LOCAL RULES OF THE UNITED STATES DISTRICT COURTS FOR THE NORTHERN AND SOUTHERN DISTRICTS OF IOWA

December __, 2026

N.D. Administrative Order Number 26-AO-000_-P
S.D. Administrative Order Number 26-AO-000_-P

TABLE OF CONTENTS

CIVIL RULES ..... 1~~1~~

LR 1 GENERAL PROVISIONS; EFFECTIVE DATE; SCOPE ..... 1~~1~~

a. Citation Form. ..... 1~~1~~
b. Effective Date. ..... 1~~1~~
c. Relationship to Prior Rules; Proceedings Pending on Effective Date. ..... 1~~1~~
d. Scope. ..... 1~~1~~
e. Modification of Local Rules by Presiding Judge. ..... 1~~1~~
f. Sanctions. ..... 1~~1~~
g. Court; Federal Judge; Magistrate Judge; Presiding Judge; State or Local Judicial Officer. 1~~1~~
    1. Court. ..... 1~~1~~
    2. Federal Judge. ..... 1~~1~~
    3. Presiding Judge. ..... 1~~1~~
    4. State or Local Judicial Officer. ..... 2~~2~~
h. Authority. ..... 2~~2~~
i. Web Addresses. ..... 2~~2~~
j. Computing Time. ..... 2~~2~~
k. ECF System. ..... 2~~2~~
l. Written Document. ..... 2~~2~~

LR 2 HEADQUARTERS OF DISTRICT AND OFFICIAL STATION OF CLERK OF COURT ..... 3~~3~~

a. Northern District. ..... 3~~3~~
    1. Headquarters of District. ..... 3~~3~~

Style Definition: Style1

Style Definition: TOC 1: Indent: Left: 0.07", Hanging: 0.3", Tab stops: 0.37", Left + 6.56", Right,Leader: ...

Formatted: Font color: Text 1

2. Official Station of Clerk of Court. 3
b. Southern District. 3
1. Headquarters of District. 3
2. Official Station of Clerk of Court. 3
LR 3 COMMENCING CIVIL CASES 4
a. How Filed. 4
b. Where Filed. 4
1. Northern District. 5
2. Southern District. 5
c. Pro Se Parties. 5
LR 5 CERTIFICATE OF SERVICE; ELECTRONIC DELIVERY OF DOCUMENTS; SEALED DOCUMENTS; IN CAMERA DOCUMENTS 6
a. Certificate of Service. 6
b. Email Delivery of Documents to Clerk of Court. 6
c. Filing Sealed Documents. 7
d. In Camera Documents. 8
LR 5A ELECTRONIC FILING AND ELECTRONIC ACCESS TO ECF SYSTEM 9
a. Authorization. 9
b. Electronic Filing Mandatory. 9
c. Pro Se Parties. 9
d. Electronic Filing, Service, and Docketing. 9
e. Documents Not to Be Electronically Filed or Maintained in ECF System. 11
f. Format of Electronic Filings. 11
g. Procedures for Filing Specific Types of Documents. 11
1. Documents Initiating Civil Cases. 11
2. Civil Summonses. 11
3. Documents Initiating Criminal Cases. 11
4. Briefs. 11
5. Documents that Require Leave of Court. 11
6. Proposed Orders. 12
7. Documents Prepared Under Penalty of Perjury. 12

8. Filings Totaling More Than 100 Pages in Length....12~~14~~
9. Administrative Records. ....12~~14~~
h. Signing of Electronic Filings....12~~14~~
i. Original Documents Retained by Lawyer or Party. ....13~~15~~
j. When Electronic Filings Can Be Made; Official Filing Date and Time. ....13~~15~~
k. Service of Documents Filed Electronically. ....13~~15~~
1. Electronic Service. ....13~~15~~
2. Service on Nonparticipants in ECF System. ....14~~16~~
l. Technical Failures....14~~16~~
1. Jurisdictional Filing Deadline. ....14~~16~~
2. Nonjurisdictional Filing Deadline....15~~17~~
m. Access to Public Electronic Case Files. ....15~~17~~
LR 7 MOTIONS AND OTHER REQUESTS FOR COURT ACTION ....16~~18~~
a. Motion. ....16~~18~~
b. Form of Motions and Filing Requirements. ....16~~18~~
c. Oral Argument. ....16~~18~~
d. Briefs on Motions. ....16~~18~~
e. Resistances to Motions. ....17~~19~~
f. Unresisted Motions. ....17~~19~~
g. Reply Briefs....17~~19~~
h. Length of Briefs. ....17~~19~~
i. Expedited Relief. ....18~~20~~
j. Motions to Continue or to Extend a Deadline. ....18~~20~~
k. Required Representation and Statement for Non-Dispositive Motions. ....18~~20~~
LR 7.1 DISCLOSURE STATEMENTS....19~~21~~
a. Plaintiff's Disclosure Statement. ....19~~21~~
b. Defendant's Disclosure Statement. ....19~~21~~
c. Intervenor's Disclosure Statement. ....19~~21~~
d. Disclosure Statement Form. ....19~~21~~
e. Conflicts List. ....20~~21~~

LR 10 FORM OF DOCUMENTS FILED WITH COURT; CITATIONS TO STATUTES; PERSONAL IDENTIFIERS ..... 21~~23~~
a. Size. ..... 21~~23~~
b. Form. ..... 21~~23~~
c. Documents Filed in Paper Form. ..... 21~~23~~
d. Captions. ..... 22~~24~~
e. Consolidated Cases. ..... 22~~24~~
f. Return of Copies by Mail. ..... 22~~24~~
g. Personal Data Identifiers. ..... 22~~24~~
1. Other personal identifying numbers, such as driver's license numbers; ..... 22~~24~~
LR 11 SIGNING OF FILINGS ..... 24~~26~~
LR 14 MOTIONS TO BRING IN THIRD PARTY ..... 25~~27~~
LR 15 MOTIONS TO AMEND PLEADINGS ..... 26~~28~~
LR 16 SCHEDULING ORDER AND DISCOVERY PLAN ..... 27~~29~~
a. Timing of Proposed Order and Plan. ..... 27~~29~~
b. Completion of Proposed Order and Plan. ..... 27~~29~~
c. Dismissal for Failure to Submit Timely Proposed Order and Plan. ..... 27~~29~~
d. Cases Not Subject to Requirement. ..... 27~~29~~
e. Scheduling Conference. ..... 28~~30~~
f. Requests for Extensions of Scheduling Order Deadlines. ..... 28~~30~~
g. Dispositive Motion Deadline. ..... 28~~30~~
h. Deadlines in Actions for Judicial Review Based on Administrative Record. ..... 28~~30~~
i. Sanctions. ..... 28~~30~~
LR 16A FINAL PRETRIAL CONFERENCE ..... 29~~31~~
a. Representation at Final Pretrial Conference. ..... 29~~31~~
b. Final Pretrial Conference Procedure. ..... 29~~31~~
c. Identification of Witnesses and Exhibits. ..... 29~~31~~
d. Pretrial Filings. ..... 29~~31~~
LR 23 CLASS AND REPRESENTATIVE ACTIONS; DERIVATIVE ACTIONS; ACTIONS RELATING TO UNINCORPORATED ASSOCIATIONS ..... 30~~32~~
a. Class and Representative Actions. ..... 30~~32~~

b. Derivative Actions. 30~~32~~
c. Actions Related to Unincorporated Associations. 30~~32~~
LR 26 PRETRIAL DISCOVERY AND DISCLOSURES 31~~33~~
a. Fed. R. Civ. P. 26(a)(1)(A): Initial Disclosures. 31~~33~~
b. Fed. R. Civ. P. 26(a)(2)(A) and (B): Disclosures of Expert Testimony. 31~~33~~
c. Fed. R. Civ. P. 26(a)(3)(A): Pretrial Disclosures. 31~~33~~
d. Fed. R. Civ. P. 26(f): Conference of Parties. 31~~33~~
e. Discovery Plan. 31~~33~~
f. Initial Disclosures, Expert Disclosures, and Discovery Materials Not Filed. 31~~33~~
LR 33 FORM OF INTERROGATORIES AND REQUESTS FOR ADMISSIONS 33~~35~~
LR 37 DISCOVERY DISPUTES – MOTIONS TO COMPEL 34~~36~~
a. Declaration Required. 34~~36~~
b. Attachments to Motions. 34~~36~~
c. Deadline for Motions to Compel. 34~~36~~
LR 41 DISMISSALS OF ACTIONS 35~~37~~
a. Involuntary Dismissals. 35~~37~~
b. Dismissal of Settled Cases. 35~~37~~
c. Notification by Clerk of Court. 35~~37~~
LR 43 INTERPRETERS 36~~38~~
LR 47 CONTACT WITH JURORS 37~~39~~
LR 48 CIVIL JURY 38~~40~~
a. Size. 38~~40~~
b. Unanimous Verdict. 38~~40~~
c. Stipulations. 38~~40~~
LR 51 JURY INSTRUCTIONS AND DELIBERATIONS 39~~41~~
a. Requested Jury Instructions. 39~~41~~
1. Caption. 39~~41~~
2. Table of Contents. 39~~41~~
3. Numbering. 39~~41~~
4. Authorities. 39~~41~~
5. Pattern Instructions. 39~~41~~

b. Jury Deliberations. 3941
1. Availability During Deliberations. 3941
2. Notification. 3941
LR 54 TAXATION AND PAYMENT OF COSTS 4042
a. Procedure for Taxation of Costs. 4042
1. District Court Before Appeal (Fed. R. Civ. P. 54(d)(1)). 4042
A. Completion of Forms. 4042
B. Bill of Costs Guidelines. 4042
C. Resistance to Taxation. 4042
D. Reply to Resistance. 4042
E. Taxation by Clerk of Court. 4042
F. Review. 4042
2. Costs on Appeal Taxable in Court (Fed. R. App. P. 39(e)). 4042
b. To Whom Payable. 4042
LR 54A ATTORNEY FEES 4143
a. Time and Content of Motions for Award of Attorney Fees. 4143
b. Equal Access to Justice Act. 4143
c. Appeals from Agency Determinations. 4143
LR 56 SUMMARY JUDGMENT 4244
a. Moving Party's Documents. 4244
b. Resisting Party's Documents. 4244
c. Unresisted Motion. 4345
d. Reply to Resisting Party's Documents. 4345
e. Appendices. 4345
f. Paper Copy of Summary Judgment Documents. 4446
g. Fed. R. Civ. P. 56(d) Continuance. 4446
h. Actions for Judicial Review Based on Administrative Record. 4446
LR 65 PRELIMINARY INJUNCTIONS AND TEMPORARY RESTRAINING ORDERS 4547
LR 67 DEPOSIT OF FUNDS WITH COURT 4648
a. Order Required for Deposit. 4648

LR 72 MAGISTRATE JUDGES ..... 47~~49~~
a. Scope of Duties – 28 U.S.C. § 636(b)(3) and (4). ..... 47~~49~~
b. Duties Under 28 U.S.C. § 636(a). ..... 47~~49~~
c. Determination of Non-Dispositive Pretrial Matters. ..... 47~~49~~
d. Recommendations Regarding Case-Dispositive Motions and Other Matters. ..... 48~~50~~
e. Prisoner Cases Under 28 U.S.C. §§ 2254 and 2255. ..... 49~~51~~
f. Prisoner Cases Under 42 U.S.C. § 1983. ..... 49~~51~~
g. Questionable Jurisdiction or Authority. ..... 49~~51~~
h. Special Master References. ..... 49~~51~~
i. Other Duties. ..... 49~~51~~
LR 72A APPEALS FROM RULINGS OF MAGISTRATE JUDGES IN CIVIL CASES ..... **52~~54~~**
LR 72B ALTERNATIVE DISPUTE RESOLUTION (ADR) ..... **53~~55~~**
a. Authorization of ADR. ..... 53~~55~~
b. Judicial Function. ..... 53~~55~~
c. Designation of Cases. ..... 53~~55~~
d. Conflicts. ..... 53~~55~~
e. Confidentiality. ..... 53~~55~~
f. Administration. ..... 54~~56~~
LR 73 CONDUCT OF TRIALS AND DISPOSITION OF CIVIL CASES BY MAGISTRATE JUDGES UPON CONSENT OF THE PARTIES – 28 U.S.C. § 636(c) ..... **55~~57~~**
LR 79 OFFICIAL COURT RECORD, DOCKETING AND TRANSCRIPTS ..... **56~~58~~**
a. Official Case Files. ..... 56~~58~~
b. Docket. ..... 56~~58~~
c. Transcripts. ..... 57~~59~~
LR 81 REMOVED ACTIONS ..... **58~~60~~**
a. Filings. ..... 58~~60~~
b. Scheduling Order and Discovery Plan. ..... 58~~60~~
c. Removing Party's Disclosure Statement. ..... 58~~60~~
d. Remaining Parties' Disclosure Statements. ..... 58~~60~~
e. Obligations of the Parties. ..... 59~~60~~

f. Pending Motions. 5961
LR 83 LAWYERS **6062**
a. Roll of Lawyers. 6062
b. Qualifications for Admission and Practice. 6062
c. Procedure for Admission and Proof of Qualifications. 6062
1. Applications. 6062
2. Open Court. 6062
3. Admission Fees. 6062
4. Oath of Admission. 6163
5. Annual Renewal Fee. 6163
A. Payment Required. 6163
B. Failure to Comply. 6163
6. Reinstatement. 6163
7. Attorney Status 6163
8. Certificates of Good Standing. 6264
9. Duty to Report Contact Information. 6264
d. Appearance and Withdrawal. 6264
1. Who May Appear Generally. 6264
2. Appearance in Criminal Case by Lawyer Who Is Not Member of Bar of District. 6264
3. Pro Hac Vice Admission. 6264
4. Associate Counsel Requirement. 6365
5. Form of Appearance. 6466
6. Withdrawal Procedure 6466
e. Courtroom Decorum. 6466
f. Rules of Conduct and Disciplinary Procedures 6567
1. Applicability of Iowa Rules of Professional Conduct. 6567
2. Lawyer Discipline. 6567
3. Disciplinary Proceedings. 6567
A. Payment of Expenses. 6567
B. Informal Disciplinary Proceedings. 6567
C. Formal Disciplinary Proceedings 6567

i. Investigation and Report. ..... 66~~68~~
ii. Determination by Chief Judge. ..... 66~~68~~
iii. Service ..... 66~~68~~
iv. Default ..... 66~~68~~
v. Proceedings after Answer. ..... 66~~68~~
vi. Delegation by Chief Judge. ..... 66~~68~~
4. Sealing of Documents. ..... 67~~69~~
5. Felony Conviction; Suspension or Disbarment in Another Court. ..... 67~~69~~
g. Dereliction of Counsel. ..... 67~~69~~
h. Law Student Practice. ..... 67~~69~~
1. Certification. ..... 67~~69~~
2. Supervision. ..... 67~~69~~
3. Compensation. ..... 67~~69~~
LR 83A JUDICIAL CONDUCT AND DISABILITY ..... 69~~71~~
LR 83B SETTLEMENT DEADLINE ..... 70~~72~~
a. General Costs. ..... 70~~72~~
b. Jury Costs. ..... 70~~72~~
LR 83C POSSESSION AND USE OF CAMERAS, RECORDING DEVICES, RADIO, TELEVISION, PHOTOGRAPHY, COMMUNICATION DEVICES, COMPUTERS, AND COURTHOUSE SECURITY ..... 71~~73~~
a. Prohibited Activities. ..... 71~~73~~
b. Computers, Cell Phones, and Other Portable Communication Devices. ..... 71~~73~~
c. Environs Defined. ..... 71~~73~~
d. Exception for Court Personnel and Court Reporters. ..... 71~~73~~
LR 83D OPENING STATEMENTS AND CLOSING ARGUMENTS ..... 72~~74~~
a. Opening Statement. ..... 72~~74~~
b. Closing Argument ..... 72~~74~~
LR 83E EXHIBITS ..... 73~~75~~
a. Marking of Exhibits. ..... 73~~75~~
b. Listing, Marking, and Disclosing Exhibits ..... 73~~75~~
c. Copies for Court. ..... 73~~75~~

d. Filing with Clerk of Court. 7375
e. Custody with Offering Party. 7375
f. Substitution of Photographs for Exhibits. 7476
g. Unsafe, Dangerous or Otherwise Prohibited Exhibits. 7476
h. Demonstrative Aids. 7476
LR 83F AVAILABILITY OF ELECTRONIC RECORDINGS 7577
LR 8001 BANKRUPTCY APPEALS 7678
a. Rules. 7678
b. Briefs. 7678
c. Lawyers. 7678
d. Electronic filing. 7678
e. Dismissal for Failure to Pay Fees. 7678
CRIMINAL RULES 7880
LCrR 1 GENERAL PROVISIONS; ~~SCOPE~~ 7880
a. Citation Form. 7880
b. Scope. 7880
c. Modification of Local Rules by Presiding Judge. 7880
d. Speedy Trials. 7880
e. Pro Hac Vice Admission. 7880
LCrR 3 COMPLAINTS 7981
a. Presentation. 7981
b. Personal Data Identifiers. 7981
c. How Filed. 7981
d. Lawyer for Government. 7981
e. Emergencies. 7981
LCrR 5 APPEAL AND RECONSIDERATION OF RELEASE AND DETENTION ORDERS 8082
a. Appeal of Release Orders and Detention Orders. 8082
b. Release Orders and Detention Orders Issued in Other Districts. 8082
c. Request for Reconsideration of Release Orders and Detention Orders. 8082
d. Caption. 8082

LCrR 6 GRAND JURY RETURNS 8183
a. Returns. 8183
b. Sealing of Indictments. 8183
LCrR 6A CONTACT WITH GRAND JURORS 8284
a. Contacts by Defendants or Witnesses. 8284
b. Contacts by Lawyers for Government. 8284
LCrR 7 INDICTMENTS OR INFORMATIONS 8385
a. Personal Data Identifiers in Indictment or Information. 8385
b. Superseding Indictment Changes. 8385
LCrR 10 WRITTEN ARRAIGNMENT, PLEA, AND WAIVER OF PERSONAL APPEARANCE FORM 8486
LCrR 11 PLEA HEARINGS 8587
a. Delivery of Plea Agreement to Court. 8587
b. Rule 11 Letter. 8587
LCrR 12 MOTION, NOTICE, AND REQUEST DEADLINES 8688
a. Deadlines for Non-Trial-Related Motions, Notices, and Requests. 8688
b. Deadlines After Continuance or Superseding Indictment. 8688
c. Deadlines for Trial-Related Motions. 8688
d. Motion Procedure. 8688
e. Untimely Motions. 8688
LCrR 16 DISCOVERY 8789
LCrR 16.1 DISCOVERY CONFERENCE 8890
LCrR 17 SUBPOENAS AND WRITS 8991
a. Delivery of Subpoenas to Marshal. 8991
b. Private Service of Process Not Authorized by Criminal Justice Act. 8991
c. Deadline for Delivering Writ of Habeas Corpus Ad Testificandum to Marshal. 8991
d. Deadline for Obtaining Approval of Subpoenas and Writs. 8991
LCrR 24 JURY SELECTION IN MULTI-DEFENDANT CRIMINAL CASES 9092
LCrR 28 INTERPRETERS 9193
a. Responsibility for Obtaining. 9193
b. List of Interpreters. 9193

c. Grand Jury. 9193
d. Confidentiality. 9193
e. Conflicts. 9193
f. Advice. 9193
g. Opinions. 9193
h. Notification by Clerk of Court. 9193
i. Certified Telephone Interpreters. 9193
LCrR 32 SENTENCING HEARINGS; DISCLOSURE OF CONFIDENTIAL RECORDS MAINTAINED BY UNITED STATES PROBATION OFFICE 9294
a. Sentencing Hearings. 9294
b. Disclosure of Confidential Records Maintained by United States Probation Office. 9294
1. Confidential Records. 9294
2. Petition Required. 9294
3. Subpoena or Other Judicial Process. 9294
LCrR 32A REVOCATION OF PROBATION OR SUPERVISED RELEASE HEARINGS 9395
a. Notice. 9395
b. List. 9395
c. Revocation Hearing. 9395
LCrR 41 SEARCH WARRANTS 9496
a. Presentation. 9496
b. Lawyer for Government. 9496
c. Emergencies. 9496
LCrR 47 RESISTANCES TO MOTIONS 9597
LCrR 55 CRIMINAL CASE FILES 9698
LCrR 57 RELEASE OF INFORMATION BY LAWYERS IN CRIMINAL CASES 9799
a. Impending Criminal Litigation. 9799
b. Pending Investigations. 9799
c. From Arrest Until Trial. 9799
1. Information Not to Be Released. 9799
2. Information That May Be Released. 98100

d. During Trial. ..... 98~~100~~

LCrR 57A RELEASE OF INFORMATION BY COURTHOUSE PERSONNEL IN CRIMINAL CASES ..... 99~~101~~

LCrR 57B EXHIBITS ..... 100~~102~~

a. Marking of Exhibits. ..... 100~~102~~

b. Filing with Clerk of Court. ..... 100~~102~~

c. Custody with Offering Party. ..... 100~~102~~

d. Substitution of Photographs for Exhibits. ..... 101~~103~~

e. Unsafe, Dangerous, or Otherwise Prohibited Exhibits. ..... 101~~103~~

f. Demonstrative Aids. ..... 101~~103~~

LCrR 58 SCHEDULE OF FINES ..... 102~~104~~

LCrR 59 APPEALS FROM RULINGS OF MAGISTRATE JUDGES IN CRIMINAL CASES ..... 103~~105~~

PATENT RULES

LPaR 1 SCOPE OF RULES 1

a. Citation Form 1

b. Scope and Construction 1

c. Modification of these Rules 1

d. Effective Date 1

LPaR 2 GENERAL PROVISIONS 1

a. Governing Procedure 1

1. Notice of Pendency of Other Action Involving Same Patent 1

2. Initial Case Management Conference 1

b. Confidentiality 2

c. Certification of Disclosures 2

d. Admissibility of Disclosures 2

e. Relationship to Federal Rules of Civil Procedure 2

LPaR 3 PATENT DISCLOSURES 3

a. Disclosure of Asserted Claims and Infringement Contentions 3

b. Document Production Accompanying Disclosure 3

c. Invalidity Contentions 4

d. Document Production Accompanying Invalidity Contentions 5

e. Disclosure Requirement in Patent Cases for Declaratory Judgment of Invalidity 5

Formatted: Space Before: 0 pt

1. Invalidity Contentions If No Claim of Infringement 5
2. Inapplicability of Rule 5
f. Amendment to Contentions 5
g. Advice of Counsel 6
h. Damages Contentions 6
i. Responsive Damages Contentions 6
j. Damages Contentions Meeting 7
LPaR 4 CLAIM CONSTRUCTION PROCEEDINGS 8
a. Exchange of Proposed Terms for Construction 8
b. Exchange of Preliminary Claim Constructions and Extrinsic Evidence 8
c. Joint Claim Construction and Prehearing Statement and Expert Reports 8
d. Completion of Claim Construction Discovery 8
e. Claim Construction Briefs 8
f. Claim Construction Hearing 8
g. Good Faith Participation 8

Formatted: Normal

Formatted: Font color: Text 1

CIVIL RULES

LR 1 GENERAL PROVISIONS; EFFECTIVE DATE; SCOPE

a. **Citation Form.** The local civil rules are to be cited as "LR ____." The local civil, criminal and patent ~~criminal~~ rules are referred to collectively herein as ~~the~~ "rules" or ~~the~~ "Local Rules."

b. **Effective Date.** The rules, as amended, take effect on __, 2026.

c. **Relationship to Prior Rules; Proceedings Pending on Effective Date.** These Local Rules supersede all previous rules promulgated by the Northern and Southern Districts of Iowa, and govern all proceedings brought in the Northern and Southern Districts of Iowa after the effective date. They also apply to all proceedings pending on the effective date, except to the extent that, in the opinion of the presiding judge, the application of these Local Rules would not be practicable or would work an injustice, in which event the judge may grant appropriate relief.

d. **Scope.** Except as otherwise provided or where the context so indicates, the local civil rules govern all civil and criminal proceedings in the Northern and Southern Districts of Iowa, to the extent they are not inconsistent with any statute or law of the United States, any rule or order of the Supreme Court of the United States having the force of law, or in a criminal case, if a local criminal rule indicates otherwise.

e. **Modification of Local Rules by Presiding Judge.** The Local Rules are subject to modification in any case at the discretion of the presiding judge.

f. **Sanctions.** A failure to comply with the Local Rules may be sanctioned by the court in any appropriate manner. Sanctions may include, but are not limited to, the exclusion of evidence, the prevention of witnesses from testifying, the striking of pleadings or other filings, the denial of oral argument, and the imposition of attorney fees and costs.

g. **Court; Federal Judge; Magistrate Judge; Presiding Judge; State or Local Judicial Officer.**

1. **Court.** The term "court," as used in the Local Rules, means a federal judge performing functions authorized by law.

