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Section 1. Definitions

(A) Approved Electronic Signature is the Authorized E-Filer's typed name preceded by "s/" when the Authorized E-Filer logs into the E-Filing System using their login and password (*see* Section 5).

(B) Authorized E-Filer is a licensed South Carolina attorney in good standing who has registered to e-file through the E-Filing System. An attorney admitted pro hac vice in an individual case is not an Authorized E-Filer unless otherwise ordered by the Court.

(C) Attorney E-Filing Manual is a document that is posted on the Court's website under E-Filing. *See* www.scalc.net. It is intended to provide instructional information, and all Authorized E-Filers are required to periodically check the Court's website for updates. It also provides the Terms and Conditions of E-Filing referenced in Section 3.

(D) Counsel of Record is an attorney who is associated with a specific case in the E-Filing System.

(E) Electronic Filing System (E-Filing System) is the South Carolina Administrative Law Court's automated system for receiving and storing documents filed by electronic methods. Access to the E-Filing System is available through a link on the Court's website (www.scalc.net).

(F) E-filing or e-file is the electronic submission of documents by Authorized E-Filers using the E-Filing System.

(G) Electronic Service or E-Service is the e-filing of a document together with the transmission of a Notice of an Electronic Filing (NEF) to an Authorized E-Filer under these Procedures via the E-Filing System.

(H) Notice of Electronic Filing (NEF) is a notice automatically generated by the E-Filing System at the time of a filing or other court action.

- A NEF is transmitted by email to all Authorized E-Filers and Pro Hac Vice Participants who are counsel of record in the case and includes a description of the filing and a list of parties to whom the NEF was transmitted.
- The NEF will also include an attachment of the filed document, which the recipient will have an opportunity to download without cost.

(I) Pro Hac Vice Participant is an attorney admitted pro hac vice, and who is registered with the E-Filing System to receive Notices of Electronic Filings in the specific case for which the Pro Hac Vice attorney was admitted. Pro Hac Vice Participants may not file documents using the E-Filing System and must submit e-filings through local Counsel of Record, unless otherwise ordered by the Court.

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(J) Technical Difficulty is a malfunction of an Authorized E-Filer's equipment, software, hardware, or internet connection that prevents the E-Filer from successfully e-filing a document after repeated attempts.

(K) Technical Failure is a malfunction of the E-Filing System hardware, software, or communications that results in the inability of an Authorized E-Filer to submit a document for e-filings. Technical Failure does not include malfunctioning of an Authorized E-Filer's equipment, software, hardware, or internet connection.

(L) Traditional Filer is a party, or an attorney for a party, who is not an Authorized E-Filer and who files and serves paper documents via traditional methods of filing and service.

(M) Traditional Filing is the physical filing of paper documents bearing the original signature of the party or the attorney for the party.

(N) Traditional Service is the service of a paper copy of a document using the forms or methods of service authorized under the Court's Rules.

Section 2. Scope and Participation

(A) Commencement of E-filing System. Use of the E-Filing System shall commence upon the issuance of an administrative order by the Court and may be amended or expanded as ordered by the Court.¹

(B) Scope. Unless otherwise ordered by the Court, all filings in cases shall be e-filed if the party is represented by an attorney. The Clerk of Court will not accept Traditional Filings submitted by attorneys except:

- (1) where a case is excluded from being e-filed; or
- (2) where an attorney has been excused from participation in the E-Filing System; or
- (3) where the document cannot be e-filed as otherwise set forth in these Procedures.

Attorneys who are Pro Hac Vice Participants must e-file or Traditional File through local Counsel of Record, where permissible under these procedures.

(C) Commencement of a Case. Unless otherwise excluded, new cases shall be commenced by filing them using the E-Filing System. An Authorized E-Filer consents to any required filing fees and/or service fees at the time of submission, and these fees must be paid through the E-Filing System, by credit card or by Automated Clearing House (ACH).² Failure to pay any fees may delay or prevent the Authorized E-Filer from filing the case. In addition, if an Authorized E-Filer incorrectly pays a fee resulting in an overpayment, no refund will be made.

¹ The Court will initially commence the E-Filing System under a Pilot Program that will be limited in its application as described in the administrative order.

