

CR 10. FORM OF PLEADINGS

(a) to (c) [Reserved].

(d) Paper Size and Legibility. All pleadings, motions and other papers shall be upon 8 1/2 x 11 inch white paper of good quality, and shall be plainly typewritten, printed or prepared by a clearly legible duplicating process, and double spaced, except for quoted material. Document facsimiles, including complaints, will be accepted for filing by the Clerk subject to the following administrative rules:

A. Definitions.

1. "Facsimile transmission" means the transmission of a copy of a document by a system that encodes a document into electronic signals, transmits these electronic signals over a telephone line, and reconstructs the signals to print a duplicate of the original document at the receiving end.
2. "Facsimile filing" or "filing by fax" means the facsimile transmission of a document to a fax filing agency who will then file that document with the court. Facsimile transmissions are *not* made directly to the court.
3. A "fax filing agency" is a private entity (business, law firm, etc.) that receives facsimile transmission of documents to be filed with the court. The fax filing agency acts similar to a messenger service, filing a hard copy facsimile transmission as if it were the original with the court.
4. "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to a facsimile transmission or to a document so transmitted.
5. "Transmission record" means the document printed by the sending facsimile machine stating the telephone number of the receiving machine, the number of pages sent, the transmission time, and an indication of errors in transmission.

B. Transmission Does Not Constitute Filing. Electronic transmission of a document via facsimile machine does not constitute filing; filing is complete when the document is filed with the Clerk.

C. Technical Requirements. Only plain paper (no thermal paper) facsimile machines may be used. All documents to be filed with the court shall be on size 8 1/2 " x 11" bond.

D. Original Signature. The image of the original manual signature on the fax copy will constitute an original signature for all court purposes. The original signed document shall *not* be substituted, except by court order. The original signed document shall be maintained by the attorney of record or the party originating the document, for a period no less than the maximum allowable time to complete the appellate process. Upon request,

the original document must be provided to other parties for review.

E. Transmission Record. The sending party is required to maintain a transmission record in the event fax filing later becomes an issue.

F. Fax Filing Agency as Intermediary. A fax filing agency may file fax transmitted pleadings on behalf of the parties or their counsel. **NO DOCUMENTS MAY BE TRANSMITTED DIRECTLY TO THE CLERK BY FAX FOR FILING. ANY DOCUMENTS SO TRANSMITTED SHALL BE REJECTED AND NOT FILED.** The following requirements shall apply:

1. The fax filing agency acts as the agent of the filing party and not as agent of the court. A document shall be deemed to be filed when it is submitted by the fax filing agency, received in the Clerk's office, and filed by the Clerk. Mere transmission to or receipt by the fax filing agency will not be construed as filing.
2. The fax filing agency must meet all technical requirements under "C" of these guidelines.
3. Counsel or parties utilizing a fax filing agency will:
 - 3.1 Ensure that additional copies necessary for filing shall be reproduced by the fax filing agency;
 - 3.2 Ensure that the document(s) are taken to the court and filed with the court;
 - 3.3 Ensure that on behalf of the client, attorney or litigant, pay any applicable filing fee.

(e) Format. All pleadings should include the following:

(1) *Margins and Fonts.* No less than three inches of space should be left at the top of the first page for the clerk's filing stamp. All other margins should be at least one inch wide, although formatted lines and numbering, attorney information, the name of the judge(s) to whom copies should be sent, and footers may be placed in the margins. Examples of correctly formatted pages are attached as Appendix A. The text of any typed or printed brief must be 12 point or larger and must, with the exception of quotations, be double spaced. Footnotes must be 10 point or larger and may be single spaced.

(2) *Title.* Each pleading shall contain the words "United States District Court, Western District of Washington" on the first page and, in the space below the docket number, a title indicating the purpose of the paper and the party presenting it.

(3) *Bottom Notation.* At the left side of the bottom of each page, an abbreviated title of

the pleading should be repeated, followed by the case number. The page number should be placed after the abbreviated title or in the middle of the bottom of each page. At the right side of the bottom of each page, the law firm (if any), mailing address and telephone number of the attorney or party preparing the paper should be printed or typed.

