

REMOVAL CASE CHECK LIST

ATTORNEY REQUIREMENTS

- The attorney of record must be a member of the bar for the Eastern District of Missouri or file a motion with the court to appear pro hac vice (see Local Rule 12.01 for requirements).
- The attorney of record must sign all initiating documents pursuant to FRCP11. An attorney using the CM/ECF Case Management Electronic Case Filing System (ECF), with an ECF login and password assigned by the court complies with Rule 11.

FILING A REMOVAL

- A removal case must be opened electronically by an attorney in ECF if the attorney can meet the requirements for filing, has an Eastern District of Missouri ECF login and password and has a valid credit card.

FILING REQUIREMENTS

- The plaintiffs and defendants listed on the front of the Notice of Removal must exactly match the plaintiffs and defendants listed on the original or most current state court Petition.
- Pursuant to Local Rule 2.04, “Jury Trial Demanded” must be written on the face of the Notice of Removal if a jury trial is being requested.
- Pursuant to Local Rule 2.03, a **copy of the COMPLETE FILE FROM STATE COURT INCLUDING SUMMONS AND RETURN OF SUMMONS (if any) FOR ALL DEFENDANTS**. If the attorney is opening this case, the copy of the state court file is to be filed as an attachment to the Notice of Removal. If any of the plaintiffs and defendants were changed in state court, (whether a party was dismissed, changed or added), then a copy of the order or document changing the parties must be filed as part of the complete file from state court or as an attachment to the Notice of Removal.
- Any pending motions and responses to those motions filed in the state court should be attached to the Notice of Removal as a separate attachment from the state court file with a cover sheet indicating which motions are currently pending.
- The Original Filing Form (Designation Sheet) must be completed. If the case was filed previously, then the prior officiating judge must be listed along with the previous case number (Local Rule 2.02B). If the attorney is opening this case, the Original Filing Forms should be filed as an attachment to the Notice of Removal.
- All information requested must be entered and all sections completed on the Civil Cover Sheet. If the attorney is opening this case, the Civil Cover Sheet must be filed as an attachment to the Notice of Removal.
- The correct division must be written on all of the pleadings. The Eastern District of Missouri is comprised of the Northern, Southeastern and Eastern Divisions pursuant to 28U.S.C.105 of the FRCP and Local Rule 2.07.
- Pursuant to the E-Government Act of 2002, all civil pleadings filed, including the original state court petition and exhibits, must not contain personal identifiers, (i.e. social security numbers, names of minor children, dates of birth and financial account numbers). Personal information **MUST** be redacted before the case is submitted to the court.
- **The Notice to the Plaintiff, which informs the plaintiff of the state court case being removed, should be filed as a separate document and not as an attachment to the notice of removal. This document can be filed**

in CM/ECF using the event Civil>Notices> Notice of Filing Notice of Removal. Including a certificate of service with the Notice of Removal is NOT sufficient to meet this requirement.

- **Within three business days of filing the notice of removal, the attorney shall file through ECF the Notice to State Court that has been acknowledged by the Clerk of the State court. The Notice of Filing Notice of Removal to State Court should be filed separately in ECF and not as an attachment to the notice of removal. This document can be filed in CM/ECF using the event Civil>Notices> Notice of Filing Notice of Removal.**

- If the defendant is a non-governmental organizational party (corporation, limited liability company, limited liability partnership) a Disclosure of Organizational Interests Certificate must be filed, see LR 2.09. The Disclosure of Organizational Interests Certificate should be filed separately and not as an attachment of the notice of removal.

- **The fee for filing a Removal is \$400.00.** When the attorney is opening the case electronically through CM/ECF, a valid credit card or ACH/debit is required for payment through Pay.Gov. When a person representing him or herself Pro Se is filing the case, the Court accepts payment by cash, credit card or check. If payment is being made by check, it should be made payable to “Clerk, U.S. District Court.”

(Rev. 3/16)