



# Western Washington District Court Newsletter

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## Court News

### New Magistrate Judge Selected

The United States District Court for the Western District of Washington is pleased to announce that Grady J. Leupold has been selected as the new magistrate judge in Tacoma. Mr. Leupold will succeed Magistrate Judge J. Richard Creatura, who retired on March 17, 2023.

You can read more about Mr. Leupold experience and credentials on our [Court Announcements](#).

The court expects Mr. Leupold will start duty in Tacoma on April 18, 2023.

### Amendments to Local Civil Rules

The Court posted the amendments to the Local Civil Rules 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](#).

### Updates to the CM/ECF Filing Procedures

The Court posted the [updated CM/ECF Filing Procedures](#) and a [comparison chart of changes](#) on the [CM/ECF Getting Started page](#).

### CM/ECF Training Survey

Tell us what topics and formats you would like to see in future CM/ECF trainings! Help us develop future CM/ECF trainings by sharing your thoughts in our [CM/ECF Training Survey](#).

For more information on our current CM/ECF training visit our [ECF Training Sessions page](#).

## CM/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](#).

## CM/ECF Filing News cont.

Local Civil Rule 7(e); (f)(2); (g)(3); LCR 7(h)(3); LCR 37(a)(2)(D & E); LCR 39.1(c)(5)(C); LCR 56.1; LCR 65(b)(2); LCR 65(b)(5); LCR 72; LCR 72(a); LCR 88(c)(2): Length of Motions and Briefs

The Court amends to specify that length of filings will now be determined by word count for filings not written by hand or with a typewriter. The latter formats will still abide by the page count.

### LCR 7(e): Length of Motions and Briefs

- (1) Motions noted under LCR 7(d)(1), except motions for temporary restraining orders, shall not exceed **2,100 words or, if written by hand or with a typewriter**, six pages.
- (2) Motions noted under LCR 7(d)(2) and briefs in opposition shall not exceed **4,200 words or, if written by hand or with a typewriter**, twelve pages. Reply briefs shall not exceed **2,100 words or, if written by hand or with a typewriter**, 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 **8,400 words or, if written by hand or with a typewriter**, twenty-four pages. Reply briefs shall not exceed **4,200 words or, if written by hand or with a typewriter**, twelve pages. Absent leave of the court, a party must not file contemporaneous dispositive motions, each one directed toward a discrete issue or claim.
- (4) All other motions noted under LCR 7(d)(3) and briefs in opposition shall not exceed **4,200 words or, if written by hand or with a typewriter**, twelve pages. Reply briefs shall not exceed **2,100 words or, if written by hand or with a typewriter**, six pages.
- (5) Any motion in limine noted under LCR 7(d)(4) and any brief in opposition shall not exceed **6,300 words or, if written by hand or with a typewriter**, eighteen pages.

### LCR 7(f): Motions to File Over-length Motions or Briefs

- (2) The motion shall be no more than **700 words or, if written by hand or with a typewriter**, two pages in length and shall request a specific number of additional words or pages.

### LCR 7(g): Requests to Strike Material Contained in Motion or Briefs; Surreply

- (3) The surreply shall not exceed **1,050 words or, if written by hand or typewriter**, three pages.

### LCR 7(h): Motions for Reconsideration

- (3) Response. No response to a motion for reconsideration shall be filed unless requested by the court. No motion for reconsideration will be granted without such a request. The request will set a time when the response is due, and may limit briefing to particular issues or points raised by the motion, may authorize a reply, and may prescribe **word or, if written by hand or typewriter**, page limitations.

### LCR 37(a)(2): Motion for Order Compelling Disclosure or Discovery

- (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 **175 words or, if written by hand or typewriter**, one half page for each reply.

- (E) The total text that each side may contribute to a joint LCR 37 submission shall not exceed **4,200 words or, if written by hand or typewriter**, twelve pages. This limit shall include all introductory or position statements, and statements in support of, or in opposition to, a particular request, but shall not include the discovery request itself.

## CM/ECF Filing News cont.

### LCR 39.1(c)(5): **Alternative Dispute Resolution**

(C) Memoranda. Each party shall provide the mediator with a memorandum presenting in concise form its contentions relative to both liability and damages. This memorandum should not exceed **3,500 words or, if written by hand or typewriter**, 10 pages in length. Copies of the memorandum must be delivered to the mediator and served upon all other parties at least seven days before the mediation conference. In addition, a party may deliver to the mediator a confidential memorandum that is not served on the other parties.

