

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**IMPORTANT INFORMATION - PLEASE READ CAREFULLY**

**INSTRUCTIONS FOR THE REQUEST OF A COURT APPOINTED ATTORNEY  
UNDER THE CIVIL RIGHTS ACT OF 1964**

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Although title 42 U.S.C. 2000(e) 5(f)(I) permits the United States District Court having jurisdiction in your case to appoint an attorney to represent you, your request must be made in the form and manner prescribed.

In this Court, your request must be in writing, must comply with the Local Rules of the Court and must be accompanied by other documentation. In order for this Court to consider your request, you must follow and comply with the following instructions and procedures.

**INSTRUCTIONS AND PROCEDURES**

1. **CIVIL COMPLAINT** - For a judge of this Court to consider your written request for a court-appointed attorney, you must first file a "Civil Complaint" in the form and manner as set forth in Local Rule 11 of this Court. Any complaint in any other form will not be accepted by the Clerk's Office. The complaint must be prepared by you. This office does not have any standard forms for this purpose. The complaint must also be accompanied by a:
  - A. Summons - (Original plus one copy for each defendant named)
  - B. Civil Cover Sheet - CV-71 (JS44C) - (Original plus one copy)

These two forms are available in the Clerk's Office. They must be completed in full. Each original document filed in this Court must also be accompanied by a clear and legible copy of the document filed. Both the original and copy must be blue-backed.

2. **FILING FEE** - The filing fee for a civil complaint is \$150.00. Personal checks are NOT accepted.
3. **FILING IN FORMA PAUPERIS** - If you are unable to pay the filing fee, you may petition the Court to allow you to file your complaint without the prepayment of the filing fee. Forms for your use are available in the Clerk's Office. These forms must also accompany the complaint. (Declaration in support of request to proceed in forma pauperis)
4. **REQUEST FOR APPOINTMENT OF AN ATTORNEY** - A request for appointment of an attorney must be prepared by you in the form and manner set forth in Local Rule 11. A request in any other form will not be accepted.

The request must accompany the complaint and be presented as a separate document. Your request must also state the reasons why you want the Court to appoint an attorney for you.

## OTHER INFORMATION

**PLEASE DO NOT** seek the assistance of an employee of this office to help you in this matter. Title 28 U.S.C. 995 prohibits members of this office from providing any type of legal advice.

In the event the Court denies your request for the appointment of any attorney and you find yourself acting as your own attorney, you must comply with the provisions of Local Rule 83-2.10.

Copies of all the Local Rules may be purchased at the Los Angeles Daily Journal or the Metropolitan New for a fee. Additionally, copies of the Local Rules are also available in any law library or from this Court's website at: [www.cacd.uscourts.gov](http://www.cacd.uscourts.gov). Pertinent parts of Local Rules 3, 5, 7, 8, 11, 15, 16, 19, 26, 38, 41, 56 and 83 as well as Federal Rule of Civil Procedure 4(i)(1) are attached for your information and convenience.

Also attached is a list of lawyer referral services.

### F.R.CIV.P.3. COMMENCEMENT OF ACTION

**L.R. 3-1 Civil Cover Sheet.** All civil actions presented to the Clerk for filing shall be accompanied by a Civil Cover Sheet, in duplicate, completed and signed by the attorney or party presenting the matter. In all cases where jurisdiction is invoked in whole or in part under 28 U.S.C. § 1338 (regarding patents, plant variety protection, copyrights and trademarks), the Clerk shall also be provided at the time of filing with the original and two copies of the required notice to the Patent and Trademark Office in patent, plant variety protection and trademark matters and the original and four copies of the required notice in copyright matters. Copies of the Civil Cover Sheet and the required forms of notice to the Patent and Trademark Office are available from the Clerk.

### F.R.CIV.P.5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

#### **L.R. 5-3 Proof of Service**

**L.R. 5-3.1 Form.** Proof of service shall be made by declaration of the person accomplishing the service. That declaration shall include the following information:

- (a) The day and manner of service;
- (b) Each person and/or entity served;
- (c) The title of each document served; and
- (d) The method of service employed (*e.g.*, personal, mail, substituted, etc.)

**L.R. 5-3.2 Proof of Service - Attachment to Document Served.** If the proof or acknowledgment of service is attached to the original document, it shall be attached as the last page of the document.

### F.R.CIV.P. 7. PLEADINGS ALLOWED; FORM OF MOTIONS

**L.R. 7-1 Stipulations.** Stipulations will be recognized as binding only when made in open court, on the record at a deposition, or when filed in the proceeding. Written stipulations affecting the progress of the case shall be filed with the Court, be in the form provided by L.R. 52-9, and will not be effective until approved by the judge, except as authorized by statute or the F.R.Civ.P.

