

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA**

**NOTICE OF PROPOSED AMENDMENTS TO CIVIL LOCAL RULES**

Pursuant to Rule 83 of the Federal Rules of Civil Procedure, public notice is hereby given of proposed amendments to the Civil Local Rules for the United States District Court, Western District of Louisiana. The original wording that is to be repealed in these rules is shown as stricken with wording added shown as underlined as follows:

**LOCAL CIVIL RULE 3 - COMMENCEMENT OF ACTION**

**LR3.1 Collateral Proceedings and Refiled Cases**

~~Whenever a civil matter, commenced in or removed to the court, involves subject matter that either comprises all or a material part of the subject matter or operative facts of another action, whether civil or criminal, then pending before this or another court or an administrative agency, or previously dismissed or decided by this court, counsel shall append on a separate sheet of paper, to the front of the complaint, a list and description of all such actions then known to counsel and a brief summary of the relationship. If information concerning any such action or proceeding is obtained subsequent to the filing of the original pleading in the latter case, it shall be the duty of counsel obtaining such information to notify the court and opposing counsel in writing of the information so received in the same manner.~~

Parties represented by counsel who commence an action by filing a complaint or notice of removal must complete and file a Civil Cover Sheet (Form JS44). All parties must file written notice of any related civil, criminal, or administrative proceeding.

**LR3.2 Suits Filed By Unrepresented ~~Prisoners~~ Persons in State or Federal Custody  
Regarding Civil Rights or ~~for~~ Writs of Habeas Corpus**

**Civil Rights Complaints**

**Original Complaint regarding Civil Rights:**

Every complaint filed by a ~~prisoner~~ person in state or federal custody who is pro se (not represented by an attorney) complaining of violation of their constitutional rights by a state or federal official must ~~shall~~ be typed or legibly written on forms supplied by the court and signed by the ~~prisoner~~ detainee. The ~~prisoner~~ detainee must ~~shall~~ follow the instructions provided with the forms and complete the forms using only one side of the page.

~~After completely filling out the form, the prisoner may attach additional pages containing additional information. However, the number of attached pages is limited to no more than five typewritten or ten legible handwritten pages. The pages shall be written or typed on one side of the page only and shall contain numbered paragraphs which correspond to the numbered paragraphs on the form. Complaints that do not comply with this rule and which are not corrected after notice may be stricken by the court.~~

The detainee may attach no more than five typewritten or ten legible handwritten additional pages, with typing or writing on only one side of the page. Complaints that do not comply with this rule and are not corrected after notice may be stricken by the Clerk of Court.

#### **Amendment to a Civil Rights Claim:**

~~A prisoner may file an amendment to a civil rights complaint only one time without obtaining leave of court. The amendment may be stated on the forms for original complaints supplied by the court and must be clearly labeled as an amendment. The pages shall be written or typed on one side of the page only and shall contain numbered paragraphs which correspond to the paragraph numbers on the original complaint form. A motion for leave to file a second or subsequent amendment must be accompanied by the proposed amendment.~~

#### **Separate Complaints regarding Civil Rights:**

~~Each pro se prisoner shall file a separate complaint alleging a violation of their civil rights. Detainees may not file joint complaints. Each detainee must file an individual complaint. No detainee may represent another detainee.~~

#### **In Forma Pauperis Status:**

~~A prisoner who is unable to pay the filing fee and service costs may petition the court on forms supplied by the court to proceed in forma pauperis. The court, after notice, may strike all complaints that are not accompanied by either a filing fee or a proper *in forma pauperis* form.~~

A detainee who is unable to pay the filing fee may file a motion to proceed in forma pauperis. The motion must be filed on a form approved by the court. The Clerk of Court, after notice, may strike a complaint that is not accompanied by either the filing fee or a proper motion to proceed in forma pauperis.

#### **Consent to Magistrate Judge Jurisdiction:**

~~The election regarding consent to magistrate judge jurisdiction required by LR73.2 shall be attached to the civil rights petition at the time it is filed.~~

## **Writs of Habeas Corpus**

#### **Original Petition Writs of Habeas Corpus:**

Every original Petition filed by a ~~prisoner~~ person in state or federal custody who is proceeding pro se (not represented by an attorney) seeking a writ of habeas corpus under 28 U.S.C. §2241 or 28 U.S.C. §2254 or §2255 must shall be typed or legibly written on forms supplied by the court and signed by the ~~prisoner~~ detainee. The ~~prisoner~~ detainee must shall follow the instructions provided with the forms and complete the forms using only one side of the page. After completely filling out the court approved form, the ~~prisoner~~ detainee may attach additional pages containing additional information.

~~Amendment to a Writ of Habeas Corpus:~~

~~A prisoner may file an amendment to a habeas petition only one time without first obtaining leave of court. The amendment may be stated on the forms for original complaints supplied by the court if clearly labeled as an amendment. The pages shall be written or typed on one side of the page only and shall contain numbered paragraphs which correspond to the paragraph numbers on the original petition. A motion for leave to file a second or subsequent amendment must be accompanied by the proposed amendment.~~

~~Separate Complaints regarding a Writ of Habeas Corpus:~~

~~Each pro se prisoner shall file a separate petition for writ of habeas corpus. Detainees may not file joint petitions. Each detainee must file an individual petition. No detainee may represent another detainee.~~

~~In Forma Pauperis Status:~~

~~A prisoner who is unable to pay the filing fee and service costs may petition the court on forms supplied by the court to proceed in forma pauperis. The court, after notice, may strike all petitions that are not accompanied by either a filing fee or a proper *in forma pauperis* form.~~

~~A detainee who is unable to pay the filing fee may file a motion to proceed in forma pauperis. The motion must be filed on a form approved by the court. The Clerk of Court, after notice, may strike a petition that is not accompanied by either the filing fee or a proper motion to proceed in forma pauperis.~~

~~Consent to Magistrate Judge Jurisdiction:~~

~~The election regarding consent to magistrate judge jurisdiction required by LR73.2 shall be attached to the habeas corpus petition at the time it is filed.~~

**LOCAL CIVIL RULE 5 - SERVICE AND FILING OF PLEADINGS  
AND OTHER PAPERS**

### **LR5.1 Place of Filing**

All filings ~~shall~~ must be ~~made~~ filed electronically with the office of the clerk. For good cause shown, an attorney may be granted an exemption from electronic filing and may file documents with the court in conventional paper form. All documents filed with the court in conventional paper form will be converted to electronic form.

### **LR5.2 Advance Payment Required**

The clerk will ~~shall~~ not be ~~required~~ to file any paper or to render any service for which a fee is legally collectible unless the fee for the particular service is paid in advance.

### **LR5.4 Deposit for Service**

Except as provided by law in cases involving indigent persons, the marshal will ~~shall~~ not be compelled to perform any service until the deposit of a sum sufficient to cover the immediate costs has ~~shall~~ have been made and may demand security in a reasonable amount for further costs.

### **LR5.6 Corporate Disclosure**

~~Any non-governmental corporate party to an action in this court shall file a statement identifying all its parent corporations and any publicly traded company that owns 10 percent or more of the party's stock, unless such filing is waived by the presiding judge. A party shall file the statement as soon as practicable and in no event later than the preliminary conference or the scheduled hearing date for any dispositive motion, whichever is earlier. A party shall supplement the statement within a reasonable time of any relevant change in the information. Nothing herein is intended to require the disclosure of confidential information except *in camera* to the judge.~~

### **LR 5.7.01 Filing Documents**

~~The Clerk shall maintain an electronic record which shall be the official record of this court. All documents filed by attorneys authorized to practice before this court and pro se filers shall be filed in accordance with the Administrative Procedures for Filing Documents as established by this court. For good cause shown, an attorney may be granted an exemption from electronic filing and may file documents with the court in conventional paper form. All documents filed with the court in conventional paper form shall be converted to electronic form.~~

### **LR 5.7.02 Eligibility and Registration**

Attorneys admitted to the bar of this court, including those admitted *pro hac vice*, Federal Public Defenders, and attorneys authorized to represent the United States, ~~may~~ must request electronic filing access to the Court through PACER. Registration is available through PACER at [www.pacer.gov](http://www.pacer.gov).

### **LR 5.7.03 Consequences of Electronic Filing**

Notice of Electronic Filing from the Court constitutes evidence of filing for all purposes and entry of the document on the docket kept by the Clerk.

It ~~shall be~~ is the User's responsibility to ensure all scanned documents are legible.

The official record ~~shall be~~ is the electronic record. A document filed electronically is deemed filed on the date and time stated on the Notice of Electronic Filing sent from the Court. A document filed in paper form is deemed filed by the Court on the date the document is received by the clerk's office.

#### **LR 5.7.04 Entry of Electronic Orders ~~Court-Issued Documents~~**

Entry of an order or judgment electronically by the Court has ~~shall have~~ the same force and effect as a conventional order or judgment signed by the Court.

~~When an order is issued as an entry on the docket without an attached document, such order shall be served on the parties.~~

~~A summons may be signed, sealed, and issued electronically. A summons may not be served electronically.~~

#### **LR 5.7.05 ~~Attachments and Exhibits~~**

~~Exhibits and attachments may be filed electronically when permissible under the Federal Rules and Local Rules. When an attachment is in support of a filing, such exhibits or attachments shall be limited to pertinent excerpts unless the Court orders otherwise. *Adopted April 2005.*~~

Exhibits and attachments must be electronically filed when possible. Objects that cannot be electronically filed should be filed as a manual exhibit with the Clerk of Court's office.

#### **LR 5.7.06 ~~Sealed Documents~~**

~~Documents ordered to be placed under seal must be filed electronically, except as may be admitted in open court.~~

#### **LR 5.7.07 Retention Requirements**

Documents electronically filed which require original signatures other than that of the User must be maintained in paper form by the User for 1 year from the expiration of all time periods for appeals.

#### **LR 5.7.08 Signatures**

The user log-in and password required to submit documents to the Electronic Filing System is ~~shall be~~ the User's signature for all purposes. Documents requiring signatures of more than one party must be electronically filed either by: (1) submitting a scanned document containing all necessary signatures; (2) indicating the consent of the parties who did not electronically file the document. Consent may be indicated by the filer by including an "s/ and the name of the consenting attorney(s)" on the document to be filed electronically (e.g. "s/John Doe," "s/Jane Smith," etc.). By using "s/ and another attorney's name" the filing attorney certifies that each of the other signatories has expressly agreed to the form and substance of the document and that the filing attorney has their actual authority to submit the document electronically. The filing attorney must ~~shall~~ retain any records evidencing this concurrence for future production, if necessary, until 1 year from the expiration of all time periods for appeals. A non-filing signatory or party who disputes the authenticity of an electronically filed document containing multiple signatures or the authenticity

of the signatures themselves must file an objection to the filing of the document within 14 days from service of the document.

#### **LR 5.7.09 Service of Documents by Electronic Means**

The “Notice of Electronic Filing” automatically generated by the Court’s Electronic Filing System constitutes proof of service of the filed document on Users. Parties who are not Users must be served in accordance with the Federal Rules and the Local Rules.

Sealed filings do not produce a “Notice of Electronic Filing.” Service of any sealed document must be in accordance with the Federal Rules and the Local Rules.

#### **LR 5.7.10 Notice of Court Orders and Judgments**

The entry of an order or judgment into the Electronic Filing System by the Court will generate a “Notice of Electronic Filing” to all Users in that action. The “Notice of Electronic Filing” constitutes the notice required by the Federal Rules. The clerk must ~~shall~~ give notice to non-Users in accordance with the Federal Rules.