2. **Federal Judge.** The term "federal judge," as used in the Local Rules, means a United States district ~~court~~ judge; a United States magistrate judge; any justice or judge of the United States as those terms are defined in 28 U.S.C. § 451; a judge confirmed by the United States Senate and empowered by statute in any commonwealth, territory, or possession to perform a function to which a particular Local Rule relates; and, to the extent the Local Rules are adopted as local bankruptcy rules, a United States bankruptcy judge.

3. **Presiding Judge.** The term "presiding judge," as used in the Local Rules, means a federal judge performing functions authorized by law in a matter assigned to that judge.

Formatted: Font color: Text 1

Formatted: LR, Indent: Left: 0"

4. **State or Local Judicial Officer.** The term "state or local judicial officer," as used in the Local Rules, means a state or local officer authorized to act under 18 U.S.C. § 3041.

h. **Authority.** When the Local Rules authorize a United States magistrate judge to act, a United States district ~~court~~ judge also may act.

i. **Web Addresses.** Forms, procedures, and additional information about the courts and their federal judges may be found at the following web addresses: *www.iand.uscourts.gov* for the Northern District, and *www.iasd.uscourts.gov* for the Southern District.

j. **Computing Time.** When a period of time is prescribed in or allowed by a Local Rule, computation of the period of time is governed by Federal Rule of Civil Procedure 6(a).

k. **ECF System.** The court's electronic case filing system is referred to in the Local Rules as the "ECF system."

l. **Written Document.** When the Local Rules require a document to be "written" or "in writing," those terms include both documents filed in paper form and documents prepared and filed electronically.

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

LR 2 HEADQUARTERS OF DISTRICT AND OFFICIAL STATION OF CLERK OF COURT

a. **Northern District.**

1. **Headquarters of District.** The headquarters of the district is in Cedar Rapids. The business of the district will be conducted at the federal courthouses in Cedar Rapids and Sioux City, and at other places that now or hereafter are designated by statute, subject to such pretermission or other control and direction of the Judicial Council as may be authorized.

2. **Official Station of Clerk of Court.** The official station of the Clerk of Court is in Cedar Rapids. Deputy Clerks, in such number as may be required and as may be appointed by the Clerk of Court with the approval of the court, will be stationed at court locations designated by the Clerk of Court.

b. **Southern District.**

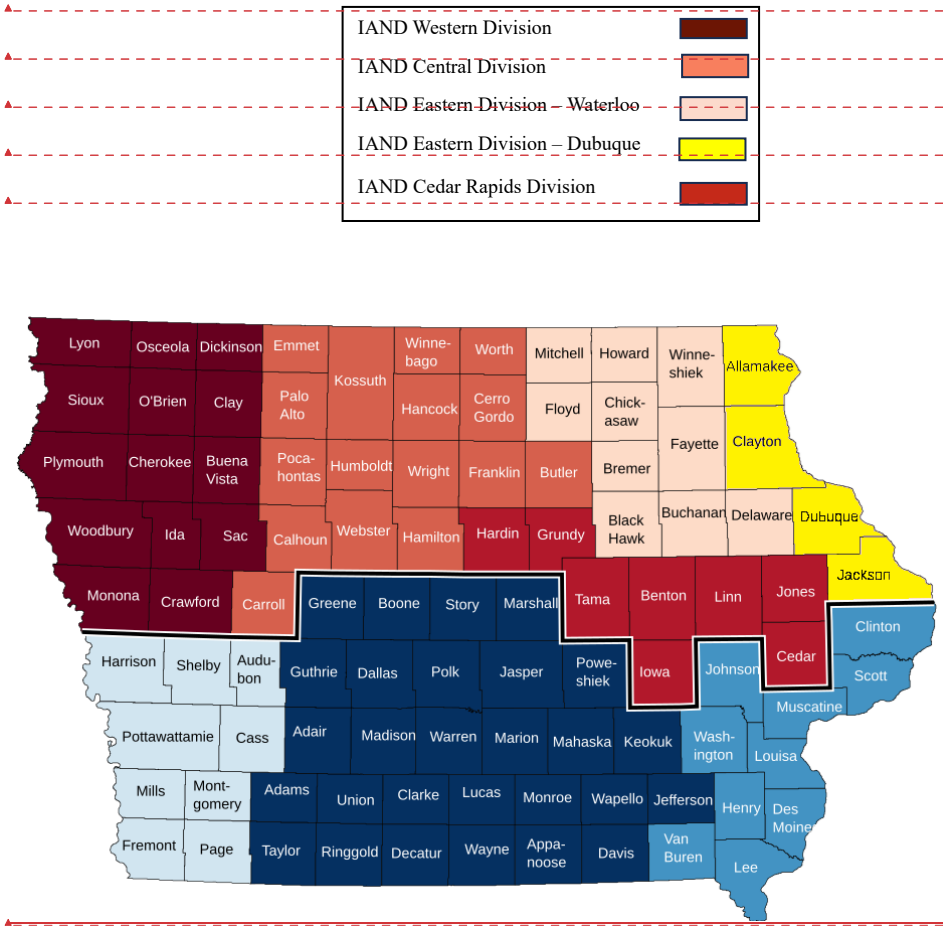
3.1. **Headquarters of District.** The headquarters of the district is in Des Moines. The business of the district will be conducted at the federal courthouses in Des Moines, Davenport, and Council Bluffs, and at other places that now or hereafter are designated by statute, subject to such pretermission or other control and direction of the Judicial Council as may be authorized.

4.2. **Official Station of Clerk of Court.** The official station of the Clerk of Court is in Des Moines. Deputy Clerks, in such number as may be required and as may be appointed by the Clerk of Court with the approval of the court, will be stationed at court locations designated by the Clerk of Court.

LR 3 COMMENCING CIVIL CASES

a. **How Filed.** Unless otherwise required or authorized by these rules or the Clerk of Court, all civil cases commenced in the court must be filed using the ECF system. (*See* LR 5A(g)(1)).

b. **Where Filed.** Civil cases must be commenced in the proper district and division of the court. (*See* attached map of divisions).



Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1

Civil cases filed electronically must be filed using the ECF system. Civil cases filed non-electronically should be filed in the following locations.

1. **Northern District.**

   A. Cedar Rapids Division and Eastern Division cases opened non-electronically ordinarily should be sent to the Clerk of Court's office in Cedar Rapids, but may be sent to the Clerk of Court's office in Sioux City; and

   B. Western Division and Central Division cases opened non-electronically ordinarily should be sent to the Clerk of Court's office in Sioux City, but may be sent to the Clerk of Court's office in Cedar Rapids.

2. **Southern District.** Cases opened non-electronically ordinarily should be sent to the Clerk of Court's office in Des Moines, regardless of the division, but may be sent to the Clerk of Court's offices in Davenport or Council Bluffs.

c. **Pro Se Parties.** Except in prisoner cases filed pursuant to 28 U.S.C. § 1915(a)(2), and cases filed under 28 U.S.C. §§ 2254 and 2255, the Clerk of Court will provide all pro se parties in civil cases with a copy of these Local Rules upon request. The most current version of these rules may be found on the courts' websites.

Pro se parties are responsible for informing the court promptly of any changes in their address, telephone number, and email address.

Formatted: Left

Formatted: Font: Not Bold, Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font: Not Bold, Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font: 12 pt, Font color: Text 1

Formatted: Space Before: 0 pt

Formatted: Font color: Text 1

Formatted: Right: 0", Tab stops: Not at 0.33"

LR 5 CERTIFICATE OF SERVICE; ELECTRONIC DELIVERY OF DOCUMENTS; SEALED DOCUMENTS; IN CAMERA DOCUMENTS

a. **Certificate of Service.** Where a certificate of service is required by Federal Rule of Civil Procedure 5(d)(1) or Federal Rule of Criminal Procedure 49(b)(1), the certificate must be filed promptly, and in any event, before any action is to be taken by the court or a party on any request made in the document being served. The certificate of service must show the time and manner of service, and it also must include one of the following:

1. A written acknowledgment of service by the party served;

2. A certification of service by a pro se party, or by a member of the bar of the court or his or her employee; or

3. A written declaration, subscribed under penalty of perjury pursuant to 28 U.S.C. § 1746, attesting to service by the person who served the documents.

The certificate of service may be included on the last page of the document being served.

b. **E-Mail Delivery of Documents to the Clerk of Court.** No document may be sent to the Clerk of Court for filing via email transmission unless express prior authorization to do so has been obtained from a representative of the Clerk of Court or from the court. A request for such authorization should be made only in an emergency situation.

Any document sent to the Clerk of Court for filing via email must include the following information:

1. The name, email address, and telephone number of the person transmitting the document;

2. The case number and title of the case in which the document is to be filed;

3. The name of the document; and

~~4. The number of pages being emailed; and~~

4. The name of the representative of the Clerk of Court or the ~~federal judge~~court who authorized the use of email to file the document ~~to be~~ emailed.

After a party has ~~sent~~ emailed a document to the Clerk of Court for filing ~~via~~ email, the Clerk of Court will file the document. The filing party must serve a copy of the document on all parties who are not participants in the ECF system. (*See* LR 5A(k)(2)).

~~c. Facsimile Delivery of Documents to the Clerk of Court. No document may be sent to the Clerk of Court for filing via facsimile transmission unless express prior authorization to do so has been obtained from a representative of the Clerk of Court or from the court. A request for such authorization should be made only in an emergency situation.~~

~~d.~~

Formatted: Font color: Text 1

~~e. Any document sent to the Clerk of Court for filing via facsimile transmission must be accompanied by a facsimile cover page which includes the following:~~

~~f.~~

~~g. The date of the transmission;~~

~~h.~~

~~i. The name, facsimile number, and telephone number of the person to whom the document is being transmitted;~~

~~j.~~

~~k. The name, facsimile number, and telephone number of the person transmitting the document;~~

~~l.~~

~~m. The case number and title of the case in which the document is to be filed;~~

~~n.~~

~~o. The name of the document;~~

~~p.~~

~~q. The number of pages being transmitted, including the cover page; and~~

~~r.~~

~~s. The name of the representative of the Clerk of Court or the federal judge who authorized the sending of the document via facsimile trans- mission.~~

~~t.~~

~~u. After a party has sent a document to the Clerk of Court for filing via facsimile transmission, the Clerk of Court will electronically file the document. The filing party must serve a copy of the document on all parties who are not participants in the ECF system. (See LR 5A(k)(2)).~~

~~c.~~

v.c. ~~F~~**Fi~~l~~ling Sealed Documents.** Unless otherwise authorized by these rules~~, the ECF Procedures Manual,~~ or a statute of the United States, a party seeking to file documents under seal first must file a motion requesting leave to do so. The documents sought to be filed under seal must **not** be attached to the motion or they will become part of the public case file. Instead, the documents must be described in the motion with sufficient particularity to enable the court to rule on the motion without reviewing the documents. Even if a protective order is in place, a party still must file a motion requesting leave to file documents under seal.

1. If an order is entered granting a motion to file documents under seal or directing a party to file documents under seal, then the ~~parties~~ party thereafter must, without obtaining a further

order from the court, ~~docket and~~ electronically file under seal all documents covered by the order. The ~~parties~~ party also must file under seal all documents referring to or disclosing confidential information in the sealed documents.

~~2.~~

~~3.~~

~~4.~~2. Certain categories of documents, because of their nature, are sealed by the ECF system without a motion by a party or an order of the court. Most of these "system-sealed" ~~filings~~ documents are in criminal cases. (A current list of system-sealed ~~filings~~ documents is available on the courts' websites). A party filing such a document must not file a motion for leave to file the document under seal, but must file the document under seal directly through the ECF system.

~~5.~~3. Generally, a document filed under seal is electronically accessible only to the court and counsel of record. Some documents filed under seal in civil and criminal cases are electronically accessible only to the court.

~~6.~~4. A document filed electronically under seal must include at the beginning of the document the caption of the case and the notation "FILED UNDER SEAL." A paper document submitted to the court for filing under seal must be delivered to the Clerk of Court in a sealed envelope marked with the caption of the case and the notation "FILED UNDER SEAL." If these requirements are not met, documents intended to be filed under seal could be filed in the public case file inadvertently.

w.d. **In Camera Documents.** Documents submitted to a judge for an in camera inspection must not be filed electronically, but must be delivered ~~in paper form~~ to the judge's chambers in a sealed envelope or via electronic means (such as email) bearing the case caption ~~of the case~~, the name of the party presenting the documents, and a statement that the documents are being submitted for an in camera review.

LR 5A ELECTRONIC FILING AND ELECTRONIC ACCESS TO ~~CASE FILES~~ECF SYSTEM

a. **Authorization.** The Clerk of Court is authorized and directed to do the following:

1. Maintain an electronic case file in the ECF system for all cases filed with the court, including civil, criminal, and magistrate cases;

2. Receive case filings into the ECF system by electronic transmission; and

3. Image documents filed in paper form into the ECF system.

The Clerk of Court also is authorized to assign a "Miscellaneous" case number to certain collateral filings.

Specific ~~rules, requirements, procedures, and limitations relating to electronic filing and electronic access to case files are set out in the ECF Procedures Manual. (See LR 1(l)). Additional~~ rules, requirements, procedures, and limitations may be set out in administrative orders issued by the court. ~~The ECF Procedures Manual and the a~~Administrative orders will be available from the Clerk of Court and will be posted on the courts' websites.

b. **Electronic Filing Mandatory.** All lawyers admitted to practice before the court, including lawyers admitted pro hac vice in civil cases and criminal cases (*see* LR 83(d)(3)), must register to participate in the ECF system, and must submit all documents to be filed with the court electronically unless otherwise required or authorized by these rules, ~~the ECF Procedures Manual,~~ the Clerk of Court, or by order of the court. Although the Clerk of Court will not refuse to accept a document submitted for filing non-electronically (*see* Fed. R. Civ. P. 5(d)(4) and Fed. R. Crim. P. 49(b)(5)), the court may strike or order the document not to be filed if filing non-electronically is not specifically authorized or required by these rules, ~~the ECF Procedures Manual,~~ the Clerk of Court, or the court.

Information on how to register in the ECF system and how to set up an account for the payment of fees ~~may be obtained from the Clerk of Court and also~~ is ~~posted~~ available on the courts' websites.

c. **Pro Se Parties.** All documents submitted to the Clerk of Court for filing by parties proceeding pro se must be in paper form. With respect to all such documents, if a party represented by a lawyer would have been required to file the document electronically under these rules, ~~or the ECF Procedures Manual,~~ then the Clerk of Court will scan and upload the document into the ECF system. Original documents will not be returned after filing. Pro se parties who desire to file documents electronically via email or the ECF system in a case in which they are a party may request permission to do so by filing a motion with the court requesting such relief. ~~Original documents will not be returned after filing.~~

d. **Electronic Filing, Service, and Docketing.** The electronic transmission of a document to the ECF system consistent with the procedures specified in these rules ~~and the ECF Procedures Manual~~, together with the production and transmission of a Notice of Electronic Filing ("NEF")

Formatted: Font color: Text 1

by the ECF system, constitutes filing of the document, service of the document on all persons who have appeared in the case and are ECF system registrants (unless alternative service of a sealed document is required), and entry of the document on the docket kept by the Clerk of Court.

e. **Documents Not to Be Electronically Filed or Maintained in ~~the Electronic Case File~~ECF System.** Except as noted below, unless otherwise required or authorized by these rules~~, the ECF Procedures Manual,~~ or the Clerk of Court, the following documents are not to be filed electronically, but must be filed in paper form.

1. ~~"Highly sensitive documents~~Any document that contains highly sensitive non-public information that is likely to be of interest to malicious actors. Administrative orders that address the procedures for the filing, service, and management of a highly sensitive document "HSD" may be found on the courts' websites.~~"~~

~~1.~~2. Any document the court orders not to be electronically filed or maintained in the ~~electronic case file~~ECF system. (For example, although there are no limitations on the page length of documents required by these rules to be filed electronically, the court, for good cause shown, may grant a party leave to file a lengthy document in paper form only). The Clerk of Court has the discretion to either scan and upload these documents into the ECF system or maintain the documents in a paper file, or both.

f. **Format of Electronic Filings.**

To be filed electronically, documents first must be converted to a format compatible with the requirements of the courts' computer system. To the extent possible, electronic filings also must conform with the requirements of Local Rule 10.

g. **Procedures for Filing Specific Types of Documents.**

1. **Documents Initiating Civil Cases.** A lawyer initiating a civil case in the court by either (A) filing an original action in the court, or (B) removing an action to the court, must open the case electronically through the ECF system.

2. **Civil Summonses.** When a new case is filed, the Clerk of Court will electronically provide to the plaintiff a signed summons bearing the court's seal.

3. **Documents Initiating Criminal Cases.** The United States Attorney's office must open criminal and magistrate cases through the ECF system ~~in the manner provided in the ECF Procedures Manual~~.

4. **Briefs.** A brief filed in support of a motion must be electronically attached under the same docket entry as the motion.

5. **Documents ~~Which~~ that Require Leave of Court.** If leave of court is required to file a document (for example, an amended complaint or an over-length brief), the document must be filed as an electronic attachment to the motion requesting permission from the court to file the document. If the court grants the motion, the Clerk of Court or the moving party will detach and ~~docket~~ file the document. This section does not apply to the filing of sealed documents, which is governed by Local Rule 5(c).

Formatted: Font color: Text 1

6. **Proposed Orders.** Where appropriate (for example, in the case of protective orders, orders for writs, orders for warrants for arrest in rem, and form orders), a proposed order may be electronically attached to a motion requesting entry of the order. However, proposed scheduling orders and discovery plans must be filed in compliance with Local Rule 16(b).

   A proposed order that contains personal data identifiers (*see* LR 10(g)) must not be electronically attached to a motion requesting entry of the order or the personal data identifiers will become part of the public case file.

7. **Documents Prepared Under Penalty of Perjury.** A sworn or unsworn declaration, verification, certificate, statement, oath, or affidavit prepared under penalty of perjury may be filed electronically, but the original paper version of any such document, bearing the original signature and any verification, must be maintained by the filer during the pendency of the case and for 5 years after the filing of the document, and must be filed promptly if ordered by the court or requested by another party.

8. **Filings Totaling More Than 100 Pages in Length.** If a motion, resistance, or reply, together with any supporting filings, totals more than 100 pages in length and is filed electronically, within 7 days after the document is filed, the filer must mail or deliver to the courthouse where the ~~Clerk of Court, for use by~~chambers of ~~the~~ presiding judge is located, a paper copy of the docketed motion, resistance, or reply, together with any supporting filings, reproduced on one side of the page, bound or fastened at the left margin, and tabbed to facilitate ready reference. (*See* LR 10(c)(3)).

9. **Administrative Records.** Where the court is asked to rule in a case based on an administrative record, such as a Social Security benefits case or a claim-review case brought under the Employee Retirement Income Security Act of 1974, the administrative record must be filed electronically, but within 7 days after the administrative record is filed, the filer must mail or deliver to the courthouse where the presiding judge is located~~deliver to the Clerk of Court, for use by the presiding judge~~, a paper copy of the administrative record. For good cause shown, a party may request leave to file a lengthy administrative record in paper form only.

h. **Signing of Electronic Filings.** An authorized filing made through a person's electronic filing account, together with the person's name on a signature block constitutes the person's signature for purposes of Local Rule 11 and the applicable Federal Rules of Civil, Criminal, and Appellate Procedure. All documents filed electronically must have the filer's name stated in a signature block, with an imaged signature or an "/s/" in the place of the filer's signature.

   All electronic filings are presumed to have been made by the person or party whose login name and password have been used to make the electronic filing. No lawyer may knowingly cause or permit the lawyer's login or password to be utilized by anyone other than the lawyer or an authorized employee of the lawyer's law office. If a pro se party obtains court approval to participate in the ECF system, the pro se party must not knowingly cause or permit the pro se party's login or password to be utilized by any other person.

Formatted: Font color: Text 1, Not Expanded by / Condensed by

~~i. If a login or password is lost, misappropriated, or misused, the person who owns the login name and password must notify the Clerk of Court promptly of the loss, misappropriation, or misuse. The court may cancel the login and password of any person responsible for the loss, misappropriation, or misuse of a login or password, or not allow that person to participate further in the ECF system.~~

j.i. **Original Documents Retained by Lawyer or Party.** The electronic filer of a document that contains the signature of a non-lawyer or has potential evidentiary value in a case must maintain possession of the original paper version of the document during the pendency of the case and for 5 years after the filing of the document.

A lawyer or a party who disputes the authenticity of a signature on an electronically-filed document must file an objection to the signature within 14 days after the lawyer or party receives the NEF. If no timely objection is filed, the court will presume the signature to be authentic.

k.j. **When Electronic Filings Can Be Made; Official Filing Date and Time.** Unless contrary to the specific requirements of these rules or an order of the court, an electronic filing can be made on any day of the week, including holidays and weekends, and at any time of the day or night. The NEF generated by the ECF system when the document is filed ~~and docketed~~ will record the date and time of the filing of the document in local time for the State of Iowa. This date and time will be the official filing date and time of the document regardless of when the filer actually transmitted the document to the Clerk of Court or the party.

Emailing a document to the Clerk of Court or to the court does not constitute "filing" of the document. A document is not filed electronically for purposes of the Federal Rules of Civil, Criminal, or Appellate Procedure until the ECF system generates a NEF for the document.