**L.R. 7-2 Applicability.** The provisions of this rule shall apply to motions, applications, petitions, orders to show cause, and all other proceedings except a trial on the merits (all such being included within the term “motion” as used herein) unless otherwise ordered by the Court or provided by statute, the F.R.Civ.P., or the Local Rules.

**L.R. 7-3 Conference of Counsel Prior to Filing of Motions.** In all cases not listed as exempt in L.R. 16-11, and except in connection with discovery motions (which are governed by L.R. 37-1 through 37-4) and applications for temporary restraining orders, counsel contemplating the filing of any motion shall first contact opposing counsel to discuss thoroughly, *preferably in person*, the substance of the contemplated motion and any potential resolution. If the proposed motion is one which under the F.R.Civ.P. must be filed within a specified period of time (*e.g.*, a motion to dismiss pursuant to F.R.Civ.P. 12(b), or a new trial motion pursuant to F.R.Civ.P. 59(a)), then this conference shall take place at least five (5) days prior to the last day for filing the motion; otherwise, the conference shall take

place at least twenty (20) days prior to the filing of the motion. If the parties are unable to reach a resolution which eliminates the necessity for a hearing, counsel for the moving party shall include in the notice of motion a statement to the following effect:

“This motion is made following the conference of counsel pursuant to L.R. 7-3 which took place on (date).”

**L.R. 7-4 Motion Papers.** No motion will be considered by the Court unless it meets the requirements of L.R. 7-4 through 7-8. On the first page of the notice of motion and every other document filed in connection with any motion, there shall be included, under the title of the document, the date and time of the motion hearing, and the name of the judicial officer before whom the motion has been noticed. The notice of motion shall contain a concise statement of the relief or Court action the movant seeks.

**L.R. 7-5 Moving Papers.** There shall be served and filed with the notice of motion:

- (a) A brief but complete memorandum in support thereof and the points and authorities upon which the moving party will rely; and
- (b) The evidence upon which the moving party will rely in support of the motion.

**L.R. 7-6 Evidence on Motions.** Factual contentions involved in any motion and opposition to motions shall be presented, heard, and determined upon declarations and other written evidence (including documents, photographs, deposition excerpts, etc.) alone, except that the Court may, in its discretion, require or allow oral examination of any declarant or any other witness.

**L.R. 7-7 Form and Content of Declarations.** Declarations shall contain only factual, evidentiary matter and shall conform as far as possible to the requirements of F.R.Civ.P. 56(e).

**L.R. 7-8 Presence of Declarants - Civil Cases.** On motions for and orders to show cause re preliminary injunctions, motions to be relieved from default and other motions where an issue of fact is to be determined (*e.g.*, civil contempt, but excluding motions contesting venue and personal jurisdiction), not later than ten (10) calendar days prior to the hearing, a party desiring to cross-examine any declarant who is not beyond the subpoena power of the Court and who is reasonably available to the party offering his declaration may serve by hand (or facsimile) and file a notice of request to cross-examine such declarant. If the party offering the declaration disputes that the declarant is within the subpoena power of the Court and reasonably available to the offering party, such party shall

serve and file an objection to the notice of request to cross-examine not later than seven (7) calendar days prior to the hearing. The offering party shall be under no obligation to produce the declarant unless the Court has granted the request to cross-examine by written order not later than three (3) calendar days prior to the hearing. No declaration of a declarant with respect to whom such a request has been granted shall be considered unless such declarant is personally present and available at the hearing for such cross-examination as the Court may permit. The Court may, in the alternative, order that the cross-examination be done by deposition taken on two (2) calendar days' notice with the transcript being lodged two (2) court days prior to the hearing. The Court may impose sanctions pursuant to these Local Rules against any party or counsel who requests the presence of any declarant without a good-faith intention to cross-examine the declarant.

***L.R. 7-9 Opposing Papers.*** Each opposing party shall, not later than ten (10) days after service of the motion in the instance of a new trial motion and not later than fourteen (14) days before the date designated for the hearing of the motion in all other instances, serve upon all other parties and file with the Clerk either (a) the evidence upon which the opposing party will rely in opposition to the motion and a brief but complete memorandum which shall contain a statement of all the reasons in opposition thereto and the points and authorities upon which the opposing party will rely, or (b) a written statement that he will not oppose the motion. Evidence presented in all opposing papers shall comply with the requirements of L.R. 7-6, 7-7 and 7-8.

