

United States District Court
Central District of California
Amended Local Civil Rules, Proposed to Become Effective December 1, 2012

L.R. 4-4 Summons - Service of Process - Habeas Corpus Proceedings. In all cases where a petitioner has filed a habeas corpus petition under 28 U.S.C. § 2254, in which the Attorney General of the State of California will represent the respondent, the procedures for service of the petitions and related orders will be pursuant to the agreement on acceptance of service between the Attorney General of California and the Court set forth in Appendix B to these Local Rules.

APPENDIX B

AGREEMENT ON ACCEPTANCE OF SERVICE

To facilitate and assure timely service of process and to provide adequate time to answer habeas corpus petitions under 28 U.S.C. § 2254, the Clerk of Court of the United States District Court for the Central District of California and the Offices of the Attorney General of the State of California for Los Angeles and San Diego agree to the following procedures. This agreement addresses cases in which the United States District Judge or Magistrate Judge determines that service documents are to issue in cases where a petitioner has filed a habeas corpus petition under 28U.S.C. § 2254.

1. Upon the filing of a habeas petition pursuant to 28 U.S.C. § 2254, if the Court determines that the Respondent should respond to the petition, an order entitled “Order Requiring a Response/Answer” shall be issued. The order shall state that the Clerk’s Office is directed to serve the California Attorney General’s Office with electronic copies of the instant order and the habeas petition.
2. The Court will electronically serve habeas petitions filed pursuant to 28 U.S.C. § 2254 and any related orders, on the Los Angeles and San Diego offices of the California Attorney General as the legal representatives of the Respondents. The Los Angeles and San Diego offices of the California Attorney General agree that electronic service of the habeas petition and related orders will satisfy the requirements of Rule 4 of the Federal Rules of Civil Procedure, and

will accept service of the same.

3. After the order entitled "Order Requiring a Response/Answer" is issued, a docket entry shall be entered which states:

Notice: The court has determined that Respondent should respond to the petition. Pursuant to the Agreement on Acceptance of Service between the Clerk of Court and the California Attorney General's Office, this Notice constitutes service under Fed. R. Civ. P. 4.

4. These procedures shall take effect for any case filed after March 21, 2012, and remain in effect until terminated by the Attorney General or the Clerk. Termination of this agreement must be done in writing.

DATE: _____, 2012

XXXXXX XXXXXXX
Attorney General (title)
State of California

DATE: _____, 2012

Terry Nafisi
District Executive & Clerk of Court
U.S. District Court, Central District of
California

L.R. 7.1-1 Notice of Interested Parties. To enable the Court to evaluate possible disqualification or recusal, counsel for all non-governmental parties shall file with their first appearance a Notice of Interested Parties, which shall list all persons, associations of persons, firms, partnerships, and corporations (including parent corporations, clearly identified as such) that may have a pecuniary interest in the outcome of the case, including any insurance carrier that may be liable in whole or in part (directly or indirectly) for a judgment in the action or for the cost of defense. If the Notice of Interested Parties is filed with the Clerk in paper format pursuant to L.R. 5-4.2, an original and two copies shall be filed. If the Notice of Interested Parties is filed electronically, Mandatory Chambers Copies shall be delivered to both the assigned district judge and the assigned magistrate judge. Counsel shall be under a continuing obligation to file an amended Notice if

any material change occurs in the status of interested parties, as through merger or acquisition or change in carrier that may be liable for any part of a judgment.

The Notice shall include the following certification:

“The undersigned, counsel of record for _____, certifies that the following listed party (or parties) may have a 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. 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, including mandatory chambers copies if required by the assigned judge’s orders or written procedures, are to be clearly identified as such.

L.R. 11-3.5 Pre-Punching of Documents. All documents presented for filing or lodging with the Clerk in paper format, and all mandatory chambers copies, if required by the assigned judge’s orders or written procedures, 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. All pages shall be firmly bound at the top.

