

## Local Rules Court Committee – Amendments to Local Civil Rules

<b>Rules Subject to Proposed Revision</b>	
LCR 7	FORM AND SCHEDULING OF MOTIONS
LCR 9	PLEADING ADMIRALTY AND OTHER SPECIAL MATTERS
LCR 10	FORM OF PLEADINGS, MOTIONS AND OTHER FILINGS
LCR 43	TAKING TESTIMONY; MARKING EXHIBITS
LCR 47	JURORS
LCR 54	JUDGMENT; COSTS
LCR 55	DEFAULT; DEFAULT JUDGMENT
LCR 56-56.1	SUMMARY JUDGMENT PROCEDURE
LCR 66	RECEIVERS
LCR 72	MAGISTRATE JUDGES; PRETRIAL ORDERS
LCR 83.1	ATTORNEYS; ADMISSION TO PRACTICE
LCR 83.2	ATTORNEY APPEARANCE AND WITHDRAWAL
LCR 83.3	STANDARDS OF PROFESSIONAL CONDUCT; CONTINUING ELIGIBILITY TO PRACTICE; ATTORNEY DISCIPLINE
LCR 101	REMOVED CASES
LCR 103	PRISONER COMPLAINTS UNDER CIVIL RIGHTS ACT, 42 U.S.C. § 1983
LCR 104	SUPPLEMENTAL REQUIREMENTS FOR FIRST HABEAS CORPUS PETITIONS IN CAPITAL CASES

### Typographical Corrections

LCR 13 to 14, 26, 39.1, 39.2, 86, 88, 100, 102

Global change of “opposition” to “response” when referring to motions practice

**LCR 7**  
**FORM AND SCHEDULING OF MOTIONS**

<b>LCR 7</b>	<b>Proposed Amendment</b>
<b>(a) Reserved</b>	<b>(a) Reserved</b>
<b>(b) Motions and Other Papers</b>	<b>(b) Motions and Other Papers</b>
<p>(1) Obligations of Movant. The moving party shall serve the motion and a proposed order on each party that has appeared in the action, shall file the motion and proposed order with the clerk, and shall submit an editable version of the proposed order, in a format compatible with Microsoft Word, to chambers via email as provided in the Electronic Filing Procedures manual. The argument in support of the motion shall not be made in a separate document but shall be submitted as part of the motion itself. If the motion requires consideration of facts not appearing of record, the movant shall also serve and file copies of all affidavits, declarations, photographic or other evidence presented in support of the motion.</p> <p>...</p>	<p>(1) Obligations of Movant. The moving party shall serve the motion and a proposed order on each party that has appeared in the action, shall file the motion and proposed order with the clerk, and shall submit an editable version of the proposed order, in a format compatible with Microsoft Word, to chambers via email as provided in the Electronic Filing Procedures manual. <u>Except for motions seeking preliminary injunction, proposed orders are not required for motions identified in LCR 7(d)(4).</u> The argument in support of the motion shall not be made in a separate document but shall be submitted as part of the motion itself. If the motion requires consideration of facts not appearing of record, the movant shall also serve and file copies of all affidavits, declarations, photographic or other evidence presented in support of the motion.</p> <p>...</p>
<b>(d) Noting Dates for Motions and Briefing Schedules</b>	<b>(d) Noting Dates for Motions and Briefing Schedules</b>
<p>All motions shall be noted for consideration on a weekday, excluding legal holidays. If a motion is filed on a weekend or legal holiday, it will be deemed filed the next business day for purposes of this rule and must be noted accordingly. Unless otherwise provided by rule or court order, motions shall be noted for consideration as follows:</p> <p>(1) Same Day Motions. Stipulated, joint or unopposed motions (see for example LCR 10(g)), motions to file</p>	<p>All motions shall be noted for consideration on a weekday, excluding legal holidays. If a motion is filed on a weekend or legal holiday, it will be deemed filed the next business day for purposes of this rule and must be noted accordingly. <u>If a motion is noted for consideration later than the time contemplated by the rule when counting from the date of filing, the time for the</u></p>

