LOCAL CIVIL RULES OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA

EFFECTIVE March 1, 2022

(Revised February 4, 2025)

PREAMBLE

The Local Civil Rules may be cited as "LR___" and the Local Admiralty Rules as "LAR___".

TABLE OF CONTENTS

LOCAL CIVIL RULE 3 - COMMENCEMENT OF ACTION

LR3.1 Collateral Proceedings and Refiled Cases

When a civil matter, commenced in or removed to the court, involves subject matter that comprises all or a material part of the subject matter or operative facts of another action, whether civil or criminal, then or previously pending in any court or administrative agency, counsel must file a list and description of all such actions then known to counsel and a brief summary of the relationship between the cases. If information concerning any such proceeding is obtained after the filing of the original pleading in the latter case, counsel must notify the court and opposing counsel in writing of the relationship between the cases. [Amended February 1, 2011]

LR3.1.1 Assignment of Collateral Proceedings and Refiled Cases

To promote judicial economy, conserve judicial resources, and avoid potential forum shopping and conflicting court rulings, all actions described in LR 3.1 must be transferred to the section with the lowest docket number, unless the two judges involved determine that some other procedure is in the interest of justice. If the transferee and transferor judges cannot agree upon whether a case should be transferred, the opinion of the transferee judge prevails. If counsel fails to make the certification described in LR 3.1 , the judge to whom the case is allotted must transfer the action when he or she learns of the related nature of the proceedings.
[Amended June 28, 2002; February 1, 2011]

LR 3.2 Removal

Pursuant to *28 U.S.C. §1447(b)*, in every case in which a Notice of Removal is filed, there moving defendant must file, within 14 days of removal:

(a) A list of all parties remaining in the action;
(b) Copies of all pleadings, including answers, filed in state court; and
(c) Copies of the return of service of process filed in state court on those parties.

[Adopted February 1, 2011]

LOCAL CIVIL RULE 5 - SERVICE AND FILING OF PLEADINGS AND OTHER DOCUMENTS

LR 5.1 Place and Manner of Filing

All documents must be filed with the clerk of court in the manner provided in the court's Administrative Procedures for Electronic Case Filings and Unique Procedures and Practices for Electronic Filings, available at www.laed.uscourts.gov. [Amended February 1, 2011]

LR 5.2 Filing of Extraordinary Pleadings

The attorney filing any pleadings of an extraordinary nature (*e.g.*, temporary restraining orders, vessel seizures, writs of attachment, and other pleadings requiring immediate judicial action) must remain available by telephone to the judge to whom the matter is allotted until the judge reviews the pleadings and determines the appropriate action. [Amended December 5,1997; June 28, 2002; February 1, 2011]

LR 5.3 Advance Payment Required

The clerk is not required to file any document or render any service for which a fee is legally collectible unless the fee for the service is paid in advance. [Amended February 1, 2011]

LR 5.4 Certificate of Service

When a document filed after the initial complaint is served by filing it with the court's electronic filing system, no certificate of service is required when all parties are electronic filers and will receive notice through the court's electronic filing system. When a document that is required to be served is served by means other than the court's electronic filing system, the document must include a certificate of service indicating that the document has been served on all parties contemporaneously with its filing with the court, or within a reasonable period of time after the document has been filed with the court, and must list each party on which the document has been served by means other than the court's electronic filing system, and the means of service. [Amended February 1, 2011; December 3, 2018]

LR 5.5 Deposit for Service

Upon deposit of a sum sufficient to cover the immediate costs, except as provided by law, the marshal is required to perform the service. The marshal may demand security in a reasonable amount for future costs. [Amended February 1, 2011]

LR 5.6 Procedure for Filing Documents Under Seal

(A) In recognition of the right of the public to access material filed with the court, no document or other tangible item, or portion thereof, may be filed under seal without the filing of a separate motion and order to seal, unless authorized by federal statute, federal rule, or prior court order in the same case expressly authorizing the party to file certain documents (or portions thereof) under seal. All reasonable alternatives

to filing under seal must be explored, including a line-by-line analysis of the documents or other tangible item (including documents marked confidential under a protective order) to redact only the truly sensitive information rather than simply seeking to file the entire document or other item under seal. The redacted document or other item may then be publicly filed, with the unredacted version filed under seal.

(B) A party must file a motion to seal a document or other tangible item at the same time that the party submits the document or other tangible item. Filing a motion to seal permits the party to provisionally file the document or other tangible item under seal, pending the court's ruling on the motion to seal. When the document or other tangible item to be sealed is a declaration or an exhibit to a document filed electronically, an otherwise blank page reading "EXHIBIT FILED UNDER SEAL" shall replace the exhibit in the document filed on the public docket, and the exhibit to be filed under seal shall be filed separately as an attachment to a Motion to File Under Seal as set forth herein.

(C) Motions to seal an entire pleading or brief are disfavored and—unless a federal statute or federal rule provides otherwise—will be granted only in extraordinary circumstances. Parties should not routinely seek to file even portions of a pleading or brief under seal. For redacted pleadings and briefs, the following procedure applies:

(1) the party shall redact the confidential information from the pleading or brief and file the redacted version on the public docket; and

(2) the party shall also file the unredacted pleading or brief under seal, as an attachment to the Motion to File Under Seal. The unredacted version must include the phrase "FILED UNDER SEAL" prominently marked on the first page and must highlight the portions for which sealing is sought.

(D) Any motion for filing materials under seal (including pleadings, motions, briefs, or attachments thereto) must be accompanied by a non-confidential supporting memorandum, and a proposed order. The proposed order must recite the findings required by governing case law to support the proposed sealing. The mere fact that certain information or material has been marked as confidential pursuant to a protective order is not dispositive of whether the information or material will be sealed when filed with the court, and reference to a stipulation or protective order is not sufficient to establish the necessity of sealing any document or other tangible item.

(1) A motion to seal a document that the movant has designated as confidential (as opposed to a document designated as confidential by another party, as discussed in subsection (2) below) must be filed as a Motion to File Under Seal. The motion must include the following:

(a) A non-confidential description of the portions of the document sought to be sealed (e.g., personal identifiers in medical records);

(b) A statement as to why sealing is necessary;

(c) Reference to governing case law; and

(d) A statement of the period of time the party seeks to have the matter maintained under seal and how the matter is to be handled upon sealing.

(2) A motion to seal a document that has been designated as confidential by another party or non-party (the "Designating Party") must be filed as a Motion to Consider Whether Another Party's Material Should Be Sealed. Service of such motion must be made on the Designating Party on the same day as the filing of the motion. The motion must include:

(a) Identification of each document or portions thereof for which sealing is sought, but need not include the information specified in subsection (1)(a)-(d) above.

(b) Within seven days of the filing, the Designating Party must file a statement and/or declaration setting forth the information described in subsection (1)(a)-(d). A Designating Party's failure to file a statement or declaration may result in the unsealing of the provisionally sealed document or other tangible item without further notice to the Designating Party.

(c) Any other party who wishes to file a response to the Motion to Consider Whether Another Party's Material Should Be Sealed must do so no later than 14 days after the motion is filed.

(3) If the court grants the motion to seal, the movant, after consulting the Designating Party (if applicable), must file a redacted version of the sealed document within 14 days of the order granting the motion to seal, which redacted version shall be linked to the original publicly filed motion.

(E) An attorney electronically filing a document or other tangible item under seal must serve opposing counsel and any unrepresented parties with the unredacted document or tangible item by means other than the court's electronic filing system, as no service of sealed filings occurs via the court's CM/ECF system. The sealed document or other tangible item shall attach a separate certificate of service reflecting the means by which service was made.

(F) Upon filing a document under seal, the clerk must provide public notice by stating on the docket that the document is sealed.

(G) When the court grants a motion to seal, the document or other tangible item will remain under seal until expiration of the seal or further order of the court. If the motion to file under seal is denied, the movant may file another motion to remove the document(s) from the record within seven days. If no such motion is timely filed, the document(s) must be filed as a public record

(H) When a *pro se* party who is not an electronic filer wishes to manually file a document under seal, the *pro se* party must file a Motion to File Under Seal and submit the document to the clerk's office securely sealed with the envelope clearly labeled "UNDER SEAL." The case number, case caption, reference to any statute, rule or order permitting the item to be sealed and a non-confidential descriptive title of the document must also be noted on the envelope.

(I) Nothing herein restricts the parties from stipulating access to materials that are not filed with the court.

(J) Except as permitted by law, trial exhibits (including documents previously filed under seal), and trial transcripts will not be filed under seal.

[Adopted February 1, 2011; Amended January 1, 2024]

LOCAL CIVIL RULE 7 - PLEADINGS ALLOWED; FORM OF MOTIONS

LR 7.1 Submission of Motions

All motions, except those made on the record during a hearing or trial, must be in writing and filed pursuant to LR 5.1. Documents accompanying the motion are thereby filed in the record. [Amended June 28, 2002; February 1, 2011]

LR 7.2 Noticing Motions for Submission

Counsel filing a motion must, at the time of filing, notice it for submission within a reasonable time. Unless otherwise ordered by the court, motions must be filed not later than the fifteenth day preceding the date assigned for submission and actual notice of the submission date must be given to opposing counsel at least fifteen days before the submission date, regardless of which *FRCP 5(b)* service method is used. The motion and supporting memorandum must also be served with the notice.