L.R. 11-4.1 In General. All documents filed with the Clerk in paper format, including exhibits to documents, shall be filed with one clear, conformed and legible mandatory chambers copy, clearly labeled as such, for the use of the judge. Unless the assigned judge’s orders or written procedures otherwise specify:

- (1) the mandatory chambers copy of all electronically filed documents shall be blue-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;
- (2) the mandatory chambers copy must include the notice of electronic filing (NEF) as the last page of the document;

- (3) the mandatory chambers copy shall be delivered to the assigned judge in accordance with L.R. 5-4.5.

F.R.Civ.P. 54. JUDGMENTS; COSTS

L.R. 54-1 Determination of Prevailing Party. The “prevailing party” entitled to costs pursuant to F.R.Civ.P. 54(d) shall be the party in whose favor judgment is rendered, unless otherwise determined by the Court. When a case is dismissed or otherwise terminated voluntarily, the Court may, upon request, determine the prevailing party.

L.R. 54-2 Application to Tax Costs; Bill of Costs.

L.R. 54-2.1 Filing and Form - Notice. Within fourteen (14) days after the entry of judgment, the party entitled to costs shall electronically file a completed Form CV-59 “Notice of Application to the Clerk to Tax Costs and Proposed Bill of Costs,” which shall state the hour and date when such application will be made. All costs shall be specified on Form CV-59 so that the nature of the claim can be readily understood. Once a determination of the allowable costs has been made, the Bill of Costs will be electronically filed by the Clerk.

L.R. 54-2.2 Time of Application; Hearing. Applications to the Clerk to tax costs shall be noticed for a date and time not less than fourteen (14) nor more than twenty-one (21) days from the date notice is given to the other parties. Applications shall be heard when and as described in the Court’s Bill of Costs Handbook, available on the Court’s website at www.cacd.uscourts.gov.

L.R. 54-3 Items Taxable as Costs. The following items are taxable as costs:

L.R. 54-3.1 Clerk’s Fees. Filing fees paid to the Clerk (excluding pro hac vice fees).

L.R. 54-3.2 Fees for Service of Process. Fees for service of process (whether served by the United States Marshal or other persons authorized by F.R.Civ.P. 4) and for service of subpoenas pursuant to F.R.Civ.P. 45 (excluding all messenger fees).

L.R. 54-3.3 United States Marshal’s Fees. Fees and commissions

paid to the United States Marshal pursuant to 28 U.S.C. § 1921.

L.R. 54-3.4 Reporter's Transcripts. The cost of the original and one copy of all or any part of a trial transcript, a daily transcript, or a transcript of matters occurring before or after trial, if requested by the Court or prepared pursuant to stipulation.

L.R. 54-3.5 Depositions. Costs incurred in connection with taking oral depositions, including:

(a) The cost of the original and one copy of the transcription of the oral portion of all depositions used for any purpose in connection with the case, including non-expedited transcripts, the reporter's appearance fee, fees for binding, bates stamping, non-expedited shipping and handling, processing fee, ASCII disks, production and code compliance charge, electronic transmission charge, miniscripts and witness handling charges, but not including the cost of videotaping or recording depositions unless otherwise ordered by the Court;

(b) The reasonable fees of the deposition reporter, including reporter fees when a deponent fails to appear at a scheduled deposition, the notary, and any other persons required to report or transcribe the deposition, but not including the costs of video or audio technicians unless otherwise ordered by the Court;

(c) Reasonable witness fees paid to a deponent, including fees actually paid to an expert witness deponent pursuant to F.R.Civ.P. 26(b)(4)(E). However, such fees do not include expert witness fees paid to a trial witness in excess of the statutory witness fee unless otherwise ordered by the Court;

(d) Reasonable fees paid to an interpreter when necessary to the taking of the deposition; and

(e) The cost of copying or reproducing exhibits used at the deposition and made a part of the deposition transcript.

