

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF GEORGIA**

LOCAL RULES for BANKRUPTCY PRACTICE

LBR 1002-1. COPIES OF PETITION

- (a) Chapter 7 and Chapter 12 Petitions. An original and two (2) copies shall be filed with the Court.
- (b) Chapter 13 Petitions. An original and one (1) copy shall be filed with the Court.
- (c) Chapter 9 and Chapter 11 Petitions. An original and five (5) copies shall be filed with the Court.

LBR 1007-1. FILING OF LISTS, SCHEDULES AND STATEMENTS

Dismissal of Case. In any case where lists, schedules and statements are not filed at the time of the filing of a voluntary petition, an order of dismissal shall be entered unless the same are filed within fourteen (14) days after the filing of the petition, or a motion to extend time for filing lists, schedules and statements has been filed prior to the expiration of the fifteen day period.

LBR 1009-1. AMENDMENTS TO PETITIONS, LISTS, SCHEDULES OR STATEMENTS

(a) Notice to Affected Parties. Where the debtor files an amendment to the petition, lists, schedules or statements previously filed, the debtor shall send notice of the same to the United States Trustee, any trustee appointed, and to any and all entities affected by the amendment. When the debtor adds creditors to the case by supplementing either the schedules or the list of creditors previously filed, the debtor shall serve upon each newly listed creditor a copy of the following:

- (1) The amendment;
- (2) The meeting of creditors notice;
- (3) The order granting discharge (if any); and
- (4) Any other document affecting the rights of said creditors.

(b) Filing of Amendment With Clerk's Office.

- (1) Number of Copies Required. All amendments shall be filed with the same number of copies as required for the original petition.
- (2) Proof of Service. Amendments of the kind specified in subdivision (a) of this rule shall be accompanied by the debtor's proof of service evidencing that the required notice was given.

(c) Amendment Fee. Amendment fee of \$30.00 will be waived upon full compliance with this rule.

LBR 2002-1. ENTITIES ENTITLED TO NOTICE; REQUESTS FOR NOTICE, CHANGES OF ADDRESS

(a) Chapter 7 Cases. In Chapter 7 cases, all notices required by Bankruptcy Rule 2002(a), except clause 4 thereof, and which are mailed after the expiration of the time for the filing of proofs of claim pursuant to Bankruptcy Rule 3002(c) may, unless otherwise ordered by the Bankruptcy Court be mailed only to:

- (1) creditors whose claims have been filed;
- (2) creditors, if any, who are still permitted to file claims by reason of an extension granted under Bankruptcy Rule 3002(c)(6); and
- (3) any entities which have requested notice.

(b) Change of Address. Any party in interest who desires that its address for notices be changed from the address shown on any proof of claim, request for notice, or other pleading previously filed by such party must file such request with the Clerk and serve a copy of same on the debtor's attorney, the United States Trustee, and the case Trustee. Changes of address must be separately filed in each case file and adversary proceeding showing the proper case number or adversary number. Filing in the main case alone is not sufficient. A party shall not be entitled to notice at the new address in the absence of complete compliance with this rule.

LBR 2003-1. CONFLICTS--FIRST MEETING OF CREDITORS

When an attorney has a Court appearance which is scheduled for the same time as a s 341 meeting, counsel should give prompt written notice of the conflict to the case trustee, the Chapter 13 Trustee, and/or the United States Trustee as is appropriate. Notice to the Bankruptcy Judge to whom the case is assigned without notice to the appropriate trustee is insufficient. In the absence of specific contrary directions from the Court the attorney shall appear at the Court proceeding and arrange for substitute counsel at the 341 meeting.

LBR 2015-1. FINAL REPORT AND APPLICATIONS FOR FINAL DECREES IN CHAPTER 11 CASES

(a) The trustee or debtor-in-possession shall file the report required by Bankruptcy Rule 2015(a)(5) within thirty (30) days of the entry of the order of confirmation.

(b) Within 180 days of the entry of the order of confirmation, the trustee or debtor-in-possession shall file, pursuant to 11 U.S.C. s 1106, an application for a final decree in the form prescribed by the Court, unless the Bankruptcy Court orders otherwise.

LBR 2090-1 ADMISSION OF ATTORNEYS

(a) Any attorney who is admitted to the bar of the United States District Court for the Southern District of Georgia pursuant to Rule LR 83.3 of the District Local Rules for Attorneys is admitted to the bar of the Bankruptcy Court.

(b) Any attorney who is not admitted pursuant to subparagraph (a) shall be permitted to appear and participate in a bankruptcy case or proceeding only upon compliance with Rule LR 83.4 of the District Local Rules for Attorneys, and payment of the prescribed fee for admission pro hac vice as set from time to time by the District Court.

LBR 2091-1. WITHDRAWAL OF COUNSEL

Attorneys desiring to withdraw from representation of a party in this Court shall demonstrate that they have complied with Rule LR 83.7. The application shall be presented to and acted upon by the Bankruptcy Judge.

LBR 3001-1. FILING AND SERVICE OF PROOFS OF CLAIM

(a) Generally. Each proof of claim presented for filing must specify the case number of the applicable bankruptcy case and must be properly signed by the claimant or the claimant's authorized agent.

(b) Attachments to Claim. Any attachments to the claim shall be stapled behind the claim in the upper left hand corner. Attachments shall be no larger than 8 1/2 by 11 inches.

(c) Service. All creditors and their counsel who file a proof of claim in this Court are hereby directed to serve by First Class Mail a true copy of said proof of claim and all attachments thereto upon the debtors' counsel of record at the address of said debtors' counsel shown on the Notice of the Creditors Meeting convened pursuant to 11 U.S.C. s 341. The filing of such a proof of claim shall constitute a certificate by said creditor and/or its counsel that this order has been complied with. Said creditors and/or their counsel are, however, directed not to file any separate certificate of service in the Clerk's Office.

LBR 3001-2. INTEREST ON CLAIMS IN CHAPTER 13 CASE

Without in any way limiting or amending any provision of the Code or Rules that govern the filing of proofs of claim, all claims filed in this Court shall be filed for the net principal balance only as of the date of the debtor's filing of his or her case. Unless otherwise ordered by the Bankruptcy Judge, the Chapter 13 Trustee is directed to pay interest at a rate of 12% per annum on all allowed secured claims and is further directed to file objections to or notify debtor's counsel with respect to any claim which is not filed in accordance with the terms of this order. The sanction provisions of Bankruptcy Rule 9011 apply to claims filed in violation of applicable provisions of the Bankruptcy Code and Rules.

LBR 3015-1. FILING AND SERVICE OF MODIFIED CHAPTER 13 PLANS

(a) Distribution of Modified Plan. If, after having filed a Chapter 13 plan, the debtor files a modified plan, the debtor must serve such modified plan on:

- (1) The standing trustee; and
- (2) Any creditor(s) affected by the modification.

(b) Proof of Service. The debtor shall file with the modified plan proof of service evidencing compliance with this rule.

LBR 4001-1. MOTION FOR EX PARTE RELIEF FROM STAY

(a) Generally. Except in Chapter 11 cases, if collateral securing a claim, including property which is the subject of a lease, is an over-the-road vehicle, such as an automobile, motorcycle, trailer, or a boat or an airplane, and if the same is not insured with full collision and comprehensive insurance, then the holder of such claim may file with the Bankruptcy Court a motion for ex parte relief from the stay of 11 U.S.C. s 362(a) pursuant to 11 U.S.C.s 362(f) to obtain possession of the collateral or leased property.

