



2025 Proposed Amendments to Local Civil Rules

Local Civil Rule 5.2

Current Local Civil Rule 5.2:

PRIVACY PROTECTION FOR FILINGS MADE WITH THE COURT

(a) through (b) [Reserved]

(c) Limitation on Access to Social-Security Appeals and Immigration Cases.

Unless the court orders otherwise, in an action for benefits under the Social Security Act, and in an action or proceeding relating to an order of removal, to relief from removal, or to immigration benefits or detention, access to an electronic file is authorized as follows:

(1) the parties and their attorneys may have remote electronic access to any part of the case file, including the administrative record;

(2) any other person may have electronic access at the courthouse to the full record, except the administrative record, and may have remote electronic access only to:

(A) the docket maintained by the court; and

(B) an opinion, order, judgment, or other disposition of the court, but not any other part of the case file or the administrative record.

(d) through (h) [Reserved]

Local Civil Rule 7(b)(2), (3), (4)

Current Local Civil Rule 7(b):

PLEADINGS ALLOWED; FORM OF MOTIONS AND OTHER PAPERS

(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 Civil 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, to exceed page limits 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, or permanent injunctive relief. A “non-dispositive motion” is a motion seeking any other relief.

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

Proposed Amended Local Civil Rule 7(b)(2), (3), (4):

(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 Civil 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, to exceed page limits or other procedural relief shall recite the opposing party's position when possible. If despite diligent efforts, the opposing party's position is not known, the party may file the motion seeking the requested relief and describe the efforts undertaken to ascertain the opposing party's position.

(3) Type. A “dispositive motion” is a motion requesting summary judgment, judgment on the pleadings, dismissal, remand, or permanent injunctive relief. A “non-dispositive motion” is a motion seeking any other relief. *Notwithstanding its non-dispositive nature, a motion for class certification shall be treated as a dispositive motion for purposes of the page limitations and briefing deadlines set forth in LCivR 7(c)(2), 7(d)(2), 7(f), and 7(i)(2).*

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

(4) Proposed Orders. *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.*

Comments to Proposed Amended Local Civil Rule 7(b)(2), (3), (4):

Subsection (b)(2): The purpose of the proposed change to 7(b)(2) is to highlight the moving party's efforts to communicate with the opposing party and ascertain their position. However, the proposed amendment allows the Court to consider the motion if the other party fails to respond. Therefore, the non-responsive party will not gain a tactical advantage by delaying consideration of the motion when time is of the essence.

A quorum of the group supported the proposed amendment. There were no negative comments about the amendment. However, some questioned whether the amendment is needed as the Court's current practice often conforms with the amended language without the rule change. Some members of the subcommittee said, "they would like permission to do what they have already been doing for some time."

Subsection (b)(3): The purpose of the proposed change to 7(b)(3) is to allow for a 20-page limit for these motions.

Subsection (b)(4): There is no current local rule addressing the issue of when proposed orders should be submitted. The Court's Administrative Procedures for Electronic Case Filing, LCivR 3.5, states, "Electronically submitted proposed orders shall be filed with the motion as an attachment and named "Proposed orders" on the system. This proposed new rule is modeled after the rule enacted by the Western District of Washington. Local Civil Rule 7(b)(1).

There was some lively debate about this topic initially. Several Court Staff Attorneys stated that having proposed orders is helpful to them. They explained that the proposed orders provide insight into the issues that the briefing may not. With that explanation, members of the group voted unanimously to adopt a rule regarding proposed orders. Having proposed orders promotes efficiency.

*The Electronic Filing Procedures manual is what the Western District of Washington includes. For the Eastern District of Washington, would it be better "to submit an editable version of the proposed order in a format compatible with Microsoft Word, to chambers via email as provided in the case scheduling order?"

Or for the sake of consistency, is the wording used in the Western District Civil Local rule helpful because many attorneys practice in both the Eastern District and Western District of Washington?

