

**Federal Bar Association Western District of Washington Local Rules Committee
Proposed Amendments to Local Civil Rules
February 2017**

LCR 3

COMMENCEMENT AND ASSIGNMENT OF ACTIONS

(a) Civil Cover Sheet Required

Every complaint shall be accompanied by a Civil Cover Sheet, Form JS-44 revised. All civil actions in which jurisdiction is invoked in whole or in part under 28 U.S.C. § 1338 (regarding patents, copyrights and trademarks) shall be accompanied by the required notice to the Patent and Trademark Office, Form AO 120, in patent and trademark matters, and by the required notice, Form AO 121, in copyright matters. These forms are available on the court’s website and on the U.S. Courts website at www.uscourts.gov.

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(b) Proceedings In Forma Pauperis (Without Payment of Court Fees)

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(c) Initial Case Assignment

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(d) Intradistrict Assignment and Reassignment

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(e) Motions to Recuse

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(a) Civil Cover Sheet Required

Every ~~complaint~~ civil action shall be accompanied by a Civil Cover Sheet, Form JS-44 revised. All civil actions in which jurisdiction is invoked in whole or in part under 28 U.S.C. § 1338 (regarding patents, copyrights and trademarks) shall be accompanied by the required notice to the Patent and Trademark Office, Form AO 120, in patent and trademark matters, and by the required notice, Form AO 121, in copyright matters. These forms are available on the court’s website and on the U.S. Courts website at www.uscourts.gov.

(b) Filing Fee Required

A party must pay the Civil Filing Fee when it files or removes any civil action except for proceedings in forma pauperis under LCR 3(c) or as otherwise exempted by law. The Fee Schedule is available on the court’s website.

~~(b)~~ Proceedings In Forma Pauperis (Without Payment of Court Fees)

[No change]

~~(c)~~ Initial Case Assignment

[No change]

~~(d)~~ Intradistrict Assignment and Reassignment

[No change]

~~(e)~~ Motions to Recuse

[No change]

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LCR 3

COMMENCEMENT AND ASSIGNMENT OF ACTIONS

(f) Notice of Related Cases

A plaintiff must list all related cases in the Civil Cover Sheet.

- (1) Unless an action is listed as related in the Civil Cover Sheet, a party must file a Notice of Related Case alerting the court as soon as it knows or learns that another action that was or is pending in this district may be related to the party's case. The notice should include the case number, presiding judge, and parties involved in the related case, and an explanation of the relationship between or among the cases.

- (2) An action is related to another when the actions:

- (A) concern substantially the same parties, property, transaction, or event; and

- (B) it appears likely that there will be an unduly burdensome duplication of labor and expense or the potential for conflicting results if the cases are conducted before different judges.

(g) Notice of Pendency of Other Action in Another Jurisdiction or Forum

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(h) Transfer or Remand of Actions; Effective Date

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(fg) Notice of Related Cases

~~A plaintiff must list all related cases in the Civil Cover Sheet.~~

- ~~(2)~~(1) A plaintiff or removing defendant must list all related cases in the Civil Cover Sheet and, if there are any, file a Notice of Related Cases. Unless an action is listed as related in the Civil Cover Sheet or the original Notice of Related Cases, a party must file a Notice of Related Cases alerting the court as soon as it knows or learns that another action that was or is pending in this district may be related to the party's case. The notice should include the case number, presiding judge, and parties involved in the related case, and an explanation of the relationship between or among the cases.

- (2) An action is related to another when the actions:

- (A) concern substantially the same parties, property, transaction, or event; and

- (B) it appears likely that there will be an unduly burdensome duplication of labor and expense or the potential for conflicting results if the cases are conducted before different judges.

(gh) Notice of Pendency of Other Action in Another Jurisdiction or Forum

[No change]

(hi) Transfer or Remand of Actions; Effective Date

[No change]

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LCR 5

SERVING AND FILING PLEADINGS AND OTHER PAPERS

(g) Sealing and Redacting of Court Records

There is a strong presumption of public access to the court’s files. This rule applies in all instances where a party seeks to overcome the policy and the presumption by filing a document under seal.

* * *

(3) A motion to seal a document, even if it is a stipulated motion, must include the following:

(A) a certification that the party has met and conferred with all other parties in an attempt to reach agreement on the need to file the document under seal, to minimize the amount of material filed under seal, and to explore redaction and other alternatives to filing under seal; this certification must list the date, manner, and participants of the conference;

(B) a specific statement of the applicable legal standard and the reasons for keeping a document under seal, with evidentiary support from declarations where necessary.

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(g) Sealing and Redacting of Court Records

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(B) a specific statement of the applicable legal standard and the reasons for keeping a document under seal, including an explanation of:

(i) the legitimate private or public interests that warrant the relief sought;

(ii) the injury that will result if the relief sought is not granted; and

(iii) why a less restrictive alternative to the relief sought is not sufficient.

~~,with~~ Evidentiary support from declarations

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**LCR 5
SERVING AND FILING PLEADINGS AND OTHER PAPERS**

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Where parties have entered a litigation agreement or stipulated protective order (*see* LCR 26(c)(2)) governing the exchange in discovery of documents that a party deems confidential, a party wishing to file a confidential document it obtained from another party in discovery may file a motion to seal but need not satisfy subpart (3)(B) above.

Instead, the party who designated the document confidential must satisfy subpart (3)(B) in its response to the motion to seal or in a stipulated motion.

must be provided where necessary.

Where parties have entered a litigation agreement or stipulated protective order (*see* LCR 26(c)(2)) governing the exchange in discovery of documents that a party deems confidential, a party wishing to file a confidential document it obtained from another party in discovery may file a motion to seal but need not satisfy subpart (3)(B) above.

Instead, the party who designated the document confidential must satisfy subpart (3)(B) in its response to the motion to seal or in a stipulated motion.

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LCR 7
FORM AND SCHEDULING OF MOTIONS

(d) Noting Dates for Motions and Briefing Schedules

Unless otherwise provided by rule or court order, motions shall be noted for consideration as follows:

* * *

(7) *Cases Involving Prisoners and Detainees.* All motions filed in a case in which a party is under civil or criminal confinement shall be subject to the briefing schedule under Rule 7(d)(1) or 7(d)(3), not 7(d)(2).

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(e) Length of Motions and Briefs

Except as otherwise provided by court order or rule, the length of motions and briefs shall be as follows:

- (1) Motions noted under LCR 7(d)(1), except motions for temporary restraining orders, shall not exceed six pages.
- (2) Motions noted under LCR 7(d)(2) and briefs in opposition shall not exceed twelve pages. Reply briefs shall not exceed six pages.
- (3) Motions for summary judgment, motions to dismiss, motions for class certification, motions for a temporary restraining order, motions for preliminary injunction, and motions aimed at changing the forum (e.g., motions to remand, transfer, or compel arbitration) and briefs in opposition shall not exceed twenty-four pages. Reply briefs shall not exceed twelve pages.

Absent leave of the court, parties must not file contemporaneous dispositive motions, each one directed toward a discrete issue or claim.

(d) Noting Dates for Motions and Briefing Schedules

Unless otherwise provided by rule or court order, motions shall be noted for consideration as follows:

* * *

(7) *Cases Involving Prisoners and Detainees.* Except for petitions for habeas corpus and motions filed pursuant to 28 U.S.C. § 2255, All motions filed in a case in which a party is under civil or criminal confinement shall be subject to the briefing schedule under Rule 7(d)(1) or 7(d)(3), not 7(d)(2). Petitions for habeas corpus and motions filed pursuant to 28 U.S.C. § 2255 are addressed by LCR 100.