L.R. 54-3.6 Witness Fees. Statutory witness fees paid to witnesses, including:

(a) Per diem, mileage, subsistence, and attendance fees as provided in 28 U.S.C. § 1821 paid to witnesses subpoenaed or actually attending the proceeding;

(b) Witness fees for a party if subpoenaed by an opposing party; and

(c) Witness fees for officers and employees of a corporation or other entity, if they are not parties in their individual capacities.

L.R. 54-3.7 Interpreter's and Translator's Fees. Fees paid to interpreters and translators, including the salaries, fees, expenses, and costs incurred for oral translations as provided by 28 U.S.C. §§ 1827 and 1828.

L.R. 54-3.8 Docket Fees. Docket fees as provided by 28 U.S.C. § 1923 (only if incurred).

L.R. 54-3.9 Masters, Commissioners and Receivers. The reasonable fees and expenses of masters, commissioners, and receivers.

L.R. 54-3.10 Certification, Exemplification and Reproduction of Documents. Document preparation costs, including:

(a) The cost of copies (including Mandatory Chambers Copies) of documents necessarily filed and served;

(b) The cost of copies of documents or other materials admitted into evidence when the original is not available or the copy is substituted for the original at the request of an opposing party;

(c) Fees for an official certification of proof respecting the non-existence of a document or record;

(d) Patent Office charges for the patent file wrappers and prior art patents necessary to the prosecution or defense of a proceeding involving a patent;

(e) Notary fees incurred in notarizing a document when the cost of the document is taxable; and

(f) Fees for certification or exemplification of any document or record necessarily obtained for use in the case.

L.R. 54-3.11 Premiums on Undertakings and Bonds. Premiums paid on undertakings, bonds, security stipulations, or substitutes therefor, where required by law or Court order, or where necessary to enable a party to secure a right granted in the proceeding.

L.R. 54-3.12 Other Costs. Upon order of the Court, the following items may be taxed as costs:

(a) Summaries, computations, polls, surveys, statistical comparisons, maps, charts, diagrams, and other visual aids reasonably necessary to assist the jury or the Court in understanding the issues at the trial;

(b) Photographs, if admitted in evidence or attached to documents necessarily filed and served upon the opposing party; and

(c) The cost of models.

L.R. 54-3.13 State Court Costs. Costs incurred in state court prior to removal which are recoverable under state statutes shall be recoverable by the prevailing party in this Court.

L.R. 54-4 Costs on Appeal. An application to tax costs on appeal that are taxable in the District Court under F.R.App.P. 39(e) shall be filed in the District Court no later than twenty-eight (28) days after the date the mandate or judgment is issued by the Court of Appeals.

L.R. 54-5 Costs on a Bankruptcy Appeal to the District Court. A Notice of Application to the Clerk to Tax Costs and Proposed Bill of Costs on a bankruptcy appeal decided in the District Court is to be filed within fourteen (14) days of the entered date of the order deciding that bankruptcy appeal. Taxable costs for bankruptcy appeals decided by the District Court shall be as provided for in Rule 8014 of the Federal Rules of Bankruptcy Procedure. To recover the costs of printing or otherwise reproducing briefs or excerpts of the record, a statement by counsel that the cost is no higher than is generally charged for such reproduction in the local area and that no more copies were reproduced than were actually necessary shall be required. No Clerk's fees not actually paid shall be recoverable.

L.R. 54-6 Objections to Bill of Costs - Response. Any party may file and serve written objections to any item specified in a Proposed Bill of Costs. The grounds for objection shall be specifically stated. The objections shall be filed and served not later than seven (7) days before the date noticed for the application. In the absence of a timely objection, any item listed may be taxed as requested in the Proposed Bill of Costs. A written reply may be filed and served not later than three (3) days before the date noticed for the application.

L.R. 54-7 Clerk's Determination - Finality. After considering any objections to the Proposed Bill of Costs and any responses thereto, the Clerk shall tax costs to be included on the docket. The Clerk's determination shall be final unless modified by the Court upon review pursuant to L.R. 54-8.

