

# **Exhibit 2**

**RULE CR49.1**  
**SCOPE OF ELECTRONIC FILING**

As authorized by Fed. R. Crim. P. 49(d) and Fed. R. Civ. P. 5(e), the court will accept for filing all documents submitted, signed, or verified by electronic means that comply with procedures established by the court.

All criminal cases pending, filed on, or filed after May 20, 2003, shall be assigned to the Electronic Filing System unless otherwise ordered by the court. All petitions, motions, memoranda of law, or other pleadings and documents filed with the court on or after May 20, 2003, in connection with a case assigned to the Electronic Filing System must be filed electronically unless otherwise permitted in these rules or the administrative procedures guide or unless otherwise authorized by the assigned judge. The filing of the charging documents, including the complaint, information, indictment, and superseding indictment, will be accomplished as set forth in the administrative procedures guide which is authorized by D. Kan. Rule CR49.13.

For all criminal cases pending as of May 20, 2003, it will not be feasible to transfer the existing files to the court's Electronic Filing System retroactively. Therefore, those cases will have a two-part file that consists of: (1) a conventional paper file containing documents filed before May 20, 2003; and (2) an electronic file containing documents filed on or after May 20, 2003. Parties shall not provide the clerk with electronic copies of documents that were filed in paper form prior to May 20, 2003. Rather, the clerk shall continue to retain all documents filed prior to May 20, 2003, in conventional paper format.

**RULE CR49.2**  
**ELIGIBILITY, REGISTRATION, PASSWORDS**

Attorneys admitted to the bar of this court, including those admitted pro hac vice, may register as Filing Users of the court's Electronic Filing System. Registration is in a form prescribed by the clerk and requires the Filing User's name, address, telephone number, Internet e-mail address, and a declaration that the attorney is either admitted to the bar of this court or has been admitted pro hac vice.

Attorneys who are admitted pro hac vice and who register as Filing Users shall have access to the court's Electronic Filing System through PACER and shall receive the notices of electronic filing that are automatically generated by the court's Electronic Filing System. However, this court's rules require meaningful participation by local counsel and, to that end, require local counsel to sign all pleadings and other papers filed with the court. *See* D. Kan. Rule 83.5.4(c). Consistent with this rule, attorneys who are admitted pro hac vice may not file documents electronically.

A party to a pending criminal action who is not represented by an attorney may not register as a Filing User in the Electronic Filing System unless permitted to do so by the court. If so permitted, registration is in a form prescribed by the clerk and requires identification of the action as well as the name, address, telephone number, and Internet e-mail address of the party. If, during the course of the action, the party retains an attorney who appears on the party's behalf, the attorney must advise the clerk to terminate the party's registration as a Filing User upon the attorney's appearance.

Registration as a Filing User constitutes consent to electronic service of all documents as provided in these rules in accordance with the Federal Rules of Civil Procedure.

Once registration is completed, the Filing User will receive notification of the user log-in and password. Filing Users agree to protect the security of their passwords and immediately notify the clerk if they learn that their password has been compromised. Users may be subject to sanctions for failure to comply with this provision.

### **RULE CR49.3 CONSEQUENCES OF ELECTRONIC FILING**

Electronic transmission of a document to the Electronic Filing System consistent with these rules, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document for all purposes of the Federal Rules of Criminal Procedure and the local rules of this court, and constitutes entry of the document on the docket kept by the clerk under Fed. R. Crim. P. 49 and 55.

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically, a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.

Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight local time where the court is located in order to be considered timely filed that day.

**RULE CR49.4**  
**ENTRY OF COURT ORDERS**

All orders, decrees, judgments, and proceedings of the court will be filed in accordance with these rules which will constitute entry on the docket kept by the clerk under Fed. R. Crim. P. 49 and 55. All signed orders will be filed electronically by the court or court personnel. Any order filed electronically without the original signature of a judge or clerk has the same force and effect as if the judge or clerk, respectively, had signed a paper copy of the order and it had been entered on the docket in a conventional manner.