(e) Length of Motions and Briefs

Except as otherwise provided by court order or rule, the length of motions and briefs shall be as follows:

- (1) Motions noted under LCR 7(d)(1), except motions for temporary restraining orders, shall not exceed six pages.
- (2) Motions noted under LCR 7(d)(2) and briefs in opposition shall not exceed twelve pages. Reply briefs shall not exceed six pages.
- (3) Motions for summary judgment, motions to dismiss, motions for class certification, motions for a temporary restraining order, motions for preliminary injunction, and motions aimed at changing the forum (e.g., motions to remand, transfer, or compel arbitration) and briefs in opposition shall not exceed twenty-four pages. Reply briefs shall not exceed twelve pages.

Absent leave of the court, parties a party must not file contemporaneous dispositive motions, each one directed toward a discrete issue or claim.

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LCR 10

FORM OF PLEADINGS, MOTIONS AND OTHER FILINGS

(e) Format

All pleadings, motions or other filings should include the following:

* * *

(4) *Dates and Signature Lines.* All pleadings, motions and other filings shall be dated and signed as provided by Federal Rule of Civil Procedure 11, LCR 11, and the court's Electronic Filing Procedures. The court might not consider improperly signed or unsigned documents.

* * *

(9) *Courtesy Copies.* When documents that exceed 50 pages in length are filed electronically, a paper copy of the document shall be delivered to the Clerk's Office for chambers. The judge's copy shall not be delivered directly to chambers unless the judge has so instructed. The copy for chambers shall be clearly marked with the words "Courtesy Copy of Electronic Filing for Chambers."

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The copies of all papers must indicate in the upper right-hand corner of the first page the name of the district judge or magistrate judge to whom the copies are to be delivered.

(e) Format

All pleadings, motions or other filings should include the following:

* * *

(4) *Dates and Signature Lines.* All pleadings, motions and other filings shall be dated and signed as provided by Federal Rule of Civil Procedure 11, LCR 11, and the court's Electronic Filing Procedures. If an original document is required to be filed with the court, any required signature thereto must also be original. The court might not consider improperly signed or unsigned documents.

* * *

(9) *Courtesy Copies.* When documents that exceed 50 pages in length are filed electronically, a paper copy of the document shall be delivered to the Clerk's Office for chambers. The 50–page requirement is determined by the aggregate total of pages for each filing, as defined in the court's Electronic Filing Procedures. The judge's copy shall not be delivered directly to chambers unless the judge has so instructed. The copy for chambers shall be clearly marked with the words "Courtesy Copy of Electronic Filing for Chambers." Further clarification on courtesy copies may be obtained by reviewing the assigned judge's Web page and/or the Electronic Filing Procedures for Civil and Criminal cases, available at <http://wawd.uscourts.gov>.

The copies of all papers must indicate in the upper right-hand corner of the first page the name of the district judge or magistrate judge to whom the copies are to be delivered.

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LCR 10

FORM OF PLEADINGS, MOTIONS AND OTHER FILINGS

Courtesy copies must be delivered to the court no later than 12:00 p.m. on the business day after filing, except that courtesy copies of motions for temporary restraining orders and oppositions must be delivered the same day. Unless the court otherwise directs, the parties shall not provide duplicate copies of state court records in prisoner cases or of an administrative record filed pursuant to LCR 79(h).

In those circumstances where a judge's courtesy copy of a document is to be delivered to the court, it shall contain no items other than 8 ½ x 11 inch paper, unless larger original documents are being filed as exhibits. Copies may not be submitted in three-ring binders, but must be three-hole punched, tabbed, and bound by rubber bands or clips.

The courtesy copy must be identical to the filed copy. For electronic filers, the courtesy copy must be printed from PACER so that the CM/ECF header, which contains the cause number and docket number, appears at the top of each page. Parties should consult their assigned judge's web page at www.wawd.uscourts.gov for additional guidance regarding courtesy copies.

* * *

(11) *Format of Originals.* Originals of documents filed with the court shall not contain double-sided pages or items other than 8 ½ x 11 inch paper, unless double-sided or larger original documents are being filed as exhibits.

Courtesy copies must be delivered to the court no later than ~~than~~ ~~12:00 p.m. on~~ the business day after filing, except that courtesy copies of motions for temporary restraining orders and oppositions must be delivered the same day. Unless the court otherwise directs, the parties shall not provide duplicate copies of state court records in prisoner cases or of an administrative record filed pursuant to LCR 79(h).

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* * *

(11) *Format of Originals.* Originals of documents filed with the court shall not contain double-sided pages or items other than 8 ½ x 11 inch paper, unless double-sided or larger original documents are being filed as exhibits. If an original document is required to be filed with the court, any required signature thereto must also be original.

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LCR 11

SIGNING FILINGS; SANCTIONS

(a) Signature

A document signed electronically (by either a digital signature or by using the “s/ Name” convention) has the same force and effect as if the person had affixed a signature to a paper copy of the document. Electronic signatures must be in conformance with this district’s Electronic Filing Procedures for Civil and Criminal Cases.

(a) Signature

A document signed electronically (by either a digital signature or by using the “s/ Name” convention) has the same force and effect as if the person had affixed a signature to a paper copy of the document, unless an original document is otherwise required. If an original document is required to be filed with the court, any required signature thereto must also be original. Electronic signatures must be in conformance with this district’s Electronic Filing Procedures for Civil and Criminal Cases.

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LCR 16

PRETRIAL CONFERENCES; SCHEDULING; MANAGEMENT

(a) Scheduling Conference or Joint Status Report

As soon as practicable after a case is filed, the court shall convene a scheduling conference, or order the submission of a joint status report, or both.

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(b) Scheduling Order; Exemption of Certain Types of Cases

(1) *Scheduling Order.* The court shall enter a written scheduling order as prescribed in Rule 16(b) of the Federal Rules of Civil Procedure. The scheduling order shall include, among other things, deadlines for the completion of discovery and the filing of dispositive motions.

(2) *Discovery Deadline.* Interrogatories, requests for admissions or production, etc., must be served sufficiently early that all responses are due before the discovery deadline. Any motion to compel discovery shall also be filed and served on or before this deadline or as directed by court order.

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(3) *Dispositive Motions.* Not later than the deadline to file dispositive motions, unless otherwise ordered by the court, parties shall file all motions to dismiss, motions for summary judgment, other dispositive motions, and other reasonably foreseeable motions, together with supporting papers.

(a) Scheduling Conference or Joint Status Report

As soon as practicable after a case is filed, but no later than either the filing of the proof of service on any defendant or the appearance of any defendant, the court shall ~~convene~~ order a scheduling conference, or order the submission of a joint status report, or both, unless the judge finds good cause for delay.

(b) Scheduling Order; Exemption of Certain Types of Cases

(1) *Scheduling Order.*

[No Change]

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2) *Discovery Deadline.*

[No Change]

(3) *Discovery Motions.* The parties should refer to the written scheduling order, as well as the assigned judge's web page, for additional information about whether they may present discovery disputes by informal means.

