

Court Filing of Certification for Beneficiary Status (Appendix D-3)

Each state/territory that intends to participate in the VW Environmental Mitigation Trust is required to file an executed Certification for Beneficiary Status (Appendix D-3). This form *must be filed not later than 60 days after the Trust Effective Date, with both the Court and the Trustee*. Accordingly, we suggest that an attorney for the Lead Agency be registered with the Court to make that filing prior to the deadline.

Judge Charles Breyer, the MDL judge in U.S. District Court for the Northern District of California, has approved State/Agency attorney filing of the required Appendix D-3 form without the need to obtain NDCA bar membership or *pro hac vice* status. In the event an attorney is not already a member of the Court bar or holds *pro hac* status for this matter, s/he must register with the Court's ECF system to be able to file the D-3 Certification.

The 11 steps below illustrate the process of registering and using the Court's ECF system to be able to file the D-3 Certification. Questions may be directed to Lashanda Scott, Judge Breyer's court room deputy:

- Phone: (415) 522-2062
- Administrative email: crbpo@cand.uscourts.gov (the Court and clerks access this email address)

Step 1: Go to the Court's ECF web page, Setting up Your ECF Account, at https://www.cand.uscourts.gov/ecf/account_setup

Step 2: Assuming you are not already registered with the Court, click on "Step 3: Start a new registration."

United States District Court
NORTHERN DISTRICT OF CALIFORNIA
PHYLLIS J. HAMILTON, CHIEF JUDGE SUSAN Y. SOONG, CLERK OF COURT

CM/ECF

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Setting Up Your ECF Account (Attorneys/Journalists/Public)

Welcome to CM/ECF! If you are an attorney, a journalist or another interested member of the public, this page is for you. If you are a pro se litigant (an individual party to a case in federal court who does not have a lawyer), please go to our pro se litigants' registration page.

Step 1: Are you already registered?

If you think there is some possibility that you are already registered but you aren't sure, or you registered in the past but do not remember your login and/or password, please take a moment to complete this step. We would like to keep your account active and avoid having more than one account for you.

To find out if you are already registered, even if you do not plan to register now, or to retrieve login/password information please visit our [ECF Registration Status page](#).

Step 2: Review the registration FAQs on this page to learn about the registration process

1. Who may register for ECF?
2. Who must register for ECF?
3. Who may not register for e-filing in ECF?
4. What information will I need to provide to register?
5. How long does it take to process a registration?
6. If I'm registered for ECF elsewhere, am I automatically registered for ECF here (or vice versa)?
7. Must I register separately for PACER?
8. Once I'm registered, do I ever need to register again?
9. I lost my login and/or password! How do I recover them?
10. I work for more than one firm; may I get more than one ECF login?

Step 3: Start a new registration

If you have determined that you are not already registered [start a new registration now.](#)

ECF Registration FAQs

Who may register for ECF?

Log in to CM/ECF
Log in to PACER
Log in to Mobile Query
View ECF filings feed

- ALTERNATIVE DISPUTE RESOLUTION (ADR)
- CAREER OPPORTUNITIES
- CASES
- CLERK'S OFFICE
- COURTHOUSE LIBRARIES
- COURTROOM TECHNOLOGY
- CRIMINAL CASE PROGRAMS
- CRIMINAL JUSTICE ACT (CJA)
- ELECTRONIC CASE FILING (CM/ECF)**
 - Setting Up My Account
 - ECF Registration Requirements
 - Do I already have an account?
 - Setting Up Your ECF Account (Attorneys/Journalists/Public)
 - Register for E-Filing (Pro Se Litigants)
 - Managing My Account
 - Preparing My Filing
 - E-Filing My Documents
 - Support and Troubleshooting
- JUDGES

Step 3: On the next web page (“Are You an Attorney?”), indicate attorney status [YES].

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Are you An Attorney?

Answer **YES** on this page only if you are an attorney; if you work in a legal office, but are not an attorney, answer **NO**. All others, answer **NO** to proceed to the next question.