***L.R. 7-10 Reply Papers.*** If the moving party so desires, he may, not later than the seventh calendar date (not excluding Saturdays, Sundays, and holidays) before the date designated for the hearing of the motion, serve and file a reply memorandum, and declarations or other rebuttal evidence. Absent prior written order of the Court, the opposing party shall not file a response to the reply.

***L.R. 7-11 Continuance of Hearing Date.*** Unless the order for continuance shall specify otherwise, the entry of an order continuing the hearing of a motion automatically extends the time for filing and serving opposing papers and reply papers to fourteen (14) days and seven (7) days, respectively, preceding the new hearing date. A stipulation to continue shall provide the date the opposition and reply papers are due to be filed with the Court.

***L.R. 7-12 Failure to File Required Papers.*** Papers not timely filed by a party including any memoranda or other papers required to be filed under this rule will not be considered and may be deemed by the Court consent to the granting or denial of the motion, as the case may be.

***L.R. 7-13 Sanctions for Late Filing.*** A party filing any document in support of, or in opposition to, any motion noticed for hearing as above provided after the time for filing the same shall have expired, also shall be subject to the sanctions of L.R. 83-7 and the F.R.Civ.P.

***L.R. 7-14 Appearances at Hearing.*** Counsel for the moving party and the opposing party shall be present on the hearing date and shall have such familiarity with the case as to permit informed discussion and argument of the motion. Failure of any counsel to appear, unless excused by the Court in advance pursuant to L.R. 7-15 or otherwise, may be deemed consent to a ruling upon the motion adverse to that counsel's position.

***L.R. 7-15 Oral Argument - Waiver.*** Counsel may, with the consent of the Court, waive oral argument. Counsel who have agreed to waive oral argument shall advise the court clerk of such agreement by no later than noon on the third court day preceding the hearing date. The court clerk shall advise the parties by no later than noon on the court day preceding the hearing date as to whether the Court has consented to the waiver of oral argument. The Court may dispense with oral argument on any motion except where an oral hearing is required by statute, the F.R.Civ.P. or these Local Rules.

**L.R. 7-16 Advance Notice of Withdrawal or Non-Opposition.** Any moving party who does not intend to press the motion or who intends to withdraw it before the hearing date, any opposing party who does not intend to oppose the motion, and any party who intends to move for a continuance of the hearing of a motion shall, not later than noon on the Tuesday preceding the hearing date, notify opposing counsel and the court clerk.

**L.R. 7-17 Resubmission of Motions Previously Acted Upon.** If any motion, application or petition has been made to any judge of this Court and has been denied in whole or in part or has been granted conditionally or on terms, any subsequent motion for the same relief in whole or in part, whether upon the same or any allegedly different state of facts, shall be presented to the same judge whenever possible. If presented to a different judge, it shall be the duty of the moving party to file and serve a declaration setting forth the material facts and circumstances as to each prior motion, including the date and judge involved in the prior motion, the ruling, decision, or order made, and the new or different facts or circumstances claimed to warrant relief and why such facts or circumstances were not shown to the judge who ruled on the motion. Any failure to comply with the foregoing requirements shall be the basis for setting aside any order made on such subsequent motion, either *sua sponte* or on motion or application, and the offending party or attorney may be subject to the sanctions provided by L.R. 83-7.

**L.R. 7-18 Motion for Reconsideration.** A motion for reconsideration of the decision on any motion may be made only on the grounds of (a) a material difference in fact or law from that presented to the Court before such decision that in the exercise of reasonable diligence could not have been known to the party moving for reconsideration at the time of such decision, or (b) the emergence of new material facts or a change of law occurring after the time of such decision, or (c) a manifest showing of a failure to consider material facts presented to the Court before such decision. No motion for reconsideration shall in any manner repeat any oral or written argument made in support of or in opposition to the original motion.

**L.R. 7-19 Ex Parte Application.** An application for an ex parte order shall be accompanied by a memorandum containing, if known, the name, address and telephone number of counsel for the opposing party, the reasons for the seeking of an ex parte order, and points and authorities in support thereof. An applicant also shall lodge the proposed ex parte order.

**L.R. 7-19.1 Notice of Application.** It shall be the duty of the attorney so applying (a) to make a good faith effort to advise counsel for all other parties, if known, of the date, time and substance of the proposed ex parte application and (b) to advise the Court in writing of efforts to contact other counsel and whether any other counsel, after such advice, opposes the application or has requested to be present when the application is presented to the Court.