Local Civil Rule 7(i)(2)(C)

Current Local Civil Rule 7(i):

PLEADINGS ALLOWED; FORM OF MOTIONS AND OTHER PAPERS

(i) 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)

(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 party, 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 LCivR 7(i)(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 LCivR 7(i)(2)), time, and place, the party shall (1) contact the opposing party to develop a list of mutually-agreeable hearing dates, times, and places; and then (2) contact the courtroom deputy to determine an available hearing date, time, and place. Telephonic argument may be requested, but the party should consult the 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.

Proposed Amended Local Civil Rule 7(i)(2)(C):

(i) 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)

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(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 party *or in the alternative if the opposing party's position if unknown despite diligent efforts, the efforts undertaken to ascertain the opposing party's position are described for the Court*, 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.

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Local Civil Rule 12(a)(2)

Current Local Civil Rule 12(a)

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.

(3) through (4) [Reserved]

Proposed Amended Local Civil Rule 12(a)(2)

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 *administrative* proceedings shall be deemed the *agency's* answer.

(3) through (4) [Reserved]

Local Civil Rule 16(b)(3)

Current Local Civil Rule 16(b)

PRETRIAL CONFERENCES; SCHEDULING; MANAGEMENT

(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 Federal Rule of Civil Procedure 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 Federal Rule of Civil Procedure 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.

Proposed Local Civil Rule 16(b)(3)

PRETRIAL CONFERENCES; SCHEDULING; MANAGEMENT

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(3) Exception in *Administrative Benefits Proceedings*. In *administrative 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.

Local Civil Rule 17(c)

Current Local Civil Rule 17(c):

PLAINTIFF AND DEFENDANT; CAPACITY; PUBLIC OFFICERS

(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.

Proposed Amended Local Civil Rule 17(c):

PLAINTIFF AND DEFENDANT; CAPACITY; PUBLIC OFFICERS

(c) Minor or *Protected* Person.

(1) through (2) [Reserved]

(3) Representation. At the time of the commencement of any action *or upon initial appearance in defense of any action* involving a beneficial interest or claim of a minor or *other person in need of protection within the meaning of Fed. R. Civ. P. 17(c) ("protected person")*, the plaintiff *or initially appearing defendant* 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 *or initial appearance in defense of any action*, counsel for the plaintiff *or initially appearing defendant* 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, *or may determine that a pre-existing fiduciary, appointed or designated in a conservatorship or guardianship, may act as the guardian ad litem.*

(4) Procedure for Settlement or Compromise. Counsel for the minor or *protected person* 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.

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(6) Deposit in Court and Disbursements. If approved by the Court, funds recovered for the benefit of a minor or *protected* person shall be invested or disbursed in such a manner as the Court deems proper for the best interests of the minor or *protected* person. Unless otherwise ordered, all funds recovered on behalf of a minor or *protected person*, 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.

Local Civil Rule 30

Current Local Civil Rule 30:
DEPOSITIONS BY ORAL EXAMINATION

[Reserved]

[Note: Unless, pursuant to Federal Rule of Civil Procedure 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).]

Proposed Amended Local Civil Rule 30:

First alternative:

(b)

(1) A party should make good faith attempt to confer with the other parties and the person whose deposition is being taken on scheduling prior to serving notice of a deposition.

(6) A party intending to notice the deposition of a public or private corporation, partnership, association, governmental agency, or other entity pursuant to this rule shall prepare draft topics of examination and shall meet and confer with the entity regarding the topics prior to noticing the deposition. The party and entity shall discuss the topics and a reasonable time for the entity to prepare a designee to respond to the topics. Absent agreement by all parties and the entity or pursuant to order of the court, the party taking the deposition shall set the date of the deposition no sooner than 30 days from the date the notice is served. Failure to give notice in the time specified above may be grounds for the imposition of sanctions in favor of the deponent, but shall not justify failure to attend the deposition unless a protective order is sought or the party engages in the discovery dispute process authorized by judicial order [or outlined in LCivR 37(g)].

(d)

(1) If a party needs more than 1 day of 7 hours to conduct a deposition of a deponent, it shall be the party seeking the additional time to [motion the court/contact chambers] for the additional time. [To avoid wasted time and expense, the parties may/shall contact chambers to schedule a telephonic conference to obtain an expedited ruling on the additional time for a deposition in compliance with LCivR 37(g)].