The noticed date is the date the motion is deemed submitted to the court for decision and after which no further briefing will be allowed, except with prior leave of court. No oral argument, in-court presentation or live hearing concerning contested motions will be conducted on the submission date, except when requested in accordance with Local Rule 78.1 or if ordered by the court. [Amended February 1, 2011]

LR 7.3 Submission of Ex Parte or Consent Motions

A motion for an order, allowed by these rules to be filed ex parte or by consent, need not assign a date for submission, but must be accompanied by a proposed order. Except as otherwise ordered in an individual case, every such motion must be filed pursuant to LR 5.1.
[Amended February 1, 2011]

LR 7.4 Motions Must Be Accompanied by Memorandum

All contested motions must be accompanied by separate memoranda which must contain a concise statement of reasons supporting the motion and citations of authorities. If the motion requires consideration of facts not in the record, the movant must also file and serve upon opposing counsel a copy of all evidence supporting the motion. Memoranda may not be supplemented, except with leave of court. [Amended February 1, 2011]

LR 7.5 Response and Memorandum

Each party opposing a motion must file and serve a memorandum in opposition to the motion with citations of authorities no later than eight days before the noticed submission date. If the opposition requires consideration of facts not in the record, counsel must also file and serve all evidence submitted in opposition to the motion with the memorandum. The party that filed the motion may file and serve a reply brief in support of the motion no later than 4:00 p.m., two working days before the noticed submission date. Motions shall be decided by the court on the basis of the record, including timely filed briefs and any supporting or opposing documents filed therewith.
[Amended February 1, 2011; Amended January 1, 2024]

LR 7.6 Motions to Intervene, to Amend Pleadings and to File Third-Party Complaints

Before filing any motion for leave to intervene, amend pleadings or file a third-party complaint, the moving party must attempt to obtain consent for the filing and granting of the motion from all parties having an interest to oppose. If consent is obtained, the motion need not be assigned a submission date, but must be accompanied by a proposed order and include a certification by counsel for the moving party of the consent of opposing counsel. [Amended February 1, 2011]

LR 7.7 Length of Memoranda and Briefs

Except with prior leave of court, a trial brief or memorandum supporting or opposing a motion must not exceed 25 pages, excluding exhibits, and a reply brief or memorandum must not exceed 10 pages, excluding exhibits. [Amended February 1, 2011]

LR 7.8 Extension of Time to Plead

Upon certification by a moving party that there has been no previous extension of time to plead and that the opposing party has not filed in the record an objection to an extension of time, on ex parte motion and order, the court must allow one extension for a period of 21 days from the time the pleading would otherwise be due. Further extensions will not be granted by stipulation, but only upon motion and order of the court for good cause shown. [Amended June 28, 2002; February 1, 2011]

LOCAL CIVIL RULE 9 - PLEADING SPECIAL MATTERS

LR 9.1 Three Judge Cases

Upon filing any suit or proceeding that may require a three judge court for disposition, the party filing the action must state in writing to the clerk and other parties the provision under which he or she is proceeding. Failure to comply with this rule may result in the matter being treated as one not requiring three judges. [Amended February 1, 2011]

LR 9.2 Social Security Cases

Complaints filed in civil cases pursuant to Section 205(g) of the Social Security Act, *42 U.S.C. 405(g)*, for benefits under Titles II, XVI and XVIII of the Social Security Act must include, in addition to what is required under *FRCP 8(a)*, a separate attachment, that will not be filed in the record but must be served with the complaint on the United States Attorney's Office, and must contain:

(A) In cases involving claims for retirement, disability, health insurance and black lung benefits, the full social security number of the worker on whose wage record the application for benefits was filed (whether or not the worker is the plaintiff).
(B) In cases involving claims for supplemental security income benefits, the full social security number of the plaintiff.
(C) In cases involving benefits sought for a minor child under Titles II and XVI, the minor child's full social security number.
(D) In all cases under this local rule, filings must comport with the privacy protections of FRCP 5.2. [Adopted March 1, 2022]

Complaints submitted for filing must be on forms furnished by the clerk or substantially similar to those forms. [Amended February 1, 2011]

LOCAL CIVIL RULE 10 - FORM OF PLEADINGS

LR 10.1 Form: Statement Regarding Filing of Documents

All documents filed in this court must be in 8-1/2 by 11 inch format, legibly written or printed without defacing erasures or interlineations, and must be double spaced, except that quotations and footnotes may be single spaced. If a document consists of more than two (2) pages, each page of the document must bear a sequential number, beginning with "2" for the second page. Standard font must be used. The court may refuse to consider text presented in less than standard font, such as small or fine typeface.

All margins must be no less than one inch. No print or writing, except page numbers, must appear in the margins, and page numbers must not be less than one-half inch from the bottom of the page.

In addition to the requirements of *FRCP 10(a)*, the caption must indicate the Division and Section (as applicable and after allotment), and the judge and magistrate judge to whom the case is assigned.

A completed and executed Civil Cover Sheet form must accompany the initial pleading of each civil case, but this requirement does not apply to persons in the custody of civil, state or federal institutions or to persons filing cases pro se. [Amended July 17, 2000; February 1, 2011]

LR 10.2 Consolidated Cases

Unless otherwise ordered by the court, in cases consolidated for any purpose, the caption of all documents filed after consolidation must list the name and docket number of the lowest numbered case in the group, with the words "consolidated with" or abbreviation "c/w" followed

by a list of the docket numbers of only those cases to which the document applies or if it pertains to all cases, with a notation "all cases."

The caption of the lowest numbered case is the identifying caption during the pendency of the consolidation and must be used even if that case is closed.
If a case is ordered to be separated from the consolidation, counsel must jointly designate the documents in the master record necessary to continued litigation of the separated case and file the designation with the clerk within seven days of the deconsolidation order. [Amended February 1, 2011]

LR 10.3 Constitutional Questions

Whenever the constitutionality of any act of Congress is called into question in any suit or proceeding to which the United States or any of its agencies, officers or employees is not a party, counsel for the party raising the constitutional issue must notify the court, in writing, of the existence of that question (to enable the court to comply with *28 U.S.C. 2403*). A copy of the notice must be served upon each of the other parties. The notice must give the title of the cause, a reference to the questioned statute sufficient for its identification, and the manner in which the statute is claimed to be unconstitutional. [Amended February 1, 2011]

LOCAL CIVIL RULE 11 - SIGNING OF PLEADINGS, MOTIONS, AND OTHER DOCUMENTS; REPRESENTATIONS TO COURT; SANCTIONS

LR 11.1 Signing of Pleadings, Motions and Other Documents

In addition to the requirements of *FRCP 11(a)*, every pleading, motion or other document presented for filing must include counsel's Attorney Identification Number, telephone number, and e-mail, post office and street addresses. Counsel's Attorney Identification Number must be typed or printed under his or her signature. If the attorney is admitted to practice in Louisiana, the Attorney Identification Number must be the same as the number assigned by the Louisiana Supreme Court. Otherwise, the Attorney Identification Number must be the number assigned by this court.

Documents filed by a party not represented by counsel must be signed by the party. The unrepresented party's name, e-mail, post office and street addresses and telephone number must be typed or clearly printed.

Each attorney and pro se litigant has a continuing obligation promptly to notify the court of any address or telephone number change. [Amended February 1, 2011]

LR 11.2 Trial Attorney

If more than one attorney represents a party, one attorney must be designated in the first pleading filed on behalf of that party as "Trial Attorney" or "T.A.". This attorney need not be the attorney who personally signs pleadings.

The designated trial attorney is responsible for the case. All notices and other communications will be directed to the designated trial attorney, or to local counsel if a visiting attorney is designated as trial attorney. Designation of the trial attorney may be changed at any time by *ex parte* motion and order of the court. [Amended February 1, 2011]

LR 11.3 Announcement of Representation

At all trials or hearings, counsel must announce his or her name and the name of the party or parties he or she represents upon initially addressing the court. [Amended February 1, 2011]

LOCAL CIVIL RULE 16 - PRETRIAL CONFERENCES; SCHEDULING; MANAGEMENT

LR 16.1 Scheduling Orders

(a) In every case, the court must enter a scheduling order pursuant to *FRCP 16.*

(b) Unless otherwise ordered by the court, the following categories of cases are exempt from the requirements for a scheduling order:
Social Security Appeals
Bankruptcy Appeals
Habeas Corpus cases
Section 1983 Prisoner cases
Government Collection cases

(c) The magistrate judges of this court are authorized to enter and/or modify scheduling orders, except as to the dates for trial, final pretrial conference and motions before the district judge. [Amended February 1, 2011]

LR 16.2 Call of the Docket

To ensure compliance with *FRCP 4(m)*, and *16(b)(2)*, the case manager in each section of court, once a month or as often as the court deems proper, must call all cases before the court that have been pending 90 days or longer after filing of the complaint, and in which issue has not been joined. The call must be on the regular day and time assigned for submission of motions, and the clerk must give 14 days' notice of the call to all counsel of record. [Amended February 1, 2011; December 3, 2018]

LR 16.3 Responsibility for Settlement Discussions

As officers of the court, counsel have a responsibility to minimize the expense of administering justice, refrain from burdening unnecessarily members of the public called for jury duty, and avoid inconveniencing witnesses unnecessarily. To these ends, they must conduct serious settlement discussions in time to avoid the expense to the public and litigants, and the inconvenience to jurors and witnesses, occasioned by settlements made on the eve, or at the outset, of trial. [Amended February 1, 2011]

LR 16.3.1 Alternative Dispute Resolution

If the presiding judicial officer determines at any time that the case will benefit from alternative dispute resolution, the judicial officer may:

(a) refer the case to private mediation, if the parties consent, even if such mediation efforts upset previously set trial or other dates;
(b) order nonbinding mini-trial or nonbinding summary jury trial before a judicial officer with the parties' consent; or
(c) employ other dispute resolution programs that may be designated for use in this District.

All alternative dispute resolution proceedings are confidential. [Amended June 2, 1999; February 1, 2011]

LR 16.4 Notice of Settlement to Clerk

Whenever a case is settled or otherwise disposed of, counsel must immediately inform the clerk's office, the judge to whom the case is allotted, and all persons subpoenaed as witnesses. If a case is settled as to fewer than all of the parties or all of the claims, counsel must also identify the remaining parties and unsettled claims. [Amended February 1, 2011]

LR 16.5 Captious Settlement Tactics

When notice of settlement is not provided as required by LR 16.4 or when a case is settled within 24 hours before trial, or after trial has commenced, and the court is not aware of circumstances that indicate that this development was reasonable, counsel must show that the failure to give

notice of settlement or the failure to agree on settlement at an earlier time was not the result of captious tactics, did not constitute merely the acceptance of an offer earlier refused as part of a calculated tactic of delay in reaching a settlement to obtain further advantages in disregard of the interests of others, or did not result from some other cause amounting to interference with the orderly conduct of judicial business. If counsel fails to make this showing, the court may assess or apportion jury costs, including attendance fees, marshal's costs, mileage and per diem, against the parties or counsel deemed responsible. [Amended February 1, 2011]

LR 16.6 Reasonable Settlement Discussions

LR 16.5 will not be applied to inhibit reasonable settlement discussions. The court recognizes that good cause may exist for a belated change in position -- an important witness may fail to appear, counsel may learn that facts deemed provable are not provable, or a witness may change his testimony. But the rule will also be applied to take into account the difference between good cause for delay in settlement and negotiating tactics that, heedless of inconvenience to the court and the public, use imminent trial as a catalyst to attempt to increase or reduce an already acceptable offer. [Amended February 1, 2011]

LR 16.7 Cases to Be Tried on Date Assigned - Exceptions

All cases must be tried on the date set unless the trial is continued by order of the court. [Amended February 1, 2011]

LR 16.8 Absence of Material Witness

Every motion for a continuance based upon absence of a material witness must be accompanied by the affidavit of the moving party or attorney, setting forth the efforts made to procure attendance and the facts expected to be proved by the witness. If the opposite party admits that the witness, if called, would testify as set forth in the affidavit, the court may, in its discretion, deny the motion. [Amended February 1, 2011]

LR 16.9 Retaining Position on Trial Calendar

Cases set for trial but not reached on that day retain their relative position on the trial calendar and, to the extent practicable, are entitled to precedence over cases set for trial on a later date. If this is not practicable, the court will reassign the case or cases that cannot be reached. [Amended February 1, 2011]

LOCAL CIVIL RULE 23 - CLASS ACTIONS

LR 23.1 Class Action

In any case sought to be maintained as a class action:

(A) The caption of the complaint must bear the designation, "Complaint-Class Action." The complaint must also:

1. Refer to the portions of *FRCP 23* under which it is claimed that the suit is properly maintainable as a class action;

2. Make allegations thought to justify the maintenance of the claim as a class action, including, but not necessarily limited to:

a. the size and definition of the alleged class;
b. the basis upon which the plaintiff claims:
(i) to be an adequate representative of the class, or
(ii) if the class is composed of defendants, that those named are adequate representatives of the class;

3. The alleged questions of law or fact claimed to be common to the class; and

4. In actions claimed to be maintainable as class actions under *FRCP 23(b)(3)*, allegations that support the elements required by that subdivision.

