



Western District of Washington Newsletter

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Court News

General Orders re Court Operations and COVID-19

You can review the latest General Orders relating to Court Operations during COVID-19 [here](#). The Court recently released new General Orders on March 3rd reinstating in-person trials at the discretion of the judge, ending face mask requirements within the courthouse, and reopening the courthouse to the public for scheduled public events and tours. Most courtroom related procedures will remain at the discretion of the presiding judge.

The Court also recently released a new General Order on March 22nd extending the authorization of use of video conferences or telephone conferences for certain criminal proceedings as outlined in [General Order 04-20](#).

New District Judge Confirmation

On March 23, 2022, the United States Senate confirmed Judge John H. Chun to be United States District Judge for the Western District of Washington.

A fifth nomination is also in the works. Check out the [Judicial Nomination Page](#) for status updates on Tiffany M. Cartwright's nomination process.

Updated Local Civil Rules

The Court approved the proposed amendments to the Local Civil Rules and posted them on the [Local Rules and General Orders page](#). You can review [the redlined version of the amendments](#) or review a [comparison chart of all the major changes](#). The rest of this newsletter will focus on the major changes of the Local Rules.

E-Filing News

LCR 5.2(a): Redaction of Filings

LCR 5.2(a) is amended to specify that state court records filed in removal cases are among the documents subject to the redaction requirements. These documents are not exempt from the redaction requirements.

The updated LCR 5.2(a) is as follows:

REDACTION OF FILINGS

(a) Redacted Filings

Parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the court or used as exhibits in any hearing or at trial, **to include state court records filed in removal actions**, unless otherwise ordered by the court:

- (1) Dates of Birth - redact to the year of birth, unless deceased
- (2) Names of Minor Children - redact to the initials, unless deceased or currently over the age of 18
- (3) Social Security Numbers and Taxpayer-Identification Numbers- redact in their entirety
- (4) Financial Accounting Information - redact to the last four digits
- (5) Passport Numbers and Driver License Numbers - redact in their entirety

LCR 7.1: Corporate Disclosure Statements

The Court clarifies in amended LCR 7.1 that all parties that are a nongovernmental party, or any nongovernmental corporation must file a corporate disclosure statement even if said party does not have any corporate parents or affiliates to report. For those who have no corporate parents or affiliates, they should file a corporate disclosure stating there are no such parents or affiliates.

The updated LCR 7.1 is as follows:

CORPORATE DISCLOSURE STATEMENT

(a) Who Must File; Contents

Any nongovernmental party, or any nongovernmental corporation that seeks to intervene, other than an individual or sole proprietorship, must file a corporate disclosure statement.

The corporate disclosure statement must do one of the following:

- (1) **Identify** any parent corporation and any publicly held corporation owning more than 10% of its stock,
any member or owner in a joint venture or limited liability corporation (LLC),
all partners in a partnership or limited liability partnership (LLP); and

any corporate member, if the party is any other unincorporated association; or

(2) State that there “is no parent, shareholder, member, or partner to identify as required by LCR 7.1(a)(1).”

(b) Diversity Cases

In diversity actions, for any person or entity identified in (a)(1) above, the corporate disclosure statement must also list those states in which the party, owners, partners, or members are citizens.

CM/ECF Filing Tips

LCR Update: Stipulated Motion vs. Stipulation

Several LCRs are updated to specify that a stipulated motion (not a stipulation) be filed. If the parties seek a Court order related to a stipulation, the Court prefers that this be filed as a stipulated motion. This preference is clarified in the following LCR updates:

LCR 7(k): Cross Motions

Parties anticipating filing cross motions are encouraged to agree on a briefing schedule and to submit it to the court for approval through a stipulated motion and proposed order. The court may order parties filing cross motions for summary judgment to combine their memoranda and forgo reply briefs in exchange for an enlarged response brief.