~~(3)~~ *Dispositive Motions.*

[No Change]

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PRETRIAL CONFERENCES; SCHEDULING; MANAGEMENT

(4) *Modifying a Schedule.* The parties are bound by the dates specified in the scheduling order. A schedule may be modified only for good cause and with the judge’s consent. Mere failure to complete discovery within the time allowed does not constitute good cause for an extension or continuance.

(5) *Exemption of Certain Types of Cases.* The court exempts certain types of cases from the requirements of this local rule and of Fed. R. Civ. P. 16(b), including: any case exempt from the initial disclosure requirements under Fed. R. Civ. P. 26, proceedings upon a defendant’s default, bankruptcy proceedings before this court, condemnation cases, forfeiture actions, and cases filed as miscellaneous matters before this court.

* * *

(h) Plaintiff's Pretrial Statement

Not later than 30 days prior to the date for filing the proposed pretrial order, counsel for plaintiff(s) shall serve upon counsel for all other parties a brief statement as to:

- (1) Federal jurisdiction;
- (2) Which claims for relief plaintiff intends to pursue at trial, stated in summary fashion;
- (3) Relevant facts about which plaintiff asserts there is no dispute and which plaintiff is prepared to admit;
- (4) Issues of law;
- (5) The names and addresses of all witnesses who might be called by plaintiff, and the general nature of the expected testimony of each. As to each witness, plaintiff shall indicate “will testify” or “possible witness only.” Rebuttal witnesses,

(45) *Modifying a Schedule.*

[No Change]

(56) *Exemption of Certain Types of Cases.*

[No Change]

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(h) Plaintiff's Pretrial Statement

Not later than 30 days prior to the date for filing the proposed pretrial order, counsel for plaintiff(s) shall serve upon counsel for all other parties a brief statement as to:

- (1) - (6) [No Change]

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PRETRIAL CONFERENCES; SCHEDULING; MANAGEMENT

the necessity of whose testimony cannot reasonably be anticipated before trial, need not be named;

(6) A list of all exhibits which will be offered by plaintiff at the time of trial, except exhibits to be used for impeachment only, and a statement of whether the plaintiff intends to present exhibits in electronic format to jurors. The exhibits shall be numbered in the manner required by the assigned judge during a pre-trial conference, in the applicable case management order, or by other order. Further clarification may be obtained by reviewing the assigned judge's web page at <http://wawd.uscourts.gov> or, in the absence of guidance in an order or on the web page, by contacting the assigned judge's courtroom deputy.

(i) Defendant's Pretrial Statement

Not later than 20 days prior to the filing of the proposed pretrial order, each defense counsel shall serve upon counsel for all other parties a brief statement as to:

- (1) Objections, additions or changes which defendant believes should be made to plaintiff's statement on federal jurisdiction and admitted facts;
- (2) Which affirmative defenses and/or claims for relief defendant intends to pursue at trial, stated in summary fashion;
- (3) Objections, additions or changes which defendant believes should be made to plaintiff's statement of issues of law;
- (4) The names and addresses of all witnesses who might be

(7) Any portions of deposition transcripts to be offered by plaintiff at trial, as specified in LCR 32(e), except for deposition testimony offered solely for impeachment.

(i) Defendant's Pretrial Statement

Not later than 20 days prior to the filing of the proposed pretrial order, each defense counsel shall serve upon counsel for all other parties a brief statement as to:

- (1)- (5) [No Change]

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PRETRIAL CONFERENCES; SCHEDULING; MANAGEMENT

called by defendant, and the general nature of the expected testimony of each. As to each witness, defendant shall indicate “will testify” or “possible witness only.” Rebuttal witnesses, the necessity of whose testimony cannot reasonably be anticipated before trial, need not be named;

(5) A list of all exhibits which will be offered by defendant at the time of trial, except exhibits already listed by plaintiff and exhibits to be used for impeachment only, and a statement of whether the defendant intends to present exhibits in electronic format to jurors. All exhibits shall be numbered in the manner required by the assigned judge during a pre-trial conference, in the applicable case management order, or by other order. Further clarification may be obtained by reviewing the assigned judge’s web page at <http://wawd.uscourts.gov> or, in the absence of guidance in an order or on the web page, by contacting the assigned judge’s courtroom deputy.

No party is required to list any exhibit which is listed by another party.

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(k) Conference of Attorneys

Not later than ten days prior to the filing of the proposed pretrial order, there shall be a conference of attorneys for the purpose of accomplishing the requirements of this rule. It shall be the duty of counsel for the plaintiff to arrange for the conference. The attorney principally responsible for trying the case on behalf of each party shall attend the conference. Each attorney shall be completely familiar with

(6) Any portions of deposition transcripts to be offered by defendant at trial, as specified in LCR 32(e), except for deposition testimony offered solely for impeachment.

* * *

(k) Conference of Attorneys

Not later than ten days prior to the filing of the proposed pretrial order, there shall be a conference of attorneys for the purpose of accomplishing the requirements of this rule. It shall be the duty of counsel for the plaintiff to arrange for the conference. The attorney principally responsible for trying the case on behalf of each party shall attend the conference. Each attorney shall be completely familiar with

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all aspects of the case in advance of the conference, and be prepared to enter into stipulations with reference to as many facts and issues and exhibits as possible, and to discuss the possibility of settlement. At the conference, counsel shall cooperate in developing a proposed pretrial order which can be signed by counsel for all parties. Except in land condemnation cases, the order shall, insofar as possible, be in the form set forth below in LCR 16.1. The parties' witness lists may be on separate pages. Counsel shall assemble a single pretrial order, properly paginated.

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all aspects of the case in advance of the conference, and be prepared to enter into stipulations with reference to as many facts, ~~and~~ issues, deposition excerpts, and exhibits as possible, and to discuss the possibility of settlement. At the conference, counsel shall cooperate in developing a proposed pretrial order which can be signed by counsel for all parties. Except in land condemnation cases, the order shall, insofar as possible, be in the form set forth below in LCR 16.1. The parties' witness lists may be on separate pages. Counsel shall assemble a single pretrial order, properly paginated.

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LCR 26

DUTY TO DISCLOSE; GENERAL PROVISIONS GOVERNING DISCOVERY

(f) Conference of the Parties; Planning for Discovery

The rule is intended to promote the just, efficient, speedy, and economical determination of every action and proceeding and to promote, wherever possible, the prompt resolution of discovery disputes without court intervention. Counsel are expected to cooperate with each other to reasonably limit discovery requests, to facilitate the exchange of discoverable information, and to reduce the costs of discovery.

The proportionality standard set forth in Fed. R. Civ. P. 26(b)(1) must be applied in every case when parties formulate a discovery plan and promulgate discovery requests. To further the application of the proportionality standard in discovery, discovery requests and related responses should be reasonably targeted, clear, and as specific as possible.

(1) Prior to the initial status conference with the court, if any, or prior to submitting their joint status report, counsel and any pro se parties shall meet and discuss, and address in their joint status report if the court orders one, the topics set forth in Fed. R. Civ. P. 26(f) and the following issues:

* * *

(D) a statement of how discovery will be managed to promote the expeditious and inexpensive resolution of the case, including but not limited to:

- (i) forgoing or limiting depositions or exchanging documents informally;
- (ii) agreeing to share discovery from third parties and the cost of obtaining that discovery;

(f) Conference of the Parties; Planning for Discovery

The rule is intended to promote the just, efficient, speedy, and economical determination of every action and proceeding and to promote, wherever possible, the prompt resolution of discovery disputes without court intervention. Counsel are expected to cooperate with each other to reasonably limit discovery requests, to facilitate the exchange of discoverable information, and to reduce the costs of discovery.