**L.R. 7-19.2 Waiver of Notice.** If the judge to whom the application is made finds that the interest of justice requires that the ex parte application be heard without notice (which in the instance of a TRO means that the requisite showing under F.R.Civ.P. 65(b) has been made), the judge may waive the notice requirement of L.R. 7-19.1.

**L.R. 7-20 Orders on Motions and Applications.** Any order lodged in connection with a motion or application must comply with L.R. 52.

## **F.R.CIV.P.8. GENERAL RULES OF PLEADING**

**L.R. 8-1 Jurisdiction - Allegations.** The statutory or other basis for the exercise of jurisdiction by this Court shall be plainly stated in the first paragraph of any document invoking this Court's jurisdiction.

***L.R. 8-2 Three-Judge Court - Identification in Pleading.*** If a party contends that the matter filed requires hearing by a court composed of three judges, the words “Three-Judge Court” shall be typed immediately below the docket number.

***L.R. 8-3 Response to Initial Complaint.*** A stipulation extending the time within which to answer or otherwise respond to the initial complaint in an action by not more than thirty (30) days need not be approved by the judge, but shall be filed. This rule shall not apply to answers, replies or other responses to cross-claims, counterclaims, third-party complaints or any amended or supplemental pleadings.

## **F.R.CIV.P. 11. SIGNING OF PLEADINGS, MOTIONS, AND OTHER PAPERS; REPRESENTATIONS TO COURT; SANCTIONS**

***L.R. 11-1 Signature of Counsel.*** All documents, except declarations, shall be signed by the attorney for the party or the party appearing *pro se*. The name of the person signing the document shall be clearly typed below the signature line.

***L.R. 11-2 Facsimile Documents.*** Documents may not be transmitted by facsimile directly to the Clerk’s office for filing. However, copies of facsimile documents shall be accepted for filing, provided that they are legible. The original of any faxed document, including the original signature of the attorney, party or declarant, shall be maintained by the filing party until the conclusion of the case, including any applicable appeal period, subject to being produced upon order of the Court.

### ***L.R. 11-3 Documents Presented to the Court - Form and Format***

***L.R. 11-3.1 Legibility.*** All pleadings, motions, affidavits, declarations, briefs, points and authorities, and all other papers and documents, including all exhibits thereto (hereinafter collectively referred to as “documents”), presented for filing or lodging with the Clerk, shall be typewritten or printed, or prepared by a photocopying or other duplicating process that will produce clear and permanent copies equally legible to printing, in black or dark blue ink.

***L.R. 11-3.1.1 Typeface.*** Either a proportionally spaced or a monospaced face may be used. A proportionally spaced face must be 14-point or larger, or as the Court may otherwise order. A monospaced face may not contain more than 10-1/2 characters per inch.

***L.R. 11-3.2 Paper.*** All documents shall be submitted on opaque, unglazed, white paper (including recycled paper) not less than 13-pound weight. The paper shall be 8 ½ x 11 inches, numbered on the left margin with not more than 28 lines per page. Only one side of the paper shall be used. The lines on each page shall be double spaced and numbered consecutively with line 1 beginning at least one inch below the top edge of the paper.

***L.R. 11-3.3 Pagination.*** All documents shall be numbered consecutively at the bottom of each page.

***L.R. 11-3.4 Original; Copies.*** The original of a document shall be labeled as the original and shall consist entirely of the original pages, except as otherwise allowed by these rules. All copies are to be clearly identified as such.

***L.R. 11-3.5 Pre-Punching, Riders and Backing of Documents.*** All documents presented for filing or lodging shall be pre-punched with two (2) normal-size holes (approximately 1/4" diameter), centered 2-3/4 inches apart, 1/2 to 5/8 inches from the top edge of the document. No pages of any document shall have any rider or

attachment affixed thereto. All pages shall be firmly bound at the top and backed. The backing shall extend not more than one (1) inch below the pages bound and have the short title of the document typed in the lower right hand corner.

**L.R. 11-3.6 Spacing.** The typing or printing on the document shall be double spaced, including citations and quotations.

**L.R. 11-3.6.1 Footnotes - Exception.** Footnotes may be single spaced.

**L.R. 11-3.8 Title Page.** On the first page of all documents:

(a) The name, California bar number, office address (or residence address if no office is maintained), and the telephone and facsimile numbers of the attorney or a party appearing *pro se* presenting the document shall be placed commencing with line 1 at the left margin. Immediately beneath, the party on whose behalf the document is presented shall be identified. All this information shall be single spaced. When a document is presented, the information set forth in this paragraph shall be supplied for each attorney or party appearing *pro se* who joins in the presentation of that document, and who has not previously filed a document that includes the information.