~~l.~~k. **Service of Documents Filed Electronically.**

1. **Electronic Service.** Electronic service through the ECF system is hereby authorized pursuant to Federal Rule of Civil Procedure 5(b)(2)(E) and Federal Rule of Criminal Procedure 49(a)(3). ~~A registration form signed by a person registering for the ECF system~~ An electronic registration request for access to the ECF system constitutes a request for, and consent to, electronic service of court orders and judgments and documents filed electronically by other parties. Electronic service of documents will be by ~~electronic notice~~NEF to the recipient's email address i~~o~~n the ECF system.

   When a document is filed electronically, it will be served electronically through the ECF system on all persons who have appeared in the case and are ECF system registrants. No other service on such persons is required. Electronic service of a document is complete when a NEF for the document is produced and transmitted by the ECF system. Electronic service is not effective, however, if the filer learns that the NEF did not reach the person to be served.

Because sealed documents in the ECF system are not accessible or viewable electronically, service of sealed documents cannot be accomplished through the ECF system. A party must serve a sealed document filed in the ECF system by other appropriate means as provided by the Federal Rules of Procedure. Administrative orders that address the procedures for the filing of, access to, service of, and management of sealed documents may be found on the courts' websites.

2. **Service on Nonparticipants in ~~the~~ ECF System.** Electronic filers are responsible for serving parties who are not participants in the ECF system in the manner required by Federal Rule of Civil Procedure 5(b)(2)(A), (B), (C), (D), or (F) or Federal Rule of Criminal Procedure 49(a)(4).

~~m.~~l. **Technical Failures.**

1. **Jurisdictional Filing Deadline.** Some deadlines in the Federal Rules of Civil, Criminal, and Appellate Procedure are jurisdictional and cannot be extended. (*See, e.g.*, Fed. R. Civ. P. 6(b)(2)). It is the filer's responsibility to ensure, by whatever means necessary, that a document is filed timely to comply with a jurisdictional deadline~~s~~. A technical failure, including a failure of the ECF system, will not excuse the filer from compliance with a jurisdictional deadline.

2. **Nonjurisdictional Filing Deadline.** If a filer is unable to meet a nonjurisdictional filing deadline because of a technical failure, the filer must file the document using the earliest available electronic or non-electronic means. The filing of the document will be accepted by the court as timely unless the presiding judge determines that the untimely filing of the document should not be excused.

n.m. **Access to Public Electronic Case Files.** Any person may access the court's public electronic case files. To do so from a location outside the Clerk of Court's office, the person first must obtain a password and an account from PACER for the payment of fees. Access to public electronic case files is subject to the payment of fees as authorized by the Judicial Conference of the United States Courts. Information about ~~public~~ access to public electronic case files is available on the courts' websites.

In each staffed courthouse in the district, the Clerk of Court will maintain at least one public access terminal from which the court's public electronic case files may be accessed by members of the public at no charge. Conventional and certified copies of documents filed electronically may be purchased at the Clerk of Court's office during business hours. The fees for copying and certification will be as established by the Judicial Conference of the United States Courts.

Formatted: Font color: Text 1

LR 7 MOTIONS AND OTHER REQUESTS FOR COURT ACTION

a. **Motion.** The term "motion," as used in the Local Rules, includes any application or request for court action.

b. **Form of Motions and Filing Requirements.**

1. All motions must be in writing (*see* LR 1(m)) and must be served upon all other parties.

2. A motion must contain citations to all statutes or rules under which the motion is being made.

3. A brief must be filed as an electronic attachment to the motion it supports under the same docket entry as the motion. If a brief is not filed on the same day as the motion it supports, it may be stricken by the court as untimely.

4. If a motion is premised upon a Federal Rule of Civil or Criminal Procedure that permits consideration of facts not appearing of record, then the moving party must electronically attach to the motion, and file under the same docket entry as the motion, any affidavits, other sworn materials, photographs, or documentary evidence upon which the moving party relies.

c. **Oral Argument.** A motion will be decided without oral argument unless the court orders otherwise. A request for oral argument must be noted separately in both the caption and the conclusion of the motion or resistance to the motion, and must be supported by a showing of good cause.

d. **Briefs on Motions.** For every motion, the moving party must prepare a brief containing a statement of the grounds for the motion and citations to the authorities upon which the moving party relies.

No brief is required for the following motions:

1. To amend a scheduling order and discovery plan;

2. To extend a deadline or continue any proceeding before the court;

3. For permission to file a brief longer than the length prescribed in the Local Rules;

4. For appointment of a next friend or guardian ad litem;

5. To compel discovery responses when no responses have been made (but the moving party~~ant~~ must comply with the requirements of Local Rule 37);

6. To substitute or withdraw counsel;

7. To substitute a party;

8. To amend or supplement a motion, brief, or other document (except as to contested motions to amend a pleading under Local Rule 15); or

9. To seal documents.

e. **Resistances to Motions.** Each party resisting a motion must, within 14 days after the motion is served, file a resistance in the form of a brief containing a statement of the grounds for resisting the motion and citations to the authorities upon which the resisting party relies, except a resistance to a motion for summary judgment must be filed in accordance with the deadline and procedures prescribed in Local Rule 56.

If the resistance requires the consideration of facts not appearing of record and the applicable Federal Rule of Civil or Criminal Procedure permits consideration of facts not appearing of record, the resisting party must electronically attach to the resistance, and file under the same docket entry as the resistance, any affidavits, other sworn materials, photographs, or documentary evidence upon which the resisting ~~moving~~ party relies.

A resistance to a motion may not include a separate motion or a cross-motion by the responding party. Any separate motion or cross-motion must be filed separately as a new motion.

If a motion appears to be noncontroversial, or if circumstances otherwise warrant, the court may elect to rule on a motion without waiting for a resistance or response. Any party may, within 7 days after any such order is entered, file a motion for reconsideration of the order.

f. **Unresisted Motions.** If no timely resistance to a motion is filed, the motion may be granted without notice. If a party does not intend to resist a motion, the party is encouraged to file promptly a statement indicating the motion will not be resisted.

g. **Reply Briefs.** Ordinarily, reply briefs are unnecessary, and the court may elect to rule on a motion without waiting for a reply brief. However, the moving party may, within 7 days after a resistance to a motion is served, file a reply brief, not more than 5 pages in length, to assert newly-decided authority or to respond to new and unanticipated arguments made in the resistance. In the reply brief, the moving party must not reargue points made in the opening brief. A reply brief may be filed without leave of court.

h. **Length of Briefs.** Except for trial briefs, briefs on the merits in Social Security benefits cases, and briefs supporting or resisting habeas corpus applications, a brief may not be more than 20 pages in length unless some other page limitation is specifically prescribed in the Local Rules. A t~~T~~able of c~~C~~ontents, t~~T~~able of ~~A~~authorities, ~~and/or~~ signature block, and/or certificate of service is not counted in the page limit.

A party may request leave to file a brief longer than the length prescribed in the Local Rules by filing a motion containing a statement demonstrating good cause for the proposed length. The brief must be electronically attached to the motion and filed under the same docket entry, and if the motion is granted, the Clerk of Court or the moving party will detach and ~~docket~~ file the brief.

i. **Expedited Relief.** A request for expedited relief must appear in the caption of the document and must be supported by good cause. Counsel must alert the assigned federal judge that expedited relief is being requested by contacting the judge's chambers by ~~phone or~~ email.

j. **Motions to Continue or to Extend a Deadline.** A motion to continue a scheduled matter, or to extend a deadline, must include the following information:

   1. The existing date or deadline sought to be continued or extended;

   2. The new date or deadline requested;

   3. Whether the scheduled matter or deadline has been continued or extended previously, and if so, **(a)** the original date or deadline, **(b)** the number of times the scheduled matter or deadline has been continued or extended previously, and **(c)** how many of the previous continuances or extensions were at the mov~~ant~~ing party's request;

   4. All other existing court-imposed deadlines; and

   5. The date of any scheduled final pretrial conference and trial.

k. **Required Representation and Statement ~~of Other Parties' Positions in~~for Non-Dispositive Motions.** All non-~~-~~dispositive motions must contain a representation that counsel for the moving party personally has conferred in good faith with counsel for all other parties and any pro se parties concerning the motion, and a statement of whether or not the other parties consent to the motion. Non- dispositive motions include, inter alia: **(1)** motions to continue a scheduled matter or to extend a deadline; **(2)** motions to amend pleadings; **(3)** motions to add or substitute parties; and **(4)** motions for remand in Social Security appeals pursuant to sentence six of 42 U.S.C. § 405(g). If the moving party has not conferred with another party, the motion must contain a description of the efforts made to consult with the party and an explanation of why the efforts were unsuccessful.

LR 7.1 DISCLOSURE STATEMENTS

a. In addition to those statements required to be filed pursuant to Federal Rule of Civil Procedure 7.1, a non-governmental party or intervenor who is not a natural person must file a disclosure statement, which must include:

a. ~~Plaintiff's Disclosure Statement. Within 21 days after a civil complaint is filed, each nongovernmental plaintiff that is not a natural person must file with the Clerk of Court a disclosure statement form containing the following:~~

1. The names of all associations, firms, partnerships, corporations, and other artificial entities that either are related to the party or intervenor~~plaintiff~~ as a parent, subsidiary, member or otherwise, or have a direct or indirect pecuniary interest in the plaintiff's outcome in the case; and

2. With respect to each such entity, a description of its connection to or interest in the litigation.

b. ~~D~~The disclosure statement must be filed within 21 days from the non-governmental party or intervenor's first filing or entry of appearance in the case~~efendant's Disclosure Statement. Within 2130 days after the first responsive pleading service of a civil complaint on a nongovernmental defendant that is not a natural person, each nongovernmental such defendant must file with the Clerk of Court a disclosure statement containing the following:~~

~~1. Added to The names of all associations, firms, partnerships, corporations, and other artificial entities that either are related to the defendant as a parent, subsidiary, or otherwise, or have a direct or indirect pecuniary interest in the defendant's outcome in the case; and~~

~~2. With respect to each such entity, a description of its connection to or interest in the litigation.~~

c. ~~Intervenor's Disclosure Statement. Concurrently with the filing of a request to intervene, each nongovernmental intervenor that is not a natural person must file with the Clerk of Court a disclosure statement containing the following:~~

~~1. The names of all associations, firms, partnerships, corporations, and other artificial entities that either are related to the intervenor as a parent, subsidiary, or otherwise, or have a direct or indirect pecuniary interest in the intervenor's outcome in the case; and~~

~~2.~~3. ~~With respect to each such entity, a description of its connection to or interest in the litigation~~

b. Disclosure Statement Form~~s~~. ~~The~~ A disclosure statement form is available on the courts' websites. The disclosure statement form is designed to enable the involved federal judges to evaluate possible bases for disqualification or recusal.

Formatted: Font color: Text 1

Formatted: Style1, Indent: Left: 0.25"

d.l. **c. Conflicts List.** After entering an appearance in a pending civil case, the lawyers for the parties must determine promptly if a presiding judge has filed a conflicts list with the Clerk of Court by doing one of the following:

~~1.~~ 1.Inspecting the conflicts information on the courts' websites; or

~~2.~~ 2.Inquiring of the Clerk of Court of the district.

If a conflicts list for the presiding judge has been filed with the Clerk of Court, the lawyer must review the list and notify the Clerk of Court immediately if it appears a presiding judge may have a conflict with any association, firm, partnership, corporation, or other artificial entity either related to any party or having a pecuniary interest in the case.

LR 10 FORM OF DOCUMENTS FILED WITH ~~THE~~ COURT; CITATIONS TO STATUTES; PERSONAL IDENTIFIERS

a. **Size.** All documents filed with the court in paper form must be on 8.5 inch x 11 inch size paper. All electronic filings must be similarly formatted.

b. **Form.** All documents filed with the court must be in the following form:

~~1. Double spaced;~~

~~2.~~1. Printed on only one side of the page~~; and~~.

2. Have ~~a~~ top margin, bottom margin, and side margins of at least 1 inch on each page.

3. Double spaced.

~~3.~~4. Font size 12.

~~A brief more than 10 pages in length must include, on the first page, a subject matter table of contents.~~

5. Footnotes must be in the same font size as the rest of the document.

6. A brief more than 10 pages in length must include, on the first page, a subject matter table of contents.

~~4.~~7. Documents more than 1 page in length must be numbered at the bottom of each page.

~~Documents more than 1 page in length must be numbered at the bottom of each page.~~ Exhibits included in an appendix or attached to a pleading, motion, or brief must be imaged or reproduced in a clear, legible, and high-quality form.

c. **Documents Filed in Paper Form.** To facilitate electronic imaging, a document filed non-electronically must be mailed or delivered to the courthouse where the presiding judge is located ~~delivered to the Clerk of Court~~ with no tabs, staples, or permanent clips, but may be organized with paperclips, clamps, or some other type of temporary fastener, and/or ~~delivered~~ placed ~~to the Clerk of Court~~ in an expandable file folder, except as follows:

1. Transcripts may be bound.

2. Copies of exhibits may be provided to the court in a notebook.

3. If a motion, resistance, or reply, together with any supporting filings, totals more than 100 pages in length and is filed electronically, within 7 days after the document is filed, ~~the filer~~ the filer must mail or deliver to the courthouse where the presiding judge is located~~must deliver to the Clerk of Court, for use by~~chambers of ~~the presiding judge~~, a paper copy of the motion, resistance, or reply, together with any supporting filings, reproduced on one side of the page, bound or fastened at the left margin, and tabbed to facilitate ready reference.

Formatted: Font color: Text 1

Formatted: Font: Bold, Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font: Bold, Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font: Not Bold, Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font: Not Bold, Font color: Text 1

Formatted: Font color: Text 1

d. **Captions.** Captions of filings must include the district and division in which the case is filed, the case number, the names of the litigants in the manner prescribed in Federal Rule of Civil Procedure 10(a), ~~and~~ a designation of the content, and ~~must specify clearly~~specification of the party filing the document.

e. **Consolidated Cases.** If 2 or more cases have been consolidated, the caption on all filings in the cases must be in the name of the lead case, but also must include the case numbers of all other member cases. If 2 or more cases have been consolidated for pretrial purposes only, the caption on all filings in the cases must include the full captions of all member cases.

f. **Return of Copies by Mail.** If a party requests that a copy of a document filed in paper form be returned by mail, the party must deliver to the Clerk of Court a self-addressed, stamped envelope, with proper postage, and large enough to accommodate the requested copy.

g. **Personal Data Identifiers.** Unless otherwise permitted or required by law, a party filing a document containing personal data identifiers shall~~should~~, unless the document is filed under seal, modify or partially redact the document to prevent disclosure of the identifiers. (*See* Fed. R. Civ. P. 5.2(a)). Personal data identifiers include the following:

1. Social Security numbers;
2. Dates of birth;
3. Names of minors (anyone under the age of 18);
4. Financial account numbers; and
5. Taxpayer identification numbers.

By way of example, and not limitation, if the Social Security number of an individual must be included in a document, only the last four digits of that number should be used. If an individual's date of birth is necessary, only the year should be used. If a minor must be mentioned, only that minor's initials should be used. If financial account numbers are relevant, only incomplete numbers should be recited in the document.

In addition, parties should exercise caution when filing unsealed documents that contain the following information:

~~6.~~1. **Other personal identifying numbers, such as driver's license numbers;**

~~7.~~2. Information concerning medical treatment or diagnosis (which includes mental health and substance abuse information);

~~8.~~3. Employment history;

~~9.~~4. Personal financial information;

~~10.~~5. Proprietary or trade secret information;

~~11.~~6. Information concerning a person's cooperation with the government;

~~12.~~7. Information concerning crime victims;

~~13.~~8. Sensitive security information;

~~14.~~9. Home addresses;

~~15.~~10. Telephone numbers; and

~~16.~~11. Email addresses.

It is the responsibility of counsel and the parties to assure that appropriate redactions from documents have been made before they are filed; the Clerk of Court will not review filings to determine whether such redactions have been made and will not redact information that should have been redacted by a party.

LR 11 SIGNING OF FILINGS

A filing must be signed by the party on whose behalf the filing is made or, if the party is represented by a lawyer, by the lawyer for the party. The following information about the person signing the filing, if applicable, must appear under the person's signature:

a. Name;

b. Law firm;

c. Mailing address;

d. Telephone number; and

    i) Email address.

Electronic signatures must conform with the requirements of Local Rule 5A(h). If more than one lawyer has appeared on behalf of a party, the filing must identify the lawyer who is lead counsel.

Lawyers are responsible for updating this information promptly on the ECF system. Pro se parties are responsible for informing the court of any changes in this information.

LR 14 MOTIONS TO BRING IN THIRD PARTY

A party moving to bring in a third party pursuant to Federal Rule of Civil Procedure 14(a) must electronically attach to the motion and file under the same docket entry the proposed pleading bringing in the third party. If the motion is granted, the Clerk of Court or the moving party will detach and ~~docket~~ file the proposed pleading, and the Clerk of Court will prepare and deliver to the moving party a signed summons bearing the court's seal.

Formatted: Font color: Text 1

LR 15 MOTIONS TO AMEND PLEADINGS

A party moving to amend or supplement a pleading pursuant to Federal Rule of Civil Procedure 15(a)(2) or 15(d) must describe in the motion the changes sought, and must electronically attach to the motion and file under the same docket entry the proposed amended or supplemented pleading. Counsel should give consideration to also filing a red-lined version of the amended pleading to highlight significant proposed changes for the ease of the court and opposing counsel. An amended or supplemented pleading, whether filed as a matter of course pursuant to Federal Rule of Civil Procedure 15(a)(1) or as an electronic attachment to a motion, must not, except by leave of court, incorporate any prior pleading by reference, but must reproduce the entire new pleading. If a motion to amend or supplement a pleading is granted, the Clerk of Court or the moving party will detach and ~~docket~~ file the proposed pleading.

Because an amended complaint or petition nullifies and voids the prior ~~complaint or petition~~pleading, any pending motion to dismiss will automatically be deemed moot upon the filing of an amended complaint or petition.

Formatted: Font color: Text 1

LR 16 SCHEDULING ORDER AND DISCOVERY PLAN

a. **Timing of Proposed Order and Plan.** Within ~~90~~ 75 days after the filing of the complaint or ~~60~~ 45 days after the filing of a notice of removal (*see* LR 81(b)), all attorneys of record and all unrepresented parties must submit for approval by a magistrate judge a proposed Rule 16(b) and 26(f) scheduling order and discovery plan.

   The parties must confer to complete the proposed scheduling order and discovery plan as soon as practicable, but at least 14 days before the proposed scheduling order and discovery plan is due.

b. **Completion of Proposed Order and Plan.** The attorneys of record and all unrepresented parties who have appeared in the case are jointly responsible for preparing a proposed scheduling order and discovery plan. The proposed scheduling order and discovery plan must be prepared using the form supplied by the Clerk of ~~Court, and~~Court and must contain all of the information requested in the form. The form may be downloaded from the courts' websites. The completed form must be filed.

c. **Dismissal for Failure to Submit Timely Proposed Order and Plan.** The failure to submit timely a proposed scheduling order and discovery plan may result in dismissal of the case.

d. **Cases Not Subject to Requirement.** A proposed scheduling order and discovery plan must be submitted in all civil cases, except for the following:

   1. An action for judicial review based on an administrative record, such as a Social Security benefits case (*see* the Supplemental Rules for Social Security Actions under 42 U.S.C. § 405(g)) or a claim-review case brought under the Employee Retirement Income Security Act of 1974 (*see* L~~ocal R~~~~ule~~ 16(h));
   2. A petition, application, or motion for habeas corpus, or other proceeding to challenge a criminal conviction or sentence;
   3. An action brought without counsel by a person in custody of the United States, a state, or a state subdivision;
   4. An action to enforce or quash an administrative summons or subpoena;
   5. An action by the United States to recover benefit payments;
   6. An action by the United States to collect on a student loan guaranteed by the United States;
   7. A proceeding ancillary to proceedings in other courts;
   8. An action to enforce an arbitration award;
   9. A foreclosure or civil forfeiture action filed by the United States;
   10. An IRS summons enforcement action; and
   11. Any other class of cases so designated by order of the court.

Formatted: Font color: Text 1

Formatted: Font: Italic, Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font: Italic, Font color: Text 1

Formatted: Font color: Text 1

e. **Scheduling Conference.** After reviewing the proposed scheduling order and discovery plan, the magistrate judge may issue the Rule 16(b) and 26(f) scheduling order and discovery plan, either as submitted or with revisions, or may set a scheduling conference. Nothing in this rule precludes the parties from requesting a scheduling or planning conference with the magistrate judge at any time.

f. **Requests for Extensions of Scheduling Order Deadlines.** A motion to extend a scheduling order deadline must demonstrate good cause for the requested extension and also must contain the following:

   1. A description of the discovery not completed;

   2. A description of the discovery that has been completed;

   3. An explanation of why all discovery cannot be completed by the existing deadline;

   4. A statement of when discovery will be completed; and

   5. The current trial date and a statement of whether the moving party believes the requested extension will affect any scheduled trial date.

g. **Dispositive Motion Deadline.** The deadline in the proposed scheduling order and discovery plan for filing dispositive motions must be at least 150 days before the proposed ready-for-trial date. Any request to extend a dispositive motion deadline must ensure 150 days remain between the new dispositive motion deadline and the scheduled trial date.

h. **Deadlines in Actions for Judicial Review Based on Administrative Record.** In actions for judicial review based on an administrative record, such as claim-review cases brought under the Employee Retirement Income Security Act of 1974, within 90 days after the filing of the complaint, all attorneys of record and all unrepresented parties must confer and submit to the Clerk of Court for approval by a magistrate judge a proposed scheduling order setting forth deadlines for the filing of the administrative record and briefs. This section does not apply to Social Security benefits cases, which are governed by the Supplemental Rules for Social Security Actions under 42 U.S.C. § 405(g). ~~, which are scheduled by the court.~~

i. **Sanctions.** The failure to comply with a deadline established in the Rule 16(b) and 26(f) scheduling order and discovery plan may result in sanctions, including the exclusion of evidence, the prevention of witnesses from testifying, the striking of pleadings or other documents, the denial of oral argument, and the imposition of attorney fees and costs.

LR 16A FINAL PRETRIAL CONFERENCE

a. **Representation at Final Pretrial Conference.** Each party not proceeding pro se must be represented at any final pretrial conference by a lawyer who will participate in the trial, is familiar with the facts of the case, and has full authority to act on behalf of the party. All pro se parties also must appear.

b. **Final Pretrial Conference Procedure.** If a final pretrial conference is ordered in a civil case, the following procedures will apply. Before the final pretrial conference, any unrepresented parties and counsel for all represented parties must confer to prepare and sign a proposed final pretrial order in the form, which is available on the courts' websites. If the plaintiff is represented, the plaintiff's counsel has the responsibility for initiating the conference to prepare the proposed final pretrial order, but if the plaintiff is proceeding pro se, the lawyer for the defendant must initiate the conference. All parties have a duty to ensure the proposed final pretrial order is prepared properly. The proposed final pretrial order must be submitted to the court at least 3 days before the date of the final pretrial conference. With prior permission from the federal judge holding the final pretrial conference, the conference may be conducted by telephone, but only when the parties have submitted to the court, at least 3 days before the date of the conference, the following: (1) a fully and properly completed proposed final pretrial order; and (2) a request for a telephonic final pretrial conference. When listing witnesses in the proposed final pretrial order, the parties should exercise caution about personal data identifiers. (*See* LR 10(g)).

c. **Identification of Witnesses and Exhibits.** The pretrial disclosure of witnesses and exhibits required by Local Rule 83E and Federal Rule of Civil Procedure 26(a)(3)(A) must be served at least 21 days before the final pretrial conference. These disclosures should not be filed.

d. **Pretrial Filings.** Trial briefs, proposed voir dire questions, statement of the case, and proposed jury instructions, including a verdict form, must be filed at least 3 days before the final pretrial conference.