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(1) Prior to the initial status conference with the court, if any, or prior to submitting their joint status report, counsel and any pro se parties shall meet and discuss, and address in their joint status report if the court orders one, the topics set forth in Fed. R. Civ. P. 26(f) and the following issues:

* * *

(D) a statement of how discovery will be managed to promote the expeditious and inexpensive resolution of the case, including but not limited to:

- (i) forgoing or limiting depositions or exchanging documents informally;
- (ii) agreeing to share discovery from third parties and the cost of obtaining that discovery;

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LCR 26

DUTY TO DISCLOSE; GENERAL PROVISIONS GOVERNING DISCOVERY

(iii) scheduling discovery or case management conferences with the judge assigned to the case as necessary;

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(iv) requesting the assistance of a magistrate judge for settlement conferences;

(v) requesting to use an abbreviated pretrial order; and

(vi) requesting other orders the court should enter under LCR 16(b) and (c).

(iii) scheduling discovery or case management conferences with the judge assigned to the case as necessary;

~~(iii)~~(iv) presenting discovery disputes to the court by informal means;

~~(iv)~~(v) requesting the assistance of a magistrate judge for settlement conferences;

~~(v)~~(vi) requesting to use an abbreviated pretrial order; and

~~(vi)~~(vii) requesting other orders the court should enter under LCR 16(b) and (c).

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LCR 32

USING DEPOSITIONS IN COURT PROCEEDINGS

(e) Offering Portions of Depositions

If a party intends to offer a deposition instead of live testimony at trial, the party shall provide to all other parties a transcript of the deposition with the relevant portions highlighted. Other parties may offer other portions of the deposition by highlighting them. The parties shall submit to the court, along with the proposed pretrial order, a single copy of the deposition transcript, setting forth all designated testimony, and indicating any objections and responses to objections in the margin. A failure to designate an objection in this manner shall constitute a waiver, even if the objection was previously stated at the deposition. A party shall enter all highlighting of testimony, all objections, and all responses to objections in a single color, used only by that party. After the court has ruled on the objection, the deposition will be filed as part of the record.

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(e) Offering Portions of Depositions

If a party intends to offer a deposition instead of or in addition to, live testimony at trial, the party shall provide to all other parties a transcript of the deposition with the relevant portions highlighted, by no later than the conference of attorneys under LCR 16(k) or as otherwise ordered by the court due date for their pretrial statement under LCR 16(h) and LCR 16(i) or as otherwise ordered by the court. Other parties may offer objections and other portions of the counter-designations deposition by highlighting them and providing the same to the opposing party no later than the conference of attorneys under LCR 16(k) or as otherwise ordered by the court.

The party intending to offer the deposition testimony at trial shall prepare a single copy of the deposition transcript containing the parties' designations, highlighting all testimony, indicating any objections and all responses to objections in the margins, all in a single color used only by that party. A failure to designate an objection in this manner shall constitute a waiver, even if the objection was previously stated at the deposition. Counsel shall then file the deposition designations with the pretrial order. The court's rulings on objections shall be made part of the record.

The parties shall submit to the court, along with the proposed pretrial order, a single copy of the deposition transcript, setting forth all designated testimony, and indicating any objections and responses to objections in the margin. A failure to designate an objection in this manner shall constitute a waiver, even if the

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LCR 32

USING DEPOSITIONS IN COURT PROCEEDINGS

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If a party intends to offer a video deposition instead of live testimony, the party must, in addition to complying with the provisions above, submit a copy of the video deposition to the court and to all other parties no later than the deadline for filing the pretrial order. The party offering the video is responsible for being familiar with the courtroom technology necessary to play it and for ensuring that the video is edited appropriately.

~~objection was previously stated at the deposition. A party shall enter all highlighting of testimony, all objections, and all responses to objections in a single color, used only by that party. After the court has ruled on the objection, the deposition will be filed as part of the record.~~

If a party intends to offer a video deposition instead of live testimony, the party must, in addition to complying with the provisions above, submit a copy of the video deposition to the court upon request and to all other parties no later than the deadline for filing the pretrial order. The party offering the video is responsible for being familiar with the courtroom technology necessary to play it and for ensuring that the video is edited appropriately.

This rule does not apply to deposition testimony offered solely for impeachment.

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LCR 37

FAILURE TO MAKE DISCLOSURE OR COOPERATE IN DISCOVERY; SANCTIONS

(a) Motion for Order Compelling Disclosure or Discovery

(1) *Meet and Confer Requirement.*

* * *

(2) *Expedited Joint Motion Procedure.* A motion for an order compelling disclosure or discovery may be filed and noted in the manner prescribed in LCR 7(d)(3). Alternatively, the parties may, by agreement, utilize the expedited procedure set forth in this subsection. If the parties utilize this procedure, the motion may be noted for consideration for the day the motion is filed. After the parties have conferred, a party may submit any unresolved discovery dispute to the court through the following procedure:

(A) The moving party shall be responsible for preparing and filing a joint LCR 37 submission to the court. An example of an LCR 37 submission is attached as Appendix B.

(B) The moving party may draft an introductory statement, setting forth the context in which the dispute arose and the relief requested. Each disputed discovery request and the opposing party's objection/response thereto shall be set forth in the submission. Immediately below that, the moving party shall describe its position and the legal authority which supports the requested relief.

The moving party shall provide the opposing party with a draft of the LCR 37 submission and shall also make the submission available in computer-readable format.

(a) Motion for Order Compelling Disclosure or Discovery

(1) *Meet and Confer Requirement.*

[No Change]

(2) *Expedited Joint Motion Procedure.* A motion for an order compelling disclosure or discovery may be filed and noted in the manner prescribed in LCR 7(d)(3). Alternatively, the parties may, by agreement, utilize the expedited procedure set forth in this subsection. If the parties utilize this procedure, the motion may be noted for consideration for the day the motion is filed. After the parties have conferred, a party may submit any unresolved discovery dispute to the court through the following procedure:

(A) - (C) [No Change]

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LCR 37

FAILURE TO MAKE DISCLOSURE OR COOPERATE IN DISCOVERY; SANCTIONS

(C) Within seven days of receipt of the LCR 37 submission from the moving party, the opposing party shall serve a rebuttal to the moving party's position for each of the disputed discovery requests identified in the motion. The opposing party may also include its own introductory statement. The opposing party's rebuttal for each disputed discovery request shall be made in the same document and immediately following the moving party's statement in support of the relief requested. If the opposing party no longer objects to the relief requested, it shall so state and respond as requested within seven days from the date the party received the draft LCR 37 submission. If the opposing party fails to respond, the moving party may file the LCR 37 submission with the court and state that no response was received.

(D) The moving party's reply, if any, in support of a disputed discovery request shall follow the opposing party's rebuttal for such request in the joint submission and shall not exceed one half page for each reply.

* * *

(D) Within four days of receipt of the LCR 37 submission from the opposing party, the moving party will either add its reply and file the joint submission with the court, or notify the opposing party that it no longer intends to move for the requested relief. The moving party's reply, if any, in support of a disputed discovery request shall follow the opposing party's rebuttal for such request in the joint submission and shall not exceed one half page for each reply.

