

NEWS FROM U.S. DISTRICT COURT

August 13, 2021

COVID UPDATE: Due to a renewed spread of COVID-19 and its Delta variant, the Centers for Disease Control and Prevention (CDC) recently revised its guidance to recommend that even fully vaccinated people wear masks in public indoor settings in areas of substantial or high transmission of COVID-19. In accordance with the guidance, Chief Judge Roberto Lange has entered [Amended Standing Order 21-6](#). Among other things, it requires that masks be worn in all common areas of any courthouse and probation office located within a South Dakota County experiencing substantial or high transmission of COVID-19 as defined by the CDC. A gaiter, bandana, or handkerchief does not qualify as a mask under the standing order. Currently masks are required to be worn in all four courthouses.

DECLARATIONS VS. AFFIDAVITS: Recently we've noticed some confusion surrounding affidavits and declarations. A declaration is a formal statement. An affidavit, by contrast, is a declaration that is sworn to before an officer authorized to administer oaths. Black's Law Dictionary (5th ed). There are separate events in CM/ECF for filing declarations and affidavits.

To file a declaration in either a civil or criminal case, select the **Declaration** event under **Other Filings → Other Documents**. During filing, you will be given the opportunity to link the declaration to another document filed in the case. If the declaration is related to a motion, you should create a link between the declaration and the motion. Prior to ruling on a motion, the court frequently runs a **Pending Motions Report**. All documents filed in CM/ECF that are linked to a pending motion are included on this report. Linking a declaration to a pending motion helps ensure that the court considers it prior to ruling on the motion.

There are several affidavit events to choose from in CM/ECF. To determine the appropriate event, click on **Search** on the CM/ECF menu bar. Type the word "affidavit" in the **Search Menus and Events** box and a list of active hyperlinks for all CM/ECF menu items and events containing the word "affidavit" will display. Click on the appropriate affidavit event and follow the prompts. Again, if you are filing an affidavit in support of a motion or an affidavit in opposition to a motion you will be given the opportunity to create a link between the affidavit and the motion, so it appears on a **Pending Motions Report**.

For more information about electronically filing documents in CM/ECF, see the CM/ECF User Manual on the district court's website located at www.sdd.uscourts.gov.

TIP OF THE MONTH: This is a reminder about the signature requirements for documents filed with the court.

1. When an attorney or pro se filer electronically files a document in CM/ECF, the signature block in the document must include an ink or facsimile signature of the filer (a reproduction of the filer's ink signature that is saved electronically or by imprinting or

stamping) or the typed name of the filer preceded by an “/s/,” as shown in the following example:

/s/ Nelson E. Wiseman

Unless a typed name preceded by an “/s/” is not allowed (see 3 and 4 below), this is the preferred method for signing a document that is electronically filed in CM/ECF. This is so the document can be converted to PDF, rather than scanned to PDF before it is filed.

2. The signature on a document that is electronically filed in CM/ECF must belong to the same person whose PACER account is used to e-file the document. The signature on the document, together with the filer’s PACER username and password, serve as the filer’s electronic signature for purposes of the federal rules of procedure, the local rules of practice of this district court, and any other purpose for which a signature is required in connection to proceedings before this court.
3. A facsimile signature or the typed name of the filer preceded by an “/s/” is NOT allowed when a document that is exempted from mandatory electronic filing is manually delivered to the Clerk’s Office for filing. In this instance, the document must contain the filer’s actual ink signature.
4. Affidavits and declarations signed by anyone other than the attorney or pro se filer who files them in CM/ECF must contain the actual ink signature of the affiant or declarant. Notarized documents must also contain the actual ink signature of the notary public.