#### **LR 5.7.11 Technical Failures**

~~A User whose electronic filing is made impossible as the result of a technical failure in the Court’s Web Site may seek appropriate relief.~~

#### **LR 5.7.12 Public Access**

~~In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court.~~

- ~~a. **Social Security numbers.** If an individual’s Social Security number must be included in a pleading, only the last four digits of that number should be used.~~
- ~~b. **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.~~
- ~~c. **Dates of birth.** If an individual’s date of birth must be included in a pleading, only the year should be used.~~
- ~~d. **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.~~
- ~~e. **Home Addresses.** If home addresses are relevant, only the city and state should be used.~~

~~In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may~~

- ~~a. file an unredacted version of the document under seal, or~~
- ~~b. file a reference list under seal. The reference list shall contain the complete personal~~

~~data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right.~~

~~The unredacted version of the filing or the reference list shall be retained by the Court. The Court may require the party to file a redacted copy for the public record.~~

~~The responsibility for redacting personal identifiers rests solely with counsel and the parties. The Clerk will not review filing for compliance with this rule.~~

Parties must ensure that all filings comply with the the E-Government Act of 2002, FRCP 5.2, and other rules that govern the filing of personal data identifiers such as !an individual's social-security number, taxpayer-identification number, birth date, the name of an individual known to be a minor, or a financial-account number. The responsibility for redacting personal identifiers rests solely with counsel and the parties. The Clerk will not review filing for compliance with this rule.

### **LR 5.7.13 Hyperlinks**

Material accessed by hyperlink are ~~will not be~~ a part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filing. NOTE: See the Court's Administrative Procedures for further information on hyperlinks.

## **LOCAL CIVIL RULE 7 – PLEADINGS ALLOWED; FORM OF MOTIONS MOTIONS AND MEMORANDA**

### **LR7.1 Submission of Motions**

~~A party filing a motion or response shall transmit a copy of the motion or response, including attachments and exhibits, to the chambers of the judge assigned to rule on the motion.~~

### **LR 7.1 Memorandum; Requirement, Contents and Length**

Except as provided in these rules, a motion must be supported by a memorandum. A memorandum in support of or in opposition to a motion may not exceed 25 pages, exclusive of a table of contents or table of authorities. A reply memorandum may not exceed 10 pages. A judge may grant leave to exceed these limits in an extraordinary case.

Any memorandum that exceeds 10 pages must contain (1) a table of contents with page references and (2) a table of cases (arranged alphabetically), statutes, and other authorities cited, with page references.

### **LR 7.2 Motions Not Requiring a Memorandum (Ex Parte Motions); Certificate of Consent**

A memorandum is not required for the following motions: (1) for extension of a deadline; (2) to continue a conference, hearing, or trial; (3) to amend or supplement a pleading; (4) a joint motion to dismiss or consolidate; and (5) to withdraw as counsel.

The motion must nonetheless explain the factual basis for the relief requested and cite any applicable legal authority.

### **LR 7.3 Proposed Orders**

A proposed order on a separate page must accompany an ex-parte motion, a discovery motion, and any other motion except a motion for summary judgment or any motion filed under Rule 12.

### **LR7.4 Motions Must Be Accompanied by Memorandum**

The moving party shall submit and serve opposing parties with a copy of the motion and memorandum. Except as noted in LR7.4.1, all motions shall be accompanied by a memorandum commonly referred to as a "Memorandum in Support", which shall contain (1) a concise statement of reasons in support of the motion, and (2) citations of the authorities on which he relies or copies of these authorities. If the motion requires the consideration of facts not appearing of record, the movant shall also file with the clerk and serve upon opposing counsel a copy of all documentary evidence he or she intends to submit in support of the motion. Memoranda may not be supplemented except with leave of court first obtained.

### **LR 7.4 Notice of Motion Setting; Briefing Deadlines**

If a motion is contested, the clerk of court will ordinarily issue a Notice of Motion Setting that provides briefing deadlines, chambers copy requirements, and related information. A judge may order other instructions with respect to a motion.

If no Notice of Motion Setting issues and the judge does not order briefing instructions, the default rule is that a memorandum in opposition may be filed within 14 days after a motion is filed, and a reply memorandum may be filed within seven days after the opposition is filed.

### **LR7.4.1 Motions Not Requiring Memorandum**

All motions listed below, while not required to be accompanied by a memorandum, must state the grounds therefor and cite any applicable rule, statute, or other authority justifying the relief sought. No memorandum or hearing is required by either movant or respondent, unless otherwise directed by the court, with respect to the following motions: (1) For extension of time for the performance of an act required or allowed to be done, provided request therefor is made before the expiration of the period originally prescribed or as extended by previous orders; (2) to continue a pretrial conference, hearing, motion, or the trial of an action; (3) to add additional parties; (4) to amend pleadings; (5) to file supplemental pleadings; (6) to appoint next friend or guardian ad litem; (7) to intervene; (8) for substitution of parties; (9) joint motions to dismiss or consolidate; and (10) to withdraw as counsel.

Prior to filing any motion under this section, with the exception of #10, the moving party shall attempt to obtain consent for the filing and granting of such motion from all parties having an interest to oppose, and a certificate of this attempt shall be included in the motion. If the court finds that opposing counsel does not have a good faith reason for failing to so consent, the court may impose such sanctions as it deems proper.



~~A proposed order shall accompany each motion filed under this paragraph.~~

#### **LR7.4.1 Certificate of Conference**

Except for any case governed by LR3.2, prior to filing a non-dispositive motion, the moving party must confer with any interested party and try to resolve the relevant issues, in whole or in part, without court intervention. A certificate discussing the substance of the parties' conference must be included in the motion. If the interested party is non-responsive, the certificate of conference must state the efforts made by the movant to confer. The Court may impose sanctions for failing to timely communicate with opposing counsel.

#### **LR7.5 Response and Memorandum**

~~If the respondent opposes a motion, he or she shall file a response, including opposing affidavits, memorandum, and such supporting documents as are then available, within 21 days after service of the motion. Memoranda shall contain a concise statement of reasons in opposition to the motion, and a citation of authorities upon which respondent relies. For good cause appearing therefor, a respondent may be required to file a response and supporting documents, including memoranda, within such shorter or longer period of time as the court may order at the discretion of the judge, or upon written ex parte motion served on all parties.~~

#### **LR 7.5 Motions to Amend, Supplement, Intervene or file Third-Party Complaint; New Parties in Diversity Cases**

A motion for leave to file a complaint in intervention, third-party complaint, amended complaint, or other amended or supplemental pleading must be accompanied by the proposed pleading. If the case is based on diversity jurisdiction, the proposed pleading must allege the citizenship of any new party. In cases where a proposed intervenor is a Limited Liability Company, the citizenship and domicile of every LLC member must be provided.

If, in a case that was removed from state court based on diversity jurisdiction, a motion proposes to add a party that may destroy diversity of citizenship, the movant must notify the court of the issue and file a memorandum that sets forth facts relevant to the determination that will have to be made under 28 U.S.C. § 1447(e). If the Rule 7.2 certificate notes opposition, the opposing party will be allowed an opportunity to file a memorandum in opposition or otherwise be heard before the motion is considered by the court.

#### **LR7.6 Motions to Intervene, to Amend Pleadings, to File Third-Party Complaints and for Joinder in Actions Removed from State Court**

Any motion for leave to amend a pleading, intervene, or file a third-party complaint must be accompanied by a proposed order and contain a statement by the moving party (1) that the party has presented the proposed amendment or pleading to all parties who have an interest to oppose and (2) whether any party opposes the granting of the motion. The court may impose proper sanctions on a party or counsel who oppose such a motion without a good faith reason.

If no opposition is noted, the motion will be referred to the appropriate judge for consideration. If

opposition is noted, the opposing party will be allowed an opportunity to file a memorandum in opposition or otherwise be heard before the motion is considered by the court. The proposed pleading for which leave to file is sought must be attached to the motion for leave, and if leave is granted, the proposed pleading is deemed filed without the necessity of any further order of the court.

If a motion for leave to amend proposes to add a party that may destroy diversity of citizenship in a case that was removed from state court based on diversity jurisdiction, the movant must notify the court of the issue and file a memorandum that sets forth facts relevant to the determination that will have to be made under 28 U.S.C. §1447(e).

#### **LR7.6.1 Amended Pleadings**

All amended pleadings must be reinstated in full and must not incorporate any prior pleading by reference.

#### **LR7.8 Briefs**

Except with permission of the judge, no brief ~~should~~ shall exceed 25 pages in length, exclusive of pages containing a table of authorities or a table of contents, and no reply brief ~~should~~ shall exceed 10 pages. Any brief exceeding 10 pages ~~must~~ shall contain (1) a table of contents with page references and (2) a table of cases (arranged alphabetically), statutes and other authorities cited, with references to the pages of the brief where they are cited.

#### **LR7.9 Motion for Continuance or for Extension of Time**

A motion for continuance or for extension of time ~~must~~ shall be accompanied by a certificate by the applicant's attorney that (1) there is or is not opposition to the request; and, if there is opposition, the reasons therefor, or (2) if neither is obtainable, a statement of the efforts made by the applicant to secure the same.

### **LOCAL CIVIL RULE 9 - PLEADING SPECIAL MATTERS**

#### **LR9.1 Three Judge Cases**

Upon filing any suit or proceeding that is thought to require a three-judge court for its disposition, the party instituting the action ~~must~~ shall give notice to the clerk and other parties in writing, stating under what provision he/she is proceeding and that a three-judge court is requested. In the absence of such notice, the clerk may treat the matter as one not requiring three judges. ~~In cases in which such notice is filed, all pleadings shall be filed in quadruplicate until it is determined that the matter is not for three judges.~~

#### **~~LR9.2 Social Security Cases~~**

~~Complaints filed in civil cases pursuant to Section 205(g) of the Social Security Act, 42 USC 405(g), for benefits under Titles II, XVI and XVIII of the Social Security Act shall contain, in addition to what is required under *FRCP* 8(a), the following information,~~

- a. ~~In cases involving claims for retirement, disability, health insurance and black lung~~

- benefits, the social security number of the worker on whose wage record the application for benefits was filed (who may or may not be the plaintiff).
- b. In cases involving claims for supplemental security income benefits, the social security number of the plaintiff.

## LOCAL CIVIL RULE 10 - FORM OF PLEADINGS

### LR10.1 Form: Statement Regarding Filing of Papers

All papers drafted for filing in this court shall be on 8 1/2 by 11 inch paper, plainly written or printed without defacing erasures or interlineations, and shall be double spaced, except that quotations and footnotes may be single spaced. If a document consists of more than three (3) pages, each page of the document shall bear a sequential number, beginning with "1" for the first page.

Papers offered for filing must be on 8 1/2" x 11" paper, paginated, and double spaced except that footnotes and quotations may be single spaced.

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

Papers must have a caption that includes the division, the district judge and the magistrate judge to whom the case is assigned, and the information required by Federal Rule of Civil Procedure 10.

A completed and executed Civil Cover Sheet form ~~must shall~~ accompany the initial pleading of each civil case to be filed, except that such requirement ~~must shall~~ not apply to persons in the custody of civil, state or federal institutions or to persons filing cases pro se.

### LR10.2 Consolidated Cases

~~Unless otherwise ordered by the court, where cases are consolidated, whether for trial only or otherwise, the caption of all papers filed after consolidation shall list first the name and docket number of the lowest numbered case in the group, with words indicative of the consolidation. This shall be followed by a listing of the names and docket numbers of only those cases to which the filing applies.~~

~~The caption of the lowest numbered case will serve as the identifying caption during the pendency of the consolidation and will continue to be used even if that particular case is closed.~~

A motion to consolidate must be filed in the lowest numbered case. The clerk of court will file notice of the motion in the other cases to ensure notice to all affected parties. A judge assigned to the lowest numbered case will decide the motion. If consolidation is granted, the clerk of court will transfer higher number cases to the Article III Judge of the Division having the earliest number, unless the Court orders otherwise.

The caption of all papers filed after consolidation must bear the caption of the lowest numbered case in the group and the word consolidated. That caption will continue to identify the consolidated cases even if the lead case is closed.

