IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

IN THE MATTER OF LOCAL RULES	**GO 24-09**

GENERAL ORDER

Before the Court is the matter of amendments to the Local Rules. Numerous modifications have been made in accordance with the Court's periodic review, in light of general orders, changes in the federal rules, and any needed clarification to existing rules.

The Court has given notice and opportunity for comment pursuant to Federal Rule of Civil Procedure 83 and Federal Rule of Criminal Procedure 57, and the comment period has passed. Accordingly, the amendments to the Local Rules are hereby adopted, and will become effective on October 10, 2024. Copies of the Local Rules, as amended, are attached hereto.

The following local rules have been amended:

LGnR2 – Method and Format of Filing
LGnR6 – Electronic Devices in the Courtroom
LCvR7.1 – Disclosure Statement
LCvR40 – Scheduling Cases for Trial
LCvR72 – Magistrate Judge: Pretrial Order
LCvR73 – Magistrate Judge: Trial by Consent: Appeal

The following new local rule has been added:

LCrR12.4-1 – Disclosure Statement

IT IS SO ORDERED this 9th day of October 2024.

JOHN F. HEIL, III
CHIEF UNITED STATES DISTRICT JUDGE

GREGORY K. FRIZZELL
UNITED STATES DISTRICT JUDGE

SARA E. HILL
UNITED STATES DISTRICT JUDGE

JOHN D. RUSSELL
UNITED STATES DISTRICT JUDGE

CLAIRE V. EAGAN
UNITED STATES DISTRICT JUDGE

LOCAL RULES

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

Effective Date: 10/10/2024

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GENERAL RULES

LGnR1 – Scope of Rules

LGnR1-1 Purpose and Scope of Rules.

These local rules are promulgated to supplement the Federal Rules of Civil and Criminal Procedure with local court procedure, not to be inconsistent with the federal rules. General Orders, available on the Court's website, are issued by the Court to establish procedures on administrative matters and less routine matters which, in most cases, do not affect the majority of practitioners before this Court.

LGnR1-2 Rules of Procedure.

(a) The rules of procedure in any proceeding in this Court shall be as prescribed by the laws of the United States, the rules of the Supreme Court of the United States, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, any applicable rules of the United States Court of Appeals for the Tenth Circuit, and these local rules.

(b) If there is no applicable rule of procedure, a judge may adopt rules of procedure governing any proceeding before that judge. Information regarding each judge's Individual Judicial Practices is available on the Court's website.

(c) A judge has discretion in any civil or criminal case to waive, supplement, or modify any requirement of these local rules when the administration of justice requires.

(d) These local rules do not apply in any case or proceeding which is pending in the Bankruptcy Court for the Northern District of Oklahoma.

(e) These local general, civil, and criminal rules shall be known, respectively, as:

(1) the Local General Rules of the United States District Court for the Northern District of Oklahoma (cited as "LGnR-");

(2) the Local Civil Rules of the United States District Court for the Northern District of Oklahoma (cited as "LCvR-"); and

(3) the Local Criminal Rules of the United States District Court for the Northern District of Oklahoma (cited as "LCrR-").

LGnR2 – Method and Format of Filing

LGnR2-1 Electronic Filings.

Filing by electronic means is mandatory for attorneys. Pro se parties must not file electronically unless authorized by the Court. If the Court permits, a pro se party may register as a CM/ECF user solely for the purpose of a particular action. During the course of the action if the party retains an attorney who appears on the party's behalf, the attorney must advise the Clerk's office to terminate the party's registration as a CM/ECF user.

LGnR2-2 Non-Electronic Filings.

The following items may not be filed electronically and must be filed in paper or physical form:

(a) documents filed in sealed cases;

(b) other filings approved by the assigned judge to be filed non-electronically;

(c) original state court records and transcripts in capital (death penalty) habeas matters; and

(d) items that cannot be converted to Portable Document Format (PDF) (e.g., video tapes, CDs, DVDs, blueprints, thumb drives, etc.).

Items to be filed under this rule must be filed in compliance with the Procedures for Providing Non-Electronically Filed Documents to the Court, available on the Court's website.

LGnR2-3 Email Filings.

Pro se parties not authorized to file electronically may file papers in compliance with the Procedure for Pro Se Email Filing, available on the Court's website. Papers filed in this manner must comply with this procedure, these local rules, and the Federal Rules of Civil Procedure regarding the form, format, service, and signature of pleadings and papers.

LGnR2-4 Format of Papers and Physical Items Presented for Filing.

(a) All Filings. All papers, whether filed electronically or presented to the Clerk's office in paper form for non-electronic filing, must be double-spaced, if typewritten, using only one side of the paper and a paper size of 8 ½ inches wide by 11 inches long. The print style, including footnotes, must not be smaller than 12-point font, and margins must be a minimum of one inch on the top, bottom, and sides. The use of "Exactly 24 pt" spacing is not permitted. All papers must be clearly legible.

(b) Paper Filings. Unless the Court orders otherwise, all papers presented to the Clerk's office in paper form for non-electronic filing shall consist of an original only.

(c) Physical Items. All physical items that cannot be converted to PDF (e.g., video tapes, CDs, DVDs, thumb drives, blueprints, etc.) presented to the Clerk's office for non-electronic filing shall be submitted with a cover page clearly stating the case style, case number, and title of the item (e.g., "Exhibit C to Defendant's Motion for Summary Judgment"). A

courtesy copy of the physical item and a copy of the cover page shall be provided to the chambers of the judge who will be hearing the matter.

LGnR2-5 Hyperlinks.

(a) Authorization. Hyperlinks in electronically filed documents are permitted only for providing links to cited legal references. The Court shall enter an order directing the Clerk of Court to strike and remove any document that contains an unauthorized or inappropriate hyperlink and directing the party to refile the document without the hyperlink.

(b) Citation Format. Hyperlinks to cited legal references do not replace standard citation format. Complete citations in standard citation format must be included within the text of the document. Because a hyperlink is merely a convenient mechanism for accessing legal citations in the document, neither a hyperlink nor any site to which it refers, is considered part of the court's record.

(c) Disclaimer. The Court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The Court accepts no responsibility for the availability or functionality of any hyperlink.

LGnR2-6 Contact Information.

All papers shall contain the name, mailing address, telephone number (if any), and email address (if any) of the attorney or pro se party filing such papers. All attorneys and pro se parties have a continuing duty to file a written notice of changes in contact information. Attorneys and parties authorized to file electronically shall maintain and update their contact information in CM/ECF through their PACER accounts. Pro se parties not authorized to file electronically shall update their contact information as required by LCvR17-1(h). Papers sent by the Court will be deemed delivered if sent to the last known physical or email address provided to the Court.

LGnR3 – Courthouse and Courtroom Conduct

LGnR3-1 Soliciting, Loitering, and Disruptive Behavior.

The solicitation of business relating to bail bonds or to employment as counsel is prohibited. Loitering in or about federal court facilities is prohibited. Any behavior which impedes or disrupts the orderly conduct of the business of the court is prohibited. Signs, placards, or banners may not be brought into a court facility.

LGnR3-2 Professional Conduct for Attorneys.

Attorneys practicing in this Court are expected to conduct themselves in accordance with the Oklahoma Rules of Professional Conduct, as adopted by the Oklahoma Supreme Court, as the standard of conduct of all members of the Oklahoma Bar Association. See, Title 5 O.S.A. Ch.1, App. 3A. as set forth in the preamble:

> *A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process.*

In this spirit, all lawyers should become familiar with their duties and obligations, as defined and classified generally in the Oklahoma Rules of Professional Conduct, any interpretive decisions, applicable statutes, and the usages, customs, and practices of the bar.

LGnR3-3 Courtroom Behavior.

(a) For Attorneys. The purpose of this rule is to emphasize, not supplant, certain portions of those ethical principles applicable to the lawyer's conduct in the courtroom; therefore, in addition to all other requirements, lawyers appearing in this Court shall adhere to the following:

(1) Be punctual in attendance at court.

(2) Refrain from addressing anyone in court by first name; instead, last names should be used.

(3) Refrain from leaving the courtroom while court is in session, unless it is absolutely necessary, and then only if the Court's permission has been obtained first.

(4) At all times, counsel for plaintiff must occupy the table nearest the jury box and counsel for defendant must occupy the table farthest from the jury box.

(5) Ascertain that only one lawyer is standing at a time, unless an objection is being made.

(6) Bench conferences will be kept to a minimum. Counsel should anticipate issues which will arise during the trial and inform the Court and opposing counsel at the earliest opportunity. Permission must be obtained from the Court to approach the bench, a witness, an exhibit, or the clerk.

(7) Refrain from employing dilatory tactics.

(8) Hand all papers intended for the Court to see to the courtroom deputy who, in turn, will pass them up to the judge.

(9) Hand to the courtroom deputy any exhibits offered into evidence.

(10) Advise clients, witnesses, and others concerning rules of decorum to be observed in court.

(11) Use the lectern when interrogating witnesses or addressing the jury, unless otherwise permitted by the Court. Appropriate exceptions to this rule shall be made for disability or infirmity.

(12) Never conduct or engage in experiments or demonstrations unless prior permission is granted by the Court.

(13) Refrain from conducting a trial when they know, prior thereto, that they will be necessary witnesses, other than as to merely formal matters such as identification or custody of a document or the like. If, during the trial, it is discovered that the ends of justice require the lawyers' testimony, they should from that point on, if feasible and not prejudicial to their client's case, leave further conduct of the trial to other counsel. If circumstances do not permit withdrawal from the conduct of the trial, lawyers should not argue the credibility of their own testimony.

(14) Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly uninfluenced by all ill feeling between the respective clients. Attorneys should abstain from any allusion to personal peculiarities and idiosyncrasies of opposing counsel.

(15) Rise when addressing or being addressed by the Court. Appropriate exception will be made for disability or medical infirmity.

(16) Refrain from assuming an undignified posture. Counsel should always be attired in a proper and dignified manner and should abstain from any apparel or ornament calculated to attract attention to themselves.

(17) At all times exemplify conduct consistent with their obligation as an officer of the Court.

(18) In making representations to the Court, know or honestly believe them to be supported by fact.

Any judicial officer may have additional rules of behavior. Individual Judge's Rules are available on the Court's website.

(b) For All Persons in the Courtroom.

(1) No tobacco, e-cigarettes, or "vaping" in any form will be permitted at any time.

(2) No propping of feet on tables or chairs will be permitted at any time.

(3) No water bottles or other beverage containers, bottles or cups, or edibles shall be brought into the courtroom, except with permission of the marshal or courtroom deputy clerk.

(4) No gum chewing or reading of newspapers or magazines (except as a part of the evidence in a case) will be permitted while court is in session.

(5) No talking or other unnecessary noises will be permitted while court is in session.

(6) Everyone must rise when instructed to do so upon opening, closing, or declaring recesses of court. Appropriate exceptions shall be made for disability or medical infirmity.

(7) Anyone who appears in court intoxicated or under the influence of intoxicants, drugs, or narcotics may be summarily held in contempt.

LGnR3-4 Attorney Communication with Jurors.

At no time, including after a case has been completed, may attorneys approach or speak to jurors regarding the case unless authorized by the Court, upon written motion.

LGnR3-5 Enforcement.

The United States Marshals Service and court security officers are authorized to enforce these rules. An attorney violating these rules may be subject to discipline, including disbarment, in accordance with LGnR4.

LGnR4 – Attorney Admissions and Discipline

LGnR4-1 Committee on Admissions and Grievances.

A Committee on Admissions and Grievances shall be appointed by the Court. Membership of the committee shall be determined by order of the Court. The Committee shall (1) investigate applications for admission to the bar of this Court referred to the Committee by the Clerk of Court, and (2) investigate complaints of professional misconduct submitted to the Committee by a judge of this Court.

LGnR4-2 Admissions.

(a) Roll of Attorneys. The bar of this Court shall consist of those attorneys admitted to practice before this Court who have taken the prescribed oath and submitted the required fee, if applicable.

(b) Eligibility. Any member of the bar of the Supreme Court of the United States, any United States Court of Appeals, or any District Court of the United States, or a member in good standing of the bar of the highest court of any state of the United States, is eligible for admission to the bar of this Court.

(c) Procedure for Admission. Every applicant for admission must complete an electronic application for admission through PACER, and submit the required fee, if applicable. Procedures for Submitting the Electronic Application are available on the Court's website. The completed application for admission must include the following:

(1) an executed and notarized Oath of Applicant (Form AT-01), available on the Court's website, and

(2) either (a) a Certificate of Good Standing from any eligible court per LGnR4-2(b), or (b) a Recommendation for Admission (Form AT-02), available on the Court's website, completed by two attorneys admitted and in good standing with the bar of this Court.

(d) Consent to Release of Information; Certification of Familiarity with Local Rules. An attorney who applies for admission to the bar of this Court:

(1) consents to the release of information in their records by disciplinary and admitting authorities for confidential consideration by this Court and/or the Committee on Admissions and Grievances; and

(2) certifies familiarity with the Federal Rules of Civil Procedure or Federal Rules of Criminal Procedure (as applicable to the attorney's area of practice), the Federal Rules of Evidence, and the Rules of the Northern District of Oklahoma.

(e) Referral to Committee. If the Clerk of Court determines that questions exist regarding the applicant's qualifications or fitness to be admitted to the bar of this Court, the Clerk of Court shall refer the application to the Committee on Admissions and Grievances for investigation. The Committee shall report its recommendations in writing to the Clerk of

Court. Upon a favorable report of the Committee, the applicant may be admitted by any judge of this Court or the Clerk of Court.

(f) Attorneys for the United States. Attorneys who are employed or retained by the United States or its agencies may practice in this Court in all cases or proceedings in which they represent the United States or its agencies.

(g) Attorneys Associated with a Federal Public Defender's Office. On occasion, the Federal Public Defender for the Northern District of Oklahoma will assign representation of criminal defendants to attorneys from out-of-district Federal Public Defender's offices or to out-of-district CJA panel attorneys.

(1) When an attorney with an out-of-district Federal Public Defender's office or an out-of-district CJA panel attorney is assigned to a case, the Clerk of Court shall deem the attorney admitted to practice in the Northern District of Oklahoma solely for the purpose of that case and shall waive the requirement that he or she complete an application for admission or file a motion for admission pro hac vice.

(2) Within twenty-four hours of being assigned to a case in this manner, an out-of-district attorney shall file an entry of appearance in the case, using Form AT-04, Attorney Appearance, available on the Court's website.

(3) If the out-of-district attorney has not previously registered to e-file in the Northern District of Oklahoma, the attorney shall, upon assignment to his or her first case in this District, immediately register to e-file in this District, following the Procedure for Requesting E-File Registration Only, available on the Court's website. Once the Clerk of Court has authorized the attorney to e-file, the attorney must immediately file an entry of appearance in the case, using Form AT-04, Attorney Appearance, available on the Court's website.