Second Alternative:

(b)

(1) A party should make good faith attempt to confer with the other parties and the person whose deposition is being taken on scheduling prior to serving notice of a deposition.

(6) A party intending to notice the deposition of a public or private corporation, partnership, association, governmental agency, or other entity pursuant to this rule shall prepare draft topics of examination and shall meet and confer with the entity regarding the topics prior to noticing the deposition. The party and entity shall discuss the topics and a reasonable time for the entity to prepare a designee to respond to the topics.

(d)

(1) If a party needs more than 1 day of 7 hours to conduct a deposition of a deponent, it shall be the party seeking the additional time to motion the court [or contact chambers] for the additional time. [To avoid wasted time and expense, the parties shall contact chambers to schedule a telephonic conference to obtain an expedited ruling on the additional time for a deposition in compliance with LCivR 37(g)].

[Note: Unless, pursuant to Federal Rule of Civil Procedure 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).]

Local Civil Rule 37

Current Local Civil Rule 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 Federal Rule of Civil Procedure 37(a)(5) mandates the payment of reasonable expenses, including attorney fees, from the unsuccessful party, except in narrow circumstances.]

Proposed Amended Local Civil Rule 37:

(g) Informal Discovery Dispute Conference. Counsel and litigants are expected to exhaust efforts to resolve discovery issues in accordance with the Federal Rules, the Rules of Professional Conduct, the Local Rules and other controlling law. The parties shall also conduct themselves in a manner consistent with LCivR 83.1(j) (Expectation of Civility).

(1) If a genuine dispute arises that cannot be mutually resolved absent judicial involvement, the parties, in the interest of preserving time, cost and expense, may call or email the assigned Judge's Courtroom Deputy and request an expedited informal discovery dispute conference (e.g., video or telephonic).

(2) Once the informal discovery conference has been scheduled, the parties shall timely email the Courtroom Deputy and all parties a succinct summary explaining the discovery dispute and the party's position. The Court will endeavor to schedule an expedited conference and/or resolve the discovery dispute within 5-10 business days from the parties' initial request.

(3) Absent extraordinary circumstances, the parties should not contact the Court with a discovery dispute occurring during a deposition. Instead, the parties should establish an appropriate record for the Court's later review, whether that review is under this rule or a formal review is pursued under Fed. R. Civ. P. 26 – 37.

(4) No attorney's fees will be assessed for the parties' good faith attempt to resolve a discovery dispute through this Rule's process.

[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 Federal Rule of Civil Procedure 37(a)(5) mandates the payment of reasonable expenses, including attorney fees, from the unsuccessful party, except in narrow circumstances.]

Local Civil Rule 38(d)

Current Local Civil Rule 38(d):

RIGHT TO A JURY TRIAL; DEMAND

(d) Waiver; Withdrawal.

A party waives a jury trial unless its demand is properly served and filed according to Federal Rules of Civil Procedure 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.

Proposed Amended Local Civil Rule 38(d):

A party waives a jury trial unless its demand is properly served and filed according to Federal Rules of Civil Procedure 38 and 81(c). In a removed action, *a party desiring a jury trial must serve and file a demand for jury trial within 30 days after the notice of removal is served and filed, unless a jury demand was made in the state court prior to removal.*

Local Civil Rule 40

Current Local Civil Rule 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

Proposed Amended Local Civil Rule 40:

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

Regarding issues to be tried, each party shall file and serve a notice no later than seven days after the Discovery Cutoff indicating which previously-pleaded claims and/or affirmative defenses will be adjudicated at trial. This notice sets the issues to be tried, subject to further limitation by order of the Court on dispositive motion.

Local Civil Rule 65

Current Local Civil Rule 65:
INJUNCTIONS AND RESTRAINING ORDERS
[Reserved]

Proposed Amended Local Civil Rule 65:

INJUNCTIONS AND RESTRAINING ORDERS

[Reserved]

(g) Length of Motion. The motion in support of a request to issue a temporary restraining order shall not exceed 20 pages.