LOCAL CIVIL RULES

INTRODUCTION

These Local Rules for the United States District Court for the Eastern District of Washington have been adopted by the Court pursuant to Fed. R. Civ. P. 83 and 28 U.S.C. § 2071.

Rules for practice in Bankruptcy Court have been separately published and are available from the Clerk of the Bankruptcy Court.

The term "party" as used in these rules shall include the attorney for such party unless the context of the rule excludes such meaning.

The Local Rules, Administrative Procedures for Electronic Case Filing, and various forms are available on the Court's public website, http://www.waed.uscourts.gov.

LCivR 1
SCOPE AND PURPOSE

These rules set out local procedures for the Eastern District of Washington and are intended to be consistent with the Federal Rules of Civil Procedure. They are designated as LCivR and numbered to correspond, where possible, with rules having similar subject matter as the Federal Rules of Civil Procedure. These Rules, along with the Federal Rules of Civil Procedure, should be construed, administered, and employed by the Court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.

THESE RULES ARE SUBJECT TO ANY ORDER OF THE PRESIDING JUDGE IN AN INDIVIDUAL CASE.

LCivR 2
ONE FORM OF ACTION

[Reserved]

LCivR 3
COMMENCING AN ACTION

(a) In General.

A civil action is commenced by filing a complaint with the Clerk of Court in compliance with Fed. R. Civ. P. 3 and these rules. Every civil complaint shall be accompanied by a Civil Cover Sheet (JS-44) and properly completed summons forms for signature and seal by the Clerk of Court. These forms may be obtained from the Clerk of Court or found on the Court's public website, http://www.waed.uscourts.gov.

(b) Filing of Pleadings and Documents.

(1) In General. All civil cases shall be filed electronically using the Electronic Filing System and shall be governed by the Court's Administrative Procedures for

Electronic Case Filing, which manual may be obtained from the Clerk of Court or found on the Court's public website, www.waed.uscourts.gov.

(2) Paper Filings. All paper pleadings and documents, filed as an exception to and in accordance with the Court's Administrative Procedures for Electronic Case Filing and these Local Rules, shall be deemed filed when delivered to the Clerk's office in Spokane, Richland, or Yakima; or the Clerk of Court or a deputy clerk in open court while court is in session.

LCivR 4
SUMMONS

(a) through (c) [Reserved]

(d) Waiving Service.

The parties should employ the waiver of service provisions of Fed. R. Civ. P. 4(d), where appropriate.

(e) through (k) [Reserved]

(l) Proving Service.

The plaintiff shall promptly file proof of service of the summons and complaint with the Clerk of Court after service has been accomplished.

(m) Time Limit for Service.

The presumptive time period within which a defendant should be served is 90 days after the complaint is filed.

(n) [Reserved]

LCivR 4.1
SERVING OTHER PROCESS
[Reserved]

LCivR 5
SERVING AND FILING PLEADINGS AND OTHER PAPERS

(a) [Reserved]

(b) Service: How Made.

The "Notice of Electronic Filing" that is automatically generated by the Court's Electronic Filing System constitutes service of the filed document on filing users. Parties who are not filing users must be served—in accordance with the Federal Rules of Civil Procedure—with a paper copy of any pleading, notice, or other document filed electronically.

(c) [Reserved]

(d) Filing.

(1) Required Filings; Certificate of Service. Each pleading, notice, or other document required to be served shall contain a certificate of service. For service on electronic filing users, the certification should evidence that service was accomplished through the Notice of Electronic Filing System. For service on non-electronic filing users, the certification should evidence how service was accomplished. The Court's Administrative Procedures for Electronic Case Filing includes sample certification language.

(3) Courtesy Paper Copy. For pleadings over 100 pages in length, including exhibits, administrative records, and other documents, the Court may request a courtesy paper copy be provided to the presiding judge. The courtesy paper copy shall be three-hole punched, clearly marked "Judge's Courtesy Copy of Electronic Filing," tabbed if applicable, and delivered to the Clerk of Court.

(3) Electronic Filing, Signing, or Verification. The Court will allow documents to be filed, signed, or verified by electronic means that comply with the Court's Administrative Procedures for Electronic Case Filing.

LCivR 5.1
CONSTITUTIONAL CHALLENGE TO A STATUTE—NOTICE, CERTIFICATION, AND INTERVENTION
[Reserved]

LCivR 5.2
PRIVACY PROTECTION FOR FILINGS MADE WITH THE COURT
[Reserved]

LCivR 6
COMPUTING AND EXTENDING TIME; TIME FOR MOTION PAPERS
[Reserved]

LCivR 7
PLEADINGS ALLOWED; FORM OF MOTIONS AND OTHER PAPERS

(a) [Reserved]

(b) Motions and Other Papers.

(1) In General. All motions, unless made during a hearing or trial, shall be in writing and shall be filed within the time period set by the Local Rules or order of the Court and sufficiently in advance of trial to avoid any trial delay. The moving party shall file and serve a motion and any supporting materials. The motion serves as the memorandum and shall set forth supporting factual assertions and legal authority. The motion also serves as the notice of hearing as prescribed in LCivR 7(j).

(2) Extension of Time. Motions seeking an extension of time or other procedural relief shall recite the opposing party's position.

(3) Type. A "dispositive motion" is a motion requesting summary judgment, judgment on the pleadings, dismissal, remand, permanent injunctive relief, or suppression of evidence in a criminal case. A "nondispositive motion" is a motion seeking any other relief.

(Note: Summary Judgment is also discussed in LCivR 56.)

(c) Response Memorandum.

(1) In General. The response memorandum ("response") shall set forth supporting factual assertions and legal authority. The time periods set forth in this section include the additional 3-day period allowed under Fed. R. Civ. P. 6(d) and Fed. R. Crim. P. 45(c) and, therefore, apply regardless of the method of service.

(2) Deadline in Civil Cases. Unless the Court orders otherwise, the response shall be filed by

(A) a pro se litigant within (i) 21 days after the mailing of the nondispositive motion as noted on the certificate of mailing, or (ii) 30 days after the mailing of the dispositive motion as noted on the certificate of mailing. If the litigant is registered for Electronic Case Filing (ECF), the filing of the motion shall start the applicable time period; and

(B) counsel within (i) 14 days after the filing of a nondispositive motion, or (ii) 21 days after the filing of a dispositive motion.

(3) Deadline in Criminal Cases. The response shall be filed within 7 days after the filing of the motion.

(d) Reply Memorandum.

(1) In General. The moving party may file a reply memorandum ("reply"). The time periods set forth in this section include the additional 3-day period allowed under Fed. R. Civ. P. 6(d) and Fed. R. Crim. P. 45(c) and, therefore, apply regardless of the method of service.

(2) Deadline in Civil Cases. Unless the Court orders otherwise, any reply shall be filed by

(A) a pro se litigant within 21 days after the date the response was (i) mailed as noted on the certificate of mailing, or (ii) filed, if the litigant is registered for Electronic Case Filing (ECF); and

(B) counsel within (i) 7 days after the filing of the response to a nondispositive motion or (ii) 14 days after the filing of the response to a dispositive motion.

(3) Deadline in Criminal Cases. Any reply shall be filed within 7 days after the filing of the response.

(e) Failure to Comply with the Rules of Motion Practice.

The failure to comply with the requirements of LCivR 7(c) or (d) may be deemed consent to the entry of an order adverse to the party who violates these rules.

(f) Length of Memoranda.

(1) Dispositive motions. Dispositive motions and response memoranda shall not exceed 20 pages.

(2) Nondispositive motions. Nondispositive motions and response memoranda shall not exceed 10 pages.

(3) Reply memoranda. Reply memoranda shall not exceed 10 pages.

(4) Calculating Memoranda Length. For the purpose of calculating pages the following are excluded: the name, mailing address, and telephone number of the attorney or firm submitting the pleading; the case caption; the table of contents, if any; signatures; certificates of service; copies of decisions required by LR 7.1(f); LR 56.1 Statements of Material Fact; and exhibits.

(5) Exceeding Page Limit. These page limits may only be exceeded by obtaining prior approval of the Court. A motion to exceed page limits must demonstrate good cause.

(h) Citation of Authorities.

(1) Published Decisions. Citations to cases in memoranda shall include the reporter volume number, page number, deciding court, and date of decision. Parties shall cite to reporters and other sources as follows:

(A) State cases. Cite official state reports or regional reporters, if therein; otherwise, cite a publicly accessible electronic database.

(B) Federal cases. For decisions of the U.S. Supreme Court, cite the United States Reports or Supreme Court Reporter, if therein; otherwise, cite a publicly

accessible electronic database. For all other federal cases, cite Federal Reporter, Federal Supplement, Federal Rules Decisions, or Bankruptcy Reporter, if therein; otherwise, cite a publicly accessible electronic database.