over-length motions or briefs (see LCR 7(f)), motions for reconsideration (see LCR 7(h)), joint submissions pursuant to the optional procedure established in LCR 37(a)(2), motions to appoint a mediator (LCR 39.1(c)(3)), motions for default (see LCR 55(a)), requests for the clerk to enter default judgment (see LCR 55(b)(1)), ex parte motions, motions for the court to enter default judgment where the opposing party has not appeared (see LCR 55(b)(2)), motions to recuse (see LCR 3(f)), and motions for a temporary restraining order (“TRO”) (see LCR 65) shall be noted for consideration for the day they are filed.

(2) 14-Day Motions. Motions for relief from a deadline, and motions for protective order, shall be noted for consideration no earlier than 14 days after filing.

Any opposition papers shall be filed and received by the moving party no later than 9 days after the filing date of the motion.

Any reply papers shall be filed and received by the opposing party no later than 14 days after the filing date of the motion.

(3) 21-Day Motions. With the exception of the motions specifically listed in LCR 7(d)(1), 7(d)(2), and 7(d)(4), all other motions shall be noted for consideration no earlier than 21 days from the date of filing.

Any opposition papers shall be filed and received by the moving party no later than 15 days after the filing date of the motion.

response and reply shall be extended by the same number of days that the noting date has been extended. If the later noting date would extend a deadline beyond what is described in the case scheduling order or other court deadline, it requires an order of the court.

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

(1) Same Day Motions. Stipulated, joint or unopposed motions (see for example LCR 10(g)), motions to file over-length motions or briefs (see LCR 7(f)), motions for reconsideration (see LCR 7(h)), joint submissions pursuant to the optional procedure established in LCR 37(a)(2), motions to appoint a mediator (LCR 39.1(c)(3)), motions for default (see LCR 55(a)), requests for the clerk to enter default judgment (see LCR 55(b)(1)), ex parte motions, motions for the court to enter default judgment where the opposing party has not appeared (see LCR 55(b)(2)), motions to recuse (see LCR 3(f)), and motions for a temporary restraining order (“TRO”) (see LCR 65) shall be noted for consideration for the day they are filed.

(2) 14-Day Motions. Motions for relief from a deadline, and motions for protective order, shall be noted for consideration no earlier than 14 days after filing.

Any opposition papersresponse shall be filed and received by the moving party no later than 9 days after the filing date of the motion.

<p>Any reply papers shall be filed and received by the opposing party no later than 21 days after the filing date of the motion.</p> <p>(4) 28-Day Motions. Motions to dismiss, motions for summary judgment, motions seeking a preliminary injunction, motions to exclude expert testimony for failure to satisfy Fed. R. Evid. 702/Daubert, motions for class certification, and motions directed toward changing the forum (through remand, transfer, or to compel arbitration) shall be noted for consideration no earlier than 28 days after filing.</p> <p>Any opposition papers shall be filed and received by the moving party no later than 21 days after the filing date of the motion.</p> <p>Any reply papers shall be filed and received by the opposing party no later than 28 days after the filing date of the motion.</p> <p>(5) Motions in Limine. Except upon a showing of good cause or if otherwise ordered, any motions in limine shall be filed as one motion no later than 21 days prior to any scheduled pretrial conference. Any opposition papers shall be filed and received by the moving party no later than 6 days prior to the pretrial conference. No reply papers shall be filed.</p> <p>Any motion in limine must include a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve</p>	<p>Any reply papers shall be filed and received by the opposing party no later than 14 days after the filing date of the motion.</p> <p>(3) 21-Day Motions. <del>With the exception of the All motions, except those specifically listed in LCR 7(d)(1), 7(d)(2), and 7(d)(4), 7(d)(5), and 7(o), including motions to exclude expert testimony for failure to satisfy Fed. R. Evid. 702/Daubert, all other motions</del> shall be noted for consideration no earlier than 21 days from the date of filing.</p> <p>Any <del>opposition papers</del> shall be filed and received by the moving party no later than 15 days after the filing date of the motion.</p> <p>Any reply papers shall be filed and received by the opposing party no later than 21 days after the filing date of the motion.</p> <p>(4) 28-Day Motions. Motions to dismiss, <del>motions for judgment on the pleadings</del>, motions for summary judgment, motions seeking a preliminary injunction, <del>motions to exclude expert testimony for failure to satisfy Fed. R. Evid. 702/Daubert</del>, motions for class certification, and motions directed toward changing the forum (through remand, transfer, or to compel arbitration) shall be noted for consideration no earlier than 28 days after filing.</p> <p>Any <del>opposition papers</del> shall be filed and received by the moving party no later than 21 days after the filing date of the motion.</p>
---	--

