

## RULE 7

(As amended ~~December 1, 2009~~ July 1, 2011)

### 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. No written discovery motions shall be filed without the prior approval of a judicial officer. See Rule 26(a).

#### (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 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 of 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.Civ.P. 6(d) 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 in a font of no less than size 12 point, and shall be double-spaced on 8-1/2 x 11 inch paper or printed. Footnotes shall be in a font of no less than size 10 point, and may be single spaced. All pages shall be numbered at the bottom. No memorandum of law in support of or in opposition to a nondispositive motion shall exceed 10 pages. No memorandum of law in support of or in opposition to a motion to dismiss, a motion

for judgment on the pleadings, a motion for summary judgment or a motion for injunctive relief shall exceed 20 pages. No reply memorandum shall exceed 7 pages.

A motion to exceed the limitation of this rule shall be filed no later than three (3) business days in advance of the date for filing the memorandum to permit meaningful review by the court. A motion to exceed the page limitations shall not be filed simultaneously with a memorandum in excess of the limitations of this rule.

**(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.

**(g) Motions for Reconsideration**

A motion to reconsider an interlocutory order of the court, meaning a motion other than one governed by Fed.R.Civ.P. 59 or 60, shall demonstrate that the order was based on a manifest error of fact or law and shall be filed within 14 days from the date of the order unless the party seeking a reconsideration shows cause for not filing within that time. Cause for not filing within 14 days from the date of the order includes newly available material evidence and an intervening change in the governing legal standard. When a motion to reconsider a ruling by the magistrate judge is directed to the magistrate judge, an objection pursuant to Fed.R.Civ.P. 72 or 28 U.S.C.A. Section 636(b) shall be filed within 14 days after the party objecting has been served with a copy of the magistrate's ruling on the motion to reconsider.

## RULE 7A

(Amended ~~December~~ July 1, 2009~~2011~~)

### FILING SEALED DOCUMENTS AND PLEADINGS

A document or pleading may be filed under seal only upon order of the Court, in accordance with the following procedures:

#### (a) Motion to Seal and Sealed Documents

To obtain an order allowing one or more documents or pleadings to be sealed, a party shall electronically file on ECF a motion to seal together with the separate document(s) or pleading(s) sought to be sealed. The motion shall propose specific findings as to the need for sealing and the duration the document(s) should be sealed. The motion shall include a statement whether there is agreement of the parties to the sealing. The ECF system will generate and send a Notice of Electronic Filing (NEF) to counsel of record notifying them of the filing, but counsel will be unable to view the document. If service is required, all counsel must be served in a manner other than through ECF.

#### (b) Objection to Sealing and Reply

Unless otherwise ordered by the Court, any objection to a motion to seal and any reply thereto shall be filed electronically under seal and in accordance with Local Rule 7.

#### (c) Order

In making specific findings as to the need for sealing and the duration the document(s) shall be sealed, the Court may incorporate by reference the proposed findings in the motion to seal. If the motion to seal is denied, the motion to seal and any supporting document(s) tendered under provisional seal shall ~~be removed from~~remain in the ECF system ~~by the Clerk, sealed indefinitely,~~ unless the Court orders otherwise. ~~The denied motion to seal shall remain sealed indefinitely, unless otherwise ordered by the Court~~

#### (d) Public Notice

The docket entry noting the filing of the motion to seal, and of any objection and reply thereto, and of the filing of the order of the Court thereon, and of the filing of any sealed document(s) or pleading(s) shall be publicly available

on ECF, but the document(s) or pleading(s) themselves shall only be available to the Court.

**(e) Exceptions**

- (1) No motion or order is required for the filing of a redacted document or a document under seal that is already subject to an existing protective order or that is included within a category of pleadings and documents deemed sealed or authorized to be filed ex parte pursuant to a federal statute, the federal rules of procedure, or the local rules of this court. Any filing of a document which had been previously authorized shall reference the prior authority for such filing.
- (2) Sealed pleadings and documents, such as deeds, photographs, or bulky exhibits, which cannot be filed electronically shall be filed in accordance with the provisions of the ECF User Manual ~~and shall be returned to the filing party by the Clerk as directed by the Court.~~

## **RULE 9**

### **PLEADING SPECIAL MATTERS**

#### **(a) Request for Three-Judge District Court**

To enable the Court to comply with the provisions of 28 U.S.C. § 2284, in any action or proceeding which a party believes is required to be heard by a three-judge district court, the words "THREE-JUDGE DISTRICT COURT REQUESTED" or the equivalent shall be included directly beneath the designation of the pleadings.

