



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

# NOTICE *from the* CLERK

## **Changes to Local Rules Proposed to Become Effective December 1, 2019**

The Court has preliminarily approved amendments to the local rules listed below. The proposed effective date is December 1, 2019. A redline of the proposed changes accompanies the electronic version of this notice and can also be found on the Court's website. The proposed new and amended rules are the following:

Local Civil Rules:

- L.R. 11-4.1.2
- L.R. 23-3
- L.R. 37-1
- L.R. 37-2
- L.R. 37-2.1
- L.R. 37-2.2
- L.R. 37-2.3
- L.R. 37-2.4
- L.R. 37-3
- L.R. 83-2.1.3.4

Local Criminal Rule:

- New L.Cr.R. 5-1

Members of the public are invited to submit comments on the proposed changes to the rules. Comments may be submitted to <lr\_publiccomments@cad.uscourts.gov> or in hard copy to Kiry K. Gray, District Court Executive/Clerk of Court, 350 West 1st Street, Suite 4311, Los Angeles, California 90012-4565. No facsimile transmissions will be considered.

All comments must be submitted no later than September 23, 2019. All timely received comments will be considered by the Court before final adoption of the rules.

**Kiry K. Gray**  
**District Court Executive/  
Clerk of Court**  
**August 21, 2019**

All posted notices are also available on the Court's public website at [www.cacd.uscourts.gov](http://www.cacd.uscourts.gov).

**Redline of Changes to Central District Local Rules  
Proposed to Become Effective December 1, 2019**

**CHAPTER I  
LOCAL CIVIL RULES**

**F.R.Civ.P. 11. SIGNING PLEADINGS, MOTIONS, AND OTHER PAPERS;  
REPRESENTATIONS TO THE COURT; SANCTIONS**

~~*L.R. 11-4.1.2 Non-Electronically Filed Documents.* All paper documents filed manually with the Clerk, including all exhibits to documents, must be accompanied by one clear, conformed, and legible copy for the use of the judge. The original document must be labeled “Original,” and should not be blue-backed. The copy must be labeled “Copy,” and must be blue-backed, unless the judge has specified otherwise. The copy’s backing must extend no more than one inch below the bound pages, and the short title of the document must be typed on its lower right-hand corner.~~

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**F.R.Civ.P. 23. CLASS ACTIONS**

~~*L.R. 23-3 Certification.* ~~Within 90 days~~ At the earliest possible time after service of a pleading purporting to commence a class action other than an action subject to the Private Securities Litigation Reform Act of 1995, P.L. 104-67, 15 U.S.C. § 77z-1 et seq., but no later than any deadline set by the assigned judge, the proponent of the class ~~shall~~ must file a motion for certification that the action is maintainable as a class action, ~~unless otherwise ordered by the Court.~~~~

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**F.R.Civ.P. 37. FAILURE TO MAKE DISCLOSURES OR TO COOPERATE IN  
DISCOVERY; SANCTIONS**

~~*L.R. 37-1 Pre-Filing Conference of Counsel.* ~~Prior to the~~ Before filing ~~of~~ any motion relating to discovery ~~pursuant to~~ under F.Rs.Civ.P. 26-37, counsel for the parties ~~shall~~ must confer in a good-faith effort to eliminate the necessity for hearing the motion or to eliminate as many of the disputes as possible. It ~~shall be~~ is the responsibility of counsel for the moving party to arrange for this conference. If both counsel are located within the same county ~~of the Central District~~, the conference ~~shall~~ must take place in person at the~~

office of the moving party's counsel; unless the parties agree to meet someplace else. If both counsel are not located within the same county ~~of the Central District~~, the conference may take place telephonically. Unless relieved by written order of the Court upon good cause shown, counsel for the opposing party ~~shall~~ must confer with counsel for the moving party within ten ~~(10)~~ days after the moving party serves a letter requesting such conference. The moving party's letter ~~shall~~ must identify each issue and/or discovery request in dispute, ~~shall~~ state briefly with respect to each such issue/request the moving party's position (and provide any legal authority which the moving party believes is dispositive of the dispute as to that issue/request), and specify the terms of the discovery order to be sought.

**L.R. 37-2 Moving Papers.** If counsel are unable to settle their differences, they ~~shall~~ must formulate a written stipulation; unless otherwise ordered by the Court. The stipulation ~~shall~~ must be filed and served with the notice of motion.

