

**Proposed Changes to Western District of Washington Local Civil and Criminal Rules  
Including Comparison to Federal Rules of Civil Procedure December 2015 Proposed Amendments**

<b>Rule #</b>	<b>Redline Changes to Federal Rule</b>	<b>Current Local Civil Rule With Proposed Redline Changes</b>
LCR 6	n/a	<p>(a) Computing Time            When the Local Rules or a court order permits a party to act within a period of time stated in days or a longer unit of time and the last day of the period is a Saturday, Sunday, or legal holiday, the time period continues to run until the following day that is not a Saturday, Sunday, or legal holiday. If an order of the court sets a specific calendar date by which a party must act, the date is not extended even if it falls on a Saturday, Sunday, or legal holiday unless otherwise ordered by the court. <b>If access to the electronic filing system is not available due to failure of the court’s filing system(s) for a period longer than two hours, or any period after 5 pm, or if the courthouse is closed for unanticipated reasons, filing deadlines are extended to the next business day. If the courthouse is closed for inclement weather or other unanticipated reasons, deadlines are extended to the next day the courthouse is open.</b> If the closure or systems outage results in a party having additional time to file a response to a motion, then the deadline for the party filing a reply shall be extended by the same number of days.</p>
LCR 7.1	n/a	<p><b>CORPORATE DISCLOSURE STATEMENT</b></p> <p><b>(a) Who Must File; Copies</b></p>

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		<p>Any nongovernmental party, other than an individual or sole proprietorship, must file <del>2 copies of</del> a <u>corporate disclosure</u> statement identifying:</p> <p>(1) any parent corporation and any publicly held corporation owning more than 10% of its stock, <del>or stating that there is no such corporation;</del></p> <p>(2) any member or owner in a joint venture or limited liability corporation (LLC);</p> <p>(3) all partners in a partnership or limited liability partnership (LLP); or</p> <p>(4) any corporate member, if the party is any other unincorporated association, <del>or stating that there is no such corporate member.</del></p> <p><u>If there is no parent, shareholder, member, or partner to list in response to items (1) through (4), a corporate disclosure statement must still be filed stating that that no such entity exists.</u></p>
LCR 10	n/a	<p><b>FORM OF PLEADINGS, MOTIONS AND OTHER FILINGS</b></p> <p><b>(e) Format</b></p>

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		<p>All pleadings, motions or other filings should include the following:</p> <p>(9) Courtesy Copies. [. . . ]</p> <p>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. <u>Copies may not be submitted in three-ring binders, but must be three-hole punched, tabbed, and bound by rubber bands or clips. The use of tabs as dividers and exhibit markers is not only permitted, but encouraged.</u></p>
LCR 15	n/a	<p><b>[no header] <u>Amended Pleadings</u></b></p> <p>A party who moves for leave to amend a pleading, or who seeks to amend a pleading by stipulation and order, must attach a copy of the proposed amended pleading as an exhibit to the motion or stipulation. [. . . ]</p>
LCR 65.1	n/a	<p><b>BONDS</b></p> <p><b>(a) Qualifications of Surety--<del>Cash</del> <u>Monetary</u> Deposit</b></p> <p>Every bond must be secured by either:</p>

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		<p>(1) a <del>cash</del> <u>monetary</u> deposit equal to the amount of the bond, or</p> <p>(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:</p> <p>[omitted]</p> <p><b>(b) Bail Reform Act</b></p> <p>[omitted]</p> <p><b>(c) Court Officers as Sureties</b></p> <p>No clerk, marshal, member of the bar, or other officer of this court will be accepted as surety on any bond or other undertaking in any action or proceeding in this court. <del>Cash</del> <u>Monetary</u> deposits on bonds may be made by members of the bar on oral certification that the funds are the property of a specified person who has signed as surety on the bond. Upon voiding of the bond, such moneys shall be returned to the surety alone and not to the attorney.</p>
LCR 65	n/a	<b>TEMPORARY RESTRAINING ORDERS</b>

**Proposed Changes to Western District of Washington Local Civil and Criminal Rules  
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		<p><b>(a) Reserved</b></p> <p><b>(b) Temporary Restraining Order</b></p> <p>[. . .]</p> <p>(3) <i>Procedure</i>: Counsel must file emergency motions electronically unless the case is sealed in its entirety. Pro se parties who choose not to file electronically should, if possible, bring their emergency motions to the court during normal business hours to avoid the delay of mailing. After the motion is filed, the filer must promptly call the Clerk’s Office at (206) 370-8400 (Seattle) <u>or (253) 882-3800 (Tacoma)</u> to advise the court that it has filed an emergency motion. The clerk will promptly assign a judge and advise his or her chambers of the emergency nature of the filing. The court may consider the motion on the papers or schedule a hearing.</p> <p>[. . . .]</p> <p>(6) <i>Courtesy Copy</i>: If the motion or response is filed electronically and, together with any supporting documents, it exceeds 50 pages in length, the filing party must deliver a courtesy copy to the Clerk’s Office for chambers on the same day the motion is filed. Local Civil</p>