(b) Chapter 11 Cases. The Bankruptcy Court may, in its discretion, apply this rule to a Chapter 11 case.

(c) Content of Motion. Any motion for ex parte relief from the stay under this rule shall be verified and shall:

(1) Include a description of the collateral or leased property, a statement of the amount of the claim and the basis on which the claim is secured, a statement of the basis on which the moving party believes that the collateral or leased property is not insured with full comprehensive insurance; and a statement that the moving party or its attorney has given or attempted to give oral notice to the debtor's attorney or the debtor, if the debtor is not represented by counsel, that the motion is being filed.

2) Be accompanied by a proposed order which shall provide that:

(A) The debtor or Trustee is prohibited from using the collateral or leased property unless and until adequate evidence of full collision and comprehensive insurance is presented to the holder of the claim;

(B) The debtor or Trustee, whichever is in actual physical possession of the collateral or leased property, shall notify the holder of the claim of the location of the collateral;

(C) The debtor or Trustee, whichever is in actual physical possession of the collateral or leased property, shall surrender it to the holder of the claim within 72 hours of the date of service of the order, unless within that time (1) the holder of the claim is provided with adequate evidence of full collision and comprehensive insurance or (2) the debtor or Trustee requests a hearing concerning same;

(D) The holder of the claim is authorized to take physical possession of collateral or leased property required to be surrendered under this Rule, and to hold same, provided that the holder may not dispose of the collateral or leased property unless and until the automatic stay is modified or terminated or expires as a matter of law and provided that, if the debtor provides adequate evidence of full collision and comprehensive insurance prior to the expiration or termination of the automatic stay, then the holder of the claim must return the property to the debtor; and

(E) The holder of the claim or its attorney shall serve copies of the motion and order promptly on the debtor, the debtor's attorney, and the Trustee, and shall provide telephonic notice to the debtor's attorney and the Trustee, if the Trustee is in actual physical possession of the property.

LBR 4004-1. DISCHARGE HEARINGS

In all cases, no discharge hearings will be routinely assigned. Reaffirmation agreements will be governed by 11 U.S.C. s 524(c) and shall be filed before the expiration of the time for filing objections to discharge. If a reaffirmation agreement is filed in a particular case a discharge hearing will be scheduled. Notices of said discharge hearings will be mailed to debtor, debtor's attorney, and the trustee.

LBR 9029-1. REGULATION OF PRACTICE

Pursuant to Bankruptcy Rule 9029, the Bankruptcy Court may by General Order regulate its practice in any manner not inconsistent with these Rules or the District Court Local Rules. A copy of all current General Orders regulating such practice shall be provided by the Clerk upon request of any party in interest.

LBR 9072-1 SUBMISSIONS OF ORDERS, FINDINGS OF FACT AND CONCLUSION OF LAW

(a) Motion Practice. At the time of filing a motion seeking any relief in this Court, the movant shall file along with the motion, a proposed order containing appropriate recitations of fact and of law in support of the relief sought, consistent with the evidence which movant reasonably believes will be established at the hearing concerning said motion.

(b) Exception. Rule LBR 9072-1(a) shall not apply to motions for relief from a stay filed pursuant to 11 U.C. s 362 in cases filed under Chapters 7, 12, or 13, unless the notice of the hearing issued by the Clerk contains an express requirement that a proposed order be filed along with movant's certificate of service.

(c) Adversary Proceedings. In all adversary proceedings, plaintiff and defendant shall separately file with the Court, not later than the date and time scheduled for trial a set of proposed findings of fact and conclusions of law, based on evidence which each reasonably believes will be proven at trial, and containing relevant legal authority to support the conclusions reached.

(d) Counsel Identification. Whenever any proposed order is submitted for entry by the Bankruptcy Court, including a consent order, the proposed order shall identify the attorney who prepared the order, the name of the party represented by such attorney, and shall include the attorney's signature, name, address, telephone number, and Georgia State Bar number, if the attorney is a member of the State Bar of Georgia.

RULES OF U.S. DISTRICT COURT **FOR THE SOUTHERN DISTRICT OF GEORGIA** **APPLICABLE IN BANKRUPTCY CASES AND PROCEEDINGS**

The following Rules are specifically made applicable to bankruptcy cases and proceedings but not to the exclusion of other Rules. The following Rules are published with the incorporation of the amendments stated in the "Uniformity of Practice" preamble to the Local Bankruptcy rules.

Uniformity of Practice

In order to insure uniformity of practice in all Courts in the Southern District of Georgia, the intent of these rules is to incorporate as Rules of Practice in Bankruptcy Court, to the maximum extent possible, all applicable rules of the United States District Court. In cases of conflict between these Local Rules and the Federal Rules of Bankruptcy Procedure, except where the Federal Rules of Bankruptcy Procedure permit variations by Local Rule, or in matters not addressed by these Local Rules, the Federal Rules of Bankruptcy Procedure shall govern. Whenever possible, the Local Rules and Federal Rules of Bankruptcy Procedure shall be read consistently. Without in any way limiting the generality of the foregoing, the following District Court Local Rules are applicable in bankruptcy cases and proceedings:

LR 2. CIVIL ACTIONS

LR 2.1 Six Divisions. The Southern District of Georgia consists of six divisions as prescribed in Title 28, United States Code, Section 90. These are the Augusta, Brunswick, Dublin, Savannah, Statesboro, and Waycross divisions.

(a) Venue - Resident Defendant. All civil actions, not in rem, brought against a resident of one of the six divisions of this district shall be brought and tried in the division in which the defendant resides or in a division in which a substantial part of the events or omissions giving rise to the claim occurred.

(b) Venue - Multiple Defendants. Actions that are not in rem, brought against persons who are residents of more than one division in this district, shall be brought in the division in which a substantial part of the events or omissions giving rise to the claim occurred. If the events or omissions giving rise to the claim occurred outside of the district, the action may be brought in the division containing any county of which any defendant is a resident.

(c) Venue - Non-resident Defendant. If a substantial part of the events or omissions complained of occurred in this district and no defendant is a resident of this district, the action shall be brought in the division containing the county in which a substantial part of the events or omissions occurred.

(d) Venue - Corporations. For the purpose of this rule, a corporation shall be deemed to be a resident of any county in which it is doing or transacting business.

(e) Venue - United States as Defendant (Civil Actions). Actions brought against the United States shall be brought in the division containing the county of plaintiff's residence or in the division in which a substantial part of the events or omissions giving rise to the claim occurred.

(f) Venue - Actions of a Local Nature. Civil actions of an in rem nature may be brought in any division in which any part of the property in issue is located or seized.

LR 2.3 Transfer of Civil Cases. By Order of the Court, any civil action may be transferred for trial to any other place or division within the district.

