



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

# NOTICE *from the* CLERK

## Changes to Local Rules Proposed to Become Effective December 1, 2020

The Court has preliminarily approved amendments to the local rules listed below. The proposed effective date is December 1, 2020. 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. 5-4.2
- L.R. 5-4.4.2
- L.R. 7-18
- L.R. 11-5.1
- L.R. 11-5.2
- L.R. 11-5.3
- L.R. 11-5.4
- L.R. 11-5.5
- L.R. 41-6
- L.R. 79-3
- L.R. 79-4
- L.R. 83-2.1.1.1
- New L.R. 83-2.1.2.3
- L.R. 83-2.1.3.3
- L.R. 83-2.1.4.1
- L.R. 83-2.1.4.2

### Local Criminal Rules:

- L.Cr.R. 32-1
- L.Cr.R. 32-2
- L.Cr.R. 32-3.1
- L.Cr.R. 32-3.2
- L.Cr.R. 32-3.3
- L.Cr.R. 32-3.4
- L.Cr.R. 32-3.5
- L.Cr.R. 32.1-1
- L.Cr.R. 32.1-2
- L.Cr.R. 46-2
- L.Cr.R. 49-1.2
- L.Cr.R. 57-3.5.2

Members of the public are invited to submit comments on the proposed changes to the rules. Comments may be submitted to <lr\_publiccomments@cacd.uscourts.gov>. Only comments submitted by electronic mail to this address will be considered.

All comments must be submitted no later than September 30, 2020. 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**  
**September 3, 2020**

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, 2020**

**CHAPTER I  
LOCAL CIVIL RULES**

***L.R. 5-4 Filing Documents.***

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***L.R. 5-4.2 Exceptions to Electronic Filing in Civil Cases.***

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(b) *Documents Excluded from Electronic Filing.* The following documents are excluded from the electronic filing requirement of L.R. 5-4.1:

(1) *Non-paper ~~or Other Unusual~~ Exhibits.* Non-paper physical exhibits ~~and any exhibit on a sheet of paper that is too large or irregularly shaped to be scanned into PDF format shall~~ may not be filed at any time or in any format. Such exhibits must either be filed or lodged with the Clerk in paper or physical format in accordance with under L.R. 11-5.1 (if submitted as an exhibit to a document) or submitted under L.R. 79-3 or 79-4 at the time of a trial or hearing.

(2) ~~[Abrogated]~~ *Oversized Paper Exhibits.* Any exhibit on a sheet of paper that is too large or irregularly shaped to be scanned into PDF format may not be filed. It must either be lodged with the Clerk in paper format under L.R. 11-5.4 (if submitted as an exhibit to a document) or submitted under L.R. 79-3 or 79-4 at the time of a trial or hearing.

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***L.R. 5-4.4 Submission of Proposed Orders, Judgments, or Other Proposed Documents That Require a Judge's Signature.***

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***L.R. 5-4.4.2 Submission of Word-Processing Versions of Proposed Orders.*** After a document requiring a judge’s signature has been lodged ~~in accordance with~~under L.R. 5-4.4.1, a WordPerfect or Microsoft Word copy of the proposed document, along with a PDF copy of the electronically filed main document, ~~shall~~must be e-mailed to the assigned judge’s generic chambers e-mail address, either by using the “Proposed Orders” link within the CM/ECF System: ~~or by sending a separate email with T~~the subject line of the e-mail shall be in the following format: Court’s divisional office, year, case type, case number, document control number assigned to the main document at the time of filing, judge’s initials, and filer (party) type and name (e.g., for Los Angeles: LA08CV00123-6-ABC-Defendant and Counter Plaintiff Corp. A; for Santa Ana: SA08CV00124-8-DEF-Defendant and Counter Plaintiff Corp. B; for Riverside: ED08CV00125-10-GHI-Defendant and Counter Plaintiff Corp. C).

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***L.R. 7-18 Motion for Reconsideration.*** A motion for reconsideration of ~~the decision~~ an Order on any motion or application 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~~ the Order was entered, or (b) the emergence of new material facts or a change of law occurring after the ~~time of such decision~~ Order was entered, or (c) a manifest showing of a failure to consider material facts presented to the Court before ~~such decision~~ the Order was entered. No motion for reconsideration shall may in any manner repeat any oral or written argument made in support of, or in opposition to, the original motion. Absent good cause shown, any motion for reconsideration must be filed no later than 14 days after entry of the Order that is the subject of the motion or application.