**Proposed Changes to Western District of Washington Local Civil and Criminal Rules  
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		Rule 10 contains additional requirements regarding courtesy copies.
LCR 67	n/a	<p><b>REGISTRY FUNDS</b></p> <p>(a) <b><u>Deposit into Court Registry and Investment of Registry Funds</u></b></p> <p><u>All deposits into the Registry of the Court must be accompanied by a court order permitting the deposit.</u></p> <p>Funds deposited in the Registry of the Court will be invested in an interest-bearing <del>money market</del> account <del>at an institution</del> in accordance with the guidelines set up by the Administrative Office of the Court and approved by the court.</p> <p>The clerk is directed to deduct from the income earned on the investment a fee as proscribed by the Judicial Conference of the United States and set by the Director of the Administrative Office of the Court.</p> <p><b>(b) Disbursement of Registry Funds</b></p> <p>[omitted]</p>
LCR 100	n/a	<p><b>PETITIONS FOR HABEAS CORPUS AND MOTIONS PURSUANT TO TITLE 28 U.S.C. § 2255</b></p> <p>[. . .]</p> <p><b>(d) Filing the Petition</b></p> <p>Petitioners shall send to the clerk an original completed</p>

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		petition or motion form for filing <del>and two copies of the</del> <b>petition.</b> [ . . . ]
LCrR 55	n/a	<b>RECORDS</b>  (a) [omitted] <b>(b) Matters To Be Filed Under Seal</b> (1) grand jury matters; (2) pretrial services reports; (3) petitions for <del>summons or</del> warrant, until the defendant appears on the petition; (4) financial affidavits in support of motions for appointment of counsel; [ . . . ]
1	<b>Rule 1. Scope and Purpose</b>  These rules govern the procedure in all civil actions and proceedings in the United States district courts, except as stated in Rule 81. They should be construed, <del>and</del> administered, <u>and employed by the court and the parties</u> to secure the just, speedy, and inexpensive	<b>LCR 1. SCOPE AND PURPOSE; DEFINITIONS; PROHIBITION OF BIAS</b>  <b>(a) Purpose</b>  These rules should be interpreted so as to be consistent with the Federal Rules and to promote the just, efficient, speedy, and economical determination of every action and proceeding.

**Proposed Changes to Western District of Washington Local Civil and Criminal Rules  
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	determination of every action and proceeding.	
4	<b>Rule 4. Summons</b>  [omitted]	<b>LCR 4. SUMMONS</b>  [No Corresponding Provision in Local Civil Rules]
16	<b>Rule 16. Pretrial Conferences; Scheduling; Management</b>  .....  <b>(b) Scheduling.</b> <b>(1) Scheduling Order.</b> Except in categories of actions exempted by local rule, the district judge—or a magistrate judge when authorized by local rule—must issue a scheduling order: (A) after receiving the parties’ report under Rule 26(f); or (B) after consulting with the parties’ attorneys and any unrepresented	<b>LCR 16. PRETRIAL CONFERENCES; SCHEDULING; MANAGEMENT</b>  <b>(a) Scheduling Conference or Joint Status Report</b> 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. <i>(1) Scheduling Conference.</i> [omitted] <i>(2) Joint Status Report.</i> [omitted] <b>(b) Scheduling Order; Exemption of Certain Types of Cases</b> <i>(1) Scheduling Order.</i> The court shall enter a written



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	<p>parties at a scheduling conference <del>or by telephone, mail, or other means.</del></p> <p><b>(2) Time to Issue.</b> The judge must issue the scheduling order as soon as practicable, but <del>in any event</del> <u>unless the judge finds good cause for delay, the judge must issue it</u> within the earlier of <del>120</del><u>90</u> days after any defendant has been served with the complaint or <del>90</del><u>60</u> days after any defendant has appeared.</p> <p><b>(3) Contents of the Order.</b></p> <p>[omitted]</p> <p><b>(4) Modifying a Schedule.</b> A schedule may be modified only for good cause and with the judge's consent.</p>	<p>scheduling order, as prescribed in Rule 16(b) of the Federal Rules of Civil Procedure, <del>as soon as practicable after the scheduling conference or receipt of the joint status report.</del> The scheduling order shall include, among other things, deadlines for the completion of discovery and the filing of dispositive motions.</p> <p>[. . .]</p>