(h) Admission Pro Hac Vice. Any attorney who is eligible for admission to the bar of this Court may, at the discretion of a judge of this Court, be granted temporary admission to practice in a pending case. Attorneys requesting such admission are required to file a motion and attach a completed Request for Admission Pro Hac Vice (Form AT-03)), available on the Court's website, and pay any required fee.

LGnR4-3 Association of Local Counsel.

(a) Responsibilities of Non-Resident Counsel. When representing a party in this Court, any attorney who is not a resident of and does not maintain an office in Oklahoma must show association with an attorney who is personally appearing in the action, is a resident of and maintains a law office within the State of Oklahoma, and who has been duly and regularly admitted to practice in this Court.

(b) Responsibilities of Local Counsel. It is the responsibility of local counsel appearing in any case to file the motion of the non-resident attorney to be admitted pro hac vice and to certify in the motion that the non-resident attorney is a member in good standing of the bar of the highest court of the state where the non-resident attorney resides or is licensed. The

local attorney must sign the first pleading filed and shall continue in the case unless other local counsel is substituted. Any notice, pleading, or other paper may be served upon the local counsel with the same effect as if personally served on the non-resident attorney.

(c) Exemptions. Non-resident attorneys representing the United States or its agencies and non-resident attorneys assigned by the Federal Public Defender or appointed from a CJA panel to represent defendants in a criminal case are exempt from LGnR4-3(a). Any other non-resident attorney seeking an exemption bears the burden to establish good cause for the exemption and must certify familiarity with the Federal Rules of Civil Procedure or Federal Rules of Criminal Procedure (as applicable to the attorney's area of practice), the Federal Rules of Evidence, and the Rules of the Northern District of Oklahoma.

LGnR4-4 Appearance and Withdrawal of Counsel.

(a) Entry of Appearance. An attorney appearing for a party must enter an appearance by signing and filing an entry of appearance in the case, using Form AT-04, Attorney Appearance, available on the Court's website.

(b) Withdrawal. Attorneys of record must not withdraw from the case except upon reasonable notice to the client and all other parties who have appeared in the case and by leave of the judge to whom the case is assigned.

LGnR4-5 Resolving Scheduling Conflicts.

(a) Definition. An attorney shall not be deemed to have a scheduling conflict unless:

(1) the attorney is lead counsel in two or more of the actions affected, and

(2) the attorney: (a) certifies that the matters cannot be adequately handled, and the clients interest adequately protected, by other counsel for the party in the action or by other attorneys in lead counsel's firm; (b) certifies compliance with the rule and has nevertheless been unable to resolve the conflicts; and (c) certifies a proposed resolution by list of such cases in the order of priority specified by this rule.

(b) Whenever an attorney is scheduled to appear in two or more courts (trial, appellate, state, or federal), the attorney must give prompt written notice, as specified in (a) above, of the conflict to opposing counsel, to the clerk of each court, and to the judge before whom each action is set for hearing. The written notice shall contain the attorney's proposed resolution of the appearance conflicts in accordance with the priorities established by this rule, and shall set forth the order of cases to be tried, with a listing of the date and data required as to each case arranged in the order in which the cases should prevail under this rule. Attorneys confronted by such conflicts are expected to give written notice as soon as the conflict arises but, in any event, at least seven days before the date of the conflicting settings. In resolving scheduling conflicts, the following priorities shall ordinarily prevail:

(1) Criminal (felony) actions shall prevail over civil actions set for trial or appellate proceedings.

(2) Jury trials shall prevail over non-jury matters, including trials and administrative proceedings.

(3) Trials shall prevail over appellate arguments, hearings, and conferences.

(4) Appellate proceedings shall prevail over all trial hearings, other than actual trials.

(5) Within each of the above categories only, the action which was first set shall take precedence.

(c) In addition to the above priorities, consideration should be given to the comparative age of the cases, their complexity, the estimated trial time, the number of attorneys and parties involved, whether the trial involves a jury, and the difficulty or ease of rescheduling.

(d) The judges of the courts involved in a scheduling conflict shall promptly confer, resolve the conflict, and notify counsel of the resolution. The judge presiding over the earliest-filed case will be responsible for initiating this communication.

(e) Conflict resolution shall not require the continuance of the other matter or matters not having priority. In the event the matter determined to have priority is disposed of before the scheduled time set, the attorney shall immediately notify all affected parties, including the court affected by the disposal, and shall, absent good cause shown to the Court, proceed with the remaining case or cases which did not have priority, if the setting was not vacated.

(f) Nothing in these guidelines is intended to prevent courts from voluntarily yielding a favorable scheduling position, and judges of all courts are urged to communicate with each other in an effort to lessen the impact of conflicts and continuances on all courts.

LGnR4-6 Standards of Practice.

The following are principles intended to guide attorneys in practicing in the Northern District of Oklahoma:

(a) In fulfilling his or her primary duty to the client, a lawyer must be ever conscious of the broader duty to the judicial system that serves both attorney and client.

(b) A lawyer owes, to the judiciary, candor, diligence, and utmost respect.

(c) A lawyer owes, to opposing counsel, a duty of courtesy and cooperation, the observance of which is necessary for the efficient administration of our system of justice and the respect of the public it serves.

(d) A lawyer owes, to the administration of justice, the fundamental duties of personal dignity and professional integrity.

(e) Lawyers shall treat each other, the opposing party, the Court, and members of the Court staff with courtesy and civility and conduct themselves in a professional manner at all times.

(f) A client has no right to demand that counsel abuse the opposite party or indulge in offensive conduct. A lawyer shall always treat adverse witnesses and litigants with fairness and due consideration.

(g) In adversary proceedings, clients are litigants and though ill feeling may exist between clients, such ill feeling shall not influence a lawyer's conduct, attitude, or demeanor towards opposing lawyers.

(h) A lawyer shall not use any form of discovery, or the scheduling of discovery, as a means of harassing opposing counsel or counsel's client.

(i) Lawyers shall be punctual in communications with others and in honoring scheduled appearances and shall recognize that neglect and tardiness are demeaning to the lawyer and to the judicial system.

(j) If a fellow member of the bar makes a just request for cooperation, or seeks scheduling accommodation, a lawyer shall not arbitrarily or unreasonably withhold consent.

(k) Effective advocacy does not require antagonistic or obnoxious behavior and members of the bar shall adhere to the higher standard of conduct which judges, lawyers, clients, and the public may rightfully expect.

LGnR4-7 Discipline by the Court.

(a) Discipline by Other Courts; Criminal Convictions. Whenever any member admitted to practice in this Court, including a person admitted pro hac vice, has been suspended, disbarred, or resigned, pending disciplinary proceedings, from the practice of law by the Supreme Court of Oklahoma or by any other court of competent jurisdiction, or has been convicted of a felony or any crime involving moral turpitude in any court, such disbarment, suspension, or conviction shall operate as an automatic suspension of the attorney's right to practice in this Court, and an order of suspension shall be issued by the Court. Any attorney subject to this rule must notify the Court immediately upon any such conviction, suspension, disbarment, or resignation. The notification must be in writing to the Clerk of Court. The automatic suspension from this Court shall remain in effect unless the attorney has, by motion to the Court within twenty- eight days of the order of suspension, shown good cause as to why the suspension should not remain in effect. The Chief Judge or his or her designee shall rule on such motion. If the attorney was disbarred, suspended, resigned, or was convicted as stated above, an order of disbarment will issue if no motion for good cause has been filed within the required time period.

(b) Requirement to Self-Report. Failure to self-report is a separate cause for disciplinary action; however, a failure to self-report an administrative suspension for failure to pay an annual registration fee or to comply with mandatory continuing legal education requirements shall not constitute separate cause for further disciplinary action by this Court.

(c) Professional Misconduct. Complaints of professional misconduct by an attorney are subject to Fed. R. Civ. P. 11. Complaints of professional misconduct may be submitted by

a judge of the Court, at his or her discretion, to the Committee on Admissions and Grievances. Upon receipt of a complaint regarding the professional conduct of an attorney, the Committee on Admissions and Grievances shall, after providing the attorney notice and opportunity to be heard, report and recommend to the Court whether:

(1) the inquiry should be terminated because the question raised is unsupported or insubstantial;

(2) the alleged professional misconduct justifies further inquiry, and, for members of the Oklahoma Bar Association, the matter should be referred to the Office of the General Counsel of the Oklahoma Bar Association for investigation and prosecution by that Office, if warranted;

(3) the alleged professional misconduct warrants consideration of prompt disciplinary action by this Court regarding the attorney's right to practice before the Court; or,

(4) the alleged professional misconduct of an attorney not a member of the Oklahoma Bar Association justifies further inquiry by the Court.

Any attorney whose conduct in this Court is under investigation by the Committee on Admissions and Grievances shall not be admitted until the pending investigation is concluded. Any action taken by the Court pursuant to a report and recommendation by the Committee on Admissions and Grievances shall be by a majority vote of the active judges.

Nothing contained in this Local Rule shall limit the right of an individual judge to manage the cases assigned to that judge, which right shall include, without limitation, the authority to impose any sanctions, penalties, or other restrictions which may be appropriate in a particular case, or the authority to refer a matter for consideration to the Committee on Admissions and Grievances on an advisory basis.

(d) Right to a Hearing. Except as otherwise provided under subsection (a), this Court shall not impose any disciplinary action affecting an attorney's right to practice before the Court until after a hearing on the matter has been held before a judge or panel of judges. The attorney may waive the right to a hearing. At the hearing, the attorney whose conduct is the subject of the complaint shall be afforded an opportunity to appear in person and/or by counsel, to present oral and documentary evidence, to compel the attendance of witnesses or the production of documents, to cross-examine witnesses, and to present argument orally or in writing. If not called by the attorney whose conduct is being investigated, it is within the discretion of the judge or panel to call the complaining party to appear at the hearing.

(e) Sanctions. Discipline by this Court may include disbarment, suspension from practice for a definite time, reprimand, or other discipline which the Court deems proper. Referral of a complaint to the Office of the General Counsel of the Oklahoma Bar Association for investigation shall not constitute such discipline as to entitle the attorney to a hearing in this Court on the propriety of the referral.

(f) Contempt of Court. Disciplinary proceedings under this rule shall not affect or be affected by any proceeding for contempt under Title 18 of the United States Code or under Fed. R. Crim. P. 42.

(g) Unauthorized Practice. Any person who before admission to the bar of this Court, or who during disbarment or suspension exercises any of the privileges bestowed upon members of this bar, or who pretends to be entitled to such privileges, or who otherwise engages in the unauthorized practice of law before the Court, shall be guilty of contempt of this Court and shall be subject to punishment therefor and any other discipline which the Court may impose.

(h) Reinstatement. Persons disbarred indefinitely from practice before this Court may not petition for reinstatement until three years following disbarment or until two years following an adverse decision upon a previous petition for reinstatement; provided, however, that a person disbarred under subsection (a) may apply for reinstatement at any time upon being reinstated by the disciplining body. Persons suspended indefinitely must satisfy all conditions to reinstatement imposed by the Court at the time of suspension.

LGnR5 – Courthouse Access and Security

LGnR5-1 Courthouse Access.

(a) In General. As used in this rule, "court facility" includes any facility occupied by the United States District Court.

(b) Identification. All persons entering a court facility in the Northern District of Oklahoma are required to present a valid government-issued identification card with photo. A List of Acceptable Identifications is available on the Court's website. Any visitor under the age of 18 without an adult escort, who offers a school-issued identification card, shall be allowed access to the court facility. Any person who refuses to present a valid form of identification shall be denied entrance.

(c) Screening. All visitors to a court facility must pass through a security screening device and have all belongings and packages subject to physical and/or security screening examination by the United States Marshals Service, court security officers, and employees of the Federal Protective Service. Any person who refuses to pass through screening shall be denied entrance. Whenever any person who activates the detector wishes to gain access to court facilities, such person must submit to a reasonable, limited search of his or her person and property in order to determine the existence of, if any, illegal, explosive, or dangerous items that might cause injury to persons or property.

LGnR5-2 Possession and Use of Weapons and Destructive Devices.

(a) Weapons in the Court Facilities. No persons, other than the following, shall wear or bring any firearm or other weapon into the court facilities, unless specifically authorized by the Court:

(1) United States Marshal and deputy marshals,

(2) court security officers, and

(3) Federal Protective Service officers.

(b) Exceptions. With prior notification and approval of the United States Marshal, officers and agencies assisting in the transportation of federal prisoners, officers and agencies assisting the United States Attorney's office, and United States Postal Inspectors may retain their firearms. However, such approval will not be given under any circumstance that would allow firearms on the third or fourth floor of the Page Belcher Federal Building or in the Boulder Federal Building. The United States Marshal is directed to bring this rule to the attention of the officers and agencies whose officers may have occasion to carry firearms and who may come to any court facility of the Northern District of Oklahoma.

(c) Evidence Firearms. All firearms to be introduced as evidence must be checked by the United States Marshal before court and rendered safe. Those firearms requiring chain-of-evidence control may, at the time custody is established and while court is in session, be made safe by the United States Marshal or a court security officer.

(d) Probation Officers. To ensure their safety, the probation officers of this Court may require the carrying of firearms in the execution of their official duties. The Chief Probation Officer, pursuant to 18 U.S.C. § 3603(9), may authorize each regularly appointed probation officer of this Court to carry a firearm for self-defense purposes in the performance of his or her duties.

The Chief Probation Officer, pursuant to the Guide to Judiciary Policy, Vol 8, Ch 5, may authorize each regularly appointed probation officer to carry Oleoresin Capsicum for self-defense purposes in the performance of his or her duties.

LGnR5-3 Perimeter Security.

(a) Page Belcher Building. Regarding the Page Belcher Building located at 333 W. 4th Street, Tulsa, Oklahoma, the Court directs the United States Marshal to enforce all laws relating to the perimeter and to establish such rules and restrictions as deemed necessary to protect the federal judiciary. The Marshal may defer to postal authorities and their regulations in those areas specifically designated for postal employees and postal customers; however, the United States Marshal may, when deemed necessary for the safety of the federal judiciary, implement and enforce perimeter security measures in all areas around the building.

(b) Boulder Building. Regarding the Tulsa Federal Building located at 224 S. Boulder Avenue, Tulsa, Oklahoma, the Court directs the United States Marshal, in conjunction with the Federal Protective Service, to enforce all laws relating to the perimeter and to establish such rules and restrictions as deemed necessary to protect the federal judiciary, including enforcement of restricted parking around the building. The Court requested in writing that the City of Tulsa grant jurisdiction and authority for the United States Marshal Service to enforce all laws relating to such perimeter and establish rules and restrictions as deemed necessary, including the determination and enforcement of restricted parking around such building perimeter. The City of Tulsa has, pursuant to such request, granted the requested authority. Parking spaces around the perimeter of the Tulsa Federal Building will be assigned to judicial employees by the Clerk of Court for the Northern District of Oklahoma.

