

United States District Court
Central District of California
New and Amended Local Rules to Become Effective December 1, 2014
(Redline of Proposed Changes)

New and Amended Local Civil Rules:

L.R. 3-1 Civil Cover Sheet and Other Forms Required at the Time of Filing a New Action. All civil actions presented to the Clerk for filing ~~must shall~~ be accompanied by a Civil Cover Sheet (Form CV-071), ~~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 ~~attorney or party presenting the matter Clerk shall~~ **must** 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 (Form AO-120) and ~~the original and four copies of~~ the required notice to the Copyright Office in copyright matters (Form AO-121). Copies of the Civil Cover Sheet and ~~other the required forms of notice to the Patent and Trademark Office~~ are available from the Court's website, www.cacd.uscourts.gov ~~Clerk~~.

L.R. 3-2 Filing of Initiating Documents. Unless exempted from electronic filing pursuant to L.R. 5-4.2, ~~Cease~~ initiating documents (such as complaints and notices of removal,) and all concurrently filed documents, must be prepared in the English language and ~~other claim initiating documents (such as third-party complaints, amended complaints, complaints in intervention, counterclaims, and crossclaims) (both categories, collectively, "Claim-Initiating Documents") shall~~ and must be ~~presented to the Clerk for filed ing in paper format electronically in~~ the English language, ~~rather than electronically,~~ using the Court's CM/ECF System, in accordance with the applicable Federal Rules of Civil Procedure and the Local Rules of this Court. ~~Fees shall be paid in the amount set forth in 28 U.S.C. § 1914(a). Documents requesting emergency relief that are filed simultaneously with Claim-Initiating Documents shall also be presented to the Clerk for filing in paper format in the English language. All Claim-Initiating Documents and simultaneously filed emergency relief documents shall also be submitted in electronic form (PDF format only) by close of business the following~~

~~business day. Submission of these documents must be made by e-mail to the civil intake e-mail box for the appropriate Court Division (the division to which the case is assigned). The intake e-mail box address for each division is indicated on the Court's CM/ECF Website. Attorneys who fail to timely e-mail PDF copies of these documents shall be subject to such sanctions as may be imposed by the Court.~~

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L.R. 4-1 Summons - Presentation for Issuance. The summons ~~must shall~~ be prepared ~~by the attorney upon~~ using an approved form of summons, ~~s supplied by the Clerk~~ available from the Court's website, www.cacd.uscourts.gov. Unless exempted from electronic filing pursuant to L.R. 5-4.2, the summons must be presented electronically for issuance by the Clerk, using the Court's CM/ECF System.

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L.R. 5-3 Serving Documents. Unless service is governed by F.R.Civ.P. 4, documents must be served as follows:

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L.R. 5-3.2 Service of Documents Filed Electronically.

L.R. 5-3.2.1 Service. Upon the electronic filing of a document, a "Notice of Electronic Filing" ("NEF") will be automatically generated by the CM/ECF System and sent by e-mail to: (1) all CM/ECF Users ~~who have appeared in the case in this Court and~~ who have consented to receive service through the CM/ECF System, and (2) to all pro se parties ~~who have appeared in the case and~~ who are registered to receive service through the CM/ECF System (see L.R. 5-4.1.3). ~~Unless service is governed by F.R.Civ.P. 4, S~~service with this electronic NEF will constitute service pursuant to the Federal Rules of Civil and Criminal Procedure, and the NEF itself will constitute proof of service for individuals so served.

Individuals **who have not appeared in the case in this Court, who are** not registered for the CM/ECF System, or who have not consented to receive service through the CM/ECF System, must be served in accordance with F.R.Civ.P. 5, and proof of service on such individuals must be made by declaration in the form required by L.R. 5-3.1.2.

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L.R. 5-4 Filing Documents.

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L.R. 5-4.2 Exceptions to Electronic Filing in Civil Cases. Documents exempted from electronic filing pursuant to one of the subsections listed below shall be presented to the Clerk for filing or lodging in paper format, and shall comply with the requirements of L.R. 11 and all other applicable Local and Federal Rules.