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***L.R. 11-5 Exhibits to Documents.***

***L.R. 11-5.1 Non-Paper Physical Exhibits to Documents.*** Non-paper physical exhibits ~~shall may~~ not be attached to any document. A non-paper physical exhibit submitted as an exhibit to a document shall must be placed in a secure container (~~identified by~~ labeled with the case name and number, the docket number of the document to which it relates, and the name, address, ~~and~~ telephone number, and email address of the submitting party) and lodged with a separately filed Notice of Lodging, which ~~shall must~~ include a description of the exhibit ~~and an explanation for why it is not possible to attach the exhibit to the document to which it relates~~. Unless the filer is exempted from electronic filing ~~pursuant to~~ under L.R. 5-4.2(a), the Notice of Lodging ~~shall must~~ be filed electronically ~~prior to~~ before lodging the exhibit, and the Notice of Lodging, together with its NEF (see L.R. 5-3.2.1), ~~shall must~~ be presented with the exhibit to be lodged. Counsel of record for the submitting party must maintain copies of all exhibits submitted under this rule for the time required in L.R. 79-3. No originals may be submitted under this rule unless it is impossible to make a copy in any format. If it is not possible to make a copy in any format, the submitting party must clearly state that fact in the Notice of Lodging and must label the exhibit as the "ORIGINAL." Unless the Notice of Lodging requests that an exhibit be returned to counsel, all exhibits submitted under this rule, including originals, will be destroyed. Exhibits submitted under this rule do not become part of the Court's case file, are not considered Court records, and are not available for public viewing while under submission to the Court without a Court order. No contraband or valuable, sensitive, or dangerous exhibits may be submitted under this rule; such exhibits may be submitted only at the time of a trial or hearing as permitted under L.R. 79-4.

***L.R. 11-5.2 Paper Exhibits to Documents – Attachment and Numbering.*** Unless compliance is impracticable, a paper exhibits ~~shall must~~ be filed as ~~an~~ attachments to the document to which ~~it they~~ relates and ~~shall must~~ be numbered at the bottom of each page consecutively to the principal document. Exhibits filed electronically ~~shall must~~ comply with this rule unless precluded by L.R. 5-4.3.1.

***L.R. 11-5.3 Exhibit Numbers on Paper Exhibits to Documents.*** The exhibit number ~~shall must~~ be placed immediately above or below the page number on each page of the exhibit. Exhibits ~~shall must~~ be tabbed in sequential order.

***L.R. 11-5.4 Size of Paper Exhibits to Documents.*** Whenever possible, exhibits ~~shall~~must be formatted for 8 ½ x 11 inch paper, and ~~should be~~ filed ~~in accordance with~~under L.R. 11-5.2. Exhibits that are too large to scan ~~shall~~must be folded in such a manner as not to exceed an 8 ½ x 11 inch sheet, and ~~filed~~lodged with the Clerk in paper format. Unless otherwise exempted from electronic filing ~~pursuant to~~under L.R. 5-4.2(a), the party presenting ~~the~~ exhibits to the Clerk for ~~filing~~lodging in paper format ~~shall~~must first electronically file a Notice of ~~Manual Filing Lodging~~ setting forth ~~the~~ ~~reason(s)~~ why the exhibits cannot be filed electronically. The Notice of ~~Manual Filing Lodging~~, together with its NEF (see L.R. 5-3.2.1), ~~shall~~must be presented with the exhibits to be ~~filed~~lodged. Counsel of record for the submitting party must maintain copies of all exhibits submitted under this rule for the time required in L.R. 79-3. No originals may be submitted under this rule unless it is impossible to make a copy in any format. If it is not possible to make a copy in any format, the submitting party must clearly state that fact in the Notice of Lodging and must label the exhibit as the "ORIGINAL." Unless the Notice of Lodging Requests that an exhibit be returned to counsel, all exhibits submitted under this rule, including originals, will be destroyed. Exhibits submitted under this rule do not become part of the Court's case file, are not considered Court records, and are not available for public viewing while under submission to the Court without a Court order.

***L.R. 11-5.5 Small Paper Exhibits to Documents.*** An exhibit smaller than 8 ½ x 11 inches ~~shall~~must be attached to an 8 ½ x 11 inch sheet, scanned, and electronically filed unless exempt under L.R. 5-4.2.