LGnR6 – Electronic Devices in the Courthouse

LGnR6-1 Restrictions on Possession and Use of Electronic Devices.

(a) Policy. Except for those individuals exempted by LGnR6-2, no visitors to the court facilities are permitted to bring any electronic device into the court facilities. Non-exempt individuals visiting a court facility who arrive with an electronic device will be required to lock their electronic device in their personal vehicle (if applicable) or to leave the device with court security officers stationed at the secured entrance. "Electronic device" includes, but is not limited to, cellular or smart phones, laptops, tablets, iPads, and other devices capable of taking photographs, recording audio/video, transmitting information, or having wireless communications capabilities. A List of Banned Electronic Devices is available on the Court's website.

(b) Permissible Electronic Devices. After clearing security, exempt individuals are permitted to carry into the court facility electronic devices such as cellular or smart phones, laptops, tablets, iPads, and other devices having wireless communications capability, subject to the following:

(1) No person shall use a permissible device to take photographs, stream broadcasts, or make audio or video recordings in any court-related space, any public area located on the same floor as a court-related space in the court facilities, or any other location in which court business and proceedings are conducted.

(2) The Court prohibits the use of cellular telephones, pagers, or other electronic devices in the courtroom. Such devices may be carried on the person within a courtroom only if the device is silenced.

LGnR6-2 Exempt Individuals.

The following individuals will be permitted to bring electronic devices into the court facility with proper identification and subject to the provisions of this Local Rule:

(a) attorneys who are members of the bar of the Northern District of Oklahoma or who have been temporarily admitted in the Northern District;

(b) individuals who frequently assist attorneys in legal matters (such as couriers, legal assistants, paralegals, technical consultants, and expert witnesses). These individuals must have an attorney in the case notify the court security officers that they are authorized;

(c) government contractors with regular duties in the court facility;

(d) employees who work in the court facility;

(e) anyone attending a ceremonial function, such as a naturalization or investiture ceremony, or an educational function, such as a moot court competition or continuing legal education program;

(f) individuals attending a settlement conference in the court facility; and

(g) federal jurors. Federal jurors are permitted to bring electronic devices into the court facility. As directed by the Court, the jury clerk or the court security officer stationed in the courtroom will instruct jurors regarding when the jurors may possess and use electronic devices and when the jurors must surrender those devices to the jury clerk or the court security officer for safekeeping. Jurors may not use any electronic devices to take photographs, stream broadcasts, or make audio or video recordings.

LGnR6-3 Exceptions.

(a) A judge may approve the use of electronic or photographic equipment for the presentation of evidence or the perpetuation of a record.

(b) A judge may approve any additional exceptions.

LGnR6-4 Enforcement and Sanctions.

(a) Enforcement. The United States Marshals Service and court security officers are authorized to enforce this policy. The United States Marshals Service shall maintain a system where those not authorized to bring electronic devices into court facilities can secure their devices while visiting the court facilities.

(b) Sanctions for Violations. Violation of this Local Rule may constitute contempt of court punishable by incarceration and the imposition of fines, costs, and attorney fees. Violation may result in confiscation of the offending device by the United States Marshals Service and court security officers.

LGnR7 – Local Rules

LGnR7-1 Committee on Local Rules.

A Committee on Local Rules, comprised of members of the bar of this Court and the Clerk of Court or the Clerk's designee, shall be appointed by the Court. Such Committee shall accept comments and recommendations regarding the local rules from any member of the bar of this Court or any other interested person and make recommendations to the Court regarding proposed amendments to the local rules.

LGnR7-2 Amendments to Local Rules.

(a) Public Notice. The public notice provided in 28 U.S.C. § 2071, Fed. R. Civ. P. 83, and Fed. R. Crim. P. 57 for making and amending local rules consists of:

(1) publishing a notice of the proposed adoption or amendment of these rules on the Court's Website; and

(2) inviting written comment.

(b) Proposing Amendments. Procedures for Submitting Proposed Amendments to the Rules are available on the Court's website.

(c) Emergency Amendments. When the Court determines there is an immediate need to implement an amendment, including a technical, clarifying, or conforming amendment, the amendment may be adopted by the Court without prior comment by the bar or the public. The effective date of an emergency amendment is the date set forth by the Court in the General Order adopting the amendment. Amendments adopted under this subsection will thereafter be circulated to the bar and the public for comment and reevaluated by the Committee and the Court for possible revision.

CIVIL RULES

LCvR3 – Commencing an Action

LCvR3-1 Civil Cover Sheet and Initiating Document.

(a) Civil Cover Sheet. A party commencing an action shall file, as separate documents: (1) the document initiating the civil action, and (2) a completed Civil Cover Sheet (Form JS-44), which is available on the Court's website. The civil cover sheet is for administrative purposes and information appearing on the civil cover sheet will have no legal effect in the action.

(b) Civil Cover Sheet Exceptions. Persons filing civil cases who are at the time of such filing in custody of Civil, State, or Federal institutions, and persons filing civil cases pro se are not required to file a civil cover sheet.

(c) Initiating Documents on Court Required Forms. Petitions for writs of habeas corpus pursuant to 28 U.S.C. § 2241 or 28 U.S.C. § 2254, motions to vacate sentence pursuant to 28 U.S.C. § 2255, and civil rights complaints pursuant to 42 U.S.C. § 1983 or Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), filed by persons in custody of Civil, State, or Federal institutions must be submitted on forms approved by the Court and in accordance with the instructions provided with the forms. Forms and Instructions are available on the Court's website.

(d) Numbering Parties. Counsel and pro se parties are required to number each party only in the caption of the initiating document. The initiating document should not include any motion. Any motion intended to accompany an initiating document, such as a motion for a temporary restraining order, must be prepared and filed as a separate document.

LCvR3-2 In Forma Pauperis Motions.

(a) In Forma Pauperis Motion. An applicant who seeks leave to proceed without prepayment of the filing fees must file a motion to proceed in forma pauperis on the court approved form (Pro Se or Prisoner) available on the Court's website.

(b) Prisoner Account Certificate. In the case of a prisoner, such motion must also include a certificate executed by an authorized officer of the appropriate penal institution stating: (1) the amount of money or securities currently on deposit to the prisoner's credit in any institutional account; (2) the average monthly deposits to the prisoner's account for the six-month period immediately preceding the filing of the action; and (3) the average monthly balance in the prisoner's account for the six-month period immediately preceding the filing of the action.

If the prisoner has been in more than one penal institution during the six-month period immediately preceding the filing of the action, the prisoner must obtain the required certificate from the appropriate official at each institution.

(c) In Forma Pauperis Denial. In forma pauperis status may be denied a prisoner seeking to bring a civil action, or appeal a judgment in a civil action, if the total balance of the prisoner's institutional accounts equals or exceeds the sum of the required filing fee plus $10.00. In any case, if in forma pauperis status is denied, (1) payment of the entire filing fee shall be required to commence the action or appeal, and (2) the applicant shall have twenty-one days, unless a different time is specified by the Court, within which to pay the required filing fees.

LCvR3-3 Partial Filing Fees.

(a) Partial Filing Fees. Prisoners allowed to proceed in forma pauperis in civil actions or appeals in civil actions shall be assessed an initial partial filing fee and shall be required to make monthly payments until the filing fee is paid in full, as prescribed by 28 U.S.C. § 1915(b).

(b) Failure to Pay. Failure of any applicant to pay the initial partial filing fee or any other payment ordered by the Court by the date specified, to seek a timely extension within which to make the payment, or to show cause in writing for failure to pay by the date specified shall be cause for dismissal of the action without prejudice to refiling.

(c) Service of Process. Unless otherwise directed by the Court, service of process will not issue until the applicant has paid the initial partial filing fee ordered by the Court.

LCvR3-4 Copyright, Trademark and Patent Cases.

Complaints filed in copyright, trademark, and patent cases must cite therein the copyright registration number, trademark number, or patent number. If such number is unavailable at the time of filing, the complaint must recite a serial number or other identification number obtained from the Registrar of Copyrights or the Commissioner of Patents and Trademarks. The party filing the complaint must also provide at the time of filing the required notice to the Patent and Trademark Office in patent, plant variety protection, and trademark matters (Form AO-120) and the required notice to the Copyright Office in copyright matters (Form AO-121), available on the Court's website.

LCvR3-5 Statute of Limitations.

For new cases submitted to the Court by email for which a statute of limitations issue exists, necessitating the case be filed that day, the party should notify the Clerk's office by telephone and by including the information in the email. If properly notified, the Clerk's office shall deem the filing date of the documents the date they are received by email. A party who fails to properly notify the Clerk's office and files the documents after the statute of limitations has run must seek relief from the Court by written motion.

LCvR5 – Serving and Filing Pleadings and Other Papers

LCvR5-1 Social Security Actions Under 42 U.S.C. § 405(g).

Actions under 42 U.S.C. § 405(g) for review on the record of a final decision of the Commissioner of Social Security that present only individual claims are governed by the Federal Rules of Civil Procedure Supplemental Rules for Social Security and are subject to the procedures, limitations, and requirements set forth in the Procedure for Social Security Actions Under 42 U.S.C. § 405(g), available on the Court's website.

LCvR5.2 – Privacy Protection for Filings Made with the Court

LCvR5.2-1 Redaction of Personal Data Identifiers.

The responsibility for redacting personal data identifiers rests solely with counsel and the parties. The Clerk's office will not review each pleading for compliance with Fed. R. Civ. P. 5.2(a). Redactions must comply with the Procedures for Redacting, available on the Court's website.

LCvR5.2-2 Sealed Documents.

(a) Policy. It is the policy of this Court that sealed documents, confidentiality agreements, and protective orders are disfavored. Sealed documents and confidentiality agreements may be approved by the Court only upon showing that a legally protected interest of a party, non-party, or witness outweighs the compelling public interest in disclosure of records. All protective orders dealing with confidentiality must be approved by a magistrate judge and filed of record but shall not qualify as an order to seal documents for purposes of this rule.

The Court strongly urges attorneys to present all arguments and all documents in unsealed pleadings. Where possible, attorneys should generically refer to matters covered by a protective order to avoid revealing confidential information. Agreement of the parties that a document or other material should be filed under seal or the designation of a document or other material as confidential during discovery is not, by itself, sufficient justification for allowing a document or other material to be filed under seal.

(b) Sealed Documents in Public Cases. Anyone seeking to file a document or other material under seal in a public case must make a good faith effort to redact or seal only as much as necessary to protect legitimate interests. Blanket sealing of entire briefs, documents, or other papers is rarely appropriate. To obtain an order allowing a document or other material to be filed under seal in whole or in part, the filing party must file: (1) a motion to seal; (2) a redacted version of the document to be sealed, if applicable, filed separately as a public document; and (3) an unredacted version of the document to be sealed, which must be filed separately under seal. The relief sought shall be narrowly tailored to serve the specific interest sought to be protected. A proposed order shall be submitted in compliance with the Procedure for Submitting Proposed Documents to the Court, available on the Court's website. If the motion to seal is denied, the Court will direct that the document either be stricken or be unsealed.

(c) Caption of Sealed Documents. Underneath the case number, in the style of any document sought to be sealed, the document must be marked in all caps, "SEALED."

LCvR5.2-3 Documents Filed in Sealed Cases.

Documents to be filed in Sealed Cases (non-public cases) must be filed in paper format in compliance with the Procedure for Submitting Documents to the Court for Filing in Sealed Cases, available on the Court's website.

LCvR5.2-4 Ex Parte Filings.

Parties do not need to file a separate motion to seal for documents filed ex parte, provided that the document is filed with the caption SEALED EX PARTE located under the case number.

LCvR7 – Pleadings Allowed; Form of Motions and Other Papers

LCvR7-1 Motion Practice.

(a) Filing. No attached pleadings, motions, or other papers shall be removed for filing from an original motion. Nor shall pleadings, motions, or other papers be held by the Clerk of Court for filing, awaiting leave to do so.

(b) Briefs. Except for motions described in LCvR7-1(c), briefs must be filed in support of motions. A motion and the brief in support may be filed as one document if clearly stated in the title of the pleading. Each brief shall be clearly styled to show whether it is opening, response, reply, or supplemental; the particular motion or proceeding to which it relates; and the party or parties on whose behalf it is presented. If there are multiple parties or if there are cross-claimants or intervenors, references to them shall include the name (which may be abbreviated) of the particular party to whom reference is made. It is not acceptable to file any combination of motion, response, reply or supplemental brief.

(c) Motions Not Requiring Briefs. No brief is required by either movant or respondent unless otherwise directed by the Court, with respect to the following motions: (1) to accelerate, extend, or reset any deadline; (2) to amend or supplement any previous filing; (3) to withdraw as counsel; (4) to appoint next friend or guardian ad litem; (5) to substitute parties; (6) to compel discovery responses when no response has been made; (7) to appear pro hac vice; and (8) to file an oversized brief. Said motions not requiring briefs shall state whether opposing counsel agrees or objects to the request. A separate proposed order shall be submitted in compliance with the Procedure for Submitting Proposed Documents to the Court, available on the Court's website.

(d) Length and Format of Briefs. Absent leave of Court, opening and response briefs shall be limited to twenty-five pages, and reply and supplemental briefs shall be limited to ten pages. Motions for leave to file a brief exceeding these page limits shall state the requested number of pages and shall be filed no later than one day before the date the brief is due. Briefs exceeding fifteen pages shall be accompanied by an indexed table of contents showing headings or sub-headings and an indexed table of statutes, rules, ordinances, cases, and other authorities cited. Any authority not readily available, including statutes foreign to the jurisdiction and ordinances which are relied upon by a party, shall be cited and quoted in or attached to the brief of the party. LCvR7-1(d) does not apply to briefs filed in social security actions under 42 U.S.C. § 405(g) or in habeas actions under 28 U.S.C. §§ 2241 and 2254.

(e) Response Briefs. Each party opposing a motion, other than a discovery motion governed by LCvR37-2(e), shall file and serve upon all other parties a response within twenty-one days from the date the motion was filed. At the discretion of the Court, any non-dispositive motion which is not opposed within twenty-one days may be deemed confessed. Responses to discovery motions are subject to the expedited briefing requirements of LCvR37-2(e).

(f) Reply and Supplemental Briefs. Reply briefs regarding new matters in the response brief may be filed within fourteen days from the due date of the response. After the filing of the reply or the expiration of fourteen days, the motion will be deemed ripe for ruling. By order, the Court may increase or reduce this time. Supplemental briefs are not encouraged and may be filed only upon motion and leave of Court. Reply briefs regarding discovery motions are subject to the expedited briefing requirements of LCvR37-2(e).