² ACH is an electronic payment-transfer system.

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Waiver of Filing Fee. If a party requests a waiver of the filing fee pursuant to SCALC Rule 71(B), then both the filing commencing the case and the request for the waiver must be traditionally filed. If the waiver is granted, the Clerk of Court will accept the filing in accordance with Section 4(D) and all subsequent filings in the case will be filed traditionally. If the waiver is denied, then the Authorized E-Filer must pay the filing fee, if any, before the Clerk of Court accepts the filing in accordance with Section 4(D). Afterwards, in cases where the waiver is denied, all subsequent filings, once the case has been assigned, will be made utilizing the E-Filing System.

(D) Excluded Cases. The following cases are excluded from participation in the E-Filing System and must be traditionally filed:

- (1) Appeals from final decisions of the Department of Corrections, and the Department of Probation, Parole and Pardon Services pursuant to *Al-Shabazz v. State*, 338 S.C. 354, 527 S.E.2d 742 (2000) and *Furtick v. S.C. Dep't of Probation, Parole and Pardon Services*, 352 S.C. 594, 576 S.E.2d 146 (2003).
- (2) Appeals from final decisions of the Department of Employment and Workforce.

(E) Excluded Document. The following document may not be e-filed, regardless of whether the filer is an Authorized E-Filer, and must be traditionally filed:

Sealed Document.

A document subject to an existing sealing order or sealing statute may be filed electronically under seal pursuant to procedures established by the Court. No other document may be e-filed under seal except upon motion. A motion to file any document under seal shall be filed electronically unless prohibited by law.

(F) Electronic Service.

- (1) An Authorized E-Filer or Pro Hac Vice Participant may be served any document through the Court's E-Filing System as set forth in Section 4 below.
- (2) An Authorized E-Filer or Pro Hac Vice Participant may also be served through alternative methods of service in the event of a failure of the Notice of Electronic Filing (*see* Section 4) or a Technical Failure (*see* Section 8).

Section 3. Eligibility and Registration

(A) Attorneys.

- (1) **Eligibility to Participate in the E-Filing System.** A licensed South Carolina attorney in good standing is eligible to register and participate in the E-Filing System as an Authorized E-Filer. Pro Hac Vice Participants are eligible to register with the E-Filing System but must submit all filings through local Counsel of Record.
- (2) **Registration.** To access and utilize the E-Filing System, an attorney must be registered and verified by the Clerk of Court as described in the Attorney E-Filing Manual.

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(a) **Authorized E-Filer.** To become an Authorized E-Filer, an attorney must submit the Registration Form through the E-Filing System to the Clerk of Court for verification. The Registration Form will require attorneys to certify:

- (1) they are a member of the South Carolina Bar in good standing;
- (2) they have completed the E-Filing System training;
- (3) they have reviewed the E-Filing Procedures and Attorney E-Filing Manual; and
- (4) they have agreed to abide by the Terms and Conditions of e-filing.

The Registration Form will also require the Authorized E-Filer to submit their South Carolina Bar Number as well as their mailing address, phone number and email address. The Authorized E-Filer may submit up to three email addresses, two mailing addresses and three phone numbers, which may include their paralegal's contact information, for purposes of receiving notifications from the E-Filing System.

(b) **Pro Hac Vice Participant.** If an attorney wishes to become a registered Pro Hac Vice Participant in the E-Filing System, an attorney must first submit the Certification of the Application for Admission and Payment of Admission Fee from the South Carolina Supreme Court pursuant to Rule 404, SCACR, and an Order by the assigned ALC judge admitting the attorney pro hac vice as provided in SCALC Rule 73. Thereafter, the Pro Hac Vice attorney may submit the Registration Form through the E-Filing System to the Clerk of Court for verification, which will require the attorney to certify:

- (1) they have reviewed the E-Filing Procedures and Attorney E-Filing Manual; and
- (2) they have agreed to abide by the Terms and Conditions of e-filing.

The Pro Hac Vice attorney must also select the box that indicates he or she is participating as pro hac vice and must provide an e-mail address, if not otherwise provided in the Application for Admission.