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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:

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- (2) ~~[Abrogated] Claim-Initiating Documents. Claim-Initiating Documents (see L.R. 3-2) and documents requesting emergency relief that are filed simultaneously with Claim-Initiating Documents shall be filed in accordance with L.R. 3-2.~~

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L.R. 15-1 Separate Document. Any proposed amended pleading must be ~~electronically~~ filed as an attachment to the ~~a document separate from a~~ related motion or stipulation. In addition, unless exempted from electronic filing by L.R. 5-4.2(a)(1), a party who obtains leave of Court to file an amended pleading must promptly thereafter file the pleading approved by the Court as a separate document in the Court's CM/ECF System.

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~~***L.R. 15-4 Manner of Filing.*** Every amended pleading that is also a Claim-Initiating Document (see L.R. 3-2) shall be filed in compliance with L.R. 3-2.~~

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L.R. 17-1 Minors or Incompetents

L.R. 17-1.1 Minors or Incompetents - Appointment of Guardian Ad Litem. When the appointment of a guardian ad litem is required by F.R.Civ.P. 17(c)(2), a relative or friend of the minor or incompetent person, the minor if age 14 or over, or other suitable person must file a Petition for the Appointment of a Guardian Ad Litem at the time of the minor's or incompetent person's first appearance.

L.R. ~~83-5.1~~17-1.2 Minors or Incompetents - Settlement of Claim of Minor or Incompetent. No claim in any action involving a minor or incompetent person shall be settled, compromised, or dismissed without leave of the Court embodied in an order, judgment, or decree.

L.R. ~~83-5.2~~17-1.3 Minors or Incompetents - Settlement of Claim Procedure. Insofar as practicable, hearings on petitions to settle, compromise, or dismiss a claim in an action involving a minor or incompetent person shall conform to Cal. ~~Code~~Civ. Proc. ~~Code~~ § 372 and California Rule of Court 3.1384.

L.R. ~~83-5.3~~17-1.4 Minors or Incompetents - Attorney's Fees. In all actions involving the claim of a minor or incompetent person, whether

resolved by settlement or judgment after trial, the Court shall fix the amount of attorney's fees.

L.R. ~~83-5.417-1.5~~ Minors or Incompetents - Judgment or Settlement Funds. All monies or property recovered on behalf of a minor or incompetent person, either by settlement or judgment, shall be paid into the registry of the Court unless otherwise ordered by the Court. All monies received by the Clerk representing a settlement or judgment on behalf of a minor or incompetent person shall be deposited by the Clerk in accordance with L.R. 67-1 and 67-2.

L.R. ~~83-5.517-1.6~~ Minors or Incompetents - Disbursement of Funds. All monies or property deposited with the Clerk pursuant to L.R. ~~83-5.417-1.5~~ shall be disbursed by the Clerk only in accordance with an order of the Court.

L.R. ~~83-5.5.117-1.6.1~~ Conformance to State Law. Unless otherwise ordered by the Court, disbursement of funds of California residents or foreign nationals under this ~~L.R. rule 83-5.517-1.6~~ shall be made by the Clerk in accordance with the provisions of California Probate Code §§ 3600 *et seq.* If the minor, incompetent person, guardian, custodian, or parent is a resident of a state of the United States other than California, the funds or property shall be disbursed pursuant to restrictions of the state of residence similar to the provisions of California Probate Code §§ 3600 *et seq.*

L.R. ~~83-5.617-1.7~~ Minors or Incompetents - Letters of Guardianship or Custody - Bond. Before any funds or property are ordered distributed to any guardian or custodian, the following documents shall be filed with this Court:

- (a) A certified copy of letters of guardianship or an order of appointment as custodian of the estate of an incompetent; and
- (b) A certificate by a state court certifying that a surety bond has been filed by the guardian or custodian in a sum at least equal to the amount of money or value of property to be distributed.