(B) In all civil actions in which a class action is pleaded, the party alleging the class action must, at a time directed by the case management or scheduling order approved by the court, move for class certification under FRCP 23(c)(1). [Amended March 1, 2022]

(C) The foregoing provisions apply, with appropriate adaptations, to any counterclaim or cross claim alleged to be brought for or against a class.

(D) 1. Whenever a party or counsel seeks to prohibit another party or counsel from communicating concerning a class action with any potential or actual class member not a formal party to the action, he or she must file a motion that sets forth with particularity the consequences that will result from such communication and the remedy sought.
2. To obtain an order prohibiting communication with class members, the movant must establish a clear record reflecting:

a. specific consequences the motion seeks to prevent;
b. the need for the order, weighing the consequences sought to be corrected and the effect of the order on the right of a party to proceed pursuant to Rule 23 without interference.

3. Any attorney who communicates with the class must preserve and retain a copy of all communications that he or she has with any members of the class or potential class until final conclusion of the action. [Amended February 1, 2011]

LOCAL CIVIL RULE 26 - GENERAL PROVISIONS GOVERNING DISCOVERY; DUTY OF DISCLOSURE

LR 26.1 Disclosure Under *FRCP 26(a)*

The court will set the timing of disclosures under *FRCP 26(a).* [Adopted March 23, 2001; Amended February 1, 2011]

LR 26.2 Meeting of Parties Under *FRCP 26(f)*

(A) Except as otherwise ordered in a particular case, the conference between the parties required by *FRCP 26(f)* must be held no later than seven working days before the scheduled preliminary conference.

(B) Except as otherwise ordered or provided hereinafter, the parties are excused from submitting a written report outlining the proposed discovery plan and may report orally on their proposed discovery plan at the Rule 16(b) conference. An oral report on the proposed discovery plan is not authorized when, during the Rule 26(f) conference, a party objects that the initial disclosures required by Rule 26(a)(1) are not appropriate in the circumstances. In such a case, no later than three working days before the scheduled Rule 16(b) conference, the parties must file a written report outlining the proposed discovery plan, including the nature of the objection(s) to the initial disclosures. [Adopted March 23, 2001; Amended February 1, 2011]

LR 26.3 Initial Disclosures in Misappropriation of Trade Secret Cases

Except as otherwise ordered by the court, in addition to the initial disclosures required by FRCP 26(a), a party asserting that any trade secrets have been misappropriated must file under seal a Trade Secrets Identification Statement before trade-secret-related discovery begins.

(A) Identification of Asserted Trade Secrets. A party claiming the existence of a trade secret must, before merits discovery begins (or, subject to paragraph D below with a motion for preliminary relief) identify in writing and serve on the parties, with a level of particularity that is reasonable under the circumstances, each asserted trade secret.

The required particularity of this identification differs from what may be adequate in a publicly filed pleading under applicable pleading rules such as FRCP 8. It must be sufficiently particularized to allow the other party to meaningfully compare the asserted trade secret to information that is generally known or readily ascertainable

and to permit the parties and the court to understand what information is claimed to be the trade secret.

The identification should separate, to the extent practical, distinct trade secrets into numbered paragraphs. A document may be appended as a supplement to the identification but may not be used as a substitute for the identification unless the document itself is claimed to be the trade secret. In cases where an entire document or portions thereof constitute the trade secret, the written identification must identify the content in such document or portions thereof in language sufficient to meet the standards herein.

(B) Amendments. A party that has provided an initial identification under paragraph A above may amend that identification upon the agreement of the parties or upon motion establishing good cause.

(1) Prior to any motion to amend, the parties must confer regarding the timing and terms of the proposed amendment. If the parties are unable to reach an agreement, the party proposing the amendment may apply to the court for an order allowing the proposed amendment.

(2) In determining whether to grant leave to amend the identification, the court shall consider whether the party seeking amendment was diligent and whether the party opposing amendment would be unduly prejudiced by the amendment considering, among other factors, whether the proposed amendment is based on discovery of newly learned facts, the stage of the litigation, whether the amendment will expand discovery and/or delay the trial date, and whether the amendment adds, removes, or materially modifies asserted trade secrets or merely clarifies an existing identification.

(C) Verification. The identification of each asserted trade secret shall be verified under oath or affirmation by the individual or one or more employees or officers of the party asserting trade secret misappropriation.

(D) Applications for Preliminary Relief. Where a party has evidence that an opposing party improperly downloaded or otherwise took documents, things or information from the party, and the party files a lawsuit that includes a trade secret misappropriation cause of action, and then, by motion, seeks an early court order requiring only that the defendant (1) preserve evidence; and/or (2) return the specific documents, things or information allegedly taken, the moving party is not required to prepare or serve a Trade Secret Identification Statement that complies with paragraph A above prior to seeking such preliminary relief. In all other situations in which a party asserting trade secret misappropriation seeks preliminary relief, the moving party must comply with paragraph A as to the trade secrets for

which it seeks early injunctive relief to the extent it has not already done so. This paragraph is subject to FRCP 65(d) or state law equivalents and other applicable statutory requirements.

[Adopted January 1, 2024]

LOCAL CIVIL RULE 33 - INTERROGATORIES TO PARTIES

LR 33.1 Number of Interrogatories

Before serving more than 25 interrogatories, the discovering party must file a motion for leave setting forth the proposed additional interrogatories and the reasons for their use.
[Adopted March 23, 2001; Amended February 1, 2011]

LR 33.2 Responses to Interrogatories

Answers and/or objections to interrogatories must state in full the interrogatory immediately preceding each answer or objection. [Amended February 1, 2011]

LOCAL CIVIL RULE 34 - REQUESTS FOR PRODUCTION

LR 34.1 Responses to Requests for Production

Answers and/or objections to requests for production must state in full the request for production immediately preceding each answer or objection. [Adopted February 1, 2011]

LOCAL CIVIL RULE 36 - REQUESTS FOR ADMISSION

LR 36.1 Responses to Requests for Admission

Answers and/or objections to requests for admission must state in full the request for admission immediately preceding each answer or objection. [Amended February 1, 2011]

LOCAL CIVIL RULE 38 - JURY TRIAL OF RIGHT

LR 38.1 Designation of Jury Demand

All documents asserting a jury demand must contain in the caption words indicating that a demand for jury trial is made. [Amended February 1, 2011]

LOCAL CIVIL RULE 41 - DISMISSAL OF ACTIONS

LR 41.1 Dismissals

Except as provided in *FRCP 41(a)(1)*, if an attorney proposes to dismiss a suit with the intention of refiling it, the attorney must clearly state that intention in the motion to dismiss. [Amended May 18, 2004, June 26, 2004; February 1, 2011]

LR 41.2 Conditional Dismissals

If the parties have agreed unconditionally to settle a case, the case must be conditionally dismissed without prejudice to the right, within the time set forth in the dismissal order, to file a motion for summary judgment enforcing the settlement or to reopen the matter if settlement is not consummated. [Amended February 1, 2011]

LR 41.3 Dismissal for Failure to Prosecute

Unless good cause is shown in response to the court's show cause order why issue has not been joined, the case may be dismissed for failure to prosecute pursuant to *FRCP 41(b)*. The court may enter any orders to facilitate prompt and just disposition, including dismissal of any defendant or defendants as to whom issue is not joined.

When a suit in rem against a vessel has been filed, if service of process is not effected within one year from the date suit is filed, the clerk must give notice to counsel that the suit is subject to dismissal, and thereafter the suit must be dismissed pursuant to *FRCP 41(b)* for failure to prosecute unless the plaintiff shows:

(A) By affidavit, diligence and continuing efforts to effect service; and

(B) By memorandum, the reasons why dismissal will cause hardship or injustice (such as the possibility of a successful defense of laches or statute of limitations).