Once the Clerk of Court verifies the registration has been properly completed, the Authorized E-Filer or Pro Hac Vice Participant will be notified they can begin utilizing the E-Filing System.

(3) Use and Unauthorized Use of Login and Passwords.

(a) **Security.** Authorized E-filers and Pro Hac Vice Participants are solely responsible for their login information and password, and they shall protect this information from unauthorized use. Authorized E-Filers or Pro Hac Vice Participants may change their password utilizing the procedure set forth in the Attorney E-Filing Manual.

(b) **Supervised Use Permitted.** Authorized E-Filers or Pro Hac Vice Participants may permit an authorized agent, such as another attorney or a non-attorney assistant, to utilize the Authorized E-Filer's or Pro Hac Vice Participant's login

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and password information to access and use the E-Filing System on behalf of the Authorized E-Filer or Pro Hac Vice Participant. Authorized E-Filers and Pro Hac Vice Participants are responsible for supervising their authorized agents with respect to any access or utilization of the E-Filing System on their behalf.

- (c) **Notification of Unauthorized Use.** Authorized E-Filers or Pro Hac Vice Participants shall immediately notify the Clerk of Court if they learn or suspect their login and password have been used without authorization. The Clerk of Court shall be notified using the telephone number or email address listed on the Court's website, www.scalc.net.
- (4) **Change of Name, Address, Email Address, or Phone Number.** Authorized E-Filers and Pro Hac Vice Participants shall keep their names, addresses, email addresses, and phone numbers current in the E-Filing System.
- (5) **Revocation of Privileges.** Participation in the E-Filing System is a privilege and may be denied or revoked by the Court.

Section 4. E-Filing and E-Service

(A) Electronic Filing. The electronic submission of a document to the E-Filing System, together with the transmission of the Notice of Electronic Filing (NEF) in accordance with these Procedures, constitutes the filing of that document in accordance with the Court's Rules. Any required filing fees and/or service fees must be paid for by credit card or ACH at the time of submission.

(B) Official Record. Where a document is e-filed, the electronic version of that filing constitutes the official court record. E-filed documents have the same force and effect as documents filed traditionally. Additionally, documents filed traditionally may be scanned and uploaded into electronic format by the Court. After the electronic version is uploaded into the system, it shall constitute the official court record.

(C) Timeliness.

- (1) **Commencing a Case.** A document submitted to the E-Filing System to commence a case that is uploaded on or before 11:59:59 p.m., Eastern Time, shall be considered filed with the Court on that date provided it is subsequently accepted by the Court as described below in subsection (D).
- (2) **All Other E-Filings.** A document submitted to the E-Filing System on or before 11:59:59 p.m., Eastern Time, shall be considered filed with the Court on that date.

Except as provided in Section 8, nothing in these Procedures should be construed to reduce or extend any filing or service deadlines set by statute, the SCALC Rules, or orders of the Court.

(D) Acceptance of Initial E-Filing by the Court. The Clerk of Court shall promptly review the initial documents filed to commence a case to determine whether they conform to the applicable filing requirements.

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- (1) Acceptance.** If the Clerk of Court accepts the filing, the case shall be considered filed with the Court at the time the original submission to the E-Filing System was complete in accordance with subsection (C)(1). Upon acceptance, the E-Filing System shall assign a docket number and will affix the date and time of submission to the document and issue an email confirming the date and time of submission. The Authorized E-Filer who submitted the filing, and any attorneys listed as associated with them in the case, will be designated as Counsel of Record in the case in the E-Filing System. When the case is assigned to a judge, the E-Filing System will then notify the Authorized E-Filer.
- (2) Filings Returned for Deficiencies.** If a filing does not conform to the applicable filing requirements, the Clerk of Court will notify the Authorized E-Filer of the deficiencies in the filing. The Authorized E-Filer may correct the deficiencies in the submission within five (5) business days of the return in the E-Filing System. Importantly, the time to resubmit the filing does not extend or toll any statutory deadline for filing. If the Authorized E-Filer attempts to correct the filing within five business days but, again, fails to perfect it, the filing will be deemed “Rejected,” in accordance with Section 4(D)(3) and it will be given a docket number with an extension of “RF.”
- (3) Rejection.** If the Clerk of Court rejects the filing, the documents shall not become part of the official court record. The Clerk of Court will notify the Authorized E-Filer of the rejection and the reason(s) for rejection. The Authorized E-Filer can also review the reason(s) for rejection in the E-Filing System under the “My Filings” tab.