### LCR 56.1: **Summary Judgment Procedure**

A party filing a motion for summary judgment or a response in opposition thereto shall not separately file a statement of material facts or opposing statement of facts but shall include them within the memorandum and within any **word or, if written by hand or typewriter**, page limitations set forth in these rules.

### LCR 65 (b): **Temporary Retraining Orders**

(2) Length of Motion; Noting Date: The motion must not exceed **8,400 words or, if written by hand or typewriter**, twenty-four pages in length and may be noted for the same day it is filed.

(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, and (2) file its response, if any, within forty-eight hours after the motion is served. The response may not exceed **8,400 words or, if written by hand or typewriter**, 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.

### LCR 72: **Magistrate Judges; Pretrial Orders**

Except as otherwise provided by court order or rule, objections to a magistrate judge's order or recommended disposition, or any response thereto, shall not exceed **4,200 words or, if written by hand or typewriter**, twelve pages.

### (a) Nondispositive Matters

Any objection filed pursuant to this subsection must be noted for consideration for the day it is filed. No response shall be filed unless requested by the Court. The request will set a date when the response is due, and may limit briefing to particular issues or points raised by the objections, may authorize a reply, and may prescribe **word or, if written by hand or typewriter**, page limitations.

### LCR 88(c): **Rules Governing Bankruptcy Appeals**

(2) Notwithstanding subparagraph (1), unless otherwise ordered by the Court, appellant's and appellee's initial briefs shall not exceed **10,500 words or, if written by hand or typewriter**, thirty pages, and appellant's reply brief shall not exceed **7,000 words or, if written by hand or typewriter**, twenty pages.

### Local Civil Rule 7(e)(6): Word Counts in Signature Blocks

The Court specifies where word limits apply, word counts should be included in the signature block of the motion.

### LCR 7(e): **Length of Motions and Briefs**

(6) The Court may refuse to consider any text, including footnotes, which is not included within the **word or** page limits. Captions, tables of contents, tables of authorities, signature blocks, and certificates of service need not be included within the **word or** page limit. **When word limits apply, the signature block shall include the certification of the signer as to the number of words, substantially as follows: "I certify that this memorandum contains \_\_\_\_ words, in compliance with the Local Civil Rules." Counsel may rely on the word count of a word-processing system used to prepare the brief.**

## CM/ECF Filing News cont.

Local Civil Rule 10(e)(9); 5(g); 65(b): Courtesy Copies

The Court amends the requirement for courtesy copies. These are no longer required unless ordered by the Court.

### LCR 10(e)(9): Courtesy Copies

(9) Courtesy Copies. ~~Courtesy copies are not required unless otherwise ordered by the Court. Parties should consult their assigned judge's web page at [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov) for standing orders and guidance regarding courtesy copies.~~

### LCR 5(g): Sealing and Redacting of Court Records

(9) When a party files a paper copy of a sealed document, the party shall seal the document in an envelope marked with the case caption and the phrase "FILED UNDER SEAL." This requirement applies to pro se parties and others who are exempt from mandatory electronic filing and to parties submitting courtesy copies ~~to comply with LCR 10(e)(9).~~

### LCR 65(b): Temporary Restraining Order

(6) Courtesy Copy: ~~Courtesy copies are not required unless otherwise ordered by the Court. Parties should consult their assigned judge's web page at [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov) for standing orders and guidance regarding courtesy copies.~~

Local Civil Rule 43(h): Taking Testimony; Marking Exhibits

The court specifies how parties must address the Court, a witness, or the jury while in trial.

~~(6) Counsel and pro se litigants are required to stand when addressing the Court, a witness, or the jury unless unable to do so due to a disability-related or health-related condition. Advance notice should be provided, when appropriate. See <https://www.wawd.uscourts.gov/visitors/access> for information regarding accommodations.~~

CM/ECF Filing Procedures Updates

### Section I(A): Receipt of Notice of Electronic Filing

~~As a courtesy, the Court monitors email bounce backs of NEFs and will notify an attorney or pro se party when email delivery fails to their primary email address. However, not all email failures cause a bounce back to the Court. Thus, it remains~~ It is the e-filers' and e-service recipients' responsibility to keep email addresses up to date on their CM/ECF and PACER accounts and ensure that they are receiving all NEFs. This may require reviewing the docket periodically to confirm that all NEFs were received

### Section I(B): Scanning Standards

When scanning documents ~~containing text~~ to be subsequently filed electronically, e-filers are encouraged to configure their scanners for black and white at ~~200~~ 300 dpi, (dots per inch) rather than color scanning, unless color is an important aspect of the document. ~~E-filers are also encouraged to scan with optical character recognition (OCR) to allow for searchable text in the documents (see Judges' Chamber Procedures for judges who require this setting).~~ E-filers scanning documents containing non-text images are encouraged to scan images at a lower dpi, not lower than 150 dpi. The e-filer is responsible for the legibility of the scanned image.

