

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

ORDER

Rule 16.4 of the Rules of the United States District Court for the District of Maine is hereby amended effective December 1, 2009.

RULE 16.4

FINAL PRETRIAL CONFERENCE AND ORDER

(a) Final Pretrial Conference

A final pretrial conference shall be held as close to the time of trial as reasonable under the circumstances. The Clerk shall notify counsel of the time and place by mailing to them a written notice.

A final pretrial conference may be conducted by the trial judge or any other judicial officer.

(b) Preparation for Final Pretrial Conference

Not later than 5 business days prior to the final pretrial conference, each party shall file with the Court and serve on every other party a pretrial memorandum, which normally need not exceed 5 pages in length, containing the following information: (1) a brief factual statement of the party's claim or defense, as the case may be, including an itemized statement of any damages claimed; (2) a brief statement of the party's contentions with respect to any controverted points of law, including evidentiary questions, together with supporting authority; (3) proposed stipulations concerning matters which are not in substantial dispute and to facts and documents which will avoid unnecessary proof; (4) the names and addresses of all witnesses the party intends to call at trial, other than those to be used for impeachment and rebuttal, but in the absence of stipulation, the disclosure of a witness shall not constitute a representation that the witness will be produced or called at trial; and (5) a list of the documents and things the party intends to offer as exhibits at trial.

Each party shall be prepared at the pretrial conference to discuss the issues set forth in items (1) through (5) above, to exchange or to agree to exchange medical reports, hospital records, and other documents, to make a representation concerning settlement as set forth in this rule and to discuss fully all aspects of the case.

(c) Conduct of Final Pretrial Conference

The Court will consider at the final pretrial conference the pleadings and papers then on file; all motions and other proceedings then pending; and any other matters referred to in this rule or in Fed. R. Civ. P. 16, which may be applicable.

Unless excused for good cause, each party shall be represented at the final pretrial conference by counsel who is to conduct the trial on behalf of such party, who shall be thoroughly familiar with this rule and with the case. Counsel shall be required to make a representation to the Court at the final pretrial conference that counsel has made a recommendation to the client in respect to settlement and that the client has acted on such recommendation. Counsel's inability to make such representations shall be grounds for imposition of sanctions.

(d) Final Pretrial Order

Either at or following the final pretrial conference, the Court shall make a final pretrial order, which shall recite the action taken at the conference, and such order shall control the subsequent course of the action, unless modified by the Court to prevent manifest injustice. Unless otherwise ordered, any objections to the final pretrial order must be made within 14 days after receipt by counsel of a copy thereof. Any discussion at the conference relating to settlement shall not be a part of the final pretrial order. The final pretrial order deadlines shall be such that they do not come into play until after the last settlement conference has been held and it appears that trial is unavoidable. In any case where there is a pending dispositive motion, one item on the final pretrial conference agenda shall be whether the provisions and deadlines of the final pretrial order should be stayed until the motion is resolved. The judicial officer presiding at the final pretrial conference shall tailor the order to the individual case and consider whether certain provisions of the final pretrial order should be waived. (For example, in a simple automobile negligence personal injury case it may not be necessary to list exhibits or summaries of witness testimony. In such cases trial briefs and draft jury instructions may also be unnecessary.) The number of copies of documents to be filed shall be limited. In a jury case, the original set of exhibits is ordinarily sufficient and should not be filed with the Clerk before trial.

In a nonjury case, one extra set for the judge to review in advance of the trial should be adequate. Trial briefs, voir dire, jury instructions, etc. should be simply the original and one copy.

(e) Sanctions

If a party fails to comply with the requirements of Fed. R. Civ. P. 16 or this rule, the Court may impose such penalties and sanctions as are just, including those set forth in Fed. R. Civ. P. 16(f).

(f) Special Circumstances

The Court may provide for a special pretrial procedure in any case when special circumstances warrant.

(g) Settlement

The parties, through their lawyers, shall be prepared to fully engage in meaningful settlement discussions at the conference. If the case will be tried by the judge without a jury, a different judicial officer will conduct the settlement discussions.

A judicial officer may direct that a separate settlement conference be held with party representatives present in person.



John A. Woodcock, Jr.
Chief Judge

Dated this 24th day of September 2009.

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

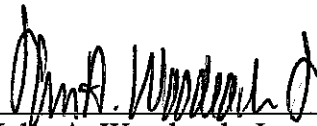
ORDER

Rule 44 of the Rules of the United States District Court for the District of Maine is hereby amended effective December 1, 2009.

RULE 44

PROOF OF OFFICIAL OR CERTIFIED RECORDS

A party offering into evidence official records under F.R.Civ.P. 44, public documents under F.R.E. 902 (1) – (3), or certified records under F.R.E. 902 (4) or (11) – (12) shall identify and produce such records as required by the scheduling order or other order of the Court. Objection to the authenticity of such records shall be filed with the court within 14 days of identification. All other objections shall be made as provided in the pretrial order. If the discovery period has passed, the Court may on motion permit additional discovery, limited to the issue of the authenticity of records to which objection has been taken.



John A. Woodcock, Jr.
Chief Judge

Dated this 24th day of September 2009.

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

ORDER

Rule 54.1 of the Rules of the United States District Court for the District of Maine is hereby amended effective December 1, 2009.