(2) Unpublished Decisions. Unpublished decisions may be cited when relevant under the doctrines of law of the case, res judicata, collateral estoppel, and for factual or persuasive, but not binding, precedential value. Copies of unpublished cases which are not available on a publicly accessible electronic database shall be filed as an attachment.

(i) Factual Assertions.

Factual assertions contained in memoranda must be supported by evidence, such as a declaration, affidavit, or discovery response.

(j) Hearing on Motions.

(1) Caption. Any party filing a motion shall insert the date, time, and place (or phone number if by telephone) for the hearing in the motion's caption.

(sample caption—motion with telephonic oral argument)

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

[Name of Plaintiff], Plaintiff, v. [Name of Defendant], Defendant.	NO. 12-CV-1234 -JLQ MOTION TO DISMISS 11/17/2012 With Oral Argument: 10:30 a.m. Ph: 509-376-1330

(sample caption— motion without oral argument)

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

[Name of Plaintiff],	
Plaintiff,	NO. 12-CV-1234 -JLQ
v.	MOTION TO DISMISS
[Name of Defendant],	11/17/2012 Without Oral Argument
Defendant.	

(2) Time Requirements.

(A) Nondispositive Motions. The date of the hearing for nondispositive motions must be at least 30 days after the motion's filing.

(B) Dispositive Motions. The date of the hearing for dispositive motions must be at least 50 days after the motion's filing.

(C) Altering Hearing Time Requirements. Hearing time requirements may only be altered by the Court. To seek an expedited hearing on a time sensitive matter, the moving party must file a motion to expedite, which (1) demonstrates good cause, (2) states the position of the opposing pro se party or counsel, and (3) sets a date of hearing that is not less than 7 days after the motion's filing. Should the motion to expedite require more immediate judicial attention, the motion shall establish the necessity for an immediate hearing, and the filing party shall notify chambers staff of the motion. A response memorandum to an expedited motion is due the day before the hearing set for the expedited motion.

(3) Obtaining a Hearing Date, Time, and Place.

(A) Without Oral Argument. A motion to be heard without oral argument can be set on any weekday on or after the date calculated in LR 7.1(h)(2).

[Note: See the Electronic Case Filing Administrative Procedures regarding the time and place for motions without oral argument.]

(B) With Oral Argument.

(i) In General. To obtain an oral argument hearing date (on or after the date calculated in LR 7.1(h)(2)), time, and place, the pro se party or counsel shall (1) contact the opposing party or counsel to develop a list of

mutually-agreeable hearing dates, times, and places; and then (2) contact the presiding judge's courtroom deputy to determine an available hearing date, time, and place. Telephonic argument may be requested, but the pro se party or counsel should consult the presiding judge's courtroom deputy to determine the telephonic argument policy.

(ii) Opposing Party May Elect. If the moving party does not elect oral argument, the opposing party may elect oral argument by inserting the obtained hearing date, time, and place in the response memorandum's caption (with a notation that the previously-without-oral-argument hearing is now with oral argument).

(iii) Court Discretion. Notwithstanding the foregoing procedure, the Court may decide that oral argument is not warranted and proceed to determine any motion without oral argument.

(iv) Hearing Length. Unless specially ordered, not more than 15 minutes shall be allowed for each party for oral argument on any motion.

(C) Waiver. If oral argument is not elected, oral argument is waived absent a motion and good cause shown.

(k) Status of Pending Motions.

If the parties have not received an order within 30 days after the motion has been heard, the parties may contact the courtroom deputy to inquire as to the status of the order.

LCivR 7.1
DISCLOSURE STATEMENT
[Reserved]

LCivR 8
GENERAL RULES OF PLEADING
[Reserved]

LCivR 9
PLEADING SPECIAL MATTERS
[Reserved]

LCivR 10
FORM OF PLEADINGS

(a) Caption; Names of Parties.

(1) Format. Every pleading must have a caption formatted as follows:

(A) on the first page of each pleading—on the left side of the page, above line five—the name, mailing address, and telephone number of the attorney, firm, or pro se litigant submitting the paper shall appear;

(B) on the first page of each pleading—on the center of the page, on or below line five—the title of the Court shall appear;

(C) on the first page of each pleading—on the left side of the page, below the title of the Court—the caption of the case shall appear;

(D) on the first page of each pleading—on the right side of the page, opposite the caption—the case number and the title of the pleading shall appear;

(E) on every page of each pleading—in the footer—the title or an abbreviated title of the pleading followed by the page number shall appear.

(2) Pagination. All pleadings, including all attachments thereto, shall be sequentially paginated in their entirety, with the page numbers appearing in the footer of each page.

(3) Unnamed Defendants. The use of "John Doe" pleading is disfavored in federal court. *See Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980). Where the identity of an alleged defendant is not known prior to the filing of a complaint, a plaintiff will be given an opportunity through discovery to identify the unknown defendant, unless it is clear that discovery would not uncover the identity of the defendant or that the complaint would be dismissed on another ground. A plaintiff must sufficiently allege the actions of each unknown defendant for which the plaintiff complains.

(b) [Reserved]

(c) Adoption by Reference; Exhibits.

Previously filed pleadings, exhibits, or documents shall not be unnecessarily refiled but rather shall be incorporated by reference. Citations to any pleadings, exhibits, or documents previously filed shall be to the Electronic Case Filing record number and page number and shall be in the following format, "ECF No. ___ at ___." Example: ECF No. 24 at 2.

(d) Format.

All pleadings shall be in English and prepared in 8½" x 11" format with line numbers in the left vertical margin. Electronic filing requires conversion to the PDF format. Paper filing requires good quality paper printed on one side only. All pleadings shall be typed, printed, or prepared by a clearly legible printing process in serif or traditional Roman typefaces, not script or decorative typefaces. All pleadings must be prepared in the equivalent of either a proportionately spaced typeface of 14 points or more or a monospaced typeface of no more than 10.5 characters per inch (*e.g.*, size 12 Courier New). Text and footnotes must be double spaced. Quoted material, headings, captions, signature blocks, and certifications may be single spaced.

[*Note: The Court may request a courtesy paper copy of pleadings over 100 pages in length, including exhibits, administrative records, and other documents, according to LCivR 5(d)(3).*]

LCivR 11
SIGNING PLEADINGS, MOTIONS, AND OTHER PAPERS; REPRESENTATIONS TO THE COURT; SANCTIONS
[Reserved]

LCivR 12
DEFENSES AND OBJECTIONS: WHEN AND HOW PRESENTED; MOTION FOR JUDGMENT ON THE PLEADINGS; CONSOLIDATING MOTIONS; WAIVING DEFENSES; PRETRIAL HEARING

(a) Time to Serve a Responsive Pleading.

(1) [Reserved]

(2) United States and Its Agencies, Officers, or Employees Sued in an Official Capacity. Absent the filing of an answer or other responsive pleading, the filing of the administrative record in Social Security benefits proceedings shall be deemed the Commissioner's answer of denial.

(3) through (4) [Reserved]

(b) through (i) [Reserved]

LCivR 13
COUNTERCLAIM AND CROSSCLAIM
[Reserved]

LCivR 14
THIRD-PARTY PRACTICE
[Reserved]

LCivR 15
AMENDED AND SUPPLEMENTAL PLEADINGS
[Reserved]

LCivR 16
PRETRIAL CONFERENCES; SCHEDULING; MANAGEMENT

(a) Purposes of Pretrial Conference.

(1) through (4) [Reserved]

(5) Facilitating Settlement—Alternative Dispute Resolution.

(A) In General. Through the passage of the "Alternative Dispute Resolution Act of 1998," 28 U.S.C. §§ 651–658, Congress has encouraged federal courts to review and strengthen their alternative dispute resolution (ADR) programs. Such programs may provide greater satisfaction to the parties, provide innovative methods of resolving disputes, and increase efficiency in achieving settlements of civil cases. Moreover, the adoption of congressional requirements for the priority scheduling of criminal trials has placed substantially greater pressure on litigants, counsel, and the Court.

(B) Settlement Negotiations. The parties in civil actions shall consider ADR (see Fed. R. Civ. P. 16(a)(5), (c)(1), (c)(2)(I)) and be prepared to discuss it at the time of the first scheduling conference with the presiding judge. The Court encourages the attorneys for all parties to the action, except nominal parties, to meet at least once and engage in a good faith attempt to negotiate a settlement of the action.

(C) Court Annexed Program of Mediation. In selected cases, the presiding judge may refer matters for mediation to a magistrate judge, a district judge, or a bankruptcy judge designated by the presiding judge in his or her sole discretion. Matters referred shall be governed by the directives in the assigned judge's scheduling order or standing order regarding mediation. "Mediation" is a process whereby an impartial third party, the mediator, facilitates communication between negotiating parties attempting to reach an agreed settlement of their dispute. When appropriate, the mediator may also offer an evaluation of the case or recommend a settlement. Whether a settlement results from mediation is within the sole control of the parties.