### Section III(B): Pro se filer case initiation; Pro se filing options post initiation

~~Pro se filers, including prisoners not participating in the Prisoner E-Filing Initiative, may submit their complaints and other case initiating documents via U.S. mail, email, or delivery to the Clerk's Office. If using the mail or personal delivery, the Clerk's Office will scan the civil complaint and cover sheet, upload to CM/ECF, then discard the paper documents after a holding period established by the Court.~~

### Section III(D): Issuance of Summons By email

Summons to be issued may be presented to the Court through CM/ECF, by email ~~with initiating documents (pro de filers only)~~, by U.S. mail, or delivered in person to the Clerk's Office. The party requesting the issuance of summons must complete all required fields of the summons form.

## CM/ECF Filing News cont.

### Section III(E): **Service of Complaint and Summons**

Filing an original complaint or summons in CM/ECF does not constitute service. It is the responsibility of the filing party to serve these documents outside of CM/ECF. Other documents filed with the Court may be served electronically pursuant to Federal Rule of Civil Procedure (FRCP) 5 and Local Civil Rule (LCR) 5. Affidavits of service, which may include executed summons, are to be filed with the Court, either **directly in CM/ECF (registered e-filers)** or via U.S. mail or personal delivery (**non-e-filers only**).

Whenever a pleading or other paper is filed and served electronically in accordance with these procedures, CM/ECF will generate an email NEF to any case participant who is an e-service recipient.

If any case participant is not an e-service recipient, or if the documents are not filed publicly with the Court (such as discovery or documents filed under seal), service must be made in another manner authorized by the Federal Rules. **When documents are filed under seal, e-service recipients will still receive the CM/ECF-generated NEF, but the document link will be inaccessible.**

### Section III(G); (I): **Courtesy/Chambers Copies**

(G) **Electronically filed** documents that exceed 50 pages are considered voluminous filings. **When indicated in a judge's chambers procedures or standing order, e-filers may be required to deliver** a paper copy of the document to the Clerk's Office for Chambers.

(I) For documents, including exhibits, over 50 pages in length, a courtesy paper copy for the judge **must may be required to** be filed with the Clerk in accordance with **LCR 10(e)(9) the judge's chambers procedures/standing order**. If any Chambers has a different requirement for courtesy copies, **details will be posted in** an order in the case to advise all parties, and/or additional information may be included on the assigned judge's web page.

### Section III(J): **Notice of Filing Paper or Physical Materials**

Non-paper and/or oversized exhibits (papers larger than 8-1/2" x 14") shall be submitted in paper, CD, or other format along with a Notice of Filing Paper or Physical Materials with the Clerk. The Notice shall be **concurrently filed in CM/ECF and** in the form provided by the Court, available on the [Court's Forms page](#) under Civil. All non-paper and/or oversized exhibits will be returned at the conclusion of the case. It is the filer's responsibility to serve all other parties by the conventional means for such materials.

### Section III(L): **Appearance of Multiple Attorneys**

*Attorney appearances:*

As set forth in LCR 83.2, an attorney eligible to appear may enter an appearance in a civil case by signing a notice of appearance, complaint, amended complaint, answer, amended answer, notice of removal, motion to intervene, or motion for joinder. The Clerk's Office will not add an attorney to the docket as an attorney of record unless the document that purports to enter the appearance includes the attorney's signature in the format set forth above. **If multiple attorneys are appearing in one document, each appearing attorney must include their own signature in the format set forth above.**

### Section III(M): **Labeling Proposed Orders**

All proposed orders must be clearly labeled "Proposed," **both on the document itself and on the docket entry in CM/ECF**. If the judge decides to use the proposed order, they will remove the "Proposed" language **from the document**.

### Section III(O): **Receipt of Payment**

The Clerk's Office is unable to provide receipt of payment for fees paid through Pay.gov/PACER. Receipts are sent directly from those systems.

### Section IV(A): **Filing in Sealed Cases**

Sealed cases must be filed in **paper and all subsequent filings must be made in paper while the case is maintained under seal**. Documents filed in paper must be signed as provided by LCR 10(e)(4). There is no electronic access to sealed cases other than by Court staff.