

**Proposed Changes to the Local Rules of Civil Procedure Regarding Time Computation:
Comparison of Current and Proposed Deadlines**

	<i>Current Rule</i>	<i>Proposed Amendment</i>
LRCiv 5.6 Sealing of Court Records Under Seal (proposed)		
<i>LRCiv 5.6(d)</i> : After receiving a notice of lodging of filing under seal a document designated by adverse party as confidential, the designating party must file either a notice withdrawing the designation or a motion to seal within:	10 days after service of the notice	14 days after service of the notice
<i>LRCiv 5.6(e)</i> : If a request to file under seal is denied in full, the submitting party may resubmit the document for filing in the public record within:	3 days of the entry of the order denying the request	5 days of the entry of the order denying the request
LRCiv 7.2 Motions		
<i>LRCiv 7.2(c)</i> : A responsive memorandum must be served and filed within:	10 days after service of a motion	14 days after service of a motion (with conformiing amendment to Appendix A)
<i>LRCiv 7.2(d)</i> : A reply memorandum must be served and filed within:	5 days after service of a responsive memorandum	7 days after service of a responsive memorandum (with conformiing amendment to Appendix A)
<i>LRCiv 7.2(g)(2)</i> : Absent good cause, a motion for reconsideration must be filed no later than:	10 days after the date of the filing or the Order that is the subject of the motion	14 days after the date of the filing or the Order that is the subject of the motion
LRCiv 15.1 Motions for Leave to Amend Pleadings		
<i>LRCiv 15.1(c)</i> : If a motion to amend a pleading is granted, the amending party musts serve the amended pleading within:	10 days of the entry of the order granting leave to amend	14 days of the entry of the order granting leave to amend

	<i>Current Rule</i>	<i>Proposed Amendment</i>
LRCiv 40.2 Continuances and Notice of Settlement		
<i>LRCiv 40.2(c)</i> : The Court may require the payment of 1 days' jury fees if a party or parties fail to provide written notice of settlement or other disposition to the Clerk within:	3 days before trial	5 days before trial
LRCiv 52.1 Findings		
<i>LRCiv 52.1</i> : A prevailing party must prepare the draft of the findings and conclusions of law within:	5 days after the rendition of the Court's decision if in the presence of counsel and otherwise within 5 days after notice of the decision	7 days after the rendition of the Court's decision if in the presence of counsel and otherwise within 7 days after notice of the decision
<i>LRCiv 52.1</i> : An adverse party must file and serve any proposed objections, amendments, or additions to the draft of the findings and conclusions of law within:	5 days of service of the prevailing party's proposed findings of fact and conclusions of law	7 days of service of the prevailing party's proposed findings of fact and conclusions of law
LRCiv 54.1 Costs: Security for, Taxation, Payment		
<i>LRCiv 54.1(a)</i> : A party seeking costs must file and serve a bill of costs within:	10 days after the entry of final judgment	14 days after the entry of final judgment
<i>LRCiv 54.1(b)</i> : A party objecting to any cost item must file and serve itemized written objections with the Clerk within:	10 days after service of the bill of costs	14 days after the bill of costs
<i>LRCiv 54.1(b)</i> : The Clerk shall have 30 days to tax the costs and allow such as items are properly allowable once:	the 10-day objection period has expired	the 14-day objection period has expired
<i>LRCiv 54.1(b)</i> : A motion seeking to modify the Clerk's taxation of costs must be filed within:	5 days of the entry of the notice of taxation order	7 days of the entry of the notice of the taxation order (consistent with the proposed amendment to Fed. R. Civ. P. 54(d)(1))

	<i>Current Rule</i>	<i>Proposed Amendment</i>
LRCiv 54.2 Attorneys' Fees and Related Non-Taxable Expenses		
<i>LRCiv 54.2(b)(3):</i> A reply memorandum in support of a motion for attorneys' fees must be filed within:	10 days after the service of the responsive memorandum	14 days after the service of the responsive memorandum
LRCiv 56.1 Motions for Summary Judgment		
<i>LRCiv 56.1(d):</i> The time for a hearing of a summary judgment motion must be set so as to give each party sufficient time to comply with the Local Rules and to allow the Court:	At least 10 days additional time prior to the hearing	At least 14 days additional time prior to the hearing (with conforming amendment to Appendix A)
LRCiv 83.2 Attorney Discipline		
<i>LRCiv 83.2(d):</i> An attorney subject to court action must file a notice in each action in which the attorney is counsel of record within:	5 days of the date of sending of a notice of suspension or notice of other action by the Court	7 days of the date of sending of a notice of suspension or notice of other action by the Court
LRCiv 83.3 Appearance by Attorney or Party; Name and Address Changes; Control of Cause		
<i>LRCiv 83.3(d):</i> An attorney or unrepresented person must file a notice of a name or address change, and an attorney must also file a notice of a change of firm name or email address no later than:	10 days before the effective date of the change, except that an unrepresented person who is incarcerated must submit a notice within 5 days after the effective date of the change	14 days before the effective date of the change, except that an unrepresented person who is incarcerated must submit a notice within 7 days after the effective date of the change