(g) Requests for Extensions of Time. All motions for extension of time shall state: (1) the date the act is due to occur without the requested extension; (2) whether previous motions to extend the deadline at issue have been made and, if so, the disposition of the previous motions; (3) specific reasons for the requested extension, including an explanation as to why the act may not be completed within the originally allotted time; (4) whether the opposing counsel or party agrees or objects to the requested extension; and (5) the impact, if any, on the scheduled trial or other deadlines. A proposed order, identifying the requested new deadlines, shall be submitted in compliance with the Procedure for Submitting Proposed Documents to the Court, available on the Court's website.

(h) Motions to Amend or Add Parties. In a motion to amend or a motion to add parties, the movant shall state: (1) the deadline date established by the scheduling order, if any, and (2) whether any other party objects to the motion. A proposed order setting forth the title and docket number of the pleading to be amended and a summary of the proposed changes and/or the names of the parties being added, shall be submitted in compliance with the Procedure for Submitting Proposed Documents to the Court, available on the Court's website.

(i) Motions Not to be Filed Within Fourteen Days of the Date a Case Is Set for Trial. Motions filed within fourteen days of the date a case is set for trial will be stricken unless the motion is based upon a sudden emergency regarding facts that could not have been previously known.

LCvR7.1 – Disclosure Statement

LCvR7.1-1 Disclosure Statement.

(a) Who Must File; Contents. Unless the Court orders otherwise:

(1) Nongovernmental Parties—All Cases. In all cases, any nongovernmental party, intervenor, or proposed intervenor shall file a Disclosure Statement (Form CV-24), available on the Court's website, making the disclosures listed in Fed. R. Civ. P. 7.1(a)(1), if applicable, and identifying any other persons, corporations, or noncorporate entities that either are related to the party, intervenor, or proposed intervenor as a parent, subsidiary, or otherwise, or have a direct financial interest in the outcome of the litigation.

(2) All Parties—Diversity Cases. In diversity cases, all parties, intervenors, or proposed intervenors shall file a Disclosure Statement (Form CV-24), available on the Court's website, making the disclosures required by Fed. R. Civ. P. 7.1(a)(2) and, if applicable, making the disclosures listed in Fed. R. Civ. P. 7.1(a)(1) and required by LCvR7.1-1(a)(1).

(b) Time to File; Supplemental Filing. In all cases, the provisions of Fed. R. Civ. P. 7.1(b) shall govern the time for filing and supplementing the Disclosure Statement.

(c) Procedure for Filing. Any party filing a Disclosure Statement shall complete the statement in compliance with the instructions on the form and shall either: (1) file the statement electronically and enter into CM/ECF the information disclosed on the statement, in compliance with applicable CM/ECF Filing Instructions, available on the Court's website; or (2) in sealed cases, file the statement in paper format, in compliance with the Procedure for Submitting Documents to the Court for Filing in Sealed Cases, available on the Court's website.

LCvR16 – Pretrial Conferences; Scheduling; Management

LCvR16-1 Pretrial Procedures.

(a) Applicability of Rule. All cases, except those exempted herein, are subject to the provisions of this local rule, but the judge assigned to any such case may, in his or her discretion, order the case exempt. Unless otherwise ordered by the Court, the following categories of actions are exempt from the requirements of Fed. R. Civ. P. 16(b) and this local rule:

(1) Cases exempt from initial disclosure under Fed. R. Civ. P. 26(a)(1)(B);

(2) Social Security Reviews/Appeals;

(3) Bankruptcy Appeals and Withdrawals;

(4) Immigration and Deportation Actions;

(5) Forfeiture and Statutory Penalty Actions;

(6) Federal Tax Suits;

(7) Multidistrict Litigation Actions;

(8) Government Collection Actions;

(9) Governmental Administrative Enforcement Proceedings;

(10) Eminent Domain Proceedings;

(11) Land Condemnation Actions;

(12) Foreclosure Actions;

(13) Rent, Lease and Ejectment Actions;

(14) Tort Product Liability - Asbestos Cases Only;

(15) Cases for review of administrative decisions under the Employment Retirement Income Security Act;

(16) State Reapportionment Actions;

(17) Selective Service Actions;

(18) Equal Access to Justice Act Filings;

(19) Freedom of Information Act Suits;

(20) Food Stamp Denial Actions;

(21) Proceedings to compel arbitration or to confirm or set aside arbitration awards;

(22) Proceedings relating solely to the giving of testimony or production of documents;

(23) Proceedings involving water rights matters;

(24) Proceedings requesting injunctive or emergency relief only; and

(25) Cases assigned to be heard by a three-judge panel.

In exempt cases, the Court may issue standard scheduling orders, require compliance with the disclosure provisions of Fed. R. Civ. P. 26(a), or require compliance with Fed. R. Civ. P. 26(f) relating to planning meetings between the parties.

(b) Scheduling and Planning.

(1) Joint Status Report. In all nonexempt cases (and in exempt cases when directed to do so by the Court), trial counsel for all parties, and pro se parties, if any, shall confer and prepare and file a Joint Status Report (Form CV-03), available on the Court's website. The Court may order the filing of a Joint Status Report by a date certain. However, if the Court does not order the filing of a Joint Status Report by a date certain, the Report shall be filed in accordance with the timing set forth in Fed. R. Civ. P. 26(f).

(2) Required Attendance at Conference. Counsel with authority to make appropriate decisions and pro se parties shall attend any conference required by the Court. When justified by the circumstances, the Court may allow counsel or pro se parties to participate in such conference remotely. Pro se parties and counsel shall be prepared to discuss all relevant matters enumerated in Fed. R. Civ. P. 16(c)(2).

(c) Pretrial Responsibilities.

(1) Preparation of Status Reports, Final Pretrial Orders, and Other Orders.

(A) Unless otherwise ordered by the Court, plaintiff's counsel, with full and timely cooperation of other counsel and pro se parties, is responsible for preparing, obtaining approval of all parties, and furnishing the Court any status reports, pretrial orders, or other orders required by the Court or these local rules.

(B) The jointly prepared, proposed, final Pretrial Order, conforming to the format required by the judge presiding in the case, shall be tendered to the Clerk of Court by plaintiff's counsel seven days before the pretrial conference, unless otherwise ordered by the Court. The proposed, final Pretrial Order shall be submitted in compliance with the Procedure for Submitting Proposed Documents to the Court, available on the Court's website.

LCvR16-2 Settlement Conferences; Scheduling; Management; Process.

(a) Purpose. The purpose of the settlement conference is to permit an informal discussion between the attorneys, parties, and the settlement judge on every aspect of the case bearing on its settlement value in an effort to resolve the matter before trial. The parties and counsel shall participate in the conference in good faith. This means that based on discussion at the conference, the parties will reconsider their negotiating positions, objectively evaluating the strengths and weaknesses of their case or defense, the anticipated cost of the litigation and the uncertainty of a particular result.

(b) Scheduling. All civil cases set on a trial docket are automatically set for settlement conference before the settlement judge. The Court may, sua sponte, or on the request of any of the parties, schedule a settlement conference at any practicable time. The terms of the Settlement Conference Order govern the procedures for the settlement conference. The assigned district judge may, in his or her discretion, require that the parties pay for a settlement conference in any reasonable manner or amount.

(c) Settlement Judges.

(1) Definition and Disqualification. The settlement judge who presides over the settlement conference may be a district judge or a magistrate judge, other than a judge assigned to the case, or an adjunct settlement judge. The settlement judge will take no part in adjudicating the case after the settlement conference. Any party or counsel of record may move to disqualify the assigned settlement judge pursuant to 28 U.S.C. § 455, other applicable law or professional responsibility standards.

(2) Adjunct Settlement Judges.

(A) Selection. Adjunct settlement judges shall be selected by the Court from among members of the bar in good standing and chosen based upon their expertise, experience, actual and apparent impartiality, reputation for fairness, training, and temperament. They shall be invited to serve without compensation and commit to conduct a minimum of six settlement conferences per year.

(B) Assignment and Appointment. The magistrate judge responsible for the Court's settlement program will assign a settlement judge to a particular case. In cases where the settlement effort is expected to be extensive, or in connection with discovery matters, the Court may appoint an adjunct settlement judge as a special project settlement judge or discovery judge, and order the parties to pay for the adjunct settlement judge's time at a reasonable hourly rate. Such payment shall be apportioned between the parties as agreed, or by the Court on an equitable basis.

(3) Authority of Settlement Judge. The settlement judge may excuse attendance of any attorney, party, or party's representative, except as provided in LCvR16-2(d)(2); meet jointly or individually with counsel, alone or with parties or persons or representatives interested in the outcome of the case without the presence of counsel; and issue such other and additional requirements as shall seem proper, including follow-up sessions telephonically or otherwise, in order to expedite an amicable resolution of the case.

(d) Settlement Conference Process.

(1) Pre-conference Preparation. Before the settlement conference, attorneys shall discuss settlement with their respective clients and opposing counsel (or pro se parties) so that the issues and bounds of settlement have been explored in advance of the settlement conference. The parties, their representatives and attorneys must be prepared to be completely candid with the settlement judge so that the judge may properly guide settlement discussions. Pertinent evidence to be offered at trial may be brought to the settlement conference for presentation if particularly relevant.

(2) Governmental Entities. In the event a governmental entity that is a party determines that it will be unable to provide a representative with full settlement authority at the settlement conference, the governmental entity shall promptly move for leave to proceed with a representative with limited authority. The motion shall be filed no later than fourteen days before the settlement conference and shall contain: (1) a statement explaining why it is impracticable for a representative with full settlement authority to attend the conference; (2) a detailed description of the limited authority to be exercised at the conference; and (3) alternative proposals by which the governmental entity may exercise full authority at or after the conference. Upon consideration of the motion, the Court may allow the governmental entity to appear through a representative with limited authority or may, notwithstanding the motion, require appropriate representatives to appear as may be necessary to have full settlement authority at the conference.

(3) Written Settlement Conference Statements. Settlement conference statements shall be submitted to the settlement judge and served on opposing counsel in accordance with the deadlines outlined in the Settlement Conference Order filed in the case. The statements shall concisely summarize the parties' claims/defenses/counterclaims, and the parties' views concerning factual issues, issues of law, liability, damages or relief requested. The statement shall not exceed five, single-spaced pages and shall not be filed in the case or made part of the Court file.

(4) Attendance Requirements. The lead attorney who will try the case for each party shall appear at the settlement conference. If a party is not a natural person, the party shall send a representative with full settlement authority. Outside counsel may not serve as a party representative. Other interested entities such as insurers or indemnitors shall attend and are subject to the provisions of this Rule. Governmental entities and boards shall send a representative and counsel who, together, are knowledgeable about the facts of the case and the governmental unit's or board's position, and have, to the greatest extent feasible, authority to settle. Except as provided in LCvR16-2(d)(2), only the settlement judge or the Court may excuse attendance of any attorney, party, or party representative. Any party excused from appearing in person shall be available to participate remotely, if required. Failure to attend the settlement conference or failure to cooperate fully may result in the imposition of sanctions in accordance with Fed. R. Civ. P. 16(f).

(5) Conclusion of the Settlement Conference. At the conclusion of the settlement conference, the settlement judge shall notify the Court whether the case did or did not settle and submit a Settlement Conference Report to the magistrate judge responsible for the Court's settlement program. If the case settled, counsel shall prepare and file the appropriate dismissal or closing papers by any deadline set in the report.

(e) Confidentiality. The settlement judge, all counsel and parties, and any other persons attending the settlement conference shall treat as confidential all written and oral communications made in connection with or during any settlement conference. Neither the

settlement conference statements nor communications during the conference with the settlement judge may be used by any party in the trial of the case unless otherwise permitted under Fed. R. Evid. 408. No communication relating to or occurring at a Court-ordered settlement conference may be used in any aspect of any litigation except proceedings to enforce a settlement agreed to at the conference, unless otherwise permitted under Fed. R. Evid. 408. No settlement judge may be called as a witness, except as requested by a judge of this Court. In that instance, the settlement judge shall not be deposed, and shall testify as the Court's witness.

(f) Alternative Methods. The Court may, in its discretion, set any civil case for summary jury trial, mini-trial, executive summary jury trial (summary jury trial where chief executive officers of corporate parties participate as part of a three-judge trial panel), mediation, arbitration, or other method of alternative dispute resolution as the Court may deem proper, so long as due process is not abrogated or impaired.

LCvR17 – Plaintiff and Defendant; Capacity; Public Officers

LCvR17-1 Eligibility to Appear Pro Se; Practice of Pro Se Parties.

(a) Generally. An individual who is not represented by counsel and who is a party in a pending proceeding may appear pro se and represent himself or herself in the proceeding.

(b) No Representation of Other Parties. A pro se party may not (1) represent any other party or (2) authorize any other individual who is not a member of the bar of this Court to appear on his or her behalf. However, if a pro se party is also an attorney who is otherwise permitted to practice in this Court, the attorney may represent another party in the same action if the representation is otherwise appropriate under the circumstances.

(c) Corporations and Other Entities. A corporation, partnership, limited liability company, trust, estate, or other entity that is not a natural person may not appear pro se. An individual officer, director, partner, member, trustee, administrator, or executor may not appear on behalf of an entity; provided, however, that if such an individual is also an attorney who is otherwise permitted to practice in this Court, the attorney may represent the entity if the representation is otherwise appropriate under the circumstances. The Court may strike any pleading filed on behalf of any entity that purports to appear pro se.

(d) Requirement to Follow Rules. A pro se party is required to comply with all local rules and all applicable federal rules.

(e) Requirement to Provide Mailing Address. A pro se party must provide the Clerk of Court and all parties a mailing address at which service upon the pro se party can be made.

(f) Option to Provide Email Address. A pro se party may provide the Clerk of Court and all parties an email address at which service upon the pro se party can be made. A pro se party who chooses to receive service of pleadings and other papers by email must complete and file a written Consent to Receive Notices of Electronic Filing (Form ProSe-17), available on the Court's website.

(g) Requirement for Documents Filed with Court. Any document requiring a signature that is filed by a pro se party shall bear the words "pro se" following that party's signature.

(h) Requirement to Update Contact Information. Every pro se party shall inform the Clerk of Court and all parties, in writing, of any change of name, address, telephone number, or email address within fourteen days of the change. It is the responsibility of the pro se party to notify the Clerk of Court and the parties of any change.

(i) Electronic Filing. As a matter of routine practice, pro se parties will not be authorized to file electronically. If the Court permits, a pro se party may register as a CM/ECF user solely for purposes of the action. If, during the course of the action, the party retains an attorney who appears on the party's behalf, the attorney must advise the Clerk of Court to terminate the party's registration as a CM/ECF user upon the attorney's appearance.

LCvR21 – Misjoinder and Nonjoinder of Parties

LCvR21-1 Notice of Bankruptcy Filing.