Formatted: Font color: Text 1

LR 23 CLASS AND REPRESENTATIVE ACTIONS; DERIVATIVE ACTIONS; ACTIONS RELATING TO UNINCORPORATED ASSOCIATIONS

a. **Class and Representative Actions.** In any action brought as a class or representative action, the party seeking to maintain the action as a class or representative action must, within 180 days after commencement of the action, file a separate motion for certification. The motion must include a proposal for the appointment of class counsel, unless such a proposal has been included in an earlier-filed motion. If the action is brought under Federal Rule of Civil Procedure 23, the motion and documents supporting the motion must do the following:

   1. Set forth with particularity the facts relied upon to satisfy the prerequisites of Federal Rule of Civil Procedure 23(a);

   2. Fully articulate one or more of the additional requirements for maintenance of a class action that are set forth in Federal Rule of Civil Procedure 23(b); and

   3. If the motion includes a proposal for the appointment of class counsel, set forth with particularity the information the court must consider in assessing proposed class counsel's ability to represent the interests of the class fairly and adequately, as set forth in Federal Rules of Civil Procedure 23(g)(1)(A) and (B).

b. **Derivative Actions.** In any derivative action brought under Federal Rule of Civil Procedure 23.1 by one or more shareholders or members to enforce the rights of a corporation or an unincorporated association, the party bringing the action must, within 180 days after commencement of the action, file a certification setting forth with particularity why the plaintiff fairly and adequately represents the interests of the similarly situated shareholders or members in enforcing the rights of the corporation or association.

c. **Actions Related to Unincorporated Associations.** In any action brought under Federal Rule of Civil Procedure 23.2 by or against the members of an unincorporated association as a class by naming certain members as representative parties, the parties bringing the action must, within 180 days after commencement of the action, file a certification setting forth with particularity why the representative parties will fairly and adequately protect the interests of the association and its members.

Formatted: Font color: Text 1

LR 26 PRETRIAL DISCOVERY AND DISCLOSURES

a. **Fed. R. Civ. P. 26(a)(1)(A): Initial Disclosures.** Any objections to making the initial disclosures or to the timing of the initial disclosures must be made during the Rule 26(f) conference and memorialized with particularity in a document filed within 14 days after the scheduling order and discovery plan is filed.

   Initial disclosures must not be filed ~~with the Clerk of Court~~ unless filing is required specifically by the Federal Rules of Civil Procedure or by Local Rules 37(b) or 56. Initial disclosures are not required in cases where, under Local Rule 16(d), no proposed scheduling order and discovery plan is required to be submitted.

b. **Fed. R. Civ. P. 26(a)(2)(A) and (B): Disclosures of Expert Testimony.** Expert witness disclosures must not be filed ~~with the Clerk of Court~~ unless filing is required specifically by the Federal Rules of Civil Procedure or by Local Rules 37(b) or 56.

c. **Fed. R. Civ. P. 26(a)(3)(A): Pretrial Disclosures.** Witness and exhibit disclosures under Federal Rules of Civil Procedure 26(a)(3)(A) must be served at least 21 days before the final pretrial conference, as required by Local Rule 16A(c). These disclosures ~~need~~ must not be filed. Objections to these disclosures must be made in the proposed final pretrial order submitted pursuant to Local Rule 16A(b).

d. **Fed. R. Civ. P. 26(f): Conference of ~~the~~ Parties.** At least 21 days before the proposed scheduling order and discovery plan is due, the parties must confer, as required by Federal Rule of Civil Procedure 26(f).

e. **Discovery Plan.** The Federal Rule of Civil Procedure 26(f) requirement that the parties submit to the court a written report outlining their discovery plan is satisfied by the submission to the Clerk of Court of a properly completed proposed scheduling order and discovery plan ~~form~~.

f. **Initial Disclosures, Expert Disclosures, and Discovery Materials Not Filed.** The following documents must not be filed ~~with the Clerk of Court~~ unless filing is required specifically by the Federal Rules of Civil Procedure, Local Rules 37(b) or 56, or an order of the court:

   1. Initial disclosures served under Federal Rule of Civil Procedure 26(a)(1)(A);
   2. Disclosures of expert testimony served under Federal Rules of Civil Procedure 26(a)(2)(A) and (B);
   3. Depositions;
   4. Notices of deposition;
   5. Interrogatories;
   6. Notices of service of interrogatories;
   7. Requests for production of documents;

Formatted: Font color: Text 1

8. Requests to permit entry upon land;
9. Requests for admissions; and
10. Answers or responses to discovery requests.

LR 33 FORM OF INTERROGATORIES AND REQUESTS FOR ADMISSIONS

Parties answering interrogatories under Federal Rule of Civil Procedure 33 or requests for admissions under Federal Rule of Civil Procedure 36 must repeat the respective interrogatories or requests for admissions immediately preceding the answers. To facilitate this rule, a party propounding interrogatories or requests for admissions must leave a reasonable space for an answer immediately following each interrogatory or request for admission; however, the parties are encouraged to include more than one interrogatory and request for admission on each page. The propounding party also is encouraged to provide the discovery requests to the answering party via email or other electronic means in a compatible word processing format.

LR 37 DISCOVERY DISPUTES – MOTIONS TO COMPEL

a. **Declaration Required.** No motion relating to discovery may be filed unless ~~counsel for~~ the moving party electronically attaches to the motion a declaration attesting to the following:

   1. Counsel (or a pro se party), in good faith, has conferred personally with counsel for the opposing party (or a pro se party) in an attempt to resolve or narrow by agreement the issues raised by the motion;

   2. The ~~lawyers~~ parties have been unable to reach an agreement; and

   3. The nature of the disagreement.

   An exchange of written communications or a single telephone message will not, by itself, satisfy the requirements of this section.

   In the alternative, ~~counsel for~~ the moving party may certify in a written declaration, subscribed under penalty of perjury pursuant to 28 U.S.C. § 1746, that a personal conference with opposing counsel (or a pro se party) was impossible, and describe the efforts undertaken to schedule the conference.

   No declaration is required under this rule where one party to the discovery dispute is proceeding pro se and is incarcerated.

b. **Attachments to Motions.** A party filing a motion objecting to a discovery request or to the sufficiency of a response to a discovery request must attach to the motion a copy of the disputed request and any response.

c. **Deadline for Motions to Compel.** Motions to compel must be filed as soon as practicable. In any event, except for good cause shown, motions to compel must be filed within 14 days after the discovery deadline.

Formatted: Font color: Text 1

LR 41 DISMISSALS OF ACTIONS

a. **Involuntary Dismissals.** After giving the parties the notice prescribed in section (c) of this rule, the Clerk of Court will, in the following circumstances, enter an order dismissing a civil action without prejudice:

   1. Where service has not been made on any defendant within 90 days after the filing of the complaint, and the plaintiff has failed to file a statement in writing within 97 days after the filing of the complaint setting forth good cause for why service has not been made; ~~or~~

   2. As to a particular defendant, where service has been made upon that defendant and neither an answer nor a request for other action has been filed as to that defendant within 30 days after the date the answer was due; ~~or~~

   3. Where a default has been entered and a motion for ~~entry of judgment by~~ default judgment in accordance with Federal Rule of Civil Procedure 55(b) has not been made within 30 days after the entry of default, unless the plaintiff advises the Clerk of Court that further court action is necessary before a default judgment can be sought; or

   4. Where a deadline set for the performance of any act required by the Federal Rules of Civil Procedure, the Local Rules, or an order of the court has been exceeded by more than 30 days and an extension of time has been neither requested nor granted.

b. **Dismissal of Settled Cases.** The Clerk of Court may, for internal statistical purposes, immediately close a case upon being advised by one or more of the parties that the action has been settled. Within 30 days after advising the court that an action has been settled, the parties must file such documents as are required to terminate the action. If the parties fail to do so, the Clerk of Court may, after giving the parties the notice prescribed in section (c) of this rule, enter an order dismissing the action with prejudice.

   Either party may seek reinstatement of a case dismissed under this section within 60 days after the date of the dismissal order by serving and filing a motion to reinstate the case. The motion must show good cause as to why the settlement was not consummated. This paragraph does not diminish any obligation of a party to perform under an otherwise enforceable settlement agreement.

c. **Notification by Clerk of Court.** At least 14 days before dismissing a case pursuant to section (a) or (b) of this rule, the Clerk of Court will mail or electronically transmit a notice and a copy of this rule to all counsel of record and any pro se parties. The notice will state that the case will be dismissed unless, by the deadline specified in the notice, either the required action is taken or good cause is shown for not dismissing the case.

   This rule does not restrict the authority of the court to dismiss a case, with or without prejudice, for good cause. Good cause could include the failure of a party to comply with the Federal Rules of Civil Procedure, the Local Rules, or an order of the court.

Formatted: Font color: Text 1

LR 43 INTERPRETERS

Local Criminal Rule 28, prescribing the procedures for obtaining interpreters and the rules governing their conduct, applies in civil cases.

Formatted: Font color: Text 1

LR 47 CONTACT WITH JURORS

Except by leave of court, no party or lawyer, and no other person acting on their behalf, may contact, interview, examine, or question any civil or criminal trial juror or potential trial juror before, during, or after a trial concerning the juror's actual or potential jury service.

Formatted: Font color: Text 1

LR 48 CIVIL JURYIES

a. **Size.** A Ccivil juriesy will be composed of at least 6 and no more than 12 jurors, in the discretion of the presiding judge. If any jurors are discharged during the trial, the case will be tried and submitted to all of the remaining jurors, so long as at least 6 jurors remain. There will be no alternate jurors.

b. **Unanimous Verdict.** A verdict by a jury must be unanimous.

c. **Stipulations.** The parties may stipulate to a less-than-unanimous verdict or to a verdict by fewer than 6 jurors, or both.

Formatted: Font color: Text 1

LR 51 JURY INSTRUCTIONS AND DELIBERATIONS

a. **Requested Jury Instructions.** Requested instructions must be submitted in the following form:

1. **Caption.** A title page must be attached showing the caption of the case and the name of the submitting party.

2. **Table of Contents.** The requested instructions must be prefaced by a table of contents.

3. **Numbering.** Each requested instruction must be numbered and must commence on a separate page.

4. **Authorities.** Any authorities in support of a requested instruction must be included at the bottom of the page of the requested instruction.

5. **Pattern Instructions.** A party may request any pattern jury instruction prepared by or for the Iowa courts or any federal court by citing to the instruction, and need not reproduce the instruction in the request.

   Examples of instructions used by the courts' judges may be found on the courts' websites.

   The parties also are encouraged to submit requested jury instructions via email or other electronic means in a compatible word processing format.

b. **Jury Deliberations.**

1. **Availability During Deliberations.** Until a verdict is reached, and the jury is discharged, the lawyers and pro se parties must be readily available to the court. When the jury begins to deliberate, each lawyer and pro se party must advise the court of where they can be located in the courthouse, or if they intend to leave the courthouse, provide the court a telephone number where they can be reached without delay.

2. **Notification.** If the jury has a question, or if some other issue arises during jury deliberations, and the court determines the issue merits a conference with the parties, the court will attempt to notify the lawyers and any pro se parties. If a lawyer or pro se party is not available within 20 minutes, he or she will be deemed to have waived the right to participate in the proceedings concerning the issue.

Formatted: Font color: Text 1

LR 54 TAXATION AND PAYMENT OF COSTS

a. **Procedure for Taxation of Costs.**

1. **District Court Before Appeal (Fed. R. Civ. P. 54(d)(1)).**

A. **Completion of Forms.** Within 14 days after entry of judgment, a party entitled to recover costs must complete and file an Administrative Office 133 form ("AO 133 form"), which is available on the courts' websites. Failure to file the AO 133 form by this deadline constitutes a waiver of the right to have costs taxed.

B. **Bill of Costs Guidelines.** Guidelines regarding preparation of an appropriate bill of costs are available ~~from the Clerk of Court for the respective district~~on the courts' websites.

C. **Resistance to Taxation.** A party opposing the taxation of costs must file a resistance within 14 days after service of the AO 133 form.

D. **Reply to Resistance.** Generally, a reply is not needed unless the Clerk of Court indicates that a reply would be helpful in resolving a dispute.

E. **Taxation by Clerk of Court.** On or after 21 days after service of the AO 133 form, the Clerk of Court will tax the appropriate costs.

F. **Review.** Any party may seek review of the Clerk of Court's taxation of costs in accordance with Federal Rule of Civil Procedure 54(d)(1).

2. **Costs on Appeal Taxable in ~~District~~ Court (Fed. R. App. P. 39(e)).** All costs on appeal taxable in the ~~district~~ court pursuant to Federal Rule of Appellate Procedure 39(e) are waived unless, within 21 days after the issuance of the mandate by the circuit court, the party entitled to those costs either includes them on an AO 133 form and files the AO 133 form ~~with the Clerk of Court~~ or otherwise files a document ~~with the Clerk of Court~~ requesting taxation of these costs.

b. **To Whom Payable.** All costs taxed are payable directly to the party entitled to those costs and not to the Clerk of Court, except in suits for civil penalties for violations of criminal statutes and suits involving the United States that are not handled by the United States Department of Justice.

Formatted: Font color: Text 1

LR 54A ATTORNEY FEES

a. **Time and Content of Motions for Award of Attorney Fees.** The claimed amount of attorney fees must be supported by an itemization that includes a detailed listing of the time claimed for each specific task and the hourly rate claimed. The itemization also must include a separate summary indicating the total time spent performing each of the following major categories of work:

   1. Drafting pleadings, motions, and briefs;
   2. Legal research;
   3. Investigation;
   4. Interviewing;
   5. Trial preparation; and
   6. Trial.

   Costs must be itemized separately.

b. **Equal Access to Justice Act.** An application for attorney fees and costs under the Equal Access to Justice Act must conform with the requirements of 28 U.S.C. § 2412(d)(1)(B). In the application, the applicant must specifically identify the positions taken by the ~~government~~ United States in the case that the applicant alleges were not substantially justified.

   In all Social Security benefits cases where the plaintiff is the prevailing party, within 30 days after entry of final judgment, counsel for the plaintiff must, pursuant to this section and Federal Rule of Civil Procedure 54(d)(2)(A), file one of the following: **(1)** an application for attorney fees and costs on behalf of the plaintiff, or **(2)** a statement certifying that counsel has searched the record and has determined the positions taken by the ~~government~~ United States in the case were substantially justified.

c. **Appeals from Agency Determinations.** A petition pursuant to 5 U.S.C. § 504(c)(2) for leave to appeal an agency fee determination must be filed within 30 days after the entry of the agency's order, with proof of service on all other parties to the agency proceeding. The petition must include the following:

   1. A copy of the order to be reviewed;
   2. A copy of any findings of fact, conclusions of law, and opinions entered in or relating to the agency proceeding;
   3. A statement of the facts necessary to an understanding of the petition; and
   4. A memorandum showing why the petition ~~for permission to appeal~~ should be granted.

   Any answer must be filed within 30 days after service of the petition. The petition and any answer will be submitted without further briefing and without oral argument.

Formatted: Font color: Text 1

LR 56 SUMMARY JUDGMENT

a. **Moving Party's Documents.** When moving for summary judgment pursuant to Federal Rule of Civil Procedure 56, the moving party must file contemporaneously all of the following:

1. A motion for summary judgment stating concisely, under separate argument headings, each of the grounds for the motion;

2. A brief that conforms with the requirements of Local Rule 7(d), filed as an electronic attachment to the motion under the same docket entry;

3. A statement of material facts setting forth each material fact as to which the moving party contends there is no genuine issue to be tried, filed as an electronic attachment to the motion under the same docket entry; and

4. An appendix that conforms with the requirements of section (e) of this rule, filed as an electronic attachment to the motion under the same docket entry.

Each individual statement of material fact must be concise, numbered separately, and supported by references to those specific pages, paragraphs, or parts of the pleadings, depositions, answers to interrogatories, admissions, exhibits, and affidavits that support the statement, with citations to the appendix.

b. **Resisting Party's Documents.** A party resisting a motion for summary judgment must, within 21 days after service of the motion, file contemporaneously all of the following:

1. A brief that conforms with the requirements of Local Rule 7(e) in which the resisting party responds to each of the grounds asserted in the motion for summary judgment;

2. A response to the statement of material facts in which the resisting party expressly admits, denies, or qualifies each of the moving party's numbered statements of fact, filed as an electronic attachment to the brief under the same docket entry (the resisting party ~~. Such response~~ must set forth each of the moving party's statements to which the resisting party is responding);~~;~~

3. A statement of additional material facts that the resisting party contends precludes summary judgment, filed as an electronic attachment to the brief under the same docket entry; and

4. An appendix that conforms with the requirements of section (e) of this rule, filed as an electronic attachment to the brief under the same docket entry.

A response to an individual statement of material fact that is not expressly admitted must be supported by references to those specific pages, paragraphs, or parts of the pleadings, depositions, answers to interrogatories, admissions, exhibits, and affidavits that support the resisting party's refusal to admit the statement, with citations to the appendix containing that part of the record. The failure to respond to an individual statement of material fact, with appropriate appendix citations, may constitute an admission of that fact.

Formatted: Font color: Text 1

Each individual statement of additional material fact must be concise, numbered separately, and supported by references to those specific pages, paragraphs, or parts of the pleadings, depositions, answers to interrogatories, admissions, exhibits, and affidavits that support the statement, with citations to the appendix containing that part of the record.

c. **Unresisted Motion.** If no timely resistance to a motion for summary judgment is filed, the motion may be granted without prior notice from the court. If a party does not intend to resist a motion for summary judgment, the party is encouraged to file a statement indicating the motion will not be resisted.

d. **Reply to Resisting Party's Documents.** The moving party must, within 7 days after service of the resisting party's statement of additional facts, file a reply in which the moving party expressly admits, denies, or qualifies each of the resisting party's numbered statements of additional facts. ~~Such reply~~ The moving party must set forth each of the resisting party's statements to which the moving party is responding. A reply to an individual statement of additional material fact that is not expressly admitted must be supported by references to those specific pages, paragraphs, or parts of the pleadings, depositions, answers to interrogatories, admissions, exhibits, and affidavits that support the moving party's refusal to admit the statement, with citations to the appendix containing that part of the record. The failure to reply to an individual statement of additional material fact with appropriate appendix citations may constitute an admission of that fact.

   If any additional pleadings, depositions, answers to interrogatories, admissions, exhibits, or affidavits are relied upon in the moving party's reply to the resisting party's statements of additional facts or in the moving party's reply brief, then the moving party must file a supplemental appendix that conforms with the requirements of section (e) of this rule, filed as an electronic attachment to the reply brief under the same docket entry.

e. **Appendices.** All references to supporting documents in a brief, a statement of material fact, or a resistance or reply to a statement of material fact must be to a specific page number in an appendix. The moving party's appendix must include those pages, paragraphs, or parts of the pleadings, depositions, answers to interrogatories, admissions, exhibits, and affidavits upon which the moving party relies in the motion for summary judgment and the supporting documents. The resisting party's appendix must include those parts of the pleadings, depositions, answers to interrogatories, admissions, exhibits, and affidavits not already included in the moving party's appendix upon which the resisting party relies in resisting the motion. The moving party's supplemental appendix must include any additional materials upon which the moving party relies in replying to the resistance that have not already been included either in the moving party's appendix or in the resisting party's appendix. A document included in an appendix must be authenticated properly, by affidavit or in some other lawful manner, or it may not be considered by the court in ruling on a motion for summary judgment.

   All appendices must be preceded by a table of contents, and must be numbered **consecutively** at the bottom center or bottom right-hand corner of each page, but the original pagination of

any matter, such as transcripts or multi-page documents, also must appear. **Only those portions of materials necessary for a determination of the motion are to be included in an appendix.**

A deposition excerpt reproduced in an appendix must be prefaced by the deposition cover page and must indicate the identity of the questioner and whether the excerpt is from direct examination, cross-examination, or redirect examination.

f. **Paper Copy of Summary Judgment Documents.** If a motion, resistance, or reply, together with the appendix and any other supporting filings, totals more than 100 pages in length and is filed electronically, within 7 days after the document is filed, the filer must mail or deliver to the courthouse where the presiding judge is located~~the filer must deliver to the Clerk of Court, for use by the presiding judge~~, a paper copy of the motion, resistance, or reply, together with the appendix and any other supporting filings, reproduced on one side of the page, bound or fastened at the left margin, and tabbed to facilitate ready reference. (*See* LR 10(c)(3)).

g. **Fed. R. Civ. P. 56(d) Continuance.** A request for relief pursuant to Federal Rule of Civil Procedure 56(d) must be made by separate motion, filed within 14 days after service of the motion for summary judgment, and supported by affidavits or declarations, as required by Federal Rule of Civil Procedure 56(d).

h. **Actions for Judicial Review Based on Administrative Record.** Ordinarily, motions for summary judgment are not appropriate in actions for judicial review based on an administrative record, such as Social Security benefits cases or claim-review cases brought under the Employee Retirement Income Security Act of 1974.

LR 65 PRELIMINARY INJUNCTIONS AND TEMPORARY RESTRAINING ORDERS

Any party requesting a preliminary injunction or a temporary restraining order, or both, must file a separate motion requesting such relief. In the motion, the moving party must set forth with particularity the facts relied upon in support of the request.

Formatted: Font color: Text 1

LR 67 DEPOSIT OF FUNDS WITH COURT

a. **Order Required for Deposit.** A party desiring to deposit funds with the court pursuant to Federal Rule of Civil Procedure 67(a) ("registry funds") must file a motion requesting authority to do so, and must electronically attach to the motion, under the same docket entry as the motion, a proposed order granting the motion. Further instructions regarding deposit of funds can be found on the courts' websites.