* * *

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APPENDIX B.

SUBMISSION REGARDING REQUEST FOR PRODUCTION

See LCR 37

See Supplemental Submission for Proposed Revisions to Appendix B

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LCR 38

RIGHT TO A JURY TRIAL; DEMAND

(a) Reserved

(b) Demand

Where jury trial is demanded in or by endorsement upon a pleading as permitted by Rule 38 of the Federal Rules of Civil Procedure, the words "JURY DEMAND" shall be typed in capital letters on the first page immediately below the name of the pleading to the right of the name of the cause.

(a) Reserved

(b) Demand

Where jury trial is demanded in or by endorsement upon a pleading, as defined in Rule 7(a) of the Federal Rules of Civil Procedure, and as permitted by Rule 38 of the Federal Rules of Civil Procedure, the words "JURY DEMAND" shall be typed in capital letters on the first page immediately below the name of the pleading to the right of the name of the cause.

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LCR 65.1

BONDS

(a) Qualifications of Surety--Monetary Deposit

Every bond must be secured by either:

- (1) a monetary deposit equal to the amount of the bond, or
- (2) a corporation authorized by the Secretary of the Treasury of the United States to act as surety on official bonds under 31 U.S.C. §§ 9301-9306, which corporation shall have on file with the clerk one of the following:
 - (i) proof that the corporation is incorporated in Washington,
 - (ii) a certified copy of the power of attorney appointing a resident agent for service of process in this district, or
 - (iii) proof that the corporation has a resident agent who is an official of the State of Washington authorized or appointed under Washington law to receive service of process on the corporation.

(a) Qualifications of Surety--Monetary Deposit

Every bond must be secured by either:

- (1) a monetary deposit equal to the amount of the bond, or
- (2) a corporation authorized by the Secretary of the Treasury of the United States to act as surety on official bonds under 31 U.S.C. §§ 9301-9306, which corporation shall have on file with the clerk one of the following:
 - (i) proof that the corporation is incorporated in Washington,
 - (ii) a ~~certified~~ copy of the power of attorney appointing a resident agent for service of process in this district, or
 - (iii) proof that the corporation has a resident agent who is an official of the State of Washington authorized or appointed under Washington law to receive service of process on the corporation.

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LCR 78

PHOTOGRAPHY, BROADCASTING, AND PERSONAL ELECTRONIC DEVICES IN THE COURTHOUSE

(a) Photography, Televising, Broadcasting

The taking of photographs or the electronic recording of proceedings in the courtroom or its environs in connection with any judicial proceeding, and the broadcasting of judicial proceedings by radio, television or other means is prohibited, except as authorized by the Judicial Conference of the United States or the Judicial Council of the Ninth Circuit.

As used herein, "judicial proceeding" means: (1) any trial, naturalization proceeding or ceremonial occasion in any United States District Court; (2) any proceeding before any bankruptcy judge or United States magistrate judge; (3) sessions of the grand jury; (4) any person participating in a judicial proceeding, including petit and grand jurors. "Courtroom" of a United States District Court means the foyer, witness room, and all space behind the double doors containing the courtroom number and the name of the judge. "Courtroom" of a United States magistrate judge means any place where a judicial proceeding is conducted.

"Environs" means any area located within the interior confines of the United States Courthouse, including but not limited to the entrances, hallways, stairwells, corridors, foyers and lobbies therein.

With the consent of the presiding judge or under such conditions as the presiding judge may prescribe, some variations of this rule may be allowed for ceremonial occasions.

(b) Personal Electronic Devices in the Courthouse

Cellular telephones, mobile devices, personal cameras, tape

(a) Definitions

As used herein, "Judicial Proceeding" means: (1) any trial ~~or other criminal or civil proceeding~~, naturalization proceeding or ceremonial occasion ~~occurring~~ in any United States District Court; (2) any proceeding before any bankruptcy judge or United States magistrate judge; ~~and~~ (3) sessions of the grand jury; ~~(4) any person participating in a judicial proceeding, including petit and grand jurors~~

"Courtroom" of a United States District Court means the ~~foyer, witness room, courtroom and~~ all space behind the double doors containing the courtroom number and the name of the judge. "Courtroom" of a United States magistrate judge means any place where a judicial proceeding is conducted.

"Environs" means any area located within the interior confines of the United States Courthouse, including but not limited to the entrances, hallways, stairwells, corridors, and lobbies therein.

(b) Photography, Televising, Broadcasting

The taking of photographs or ~~the any electronic recording of proceedings in the courtroom or its environs (audio or video) recordings, and the broadcast or streaming thereof~~ in connection with any Judicial Proceeding, ~~and the broadcasting of judicial proceedings by radio, television or other means~~ is prohibited, except as authorized by the Judicial Conference of the United States or the Judicial Council of the Ninth Circuit.

With the consent of the presiding judge or under such conditions as the presiding judge may prescribe, some variations of this rule

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LCR 78

PHOTOGRAPHY, BROADCASTING, AND PERSONAL ELECTRONIC DEVICES IN THE COURTHOUSE

recorders, tablet computers, and pagers may be brought into the courthouse; however, they must be turned off whenever those devices are brought into a courtroom, chambers, or agency office area. Laptop computers may be brought into the courthouse, and with the permission of the presiding judge, may be used during court proceedings. All other electronic devices and their use are prohibited without the specific authority of the Judge presiding over a particular matter or by the Chief Judge of this district.

may be allowed for ceremonial occasions.

(b) Personal Electronic Devices in the Courthouse

~~Cellular telephones, mobile devices, personal cameras, tape recorders, tablet computers, and pagers may be brought into the courthouse; however, they must be turned off whenever those devices are brought into a courtroom, chambers, or agency office area. Laptop computers may be brought into the courthouse, and with the permission of the presiding judge, may be used during court proceedings. All other electronic devices and their use are prohibited without the specific authority of the Judge presiding over a particular matter or by the Chief Judge of this district.~~

Personal electronic devices, such as smartphones, laptops, tablet computers, or similar functioning devices having wireless communications capabilities, may be brought into the courthouse.

In the environs, personal electronic devices may be used to make telephone calls, transmit and receive data communications, such as email or text messages, or to access the Internet.

In the courtrooms, personal electronic devices may be used to take notes, transmit and receive data communications, such as email or text messages, or to access the Internet. Telephone ring tones and other functional sounds produced by devices must be disabled while in the courtroom. Only silent keyboards may be used in the courtroom.

A presiding judge may prohibit or further restrict use of such devices by all persons prior to or during a judicial proceeding

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when necessary to protect the rights of the parties or to ensure the orderly conduct of the proceedings.

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LCR 83.2

ATTORNEY APPEARANCE AND WITHDRAWAL

(b) Withdrawal of Attorneys

(1) With the exception of a change of counsel within the same law firm, no attorney shall withdraw an appearance in any case, civil or criminal, except by leave of court. Leave shall be obtained by filing a motion or a stipulation and proposed order for withdrawal or, if appropriate, by complying with the requirement of CrR 5(g). A motion for withdrawal shall be noted in accordance with LCR 7(d)(3) or CrR 12(c)(7) and shall include a certification that the motion was served on the client and opposing counsel. A stipulation and proposed order for withdrawal must (1) be signed by all opposing counsel or pro se parties, and (2) be signed by the party's new counsel or by the party. If a withdrawal will leave a party unrepresented, the motion to withdraw must include the party's address and telephone number. The attorney will ordinarily be permitted to withdraw until sixty days before the discovery cut off date in a civil case, and at the discretion of the court in a criminal case.