If a filing is rejected, the Authorized E-Filer may seek review of that determination from the Court by submitting a request showing good cause within three (3) business days. Upon good cause shown, the Chief Administrative Law Judge may accept the filing and the E-Filing System will assign the original docket number and extension. The Authorized E-Filer may also resubmit the e-filing as a new filing, but it will be deemed filed the day of resubmission, provided the filing is perfected.

(E) Electronic Service.

- (1) Unauthorized Electronic Service.** Documents that are e-filed to commence a case cannot be served through the E-Filing System and must be served using Traditional Service. Additionally, the E-Filing System may not be used for service of a subpoena, or any other document required to be personally served under SCALC Rule 22.

Although the documents may not be served through the E-Filing System, proof of Traditional Service must be documented in the E-filing System.

- (2) E-Filing an Initial Response to the Commencement of a Case.** An Authorized E-Filer who receives service of process commencing a case must e-file an initial response by:

Submitting a Notice of Appearance to the E-Filing System along with the initial response. Once the Notice of Appearance is received, the Authorized E-Filer, along with any attorneys listed with the Authorized E-Filing on the response, will be designated Counsel of Record in the case.

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- (3) **Automatic Service.** Except as provided in subsection (a) below, upon the e-filing of any document following the initial e-filing of a case, the E-Filing System will generate and transmit a NEF to all Authorized E-Filers and Pro Hac Vice Participants who are counsel of record in that case.

The e-filing of that document, together with the transmission of a NEF, constitutes proper service under the Court's Rules as to parties who are Authorized E-Filers and Pro Hac Vice Participants in the case. It is the Authorized E-Filer's responsibility to review the content of the e-filed document in the E-Filing System to determine its force and effect.

- (a) No NEF will be created when a case is initially e-filed; however, the E-Filing System will transmit a confirmation of the submission and acceptance of the initial e-filing as described in subsection (D)(1) above.

- (4) **Service Complete Upon E-Filing.** When permitted, service of a document is complete upon e-filing the document, provided a NEF is transmitted by the E-Filing System in accordance with paragraph (E)(3) of this section. The NEF constitutes proof of service under SCALC Rule 4(D) and SCALC Rule 37(B), and the date of service shall be the file stamp date set forth on the Proof of Service eForm. Where notice of the filing of a document is served by a NEF, the Authorized E-Filer must indicate this method was utilized on the Proof of Service eForm.

- (5) **Service By or Upon a Party Who is Not an Authorized E-Filer**

- (a) E-filed documents that must be served upon a party who is not represented by an Authorized E-Filer or who is a Traditional Filer must be served by Traditional Service in accordance with the Court's Rules. The Authorized E-Filer must also e-file proof of Traditional Service.

- (b) Traditional Filers must continue to serve all parties with a paper copy of the document by a Traditional Service method.

- (6) **Content of Notice of Electronic Filing.** The NEF will be sent to all email addresses listed in the Authorized E-Filer's Registration Form and will include the name of the filed document. A copy of the filed document will be attached to the NEF, and the NEF will allow anyone receiving the notice by e-mail an opportunity to download the document without cost.

- (7) **Failed Transmission of NEF.** If an Authorized E-Filer becomes aware that the NEF was not transmitted successfully to the other Authorized E-Filers in the case, or that the NEF is deficient, the Authorized E-Filer shall, upon learning of the failure or deficiency, serve the e-filed document by email or by Traditional Service. Proof of such service shall be e-filed within one business day of service and shall be made in accordance with the procedures in the Attorney E-Filing Manual.