LR 3. FILING ACTION

LR 3.1 Refiled Cases. Whenever an action or proceeding terminated by entry of a notice or order of dismissal is refiled without a substantial change in issues or parties, it shall be assigned or transferred to the Judge to whom the original action or proceeding was assigned, unless otherwise ordered by the Chief Judge. Whenever an action is filed which relates to property included in, involves the same issues appearing in, or grows out of the same transaction appearing in a case already pending in any court, the Clerk of Court should be so informed. At the time of filing of the complaint, counsel shall file a certificate in which counsel certifies that the action or proceeding is one which has been refiled without a substantial change in issues or parties, or one that is related to a case already pending in any court. A specimen of the form to be used to comply with the provisions of this rule is in the Appendix of Forms to this section of these Local Rules.

LR 3.2 Certificate of Interested Persons. A certificate will be furnished by counsel for all private (non-government) parties, both plaintiffs and defendants, which shall be incorporated on the first page of each complaint and answer, and which shall certify a full and complete list of all parties; officers, directors, or trustees of parties; and all other persons, associations of persons, firms, partnerships, subsidiary or parent corporations, or organizations which have a financial interest in, or another interest which could be substantially affected by, the outcome of the particular case. Should a merger or acquisition occur during the pendency of litigation, counsel shall so notify the Court thereof in writing. The form to be used to comply with the provisions of this rule is in the Appendix of Forms to this section of these Local Rules.

LR 5 SERVICE AND FILINGS OF PLEADINGS AND OTHER PAPERS

LR 5.1 Certification of Service. Each paper served other than by a United States Marshal shall include a certificate of the person or firm making service, his or its relationship to the parties, action, or proceeding, and the date, method, and address of service. The original of a certificate shall also be signed by the party or his attorney at whose instance service was made.

LR MOTIONS

LR 7.1 Filing.

(a) Absent prior written permission of the Court, no party shall file any brief or legal memorandum in excess of twenty-five (25) pages in length.

(b) Unless the assigned Judge prescribes otherwise, every motion filed in civil proceedings shall cite to supporting legal authorities. A motion and supporting memorandum (brief) may be filed as one document. Every factual assertion in a motion, response, or brief shall be supported by a citation to the pertinent page in the existing record or in any affidavit, discovery material, or other evidence filed with the motion. This rule does not apply to motions for enlargement of time. Every ministerial motion (e.g., to extend time, exceed page limits, for a leave of absence) shall be accompanied by a proposed order. No proposed order is required for motions requesting non-ministerial relief (e.g., motions for summary judgment, to dismiss, judgment on the pleadings, to add or drop parties, to exclude evidence, to remand, for injunctive relief). Where practical, parties should indicate whether a motion is unopposed.

LR 7.2 Hearings. Motions shall generally be determined upon the motion and supporting documents filed as prescribed herein. However, the assigned Judge may allow oral argument *sua sponte*, or upon written request of either party. Requests for oral argument shall estimate the time required for argument.

LR 7.3 Orders Made Orally In Court. Unless the Court directs otherwise, all orders including findings of fact and conclusions of law orally announced in court shall be prepared in writing by the attorney for the prevailing party and taken to the Judge within two (2) days thereafter, with sufficient copies for all parties and the Court.

LR 7.4 Time for Filing Civil Motions. Except as otherwise provided in these Local Rules, including but not limited to LR 16.3, or as otherwise ordered by the Court, all motions in a civil action, with the exception of motions in limine, shall be filed and served upon the opposing party not later than thirty (30) days after the close of discovery pursuant to LR 26.1. Unless otherwise directed, motions in limine shall be filed no later than five (5) days prior to the pretrial conference, if practicable; otherwise, such motions may be filed up to the time of trial.

LR 7.5 Response to Motion. Unless these rules or the assigned Judge prescribes otherwise, each party opposing a motion shall serve and file a response within fourteen (14) days of service of the motion, except that in cases of motions for summary judgment the time shall be twenty-one (21) days after service of the motion. Failure to respond within the applicable time period shall indicate that there is no opposition to a motion. Where ministerial motions (e.g., to extend time, exceed page limits, for a leave of absence) have been filed, every response shall be accompanied by a proposed order. No proposed order need accompany responses to motions requesting non-ministerial relief (e.g., motions for summary judgment, to dismiss, for judgment on the pleadings, to add or drop parties, to exclude evidence, to remand, for injunctive relief).

LR 10.1 Pleadings. All pleadings, notices, orders, and other papers in all cases shall, when offered for filing, be plainly and fairly written or printed without erasures or interlineations materially defacing them, be double-spaced, be numbered on each page, and contain an appropriate appearance as provided in Rule LR 83.6.

LR 11.1 Counsel Identification. Every pleading, motion, or other paper presented for filing shall, pursuant to Federal Rule of Civil Procedure 11, be signed by at least one attorney of record in the attorney's individual name, and shall contain counsel's name, complete address (including post office box or drawer number and street address), telephone number, and State Bar Number. Each attorney and pro se litigant has a continuing obligation to apprise the Court of any address change. Lead counsel shall be identified on the complaint and the responsive pleading of each party, and the Clerk shall be advised of any change in lead counsel.

LR 16.1(b) Scheduling Orders.

Except as otherwise ordered by a Judge of the Court in a particular case, a Scheduling Order need not be entered in the following cases:

- (i) An action for review on an administrative record;
- (ii) A petition for habeas corpus or other proceeding to challenge a criminal conviction or sentence;
- (iii) An action to enforce or quash an administrative summons or subpoena;
- (iv) An action by the United States to recover benefit payments;
- (v) An action by the United States to collect on a student loan guaranteed by the United States;
- (vi) A proceeding ancillary to proceedings in other courts; and
- (vii) An action to enforce an arbitration award.

LR 16.2 Status Conference. The assigned Judge may at any time direct counsel to appear and confer regarding the status of any pending case. Joint status reports shall be submitted at the time and in the form required by the Judge.

LR 16.3 Time for Filing Motions to Amend or to Join Other Parties. All motions in civil cases wherein a party seeks to add or join another party under Federal Rules of Civil Procedure 19 through 22 or to amend the pleadings under Federal Rule of Civil Procedure 15 shall be filed within sixty (60) days after issue is joined in the case by the filing of an answer.

LR 16.4 Pretrial Order. Unless the assigned Judge prescribes otherwise, the parties shall submit a consolidated pretrial order at the time and in the form prescribed by the assigned Judge. When entered by or at the direction of the assigned Judge, the pretrial order shall supersede all prior pleadings, shall control the trial of the case, and shall be amended only by order of the Court and only upon showing of good cause.

LR 16.5 Pretrial Conference. A civil case may be scheduled for pretrial conference any time after the expiration of the discovery period. Counsel who will actually try the case, or other counsel of record with authority to define issues, make stipulations, and discuss settlement, shall attend the pretrial conference. The Court may require that a party or its representative with settlement authority be present or reasonably available by telephone in order to consider possible settlement of the dispute. Lead counsel must attend the pretrial conference.

LR 16.6 Dismissal. Failure of a party or counsel to comply with the requirements of the assigned Judge relating to pretrial orders, conferences, and status reports shall be cause for dismissal under Local Rule LR 41.1.

LR 26.1 Time Limitations. Discovery shall proceed as follows:

(a) The parties shall confer as provided in Fed. R. Civ. P. 26(f) by the earlier of (i) 21 days after the filing of the last answer of the defendants named in the original complaint or (ii) 45 days after the first appearance by answer or motion under Fed. R. Civ. P. 12 of a defendant named in the original complaint.