(2) Where there has simply been a change of counsel within the same law firm, an order of substitution is not required; the new attorney should file a Notice of Appearance and the withdrawing attorney should file a Notice of Withdrawal. However, where there is a change in counsel that effects a termination of one law office and the appearance of a new law office, the substitution must be effected in accordance with subsection (b)(1), which requires leave of court.

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(b) Withdrawal of Attorneys

(1) ~~With the exception of a change of counsel within the same law firm, n~~No attorney shall withdraw an appearance in any case, civil or criminal, except by leave of court, ~~unless the withdrawal complies with the requirements of subsections (b)(2) or (b)(3).~~ Leave shall be obtained by filing a motion or a stipulation and proposed order for withdrawal or, if appropriate in a criminal case, by complying with the requirement of CrR 5(g). A motion for withdrawal shall be noted in accordance with LCR 7(d)(3) (civil cases) or CrR 12(e)(7)-b (criminal cases) and shall include a certification that the motion was served on the client and opposing counsel. A stipulation and proposed order for withdrawal must (1) be signed by all opposing counsel or pro se parties, and (2) be signed by the party's new counsel, if appropriate, or by the party. If a withdrawal will leave a party unrepresented, the motion to withdraw must include the party's address and telephone number. The attorney will ordinarily be permitted to withdraw until sixty days before the discovery cut off date in a civil case, and at the discretion of the court in a criminal case.

(2) Where there has simply been a change of counsel within the same law firm, an order of substitution is not required; the new attorney should file a Notice of Appearance and the withdrawing attorney should file a Notice of Withdrawal. However, where there is a change in counsel that effects a termination of one law office and the appearance of a new law office, the substitution must be effected in accordance with subsection (b)(1), which requires leave of court.

(3) Where a party is represented by multiple attorneys from the same or different firms and one or more attorneys wish to withdraw but will not leave the client without representation, leave of the court to withdraw is not required. The withdrawing

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LCR 83.2

ATTORNEY APPEARANCE AND WITHDRAWAL

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(3) A business entity, except a sole proprietorship, must be represented by counsel. If the attorney for a business entity, except a sole proprietorship, is seeking to withdraw, the attorney shall certify to the court that he or she has advised the business entity that it is required by law to be represented by an attorney admitted to practice before this court and that failure to obtain a replacement attorney by the date the withdrawal is effective may result in the dismissal of the business entity's claims for failure to prosecute and/or entry of default against the business entity as to any claims of other parties.

(4) When a party is represented by an attorney of record in a case, the party cannot appear or act on his or her own behalf in that case, or take any step therein, until after the party requests by motion to proceed on his or her own behalf, certifies in the motion that he or she has provided copies of the motion to his or her current counsel and to the opposing party, and is granted an order of substitution by the court terminating the party's attorney as counsel and substituting the party in to proceed pro se; provided, that the court may in its discretion hear a party in open court, notwithstanding the fact that he or she is represented by an attorney.

(5) When an attorney suddenly becomes unable to act in a case due to death, incapacity, removal or suspension, the party for whom he or she was acting as attorney must, before any further proceedings are had in the action on his or her behalf, unless such party is already represented by another attorney, (i) appoint another attorney who must enter an appearance in accordance with

attorney(s) shall file a Notice of Withdrawal, which shall include a statement that the client remains represented and identifies the remaining attorneys. The Notices shall be signed by the withdrawing attorneys and the remaining attorney(s) of record to confirm that fact.

(4) A business entity, except a sole proprietorship, must be represented by counsel. If the attorney for a business entity, except a sole proprietorship, is seeking to withdraw, the attorney shall certify to the court that he or she has advised the business entity that it is required by law to be represented by an attorney admitted to practice before this court and that failure to obtain a replacement attorney by the date the withdrawal is effective may result in the dismissal of the business entity's claims for failure to prosecute and/or entry of default against the business entity as to any claims of other parties.

(4) When a party is represented by an attorney of record in a case, the party cannot appear or act on his or her own behalf in that case, or take any step therein, until after the party requests by motion to proceed on his or her own behalf, certifies in the motion that he or she has provided copies of the motion to his or her current counsel and to the opposing party, and is granted an order of substitution by the court terminating the party's attorney as counsel and substituting the party in to proceed pro se; provided, that the court may in its discretion hear a party in open court, notwithstanding the fact that he or she is represented by an attorney.

(5) When an attorney suddenly becomes unable to act in a case due to death, incapacity, removal or suspension, the party for whom he or she was acting as attorney must, before any further proceedings are had in the action on his or her behalf, unless such party is already represented by another attorney, (i) appoint another attorney who must enter an appearance in accordance with

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LCR 83.2 ATTORNEY APPEARANCE AND WITHDRAWAL	
<p>subsection (a) or (ii) seek an order of substitution to proceed pro se in accordance with subsection (b)(4).</p> <p>(6) Unless the attorney withdraws in accordance with these rules, the authority and duty of an attorney of record shall continue after final judgment.</p>	<p>subsection (a) or (ii) seek an order of substitution to proceed pro se in accordance with subsection (b)(4).</p> <p>(7) Unless the attorney withdraws in accordance with these rules, the authority and duty of an attorney of record shall continue after final judgment.</p>

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LCR 100

**PETITIONS FOR HABEAS CORPUS UNDER TITLE 28 U.S.C. 2241 or 2254
AND MOTIONS PURSUANT TO TITLE 28 U.S.C. § 2255**

(a) Form and Content

Motions filed pursuant to 28 U.S.C. § 2255 must use or substantially follow this district’s form, which is available on the court’s website. Upon request, the clerk shall provide blank copies of forms prescribed by this court for petitions for writs of habeas corpus and motions filed pursuant to 28 U.S.C. § 2255. The petitioner shall provide all information required by the form.

* * *

(d) Filing the Petition

Petitioners shall send to the clerk an original completed petition or motion form for filing.

(a) Form and Content

Petitions for habeas corpus and motions filed pursuant to 28 U.S.C. § 2255 must use or substantially follow this district’s forms, which ~~is~~are available on the court’s website. Upon request, the clerk shall provide blank copies of forms prescribed by this court for petitions for writs of habeas corpus and motions filed pursuant to 28 U.S.C. § 2255. The ~~petitioner~~ party in custody shall provide all information required by the form. Proceedings under 28 U.S.C. § 2254 or § 2255 are subject to the Rules Governing Section 2254 or 2255 Cases, respectively, which can be found on the United States Court’s website. Pursuant to those rules, the time for filing answers and replies, if any, shall be as directed by order of the Court. Petitions for habeas corpus and motions filed pursuant to 28 U.S.C. § 2255 are not subject LCR 7(d) and (e) unless directed by the court.

* * *

(d) Filing the Petition

~~Petitioners~~The party in custody shall send to the clerk an original completed petition or motion form for filing. Petitions for habeas corpus shall be accompanied by the appropriate filing fee. No filing fee is required for motions filed pursuant to 28 U.S.C. § 2255 or for petitions for habeas corpus filed with applications to proceed in forma pauperis. The Fee Schedule is available on the court’s website.