A Filing User shall not submit a proposed order by electronic filing, either as an attachment to a corresponding motion or otherwise. Rather, proposed orders shall be submitted directly to the appropriate judge or clerk in the form and manner set forth in the administrative procedures guide.

**RULE CR49.5**  
**ATTACHMENTS AND EXHIBITS**

Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless conventional filing is permitted by the court or the administrative procedures guide. Voluminous exhibits shall be filed as set forth in the administrative procedures guide.

A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane. The court may require parties to file additional excerpts or the complete document.

**RULE CR49.6**  
**SEALED DOCUMENTS**

Until the Electronic Filing System has adequate confidentiality procedures for sealed documents, documents ordered to be placed under seal must be filed conventionally and not electronically unless specifically authorized by the court. A motion to file documents under seal may be filed electronically unless prohibited by law. The order of the court authorizing the filing of documents under seal may be filed electronically unless prohibited by law. A paper copy of the order must be attached to the documents to be filed under seal and be delivered to the clerk.

**RULE CR49.7**  
**RETENTION REQUIREMENTS**

Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User until 6 years after all time periods for appeals expire. On request of the court, the Filing User must provide original documents for review.

**RULE CR49.8**  
**SIGNATURES**

The user log-in and password required to submit documents to the Electronic Filing System serve as the Filing User's signature on all electronic documents filed with the court. They also serve as a signature for purposes of Fed. R. Civ. P. 11, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court. Each document filed electronically must, if possible, indicate that it has been electronically filed. Electronically filed documents must include a signature block in compliance with D. Kan. Rule 5.1(c) and must set forth the name, address, telephone number, facsimile number, e-mail address, and the attorney's state supreme court registration number or the equivalent of said number; attorneys admitted from the Western District of Missouri, by reciprocal admission, shall include their Kansas District Court registration number. In addition, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "s/" and typed in the space where the signature would otherwise appear.

No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

A document containing the signature of a defendant in a criminal case may at the court's option be filed either: (1) in paper form or (2) in a scanned format that contains an image of the defendant's signature.

Documents requiring signatures of more than one party must be electronically filed by: (1) submitting a scanned document containing all necessary signatures; (2) representing the consent of the other parties on the document as permitted by the administrative procedure governing multiple signatures; (3) identifying on the document the parties whose signatures are required and by the

submission of a notice of endorsement by the other parties no later than three business days after filing; or (4) in any other manner approved by the court.

**RULE CR49.9**  
**SERVICE OF DOCUMENTS BY ELECTRONIC MEANS**

The notice of electronic filing that is automatically generated by the court's Electronic Filing System constitutes service of the filed document on all parties who have consented to electronic service. Parties not deemed to have consented to electronic service are entitled to service of paper copies of the notice of electronic filing and the electronically filed pleading or other document. Service of such paper copies must be made according to the Federal Rules of Criminal Procedure and the local rules.

**RULE CR49.10**  
**NOTICE OF COURT ORDERS AND JUDGMENTS**

Immediately upon the entry of an order or judgment in an action assigned to the Electronic Filing System, the clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Crim. P. 49(c). The clerk must give notice in paper form to a person who has not consented to electronic service in accordance with the Federal Rules of Criminal Procedure.

**RULE CR49.11**  
**TECHNICAL FAILURES**

A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court.

**RULE CR49.12**  
**PUBLIC ACCESS**

A person may review at the clerk's office filings that have not been sealed by the court. A person may also access the Electronic Filing System at the court's Internet site, [www.ksd.uscourts.gov](http://www.ksd.uscourts.gov), by obtaining a PACER log-in and password. A person who has PACER access may retrieve docket sheets and documents. Unless otherwise specifically permitted by the

court, only a Filing User who is an attorney admitted to the bar of this court may file documents electronically. *See* D. Kan. Rule CR49.2.

**RULE CR49.13**  
**ADMINISTRATIVE PROCEDURES**

In order to facilitate implementation of the foregoing rules, the clerk is authorized to develop, adopt, publish, and modify as necessary *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means in Criminal Cases* (“administrative procedures guide”), which will include the procedures for registration of attorneys and distribution of passwords to permit electronic filing and notice of pleadings and other papers.