[Amended February 1, 2011]

LR 41.3.1 Dismissal for Failure to Provide Notification of Change of Address

The failure of an attorney or pro se litigant to notify the court of a current e-mail or postal address may be considered cause for dismissal for failure to prosecute when a notice is returned to the court because of an incorrect address and no correction is made to the address for a period of 35 days from the return. [Amended February 1, 2011]

LOCAL CIVIL RULE 43 - TAKING OF TESTIMONY

LR 43.1 Oral Testimony on Hearing of Motion

No oral testimony may be offered at a motion hearing without prior authorization from the court. Counsel must not serve any subpoenas or subpoenas duces tecum in connection with any such hearing until authorization has been obtained and reasonable notice has been given to all parties. [Amended February 1, 2011]

LR 43.2 One Counsel to Examine Witness and Present Objections

Only one attorney for each separate interest may conduct examination of any one witness, or present argument or urge objections concerning the testimony of that witness, except with leave of court. [Amended February 1, 2011]

LOCAL CIVIL RULE 45 – SUBPOENA

LR 45.1 Witness Fees and Mileage

Any person issuing a subpoena for any witness must tender to the witness, at the time of service of the subpoena, an attendance fee for one day and a mileage fee to and from the place of trial or hearing, as set forth in *28 U.S.C. 1821*, and pay concurrently to the witness the daily attendance fee for each day the witness must attend the trial or hearing. Failure to attend a trial or hearing after payment of such fees may result in the issuance of an attachment for the witness. This rule does not apply to witnesses for the United States. [Amended February 1, 2011]

LR 45.2 Notification of Witnesses

Any person who issues a subpoena must notify the person subpoenaed immediately if attendance will not be required. Any person who fails to comply with this rule is subject to sanctions. [Amended February 1, 2011]

LR 45.3 Subpoena Duces Tecum to Hospitals

(A) When a subpoena duces tecum is served upon a custodian of medical records or other qualified witness from a hospital or other health care facility in an action in which the hospital or facility is not a party and the subpoena requires the production for trial of all or any part of the records of the hospital or facility relating to the care and treatment of a

patient in the hospital or facility, compliance with the subpoena is sufficient if the custodian or other officer of the hospital or facility delivers by registered mail or by hand a true and correct copy of all records described in the subpoena to the clerk of court, together with the affidavit described in Subsection B. Production of the record must occur before the time fixed for the trial, but no earlier than two working days before the trial date unless otherwise directed by the court. This section is limited to procedures for complying with a subpoena duces tecum for purposes of trial and does not affect the rights of parties to production of documents pursuant to laws governing discovery or other laws pertaining to production of documents.

(B) The records must be accompanied by the affidavit of the custodian or other qualified witness, stating in substance:

1. That the affiant is the duly authorized custodian of the records and is authorized to certify the records.
2. That the copy is a true copy of all records described in the subpoena.
3. That the records were prepared by the personnel of the hospital or facility, staff physicians, or persons acting under the control of either in the ordinary course of the business of the hospital or facility.

(C) If the hospital or facility has none of the records described, or only part thereof, the custodian must so state in the affidavit, and deliver the affidavit and any available records in the manner provided in Subsection A. [Amended February 1, 2011]

LOCAL CIVIL RULE 47 - JURORS

LR 47.1 Juries

All juries for the district are drawn and convene as directed by the court. [Amended February 1, 2011]

LR 47.2 Voir Dire Examination

Voir dire examination of prospective jurors will be conducted by the judge, who may permit further examination by counsel or the parties. Before trial, counsel may submit written requests for specific questions to be asked, which may be supplemented by oral request at side bar when necessary. [Amended February 1, 2011]

LR 47.3 Argument of Law to Jury Prohibited

In argument to a jury, counsel must not read to the jury from any legal textbook or reported case, instruct the jury on any matter of law, or argue law to the jury, except to refer to the instructions on the law that the court has advised will be given to the jury. [Amended February 1, 2011]

LR 47.4 Contacting Prospective Jurors

Prospective jurors must not be contacted, either directly or indirectly, in an effort to secure information concerning the background of any member of the jury panel. [Amended February 1, 2011]

LR 47.5 Interviewing Jurors

(A) A juror has no obligation to speak to any person about any case and may refuse all interviews or requests for comments.
(B) Attorneys and parties to an action, or anyone acting on their behalf, are prohibited from speaking with, examining or interviewing any juror regarding the proceedings, except with leave of court. If leave of court is granted, it shall be conducted only as specifically directed by the court.
(C) No person may make repeated requests to interview or question a juror after the juror has expressed a desire not to be interviewed.

[Adopted March 26, 2001; Amended February 1, 2011, December 1, 2014]

LOCAL CIVIL RULE 54 - JUDGMENTS; COSTS

LR 54.1 Costs

When any civil action scheduled for jury trial is settled or otherwise disposed of before trial and the clerk's office is not notified in time to inform the jurors that it will not be necessary for them to attend, juror costs, including marshal's fees, mileage and per diem, may be assessed. [Amended February 1, 2011]

LR 54.2 Award of Attorney's Fees

In all cases in which a party seeks attorneys' fees, the party must submit to the court a verified, contemporaneous report reflecting the date, time involved, and nature of the services performed. [Amended February 1, 2011]

LR 54.3 Certification of Costs

Within 35 days of receiving notice of entry of judgment, unless otherwise ordered by the court, the party in whose favor judgment is rendered and who is allowed costs, must serve on the attorney for the adverse party and file with the clerk a motion to tax costs on the forms prescribed by the court, together with a certification that the items are correct and that the costs have been necessarily incurred. [Amended February 1, 2011]

LR 54.3.1 Cost Motions

The party applying for taxation of costs must serve notice of submission of the matter before the clerk. The clerk may, in his or her discretion, schedule a conference with counsel to consider the matter before decision. [Amended February 1, 2011]

LR 54.4 Security for Costs

In any civil matter, the court, on motion or its own initiative, may order any party to file a bond or additional security for costs in such an amount and subject to conditions designated by the court. [Amended February 1, 2011]

LR 54.5 Payment and Application for Order of Satisfaction of Judgment

Upon full payment of any judgment or decree in principal, interest, and costs, a party may file a motion, with proof of such complete satisfaction of judgment, and a proposed order of satisfaction. [Amended February 1, 2011]

LR 54.6 Filing Acknowledgment of Satisfaction Notice in Docket

Upon filing of acknowledgment of satisfaction made by the judgment creditor or his or her attorney, the clerk must note upon the docket sheet "Judgment Satisfied," together with the date of the judgment. [Amended February 1, 2011]

LR 54.7 Seaman and Pauper Cases

In all actions in which the fees of the marshal and the clerk are not required by law to be paid in advance and in which a seaman or party proceeding in forma pauperis prevails, either by judgment or settlement, all fees of the marshal and clerk must be paid before dismissal or satisfaction of judgment may be filed, unless otherwise ordered by the court. Counsel handling the payment of any settlement must confirm that all fees are paid, whether or not any dismissal or satisfaction of judgment entry is applied for. [Amended February 1, 2011]

LOCAL CIVIL RULE 56 - SUMMARY JUDGMENT

LR 56.1 Motions for Summary Judgment

LR 56.1 Motions for Summary Judgment

Every motion for summary judgment must be accompanied by a separate and concise statement of the material facts which the moving party contends present no genuine issue.
[Amended February 1, 2011]

LR 56.2 Opposition to Summary Judgment

Any opposition to a motion for summary judgment must include a separate and concise statement of the material facts which the opponent contends present a genuine issue. All material facts in the moving party's statement will be deemed admitted, for purposes of the motion, unless controverted in the opponent's statement. [Amended June 28, 2002; Amended February 1, 2011]

LOCAL CIVIL RULE 58 - ENTRY OF JUDGMENT

LR 58.1 Judgments and Orders

Judgments and orders must be on a separate document and bear the caption of the action.
[Amended February 1, 2011]

LR 58.2 Clerk May Require Draft of Judgment to Be Furnished

The clerk may require the prevailing party to furnish to the clerk a draft of any judgment or order that does not require signature or approval as to form by the judge.

LR 58.3 Seaman Settlements

(A) To obtain a judgment based upon a joint stipulation and compromise, a complaint and a joint motion for approval of the compromise must be filed.

(B) The filing must include:

(1) Statements of the facts claimed by the respective parties;

(2) Copies of all relevant and available medical reports, together with certification that the attached medical reports are all relevant reports that are available;

(3) A copy of proposed disbursements. Attorney's fees need not be set forth unless requested by the judge;

(4) A copy of the proposed release.

(C) The judge must conduct an interview with the plaintiff in open court and on the record. If the court approves the compromise, an order will be entered in *substantially* the following form:

"**ORDER**

"Considering the joint motion of the parties, the statement of facts attached, annexed medical report, the proposed release, the court having independently interviewed the plaintiff and being satisfied that the plaintiff understands his (her) legal rights and the consequences of the contemplated settlement that the court determines to be fair an without making any determination as to seaman status,

"IT IS ORDERED that the compromise between plaintiff and defendant with plaintiff in the amount of $ _____ submitted this date, is hereby approved on the terms set forth in the proposed release."

(D) A similar procedure may be followed if a seaman's case is compromised during trial.

(E) If a matter is compromised after a bona fide complaint has been filed, pursuant to an out-of-court interview with the plaintiff, a copy of the transcript of such proceedings must be filed in the record.

[Amended February 1, 2011]

LOCAL CIVIL RULE 62 - STAY OF PROCEEDINGS TO ENFORCE A JUDGMENT

LR 62.1 Petitions to Stay Execution of State Court Judgments

(A) A plaintiff who seeks a stay of enforcement of a state court judgment or order must attach to the petition a (1) copy of the relevant state court opinion and judgment; (2) a statement whether the same plaintiff has previously sought and been denied relief arising out of the same matter from this court or from any other federal court; and (3) the reasons for denying relief given by any court that has considered the matter and denied it, or, if reasons for the ruling were not given in a written opinion, a copy of the relevant portions of any transcript.

(B) If any issue is raised that was not previously raised or has not been fully exhausted in state court, the petition must state the reasons why such action was not taken.

(C) This court must separately address each issue raised by the petition. [Amended February 1, 2011]

LR 62.2 Bond or Other Security

A bond or other security staying execution of a money judgment must be in the amount of the judgment plus 20% of that amount to cover interest, costs, and any damages award, unless the court directs otherwise. [Amended June 28, 2002; February 1, 2011; December 3, 2018]

LOCAL CIVIL RULE 65 – SECURITY; PROCEEDINGS AGAINST SURETIES

LR 65.1.1 Qualifications of Sureties

Every bond furnished in connection with a civil proceeding in this court must have as surety either (1) a cash deposit equal to the amount of the bond, (2) an obligation of the United States Government, or (3) a corporation authorized by the Secretary of the Treasury of the United States to act as surety on official bonds, pursuant to *31 U.S.C. 9303-9309*, except that a bond for costs may have as surety an individual resident of the district who owns real or personal property within the district sufficient to cover the full amount of the suretyship.

By stipulation of the parties or order of the court, some other form of surety be posted.

LR 65.1.2 Court Officers Not to Be Sureties

No clerk, marshal, member of the bar, or other officer of this court may qualify as surety on any bond or undertaking in any action or proceeding in this court.

LOCAL CIVIL RULE 67 - DEPOSIT IN COURT

LR 67.1 Receipt and Deposit of Registry Funds

Funds received in the registry of the court must be deposited by the clerk with this court's designated depository in an account bearing interest. [Amended February 1, 2011; September 1, 2014; December 1, 2014]

LR 67.2 Form of Order

An order signed by the presiding judge in the case or proceeding is required for money to be sent to the Court or its officers for deposit in the Court's registry. The party making the deposit or transferring funds to the Court's registry shall serve the order permitting the deposit or transfer on the Clerk of Court. [Amended February 1, 2011; September 1, 2014; December 1, 2014]

LR 67.3 Disbursement of Registry Funds

Funds may be disbursed from the registry of the court only upon order of a judge of this court. Counsel must file a motion for disbursement and must satisfy the court of the recipient's entitlement to the funds sought to be disbursed.