(b) Within 14 days after the required conference pursuant to Fed. R. Civ. P. 26(f), the parties shall submit to the Court a written report outlining their proposed discovery plan. This report shall conform to the language and format of the standard form included in the Appendix of Forms to these rules (and furnished by the Clerk to the plaintiff upon the filing of the complaint).

(c) Upon receipt and review of the parties' written report, and within the time set by Fed. R. Civ. P. 16(b), the Court, through the Judge or Magistrate Judge, will promptly enter its Scheduling Order as provided in Fed. R. Civ. P. 16(b).

(d) Unless otherwise stated in the Scheduling Order issued pursuant to Fed. R. Civ. P. 16(b):

- (i) the parties shall serve all written discovery on opposing parties and shall complete all depositions within 140 days of the filing of the last answer of the defendants named in the original complaint;

(ii) the plaintiff must furnish the expert witness reports required by Fed. R. Civ. P. 26(a)(2)(B) and provide the disclosures required by Fed. R. Civ. P. 26(a)(2)(C) within 60 days after the Fed. R. Civ. P. 26(f) conference or, in cases exempt from the Fed. R. Civ. P. 26(f) conference, within 60 days after the filing of the last answer of the defendants named in the original complaint;

(iii) the defendant must furnish the expert witness reports required by Fed. R. Civ. P. 26(a)(2)(B) and provide the disclosures required by Fed. R. Civ. P. 26(a)(2)(C) within 90 days after the Fed. R. Civ. P. 26(f) conference or 60 days after filing his answer, whichever is later, or in cases exempt from the Fed. R. Civ. P. 26(f) conference, within 90 days after the answer.

(e) In removed cases, the Fed. R. Civ. P. 26(f) conference shall be held within 21 days of the date of filing of the notice of removal or within 21 days of filing of the last answer of the defendants, whichever is later but in no event later than 45 days after the first appearance by answer or motion under Fed. R. Civ. P. 12 of a defendant named in the original complaint.

(f) In cases transferred from another district, the Fed. R. Civ. P. 26(f) conference shall be held within 21 days of the docketing of the case in this district.

LR 26.2 Extensions of Time. Except for good cause shown, no extension of time for discovery shall be granted unless a motion for an extension of time is filed prior to the expiration of such discovery period. In the event an extension of time is requested, the moving party shall submit a proposed, modified Scheduling Order which shall include the requested time extension.

LR 30.1 Objections to Depositions. The specific portions of depositions that are expected to be used by any party at trial shall be identified by page and line number in the proposed pretrial order. Any objections by any party to any deposition or portion thereof shall be submitted in writing at the time of the pretrial conference, stating the page and line number objected to and the reason for the objection.

LR 40.1 Continuances. A continuance of any trial, pretrial conference, or other hearing will be granted only on the basis of exceptional circumstances.

LR 40.2 Absence of Witnesses. Motions for continuance on account of the absence of any witness must show steps which have been taken to secure the attendance of the witness, the nature of his testimony, and when the witness will be available, and unless waived by the Court, must include a certificate of a doctor where illness is claimed. The stipulation of the adversary as to the witness' testimony shall be sufficient reason for denial of the motion for continuance.

LR 41.1 For Want of Prosecution. In the following instances and in other instances provided by law or court rules, the assigned Judge may, after notice to counsel of record, sua sponte, or on motion of any party, dismiss any action for want of prosecution, with or without prejudice:

(a) Failure to permit or provide discovery within the time set forth in an order compelling discovery;

(b) Willful disobedience or neglect of any order of the Court; or

(c) Any other failure to prosecute a civil action with reasonable promptness.

LR 56.1 Motions for Summary Judgment. Upon any motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, in addition to the brief, there shall be annexed to the motion a separate, short, and concise statement of the material facts as to which it is contended there exists no genuine issue to be tried as well as any conclusions of law thereof. Each statement of material fact shall be supported by a citation to the record. All material facts set forth in the statement required to be served by the moving party will be deemed to be admitted unless controverted by a statement served by the opposing party. Response to a motion for summary judgment shall be made within twenty-one (21) days of service of the motion. See LR 7.5.

LR 67.1 Deposit and Disbursement Funds. All orders concerning the deposit of money into this Court or the disbursement of such money shall be personally served on the Clerk of this Court by the prevailing party.

LR 77.1 Proper Notice to Adversary. Except in emergency situations where it is impossible to contact opposing counsel, and in those situations where it is contemplated by the Federal Rules of Civil Procedure that an ex parte motion or application (other than motions to proceed in forma pauperis) may be made to the Court, attorneys desiring to confer with a District Judge or Magistrate Judge of this Court in chambers relative to a case then pending shall first give proper notice to opposing counsel in the case disclosing the date, hour, and nature of the conference sought and shall satisfy the Judge, or Magistrate Judge, that such notice has been given.

LR 77.2 Judge to Whom Request Submitted. An attorney seeking a court order in a case already pending shall submit his request or motion for the order to the Judge to whom the case has been assigned, if the Judge is present in the district. If the Judge is not present, the attorney shall contact the Clerk for instructions as to whom the request or motion shall be submitted.

LR 77.3 Filing of Orders. Attorneys obtaining any order in chambers from a District Judge or Magistrate Judge of this Court shall forthwith deliver it to the Clerk for filing.

LR 79.3 Original Transcripts. The original transcript of testimony and any record of proceedings filed with the Clerk of this Court by an official court reporter, or commissioner, shall not be removed from the office of the Clerk by counsel or the parties.

LR 79.4 Exhibits and Documents. All exhibits received or offered into evidence at any trial or hearing shall be retained by the Clerk, who shall keep them in custody, except that documents of unusual bulk or weight and physical exhibits other than documents shall be retained by counsel for safekeeping. All models, diagrams, books, or other exhibits other than contraband received in evidence or marked for identification in an action or proceeding shall be removed by the filing party at the expiration of the time for the filing of a Notice of Appeal, or if an appeal is filed, after the final adjudication of the action or proceeding and disposition of the appeal. Said exhibits if not so removed may be destroyed or otherwise disposed of as the Clerk may deem proper after ten days notice to counsel.

LR 79.5 Closed Files. All closed files of the Court may be forwarded to the federal records center serving this district. Thereafter, persons desiring use of any such files may, upon good cause shown, on an appropriate form furnished by the Clerk, request that such files be returned for examination in the Clerk's office.

LR 83. ATTORNEYS, COURT FACILITIES, AND BUSINESS ATTORNEYS – GENERAL

LR 83.1 Roll of Attorneys. The bar of this Court shall consist of those persons heretofore admitted to practice in this Court and those who may hereafter be admitted in accordance with this rule.

LR 83.2 Eligibility. Any attorney who is a member in good standing of the State Bar of Georgia is eligible for admission to the bar of this Court.

LR 83.3 Procedure for Admission.

(a) Each applicant for admission to the bar of this Court shall file with the Clerk a written petition, on the form provided by the Clerk, setting forth his residence and office address, and the other courts to which he has been admitted to practice. The petition shall be signed by two members in good standing of the bar of this Court who recommend his admission.

(b) The Clerk shall furnish each petitioner with a set of instructions on the procedure for admission in the particular division of the Court where the petition is filed. A petition in the proper form

will be presented to a judge of this Court. The petitioner will make suitable arrangements thereafter with the Clerk for his appearance and admission in open court or in chambers in accordance with the Court's instructions.

