

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**John M. Domurad**  
Clerk of Court

**Daniel R. McAllister**  
Chief Deputy



**James M. Hanley Federal Building**  
P.O. Box 7367 100 S. Clinton Street  
Syracuse NY 13261-7367  
(315) 234-8500

February 15, 2022

**MISCELLANEOUS CASE OPENING GUIDE**

Miscellaneous cases are assigned to a variety of matters filed with the court which are not considered civil or criminal cases. These matters, however, may be directly or indirectly related to civil or criminal cases pending within the district or another district. In general, miscellaneous actions are used for administrative matters that require resolution through the judicial system. The filing fee for a miscellaneous case is \$49.00. The filing fee is waived if the documents are filed on behalf of the United States or a federal agency.

**Typical miscellaneous cases include:**

- Registration of Foreign Judgment from Another District/Bankruptcy Court
- Receivership
- Foreign Subpoena (i.s. Motion to Compel; Motion to Quash; Motion to Perpetuate Testimony; and Motion for Protective Order)
- Administrative Deposition Subpoena
- Letters Rogatory from Foreign Court
- Application for Turnover Order
- Motion to withdraw Reference to Bankruptcy Court
- Warrant for arrest of Juror
- Internal Revenue Service Third Party Record Keeper Actions
- IRS – Motion to enforce/quash summons filed by third-party
- IRS – Ex Parte Application to disclose Tax Returns for Criminal Investigation
- Proceedings against Sureties
- Occupational Health & Safety Act (OSHA) Applications for Inspections
- Application for Subpoena to Identify Copyright Infringer
- Apostille (**MUST** be filed traditionally with original/certified documents).

**Miscellaneous Case Opening Documents must be filed electronically on CM/ECF:**

- Effective February 15, 2022, all miscellaneous case opening documents must be filed electronically in CM/ECF. (See exceptions allowing traditionally filing on page 2).
- The payment of the miscellaneous case filing fee will be made through a secure United States Treasury site known as Pay.gov. All members of the NDNY Bar must have a PACER log in to access CM/ECF for the NDNY. The filer will be prompted to enter either credit card or checking account information while filing miscellaneous case

opening documents, if no credit card/bank account information was saved previously to their PACER account.

- The attorney will log into CM/ECF and submit all initiating documents in .PDF format.
- Include a cover letter with any request for certified copies of documents or a Transcript of Judgment. After the miscellaneous case is opened, the Clerk's Office will contact the attorney if any additional fees are required to be paid.

**EXCEPTIONS to electronic filing:**

- **Documents filed under seal:** If the filer seeks permission to file the miscellaneous case opening documents under SEAL, the documents should be filed traditionally at the Clerk's Office with an Application to file under Seal and proposed order pursuant to NDNY Local Rule 5.3.
- **Miscellaneous Cases that do not require an attorney to be admitted to NDNY:**  
In certain limited instances, an attorney is not required to be admitted to the NDNY to open a miscellaneous case. The following miscellaneous cases do not require admission to NDNY, and the documents should be filed traditionally at the Clerk's Office:
  - Registration of a Foreign Judgment
  - Internal Revenue Service Third Party Record Keeper Actions
  - Proceedings against Sureties
  - Occupational Health & Safety Act (OSHA) Applications for Inspection
  - Application for Subpoena to Identify Copyright Infringer
  - Apostille (MUST always be filed in paper format)

If, at any time, the filing results in any sort of litigation requiring the Judge's review and ruling, the attorney will be required to be admitted to practice in the NDNY at that time to continue to litigate the matter.

**How to Electronically File a Miscellaneous Case:**

On the menu bar at the top of the CM/ECF screen, select **Civil**, and then select **Miscellaneous Case Opening Documents**.



Select **Miscellaneous Case Opening Documents**. Click **Next** and click **Next** again (two times).