A motion for disbursement of registry funds must be accompanied by a certification of the moving party that the motion and proposed order have been submitted to the clerk for review. Before the signing of the order, the clerk will certify to the judge that the motion and proposed order comply with the requirements of the local rules and will state the principal amount held in the registry account.

A motion for disbursement of registry funds must set forth the principal sum initially deposited, the amount of principal funds to be disbursed, to whom the disbursement is to be made, complete mailing instructions and specific instructions regarding distribution of accrued interest.

Each motion must be accompanied by a proposed order which must contain substantially the following language: "The clerk is authorized and directed to draw a check (or checks) on the funds on deposit in the registry of this court in the principal amount of $_____ plus all interest earned less the assessment fee for the administration of funds, (*or state other instruction regarding interest*), payable to (*Name and address of payee*), and mail or deliver the check (or checks) to (*payee or attorney*) at (*full address with zip code*)."

If more than one check is to be issued on a single order, the portion of principal due each payee must be stated separately. Counsel must also provide the Social Security number or Tax I.D. number for each payee and complete mailing or delivery instructions for each payee.

On all checks drawn by the clerk on registry funds, the name of the payee must be written as that name appears in the court's order providing for disbursement.

The clerk will issue disbursements as soon after receipt of the order for disbursement as the business of the clerk's office allows, except when it is necessary to allow time for a check or draft to clear or when otherwise directed by the court. The moving party must verify that the funds have been paid within a reasonable time. [Amended February 1, 2011]

LOCAL CIVIL RULE 72 - MAGISTRATE JUDGES; PRETRIAL ORDERS

LR 72.1 Automatic Referral of Pre-trial Proceedings

(A) Unless otherwise ordered by the court, the following pre-trial motions are hereby automatically referred to the magistrate judge to whom the action is allotted: all civil discovery motions, contested motions for leave to intervene, to amend, to file a third-party complaint, for extension of time to plead, for a more definite statement and motions relative to attorney representation. These motions must be noticed for submission before the magistrate judge to whom the case is allotted. Uncontested motions for leave to intervene, to amend, to file a third-party complaint, for extension of time to plead, and for a more definite statement are not automatically referred under this subsection.

Any other motion specifically referred by a judge to a magistrate judge must be submitted at the same time and date as would have occurred before the judge, or at such other time as the magistrate judge may designate.

A motion for continuance of a motion or other matter pending before the magistrate judge must indicate that the matter is pending before the magistrate judge.

(B) The following pre-trial and post-trial matters are also hereby automatically referred to the magistrate judge:

(1) Determination of pauper status pursuant to *28 U.S.C. 1915*;

(2) Examination of judgment debtors pursuant to Rule 69 of the *FRCP*.

[Amended February 1, 2011]

LR 72.2 Review of Magistrate Judges' Orders

A motion to review a magistrate judge's order or an objection to the proposed findings and recommendation of a magistrate judge must be made by filing a motion or objection along with a supporting memorandum. The motion must be noticed for submission to the district judge in the manner provided in these rules for motions. [Amended February 1, 2011]

LOCAL CIVIL RULE 73 - MAGISTRATE JUDGES; TRIAL BY CONSENT AND APPEAL OPTIONS

LR 73.1 Jurisdiction

(A) All U.S. Magistrate Judges are designated and empowered to exercise the powers and perform the duties prescribed by *28 U.S.C. 636(a)*, *(b)* and *(c)*, when assigned to them by a judge of this court or by these rules.

LR 73.2 Automatic Referral of Cases

The clerk must automatically refer the following categories of civil cases to the magistrate judges pursuant to *28 U.S.C. 636(b)* and/or *636(c)*, as applicable, conditioned upon consent of the parties, if required by statute:

(A) Applications for post-trial relief, except in capital cases and in motions to vacate sentences pursuant to *28 U.S.C. 2255*, made by individuals convicted of criminal offenses, prisoner petitions challenging the conditions of confinement, and prisoner cases brought pursuant to *42 U.S.C. 1983*;

(B) Appeals brought pursuant to *42 U.S.C. 405(g)*, *i.e.*, judicial review of Social Security decisions;

(C) Employment discrimination cases brought pursuant to *42 U.S.C. 2000(e)*;

(D) Petitions to enforce an Internal Revenue Service summons;

(E) Applications for an order authorizing entry upon and search of premises in order to effect levy and seize pursuant to *26 U.S.C. 6331*;

(F) Applications by an appropriate representative of the United States for the issuance of administrative inspection orders or warrants.

[Amended February 1, 2011]

LR 73.3 Referral of Other Cases

A judge of the district court may refer to a magistrate judge by random allotment any other cases or matters permitted by law. If the magistrate judge to whom the case is allotted is not available, the case will be temporarily reallotted. [Amended June 26, 1998]

LR 73.4 Additional Duties

The magistrate judges must perform such additional duties as may be assigned by the court or by any of its judges on cases randomly allotted to that magistrate judge, including:

(A) Administer oaths and affirmations and take acknowledgments, affidavits and depositions;

(B) Issue attachments or orders to enforce obedience to an Internal Revenue summons to produce books and give testimony under *26 U.S.C. 7604(b)*;

(C) Enforce awards of foreign consuls in differences between captains and crews of vessels of the consul's nation under *22 U.S.C. 258a* conduct proceedings for disposition of deceased seamen's effects under *46 U.S.C. 10708-10710)*; conduct hearings of offenses arising under *46 U.S.C. 11501*; and submit reports and recommendations to the district court;

(D) Conduct pre-trial and scheduling conferences and enter scheduling orders pursuant to *FRCP 16(b)* ;

(E) Conduct voir dire and select petit juries for the court;

(F) Perform any additional duty that is not inconsistent with the Constitution and laws of the United States;

[Amended June 26, 1998; February 1, 2011]

LR 73.5 Assignment of Matters to the Magistrate Judge

Unless the court orders otherwise in a particular case, cases will be allotted to the magistrate judges in the same manner as cases are allotted to the judges. [Amended February 1, 2011]

LOCAL CIVIL RULE 77 - DISTRICT COURTS AND CLERKS

LR 77.1 Conference In Chambers - Notice

Except as to applications normally considered and acted upon ex parte, no ex parte communication with a judge in chambers is allowed, except upon notice of the date and hour of

the proposed conference to opposing counsel, or if counsel is unknown, to the opposing party. [Amended February 1, 2011]

LR 77.2 Sessions of Court

The court is in continuous session on all business days through the year for transacting judicial business. [Amended June 28, 2002; February 1, 2011]

LOCAL CIVIL RULE 78 - MOTION DAY

LR 78.1 Submission Dates and Oral Argument

Each section of court will designate dates on which motions will be scheduled for submission.

Oral arguments on motions will be conducted, if requested and permitted. Oral arguments will be scheduled at the specific date and time set by order of the individual judge to whom the action is allotted.

Any party seeking oral argument must file either contemporaneously with the filing of the motion or opposition memorandum to a motion, or within three days after receipt of the opposition memorandum to a motion, a separate written request for oral argument. Oral argument will be permitted in such cases only if ordered by the court.
[Amended October 1, 2003; February 1, 2011; Amended January 1, 2024]

LR 78.2 Calendar

The clerk must prepare a calendar for each section of the court listing the matters submitted for decision on each motion day in the order in which they have been filed. The court may elect to determine motions in some other order and may defer determination of motions in which either party has not timely filed a memorandum to the end of the docket, or in the discretion of the court may deny oral argument. [Amended February 1, 2011]

LOCAL CIVIL RULE 79 – BOOKS, RECORDS AND ENTRIES KEPT BY THE CLERK

LR 79.1Withdrawal of Files

Files in the office of the clerk may be removed from it only:

(A) for the use of the court;

(B) pursuant to a subpoena from any federal or state court directing their production; or

(C) with leave of court or permission of the clerk first obtained.

LR 79.2 Custody of Exhibits

After being received in evidence, all exhibits are in the custody of the clerk, unless otherwise ordered by the court. [Amended February 1, 2011]

LR 79.3 Disposition of Exhibits

All exhibits in the custody of the clerk must be removed within 35 days of the final disposition of the case. The party offering exhibits is responsible for their removal and must give a detailed receipt for the clerk's records. If the parties or their attorneys fail or refuse to remove exhibits within 35 days, the exhibits may be destroyed or otherwise disposed of by the clerk. [Amended February 1, 2011]

LR 79.4 Offer and Marking of Exhibits

An exhibit must be marked by counsel for identification before it may be referred to or offered into evidence. [Amended February 1, 2011]

LR 79.5 Obtaining Record From Appellate Court for Hearing on Motions in district court

In cases in which an appeal has been taken and the record filed with the clerk of the court of appeals, counsel for the moving party must obtain the record and return it to the clerk of the district court when a motion is filed in the district court. [Amended February 1, 2011]

LOCAL CIVIL RULE 83 - RULES BY DISTRICT COURTS; JUDGES' DIRECTIVES

LOCAL CIVIL RULE 83.1 - NATURALIZATION
LR 83.1 Naturalization

LOCAL CIVIL RULE 83.2 - ATTORNEYS
LR 83.2.1 Roll of Attorneys
LR 83.2.2 Procedure for Admission
LR 83.2.3 Rules of Conduct

LOCAL CIVIL RULE 83 - RULES BY DISTRICT COURTS; JUDGES' DIRECTIVES

LOCAL CIVIL RULE 83.1 - NATURALIZATION

LR 83.1 Naturalization

A judge of the district court administers the oath of allegiance to applicants for naturalization. [Amended May 18, 2004, June 26, 2004]

LOCAL CIVIL RULE 83.2 - ATTORNEYS

LR 83.2.1 Roll of Attorneys

Any member in good standing of the Louisiana bar who is of good moral character is eligible for admission to the bar of the Eastern District of Louisiana. The bar of the court consists of those lawyers admitted to practice before the court who have taken the prescribed oath and signed the roll of attorneys for the district. [Amended July 17, 2000]

LR 83.2.2 Procedure for Admission

(A) Each applicant for admission to the bar of this court must file a written petition signed by him or her and endorsed by two members of the bar of this court listing the applicant's residence and office address, his or her general and legal education, the courts in which he or she is admitted to practice, and stating that the applicant is qualified to practice before this court, is of good moral character, and is not subject to any pending disbarment or professional discipline procedure in any other court. If the applicant has been convicted of a felony or has previously been subject to any disciplinary proceedings, full information about each, including the charges and the result, must be set forth.