YES **NO**



Step 4: On the next web page (“Are You Admitted to Practice in This Court?”), click on the third choice: [NOT YET. Need to Apply for Permission to Appear Pro Hac Vice]

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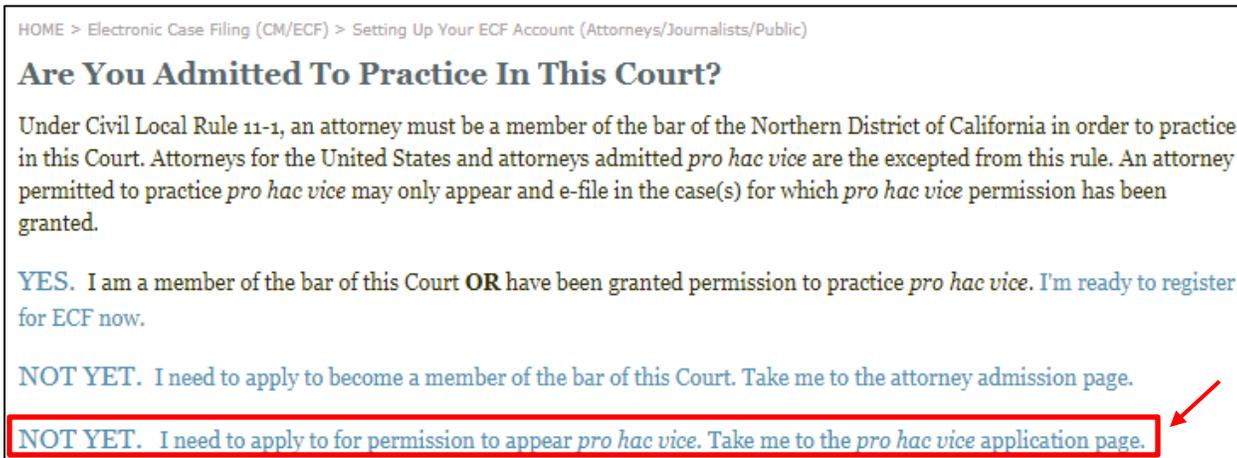
Are You Admitted To Practice In This Court?

Under Civil Local Rule 11-1, an attorney must be a member of the bar of the Northern District of California in order to practice in this Court. Attorneys for the United States and attorneys admitted *pro hac vice* are the excepted from this rule. An attorney permitted to practice *pro hac vice* may only appear and e-file in the case(s) for which *pro hac vice* permission has been granted.

YES. I am a member of the bar of this Court **OR** have been granted permission to practice *pro hac vice*. I'm ready to register for ECF now.

NOT YET. I need to apply to become a member of the bar of this Court. Take me to the attorney admission page.

NOT YET. I need to apply to for permission to appear *pro hac vice*. Take me to the *pro hac vice* application page.



Step 5: You will arrive at the “Pro Hac Vice Appearance” page. On this page, click on the first step: [Register as an ECF user]

HOME > Attorneys

Pro Hac Vice Appearance

As provided in [Civil Local Rule 11-3](#), an attorney who is not a member of the Bar of the Northern District of California, but who is an active member in good standing of the bar of another United States court or of the highest court of another state or the District of Columbia, may appear in an action in this district only after he or she has completed the procedures for appearing *pro hac vice*. (Separate procedures govern *pro hac vice* appearances at the United States Bankruptcy Court.) In preparation for practice in this court, counsel are advised to familiarize themselves with the [Local Rules of the Northern District of California](#).

Admission Procedures

The application must be submitted electronically in the CM/ECF system with payment made online via Pay.gov. Any *pro hac vice* application submitted in paper must be accompanied by a cover letter addressed to the Clerk of Court explaining why electronic filing of the application was not feasible.

The application procedure consists of four steps:

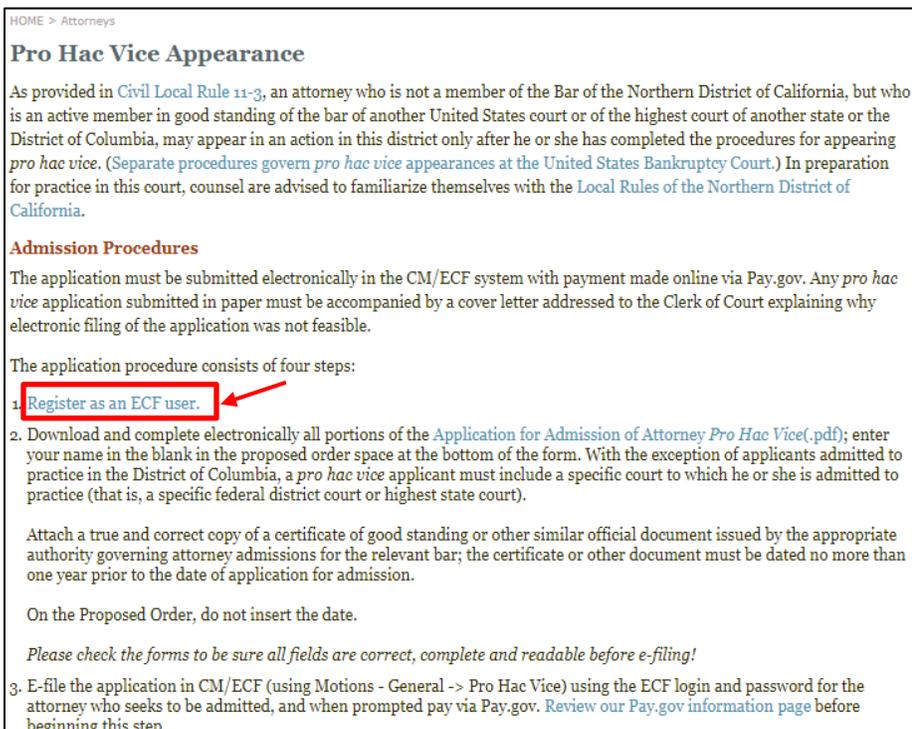
- 1. Register as an ECF user.**
2. Download and complete electronically all portions of the [Application for Admission of Attorney Pro Hac Vice\(.pdf\)](#); enter your name in the blank in the proposed order space at the bottom of the form. With the exception of applicants admitted to practice in the District of Columbia, a *pro hac vice* applicant must include a specific court to which he or she is admitted to practice (that is, a specific federal district court or highest state court).

Attach a true and correct copy of a certificate of good standing or other similar official document issued by the appropriate authority governing attorney admissions for the relevant bar; the certificate or other document must be dated no more than one year prior to the date of application for admission.

On the Proposed Order, do not insert the date.

Please check the forms to be sure all fields are correct, complete and readable before e-filing!

3. E-file the application in CM/ECF (using Motions - General -> Pro Hac Vice) using the ECF login and password for the attorney who seeks to be admitted, and when prompted pay via Pay.gov. [Review our Pay.gov information page](#) before beginning this step.



Step 6: You will arrive at the “Are you technologically set up to e-file” page. Click on the link in Step 3: [Register with ECF]. For purposes of filing the Appendix D-3 form, you do not need to register for a PACER account (which allows viewing of case dockets and obtaining documents).

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Are you technologically set up to e-file?

Step 1: Technology Checklist

The technical requirements for ECF are quite minimal and inexpensive (or even free). In fact, if you are reading this online, you probably have most of what you need already.

1. A computer, access to the internet, and an email account you can check on a daily basis so you can e-file your documents and receive notifications from the Court. *The browsers extensively tested and found compatible with ECF are Firefox and Internet Explorer; Safari and Chrome may also be compatible but are not officially supported. We have no information about other browsers.*
2. A scanner to scan documents that are only in paper format (like exhibits).
3. A printer/copier because each document that you e-file will also need to be sent to the judge in hard copy (the judge's copy is called the “chambers copy”).
4. A word processing program to create your documents. Some word processing programs incorporate a .pdf writer (see #5 below).
5. A .pdf reader and a .pdf writer, which enables you to convert word processing documents into .pdf format. Only .pdf documents are accepted for e-filing. Adobe Acrobat is the most common program used. The reader (Adobe Acrobat Reader) is free, but the writer is not. Some word processing programs come with a .pdf writer already installed. Macintosh OS X has a built-in .pdf writer. View our .pdf writer information page.

Step 2: Register with PACER

You must have a PACER account in order to view the docket and retrieve documents (the ECF login will only allow you to submit documents). You must have both an ECF and a PACER account in order to fully utilize the ECF system. Registering for PACER before registering for ECF is suggested, but not required.

Register online (www.PACER.gov . . .) or call the PACER Service Center at (800) 676-6836.

If you provide your credit card information at the time of registration, you will receive an e-mail with instructions on how to retrieve your login information. If you do not provide your credit card information at the time of registration, you will receive login instructions by mail. Please allow 7-10 days for delivery.