LCR 15: AMENDED PLEADINGS

A party who moves for leave to amend a pleading, or who seeks to amend a pleading by stipulated motion and order, must attach a copy of the proposed amended pleading as an exhibit to the motion or stipulated motion. The party must indicate on the proposed amended pleading how it differs from the pleading that it amends by bracketing or striking through the text to be deleted and underlining or highlighting the text to be added. The proposed amended pleading must not incorporate by reference any part of the preceding pleading, including exhibits. If a motion or stipulated motion for leave to amend is granted, the party who was given leave to amend must file and serve the amended pleading on all parties within fourteen (14) days of the filing of the order granting leave to amend, unless the court orders otherwise.

LCR 10(e)(10): Marking Exhibits

The Court clarifies that only excerpts of the referenced exhibits that are directly germane to the matter should be filed with this Court.

The updated LCR 10(e)(10) is as follows:

(10) *Marking Exhibits.* All exhibits submitted in support of or opposition to a motion must be clearly marked with divider pages. References in the parties' filings to such exhibits should be as specific as possible (i.e., the reference should cite specific page numbers, paragraphs, line numbers, etc.). All exhibits must be marked to designate testimony or evidence referred to in the parties' filings. Acceptable forms of markings include highlighting, bracketing, underlining or similar methods of designations but must be clear and maintain the legibility of the text.

Filing parties shall submit only those excerpts of the referenced exhibits that are directly germane to the matter under consideration, or necessary to provide relevant context. Excerpted material must be clearly and prominently identified as such. Parties who file excerpts do so without prejudice to their right to timely file additional excerpts of the exhibit with reply briefs if otherwise appropriate. Responding parties may also timely file additional excerpts of the exhibit that they believe are directly germane.

LCR 16(h)&(i): Plaintiff's and Defendant's Pretrial Statement

The Court clarifies that parties are to only serve the pretrial statements on the opposing party and not file them with the Court.

The updated LCRs 16(h)&(i) are as follows:

(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 (**but not file**) a brief statement as to:

.....

(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 (**but not file**) a brief statement as to:

LCR 83.2(b)(3): Withdrawal of Attorneys

The Court clarifies the procedure to withdraw an attorney for a party represented by multiple attorneys and the withdrawing attorney is unable to sign the Notice of Withdrawal.

The updated LCR 83.2(b)(3) is as follows:

(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 **remaining or** withdrawing attorney(s) shall file a Notice of Withdrawal, which shall include a statement that the client remains represented and identifies the **withdrawing and** remaining attorneys. The Notices shall be signed by the withdrawing attorney(s) and the remaining attorney(s) of record to confirm that fact. **If circumstances prevent obtaining the signature of the withdrawing attorney(s), the Notice must state those circumstances in sufficient detail to satisfy the court that those circumstances in fact preventing obtaining signature.**

LCR 101(b): Documents to be Filed with Notice of Removal

The Court clarifies that a Civil Cover Sheet (AO44) is required when initially filing a Notice of Removal.

The updated LCR 101(b) is as follows:

(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

- (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.”
- (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.
- (3) A copy of any Jury Demand filed in the state court, which must be filed as an attachment and labeled “Jury Demand.”
- (4) **A completed Civil Cover Sheet (AO44).**

ECF Training Sessions

Training classes will be offered online only for the foreseeable future. Classes will be recorded and may be posted to the Court's public website.

The Western District of Washington Clerk's Office trainers have regularly scheduled Introduction to Electronic Case Filing Training Sessions. These sessions cover basic CM/ECF navigation, CM/ECF resources, and hands on filing of documents and civil case openings. For more information on class requirements, topics, and registrations, visit our [ECF Training Sessions page](#).

Pro Se Corner

If you are currently represented by an attorney in a civil case but wish to represent yourself, you will need to follow the [Local Civil Rule 83.2\(b\)\(5\): Attorney Withdrawal](#). This rule states parties cannot represent themselves until a **Motion to proceed on their own behalf** is filed in the case and the Judge GRANTS the motion. For details on what must be included in the motion and additional actions must be taken, see Local Civil Rule 83.2(b)(5):

(5) 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.

Tools/Resources Spotlight

If you haven't already, check out these helpful e-filing tools/resources:

Written Guide

[Standard for Entering Party Names](#)

Ensure you are adding your parties to your case correctly by reviewing the Standards for Entering Party Names guide.

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