(B) An applicant may be admitted in open court or in a judge's chambers, upon taking an oath to conduct himself or herself as an attorney or counselor of this court uprightly and according to law and to support the Constitution of the United States. The attorney must, under the direction of the clerk, sign the roll of attorneys and pay the fee required by law and any other fee required by the court. A motion for admission must be filed within six months of filing of the petition.

(C) Upon written request and for good cause shown, if a personal appearance would present undue hardship for the applicant or the applicant resides outside the boundaries of this district, the court may grant the applicant's request for admission without a personal appearance. In such instance, the applicant must take a written oath, on a form prescribed by the clerk, to conduct himself or herself as an attorney or counselor of this court uprightly and according to law and to support the Constitution of the United States, and submit this written oath with any fee required by law and any other fee required by the court. At the attorney's first physical appearance before the court, he or she must sign the roll of attorneys in the clerk's office.

(D) Every attorney admitted to practice before this court must pay to the clerk of court an annual fee in an amount periodically set by the court en banc and posted for public notice

by the clerk of court. The fee will be made part of a fund used to defray the expense of administration and enforcement under the court's Disciplinary Rules and for such other uses and purposes that the court determines appropriate. These fees must be paid triennially not later than March 1 of the calendar year in which such payment is due.

(1) At the time of admission, the attorney must make the initial triennial payment. Such fee will not be prorated within any calendar year, but an attorney first admitted in the second or third year of any triennial period will be required to make proportionate payment only for those years of such period in which the attorney's membership in the bar is effective.

Attorneys admitted pro hac vice must pay a triennial or proportionate fee, unless a similar fee has been paid to another court of the United States and satisfactory evidence thereof has been submitted to the clerk.

(2) Any attorney who fails to pay the fee required under subsection (1) will be summarily suspended, provided a notice of delinquency has been sent to the attorney to the last address appearing in the Roll of Attorneys of the bar of this court at least 35 days before such suspension.

Any attorney suspended under this provision may be reinstated upon payment of the fee.

(E) To facilitate the keeping of an accurate Roll of Attorneys, every attorney subject to these Rules must triennially on or before the first day of March, file with the clerk of this court a registration statement on a form supplied by the clerk setting forth the attorney's current residence and office addresses; his or her Bar Roll number; and the bars of all states, territories, districts, commonwealths, or possessions or other courts of the United States to which the attorney is admitted and the dates of such admissions. In addition, every attorney subject to these Rules must file a supplemental statement of any change in this information previously submitted within 35 days of such change. All persons must file this required registration statement at the time of admission to practice before this court. Upon request, the clerk will provide a certificate of compliance.

(1) Within 35 days of receipt of a statement or supplemental statement and of payment of the aforesaid fee in accordance with the provisions of (A) and (D) above, the clerk must acknowledge receipt thereof in appropriate form so as to enable the attorney, on request, to demonstrate compliance with the requirements of (A) and (D) above.

(2) Any attorney who fails to file the attorney registration statement or supplemental statement as required above will be summarily suspended. A notice of delinquency must be sent to the attorney at the current address appearing in the Roll of Attorneys of the bar of this court at least 35 days before such suspension.

The suspension will remain in effect until the attorney has complied with these Rules.

(F) An attorney who has retired or is not engaged in the practice of law before this court may advise the clerk in writing that he or she desires to assume inactive status and discontinue the practice of law before this court. Upon the filing of such a notice, the attorney will no longer be eligible to practice law in this court and will not be obligated for further payment of the fee prescribed herein or for filing the attorney registration statement every three years as required by this Rule for active practitioners.

Upon the filing of a notice to assume inactive status, the attorney will be removed from the roll of active attorneys until and unless he or she requests and is granted reinstatement to the active rolls. Reinstatement to active status may be granted (unless the attorney is then subject to an outstanding order of suspension or disbarment or has been on inactive status for five years or more) upon the payment of any fees due as prescribed by this Rule and the submission of a current registration statement. Reinstatement to active status of an attorney who has been on voluntary inactive status for five years or more will be governed by the provisions of the Disciplinary Rules of this court.

(G) The fees and costs paid pursuant to these Rules will be maintained by the clerk as trustee thereof in separate interest bearing, federally insured accounts with such depositories as the court may from time to time approve or invested in obligations of the United States. Funds so held will be disbursed only pursuant to the orders of the court and at no time will they be deposited into the Treasury of the United States.

[Amended July 17, 2000; October 1, 2003; February 1, 2011]

LR 83.2.3 Rules of Conduct

This court hereby adopts the Rules of Professional Conduct of the Louisiana State Bar Association, except as otherwise provided by a specific rule or general order of a court. [Amended June 28, 2002]

LR 83.2.4 Attorney Representation

Any party who does not appear in proper person must be represented by a member of the bar of this court, except as set forth below.

LR 83.2.5 Visiting Attorneys

Any member in good standing of the bar of any court of the United States or of the highest court of any state and who is ineligible to become a member of the bar of this court, may, upon written motion of counsel of record who is a member of the bar of this court, by ex parte order, be permitted to appear and participate as co-counsel in a particular case. The motion must have attached to it a certificate by the presiding judge or clerk of the highest court of the state, or court

of the United States, where he or she has been so admitted to practice, showing that the applicant attorney has been so admitted in such court, and that he or she is in good standing therein.

The applicant attorney must state under oath whether any disciplinary proceedings or criminal charges have been instituted against him or her, and if so, must disclose full information about the proceeding or charges and the results thereof.

An attorney thus permitted to appear may participate in a particular action or proceeding in all respects. The clerk must register all attorneys admitted to the bar of this court, including those admitted pro hac vice, as Filing Users of the court's Electronic Filing System. Registration as a Filing User constitutes consent to electronic service of all documents as provided in these rules in accordance with the Federal Rules of Civil Procedure. The clerk must provide Filing Users with a user log-in and password once registration and required training are completed.

When an attorney applies to be admitted or is admitted to this court for purposes of a particular proceeding (pro hac vice), the attorney is deemed thereby to have conferred disciplinary jurisdiction upon this court for any alleged misconduct of that attorney arising in the course of or in preparation for the proceeding. In addition to visiting counsel, local counsel is responsible to the court at all stages of the proceedings. Designation of the visiting attorney as "Trial Attorney" pursuant to LR11.2 does not relieve local counsel of the responsibilities imposed by this rule. [Amended February 1, 2011]

LR 83.2.6 Waiver by Court Order of Requirements for Local Counsel

Counsel who is ineligible to become a member of the bar of this court may be authorized by court order to appear and act for any party without joinder of local co-counsel when it is shown that:

(A) The party would suffer hardship by joinder of local counsel;

(B) The obligations and duties of counsel in the particular litigation will be fulfilled without joinder of local co-counsel.

LR 83.2.7 Familiarity With and Compliance With Rules

Everyone who appears in court in proper person and every attorney permitted to practice in this court must be familiar with these rules. Willful failure to comply with the rules, or a false certificate of compliance, is cause for disciplinary action. [Amended February 1, 2011]

LR 83.2.8 Familiarity With the Record

All counsel of record must be familiar with the substance of all documents and court orders filed in the case and any consolidated cases. [Amended February 1, 2011]

LR 83.2.9 Counsel's Failure to Appear

The court may impose the following costs or sanctions:

(A) For failure to appear, or appearing late, at any proceeding before any of the judges or magistrate judges when the lawyer has been given timely notice of the proceeding, has failed in advance to seek a continuance, and has no adequate excuse:

(1) Upon a first violation, or if the last violation was more than two years ago, he or she may be ordered to pay a fee in a reasonable amount to each opposing counsel who has appeared.

(2) Upon a second violation, or within two years of the first, the lawyer may be ordered to pay a fee in a reasonable amount to each opposing counsel who has appeared, and may be required to show cause before a judge of this court why he or she should not be suspended from practice or subjected to some other form of discipline.

(3) This fee may not be waived, returned, taken into account on settlement, billed or charged to a client in any way.

(B) For failure, without adequate excuse, to appear for a trial or a hearing for which witnesses have been summoned, or for unreasonable delay in appearing, the lawyer may be required to show cause why he or she should not be subject to disciplinary action.

[Amended February 1, 2011]

LR 83.2.10 Practicing Before Admission or During Suspension

Any person who exercises any of the privileges of a member of the bar or who pretends to be entitled to do so before his or her admission to the bar of this court, or during his or her disbarment or suspension, subjects himself or herself to disciplinary action.

LR 83.2.11 Continuing Representation, Withdrawals, Substitution of Counsel

The original counsel of record must represent the party for whom he or she appears unless the court permits him or her to withdraw from the case. Counsel of record may obtain permission only upon joint motion (of current counsel of record and new counsel of record) to substitute counsel or upon a written motion served on opposing counsel and the client. If other counsel is not thereby substituted, the motion to withdraw must contain the present address of the client and the client's telephone number if the client can be reached by telephone. The motion must be accompanied by a certificate of service, including a statement that the client has been notified of all deadlines and pending court appearances, served on both the client by certified mail and opposing counsel, or an affidavit stating why service has not been made.
[Amended February 1, 2011]

LR 83.2.12 Additional Counsel

Where counsel has appeared for any party, other counsel may appear for the same party only:

(A) Upon motion of counsel of record for that party, or motion consented to by him or her; or

(B) Upon motion, after counsel for the party has been permitted to withdraw or has died, or is incapacitated, or cannot be found; or

(C) Upon motion of a party after notice to counsel of record.

LR 83.2.13 Appearances by Law Students

Limited appearances by law students, if the person on whose behalf he or she is appearing has consented to that appearance in writing and the supervising lawyer has also approved the appearance in writing, are allowed in any civil matter in which a fee is not provided for or could not reasonably be anticipated.

The written consent and approval referred to above must be filed in the record of the case and must be brought to the attention of the judge.

The supervising lawyer or the prosecuting attorney must personally be present throughout the proceedings and is responsible for the manner in which they are conducted.

