

# In the United States Court of Federal Claims

March 18, 2020

## GENERAL ORDER

### SUSPENDING PAPER FILING REQUIREMENTS IN PRO SE CASES

Based on declared public health emergencies impacting Washington, D.C. and the National Capital Region, and ongoing efforts to mitigate community transmission and the impact of COVID-19, there is an immediate need for the United States Court of Federal Claims to take steps to limit the number of court personnel who are required to be available to process filings submitted through the U.S. Mail, by messenger, or in the court's night box. Providing pro se litigants with the ability to submit and be served with filings electronically will reduce the number of court staff required to process paper filings, which will minimize the risk to the health and safety of both court staff and the public conducting business with the court.

Consistent with this court's Administrative Order issued on Monday, March 16, 2020, which restricts public access to the National Courts Building, and pursuant to 28 U.S.C. § 2071(e), it is hereby ORDERED, effective immediately and until further order of the court, as follows:

- (1) Judges, special masters, the Clerk of Court, and counsel of record for the United States may file electronically in pro se cases using the court's Case Management/ Electronic Case Files (CM/ECF) system. A pro se litigant may be served either by U.S. Mail or by electronic means to which the litigant has consented in writing (see paragraph (4) below). Counsel shall attach to each filing a certificate of service pursuant to Rule 5.3 of the Rules of the United States Court of Federal Claims ("RCFC").
- (2) With no public access to the Clerk's Office at this time, pro se litigants with active cases before the court shall, absent extraordinary circumstances, submit all case filings via e-mail to [ProSe\\_case\\_filings@cfc.uscourts.gov](mailto:ProSe_case_filings@cfc.uscourts.gov).<sup>1</sup>

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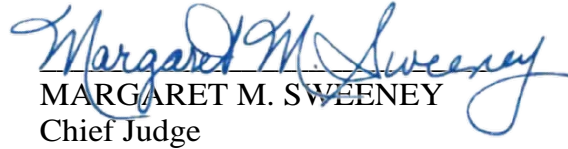
<sup>1</sup> If a pro se litigant submits frivolous submissions or does not comply with the submission guidelines herein, e-mail privileges may be revoked by the assigned judge or special master.

- a. All documents submitted by e-mail must be in Portable Document Format (PDF), and the e-mail subject line must include the case name and docket number for which the submission is intended.
  - b. Each e-mail submission must be limited to a document that is clearly identified as a filing pursuant to a court rule or in response to a court order.
  - c. To satisfy the signature requirements of RCFC 11, e-mailed submissions may include an electronic signature (s/[name of party]). *See* Appendix E, RCFC, ¶ 19(a).
  - d. Service pursuant to RCFC 5(b) shall be accomplished on the date the e-mail message is transmitted to both the court and opposing counsel. Pursuant to RCFC 5.3(b), a certificate of service shall be attached to each filing.
  - e. Pro se litigants may not file documents on behalf of any other person.
- (3) All case initiating documents (e.g., complaints, petitions, notices of appeal), however, still must be submitted, along with either the required filing fee or an application to proceed *in forma pauperis*, either through the U.S. Mail, or by deposit in the court's night box located at the garage entrance on H Street NW, between 15th Street and Madison Place.
- (4) Pro se litigants with active cases before the court may, if feasible, receive instant notification by e-mail of all electronic filings.
- a. To receive instant notification of filings by e-mail, a pro se litigant must file the attached E-Notification Consent Form in each of his or her active cases before the court.
  - b. By filing an E-Notification Consent Form, the pro se litigant:
    - i. consents to receiving notice by e-mail of all electronic filings in the named case, pursuant to RCFC 5(b), via the court's electronic filing system;
    - ii. waives service and notice of these filings by first class mail; and
    - iii. understands that a Public Access to Court Electronic Records ("PACER") account is required to view electronic filings.<sup>2</sup>
- (5) Case-by-case exceptions to these directives may be ordered at the discretion of the assigned judge or special master after consultation with the parties.

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<sup>2</sup> PACER is an electronic public access service that allows users to obtain case and docket information from federal courts. To register for an account, contact the PACER Service Center at [www.pacer.gov](http://www.pacer.gov) or (800) 676-6856. There is no cost for registration, but fees for viewing documents may apply.

(6) The Clerk of Court is directed to provide public notice of this General Order and to take any necessary and proper actions to ensure that counsel and pro se litigants are aware of these provisions.

  
MARGARET M. SWEENEY  
Chief Judge

# In the United States Court of Federal Claims

|                    |   |           |
|--------------------|---|-----------|
| _____              | ) |           |
| _____ ,            | ) |           |
| Plaintiff,         | ) |           |
| v.                 | ) | No. _____ |
| THE UNITED STATES, | ) |           |
| Defendant.         | ) |           |
| _____              | ) |           |

## E-NOTIFICATION CONSENT FORM

The undersigned pro se plaintiff in the above-identified case:

- Consents to receiving notice by e-mail of all electronic filings in the above-identified case, pursuant to Rule 5(b) of the Rules of the United States Court of Federal Claims, via the court’s electronic filing system.
- Waives service and notice by first class mail of all electronic filings in the above-identified case, including orders and judgments.
- Must be registered with PACER to view electronic filings in the above-identified case.
- Is responsible for immediately notifying the court in writing of any change of e-mail address.

The Clerk of Court is authorized to add plaintiff’s e-mail address identified below to the court’s electronic filing system. Plaintiff will submit all case filings via e-mail to [ProSe\\_case\\_filings@cfc.uscourts.gov](mailto:ProSe_case_filings@cfc.uscourts.gov), through the U.S. Mail, or by deposit in the court’s night box located at the garage entrance on H Street NW, between 15th Street and Madison Place.

\_\_\_\_\_  
(Signature of Plaintiff)

\_\_\_\_\_  
(E-mail Address)

\_\_\_\_\_  
(Date)

**In the United States Court of Federal Claims**  
**OFFICE OF SPECIAL MASTERS**

|                         |   |           |
|-------------------------|---|-----------|
| _____                   | ) |           |
| _____ ,                 | ) |           |
|                         | ) |           |
| Petitioner,             | ) |           |
|                         | ) | No. _____ |
| v.                      | ) |           |
|                         | ) |           |
| SECRETARY OF HEALTH AND | ) |           |
| HUMAN SERVICES,         | ) |           |
|                         | ) |           |
| Respondent.             | ) |           |
| _____                   | ) |           |

**E-NOTIFICATION CONSENT FORM**

The undersigned pro se petitioner in the above-identified case:

- Consents to receiving notice by e-mail of all electronic filings in the above-identified case via the court’s electronic filing system.
  
- Consents to service by e-mail, pursuant to Rule 5(b) of the Rules of the United States Court of Federal Claims.
  
- Waives service and notice by first class mail of all electronic filings in the above-identified case, including orders and judgments.
  
- Is responsible for immediately notifying the court in writing of any change of e-mail address.

The Clerk of Court is authorized to add petitioner’s e-mail address identified below to the court’s electronic filing system. Petitioner will submit all case filings via e-mail to [ProSe\\_case\\_filings@cfc.uscourts.gov](mailto:ProSe_case_filings@cfc.uscourts.gov), through the U.S. Mail, or by deposit in the court’s night box located at the garage entrance on H Street NW, between 15th Street and Madison Place.

\_\_\_\_\_  
(Signature of Petitioner)

\_\_\_\_\_  
(E-mail Address)

\_\_\_\_\_  
(Date)