### **LR10.3 Constitutional Questions**

~~Whenever the constitutionality of any act of Congress is, or is intended to be, drawn into question in any suit or proceeding to which the United States, or any agency, officer or employee thereof as such officer or employee, is not a party, counsel for the party raising or intending to raise the constitutional issue shall notify the court, in writing, of the existence of that question (to enable the court to comply with 28 USC 2403). A copy of such notice shall be served upon each of the other parties. The notice shall give the title of the cause, a reference to the questioned statute sufficient for its identification, and the respects in which the statute is claimed to be unconstitutional.~~

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

### **LR11.1 Signing of Pleadings, Motions and Other Papers**

A. Every pleading, written motion, or other paper ~~must shall~~, in accordance with the Federal Rules of Civil Procedure, be signed personally by counsel admitted to practice before the court or admitted pro hac vice for the case in the attorney's individual name. If the document is submitted by a pro hac vice attorney, the document must also be signed by local counsel associated with such pro hac vice attorney in accordance with LR83.2.6. In addition, counsel's name, address, telephone number and Attorney Identification Number ~~must shall~~ be typed or printed under the attorney's signature. If the attorney is admitted to the bar by the Supreme Court of Louisiana, the Attorney Identification Number ~~must shall~~ be the same as the number assigned by the Supreme Court of Louisiana. Otherwise, the Attorney Identification Number ~~must shall~~ be the number assigned by this court.

Documents filed by a party not represented by counsel ~~must shall~~ be signed by the party and ~~must shall~~ include name, address and telephone number.

Each attorney and pro se litigant has a continuing obligation to promptly notify the court in writing of any address change.

~~B. In any action, civil or criminal, by presenting to the court (whether by signing, filing, submitting, or advocating) a pleading, oral or written motion, or other paper, an attorney or unrepresented party is certifying to the best of that person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances~~

- ~~(1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;~~
- ~~(2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification or reversal of existing law or the establishment of new law;~~

- (3) ~~the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery;~~
- (4) ~~the denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief; and~~
- (5) ~~all pleadings and written motions have been personally read and approved by all persons whose signature appears on the document.~~

~~Sanctions may be imposed for violations of this rule in accordance with the procedures and provisions of Federal Rule of Civil Procedure 11(c).~~

### **LR11.2 Lead Trial Attorney**

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

~~The designated trial attorney will be responsible for the case and all notices and other communications with respect to it will be directed to the designated trial attorney, or to local counsel in the event a visiting attorney is designated as trial attorney. The designation of the trial attorney may be changed at any time by ex parte motion. If a party desires to change the trial attorney, the new trial attorney will be promptly designated.~~

~~On first appearance through counsel, each party must designate a Lead Attorney. The Lead Attorney is responsible for the party and must attend all conferences and court proceedings or send a fully informed co-counsel who is enrolled in the case and has authority to bind the client.~~

### **LR11.3 Announcement of Representation**

~~At all trials or hearings and upon first addressing the court or taking any part in such trials or hearings, counsel shall announce his or her name and the name of the party or parties he or she represents.~~

## **LOCAL CIVIL RULE 16 - PRETRIAL CONFERENCES; SCHEDULING; MANAGEMENT**

### **LR16.3.1 Alternative Dispute Resolution**

~~When the trial judge in a civil matter determines that disposition of the case may be enhanced by the use of mediation, an alternative dispute resolution (ADR), the judge may, with the prior approval of the parties or their counsel, refer the matter to a mediator of the judge's selection or to a mediator of the parties' selection. With the consent of the parties or their counsel, the trial judge may order a nonbinding mini-trial or summary jury trial under such terms and circumstances as agreed to by the parties or their counsel.~~

~~The clerk of court shall notify plaintiff or counsel for plaintiff when plaintiff is represented, who in turn shall notify each attorney in the proceeding, and each unrepresented party, that the court~~

~~expects the parties to consider the use of ADR no later than 200 days after initial filing in federal court. Should the parties avail themselves of an ADR procedure, the success or failure of that use shall be reported to the Chief Judge of the Western District of Louisiana. The Chief Judge, or delegate, shall be the administrator of the plan and shall perform such duties as are required by law.~~

~~Qualified mediators, also referred to as neutrals, include those individuals listed on the register of qualified civil mediators under La. R.S. 9:4106. A neutral may be disqualified for cause pursuant to 28 U.S.C. §144 and shall be disqualified in any case in which a judge would be disqualified pursuant to 28 U.S.C. §455. Any party who believes that an assigned neutral has a conflict of interest shall file a motion for disqualification immediately. Failure to file will be deemed to be a waiver of the objection. Compensation of the neutral, if the appointment is accepted by the neutral, shall be subject to the agreement of the parties and the neutral. The court shall not provide funding for non-staff ADR neutrals.~~

~~All ADR proceedings shall be confidential.~~

Both before the initial Rule 26(f) conference and within 60 days after the deadline for close of discovery, counsel must discuss with their clients and opposing counsel the appropriateness and timing of alternative dispute resolution (ADR).

When the presiding judge in any civil matter determines that a settlement conference, mediation, or other method of ADR may assist in the resolution of a case, the presiding judge may refer the case to ADR either on motion of the parties, or *sua sponte*. If the parties agree upon an ADR method or provider, the court will respect the parties' agreement unless the presiding judge finds that another ADR method or provider is better suited to the case and parties.

The parties or party representatives with full settlement authority, as well as any other persons necessary to affect a settlement (such as insurance carriers), must attend all ADR proceedings. ADR proceedings shall remain confidential.

#### **LR16.4 Notice of Settlement to Clerk**

Whenever a civil case is settled or otherwise disposed of, counsel ~~must~~ shall immediately inform the clerk's office, the judge to whom the case is allotted, and all persons subpoenaed as witnesses. If a civil case is settled as to fewer than all of the parties or all of the claims, counsel ~~shall~~ must also *explicitly* set forth *inform the foregoing of* the remaining parties and unsettled claims.

#### **~~LR16.7 Cases to Be Tried on Date Assigned Exceptions~~**

~~All cases shall be tried on the date set unless the trial is continued by order of the court.~~

#### **LR16.8 Absence of Material Witness**

Every motion for a continuance upon the ground of the absence of a material witness ~~must~~ shall be accompanied by the affidavit of the party applying therefor, or his or her attorney, setting forth the

efforts made to procure attendance and, ~~in a civil case,~~ the facts he/she expects to prove by such witness. ~~In a criminal case, the court may require, or in its discretion, dispense with, a statement of the facts to be proved. If the proposed testimony is set forth and it is admitted by the opposite party that the witness, if called, would testify as set forth in the affidavit, the court may, in its discretion, deny the motion. In a criminal case if the proposed testimony is not set forth, or in any other case, the court may hold a hearing on the matter and take such action with respect to the motion as justice requires.~~

### **LR16.9 Retaining Position on Trial Calendar**

Generally, among civil actions set for the same trial date, the action with the lowest docket number will be tried first. At the pre-trial conference, the court will assign a numerical priority for cases set for trial on the same date.

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

### **~~LR26.1 Civil Actions Subject to the December 1, 1993 Discovery Amendments~~**

~~All cases filed on or after December 1, 2000 shall be subject to the amendments to Federal Rules of Civil Procedure 26 through 37.~~

### **LR26.2 Format of Discovery Requests Responses**

~~All discovery requests shall be so arranged that following each question or request there shall be provided a sufficient blank space for inserting a typed response. If the space allotted is insufficient the responding party shall retype the pages, repeating each question in full, followed by the answer or objection thereto. When the discovery request has been completed by the responding party, the original shall be returned to the proponent, and copies served upon all other parties.~~

Every response or objection to a written discovery request must be preceded by the full text of the request.

### **~~LR26.5 Non Filing of Disclosure, Discovery Requests and Responses: Retention by Requesting Party~~**

~~In accordance with Federal Rule of Civil Procedure 5(d), disclosure of discovery materials shall not be filed with this court unless authorized. The party preparing and responsible for service of the disclosure or discovery material shall retain the original and become the custodian of any such non-filed materials.~~

### **LR26.6 Disputed Discovery Materials to Be Filed With Request for Relief**

~~If relief is sought under *FRCP* 26(c) or 37, concerning any disclosure, interrogatories, requests for production or inspection, requests for admissions, answers to interrogatories or responses to requests for admissions, copies of the portions of the disclosure, interrogatories, requests, answers or responses in dispute shall be filed with the court contemporaneously with any such motion.~~

A motion concerning a discovery dispute must include as an exhibit the discovery requests and responses or objections that are at issue.

**~~LR26.7 Pretrial Filing of Disclosure and Discovery Materials to Be Used at Trial~~**

~~If disclosure or pretrial discovery materials will be used at trial or are necessary to a pretrial motion which might result in a final order on any issue, the portions to be used shall be filed with the clerk at the outset of the trial or at the filing of the motion insofar as their use can be reasonably anticipated. Nothing in this rule is intended to preclude use of disclosure or discovery materials for impeachment if the attorney could not reasonably anticipate that it would be used at trial.~~

**~~LR26.8 Filing of Disclosure or Discovery Materials for Appeal Purposes~~**

~~When documentation of disclosure or discovery not previously in the record is needed for appeal purposes, upon an application and order of the court or by stipulation of counsel, the necessary disclosure or discovery papers must shall be filed with the clerk.~~

**~~LOCAL CIVIL RULE 33 – INTERROGATORIES TO PARTIES~~**

**~~LR33.1 Number of Interrogatories~~**

~~No party shall serve on any other party more than 25 interrogatories in the aggregate without leave of court. Each sub-part of an interrogatory shall count as an additional interrogatory. Any party desiring to serve additional interrogatories shall file a written motion setting forth the proposed additional interrogatories and the reasons establishing good cause for their use. *Amended June 28, 2002.*~~

**~~LR33.2 Objections to Interrogatories~~**

~~Objections to interrogatories, and objections to the answers to them, shall set forth in full, immediately preceding each answer or objection, the interrogatory or answer to which objection is being made.~~

**~~LOCAL CIVIL RULE 36 – REQUESTS FOR ADMISSION~~**

**~~LR36.1 Objections to Requests for Admission~~**

~~Objections to requests for admission, and objections to the answers to them, shall set forth in full, immediately preceding each answer or objection, the request or answer to which objection is being made.~~

**~~LOCAL CIVIL RULE 37 - FAILURE TO MAKE  
DISCLOSURE OR COOPERATE IN DISCOVERY; SANCTIONS~~**

**~~LR37.1 Discovery Motions~~**

~~A ~~No~~ motion relative to discovery will not shall be accepted for filing unless accompanied by a certificate of counsel for the moving party stating that counsel have conferred in person or by telephone for purposes of amicably resolving the issues and stating why they are unable to agree or stating that opposing counsel has refused to so confer after reasonable notice. Counsel for the moving party must shall arrange the conference. A proposed order must shall accompany each motion filed under this paragraph. If the court finds that opposing counsel has willfully refused to meet and confer, or, having met, willfully refused or failed to confer in good faith, the court may~~



impose such sanctions as it deems proper.

## LOCAL CIVIL RULE 38 - JURY TRIAL OF RIGHT

### LR38.1 Designation of Jury Demand

If a jury demand is made in a filing the document, the caption must shall include “Jury Trial Demanded.” contain words indicating that a demand for jury trial is being made therein.