A. *Prerequisites to Law Student Appearances*

To make an appearance pursuant to this rule, the law student must:

(1) Be duly enrolled in a law school in this state approved by the American Bar Association;

(2) Have completed four (4) full-time semesters of legal studies or the equivalent if the school is on some basis other than a semester basis;

(3) Be certified by the dean of his or her law school as being of good moral character, competent legal ability, and adequately trained to perform as a legal intern;

(4) Be introduced to the court by an attorney admitted to practice in this court;

(5) Neither ask for nor receive remuneration of any kind for services;

(6) Take the following oath:

> "I, ____, do solemnly swear that I will support the Constitution of the United States and of the State of Louisiana and have read and am familiar with the Code of Professional Responsibility of the Louisiana State Bar Association, and I understand that I am bound

by the precepts therein contained as fully as if I were admitted to the practice of law in Louisiana; and that I further accept the privileges granted to me as well as the responsibilities which will devolve upon me, so that I may be more useful through my clinical education in the service of justice."

(B) *Certification of Students*

The certification of a student by the law school dean:

(1) Must be filed with the clerk and, unless sooner withdrawn, remain in effect for twelve (12) months after it is filed, or until the announcement of the results of the first bar examination following the student's graduation, whichever comes earlier. For any student who passes that examination or who is admitted to the bar without taking an examination, the certification continues in effect until the date he or she is admitted to the bar;

(2) May be withdrawn by the dean at any time by mailing a notice to that effect to the clerk. The notice need not state the cause for withdrawal;

(3) May be terminated by this court at any time without notice or hearing and without any showing of cause. Notice of the termination may be filed with the clerk.

(C) *Supervision of Students*

The member of the bar under whose supervision an eligible law student works must:

(1) Be admitted to practice before this court and approved by the dean of the law school in which the law student is enrolled for service as a supervising lawyer for this program;

(2) Assume personal professional responsibility and liability for the student's guidance in any work undertaken and for supervising the quality of the student's work;

(3) Assist the student in his or her preparation.

[Amended February 1, 2011]

LOCAL CIVIL RULE 83 - RULES BY DISTRICT COURTS; JUDGES' DIRECTIVES

LOCAL CIVIL RULE 83.3 - BUILDING SECURITY

LR 83.3.8 Cameras and Electronic Equipment
LR 83.3.9 Photographs, Radio or Television Broadcasting
LR 83.3.10 Weapons
LR 83.3.11 Enforcement

LR 83.3.1 Reasons for Building Security

The purpose of the rules for building security is to minimize interference with and disruptions of the court's business, to preserve decorum in conducting the court's business and to provide effective security in buildings in which proceedings governed by these rules are held.[Amended February 1, 2011]

LR 83.3.2 Security Personnel

The term "Security Personnel" means the U.S. Marshal or deputy marshal or a deputized court security officer.

LR 83.3.3 Carrying of Parcels, Bags, and Other Objects

Security personnel must inspect all objects carried by persons entering the premises. All persons who seek to enter or remain on the premises must submit to such an inspection.
[Amended February 1, 2011]

LR 83.3.4 Search of Persons

Security personnel may search the person of anyone entering the premises or any space in it. Anyone who refuses to permit such a search will be denied entry. [Amended February 1, 2011]

LR 83.3.5 Unseemly Conduct

No person may:

(A) Loiter, sleep or conduct himself or herself in a disorderly manner on the premises;

(B) Interfere with or disturb the conduct of the court's business;

(C) Eat or drink in the halls of the premises or in the courtrooms;

(D) Block any entrance to or exit from the premises or interfere in any person's entry into or exit from the premises. [Amended February 1, 2011]

LR 83.3.6 Entering and Leaving

All persons must enter and leave courtrooms only through such doorways and at such times as designated by the security personnel. [Amended February 1, 2011]

LR 83.3.7 Spectators

Spectators must enter or depart courtrooms only at such times as the presiding judge may direct. Spectators may enter or remain in any courtroom only if spectator seating is available. Spectators must sit in that portion of the courtroom designated by the U.S. Marshal. Spectators excluded because of lack of seating and spectators leaving the courtroom while court is in session or at any recess must not loiter or remain in the area adjacent to the courtroom.
[Amended February 1, 2011]

LR 83.3.8 Cameras and Electronic Equipment

Except as set forth herein or as authorized by the court, no one other than court officials engaged in the conduct of court business may bring any camera, transmitter, receiver, audio or video recording device, personal digital assistant, cellular telephone (including Palm Pilot, Blackberry, iPhone, or comparable electronic device), computer (including laptop, notebook desktop, or comparable computing device) or other type of electrical or electronic device into the premises.

Any member of the Bar of this court may, subject to security screening, bring personal digital assistants, cellular telephones or computers ("Authorized Electronic Devices") into the courthouse for that attorneys' own use and for presenting, managing, and accessing documents and files for the presentation of evidence during trials and proceedings. Any Authorized Electronic Devices with the capability to make or record images or sounds must be off whenever the device is in any courtroom or its environs, and the use of any such device to record, transmit or photograph court proceedings is prohibited. All sound emitting capabilities (including ringtone or vibration sound) of any Authorized Electronic Device must be off in any courtroom. Authorized Electronic Devices may not be used in a manner that disrupts or interferes with any judicial proceeding or violates Fed. R. Evid. 615 regarding exclusion of witnesses. Notwithstanding this provision, no Authorized Electronic Device may be brought into any courtroom or judicial chambers if the judge to whom the courtroom or chambers is assigned prohibits the introduction of such devices. Other than as set forth herein, no person may introduce or attempt to introduce any type of electronic device (including but not limited to, camera, recording equipment or other type of device) into the premises without court permission.
[Amended February 1, 2011]

LR 83.3.9 Photographs, Radio or Television Broadcasting

(A) The audio-recording, video-recording, taking of photographs, radio or television broadcasting, or electronic transmission of events from the courtroom or its environs is prohibited during the progress of or in connection with judicial proceedings, including proceedings before a United States Magistrate Judge, whether or not court is actually in session. Judicial proceedings, in whole or in part, may not be recorded, broadcast or transmitted by any means, including still or moving photography or any type of sound recording.

(B) As used in these rules the term "environs" means any place within the United States Courthouse and any place wherein any judge of the court may conduct judicial proceedings.

[Amended February 1, 2011]

LR 83.3.10 Weapons

No person may be admitted to or allowed to remain in the premises with any object that might be employed as a weapon unless he or she has been authorized in writing by a judge or magistrate judge to do so, or unless he or she is a federal law enforcement agent, a U.S. Marshal, a Federal Protective Service Police Officer, a publicly employed law enforcement officer or a person designated by the court to assist U.S. Marshals or Federal Protective Service Police. No person, except U.S. Marshals and others specifically authorized by the court, may have any such object in his or her possession while in any courtrooms, judges' chambers or magistrate judges' chambers. Federal law enforcement officers having prisoners in their custody in the courtroom of any magistrate judge or district judge may retain their sidearms. [Amended February 1, 2011]

LR 83.3.11 Enforcement

Security personnel enforce the whole of this Rule 83.3. In addition to such other penalties as may be prescribed by law, violators of this rule may be held in contempt of court and subject to the imposition of sanctions.

LOCAL CIVIL RULE 83 - RULES BY DISTRICT COURTS; JUDGES' DIRECTIVES

LOCAL CIVIL RULE 83.4 - BANKRUPTCY

LR 83.4.1 Reference to Bankruptcy Judge

All cases under Title 11 and all proceedings arising under Title 11 or arising in or related to a case under Title 11 are transferred by the district court to the bankruptcy judges of this district. As set forth in *28 U.S.C. 157(b)(5)*, personal injury tort and wrongful death claims must be tried in the district court. [Amended February 1, 2011]

LR 83.4.2 Appeal to the District Court

Appeals from judgments, orders or decrees of a bankruptcy judge are governed by *Part VIII of the Bankruptcy Rules* (Section 8001, *et seq.*) and the applicable local rules of the district and bankruptcy courts. [Amended February 1, 2011]

LR 83.4.3 Motion Seeking Relief From a District Judge

Motions filed seeking relief from a district judge, including motions under *28 U.S.C. 157(d)* (for withdrawal of reference), *28 U.S.C. 157(c)(1)* (objections to proposed findings of fact and conclusions of law) and *Bankruptcy Rule 8005* (for stay pending appeal), are governed by the rules set out below.

(A) Original Motion

(1) *Applicable Rules*. The Local Rules for the district court apply to all motions filed in bankruptcy cases or proceedings seeking relief from a district judge. In those instances where the Bankruptcy Rules require a report from the bankruptcy judge, *e.g.*, *Bankruptcy Rules 5011(b)* and *9027(e)*, the local Bankruptcy Rules apply until such report is issued.

(2) *Place of Filing*. All motions described in section A must be filed with the clerk of the bankruptcy court.

(3) *Contents of Motion*. In addition to the normal requirements of documents filed in the bankruptcy court, motions described in section A must include:

a. A clear and conspicuous statement opposite the title of the action that "RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE."

b. A designation of the portions of the record of the proceedings in the bankruptcy court that will reasonably be necessary or pertinent for consideration of the motion by the district court.

c. A list showing the names of each party with an interest in the motion and for each party shown, the names of their attorney along with such attorney's mailing address.

(4) *Subsequent Filings*. Any filing in a matter under this section subsequent to the "Original Motion" set forth above must be filed with the clerk of the district court and must comply with all rules of such court.

(5) *Duties of the Clerk of the Bankruptcy Court*. Upon filing of an original motion, as set forth above, the clerk of the bankruptcy court must promptly transmit to the clerk of the district court:

a. The original motion and all attachments to the motion, and

b. The portion of the bankruptcy court record designated in accordance with (3)(b) above.

(B) *No Automatic Stay*. No automatic stay of bankruptcy court proceedings results from the filing of any motion under section A. A stay of proceedings results only from an order of the bankruptcy court or the district court.

(C) *Obligation of the Parties*. A party or its attorney must apprise the bankruptcy court and the United States District Court of orders entered in either forum which significantly affect matters pending in either forum. [Amended February 1, 2011]

LR 83.4.4 Record Transmitted to the District Court

The authority to retain any portion of the record on appeal or in connection with a motion seeking relief from a district judge is delegated to the clerk of the bankruptcy court. If any portion of a record is retained in the bankruptcy court, a certified copy of such record must be transmitted to the district court. If the district court requests the retained documents, the bankruptcy clerk must transmit them immediately.

