



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE *from the* CLERK

Changes to the Local Rules Proposed to Become Effective June 1, 2014

The Court has preliminarily approved the amended Local Civil and Criminal Rules that accompany this notice. The proposed effective date for these amended rules is June 1, 2014. The proposed amended rules are posted on the Court's website, and include the following:

Local Civil Rules:

- 5-4.5 [Mandatory Chambers Copies]
- 7-12 [Failure to File Required Documents]
- 11-3.1.1 [Typeface]
- 11-3.9.3 [(Citations) Cases]
- 11-4.1 [(Copies) In General]
- 40-3 [(Continuances, Notice of Settlement) Failure to Comply – Sanctions]
- 45-1 [Motions Relating to Discovery Subpoenas]
- 83-2.3.2 [Motion for Withdrawal]

Local Criminal Rules:

- 44-1 [Withdrawal of Counsel]
- 49-1.2(b)(4) [(Documents Excluded from Electronic Filing) Criminal Duty Matters]

Members of the public are invited to submit comments on these amended rules. Comments may be submitted to <lr_publiccomments@cad.uscourts.gov> or in hard copy to Terry Nafisi, District Court Executive and Clerk of Court, 312 N. Spring Street, Room G-11, Los Angeles, California 90012. No facsimile transmissions will be considered.

All comments must be submitted no later than March 17, 2014. All timely received comments will be considered by the Court before final adoption of the rules.

Terry Nafisi
District Court Executive
February 14, 2014

All posted notices are also available on the Court's public website at www.cacd.uscourts.gov

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

New and Amended Local Civil Rules:

L.R. 5-4.5 Mandatory Chambers Copies. A “mandatory chambers copy” is an exact duplicate of an electronically filed document submitted in paper format directly to the assigned judge. Unless otherwise ordered by the assigned judge, one mandatory chambers copy of every electronically filed document must be delivered to the chambers of the assigned judge, or other designated location, no later than 12:00 noon on the following business day. Mandatory chambers copies must comply with L.R. 11-3, *et seq.* (*i.e.*, blue-backing, font size, page-numbering, tabbing of exhibits, etc.), unless otherwise directed by the assigned judge. Mandatory chambers copies must be prominently labeled MANDATORY CHAMBERS COPY on the face page. Mandatory chambers copies must be printed from CM/ECF, and must include: (1) the CM/ECF-generated header (consisting of the case number, document control number, date of filing, page number, etc.) at the top of each page; and (2) the NEF (see L.R. 5-3.2.1) as the last page of the document. The Court’s CM/ECF Website contains additional instructions by judges for delivery of mandatory chambers copies, including each judge’s designated delivery location, and any differences in the required number of copies or delivery deadline.

L.R. 7-12 Failure to File Required Documents. The Court may decline to consider any memorandum or other document not filed within the deadline set by order or local rule. The failure to file any required document, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion, **with the exception that a motion pursuant to Fed.R.Civ.P. 56 may not be granted solely based on the failure to file an opposition.**

L.R. 11-3.1.1 Font Typeface. Either a proportionally spaced or a monospaced **facefont** may be used. A proportionally spaced **facefont** must be **standard (e.g., non-condensed)** 14-point or larger, or as the Court may otherwise order. A monospaced **facefont** may not contain more than 10-1/2 characters per inch.

L.R. 11-3.9 Citations

...

L.R. 11-3.9.3 Cases. ~~Initial citation of any United States Supreme Court case shall include parallel citations to United States Reports, Lawyer's Edition, and Supreme Court Reporter. Federal Reporter, Federal Supplement or Federal Rules Decisions citations shall be used where available. Initial state court citations shall include both the official reports and any regional reporter published by West Publishing Company. California parallel citations may be limited to the official reports and California Reporter.~~ Citation to a U.S. Supreme Court case must be to the United States Reports, Lawyers' Edition, or Supreme Court Reporter if available. Citation to a case from any other federal court must be to the Federal Reporter, Federal Supplement, or Federal Rules Decisions if available. Citation to a state court case must be to the official state reporter or any regional reporter published by West Publishing Company if available. If a case is not available in the foregoing sources, but is available on an electronic database (e.g., LEXIS or Westlaw), citation to the case must include the case name, the database identifier, the court, the date of decision, any code or number used by the database to identify the case, and any screen or page numbers assigned.

L.R. 11-4 Copies

L.R. 11-4.1 In General.

L.R. 11-4.1.1 Electronically Filed Documents. Mandatory chambers copies of all electronically filed documents must be provided in accordance with L.R. 5-4.5. Unless otherwise ordered by the judge, all mandatory chambers copies must include the Notice of Electronic Filing (NEF) as the last page of the document, and must be blue-backed. The 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.

L.R. 11-4.1.2 Non-Electronically Filed Documents. All paper documents filed manually with the Clerk in paper format, including all exhibits to documents, ~~must shall be filed with~~ accompanied by one clear, conformed, and legible mandatory chambers copy, clearly

labeled as such, 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 assigned judge's orders or written procedures~~ **has otherwise 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.

- ~~(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.~~

L.R. 40-3 Failure to Comply—SanctionsLate Notification. In any civil case, ~~f~~Failure to comply with the provisions of L.R. 40-1 and ~~or~~ 40-2 may subject counsel **or the parties** to the following sanctions:

- (a) Payment of costs and attorneys' fees of an opposing party;
- (b) ~~Payment of one day's jury fees of the panel if one has been called for the trial~~ **Payment of reasonable charges reflecting the costs of compensating jurors for their unnecessary appearance**; and
- (c) Such other sanctions as may seem proper to the Court under the circumstances.

Notwithstanding compliance with L.R. 40-2, if counsel fails to inform the court clerk of settlement by 4 p.m. on the last business day prior to trial, the Court may assess counsel or the parties reasonable charges reflecting the costs of compensating jurors for their unnecessary appearance.

L.R. 45-1 Motions Relating to Discovery Subpoenas. Except with respect to motions transferred to this district pursuant to Fed. R. Civ. P. 45(f), L.R. 37 applies

to **all** motions relating to discovery subpoenas served on (a) parties and (b) non-parties represented by counsel.

L.R. 83-2.3.2 Motion for Withdrawal. An attorney may not withdraw as counsel except by leave of court. **A motion**~~An application~~ for leave to withdraw must be made upon written notice given reasonably in advance to the client and to all other parties who have appeared in the action. **The motion for leave to withdraw must be supported by good cause. Failure of the client to pay agreed compensation is not necessarily sufficient to establish good cause.**

New and Amended Local Criminal Rules:

L.Cr.R. 44-1. Withdrawal of Counsel. An attorney, whether appointed or retained, may not withdraw as counsel except by leave of court. A motion for leave to withdraw must be made upon written notice given reasonably in advance to the client and to all other parties who have appeared in the action. The motion for leave to withdraw must be supported by good cause. Failure of the client to pay agreed compensation is not necessarily sufficient to establish good cause.

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

...

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

(b) *Documents Excluded from Electronic Filing. . . .*

(4) *Criminal Duty Matters.* The following documents filed in criminal duty matters, before a case is assigned to a district judge, shall be filed with the Clerk in paper format rather than electronically:

(a) Applications for Pen Registers, Search Warrants, Seizure Warrants, Arrest Warrants, Wire Taps, Cell Site Information, Tracking Services, and other such ~~precharging~~ documents;

- (b) Bond-Related Documents; and
- (c) Under-Seal and In-Camera Documents.

All such 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 criminal intake e-mail box for 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.