(c) When a petition is called, one of the members of the bar of this Court shall move the admission of the petitioner. When admitted, the petitioner shall take an oath in the following form:

I do solemnly swear or affirm that I will support the Constitution of the United States; that I will bear true faith and allegiance to the government of the United States; that I will maintain the respect due to the courts of justice and judicial offices; that I will well and faithfully discharge my duties as an attorney and officer of this Court; and that I will demean myself uprightly and according to the law and the recognized standards of ethics of the legal profession. So help me God.

(d) The petitioner, after taking the foregoing oath, will then sign the roll of attorneys in the division where admitted and will pay to the Clerk the prescribed enrollment fee.

LR 83.4 Permission to Practice in a Particular Case.

(a) Georgia bar members who reside in this district or maintain their principal place of business in this district shall not appear before this Court via pro hac vice admission, but instead must join this Court's bar, even to represent someone in one (or an occasional) case.

(b) Any attorney not subject to LR 83.4(a), but who is in good standing with the bar of another federal district court, may be permitted to appear and participate in a particular case before this Court, whether civil or criminal, with the prior approval of this Court, subject to the following conditions:

(1) pro hac vice counsel must designate, by a writing filed in the case in which appearance is sought, some willing member of this Court's bar upon whom motions and papers may be served. For that designation to be effective, such local counsel must enter a written appearance in the case.

(2) pro hac vice counsel also must: (i) certify, in a writing filed with this Court, membership in good standing of a federal district court; and (ii) file with the Clerk of this Court a certificate of good standing from that court.

(c) Any attorneys representing the United States Government, or any agency thereof, may appear and participate in particular actions or proceedings in an official capacity without a petition for admission, provided the attorney is a member of a federal district court's bar. Any such attorney so appearing shall certify to the Court in writing that he or she has read and is familiar with the local rules. Further, unless excused from doing so by the presiding judge, any such attorney shall be accompanied at hearings and trials by an Assistant United States Attorney of this district who shall also review and sign pleadings.

LR 83.5 Disbarment and Discipline.

(a) Any attorney who appears in a case or proceeding, or who represents a party in interest in a case or proceeding, may for good cause shown, and after notice and hearing, be disbarred, suspended from practice for a definite time, reprimanded, or subjected to such other discipline as the Court may deem proper.

(b) If any attorney appearing in a case or proceeding, or representing a party in interest in a case or proceeding, has been disbarred or suspended from the practice of law by the State Bar of Georgia or the courts of the State of Georgia or any other state, or has been convicted of a felony or any crime involving moral turpitude, such attorneys may be provisionally suspended forthwith from practice before this Court; and, unless good cause to the contrary is shown within thirty (30) days from the date of such suspension or conviction, an order of disbarment shall be entered.

(c) Any person who is not admitted to the bar of this Court or who has been disbarred or suspended, and who exercises in this Court any of the privileges as a member of its bar, or pretends to be entitled to do so, shall be in contempt of this Court and subjected to appropriate punishment.

(d) The standards of professional conduct of attorneys appearing in a case or proceeding, or representing a party in interest in such a case or proceeding, are governed by the Georgia Bar Rules of Professional Conduct and the American Bar Association's Model Rules of Professional Conduct. When a conflict arises, the Georgia Bar Rules of Professional Conduct shall control. A violation of any of

these rules in connection with any matter pending before this Court may subject the attorney to appropriate disciplinary action.

(e) The notice of hearing for any proceeding to be conducted under subparagraph (a) of this Rule shall include the specifications of charges and complaints against any member of the bar considered by the Court for disciplinary action, the time by which a response thereto shall be made, and the time, date and place of any hearing therein.

(f) Any disciplinary proceedings under this Rule shall be closed except that the Court may, in its discretion, open to the public any such proceeding when justice so requires or when the subject of any disciplinary action so requests.

(g) Where in a matter pending before an Article I Judge it appears that any attorney appearing in case or proceeding, or representing a party in interest in such case or proceeding, has violated any of the rules referred to in subparagraph (d), the Article I Judge may initiate a proceeding in conformity with subparagraphs (a) and (d) through (f) of this Rule, may terminate the proceeding at any stage when the question raised is unsupported or unsubstantiated, and, if the proceeding is not terminated, shall at the conclusion of the proceeding submit to the Chief Judge of this Court proposed findings of fact and, where appropriate, a recommendation for the discipline of the offending member.

The Article I Judge shall file his proposed findings and recommendations with the Court under seal and a copy thereof shall forthwith be mailed by the Clerk to the subject of the disciplinary action, who shall have fourteen days after service to file written objections to the proposed findings and recommendations.

The Chief Judge of the District Court, or a District Judge designated by him, shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings and recommendations made by the Article I Judge. The Chief Judge or his designee may also receive further evidence or recommit the matter to the Article I Judge with instructions.

This local rule is not intended to limit the power of the Article I Judge to exercise such criminal and civil contempt authority as conferred by Statute or Rule.

(h) Any disbarred or suspended attorney who wishes to be readmitted to practice before this Court shall submit any readmission petition to the Chief Judge of this Court and include: (a) a detailed explanation of why he believes he is fit to practice before this Court; (b) an express reference to the Order disbaring or suspending the attorney and file and a copy of that Order; (c) an acknowledgment that the attorney has engaged in the conduct which led to the Order of disbarment or suspension; (d) affidavits from five current members of this Court's bar who attest that the attorney is an ethical person of good moral character, good conduct, and professional responsibility; and (e) a request that a hearing be held before all the judges of this Court to consider the petition.

LR 83.6 Appearance by an Attorney.

(a) The filing of any pleadings shall, unless otherwise specified, constitute an appearance by the person who signs such pleading.

(b) An attorney representing a witness in any civil action or criminal proceeding, including a grand jury proceeding, or representing a defendant or prospective defendant in a grand jury proceeding, shall file a notice of appearance with the consent of the client endorsed thereon, with the Clerk on a form to be prescribed and furnished by the Court, except that the notice need not be filed when such appearance has previously been evidenced by the filing of pleadings in the action or proceeding. The notice shall be filed by the attorney promptly upon undertaking the representation and prior to the attorney's appearance on behalf of his client at any hearing or grand jury proceedings. When the appearance is in connection with a grand jury session, the notice of appearance shall be filed with the Clerk in such a manner as to maintain the secrecy requirements of grand jury proceedings. For the purpose of this rule, an attorney shall be deemed to be appearing for and representing a witness or party if he is present within the courthouse and advising such witness prior to entering the chambers of the grand jury or is interviewing witnesses of the grand jury before or after their appearance.

(c) Each attorney retained by defendants in criminal cases shall, within three (3) days after being retained, notify the Clerk in writing of his appearance as attorney of record and shall furnish a copy of said notice to the United States Attorney. Counsel becoming associated with counsel already of record in

a criminal case or being substituted for counsel then of record in the case, upon being associated with or replacing counsel or upon being retained by a party or parties to the case, shall notify the Clerk in writing of his appearance in the case. Counsel so registered as counsel of record will not be relieved of such responsibility except upon order of the Court as hereinafter prescribed.