**L.R. 37-2.1 Form of Joint Stipulation.** The stipulation must be set forth in one document signed by both counsel. The stipulation ~~shall~~ must contain all issues in dispute and, ~~with respect as~~ to each such issue, the contentions and points and authorities of each party. The stipulation ~~shall~~ may not refer the Court to any other documents. For example, if the sufficiency of an answer to an interrogatory is ~~in~~ at issue, the stipulation ~~shall~~ must contain, verbatim, both the interrogatory and the allegedly insufficient answer, followed by each party's contentions as to that particular interrogatory, separately stated. If the allegations made in a prior filing are relevant, a copy of that prior filing should be attached as an exhibit. Exhibits to the stipulation may include declarations prepared in conformity with L.R. 7-7. The specification of the issues in dispute, and the parties' contentions and points and authorities ~~with respect as~~ to such issues, may be preceded by an introductory statement from each party, provided that no party's introductory statement ~~shall~~ may exceed three ~~(3)~~ pages in length. When a party states its contentions ~~with respect to~~ on a particular issue, such party ~~shall~~ must also state how it proposed to resolve the dispute over that issue at the conference of counsel.

Although the stipulation should present the disputed issues as concisely as the subject matter permits, the page limitation established by L.R. 11-6 does not apply to stipulations regarding discovery disputes. Any stipulation exceeding ten ~~(10)~~ pages in length, excluding exhibits, ~~shall~~ must be accompanied by an indexed table of contents setting forth the headings or subheadings contained in the body thereof; but need not be accompanied by a table of authorities.

The title page of the stipulation must state the discovery cutoff date, the pretrial conference date, and the trial date. In addition, a copy of the order establishing the initial case schedule, as well as any amendments, must be attached to the stipulation or to a declaration filed in support of the motion.

***L.R. 37-2.2 Preparation of Joint Stipulation.*** Following the conference of counsel, counsel for the moving party ~~shall~~must personally deliver, e-mail, or fax to counsel for the opposing party the moving party's portion of the stipulation, together with all declarations and exhibits to be offered in support of the moving party's position. Unless the parties agree otherwise, within seven ~~(7)~~ days of receipt of the moving party's material, counsel for the opposing party ~~shall~~must personally deliver, e-mail, or fax to counsel for the moving party the opposing party's portion of the stipulation, together with all declarations and exhibits to be offered in support of the opposing party's position. After the opposing party's material is added to the stipulation by the moving party's counsel, the stipulation ~~shall~~must be provided to opposing counsel, who ~~shall~~must sign it (electronically or otherwise) and return it to counsel for the moving party no later than the end of the next business day, so that it can be filed with the notice of motion.

***L.R. 37-2.3 Supplemental Memorandum.*** After the Joint Stipulation is filed, each party may file a supplemental memorandum of law not later than fourteen ~~(14)~~ days ~~prior to~~before the hearing date. Unless otherwise ordered by the Court, a supplemental memorandum ~~shall~~may not exceed five ~~(5)~~ pages in length. No other separate memorandum of points and authorities ~~shall~~may be filed by either party in connection with the motion.

***L.R. 37-2.4 Failure to File Joint Stipulation.*** The Court will not consider any discovery motion in the absence of a joint stipulation or a declaration from counsel for the moving party establishing that opposing counsel (a) failed to confer in a timely manner ~~in accordance with~~under L.R. 37-1; (b) failed to provide the opposing party's portion of the joint stipulation in a timely manner ~~in accordance with~~under L.R. 37-2.2; or (c) refused to sign and return the joint stipulation after the opposing party's portion was added. If such declaration accompanies the motion, then L.R.s. 6-1, 7-9 and 7-10 apply.

***L.R. 37-3 Hearing on Motion.*** The motion ~~may~~must be noticed to be heard on ~~the particular judge's~~a regular Motion Day for the appropriate judge which shall be not earlier than at least twenty-one ~~(21)~~ days after the filing of the motion. Unless the Court in its discretion otherwise allows, no discovery motions ~~shall~~may be filed or heard on an

ex parte basis, absent a showing of irreparable injury or prejudice not attributable to the lack of diligence of the moving party.

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

***L.R. 83-2.1.3.4 Designation of Local Counsel.*** Every attorney seeking to appear pro hac vice must designate as Local Counsel an attorney with whom the Court and opposing counsel may readily communicate regarding the conduct of the case and upon whom documents may be served. An attorney may be designated as Local Counsel only if he or she: (1) is a member of the Bar of this Court; and (2) maintains an office within the District for the practice of law, in which the attorney is physically present on a regular basis to conduct business.

## **CHAPTER III LOCAL CRIMINAL RULES**

### **F.R.Crim.P. 5. INITIAL APPEARANCE**

***L.Cr.R. 5-1 Request to Recall Warrant of Removal.*** If after a defendant has been ordered transferred to another district (the "charging district") under F.R.Crim.P. 5(c)(3) but before the transfer has taken place, the United States Attorney discovers that the charging district has dropped all charges against the defendant, the United States Attorney must notify this Court by immediately filing a Request to Recall Warrant of Removal in the case in which transfer was ordered and provide immediate notice of the Request to the magistrate judge on duty at the time of the Request's filing.