## LOCAL CIVIL RULE 41 - DISMISSAL OF ACTIONS

### LR41.1 Dismissals

~~Except as provided in *FRCvP 41(a)(1)*, if an attorney proposes to dismiss a suit with the intention of refileing it he or she must bring this to the attention of the judge of the division and section (as applicable) to which the suit has been allotted and obtain express leave to refile, either in the dismissal order or in a separate order.~~

### LR41.3 Dismissal for Failure to Prosecute

A civil action may be dismissed by the clerk of court or any judge of this court for lack of prosecution as follows:

- A. Where no service of process has been made within 90 days after filing of the complaint;
- B. Where no responsive pleadings have been filed or default has been entered within 60 days after service of process; or
- C. Where a cause has been pending six months without proceedings being taken within such period. This provision will shall not apply if the cause is awaiting action by the court.
- D. Where an attorney or pro se litigant fails to notify the court in writing of an address change when notice is returned to the court for the reason of an incorrect address and no correction is made to the address for a period of 30 days.

Prior to issuance of a dismissal, notice will shall be sent to the plaintiff, and plaintiff will shall be allowed 30 14 calendar days from mailing of the notice within which to file evidence of good cause for plaintiff's failure to act. If no response is received within the allotted time, the clerk may dismiss the civil action. If a timely response is filed, a district judge or magistrate judge may order additional time within which to take action, dismiss the civil action without prejudice or make any other appropriate order.

Dismissal under this rule is shall be without prejudice ~~unless delay has resulted in prejudice to an opposing party~~. The Order of Dismissal will shall allow for reinstatement of the civil action within 30 days for good cause shown.

~~The failure of an attorney or pro se litigant to promptly notify the court in writing of an address change may be considered cause for dismissal for failure to prosecute when a notice is returned to the court for the reason of an incorrect address and no correction is made to the address for a~~

period of 30 days.

## LOCAL CIVIL RULE 43 - TAKING OF TESTIMONY

### LR43.1 Oral Testimony on Hearing of Motion

Oral testimony ~~must shall~~ not be offered at the hearing on a motion without prior authorization from the court, and counsel ~~must shall~~ not cause service of any subpoenas or subpoenas duces tecum in connection with any such hearing until such authorization has been obtained and reasonable notice has been given to all parties.

### LR43.2 One Counsel to Examine Witness and Present Objections

Only one counsel for each separate interest ~~may shall~~ conduct the examination of any one witness, or present argument or urge objections with respect to the testimony of that witness, except with leave of court.

## LOCAL CIVIL RULE 45 - SUBPOENA

### ~~LR45.1 Witness Fees and Mileage~~

~~It shall be the duty of the person provoking the issuance of any subpoena for a witness to cause to be tendered to the witness, at the time of service of the subpoena upon him or her, one day's attendance fee and the legal amount for mileage to and from the place of trial or hearing, as set forth in 28 USC 1821, and further to cause to be paid concurrently to any such witness the daily attendance fee for each day he or she is required to attend said trial or hearing. No witness shall be liable to attachment for not obeying the subpoena if this rule has not been complied with. This rule does not apply to witnesses for the United States.~~

### LR45.2 Notification of Witnesses

It is the duty of counsel who has provoked the issuance of a subpoena to notify the person subpoenaed if his or her attendance will not be required in time to prevent the witness from making a needless trip. Counsel failing to comply with this rule may be subject to appropriate sanctions.

### ~~LR45.3 Subpoena Duces Tecum to Hospitals~~

A. ~~When a subpoena duces tecum is served upon the custodian of records or other qualified witness from a hospital or other health care facility in an action in which the hospital or facility is not a party and such subpoena requires the production for trial of all or any part of the records of the hospital or facility relating to the care and treatment of a patient in such hospital or facility, it shall be sufficient compliance therewith if the custodian or other officer of the hospital or facility delivers by registered mail or by hand a true and correct copy of all records described in such subpoena to the clerk of court or other tribunal, or if there is no clerk, then the court or other tribunal, together with the affidavit described in Section B. Production of the record shall occur prior to the time fixed for the trial, but no earlier than seven working days before the trial date unless otherwise directed in the pretrial order. **This section is limited to procedures for complying with a subpoena duces tecum for purposes of trial and shall not affect the rights of parties to production of documents pursuant to laws governing discovery or other laws pertaining**~~

thereto.

- B. ~~The records shall be accompanied by the affidavit of the custodian or other qualified witness, stating in substance each of the following:~~
1. ~~That the affiant is the duly authorized custodian of the records and has authority to certify the records.~~
  2. ~~That the copy is a true copy of all records described in the subpoena.~~
  3. ~~That the records were prepared by the personnel of the hospital or facility, staff physicians, or persons acting under the control of either in the ordinary course of the business of the hospital or facility at or near the time of the act, condition, or event.~~
- C. ~~If the hospital or facility has none of the records described, or only part thereof, the custodian shall so state in the affidavit, and deliver the affidavit and such records as are available in the manner provided in Subsection A.~~

## LOCAL CIVIL RULE 47 - JURORS

### **LR47.1 Grand and Petit Juries**

~~Grand and petit juries for the district shall be drawn and be in session as directed by the court.~~

### **LR47.2 Voir Dire Examination**

~~All voir dire examinations of prospective jurors will be conducted by the judge alone unless an exception to this rule is made by special leave of court. Counsel may submit in advance, in writing, questions to be asked upon such examination and may supplement this by oral request at side bar when necessary.~~

### **LR47.3 Argument of Law to Jury Prohibited**

In the argument of any case to a jury, counsel must ~~shall~~ not read to the jury from any legal textbook or reported case, instruct the jury on any matter of law, or argue law to the jury.

### **LR47.4 Contacting Prospective Jurors**

Prospective jurors must ~~shall~~ not be contacted, either directly or through any member of their immediate family, in an effort to secure information concerning the background of any member of the jury panel.

### **LR47.5 Interviewing Jurors- Contact with Jurors**

No party or their attorney will, personally or through another person, contact, interview, examine or question any juror or alternate or any relative, friend or associate thereof, except on leave of court granted upon good cause shown. Further:

- A. No juror has any obligation to speak to any person about any case and may refuse all interviews or comments;
- B. No person may ~~make repeated requests for interviews or questions after a juror has expressed his/her desire not to be interviewed~~ contact a juror after such juror has expressed a desire not to be contacted;

- C. ~~No juror or alternate who consents to be interviewed may disclose any information with respect to the following:~~
1. ~~The specific vote of any juror other than the juror being interviewed;~~
  2. ~~The deliberations of the jury; or~~
  3. ~~For the purposes of obtaining evidence of improprieties in the jury's deliberation.~~
- No juror or alternate may agree to an interview conducted for the purpose of obtaining evidence of improprieties in the jury's deliberation.
- D. ~~No party or their attorney shall, personally or through another person, contact, interview, examine or question any juror or alternate or any relative, friend or associate thereof, except on leave of court granted upon good cause shown.~~
- Jurors who consent to be interviewed may not disclose any information with respect to:
- (i) the specific vote of any juror other than the juror being interviewed; or
  - (ii) the deliberations of the jury.

## **~~LOCAL CIVIL RULE 48 - NUMBER OF JURORS - PARTICIPATION IN VERDICT~~**

### **~~LR48.1 Jury Cases~~**

~~In all civil jury cases the jury shall consist of not less than six members, except by agreement of counsel with court approval.~~

## **LOCAL CIVIL RULE 51 - INSTRUCTIONS TO JURY; OBJECTION**

### **LR51.1 Jury Instructions**

When a trial is to be held before a jury, unless the Court orders otherwise, counsel for all parties must shall confer and prepare proposed joint jury instructions. If counsel are unable to agree as to any specific jury instruction, a separate proposal for such instruction may be submitted. If a separate proposal is submitted, it must shall be supported by a memorandum of authorities. The joint and separate proposed jury instructions must shall be filed with the clerk of court and a copy must shall be provided to the judge before whom the trial is to be held at least seven days in advance of the date on which the jury trial is scheduled. This Rule must shall not be interpreted or enforced to prevent a party from filing written requests pursuant to *FRCvP 51* at the close of evidence or at such earlier time during trial as the court may reasonably direct.

## **LOCAL CIVIL RULE 54 - JUDGMENTS; COSTS**

### **LR54.1 Costs**

Whenever any civil action scheduled for jury trial is settled or otherwise disposed of prior to trial, then, except for good cause shown, juror costs, including marshal's fees, mileage and per diem, will shall be assessed as directed by the court, unless the clerk's office is notified in time to advise the jurors that it will not be necessary for them to attend.

### **~~LR54.2 Award of Attorney's Fees~~**

~~In all cases where attorney's fees are sought, the party desiring to be awarded such fees shall submit to the court a contemporaneous time report reflecting the date, time involved, and nature of~~

the services performed. The report shall be in both narrative and statistical form and provide hours spent and justification thereof.

Any judge of the court may, for good cause shown, relieve counsel of the obligation of filing such a report with the court.

#### **LR54.3 Bill of Costs with Memorandum of Costs**

Within 30 days after receiving notice of entry of judgment, unless otherwise ordered by the court, the prevailing party in whose favor judgment is rendered ~~and who claims and is allowed costs,~~ must ~~shall~~ serve on the attorney for the adverse party and file with the clerk a Bill of Costs and memorandum in support of costs ~~notice of application to have the costs taxed, together with a memorandum~~ signed by the attorney of record stating that the items are correct and that the costs have been necessarily incurred in the case. The memorandum in support of costs must explain how costs were incurred and how they were used in the case. A party who fails to file a memorandum in support of costs may have their costs denied by the clerk.

#### **LR54.4 Objections**

Specific objections may be made within seven days to any item of costs supported by affidavit or other evidence, which may be rebutted. The clerk will ~~shall~~ thereupon tax the costs.

#### **LR54.5 Review of Taxation of Costs**

A dissatisfied party may request within seven days that the court review the action of the clerk, in accordance with *FRCP 54(d)*.

#### **LR54.6 Security for Costs**

In any civil matter, the court, on motion or its own initiative, may order any party to file bond for costs or additional security for costs in such an amount and so conditioned as it may designate.

#### **LR54.10 Payment and Application for Order of Satisfaction of Judgment**

Whenever any party ~~shall~~ pays into the court an amount of money which fully satisfies any judgment or decree in principal, interest, and costs, he or she may apply to the court for an order of satisfaction and, after notice to opposing counsel, or party (if no counsel), upon proof to the court of such complete satisfaction, will ~~shall~~ be entitled to an order declaring same.

#### **LR54.11 Filing Acknowledgment of Satisfaction Notice in Docket**

Upon filing of acknowledgment of satisfaction made by the judgment creditor or his/her attorney, the clerk must ~~shall~~ note upon the docket sheet "Judgment Satisfied," together with the date of any judgment.

#### **LR54.12 Seaman and Pauper Cases**

In all actions in which the fees of the marshal and the clerk are not required by law to be paid in advance and in which a poor suitor or a seaman prevails, either by judgment or by settlement, no dismissal or satisfaction of judgment will ~~shall~~ be filed or entered until all fees of the marshal and the clerk have been paid. It is ~~shall~~ be the responsibility of counsel handling the payment of any

settlement to see to it that all fees are paid whether or not any dismissal or satisfaction of judgment entry is applied for.

### LOCAL CIVIL RULE 55 - DEFAULT

#### LR55.1 Default Judgment

In addition to the provisions of *FRCP 55*, the following rules apply to default judgments:

- A. All requests for entry of default must ~~shall~~ be made to the clerk in writing;
- B. The clerk will send ~~shall mail by regular mail~~ notice of entry of default to each defendant or the defendant's his or her attorney at their his or her last known mailing or email address;
- C. A judgment of default will ~~shall~~ not be entered until 14 calendar days after entry of default.

### LOCAL CIVIL RULE 56 - SUMMARY JUDGMENT

#### LR56.1 Motions for Summary Judgment

~~Every motion for summary judgment shall be accompanied by a separate, short and concise statement of the material facts as to which the moving party contends there is no genuine issue to be tried.~~

Motions for summary judgment must be accompanied by a memorandum. The memorandum must contain:

- (1) The legal basis on which the mover is entitled to judgment;
- (2) The material facts that the mover contends are not genuinely disputed; and
- (3) A pinpoint reference to the document or other exhibit that establishes each such fact.