L.R. 54-8 Review of Clerk's Determination. Review of the Clerk's taxation of costs may be obtained by a motion to retax costs filed and served within seven (7) days of the Clerk's decision. That review will be limited to the record made before the Clerk, and encompass only those items specifically identified in the motion.

L.R. 54-9 Writ of Execution for Costs. The Clerk shall, upon request, issue a writ of execution to recover attorney's fees awarded by the Court following a judgment and any separate award of costs by the Clerk:

(a) Upon presentation of a certified copy of the final judgment and separate Bill of Costs and, if appropriate, a certified copy of the order awarding attorney's fees; or

(b) Upon presentation of a mandate of the Court of Appeals to recover costs taxed by the appellate court.

L.R. 54-10 Filing Date for Requests for Attorneys' Fees. Any motion or application for attorneys' fees shall be served and filed within fourteen (14) days after the entry of judgment or other final order, unless otherwise ordered by the Court. Such motions and their disposition shall be governed by L.R. 7-3, et seq.

L.R. 72-5 Motion to Disqualify Magistrate Judge. A motion to disqualify a Magistrate Judge pursuant to 28 U.S.C. §§ 144 or 455 shall be made to the assigned District Judge. If such a motion is filed in a case to which no District

Judge has been assigned, the motion shall be assigned to a District Judge for decision. A copy of the motion shall be submitted to the assigned Magistrate Judge, who shall not proceed with the matter until the motion has been determined. If the District Judge denies the motion, the case shall proceed as originally assigned. If the District Judge grants the motion, the case shall be returned to the Clerk for reassignment.

L.R. 83-6 Possession and Use of Broadcasting, Recording, Photography, and Communications Equipment in the Court. Any person entering any Central District courthouse shall be subject to this L.R. 83-6 and all its subparts.

L.R. 83-6.1 Wireless Communication Devices.

L.R. 83-6.1.1 Definition. Wireless Communication Devices are portable electronic devices capable of sending or receiving data such as text, still images, or audio or video recordings. Such devices shall include, but are not limited to, smart phones, Blackberries, laptop computers, tablets, personal digital assistants (PDAs), and similar devices.

L.R. 83-6.1.2 Possession. Subject to the conditions set forth in this L.R. 83-6.1, possession of Wireless Communication Devices is permitted in all Central District courthouses.

L.R. 83-6.1.3 Permissible Uses. Except in Restricted Areas (*see* L.R. 83-6.1.5), Wireless Communication Devices may be used in all Central District courthouses to make and receive phone calls and to send and receive e-mail, text messages, and other data communications.

L.R. 83-6.1.4 Prohibited Uses. Except as otherwise provided under L.R. 83-6, or unless expressly authorized by a judge of this court or a duly designated visiting judge, Wireless Communication Devices may not be used to take photographs or to make or transmit audio or video recordings in any of the areas identified in L.R. 83-6.2.3.

L.R. 83-6.1.5 Restricted Areas. Unless otherwise ordered by a judge of this court or a duly designated visiting judge, Wireless Communication Devices must be turned off completely in the following areas at the designated times: (1) all courtrooms at all times; (2) any other room in which court

proceedings are being held, while those proceedings are in process; (3) any designated jury room, during jury deliberations; and (4) any area where relevant restrictions are posted.

L.R. 83-6.2 Other Broadcasting, Recording, and Photography Equipment.

L.R. 83-6.2.1 Prohibited Equipment. For purposes of this L.R. 83-6, “Prohibited Equipment” shall be defined as any device capable of taking, making, recording, or broadcasting any still image or audio or video recording that does not fall within the definition of Wireless Communications Devices set forth in L.R. 83-6.1.1.

L.R. 83-6.2.2 Use and Possession. Subject to the conditions set forth in this L.R. 83-6.2, the use or possession of Prohibited Equipment, unless expressly authorized by a judge of this court or a duly designated visiting judge, is not permitted in any of the areas identified in L.R. 83-6.2.3, below.