(D) Participation and Preparation by Counsel. The attorney who is primarily responsible for each party's case shall personally attend the mediation conference and any adjourned sessions of that conference. The attorney for each party shall come prepared to discuss the following matters in detail and in good faith:

(i) All liability issues;
(ii) All damages issues; and
(iii) The position of his or her client relative to settlement.

(E) In Person Attendance. Attendance by a party and its representative with full settlement authority at the mediation is mandatory, unless the mediator permits otherwise.

(F) Failure to Attend. Willful failure to attend the mediation conference, unless excused by the mediator, shall be reported to the presiding judge by the mediator and may result in the imposition of sanctions.

(G) Parties Retain Option to Pursue Settlement. Nothing in this rule shall prohibit parties from pursuing settlement by any other means not contrary to statute or court rule.

(b) Scheduling.

(1) Scheduling Order. Except in the following categories of cases, the Court will issue a scheduling order to govern all procedures conducive to the just, speedy, and inexpensive resolution of the action:

(A) Bankruptcy appeals;
(B) Habeas corpus proceedings;
(C) Proceedings by the United States to recover benefits payments;
(D) Proceedings by the United States to recover student loans;
(E) Proceedings to enforce judgments;
(F) Proceedings to enforce an arbitration award;
(G) Proceedings to enforce or quash discovery arising from another district under Rule 37;
(H) Proceedings in which no defendant appears and judgment by default is sought; and
(I) Proceedings for administrative inspections, warrants, summons, and subpoenas.

(2) Time to Issue. The Court will issue a scheduling order in accordance with Fed. R. Civ. P. 16(b)(2). The Court may delay the issuance of a scheduling order in those cases where not all defendants have been served or where a motion to dismiss has been filed, including motions based on lack of jurisdiction, failure to state a claim, immunity of a defendant, the statute of limitations, or any other defense that would caution against starting the discovery and pretrial processes.

(3) Exception in Social Security Benefits Proceedings. In Social Security benefits proceedings, once the administrative record has been filed, the parties shall promptly confer and file a "Stipulated Motion for Scheduling Order" outlining their proposed briefing schedule for cross-motions for summary judgment.

(c) through (d) [Reserved]

(e) Final Pretrial Conference and Orders.

At a time and in the manner the Court directs, the parties shall submit a proposed pretrial order in substantially the following format:

Title of Court and Cause No.

PRETRIAL ORDER

A pretrial conference was held in the above entitled cause on [month] [day], [year] with Judge [name] presiding. Plaintiff was represented by [name(s)] and defendant by [name(s)], their respective attorneys of record. The following pretrial order has been formulated and settled as follows:

NATURE OF PROCEEDINGS AND STATEMENT OF JURISDICTION

[insert statement]

The following facts are agreed upon by the parties and require no proof:
1.
2.
etc.

PLAINTIFF'S CONTENTIONS

Plaintiff's contentions as to disputed issues are as follows:
1.
2.
etc.

DEFENDANT'S CONTENTIONS

Defendant's contentions as to disputed issues are as follows:
1.
2.
etc.

ISSUES OF FACT

The following are the issues of fact to be determined by trial:
1.
2.
etc.

ISSUES OF LAW

The following are the issues of law to be determined by the Court:
1.
2.
etc.

EXHIBITS

The following exhibits may be received in evidence, if otherwise admissible, without further authentication, it being admitted that each is what it purports to be:

Plaintiff's Exhibits:
1.
2.
etc.

Defendant's Exhibits:
1.
2.
etc.

The following plaintiff exhibits are objected to by defendant:
1.
2.
etc.

The following defendant exhibits are objected to by plaintiff:
1.
2.
etc.

Other than for impeachment purposes, the only exhibits admitted at trial will be exhibits identified herein or on a supplemental list filed at least 14 days before trial, or at such earlier date as may have been set by the Court, which supplemental list shall bear counsel's certificate that opposing counsel has had an opportunity to examine the exhibits.

Objections to exhibits, except as to relevancy, must be heard prior to trial.

WITNESSES

The following witnesses may be called by plaintiff (if expert, give field of expertise):
1.
2.
etc.

The following witnesses may be called by defendant (if expert, give field of expertise):
1.
2.
etc.

Other than for rebuttal purposes, no witnesses may be called unless listed above.

RELIEF SOUGHT

[insert statement]

TRIAL

The parties estimate [insert number] days trial time. The parties stipulate and agree to the following:

[An alternate juror is recommended.]

[If a juror is excused during trial for good cause, the parties stipulate to a verdict by five jurors.]

[No stipulation reached by the parties.]

Unless otherwise specified in a scheduling order, proposed instructions and trial memoranda shall be filed and served at least 7 days prior to commencement of trial.

ACTION BY THE COURT

The Court has made the following rulings: (any relevant ruling made by the Court)
1.
2.
etc.

It is ORDERED that the foregoing constitutes the pretrial order in the case and that upon the filing hereof all pleadings pass out of the case and are superseded by this Order. This Order may be amended by consent of the parties and approval by the Court or by the Court to prevent manifest injustice.

DATED [month] [day], [year].

_____
United States District Judge

(f) [Reserved]

LCivR 17
PLAINTIFF AND DEFENDANT; CAPACITY; PUBLIC OFFICERS

(a) through (b) [Reserved]

(c) Minor or Incompetent Person.

(1) through (2) [Reserved]

(3) Representation. At the time of the commencement of any action involving a beneficial interest or claim of a minor or incompetent, the plaintiff shall petition the Court and obtain appointment by the Court of an independent guardian ad litem to represent the interest of the ward. The guardian ad litem shall be an attorney admitted to practice before this Court. The guardian ad litem shall be independently appointed by the Court. At the time of the commencement of the action, counsel for the plaintiff shall submit to the Court a list of not less than three attorneys and their qualifications who are willing to serve as guardian ad litem. Upon a showing of good cause, the Court may dispense with the appointment of a guardian ad litem.

(4) Procedure for Settlement or Compromise. Counsel for the minor or incompetent shall consult with the guardian ad litem prior to proposing or responding to any settlement offer. No claims of a ward shall be settled or compromised without the prior approval of the Court. Prior to the presentment to the Court of any proposed settlement, the guardian ad litem shall independently investigate the proposed settlement and file a written report with the Court as to the adequacy of the proposed settlement, including an analysis of costs and fees.

(5) Hearing and Calculation of Fee. At the time the petition for approval of the settlement is heard, the allowance and taxation of all fees, costs, and other charges incident to the settlement of the minor's claim shall be considered and disposed of by the Court in its discretion. In the case of a structured settlement or annuity, the fee shall be based on the actual cost of the annuity, the cost of which may be disclosed in camera upon request.

(6) Deposit in Court and Disbursements. If approved by the Court, funds recovered for the benefit of a minor or incompetent person shall be invested or disbursed in such a manner as the Court deems proper for the best interests of the minor or incompetent person. Unless otherwise ordered, all funds recovered on behalf of a minor or incompetent, either through settlement or judgment, shall be paid into the registry of the Court. Disbursement of such funds for attorney's fees, costs, or other allowable expenses shall be paid only upon approval of the Court.

(7) Control of Remaining Funds.

> **(A) $50,000 or Less.** If the money or the value of other property remaining is $50,000 or less and there is no general guardian of the ward, the Court shall require that (1) the money be deposited in a bank or trust company or be invested in an account in an insured financial institution for the benefit of the ward subject to withdrawal only upon the order of the Court as part of the original proceeding, or (2) a general guardian be appointed and the money or other property be paid or delivered to such guardian.
>
> **(B) Over $50,000.** If the money or the value of other property remaining exceeds $50,000, and there is no general guardian of the ward, the Court in the order or judgment shall require that a general guardian be appointed by a court of competent jurisdiction.

(8) Deposit of Minor's Funds. Checks for funds for the benefit of a minor may be made out by the Clerk of Court jointly to the depository bank, trust company, or insured financial institution and the independent attorney for the minor, guardian ad litem, or general guardian and deposit shall be made in a blocked account for the minor with provision that withdrawals cannot be made without court order. A deposit receipt to that effect must forthwith be filed with the Court by the attorney or guardian.

LCivR 18
JOINDER OF CLAIMS
[Reserved]

LCivR 19
REQUIRED JOINDER OF PARTIES
[Reserved]

LCivR 20
PERMISSIVE JOINDER OF PARTIES
[Reserved]

LCivR 21
MISJOINDER AND NONJOINDER OF PARTIES
[Reserved]

LCivR 22
INTERPLEADER
[Reserved]

LCivR 23
CLASS ACTIONS
[Reserved]

LCivR 23.1
DERIVATIVE ACTIONS
[Reserved]

LCivR 23.2
ACTIONS RELATING TO UNINCORPORATED ASSOCIATIONS
[Reserved]

LCivR 24
INTERVENTION
[Reserved]

LCivR 25
SUBSTITUTION OF PARTIES

(a) Death.