RULE 54.1

SECURITY FOR COSTS

Except where 28 U.S.C. §§1915, 1916 or any other statute of the United States otherwise provides, the Clerk shall, upon written application by a defendant at any time after the commencement of any civil action, enter an order as of course directing a non-resident plaintiff to furnish, within 21 days after service of said order, security in the amount of Five Hundred Dollars (\$500) for the payment of all taxable costs of the action. Upon motion and for good cause shown, the Court may at any time modify or rescind such an order, or direct that additional or other security be furnished.



John A. Woodcock, Jr.
Chief Judge

Dated this 24th day of September 2009.

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

ORDER

Rule 56 of the Rules of the United States District Court for the District of Maine is hereby amended effective December 1, 2009.

RULE 56

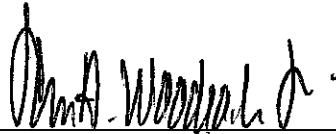
MOTIONS FOR SUMMARY JUDGMENT

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(e) Motions to Strike Not Allowed

Motions to strike statements of fact are not allowed. If a party contends that an individual statement of fact should not be considered by the court, the party may include as part of the response that the statement of fact "should be stricken" with a brief statement of the reason(s) and the authority or record citation in support. Without prejudice to the determination of the request to strike the party shall admit, deny or qualify the statement as provided in this rule. A party may respond to a request to strike either in the reply statement of material facts as provided in this rule or, if the request was made in a reply statement of material facts, by filing a response within 14 days. A response to a request to strike shall be strictly limited to a brief statement of the reason(s) why the statement of fact should be considered and the authority or record citation in support.

change from 11 days



John A. Woodcock, Jr.
Chief Judge

Dated this 14th day of September 2009.

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

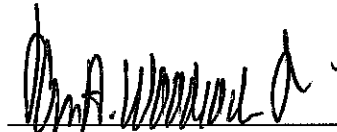
ORDER

Rule 54.1 of the Rules of the United States District Court for the District of Maine is hereby amended effective December 1, 2009.

RULE 72.1

OBJECTIONS TO PRETRIAL ORDERS

Within 14 days after being served a copy of an order, report, proposed findings or a recommended decision of a United States Magistrate Judge entered under 28 U.S.C. §636(b)(1), a party seeking review shall file an objection with an incorporated memorandum of law to those specific portions for which review is sought. Within 14 days after being served with an objection, a party opposing the objection may file a response with an incorporated memorandum of law. Neither the objection nor response shall exceed 10 pages in length for objections to nondispositive orders or 20 pages for objections to recommended dispositive orders. Except by prior order of the court, no reply memorandum shall be filed.



John A. Woodcock, Jr.
Chief Judge

Dated this 21st day of September 2009.

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

ORDER

Rule 83.2 of the Rules of the United States District Court for the District of Maine is hereby amended effective December 1, 2009.

RULE 83.2

ATTORNEYS-APPEARANCES AND WITHDRAWALS

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(b) Prohibition on Limited Appearances

No appearance shall be allowed purporting to limit the attorney's representation to less than all issues and proceedings.

In any case removed from state court where a lawyer has entered a limited appearance, the appearance shall be treated as a general appearance, but counsel shall have 14 days in which to move to withdraw altogether on the basis that his/her/its scope of representation was limited.



John A. Woodcock, Jr.
Chief Judge

Dated this 24th day of September 2009.

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

ORDER

Rule 147 of the Rules of the United States District Court for the District of Maine is hereby amended effective December 1, 2009.

RULE 147

(As Amended February 28, 2005)

MOTIONS AND MEMORANDA OF LAW

(a) Submissions of Motions and Supporting Memoranda

Every motion shall incorporate a memorandum of law, including citations and supporting authorities. Affidavits and other documents setting forth or evidencing facts on which the motion is based shall be filed with the motion.

(b) Objections to Motions

Unless within 21 days after the filing of a motion the opposing party files written objection thereto, incorporating a memorandum of law, the opposing party shall be deemed to have waived objection.

Any objections shall be filed in duplicate and shall include citations and supporting authorities and affidavits and other documents setting forth or evidencing facts on which the objection is based. The deemed waiver imposed herein shall not apply to motions filed during trial.

(c) Reply Memorandum

Within 14 days after the filing of any objection to a motion, the moving party may file a reply memorandum, which shall not exceed 7 pages in length and which shall be strictly confined to replying to new matter raised in the objection or opposing memorandum.

(d) Calculation of Time for Response

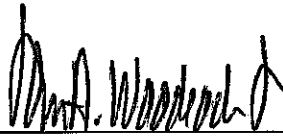
The time periods for objection to motions and for filing reply memoranda shall be computed from the filing date of the motion or objection. F.R.Crim.P. 45(e) shall not apply and therefore no additional days will be added for the possibility that service may have been accomplished by mail.

(e) Form and Length

All memoranda shall be typed, double-spaced on 8-1/2 x 11 inch paper or printed. All pages shall be numbered at the bottom. Except by prior leave of Court, memorandum of law in support of or in opposition to a dispositive motion or a motion to suppress evidence shall not exceed 20 pages. Memoranda in support and in opposition to all other motions shall not exceed 10 pages.

(f) Written Submissions and Oral Argument

All motions shall be decided by the Court without oral argument unless otherwise ordered by the Court on its own motion or, in its discretion, upon request of counsel.



John A. Woodcock, Jr.
Chief Judge

Dated this 24th day of September 2009.