which matters really are in dispute. A good faith effort to confer requires a face-to-face meeting or a telephone conference. If the court finds that counsel for any party, or a party proceeding pro se, willfully refuses to confer, fails to confer in good faith, or fails to respond on a timely basis to a request to confer, the court may take action as stated in LCR 11 of these rules.

This subsection shall not apply to Daubert motions to exclude expert testimony. Such motions shall be filed by the dispositive motion deadline and, unless specified by the court, follow the briefing schedule in LCR 7(d)(4) and conform with the word or page limits in LCR 7(e)(4).

(6) If the deadline for a party's response or reply to a motion falls on a date that is a Saturday, Sunday, or legal holiday as defined by Fed. R. Civ. P. 6, the party's response or reply is due on the following day that is not a Saturday, Sunday, or legal holiday.

(7) Service by Mail. If any opposition papers required to be served under LCR 7(d) are served via mail, the deadline for filing and serving such opposition papers shall be 3 days earlier than the deadlines provided in LCR 7(d)(2), 7(d)(3), or 7(d)(4). If doing so places the deadline on a Saturday, Sunday, or legal holiday, the opposition brief shall be filed and served on the next earliest date that is not a Saturday, Sunday, or legal holiday.

(8) Cases Involving Prisoners and Detainees. Except for petitions for habeas corpus and motions filed pursuant to

Any reply papers shall be filed and received by the opposing party no later than 28 days after the filing date of the motion.

(5) Motions in Limine. Except upon a showing of good cause or if otherwise ordered, any motions in limine shall be filed as one motion no later than 21 days prior to any scheduled pretrial conference. Any ~~opposition papers response~~ shall be filed and received by the moving party no later than 6 days prior to the pretrial conference. No reply papers shall be filed.

Any motion in limine must include a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve which matters really are in dispute. A good faith effort to confer requires a face-to-face meeting or a telephone conference. If the court finds that counsel for any party, or a party proceeding pro se, willfully refuses to confer, fails to confer in good faith, or fails to respond on a timely basis to a request to confer, the court may take action as stated in LCR 11 of these rules.

This subsection shall not apply to Daubert motions to exclude expert testimony. Such motions shall be filed by the dispositive motion deadline, ~~and, unless specified by the court, follow the briefing schedule in LCR 7(d)(4) and conform with the word or page limits in LCR 7(e)(4).~~

(6) If the deadline for a party's response or reply to a motion falls on a date that is a Saturday, Sunday, or legal

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), 7(d)(3), or 7(d)(4), 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 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.

holiday as defined by Fed. R. Civ. P. 6, the party's response or reply is due on the following day that is not a Saturday, Sunday, or legal holiday.

(7) Service by Mail. ~~If any opposition papers required to be served under LCR 7(d) are served via mail, the deadline for filing and serving such opposition papers shall be 3 days earlier than the deadlines provided in LCR 7(d)(2), 7(d)(3), or 7(d)(4). If doing so places the deadline on a Saturday, Sunday, or legal holiday, the opposition brief shall be filed and served on the next earliest date that is not a Saturday, Sunday, or legal holiday. See Fed. R. Civ. P. 6(d).~~

(8) 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), 7(d)(3), or 7(d)(4), 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 2,100 words or, if written by hand or with a typewriter, six 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.