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LCR 101

REMOVED CASES

(a) If the complaint filed in state court does not set forth the dollar amount prayed for, a removal petition shall nevertheless be governed by the time limitation of 28 U.S.C. § 1446(b) if a reasonable person, reading the complaint of the plaintiff, would conclude that the plaintiff was seeking damages in an amount greater than the minimum jurisdictional amount of this court. The notice of removal shall in that event set forth the reasons which cause petitioner to have a good faith belief that the plaintiff is seeking damages in excess of the jurisdictional amount of this court notwithstanding the fact that the prayer of the complaint does not specify the dollar damages being sought.

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(b) In cases removed from state court, the removing defendant(s) shall file contemporaneously with the notice of removal a copy of the operative complaint, which must be attached as a separate “attachment” in the electronic filing system and labeled as the “complaint” or “amended complaint.” Defendant must include a certificate of service which lists all counsel and pro se parties who have appeared in the action with their contact information, including email address. In addition, a copy of any Jury Demand filed in the state court must be filed as an attachment and labeled “Jury Demand.” The removing defendant(s) shall, within fourteen days of filing the notice of removal, file with the clerk of this court black-on-white copies of all additional records and proceedings in the state court, together with defendant’s or defense counsel’s verification that they are true and complete copies of all the records and proceedings in the state court proceeding. The copies need not

(a) Unspecified Damages in Complaint. If the complaint filed in state court does not set forth the dollar amount prayed for, a removal petition shall nevertheless be governed by the time limitation of 28 U.S.C. § 1446(b) if a reasonable person, reading the complaint of the plaintiff, would conclude that the plaintiff was seeking damages in an amount greater than the minimum jurisdictional amount of this court. The notice of removal shall in that event set forth the reasons which cause petitioner to have a good faith belief that the plaintiff is seeking damages in excess of the jurisdictional amount of this court notwithstanding the fact that the prayer of the complaint does not specify the dollar damages being sought.

(b) Documents to Be Filed with Notice of Removal. In cases removed from state court, the removing defendant(s) shall file contemporaneously with the notice of removal ~~a:~~

(1) A copy of the operative complaint, which must be attached as a separate “attachment” in the electronic filing system and labeled as the “complaint” or “amended complaint.” ~~Defendant must include a:~~

(2) A certificate of service which lists all counsel and pro se parties who have appeared in the action with their contact information, including email address. ~~In addition, a:~~

(3) A copy of any Jury Demand filed in the state court, which must be filed as an attachment and labeled “Jury Demand.”

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REMOVED CASES

be certified or exemplified by the state court, and the added cost of certification or exemplification will not be allowed as a cost item under 28 U.S.C. § 1920(4) unless certification is required after an opposing party challenges the accuracy of the copies. Records and proceedings in the state court, filed with the notice of removal, need not be refiled.

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(b) If a motion is pending and undecided in the state court at the time of removal, it will not be considered unless and until the moving party notes the motion on this court's calendar in accordance with LCR 7(d).

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(d) In a case removed from state court, a party must comply with Fed. R. Civ. P. 81(c) to preserve any right to a trial by jury.

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(e) In a case removed from state court, the removing party must include in the notice of removal a paragraph titled, "Intradistrict Assignment" that identifies any basis for reassigning the case to the Seattle Division or to the Tacoma Division pursuant to the assignment criteria listed in LCR 3(d). If the removal is based on diversity, the notice of removal must also, to the extent possible,

(c) Additional Documents to Be Filed After Removal. The removing defendant(s) shall, within fourteen days of filing the notice of removal, file with the clerk of this court black-on-white copies of all additional records and proceedings in the state court, together with defendant's or defense counsel's verification that they are true and complete copies of all the records and proceedings in the state court proceeding. The copies need not be certified or exemplified by the state court, and the added cost of certification or exemplification will not be allowed as a cost item under 28 U.S.C. § 1920(4) unless certification is required after an opposing party challenges the accuracy of the copies. Records and proceedings in the state court, filed with the notice of removal, need not be refiled.

(d) Motions Pending at Time of Removal. If a motion is pending and undecided in the state court at the time of removal, it will not be considered unless and until the moving party files and notes the motion on this court's calendar in accordance with LCR 7(d).

(e) Preserving Right to Jury Trial. In a case removed from state court, a party must comply with Fed. R. Civ. P. 81(c) to preserve any right to a trial by jury.

~~**(e) In a case removed from state court, the removing party must include in the notice of removal a paragraph titled, "Intradistrict Assignment" that identifies any basis for reassigning the case to the Seattle Division or to the Tacoma Division pursuant to the assignment criteria listed in LCR 3(d).**~~

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LCR 101

REMOVED CASES

identify the citizenship of the parties, and, if any of the parties is a limited liability corporation (LLC), a limited liability partnership (LLP), or a partnership, identify the citizenship of the owners/partners/members of those entities to establish the court's jurisdiction.

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(f) Parties asserting removal under 28 U.S.C. § 1452 ("Removal of claims related to bankruptcy cases") should file their notice of removal with the Clerk of the Bankruptcy Court. A party should not file the notice with the Clerk of the District Court for the Western District of Washington.

(f-e) Identification of Citizenship. If the removal is based on diversity, the notice of removal must also, to the extent possible, identify the citizenship of the parties, and, if any of the parties is a limited liability corporation (LLC), a limited liability partnership (LLP), or a partnership, identify the citizenship of the owners/partners/members of those entities to establish the court's jurisdiction.

(f-g) Bankruptcy Cases. Parties asserting removal under 28 U.S.C. § 1452 ("Removal of claims related to bankruptcy cases") should file their notice of removal with the Clerk of the Bankruptcy Court. A party should not file the notice with the Clerk of the District Court for the Western District of Washington.

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LCR 103

PRISONER COMPLAINTS UNDER CIVIL RIGHTS ACT, 42 U.S.C. § 1983

(a) Form of Complaint

Complaints filed pursuant to the Civil Rights Act, 42 U.S.C. § 1983 by or on behalf of prisoners, shall be typewritten or legibly handwritten, and signed by each plaintiff. Such complaints shall be on the forms supplied by the court unless the district judge or magistrate judge, upon finding that the complaint is understandable and that it conforms with the local rules and Federal Rules of Civil Procedure, in his or her discretion, accepts for filing a complaint that is not submitted on the appropriate forms.

* * *

(d) File Original Complaint; No Copies Required

Plaintiff shall send to the clerk an original complaint form for filing; plaintiff is not required to file additional copies. Plaintiff should keep a copy of the complaint for his or her own records; the clerk will not routinely return a copy of the complaint to plaintiff.

(a) Form of Complaint

Complaints filed pursuant to the Civil Rights Act, 42 U.S.C. § 1983, by or on behalf of prisoners, shall be typewritten or legibly handwritten, and signed by each plaintiff unless represented by an attorney. Such complaints shall be on the forms supplied by the court or, if a plaintiff is represented by an attorney, must contain all of the information requested in the form, unless the district judge or magistrate judge, upon finding that the complaint is understandable and that it conforms with the local rules and Federal Rules of Civil Procedure, in his or her discretion, accepts for filing a complaint that is not submitted on the appropriate forms.

