

LRCiv 1.1

COURT CALENDAR MANAGEMENT

(a) **Non-Trial Additions/Deletions to Calendars By Counsel or Unrepresented Parties.** Any additions or deletions to the Court calendars other than for trials shall require ~~48 hours~~ two business days notice unless otherwise directed or scheduled by the Court.

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LRCiv 3.2

DOCKETING

(a) **Case Numbering.** ~~The number to be assigned to each case shall initially be placed thereon by the Clerk. The Clerk must assign a number to each case. Such~~ The number shall also must include the designation "CR" for criminal cases and "CV" for civil cases, followed by the last two digits of the calendar year in which each case is filed; the number of the case in the order filed during each calendar year, followed by the designation of the division where filed, and ending with the initials of the Judge to whom the case is assigned. If the case is assigned to a District Judge and referred to a Magistrate Judge, the Magistrate Judge's initials must be indicated in parentheses. Cases must be designated according to divisional office, i.e., "PHX" for Phoenix cases, "PCT" for Prescott cases, and "TUC for Tucson Cases. Phoenix and Prescott cases shall be numbered together, differentiated only by the designation "PHX" for Phoenix cases and "PCT" for Prescott cases. Tucson cases shall be designated "TUC" for Tucson cases.

CV-9811-0001-PHX-~~RCBJAT~~

CR-9811-8001-PCT-~~EHCSR~~B

CV-9811-0002-TUC-~~ACMCRP~~

CR-9811-0002-PHX-~~PGRFJM~~

CV-9811-8003-PCT-ROS (MHB)

CR-9811-0003-TUC-~~JMR~~RCC (BPV)

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~~(NO-LRCiv 3.6)~~

~~LRCiv 3.7~~

REMOVAL TO FEDERAL COURT

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**LRCiv 3.87**

**ASSIGNMENT OF CASES; CIVIL**

**(a) Assignment of Civil Cases.**

(1) Generally. Unless otherwise provided in these Rules or ordered by the Court, the Clerk must assign civil cases to Judges within each division by automated random selection and in a manner so that neither the Clerk nor any parties or their attorneys will be able to make a deliberate choice of a particular Judge. The cases so assigned will remain with the Judge to whom assigned unless otherwise ordered by the Court. Unless otherwise ordered by the Court or set forth in these Rules, the Clerk must assign each civil case to a District Judge or a Magistrate Judge ~~by automated random selection~~, except that when preliminary injunctive relief is requested in a separate motion the Clerk must assign the case to a District Judge.

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### III. Pleadings and Motions

#### F.R.Civ.P. 7. Pleadings Allowed; Form of Motions and Other Papers

##### LRCiv 7.1

##### FORMS OF PAPERS

(a) **Title Page.** The following information must be stated upon the first page of every document and may be presented for filing single-spaced:<sup>2</sup>

(1) The name, address, e-mail address, State Bar Attorney number, telephone number, and optionally the fax number, of the attorney appearing for the party in the action or proceeding and whether the attorney appears for the plaintiff, defendant, or other party - in propria persona - must be typewritten or printed in the space to the left of the center of the page and beginning at line one (1) on the first page. The space to the right of the center must be reserved for the filing marks of the Clerk.

(2) The title of the Court must begin on or below line six (6) of the first page.

(3) The title of the action or proceeding must be inserted below the title of the Court in the space to the left of the center of the paper. Party names must be capitalized using proper upper and lower case type<sup>3</sup> If the parties are too numerous for all to be named on the first page, the names of the parties only may be continued on the second or successive pages. All parties named in the case caption must be separated by semicolons on any initial or amended complaint, petition,

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<sup>2</sup> A sample form is provided in Appendix C.