~~In such an action or proceeding, all pleadings, motions and other papers, except exhibits, shall be filed or otherwise submitted in three copies.~~

#### **(b) Request for Injunctive Relief**

If a pleading or motion seeks injunctive relief, in addition to the prayer for such relief, the words "INJUNCTIVE RELIEF SOUGHT" or the equivalent shall be included on the first page.

## **RULE 10**

### **FORM OF PLEADINGS, MOTIONS AND OTHER PAPERS**

All pleadings, motions and other papers filed with the Clerk or otherwise submitted to the Court, except exhibits, shall bear the proper case number and shall contain on the first page a caption as described by Fed. R. Civ. P. 10(a) and immediately thereunder a designation of what the document is and the name of the party in whose behalf it is submitted. All such documents shall be typed in a font of no less than size 12 point, and shall be double-spaced or printed on 8-1/2 x 11 inch paper. Footnotes shall be in a font of no less than size 10 point, and may be single spaced. All pages shall be numbered at the bottom. Ancillary papers shall be attached at the end of the document to which they relate.

Documents Signed Under Oath. Affidavits, declarations, verified complaints, or any other document signed under oath shall be filed electronically. The electronically filed version shall contain the typed name of the signatory, preceded by a "/s/" in the space where the signature would otherwise appear indicating that the paper document bears an original signature. The filing attorney shall retain the original for future production, if necessary, for a period of not less than two (2) years after the expiration of the time for filing a timely appeal. Any party may, following the filing of an electronically signed document under oath, request a copy of the original document on which the electronic document is based.

## RULE 30

### DEPOSITIONS

(Amended July 1, 2011)

**(a) ~~Video Depositions~~**

In a video deposition, the camera shall focus from a single stationary position on the witness and any exhibits utilized by the witness, unless the parties otherwise agree or the Court enters an order under Local Rule 26(b).

**(b) ~~Opening Depositions; Copying Restricted~~**

~~Sealed depositions received by the Clerk for use at trial or in support of or in opposition to a motion shall be opened and made part of the public record, unless otherwise ordered by the Court. No deposition on file with the Clerk shall be copied by the Clerk or any other person, except by order of the Court.~~

## RULE 56

(As amended ~~December 1, 2009~~ July 1, 2011)

### MOTIONS FOR SUMMARY JUDGMENT

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(g) Facts deemed admitted solely for purposes of summary judgment shall not be deemed admitted for purposes other than determining whether summary judgment is appropriate.

(h) In all Standard Track cases, but not including those categories of cases specifically referenced in Rule 26(a)(1)(B), F.R.Civ.P., a party moving for summary judgment shall, no later than seven (7) days after the close of discovery, provide the Court and all other parties to the action with written notice of the intent to file and the need for a pre-filing conference with a judicial officer.

At the pre-filing conference, the parties shall be prepared to discuss, and the judicial officer shall consider:

- i) The issues to be addressed by a motion for summary judgment;
- ii) The length of any statement of material facts filed pursuant to LR 56(b) & (c);
- iii) The length of the memoranda filed pursuant to LR 7, and
- iv) The time within which the motion for summary judgment shall be filed.

Following any pre-filing conference, the judicial officer shall issue an order reciting the action taken at the conference.

## **RULE 132.1**

### **REVOCATION OF PROBATION OR SUPERVISED RELEASE**

#### **(a) Time for Filing Revocation Report**

Unless otherwise ordered by the Court, the probation officer shall file a revocation report with the Court not more than 10 calendar days after either (1) a finding of or waiver of probable cause that a violation of supervised release or probation has been committed, in the case of an arrested defendant; or (2) an initial appearance by a defendant who has been summonsed. When filed, the revocation report shall be disclosed to counsel for both parties and the defendant.