CM ECF Civil Criminal Query Reports Utilities Search Help Log Out

### Initial Miscellaneous Case Filing Documents

Available Events (click to select an event)

Miscellaneous Case Opening Documents

Selected Event

Miscellaneous Case Opening Documents

Next Clear

### Select the PDF documents and any attachments:

- Upload all your documents to be filed on this page.
- All documents must be in PDF format.
- Click **Browse** and upload the **Main Document**, and under **Attachments**, click **Browse** and upload each additional document separately. Use the category drop down to describe each document. If there is no appropriate category in the drop down, you must add a description in the box to the right.
- When all documents have been uploaded, click **NEXT**.

### Initial Miscellaneous Case Filing Documents

Select the PDF document and any attachments.

**Main Document**

Browse... Test Judgment.pdf

Attachments	Category	Description
1. Browse... Test Clerks Certification.pdf		Clerk's Certification Remove
2. Browse... Test Cover Letter.pdf		Cover Letter Remove
3. Browse... No file selected.		

Next Clear

Enter the Name of the filing Attorney. Click **NEXT**.

### Initial Miscellaneous Case Filing Documents

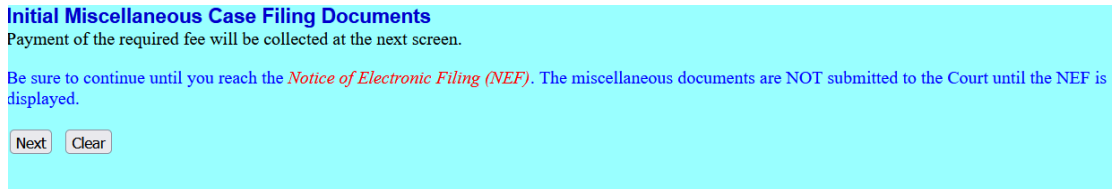
This case is only for Miscellaneous Case Documents.

If you are filing a new Civil Action about this event and select *Complaints and Other Initiating Documents*.

Name of Attorney filing miscellaneous case opening documents: LW Tester

Next Clear

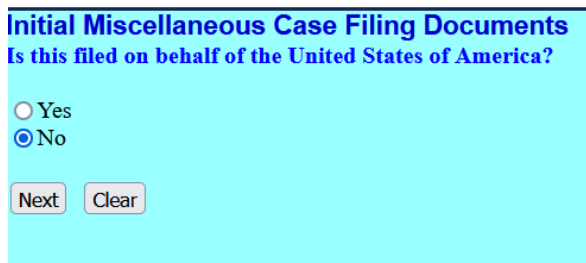
**Warning Screen:** This screen simply warns the filer that you are not done yet, and you must continue all the way through until you reach the Notice of Electronic Filing (NEF). Failure to complete the event will result in your documents **NOT** being filed with the Clerk. Click **NEXT**.



**Initial Miscellaneous Case Filing Documents**  
Payment of the required fee will be collected at the next screen.

Be sure to continue until you reach the *Notice of Electronic Filing (NEF)*. The miscellaneous documents are NOT submitted to the Court until the NEF is displayed.

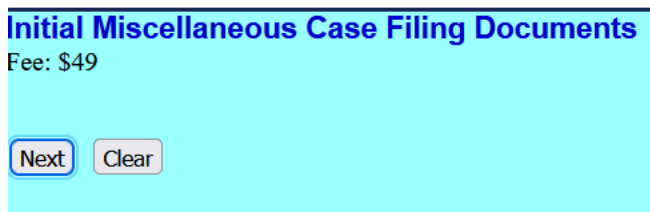
**Payment Required?** This screen asks if the documents are filed on behalf of the United States (or a Federal Agency). If you answer “No” and click **NEXT**, the filer will be re-directed to Pay.gov to pay the filing fee. If you answer “yes”, no filing fee is required, and click **NEXT** two times to complete the event.



**Initial Miscellaneous Case Filing Documents**  
**Is this filed on behalf of the United States of America?**

Yes  
 No

**Filing Fee fee is \$49.** Click **NEXT**. Clicking Next will take the user to PACER to log in and make payment via Pay.gov payment screens.



**Initial Miscellaneous Case Filing Documents**  
Fee: \$49


Log into the Attorney's PACER account to make a payment using pay.gov.

**Pay.gov** will use the credit card or bank account you have saved in your PACER account. Or you can select an alternative credit card or bank account (ACH) now. PACER accepts VISA, MasterCard, American Express. Enter appropriate payment information. Click **NEXT**.