(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.

...

#### **(I) Withdrawing and Renoting Pending Motions**

A moving party may renote its own pending motion itself by promptly filing a document titled Notice of Motion Renoted and changing the noting date in CM/ECF before any opposing party files a response to the motion. Once a response has been filed,

(2) Motions noted under LCR 7(d)(2) and briefs in ~~opposition response~~ 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 noted under LCR 7(d)(3) and briefs in response 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.

(4) Motions noted under LCR 7(d)(4) 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 response 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.

the motion may be renoted only by filing a stipulation signed by all parties or by order of the court.

The court may renote a pending motion to ensure compliance with applicable court rules or for other reasons.

A moving party may withdraw its own pending motion by filing a Notice to Withdraw Pending Motion. If the noting date for the motion has already passed, the party must also immediately telephone the assigned judge's chambers to notify his or her staff that the pending motion has been withdrawn; the failure to do so may result in the imposition of sanctions.

...

(5) Any mMotions in limine noted under LCR 7(d)(54) and any brief in opposition-response shall not exceed 6,300 words or, if written by hand or with a typewriter, eighteen pages.

(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.

...

## **(I) Withdrawing and Renoting Pending Motions**

A moving party may renote its own pending motion itself by promptly filing a document titled Notice of Motion Renoted and changing the noting date in CM/ECF before any opposing party files a response to the motion. Once a response has been filed, the motion may be renoted only by filing a stipulation signed by all parties or by order of the court. If the moving party files a Notice of Motion Renoted, the time for the response and reply are extended by the same number of days that the noting date has been extended. If the renoting would extend a deadline beyond what is described in the case scheduling order or other court deadline, it requires an order of the court.

The court may renote a pending motion to ensure compliance with applicable court rules or for other reasons.

A moving party may withdraw its own pending motion by filing a Notice to Withdraw Pending Motion. If the noting date for the motion has already passed, the party must also immediately telephone the assigned judge's chambers to notify his or her staff that the pending motion has been withdrawn; the failure to do so may result in the imposition of sanctions.

...

(o) Brief of an Amicus Curiae

(1) An amicus curiae may file a brief only upon leave of Court, which may be granted after the submission of a motion for leave to file or upon the Court's own initiative.

(2) A motion for leave to file an amicus brief shall concisely state the nature of the movant's interest; identify the party or parties supported, if any; and set forth the reasons why an amicus brief is desirable, why the movant's position is not adequately represented by a party, and why the matters asserted are relevant to the disposition of the case. The motion shall state the position of each party as to the filing of such a brief and be accompanied by a proposed order and a copy of the proposed amicus brief. Any party may file an opposition to a motion for leave to file an amicus brief, concisely stating the reasons for such opposition, within 7 days after service of the motion or as ordered by the Court. There shall be no further briefing unless otherwise ordered by the Court.

(3) The amicus brief, accompanied by a motion for leave if necessary, shall be filed within such time as the Court may allow. The motion for leave and amicus brief shall be filed in a timely manner such that it does not unduly prejudice any party or delay the Court's ability to rule on any pending matter, and in no circumstances shall an amicus curiae file an amicus brief after the noting date of the relevant motion without permission of the Court.

(4) Except by the court's permission, an amicus brief may be no more than one-half the maximum length authorized by these rules for a party's principal motion or response. If the court grants a party permission to file a longer brief, that extension does not affect the length of an amicus brief. The amicus brief shall contain the information required by Fed. R. App. P. 29(a)(4)(A), (D), and (E).

(5) An amicus curiae may file a reply brief or participate in oral argument only with the court's permission.