Step 3: Register with ECF

Now [visit the ECF Registration Page](#) to register with ECF (the Court's Electronic Case Filing system) to get a login and password.

Step 4: Associate Your ECF and PACER Logins

For convenience we recommend that once you have both your ECF and PACER logins, you associate them together. You will

Step 7: You will arrive at the “ECF Registration Status” page. Check to see if you are already registered with ECF.

Hint: Use your email, especially if you have a more common name.

ECF Registration Status

As part of the registration process, you must check to see if you are already registered, even if you are sure you have not.

Search by using **just one** of the options below to look up all the applicants we have on record.

Click Search and the next page will show you the results.

If you're already registered with ECF and have forgotten your Login or Password, we can email it to you. Use one or more of the options below to look up registration we have on record, the press Search. The next page will show you the results of that search. After confirming the record, the information will be sent to the email address we have on record for that registrant.

First Name	<input type="text"/>
Last Name	<input type="text"/>
	<input type="button" value="Search Name"/>
-OR-	
Email Address	<input type="text" value="emailaddress@emailaddress.gov"/>
	<input type="button" value="Search Email"/>
-OR-	
Bar Number (or "SMG")	<input type="text" value="12345"/>
	<input type="button" value="Search Bar"/>

Step 8: Ideally, the next page you see will be “No Results,” and you will be directed to “Go to the Registration Page and Register, using the embedded link.

ECF Registration Status: No Results

No results were found in this search. You may:

[Go to the registration page and register](#)

OR

Go back using the "Back" button on your browser to try again.

Step 9: Fill out the requested information on the “User Account Information” page. For the Date of Bar Admission to this Court, use the current date. Submit the form, per the instructions.

User Account Information
Last updated: 03/08/2013

Instructions - Step 1 of 2:

1. Fields marked * and in bold are required, all others are optional.
2. Use standard capitalization (NOT ALL CAPS).
3. Only attorneys, probation officers, and SMG applicants are allowed to register. Enter ONLY info pertaining to the applicant.
4. Step-by-step information and instructions for each field are available via the "INFO" links to the right of each field on the form.

Form - Step 2 of 2:

* Last Name	<input type="text"/>	Info
* First Name	<input type="text"/>	Info
Middle Name	<input type="text"/>	Info
Suffix <small>Jr., Sr., etc (not Esq, etc.)</small>	<input type="text"/>	Info
* Bar Number	<input type="text"/>	Info
* State where admitted to the Bar	<input type="text"/>	Info
* Date of Admission to bar of this Court	<input type="text"/>	Info
Firm or Business Name	<input type="text"/>	Info
Division or Section (Optional)	<input type="text"/>	Info
* Address 1	<input type="text"/>	Info
Address 2	<input type="text"/>	Info
Address 3	<input type="text"/>	Info
* City	<input type="text"/>	Info
* State	<input type="text"/>	Info
* Zip	<input type="text"/>	Info
Country	<input type="text"/>	Info
Country (CA only) ----- ▾		Info
* Phone (i.e. 123-456-7890 x123)	<input type="text"/>	Info
Fax	<input type="text"/>	Info
* Applicant Email	<input type="text"/>	Info
* Login (all lower case) Login must be LAST NAME of the attorney, plus 2 LETTERS AND 2 NUMBERS.	<input type="text"/>	Info
* Key Question	<input type="text"/>	Info
* Key Answer	<input type="text"/>	Info

Requiring a specific, though silly, response is a device to help prevent malicious attack against our website.

Please type this word: STOP

When you are ready, please click the "Submit Application for review" button just once (your submission may take a few moments). The next page will allow you to confirm your details before finalizing.

[Submit Application for review](#)

Step 10: Confirmation of your registration will be sent to the email you provided on the form in Step 9.

Step 11: When it comes time to file the Appendix D-3 Certification of Beneficiary Status, you will need to file/upload to *In re Volkswagen “Clean Diesel” Marketing, Sales Practices, and products Liability Litigation*, Case No. 15-MD-2672 CRB.

Select the “Notice” ECF option – do not select “Motion,” “Administrative Motion,” or other options.

Label your Appendix D-3 Certification of Beneficiary Status as: “Notice of Filing of Certification for Beneficiary Status Under the Environmental Mitigation Trust Agreement for the State of */insert State name/D.C./Puerto Rico/*.”

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