L.R. ~~83-5.6.117-1.7.1~~ Corporate Guardian. If letters of guardianship or an order of appointment as custodian of the estate of an incompetent person have been issued to a corporate guardian

authorized by state law to so act, no certificate showing filing of a bond shall be necessary.

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L.R. 54-2 Application to Tax Costs Pursuant to F.R.Civ.P. 54(d); Bill of Costs.

Parties applying for or objecting to an application to the Clerk to tax costs pursuant to F.R.Civ.P. 54(d) must familiarize themselves with the Court's Bill of Costs Handbook, available on the Court's website at www.cacd.uscourts.gov.

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 and serve, in accordance with L.Rs. 5-3 and 5-4.1, 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. No hearing on the application will be held unless the Clerk notifies the parties otherwise. Once the Clerk has determined the allowable costs, the Clerk will file the Bill of Costs electronically. ~~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 Objections~~Time of Application; Hearing~~. Within 7 days after service of an Application to the Clerk to Tax Costs under L.R. 54-2.1, any party may file and serve written objections to any cost claimed in the application. The grounds for each objection must be specifically stated. In the absence of a timely objection, any allowable item may be taxed as requested in the application. ~~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. 54-2.3. Response to Objections. Within 3 days after service of an objection under L.R. 54-2.2, the party applying for costs may file and serve a written response to the objection.

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~~**L.R. 54-6 [Abrogated] 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.~~

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L.R. 83-1 Assignment of Cases - Notice of Related Cases in Central District, Other Actions, or Petitions to Multidistrict Panel

L.R. 83-1.1 Assignment of Cases. ~~All~~**Civil** actions shall be assigned when commenced to individual judges and magistrate judges of this Court in the manner provided by General Order.

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L.R. 83-1.3 Notice of Related Cases

L.R. 83-1.3.1 Notice of Related Civil Cases. It shall be the responsibility of the parties to promptly file a Notice of Related Cases whenever two or more civil cases filed in this District~~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 a closely related transaction, happening, or event; ~~or~~
- (b) ~~To~~ call for determination of the same or substantially related or similar questions of law and fact; or

(c) ~~f~~For other reasons would entail substantial duplication of labor if heard by different judges; ~~or~~.

~~(d) To involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c is present. That cases may involve the same patent, trademark, or copyright does not, by itself, constitute a circumstance contemplated by (a), (b), or (c).~~

The Notice of Related Cases must include a brief factual statement that explains how the cases in question are related under the foregoing factors. All facts that appear relevant to such a determination must be set forth.

The Notice must be filed at the time any case (including a notice of removal or bankruptcy appeal) appearing to relate to another is filed, or as soon thereafter as it reasonably should appear that the case relates to another. The Notice must be served on all parties who have appeared in the case and concurrently with service of the complaint.

~~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. 83-1.3.21.1 Notice of Related Civil Forfeiture and Criminal Cases in Civil Forfeiture Action When Related Criminal Case Has Previously Been Filed. It shall be the responsibility of the parties to promptly file a Notice of Related Cases whenever a civil forfeiture case and a criminal case ~~previously filed and a civil forfeiture case later filed~~:

(a) arise from the same or a closely related transaction, happening, or event; ~~or~~

- (b) call for determination of the same or substantially related or similar questions of law and fact; or
- (c) involve one or more defendants from the criminal case in common, and would entail substantial duplication of labor if heard by different judges.

~~In these instances, the proposed transfer order shall be prepared to transfer the civil forfeiture case to the judge assigned to the criminal case.~~

The Notice must include a brief factual statement that explains how the cases in question are related under the foregoing factors.

The Notice must be filed at the time a civil forfeiture case appearing to relate to a criminal case is filed, or as soon thereafter as it appears such cases are related. The Notice must be served on all parties who have appeared in the case and concurrently with service of the complaint.