#### LR56.2 Opposition to Summary Judgment

~~Each copy of the papers opposing a motion for summary judgment must shall include a separate, short and concise statement of the material facts as to which there exists a genuine issue to be tried. All material facts set forth in the statement required to be served by the moving party will be deemed admitted, for purposes of the motion, unless controverted as required by this rule.~~

A memorandum in opposition to a motion for summary judgment must contain:

- (1) The material facts that the opponent contends are genuinely disputed; and
- (2) A pinpoint reference to the document or other exhibit establishing that each such fact is genuinely disputed.

### LOCAL CIVIL RULE 58 - ENTRY OF JUDGMENT

#### LR58.1 Judgments/Orders

~~Judgments must be on a separate sheet of paper and shall bear the caption of the action. Orders must also be on a separate sheet of paper and shall bear the caption of the action.~~

#### LR58.2 Clerk May Require Draft of Judgment to Be Furnished

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

### **LR58.3 Seaman Settlements**

- A. The court will not enter a judgment based upon a joint stipulation and compromise which has been agreed upon by parties prior to the filing of a complaint.
- B. As to those cases which constitute legitimate and bona fide cases at the time of filing and in which parties have agreed to a compromise at some stage prior to trial and the court, if requested, but *only* if requested, will consider the matter upon filing with the court a joint motion for approval of the compromise.

The motion papers shall include the following:

1. Statements of the facts claimed by the respective parties;
2. Copies of all known and available medical reports together with certification that the attached medical reports are all those available;
3. A copy of proposed disbursements except for attorney's fees. In the event an individual judge may so request, the parties must be prepared to show net disbursements, including attorneys' fees;
4. A copy of the proposed release to be executed by claimant;
5. In addition, the parties shall make arrangements for the presence of and payment of a court reporter who shall record the judge's interview with the plaintiff, transcribe same, and file it into the record of the case.

Thereafter, the court, in the event that it approves the compromise, will enter an order in *substantially* the following form:

#### **"ORDER**

"Considering the joint motion of the parties, the statement of facts attached, annexed medical report, the proposed release, and the court having independently interviewed the plaintiff and being satisfied therefrom that the plaintiff understands his (her) legal rights and the consequences of the contemplated settlement that the court determines to be fair,

"IT IS ORDERED that said compromise by defendant with plaintiff in the amount of \$\_\_\_\_\_ as submitted this date, is hereby approved on the terms set forth in the aforesaid release."

The court will not make any determination whatsoever as to status.

- C. In the event a case is compromised during the trial, the judge will, if requested, follow a similar procedure in approving the compromise with variations to adjust to the particular factual situation. In particular, the court in such instances may not need a statement of the facts as it might have become familiar with them during the course of trial. In addition, the proposed order approving the compromise might be redrafted to fit the particular factual situation and could include provisions for entering a judgment on the compromise and for making it executory on a particular date, and with interest and costs.
- D. Although the court's intervention is not necessary in order for parties to affect a compromise and settlement of their claim, if it is their desire to obtain this court's approval

- of such, they must follow the above procedure.
- E. In the event that the matter is compromised after a bona fide complaint has been filed, pursuant to an out-of-court interview with the plaintiff, a copy of the transcript of such proceedings shall be filed in the record.

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

### **LR62.1 Petitions to Stay Execution of State Court Judgments**

- A. A plaintiff who seeks a stay of enforcement of a state court judgment or order must shall attach to the petition a copy of each state court opinion and judgment involving the matter to be presented. The petition must shall also state whether or not the same plaintiff has previously sought relief arising out of the same matter from this court or from any other federal court. The reasons for denying relief given by any court that has considered the matter must shall also be attached. If reasons for the ruling were not given in a written opinion, a copy of the relevant portions of the transcript must shall be supplied.
- B. If any issue is raised that was not raised, or has not been fully exhausted, in state court, the petition must shall state the reasons why such action has not been taken.
- C. This court's opinion in any such action will shall separately state each issue raised by the petition and rule expressly on each issue stating the reasons for each ruling made.
- D. If the same petitioner has previously filed in this court an application to stay enforcement of a state court judgment or for habeas corpus relief, the case will shall be allotted to the judge who considered the prior matter.

### **LR62.2 Supersedeas Bond**

A supersedeas bond staying execution of a money judgment will shall be in the amount of the judgment plus 20% of the amount to cover interest, costs and any award of damages for delay, unless the court directs otherwise.

## **LOCAL CIVIL RULE 65 - INJUNCTIONS**

### **LR65.1 Temporary Restraining Orders and Preliminary Injunctions**

An application for a temporary restraining order or for a preliminary injunction must shall be made in a document separate from the complaint. An application for a temporary restraining order must shall be accompanied by a certificate of the applicant's attorney, or by an affidavit, or by other proof satisfactory to the court, stating (1) that actual notice of the time of making the application, and copies of all pleadings and other papers filed in the action to date or to be presented to the court at the hearing, have been furnished to the adverse party's attorney, if known, otherwise to the adverse party; or (2) the efforts made by the applicant to give such notice and furnish such copies. Except in an emergency, the court will not consider an ex-parte application for a temporary restraining order.

## **LOCAL CIVIL RULE 65.1 - SECURITY: PROCEEDINGS AGAINST SURETIES**



### **LR65.1.1 Qualifications of Sureties**

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

Only by stipulation of the parties or by order of the court may some other form of surety be permitted.

### **LR65.1.2 Court Officers Not to Be Sureties**

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

## **LOCAL CIVIL RULE 67 - DEPOSIT IN COURT**

### **LR67.1 Receipt and Deposit of Registry Funds**

All funds received in the registry of the court in civil cases whose principal sum is more than \$1,000 will be deposited by the clerk with the court's designated depository, ~~or, if otherwise ordered by the court, in an interest-bearing account at a rate no lower than ordinary passbook rates.~~ Funds whose principal sum is \$1,000 or less will be deposited in the court's U.S. Treasury registry and will bear no interest. In criminal cases, funds received by the court for a bail bond will be deposited in the U. S. Treasury and will bear no interest.

### **LR67.2 Form of Order**

A proposed order to deposit funds in the court's registry must ~~shall~~ specify the amount to be deposited. ~~If the moving party desires to have the funds placed in a separate investment, a proposed order shall be filed with the court which shall state the type of investment to be made, the prevailing rate of interest, the length of time the funds are to be invested, and, whether the investment is to be automatically renewed at maturity.~~

Unless otherwise specifically provided by order of the court, any interest earned on registry accounts will accrue to the person or persons ultimately found to be entitled to receive the original principal amount deposited in the court's registry.

### **LR67.3 Disbursement of Registry Funds**

Funds will ~~shall~~ be disbursed from the registry of the court only upon order of a judge of this court. It ~~is shall~~ be the responsibility of counsel filing a motion for disbursement to satisfy the court of the recipient's entitlement to the funds sought to be disbursed.

In the Western District, a motion for disbursement of registry funds will ~~shall~~ be submitted to the financial deputy clerk for certification of the principal amount of the fund held in the registry in a particular case before the motion is presented to the judge.

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

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

If more than one check is to be issued on a single order, the portion of principal due each payee must be stated separately. For non-interpleader funds, counsel must also provide the Social Security number or Tax I.D. number for each payee ~~and complete mailing or delivery instructions for each payee~~. However, due to privacy issues, the Social Security number or Tax I.D. number should not be put in the "Order for Disbursement." Such numbers should be put in a separate letter addressed to the Clerk's Office or emailed to [lawd\\_financial@lawd.uscourts.gov](mailto:lawd_financial@lawd.uscourts.gov).

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

The clerk will issue disbursements as soon after receipt of the order for disbursement as the business of the clerk's office allows, except when it is necessary to allow time for a check or draft to clear or when otherwise directed by the court. ~~In the Western District, it~~ is ~~shall~~ be the responsibility of the moving party to verify that the funds have been paid within a reasonable time.

## **LOCAL CIVIL RULE 72 - MAGISTRATE JUDGES; PRETRIAL ORDERS**

### **LR72.1 Referral of Pre-trial Proceedings in Civil Matters**

Pre-trial proceedings in civil matters may be referred to a magistrate judge for decision or for report and recommendation in accordance with *28 USC 636(b)(1)(A)* and *(B)*, and any standing orders issued by the judge to whom the case is assigned.

## **LOCAL CIVIL RULE 73 – MAGISTRATE JUDGES; TRIAL BY CONSENT AND APPEAL OPTIONS**

### **LR73.1 Jurisdiction**

A. All U.S. Magistrate Judges are designated fully to exercise all powers and jurisdiction and perform to the fullest extent the duties prescribed in *28 USC 636(a)*, *(b)* and *(c)*.

B. Nothing in these rules ~~will~~ shall preclude the court, or a judge of this court, from conducting any proceeding itself rather than by a magistrate judge.

### **LR73.2 Referral of Cases**

The clerk ~~will~~ shall refer cases to the magistrate judges in accordance with standing orders issued

by the judge to whom the case is assigned.

**LR73.2.1 Consent and Referral to Magistrate Judge in Prisoner, Detainee and Habeas Cases**

The special procedures set forth hereinafter apply to: (1) applications made pursuant to 28 U.S.C. § 2254 for post trial relief by an individual convicted of state criminal offenses; (2) prisoner and detainee cases brought pursuant to 42 U.S.C. § 1983; (3) prisoner and detainee cases brought pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 91 S.Ct. 1999 (1971); (4) applications for relief under 28 U.S.C. § 2241; and (5) claims by a prisoner or a detainee brought pursuant to the Federal Tort Claims Act, 28 U.S.C. 2671, *et. seq.*

In any case where LR3.2 requires that a complaint or petition be filed on a court approved form each petitioner shall, at the time the petition or complaint is filed, indicate on the appropriate page of the form whether or not petitioner consents to the exercise by a magistrate judge of civil jurisdiction over the case, as authorized by 28 U.S.C. § 636(e). The election shall be filed with the petition or complaint. In all other cases governed by this rule the Clerk shall, immediately upon the filing of the petition or complaint, provide each petitioner with a court approved form notifying each petitioner of their opportunity to consent to the exercise of civil jurisdiction pursuant to 28 U.S.C. §636(e). In a case not governed by LR3.2 the petitioner must make an election and return the form to the Clerk within 21 days of the Clerk's depositing of the form in the U.S. mail.

Any petitioner is free to elect to not consent to the exercise of jurisdiction by the magistrate judge without adverse substantive consequences. However, each petitioner must make a timely election. If a petitioner fails to make an election and deliver it to the Clerk in a timely manner, that petitioner will be considered as having consented in fact to the magistrate's exercise of case-dispositive jurisdiction.

Upon the initial appearance by a defendant the Clerk shall provide that defendant with a court approved form notifying each defendant of their opportunity to consent to the exercise of civil jurisdiction pursuant to 28 U.S.C. § 636(e), and requiring the defendant to elect whether or not the defendant consents to the exercise by a magistrate judge of such jurisdiction. The defendant is free to elect to not consent to the exercise of such jurisdiction by the magistrate judge without adverse substantive consequences. However, the defendant must make the election and deliver it to the Clerk within 21 days of the Clerk's depositing of the form in the U.S. mail. If a defendant fails to make an election and return it to the Clerk in a timely manner, that defendant will be considered as having consented in fact to the magistrate's exercise of case-dispositive jurisdiction. A district judge or magistrate judge shall not be informed of a party's election unless all parties have consented, either in writing or in fact, to the referral of the matter to the magistrate judge.