If a party dies, counsel shall file a statement noting the death within 14 days after discovery of such event. The Court may order substitution or dismissal according to Fed. R. Civ. P. 25(a).

(b) through (d) [Reserved]

LCivR 26
DUTY TO DISCLOSE; GENERAL PROVISIONS GOVERNING DISCOVERY

(a) through (g) [Reserved]

(h) Discovery Not Filed Until Necessary.

No discovery materials shall be filed until they are used in the proceeding or the court orders filing. Only those portions of discovery necessary to the disposition of motions shall be

appended to the relevant filing. The initiating party shall have the responsibility for maintaining the discovery material and making it available as may be necessary during the proceedings.

LCivR 27
DEPOSITIONS TO PERPETUATE TESTIMONY
[Reserved]

LCivR 28
PERSONS BEFORE WHOM DEPOSITIONS MAY BE TAKEN
[Reserved]

LCivR 29
STIPULATIONS ABOUT DISCOVERY PROCEDURE
[Reserved]

LCivR 30
DEPOSITIONS BY ORAL EXAMINATION
[Reserved]

[Note: Unless, pursuant to Fed. R. Civ. P. 29 the parties have stipulated otherwise, no more than 10 depositions, each limited to 7 hours in one day, may be taken by the plaintiffs, defendants, or third-party defendants without leave of the Court. See Fed. R. Civ. P. 30(a)(2) and (d)(1).]

LCivR 31
DEPOSITIONS BY WRITTEN QUESTIONS
[Reserved]

LCivR 32
USING DEPOSITIONS IN COURT PROCEEDINGS

(a) Using Depositions in Court Proceedings

(1) In General. The initiating party shall have the responsibility for maintaining the original deposition and making it available as may be necessary during the proceedings. *See* LCivR 26(h). Only those portions of a deposition necessary to a motion shall be appended to the relevant filing.

(2) Deposition In Lieu of Witness.

(A) Presentation. A deposition that a party intends to use at trial in lieu of calling the witness must be purged of all repetitious and irrelevant questions and answers, all objections which have been abandoned, and irrelevant colloquy between the attorneys. Purging shall be accomplished by designating the page and line numbers of material proposed to be used. This may be accomplished

by the use of a high-lighting marker. Unless otherwise ordered by the Court, a copy of the depositions so purged, or designations thereof, shall be served upon the opposing party no later than 14 days before the pretrial conference.

(B) Objections. Objections and counter-designations by the opposing party shall be served no later than 7 days before the pretrial conference. Objections shall be submitted to the Court for resolution at the pretrial conference and depositions shall be purged in accordance with the Court's ruling.

(C) Impeachment and Other Uses. This designation and objection procedure does not apply to a deposition used to refresh recollection, as an admission against interest, or for impeachment.

(3) through (8) [Reserved]

(b) through (d) [Reserved]

LCivR 33
INTERROGATORIES TO PARTIES

(a) through (d) [Reserved]

[Note: Unless, pursuant to Fed. R. Civ. P. 29, the parties have stipulated otherwise, no party may serve more than 25 interrogatories, including discrete subparts, on any other party, without leave of the Court. See Fed. R. Civ. P. 33(a)(1).]

LCivR 34
PRODUCING DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND TANGIBLE THINGS, OR ENTERING ONTO LAND, FOR INSPECTION AND OTHER PURPOSES

(a) through (c) [Reserved]

(d) Number.

Unless, pursuant to Fed. R. Civ. P. 29, the parties have stipulated otherwise, no party may serve more than 30 requests on any other party, without leave of the Court.

LCivR 35
PHYSICAL AND MENTAL EXAMINATIONS
[Reserved]

LCivR 36
REQUESTS FOR ADMISSION

(a) Scope and Procedure.

(1) [Reserved]

(2) Form; Copy of Document. Requests for admission shall not be combined in the same document with any other form of discovery. The genuineness of multiple documents may be included in one request.

(3) through (6) [Reserved]

(b) [Reserved]

(c) Number.

Unless, pursuant to Fed. R. Civ. P. 29, the parties have stipulated otherwise, no party may serve more than 15 requests on any other party, without leave of the Court.

LCivR 37
FAILURE TO MAKE DISCLOSURES OR TO COOPERATE IN DISCOVERY; SANCTIONS

[Note: Motions to compel and for protective orders must include a certification that the movant has in good faith conferred or attempted to confer with the other affected parties in an effort to resolve the dispute without court action. Fed. R. Civ. P. 26(c), 37(a)(1). The parties are reminded that Fed. R. Civ. P. 37(a)(5) mandates the payment of reasonable expenses, including attorney fees, from the unsuccessful party, except in narrow circumstances.]

LCivR 38
RIGHT TO A JURY TRIAL; DEMAND

(a) through (c) [Reserved]

(d) Waiver; Withdrawal.

A party waives a jury trial unless its demand is properly served and filed according to Fed. R. Civ. P. 38 and 81(c). In a removed action in which state law does not require an express demand for a jury trial, a party must serve and file its demand within 30 days after it files a notice of removal or is served with a notice of removal filed by another party.

(e) [Reserved]

LCivR 39
TRIAL BY JURY OR BY THE COURT
[Reserved]

LCivR 40
SCHEDULING CASES FOR TRIAL

The trial calendar shall be arranged in the following order of precedence:

(1) Criminal cases;
(2) Civil cases with statutory precedence; and
(3) All other civil cases.

LCivR 41
DISMISSAL OF ACTIONS

(a) Voluntary Dismissal.

(1) By the Plaintiff.

(A) Voluntary Dismissal. A notice of voluntary dismissal filed pursuant to Fed. R. Civ. P. 41(a)(1) shall contain a statement that no answer or motion for summary judgment has been served.

(B) Stipulated Dismissal. A stipulation of dismissal signed by all parties who have appeared shall be filed and docketed as a "Stipulated Motion to Dismiss."

(2) [Reserved]

(b) Involuntary Dismissal; Effect.

(1) Order to Show Cause. If no action of record has occurred for 180 days, a Court imposed deadline has expired without compliance, or a defendant has not been served within 90 days after the complaint was filed (*see* LCivR 4(m)), the Court may enter an order to show cause, which allows the plaintiff not less than 14 days to explain why the case or defendant should not be dismissed.

(2) Contact Information. A party proceeding pro se shall keep the Court and opposing parties advised as to his or her current mailing address and, if electronically filing or receiving notices electronically, his or her current email address. If mail directed to a pro se plaintiff is returned by the Postal Service, or if email is returned by the internet service provider, and if such plaintiff fails to notify the Court and opposing parties within 60 days thereafter of his or her current mailing or email address, the Court may dismiss the action.

(c) through (d) [Reserved]

LCivR 42
CONSOLIDATION; SEPARATE TRIALS
[Reserved]

LCivR 43
TAKING TESTIMONY

(a) through (d) [Reserved]

(e) Examination of Witnesses.

Only one attorney per party shall examine or cross-examine any witness, except with the permission of the Court.

(f) Expert Witnesses.

A party shall not be permitted to call more than two (2) expert witnesses on any issue, except with the permission of the Court.

LCivR 44
PROVING AN OFFICIAL RECORD
[Reserved]

LCivR 44.1
DETERMINING FOREIGN LAW
[Reserved]

LCivR 45
SUBPOENA
[Reserved]

LCivR 46
OBJECTING TO A RULING OR ORDER
[Reserved]

LCivR 47
SELECTING JURORS

(a) Examining Jurors.

Each party shall file and serve any suggested questions for the Court to propound to the jurors during voir dire no later than seven (7) days before trial.

(b) through (c) [Reserved]

LCivR 48
NUMBER OF JURORS; VERDICT; POLLING

(a) [Reserved]

(b) Verdict.

After the case has been submitted to the jury, the Court will notify the parties or their attorneys by telephone when their presence in the courtroom is required. If, after the expiration of 20

minutes from the time the party or attorney has been notified or attempted to be notified, the party or attorney is voluntarily absent, that party or attorney waives the right to be present and consents to such proceedings which take place in the courtroom during such absence.

(c) [Reserved]

(d) Contacting Jurors After Trial.

Neither counsel nor the parties shall contact or interview jurors or cause jurors to be contacted or interviewed after trial without first having been granted leave to do so by the Court.

LCivR 49
SPECIAL VERDICT; GENERAL VERDICT AND QUESTIONS
[Reserved]

LCivR 50
JUDGMENT AS A MATTER OF LAW IN A JURY TRIAL; RELATED MOTION FOR A NEW TRIAL; CONDITIONAL RULING
[Reserved]

LCivR 51
INSTRUCTIONS TO THE JURY; OBJECTIONS; PRESERVING A CLAIM OF ERROR

(a) Requests.