(b) The space between lines 1 and 7 to the right of the center of the page shall be left blank for use by the Clerk.

(c) The title of the Court shall be centered on or below line 8.

(d) The names of the parties shall be placed below the title of the Court and to the left of center, and single spaced. If the parties are too numerous, the names may be continued on the second or successive pages in the same space. In all documents, after the initial pleadings, the names of the first-named party only on each side shall appear.

(e) The docket number of the case shall be placed to the right of the center of the page and immediately opposite the names of the parties on the first page. Immediately below the docket number shall appear a concise description of the nature of the document (*e.g.*, notice of motion, memorandum in support or opposition). Immediately below the description shall appear the time and date of the hearing on the matter to which the paper is addressed.

(f) The title of a complaint or petition shall state the nature of the action or proceeding.

## **F.R.CIV.P. 15. AMENDED AND SUPPLEMENTAL PLEADINGS**

**L.R. 15-1 Lodging - Separate Document.** An original and one copy of the proposed amended pleading shall be lodged as a separate document with any notice of motion or stipulation to amend a pleading.

**L.R. 15-2 Complete Document.** Every amended pleading filed as a matter of right or allowed by order of the Court shall be complete including exhibits. The amended pleading shall not refer to the prior, superseded pleading.

**L.R. 15-3 Date of Service.** An amended pleading allowed by order of the Court shall be deemed served upon the parties who have previously appeared on the date the motion to amend is granted or the stipulation therefor

is approved. Service of amended pleadings on a party who has not previously appeared shall be made as provided in L.R. 4-1, 4-2, and 4-3.

#### **F.R.CIV.P.16. PRETRIAL CONFERENCES; SCHEDULING; MANAGEMENT**

**L.R. 16-2.4 Witnesses.** The parties shall exchange a list of names and addresses of witnesses (including expert witnesses) to be called at trial other than those contemplated to be used solely for impeachment.

#### **F.R.CIV.P.19. JOINDER OF PERSONS NEEDED FOR JUST ADJUDICATION**

**L.R. 19-1 Fictitiously Named Parties.** No complaint or petition shall be filed that includes more than ten (10) Doe or fictitiously named parties.

**L.R. 19-2 Misjoinder.** No complaint or petition alleging violation of copyright, patent or trademark shall contain causes of action of different owners claiming violation of different copyrights, patents or trademarks, unless the complaint or petition is accompanied by a declaration of counsel setting forth grounds showing that the interests of justice will be advanced, and a multiplicity of actions avoided, by such joinder.

#### **F.R.CIV.P.26. GENERAL PROVISIONS GOVERNING DISCOVERY; DUTY OF DISCLOSURE**

**L.R. 26-1 Conference of Parties; Report.** At the conference of parties held pursuant to F.R.Civ.P. 26(f), the parties shall discuss the following matters in addition to those noted in F.R.Civ.P. 26(f):

(a) **Complex Cases.** The complexity of the case, and whether all or part of the procedures of the Manual For Complex Litigation (current edition) should be utilized. Counsel may propose to the Court modifications of the procedures in the Manual to facilitate the management of a particular action.

(b) **Motion Schedule.** The dispositive or partially dispositive motions which are likely to be made, and a cutoff date by which all such motions shall be made.

(c) **Settlement.** The likelihood of settlement, whether settlement discussions have taken place or are scheduled, and which mandatory settlement procedure should be utilized under L.R. 16-14.

(d) **Trial Estimate.** A preliminary estimate of the time required for trial.

(e) **Additional Parties.** The likelihood of appearance of additional parties.

(f) **Expert Witnesses.** The proposed timing of disclosures under F.R.Civ.P. 26(a)(2).

In their written report required by F.R.Civ.P. 26(f), the parties shall include their views and proposals on the matters listed in this local rule.

**L.R. 26-2 Discovery Documents - Filing.** When a discovery request or response is required for use in a proceeding, only that part of the document which is in issue shall be filed. All such discovery documents shall be held by the attorney pending use for the period specified in L.R. 79-3 for the retention of exhibits, unless otherwise ordered by the Court. Discovery documents lodged with the Court for a motion or a trial which are not used in said motion or trial shall be returned by the clerk to the party lodging the document at the conclusion of the motion or trial.