Formatted: Font color: Text 1

LR 72 ~~UNITED STATES~~ MAGISTRATE JUDGES

a. **Scope of Duties – 28 U.S.C. § 636(b)(3) and (4).** Magistrate judges are authorized to exercise all jurisdiction permitted by law and not inconsistent with Article III of the United States Constitution. Magistrate judges also may determine any preliminary matters and conduct any necessary evidentiary hearings or other proceedings arising in the exercise of their jurisdiction. This rule will be construed broadly to fully implement the authority of magistrate judges in ~~both~~ the Northern ~~District of Iowa~~ and ~~the~~ Southern District<u>s</u> of Iowa.

b. **Duties Under 28 U.S.C. § 636(a).** Magistrate judges are authorized and designated to exercise all of the powers and duties prescribed by 28 U.S.C. § 636(a), including, but not limited to, the following:

   1. The power to administer oaths and affirmations;
   2. The power to conduct trials and exercise other authority under 18 U.S.C. § 3401;
   3. The power to enter sentences for "petty offenses," as defined in 18 U.S.C. § 19; and
   4. In cases where the parties have consented to jurisdiction by a magistrate judge, the power to enter sentences for class A misdemeanors, including offenses classified as class A misdemeanors under 18 U.S.C.§ 3559(a)(6).

c. **Determination of Non-Dispositive Pretrial Matters.** Pursuant to 28 U.S.C. § 636(b)(1)(A) and Federal Rule of Civil Procedure 72(a), magistrate judges are authorized and designated to hear and determine all non-dispositive pretrial matters pending before the court to the extent permitted by law, including, but not limited to, the following motions:

   1. For more definite statement;
   2. To add parties, to intervene, or to file third-party complaints;
   3. To amend pleadings or pretrial orders;
   4. To consolidate cases or to order separate trials of claims or issues under Federal Rule of Civil Procedure 42;
   5. To extend the time for compliance with the Local Rules, the Federal Rules of Civil or Criminal Procedure, and the orders of the court;
   6. Relating to discovery in both civil and criminal cases, including bills of particulars under Federal Rule of Criminal Procedure 7(f);
   7. To allow withdrawal or substitution of counsel;
   8. To correct clerical errors under Federal Rule of Civil Procedure 60(a) and Federal Rule of Criminal Procedure 36;
   9. To voluntarily dismiss a civil action;

Formatted: Font color: Text 1

10. To set aside an entry of default under Federal Rule of Civil Procedure 55(c);

11. To enter ex parte orders for release of tax information under 26 U.S.C. § 6103;

12. To enter orders for mental examinations under 18 U.S.C. §§ 4241 and 4242; and

13. To remand a case to the Commissioner of Social Security pursuant to sentence six of 42 U.S.C. § 405(g).

d. **Recommendations Regarding Case-Dispositive Motions and Other Matters.** Pursuant to 28 U.S.C. § 636(b)(1)(B), upon designation from a district court judge, a magistrate judge is authorized to conduct hearings, including evidentiary hearings, and to submit to the district court judge a report containing proposed findings of fact, conclusions of law, and recommendations for disposition of the following matters:

1. Motions excepted from the jurisdiction granted to magistrate judges under 18 U.S.C. § 636(b)(1)(A), including case-dispositive motions;

2. Applications for post-trial relief made by individuals convicted of criminal offenses; and

3. Prisoner petitions challenging conditions of confinement.

To the extent permissible under Article III of the United States Constitution, a district court judge also may refer any other pretrial or post-trial motions or other matters to a magistrate judge for a report and recommendation. Matters that may be referred to a magistrate judge for a report and recommendation include, but are not limited to, the following:

~~4. **Motions for injunctive relief, including temporary restraining orders and preliminary and permanent injunctions;**~~

1. Motions for injunctive relief, including temporary restraining orders and preliminary and permanent injunctions;

2. Motions to dismiss civil and criminal actions, including motions to dismiss or permit the maintenance of class actions;

3. Motions for judgment on the pleadings;

~~5.~~4. Motions for summary judgment;

~~6.~~5. Motions for review of default judgments;

~~7.~~6. Proceedings to execute against or collect on judgments;

~~8.~~7. Motions to dismiss or quash an indictment or information;

~~9.~~8. Motions to suppress evidence in a criminal case;

~~10.~~9. The taking of guilty pleas;

~~11.~~10. Proceedings to modify, revoke, or terminate probation or supervised release of convicted persons (as authorized by 18 U.S.C. § 3401(i)); and

~~12.~~11. Motions for the return of seized property under Federal Rule of Criminal Procedure 41(g).

e. **Prisoner Cases Under 28 U.S.C. §§ 2254 and 2255.** Magistrate judges may perform the duties of a district court judge under the rules governing proceedings in the United States District Courts under 28 U.S.C. §§ 2254 and 2255. In so doing, a magistrate judge may issue any preliminary orders and conduct any necessary evidentiary hearings or other appropriate proceedings. Unless a magistrate judge is exercising authority pursuant to 28 U.S.C. § 636(c), the magistrate judge will not issue an order disposing of an application filed under 28 U.S.C. §§ 2254 or 2255, but will submit to the district court judge a report containing proposed findings of fact, conclusions of law, and recommendations for disposition of the application.

f. **Prisoner Cases Under 42 U.S.C. § 1983.** Pursuant to Federal Rule of Civil Procedure 72, magistrate judges may issue any preliminary orders and conduct any necessary proceedings for disposition of ~~petitions~~ cases filed by prisoners challenging the conditions of their confinement.

g. **Questionable Jurisdiction or Authority.** If a magistrate judge hears and decides a matter, and a district court judge later determines the magistrate judge did not have jurisdiction or authority to do so, the district court judge may consider the matter as having been referred to the magistrate judge and treat the decision of the magistrate judge as a report and recommendation. If a matter comes before a magistrate judge without a referral from a district court judge, the magistrate judge may consider the matter as having been referred by the district court judge for a report and recommendation.

h. **Special Master References.** A magistrate judge may be designated by a district court judge to serve as a special master in appropriate civil cases in accordance with 28 U.S.C. § 636(b)(2) and Federal Rule of Civil Procedure 53.

i. **Other Duties.** Magistrate judges also are authorized to do the following:

1. Exercise general supervisory powers over civil and criminal calendars, including entering scheduling orders, approving discovery plans, conducting calendar and status calls, and determining motions to expedite or postpone the trial of cases;

2. Grant applications to proceed in forma pauperis under 28 U.S.C. § 1915;

3. Authorize alternative process servers under Federal Rule of Civil Procedure 4;

4. Authorize service of process on an absent defendant pursuant to 28 U.S.C. § 1655;

5. Conduct pretrial conferences, ADR procedures, and other pretrial proceedings in civil and criminal cases;

6. Accept jury verdicts in civil and criminal cases, to the extent permitted by law;

7. Conduct examinations of judgment debtors in accordance with Federal Rule of Civil Procedure 69(a)(2);

8. Screen, under 28 U.S.C. § 1915A, petitions filed by prisoners challenging the conditions of their confinement;

9. Conduct proceedings for the collection of civil penalties of not more than $200 assessed under 46 U.S.C. §§ 4311(d) and 12309(c);

10. Conduct proceedings for initial commitment of narcotics addicts under Title III of the Narcotic Addict Rehabilitation Act, 42 U.S.C. §§ 3411-3426;

11. Issue orders authorizing the installation of devices such as traps, traces, and pen registers; and issue orders directing communication common carriers to provide assistance to federal investigative agencies in accomplishing the installation of such devices;

12. Issue search warrants, GPS tracker warrants, seizure warrants, arrest warrants or summonses, and warrants of arrest in rem;

13. Conduct proceedings to empanel a grand jury as permitted by the district;

14. Receive grand jury returns;

15. Accept waivers of indictment under Federal Rule of Criminal Procedure 7(b);

16. Dismiss complaints and indictments pursuant to Federal Rule of Criminal Procedure 48(a);

17. Conduct initial appearances;

18. Conduct arraignments and appoint counsel;

19. Conduct extradition proceedings under 18 U.S.C. § 3184;

20. Transfer a defendant to another district;

21. Conduct detention hearings and set conditions of release;

22. Conduct preliminary examinations;

23. With consent of the parties, preside over jury selection in a criminal case;

24. Perform the functions specified in 18 U.S.C. §§ 4107-4109 regarding proceedings for verification of consent by offenders to transfer to or from the United States, and the appointment of counsel in such cases;

25. Issue subpoenas, writs of habeas corpus ad testificandum and habeas corpus ad prosequendum, and other orders necessary to obtain the presence of parties, witnesses, or evidence needed for court proceedings;

26. Order the exoneration or forfeiture of bonds;

27. Conduct necessary proceedings leading to the potential revocation of pretrial release, parole, probation, or term of supervised release;

28. Exercise contempt authority under 28 U.S.C. § 636(e); and

29. Enter orders to withdraw registry funds in the following instances:

    A. Civil cases disposed of by a magistrate judge pursuant to 28 U.S.C. § 636(c);

    B. Misdemeanor and petty offense cases disposed of by magistrate judge pursuant to 18 U.S.C. § 3401 and 28 U.S.C. § 636(a)(3);

    C. Bail release proceedings in which a magistrate judge has ordered bail money to be deposited with the court pursuant to 18 U.S.C. §§ 3141-3156 and 28 U.S.C. § 636(a)(2); and

    D. Pretrial matters referred to a magistrate judge for determination pursuant to 28 U.S.C. § 636(b)(1)(A).

Formatted: Font: Not Bold, Font color: Text 1

LR 72A APPEALS FROM RULINGS OF ~~UNITED STATES~~ MAGISTRATE JUDGES IN CIVIL CASES

A party who objects to or seeks review or reconsideration of either a magistrate judge's order on a pretrial matter or a magistrate judge's report and recommendation must file specific, written objections to the order or report and recommendation within 14 days after service of the order or report and recommendation. Any response to the objections must be filed within 14 days after service of the objections. A party asserting such objections must arrange promptly for a transcription of all portions of the record the district court judge will need to rule on the objections. If a party does not intend to seek review or reconsideration, the party is encouraged to promptly file a statement so indicating.

Formatted: Font color: Text 1

LR 72B ALTERNATIVE DISPUTE RESOLUTION (ADR)

a. **Authorization of ADR.** Pursuant to 28 U.S.C. § 651(b), the court authorizes the use of ADR in civil cases, including adversary proceedings in bankruptcy. The court's primary ADR procedure is private mediation. Alternatively, the court may, either upon the request of a party or on its own initiative, schedule a court-sponsored settlement conference, in a mediation format, to be held by a federal judge or some other qualified neutral person. In appropriate cases, and with the consent of the parties, the court may facilitate other forms of ADR, as authorized by law.

b. **Judicial Function.** Any participation by a federal judge in an ADR procedure is a judicial function of the court.

c. **Designation of Cases.** The court may schedule a settlement conference whenever the court concludes that the nature of the case, the amount in controversy, or the status of the case indicates a settlement conference might be beneficial. Additionally, the parties should consider the use of ADR at every appropriate stage in the litigation. Upon the request of any party, which may be made ex parte and at any stage of the proceedings, the court will consider scheduling a settlement conference.

d. **Conflicts.** If a party believes a federal judge or other neutral person conducting a court-sponsored ADR proceeding should be disqualified from conducting the proceeding for any reason, the party must notify the court of the reason promptly, and if the court agrees, the court will appoint some other federal judge or other neutral person to conduct the proceeding. A federal judge who conducts an ADR proceeding is governed by the standards for disqualification and recusal set forth in 28 U.S.C. §§ 144 and 455.

e. **Confidentiality.** Neither the settlement judge, nor any other neutral person conducting a court-sponsored settlement conference, will inform the trial judge of any positions taken by the parties during an ADR proceeding, but will advise the trial judge only as to whether the case has settled. The trial judge ordinarily will not serve as the settlement judge.

   All written and oral statements made by participants or their representatives during or in relation to a court-sponsored ADR proceeding are confidential. Any written submissions in connection with a court-sponsored ADR proceeding must be sent directly to the settlement judge or other neutral person conducting the proceeding, and not filed. Disclosure of confidential ADR communications is prohibited, except as authorized by the court or agreed to by the parties. The ADR process itself is confidential and not open to the public.

   Neither a federal judge nor any other neutral person who conducts a court-sponsored ADR proceeding may be called to testify in connection with any dispute concerning the proceeding or its result without the written agreement of the parties and either the federal judge or the other neutral person who conducted the proceeding, except as otherwise required by law.

Formatted: Font color: Text 1

f. **Administration.** Each district will designate an ADR program administrator to implement, oversee, and evaluate the district's ADR program. Parties and counsel may contact the Clerk of Court for more information about the district's ADR programs, or with any comments or complaints.

LR 73 CONDUCT OF TRIALS AND DISPOSITION OF CIVIL CASES BY MAGISTRATE JUDGES UPON CONSENT OF THE PARTIES – 28 U.S.C. § 636(c)

Upon consent of the parties and the entry of an order of referral by a district court judge, magistrate judges are hereby specifically designated, pursuant to 28 U.S.C. § 636(c), to conduct trials and otherwise dispose of any civil case filed in the court. After an order of referral is entered in a case, a magistrate judge may conduct all proceedings in the case, including the conduct of a jury or nonjury trial, and may order the entry of a final judgment in accordance with 28 U.S.C. § 636(c). In the course of conducting such proceedings, a magistrate judge may hear and determine any pretrial and post-trial motions, including case-dispositive motions.

Formatted: Font color: Text 1

~~LR 77 HEADQUARTERS OF DISTRICT AND OFFICIAL STATION OF CLERK OF COURT~~

Formatted: Font color: Text 1

~~Northern District.~~

~~Headquarters of District. The headquarters of the district is in Cedar Rapids. The business of the district will be conducted at the federal courthouses in Cedar Rapids and Sioux City, and at other places that now or hereafter are designated by statute, subject to such pretermission or other control and direction of the Judicial Council as may be authorized.~~

~~Official Station of Clerk of Court. The official station of the Clerk of Court is in Cedar Rapids. Deputy Clerks, in such number as may be required and as may be appointed by the Clerk of Court with the approval of the court, will be stationed at court locations designated by the Clerk of Court.~~

~~Southern District.~~

~~Headquarters of District. The headquarters of the district is in Des Moines. The business of the district will be conducted at the federal courthouses in Des Moines, Davenport, and Council Bluffs, and at other places that now or hereafter are designated by statute, subject to such pretermission or other control and direction of the Judicial Council as may be authorized.~~

~~Official Station of Clerk of Court. The official station of the Clerk of Court is in Des Moines. Deputy Clerks, in such number as may be required and as may be appointed by the Clerk of Court with the approval of the court, will be stationed at court locations designated by the Clerk of Court.~~

LR 79 OFFICIAL COURT RECORD, DOCKETING AND TRANSCRIPTS

a. **Official Case Files.** The official court record for all cases is the following:

   1. The electronic files maintained in the ECF system;

   2. Filings maintained by the Clerk of Court in paper form that are not part of the ECF system; and

   3. Exhibits and other materials filed with or delivered to the court and maintained by the Clerk of Court in paper form as part of the official court files.

b. ~~The~~ **Docket.** The Clerk of Court will review docket entries for accuracy. All parties shall use their best efforts to maintain the accuracy of the docket. ~~ensure the accuracy of all docket entries in the court's files.~~

c. **Transcripts.** A rough draft transcript or any portion thereof is not the official transcript of any court proceeding. Rough draft transcripts of proceedings may not be quoted from, filed with the court, or otherwise relied upon to establish to the court the contents of testimony or other statements made during a court proceeding. Absent prior court authorization, counsel must not quote from or display unedited transcripts during proceedings or attach them to any briefs or exhibits filed with the court.

LR 81 REMOVED ACTIONS

a. **Filings.** When a civil case is removed to the court from a state court, along with the notice of removal and the proper filing fee, the removing party also must file under the same docket entry as the notice of removal the following:

1. Copies of all process, pleadings, and orders filed in the state case (the requirements of Local Rules 5A(g)(8) and 10(c)(3) do not apply to documents filed pursuant to this subsection). All of these documents must be filed electronically pursuant to Local Rule 5A(b);

2. A list of all motions pending in the state court that will require resolution by the court~~, with the papers relating to the motions electronically attached to the list~~; ~~and~~

3. The names of counsel and the law firms that have appeared in the state court, with their office addresses, telephone numbers, ~~facsimile numbers,~~ and email addresses ~~(if available)~~, and the names of the parties they represent; and~~.~~

4. When a civil case is removed to the court from a state court based on diversity of citizenship under 28 U.S.C. § 1332, ~~if the petition filed in state court does not, on its face, indicate either the required diversity of citizenship or the required amount in controversy,~~ the removing party ~~also~~ must include in the notice of removal a statement of the facts that demonstrate the required diversity of citizenship and the required amount in controversy satisfying these jurisdictional requirements and also must file a Diversity Case Disclosure Statement as required by Federal Rule of Civil Procedure 7.1. ~~include in the notice of removal a statement of the facts that demonstrate satisfaction of these jurisdictional requirements.~~

b. **Scheduling Order and Discovery Plan.** Within ~~60~~45 days after the filing of a notice of removal, counsel for the parties must ~~submit for~~submit for approval by a magistrate judge a proposed Rule 16(b) and 26(f) scheduling order and discovery plan prepared in accordance with the requirements of Local Rule 16. The removing party is responsible for initiating discussions on the proposed scheduling order and discovery plan, but all parties who have appeared in the case are jointly responsible for the preparation and submission of the proposed scheduling order and discovery plan.

c. **Removing Party's Disclosure Statement.** ~~Within 21 days after filing a notice of removal in a civil case, each~~ Each ~~nongovernmental~~ removing party ~~that is not a natural person must file with the Clerk of Court~~ a disclosure statement ~~form~~ in compliance with and in the timeframe as required by Local Rule 7.1~~(d)~~.

d. **Remaining Parties' Disclosure Statements.** ~~Within 30 days after service of the notice of removal in a civil case, each~~ Each remaining ~~nongovernmental~~ party ~~that is not a natural person~~ must file ~~with the Clerk of Court~~ a disclosure statement ~~form~~ in compliance and in the timeframe as required by with Local Rule 7.1~~(d)~~.

Formatted: Font color: Text 1

e. **Obligations of the Parties.** After a civil case is removed to the court, the parties should obtain the following from the courts' websites:

1. A copy of this rule and Local Rules 7.1, 10(g), and 16;

2. The instructions for the worksheet and proposed scheduling order and discovery plan ~~and worksheet~~;

3. A proposed scheduling order and discovery plan form;

~~4.~~

~~5.~~4. A disclosure statement form; and

~~6.~~5. A Notice of Public Availability of Case File Information.

f. **Pending Motions.** If a motion is pending and undecided in state court at the time of the removal, the court will not consider the motion unless ~~and until~~ a party refiles the motion in ~~federal court in~~the removed case according to ~~conformity with~~ federal rules and statutes.

a. **Roll of Lawyers.** The bar of each court consists of counsel admitted to practice before the court who have taken the oath or affirmation prescribed by the rules in force when they were admitted.

b. **Qualifications for Admission and Practice.**

Admission to the Bar. A lawyer is qualified for admission to the bar of the district if the lawyer is currently in good standing as a lawyer admitted to practice in the state courts of Iowa. A lawyer who is a government lawyer, a Federal Public Defender, ~~or~~ an Assistant Federal Public Defender, or a member of a Criminal Justice Act Panel, ~~and who is permanently stationed in the state of Iowa.~~, may be admitted to the bar of the court to serve such professional role if the lawyer is currently a member in good standing of the bar of any United States District Court or the highest court of any state, territory, or insular possession of the United States. Once admitted to the bar of the district, every lawyer, in order to maintain standing to practice in the district, must pay an annual renewal fee ~~per district~~ as further described in subsection (c) ~~(3~~5) of this rule. A lawyer who fails to comply with the requirements of this subsection will~~may~~ be suspended from practice in the court by the Chief Judge of the district until the reinstatement requirements are met ~~and the reinstatement fee has been paid~~.

c. **Procedure for Admission and Proof of Qualifications.**

1. **Applications.** An attorney seeking admission must comply with all requirements of the ~~individual~~ district ~~court~~ for which the attorney seeks admission. The requirements for admission and instructions for each district can be found on ~~the~~ each ~~individual court's website (www.iand.uscourts.gov for the Northern District, and www.iasd.uscourts.gov for the Southern District)~~courts' websites. Once all the requirements are satisfied, the Chief Judge will enter an order of admission, and the Clerk of Court will issue to the attorney a ~~certification~~ certificate of admission to the bar.

2. **Open Court.** With leave of court, lawyers eligible for admission under this rule may be admitted to practice upon motion in open court by any member of the bar of the court to which admission is sought after a satisfactory showing of good moral character of the applicant, taking the oath hereinafter prescribed, and paying to the Clerk of Court the ~~prescribed~~ admission fee.

3. **Admission F~~f~~ees.** The ~~prescribed~~ admission fee must be paid to the Clerk of Court before admission. ~~In addition, the annual fee must be paid directly to the district or districts in which the lawyer is admitted. A lawyer admitted in both districts is required to pay the annual district fees in each of the districts. Any such fee, and any portion of the pro hace vice fee retained by the district court, will be collected by the Clerk of Court, placed to the credit of a district fund, and administered in such a manner as is consistent with the law and as the court may direct.~~

Formatted: Font color: Text 1

Formatted: Normal, Indent: Left: 0", Right: 0", Space Before: 0 pt

4. **Oath of Admission.** I, _____, do solemnly swear or affirm that, as an attorney and as a counsel of the court, I will conduct myself uprightly and according to law, and that I will support the Constitution of the United States.

5. **Annual Renewal Fee.**

   A. ~~**Annual Fee**~~**Payment Required.** ~~Every~~A member of th~~is~~e b~~B~~ar must pay an annual renewal fee as set by the ~~Court~~district. Th~~is~~e annual renewal fee must be paid in the manner designated by the Clerk of Court. The Clerk of Court may establish a deadline for th~~ese~~ payment of the annual renewal fee~~s~~. ~~If a fee is received after the deadline, the Clerk will assess a reinstatement fee.~~

   B. **Failure to Comply.** If ~~an attorney~~a member of the bar fails ~~to comply with~~ pay~~ing~~ the annual renewal fee, ~~they~~ such member will be suspended from practice in the ~~court~~district by the Chief Judge ~~of the district~~ until the reinstatement requirements are met. ~~The Clerk must place the attorney on suspended status and disable the attorney's ECF System account. While on suspended status, the attorney may not appear or practice in the Northern or Southern District of Iowa.~~

6. **Reinstatement.** If a member of th~~is~~e b~~B~~ar ~~has been placed on suspended status from~~is suspended for failure to pay the annual renewal fee and desires to be reinstated to active status, ~~the attorney~~such member must ~~submit a reinstatement petition through the ECF system and pay the required fee electronically. Once the Clerk accepts this request, the attorney is again a member of this Bar~~ comply with all requirements for reinstatement in the district. The requirements for reinstatement and instructions for each district can be found on the courts' websites.

7. ~~**Inactive**~~**Attorney Status.** If a member of the bar desires to change his or her attorney status in the Northern or Southern District of Iowa (for example, active or inactive status), such member must comply with attorney status change instructions, which can be found on the court's websites.

   A. ~~Process. Any member of this Bar who desires to become inactive in the practice of law before the Northern or Southern District of Iowa may advise the Clerk, in writing that the attorney desires to assume inactive status.~~

   B. ~~Effect. Upon receipt of notification, the Clerk will disable the attorney's ECF System account. The attorney may not appear or practice before the Southern District of Iowa and is no longer required to pay the annual fee.~~

   C. ~~Reinstatement. If a member of this Bar has been placed on inactive status and desires to be reinstated to active status, the attorney must submit a request through the ECF system and pay the required fee electronically. Once the Clerk accepts this request, the attorney is again an active member of this Bar.~~

Formatted: Font: Not Bold, Font color: Text 1, Hidden
Formatted: Font color: Text 1
Formatted: Font: Not Bold, Font color: Text 1, Hidden
Formatted: Font color: Text 1
Formatted: Font color: Text 1, Hidden
Formatted: Font color: Text 1

7.8. **Certificates of Good Standing.** A c~~C~~ertificate of g~~G~~ood ~~S~~standing issued by the Northern or Southern District of Iowa attests that a particular attorney is admitted to th~~isc~~ ~~B~~bar, and is not currently suspended or disbarred. To obtain a c~~C~~ertificate of g~~G~~ood s~~S~~tanding, a person must submit a request via the ECF system and pay the required fee.