(1) In General. Each party shall file and serve proposed jury instructions no later than 7 days before trial. Additional or modified instructions which could not reasonably be anticipated may be served and filed during the course of the trial.

(2) Format. Each proposed instruction shall be separately paginated, separately numbered, contain supporting citations and in addition to service and filing, a Microsoft "Word" file shall be transmitted to the presiding judge's orders e-mail address.

(b) Instructions.

The Court will read instructions to the jury after the close of evidence and prior to closing argument. The jury will be given a written set of the Court's instructions for their deliberations.

(c) through (d) [Reserved]

LCivR 52
FINDINGS AND CONCLUSIONS BY THE COURT; JUDGMENT ON PARTIAL FINDINGS
[Reserved]

LCivR 53
MASTERS

[Reserved]

LCivR 54
JUDGMENT; COSTS

(a) through (c) [Reserved]

(d) Costs; Attorney's Fees.

(1) Taxable Costs Other than Attorney's Fees–-Verified Cost Bill.

(A) Time for Serving. A prevailing party who is entitled to claim its costs, shall within 14 days after entry of judgment, file and serve a verified bill of costs on form AO 133 or its substantive equivalent. The bill of costs shall be noted for hearing on a date not less than 14 days from the date of service.

(B) Objections. On or before the hearing date, a party may object to the bill of costs, specifying the ground for each objection and submitting any declaration, affidavit, or other evidence relied on to support its objection.

(C) Taxation by Clerk of Court. After the hearing date, the Clerk of Court shall tax costs which are properly taxable. The Clerk's taxation is final unless a timely motion to retax is filed. The following costs are taxable:

(i) Witnesses. The fees of testifying witnesses, whether their attendance was voluntary or procured by subpoena, shall be allowed. The fees of attending, but non-testifying, witnesses shall be allowed only upon order of the Court.

(ii) Travel, Meals, and Lodging. Necessary travel expenses, meals, and lodging may be allowed at government employee travel and per diem rates or actual rates, whichever is less.

(iii) Stenographic Fees. Stenographic fees for depositions may be allowed only when the deposition is used at trial or hearing for substantive or, in the Court's discretion, impeachment purposes. Only the cost of the original deposition shall be taxed.

(iv) Other Costs. All other costs shall be taxed in accordance with 28 U.S.C. §§ 1920, 1921, 1923, and 1927.

(D) Motion to Retax Costs by Court. Any party may file and serve a motion to retax costs within 7 days after the Clerk's taxation. The motion to retax shall specify the ground for each objection and include any declaration, affidavit, or other evidence to support the objection. The motion to retax shall be treated as a non-dispositive motion and noted for hearing according to LCivR 7.

(3) Attorney's Fees. Unless a statute or court order provides otherwise, a motion for attorney's fees and any nontaxable expenses shall be filed within 14 days after the entry of judgment. The motion shall be treated as a non-dispositive motion and noted for hearing according to LCivR 7.

LCivR 55
DEFAULT; DEFAULT JUDGMENT

Obtaining a default judgment is a two-step process: (1) a party must first file a motion for entry of default and obtain a Clerk's Order of Default, and (2) a party must then file a motion for default judgment.

(a) Entering a Default. Upon motion, the Clerk of Court shall enter the default of any party against whom a judgment for affirmative relief is sought but who has failed to plead or otherwise defend.

(1) Notice Required. Written notice of the intention to move for entry of default must be provided to counsel or, if counsel is unknown, to the party against whom default is sought, regardless of whether counsel or the party have entered an appearance. Such notice shall be given at least 14 days prior to the filing of the motion for entry of default. If notice cannot be provided because the identity of counsel or the whereabouts of a party are unknown, the moving party shall inform the Clerk of Court in the declaration or affidavit.

(2) Declaration or Affidavit Required. The moving party must show (a) that the party against whom default is sought was properly served with the summons and complaint in a manner authorized by Fed. R. Civ. P. 4; (b) that the party has failed to timely plead or otherwise defend; and (c) that proper notice of the intention to seek an entry of default, as described above, has been accomplished.

(3) No Notice of Hearing Required. The Clerk shall enter default upon the filing of a properly supported motion for entry of default.

(b) Entering a Default Judgment.

(1) Motion Practice. All applications and requests for default judgment shall be conducted by motion practice. No motion for default judgment shall be filed unless an order of default has been entered by the Clerk of Court. A motion for default judgment shall be filed and noted for hearing in accordance with LCivR 7. By declaration or affidavit, the moving party must (A) specify whether the party against whom judgment is sought is an infant or an incompetent person and, if so, whether that person is represented by a general guardian, conservator, or other like fiduciary; and (B) attest that the Servicemembers Civil Relief Act, 50 U.S.C. App. §§ 501-597b, does not apply.

(2) Court Review. Notwithstanding the provisions of Fed. R. Civ. P. 55(b)(l), the Clerk of Court may refer any request for entry of default judgment to the Court for review prior to formal entry.

(c) through (d) [Reserved]

LCivR 56
SUMMARY JUDGMENT

(a) through (b) [Reserved]

(c) Procedures.

(1) Supporting Factual Positions.

(A) Motion. A party filing a motion for summary judgment must separately file a "Statement of Material Facts Not in Dispute" which shall specify the undisputed material facts relied upon to support the motion. The material facts shall be set forth in serial, numbered fashion, not in narrative form. As to each fact, the statement shall cite to the specific page or paragraph of the record where the fact is found (*e.g.*, affidavit at p. 3, deposition at p. 3, line 6, etc.). The specific portions of the record relied upon shall accompany the statement of material facts, unless already part of the record, in which case a citation in the format "ECF No. __ at __" shall be provided.

(B) Response. A party filing an opposition to a motion for summary judgment must separately file a "Statement of Disputed Material Facts" which shall specify the disputed material facts precluding summary judgment. The statement of disputed material facts shall be set forth in serial fashion, not in narrative form, and shall reference the moving party's asserted, numbered fact. As to each disputed fact, the statement shall cite to the specific page or paragraph of the record where the disputed fact is found (e.g., affidavit at p. 3, deposition at ¶ 4, etc.). The specific portions of the record relied upon shall accompany the statement of disputed material facts, unless already part of the record, in which case a citation in the format "ECF No. __ at __" shall be provided. The opposing party shall also briefly describe any evidentiary objection to the moving party's asserted fact.

(C) Reply. The moving party filing a reply memorandum must separately file a "Reply Statement of Material Facts Not in Dispute" which shall specify the opposing party's disputed facts that the moving party contends are not in genuine dispute. The reply statement of material facts not in dispute shall be set forth in serial fashion, not in narrative form, and shall reference the opposing party's disputed, numbered fact. As to each disputed fact, the statement shall cite to the specific page or paragraph of the record where the

disputed fact is found (e.g., affidavit at p. 3, deposition at ¶ 4, etc.). The specific portions of the record relied upon shall accompany the statement of disputed material facts, unless already part of the record, in which case a citation in the format "ECF No. __ at __" shall be provided. The moving party shall also briefly describe any evidentiary objection to the opposing party's asserted fact. The moving party may also briefly describe any evidentiary basis countering the opposing party's evidentiary objections.

(3) through (4) [Reserved]

(d) [Reserved]

(e) Failing to Properly Support or Address a Fact.
The Court may consider a fact undisputed and admitted unless controverted by the procedures set forth in LCivR 56(c).

(f) through (h) [Reserved]

(i) Inapplicability to Administrative Record Review Cases.
The procedures described in LCivR 56(c)(1) do not apply to administrative record review cases, including Social Security benefits cases.

LCivR 57
DECLARATORY JUDGMENT
[Reserved]

LCivR 58
ENTERING JUDGMENT
[Reserved]

LCivR 59
NEW TRIAL; ALTERING OR AMENDING A JUDGMENT
[Reserved]

LCivR 60
RELIEF FROM A JUDGMENT OR ORDER
[Reserved]

LCivR 61
HARMLESS ERROR
[Reserved]

LCivR 62
STAY OF PROCEEDINGS TO ENFORCE A JUDGMENT
[Reserved]

LCivR 62.1
INDICATIVE RULING ON A MOTION FOR RELIEF THAT IS BARRED BY A PENDING APPEAL
[Reserved]

LCivR 63
JUDGE'S INABILITY TO PROCEED
[Reserved]

LCivR 64
SEIZING A PERSON OR PROPERTY
[Reserved]

LCivR 65
INJUNCTIONS AND RESTRAINING ORDERS
[Reserved]

LCivR 65.1
PROCEEDINGS AGAINST A SURETY
[Reserved]

LCivR 66
RECEIVERS

(a) Inventories.
Unless the Court otherwise orders, a receiver or similar officer as soon as practicable after his appointment, and not later than 21 days after he has taken possession of the estate, shall file an inventory of all the property and assets in his possession or in the possession of others who hold possession as his agents, and in a separate schedule, an inventory of the property and assets of the estate not reduced to possession by him but claimed and held by others.