### ***L.R. 26-3 Exhibits in Discovery***

***L.R. 26-3.1 Numbering of Exhibits.*** Documents introduced in discovery shall be numbered sequentially. Only one exhibit number shall be assigned to any given document. Exhibits shall be numbered without regard to the identity of the party introducing the exhibits.

If possible, each new exhibit shall be given the next available number. If it is not possible to do so (as, for example, when multiple depositions are conducted on the same day), then the parties shall break the sequence and use higher numbers to avoid duplication.

***L.R. 26-3.2 Duplicate Exhibits.*** Any exhibit which is an exact duplicate of an exhibit previously numbered shall bear the same exhibit number regardless of which party is using the exhibit. Any version of any exhibit which is not an exact duplicate shall be marked and treated as a different exhibit bearing a different exhibit number.

***L.R. 26-3.3 Inadvertent Numbering of a Duplicate Exhibit.*** If, through inadvertence, the same exhibit has been marked with different exhibit numbers, the parties shall assign the lowest such exhibit number to the exhibit and conform all deposition transcripts and exhibits to reflect the lowest number. The superseded number shall not be reused by the parties.

Example: If the same exhibit has been marked as 52 in the deposition of A and 125 in the depositions of B, C and/or D, the exhibit marked 125 shall be renumbered 52 and the depositions of B, C and D shall be conformed to the renumbered exhibit. Thereafter, number 125 shall not be used.

***L.R. 26-3.4 Designation of Exhibit Sub-Parts.*** If it is necessary to identify sub-parts of a document that has been marked as an exhibit, then such sub-parts shall be designated by the number of the exhibit followed by a number designation.

Example: If a three-page contract is marked as Exhibit No. 12, the pages of the contract may be marked as Exhibits 12-1, 12-2, and 12-3; the entire document shall be referred to as Exhibit 12.

***L.R. 26-3.5 Exhibits - Internal Control Numbering.*** In addition to exhibit numbers, documents may bear other numbers or letters used by the parties for internal control purposes.

### **F.R.CIV.P.38. JURY TRIAL OF RIGHT**

***L.R. 38-1 Jury Trial Demand - Included in Pleading.*** If the demand for jury trial is included in a pleading, it shall be set forth at the end thereof and be signed by the attorney for the party making the demand. The caption of such a pleading shall also contain the following: “DEMAND FOR JURY TRIAL.”

***L.R. 38-2 Jury Trial Demand - Removed Cases Where Jury Trial Not Demanded Prior to Removal.*** In all such cases removed to this Court which are not at issue at the time of removal, the demand for jury trial must be filed within ten (10) days after service of the last responsive pleading addressed to an issue triable by right by a jury. If the matter already is at issue at the time of removal, the demand must be filed within ten (10) days after the filing of the notice of removal if the demand is made by the removing party, and within ten (10) days after service of filing of the notice of removal if the demand is made by a party other than the removing party.

***L.R. 38-3 Jury Trial Demand - Marking Civil Cover Sheet Insufficient.*** Marking the Civil Cover Sheet shall not be deemed a sufficient demand to comply with F.R.Civ.P. 38(b) or L.R. 38-1 and 38-2.

***L.R. 38-4 Exceptions.*** The provisions of L.R. 38-3 shall not prevent the use of printed forms provided by the Clerk or by the Administrative Office of the United States Courts.

## **F.R.CIV.P. 41. DISMISSAL OF ACTIONS**

***L.R. 41-6 Dismissal - Failure of Pro Se Plaintiff to Keep Court Apprised of Current Address.*** A party proceeding *pro se* shall keep the Court and opposing parties apprised of such party's current address and telephone number, if any. If mail directed by the Clerk to a *pro se* plaintiff's address of record is returned undelivered by the Postal Service, and if, within fifteen (15) days of the service date, such plaintiff fails to notify, in writing, the Court and opposing parties of his current address, the Court may dismiss the action with or without prejudice for want of prosecution.

## **F.R.CIV.P. 56. SUMMARY JUDGMENT**

***L.R. 56-1 Papers Required From Moving Party.*** There shall be served and lodged with each notice of motion for summary judgment pursuant to F.R.Civ.P. 56 a proposed "Statement of Uncontroverted Facts and Conclusions of Law" and the proposed judgment. Such proposed statement shall set forth the material facts as to which the moving party contends there is no genuine issue.

***L.R. 56-2 Statement of Genuine Issues of Material Fact by Opposing Party.*** Any party who opposes the motion shall serve and file with his opposing papers a separate document containing a concise "Statement of Genuine Issues" setting forth all material facts as to which it is contended there exists a genuine issue necessary to be litigated.