Section 5. Signatures on E-Filed Documents

(A) Approved Electronic Signatures

- (1) Documents signed by attorneys who are Authorized E-Filers using the E-filing System must be signed using a typed name preceded by “s/.” As part of the signature line, the Authorized E-Filer shall also include their South Carolina Bar number, representation, physical address, telephone number, and email address such that the signature line is formatted as follows:

s/John Doe
S.C. Bar No. 12345
Attorney for the Petitioner
Law Firm
1234 Any Street
Columbia, SC 29201
803-555-0111
name@email.com

- (2) The use of the Authorized E-Filer’s login and password, combined with the use of the s/[typed name] in the signature line of an e-filed document shall constitute an approved signature in accordance with SCALC Rule 6.

(B) Documents Requiring Multiple Signatures

- (1) A document requiring the signature of more than one person shall be e-filed by a single Authorized E-Filer using their Approved Electronic Signature unless otherwise ordered by the Court. The Authorized E-Filer who e-files the document may insert the typed signature(s) of the other required signatories if the Authorized E-Filer obtains written consent from the required signatories, which may be in the form of a letter, e-mail, or facsimile. The e-filed document shall affirmatively state that the Authorized E-Filer obtained the required consent.
- (2) A non-filing signatory or party who disputes the authenticity of an e-filed document containing multiple signatures or who disputes giving consent to e-file the document must file an objection to the document within ten (10) days of receiving the NEF.
- (3) The Authorized E-Filer who files the document shall retain either (a) the hard copy or accessible digital copy of the document containing the original signatures of the signatories, or (b) a hard copy or accessible digital copy of the written consent given by all signatories.

(C) Documents Containing Signatures of Persons Other than Authorized E-Filers.

Documents containing the signature of persons other than Authorized E-Filers, including affidavits, other notarized or signed documents, proofs of service signed by paralegals or legal assistants must be signed with a traditional, handwritten signature and may be e-filed as a scanned PDF image by an Authorized E-Filer. The E-Filer shall affirmatively state that the documents submitted were signed with a handwritten signature and are in possession of the E-Filer.

Section 6. Document Size and Formatting

(A) Conversion to PDF. All documents submitted by E-Filers to the E-Filing System, other than proposed orders, must be converted to PDF utilizing PDF conversion software, and the converted document must be text-searchable. Any documents that cannot be converted to PDF must be scanned to PDF and then submitted.

(B) Submission in Other Formats. In addition to the submission of documents in PDF, the assigned administrative law judge may also require that documents be submitted in Microsoft Word format. The person submitting a document shall ensure that the media utilized is virus-free.

(C) Legibility. An Authorized E-Filer must only submit legible documents.

(D) Electronic Documents Conform to Current Rules. All e-filed documents shall conform to the requirements of SCALC Rules 4(C), 6, 11(D), and 33.

(E) Size. A single document cannot be larger than eight (8) Megabytes, and the total size of all the documents included in a single submission cannot be larger than forty (40) Megabytes. When a single document is larger than eight (8) Megabytes, the document must be broken into smaller-sized documents that are eight (8) Megabytes or less.

Section 7. Attachments and Exhibits

(A) Format and Resolution of Attachments and Exhibits. Attachments and Exhibits must be scanned to PDF as images for e-filing unless: (1) the attachment or exhibit cannot be comprehensively viewed in an electronic format; (2) the attachment or exhibit is sealed or submitted for in camera review; or (3) as otherwise ordered by the court.

(B) Proposed Orders. Proposed orders prepared by a party upon an administrative law judge's instruction must be submitted through the E-Filing System by Authorized E-Filers in PDF and in Microsoft Word format. Additionally, proposed orders submitted in support of a motion or proposed consent orders must be e-filed as attachments to the request in PDF and in Microsoft Word format.

(C) Bookmarks and Hyperlinks. E-filed documents may contain bookmarks to locations within the same document. Hyperlinks to other documents or external sites are not permitted unless otherwise directed by the Court.

(D) Other Exhibits. Exhibits or other evidentiary items that cannot be filed electronically because the exhibit cannot be scanned and converted to PDF (e.g., large maps or plats) or because an original version must be filed, may be traditionally filed.

(E) Filing of Original Deposition. Authorized E-Filers shall not be required to file the original deposition from which excerpts were drawn unless otherwise directed by the Court.