(b) Reports.
Within 6 months after the filing of the inventory, and at regular intervals of 6 months thereafter until discharged, or at such other times as the Court may direct, the receivers or other similar officer shall file reports of his receipts and expenditures and of his acts and transactions in an official capacity.

(c) Compensation of Receivers, Attorneys, and Others.
The compensation of receivers or similar officers, of their counsel, and of all those who may have been appointed by the Court to aid in the administration of the estate, the conduct of its assets, the formation of reorganization plans, and the like, shall be ascertained and awarded by the Court in its discretion. Such an allowance shall be made only on such notice to creditors and other persons in interest as the Court may direct. The notice shall state the amount claimed by each applicant.

(d) Administration of Estates.

In all other respects the receiver or similar officer shall administer the estate as nearly as possible in accordance with the practice in the administration of estates in bankruptcy, except as otherwise ordered by the Court.

(e) Receivership Action—How Dismissed.
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.

LCivR 67
DEPOSIT INTO COURT

(a) Depositing Property.
Property or money to be deposited into the Court's registry must be accompanied by a court order from the presiding judge permitting deposit.

(b) Investing and Withdrawing Funds.

(1) Deposit Account – Funds less than $5,000. Court ordered deposits of less than $5,000 shall be deposited by the Clerk of Court directly into the United States Treasury and will earn no interest and incur no fees while on deposit.

(2) Deposit Account – Funds of $5,000 or more. Court ordered deposits of $5,000 or more will be deposited by the Clerk of Court into an interest bearing U.S. Treasury account using the Court Registry Investment System, managed according to the policies and procedures of the Administrative Office of the United States Courts.

(3) Fee Deduction. The Clerk is directed to deduct a fee from the income earned on the investment at the rates published by the Director of the Administrative Office of the United States Courts as approved by the Judicial Conference of the United States.

(4) Disbursement. All motions for disbursement of registry funds shall specify the principal sum initially deposited, the amount of principal funds to be disbursed, with or without interest, and the name and address (sealed if necessary) of the person to whom the disbursement is to be made. If more than one party is to be paid, the portion of principal and interest due each payee must be set forth separately. Motions for disbursement of registry funds that have earned interest in excess of the IRS reportable interest income threshold require an IRS Form W-9 submitted directly to the Clerk's Office (not on the CM/ECF filing system). Unless otherwise ordered, each disbursal will include the principal amount deposited, plus all accrued interest, minus the above described fee.

LCivR 68
OFFER OF JUDGMENT
[Reserved]

LCivR 69

EXECUTION
[Reserved]

LCivR 70
ENFORCING A JUDGMENT FOR A SPECIFIC ACT
[Reserved]

LCivR 71
ENFORCING RELIEF FOR OR AGAINST A NONPARTY
[Reserved]

LCivR 71.1
CONDEMNING REAL OR PERSONAL PROPERTY

LCivR 72
MAGISTRATE JUDGES: PRETRIAL ORDER

LCivR 73
MAGISTRATE JUDGES: TRIAL BY CONSENT; APPEAL

LCivR 74
[ABROGATED.]

LCivR 75
[ABROGATED.]

LCivR 76
[ABROGATED.]

LCivR 77
CONDUCTING BUSINESS; CLERK'S AUTHORITY; NOTICE OF AN ORDER OR JUDGMENT
[Reserved]

LCivR 78
HEARING MOTIONS; SUBMISSION ON BRIEFS
[Reserved]

[Note: See LCivR 7(j) for the procedure for noting hearings with or without oral argument.]

LCivR 79
RECORDS KEPT BY THE CLERK

(a) through (d) [Reserved]

(e) Exhibits Admitted Into Evidence. Unless otherwise ordered by the Court, exhibits of a documentary nature admitted into evidence shall be placed in the custody of the Clerk of Court, while all other exhibits, models and material offered or admitted into evidence shall be retained by the attorney or party producing them. Criminal contraband of any kind shall be retained by the Government's designee.

(1) At the conclusion of the trial or hearing, every exhibit marked for identification or introduced in evidence, including all depositions and transcripts, shall be returned to the party who produced them.

(2) On request, a party or his attorney who has custody of any exhibits, has the responsibility to produce any and all such exhibits to this Court or the Court of Appeals and shall grant the reasonable request of any party to examine or reproduce such for use in the proceeding.

LCivR 80
STENOGRAPHIC TRANSCRIPT AS EVIDENCE
[Reserved]

LCivR 81
APPLICABILITY OF THE RULES IN GENERAL; REMOVED ACTIONS
[Reserved]

[Note: See LCivR 38 for the time within which a jury demand must be filed and served.]

LCivR 82
JURISDICTION AND VENUE UNAFFECTED
[Reserved]

LCivR 83
RULES BY DISTRICT COURTS; JUDGE'S DIRECTIVES

The following local rules are applicable to all proceedings, civil and criminal.

LCivR 83.1
COURTROOM PRACTICE AND CIVILITY

(a) Examination of Witnesses and Argument.

(1) During opening statement, examination of witnesses and argument, counsel should stand at the lectern.

(2) Do not approach a witness without asking permission of the Court. When permission is granted for the purpose of working with an exhibit, resume the examination from the lectern when finished with the exhibit.

(3) Counsel should rise when addressing the Court.

(b) Objections to Questions.

(1)When objecting, state only that you are objecting and specify the ground or grounds of objection. Do not use objections for the purpose of making a speech, recapitulating testimony, or attempting to guide the witness.

(2) Argument upon the objection will not be heard until permission is given or argument is requested by the Court.

(3) Counsel should rise when making objections.

(c) Decorum.

(1) Colloquy or argument between attorneys is not permitted. Address all remarks to the Court.

(2) In a jury case, if there is an offer of stipulation, first confer with opposing counsel about it.

(3) Do not ask the reporter to mark testimony unless you have first obtained the Court's approval to do so. Such permission will be granted only where testimony is expected to be unusually lengthy. All requests for re-reading of the questions or answers shall be addressed to the Court.

(4) During trial, counsel shall not exhibit familiarity with witnesses, jurors, or opposing counsel. Counsel should avoid using first names or nicknames. Counsel shall not address a juror individually or by name.

(5) During the argument of opposing counsel, remain seated at the counsel table and be respectful. Never divert the attention of the Court or the jury.

(6) Witnesses shall be treated with fairness, consideration, and respect.

(7) No person shall, by facial expression or other conduct, exhibit any opinion as to witness testimony or a ruling of the Court. Counsel will admonish their clients and witnesses about this rule.

(d) Court Hours and Promptness.

(1) The Court makes every effort to commence proceedings at the time set. Promptness is expected from counsel and witnesses.

(2) If a witness was on the stand at a recess or adjournment, counsel shall ensure that the witness is on the stand and ready to proceed when Court resumes.

(3) Counsel should make every effort to schedule witnesses in order to ensure full utilization of the trial day.

(e) Witness Order.

Upon a showing of particular need, the Court may permit a witness to be called out of order. Counsel should anticipate any such possibility and discuss it with opposing counsel. If there is objection, counsel should confer with the Court in advance.

(f) Exhibits.

(1) Unless very few in number, exhibits should be pre-marked for identification prior to trial. The deputy clerk assigned to each judge will cooperate with counsel in facilitating the marking and management of exhibits.

(2) Each counsel shall keep a list of all exhibits.

(3) Unless it is not possible due to the nature of an exhibit, counsel should have copies of an exhibit for the Court, opposing counsel, and the witness.

(4) Documents and other exhibits, where practical, should be shown to opposing counsel before use in court.

(5) Each counsel is responsible for any exhibits secured from the Clerk of Court. At each noon or end-of-the-day adjournment, return all exhibits to the Clerk.

(6) Ordinarily, exhibits should be offered in evidence when they become admissible rather than at the end of counsel's case.

(7) When counsel or witnesses refer to an exhibit, the exhibit number should be identified so that the record will be clear.

(8) If counsel is using a map, diagram, picture, or other graphic document as an exhibit and counsel or a witness is pointing to a location or feature on such a document, this location should be appropriately marked on the document (if not readily apparent from the document itself). Markings on exhibits should only be made after receiving the Court's permission to do so.

(9) If several exhibits are contained within an envelope, package, or box, counsel should mark the container as an exhibit and the contents as subparts of this exhibit (*e.g.*, mark the box as Exhibit 1 and the contents as Exhibits 1-A, 1-B, etc).

(g) Complex Legal or Evidentiary Questions—Advance notice.

If counsel anticipates a question of law or evidence will be difficult to resolve or will provoke an argument, counsel should give the Court advance notice.