LRCiv 5.6

SEALING OF COURT RECORDS IN CIVIL ACTIONS

(d) **Filing a Document Designated Confidential by Another Party.** Unless otherwise ordered by the Court, if a party wishes to file a document that has been designated as confidential by another party pursuant to a protective order or confidentiality agreement, or if a party wishes to refer in a memorandum or other filing to information so designated by another party, the submitting party must confer with the designating party about the need to file the document (or proposed filing) under seal and whether the parties can agree on a stipulation seeking to have the document (or proposed filing) filed under seal. If the parties are unable to agree on these issues, the submitting party must lodge the document (or proposed filing) under seal and file and serve a notice of lodging summarizing the parties' dispute and setting forth the submitting party's position, accompanied by a certification that the parties have conferred in good faith and were unable to agree about whether the document (or proposed filing) should be filed under seal. Within ~~ten (10)~~ fourteen (14) days after service of the notice, the designating party must file and serve either a notice withdrawing the confidentiality designation or a motion to seal and a supporting memorandum that sets forth the facts and legal authority justifying the filing of the document (or proposed filing) under seal. If the designating party seeks to have the document (or proposed filing) filed under seal, the motion must append (as a separate attachment) a proposed order granting the motion to seal. No response to the motion may be filed. If the

designating party does not file a motion or notice as required by this subsection, the Court may enter an order making the document (or proposed filing) part of the public record.

(e) **Denial of Request to File a Document Under Seal.** If a request to file under seal is denied in part or in full, the lodged document will not be filed. If the request is denied in full, the submitting party may, within ~~three (3)~~ five (5) days of the entry of the order denying the request, re-submit the document for filing in the public record. If the request is denied in part and granted in part, the party may resubmit the document in a manner that conforms to the Court's order and this Rule.

LRCiv 7.2

MOTIONS³

(c) **Responsive Memorandum.** The opposing party shall, unless otherwise ordered by the Court and except as otherwise provided by Rule 56 of the Federal Rules of Civil Procedure, and Rules 12.1, 54.2(b), and 56.1, Local Rules of Civil Procedure, have ~~ten (10)~~ fourteen (14) days after service in a civil or criminal case within which to serve and file a responsive memorandum.

(d) **Reply Memorandum.** The moving party, unless otherwise ordered by the Court, shall have ~~five (5)~~ seven (7) days after service of the responsive memorandum to file a reply memorandum if that party so desires.

(g) **Motions for Reconsideration.**

(2) Procedure. No response to a motion for reconsideration and no reply to the response may be filed unless ordered by the Court, but no motion for reconsideration may be granted unless the Court provides an opportunity for response. Absent good cause shown, any motion for reconsideration shall be filed no later than ~~ten (10)~~ fourteen (14) days after the date of the filing of the Order that is the subject of the motion.

³ The time periods prescribed in the Local Rules are to be computed in accordance with Rule 6, Federal Rules of Civil Procedure.

F.R.Civ.P. 15. Amended and Supplemental Pleadings

LRCiv 15.1

MOTIONS FOR LEAVE TO AMEND PLEADINGS

(c) **Effective Date of Filing Amendments; Service.** The entry of the order granting leave to amend the pleading constitutes the filing date of the amended pleading and the Clerk of Court shall file the lodged pleading once the order is entered. The filing date of the amended pleading always constitutes the act from which the time for service begins to run. Unless otherwise ordered by the Court, or when the amendment adds a new party, the party who amended shall serve the amended pleading within ~~ten (10)~~ fourteen (14) days of the filing date of such pleading and file a certificate of service.