<p style="text-align: center;"><b>LCR 9</b>  <b>PLEADING ADMIRALTY AND OTHER SPECIAL MATTERS</b></p>	
<b>LCR 9</b>	<b>Proposed Amendment</b>
...	...
<b>(i) Three Judge Court</b>  <p>If the case is such that any party contends that it will require a hearing before a three judge court, the words “THREE JUDGE COURT” shall be typed in capital letters on the first page of the complaint, answer, or other pleading making such allegation immediately below the name of the pleading to the right of the name of the cause, and the original and three copies of the complaint or other pleadings shall be left with the clerk and all other pleadings and papers filed in the cause shall be submitted in quadruplicate, unless the court rules that the cause is not properly before a three judge court.</p>	<b>(i) Three Judge Court</b>  <p>If the case is such that any party contends that it will require a hearing before a three judge court, the words “THREE JUDGE COURT” shall be typed in capital letters on the first page of the complaint, answer, or other pleading making such allegation immediately below the name of the pleading to the right of the name of the cause, <del>and the original and three copies of the complaint or other pleadings shall be left with the clerk and all other pleadings and papers filed in the cause shall be submitted in quadruplicate</del>, unless the court rules that the cause is not properly before a three judge court.</p>

**LCR 10**  
**FORM OF PLEADINGS, MOTIONS AND OTHER FILINGS**

<b>LCR 10</b>	<b>Proposed Amendment</b>
...	...
<b>(e) Format</b>	<b>(e) Format</b>
...	...
...	<p style="color: red;">(12) <i>Hyperlinks</i>. Electronically filed documents may contain hyperlinks to other portions of the same document, to other documents, or to a website that contains a source document for a citation. Hyperlinks may not be used to link to sealed or restricted documents, and hyperlinks may not directly open other software. To preserve the integrity of the Court record, parties wishing to include hyperlinks in Court filings shall continue to use the traditional citation method for the cited authority, in addition to the hyperlink. Neither a hyperlink, nor any site to which it refers, is considered part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in an electronically filed document.</p> <p style="color: red;">...</p>

**LCR 43**  
**TAKING TESTIMONY; MARKING EXHIBITS**

<b>LCR 43</b>	<b>Proposed Amendment</b>
<p>...</p> <p><b>(g) Marking of Exhibits</b></p> <p>...</p> <p>Electronic exhibits must be provided on a CD unless otherwise ordered by the court. The party offering the electronic exhibit(s) must include an index on paper with the electronic exhibits.</p> <p>...</p>	<p>...</p> <p><b>(g) Marking of Exhibits</b></p> <p>...</p> <p>Electronic exhibits must be provided <u>via a secure electronic device (e.g., USB stick)</u> <del>on a CD</del> unless otherwise ordered by the court. The party offering the electronic exhibit(s) must include an index on paper with the electronic exhibits.</p> <p>...</p>

<b>LCR 47</b> <b>JURORS</b>	
<b>LCR 47</b>	<b>Proposed Amendment</b>
<p><b>(a) Examination of Jurors</b></p> <p>The court will conduct a voir dire examination of the prospective trial jurors. To aid in the examination, counsel shall submit to the court, at such time as the court may direct, any questions they request be included in the examination. In addition, counsel may examine the prospective jurors directly if and to the extent permitted by the court.</p> <p>...</p>	<p><b>(a) Examination of Jurors</b></p> <p>The court will conduct a voir dire examination of the prospective trial jurors. To aid in the examination, counsel shall submit to the court, at such time as the court may direct, any questions they request be included in the examination. In addition, <del>counsel may examine the prospective jurors directly if and to the extent permitted by the court.</del><ins>the court will permit counsel an opportunity to submit or ask questions after hearing the court's voir dire.</ins></p> <p>...</p>

**LCR 54**  
**JUDGMENT; COSTS**

<b>LCR 54</b>	<b>Proposed Amendment</b>
<p>...</p> <p>(d) Costs</p> <p>...</p> <p>(5) <i>Attorney's Fees</i>. A motion for attorney's fees should not be included in the motion for costs to the clerk but should be directed to the court pursuant to Fed. R. Civ. P. 54(d), which sets forth requirements for the timing and contents of the motion.</p>	<p>...</p> <p>(d) Costs</p> <p>...</p> <p><i>(5) Attorney's Fees</i>. A motion for attorney's fees should not be included in the motion for costs to the clerk but should be directed to the court pursuant to Fed. R. Civ. P. 54(d), which sets forth requirements for the timing and contents of the motion.</p>