If all parties have consented to a magistrate judge's exercise of jurisdiction pursuant to 28 U.S.C. § 636(e), either in writing or in fact, the district judge to whom the case has been assigned may refer the case to the magistrate judges for the exercise of such jurisdiction. Subsequent to the order of reference any party that has not consented in writing may, prior to making a post-referral

appearance, file a written objection to the referral, and, in that case the district judge will vacate the order of reference. However, any party that makes an appearance subsequent to the order of reference without written objection to the reference shall be conclusively presumed to have consented to the magistrate judge's exercise of jurisdiction pursuant to 28 U.S.C. § 636(c). Unless and until all parties who have not expressly consented to the magistrate judge's exercise of jurisdiction have made such a post-reference appearance conclusively establishing their implied consent to the magistrate judge's exercise of jurisdiction, the magistrate judge shall not exercise jurisdiction or powers under 28 U.S.C. § 636(c).

### **LR73.3 Cases Referred for Trial Under 28 USC 636(c)**

Upon the written consent of all parties and referral by the district judge to whom the case is assigned, a full-time magistrate judge may conduct any and all proceedings in a civil case which is filed in this court, including the conduct of a jury or non-jury trial and post-judgment proceedings, and ~~will shall~~ order the entry of a final judgment. In the course of conducting such proceeding, a magistrate judge ~~will shall~~ hear and determine any and all pre-trial and post-trial motions which are filed by the parties, including dispositive motions.

### **LR73.4 Other Duties**

A magistrate judge may be assigned additional duties under 28 USC 636(b)(3), including the following matters, which are set forth for illustrative purposes only.

- A. Conduct pre-trial conferences, settlement conferences, omnibus hearings, and related pre-trial proceedings in civil and ~~criminal~~ cases;
- ~~B. Accept waivers of indictment, pursuant to FRCP 7(b);~~
- ~~BC.~~ Conduct voir dire and select ~~grand and~~ petit juries for the court;
- ~~D. Conduct necessary proceedings in a probation revocation action;~~
- ~~CE.~~ Issue subpoenas, writs of habeas corpus ad testificandum or habeas corpus ad prosequendum, or other orders necessary to obtain the presence of parties, witnesses or evidence needed for court proceedings;
- ~~DF.~~ Order the exoneration or forfeiture of bonds;
- ~~G. Conduct proceedings for the collection of civil penalties of not more than \$200 assessed under the Federal Boat Safety Act of 1971, in accordance with 46 USC 484(d) [Repealed];~~
- ~~EH.~~ Conduct examinations of judgment debtors in accordance with FRCP 69;
- ~~FI.~~ Conduct proceedings for initial commitment of narcotics addicts under Title III of the Narcotic Addict Rehabilitation Act;
- ~~J. Perform the functions specified in 18 USC 4107, 4108, and 4109, regarding proceedings for verification of consent by offenders to transfer to or from the United States and the appointment of counsel therein;~~
- ~~K. Conduct extradition proceedings pursuant to 18 USC 3184;~~
- ~~L. Discharge indigent prisoners or persons imprisoned for debt under process or provisions of 18 USC 3569 [Repealed] and 28 USC 2207 [sic] (Correct site: 28 USC 2007);~~
- ~~GM.~~ Issue attachment or order to enforce obedience to an Internal Revenue

- N. Summons to produce books and give testimony under *26 USC 6704(b)*;  
Settle or certify the non-payment of seamen's wages under *46 USC 303-304* ~~*[Repealed]*~~; enforce awards of foreign consuls in differences between captains and crews of vessels of the consul's nation, *22 USC 258(a)*; conduct proceedings for disposition of deceased seamen's effects under *46 USC 627, 628* ~~*[Repealed]*~~; conduct hearings of offenses arising under *46 USC 701* ~~*[Repealed]*~~, and submit reports and recommendations to the district court;
- HQ. Review appeals of Social Security and Employee Retirement Income Security Act (E.R.I.S.A.) cases and submit a report and recommendation to the district court;
- IP. Enter a scheduling order and modify a scheduling order upon a showing of good cause under *FRCP 16(b)*;
- JQ. Issue Order for Service by Publication under *28 USC 1655*;
- KR. Issue appropriate Orders for Execution of Judgment;
- LS. Issue Orders confirming sales by the U.S. Marshal under *28 USC 2001* and *2004*.

**~~LOCAL CIVIL RULE 74 – METHOD OF APPEAL  
FROM MAGISTRATE JUDGE TO DISTRICT JUDGE~~**

**LR74.1 Method of Appeal**

**~~A. Appeal of Non-dispositive Matters.~~** A party may appeal from a magistrate judge's order by filing with the clerk of court, within 14 days after being served with a copy of the order, a written statement of appeal specifically designating the order or part thereof appealed from, the basis for the objection, and a written memorandum in support thereof. **~~A copy of the appeal shall be served on the magistrate judge and all parties. *[Delete; No longer needed]*~~** The time period allowed for appeal may be modified by the magistrate judge or district judge. **~~A motion to modify or extend the time to file an appeal of a magistrate's order shall be accompanied either by a certificate by the movant that there is or is not opposition to the request or a statement of the efforts made by the movant to determine whether or not there is opposition in compliance with LR7.9. *[Delete; duplicative of proposed LR 7.2 that requires statement of consent for a motion to extend a deadline.]*~~** The district judge shall ~~[will]~~ consider the appeal and set aside any portion of the order found to be clearly erroneous or contrary to law. The district judge may also reconsider sua sponte any matter determined by a magistrate judge under this rule.

**~~B. Reports and Recommendations.~~** A party may object to a magistrate judge's proposed findings, recommendations or report by filing with the clerk within 14 days after being served with a copy thereof, a written objection which specifically identifies the portion or portions of the proposed findings, recommendations or report to which objection is made, the basis for such objection and a written memorandum in support thereof. The magistrate judge or district judge may modify the time period allowed for the filing of such objections. Any party may respond to another party's objections within 14 days after being served with a copy thereof.

~~A district judge 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 or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.~~

## **LOCAL CIVIL RULE 77 - DISTRICT COURTS AND CLERKS**

### **LR77.1 Conference in Chambers - Notice**

Except as to applications normally considered and acted upon ex parte, before any attorney or party ~~will~~ shall confer, or arrange to confer, with a judge of this court in chambers relative to a matter then pending before the judge, he or she ~~must~~ shall first give notice of the date and hour of the proposed conference to opposing counsel, or if counsel is unknown, to the opposing party, and ~~must~~ shall satisfy the judge that this has been done.

### **LR77.2 Sessions of Court**

~~The court shall be in continuous session on all business days through the year for transacting judicial business.~~

### **LR77.3 Administrative Divisions**

~~For the purpose of administration of the business of the court, Pursuant to 28 U.S.C. § 98(c), the parishes comprised of the Western District of Louisiana are assigned to the following divisions as follows shall be established in the Western District of Louisiana:~~

*ALEXANDRIA DIVISION* consisting of the parishes of Avoyelles, Catahoula, Concordia, Grant, LaSalle, Natchitoches, Rapides, and Winn.

*LAKE CHARLES DIVISION* consisting of the parishes of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, and Vernon.

*MONROE DIVISION* consisting of the parishes of Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll.

*LAFAYETTE DIVISION* consisting of the parishes of Acadia, Evangeline, Iberia, Lafayette, Saint Landry, Saint Martin, Saint Mary, and Vermilion.

*SHREVEPORT DIVISION* consisting of the parishes of Bienville, Bossier, Caddo, Claiborne, De Soto, Red River, Sabine, and Webster.

## **LOCAL CIVIL RULE 78 – MOTION DAY**

### **LR78.1 Motion Days**

~~Each judge shall designate a particular day or days as motion day. On this day priority shall be given to the presentation of motions. Motions may also be designated for hearing at some other time by order of the judge to whom the action is allotted. On motion day, the court may also consider reviews from magistrate judges' rulings, contradictory motions requiring action by the~~

~~court after hearing and other matters required by law or court order to be heard and determined summarily.~~

~~Oral argument will be allowed only when ordered by the court. All other motions will be decided by the court on the basis of the record, including timely filed briefs and any supporting or opposing documents filed therewith.~~

## **LOCAL CIVIL RULE 79 - BOOKS AND RECORDS KEPT BY THE CLERK AND ENTRIES THEREIN**

### **LR79.1 Withdrawal of Files**

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

- A. for the use of the court;
- B. pursuant to a subpoena from any federal or state court directing their production; or
- C. with leave of court or permission of the clerk first obtained.

### **LR79.2 Custody of Exhibits**

After being received in evidence, all exhibits will ~~shall~~ be placed in the custody of the clerk, unless otherwise ordered by the court.

### **LR79.3 Disposition of Exhibits**

All exhibits in civil cases in the custody of the clerk will ~~shall~~ be removed within 30 days of the final disposition of the case. The party offering exhibits will ~~shall~~ be responsible for their removal and must ~~shall~~ give a detailed receipt for the clerk's records. If the parties or their attorneys fail or refuse to remove exhibits within 30 days, the exhibits may be destroyed or otherwise disposed of by the clerk.

### **LR79.4 Offer and Marking of Exhibits**

Before referring to or using or offering in evidence any exhibit, (whether book, paper, document, model, diagram or any other type of exhibit), counsel must ~~shall~~ first ensure that it is marked for identification.

### **~~LR79.5 Obtaining Record From Appellate Court for Hearing on Motions~~**

~~It shall be the duty of counsel for the moving parties in cases in which an appeal has been taken and the record filed with the clerk of the Court of Appeals to obtain the record and return it to the clerk of the District Court pending argument and determination of the motion.~~

## **~~LOCAL CIVIL RULE 83 - RULES BY DISTRICT COURTS; JUDGES' DIRECTIVES~~** **~~LOCAL CIVIL RULE 83.1 - NATURALIZATION~~**

### **~~LR83.1 Naturalization~~**

~~All petitions for naturalization and matters pertaining to them shall be heard and tried as directed by the court.~~

## LOCAL CIVIL RULE 83.2 – ATTORNEYS

### LR83.2.1 Roll of Attorneys

The bar of the court consists of those lawyers admitted to practice before the court who have taken the prescribed oath.

### LR83.2.2 Eligibility

Any member of the Bar of the Supreme Court of Louisiana who is in Good Standing with that Court is eligible for admission to practice before this Court. Should any member's status of being in Good Standing with the Bar of the Supreme Court of Louisiana lapse at any date for any reason, then his/her right to practice in this Court will ~~shall~~ be deemed lapsed as of the same date.

### LR83.2.3 Procedure for Admission

A. In General. Each applicant for admission to the bar of this court must ~~shall~~ file an online application at [www.pacer.gov](http://www.pacer.gov) using his or her upgraded individual PACER account and endorsed by one member of the bar of this court listing the applicant's ~~residence~~ domicile and office address, his or her general and legal education, the courts that have admitted him or her to practice, and stating that the applicant is qualified to practice before this court, is of good moral character, and is not subject to any pending disbarment or professional discipline procedure in any other court. If the applicant has previously been subject to any disciplinary proceedings, full information about the proceedings, the charges and the result will be given.

B. Oath, fees, time to complete application. The petitioner may then be admitted in open court, in chambers or by mail, and upon taking an oath to conduct himself or herself as an attorney or counselor of this court uprightly and according to law and to support the Constitution of the United States. Petitioner will ~~He or she shall then~~, under the direction of the clerk, pay the fee required by law and any other fee required by the court. Unless such a motion for admission is made within six months of the filing of the petition, the clerk may destroy the petition and a new petition will be necessary before the applicant can be admitted.

C. Payment of triennial fee. In addition to the fee paid upon admission to the bar of this Court, every attorney admitted must ~~shall~~ pay a fee of \$45.00 every three years to the Clerk of Court. The triennial fee will be due in the month the attorney was first admitted to this court. As the fee comes due, an attorney will receive an email giving them notice that the payment is due within 30 days. If not paid, an attorney will be moved to inactive status after a final payment notice has been sent to the attorney's last known email address for noticing. Attorneys admitted in the second or third year of any triennial period, will not be required to make payment until the next triennial period.