(h) Use of Answers to Interrogatories and Requests for Admissions.

If counsel expects to offer answers to interrogatories or requests for admissions extracted from several separate documents, counsel shall prepare a summary document containing the relevant answers or admissions and provide copies to the Court and opposing counsel. This obviates the time-consuming process of thumbing through extensive files to locate the particular items.

(i) Opening Statements.

Counsel should confine his or her opening statement to what the evidence is expected to show. It is not proper to use the opening statement to argue the case or instruct the jury as to the law.

(j) Civility Code.

As a member of the bar of the United States District Court, Eastern District of Washington, I will abide by the following principles of professional conduct.

(1) I will be courteous and guided by fundamental tenets of integrity and fairness.

(2) I will endeavor to resolve differences through cooperation and negotiation.

(3) I will be timely, honoring appointments, commitments and case schedules.

(4) I will never design the timing, manner of service, and scheduling of hearings for the objective of oppressing or inconveniencing my opponent.

(5) I will always conduct myself professionally, as if I were in the presence of a judge.

(6) I will be forthright, respectful and honest.

(7) As an officer of the court, I will uphold the honor and dignity of the court and of the profession of law, remembering that I have sworn to uphold the Constitution of the United States and its establishment of justice.

LCivR 83.2
BAR ADMISSION AND APPEARANCE IN A CASE

(a) Eligibility.

(1) Attorneys Admitted to the Washington State Bar. Any attorney who is a member in good standing of the Washington State Bar Association is eligible for admission to the bar of this Court. Admission to and continuing membership in the bar of this

Court is limited to attorneys who are active members in good standing of the State Bar of Washington.

(2) U.S. Attorneys for the Eastern District of Washington and Federal Defenders of Eastern Washington. Any attorney who is a member in good standing of the bar of any state; who is employed in a professional capacity by the office of the United States Attorney for the Eastern District of Washington or the Federal Defenders of Eastern Washington; and who, while being so employed, may have occasion to appear in this Court on behalf of the United States or the Federal Defender is eligible for conditional admission to the bar of this Court.

(3) Other Attorneys for the U.S. Any attorney employed outside of this district on a regular basis by any agency of the United States who is a member in good standing of the bar of any state, may appear in this Court on behalf of the United States on an individual case without being admitted to the bar thereof, subject to the Local Rules of this Court including the Local Rules governing the conduct of attorneys.

(b) Procedures for Admission.

(1) General Procedure for Admission.

(A) Contents of Petition. Each applicant shall complete a petition for admission, which form can be obtained from the Clerk of Court. The petition shall include the following: the applicant's residential address; office address; general and legal education; the courts to which the applicant has been admitted to practice; current bar status, where admitted; disciplinary actions or sanctions, if any, to which applicant has been subjected or are now pending; and such other information required by the Court.

(B) Character Certificates. Every petition for admission shall be accompanied by certificates from two members of the bar of this Court who are acquainted with the applicant. The certificate shall set forth the members' appraisal of the applicant's reputation and character. If the applicant is not acquainted with two members of the bar of this Court, the applicant shall complete the Petition for Admission, Form A. Form A requires additional information including a list of all courts in which the applicant has practiced, a summary of his/her experience as an attorney, and two certificates of recommendation from members of the Washington State Bar, or another state bar, who set forth their appraisal of the applicant's reputation and character.

(C) Submission. The applicant shall file with the Clerk of Court a verified petition and pay the Clerk the prescribed fee. If the Clerk finds that the petition for admission complies with the requirements in this section, the Clerk shall submit the petition to the Court. If the Court is satisfied that the

applicant is of good moral character and professional standing, the petition shall be granted. The applicant must then take the oath of admission in order to complete the admission process.

(2) Conditional Admission for U.S. Attorneys for the Eastern District of Washington and Federal Defenders of Eastern Washington.

(A) Contents of Petition. In the case of an attorney employed in this district for the U.S. Attorney or the Federal Defender, his or her petition must contain all information set forth under subsection (1)(A) of this rule. The form "Petition for Conditional Admission" can be obtained from the Clerk of Court or found on the Court's public website, http://www.waed.uscourts.gov.

(B) Verification. In lieu of certificates from two members of the bar, set forth in subsection (1)(B) of this rule, the applicant shall provide a verification from the district's U.S. Attorney or one of the district's Assistant U.S. Attorneys that the individual is an attorney for the United States or from the district's Federal Defender or one of the district's Assistant Federal Defenders that the individual is an attorney for the Federal Defender organization.

(C) Submission. The applicant shall file with the Clerk of Court a verified petition. If the Clerk finds that the petition for admission complies with the requirements in this section, the Clerk shall submit the petition to the Court for consideration and approval. The applicant must then take the oath of admission in order to complete the admission process. The right of such an attorney to practice before this Court is conditional upon his or her continuing to be employed as a U.S. Attorney or Federal Defender. The admission fee is waived for conditional admission for attorneys employed by the U.S. Attorney and Federal Defender.

(c) Permission to Participate in a Particular Case Pro Hac Vice.

(1) In General. Any member in good standing of the bar of any court of the United States, or of the highest court of any state, or of any organized territory of the United States, and who neither resides nor maintains an office for the practice of law in the State of Washington, may be permitted upon a showing of particular need to appear and participate in a particular case. There shall be joined of record in such appearance an associated attorney admitted to practice in this Court who shall sign all pleadings, motions, and other papers prior to filing and shall meaningfully participate in the case.

(2) Fee. An applicant shall pay the prescribed fee for pro hac vice appearance. For good cause shown, the rule may be waived by the Court in a criminal case.

(3) Contents of Motion. A motion to appear pro hac vice shall include the following:
(A) Applicant's address and phone number;

(B) Dates of admission to practice before other courts;
(C) The name, address, and phone number of admitted counsel with whom the applicant will be associated;
(D) The necessity for appearance by the applicant;
(E) Whether the applicant has any pending disciplinary sanction actions or has ever been subject to any disciplinary sanctions by any court or bar association.

(d) Appearances, Withdrawal, and Substitution.

(1) Appearances and Changes to Attorney's Address. An appearance may be made by filing a formal notice of appearance. Alternatively, the filing of any document shall constitute an appearance by the attorney who signs it. Once an attorney has appeared in a case, the attorney must promptly file a notice of change of address if there is a change in the attorney's mailing address, business e-mail address, telephone, or fax number. The attorney must also update his or her CM/ECF User Account.

(2) A Party Having Appeared by an Attorney. A party having appeared by an attorney cannot appear pro se or otherwise act except through the attorney, unless a motion has been filed and properly served and an order of substitution is entered by the Court.

(3) Withdrawal and Substitution of Counsel Within Same Law Firm. Where there has simply been a change (withdrawal or addition) of counsel within the same law firm, an order of substitution is not required; the new attorney will file a "Notice of Appearance" or the withdrawing attorney will file a "Notice of Withdrawal." However, where there is a change in counsel that affects a termination of one law office and the appearance of a new law office, leave of Court is required and a "Motion for Leave to Withdraw" shall be filed. The motion shall demonstrate good cause and shall be governed by LCivR 7.

(4) Withdrawal–Court Approval Required. An attorney must obtain leave of Court if his or her withdrawal leaves the party unrepresented or without local counsel. A "Motion for Leave to Withdraw" must be filed and served on the client and opposing counsel. The motion shall demonstrate good cause and shall be governed by LCivR 7.

(5) Death, Removal, Suspension, or Inaction of Attorney. When an attorney dies, is removed or suspended, or ceases to act, the party, unless already represented by another attorney, must designate a new attorney or file a pro se notice of appearance before further proceedings occur.

(6) Attorney's Authority and Duty Shall Continue. The authority and duty of attorneys of record shall continue after final judgment for all proper purposes.

(e) Multiple counsel—Limitation of Activities.

If more than one attorney represents a party, only one attorney shall examine or cross-examine a witness in behalf of such party, and not more than two attorneys shall argue the merits of the cause on behalf of such party, except by permission of the Court.

(f) Compliance with Local Rules and Practice Before the Court.

Every member of the bar of this Court or attorney practicing before it shall be familiar with and comply with the Local Rules of this Court and shall maintain the respect due courts of justice and judicial officers; perform with the honesty, care, and decorum required for the fair and efficient administration of justice; and discharge the obligations owed to his or her client and to the judges of the Court.

LCivR 83.3
ATTORNEY DISCIPLINE

(a) Conduct Subject to Discipline.

This Court may impose discipline on any attorney practicing before this Court, whether or not a member of the bar of this Court, who engages in conduct violating applicable Rules of Professional Conduct of the Washington State Bar, or who fails to comply with rules or orders of this Court. The discipline may consist of disbarment, suspension, reprimand, or any other action that the Court deems appropriate and just.

(b) Initiation of Disciplinary Proceedings.