**LCR 55**  
**DEFAULT; DEFAULT JUDGMENT**

<b>LCR 55</b>	<b>Proposed Amendment</b>
<p>...</p> <p><b>(b) Judgment on Default</b></p> <p>...</p> <p>(4) By the Court. In all other cases, including instances where a defaulting party has entered an appearance, is an infant or incompetent, or is or may be in the military service, a motion for entry of a judgment by default must be addressed to the court. If there has been no appearance in the action by the defaulting party, the motion shall be noted in accordance with LCR 7(d)(1), but it need not be served on the defaulting party and notice of the motion need not be given to the defaulting party. If the defaulting party has appeared, the motion shall be noted in accordance with LCR 7(d)(3), and service of all papers filed in support of the motion must be made at the defaulting party's address of record and shall also be served by electronic means if available. In the absence of an address of record, service shall be made at the defaulting party's last known address and shall also be served by electronic means if available. The court may conduct such hearing or inquiry upon a motion for entry of judgment by default as it deems necessary under the circumstances of the particular case.</p>	<p>...</p> <p><b>(b) Judgment on Default</b></p> <p>...</p> <p>(4) By the Court. In all other cases, including instances where a defaulting party has entered an appearance, is an infant or incompetent, or is or may be in the military service, a motion for entry of a judgment by default must be addressed to the court. If there has been no appearance in the action by the defaulting party, the motion shall be noted in accordance with LCR 7(d)(1), but it need not be served on the defaulting party and notice of the motion need not be given to the defaulting party. If the defaulting party has appeared, the motion shall be noted in accordance with LCR 7(d)(3), and service of all papers filed in support of the motion must be made at the defaulting party's address of record and shall also be served by electronic means if available. In the absence of an address of record, service shall be made at the defaulting party's last known address and shall also be served by electronic means if available. <del>The court may conduct such hearing or inquiry upon a motion for entry of judgment by default as it deems necessary under the circumstances of the particular case.</del></p>

**LCR 56-56.1**  
**SUMMARY JUDGMENT PROCEDURE**

<b>LCR 56-56.1</b>	<b>Proposed Amendment</b>
<p>LCR 56  <b>RESERVED</b></p> <p>LCR 56.1  <b>SUMMARY JUDGMENT PROCEDURE</b></p> <p>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.</p>	<p>LCR 56  <b>RESERVED</b></p> <p><b>LCR 56.1</b>  <b>SUMMARY JUDGMENT PROCEDURE</b></p> <p><b>(a)-(b) Reserved</b></p> <p><b>(c)</b> A party filing a motion for summary judgment or a response <b>in opposition</b> 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.</p>

<b>LCR 66 RECEIVERS</b>	
<b>LCR 66</b>	<b>Proposed Amendment</b>
<p>...</p> <p><b>(e) Dismissal</b></p> <p>No action in which a receiver has been appointed shall be dismissed by any party except by leave of court and on such notice to other parties as the court may prescribe.</p>	<p>...</p> <p><b>(e) Dismissal</b></p> <p><del>No action in which a receiver has been appointed shall be dismissed by any party except by leave of court and on such notice to other parties as the court may prescribe.</del></p>