If a party to a civil case files bankruptcy, or an involuntary bankruptcy proceeding is commenced against a party, the party shall notify the Court within seven days of the filing of said bankruptcy by filing a formal notice in the civil case, with proof of service to all parties.

LCvR26 – Duty to Disclose; General Provisions Governing Discovery

LCvR26-1 Compliance with Requirements Under Fed. R. Civ. P. 26.

(a) Initial Disclosures. Parties shall make the initial disclosures required by Fed. R. Civ. P. 26(a)(1) unless all parties stipulate to waive initial disclosures in the Joint Status Report required by LCvR16-1.

(b) Discovery Plan. The discovery plan required by Fed. R. Civ. P. 26(f) shall be included in the Joint Status Report referenced in LCvR16-1.

LCvR26-2 Disclosure of Insurance Agreements.

A party shall, without awaiting a discovery request, provide any insurance agreement to the other parties under which any person carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy such a judgment. Full and complete copies of such insurance agreements shall be served on all other parties along with the disclosing party's answer, reply, or motion filed pursuant to Fed. R. Civ. P. 12(b).

LCvR26-3 Format and Service of Discovery Requests.

Upon request, which shall not be unreasonably denied, the party serving discovery requests pursuant to Fed. R. Civ. P. 33, 34, or 36, shall provide a copy of the discovery request(s) to the responding party in an electronic format sufficient to avoid the necessity of re-typing each interrogatory or request (e.g., a Word document, a searchable PDF). This requirement does not apply to pro se parties. The party answering, responding, or objecting to written interrogatories or requests shall quote each interrogatory or request in full immediately preceding the statement of any answer, response, or objection thereto.

LCvR26-4 Discovery Material Not to be Filed.

Discovery material, including but not limited to: initial disclosures; depositions; notices of depositions; interrogatories; requests for documents; requests for admissions; and answers and responses thereto shall not be filed with the Court unless on order of the Court or unless they are attached to a motion, response thereto, or are needed for use in a trial or hearing.

LCvR26-5 Privilege Log.

(a) In accordance with Fed. R. Civ. P. 26(b), when a claim of privilege or work product protection is asserted in response to a discovery request for documents, the party asserting the privilege or protection shall provide the following information with respect to each document in the form of a privilege log: the type of document; the general subject matter of the document; the date of the document; the author of the document, whether or not the author is a lawyer; each recipient of the document; and the privilege asserted. This rule shall apply only to document requests.

(b) If information called for by one or more of the foregoing categories is itself privileged, it need not be disclosed. However, the existence of the document and any non-privileged information called for by the other categories must be disclosed. This rule requires preparation of a privilege log with respect to all documents withheld based on a claim of privilege or work product protection except the following: written communications between a party and its trial counsel after commencement of the action and the work product material created after commencement of the action.

LCvR26-6 Protective Orders.

A party seeking a protective order to allow for the confidential treatment of materials or information produced, or to be produced, during discovery shall file a motion that complies with the Procedure for Protective Orders, available on the Court's website. A non-redlined proposed order shall be submitted with the motion, in compliance with the Procedure for Submitting Proposed Documents to the Court, also available on the Court's website.

LCvR30 – Depositions by Oral Examination

LCvR30-1 Depositions.

(a) Notice. Subject to an order of the Court entered for cause shown enlarging or shortening the time:

(1) a subpoena to compel a witness to attend a deposition as contemplated by Fed. R. Civ. P. 30(a)(1), shall be served on the witness at least seven days before the date of the deposition; and

(2) reasonable notice to parties as contemplated by Fed. R. Civ. P. 30(b)(1) for the taking of depositions shall be seven days.

(b) Length of Depositions. No deposition shall extend beyond seven hours in length, beyond 5:00 p.m., or be taken on a weekend or holiday without an agreement in writing signed by all interested attorneys or acknowledged on the record by all interested attorneys or an order of the Court. Extensions of this time limitation shall be freely given in the event of obstructive or uncooperative conduct on the part of the witness or opposing counsel, or otherwise in the interests of justice.

(c) Procedure for Designation of Deposition Testimony for Use at Trial. Deposition designations and counterdesignations should be exchanged between counsel and filed of record. No objection to any designation or counterdesignation shall be considered by the Court until a good faith effort to resolve the objections by means of a personal meeting between counsel has been conducted. After this meeting, objections to designations, if any, shall be filed as separate pleadings as to each deponent without attachments of any deposition transcripts. Deposition transcripts highlighted in different colors with designations and counterdesignations and annotated with objections in the margins should be submitted to the Court in compliance with the Procedure for Submitting Deposition Transcripts (Highlighted and Annotated) to the Court, available on the Court's website. A high degree of cooperation between counsel is expected to minimize the number of objections.

(d) Certified Copies Substituted. Upon a showing that an original deposition is unavailable, a certified copy may be substituted.

(e) Objections During Depositions. Counsel shall attempt to resolve any disputes concerning objections made during the deposition before presenting unresolved issues to the Court.

LCvR33 – Interrogatories to Parties

LCvR33-1 Interrogatories.

Interrogatories inquiring as to the existence, location and custodian of documents or physical evidence shall each be construed as one interrogatory. All other interrogatories, including subparts of one numbered interrogatory, shall be construed as separate interrogatories.

LCvR36 – Requests for Admission

LCvR36-1 Admissions.

Without leave of Court or written stipulation of the parties, each party is limited to twenty-five requests for admission.

LCvR37 – Failure to Make Disclosures or to Cooperate in Discovery; Sanctions

LCvR37-1 Informal Conference to Settle Discovery Disputes.

This Court will not hear any motions or objections relating to discovery under Fed. R. Civ. P. 26 through 37 or 45, unless counsel for movant first advises the Court in writing that counsel for all parties to the dispute have personally met and conferred in good faith and, after a sincere attempt to resolve differences, have been unable to reach an accord. No personal conference is required when the movant's counsel represents to the Court in writing that movant's counsel has conferred with opposing counsel by telephone and (1) the motion or objection arises from failure to timely make a discovery response, or (2) the distance between counsels' offices, which the motion must state with particularity, renders a personal conference infeasible. The Court may excuse the requirements of LCvR37-1 for good cause or when the administration of justice requires.

LCvR37-2 Discovery Enforcement.

(a) Disposition of Discovery Matters by Magistrate Judge. Unless otherwise directed by a district judge, all discovery matters shall be resolved by order of the assigned magistrate judge. Magistrate judge's orders shall remain in full force and effect as an order of the Court unless reversed or modified by a district judge.

(b) Expedited Hearings. A magistrate judge may expedite discovery matters by means of remote conferences or emergency hearings. Under exigent circumstances, verbal or telephonic requests for an expedited hearing may be made through the Clerk's office or directly to a magistrate judge's office. Ex parte communication with the discovery magistrate judge will not be permitted.

(c) Routine Matters. Discovery matters that are not time sensitive or of an emergency nature shall be handled in due course by consideration of appropriate written motions.

(d) Requests and Responses Must Be Submitted. The opening brief in support of a discovery motion filed under Fed. R. Civ. P. 26 through 37 shall either (1) include a verbatim recitation or (2) attach an exact copy of each interrogatory, request, answer, response and objection that is the subject of the motion.

(e) Expedited Briefing Required. Notwithstanding the time periods set forth in LCvR7-1(e) and (f), a response to a discovery motion filed under Fed. R. Civ P. 26 through 37 or 45 shall be filed within fourteen days from the date the motion was filed. A reply brief regarding a discovery motion may be filed within seven days from the due date of the response.

(f) Compliance with Discovery Orders Pending Appeal. A party's duty to comply with a discovery order is not stayed by filing an appeal from or objection to the order, unless such a stay is specifically ordered by the magistrate judge or district judge.

LCvR38 – Right to a Jury Trial; Demand

LCvR38-1 Jury Demand.

If a party demands a jury trial by endorsing it on a pleading, as permitted by Fed. R. Civ. P. 38(b), a notation shall be placed on the front page of the pleading, immediately following the title of the pleading, stating "Jury Trial Demanded." This notation will serve as a sufficient demand under Fed. R. Civ P. 38(b). See LCvR81-1 relative to removed cases.

LCvR40 – Scheduling Cases for Trial

LCvR40-1 Assignment and Distribution of Cases.

Criminal and civil cases shall be assigned to judicial officers, both for initial assignment and for assignment following recusal, according to a system determined by the Court and set forth via general order.

LCvR40-2 Assignment of Cases for Trial.

The placing of actions upon the trial calendar will be set in the Scheduling Order or upon motion by the parties.

LCvR41 – Dismissal of Actions

LCvR41-1 Administrative Closure.

A judge may close a civil action administratively, subject to reopening for good cause.

LCvR42 – Consolidation; Separate Trials

LCvR42-1 Consolidation.

(a) Motion to Consolidate. Any party may file a motion to consolidate two or more cases before a single judge if the party believes that such cases or matters: (1) arise from substantially the same transaction or event; (2) involve substantially the same parties or property; (3) involve the same patent, trademark, or copyright; (4) call for determination of substantially the same questions of law; or (5) for any other reason that would entail substantial duplication of labor or unnecessary court costs or delay if heard by different judges. A motion to consolidate shall be filed in the lowest numbered case included in the proposed consolidation, shall include a list identifying all cases pending that are related to the case, and shall be decided by the district judge to whom the lowest numbered case is assigned.

(b) Notice of Filing. A notice of filing of a motion to consolidate shall be filed by the movant as a party or, with the assistance of the Clerk of Court, as an interested party in all other cases proposed for consolidation.

(c) Assignment. Consolidated cases shall be reassigned to the judicial officer to whom the lowest numbered consolidated case was assigned.

LCvR43 – Taking Testimony

LCvR43-1 List of Witnesses and Exhibits in Civil Cases.

At the commencement of the trial of a civil case or any civil proceeding in which witnesses and exhibits are utilized, the attorneys shall submit to the Court: 1) a typewritten Witness List for Trial/Hearing (Form CV-15a) listing the witnesses they expect to call as a witness in chief, and 2) a typewritten Exhibit List for Trial/Hearing (Form CV-16a) listing the exhibits they intend to introduce, available on the Court's website, in compliance with the Procedure for Submitting Witness and Exhibit Lists to the Court, also available on the Court's website.

LCvR43-2 Use of Exhibits at Trial.

(a) Marking and Disclosure. All exhibits and documents which are to be introduced in evidence are to be marked for identification, which shall include the case number, and exhibited to opposing counsel at least seven days before submission of the Pretrial Order.

(b) Withdrawal. Unless otherwise ordered by the Court, all exhibits introduced in evidence in the trial of the case shall be withdrawn at the close of trial and remain in the custody of the party introducing the evidence. The Court may order the party introducing exhibits which are bulky, heavy, firearms, or controlled substances to retain custody of such exhibits during the trial. Any such order shall provide for preservation of the exhibit as justice may require.

(c) Photographs for Appeal. Exhibits, diagrams, charts, and drawings may, under the supervision of the Court, be photographed for use on appeal or otherwise.

LCvR45 – Subpoena

LCvR45-1 Issuance of Subpoenas and Writs of Habeas Corpus Ad Testificandum.

(a) Issuance of Subpoenas. Any party, whether pro se or represented by counsel, who is proceeding in forma pauperis must file a written motion requesting issuance of any subpoena. The motion shall be filed not less than twenty-one days before the date set for trial or hearing and shall include the following information.

(1) If for a hearing or deposition, the motion must set forth the name and address of each witness for whom a subpoena is sought, along with a brief summary of the substance of the witness' anticipated testimony.

(2) If for the production of documents, electronically stored information or tangible things, or to permit the inspection of premises, the motion must set forth a detailed description of the request.

(3) In its discretion, the Court may impose this requirement on pro se parties not proceeding in forma pauperis.

(b) Writs of Habeas Corpus Ad Testificandum. In any petition for a writ of habeas corpus ad testificandum for a non-party witness, all pro se parties must include the name, inmate number, if any, and address of the witness, along with a brief summary of the substance of the witness' anticipated testimony.

LCvR47 – Selecting Jurors

LCvR47-1 Random Selection of Grand and Petit Jurors.

This Court's Jury Plan pursuant to the Jury Selection and Service Act of 1968 (Public Law 90-274) ("the Act") is available on the Court's website.

LCvR54 – Judgment; Costs

LCvR54-1 Costs.

(a) A prevailing party who seeks to recover costs against an unsuccessful party shall file a Bill of Costs (Form AO-133), available on the Court's website, and support the same with a brief. The bill of costs and brief shall be filed and served not more than fourteen days after entry of judgment. The bill of costs and brief shall be separate documents from the motion for attorney fees and its brief.

(b) The bill of costs shall have endorsed thereon proof of service upon the opposite party. The prevailing party shall provide either receipts or documents (or, if unavailable, an affidavit) in support of the requested itemized costs. Objections to the allowance of costs must be filed within twenty-one days from the date the bill of costs was filed.

(c) As soon as practicable after the period for filing objections has elapsed, the Clerk of Court will consider the bill of costs. A hearing on the bill of costs and any objections may be scheduled at the discretion of the Clerk of Court. After consideration of the bill of costs and any objections, the Clerk of Court will make disposition and ruling on the bill of costs, allowing or disallowing the items in whole or part.

(d) If a bill of costs is properly and timely filed and no written objection thereto is filed within the time herein specified, the claimed costs may be allowed in full.

LCvR54-2 Civil Attorney Fees.

(a) A prevailing party who seeks to recover attorney fees against the unsuccessful party shall file a motion for attorney fees and support the same with a brief and affidavit.

(b) The brief shall recite the statutory, contractual, and/or legal authority for the request and, in an affidavit, the amount of time spent on the case, the hourly fee claimed by the attorney, the hourly fee usually charged by the attorney if this differs from the amount claimed in the case, and any other pertinent factors.

(c) Social Security Cases. Plaintiff's Motion for Attorney Fees filed in social security cases pursuant to 42 U.S.C. § 406(b) shall include the Certification of Notice to Plaintiff and Notice to Plaintiff (Form CV-25), available on the Court's website.

LCvR55 – Default; Default Judgment

LCvR55-1 Procedure for Obtaining Default Judgment.

(a) Entry of Default by Clerk of Court. To obtain an entry of default pursuant to Fed. R. Civ. P. 55(a), the party must file a "Motion for Entry of Default by the Clerk." The motion shall recite the facts that establish service of process, be accompanied by affirmations concerning non-military service, and state that the individual is neither an infant nor an incompetent person. Once a proper motion has been filed, the Clerk of Court will prepare and enter default, after independently determining that service has been effected, that the time for response has expired, and that no answer or appearance has been filed.

(b) Entry of Default Judgment. In its discretion, the Court may set a hearing on the motion with respect to which notice shall be provided by the party moving for default judgment in accordance with the requirements of Fed. R. Civ. P. 55(b).

LCvR56 – Summary Judgment

LCvR56-1 Summary Judgment Procedure.