LRCiv 40.2

CONTINUANCES AND NOTICE OF SETTLEMENT

(c) **Payment of Jury Fees.** In the case of a civil jury trial where notice is not given in writing to the Clerk ~~three~~ five (5) days before the trial is to begin that the case has been settled or otherwise disposed of, the Court may require the payment of one (1) days' jury fees by the party or parties responsible for the failure to give notice.

F.R.Civ.P. 52. Findings by the Court; Judgment on Partial Findings

LRCiv 52.1

FINDINGS

In all actions in which findings are required, the prevailing party shall, unless the Court otherwise directs, prepare a draft of the findings and conclusions of law within ~~five (5)~~ seven (7) days after the rendition of the decision of the Court if the decision was in the presence of counsel, and otherwise within ~~five (5)~~ seven (7) days after notice of the decision. The draft of the findings and conclusions of law shall be filed with the Clerk and served upon the adverse party. The adverse party shall within ~~five (5)~~ seven (7) days thereafter file with the Clerk, and serve upon his or her adversary, such proposed objections, amendments, or additions to the findings as he may desire. The findings shall thereafter be deemed submitted and shall be settled by the Court and shall then be signed and filed. No judgments shall be entered in actions in which findings of fact and conclusions of law are required until the findings and conclusions have been settled and filed. A failure to file proposed findings of fact and conclusions of law and to take the necessary steps to procure the settlement thereof may be grounds for dismissal of the action for want of prosecution or for granting judgment against either party.

VII. Judgments

F.R.Civ.P. 54. Judgments; Costs

LRCiv 54.1

COSTS: SECURITY FOR, TAXATION, PAYMENT

(a) **Procedure for Filing Bill of Costs.** Costs shall be taxed as provided in Rule 54(d), Federal Rules of Civil Procedure. A party entitled to costs shall, within ~~ten (10)~~ fourteen (14) days after the entry of final judgment, unless time is extended under Rule 6(b), Federal Rules of Civil Procedure, file with the Clerk of Court and serve upon all parties, a bill of costs on a form provided by the Clerk. This bill of costs shall include a memorandum of the costs and necessary disbursements, so itemized that the nature of each can be readily understood, and, where available, documentation of requested costs in all categories must be attached. The bill of costs shall be verified by a person acquainted therewith.

(b) **Objections, Appearance Not Required.** Within ~~ten (10)~~ fourteen (14) days after service of the bill of costs, a party objecting to any cost item may file with the Clerk and serve itemized objections in writing, presenting any affidavits or other evidence he or she has in connection with the costs and the grounds for the objection. Once the ~~ten (10)~~ fourteen (14) day objection period has expired, the Clerk shall have thirty (30) days to tax the costs and allow such items as are properly allowable. In exceptional cases a party may request, by written motion, that a taxation hearing with parties present be held before the Clerk. The Clerk, on his or her own motion, may also order the parties to appear for a taxation hearing. In the absence of objection, any item

listed may be taxed in the discretion of the Clerk. The Clerk shall thereupon docket and include the costs in the judgment. Notice of the Clerk's taxation shall be given by mailing a copy of the taxation order to all parties in accordance with Rule 5, Federal Rules of Civil Procedure. The taxation of costs thus made shall be final unless modified on review by the Court on motion served within ~~five (5)~~ seven (7) days thereafter, pursuant to Rule 54(d), Federal Rules of Civil Procedure.

LRCiv 54.2

ATTORNEYS' FEES AND RELATED NON-TAXABLE EXPENSES

(b) **Time for Filing.** Where recovery of attorneys' fees and related non-taxable expenses are sought against the United States, the motion and supporting memorandum of points and authorities must be filed in accordance with the time limits set forth in Rule 54(d)(2)(B), Federal Rules of Civil Procedure and 28 U.S.C. § 2412(d)(1)(B). In all other cases, this paragraph (b) shall apply.

(3) Responsive and Reply Memoranda. Unless otherwise ordered by the court, the opposing party may file and serve a responsive memorandum to the motion for award of attorneys' fees and related non-taxable expenses, or any portion thereof, within fifteen (15) days after service of the memorandum in support. Thereafter, the moving party, unless otherwise ordered by the court, shall have ~~ten (10)~~ fourteen (14) days after service of the responsive memorandum to file a reply memorandum if that party so desires.