**LCR 72**  
**MAGISTRATE JUDGES; PRETRIAL ORDERS**

<b>LCR 72</b>	<b>Proposed Amendment</b>
<p>...</p> <p><b>(b) Dispositive Motions and Prisoner Petitions</b></p> <p>A party must file and serve any objections to a magistrate judge's recommended disposition within 14 days after being served unless the court enlarges the time period in a specific case. The party filing the objections must note them on the motions calendar pursuant to LCR 7 for a date no earlier than 14 days after the objections are filed. Any response to the objections must be filed by the day before the noting date. No reply will be considered.</p>	<p>...</p> <p><b>(b) Dispositive Motions and Prisoner Petitions</b></p> <p><del>A party must file and serve any objections to a magistrate judge's recommended disposition within 14 days after being served unless the court enlarges the time period in a specific case. The A</del> party filing <del>the</del> objections must note them on the motions calendar pursuant to LCR 7 for a date no earlier than 14 days after the objections are filed. Any response to the objections must be filed by <del>the day before</del> the noting date. No reply will be considered.</p>

**LCR 83.1**  
**ATTORNEYS; ADMISSION TO PRACTICE**

<b>LCR 83.1</b>	<b>Proposed Amendment</b>
<p>...</p> <p><b>(d) Permission to Participate in a Particular Case Pro Hac Vice; Responsibilities of Local Counsel</b></p> <p>...</p> <p>(2) <i>Responsibilities of Local Counsel.</i> To qualify to serve as local counsel, an attorney must have a physical office within the geographic boundaries of the Western District of Washington and be admitted to practice before this court.</p> <p>...</p>	<p>...</p> <p><b>(d) Permission to Participate in a Particular Case Pro Hac Vice; Responsibilities of Local Counsel</b></p> <p>...</p> <p>(2) <i>Responsibilities of Local Counsel.</i> <u>Absent leave of the court, ¶</u> to qualify to serve as local counsel, an attorney must have a physical office within the geographic boundaries of the Western District of Washington and be admitted to practice before this court.</p> <p>...</p>

**LCR 83.2**  
**ATTORNEY APPEARANCE AND WITHDRAWAL**

<b>LCR 83.2</b>	<b>Proposed Amendment</b>
<p>...</p> <p><b>(b) Withdrawal of Attorneys</b></p> <p>(1) 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) or CrR 12(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.</p> <p>...</p>	<p>...</p> <p><b>(b) Withdrawal of Attorneys</b></p> <p>(1) No attorney shall withdraw an appearance in any <u>civil</u> case, <del>civil or criminal</del>, 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 <del>or, if appropriate in a criminal case, by complying with the requirement of CrR 5(g)</del>. A motion for withdrawal shall be noted in accordance with LCR 7(d)(3) <del>or CrR 12(b) (criminal cases)</del> 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 <del>in a civil case, and at the discretion of the court in a criminal case</del>.</p> <p>...</p>

**LCR 83.3**

**STANDARDS OF PROFESSIONAL CONDUCT; CONTINUING ELIGIBILITY TO PRACTICE; ATTORNEY DISCIPLINE**

<b>LCR 83.3</b>	<b>Proposed Amendment</b>
<p>...</p> <p><b>(c) Attorney Discipline</b></p> <p>...</p> <p>(3) <i>Grounds for Discipline</i>. . . .</p> <p>(C) conviction of any felony or a misdemeanor involving dishonesty or corruption, including, but not limited to, those matters listed in Rule 7.1(a)(2)(B)-(c) of the Washington Rules of Enforcement of Lawyer Conduct (“ELC”);</p> <p>...</p> <p>(7) Discipline Based Upon a Criminal Conviction.</p> <p>(A) Any attorney subject to the disciplinary jurisdiction of this court shall promptly notify the Clerk of Court of the attorney’s conviction of any felony or a misdemeanor involving dishonesty or corruption, including, but not limited to, those matters listed in Rule 7.1(a)(2)(B)-(c) of the ELC (hereafter, “crime” or “criminal conviction”).</p> <p>...</p>	<p>...</p> <p><b>(c) Attorney Discipline</b></p> <p>...</p> <p>(3) <i>Grounds for Discipline</i>. . . .</p> <p>(C) conviction of any felony or a misdemeanor involving dishonesty or corruption, including, but not limited to, those matters listed in Rule <del>6.27.1(a)(2)(B)-(e)</del> of the Washington Rules of Enforcement of Lawyer Conduct (“ELC”);</p> <p>...</p> <p>(7) Discipline Based Upon a Criminal Conviction.</p> <p>(A) Any attorney subject to the disciplinary jurisdiction of this court shall promptly notify the Clerk of Court of the attorney’s conviction of any felony or a misdemeanor involving dishonesty or corruption, including, but not limited to, those matters listed in Rule <del>6.27.1(a)(2)(B)-(e)</del> of the ELC (hereafter, “crime” or “criminal conviction”).</p> <p>...</p>