L.R. 83-6.2.3 Covered Areas. The restrictions on the use and possession of Prohibited Equipment set forth in this L.R. 83-6.2 shall apply in all courtrooms and the following areas:

WESTERN DIVISION SPRING STREET BUILDING - The following areas of the United States Courthouse, 312 North Spring Street, Los Angeles, California:

- (a) The parking areas; and
- (b) The Main Street and Spring Street floors, the second through fifth floors, and the eighth, ninth, tenth, and sixteenth floors, except any area designated as a Press Room.

WESTERN DIVISION ROYBAL BUILDING - The following areas of the Roybal Federal Building and United States Courthouse, 255 East Temple Street, Los Angeles, California:

- (a) The parking areas;
- (b) The Temple Street and Terrace floors, except the area designated

as a Press Room; and

(c) The third, fifth through eighth, eleventh, and fourteenth floors.

SOUTHERN DIVISION - The following areas of the Ronald Reagan Federal Building and United States Courthouse, 411 West Fourth Street, Santa Ana, California:

(a) The parking areas; and

(b) The first, third, sixth, ninth and tenth floors, except the area designated as a Press Room.

EASTERN DIVISION - The following areas of the United States Courthouse, 3470 Twelfth Street, Riverside, California:

(a) The parking areas; and

(b) The Ground level, Plaza level, second floor, and third floor, except for any area designated as a Press Room.

L.R. 83-6.3 Exceptions.

L.R. 83-6.3.1 Official Recordings. Nothing in this L.R. 83-6 shall prohibit recordings made by official court reporters, recorders, or United States Magistrate Judges in the performance of their official duties. No other use may be made of an official recording of a court proceeding without an express, written order of the court.

L.R. 83-6.3.2 Video Testimony. Nothing in this L.R. 83-6 shall prohibit the recording of depositions for trial purposes, or the preparation and perpetuation of testimony, taken by or under the direction of a judge of this court or a duly designated visiting judge. Any equipment taken into or through the areas enumerated in L.R. 83-6.2.3 shall be subject to such security regulations as may be adopted by the court from time to time.

L.R. 83-6.3.3 Ceremonial Functions. Nothing in this L.R. 83-6 shall prohibit the taking or making of photographs, motion pictures, video recordings, or sound recordings at ceremonial functions, including naturalization

ceremonies, if specifically authorized by the judge presiding at such an event, and subject to any limitations set by that judge.

L.R. 83-6.3.4 Press Conferences. Nothing in this L.R. 83-6 shall prohibit the possession or use of any equipment or devices at press conferences or public announcements made by the U.S. Attorney, the Federal Public Defender, or the District Court Executive, who will provide the United States Marshals Service advance written notification of such press conferences or public announcements. A Court Security Officer will escort communications media personnel and their equipment to and from the site of such press conference or public announcement.

L.R. 83-6.3.5 Dictating Equipment. Nothing in this L.R. 83-6 shall prohibit the possession of equipment used to take dictation or audio recording devices such as tape recorders (“Dictating Equipment”) by attorneys admitted to practice before this court or bona fide members of the print or electronic media (i.e., newspaper, magazine, radio, or television). Dictating Equipment and Wireless Communication Devices in the possession of attorneys admitted to practice before this court or bona fide members of the print or electronic media may be used to make audio recordings in the following areas: the attorney’s lounge, a press room, a witness room, the library, or the Clerk’s Office.

L.R. 83-6.4 Enforcement.

L.R. 83-6.4.1 Violations of Rule. Violations of this L.R. 83-6 may be enforced by any judge of this court or duly designated visiting judge, the United States Marshals Service, the Federal Protective Service, or Court Security Officers, to the full extent allowed by law.

L.R. 83-6.4.2 Contempt. A violation of L.R. 83-6 may constitute contempt of court. All proceedings for such contempt occurring in or in connection with a case assigned to a judge shall be heard by the judge presiding over such case. All other proceedings for such contempt shall be brought before a Criminal Duty Judge.