F.R.Civ.P. 56. Summary Judgment

LRCiv 56.1

MOTIONS FOR SUMMARY JUDGMENT

(d) Notwithstanding the provisions of Rule 7.2(c),(d), and (f), Local Rules of Civil Procedure, the opposing party shall, unless otherwise ordered by the Court, have thirty (30) days after service within which to serve and file a responsive memorandum in opposition; the moving party, unless otherwise ordered by the Court, shall have fifteen (15) days after service of the responsive memorandum to file a reply memorandum. If oral argument is scheduled pursuant to Rule 7.2(f), Local Rules of Civil Procedure, the time of hearing shall be set so as to give each party sufficient time to comply with these Local Rules and to allow the Court at least ~~ten (10)~~ fourteen (14) days additional time prior to the hearing.

LRCiv 83.2

ATTORNEY DISCIPLINE

(d) **Notice to Clients.** Within ~~five (5)~~ seven (7) days of the date of the sending of a notice of suspension or a notice of other action by the Court, the attorney must file in each action pending before this Court in which the attorney currently is counsel of record a notice (1) setting forth the client's full name and last known mailing address and telephone number and (2) certifying that:

(1) the attorney has notified the attorney's client involved in the action in writing of (A) the specific limitations or conditions the Court has imposed upon the attorney, including suspension or disbarment; (B) the status of the action, including the dates and times of any hearings or trial settings, existing deadlines set forth in Court Orders and the possibility of sanctions for failure to comply with those deadlines; and (C) if applicable, the attorney's inability to provide continuing representation in the action because the attorney has been suspended or disbarred; or

(2) the attorney's client cannot be located or for whatever other reason cannot be provided notice as required by this Local Rule.

LRCiv 83.3

APPEARANCE BY ATTORNEY OR PARTY; NAME AND ADDRESS CHANGES;
CONTROL OF CAUSE

(d) **Notice of Name and Address Changes.** An attorney or unrepresented party must file a notice of a name or address change, and an attorney must also file a notice of a change of firm name or e-mail address. The notice must be filed no later than ~~10~~ fourteen (14) days before the effective date of the change, except that an unrepresented party who is incarcerated must submit a notice within ~~5~~ seven (7) days after the effective date of the change. A separate notice must be filed in each active case.

LRCrim 58.2

REVIEW AND APPEAL JUDGMENTS OF MAGISTRATE JUDGES

(a) **Appeal from Judgments in Misdemeanor Cases (18 U.S.C. § 3402).**

(1) A defendant may appeal a judgment of conviction by a Magistrate Judge in a misdemeanor case by filing a notice of appeal with the Clerk of the Court within ~~ten (10)~~ fourteen (14) days after entry of the judgment, and by serving a copy of the notice upon the United States Attorney. The scope of appeal shall be the same as on an appeal from a judgment of the District Court to the Court of Appeals.

(4) The appellee shall file an answering memorandum within twenty-one (201) days of the filing and service of the appellant's memorandum. The memorandum shall follow a format similar to the appellant's memorandum, except that a statement of the issues presented for review, a statement of the case, and a conclusion shall be optional.

(5) The appellant may file a reply memorandum within ~~ten (10)~~ fourteen (14) days of the date of service of the appellee's memorandum.

APPENDIX A. MOTIONS TIME CHART

CATEGORY ONE: ALL MOTIONS (except Motions for Summary Judgment and Motions to Dismiss for Lack of Jurisdiction)

Authority: Rule 6 of the Federal Rules of Civil Procedure and Rules 7.2 and 7.3, Local Rules of Civil Procedure.

<u>Type of Motion</u>	<u>Response Time (to previous action)</u>	<u>Mailing Time</u>	<u>Notice Time</u>
Motion and Memorandum by Moving Party	(Initiating Action)	3 days	30 <u>37</u> days from filing of the Motion, then the following Monday
Responsive Memorandum	10 <u>14</u> days	3 days	
Reply Memorandum	5 <u>7</u> days	3 days	
Court Review Time	5 <u>7</u> days		

CATEGORY TWO: MOTIONS FOR SUMMARY JUDGMENT and MOTIONS TO DISMISS FOR LACK OF JURISDICTION

Authority: Rule 6 of the Federal Rules of Civil Procedure and Rules 12.1 and 56.1, Local Rules of Civil Procedure.

<u>Type of Motion</u>	<u>Response Time (to previous action)</u>	<u>Mailing Time</u>	<u>Notice Time</u>
Motion, Memorandum, and Statement of Facts	(Initiating Action)	3 days	65 <u>68</u> days from filing of the Motion, then the following Monday
Responsive Memorandum	30 days	3 days	
Reply Memorandum	15 days	3 days	
Court Review Time	10 <u>14</u> days		