

LRCiv 7.2

MOTIONS⁵

(a) **Motions Shall be in Writing.** All motions, unless made during a hearing or trial, shall be in writing and shall be made sufficiently in advance of trial to comply with the time periods set forth in this Local Rule and any Court order and to avoid any delays in the trial.

(b) **Memorandum by Moving Party.** Unless otherwise ordered by the Court, ~~Except for a request for an award of attorney's fees pursuant to Rule 54.2(b), Local Rules of Civil Procedure,~~ upon any motion, the moving party shall serve and file with the motion's papers a memorandum setting forth the points and authorities relied upon in support of the motion.

(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 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, and except as otherwise provided by Rules 12.1 and 56.1, Local Rules of Civil Procedure, shall have seven (7) days after service of the responsive memorandum to file a reply memorandum if that party so desires.

⁵ 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. 42. Consolidation; Separate Trials

LRCiv 42.1

TRANSFER OF RELATED CASES; CONSOLIDATION; FILING AND NOTICE OF MOTIONS TO TRANSFER OR CONSOLIDATE; RESPONSIVE AND REPLY MEMORANDA; ASSIGNMENT

(a) Transfer of Related Cases. Whenever two or more cases are pending before different Judges, a party in any of those cases may file a motion to transfer the case or cases to a single Judge on the ground that the cases: (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 would entail substantial duplication of labor if heard by different Judges.

(b) Filing and Notice of a Motion to Transfer or Consolidate. A motion to transfer under ~~pursuant to~~ subparagraph (a) or a motion to consolidate under ~~pursuant to~~ Rule 42(a) of the Federal Rules of Civil Procedure must identify all the cases that are the subject of the motion by case name and case number. The movant must file the motion in a case in which the movant is a party. The ECF System or (when the movant is not an ECF Registered User) the Clerk's Office will electronically file the motion in each affected case identified in the motion. The District Judge assigned to the case be filed in the case with the lowest case number that is assigned to a District Judge, who will hear and decide the motion. If the affected cases are assigned only to Magistrate Judges, the Magistrate Judge assigned to the motion must be filed in the case with the lowest case number and will hear and decide the motion.

~~be heard by the Magistrate Judge assigned to that case. The motion must identify all the cases that are the subject of the motion by case name and case number. A notice of filing the motion, with an attached copy of the motion, must be filed in each case to be considered for transfer or consolidation, except for the case in which the motion is filed.~~

(c) **Responsive and Reply Memoranda.** Any party in any case that is the subject of a motion to transfer or consolidate may file a responsive memorandum, and the movant may file a reply memorandum. Any responsive or reply memorandum must identify all the cases affected by the underlying motion. The filer must file the responsive or reply memorandum in a case in which the filer is a party. The ECF System or (when the filer is not an ECF Registered User) the Clerk's Office will electronically file the responsive or reply memorandum in each affected case identified in the memorandum. ~~which must be filed in the case assigned to the Judge who will hear and decide the motion. Any party filing a responsive memorandum also must file a notice of filing the responsive memorandum, with an attached copy of the memorandum, in every other case to be considered for transfer or consolidation.~~

(d) **Assignment.** If a motion to transfer or consolidate is granted, the following factors may be considered in determining the Judge to whom the case or cases will be assigned: (1) whether substantive matters have been considered in a case; (2) which Judge has the most familiarity with the issues involved in the cases; (3) whether a case is reasonably viewed as the lead or

principal case; or (4) any other factor serving the interest of judicial economy.

LRCiv 54.2

ATTORNEYS' FEES AND RELATED NON-TAXABLE EXPENSES

(a) **Scope.** This Local Rule applies to claims for attorneys' fees and related non-taxable expenses made in cases assigned to the Standard Track or Complex Track of the local rule governing Differentiated Case Management. If a final judgment, including a judgment made under Rule 54(b), Federal Rules of Civil Procedure, does not determine the propriety and the amount of attorneys' fees authorized by statute or by contract, or if the court does not establish other procedures for determining such fees, the procedures set forth in this Local Rule shall apply. This Local Rule does not apply to claims for attorneys' fees and related non-taxable expenses which may be recoverable as an element of damages or to claims for attorneys' fees and related expenses for violations of the Federal Rules of Civil Procedure or under 28 U.S.C. § 1927. The provisions of this Local Rule also do not apply to any motion which may be filed after the entry of a default judgment or by court-appointed counsel in a habeas corpus matter.⁶

(b) **Time for Filing the Motion and Responsive and Reply Memoranda.**

(1) Motions Seeking Fees from the United States. When the 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.

⁶ Although civil in nature, writs of habeas corpus are generally applicable to prior criminal proceedings.

§ 2412(d)(1)(B).

(2) Motions Seeking Fees from Parties Other Than the United States. In all other cases, ~~the provisions of this paragraph (b) shall apply.~~ (1) ~~Motion.~~ ~~Unless~~ otherwise provided by statute or court order entered in an individual case, the party seeking an award of attorneys' fees and related non-taxable expenses must ~~shall~~ file and serve a motion for award of attorneys' fees and related non-taxable expenses (along with a supporting memorandum of points and authorities) within fourteen (14) days of the entry of judgment in the action with respect to which the services were rendered. ~~At a minimum, the motion must shall specify:~~

~~(A) The applicable judgment and the statutory or contractual authority entitling the party to the award; and~~

~~(B) The amount of attorneys' fees and related non-taxable expenses sought or a fair estimate of such amount.~~

~~At the time of filing the motion, counsel need not file a memorandum of points and authorities, as required by Rule 7.2, Local Rules of Civil Procedure or the supporting documentation, as required by paragraph (d) of this Local Rule.~~

~~(2) Memorandum in Support.~~ ~~Unless otherwise ordered by the court, the memorandum of points and authorities in support of a motion for award of attorneys' fees; and all supporting documentation as required by paragraph (d) of this Local Rule, must shall be filed and served within twenty eight (28) sixty (60) days of the entry of judgment in the action with respect to which the services were rendered.~~

(3) *Responsive and Reply Memoranda.* Unless otherwise

ordered by the court, any responsive and reply memoranda must be filed in accordance with the deadlines set forth in Rule 7.2, Local Rules of Civil Procedure. ~~the opposing party shall may have twenty-eight (28) days after service of the memorandum in support to may file and serve and file 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, may shall have fourteen (14) days after service of the responsive memorandum to file a reply memorandum if that party so desires.~~

~~(4) Computation of Time. The time periods prescribed in this Local rule are to be computed in accordance with Rule 6, Federal Rules of Civil Procedure.~~

F.R.Crim.P. 5. Initial Appearance

LRCrim 5.1

ASSIGNMENT OF CASES AND MATTERS; CRIMINAL; JUVENILE

(g) Assignment of Judge to Changes of Plea Hearings:

21 U.S.C. §841; 8 U.S.C. §1326. With the exception of cases involving defendants who are presently under federal court supervision, all changes of plea to violations of 21 U.S.C. §841 (Distribution or Possession with Intent to Distribute Controlled Substances), violations of 21 U.S.C. §952 (Importation of Controlled Substances), and violations of 8 U.S.C. §1326 (Re-entry of Deported Aliens) are automatically referred to an available United States Magistrate Judge who shall, provided that the defendant and government consent in writing, thereafter conduct plea proceedings and make findings and recommendations pursuant to Rule 11, Federal Rules of Criminal Procedure.