8.9. **Duty to Report Contact Information.** An attorney admitted to practice in the ~~Southern District of Iowa~~district has a responsibility to notify the ~~court~~Clerk of Court of any change~~s~~ in contact information, such as~~. Such changes include~~ name, law firm, office address, telephone number, ~~fax number,~~ and email address. These changes should be made ~~o~~in the attorney~~'~~s PACER account~~; PACER will notify that information to the Southern District of Iowa~~.

d. **Appearance and Withdrawal.**

1. **Who May Appear Generally.** Only a member of the bar of the district may appear as a lawyer in the courts of the district, except where pro hac vice appearance is permitted by the court, where a Federal Public Defender or an Assistant Federal Public Defender from another district appears for a defendant or witness in a criminal case, or where a government lawyer appears for the United States.

2. **Appearance in Criminal Case by Lawyer Who Is Not ~~a~~ Member of ~~the~~ Bar of ~~the~~ District.** A lawyer who is not a member of the bar of the district must, before appearing in a criminal case, file a certificate of good standing and a motion to appear pro hac vice. A motion to appear pro hac vice form ~~on a form~~is available on the courts' websites. This rule in no manner limits the right of a defendant in a pending criminal case to employ and be represented by counsel of the defendant's own selection, provided such counsel is a member in good standing of the bar of a state of the United States or of a United States court and has not been convicted of a felony, suspended, or disbarred, as provided in subsection (f)(5) of this rule. A lawyer appearing pro hac vice in a criminal case is not required to comply with the associate counsel requirements contained in subsection (d)(4) of this ~~rule, and~~rule and is not required to pay a pro hac vice admission fee. However, a lawyer appearing pro hac vice in a criminal case is required to register in the ~~court's~~ ECF system. (*See* subsection (d)(3)~~(C)~~ of this rule).

3. **Pro Hac Vice Admission.** A lawyer who is not a member of the bar of the district may be admitted to practice in a particular case pro hac vice by filing a motion asking to be admitted pro hac vice. By asking to be admitted pro hac vice, the lawyer agrees that in connection with the lawyer's pro hac vice representation, the lawyer will submit to and comply with all provisions and requirements of the Iowa Rules of Professional Conduct, or any successor code adopted by the Iowa Supreme Court. Full pro hac vice admission instructions are available on the courts' websites.

A. ~~Motion.~~ To be admitted pro hac vice, a lawyer must file a certificate of good standing and a motion to appear pro hac vice ~~file a motion to appear pro hac vice on the form available on the courts' websites~~ and complete the following:~~.~~

Formatted: Font color: Text 1

~~Civil Cases. A lawyer who files a motion for admission pro hac vice in a civil case must submit contemporaneously to the Clerk of Court the following:~~

i. ~~Request~~ egister for the ECF system ~~admission~~ through PACER; ~~The prescribed pro hac vice admission fee;~~

ii. If not appearing pro hac vice in a criminal case and if the pro hac vice admission fee did not get paid when filing the motion to appear pro hac vice, ~~S~~submit the ~~prescribed~~ pro hac vice admission fee within ~~seven (~~7~~)~~ days ~~of~~after filing the motion to appear ~~the~~ pro hac vice ~~admission motion~~; and~~A completed and signed lawyer registration form for the ECF system (this form is appended to the ECF Procedures Manual and may be found on the courts' websites; and~~

iii. Any other documentation required by the court ~~for registration in the ECF system,~~ as described on the courts' websites~~in the ECF Procedures Manual~~.

B. If a lawyer files a motion ~~for admission~~to appear pro hac vice ~~in a civil case~~and ~~the~~ such motion is granted, and the ~~Clerk of Court~~ lawyer does not ~~receive the documentation required for registration in~~register for the ECF system within 14 days after ~~the~~ filing ~~of~~ the motion to appear pro hac vice or pay the pro hac vice admission fee within 7 days, the ~~court may enter an order revoking the admission~~ lawyer's pro hac vice status may be revoked.

~~Criminal Cases. A lawyer who files a motion for admission pro hac vice in a criminal case must submit contemporaneously to the Clerk of Court the following:~~

~~i. A completed and signed lawyer registration form for the ECF system (this form is appended to the ECF Procedures Manual and may be found on the courts' websites); and~~

~~i. Any other documentation required by the court for registration in the ECF system, as described in the ECF Procedures Manual.~~

~~If a lawyer files a motion for admission pro hac vice in a criminal case and the motion is granted, and the Clerk of Court does not receive the documentation required for registration in the ECF system within 14 days after the filing of the motion, the court may enter an order revoking the admission pro hac vice.~~

4. **Associate Counsel Requirement.** Except parties proceeding pro se, lawyers appearing in criminal cases and complying with the requirements of subsection (d)(2) of this rule, or lawyers of record in any action transferred under 28 U.S.C. § 1407 (*see* Rule 2.1(c) of the Rules of Procedure of the United States Judicial Panel on Multistate Litigation), any lawyer who is not qualified to practice under section (b) of this rule must, in each proceeding in

Formatted: Font color: Text 1

Formatted: Font: Not Bold, Font color: Text 1

Formatted: Font color: Text 1

which the lawyer appears, associate with counsel who is so qualified. The qualified associate counsel must enter a written appearance with his or her name, law firm, office address, telephone number, ~~facsimile number,~~ and email address, which will be entered of record. Thereafter, all materials required to be served upon the nonqualified lawyer also must be served upon the qualified associate counsel.

A lawyer not qualified to practice under section (b) or subsection (d)(2) of this rule must not file any document unless, at the time of the filing, qualified associate counsel has entered a written appearance on behalf of the party represented by the nonqualified lawyer and has signed the document. Associate ~~counsel~~counsels are expected to adhere to their duties as detailed

~~Associate counsels are reminded of their duties as set out more fully~~ in Iowa Ethics Opinion 13-2, Pro Hac Vice Counsel (August 6, 2013).

5. **Form of Appearance.** Any lawyer representing a party in any action or proceeding who did not sign the first pleading filed on behalf of the party must file ~~with the Clerk of Court~~ a separate "notice of appearance." The notice must clearly reflect the lawyer's name, law firm, office address, telephone number, ~~facsimile number,~~ email address, and the name of the party for whom appearance is made. If more than one lawyer has appeared on behalf of a party, the notice must identify the lead counsel. Lawyers who have appeared are responsible for informing the court of any changes in this information with respect to all cases in which they have appeared.

6. **Withdrawal Procedure.** ~~A lawyer who is a~~A member of the bar of the district, who has appeared of record in a case, and who desires to withdraw from representation of a party is not relieved of his or her duties to the court, to the client, or to opposing counsel until one of the following is satisfied: **(A)** another lawyer has appeared of record for the client, and the withdrawing lawyer has filed a notice of withdrawal ~~with the Clerk of Court~~ and has served the notice on opposing counsel and the client; or **(B)** the withdrawing lawyer has filed a motion to withdraw ~~with the Clerk of Court~~, has served the motion on opposing counsel and the client, and has received leave of court to withdraw for good cause shown. A lawyer who has been admitted pro hac vice, who has appeared of record in a case, and who desires to withdraw from representation of a party is not relieved of his or her duties to the court, to the client, or to opposing counsel until the withdrawing lawyer has filed a motion to withdraw ~~with the Clerk of Court~~, has served the motion on opposing counsel and the client, and has received leave of court to withdraw for good cause shown.

   A motion to withdraw must indicate the trial date and must contain a list of all pending motions and the dates on which they were filed.

e. **Courtroom Decorum.** Counsel in the courtroom must conduct themselves with dignity and propriety. Unless excused by the court, counsel must stand when addressing the court or the jury. Examination of witnesses must be conducted from counsel table or a lectern, except when it is necessary to approach a witness, court clerk, or exhibit table for the purpose of presenting

or examining exhibits. Counsel must not approach a witness or the bench unless the court requests or counsel obtains permission from the court. Counsel must not access or use a cell phone or other portable communication device, absent court permission, while appearing during any hearing or court proceeding.

f. **Rules of Conduct and Disciplinary Procedures.**

1. **Applicability of Iowa Rules of Professional Conduct.** The Iowa Rules of Professional Conduct, or any successor code adopted by the Iowa Supreme Court, govern all members of the bar of the court and, to the extent provided in subsection (d)(3) of this rule, those admitted pro hac vice. A violation of the standards established in those rules of conduct is "misconduct" for purposes of this section.

2. **Lawyer Discipline.** Any member of the bar of the court and any lawyer admitted pro hac vice may, for good cause shown after an opportunity to be heard in accordance with the disciplinary procedures prescribed in this subsection, be disbarred in the court, suspended from practice before the court for a definite or indefinite time, reprimanded, or subjected to such other discipline as the court may deem proper. These procedures apply only to proceedings that have as their primary purpose the discipline of a lawyer for misconduct, and do not limit the court's authority to order sanctions or other remedies as permitted by law.

3. **Disciplinary Proceedings.** When a member of the bar of the court or a lawyer admitted pro hac vice allegedly engages in misconduct and the alleged misconduct comes to the attention of the court, the court may initiate informal or formal disciplinary proceedings against the lawyer (the "respondent lawyer") under this subsection.

A. **Payment of Expenses.** Any expenses incurred in the furtherance of either formal or informal disciplinary proceedings may be paid from the Attorney Admission Fee Fund.

B. **Informal Disciplinary Proceedings.** A federal judge may initiate and conduct informal disciplinary proceedings in any appropriate manner, including by the entry of orders (including show cause orders), the conducting of hearings, and the imposition of sanctions. A lawyer will not be suspended or disbarred from practice before ~~this~~ the court as a result of informal disciplinary proceedings.

C. **Formal Disciplinary Proceedings.** A federal judge may initiate formal disciplinary proceedings by asking the Chief Judge of the district where allegations of misconduct arise to order the appointment of a special counsel to investigate and report to the Chief Judge on the allegations. The Chief Judge may appoint a special counsel, or may, in his or her discretion, defer formal disciplinary proceedings pending the results of disciplinary proceedings in a state or another federal jurisdiction. In an order appointing a special counsel under this subsection, the Chief Judge may specify any special authority the special counsel is authorized to exercise in the conduct of the investigation, such as, for example, the power to issue subpoenas for depositions and

documents and the power to require a respondent lawyer to respond to written interrogatories.

i. **Investigation and Report.** The special counsel is to investigate the allegations and make a written report to the Chief Judge, which includes the following: **(a)** a history and factual background of the allegations; **(b)** a recommendation as to whether there is or is not probable cause to support the allegations; and **(c)** the reasons for the recommendation. The special counsel also may make recommendations concerning the disposition of the allegations.

ii. **Determination by Chief Judge.** After reviewing the report of the special counsel, the Chief Judge will determine whether formal disciplinary proceedings should or should not be continued against the respondent lawyer. If the Chief Judge determines formal disciplinary proceedings should not be continued, and the respondent lawyer has been given notice of the referral of the allegations of misconduct to a special counsel, then the respondent lawyer will be notified by the Clerk of Court that formal proceedings will not be continued. If the Chief Judge determines formal disciplinary proceedings should be continued, the Chief Judge will issue a show cause order notifying the respondent lawyer of the misconduct alleged and the probable cause finding of the special counsel and directing the respondent lawyer to show cause within 30 days why the respondent lawyer should not be disciplined.

iii. **Service.** The Clerk of Court will have the show cause order served on the respondent lawyer by personal service or by registered or certified mail sent to the respondent lawyer's last known address according to the Clerk of Court's records.

iv. **Default.** If the respondent lawyer fails to respond within the time required, the Chief Judge may order any proper discipline.

v. **Proceedings after Answer.** If the respondent lawyer files an answer to the show cause order, and **(a)** raises an issue of fact, or **(b)** includes in the answer a request to be heard, the Chief Judge will set the matter for prompt hearing before a panel of three federal judges appointed by the Chief Judge. The panel will not include any judge before whom the alleged misconduct occurred.

   The panel will prescribe such procedures as are necessary to hear and decide the issues raised in the show cause order or answer. The panel will issue a final order. If the final order contains a finding of misconduct, the order will provide for any discipline to be imposed on the respondent lawyer.

vi. **Delegation by Chief Judge.** In any disciplinary proceeding brought under section (f) of this rule, including a formal disciplinary proceeding initiated by the Chief Judge under subsection (f)(3)(C) of this rule, the Chief Judge may delegate any function assigned to the Chief Judge under these rules to another district court judge.

4. **Sealing of Documents.** A final order entered in a formal disciplinary proceeding that contains a finding of misconduct will be filed in the public record unless the members of the panel unanimously order that it be filed under seal. Any other document filed in connection with a formal disciplinary proceeding must be filed under seal, and will remain sealed until such time as an order unsealing the document is entered by one of the judges on the panel.

5. **Felony Conviction; Suspension or Disbarment in Another Court.** If a member of the bar of the court or a lawyer admitted ~~to practice~~ pro hac vice is convicted of a felony or is suspended or disbarred from practicing in any federal or state court, the lawyer must notify the Clerk of Court immediately of the conviction, suspension, or disbarment. Thereafter, the lawyer will be suspended or disbarred from practice before the court unless the lawyer, within 14 days after the Clerk of Court has mailed notice to the lawyer's last known mailing address, shows good cause why such action should not be taken.

   Any person who, before admission to the bar of the court or during disbarment or suspension from practice in any federal or state court, and without specific leave of the court, exercises any of the privileges of a member of the bar of the court in this state or in any action or proceeding pending in the Northern or Southern Districts of Iowa, or pretends to be entitled to do so, is guilty of contempt of court and is thereby subject to appropriate punishment.

   The procedures provided in subsection (f)(3) of this rule do not apply to matters arising under this subsection.

g. **Dereliction of Counsel.** When a case has been dismissed because of inexcusable neglect or other dereliction of counsel, the court may impose such sanctions upon counsel as the court deems appropriate, including those provided in section (f) of this rule.

h. **Law Student Practice.** With the permission of the presiding judge, and under such restrictions as the presiding judge may impose, a law student enrolled in a reputable law school as defined in Iowa Supreme Court Rule 31.8 and Iowa Code § 602.10102 may appear as counsel before the court under the following conditions:

   1. **Certification.** The dean of the law school must certify to the court that the student has completed at least three semesters of the work required by the school to qualify for a J.D. or an equivalent degree;

   2. **Supervision.** The student's appearance must be under the direct supervision of a lawyer admitted to practice before the court who is personally present and has appeared of record in the case; and

   3. **Compensation.** The student must not receive compensation for a court appearance, but this prohibition does not prevent a student from receiving general compensation from an employer-lawyer or from a source of funds unrelated to the case or the parties. Nothing in

this rule prevents the court from awarding reasonable attorney fees under an appropriate statute for a student's work as long as the student does not receive any of the fee.

LR 83A JUDICIAL CONDUCT AND DISABILITY

Complaints concerning the conduct of a federal judge or the inability of a federal judge to perform the duties of his or her office by reason of any mental or physical disability are governed by 28 U.S.C. §§ 351-364, and the Eighth Circuit Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Formatted: Font color: Text 1

LR 83B SETTLEMENT DEADLINE

a. **General Costs.** The court may impose a settlement deadline on the parties. If a settlement is reached after the deadline without prior approval of the court, the court may, after giving the parties and their counsel an opportunity to be heard, impose any appropriate sanction against one or more of the parties or their counsel, or both, for violation of the settlement deadline. Sanctions may include the assessment of costs incurred by the court as a result of the failure to settle the case before the deadline.

b. **Jury Costs.** Where a civil case scheduled for jury trial is settled or otherwise disposed of in advance of the actual trial, and the Clerk of Court is not notified at least 7 days before the day scheduled for jury selection that the trial will not be held, then, except for good cause shown, juror costs may be assessed equally against the parties and their counsel, or otherwise assessed as directed by the court.

Formatted: Font color: Text 1

LR 83C POSSESSION AND USE OF CAMERAS, RECORDING DEVICES, RADIO, TELEVISION, PHOTOGRAPHY, COMMUNICATION DEVICES, COMPUTERS, AND COURTHOUSE SECURITY

a. **Prohibited Activities.** The following activities are prohibited in the courtroom and its environs, whether or not court is in session:

1. Audio or video recording of any kind;
2. Radio or television broadcasting;
3. Photographs;
4. Use of any electronic device to record or transmit anything from the courtroom or its environs, including visual images, testimony, or data; and
5. The use of a noise-producing electronic device, unless the device is necessary for a person's health or welfare (for example, a breathing device or a motorized wheelchair).

The court may make exceptions to these prohibitions for security purposes, ceremonial proceedings, and educational seminars.

b. **Computers, Cell Phones, and Other Portable Communication Devices.** Computers, cell phones, and other portable communication devices are not permitted in courtrooms or their environs unless specifically authorized by order of the court. If such a device is permitted in a courtroom or its environs, it must be disabled from making an audible sound while in the courtroom or its environs. Members of the bBar and employees of members of the bBar are exempted from the rule. However, members of the bBar and employees of members of the bBar must not access or use a cell phone or other portable communication device, absent court permission, while appearing during any hearing or court proceeding.

c. **Environs Defined.** For purposes of this rule, the environs include all rooms, passageways, and stairways in a courthouse, but do not include the private offices of the United States Attorney, the Federal Public Defender, the United States Probation Office, or any other government agency or organization not part of the judiciary. In any other building where a judicial proceeding of the district court is being conducted or where court personnel or jurors are located, the environs include all rooms in the building being used for such purposes and all areas immediately adjacent to those rooms.

d. **Exception for Court Personnel and Court Reporters.** This rule does not apply to court personnel or court reporters acting on behalf of the court and within the scope of their duties.

Formatted: Font color: Text 1

LR 83D OPENING STATEMENTS AND CLOSING ARGUMENTS

a. **Opening Statements.** An opening statement must not exceed 15 minutes.

b. **Closing Arguments.** A closing arguments for each side must not exceed one hour. The plaintiff's allotted time includes any time for rebuttal argument. Counsel for each side may divide their time between themselves, but no more than 2 lawyers for each side will be allowed to address a jury during closing arguments, except with the permission of the court granted before closing arguments open.

Formatted: Font color: Text 1

LR 83E EXHIBITS

a. **Marking of Exhibits.** Before a trial or hearing, the parties must mark all exhibits (except those to be offered in rebuttal or used for impeachment) for identification as follows:

   1. Each exhibit must be designated with a number or letter, with plaintiffs using numbers and defendants using letters. However, to avoid multiple-letter exhibits (AAAA, BBBB, etc.) in cases with large numbers of exhibits, the parties may agree to a different exhibit identification scheme. For example, the parties may agree that plaintiffs will use numbers beginning with1000, and defendants will use numbers beginning with 2000.

   2. Each exhibit must be marked with the case number.

   3. Exhibits longer than one page must be paginated at the bottom of each page.

b. **Listing, Marking, and Disclosing Exhibits.** Before the final pretrial conference, each party must do the following:

   1. Prepare and serve on the other parties a list of all exhibits to be offered at trial;

   2. Mark each exhibit as required by section (a) of this rule; and

   3. Afford opposing parties a reasonable opportunity to examine the marked exhibits.

   No exhibit will be admitted into evidence at trial (other than those essential to rebuttal or impeachment) that is not disclosed to the opposing parties as required by this rule; by Local Rule 16A(c), by Federal Rule of Civil Procedure 26(a)(3)(A)(iii), or by the orders of the court, unless good cause is shown for the failure to disclose.

c. **Copies for Court.** Unless the court orders otherwise at the final pretrial conference, at the commencement of trial, the parties must supply the court with a copy of all exhibits in three-ringed, tabbed binders.

d. **Filing ~~Custody~~with Clerk of Court.** All exhibits offered ~~offered or~~and all exhibits ~~received~~ into evidence at a trial or hearing must be electronically filed via the ECF system by the party offering the exhibit. If an exhibit cannot be electronically filed, ~~(such as physical evidence) it must be left in the custody of the Clerk of Court, except as provided in~~ sections (e) and (f) of this rule apply. ~~Until judgment in a case becomes final, exhibits may not be taken from the custody of the Clerk of Court, except upon order of the court and the execution of a receipt.~~

e. **Custody with Offering Party.** Any exhibit not suitable for filing or transmission to the appellate court as part of the appellate record must be retained in the custody of the party offering the exhibit. Such exhibits include, but are not limited to, the following:

   1. "Unsafe, Dangerous, or Otherwise Prohibited Exhibits," as defined in Local Criminal Rule 57B(f);

Formatted: Font color: Text 1

Formatted: Normal, Space Before: 0 pt

2. Jewelry, liquor, money, articles of high monetary value, and counterfeit money; ~~and~~

3. Documents ~~or physical exhibits~~ of unusual sensitivity, bulk, or weight; and~~.~~

4. Physical exhibits.

~~3.~~5. Biological evidence (for example, blood, saliva, tissue, and items containing bodily fluids upon which DNA or other forensic test could be performed).

Except when such an exhibit is being used in court during a trial or hearing, or is in the custody of a jury or the court during deliberations, the offering party must preserve the exhibit in an unaltered condition until 30 days after the resolution of any appeal. The exhibit then may be destroyed or otherwise disposed of by the party having custody of the exhibit, but only after the party gives 30 days' written notice to the attorneys of record and to any parties who appeared pro se. The party retaining custody of such an exhibit must make the exhibit available to the court and to opposing counsel for use in preparing an appeal, and must transmit the exhibit safely to the appellate court, if required. Such party also must document the chain of custody of the exhibit.

f. **Substitution of Photographs for Exhibits.** If a party has offered into evidence at a trial or hearing an exhibit that is not suitable for filing or transmission to the appellate court as part of the appellate record, the offering party must provide a photograph of the exhibit to the court to be substituted for the exhibit, and must retain custody of the exhibit as provided in section (e) of this rule.

g. **Unsafe, Dangerous or Otherwise Prohibited Exhibits.** The procedures prescribed in Local Criminal Rule 57B(f) apply to unsafe, dangerous, or otherwise prohibited exhibits in civil cases.

h. **Demonstrative Aids.** A party using a demonstrative aid during a civil or criminal jury trial must, before the demonstrative aid is displayed to the jury, show the demonstrative aid to representatives of all other parties participating in the trial. The term "demonstrative aid" includes charts, diagrams, models, samples, and animations, but does not include exhibits admitted into evidence or outlines of opening statements or closing arguments.

Formatted: Font: Bold, Font color: Text 1

Formatted: Font color: Text 1

LR 83F AVAILABILITY OF ELECTRONIC RECORDINGS

If a proceeding has only been recorded electronically, the court may, upon the request of any party, have a copy made of the electronic recording or ~~to~~ have a transcript prepared from the electronic recording, but only after the requesting party has made acceptable arrangements with the Clerk of Court to pay the costs associated with the request in accordance with the directives of the Administrative Office of the United States Courts.

