2009
	10/08/2009	UNOPPOSED MOTION filed by Appellant Mr. Lewis Scott Joanen to stay further proceedings in this court. Reason: pending settlement

If you are unsure which to select, click the document icon to see the PDF linked to the entry.

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

Related Previous Entries

**This document is filed in support of a motion.
Select the applicable motion below.**

Doc	Date Filed	Entry
	10/16/2009	MOTION filed by Appellant Mr. Lewis Scott Joanen for certificate of appealability [6388413-2]. Date of service: 10/02/2009 via US mail -
	10/09/2009	UNOPPOSED MOTION filed by Appellant Mr. Lewis Scott Joanen to stay further proceedings in this court.. Date of service: 10/02/2009
	10/08/2009	UNOPPOSED MOTION filed by Appellant Mr. Lewis Scott Joanen to stay further proceedings in this court. Reason: pending settlement

Add

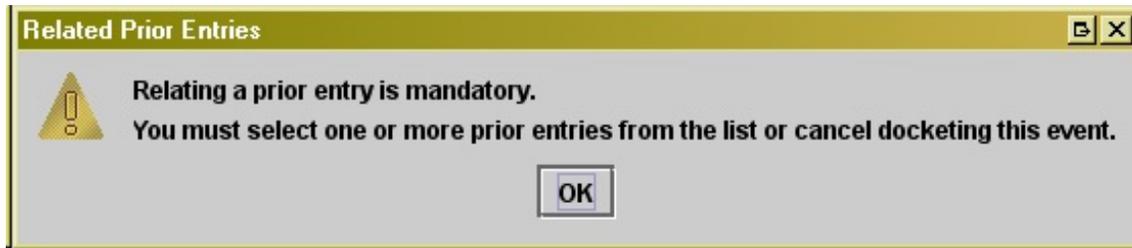
Selected Entries

Date Filed	Entry	Cases
10/16/2009	MOTION filed by Appellant Mr. Lewis Scott Joanen for certificate of	60-23232

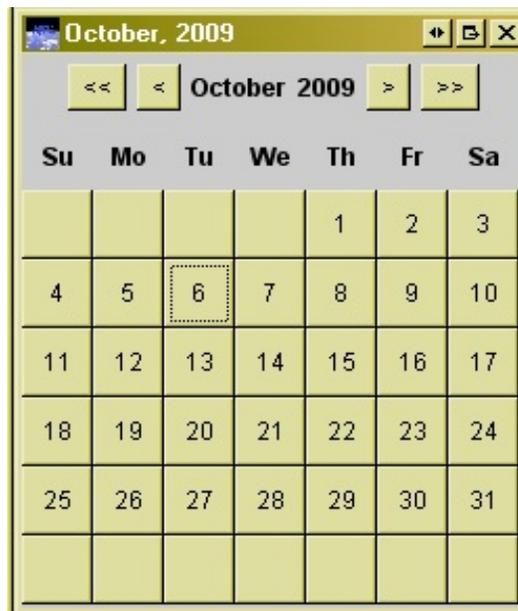
Up
Down
Remove
Clear All
Total: 1

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.



14. Click **Continue**.
15. 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.



16. 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 its original state.

Service

Service Date:

Service

To deselect all, click the upper checkbox. Then, single click each row as needed.

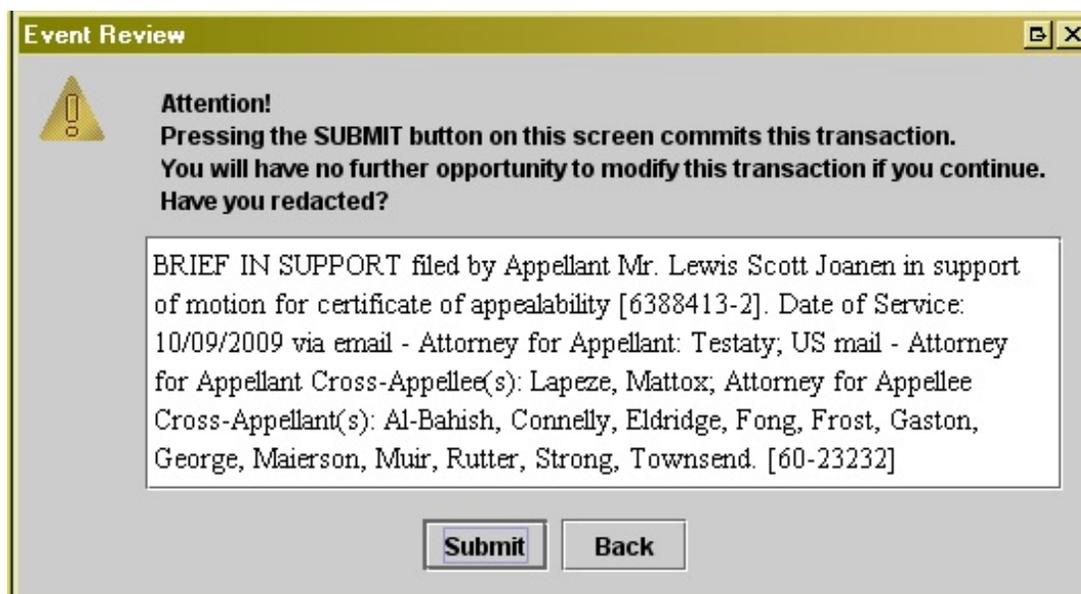
<input type="checkbox"/>	Name	Originate/Party Type	US mail	Fax	Hand	Email	Clerk	3rd party
<input type="checkbox"/>	Testaty, Anne, aty	Appellant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input 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"/>

17. Click **Continue**.
18. 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 additional text about this entry, add it 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.



19. 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.



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



21. 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**.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

United States Court of Appeals for the 5th Circuit

Notice of Docket Activity

The following transaction was entered on 10/16/2009 at 11:35:22 AM CDT and filed on 10/16/2009

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

Case Number: [60-23232](#)

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

Docket Text:

BRIEF IN SUPPORT filed by Appellant Mr. Lewis Scott Joanen in support of motion for certificate of appealability [6388413-2]. Date of Service: 10/09/2009 via email - Attorney for Appellant: Testaty; US mail - Attorney for Appellant Cross-Appellee(s) Lapeze, Mattox; Attorney for Appellee Cross-Appellant(s): Al-Bahish, Connelly, Eldridge, Fong, Frost, Gaston, George, Maieron, Muir, Rutter, Strong, Townsend. [6388446-1] [60-23232] (AT)

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

Document Description: Brief in Support of Motion for COA