(a) Number of Motions. Absent leave of Court, each party may file only one motion under Fed. R. Civ. P. 56.

(b) Brief in Support. The brief in support of a motion for summary judgment (or partial summary judgment) shall begin with a section stating the material facts to which the moving party contends no genuine issue of fact exists. The facts shall be set forth in concise, numbered paragraphs.

(c) Response Brief. The response brief in opposition to a motion for summary judgment (or partial summary judgment) shall begin with a section responding, by correspondingly numbered paragraph, to the facts that the movant contends are not in dispute and shall state any fact that is disputed. All material facts set forth in the statement of the material facts of the movant shall be deemed admitted for the purpose of summary judgment unless specifically controverted by the statement of material facts of the opposing party, using the procedures set forth in this rule. Separately, the brief in opposition may, in concise, numbered paragraphs, state any additional facts the nonmovant contends preclude judgment as a matter of law.

(d) Reply Brief. In a reply brief, the moving party must respond to the nonmovant's statement of additional material facts in the manner prescribed in this rule.

(e) Each individual statement by the movant or nonmovant pursuant to subparagraphs (b), (c), or (d) of this rule shall be followed by citation, with particularity, to any evidentiary material that the party presents in support of its position pursuant to Fed. R. Civ. P. 56(c). This citation shall include reference to the pages (including paragraphs or lines, where applicable) of the evidentiary materials that are pertinent to the motion.

LCvR58 – Entering Judgment

LCvR58-1 Entry of Judgment.

The Clerk of Court shall not prepare, sign, and enter a judgment unless ordered by the Court.

LCvR62 – Stay of Proceedings to Enforce a Judgment

LCvR62-1 Supersedeas Bonds and Other Security.

(a) Scope of Rule. Whenever a security, bond, or undertaking is required by federal statute, the Federal Rules of Civil Procedure, or by an order of the Court, and the form or amount thereof is not otherwise specified in or determined by the statute, rule, or order, the amount and form thereof shall be as provided by this local rule.

(b) Security for Costs. On its own motion or upon motion of a party in interest, the Court may, at any time, order any party to give security, bond, or undertaking in such amount as the Court may order for the payment of costs or for performance of other conditions or requirements imposed in an action or proceeding.

(c) Corporate Surety. No security, bond, or undertaking with corporate surety shall be accepted or approved unless: (1) the corporate surety is in compliance with the provisions of 31 U.S.C. §§ 9301-09, and (2) there is on file with the Clerk of Court a duly authenticated power of attorney appointing the agents or officers executing such obligation to act on behalf of the corporate surety. If an agent or officer so appointed is removed, resigns, dies, or becomes disabled, the corporate surety shall notify the Court, in writing, by filing a Revocation of Power of Attorney.

(d) Cash. In lieu of corporate surety, a party may deposit with the Clerk of Court the required amount in lawful money. Upon exoneration of the deposit, it may be returned by the Clerk of Court to the true owner, after application to claims of the United States in the proceedings and to proper fees of the United States Marshal and Clerk of Court.

(e) Submission to Jurisdiction - Agent for Service of Process. Notwithstanding any provision of a security instrument to the contrary, every surety or depositor of security is subjected to the jurisdiction of this Court. The Clerk of Court is irrevocably appointed agent upon whom any papers affecting the surety's or depositor's liability may be served, and consents that liability shall be joint and several, that judgment may be entered in accordance with the obligation simultaneously with judgment against the principal, and that execution may thereupon issue against the appropriate property.

(f) Further Security for Jurisdiction of Personal Sureties. Upon reasonable notice to the party presenting the security, any other party for whose benefit it is presented may apply to the Court, at any time, for further or different security or for an order requiring the personal sureties to justify.

(g) Court Officers Not Allowed as Sureties. Unless a party to the action, no clerk, marshal, member of the bar, or other officer of this Court will be accepted as surety, either directly or indirectly, on any bond or undertaking in any action or proceeding in this Court.

(h) Real Estate. This Court will not accept real estate as security.

LCvR65 – Injunctions and Restraining Orders

LCvR65-1 Restraining Orders and Preliminary Injunctions.

(a) Motion. A request for temporary restraining order or preliminary injunction shall be requested by motion filed separately from the complaint.

(b) Proposed Order. A proposed order shall be submitted in compliance with the Procedure for Submitting Proposed Documents to the Court, available on the Court's website.

(c) Temporary Restraining Order Information Sheet. A completed TRO Information Sheet (Form CV-14), available on the Court's website, should be submitted with the proposed order.

LCvR67 – Deposit into Court

LCvR67-1 Deposit and Withdrawal of Funds in Court.

In any case in which the deposit of funds is governed by Fed. R. Civ. P. 67, the depositor must, before presenting to the Clerk of Court funds for deposit, obtain from the Court an order directing the Clerk of Court to invest the funds in an interest-bearing account or instrument. The Clerk of Court shall deposit all such funds into the Court Registry Investment System (CRIS) as administered by the Administrative Office of the United States Courts (AOUSC) pursuant to 28 U.S.C. § 2045.

All court orders for the deposit of registry funds shall contain the following provision:

> *IT IS ORDERED that counsel presenting this order serve a copy thereof on the Clerk of Court or the Chief Deputy Clerk personally. Absent this service the Clerk of Court is hereby relieved of any personal liability relative to compliance with this order.*

LCvR67-2 Disbursement of Registry Funds.

(a) All checks drawn by the Clerk of Court on deposits made in the registry of the Court shall be made payable to the order of the payee or payees as the name or names thereof shall appear in the orders of this Court providing for distribution.

(b) Disbursements from the registry of the Court shall be made as soon as practicable upon receipt of order for disbursement except in cases where an order is appealable and must be held until the time for appeal has expired. Proposed orders for disbursement shall be prepared for signature of the appropriate judge and submitted to the Court in compliance with the Procedure for Submitting Proposed Documents to the Court, available on the Court's website. The proposed order for disbursement shall include the full name, any tax identification number other than social security number, and mailing address of the payee, with directions for the Clerk of Court to disburse the principal amount, plus interest, less the applicable registry fee. Where more than one party is to receive proceeds, the order will designate the apportionment applicable to each party.

LCvR72 – Magistrate Judges: Pretrial Order

LCvR72-1 Magistrate Judges-Automatic Referrals.

(a) Unless ordered otherwise by the presiding judge in a specific case, when the presiding judge is a district judge, the Clerk of Court shall automatically refer the following matters to the assigned magistrate judge, as indicated:

(1) All discovery matters in civil cases (other than prisoner cases); and

(2) All social security appeals and bankruptcy appeals, for all proceedings consistent with the jurisdiction provided by 28 U.S.C. § 636.

(b) Unless ordered otherwise by the presiding judge in a specific case, the Clerk of Court shall automatically refer the following matters to the duty magistrate judge, as indicated:

(1) All motions to confirm sale shall be referred to the magistrate judge assigned those duties for that specific year.

(2) All garnishment, asset and writ of execution issues shall be referred to the magistrate judge assigned those duties for that specific year.

(3) All motions for settlement conference shall be referred to the magistrate judge assigned to oversee the settlement program.

LCvR73 – Magistrate Judges: Trial by Consent; Appeal

LCvR73-1 Magistrate Judges - Consent Authority.

(a) Consent Authority. With the consent of the parties, each full-time magistrate judge appointed by this Court is specifically designated to exercise the authority and jurisdiction provided by 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, to conduct any or all proceedings in a jury or non-jury civil matter and to order the entry of judgment in the case.

(b) Consenting to Magistrate Judge Jurisdiction. When a civil case, including a Social Security Case, is assigned to a district judge as the presiding officer, the parties may voluntarily consent to have the case referred to the magistrate judge assigned as the referral judge—either for trial or for consideration of a dispositive motion—at any time during the pendency of the case. If the parties wish to consent to magistrate judge jurisdiction they shall jointly execute either the Consent to a Magistrate Judge for Trial Form (Form AO-85) or the Consent to Magistrate Judge for Dispositive Motion Form (Form AO-85a), available on the Court's website, and shall submit the applicable form in compliance with the Procedure for Submitting Proposed Documents to the Court, available on the Court's website. If one of the parties who wishes to consent is a pro se prisoner, the parties may submit separately executed consent forms. The parties' consent will be effective, and the case will be reassigned to the magistrate judge, when the district judge signs the referral order.

(c) Declining Magistrate Judge Jurisdiction. When a civil case, including a Social Security Case, is directly assigned to a magistrate judge as the presiding officer at case opening, the Clerk of Court shall issue a Notice of Assignment of Case to a United States Magistrate Judge and Declination of Consent Form (Form CV-31). Any party who wishes to decline consent to proceed before the assigned magistrate judge shall comply with the instructions on the form and the Procedure for Declining Magistrate Judge Jurisdiction, available on the Court's website. All parties are free to decline magistrate judge jurisdiction without adverse substantive consequences. The identity of any party declining magistrate judge jurisdiction will not be communicated to any judge. If any party declines magistrate judge jurisdiction, the case will be randomly assigned to a district judge and the previously assigned magistrate judge will be directly assigned to the case as the referral judge.

LCvR78 – Hearing Motions; Submission on Briefs

LCvR78-1 Oral Arguments.

Oral arguments or hearings on motions or objections will not be conducted unless ordered by the Court.

LCvR81 – Applicability of the Rules in General; Removed Actions

LCvR81-1 Removed Actions - Demand for Jury Trial.

Unless a written jury demand has been filed of record in state court, trial by jury is waived in any case removed from a state court unless a demand for jury trial is filed and served within the time period provided under Fed. R. Civ. P. 38 and 81.

LCvR81-2 Removed Actions - Documents to be Filed.

(a) A defendant or defendants who remove a civil case from the state court to this Court shall, in addition to filing a notice of removal, file a clearly legible copy of all documents filed or served in the case, along with a copy of the docket sheet of the case.

(b) If any motion remains pending in state court at the time of removal, and if the movant wishes the District Court to rule on the motion, the party that initially filed the motion must refile the motion in the District Court case, and attach any responses and replies.

LCvR81-3 Removed Actions - Bankruptcy.

A notice of removal from state court filed pursuant to Fed. R. Bankr. P. 9027 shall be filed with the bankruptcy clerk. Such removed actions are automatically referred to the Bankruptcy Court pursuant to LCvR84-1(a)(4).

LCvR84 – Bankruptcy Rules

LCvR84-1 Bankruptcy Cases.

(a) Matters Referred to the Bankruptcy Judges.

(1) Pursuant to 28 U.S.C. § 157(a), all cases under Title 11 of the United States Code and any and all proceedings arising under Title 11 or arising in or related to a case under Title 11 shall be and hereby are referred to the bankruptcy judges for this district.

(2) The bankruptcy judges shall hear and determine all cases under Title 11 and all core proceedings arising under Title 11 or arising in a case under Title 11, and may enter appropriate orders and judgments, subject to review under 28 U.S.C. § 158; provided, however, that personal injury tort and wrongful death claims shall be tried in the district court in accordance with 28 U.S.C. § 157(b)(5).

(3) The bankruptcy judges may hear a proceeding that is not a core proceeding but that is related to a case under Title 11. Resolution of such matters shall be governed by 28 U.S.C. § 157(c).

(4) All removed claims and causes of action removed from state court pursuant to Fed. R. Bankr. P. 9027 are hereby referred to the bankruptcy judge assigned to the case to which the removed action relates. The bankruptcy judge shall hear and determine all such removed proceedings subject to review and appeal as allowed under 28 U.S.C. §§ 157 and 158 and the Federal Rules of Bankruptcy Procedure.

(5) The bankruptcy judges shall hear and enter appropriate orders on all motions related to appeals prior to the entry of the appeal on the docket of the district court or bankruptcy appellate panel. Orders entered during this period are subject to review or appeal as allowed under 28 U.S.C. §§ 157 and 158.

(b) Motions for Withdrawal of Reference.

(1) Motions for withdrawal of the reference of a case, proceeding, or contested matter (collectively, a "proceeding") shall be timely filed with the bankruptcy clerk, shall be accompanied by the required filing fee, and shall be governed by Fed. R. Bankr. P. 5011 and 9014. In the motion, the movant shall allege whether the proceeding is a core proceeding under 28 U.S.C. § 157(b) or a proceeding that is otherwise related to a case under Title 11.

(2) Motions for withdrawal of a bankruptcy case shall be filed and served within fourteen days after the first meeting of creditors is held in the case. Motions for withdrawal of an adversary proceeding or a contested matter shall be filed and served at the same time the party filing such motion files its first pleading responding to claims asserted in the adversary proceeding or contested matter.

(3) Responses to motions for withdrawal shall be filed with the bankruptcy clerk within fourteen days from service of the motion. Replies may be filed only with leave of the bankruptcy court.

(4) Within a time period reasonable under the circumstances of the matter, the bankruptcy judge shall enter an order pursuant to 28 U.S.C. § 157(b)(3), determining whether the proceeding is a core proceeding or a proceeding that is otherwise related to a case under Title 11 and forward the order to the district court together with a copy of the record of the proceeding for which withdrawal is sought.

(c) Appeals. All appeals from final judgments, orders and decrees of bankruptcy judges and, with appropriate leave, from interlocutory orders and decrees of bankruptcy judges shall be taken in the manner prescribed by 28 U.S.C. § 158 and Part VIII of the Federal Rules of Bankruptcy Procedure, as supplemented by the Local Rules of the United States Bankruptcy Court for the Northern District of Oklahoma.

(d) Transmittal of Records or File by the Bankruptcy Court. The bankruptcy clerk shall transmit the record or file of a case, proceeding or contested matter (collectively, a "proceeding") to the Clerk of Court as follows:

(1) a copy of the record, after the expiration of time for filing objections to the bankruptcy court's proposed findings of fact and conclusions of law in non-core "related-to" proceedings pursuant to Fed. R. Bankr. P. 9033(b);

(2) a copy of the record of the proceeding for which a withdrawal of reference is sought upon the entry of the order required by LCvR84-1(b)(4);

(3) the file, upon the receipt of an order by a district judge pursuant to 28 U.S.C. § 157(d) withdrawing the reference;

(4) the file, upon the filing of a recommendation by a bankruptcy judge that a proceeding is one in which a personal injury tort or wrongful death claim shall be tried in the district court pursuant to 28 U.S.C. § 157(b)(5); and

(5) the record, when it is complete for purposes of appeal pursuant to Fed. R. Bankr. P. 8010.

(e) Assignment of District Judges. The Clerk of Court shall assign a district judge to the transmitted matter or proceeding in accordance with random assignment procedure used in assigning civil cases unless a prior assignment of a related matter requires assignment of the newly transmitted matter or proceeding to a particular district judge.

(f) Jury Trials.