Formatted: Font color: Text 1

LR 8001 BANKRUPTCY APPEALS

a. **Rules.** Except as provided in this rule, the Federal Rules of Bankruptcy Procedure and the Official Bankruptcy Forms apply to all appeals from the United States Bankruptcy Courts for the Northern and Southern Districts of Iowa to the United States District Courts for the Northern and Southern Districts of Iowa.

b. **Briefs.** Federal Rule of Bankruptcy Procedure 8015(a)(7) is modified to provide that principal briefs must not be more than 20 pages in length and reply briefs must not be more than 5 pages in length, exclusive of pages containing the table of contents, table of authorities, signature block, and/or certificate of service, and any addendum containing statutes, rules, regulations, or similar material. The court may allow a longer brief upon the filing of an appropriate application showing good cause for exceeding these page limitations.

c. **Lawyers.** Local Rule 83, relating to the admission of lawyers to the bar of the court, applies to lawyers representing parties in appeals from the bankruptcy court to the court. All lawyers representing parties in such cases must be authorized to appear in the court by Local Rule 83.

d. **Electronic filing.** Local Rule 5A, relating to electronic filing and electronic access to case files in the court, applies to appeals from the bankruptcy court to the court. All lawyers representing parties in such cases, including lawyers admitted pro hac vice (*see* LR 83(d)(3)), must be registered to participate in the ECF system, and must file all documents in the case electronically.

e. **Dismissal for Failure to Pay Fees.** Upon the failure of the party filing the appeal to pay any fees required by statute or as may be set by the Judicial Conference of the United States Courts, the Clerk of Court for the bankruptcy ~~judge~~ court will notify the court so that appropriate steps, including, but not limited to, dismissal, may ~~send a recommendation to the court that the appeal be dismissed~~be taken.

Formatted: Font color: Text 1

PAGE INTENTIONALLY LEFT BLANK

Formatted: Font color: Text 1

CRIMINAL RULES

LCrR 1 GENERAL PROVISIONS; SCOPE

Formatted: Font color: Text 1

a. **Citation Form.** The local criminal rules are to be cited as "LCrR ____." The local civil, ~~and~~ criminal and patent rules are collectively referred to herein as ~~the~~ "rules" or ~~the~~ "Local Rules."

b. **Scope.** The local criminal rules govern all criminal proceedings in the Northern and Southern Districts of Iowa to the extent they are not inconsistent with any statute or law of the United States or any rule or order of the Supreme Court of the United States having the force of law. Except as otherwise provided or where the context so indicates, the local civil rules govern criminal proceedings to the extent they are not inconsistent with any express provision of a local criminal rule.

c. **Modification of Local Rules by Presiding Judge.** The Local Rules are subject to modification in any case at the discretion of the presiding judge.

d. **Speedy Trials.** The courts' amended and modified plans pursuant to the Speedy Trial Act of 1977, 18 U.S.C. §§ 3165-3166, govern the scheduling of criminal trials. These plans may be found on the courts' websites.

e. **Pro Hac Vice Admission.** A lawyer who is not a member of the bar of the court must, before appearing in a criminal case, comply with the requirements of Local Rule 83(d)(3).

LCrR 3 COMPLAINTS

a. **Presentation.** Complaints ordinarily should be presented to a magistrate judge for review and execution, but a complaint may be presented to a district court judge if no magistrate judge is available. If no federal judge is reasonably available, a complaint may be presented to a state or local judicial officer.

A copy of the proposed complaint and any supporting affidavits must be delivered to the magistrate judge for his or her private review before a request is made for the magistrate judge to sign the complaint. For good cause shown, the magistrate judge may waive this requirement.

b. **Personal Data Identifiers.** If a complaint contains personal data identifiers, the lawyer for the government must provide the Clerk of Court with the original complaint and a copy of the complaint with all personal data identifiers redacted. (*See* LR 10(g)). The Clerk of Court will file the original complaint under seal and the redacted copy of the complaint in the public case file.

~~c.~~

~~d.~~

e.c. **How Filed.** All ~~criminal~~ complaints must be filed using the ECF system (*see* LR 5A(g)(3)). Notwithstanding Local Rule 5A(j), a complaint will be deemed by the court to have been filed on the date it is signed by a federal judge.

f.d. **Lawyer for Government.** Ordinarily, a person presenting a complaint to a magistrate judge should be accompanied by a lawyer for the government. If justified by unusual circumstances, a magistrate judge may entertain a proposed complaint from a person who is not accompanied by a lawyer for the government.

g.e. **Emergencies.** In an emergency ~~situation~~, a magistrate judge may be contacted away from the courthouse, including at his or her home, for purposes of entertaining a proposed complaint. If no magistrate judge is available, a district court judge may be contacted away from the courthouse, including at his or her home, for purposes of entertaining a proposed complaint.

Formatted: Font color: Text 1

LCrR 5 APPEAL AND RECONSIDERATION OF RELEASE AND DETENTION ORDERS

a. **Appeal of Release Orders and Detention Orders.** A party may appeal from a release or detention order issued by a magistrate judge by filing a motion pursuant to 18 U.S.C. § 3145(a) or (b) for revocation or amendment of the order. Subject to excuse for good cause shown, the motion must be filed within 14 days after the release or detention order has been filed. The ~~movant~~ moving party must arrange promptly for the transcription of all portions of the record the district court judge will need to rule on the motion. (*See generally* LCrR 59, relating to appeals from orders issued by magistrate judges on pretrial matters).

b. **Release Orders and Detention Orders Issued in Other Districts.** If a defendant is released or detained by a magistrate judge in another district after appearing in that district on a charge from the Northern~~is~~ ~~d~~District or Southern District, the 14-day period in section (a) of this rule does not begin to run until the date of the defendant's initial appearance on the charge in ~~this~~ the charging district.

c. **Request for Reconsideration of Release Orders and Detention Orders.** At any time before trial, a party may file a motion requesting a magistrate judge to reconsider a release or detention order entered previously by a magistrate judge. (*See* 18 U.S.C. § 3142(f)).

d. **Caption.** A party filing a motion under this rule must state in the caption of the motion whether it is for appeal to the district court judge or reconsideration by a magistrate judge.

Formatted: Font color: Text 1

LCrR 6 GRAND JURY RETURNS

a. **Returns.** An indictment must be returned to a federal judge in open court by the grand jury or by the foreperson or deputy foreperson of the grand jury. An indictment will be deemed by the court to have been filed on the date it is returned to a federal judge in open court.

b. **Sealing of Indictments.** Immediately after an indictment is returned by the grand jury, the lawyer for the government must provide the Clerk of Court with the original indictment. The Clerk of Court will file the original of the indictment under seal. The Clerk of Court will redact the grand jury foreperson's signature and any personal identifiers, and the redacted indictment will be ~~docketed~~ filed and made available to the public immediately, unless otherwise ordered by the court. An indictment ordered to be sealed by the court will be unsealed after the initial appearance in the district of any defendant charged in the indictment, unless otherwise ordered by the court.

~~Immediately after an indictment is returned by the grand jury, the lawyer for the government must provide the Clerk of Court with the original indictment and a copy of the indictment with the identity of the grand jury foreperson and all personal data identifiers redacted. (See LR 10(g) and LCrR 7(a)). The Clerk of Court will file the original of the indictment under seal. The redacted copy will be docketed and available to the public, unless otherwise ordered by the court, immediately after the initial appearance in the district of any defendant charged in the indictment.~~

Formatted: Font color: Text 1

LCrR 6A CONTACT WITH GRAND JURORS

a. **Contacts by Defendants or Witnesses.** Except upon leave of court, no actual or potential defendant or witness, and no lawyer or other person acting on their behalf, may contact, interview, examine, or question any grand juror or potential grand juror concerning the juror's actual or potential grand jury service.

b. **Contacts by Lawyers for ~~the~~ Government.** Except upon leave of court, no lawyer for the government or other person acting on his or her behalf may contact, interview, examine, or question any grand juror or potential grand juror concerning the juror's actual or potential grand jury service, except that contacts may be made on the record during grand jury proceedings and as necessary in connection with the administration of the grand jury.

Formatted: Font color: Text 1

LCrR 7 INDICTMENTS OR INFORMATIONS

Formatted: LR, Indent: Left: 0"

a. **Personal Data Identifiers in ~~an~~ Indictment or Information.** Local Rule 10(g), relating to personal data identifiers, applies in criminal cases, except an indictment or information may include a personal data identifier if necessary to comply with the requirements of federal law. If an information contains personal data identifiers, the lawyer for the government must provide the Clerk of Court with the original information and a copy of the information with all personal data identifiers redacted. (*See* LR 10(g)). The Clerk of Court will file the original information under seal and the redacted copy of the information in the public case file. (*See* LCrR 6(b), relating to the filing under seal of indictments containing personal data identifiers).

b. **Superseding Indictment Changes.** When a superseding indictment is filed, the lawyer for the government contemporaneously must file a brief statement describing the differences between the original indictment and the superseding indictment.

~~a. Superseding Indictment Changes. When a superseding indictment is filed, the lawyer for the government contemporaneously must file a brief statement describing the differences between the original indictment and the superseding indictment. Counsel should give consideration to also filing a red-lined version of the superseding indictment to highlight significant proposed changes for the ease of the court and opposing counsel.~~

LCrR 10 WRITTEN ARRAIGNMENT, PLEA, AND WAIVER OF PERSONAL APPEARANCE FORM

A defendant who has been charged by indictment or misdemeanor information and has had an initial appearance pursuant to Federal Rule of Criminal Procedure 5 may, pursuant to Federal Rule of Criminal Procedure 10(b), waive personal appearance at the arraignment on the charges and plead not guilty by filing a written waiver of personal appearance. A written waiver of personal appearance ~~in the~~ form is available on the courts' websites. The waiver must be filed at least 4 days before the time scheduled for the arraignment.

~~Defendants are~~A defendant is encouraged to electronically file a waiver of personal appearance ~~form~~ in lieu of personally appearing at an arraignment~~s~~ on a superseding indictment~~s~~ ~~and~~ or a superseding misdemeanor information~~s~~.

Formatted: Font color: Text 1

LCrR 11 PLEA HEARINGS

a. **Delivery of Plea Agreement to Court.** The lawyer for the government must email a copy of any plea agreement to the presiding judge handling the plea proceeding by at least 12:00 p.m. of the last business day before the plea hearing is scheduled to occur.

b. **Rule 11 Letter.** By at least 12:00 p.m. of the last business day before a plea hearing is scheduled to occur, the lawyer for the government must email to the presiding judge and opposing counsel a letter setting out the following:

1. maximum penalties and any mandatory minimum penalties that could be imposed by the court as a result of the plea
2. the potential maximum statutory penalty for violation of supervised release conditions;
3. the elements of all offenses to which the defendant is pleading, including the source upon which the government is relying for the elements (reference to the Eighth Circuit Pattern Criminal Jury Instructions is preferred);
4. the factual basis for the plea;
5. any collateral consequences to the plea (*e.g.*, appeal waiver, immigration, restitution, forfeiture, career offender designation, application of the Armed Career Criminal Act, etc.);
6. when applicable, the factual nexus between the offense to which the defendant is pleading and the property the government seeks to forfeit as a result of the guilty plea;
7. when applicable, whether any victim wishes to be reasonably heard under the Crime Victim's Rights Act, 18 U.S.C. § 3771; and
8. whether the United States will seek detention pending sentencing, whether the defendant is subject to mandatory detention, and if the parties contest the defendant's release or detention pending sentencing.

~~LCrR 11 PLEA HEARINGS~~

a. ~~Delivery of Plea Agreement to the Court. The lawyer for the government must email a copy of any plea agreement to the presiding judge handling the plea proceeding by at least 12:00 p.m. of the last business day before the plea hearing is scheduled to occur.~~

b. ~~Rule 11 Letter. By at least 12:00 p.m. of the last business day before a plea hearing is scheduled to occur, the lawyer for the government must email to the presiding judge and opposing counsel a letter setting out the maximum penalties and any mandatory minimum penalties that could be imposed by the court as a result of the plea, the potential maximum statutory penalty for violation of supervised release conditions, the elements of all offenses to which the defendant is pleading, the factual basis for the plea, any collateral consequences to the plea (*e.g.*, immigration, restitution, forfeiture, etc.), whether the United States will seek detention pending sentencing, and whether~~ the ~~defendant is subject to mandatory detention.~~

Formatted: Font color: Text 1

LCrR 12 MOTION, NOTICE, AND REQUEST DEADLINES

a. **Deadlines for Non-Trial-Related Motions, Notices, and Requests.** Unless some other deadline is established by order of the court, all motions, notices, and requests under Federal Rules of Criminal Procedure 12(b), 12.1(a)(1), 12.2(a) and (b), 12.3(a) and 21; all notices and requests pursuant to the Federal Rules of Evidence; and all other non-trial-related motions must be filed, given, or made within 28 days after the date of the defendant's first arraignment, except a request under Federal Rule of Criminal Procedure 12(b)(4)(B) must be made at the arraignment or as soon thereafter as is practicable. Notwithstanding this rule, a motion relating to a notice or request is timely if filed within 7 days after service of the notice or request.

b. **Deadlines After Continuance or Superseding Indictment.** When a trial date is continued, or a superseding indictment is returned, the original deadlines prescribed under the Local Rules or by order of the court remain unchanged unless, within 7 days after the continuance order has been entered or at the arraignment on the superseding indictment, either the defendant or the government requests that new deadlines be set, and an order is entered by the court changing the deadlines.

c. **Deadlines for Trial-Related Motions.** Motions in limine, motions pursuant to Federal Rule of Evidence 104(a), and all other trial-related motions must be filed as soon as practicable. All such motions must be filed at least 7 days before trial. Motions covered by ~~Local Criminal Rule~~section ~~12~~ (a) of this rule and motions to transfer are not trial-related motions for purposes of this section.

d. **Motion Procedure.** Local Criminal Rule 47 governs motion procedure in criminal cases.

e. **Untimely Motions.** The court may refuse to consider an untimely motion unless the moving party establishes good cause for the untimeliness of the motion.

Formatted: Font color: Text 1

LCrR 16 DISCOVERY

Unless otherwise ordered by the court, all expert disclosures required by Federal Rule of Criminal Procedure 16 must be made ~~no later than~~at least ~~twenty-eight (~~28~~)~~ days before trial.

Formatted: Normal, Indent: Left: 0"

LCrR 16.1 DISCOVERY CONFERENCE

Formatted: LR, Indent: Left: 0"

Stipulated Discovery Plan. At an arraignment, the parties may be asked if they are willing to agree to a stipulated discovery plan. If such a plan has been implemented in the district, and if the parties agree to participate in the plan, the magistrate judge may enter a standard discovery order. The entry of a standard discovery order constitutes compliance by the parties with Federal Rule of Criminal Procedure 16.1(a).

LCrR 17 SUBPOENAS AND WRITS

a. **Delivery of Subpoenas to Marshal.** The serving party is responsible for providing the United States Marshal's office with an original and 2 copies of each subpoena requested to be served by the United States Marshal's office. A subpoena for a hearing or trial to be served within the district by the ~~United States~~ Marshal must be delivered to the United States Marshal's office at least 14 days before the hearing or trial at which the witness is to testify, and a subpoena for a hearing or trial to be served outside of the district by the ~~United States~~ Marshal must be delivered to the United States Marshal's office at least 21 days before the hearing or trial at which the witness is to testify. Service of a subpoena delivered to the United States Marshal's office after these deadlines is not guaranteed; the subpoena will only be served if the United States Marshal's office is able to schedule service conveniently within the time allowed.

b. **Private Service of Process Not Authorized by ~~the~~ Criminal Justice Act.** Unless prior approval is obtained from a magistrate judge, a lawyer appointed under the Criminal Justice Act may not use private process servers to serve subpoenas for criminal hearings or trials but must use the United States Marshal's office for such service.

c. **Deadline for Delivering Writ of Habeas Corpus Ad Testificandum to Marshal.** A writ of habeas corpus ad testificandum to be served within the district must be delivered to the United States Marshal's office at least 14 days before the hearing or trial at which the witness is to testify, and a writ of habeas corpus ad testificandum to be served outside of the district must be delivered to the United States Marshal's office at least 21 days before the hearing or trial at which the witness is to testify.

d. **Deadline for Obtaining Approval of Subpoenas and Writs.** A lawyer appointed under the Criminal Justice Act who requests a subpoena and any lawyer who requests a writ of habeas corpus ad testificandum must submit a request to a magistrate judge for approval of the subpoena or writ at least 4 days before the deadline for delivering the subpoena or writ to the ~~United States~~ Marshal.

Formatted: Font color: Text 1

LCrR 24 JURY SELECTION IN MULTI-DEFENDANT CRIMINAL ~~T~~ CASES

In multi-defendant cases, a request by a defendant for additional peremptory challenges must be made in writing at least 14 days before jury selection.

Formatted: Font color: Text 1

LCrR 28 INTERPRETERS

a. **Responsibility for Obtaining.** When interpreters are required in criminal proceedings or in civil proceedings initiated by the United States, the Clerk of Court will obtain the services of certified or otherwise qualified interpreters, except the United States Attorney must obtain the services of such interpreters for government witnesses. In all other cases, a party requiring the services of an interpreter must obtain interpreting services.

b. **List of Interpreters.** The Clerk~~s~~ of Court ~~have~~ maintains a list of ~~SDIA and NDIA~~ interpreters who have been certified by the Director of the Administrative Office of the United States Courts and will make the list available to interested persons upon request.

c. **Grand Jury.** The government must make and preserve an electronic sound recording of any part of any grand jury proceedings in which an interpreter is used. The government may destroy any such sound recording after a period of 5 years from the making of the recording.

d. **Confidentiality.** Court interpreters must comply with all statutory requirements of confidentiality and secrecy and must protect all privileged and confidential information. Court interpreters must not disclose to anyone information of a confidential nature obtained while performing interpreting duties during or relating to proceedings in the court unless ordered to do so by the court.

e. **Conflicts.** Court interpreters must disclose promptly to the court and to the parties any apparent or actual conflict of interest, including any prior involvement with the case or with persons significantly involved in the case.

f. **Advice.** A court interpreter must refrain from giving advice of any kind to any party or individual involved in court proceedings for which the interpreter has been engaged to perform interpreting services.

g. **Opinions.** A court interpreter must not publicly express an opinion concerning court proceedings for which the interpreter has been engaged to perform interpreting services.

h. **Notification by Clerk of Court.** The Clerk of Court will notify interpreters of the requirements of this rule by providing a copy of the rule to each interpreter upon his or her first appearance in court proceedings in ~~this~~ the district. This requirement does not apply to telephone interpreters supplied to the court by the Telephone Interpreting Program. (*See* LCrR 28(i)).

i. **Certified Telephone Interpreters.** In criminal cases, the court may use certified interpreters supplied by the Telephone Interpreting Program sponsored by the Administrative Office of the United States Courts. Any objection to the use of such an interpreter must be made before the commencement of the proceeding being interpreted.

Formatted: Font color: Text 1

LCrR 32 SENTENCING HEARINGS; DISCLOSURE OF CONFIDENTIAL RECORDS MAINTAINED BY ~~THE~~ UNITED STATES PROBATION OFFICE

a. **Sentencing Hearings.** Each district court judge may decide the procedures and deadlines that will apply to sentencing hearings over which they preside.

b. **Disclosure of Confidential Records Maintained by ~~the~~ United States Probation Office.** Unless specifically authorized by this rule or by federal law, no confidential records of the court maintained by the United States Probation Office ("USPO") will be disclosed except by order of a federal judge of the district where the records are maintained.

   1. **Confidential Records.** Confidential records of the court maintained by the USPO include records of an accused or a defendant pertaining to the following: **(A)** pretrial supervision, release, or detention; **(B)** mental, drug, or physical evaluations or treatment; **(C)** presentence investigations; **(D)** sentencings; **(E)** incarceration; **(F)** parole; **(G)** probation; and **(H)** supervised release. Unsealed USPO records maintained in the files of the Clerk of Court are not confidential records for purposes of this rule.

   2. **Petition Required.** Anyone seeking disclosure of confidential records first must serve on the USPO and file a written petition setting forth with particularity good cause justifying the requested disclosure. A showing of good cause must include the following: **(A)** the need for the specific information contained or believed to be contained in the records; and **(B)** a legal basis for disclosure of the records. This subsection does not preclude the USPO from disclosing information or records to the lawyers for the parties.

   3. **Subpoena or Other Judicial Process.** If the USPO receives a subpoena or other judicial process for disclosure of confidential court records, the USPO must seek instruction~~s~~ from the court before responding to the subpoena or other judicial process.

Formatted: Font color: Text 1

LCrR 32A REVOCATION OF PROBATION OR SUPERVISED RELEASE HEARINGS

a. **Notice.** At least ~~three~~3 ~~court~~ days prior to a scheduled revocation hearing, the defendant must file a notice that states whether each of the alleged violations in the ~~P~~petition(s) to revoke will be admitted or contested by reference to the violation number. The defendant must address all violations not previously found by the c~~C~~ourt at the revocation~~s~~ hearing, and not just the current violations.

b. **List.** Regardless of whether any allegations in the ~~P~~petition(s) to ~~R~~revoke will be contested, the parties shall exchange a list of witnesses and exhibits, and copies of exhibits, that they anticipate will be offered at the revocation hearing. These lists shall be exchanged at least 24 hours prior to the revocation hearing unless unforeseen circumstances require a party to add ~~exhibits or~~ witnesses or exhibits within 24 hours of the revocation hearing. These lists must be emailed to chambers. The supervising probation officer and the defendant need not be included on the witness lists. If a party has no witnesses or exhibits for the revocation hearing, it is not necessary to notify the opposing party or chambers.

c. **Revocation Hearing.** If, upon preparation, the parties believe the revocation hearing will take more than 45 minutes to complete, they must notify chambers immediately by email with a copy to opposing counsel.

LCrR 41 SEARCH WARRANTS

a. **Presentation.** A search warrant application ordinarily should be presented to a magistrate judge, but it may be presented to a district court judge if no magistrate judge is available. If no federal judge is reasonably available, a search warrant may be presented to a state or local judicial officer.

   The application, the proposed search warrant, and any supporting affidavits must be delivered to the magistrate judge for his or her private review before a request is made for the magistrate judge to sign the warrant. For good cause shown, the magistrate judge may waive this requirement.

b. **Lawyer for Government.** Ordinarily, an officer presenting a search warrant application to a magistrate judge should be accompanied by a lawyer for the government. If justified by unusual circumstances, a magistrate judge may entertain a search warrant application from an officer who is not accompanied by a lawyer for the government.

c. **Emergencies.** In an emergency ~~situation~~, a magistrate judge may be contacted away from the courthouse, including at his or her home, for purposes of entertaining a search warrant application. If no magistrate judge is available, a district court judge may be contacted away from the courthouse, including at his or her home, for purposes of entertaining a search warrant application.

Formatted: Font color: Text 1

LCrR 47 RESISTANCES TO MOTIONS

Local Rule 7 governs motion procedure in criminal cases, except a resistance to a motion in a criminal case must be filed within 7 days after the motion is served. In any event, a resistance to a motion in a criminal case must be filed at least 4 days before the court proceeding at which the motion will be heard.