(d) Whenever a party has appeared by attorney, he may not thereafter appear or act in his own behalf in the action or proceeding, or take any step therein, unless an order of substitution shall first have been made by the Court, after notice to the attorney by such party and to the opposite party, provided, that the Court may hear a party in open court, notwithstanding the fact that he has appeared or is represented by an attorney.

(e) No attorney shall withdraw his appearance in any action or proceeding, either civil or criminal, except by leave of the Court as hereinafter prescribed.

(f) When an attorney dies, or is removed or suspended or ceases to act as such as hereinafter prescribed, a party to an action or proceeding for whom he was acting as attorney must, before any further proceedings are had in the action on his behalf, appoint another attorney or appear in person, unless such party is already represented by another attorney. Failure to so act or to so appear in person and to furnish his address to the Clerk shall constitute a default on his part.

(g) If an attorney for any party is examined as a witness in an action or proceedings, and gives testimony on the merits, he shall not argue the merits of the case or proceeding, either to the Court or jury, except with the permission of the Court.

(h) Only one attorney on each side shall examine or cross examine a witness, and not more than two (2) attorneys on each side shall argue the merits of an action or proceeding unless the Court shall otherwise prescribe.

LR 83.7 Withdrawal as Attorney of Record. Attorneys representing parties in any case, desiring to have their names stricken of record, shall so request one of the District Judges of this Court, in writing and in duplicate, through the Clerk of this Court, and shall disclose that such attorney has given due notice to his client of his intention to withdraw from the case, and shall specify the manner of such notice to the client, attaching copy of the notice. Such notice to the client shall be given at least fourteen (14) days prior to the request to the Court. Upon the filing of the request with the Clerk, a copy thereof shall forthwith be mailed to the client and within fourteen (14) days thereafter, such request shall be presented by the Clerk to the District Judge for his action thereon. Ordinarily, counsel will not be allowed to withdraw after pretrial if such withdrawal will delay the trial of the case, in which event the attorney shall continue as responsible for the handling of the case.

LR 83.8 Relations with Jury. All attempts to curry favor with juries by fawning, flattery, or pretending solicitude for their personal comfort are unprofessional. Suggestions of counsel, looking to the comfort or convenience of jurors and propositions to dispense with argument or peremptory challenges, should be made to the Court out of the presence of the jury or its hearing. Before and during the trial, a lawyer shall avoid conversing or otherwise communicating with a juror on any subject, whether pertaining to the case or not. No party, attorney, or other person shall, without Court approval, make or attempt any communication relating to any feature of the trial of any case with any regular or alternate juror who has served in such case, whether or not the case was concluded by verdict.

LR 83.9 Leaves of Absence. An application by an attorney for a leave of absence shall be in writing, listing all cases by name and number for which protection is desired by the attorney. Said application shall show that notice thereof has been given to opposing counsel in each of said cases. In the absence of prompt objection thereto, in writing, such leave may be granted as a matter of course.

LR 83.10 Disciplinary Actions. In any disbarment or disciplinary action brought against any member of the bar of this Court, the United States Attorney shall prosecute such action representing the bar of this Court.

LR 83.11 Indigent Representation -- Statement of Policy. The historic and present obligation of the bar to provide legal counsel and representation to those who cannot afford to pay is recognized and

established as the policy of this Court. In years past, before the organization and funding of legal services corporations and the enactment of legislation providing payment for services in appointive criminal cases, many lawyers fairly and dutifully responded to the call for indigent representation. Increasingly, it is perceived that lawyers who regularly and frequently practice in this Court have no contact whatsoever with the indigent client in civil or criminal cases. This Court will not participate in or permit an abdication of the lawyer's fundamental responsibility to provide legal services to indigents. It is observed that such services are more effective and produce greater professional fulfillment when provided voluntarily rather than compulsorily. All members of the bar of this Court who possess the mental and physical ability, regardless of age, are expected to provide legal services, on occasion, to indigents. See also, LCrR 44.1.

The roll of attorneys as provided to the judicial officers by the Clerk's Office shall constitute the "panel of attorneys" as that term is used in the Plan for the Implementation of the Criminal Justice Act of 1964, As Amended, which plan is a public record available at each divisional office of the Clerk of this Court.

In making appointments for attorneys to represent indigent in criminal or civil cases, the Magistrates Judges, the Clerk, and the District Judges shall consider the frequency of the appearances of lawyers in civil or criminal cases in this Court without regard to the residency or principal office maintained by the lawyer. Those lawyers whose appearances predominate in a particular division shall be given preference for appointments in such division, but shall be subject to appointment to a case in any division of this Court.

ATTORNEYS – GUIDELINES FOR COURTROOM CONDUCT

These instructions are designed to promote uniformity and proper decorum in the courtroom practice of this district. Members of the bar should adhere to these instructions to the maximum practical extent.

LR 83.12 Examination of Witnesses and Argument.

- (a) Counsel should conduct examination of witnesses from the lectern or the counsel table.
- (b) Do not approach a witness without asking permission of the Court. When permission is granted for the purpose of working with an exhibit, resume the examination from the table or lectern when finished with the exhibit.
- (c) Rise when addressing the Court or jury and when making objections.
- (d) During opening statement and argument, counsel should stand at the lectern or table unless the Court grants permission to approach another area for a proper purpose.

LR 83.13 Objections to Questions.

(a) When objecting, state only that you are objecting and specify the ground or grounds of objection. Do not use objections for the purpose of making a speech, recapitulating testimony, or attempting to guide the witness.

(b) Argument upon the objection will not be heard until permission is given or argument is requested by the Court.

LR 83.14 Decorum.

- (a) Colloquy or argument between attorneys is not permitted. Address all remarks to the Court.
- (b) In a jury case, if there is an offer of stipulation, first confer with opposing counsel about it.
- (c) Do not ask the reporter to mark testimony. All requests for re-reading of questions or answers shall be addressed to the Court.
- (d) Counsel during trial shall not exhibit familiarity with witnesses, jurors, or opposing counsel. The use of first names is to be avoided. During arguments, no juror should be addressed individually or by name.
- (e) During the argument of opposing counsel, remain seated at the counsel table and be respectful. Never divert the attention of the Court or the jury.

LR 83.15 The Witness.

(a) Witnesses shall be treated with fairness and consideration; they shall not be shouted at, ridiculed, or otherwise abused.

(b) No person shall ever by facial expression or other conduct exhibit any opinion concerning any testimony which is being given by a witness. Counsel should admonish their clients and witnesses about this common occurrence.

LR 83.16 Court Hours and Promptness.

(a) The Court makes every effort to commence proceedings at the time set. Promptness is expected from counsel and witnesses.

(b) If a witness was on the stand at a recess or adjournment, have the witness on the stand ready to proceed when Court is resumed.

(c) Arrange the schedule of your case so that you will not run out of witnesses and cause unnecessary delay.

LR 83.17 Doctors and other Professional Witnesses -- Out of Sequence. The Court attempts to cooperate with physicians, engineers, and other professional witnesses and will, except in extraordinary circumstances, accommodate them by permitting them to be put on out of sequence. Anticipate any such possibility and discuss it with opposing counsel. If there is objection, confer with the Court in advance.

LR 83.18 Exhibits.

(a) Each counsel shall keep a list of all exhibits.

(b) Whenever possible, have photocopies of an exhibit for the Court, opposing counsel, and the witness.