- 1) Any attorney moved to inactive status under the provisions above will ~~shall~~ be automatically reinstated without further notice upon payment of fees.
- 2) An attorney who has retired or is not engaged in the practice of law before this Court may advise the Clerk of Court in writing that the attorney desires to assume inactive status and discontinue the practice of law before this Court. Upon the filing of such a notice, the



attorney ~~will shall~~ be moved to inactive status. An attorney in inactive status ~~will shall~~ no longer be eligible to electronically file in this court and ~~will shall~~ not be obligated for further payment of the fee prescribed herein. Reinstatement to active status ~~will shall~~ be granted (unless the attorney is subject to an outstanding order of suspension or disbarment) upon the payment of any fees due as prescribed by this Rule.

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

D. Appearance on Behalf of the United States. Any attorney representing the United States or any agency thereof, having the authority of the government to appear as its counsel, may appear specially and be heard in any case in which the government or such agency is a party, without formal or general admission. Attorneys covered under this section are exempt from payment of any fees for admission, membership renewal or *pro hac vice* appearance while so employed.

#### **LR83.2.4 Rules of Conduct**

This court hereby adopts the Rules of Professional Conduct of the Louisiana State Bar Association, as hereafter may be amended from time to time by the Louisiana Supreme Court, except as otherwise provided by a specific rule of the courts.

#### **LR83.2.5 Attorney Representation**

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

#### **LR83.2.6 Visiting Attorneys**

Any member in good standing of the bar of any court of the United States or of the highest court of any state and who is not a member of the bar of this court, may, upon written motion of counsel of record who is a member of the bar of this court, by ex parte order, be permitted to appear and participate as co-counsel in a particular case.

The motion must have attached to it a certificate of recent date from a court of the United States or the highest court or bar of the state where the attorney has been admitted showing that the applicant is in good standing. The applicant attorney must shall state under oath whether any disciplinary proceedings or criminal charges have been instituted against the applicant, and if so, must shall disclose full information about the proceeding or charges and the ultimate determination, if any.

The applicant attorney must shall pay a \$105.00 fee to the clerk of court and must shall take the same oath as members of the bar of this court.

An attorney permitted to appear may participate in a particular action or proceeding in all respects,

except that all documents requiring signature of counsel for a party may not be signed solely by such attorney but must also bear the signature of local counsel admitted to practice in the Western District of Louisiana and with whom the visiting attorney is associated.

Local counsel ~~are~~ shall be responsible to the court at all stages of the proceedings.

Designation of the visiting attorney as "Lead Trial Attorney" pursuant to LR11.2 herein shall not relieve the local counsel of the responsibilities imposed by this rule.

The fee described in this rule is applicable in each case in which the visiting attorney seeks recognition as qualified counsel.

### **LR83.2.7 Waiver by Court Order of Requirements for Local Counsel**

In any civil action, a counsel who is ineligible to become a member of the bar of this court under LR83.2.2, may be authorized by court order to appear and act for any party without joinder of local co-counsel when it is shown that:

- A. The party would suffer hardship by joinder of local counsel;
- B. The obligations and duties of counsel in the particular litigation will be fulfilled.

### **LR83.2.8 Familiarity with and Compliance with Rules**

Everyone who appears in court in proper person and every attorney permitted to practice in this court must ~~shall~~ be familiar with these rules. Willful failure to comply with any of them, or a false certificate of compliance, will ~~shall~~ be cause for such disciplinary action as the court may see fit, after notice and hearing.

### **LR83.2.10 Attorney Discipline**

#### *A. Initiation of Disciplinary Proceedings*

1. Any Article III, Magistrate, or Bankruptcy judge of this District may take action to initiate attorney disciplinary proceedings in accordance with this rule.
2. A complaint of attorney misconduct initiated by one other than a judge of this Court must ~~shall~~ be filed in writing under oath with the Clerk of the Court, who will ~~shall~~ immediately refer the matter to the Chief Judge or the Chief Judge's Article III or Magistrate Judge designee for review and the imposition of disciplinary action if appropriate.
3. An attorney admitted to practice before this court must ~~shall~~ give written notice to the Clerk of Court of any adverse action affecting his or her practice of law within thirty (30) days of such adverse action, including providing copies of the documents from the Louisiana Supreme Court, or any other acting body, declaring the adverse action. In this context "adverse action" is defined as (a) the filing of formal public charges against him or her by any bar association or committee thereof; (b) issuance of a public reprimand, fine, suspension, or disbarment by any court or bar association or any committee thereof; or (c) the conviction of any felony or of any misdemeanor involving such person's practice of law. The Clerk of Court will ~~shall~~ refer all notices of adverse action to the Chief Judge or Article III designee of the Chief Judge.

#### *B. Disciplinary Action*

1. Suspension or disbarment imposed by other courts:

If another federal court or the Louisiana Supreme Court takes adverse action against an attorney in the form of a suspension or disbarment of such attorney, this Court may take the same action against the attorney by signature of the Chief Judge. Nothing in this provision will shall prevent this Court, by majority vote, from taking a different action.

2. Fines or suspensions of 90 days or less imposed by this District:

An Article III, Magistrate, or Bankruptcy judge may impose on a member of the bar of this court fines or suspension of 90 days or less without having to seek the approval of the Article III judges of the court or the Chief Judge.

3. Suspensions of greater than 90 days or disbarments imposed by this District:

An Article III, Magistrate, or Bankruptcy judge of this District must shall refer proposed suspensions of greater than 90 days or disbarments of attorneys to the Chief Judge or the Chief Judge's Article III designee to investigate and determine a recommended action to take against the attorney. After notice to the attorney and an opportunity to be heard, the Chief Judge or his or her designee must shall present any recommended action against the attorney to the Article III judges of this Court. A majority vote of the Article III judges must shall then be taken on the recommended action at a general or special meeting or by email vote.

*C. Reinstatement and Readmission*

1. Reinstatement after a suspension of one year or less:

(a) Once an attorney has served an active suspension of one year or less pursuant to disciplinary proceedings, the attorney may file a petition for reinstatement with this Court setting forth that the attorney has fully complied with the requirements of the suspension order and the reasons why reinstatement should be granted. The attorney must shall provide copies of the documents from the Louisiana Supreme Court, or any other acting body, showing why the attorney was suspended, and when reinstated.

(b) A decision on reinstatement will shall be made by a majority vote of the Article III Judges after consultation at a general or special meeting or by email vote.

2. Reinstatement after a suspension of more than one year and readmission after disbarment:

(a) In the event that a member of the bar of this Court has been suspended more than one year or disbarred, the attorney may file a petition for reinstatement or readmission with this Court setting forth the reasons why reinstatement or readmission should be granted and providing documentation of the original suspension of more than one year or disbarment and copies of any action by the Louisiana Supreme Court, or any other acting body, declaring the attorney reinstated or readmitted.

(b) The petition for reinstatement or readmission will shall be submitted to the Article III judges of this Court who will shall either grant or deny the petition or refer the same to a Special Master or Magistrate Judge for a report and recommendation. Final action will shall be by majority vote of all the Article III judges of the Court after consultation, either at a general or special meeting or by email vote.

3. Expedited Review

An attorney may, in the event of exigent circumstances and with documentation showing good cause, request the Court review a petition for reinstatement or readmission in an expedited fashion. The request will be forwarded to the Chief Judge or his or her designee for review and

consideration.

#### *D. Judicial Control*

Nothing in this rule ~~will~~ shall be read to limit the inherent powers of a judge to control litigation, nor to limit the powers to impose fines, penalties and sanctions granted under the Federal Rules, United States Code or as otherwise authorized by law.

#### **LR83.2.11 Continuing Representation, Withdrawals, Substitution of Counsel**

~~The original Enrolled~~ Enrolled counsel of record ~~will~~ shall be held to represent the party for whom he or she appears unless the court permits counsel ~~him or her~~ to withdraw from the case. ~~He or she may obtain permission only upon joint motion to substitute counsel or upon a written motion served on opposing counsel and the client before the court acts. If other counsel is not thereby substituted~~ If a motion to withdraw does not provide for substitution of counsel or would otherwise result in a *pro se* party, the motion to withdraw must shall contain the client's present address, telephone number and email, of the client and the client's telephone number, if the client can be reached by telephone as well as the client's signature approving counsel's requested withdrawal. If counsel seeking to withdraw is unable to obtain a client's signature, such counsel must provide the court with a signed certificate stating specifically why, after due diligence, the attorney was unable to obtain the client's signature. The motion must also shall be accompanied by a certificate of service, including a statement that the client has been notified of all deadlines and pending court appearances, on both the client by certified mail and opposing counsel, or an affidavit stating why service has not been made. The Court may, in its discretion, hold a hearing with the attorney and client present before authorizing an attorney to withdraw.

#### **LR83.2.12 Additional Counsel**

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

- A. Upon motion of counsel of record for that party, or motion consented to by him/her; or
- B. Upon motion, after counsel for the party has been permitted to withdraw or has died, or is incapacitated, or cannot be found; or
- C. Upon motion of a party after notice to counsel of record and a hearing thereon.

#### **LR83.2.13 Appearances by Law Students**

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

~~An eligible law student may also appear in any criminal matter on behalf of the United States with the written approval of both the prosecuting attorney or his or her authorized representative and the supervising lawyer. Insofar as practicable, the legal services of law students in criminal practice shall be divided equally between prosecution and defense.~~

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

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

A. *Prerequisites to Law Student Appearances*

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

1. Be duly enrolled in a law school in this state approved by the American Bar Association;
2. Have completed four (4) full-time semesters of legal studies or the equivalent if the school is on some basis other than a semester basis;
3. Be certified by the dean of his or her law school as being of good moral character, competent legal ability, and adequately trained to perform as a legal intern;
4. Be introduced to the court by an attorney admitted to practice in this court;
5. Neither ask for nor receive remuneration of any kind for services;
6. Take the following oath:  
"I, \_\_\_\_\_, do solemnly swear that I will support the Constitution of the United States and of the State of Louisiana and have read and am familiar with the Code of Professional Responsibility of the Louisiana State Bar Association, and I understand that I am bound by the precepts therein contained as fully as if I were admitted to the practice of law in Louisiana; and that I further accept the privileges granted to me as well as the responsibilities which will devolve upon me, so that I may be more useful through my clinical education in the service of justice."

B. *Certification of Students*

The certification of a student by the law school dean:

1. Shall be filed with the clerk and, unless sooner withdrawn, it shall remain in effect for twelve (12) months after it is filed, or until the announcement of the results of the first bar examination following the student's graduation, whichever comes earlier. For any student who passes that examination or who is admitted to the bar without taking an examination, the certification shall continue in effect until the date he or she is admitted to the bar;
2. May be withdrawn by the dean at any time by mailing a notice to that effect to the clerk. The notice need not state the cause for withdrawal;
3. May be terminated by this court at any time without notice or hearing and without any showing of cause. Notice of the

termination may be filed with the clerk.

C. *Supervision of Students*

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

1. Be admitted to practice before this court, and be approved by the dean of the law school in which the law student is enrolled for service as a supervising lawyer for this program;
2. Assume personal professional responsibility and liability for the student's guidance in any work undertaken and for supervising the quality of the student's work;
3. Assist the student in his or her preparation.

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

(b) The written consent and approval referred to above must be filed in the record of the case and shall be brought to the attention of the Judge.

(c) The supervising lawyer must personally be present throughout the proceedings and will be responsible for the manner in which they are conducted.