#### **(b) Contents of the Revocation Report**

The revocation report disclosed to counsel for both parties and the defendant shall contain information about the defendant's compliance while on supervision, sentencing options, and a dispositional recommendation. The probation officer's justification for the recommended disposition shall be disclosed to the Court only. Objections to the revocation report will be addressed orally at the time of the revocation hearing.

## RULE 157.6

(Amended ~~December~~ July 1, 2010~~2011~~)

### SEALED DOCUMENTS AND PLEADINGS

A pleading or document listed in subsection (a) that is designated in the caption of the document or pleading as being filed pursuant to Local Rule 157.6(a) (Sealed Document) shall be accepted as filed under seal without prior approval from the Court. Otherwise, parties seeking to seal a pleading or document shall file a motion to seal in accordance with subsection (b).

#### (a) Automatic Sealing

The following pleadings and documents shall be sealed upon filing. They shall remain sealed until further order of the Court, unless otherwise provided below.

(1) search warrant and tracking warrant applications, supporting affidavits and resulting warrants, which shall be sealed until the warrant is executed and returned to the Court;

(2) arrest warrants, which shall be sealed until the warrant is executed ~~and returned to the Court;~~

(3) motions, orders, and notices concerning matters occurring before the grand jury;

(4) applications and orders for pen/trap devices, or wire, oral or electronic communication interceptions;

(5) applications and orders for the disclosure of tax information;

(6) motions and orders involving the Classified Information Procedures Act;

(7) requests for authorization of investigative, expert or other services pursuant to the Criminal Justice Act, and resulting orders, which shall be sealed until 30 days after final determination of the action by this or any appellate court;

(8) all ex parte requests;

(9) motions, orders or any other pleadings and documents involving the Juvenile Delinquency Act; and

(10) mandatory plea agreement supplements, as provided in Rule 111.

**(b) Motions to Seal**

A party seeking to obtain an order sealing any pleading or document not listed in subsection (a) of this Rule, or seeking to continue the sealing of any pleading or document already sealed shall file a motion pursuant to this subparagraph (b). The motion shall state the basis for sealing, the period of time during which the document(s) are to be sealed, and shall set forth specific findings as to the need for sealing and the duration thereof. The motion itself shall be filed under seal, and remain sealed pending order of the Court pursuant to subsection (e) of this Rule. The documents or pleadings for which sealing is sought will be accepted provisionally under seal. Unless the motion is filed ex parte, the motion shall include a statement whether there is agreement of the parties to the sealing.

**(c) Objections**

Any objection to a motion to seal pursuant to subparagraph (b), and any reply thereto, shall be filed under seal. Unless otherwise ordered by the Court, the objection and reply shall be filed in accordance with Local Rule 147.

**(d) Captions and Attachments to Motions**

The caption for a motion to seal, and any objections thereto, shall clearly identify the pleading as relating to sealed matters. Any documents submitted along with the motion to seal shall bear the proper case number and contain the words "Filed Under Seal" in the caption.

**(e) Orders**

- 1) If the Court grants a motion to seal filed under subsection (b), it shall state its findings supporting the issuance of an order to seal, and shall specify the duration of sealing. In making specific findings as to the need for sealing and the duration the document(s) shall be sealed, the Court may incorporate by reference the proposed findings in the motion to seal.
- 2) If the Court denies a motion to seal filed under subsection (b), the motion to seal and any proposed paper documents tendered under provisional seal with ~~the that~~ motion to seal shall be returned to the moving party. ~~and a~~Any electronic versions of the proposed

pleadings or documents shall ~~be removed from the~~ remain in the ECF system, ~~sealed indefinitely, by the Clerk,~~ unless otherwise ordered by the Court. The denied motion to seal shall remain sealed indefinitely, unless otherwise ordered by the Court.

**(f) Form of Filing**

Filings under seal, and motions to seal and objections and replies thereto, shall be in paper, unless otherwise directed by the Clerk.