(4) *Dates and Signature Lines.* All pleadings shall be dated, signed as provided by Rule 11 of the Federal Rules of Civil Procedure and as provided in the Electronic Filing Procedures adopted by the Court, and have the signors' names printed or typed under all signature lines.

(5) *Numbered Paper.* Each pleading shall bear line numbers in the left margin, leaving at least one-half inch of space to the left of the numbers.

(6) *Citation to Line Numbers.* In all cases where the court is to review the proceedings of an administrative agency, transcripts, deposition testimony, etc., the parties shall, insofar as possible, cite the page and line of any part of the transcript or record to which their pleadings refer.

(7) Any document requiring the signature of the court shall bear the signature of the attorney(s) presenting it preceded by the words "Presented by" on the left-hand side of the last page and shall provide as follows:

"Dated this _____ day of (Insert Month), 20(insert year).

" _____

"UNITED STATES DISTRICT JUDGE [or UNITED STATES MAGISTRATE JUDGE]"

(8) *Filing of Documents.* All documents filed with the Court shall be in accordance with the Electronic Filing Procedures for Civil and Criminal Cases adopted by General Order of the Court. The Electronic Filing Procedures are available on the Court's web site at www.wawd.uscourts.gov and from the Clerk's Office.

When documents that exceed 100 pages in length are filed electronically, a paper copy of the document shall be delivered to the Clerk's Office for chambers. The copy for chambers shall be clearly marked with the words "Courtesy Copy of Electronic Filing for Chambers." The copies of all papers must indicate in the upper right-hand corner of the first page the name of the district judge or magistrate judge to whom the copies are to be delivered.

Unless the court otherwise directs, the parties shall not provide duplicate copies of state court records in prisoner cases or of an administrative record filed pursuant to CR 79(h).

(9) *Format of Originals.* Originals of documents filed with the court shall not contain

double-sided pages or items other than 8 1/2 x 11 inch paper, unless double-sided or larger original documents are being filed as exhibits.

(10) *Format of Copies.* The judge's courtesy copies of documents filed with the court shall contain no items other than 8 1/2 x 11 inch paper, unless larger original documents are being filed as exhibits. Unlike originals, copies may be filed in binders, and the use of tabs as dividers and exhibit markers is not only permitted, but encouraged. The judge's copy shall not be delivered directly to chambers unless the judge has so instructed.

(11) *Exhibits.* All exhibits submitted in support of or opposition to a motion must be clearly marked with light-colored dividers or tabs as set forth in paragraphs (9) and (10). References in the parties' pleadings to such exhibits should be as specific as possible (i.e., the reference should cite specific page numbers, paragraphs, line numbers, etc.). The judge's copy of the exhibits should be highlighted to reflect testimony or evidence referred to in the parties' pleadings. Copies of exhibits served on other parties need not be highlighted.

(f) Name and Address of Parties and Attorneys. Any attorney representing any party or any party not represented by an attorney must notify the court, by praecipe, of any change in address or telephone number. Such notice must be received by the clerk's office within ten days of the change. All subsequent pleadings shall reflect the new address and telephone number. The address and telephone number of the party or his attorney, noted on the first pleadings or as changed by individual praecipe, shall be conclusively taken as the last known address and telephone number of said party or attorney.

(g) Stipulated Orders. If a stipulation or agreed motion would alter dates or schedules previously set by the court, the parties shall clearly state the reasons justifying the proposed change. Such stipulations or agreed motions should rarely be necessary, and are disfavored by the court. Stipulations and agreed motions shall be binding on the court only if adopted by the court through its endorsement of the proposed order. An order based upon a stipulation shall be sufficient if the words "It is so ordered," or their equivalent, are endorsed on the stipulation at the close thereof and if this endorsement is signed by the court.

[Effective May 1, 1992; amended effective September 30, 1994; July 1, 1997; January 1, 2002; January 1, 2005.]