Section 8. Technical Failures and Technical Difficulties

(A) Point of Contact. The point of contact for an Authorized E-Filer who is experiencing difficulty e-filing a document is the Court's Department of Information Technology (IT Department) at the email address listed on the Court's website, www.scalc.net. The IT Department is open during normal Court hours of operation.

(B) Electronic Filing System Technical Failure. If the E-Filing System is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 p.m., Eastern Time, then the Technical Failure will be communicated to Authorized E-Filers by announcing it on the E-Filing System web page.

(C) Technical Problems on the Day a Filing is Due. Where a technical failure of the E-Filing System or a technical difficulty prevents an Authorized E-Filer from submitting a document for e-filing, and the filing of the document is required on the day of the Technical Failure or Difficulty, the E-Filer may utilize one of the following procedures:

- (1) Traditional Filing During Business Hours.** The Authorized E-Filer may traditionally file the document by physically delivering the document, together with any required filing fee, to the Court during normal business hours. The filing must include a certification signed by the Authorized E-Filer stating:
 - (a)** a Technical Failure of the E-Filing System was declared; or
 - (b)** a Technical Difficulty occurred and explaining what the Technical Difficulty was and why that difficulty prevented the Authorized E-Filer from e-filing the document.

When a document is filed under this paragraph, and the document is required to be served, the Authorized E-Filer must serve the filed document and proof of service on all other parties to the case by Traditional Service.

- (2) Alternative Method of Submission After Business Hours.** In cases where the Authorized E-Filer is unable to physically deliver the document to the Clerk of Court pursuant to paragraph (C)(1), the Authorized E-Filer may preserve the time for filing by emailing the document prior to the filing deadline in section 4(C) along with the following certification to the Clerk of Court. The certification must be signed by the Authorized E-Filer and state:
 - (a)** a Technical Failure was declared; or
 - (b)** a Technical Difficulty occurred and provide an explanation of what the Technical Difficulty was and why that difficulty prevented the Authorized E-Filer from e-filing the document; and
 - (c)** why the documents could not be physically delivered to the Court during normal business hours, with the required filing fee, if any.

When the document is required to be served, the Authorized E-Filer must serve the document and the certification on the Court and all other parties to the case by

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Traditional Service post-marked no later than one business day after the email to the Clerk of Court.

EMAIL SUBMISSION IS NOT IN ITSELF A PROPER FILING. The submission to the Clerk of Court via email shall be effective only to preserve the time for filing. The document will be deemed timely filed only if the Court receives Traditional Service that is post-marked within one business day of the date of the email submission.

(D) Technical Difficulties. Where an Authorized E-Filer is unable to complete an e-filing after repeated attempts, the E-Filer may traditionally file the document with the Court. The E-Filer must also include a Certificate of Technical Difficulties with the traditional filing explaining the problem and certifying that:

- (1) the E-Filer attempted to e-file the document three or more times on at least two (2) separate calendar days; **(Except as set out in (C) above)**
- (2) the E-Filer contacted the IT Department for assistance; and
- (3) after requesting assistance from the IT Department, at least one (1) more attempt to e-file the document was made, and the attempt was unsuccessful.

The Authorized E-Filer must serve the filed document and certification on all other parties to the case by Traditional Service.

(E) Relief. An Authorized E-Filer who suffers prejudice as a result of a Technical Failure may seek appropriate relief from the Court.

(F) Scheduled Maintenance and Technical Interruptions. Scheduled maintenance of the E-Filing System will be announced in advance via the e-filing webpage at www.scalc.net. Where the E-Filing System is unavailable and the time of the unavailability is announced in advance as part of regularly scheduled maintenance, no Technical Failure has occurred. Authorized E-Filers may utilize the Technical Difficulty provisions if the filing is required to be filed that day.

Section 9. Miscellaneous

(A) Discovery. The E-Filing System shall not be used for the electronic exchange of discovery materials and other communications between the parties that are not intended to be filed with the Court.

(B) Citation. These Procedures may be cited as follows: Section ___, SCALC-EFP.

(C) Courtesy Copies. The Court shall not require parties to furnish courtesy paper copies of e-filed documents.

(D) Filing To Quash a Subpoena. The E-Filing System allows an Authorized E-Filer to e-file a motion to quash a subpoena in an existing case on behalf of a non-party.