

# Local Rules Proposed Revisions

## LCR 65

### TEMPORARY RESTRAINING ORDERS

#### (a) Reserved

#### (b) Temporary Restraining Order

(1) Issuance Without Notice Disfavored: Motions for temporary restraining orders without notice to and an opportunity to be heard by the adverse party are disfavored and will rarely be granted. Unless the requirements of Fed. R. Civ. P. 65(b) for issuance without notice are satisfied, the moving party must serve all motion papers on the opposing party before or contemporaneously with the filing of the motion and include a certificate of service with the motion. The motion must also include contact information for the opposing party's counsel or for an unrepresented party.

(2) Length of Motion; Noting Date: The motion must not exceed twenty-four pages in length and may be noted for the same day it is filed.

(3) Procedure: 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 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.

(4) Proposed Order: A motion for a temporary restraining order must include a proposed order specifically setting forth the relief requested and describing in reasonable detail the act or acts to be restrained or required.

(5) Response: Unless the court orders otherwise, the adverse party must (1) file a notice indicating whether it plans to oppose the motion within twenty-four hours after service of the motion ~~is filed~~, and (2) file its response, if any, within forty-eight hours after the motion is ~~filed~~served. The response may not exceed twenty-four pages in length, and no reply will be permitted. If the movant meets the requirements of Fed. R. Civ. P. 65(b), the court may grant the motion without awaiting a response.

(6) Courtesy Copy: 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 Rule 10 contains additional requirements regarding courtesy copies.

# Local Rules Proposed Revisions

## LCR 87

### REFERRAL OF BANKRUPTCY CASES AND PROCEEDINGS

#### (a) Cases and Proceedings Referred to Bankruptcy Judges

Pursuant to 28 U.S.C. § 157(a), this court hereby refers to the bankruptcy judges of this district all cases under Title 11, and proceedings arising under Title 11 or arising in or related to a case under Title 11. If a bankruptcy judge determines that entry of a final order or judgment by a bankruptcy judge would not be consistent with Article III of the United States Constitution in a particular proceeding referred under this local rule and determined to be a core matter, the bankruptcy judge shall, unless otherwise ordered by the district court, hear the proceeding and submit proposed findings of fact and conclusions of law to the district court. The district court may treat any order of the bankruptcy court as proposed findings of fact and conclusions of law in the event the district court concludes that the bankruptcy judge could not have entered a final order or judgment consistent with Article III of the United States Constitution.

#### (b) Motions to Enforce Rule

To the extent the referral described in subparagraph (a) has not otherwise been effected by the clerk of the district court, any party to a proceeding pending in the district court may move the district court to enforce the referral as to such proceeding or any part thereof.

#### (c) **Motions to Withdraw the Reference**

A motion to withdraw the reference must not be filed with this court but must be filed with the clerk of the bankruptcy court pursuant to Local Rule W.D. Wash. Bankr. 5011-1, which sets forth the procedure for filing such motions and transmitting them to the district court for consideration.