<sup>3</sup> A sample of proper capitalization is provided in Appendix C.

crossclaim, counterclaim, or third-party complaint. If the initial or amended complaint, petition, crossclaim, counterclaim, or third-party complaint applies to a consolidated action, the affected case number(s) must appear below the number of the established "lead", or lowest-numbered case. For all other papers filed in civil or criminal cases, it is sufficient to state the name of the first party on each side with an appropriate indication of the other parties, as provided by Rule 10(a), Federal Rules of Civil Procedure. In the space to the right of the center there must be inserted (A) the number of the action or proceeding, including the defendant's number if the paper is filed on behalf of a single defendant in a multi-defendant criminal case<sup>4</sup>; (B) a brief description of the nature of the document, including demand for trial by jury if made in the document; and (C) mention of any notice of motion or affidavits or memorandum in support.

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<sup>4</sup> For example, "CR-11-0001-04-PHX-SRB (LOA)" indicates that the paper is filed only on behalf of defendant number four.

F.R.Civ.P. 12. Defenses and Objections: When and How  
Presented; Motion for Judgment on the Pleadings;  
Consolidating Motions; Waiving Defenses; Pretrial Hearing

LRCiv 12.1

MOTIONS TO DISMISS

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(b) **Motions to Dismiss for Lack of Jurisdiction.** If one or more of the grounds asserted in a motion to dismiss is a lack of personal or subject matter jurisdiction, ~~the time schedule for filing and service of responsive, and reply memoranda and oral argument for motions to dismiss for lack of jurisdiction will be shall be~~ the same as for motions for summary judgment, as set forth in Rule 56.1, Local Rules of Civil Procedure. The Court may order a different briefing schedule.

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

**LRCiv 15.1**

**~~MOTIONS AND STIPULATIONS FOR LEAVE TO AMENDED PLEADINGS~~**

**(a) Amendment by Motion.** A party who moves for leave to amend a pleading, ~~or who seeks to amend a pleading by stipulation and order,~~ must attach a copy of the proposed amended pleading as an exhibit to the motion ~~or stipulation,~~ which must indicate in what respect it differs from the pleading which it amends, by bracketing or striking through the text to be deleted and underlining the text to be added. The proposed amended pleading ~~is~~ must not ~~to~~ incorporate by reference any part of the preceding pleading, including exhibits. If a motion ~~or stipulation~~ for leave to amend is granted, the party whose pleading was amended must file and serve the amended pleading on all parties under Rule 5 of the Federal Rules of Civil Procedure within fourteen (14) days of the filing of the order granting leave to amend, unless the Court orders otherwise.

**(b) Amendment as a Matter of Course or by Consent.**

If a party files an amended pleading as a matter of course or with the opposing party's written consent, the amending party must file a separate notice of filing the amended pleading. The notice must attach a copy of the amended pleading that indicates in what respect it differs from the pleading which it amends, by bracketing or striking through the text that was deleted and underlining the text that was added. The amended pleading must not incorporate by reference any part of the preceding pleading, including exhibits. If an amended pleading is filed with the opposing party's written consent, the notice must so certify.

LRCiv 16.2

DIFFERENTIATED CASE MANAGEMENT

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(b) **Tracks.** Unless otherwise ordered by the assigned District Judge or Magistrate Judge, the type of cases identified in the following tracks must be assigned as follows:

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(3) Standard Track.

(A) Assignment. Cases which do not meet the criteria of the Expedited or Prisoner Pro Se tracks, and are not determined complex, are assigned to this track.

(B) Management.

(i) A preliminary scheduling conference, pursuant to Rule 16 of the Federal Rules of Civil Procedure, shall be scheduled within one-hundred eighty (180) days of filing, and conducted by the assigned District Judge or his her designee, or the assigned Magistrate Judge.

(ii) ~~The scheduling order issued from this conference, in accordance with Rule 16(b) of the Federal Rules of Civil Procedure, shall include dates for filing a joint proposed pretrial order and conducting a pretrial conference. The trial date shall be set at the pretrial conference.~~ If the assigned District Judge or Magistrate Judge is unable to try the case on ~~the~~at date set for trial, the case ~~may shall~~ be referred to the Chief Judge for reassignment to any available District Judge or Magistrate Judge.