L.R. 83-1.3.32~~***Opposition.***~~ Within five days of receiving service of a Notice of Related Cases, or within five days of first appearing in the case, any party to the case may file and serve a short statement setting forth reasons that the case does not qualify as a related case under these rules. ~~Any party opposing a related case transfer may, within five (5) days of the service of a notice of Related Case(s) on that party, 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. 83-1.3.43~~***Continuing Duty.***~~ It shall be the continuing duty of the attorney in any case to file a Notice of Related Cases as required by these rules ~~promptly to bring to the attention of the Court, by the filing of a Notice of Related Cases(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.~~

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~~L.R. 83-5 Minors or Incompetents~~ [renumbered as L.R. 17-1]

New and Amended Local Criminal Rules:

L.Cr.R. 7-3 Notice of Complex Case. If a criminal case includes eight or more defendants in the indictment or if the presentation of evidence (including cross-examination) in the government's case-in-chief will exceed twelve trial days, the case is considered "complex." In such cases, the government must file with the Court, at the time the indictment is filed, a Notice of Complex Case that indicates the grounds for considering the case complex. Likewise, upon the filing of a superseding indictment in a case not previously identified as complex, the government must file a Notice of Complex Case if the case now qualifies as such.

L.Cr.R. 7-450-3 Notice of Related ~~Matters in Criminal Cases.~~ ~~Related criminal cases shall be handled as follows:~~

~~***L.Cr.R. 50-3.1 Notice of Related Cases.***~~ It shall be the responsibility of ~~counsel the parties~~ to promptly file a Notice of Related Cases whenever a criminal case previously filed and one or more informations ~~or~~ indictments later filed:

- (a) arise out of the same conspiracy, common scheme, transaction, series of transactions or events; or
- (b) involve one or more defendants in common, and would entail substantial duplication of labor in pretrial, trial or sentencing proceedings if heard by different judges.

~~Whenever counsel files a Notice of Related Cases indicating that any one or more of the above circumstances exist, the Clerk shall prepare a proposed transfer order which shall be presented to the transferee judge and processed in the same manner as are related civil cases.~~

~~**L.Cr.R. 50-3.2 Indictment When Plea Pending.** Whenever an information or indictment originating in another District is transferred to this Court pursuant to F.R.Crim.P. 20 and involves a defendant also proceeded against by indictment or information in this District, the Clerk shall directly assign the Rule 20 transferred matter to the calendar of the judge to whom the matter arising in this District is assigned.~~

~~If an indictment is returned in this District against a defendant who has a Rule 20 plea pending, the indictment shall be directly assigned to the judge to whom the Rule 20 plea has been assigned.~~

~~**L.Cr.R. 50-3.3 Indictment or Information Previously Dismissed.** Whenever an indictment or information has been dismissed before trial, any new indictment or information involving the same transaction or series of transactions and at least a majority of the same defendants shall be directly assigned to the judge to whom the first indictment or information was assigned.~~

~~**L.Cr.R. 50-3.4 Notice—Duty of Counsel.** The United States Attorney and defense counsel shall call the Court's attention to the existence of related criminal cases. The Notice must be filed and served in each later-filed case, Counsel shall do so by promptly filing and serving in the higher numbered case must identify the previously filed case(s), a Notice of Related Criminal Cases identifying the lower numbered case and must set setting forth the reasons why counsel believes the cases are related. Whenever practicable, the United States Attorney shall file the Nnotice with the indictment or information and serve it on defense counsel promptly after defense counsel's identity has been ascertained.~~

L.Cr.R. 7-5 Notice of Related Supervised-Release Case. It shall be the responsibility of the government to promptly file a Notice of Related Supervised-Release Case whenever a criminal case charges a violation of 8 U.S.C. § 1326 against a defendant who is serving a term of supervised release in this district for a previous violation of 8 U.S.C. §§ 1325 or 1326. Whenever practicable, the United States Attorney shall file the Notice with the charging document and serve it on defense counsel promptly after defense counsel's identity has been ascertained.

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L.Cr.R. 57-3.2 Definition. A "complex" criminal case is defined in L.Cr.R. 7-3.A ~~"complex case" is a criminal case as defined in General Order 08-05 or any successor General Order.~~