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***L.R. 41-6 Dismissal - Failure of Pro Se Plaintiff to Keep Court Apprised of Current Address.*** A party proceeding *pro se* ~~shall~~must keep the Court and ~~opposing all other~~ parties ~~apprised~~informed of ~~such the~~ party's current address ~~and as well as any~~ telephone number, ~~if any,~~ and e-mail address, ~~if any.~~ If mail directed by the Clerk to a Court order or other mail served on a pro se plaintiff's at his address of record is returned undelivered by the Postal Service as undeliverable, and if, within fifteen (15) days of the service date, such the pro se plaintiff party fails to notify, in writing, the Court and opposing parties of said plaintiff's current has not filed a notice of change of address within 14 days of the service date of the order or other Court document, the Court may dismiss the action with or without prejudice for ~~want of failure to~~ prosecution.

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***L.R. 79-3 Clerk's Office -- Retention and Disposition of Exhibits -- Civil Cases.*** This rule governs All models, diagrams, CDs, DVDs, audio or video recordings in any format, documents, and other exhibits in any other form lodged with the Clerk or admitted into evidence or marked submitted at the time of a trial or hearing, except those subject to L.R. 79-4. Exhibits submitted under this rule will shall be retained by the Court until the completion of the trial or hearing or as otherwise directed by the Court, at which time they will be returned to counsel for the submitting party. Counsel notified that exhibits are ready to be returned under this rule must immediately arrange to pick up those exhibits. Exhibits not reclaimed by counsel within 30 days of this notification may be destroyed. After exhibits are returned to by counsel under this rule, of counsel must maintain custody of those exhibits record until the earliest of expiration of the time for appeal where when no appeal is taken, entry of stipulation waiving or abandoning the right to appeal, final disposition of the appeal, or Court order allowing destruction of the exhibits of the Court, whichever occurs first.

***L.R. 79-4 Clerk's Office -- Removal of Contraband and Valuable, Sensitive, and Dangerous Exhibits.*** Contraband of any kind coming into the possession of the Clerk shall be returned to an appropriate governmental agency. The agency shall give the Clerk the receipt required by L.R. 79 2. No contraband or valuable, sensitive, or dangerous exhibits (including but not limited to narcotics, firearms, ammunition, explosives, pornographic materials, poisonous or dangerous chemicals, intoxicating liquors, jewelry, money or articles of high monetary value, counterfeit money, fine art, and items of historical significance) submitted at the time of a trial or hearing will be retained by the Court even during the pendency of the trial or hearing unless specifically authorized by the Court. Such exhibits must remain at all times in the custody of either counsel for the submitting party or the case agent for any relevant law-enforcement agency. They must maintain custody of all contraband and all valuable, sensitive, and dangerous exhibits The agency shall be responsible for the contraband until the earliest of expiration of the time for appeal, where when no appeal is taken, entry of stipulation waiving or abandoning the right to appeal, final disposition of the appeal, or Court order of the Court, whichever occurs first allowing destruction of the exhibits.

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***L.R. 83-2 Attorneys; Parties Without Attorneys***

***L.R. 83-2.1 Attorneys***

***L.R. 83-2.1.1 Appearance Before the Court***

***L.R. 83-2.1.1.1 Who May Appear.*** Except as provided in L.R. 83-2.1.3, 83-2.1.4, 83-2.1.5, and 83-4.5, [L.Bankr.R. 8, J.P.M.L.R. 2.1\(c\)](#), and F.R.Civ.P. 45(f), an appearance before the Court on behalf of another person, an organization, or a class may be made only by members of the Bar of this Court, as defined in L.R. 83-2.1.2.

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***L.R. 83-2.1.2 The Bar of this Court***

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***L.R. 83-2.1.2.3 Continuing Membership in the Bar of this Court.*** Each attorney admitted to the Bar of this Court must, in order to remain a member of the Bar of this Court, pay the annual renewal fee imposed by General Order of the Court.