**Confirmation Page:** Check the box at the bottom of the page to authorize payment to your credit card or ACH account. Click **SUBMIT**. The filer will be redirected back to CM/ECF.

Case Search Status: Active  
Account Type: Upgraded PACER Account

### Pay Filing Fee for New York Northern District Court (test)

Payment Summary	
<b>Payment Method</b>	<b>Payment Details</b>
 XXXXXXXXXXXX4747 01/2039  Lori Tester 123 Any Street Syracuse, NY 13261 USA	<b>Payment Amount</b> \$49.00 <b>Fee Type</b> Filing Fee

### Email Receipt

Email:

Confirm Email:

Additional Email Addresses:

### Authorization

I authorize a charge to my credit card for the amount above in accordance with my card issuer agreement. \*

**Note: We protect the security of your information during transmission using Secure Sockets Layer (SSL) software, which encrypts information you submit.**

You are **NOT** done yet. The system re-directs you back to CM/ECF. **Do NOT** click the back button or abort at this time, or you may be charged twice for the filing fee. Click on **NEXT**.

### Initial Miscellaneous Case Filing Documents

Review the final docket text and click **NEXT**. This will commit the transaction and file the documents with the clerk.

**Initial Miscellaneous Case Filing Documents**

Docket Text: Final Text

**MISCELLANEOUS CASE OPENING DOCUMENTS filed by Attorney LW Tester. \$49 fee paid; Receipt number ANYNXDC-3969640. (Attachments: # (1) Clerk's Certification, # (2) Cover Letter)(Tester, Lori)**

**Attention!! Pressing the NEXT button on this screen commits this transaction. You will have no further opportunity to modify this transaction if you continue.**

Have you redacted?

*Source Document Path (for confirmation only):*  
C:\fakepath\Test Judgment.pdf pages: 1  
C:\fakepath\Test Clerks Certification.pdf pages: 1  
C:\fakepath\Test Cover Letter.pdf pages: 1

The Document Number should be disregarded, as this is only a temporary shell case, and this document number will **not** carry over to the permanent case.

**Initial Miscellaneous Case Filing Documents**

U.S. District Court

Northern District of New York - Main Office (Syracuse) [TEST - NextGen CM/ECF Release 1.7]

**Notice of Electronic Filing**

The following transaction was entered by Tester, Lori on 2/1/2022 at 10:46 AM EST and filed on 2/1/2022

Case Name: Initial Miscellaneous Case Filing Documents ONLY

Case Number: [5:99-mc-99999](#)

Filed:

Document Number: [11](#)

Docket Text:  
**MISCELLANEOUS CASE OPENING DOCUMENTS filed by Attorney LW Tester. \$49 fee paid; Receipt number ANYNXDC-3969640. (Attachments: # (1) Clerk's Certification, # (2) Cover Letter)(Tester, Lori)**

5:99-mc-99999 Notice has been electronically mailed to:

5:99-mc-99999 Notice has been delivered by other means to:

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

Document description: Main Document  
Original filename: n/a  
Electronic document Stamp:  
[STAMP deecfStamp\_ID=1051896954 [Date=2/1/2022] [FileNumber=3920776-0]  
[737277db16b0e1661c47adf66b7cd2934bfeb3e2c69eae26e361f1a9a9d3abe9d524  
c7802f2716ed427f19f03ad20c06f0e8a3c05ab8b2a364a7f980d9177fa3]]

Document description: Clerk's Certification  
Original filename: n/a  
Electronic document Stamp:

## WHAT THE ATTORNEY WILL RECEIVE UPON CASE ASSIGNMENT AND OPENING:

1. If the attorney is admitted to NDNY, the attorney will receive Notice of Electronic Filing (NEF) of the miscellaneous case opening documents filed with the Miscellaneous (MC) Case Number and Assigned Judge(es) via the email address in the attorney's record in PACER.
2. If the attorney is not required to be admitted to NDNY, the attorney will receive date-stamped copies of the documents received via regular mail, together with any follow up documents. (i.e. Transcript of Judgment)