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F.R.Civ.P. 42. Consolidation; Separate Trials

LRCiv 42.1

**RELATED CASES; CONSOLIDATION; FILING AND NOTICE; SERVICE;  
ASSIGNMENT**

(a) **Related Cases.** Whenever two or more cases are pending before different Judges, aAny party in any of those cases may file a motion to transfer the case or cases involved to a single Judge on the ground ~~whenever two or more cases are pending before different Judges and any party believes that thesuch cases: (1) arise from substantially the same transaction or event; (2) involve substantially the same parties or property; (3) involve substantially 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. The motion shall be filed in the case with the lowest case number assigned to a District Judge who shall hear and decide the motion. If the cases are assigned to only Magistrate Judges, a motion to transfer shall be heard by the Magistrate Judge assigned to the lowest case number. The caption of the motion to transfer shall list the case number of that case, followed by a complete listing of the case numbers of the cases to be considered for reassignment. In addition, the notice of filing motion to transfer, with a copy of the motion attached, shall be filed in each case to be considered for reassignment.~~

~~(b) **Consolidation.** A motion to consolidate pursuant to Rule 42(a) of the, Federal Rules of Civil Procedure, shall contain the captions of all the cases sought to be consolidated, be filed in each case and shall be heard by the District Judge assigned the lowest case number.~~

(b) **Filing and Notice of a Motion to Transfer or**

**Consolidate.** A motion to transfer pursuant to subparagraph (a) or a motion to consolidate pursuant to Rule 42(a) of the Federal Rules of Civil Procedure must 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 motion must be filed in the case with the lowest case number and will 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 Memoranda.** Any party in any case that is the subject of a motion to transfer or consolidate may file a responsive 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. ~~**Service.** Service of any motion to transfer filed under subparagraph (a) or service of any motion to consolidate filed under subparagraph (b) shall be made upon all parties and assigned Judges in such cases.~~

(d) **Assignment.** ~~If a motion to transfer or consolidate is granted, In determining the Judge to whom the case or cases will be assigned pursuant to subparagraphs (a) or (b) above, 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.

(e) Voluntary Judicial Reassignment of Cases. In any of the following circumstances, a Judge may transfer a case to another Judge with that Judge's consent and with notice to the Chief Judge:

(1) If the transferee Judge previously adjudicated a case that:

(A) arose from substantially the same transaction or event;

(B) involved substantially the same parties or property;

(C) involved the same patent, trademark, or copyright; or

(D) called for the determination of substantially the same questions of law;

(2) For any other reason which would entail substantial duplication of labor if heard by the transferor Judge; or

(3) For reasons of judicial economy and the availability of judicial resources.

VII. Judgment

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

LRCiv 54.1

COSTS: SECURITY FOR, TAXATION, PAYMENT

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(e) Taxable Items.

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(3) Deposition Costs. The reporter's charge for an original and copy of a stenographic transcript of a deposition is taxable if it was necessarily obtained for use in the case ~~is taxable~~ whether or not the deposition ~~is~~ was actually received into evidence, ~~or was whether or not it is~~ taken solely for discovery purposes. The cost of obtaining a copy of a stenographic transcript of a deposition by parties in the case other than the one taking the deposition is also taxable on the same basis. The reasonable expenses of the deposition reporter and a notary presiding at the taking of the depositions are taxable, including travel and subsistence. Counsel fees and other expenses incurred in arranging for and attending a deposition are not taxable. Fees for the witness at the taking of a deposition are taxable at the same rate as for attendance at trial. The witness need not be under subpoena. A reasonable fee for a necessary interpreter at the taking of a deposition is taxable.

Costs associated with a video recording are not taxable.