***L.R. 56-3 Determination of Motion.*** In determining any motion for summary judgment, the Court will assume that the material facts as claimed and adequately supported by the moving party are admitted to exist without controversy except to the extent that such material facts are (a) included in the "Statement of Genuine Issues" and (b) controverted by declaration or other written evidence filed in opposition to the motion.

***L.R. 56-4 Motions Under F.R.Civ.P. 56(d).*** This rule shall apply to motions for orders specifying material facts that appear without substantial controversy pursuant to F.R.Civ.P. 56(d), except that the proposed "Statement of Uncontroverted Facts and Conclusions of Law" and "Statement of Genuine Issues" shall be limited to the facts which the moving party asserts to be without substantial controversy and the moving party shall submit a proposed order instead of a proposed judgment.

## **F.R.CIV.P.83. RULES BY DISTRICT COURTS; JUDGE'S DIRECTIVES**

### ***L.R. 83-1.3 Notice of Related Cases***

***L.R. 83-1.3.1 Notice.*** At the time a civil action (including a notice of removal or bankruptcy appeal) is filed, or as soon as known thereafter, the attorney shall file and serve on all parties who have appeared a Notice of Related Case(s), stating whether any action previously filed or currently pending in the Central District and the action being filed appear:

- (a) To arise from the same or substantially identical transactions, happenings or events; or
- (b) To involve the same patent, trademark or copyright, except where in one or both actions the same patent, trademark or copyright is joined with other patents, trademarks or copyrights which do not cover the same or substantially identical subject matter; or
- (c) To call for determination of the same or substantially identical questions of law and fact; or
- (d) Likely for other reasons to entail substantial duplication of labor if heard by different judges.

The Notice of Related Case(s) shall also include a brief factual statement setting forth the basis for the attorney’s belief that the action qualifies for related case transfer.

The Notice of Related Case also shall be served concurrently with service of the complaint.

***L.R. 83-1.3.2 Opposition.*** Any party opposing a related case transfer may, within five (5) days of the service of a notice of Related Case(s) on him, or first appearance, file and serve a short counter-statement setting forth the reasons the action does not qualify for related case transfer.

***L.R. 83-1.3.3 Continuing Duty.*** It shall be the continuing duty of the attorney in any case promptly to bring to the attention of the Court, by the filing of a Notice of Related Case(s) pursuant to L.R. 83-1.3, all facts which in the opinion of the attorney or party appear relevant to a determination whether such action and one or more pending actions should, under the criteria and procedures set forth in L.R. 83-1.3, be heard by the same judge.

***L.R. 83-1.4 Notice of Pendency of Other Actions or Proceedings***

***L.R. 83-1.4.1 Notice.*** Whenever a civil action filed in or removed to this Court involves all or a material part of the subject matter of an action then pending before the United States Court of Appeals, Bankruptcy Appellate Panel, Bankruptcy Court or any other federal or state court or administrative agency, the attorney shall file a “Notice of Pendency of Other Actions or Proceedings” with the original complaint or petition filed in this Court. The duty imposed by L.R. 83-1.4 continues throughout the time an action is before this Court.

***L.R. 83-1.4.2 Notice - Contents.*** The Notice of Pendency of Other Actions or Proceedings shall contain:

- (a) A description sufficient to identify all other actions or proceedings;
- (b) The title of the court or administrative body in which the other actions or proceedings are pending;
- (c) The names of the parties or participants in such other actions or proceedings;
- (d) The names, addresses and telephone numbers of the attorneys in such other actions or proceedings; and
- (e) A brief factual statement setting forth the basis for the attorney’s belief that the action involves all or a material part of the subject matter of such other actions or proceedings.

**L.R. 83-1.4.3 Notice of Petition to the Judicial Panel on Multidistrict Litigation - Duty of Counsel.** The attorney shall comply with L.R. 83-1.4 promptly upon learning that an action or proceeding filed in this Court is the subject of or is related to an action which is before the Judicial Panel on Multidistrict Litigation, or which has been transferred by it pursuant to 28 U.S.C. § 1407.

**L.R. 7.1-1 Certification as to Interested Parties** To enable the Court to evaluate possible disqualification or recusal, counsel for all parties shall file with their first appearance an original and two copies of a Notice of Interested Parties which shall list all persons, associations of persons, firms, partnerships and corporations (including parent corporations) which have a direct, pecuniary interest in the outcome of the case, including any insurance carrier which may be liable in whole or in part (directly or indirectly) for a judgment that may be entered in the action or for the cost of defense.