(1) In accordance with 28 U.S.C. § 157(e), if the right to a jury trial applies in a proceeding that may be heard by a bankruptcy judge, each of the bankruptcy judges for this district is hereby specially designated to exercise such jurisdiction and to conduct such jury trials.

(2) In conducting jury trials, the bankruptcy court shall adhere to the provisions of the Jury Act.

(3) This Court's Jury Plan, available on the Court's website, shall govern jury selection in the bankruptcy court.

(4) Upon request, the Clerk of Court shall supply a sufficient number of jurors to the bankruptcy court for its scheduled jury trials. Jurors may continue to be utilized by the district court if not selected or when not serving in the bankruptcy court.

(5) The bankruptcy clerk shall cooperate with the Clerk of Court in the implementation of efficient and economical juror utilization techniques.

(6) In conducting jury trials, the bankruptcy court shall comply with these local rules as applicable to civil jury trials. The bankruptcy court may waive such rules for good cause in any civil jury case, upon due notice, to accommodate expedited scheduling and trial consistent with due process.

CRIMINAL RULES

LCrR1 – Scope; Definitions

LCrR1-1 United States Magistrate Judges.

(a) General Authorization. Each magistrate judge of this district is specifically designated to perform any duty allowed by law to be performed by a magistrate judge.

(b) Authorization. Each magistrate judge of this district may try persons accused of misdemeanor offenses and sentence persons convicted of misdemeanor offenses.

LCrR5 – Initial Appearance

LCrR5-1 Time and Place of Initial Appearance.

Initial appearances will be regularly held before a magistrate judge at 2:00 p.m. any day the Court is open for business.

LCrR5-2 Initial Interview of Defendant by United States Probation Officers.

(a) Opportunity to Consult with Counsel. A defendant shall be given an opportunity to consult with counsel before his or her initial interview with the probation officer. The probation officer shall:

(1) advise the defendant of his or her rights, and

(2) advise the defendant that his or her counsel may be present during the initial interview.

(b) Notification of Counsel. It is the responsibility of the probation officer to notify either the defendant's retained counsel or the Federal Public Defender of a scheduled initial appearance before the initial interview.

LCrR5-3 Preparation of the Financial Affidavit.

If the defendant is requesting that counsel be appointed, it is the responsibility of defendant's counsel to prepare a Financial Affidavit (Form CJA-23), available on the Court's website, before commencement of the initial appearance docket.

LCrR5-4 Appearance on a Summons.

If a summons is issued to a defendant, the defendant shall report in person to the probation office at 9:00 a.m. on the day of the scheduled initial appearance for an interview. Following the interview, the defendant will be directed to the United States Marshals Service for processing and then released with instructions to reappear for the scheduled initial appearance.

LCrR5-5 Unsealing Case.

Upon the initial appearance of any defendant in a sealed case, the case shall be unsealed unless the Court orders the case or certain documents to remain sealed pursuant to a motion by a party.

LCrR6 – The Grand Jury

LCrR6-1 Release of Grand Jury Material to United States Probation Office.

The attorney for the government may, upon the request of the probation office, disclose to the probation office grand jury matter concerning a defendant for whom the Court has ordered the probation office to prepare a presentence investigation report. The probation office shall not use grand jury matter for any purpose other than preparation of a presentence report. The probation office shall not disclose grand jury matter except to the defendant's attorney in connection with the presentence investigation and in the presentence report. The attorney for the defendant shall not disclose grand jury matter except to the defendant and in connection with the sentencing proceeding.

LCrR7 – The Indictment and the Information

LCrR7-1 Complaints, Informations, and Indictments.

The attorney for the government shall comply with the Procedure for Criminal Charging Documents, available on the Court's website.

LCrR7-2 Related Case Notices.

(a) Notification of Related Cases. Upon filing a complaint, information, or indictment related to or arising out of the same transaction or investigation as a previous civil or criminal case, the government shall file a notice of related cases, in both the previous and new cases, describing the relationship between the cases and setting forth the style and case numbers of the related cases.

(b) Assignment of Related Cases. Upon the filing of the notice, the judges will determine whether the pending cases should be transferred to conserve judicial time and efficiency.

LCrR10 – Arraignment

LCrR10-1 Waiver of Appearance.

A defendant desiring to waive his or her appearance for arraignment under Fed. R. Crim. P. 10(b) shall file a Waiver of Appearance at Arraignment (Form CR-15), available on the Court's website, at least three business days before the scheduled arraignment.

LCrR11 – Pleas

LCrR11-1 Plea Agreements.

(a) Counsel for the government shall provide the plea agreement, and any associated criminal charging Information, to the Court, in compliance with the Procedure for Submitting Criminal Plea-Related Documents to the Court, available on the Court's website, and to counsel for the defendant at least three business days before the change-of-plea hearing.

(b) Absent good cause, if the plea agreement contemplates a superseding criminal Information, that Information must be filed, and counsel for the government must provide a copy of the superseding criminal Information to the Court, in compliance with the Procedure for Submitting Criminal Plea-Related Documents to the Court, available on the Court's website, at least three business days before the change-of-plea hearing.

LCrR11-2 Notification of a Change of Plea.

The parties must notify the Court of a change of plea sufficiently in advance of trial to avoid assembling a jury panel unnecessarily.

LCrR11-3 Petition to Enter a Plea of Guilty.

Counsel for the defendant shall complete a Petition to Enter Plea of Guilty (Form CR-05), available on the Court's website. The completed but unsigned petition shall be provided to the Court, in compliance with the Procedure for Submitting Criminal Plea-Related Documents to the Court, available on the Court's website, and to counsel for the government at least three business days before the change-of-plea hearing.

LCrR11-4 Deferring Acceptance or Rejection of Plea Agreements.

The Court may defer a decision whether to accept the plea agreement until the Court has reviewed the presentence report, even where the Court has accepted the guilty plea. For a plea agreement pursuant to Fed. R. Crim. P 11(c)(1)(C), the Court may accept or reject the agreement, or defer the decision, but if the Court accepts the agreement, the presentence report shall be prepared consistent with the stipulations and the agreed range or sentence contained in the Rule 11(c)(1)(C) plea agreement.

LCrR11-5 Plea Supplements.

Every plea agreement shall be accompanied by a sealed document titled "Plea Supplement," the contents of which shall be limited to describing any agreement for cooperation. The plea supplement will be electronically filed under seal and shall be filed in all cases regardless of whether a cooperation agreement exists.

LCrR12.2 – Notice of an Insanity Defense; Mental Examination

LCrR12.2-1 Competency.

In any criminal proceeding in which a question of competency arises, and in which a competency examination and determination is being requested pursuant to Fed. R. Crim. P. 12.2(c)(1)(A), the attorney shall file a "Motion for Determination of Competency." The motion shall remain pending for docketing purposes until the issue of mental competency is finally adjudicated, including during any periods of attempted restoration to competency.

LCrR12.2-2 Insanity or Other Mental Condition.

In any criminal proceeding in which a mental examination is being requested pursuant to Fed. R. Crim. P. 12.2(c)(1)(B), the attorney shall file an appropriate motion. The motion shall remain pending for docketing purposes until the report is filed of record in the case.

LCrR12.4 –Disclosure Statement

LCrR12.4-1 Disclosure Statement.

(a) Who Must File; Contents.

(1) Nongovernmental Entities. Unless the Court orders otherwise, any nongovernmental corporation or other nongovernmental entity that is a party shall file a Disclosure Statement (Form CR-26), available on the Court's website: (A) making the disclosures listed in Fed. R. Crim. P. 12.4(a)(1) and (B) identifying the names of any other persons, corporations, or noncorporate entities that either are related to the party as a parent, subsidiary, or otherwise, or have a direct financial interest in the outcome of the litigation.

(2) Organizational Victims. Unless the government shows good cause, it must file an Organizational Victim Disclosure Statement (Form CR-27), available on the Court's website: (A) identifying any organizational victim of the alleged criminal activity and (B) if an organizational victim of the alleged criminal activity is a nongovernmental corporation or other nongovernmental entity, either: (i) making the disclosures listed in Fed. R. Crim. P. 12.4(a)(1) and LCrR12.4-1(a)(1), or (ii) indicating that the government, having exercised due diligence, cannot obtain that information from the nongovernmental entity.

(b) Time to File; Supplemental Filing. In all cases, the provisions of Fed. R. Crim. P. 12.4(b) shall govern the time for filing and supplementing the statements required by this local rule.

(c) Procedure for Filing. Counsel for any nongovernmental corporation or other nongovernmental entity that is a party or counsel for the government shall complete the applicable statement in compliance with the instructions on the form and shall either: (1) file the statement electronically and enter into CM/ECF the information disclosed on the statement, in compliance with applicable CM/ECF Filing Instructions, available on the Court's website; or (2) in sealed cases, file the statement in paper format, in compliance with the Procedure for Submitting Documents to the Court for Filing in Sealed Cases, available on the Court's website.

LCrR16 – Discovery and Inspection

LCrR16-1 Disclosure of Evidence.

The Court expects the parties will complete discovery in compliance with Fed. R. Crim. P. 16. At the initial appearance in every criminal case, the government shall announce the status of its discovery production. The parties need not file discovery motions unless disputes arise. The Court shall not hear any such motions unless counsel for the movant certifies in writing to the Court that the attorneys for the parties have conferred in good faith and have been unable to resolve the dispute.

LCrR16-2 Expert-Witness Disclosures.

Unless otherwise ordered by the Court, expert-witness disclosures that must be made under Fed. R. Crim. P. 16(a)(1)(G) or (b)(1)(C) shall be made at least fifteen days before the pretrial conference. The party requesting expert-witness disclosures shall make timely requests for expert-witness disclosures to facilitate the opposing party's compliance with the applicable disclosure deadline. Disclosures in response to requests made fewer than twenty-one days before the pretrial conference shall be made within six days of the request.

LCrR17 – Subpoena

LCrR17-1 Subpoena to Testify at a Hearing or Trial in a Criminal Case (Form AO-89).

(a) No Motion Required. A witness subpoena returnable at the time of trial or other hearing may generally be issued by the Clerk of Court, in accordance with Fed. R. Crim. P. 17(a), except as provided in LCrR17-1(b)-(d).

(b) Motion Required – Unable to Pay. If a defendant is unable to pay witness fees, the defendant must file a sealed ex parte motion, in accordance with Fed. R. Crim. P. 17(b). A motion under this section shall be entitled:

(1) "Sealed Ex Parte Motion for Witness Subpoena."

(c) Motion Required - Victim Records. If the subpoena requests the witness to bring personal or confidential records about a victim, a party must file a motion stating that victim notice has been provided; requesting authority to provide victim notice; or setting forth exceptional circumstances that justify foregoing victim notification, in accordance with Fed. R. Crim. P. 17(c)(3). If a defendant is unable to pay witness fees, the motion may also request fees. A motion under this section shall be entitled:

(1) "Motion for Witness Subpoena – Victim Records"; or

(2) "Sealed Ex Parte Motion for Witness Subpoena – Victim Records."

(d) Attachments to the Motion. The movant must attach to the motion:

(1) The proposed subpoena; and

(2) A proposed order. The proposed order shall also be submitted to the Court in compliance with the Procedure for Submitting Proposed Documents to the Court, available on the Court's website.

(e) Referral. Unless otherwise ordered by the presiding judge, the Clerk of Court shall refer all motions under LCrR17-1 to the magistrate judges.

(f) Additional Requirements. Motions under this rule are subject to the procedures, limitations, and requirements set forth in the Procedure for Criminal Subpoenas, available on the Court's website.

LCrR17-2 Subpoena to Produce Documents, Information, or Objects in a Criminal Case (Form AO-89B).

(a) Motion Required. A motion shall be filed by any party seeking the issuance of a subpoena that orders the production of books, papers, documents, data, or other objects at a date, time, or place other than the date, time, or place of the trial, hearing, or proceeding at which they will be offered in evidence, in accordance with Fed. R. Crim. P. 17(c). If a defendant is unable to pay witness fees, the motion may also request fees. A motion under this section shall be entitled:

(1) "Motion for Document Subpoena";

(2) "Sealed Ex Parte Motion for Document Subpoena";

(3) "Motion for Document Subpoena – Victim Records"; or

(4) "Sealed Ex Parte Motion for Document Subpoena – Victim Records."

(b) Attachments to the Motion. The movant must attach to the motion:

(1) The proposed subpoena; and

(2) A proposed order. The proposed order shall also be submitted to the Court in compliance with the Procedure for Submitting Proposed Documents to the Court, available on the Court's website.

(c) Referral. Unless otherwise ordered by the presiding judge, the Clerk of Court shall refer all motions under LCrR17-2 to the magistrate judges.

(d) Additional Requirements. Motions under this rule are subject to the procedures, limitations, and requirements set forth in the Procedure for Criminal Subpoenas, available on the Court's website.

LCrR17.1 – Pretrial Conference

LCrR17.1-1 Stipulations and Exhibits.

Before or during the pretrial conference, the parties should make stipulations as to the undisputed facts, the authenticity of documents, and the admissibility of exhibits, so long as the stipulations are consistent with the applicable Federal Rules of Criminal Procedure and do not violate or jeopardize the constitutional rights of the defendant. Each instrument, or each copy of such instrument (if the parties have agreed to a copy) that the parties anticipate will be offered into evidence should be marked with an exhibit number and case number before the trial.

LCrR23 – Jury or Nonjury Trial

LCrR23-1 Trial Rules.

Parties shall review the Court's website for any specific Courtroom Rules published by a judge of this Court.

LCrR23-2 Use of Exhibits at Trial.

(a) Exhibit List. At the beginning of trial, counsel shall provide copies of a typewritten Exhibit List for Trial/Hearing (Form CV-16a), available on the Court's website, listing the exhibits they plan to introduce, designated by trial exhibit numbers, in compliance with the Procedure for Submitting Witness and Exhibit Lists to the Court, also available on the Court's website, so long as providing the list is consistent with the applicable Federal Rules of Criminal Procedure and does not violate or jeopardize the constitutional rights of the defendant.

(b) Exhibits. Each exhibit anticipated to be offered into evidence should be marked with an exhibit number and case number before trial.

(c) Withdrawal. Unless otherwise ordered by the Court, all exhibits introduced in evidence in the trial of the case shall be withdrawn at the close of trial and remain in the custody of the party introducing the evidence. The Court may order the party introducing exhibits which are bulky, heavy, firearms, or controlled substances to retain custody of such exhibits during the trial. Any such order shall provide for preservation of the exhibit as justice may require.

(d) Photographs for Appeal. Exhibits, diagrams, charts, and drawings may, under the supervision of the Court, be photographed for use on appeal or otherwise.

LCrR23-3 Witness List.

At the beginning of the trial, counsel shall provide copies of a typewritten Witness List for Trial/Hearing (Form CV-15a), available on the Court's website, listing the witnesses they expect to call, including known rebuttal witnesses, in the order they are expected to be called, in compliance with the Procedure for Submitting Witness and Exhibit Lists to the Court, also available on the Court's website, so long as providing the list is consistent with the applicable Federal Rules of Criminal Procedure and does not violate or jeopardize the constitutional rights of the defendant.