(c) Each counsel is responsible for any exhibits which he secures from the Clerk. At each noon-time or end-of-the-day adjournment, return all exhibits to the Clerk.

(d) Documents and other exhibits, where practical, should be tagged as exhibits and shown to opposing counsel before their use in court.

(e) Exhibits should be pre-marked and tagged before identification in open court. When referring to the exhibit, counsel should briefly describe its nature for the record.

(f) Ordinarily, exhibits should be offered in evidence when they become admissible rather than at the end of counsel's case.

(g) When counsel or witnesses refer to an exhibit, mention should also be made of the exhibit number so that the record will be clear.

(h) Where maps, diagrams, pictures, etc. are being used as exhibits, and locations or features on such documents are being pointed out by witnesses or counsel, such locations should be indicated by appropriate markings on the documents if not readily apparent from the documents themselves. Unnecessary markings should be avoided. Markings on exhibits should only be made after receiving the Court's permission to do so.

(i) Where several exhibits are contained within an envelope, package or box, mark the container as exhibit 1, for example, and the others as exhibit 1-A, 1-B, etc.

(j) At pretrial conference, attorneys are given a form for a list of exhibits and exhibit tags. These forms are to be copied to provide as many copies as needed. On the day of trial, deliver three copies of the exhibit list to the Clerk. (For unusual exhibits, contact the Courtroom Deputy Clerk for instructions).

LR 83.19 Difficult Questions -- Advance Notice. If you have reason to anticipate that any question of law or evidence is difficult or will provoke an argument, give the Court advance notice.

LR 83.20 Depositions -- Filing and Use during Trial.

(a) All depositions which are used in the trial, either as evidence or for impeachment, must be signed and filed before the trial commences.

(b) Portions of depositions used for impeachment may be read to the jury during the cross-examination, with pages and lines indicated for the record before reading. However, prior to reading, the witness should be shown the pages and lines and permitted to read them to himself.

LR 83.21 Use of Answers to Interrogatories and Requests for Admission. Where there has been extensive discovery and counsel expects to offer answers to interrogatories or requests for admissions extracted from several separate documents, a document showing such question and answer or admission shall be prepared with copies for the Court and opposing counsel. This eliminates the time-consuming process of thumbing through extensive files to locate the particular items.

LR 83.22 Opening Statements. Confine your opening statements to what you expect the evidence to show. It is not proper to use the opening statement to argue the case or instruct as to the law.

COURT FACILITIES AND BUSINESS

LR 83.23 Prohibited and Permitted Conduct. The taking of photographs and operating of tape recorders in the courtroom or its environs and radio or television broadcasting from the courtroom or its environs during the progress of or in connection with judicial proceedings, including proceedings before a United States Magistrate Judge, Bankruptcy Judge, or Administrative Law Judge, whether or not court is actually in session, are prohibited. A Judge may, however, permit (1) the use of electronic or photographic means for the presentation of evidence or the perpetuation of a record, and (2) the broadcasting, televising, recording, or photographing of investiture, ceremonial, or naturalization proceedings.

LR 83.24 Environs. The courtroom and its environs, as such terms are used in Local Rule LR 83.23, shall include any portion of any United States courthouse building and the exterior steps to such buildings, and parking areas adjacent to such buildings if such areas are owned by the United States Government. Where the interest of justice or public safety may so require, the Court may direct the Marshal to extend the environs of the courtroom, as such term is contemplated in Local Rule LR 83.23, to the curb or edge of the public streets or thoroughfares adjacent to any United States courthouse building.

LR 83.25 Exceptional Situations. At the request of the United States Marshal or the United States Attorney, the Court may direct other limitations on photography and broadcasting to maintain the secrecy of grand jury proceedings, to protect jurors and witnesses, and to further the interest of justice in unusual, hazardous, or inflammatory circumstances.

LR 83.26 Purpose and Excluded Areas. It is the purpose of Local Rule LR 83.23 to preserve and protect the dignity and solemnity of court proceedings, to promote public safety, and to facilitate access to court functions by the public and court officers. Nothing herein contained shall be construed unreasonably so as to restrict the constitutional rights of any individual. The environs of the courtroom as defined in Local Rule LR 83.24 shall not include the office area of any elected official within any United States courthouse, nor shall it include the office area of any other agency within such buildings where photography, broadcasting, and recording has been invited or authorized by the person in charge thereof with respect to a matter which is unrelated to court proceedings.

LR 83.27 Security. When magnetometers are deemed necessary by a Judge of this district and placed into operation by the United States Marshal Service, it will be required that all persons entering a facility so protected be cleared through the magnetometer prior to being granted access.

Federal employees and agents may be granted access upon production of valid government identification or personal recognition by the Court Security Officer (CSO) or Marshal. All briefcases, packages, and purses will be inspected if they fail to clear the magnetometer.

LR 83.28 Release of Information by Courthouse Personnel. All courthouse supporting personnel, including but not limited to the United States Marshal and his deputies, the Clerk and his deputies, the

Probation Officer and probation clerks, bailiffs, court reporters, and any employees or subcontractors retained by the official court reporters, are prohibited from disclosing to any person, without authorization from the Court, any information relating to a pending grand jury proceeding, criminal case, or civil case that is not part of the public record of the Court. The public record of each case shall be those materials which are contained in the court's official file as maintained by the Clerk except such parts thereto as may be sealed, secret, impounded or specially set aside for in camera inspection. This prohibition specifically applies to grand jury proceedings, and to in camera arguments and hearings held in chambers or otherwise outside the presence of the public. Pleadings received by the Clerk relating to plea bargains shall not be made a part of the public record until trial has commenced. Courthouse personnel contact with media representatives regarding official court business shall be limited to providing them access and copies of the public record to which the general public is entitled, and to no other commentary, opinion, or assistance.

LR 83.29 Judicial Proceedings--Special Cases. In a widely publicized or sensational criminal case, the Court, on motion of either party or on its own motion, may issue a special order governing such matters as extrajudicial statements by parties and witnesses which are likely to interfere with the rights of the accused to a fair trial by an impartial jury, the seating and conduct in the courtroom of spectators and news media representatives, the management and sequestration of jurors and witnesses, and any other matters which the Court may deem appropriate for inclusion in such order.

LR 83.30 Only For Court Business. The various courtrooms of the United States District Court are solely for trials, hearings and transaction of other court business. The courtrooms will not be utilized for any other purpose unless approved by a Judge of this Court.

LR 83.31 No Weapons Allowed. No persons including law enforcement officers, except the United States Marshal and his duly assigned deputy Marshals, and federal protective officers on assignment or upon call, shall wear or bring any firearm or other weapon into the courtroom of any United States Courthouse or federal building in the Southern District of Georgia unless specifically authorized to do so by a Judge of this Court. Any firearm or weapon shall be checked with the Marshal. A willful failure to comply with this rule shall subject the offender to a rule for contempt and such offender may be subjected to appropriate disciplinary action by the Court.

LR 83.32 Transcripts. All orders to an official court reporter for the transcription of the record or any portion thereof in all cases, including depositions, shall be in writing, signed by lead counsel for the party ordering such transcription, and filed with the record. The party ordering such transcript, except in CJA cases, cases proceeding in forma pauperis, or cases in which the government is the party ordering such transcription, shall pay to the reporter, in advance, the reasonable estimate of the cost of such transcription as made by the court reporter.