(1) Written Recommendation. Where a district, magistrate, or bankruptcy judge of this district believes that conduct of an attorney may warrant disbarment, suspension, or a reprimand by the Court, as opposed to the imposition of sanctions, such judge may recommend the initiation of disciplinary proceedings by issuing a written recommendation for the initiation of disciplinary proceedings to the chief judge of this district.

(2) Order to Show Cause. The chief judge of this district, or the most senior active district judge if the chief judge is the judge recommending such action, shall review the recommendation to determine if reasonable grounds exist for the initiation of disciplinary proceedings. If the chief judge determines that disciplinary proceedings should be initiated, the chief judge shall issue an order to show cause under this rule that identifies the basis for possible discipline.

(c) Reciprocal Discipline.

(1) Notice. An attorney who is a member of the bar of this Court shall provide the clerk of this Court with a copy of any order or other official notification that the attorney has been subjected to disbarment or suspension in any other jurisdiction or has resigned from another bar during the pendency of discipline proceedings.

(2) Order to Show Cause. When this Court learns that a member of the bar of this Court has been disbarred or suspended from the practice of law by any court or resigns during the pendency of disciplinary proceedings, the Clerk of Court shall issue an order to show cause why the attorney should not be disbarred or suspended from practice in this Court. The attorney would be required to show one of the following: he or she was deprived of due process, there is insufficient proof of misconduct, or a grave injustice would result from imposition of the proposed discipline.

(d) Response.

(1) Timeliness. An attorney against whom an order to show cause is issued shall have 28 days from the date of the order in which to file a response. The failure to file a timely response may result in the imposition of discipline by the chief judge of this district, or his or her district judge designee, without further notice.

(2) Hearing Request & Waiver. The attorney may include in the response a request for a hearing, with or without oral argument. Telephonic argument may be requested. The failure to include a request for a hearing will be deemed a waiver of any right to a hearing.

(e) Hearing on Disciplinary Charges.

(1) Court Discretion. Notwithstanding an attorney's hearing request, the Court may decide that oral argument is not warranted and proceed to determine the matter of the record submitted.

(2) Referral. The chief district judge or, if the chief district judge is the judge recommending the disciplinary action or is unavailable, the most senior active judge of the district shall randomly refer the matter to an individual active or senior district judge, including the chief judge, or to a magistrate judge, other than the judge recommending the action, for a report and recommendation.

(3) Representation. The attorney may be represented by counsel who shall file a notice of appearance with the designated judge and with any attorney appointed by the Court to prosecute the matter. In appropriate cases, the chief district judge of this district, or if the chief district judge is the complaining judge, the most senior active district judge, may appoint an attorney to prosecute charges of misconduct and shall provide notice of that appointment to the attorney and his counsel, if any.

(f) Report and Recommendation.

(1) In General. When the matter is referred to a judicial officer, that judicial officer shall prepare a report and recommendation.

(2) Response. The report and recommendation shall be served on the attorney, and the attorney shall have 21 days from the date of the report and recommendation within which to file a response.

(g) Panel Determination.

(1) In general. If the attorney files a timely response to the report and recommendation, the report and recommendation, together with the response, shall be presented to a panel of three active or senior district judges of this district, other than the complaining judge.

(2) Panel Composition. Any three-judge panel shall be composed of the chief district judge, if not the complaining judge, and two other active or senior district judges, randomly drawn. If the chief district judge is the complaining judge or is unavailable, the third member of the judicial panel shall also be randomly drawn. The chief district judge or, in his or her absence, the most senior active district judge on the panel shall preside. In its discretion, the panel may call for further submittals or an in-person or telephonic hearing.

(h) Final Order.

(1) Report and Recommendation. If the attorney fails to file a timely response to the report and recommendation, the final order shall be by the chief district judge, or his or her designee district judge.

(2) Panel Determination. If the attorney files a timely response to the report and recommendation, the final order shall be by a three-judge panel.

(g) Reinstatement.

A suspended or disbarred attorney may file a petition for reinstatement with the Clerk of Court. The petition shall contain a concise statement of the circumstances of the disciplinary proceedings, the discipline imposed by this Court, and the grounds that justify reinstatement of the attorney. That petition shall be referred to a judicial officer or, if requested by the applicant after the report and recommendation, to a three-judge panel as provided above. The chief district judge shall thereafter rule on the petition, absent a request by the attorney for a three-judge panel.

(h) Confidentiality.

All proceedings under this rule shall be public, except for compelling reasons sufficient to outweigh the public's interest in disclosure.

(i) Sanctions.

(1) Conduct Subject to Sanctions.

(A) Failure to Notify Court of Settlement Prior to Jury Trial. Attorneys are expected to promptly advise the Clerk of Court when a case has settled. Failure to notify the Clerk that an action has settled or otherwise been disposed of at least one business day prior to the day on which the action is scheduled for trial may result in the Court assessing juror costs against the parties or counsel, absent good cause shown. Juror costs include Marshal's fees, mileage, and per diem.

(B) Failure to Appear or Prepare. Failure of an attorney or any party acting pro se to appear at a hearing, trial, or conference; complete the necessary preparations therefore; or meet and confer as provided by these rules may be grounds for imposition of appropriate sanctions.

(C) Failure to Conform to Local Rules. The violation of or failure to conform to any of the Local Rules of this Court may subject the offending party or his attorney, at the discretion of the Court, to appropriate discipline, including the imposition of sanctions, attorney fees, and costs as the Court may deem proper under the circumstances.

(4) Authority of Presiding Judge. Nothing in this rule shall limit the power of an individual judge to impose sanctions as authorized under other existing authority.

(5) Referral. This rule does not restrict the judges of this district from referring a matter to any bar association for disciplinary action.

LCivR 83.4
COURT POLICY AGAINST DISCRIMINATION

Judges, attorneys, and judicial employees shall fulfill their roles according to the highest standards of professionalism. Court employees will avoid unjustified treatment in both language and action and remain aware of the need to act without regard to gender, racial, religious, or other inappropriate bias. To this end, persons appearing in court who believe they have been treated without equal respect and dignity may bring the matter to the attention of a magistrate or chief judge. Matters brought to the attention of a magistrate judge will be discussed with the chief judge.

LCivR 83.5
BANKRUPTCY CASES, PROCEEDINGS AND APPEALS

(a) Referral of Bankruptcy Cases and Proceedings.

Pursuant to 28 U.S.C. § 157(a), this Court hereby refers to the bankruptcy judges of this district all cases under United States Code Title 11, and all proceedings arising under Title 11 or arising in or related to cases under Title 11. By reason of this referral, the bankruptcy judges of this district shall hear and determine such proceedings and enter appropriate orders and judgments. Absent consent of the parties, if the bankruptcy judge determines that entry of a final order or

judgment would not be consistent with Article III of the United States Constitution, then the bankruptcy judge shall submit proposed findings of fact and conclusions of law to the District Court.

(b) Jury Trials in Bankruptcy Court.

Pursuant to 28 U.S.C. § 157(e), bankruptcy judges of this district are specifically designated to conduct jury trials.

(c) Bankruptcy Appeals.

(1) Bankruptcy Appellate Panel.

(A) In General. Pursuant to 28 U.S.C. § 158 (b)(6), this Court hereby authorizes a bankruptcy appellate panel to hear and determine appeals from judgments, orders, and decrees by bankruptcy judges, and, with leave of the bankruptcy appellate panel, appeals from interlocutory orders and decrees entered by bankruptcy judges, subject to the limitation set forth in sub-paragraph (B).

(B) Consent Presumed. The bankruptcy appellate panel may hear and determine only those appeals in which all parties to the appeal consent. The consent of a party to allow an appeal to be heard and determined by the bankruptcy appellate panel shall be deemed to have been given unless written objection thereto is timely made in accordance with the Amended Order Establishing and Continuing the Bankruptcy Appellate Panel of the Ninth Circuit, which is incorporated herein by reference.

[Note: The Amended Order is set forth in the Appendix of Orders in the Litigant's Manual for Appeals Before the Bankruptcy Appellate Panel of the Ninth Circuit.]

(2) District Court. Bankruptcy appeals that come before this District Court shall be governed by and conform to Part VIII of the Federal Rules of Bankruptcy Procedure.

LCivR 83.6
NO ENTITY MAY APPEAR PRO SE

A corporation, including a limited liability corporation; a partnership, including a limited liability partnership; an unincorporated association; a trust; or any entity other than a natural person may not appear in any action or proceeding pro se.

LCivR 84
FORMS
[ABROGATED.]

LCivR 85
TITLE

These rules shall be known as the Local Civil Rules for the Eastern District of Washington, with the abbreviated citation LCivR.

LCivR 86
EFFECTIVE DATES

These rules are effective XXXXXXX and apply to all pending and future cases, except where an injustice would occur and relief is obtained from the Court.