The Notice shall include the following certification:

“The undersigned, counsel of record for \_\_\_\_\_, certifies that the following listed party (or parties) has (have) a direct, pecuniary interest in the outcome of this case. These representations are made to enable the Court to evaluate possible disqualification or recusal.

(Here list the names of all such parties and identify their connection and interest.)

Signature, Attorney of Record for:”

**L.R. 83-2.10 Persons Appearing Without an Attorney - Pro Se Litigants**

**L.R. 83-2.10.1 Corporation, Unincorporated Association, Partnership or Trust.** A corporation including a limited liability corporation, a partnership including a limited liability partnership, an unincorporated association, or a trust may not appear in any action or proceeding *pro se*.

**L.R. 83-2.10.2 Individuals.** Any person representing himself or herself without an attorney must appear *pro se* for such purpose. That representation may not be delegated to any other person, including a spouse, parent or other relative, nor to any other party on the same side who is not represented by an attorney. A non-attorney guardian for a minor or an incompetent person must be represented by counsel.

**L.R. 83-2.10.3 Compliance With Federal Rules.** Any person appearing *pro se* will be required to comply with these Local Rules, and with the F.R.Civ.P., F.R.Crim.P., F.R.Evid. and F.R.App.P.

**L.R. 83-2.10.4 Sanctions.** Failure to comply with the rules enumerated in L.R. 83-2.10.3 may be ground for dismissal or judgment by default.

**L.R. 83-2.11 Communications With the Judge.** Attorneys or parties to any action or proceeding shall refrain from writing letters to the judge, making telephone calls to chambers, or otherwise communicating with a judge in a pending matter unless opposing counsel is present. All matters shall be called to a judge’s attention by appropriate application or motion filed in compliance with these Local Rules.

**F.R.CIV.P. 4 SUMMONS**

- (i) **Serving the United States, Its Agencies, Corporations, Officers, or Employees.**

(1) Service upon the United States shall be effected

(A) by delivering a copy of the summons and of the complaint to the United States attorney for the district in which the action is brought or to an assistant United States attorney or clerical employee designated by the United States attorney in a writing filed with the clerk of the court or by sending a copy of the summons and of the complaint by registered or certified mail addressed to the civil process clerk at the office of the United States attorney and

(B) by also sending a copy of the summons and of the complaint by registered or certified mail to the Attorney General of the United States at Washington, District of Columbia and

(C) in any action attacking the validity of an order of an officer or agency of the United States not made a party, by also sending a copy of the summons and of the complaint by registered or certified mail to the officer or agency.

## **LAWYER REFERRAL SERVICES**

(These organizations are not affiliates of the District Court.)

### **✓Los Angeles County**

Bet Tzedek / 323-939-0506

Beverly Hills Bar Lawyer Referral & Information Service / 310-553-4022

Burbank Bar Association (Lawyer Referral Service and Legal Aid) / 818-843-0931

El Centro de Accion, Inc. Community Service / 626-792-3148

Glendale Bar Association Lawyer Referral Service / 818-956-1633

Los Angeles County Bar Association Lawyer Referral & Information Service / 213-243-1525

Long Beach Bar Association (Lawyer Referral Service) / 562-432-5913

San Fernando Valley Bar Association Lawyer Referral and Information Service/ 818-340-4529

San Gabriel Valley Lawyer Referral Service / 626-966-5530

Santa Monica Bar Association (Lawyer Referral & Information Service) / 310-581-5163

Southeast District Bar Association (Lawyer Referral Service) / 562-868-6787

### **✓Orange County**

College Legal Clinic / 714-278-5850

Orange County Bar Association Lawyer Referral & Information Service / 949-440-6747

Orange County Trial Lawyers (Lawyer Referral Service) / 714-571-5204

### **✓Riverside County**

Lawyer Referral Service of the Riverside County Bar Assn. / 909-682-7520 or 909-568-5555

### **✓San Bernardino County**

College Legal Clinic / 909-880-5936

San Bernardino County Bar Association Lawyer Referral Service / 909-888-6791

San Gabriel Valley Lawyer Referral Service / 626-966-5530

Western San Bernardino County Bar Association (Lawyer Referral Service) / 909-945-2980

### **✓Santa Barbara County**

Lawyer Referral Service of the Santa Barbara County Bar Association / 805-962-8191

### **✓Ventura County**

San Fernando Valley Bar Association Lawyer Referral and Information Service/ 818-340-4529

(serves Ventura and San Fernando Valley)

Ventura County Bar Association / 805-650-7599