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<p align="center">26</p>	<p><b>Rule 26. Duty to Disclose; General Provisions Governing Discovery</b></p> <p>.....</p> <p><b>(b) Discovery Scope and Limits.</b>  <b>(1) Scope in General.</b> Unless otherwise limited by court order, the scope of discovery is as follows: Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense—<del>including the existence, description, nature, custody, condition, and location of any documents or other tangible things and the identity and location of persons who know of any</del></p>	<p><b>LCR 26. DUTY TO DISCLOSE; GENERAL PROVISIONS GOVERNING DISCOVERY</b></p> <p>.....</p> <p><b>(f) Conference of the Parties; Planning for Discovery</b></p> <p>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.</p> <p>The proportionality standard set forth in Fed. R. Civ. P. <del>26(b)(2)(C)</del><b>26(b)(1)</b> 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</p>

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	<p><del>discoverable matter. For good cause, the court may order discovery of any matter relevant to the subject matter involved in the action. Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C). and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. Information within this scope of discovery need not be admissible in evidence to be discoverable.</del></p>	<p>as possible.</p> <p>••••</p> <p>(6) Generally, the costs of discovery shall be borne by each party. However, on motion or on its own, the court may apportion the costs of discovery related to ESI upon a determination of good cause, considering the factors in Fed. R. Civ. P. 26(b)(2)(C) and the parties' failure to agree to the Model ESI Agreement, a modified version or other similar agreement.</p> <p><b>(g) Reserved</b></p>

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	<p><b>(2) <i>Limitations on Frequency and Extent.</i></b>  <b>(A) <i>When Permitted.</i></b> By order, the court may alter the limits in these rules on the number of depositions and interrogatories or on the length of depositions under Rule 30. By order or local rule, the court may also limit the number of requests under Rule 36.  <b>(B) <i>Specific Limitations on Electronically Stored Information.</i></b>  [omitted]  <b>(C) <i>When Required.</i></b> On motion or on its own, the court must limit the frequency or extent of discovery otherwise allowed by these rules or by local rule if it determines that:  (i) the discovery sought is unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome, or less expensive;  (ii) the party seeking discovery has</p>	

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	<p>had ample opportunity to obtain the information by discovery in the action; or</p> <p>(iii) the <del>burden or expense of the proposed discovery</del> <u>is outside the scope permitted by Rule 26(b)(1)</u> <del>outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.</del></p> <p><b>(3) Trial Preparation: Materials.</b> [omitted]</p> <p><b>(4) Trial Preparation: Experts.</b> [omitted]</p> <p><b>(5) Claiming Privilege or Protecting Trial-Preparation Materials.</b> [omitted]</p> <p><b>(c) Protective Orders.</b> [omitted]</p> <p><b>(d) Timing and Sequence of Discovery.</b></p>	

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	[omitted] ....	
30	<b>Rule 30. Depositions by Oral Examination</b>  [omitted]	<b>LCR 30. DEPOSITIONS BY ORAL EXAMINATION</b>  [No Corresponding Provision in Local Civil Rules]
31	<b>Rule 31. Depositions by Written Questions</b>  [omitted]	<b>LCR 31. DEPOSITIONS BY WRITTEN QUESTIONS</b>  <b>RESERVED</b>
33	<b>Rule 33. Interrogatories to Parties</b>  [omitted]	<b>LCR 33. INTERROGATORIES TO PARTIES</b>  <b>RESERVED</b>
34	<b>Rule 34. Producing Documents, Electronically Stored Information, and Tangible</b>	<b>LCR 34. PRODUCTION OF DOCUMENTS AND THINGS AND ENTRY UPON LAND FOR INSPECTION AND OTHER PURPOSES</b>

**Proposed Changes to Western District of Washington Local Civil and Criminal Rules  
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	<p><b>Things, or Entering onto Land, for Inspection and Other Purposes</b></p> <p>[omitted]</p>	<p><b>RESERVED</b></p>
37	<p><b>Rule 37. Failure to Make Disclosures or to Cooperate in Discovery; Sanctions</b></p> <p>[omitted]</p>	<p><b>LCR 37. FAILURE TO MAKE DISCLOSURE OR COOPERATE IN DISCOVERY; SANCTIONS</b></p> <p align="center">[No Corresponding Provision in Local Civil Rule]</p>
55	<p><b>Rule 55. Default; Default Judgment</b></p> <p>.....</p> <p><b>(c) Setting Aside a Default or a Default Judgment.</b> The court may set aside an entry of default for</p>	<p><b>LCR 55 DEFAULT; DEFAULT JUDGMENT</b></p> <p align="center">[No Corresponding Provision in Local Civil Rule]</p>

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	<p>good cause, and it may set aside a <u>final</u> default judgment under Rule 60(b).</p> <p>.....</p>	
84	<p><b>Rule 84. Forms.</b></p> <p>[Abrogated]</p> <p><del>The forms in the Appendix suffice under these rules and illustrate the simplicity and brevity that these rules contemplate.</del></p>	<p><b>LCR 84</b></p> <p><b>RESERVED</b></p>
Appendix of Forms		[No Corresponding Provision in Local Civil Rule]