* * *

(d) File Original Complaint; No Copies Required

Plaintiff shall send to the clerk an original complaint form for filing; additional copies are not required. The complaint shall be accompanied by the appropriate filing fee. No filing fee is required for motions filed pursuant to 28 U.S.C. § 2255 or for applications to proceed in forma pauperis. The Fee Schedule is available on the court's website.

plaintiff is not required to file additional copies. Plaintiff should keep a copy of the complaint for his or her own records; the clerk will not routinely return a copy of the complaint to plaintiff.

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APPENDIX A.

DEFENDANT'S SECOND MOTION FOR PROTECTIVE ORDER

See LCR 10(e)(1)

*See Supplemental Submission for Proposed Revisions to Appendix A
to display line numbering.*

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MODEL PROTECTIVE ORDER 5.2(b)

5. DESIGNATING PROTECTED MATERIAL

* * *

5.2 Manner and Timing of Designations. Except as otherwise provided in this agreement (see, e.g., second paragraph of section 5.2(a) below), or as otherwise stipulated or ordered, disclosure or discovery material that qualifies for protection under this agreement must be clearly so designated before or when the material is disclosed or produced.

(a) [No Change]

(b) Testimony given in deposition or in other pretrial or trial proceedings: the parties must identify on the record, during the deposition, hearing, or other proceeding, all protected testimony, without prejudice to their right to so designate other testimony after reviewing the transcript. Any party or non-party may, within fifteen days after receiving a deposition transcript, designate portions of the transcript, or exhibits thereto, as confidential.

5. DESIGNATING PROTECTED MATERIAL

* * *

5.2 Manner and Timing of Designations. Except as otherwise provided in this agreement (see, e.g., second paragraph of section 5.2(a) below), or as otherwise stipulated or ordered, disclosure or discovery material that qualifies for protection under this agreement must be clearly so designated before or when the material is disclosed or produced.

(a) [No Change]

(b) Testimony given in deposition or in other pretrial ~~or trial~~ proceedings: the parties and any participating non-parties must identify on the record, during the deposition, ~~hearing,~~ or other pretrial proceeding, all protected testimony, without prejudice to their right to so designate other testimony after reviewing the transcript. Any party or non-party may, within fifteen days after receiving the a deposition transcript of the deposition or other pretrial proceeding, designate portions of the transcript, or exhibits thereto, as confidential. If a party or non-party desires to protect confidential information at trial, the issue should be addressed during the pre-trial conference.

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MODEL PROTECTIVE ORDER 9

9. INADVERTENT PRODUCTION OF PRIVILEGED OR OTHERWISE PROTECTED MATERIAL

When a producing party gives notice to receiving parties that certain inadvertently produced material is subject to a claim of privilege or other protection, the obligations of the receiving parties are those set forth in Federal Rule of Civil Procedure 26(b)(5)(B). This provision is not intended to modify whatever procedure may be established in an e-discovery order or agreement that provides for production without prior privilege review. Parties shall confer on an appropriate non-waiver order under Fed. R. Evid. 502.

9. INADVERTENT PRODUCTION OF PRIVILEGED OR OTHERWISE PROTECTED MATERIAL

When a producing party gives notice to receiving parties that certain inadvertently produced material is subject to a claim of privilege or other protection, the obligations of the receiving parties are those set forth in Federal Rule of Civil Procedure 26(b)(5)(B). This provision is not intended to modify whatever procedure may be established in an e-discovery order or agreement that provides for production without prior privilege review.

The pParties shall confer on an appropriate agree to the entry of a non-waiver order under Fed. R. Evid. 502(d) as set forth herein.

MODEL PROTECTIVE ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

IT IS FURTHER ORDERED that pursuant to Fed. R. Evid. 502(d), the production of any documents in this proceeding shall not, for the purposes of this proceeding or any other proceeding in any other court, constitute a waiver by the producing party of any privilege applicable to those documents, including the attorney-client privilege, attorney work-product protection, or any other privilege or protection recognized by law.

**Federal Bar Association Western District of Washington Local Rules Committee
Proposed Amendments to Local Civil Rules
February 2017**

[MODEL] AGREEMENT REGARDING DISCOVERY OF ELECTRONICALLY STORED INFORMATION AND [PROPOSED] ORDER	
<p>A. General Principles</p> <p>2. The proportionality standard set forth in Fed. R. Civ. P. 26(b)(2)(C) must be applied in each case when formulating a discovery plan. To further the application of the proportionality standard in discovery, requests for production of ESI and related responses should be reasonably targeted, clear, and as specific as possible.</p>	<p>A. General Principles</p> <p>2. The proportionality standard set forth in Fed. R. Civ. P. 26(b)(1)(2)(C) must be applied in each case when formulating a discovery plan. To further the application of the proportionality standard in discovery, requests for production of ESI and related responses should be reasonably targeted, clear, and as specific as possible.</p>
<p>B. ESI Disclosures</p> <p>4. <u>Inaccessible Data.</u> A list of data sources, if any, likely to contain discoverable ESI (by type, date, custodian, electronic system or other criteria sufficient to specifically identify the data source) that a party asserts is not reasonably accessible under Fed. R. Civ. P. 26(b)(2)(C)(i). <i>[Section (C)(3)(a)(i) below sets forth data sources and ESI which are not required to be preserved by the parties. Those data sources and ESI do not need to be included on this list.]</i></p>	<p>B. ESI Disclosures</p> <p>4. <u>Inaccessible Data.</u> A list of data sources, if any, likely to contain discoverable ESI (by type, date, custodian, electronic system or other criteria sufficient to specifically identify the data source) that a party asserts is not reasonably accessible under Fed. R. Civ. P. 26(b)(2)(B)(C)(i). <i>[Section (C)(3)(a)(i) below sets forth data sources and ESI which are not required to be preserved by the parties. Those data sources and ESI do not need to be included on this list.]</i></p>
<p>ADDITIONAL PROVISIONS FOR MORE COMPLEX CASES</p> <p>3. <u>Metadata fields.</u> The parties are to confer and agree on whether metadata is to be produced or may be excluded from discovery. Metadata may not be relevant to the issues presented or, if relevant, may not be reasonably subject to discovery, or may be subject to cost-</p>	<p>ADDITIONAL PROVISIONS FOR MORE COMPLEX CASES</p> <p>3. <u>Metadata fields.</u> The parties are to confer and agree on whether metadata is to be produced or may be excluded from discovery. Metadata may not be relevant to the issues presented or, if relevant, may not be reasonably subject to discovery, or may be subject to cost-</p>

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shifting, considering the cost benefit factors set forth in Fed. R. Civ. P. 26(b)(2)(C). For example, if one party is producing only paper documents, and the other party is producing ESI, the parties should confer on whether the additional cost and burden of producing metadata by the party producing ESI is reasonable or should be shifted under the facts and circumstances of the case. If the parties agree to produce metadata, and unless otherwise agreed, each party shall produce the following metadata associated with ESI to the extent reasonably accessible: (a) the author(s) of the ESI; (b) the recipient(s) of the ESI; (c) the date the ESI was created; and (d) the source from which the ESI was produced. The “source” of ESI shall be the name of the person who was the custodian of the ESI or, if the name of a person is not available, the storage location (e.g., “Regulatory Shared Drive–Wayne, PA”). This information will be included in the “Author,” “Recipient,” “Date,” and “Source” fields (respectively) for each document in the load file associated with the document images. Although it is presumed generally that the above list of metadata fields will be provided, the list of metadata fields is intended to be flexible and may be changed by agreement of the parties, particularly in light of advances and changes in technology, vendor and business practices.

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