LCrR23-4 Transcription of Video and Audio Recordings.

In any trial in which counsel presents as evidence a video or audio recording, counsel may waive reporting and transcription of the audio portion of the recording. Regardless of whether counsel waives reporting, counsel shall be required to clearly identify on the record with specificity which portion(s) of the recording have been played (e.g., by counter number or time sequence), and to provide any special equipment needed for playing the recording, if necessary.

LCrR32 – Sentencing and Judgment

LCrR32-1 Scheduling of Sentencing.

Sentencing proceedings shall be scheduled no earlier than ninety days following entry of a guilty plea or jury verdict, unless otherwise ordered by the Court upon consent of the parties.

LCrR32-2 Notice and Opportunity for Defendant's Attorney to Attend Presentence Interview.

The probation officer must give the defendant's attorney notice and a reasonable opportunity to attend the interview. If repeated attempts to schedule the interview fail or should defense counsel elect not to participate, the probation officer may interview the defendant without counsel present with defendant's documented consent.

LCrR32-3 Disclosure of Presentence Report to Counsel.

The probation officer shall disclose the presentence report to the defendant, counsel for the defendant, and the government by email or physical delivery, at least thirty-five days before the date set for sentencing.

LCrR32-4 Objection to Presentence Report.

Within fourteen days of receiving the report, the parties must communicate with the probation officer, by email, telephone, or letter, regarding any material correction or objection to the report. If the probation officer rejects the proposed revisions, the probation officer shall inform both parties of the officer's stance as soon as possible. The party must then file any objection of record at least fourteen days before the date set for sentencing. The filing shall include the basis for the proposed change(s) and, if applicable, authority in support of legal positions advanced. At least seven days before the date set for sentencing, the probation officer will submit a revised report and/or an addendum to the parties and the Court, responding to all filed objections.

LCrR32-5 Sentencing-Related Filings.

Motions for departure or variance must be filed at least fourteen days before sentencing, and must state the requested degree of relief and the reason for the requested relief. If a party requests both a departure and variance, it shall file a separate motion for each. Written responses must be filed at least seven days before the date set for sentencing and state all bases for any objections to the requested relief.

If a party elects to file a separate sentencing memorandum, that memorandum must be filed at least fourteen days before the date set for sentencing. If a party elects to respond to such a memorandum, that response must be filed at least seven days before the date set for sentencing. Motions for variance or departure must be filed separately; the Court will not consider requests for variance or departure contained within sentencing memoranda.

LCrR32-6 Party's Duty to Disclose Sentencing-Related Materials.

A party who submits any sentencing-related material to the United States Probation Office shall contemporaneously provide a copy of the material to opposing counsel.

LCrR32-7 Disclosure of Sentencing Recommendation.

The United States Probation Office shall disclose the sentencing recommendations to the Court at least seven days before the date set for sentencing. The recommendation shall not be disclosed to the parties.

LCrR32-8 Requesting Presentence Report Before Guilty Plea.

A motion for a presentence report before a defendant has entered a plea of guilty or nolo contendere will be granted only for exceptional circumstances and shall state all bases for the motion, state the position of the government, include a copy of any proposed plea agreement, and contain a waiver of the defendant's right to a speedy trial.

LCrR32-9 Correspondence.

All written correspondence to the Court for consideration in sentencing shall be directed to the United States Probation Office, which will provide copies to the Court, and to counsel unless the Court orders otherwise.

Any written correspondence sent directly to the Court pertaining to a defendant pending sentencing will be forwarded to the United States Probation Office and provided to counsel before sentencing, unless the Court orders otherwise.

Correspondence pertaining to a defendant's sentencing shall be treated in the same manner as the presentence report, and shall not be released to third parties unless the Court orders otherwise.

LCrR32-10 Confidentiality and Disclosure of Presentence Reports.

The presentence report contains confidential and personal information. The United States Probation Office is responsible for maintaining confidentiality of the report. For security purposes, presentence reports may not be disseminated to incarcerated defendants. The United States Probation Office may only disclose the presentence report to:

(1) the Court and counsel for the respective parties for use in the case and any appeal;

(2) the United States Sentencing Commission;

(3) the Federal Bureau of Prisons;

(4) the United States Court of Appeals; and

(5) other federal or state probation offices preparing a presentence report for the same person.

Any other disclosure is prohibited unless authorized by the Court.

LCrR32.1 – Revoking or Modifying Probation or Supervised Release

LCrR32.1-1 Revocations.

The Clerk of Court should file under seal any petition and order for warrant or summons for a violation of pretrial release, probation, or post-conviction supervised release and shall seal the subsequent warrant or summons issued. Upon execution of the warrant or summons, the United States Marshals Service and/or the United States Probation Office shall disclose the petition and order for warrant or summons to the defendant and counsel for the defendant. Following the initial appearance, the magistrate judge shall advise the Clerk's office and they shall unseal the petition and order and the issued warrant or summons.

LCrR41 – Search and Seizure

LCrR41-1 Sealing of Warrants and Related Documents.

Applications for search and seizure and tracking device warrants, affidavits in support of such applications, and warrants shall be filed under seal. Upon return of the warrant, the application, affidavit(s), inventory, and warrant shall be unsealed unless, on the government's motion, the Court orders them to remain under seal.

LCrR47 – Motions and Supporting Affidavits

LCrR47-1 Motions in Writing.

Motions shall be in writing and state with particularity the grounds therefor and the relief or order sought. All motions and responses thereto must be accompanied by a concise brief citing all authorities upon which the movant or respondent relies.

LCrR47-2 Timing of Motions.

In cases when counsel for defendant has made an appearance of record, notice may be sent by the Clerk of Court, setting a time for the filing of motions and responses thereto. Unless ordered otherwise, all motions shall be filed within fourteen days after defendant's arraignment. Responses shall be filed within seven days of the motion's filing. After the time for a response has passed, the Court may consider the motion ripe for ruling, even if no response has been filed.

LCrR47-3 Proposed Order.

A proposed order granting the requested relief shall be submitted in compliance with the Procedure for Submitting Proposed Documents to the Court, available on the Court's website.

LCrR47-4 Statement of Objection.

A motion must state on the first page whether it is opposed. If opposed, the motion must recite whether concurrence was refused or explain why concurrence could not be obtained. A motion that fails to recite concurrence of each party may be summarily denied.

LCrR47-5 Length of Motion and Brief.

(a) No brief shall be submitted that exceeds twenty-five pages without leave of Court. Motions for leave to file a brief exceeding twenty-five pages shall state the requested number of pages and shall be filed at least one day before the date the brief is due.

(b) Briefs exceeding fifteen pages shall be accompanied by an indexed table of statutes, rules, ordinances, cases, and other authorities cited.

LCrR47-6 Motions for Extensions of Time and Continuances.

Motions and proposed orders to continue the trial date must address with particularity 18 U.S.C. § 3161(h).

LCrR47-7 Motions to Reconsider or Overrule Actions Taken by District Judges or Magistrate Judges in Connection with Ex Parte Applications.

Once a motion or application has been presented and an order has been entered by a district judge or magistrate judge, a request to reconsider or overrule that determination shall be presented to the district judge or magistrate judge entering the order, if available. If presented to a different district

judge or magistrate judge, the movant or applicant shall report the action taken by the district judge or magistrate judge to whom it was previously submitted. This local rule is intended to apply to matters typically submitted without a case being filed, such as applications for search warrants, wiretaps, and pen registers. This local rule does not provide a means to appeal an order entered in a case, nor is it intended to apply where a case is transferred from one district judge to another and a motion to reconsider a prior ruling is made.

LCrR47-8 Motions for Evidentiary Hearing.

A party requesting an evidentiary hearing in connection with a motion shall state the factual and legal bases for the request in the motion or response, state whether each party agrees to or opposes the request, and estimate the length of time the requested evidentiary hearing would take.

LCrR47-9 Motions Regarding Modification of Conditions or Early Termination of Supervision.

A motion requesting modification of conditions of pretrial release, probation, or supervised release, or a request for early termination of probation or supervised release must state the position of the United States Probation Office.

LCrR47-10 Joinder of Co-Defendant's Motion.

A co-defendant who seeks to join a specific motion previously filed by a co-defendant must file a joinder in motion.

LCrR55 – Records

LCrR55-1 Probation Office Official Record.

All documents acquired or prepared by the United States Probation Office and material to the performance of its duties shall be scanned into the Probation/Pretrial Services Automated Case Tracking System (PACTS). The document shall be imaged and uploaded into PACTS and the original document destroyed consistent with quality control measures as approved by the Judicial Conference of the United States. The imaged document shall thereafter be the official record and document for all purposes of the Court.

LCrR57 – District Court Rules

LCrR57-1 Release of Information by Courthouse Personnel.

All court-related personnel, including the Clerk's Office, Chambers staff, United States Marshal's Office, Court Reporters, and Court Security Officers shall not release any information pertaining to a criminal case that is not part of the public records of the Court or divulge any information concerning proceedings held outside the presence of the public. Court officers will not voluntarily testify before a Grand Jury or in any court proceeding without the express approval of the judge presiding over the matter.

LCrR57-2 Release of Information by Attorneys.

(a) Release of Information or Opinions. It is the duty of the lawyers or law firm not to release or authorize the release of information or opinions which a reasonable person would expect to be disseminated by any means of public communication, in connection with pending or imminent criminal litigation with which a lawyer or law firm is associated, if there is a reasonable likelihood that such dissemination will interfere with a fair trial or otherwise prejudice the due administration of justice.

(b) Extrajudicial Statements During Investigation. With respect to a grand jury or other pending investigation, a lawyer participating in or associated with the investigation shall refrain from making any extrajudicial statement which a reasonable person would expect to be disseminated, by any means of public communication, that goes beyond the public record or that is not necessary to inform the public that the investigation is underway, to describe the general scope of the investigation, to obtain assistance in the apprehension of a suspect, to warn the public of any dangers, or otherwise to aid in the investigation.

(c) Extrajudicial Statements After Investigation. From the time of arrest, issuance of an arrest warrant, or the filing of a complaint, information, or indictment until the commencement of trial or disposition without trial, a lawyer or law firm associated with the prosecution or defense shall not release or authorize the release of any extrajudicial statement which a reasonable person would expect to be disseminated by any means of public communication, relating to that matter and concerning:

(1) The prior criminal record (including arrests, indictments, or other charges of crime), or the character or reputation of the accused, except that the lawyer or law firm may make a factual statement of the accused's name, age, residence, occupation, and family status and, if the accused has not been apprehended, a lawyer associated with the prosecution may release any information necessary to aid in his or her apprehension or to warn the public of any dangers he or she may present;

(2) The existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any statement;

(3) The performance of any examinations or tests or the accused's refusal or failure to submit to an examination or test;

(4) The identity, testimony, or credibility of prospective witnesses, except that the lawyer or law firm may announce the identity of the victim if the announcement is not otherwise prohibited by law;

(5) The possibility of a plea of guilty to the offense charged or a lesser offense;

(6) Any opinion as to the accused's guilt or innocence or as to the merits of the case or the evidence in the case.

(d) Statements Permitted. The foregoing shall not be construed to preclude the lawyer or law firm during this period, in the proper discharge of the lawyer's or law firm's official or professional obligations, from announcing the fact and circumstances of arrest (including time and place of arrest, resistance, pursuit, and use of weapons), the identity of the investigating and arresting officer or agency, and the length of the investigation; from making an announcement, at the time of seizure of any physical evidence other than a confession, admission or statement, which is limited to a description of the evidence seized; from disclosing the nature, substance, or text of the charge, including a brief description of the offense charged; from quoting or referring without comment to public records of the court in the case; from announcing the scheduling or result of any stage in the judicial process; from requesting assistance in obtaining evidence; or from announcing without further comment that the accused denies the charges made against him or her.

(e) Extrajudicial Statements During Trial. During a jury trial, including the period of selection of the jury, no lawyer or law firm associated with the prosecution or defense shall give or authorize any extrajudicial statement or interview relating to the trial or the parties or issues in the trial, which a reasonable person would expect to be disseminated by means of public communication, if there is a reasonable likelihood that such dissemination will interfere with a fair trial, except that the lawyer or law firm may quote from or refer without comment to public records of the court in the case.

(f) Special Situations. Nothing in this local rule is intended to preclude the formulation or application of more restrictive rules relating to the release of information about juvenile or other offenders, to preclude the holding of hearings or the lawful issuance of reports by legislative, administrative, or investigative bodies, or to preclude any lawyer from replying to charges of misconduct that are publicly made against him or her.

LCrR57-3 Release of Information by and Testimony of Probation Officer.

(a) Confidential Records. Records of the court, to include pretrial services, presentence, probation reports, records, and correspondence are maintained by the United States Probation Office as custodian of the court record and, unless otherwise excepted, may be disclosed only upon a written request to the Court which establishes a need for the specific information. Excepted reasons for disclosure without permission from the Court include routine disclosure of demographic and collateral contact information to other law enforcement agencies for investigative purposes, as well as the disclosure of presentence reports in accordance with LCrR32-10.

(b) Release of Information and Witness Appearance. Except for testimony related to release or detention pursuant to 18 U.S.C. § 3142, or testimony concerning orders on release, probation, or supervised release, no current or former probation officer shall respond to any request for information or for witness appearance and testimony as to any matters arising out of the performance of their official duties unless approved in advance by the Court. Unless excepted as described herein, any request for information or appearance and testimony may be granted upon written request to the Court which establishes a need for the information or testimony. Any request for information or appearance and testimony shall follow the procedures established by the Director of the Administrative Office of the United States Courts and approved by the Judicial Conference of the United States, as set out in Testimony of Judiciary Personnel and Production of Judiciary Records in Legal Proceedings, modified in one respect as follows: the presiding judge, not the Chief Probation Officer, shall determine the proper response to a request for information or testimony.

LCrR57-4 Plan for Implementing the Criminal Justice Act (18 U.S.C. § 3006A).

Pursuant to 18 U.S.C. § 3006A, this Court's Criminal Justice Plan (CJA Plan) is available on the Court's website.

LCrR58 – Petty Offenses and Other Misdemeanors

LCrR58-1 Forfeiture of Collateral.

As provided in Fed. R. Crim. P. 58(d)(1), a person who is charged with a petty offense as defined in 18 U.S.C. § 19, may, in lieu of appearance, post collateral with the Central Violations Bureau (www.cvb.uscourts.gov) in the fixed or maximum amount indicated for the offense, and consent to forfeiture of collateral in order to end the case. The fixed or maximum amounts for which collateral may be posted for various offenses are published in the Code of Federal Regulations, and are typically stated on the violation notice (the charge).