(d) Prerequisites to Law Student Appearances. In order to make an appearance pursuant to this rule, the law student must:

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

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

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

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

(5) Neither ask for not receive remuneration of any kind for services;

(6) Take the following oath:

"I, \_\_\_\_\_, do solemnly swear that I will support the Constitution of the United States and of the State of Louisiana and have read and am familiar with the Code of Professional Responsibility of the Louisiana State Bar Association, and I understand that I am bound by the precepts therein contained as fully as if I were admitted to the practice of law in Louisiana; and that I further accept the privileges granted to me as well as the responsibilities which will devolve upon me, so that I may be more useful through my clinical education in the service of justice."

(7) Certification of Students. The certification of a student by the law school dean or chancellor:

- a. Must be filed with the Clerk of Court and, unless sooner withdrawn, it will remain in effect for twelve months after it is filed, or until the announcement of the results of the first bar examination following the student's graduation,

- whichever comes earlier. For any student who passes that examination, the certification will continue in effect until the date one is admitted to the bar.
- b. May be withdrawn by the dean or chancellor at any time by mailing a notice to that effect to the Clerk of Court. The notice need not state the cause for withdrawal.
  - c. May be terminated by this Court at any time without notice or hearing and without any showing of cause. Notice of the termination may be filed with the Clerk of Court.
- (8) Supervision of Students. The member of the bar under whose supervision an eligible law student works must:
- a. Be admitted to practice before this Court, and be approved by the dean or chancellor of the law school in which the law student is enrolled for service as a supervising lawyer for this program;
  - b. Assume personal professional responsibility and liability for the student's guidance in any work undertaken and for supervising the quality of the student's work;
  - c. Assist the student in the student's preparation.

#### **LR83.2.14 Courtroom Decorum**

The purpose of this rule is to emphasize, not to supplant, certain portions of those ethical principles applicable to the lawyer's conduct in the courtroom. In addition to the other requirements, therefore, lawyers appearing in this court ~~shall~~ must:

1. Stand as court is opened, recessed or adjourned.
2. Stand when the jury enters or retires from the courtroom.
3. Stand when addressing, or being addressed by, the court.
4. Stand at the lectern while examining any witness; except that counsel may approach the clerk's desk or the witness for purposes of handling or tendering exhibits.
5. Stand at the lectern while making opening statements or closing arguments.
6. Address all remarks to the court, not to opposing counsel.
7. Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly detached from any ill feeling between the litigants or witnesses.
8. Refer to all persons, including witnesses, other counsel and the parties by their surnames and not by their first or given names.
9. Only one attorney for each party may ~~shall~~ examine, or cross examine, each witness.
10. Counsel should request permission before approaching the bench; and any documents counsel wish to have the court examine should be handed to the clerk.
11. Any paper or exhibit not previously marked for identification should first be handed to the clerk to be marked before it is tendered to a witness for his examination; and any exhibit offered in evidence should, at the time of such offer, be handed to opposing counsel.

12. In making objections counsel should state only the legal grounds for the objection and should withhold all further comment or argument unless elaboration is requested by the court.
13. In examining a witness, counsel must ~~shall~~ not repeat or echo the answer given by the witness.
14. Offers of, or requests for, a stipulation should be made privately, not within hearing of the jury.
15. In opening statements and in arguments to the jury, counsel must ~~shall~~ not express personal knowledge or opinion concerning any matter in issue, and must ~~shall~~ not suggest to the jury, directly or indirectly, that it may or should request transcripts or the reading of any testimony by the reporter.
16. Counsel must ~~shall~~ admonish all persons at counsel table that gestures, facial expressions, audible comments, or the like, as manifestations of approval or disapproval during the testimony of witnesses, or at any other time, are absolutely prohibited.

### **LR83.2.15 Courtroom Appearance**

All attorneys must ~~shall~~ dress appropriately when appearing in court. Male attorneys must ~~shall~~ wear coats and ties; Female attorneys must ~~shall~~ wear business attire, a dress or a business suit consisting of either pants or a skirt. Litigants, witnesses, jurors and spectators must ~~shall~~ be neatly, cleanly and appropriately attired.

## **LOCAL CIVIL RULE 83.3 - BUILDING SECURITY**

### **LR83.3.1 Reasons for Building Security**

The purpose of these rules is to minimize interference with and disruptions of the court's business, to preserve decorum in conducting the court's business and to provide effective security in the buildings wherein proceedings governed by these rules are held. These buildings are hereinafter collectively referred to as "the premises".

### **LR83.3.2 Security Personnel**

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

### **LR83.3.3 Carrying of Parcels, Bags, and Other Objects**

Security personnel must ~~shall~~ inspect all objects carried by persons entering the premises. No one must ~~shall~~ enter or remain in the premises without submitting to such an inspection.

### **LR83.3.4 Search of Persons**

Security personnel may search the person of anyone entering the premises or any space in it. Anyone who refuses to permit such a search will ~~shall~~ be denied entry. Should any defendant in a criminal case whose appearance is required refuse to permit such a search, security personnel will ~~shall~~ deny the person entry and will ~~shall~~ immediately notify the judge before whom the appearance is required. The judge may take the appropriate action, including, but not limited to,



detention and search, and ordering revocation of bond, if the defendant is on bond.

### **LR83.3.5 Unseemly Conduct**

No person ~~may shall~~:

- A. Loiter, sleep or conduct himself/herself in an unseemly or disorderly manner in the premises;
- B. Interfere with or disturb the conduct of the court's business in any manner;
- C. Eat or drink in the halls of the premises or in the courtrooms;
- D. Block any entrance to or exit from the premises or interfere in any person's entry into or exit from the premises.

### **LR83.3.6 Entering and Leaving**

All persons ~~must shall~~ enter and leave courtrooms only through such doorways and at such times as ~~will shall~~ be designated by the security personnel.

### **LR83.3.7 Spectators**

Spectators ~~must shall~~ enter or depart courtrooms only at such times as the presiding judge may direct. No spectator ~~may shall~~ enter or remain in any courtroom unless spectator seating is available. Spectators ~~must shall~~ sit in that portion of the courtroom designated by Security Personnel ~~the U.S. Marshal~~. Spectators excluded because of lack of seating and spectators leaving the courtroom while court is in session or at any recess ~~may shall~~ not loiter or remain in the area adjacent to the courtroom.

### **LR83.3.8 Cameras and Electronic Equipment**

Unless authorized by the court, no camera, recording equipment, or other type of electrical or electronic device ~~may shall~~ be brought into the premises. No person ~~may shall~~ introduce or attempt to introduce any type of camera, recording equipment or other type of electrical or electronic device into the premises without court permission. No person ~~may shall~~ introduce any type of camera, recording equipment or other type of electric or electronic device into the premises while, or immediately before or after, the grand jury is in session.

### **LR83.3.9 Photographs, Radio or Television Broadcasting**

The taking of photographs in the courtroom or its environs or 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~~, whether or not court is actually in session, is prohibited. However, photographs are allowed to be taken during naturalization and other ceremonial events as well as with the approval of a judge of this court.

~~B. As used in these rules the term "environs" means any place within any United States Courthouse wherein these Rules apply, and any place wherein a United States Magistrate Judge may conduct judicial proceedings and any public place immediately adjacent thereto.~~

### **LR83.3.10 Unauthorized Presence When Grand Jury Is in Session (moved to LCrR 6.1)**

~~No person, except grand jurors, witnesses, government attorneys, agents or employees, court~~

~~personnel concerned with any grand jury proceeding, private attorneys whose clients have been called to appear as witness at a session of the grand jury then in progress or about to commence, and others specifically authorized, shall be allowed to remain in the hall adjacent to the grand jury space beyond the entrance door.~~

**LR83.3.11 Interviewing Witnesses Before Grand Jury (moved to LCrR 6.2)**

~~No person shall attempt to question, interview or interfere with any person who may testify or who has testified before any grand jury within the premises.~~

**LR83.3.12 Weapons**

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

**LR83.3.13 Enforcement**

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

**LOCAL CIVIL RULE 83.4 - BANKRUPTCY**

**LR83.4.1 Reference to Bankruptcy Judge**

Under the authority of *28 USC 157*, the district court refers to the bankruptcy judges of this district all cases under Title 11 and all proceedings arising under Title 11 or arising in or related to a case under Title 11. As set forth in *28 USC 157(b)(5)*, personal injury tort and wrongful death claims will ~~shall~~ be tried in the district court.

**LR83.4.2 Appeal to the District Court**

Appeals from judgments, orders or decrees of a bankruptcy judge will ~~shall~~ be governed by *Part VIII of the Bankruptcy Rules* (Section 8001, *et seq.*) and the applicable local rules of the district and bankruptcy courts.

**LR83.4.3 Motion Seeking Relief from a District Judge**

Motions filed seeking relief from a district judge, including motions under *28 USC 157(d)* (for withdrawal of reference), *28 USC 157(c)(1)* (objections to proposed findings of fact and conclusions of law) and *Bankruptcy Rule 8007* (for stay pending appeal), will ~~shall~~ be governed by

the rules set out below.

A. *Original Motion*

1. *Applicable Rules.* The Local Rules for the district court ~~are shall be~~ applicable to all motions filed in bankruptcy cases or proceedings seeking relief from a district judge. In those instances where the Bankruptcy Rules require a report from the bankruptcy judge, *e.g.*, *Bankruptcy Rules 5011(b)* and *9027(e)*, the local Bankruptcy Rules will shall apply until such report is issued.
2. *Place of Filing.* All motions described in this section above must shall be filed with the clerk of the bankruptcy court.
3. *Contents of Motion.* In addition to the normal requirements of papers filed in the bankruptcy court, motions described in this section above must shall include:
  - a. A clear and conspicuous statement opposite the title of the action that "RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE."
  - b. A designation of the portions of the record of the proceedings in the bankruptcy court that will reasonably be necessary or pertinent for consideration of the motion by the district court.
  - c. A list showing each party with an interest in the motion and for each party shown, their attorney along with such attorney's mailing address.
4. *Subsequent Filings.* Any filing in a matter under this section subsequent to the "Original Motion" set forth above must shall be filed with the clerk of the district court and must shall comply with all rules of such court.
5. *Duties of the Clerk of the Bankruptcy Court.* Upon filing of an original motion, as set forth above, the clerk of the bankruptcy court must shall promptly transmit to the clerk of the district court:
  - a. The original motion and all attachments to the motion, and
  - b. The portion of the bankruptcy court record designated in accordance with (3)(b) above.

B. *No Automatic Stay.* There will shall be no automatic stay of bankruptcy court proceedings as a result of the filing of any motion under the above. Any stay of proceedings will result only from an order of the bankruptcy court or the district court.

C. *Obligation of the Parties.* It must shall be the obligation of each and every party and their attorney to apprise the bankruptcy court and the United States District Court of orders entered in either forum which significantly affect matters pending in either forum.

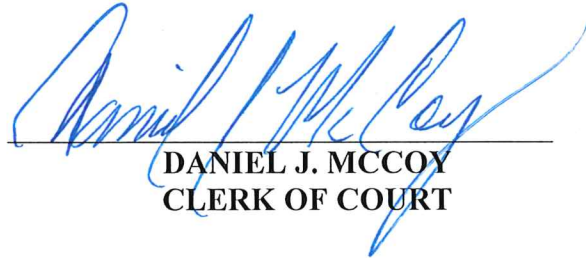
#### **LR83.4.4 Record Transmitted to the District Court**

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

In the event that papers are retained in the bankruptcy court and certified copies are transmitted to the district court, the bankruptcy court may order the party upon whose instance the papers were required to reimburse the clerk of the bankruptcy court for the cost of making the copies.

Comments on these amendments may be made in writing addressed to the Clerk of Court, Daniel J. McCoy, 800 Lafayette Street, Suite 2100, Lafayette, Louisiana 70501, before **April 30, 2024**. This Notice may be accessed on the court's website at **[www.lawd.uscourts.gov](http://www.lawd.uscourts.gov)**.

Lafayette, Louisiana, this 14<sup>th</sup> day of March, 2024.



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**DANIEL J. MCCOY**  
**CLERK OF COURT**