***L.R. 83-2.1.3 Pro Hac Vice Practice***

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***L.R. 83-2.1.3.3 How to Apply for Permission to Appear Pro Hac Vice.***

- (a) Each applicant for permission to appear *pro hac vice* must complete an Application of ~~Non-Resident~~Nonresident Attorney to Appear in a Specific Case (Form G-64, available on the Court's website), which must include:
  - (1) certification that the applicant is familiar with the Court's Local Civil and Criminal Rules and with the Federal Rules of Civil Procedure, Criminal Procedure, and Evidence;

- (2) identification of Local Counsel as required by L.R. 83-2.1.3.4; and
  - (3) a list of all *pro hac vice* applications made to this Court in the previous three years.
- (b) The completed Application of ~~Non-Resident~~Nonresident Attorney to Appear in a Specific Case must be electronically filed by the identified Local Counsel in each case in which the applicant seeks to appear, together with the following:
- (1) a separate proposed Order;
  - (2) the *pro hac vice* fee set by General Order of the Court (unless the applicant is employed by the United States or any of its departments or agencies, in which case no fee is required); and
  - (3) a Certificate of Good Standing from each state bar in which the applicant is a member, issued no more than 30 days before filing the Application of ~~Non-Resident~~Nonresident Attorney to Appear in a Specific Case.
- (c) Approval of the applicant's *pro hac vice* application will be at the discretion of the assigned judge in each case in which an application is submitted.

By practicing in this Court, the registered *pro hac vice* attorney submits to the disciplinary authority of the Central District of California.

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***L.R. 83-2.1.4 Attorneys for the United States, or Its Departments or Agencies***

***L.R. 83-2.1.4.1 Attorney for the United States, or its Departments or Agencies.*** (a) Any person who is eligible for admission to the Bar of this Court under L.R. 83-2.1.2 and who is employed by the United States or any of its departments or agencies may practice in this Court in all actions or proceedings within the scope of his or her employment by the United States without being admitted to the Bar of this Court and without paying any associated admission fee. To register for permission to practice under this L.R. 83-2.1.4.1(a), the federal government attorney must comply with the other requirements of L.R. 83-2.1.2, including completion of an Application for Admission to the Bar of the Central District of California (Form G-60), which must be submitted to the Court electronically through the Court's website.

(b) Any person who is not eligible for admission under L.R. 83-2.1.2 or 83-2.1.3, who is employed within this state and is a member in good standing of, and eligible to practice before, the bar of any United States Court, the District of Columbia Court of Appeals, or the highest court of any State, Territory or Insular Possession of the United States, and is of good moral character, may be granted leave of court to practice in this Court in any matter for which such person is employed or retained by the United States, or its departments or agencies. The application for such permission must include a certification filed with the Clerk showing that the applicant has applied to take the next succeeding Bar Examination for admission to the State Bar of California for which that applicant is eligible. No later than one year after submitting the foregoing application, the applicant must submit to this Court proof of admission to the State Bar of California. Failure to do so will result in revocation of permission to practice in this Court.

***L.R. 83-2.1.4.2 Special Assistant United States Attorneys.*** Notwithstanding L.R. 83-2.1.4.1, any United States Armed Forces attorney who has been appointed a Special Assistant

United States Attorney ~~pursuant to~~under 28 U.S.C. sections 515 and 543 may handle misdemeanor matters before this Court.

Attorneys employed by the United States Department of Justice specially appointed by the United States Attorney General to conduct any kind of legal proceeding, civil or criminal, ~~pursuant to~~under 28 U.S.C. § 515(a), may appear without filing an Application of ~~Non-Resident~~Nonresident Attorney to Appear in a Specific Case.

### CHAPTER III LOCAL CRIMINAL RULES

***L.Cr.R. 32-1 Supervised Release and Probation - General Conditions.*** All persons placed on supervised release or probation as the result of a judgment of conviction in this Court ~~shall~~will be subject to such general conditions of supervised release or probation as may from time to time be promulgated by General Order.

***L.Cr.R. 32-2 Supervised Release and Probation - General Conditions - Duty of United States Probation Officer.*** The Probation Officer ~~shall~~must advise each person receiving a supervised release or probationary sentence of the general conditions of supervised release or probation.

***L.Cr.R. 32-3 Presentence Investigation (“PSI”) Report.***

***L.Cr.R. 32-3.1 Minimum Custody Cases.*** The Probation Officer ~~shall~~must make a tentative determination of the Guideline sentencing range as soon as practicable after the case is referred for preparation of the PSI Report. If the probable sentencing range for the offense(s) or conviction is unlikely to exceed 4 - 10 months of imprisonment and the defendant is detained, the Probation Officer ~~shall~~must:

- (a) Give priority to the expedited preparation of the PSI Report.
- (b) Promptly inform the Court of such determination and of the completion date of the expedited PSI Report so that the Court can determine whether ~~or not~~ the sentencing date should be advanced.