In the event that papers are retained in the bankruptcy court and certified copies are transmitted to the district court, the bankruptcy court may order the party requesting the documents reimburse the clerk of the bankruptcy court for the cost of reproduction.
[Amended February 1, 2011]

LOCAL CIVIL RULE 83.5 – TRANSFER ORDERS

LR 83.5.1 Cases Transferred to a District Court Outside of the Fifth Circuit

Unless all affected parties consent to the transfer, an order that transfers a case to a district court outside the Fifth Circuit is stayed for 21 days from the date the order is entered on the docket. This rule does not apply to transfer orders of the United States Judicial Panel on Multidistrict Litigation. [Amended February 4, 2025]

LOCAL ADMIRALTY RULE 4 - SUMMONS AND PROCESS

LAR 4.1 Process

(A) In addition to the requirements set forth in Admiralty Rule B , the clerks of court must not issue a summons and process of attachment and garnishment until (1) the verified complaint and affidavit filed pursuant to Admiralty Rule B are reviewed by the court; (2) the court determines if the conditions set forth in Rule B appear to exist, and enters an order so stating and authorizing process of attachment and garnishment. Supplemental process enforcing the court's order may be issued by the clerk upon application without further order of the court. If the plaintiff or his or her attorney certifies that exigent circumstances make review by the court impracticable, the clerk must issue a summons and process of attachment and garnishment and the plaintiff has the burden on a post-attachment hearing under LAR4.1(C) to show that exigent circumstances existed.

(B) In actions in rem pursuant to Admiralty Rule C , the verified complaint and supporting affidavit filed in connection therewith must be reviewed by the court and no warrant for the arrest of a vessel may issue, unless the court determines that the conditions for an action in rem appear to exist, and enters an order so stating and authorizing a warrant. Supplemental process enforcing the court's order may be issued by the clerk upon application without further order of the court. If the plaintiff or his or her attorney certifies that exigent circumstances make review by the court impracticable, the clerk must issue a summons and warrant for the arrest and the plaintiff has the burden on a post-arrest hearing under LAR 4.1(C) to show that exigent circumstances existed.

(C) When property is arrested or attached pursuant to Supplemental Rule B or C, any person claiming an interest in it is entitled to a prompt hearing at which the plaintiff must show why the arrest or attachment should not be vacated or other relief granted consistent with these rules. This rule does not apply to suits for seamen's wages when process is issued upon a certification of sufficient cause signed pursuant to *46 U.S.C. 603* and *604*.

(D) If the judge to whom the particular case is allotted is not immediately available, matters referred to in this LAR 4.1 may be presented to any other judge without the necessity of reallotment of the case. [Amended February 1, 2011]

LAR 4.2 Summons to Show Cause Why Funds Should Not Be Paid to Court

A summons issued pursuant to Admiralty Rule C(3) dealing with freight or the proceeds of property sold, or intangible property must direct the person having control of the funds to show cause why the funds should not be paid into court to comply with the judgment in accordance with the procedure described in the Civil Rules to notice motions for submission.

[Amended February 1, 2011]

LOCAL ADMIRALTY RULE 64 - SEIZURE OF PROPERTY

LAR 64.1 Publication and Time to Claim and Answer Where Publication Necessary and Under

Supplemental Rule C(4)
LAR 64.2 Release of Vessel or Property Under Admiralty
LAR 64.3 Movement of Vessels Under Seizure
LAR 64.4 Consent Guardian
LAR 64.5 Notices
LAR 64.6 Sales
LAR 64.7 Night Vessel Seizures

LAR 64.1 Publication and Time to Claim and Answer Where Publication Necessary and Under Supplemental Rule C(4)

In all cases where publication is necessary under Admiralty Rule C(4) , the time for filing a right of possession or any ownership interest in the property that is the subject of the action is hereby extended for a period of 21 days from the date of the publication.

The published notice must contain the title and the number of the suit, the date of the arrest and identity of the property arrested, the name of the marshal, and the name and address of the attorney for the plaintiff. It must also state that parties must file their right of possession or any ownership interest in the property that is the subject of the action pursuant to Rule C(6) with the clerk and serve the attorney for plaintiff within 21 days after the date of first publication, or within such other time as may be allowed by the court, and must serve their answers within 21 days after the filing of their right of possession or any ownership interest in the property that is the subject of the action; that, if they do not, default may be entered and condemnation ordered; and that application for intervention under *FRCP 24*, by persons asserting right of possession or any ownership interest in the property that is the subject of the action or other interests may be untimely if not filed within the time allowed for asserting right of possession or any ownership interest in the property that is the subject of the action . [Amended February 1, 2011]

LAR 64.2 Release of Vessel or Property Under Admiralty

The marshal is authorized to release a vessel or property if the party at whose instance the vessel or property is detained or his or her attorney, expressly authorizes the marshal in writing to release the vessel or property, and agrees in writing to hold the marshal and his deputies forever harmless from any and all liability as a result of the release of the vessel or other property pursuant to such authorization. At the same time the party or his or her attorney must certify that all costs and charges of the court and its officers have either been paid or that none are due.

LAR 64.3 Movement of Vessels Under Seizure

Without a separate order in each individual case, the marshal is authorized to move the vessels under seizure by him within the district in such a manner and at such times as he, acting as a prudent administrator, finds to be necessary to their proper safeguarding and preservation while under seizure. Further, and without an order of court, he is authorized to permit the moving of vessels anywhere within the area of the district when the party at whose instance the vessel is detained and its owner, or the owner’s attorney, expressly authorizes in writing such a movement and agrees in writing to hold the marshal and all his deputies harmless from any and all liability as a result of any such move.

LAR 64.4 Consent Guardian

The marshal is authorized, without special order of court, to appoint the master of the vessel or another competent person as keeper or custodian of any vessel under seizure with their consent, provided that all parties to the action or their attorneys shall have expressly consented in writing to the appointment and shall have agreed in writing to hold the marshal and all of his deputies harmless from any and all liability as a result of the appointment.

LAR 64.5 Notices

Unless otherwise ordered by the court, or otherwise provided by law, all notices required to be published by statute, rule, or order of court must be published in the *Times-Picayune New Orleans Advocate*. [Amended February 1, 2011; March 1, 2022]

LAR 64.6 Sales

(A) *Notice*. Unless otherwise ordered by the court or otherwise provided by law, notices of sale of arrested or attached vessels or property must be published on three different days, the first of which must be published at least 14 days and the last at least three days before the day of the sale.

(B) *Confirmation*. In all public auction sales of admiralty by the marshal of this court, the marshal must require the last and highest bidder to whom the property is adjudicated to deposit a minimum of $500.00 or 10% of the bid, whichever is greater, in cash or certified check, or cashier's check on a local bank. In the event that the last and highest bid should be for an amount not in excess of $500.00, its full amount must be paid at the time of adjudication. The balance, if any, of the purchase price must be paid in cash or by certified or cashier's check on a local bank on or before confirmation of the sale by the court and within 14 days of the adjudication or dismissal of any opposition which may have been filed.

At the conclusion of the auction, the marshal must immediately report to the court the fact of the sale, the price brought, and the name of the buyer, and the clerk must endorse upon such report the time and date of filing. If within three business days no written objection is filed, the sale is confirmed, provided that no sale is confirmed until the buyer has performed the terms of his purchase. In the event no opposition to the sale shall have been made, the cost of keeping the property pending confirmation must be paid out of the proceeds of the sale; except that if the confirmation is delayed by the purchaser's failure to pay any balance which is due on the price, the cost of keeping the property must be borne by the purchaser after the three day period has lapsed. In the event an opposition to the sale is filed, the opponent must deposit with the marshal, in advance, costs of keeping the property pending the court's determination of the opposition; in default of his or her making the advance, his or her opposition fails without affirmative action by the court. If the opposition fails, the cost of keeping the property during its pendency is borne by the opponent.

At the auction, the marshal must take, record, and report the cost, the name and address of the second highest bidder, and the amount of that second highest bid. In the event that the highest bidder fails to meet his or her financial obligation pertaining to his or her bid, the court may, with the approval of the party or parties at whose instance the sale has been ordered, and of the second highest bidder, confirm the sale to the second highest bidder. [Amended February 1, 2011]

LAR 64.7 Night Vessel Seizure

For the safety of deputy United States Marshals, in the normal course of events, the United States Marshal's Service will not seize vessels that require a bar pilot for their movement in the Mississippi River after dark; provided, however, that the United States Marshal's Service receives from the appropriate pilots' association, after notification to the association that a warrant of attachment has been issued and is in the hands of the Marshal, written acknowledgment that the pilots' association will hold the vessel in the port or at anchorage and not permit movement of the vessel until the United States Marshal's service can seize the vessel the following morning.

In any case in which the seizing party can show exigent circumstances requiring an immediate seizure, before the time the United States Marshal's Service would seize the vessel under this Rule, any judge of this court may order the United States Marshal's Service to execute the warrant and seize a vessel at any time of the day or night. [Adopted February 1, 2011]

LOCAL ADMIRALTY RULE 65 - SECURITY

LAR 65.1 Sureties

In all cases where the surety on a bond or stipulation for the release of a vessel or other property under seizure is not a corporate surety holding a certificate of authority from the Secretary of the Treasury, and the bond or stipulation is not approved as to amount and nature by the party at whose instance the vessel or other property is detained, or by his or her attorney, the vessel or property must not be released without an order of a judge approving the surety, or in the absence of a judge, the clerk, after reasonable notice and opportunity to be heard.

Such approval must not limit the right of a party to move, under Rule E(6) of the Supplemental Rules, *FRCP*, to reduce the amount of surety given or to require new or additional sureties. [Amended February 1, 2011]

APPENDIX

NOTICE REGARDING COMPLAINTS OF JUDICIAL MISCONDUCT OR DISABILITY

To improve the administration of justice in the federal courts, Congress passed the Judicial Conduct and Disability Act, codified at 28 U.S.C. § 351-364. The law authorizes complaints against United States Circuit, District, Bankruptcy, and Magistrate Judges who have "engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts" or who are "unable to discharge all the duties of office by reason of mental or physical disability." The conduct to which the law is addressed does not include making wrong judicial decisions, for the law provides that a complaint may be dismissed if it is "directly related to the merits of a decision or procedural ruling."

The Judicial Council of the Fifth Circuit has adopted *Rules For Judicial-Conduct and Judicial-Disability Proceedings*. These rules apply to judges of the United States Court of Appeals for the Fifth Circuit and to the district, bankruptcy, and magistrate judges of federal courts within the Fifth Circuit. The Fifth Circuit includes the states of Texas, Louisiana, and Mississippi.

These Rules may be obtained from, and written complaints filed at, the following office:

Clerk
United States Court of Appeals
for the Fifth Circuit
600 S. Maestri
New Orleans, LA 70130