LR 83.33 Compensation. The compensation of an official court reporter shall be as established by order from time to time, pursuant to the authority of the Judicial Conference of the United States.

AMENDMENTS

Amend Local Rule 7.1(b).

The first sentence of LR 7.1(b) now reads:

Unless the assigned Judge prescribes otherwise, every motion filed in civil proceedings shall be accompanied by a memorandum of law citing supporting authorities.

The rule is amended to read:

Unless the assigned Judge prescribes otherwise, every motion filed in civil proceedings shall cite to supporting legal authorities. A motion and supporting memorandum (brief) may be filed as one document.

All other sentences of the rule will remain unchanged. Change is in effect July 18, 2005

Amend the second sentence of Local Rule 7.5.

The first two sentences of LR 7.5 currently read:

Unless these rules or the assigned Judge prescribes otherwise, each party opposing a motion shall serve and file a response within fifteen (15) days of service of the motion, except that in cases of motions for summary judgment the time shall be twenty (20) days after service of the motion. *Failure to respond shall indicate that there is no opposition to a motion.*

Emphasis added). The rule is amended to add the following highlighted language to the second sentence:

Failure to respond within the applicable time period shall indicate that there is no opposition to a motion.

All other sentences of the rule will remain unchanged. Change is in effect July 18, 2005.

Amend Local Rule 7.5.

The section of LR7.5 now reads:

LR 7.5 Response to Motion.

Unless these rules or the assigned Judge prescribes otherwise, each party opposing a motion shall serve and file a response within fifteen (15) days of service of the motion, except that in the case of motions for summary judgment the time shall be twenty (20) days after service of the motion. Failure to respond within the applicable time period shall indicate that there is no opposition to a motion. Where ministerial motions (e.g., to extend time, exceed page limits, for a leave of absence) have been filed, every response shall be accompanied by a proposed order. No proposed order need accompany responses to motions requesting non-ministerial relief (e.g., motions for summary judgment, to dismiss, for judgment on the pleadings, to add or drop parties, to exclude evidence, to remand, for injunctive relief).

The rule is amended to read:

LR 7.5 Response to Motion.

Unless these rules or the assigned Judge prescribes otherwise, each party opposing a motion shall serve and file a response within fourteen (14) days of service of the motion, except that in the case of motions for summary judgment the time shall be twenty-one (21) days after service of the motion. Failure to respond within the applicable time period shall indicate that there is no opposition to a motion. Where ministerial motions (e.g., to extend time, exceed page limits, for a leave of absence) have been filed, every response shall be accompanied by a proposed order. No proposed order need accompany responses to motions requesting non-ministerial relief (e.g., motions for summary judgment, to dismiss, for judgment on the pleadings, to add or drop parties, to exclude evidence, to remand, for injunctive relief).

All other sentences of the rules will remain unchanged. Change is in effect December 1, 2009.

New Local Rule 83.5(h).

The Court is amending Local Rule 83.5 to add the following new subsection (h):

(h) Any disbarred or suspended attorney who wishes to be readmitted to practice before this Court shall submit any readmission petition to the Chief Judge of this Court and include: (a) a detailed explanation of why he believes he is fit to practice before this Court; (b) an express reference to the Order disbaring or suspending the attorney and file and a copy of that Order; (c) an acknowledgment that the attorney has engaged in the conduct which led to the Order of disbarment or suspension; (d) affidavits from five current members of this Court=s bar who attest that the attorney is an ethical person of good moral character, good conduct, and professional responsibility; and (e) a request that a hearing be held before all the judges of this Court to consider the petition.

All other sentences of the rule will remain unchanged. Change is in effect July 18, 2005.

Amend Local Rule 83.5

The section of LR 83.5 now reads:

LR 83.5 Disbarment and Discipline.

(g) Where in a matter pending before an Article I Judge it appears that any attorney appearing in case or proceeding, or representing a party in interest in such case or proceeding, has violated any of the rules referred to in subparagraph (d), the Article I Judge may initiate a proceeding in conformity with subparagraphs (a) and (d) through (f) of this Rule, may terminate the proceeding at any stage when the question raised is unsupported or unsubstantiated, and, if the proceeding is not terminated, shall at the conclusion of the proceeding submit to the Chief Judge of this Court proposed findings of fact and, where appropriate, a recommendation for the discipline of the offending member.

The Article I Judge shall file his proposed findings and recommendations with the Court under seal and a copy thereof shall forthwith be mailed by the Clerk to the subject of the disciplinary action, who shall have ten days after service to file written objections to the proposed findings and recommendations.

The rule is amended to read:

LR 83.5 Disbarment and Discipline.

(g) Where in a matter pending before an Article I Judge it appears that any attorney appearing in case or proceeding, or representing a party in interest in such case or proceeding, has violated any of the rules referred to in subparagraph (d), the Article I Judge may initiate a proceeding in conformity with subparagraphs (a) and (d) through (f) of this Rule, may terminate the proceeding at any stage when the question raised is unsupported or unsubstantiated, and, if the proceeding is not terminated, shall at the conclusion of the proceeding submit to the Chief Judge of this Court proposed findings of fact and, where appropriate, a recommendation for the discipline of the offending member.

The Article I Judge shall file his proposed findings and recommendations with the Court under seal and a copy thereof shall forthwith be mailed by the Clerk to the subject of the disciplinary action, who shall have fourteen days after service to file written objections to the proposed findings and recommendations.

All other sentences of the rules will remain unchanged. Change is in effect December 1, 2009.

Amend Local Rule 83.7

The section of LR 83.7 now reads:

LR 83.7 Withdrawal as Attorney of Record.

Attorneys representing parties in any case, desiring to have their names stricken of record, shall so request one of the District Judges of this Court, in writing and in duplicate, through the Clerk of this Court, and shall disclose that such attorney has given due notice to his client of his intention to withdraw from the case, and shall specify the manner of such notice to the client, attaching copy of the notice. Such notice to the client shall be given at least ten (10) days prior to the request to the Court. Upon the filing of the request with the Clerk, a copy thereof shall forthwith be mailed to the client and within ten (10) days thereafter, such request shall be presented by the Clerk to the District Judge for his action thereon. Ordinarily, counsel will not be allowed to withdraw after pretrial if such withdrawal will delay the trial of the case, in which event the attorney shall continue as responsible for the handling of the case.

The rule is amended to read:

LR 83.7 Withdrawal as Attorney of Record.

Attorneys representing parties in any case, desiring to have their names stricken of record, shall so request one of the District Judges of this Court, in writing and in duplicate, through the Clerk of this Court, and shall disclose that such attorney has given due notice to his client of his intention to withdraw from the case, and shall specify the manner of such notice to the client, attaching copy of the notice. Such notice to the client shall be given at least fourteen (14) days prior to the request to the Court. Upon the filing of the request with the Clerk, a copy thereof shall forthwith be mailed to the client and within fourteen (14) days thereafter, such request shall be presented by the Clerk to the District Judge for his action thereon. Ordinarily, counsel will not be allowed to withdraw after pretrial if such withdrawal will delay the trial of the case, in which event the attorney shall continue as responsible for the handling of the case.

All other sentences of the rules will remain unchanged. Change is in effect December 1, 2009.