***L.Cr.R. 32-3.2 Presentence Investigation Reports.*** ~~It is the responsibility~~

~~of counsel to obtain~~ The Probation & Pretrial Services Office will disclose the PSI Report to counsel electronically, either by email or through the Court's CM/ECF System. ~~in the Probation Office. The PSI Report shall have endorsed on its cover sheet the date when telephonic or facsimile notice of the report's availability has been given to the parties. Counsel are required to~~must observe strictly the requirements of F.R.Crim.P. 32(f) regarding objections to presentence reports.

***L.Cr.R. 32-3.3 [Abrogated] Counsel's Address Not Within Central District of California.*** ~~If counsel's address of record is not within the Central District of California, the Probation Officer shall send the PSI Report to such counsel by Express Mail or equivalent overnight service.~~

***L.Cr.R. 32-3.4 Defense Counsel to Provide Defendant with Copy of PSI Report.*** Promptly after the receipt of the PSI Report, defense counsel ~~shall~~ must provide the PSI Report to the defendant for review, and ~~to~~ must arrange for an interpreter, if ~~one is needed~~ necessary, to assist in the defendant's review of the report.

***L.Cr.R. 32-3.5 Supervised Release and Probation Records.*** Pre-sentence investigations and reports, supervised release and probation supervision records, and related reports of studies and recommendations are confidential records of this Court. If filed under seal in the Court's case file, such records may be requested only as provided in L.R. 79-7.2. Records that have not been docketed in the case or filed in the Court's case file may be requested only as provided in the subpoena regulations of the United States Courts. The determining officer under those regulations is the Chief United States Probation & Pretrial Services Officer, who will consult with the Chief United States District Judge and the presiding judge in the case regarding the proper response.

***L.Cr.R. 32.1-1 Supervised Release and Probation - Arrest of Violator - Duty of Marshal.*** After taking into custody any person charged with a violation of supervised release or probation, the Marshal ~~shall forthwith~~ must immediately give written notice to the United States Attorney, the Probation Officer, and the Clerk of the date of such arrest and the place of confinement of the alleged probation violator.

***L.Cr.R. 32.1-2 Supervised Release and Probation Violation - Notice to Attorney for Defendant.*** The Clerk ~~shall~~ must promptly inform any attorney of record for

an alleged supervised release or probation violator of the arrest of the violator and the place of confinement. If no attorney of record appears or the attorney of record cannot be found, the notice ~~shall~~must be given to the Federal Public Defender.

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***L.Cr.R. 46-2 Modification of Conditions of Bail.*** Twenty-four ~~(24)~~ hours after bail has been set, a defendant unable to meet the conditions of bail may apply for review and modification of the conditions of bail. For good cause, the Government United States Attorney or the United States Probation & Pretrial Services Agency Office also may apply to the Court for modification of the conditions of bail.

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***L.Cr.R. 49-1 Serving and Filing Documents.***

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***L.Cr.R. 49-1.2 Exceptions to Electronic Filing in Criminal Cases. . . .***

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(b) *Documents Excluded from Electronic Filing.* The following documents are excluded from the electronic filing requirement of Local Criminal Rule 49-1.1:

- (1) *Non-paper ~~or Other Unusual and Oversized Paper Exhibits.~~* Non-paper physical exhibits may not be filed at any time in any format. Such exhibits must either be, or paper exhibits the size of which makes it impracticable for them to be scanned into PDF format, shall be filed or lodged with the Clerk in paper or physical format, in accordance with under L.R. 11-5.1 (if submitted as an exhibit to a document) or submitted under L.R. 79-3 or 79-4 at the time of a trial or hearing. Any exhibit on a sheet of paper too large or irregularly shaped to be scanned into PDF format may not be filed. It must either be lodged with the Clerk in paper format under L.R. 11-5.4 (if submitted as an exhibit to a document) or submitted under L.R. 79-3 or 79-4 at the time of a trial or hearing.

(2) *Criminal Case-Initiating Documents. Complaints . . . .*

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***L.Cr.R. 57-3 Settlement of Complex Cases.***

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***L.Cr.R. 57-3.5 Conduct of Conference***

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***L.Cr.R. 57-3.5.2 Criminal History.*** If so requested by either counsel at least ~~ten~~(10) days before the settlement conference, the ~~p~~Probation ~~o~~Officer, without order of the Court, ~~shall~~must provide a summary of the defendant's criminal history to both counsel within ~~seven~~(7) days of the request.