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

**LR Civ 56.1**

**MOTIONS FOR SUMMARY JUDGMENT**

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(c) **Alternative Procedure.** As an alternative to filing a statement of facts and controverting statement of facts, the movant and the party opposing the motion may jointly file a stipulation signed by the parties setting forth a statement of the stipulated facts if the parties agree there is no genuine issue of any material fact. As to any stipulated facts, the parties so stipulating may state that their stipulations are entered into only for the purposes of the motion for summary judgment and are not intended to be otherwise binding.

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~~IX. Special Proceedings~~

~~F.R.Civ.P. 71.1. Condemning Real or Personal Property~~

~~LRCiv 71.1.1~~

~~LAND CONDEMNATION PROCEEDINGS~~

~~(a) **Separate Civil Actions.** For each tract, economic unit, or ownership for which the just compensation is required to be separately determined in a total lump sum, there shall be a separate civil action. The condemner's counsel shall make the initial determination of each tract, economic unit, or ownership for which just compensation is required to be separately determined, subject to review by the Court after filing. A single declaration of taking may incorporate one or more tracts, economic units, or ownerships.~~

~~(b) **Master File.** Where the United States files separate condemnation actions and a single Declaration of Taking relating to those separate actions, the Clerk will establish a Master File containing the initial complaint and the Declaration of Taking. The Master File shall be assigned to a Judge in accordance with Rule 3.8(a), Local Rules of Civil Procedure, and all other cases that are subject to the Declaration of Taking shall be assigned to that Judge without resorting to further assignment by automated random selection.~~

~~(c) **Incorporation by Reference.** In cases where a single Declaration of Taking covers multiple tracts, the United States shall file a "Notice of Related Condemnation Actions" in the Master File that will list all of the related condemnation actions. The Declaration of Taking will be deemed incorporated by reference into all of the cases listed in the notice of related condemnation actions.~~

~~(d) **Standard Form of Complaint.** A standard form of complaint (printed, photocopied, mimeographed, or otherwise reproduced) may be used for each civil action filed to condemn a tract, economic unit, or ownership for which the issue of just compensation is required to be determined and which is the subject of the declaration of taking filed in a Master File.~~

~~(e) **Reference to Tract Number.** All pleadings shall contain a reference to the tract number assigned by the condemner, which is to be indicated immediately below the number of the action as prescribed by Rule 7.1, Local Rules of Civil Procedure.~~

**LRCiv 83.10**

**DISPUTE RESOLUTION**

As early as the scheduling conference held under Rule 16(b),<sup>7</sup> of the Federal Rules of Civil Procedure, or at any time requested by the parties, the court may offer or parties may request to refer the action to a magistrate judge for the purpose of holding a timely settlement conference (mediation), minitrial, summary jury trial, early neutral evaluation, or other form of dispute resolution. The court may require the parties to participate in alternative dispute resolution, but only with respect to mediation and early neutral evaluation. ~~28 U.S.C. § 652(a).~~ Alternative dispute resolution shall not be offered as a reason to delay processing of the case as established in the Rule 16 scheduling order. This Local Rule is promulgated pursuant to 28 U.S.C. § 651(b) and 28 U.S.C. § 652(a).

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

LR crim 5.1

ASSIGNMENT OF CASES AND MATTERS; CRIMINAL; JUVENILE

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(f) Voluntary Judicial Reassignment of Cases. With regard to voluntary judicial reassignment of cases, see Rule 42.1(e) of the Local Rules of Civil Procedure.

**LRCrim 10.2**

**STATED TRUE NAME TO BE GIVEN**

When the defendant receives an initial appearance or is arraigned, the defendant shall be informed that if the name by which he or she is charged is not his or her true name, the defendant must then declare his or her true name or be proceeded against by the name in the charge. ~~If the defendant alleges that another name is his or her true name, the Court shall direct its entry in the minutes of the arraignment and the subsequent proceedings on the charge may be had against the defendant by that name, referring also to the name by which the defendant was charged.~~

~~(NO LRCrim 16.2 or 16.3)~~

LRCrim 16.42

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