<b>LCR 101 REMOVED CASES</b>	
<b>LCR 101</b>	<b>Proposed Amendment</b>
...	...
<b>(b) Documents to Be Filed with Notice of Removal.</b>	<b>(b) Documents to Be Filed with Notice of Removal.</b>
In cases removed from state court, the removing defendant(s) shall file contemporaneously with the notice of removal	In cases removed from state court, the removing defendant(s) shall file contemporaneously with the notice of removal
<p>(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.”</p> <p>(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.</p> <p>(3) A copy of any Jury Demand filed in the state court, which must be filed as an attachment and labeled “Jury Demand.”</p> <p>(4) A completed Civil Cover Sheet (AO44).</p>	<p>(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.”</p> <p>(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.</p> <p>(3) A copy of any Jury Demand filed in the state court, which must be filed as an attachment and labeled “Jury Demand.”</p> <p>(4) A completed Civil Cover Sheet (AO44).</p>
<b>(c) Additional Documents to Be Filed After Removal.</b>	<b>(e) Additional Documents to Be Filed After Removal.</b>
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	<p><u>(5) 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</u></p>

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.

...

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.~~

...

<b>LCR 103</b> <b>PRISONER COMPLAINTS UNDER CIVIL RIGHTS ACT, 42 U.S.C. § 1983</b>	
<b>LCR 103</b>	<b>Proposed Amendment</b>
<p>...</p> <p><b>(d) File Original Complaint; No Copies Required</b></p> <p>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 and form templates are available on the court's website (<a href="http://www.wawd.uscourts.gov">www.wawd.uscourts.gov</a>).</p>	<p>...</p> <p><b>(d) File Original Complaint; No Copies Required</b></p> <p>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 <u>or an application to proceed in forma pauperis</u>. <del>No filing fee is required for motions filed pursuant to 28 U.S.C. § 2255 or for applications to proceed in forma pauperis.</del> The Fee Schedule and form templates are available on the court's website (<a href="http://www.wawd.uscourts.gov">www.wawd.uscourts.gov</a>).</p>

**LCR 104**  
**SUPPLEMENTAL REQUIREMENTS FOR FIRST HABEAS CORPUS PETITIONS IN CAPITAL CASES**

<b>LCR 104</b>	<b>Proposed Amendment</b>
(a) Applicability	(a) <b>Applicability</b>
...	...
(k) Rulings	(k) <b>Rulings</b>
...	...

## **Typographical Corrections**

LCR 13 to 14: correct the title from LCR “12 to 14” to “13 to 14”

LCR 26(f)(1)(I)(ii): change “filming” to “filing”

LCR 39.1(b)(2): separate paragraphs (E) and (F)

LCR 39.2: (g): add parentheses around “90”; (k): change “individualized” to “expedited”

LCR 86: update effective date

LCR 88(a)(1): correct reference to subparagraphs “(2) through (4)” to “(2) and (3)”

LCR 100: (a): in final sentence, add “to” before LCR 7(d); (b): change reference for LCR “3” to “3(c)”

LCR 102(b): change reference for LCR “3(g)” to “3(h)”

For consistency, the committee proposes changing “opposition” to “response” when referring to motions practice. See LCR 5(g)(5); 7(b)(2), (d), (d)(2)-(5) and (7), (e)(2)-(5), (f)(3)-(4); 10(e)(10); 54(d)(2).