Formatted: Font color: Text 1

LCrR 55 CRIMINAL CASE FILES ~~AND DOCKETING~~

If an original complaint, information, or indictment is received by ~~T~~the Clerk of Court, such document ~~-~~will be scanned and uploaded into the ECF system before it is returned to the United States Attorney's office~~retain the original paper version of all indictments and informations for the length of time required by the Judicial Conference of the United States Courts~~for sixty (60) ~~days~~. The United States Attorney's office must retain the original paper version of all ~~criminal~~ complaints, informations, and indictments for 5 years after the electronic filing of ~~the complaint~~any of these documents.

Formatted: Font color: Text 1

LCrR 57 RELEASE OF INFORMATION BY LAWYERS IN CRIMINAL CASES

a. **Impending Criminal Litigation.** No lawyer or law office participating in or associated with the prosecution or defense of an impending criminal prosecution may release or authorize the release of information concerning the matter or give an opinion about the matter, unless there is no reasonable likelihood the information either will be disseminated by any means of public communication or will interfere with a fair trial, or otherwise prejudice the due administration of justice.

b. **Pending Investigations.** No lawyer for the government participating in or associated with a grand jury or other pending investigation of a criminal matter may make or authorize the release of any extrajudicial statement beyond what is included in the public record that a reasonable person would expect to be disseminated by any means of public communication. This section does not prohibit statements necessary for the following:

   1. To inform the public that an investigation is underway;
   2. To describe the general scope of an investigation;
   3. To obtain assistance in the apprehension of a suspect;
   4. To warn the public of any dangers; or
   5. To aid otherwise in an investigation.

c. **From Arrest Until Trial.**

   1. **Information Not to Be Released.** No lawyer or law office associated with the prosecution or defense of a pending or imminent criminal prosecution may release or authorize the release of any extrajudicial statement beyond what is included in the public record that a reasonable person would expect to be disseminated by any means of public communication concerning the following:

      A. Personal information concerning the accused, including the accused's character, reputation, or prior criminal record, including arrests, indictments, or other criminal charges, except this subsection does not prohibit a factual statement of the accused's name, age, residence, occupation, and family status, and if the accused has not been apprehended, information necessary to aid in the accused's apprehension or to warn the public of any dangers the accused may present;

      B. The existence or contents of any confession, admission, or statement given by the accused, or the refusal of the accused to make a statement;

      C. The performance of or results from any examination or test, or the accused's refusal or failure to submit to any examination or test;

      D. The identity, testimony, or credibility of prospective witnesses, except for the identity of the victim if the release of this information is not otherwise prohibited by law;

Formatted: Font color: Text 1

Formatted: Font: Not Bold, Font color: Text 1

E. The possibility of a plea of guilty to the offense charged or to a lesser offense; and

F. Any opinion as to the accused's guilt or innocence, the merits of the case, or the evidence in the case.

2. **Information That May Be Released.** This section does not preclude a lawyer or law office associated with the prosecution or defense of a criminal prosecution, in the proper discharge of an official or professional obligation, from doing the following:

A. Announcing the fact and the circumstances of an arrest, including the time and place of arrest and any resistance, pursuit, or use of weapons;

B. Announcing the identity of any investigating or arresting officers or agencies;

C. Announcing the duration of the investigation;

D. Announcing that the accused denies the charges, without further comment;

E. Announcing the scheduling of any court proceeding;

F. Announcing the results of any stage of the judicial process;

G. Giving, at the time of seizure of any physical evidence, a description of the evidence seized;

H. Quoting from or referring to the public records of the court without further comment; and

I. Requesting assistance in obtaining evidence.

d. **During Trial.** During a jury trial of any criminal matter, including jury selection, no lawyer or law office associated with the prosecution or defense of the matter may give or authorize the release of any extrajudicial statement or give an interview relating to the trial, the parties, or the issues in the trial that a reasonable person would expect to be disseminated by means of public communication if there is a reasonable likelihood such dissemination would interfere with a fair trial, except the lawyer or the law office may, without further comment, quote from or refer to public records of the court.

This section does not preclude the following:

1. The imposition of more restrictive rules relating to the release of information about juveniles or in other particular cases;

2. The holding of hearings or the lawful issuance of reports by legislative, administrative, or investigative bodies; or

3. A reply by a lawyer to charges of misconduct made publicly against the lawyer.

Formatted: Font color: Text 1

Formatted: Font: Not Bold, Font color: Text 1

Formatted: Font color: Text 1

LCrR 57A RELEASE OF INFORMATION BY COURTHOUSE PERSONNEL IN CRIMINAL CASES

All courthouse personnel, including marshals, deputy marshals, court clerks, court security officers, interpreters, and court reporters, are prohibited from disclosing to any person, without authorization by the court, information relating to a pending criminal case that is not part of the public records of the court. Specifically forbidden is the divulgence of information concerning arguments and hearings held in chambers or otherwise outside the presence of the public.

Formatted: Font color: Text 1

LCrR 57B EXHIBITS

a. **Marking of Exhibits.** Exhibits in criminal trials and hearings must be marked in accordance with Local Rule 83E(a).

b. **Filing~~Custody~~ with Clerk of Court.** All exhibits offered or received into evidence at a trial or hearing must be electronically filed via the ECF system by the party offering the exhibit. If an exhibit cannot be electronically filed, ~~filed (such as physical evidence) it must be left in the custody of the Clerk of Court, except as provided in~~ sections (c) and (~~e~~d) of this rule apply. ~~Until judgment in a case becomes final, exhibits may not be taken from the custody of the Clerk of Court, except upon order of the court and the execution of a receipt.~~

c. **Custody with Offering Party.** ~~Except as provided in section (d) of this rule, any~~ Any exhibit not suitable for filing or transmission to the appellate court as part of the appellate record must be retained in the custody of the party offering the exhibit. Such exhibits include, but are not limited to, the following:

1. "Unsafe, dangerous or otherwise prohibited exhibits" as defined in section (e~~f~~) of this rule;
2. Jewelry, liquor, money, articles of high monetary value, and counterfeit money;~~ and~~
3. Documents ~~or physical exhibits~~ of unusual sensitivity, bulk, or weight;~~.~~
4. Physical exhibits; and
5. ~~3.~~Biological evidence (for example, blood, saliva, tissue, and items containing bodily fluids upon which DNA or other forensic test could be performed).

Except when such an exhibit is being used in court during a trial or hearing or is in the custody of a jury or the court during deliberations, the offering party must retain custody of the exhibit. The offering party must preserve the exhibit in an unaltered condition until 30 days after the resolution of ~~both~~ any appeal and any application for relief under 28 U.S.C. § 2255, or if no application for relief under 28 U.S.C. § 2255 is filed, until 2 years after the date on which the judgment of conviction becomes final after any appeal. The exhibit then may be destroyed or otherwise disposed of by the party having custody of the exhibit, but only after the party gives 30 days' written notice to the attorneys of record and to any parties who appeared pro se. The party retaining custody of such an exhibit must make the exhibit available to the court and to opposing counsel for use in preparing an appeal or in connection with any postconviction proceedings, and must transmit the exhibit safely to the appellate court, if required. Such party also must document the chain of custody of the exhibit.

~~d. Biological Evidence. Biological evidence (for example, blood, saliva, tissue, and items containing bodily fluids upon which DNA or other forensic test could be performed) must be retained by the Clerk of Court until disposed of pursuant to section (f) of this rule.~~

Formatted: Font color: Text 1

Formatted: Normal, Space Before: 0 pt

e.d. **Substitution of Photographs for Exhibits.** If a party has offered into evidence at a trial or hearing an exhibit that is not suitable for filing or transmission to the appellate court as part of the appellate record, the offering party must provide a photograph of the exhibit to the court to be substituted for the exhibit and must retain custody of the exhibit as provided in section (c) of this rule.

f.e. **Unsafe, Dangerous, or Otherwise Prohibited Exhibits.** As used in this rule, the phrase "unsafe, dangerous, or otherwise prohibited exhibit" includes contraband (including child pornography, etc.), controlled substances, firearms, ammunition, explosives, knives, syringes, any object capable of use as a weapon, poisons, dangerous chemicals, hazardous substances, and any other item or matter that may present a substantial risk of physical injury or property damage if not properly handled, stored, or protected.

No one is permitted to bring an unsafe, dangerous, or otherwise prohibited exhibit into a courtroom for any purpose, including as evidence at a trial or hearing, without first notifying the federal judge handling the trial or hearing and the United States Marshal's office. Before any such exhibit is brought into a courtroom, the lawyer or pro se party responsible for the exhibit must make certain all reasonable measures have been taken to render the exhibit as safe as possible. Such measures include, but are not limited to, the securing in sealed containers of all controlled substances, poisons, dangerous chemicals, and hazardous substances, and the disabling of all weapons.

g.f. **Demonstrative Aids.** Local Rule 83E(h), relating to demonstrative aids used during jury trials, applies in criminal cases.

LCrR 58 SCHEDULE OF FINES

Pursuant to Federal Rule of Criminal Procedure 58(d)(1), the court may, by standing order, fix sums which may be accepted in lieu of appearances in cases of petty offenses, as defined in 18 U.S.C. § 19. All schedules presently in effect are adopted.

Formatted: Font color: Text 1

LCrR 59 APPEALS FROM RULINGS OF ~~UNITED STATES~~ MAGISTRATE JUDGES IN CRIMINAL CASES

A party in a criminal case who objects to or seeks review or reconsideration of either a magistrate judge's order on a pretrial matter or a magistrate judge's report and recommendation must file specific, written objections to the order or report and recommendation within 14 days after service of the order or report and recommendation. (*See also* LCrR 5, relating to motions for revocation, amendment, or reconsideration of release orders and detention orders). Any response to the objections must be filed within 7 days after service of the objections. A party asserting such objections must arrange promptly for the transcription of all portions of the record the district court judge will need to rule on the objections.

In any event, objections to a magistrate judge's order or report and recommendation must be filed at least 14 days before trial, and any response to the objections must be filed at least 7 days before trial.

Formatted: Font color: Text 1

PAGE INTENTIONALLY LEFT BLANK

PATENT RULES

LPR 1 SCOPE OF RULES

a. **Citation Form.**

The local patent rules are to be cited as "LPR__." The local civil, patent, and criminal rules are referred to collectively herein as the "rules" or the "Local Rules."

b. **Scope and Construction**

The local patent rules apply to all civil actions filed in or transferred to the Northern and Southern Districts of Iowa which allege infringement of a utility patent in a complaint, counterclaim, cross-claim or third party claim, or which seek a declaratory judgment that a utility patent is not infringed, is invalid or is unenforceable. The local civil rules shall also apply to such actions, except to the extent that they are inconsistent with these local patent rules. If the filings or actions in a case do not trigger the application of these local patent rules under the terms set forth herein, the parties shall, as soon as such circumstances become known, meet and confer for the purpose of agreeing on the application of these local patent rules to the case and promptly report the results of the meet and confer to the Court.

c. **Modification of these Rules**

The local patent rules are subject to modification in any case at the discretion of the presiding judge.

d. **Effective Date**

These local patent rules take effect on _____, 2026. They govern patent cases filed on or after that date.

Formatted: Font color: Text 1

Formatted: Font: Bold, Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font: Not Bold, Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font: Not Bold, Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font: Not Bold, Font color: Text 1

Formatted: Font color: Text 1

LPR 2 GENERAL PROVISIONS

a. **Governing Procedure**

1. **Notice of Pendency of Other Action Involving Same Patent.**

(1) When actions concerning the same patent are filed within two years of each other by the same plaintiff, they will be deemed related.

(2) Whenever a party knows or learns that actions concerning the same patent have been filed within two years of each other by the same plaintiff, the party must promptly file in each such case A Notice of Pendency of Other Action Involving Same Patent.

(3) The Clerk may then reassign the related higher- numbered cases to the Judge assigned to the lowest-numbered case and, if so, will file the appropriate notification on the docket of each reassigned case.

(4) If the lowest-numbered case is assigned to a magistrate judge to whom the parties have consented to preside over the action, the magistrate judge will retain that case even if consent is not entered in higher-numbered cases deemed related pursuant to subsection (1).

2. **Initial Case Management Conference**. When the parties confer pursuant to Fed. R. Civ. P. 26(f), in addition to the matters covered by Fed. R. Civ. P. 26, the parties shall discuss and address in the proposed scheduling order and discovery plan filed pursuant to Fed. R. Civ. P. 26(f) and LR 16(b), the following topics:

(1) Proposed modification of the obligations or deadlines set forth in these local patent rules to ensure that they are suitable for the circumstances of the particular case;

(2) The scope and timing of any claim construction discovery (including disclosure of and discovery from any expert witness permitted by the court) and damages discovery;

(3) The format of the Claim Construction Hearing, including whether the Court will hear live testimony, the order of presentation, and the estimated length of the hearing; and

(4) How the parties intend to educate the court on the technology at issue.

(5) The parties shall provide the court with a non-binding, good-faith estimate of the damages range expected for the case along with an explanation for the estimates. If either party is unable to provide such information, that party shall explain why it cannot and what specific information is needed before it can do so. Such party shall also state the time by which it should be in a position to provide that estimate and explanation.

b. **Confidentiality**

Discovery cannot be withheld on the basis of confidentiality absent Court order.

c. **Certification of Disclosures**

All statements, disclosures, or charts filed or served in accordance with these local patent rules shall be dated and signed by counsel of record. Counsel's signature shall

Formatted: Font: Bold, Font color: Text 1

Formatted: Font: Bold, Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font: Bold, Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font: Bold, Font color: Text 1

Formatted: Font color: Text 1

constitute a certification that to the best of his or her knowledge, information, and belief, formed after an inquiry that is reasonable under the circumstances, the information contained in the statement, disclosure, or chart is complete and correct at the time it is made.

d. **Admissibility of Disclosures**

Statements, disclosures, or charts governed by these local patent rules are admissible to the extent permitted by the Federal Rules of Evidence or Procedure. However, the statements and disclosures provided for in LPR 4a and 4b are not admissible for any purpose other than in connection with motions seeking an extension or modification of the time periods within which actions contemplated by these local patent rules shall be taken.

e. **Relationship to Federal Rules of Civil Procedure**

Except as provided in this paragraph or as otherwise ordered, it shall not be a ground for objecting to an opposing party's discovery request (e.g., interrogatory, document request, request for admission, deposition question) or declining to provide information otherwise required to be disclosed pursuant to Fed. R. Civ. P. 26(a)(1) that the discovery request or disclosure requirement is premature in light of, or otherwise conflicts with, these local patent rules, absent other legitimate objection. A party may object, however, to responding to the following categories of discovery requests (or decline to provide information in its initial disclosures under Fed. R. Civ. P. 26(a)(1)) on the ground that they are premature in light of the timetable provided in the local patent rules:

1. Requests seeking to elicit a party's claim construction or damages positions;
2. Requests seeking to elicit from the patent claimant a comparison of the asserted claims and the accused apparatus, product, device, process, method, act, or other instrumentality;
3. Requests seeking to elicit from an accused infringer a comparison of the asserted claims and the prior art; and
4. Requests seeking to elicit from an accused infringer the identification of any advice of counsel, and related documents.

Where a party properly objects to a discovery request (or declines to provide information in its initial disclosures under Fed. R. Civ. P. 26(a)(1)) as set forth above, that party shall provide the requested information on the date on which it is required to be provided to an opposing party under these local patent rules or as set by the Court, unless there exists another legitimate ground for objection.

Formatted: Font: Bold, Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font: Bold, Font color: Text 1

Formatted: Font color: Text 1

LPR 3 PATENT DISCLOSURES

Formatted: Font: Bold, Font color: Text 1

a. **Disclosure of Asserted Claims and Infringement Contentions**

Formatted: Font: Bold, Font color: Text 1

Not later than 14 days after the Initial Case Management Conference, a party claiming patent infringement shall serve on all parties a "Disclosure of Asserted Claims and Infringement Contentions." Separately for each opposing party, the "Disclosure of Asserted Claims and Infringement Contentions" shall contain the following information:

Formatted: Font color: Text 1

1. Each claim of each patent in suit that is allegedly infringed by each opposing party, including for each claim the applicable statutory subsections of 35 U.S.C. §271 asserted;

2. Separately for each asserted claim, each accused apparatus, product, device, process, method, act, or other instrumentality ("Accused Instrumentality") of each opposing party of which the party is aware. This identification shall be as specific as possible. Each product, device, and apparatus shall be identified by name or model number, if known. Each method or process shall be identified by name, if known, or by any product, device, or apparatus which, when used, allegedly results in the practice of the claimed method or process;

3. A chart identifying specifically where and how each limitation of each asserted claim is found within each Accused Instrumentality, including for each limitation that such party contends is governed by 35 U.S.C. § 112(6), the identity of the structure(s), act(s), or material(s) in the Accused Instrumentality that performs the claimed function.

4. For each claim which is alleged to have been indirectly infringed, an identification of any direct infringement and a description of the acts of the alleged indirect infringer that contribute to or are inducing that direct infringement. Insofar as alleged direct infringement is based on joint acts of multiple parties, the role of each such party in the direct infringement must be described.

5. Whether each limitation of each asserted claim is alleged to be literally present or present under the doctrine of equivalents in the Accused Instrumentality;

6. For any patent that claims priority to an earlier application, the priority date to which each asserted claim allegedly is entitled; and

7. If a party claiming patent infringement wishes to preserve the right to rely, for any purpose, on the assertion that its own or its licensee's apparatus, product, device, process, method, act, or other instrumentality practices the claimed invention, the party shall identify, separately for each asserted claim, each such apparatus, product, device, process, method, act, or other instrumentality that incorporates or reflects that particular claim.

8. Identify the timing of the point of first infringement, the start of claimed damages, and the end of claimed damages; and

9. If a party claiming patent infringement alleges willful infringement, the basis for such allegation.

b. **Document Production Accompanying Disclosure**

With the "Disclosure of Asserted Claims and Infringement Contentions," the party claiming patent infringement shall produce to each opposing party or make available for inspection and copying:

1. Documents (e.g., contracts, purchase orders, invoices, advertisements, marketing materials, offer letters, beta site testing agreements, and third party or joint development agreements) sufficient to evidence each discussion with, disclosure to, or other manner of providing to a third party, or sale of or offer to sell, or any public use of, the claimed invention prior to the date of application for the patent in suit. A party's production of a document as required herein shall not constitute an admission that such document evidences or is prior art under 35 U.S.C. § 102;
2. All documents evidencing the conception, reduction to practice, design, and development of each claimed invention, which were created on or before the date of application for the patent in suit or the priority date identified pursuant to LPR 3(a)(7), whichever is earlier;
3. A copy of the file history for each patent in suit;
4. All documents evidencing ownership of the patent rights by the party asserting patent infringement;
5. If a party identifies instrumentalities pursuant to LPR 3(a)(7), documents sufficient to show the operation of any aspects or elements of such instrumentalities the patent claimant relies upon as embodying any asserted claims;
6. All agreements, including licenses, transferring an interest in any patent-in-suit;
7. All agreements that may be related to the accused instrumentality or may be comparable to a license that would result from a hypothetical reasonable royalty negotiation;
8. All agreements that otherwise may be used to support the party asserting infringement's damages case;
9. If a party identifies instrumentalities pursuant to LPR 3(a)(7), documents sufficient to show marking of such embodying accused instrumentalities and if it wants to preserve the right to recover lost profits based on such products, sales, revenues, costs and profits of such embodying accused instrumentalities; and
10. All documents comprising or reflecting a F/RAND commitment or agreement with respect to the asserted patent(s).

The producing party shall separately identify by production number which documents correspond to each category.

c. **Invalidity Contentions**

Not later than 45 days after service upon it of the "Disclosure of Asserted Claims and Infringement Contentions," each party opposing a claim of patent infringement, shall serve on all parties its "Invalidity Contentions" which shall contain the following

Formatted: Font: Bold, Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font: Bold, Font color: Text 1
Formatted: Font color: Text 1

information:

1. The identity of each item of prior art that allegedly anticipates each asserted claim or renders it obvious. Each prior art patent shall be identified by its number, country of origin, and date of issue. Each prior art publication shall be identified by its title, date of publication, and where feasible, author and publisher. Each alleged sale or public use shall be identified by specifying the item offered for sale or publicly used or known, the date the offer or use took place or the information became known, and the identity of the person or entity which made the use or which made and received the offer, or the person or entity which made the information known or to whom it was made known. For pre- AIA claims, prior art under 35 U.S.C. § 102(f) shall be identified by providing the name of the person(s) from whom and the circumstances under which the invention or any part of it was derived. For pre-AIA claims, prior art under 35 U.S.C. § 102(g) shall be identified by providing the identities of the person(s) or entities involved in and the circumstances surrounding the making of the invention before the patent applicant(s);
2. Whether each item of prior art anticipates each asserted claim or renders it obvious. If obviousness is alleged, an explanation of why the prior art renders the asserted claim obvious, including an identification of any combinations of prior art showing obviousness;
3. A chart identifying specifically where and how in each alleged item of prior art each limitation of each asserted claim is found, including for each limitation that such party contends is governed by 35 U.S.C. § 112(6), the identity of the structure(s), act(s), or material(s) in each item of prior art that performs the claimed function; and
4. Any grounds of invalidity based on 35 U.S.C. § 101, indefiniteness under 35 U.S.C. § 112(2) or enablement or written description under 35 U.S.C. § 112(1) of any of the asserted claims.

d. **Document Production Accompanying Invalidity Contentions**

With the "Invalidity Contentions," the party opposing a claim of patent infringement shall produce or make available for inspection and copying:

1. Source code, specifications, schematics, flow charts, artwork, formulas, or other documentation sufficient to show the operation of any aspects or elements of an Accused Instrumentality identified by the patent claimant in its LPR (a)(3) chart;
2. A copy or sample of the prior art identified pursuant to LPR 3(c)(1) which does not appear in the file history of the patent(s) at issue. To the extent any such item is not in English, an English translation of the portion(s) relied upon shall be produced;
3. All agreements that may be related to the accused instrumentality or may be comparable to a license that would result from a hypothetical reasonable royalty negotiation;
4. Documents sufficient to show the sales, revenue, cost, and profits for accused instrumentalities identified pursuant to LPR 3(a)(2) for any

Formatted: Font: Bold, Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

period of alleged infringement; and

5. All agreements that may be used to support the party denying infringement's damages case.

The producing party shall separately identify by production number which documents correspond to each category.

e. **Disclosure Requirement in Patent Cases for Declaratory Judgment of Invalidity**

1. **Invalidity Contentions If No Claim of Infringement**. In all cases in which a party files a complaint or other pleading seeking a declaratory judgment that a patent is invalid LPR 3(a) and 3(b) shall not apply unless and until a claim for patent infringement is made by a party. If the defendant does not assert a claim for patent infringement in its answer to the complaint, no later than 14 days after the defendant serves its answer, or 14 days after the Initial Case Management Conference, whichever is later, the party seeking a declaratory judgment of invalidity shall serve upon each opposing party its Invalidity Contentions that conform to LPR 3(c) and produce or make available for inspection and copying the documents described in LPR 3(d).

2. **Inapplicability of Rule**. This LPR 3(e) shall not apply to cases in which a request for a declaratory judgment that a patent is invalid is filed in response to a complaint for infringement of the same patent.

f. **Amendment to Contentions**

Amendment of the Infringement Contentions or the Invalidity Contentions may be made only by order of the Court upon a timely showing of good cause. Non-exhaustive examples of circumstances that may, absent undue prejudice to the non-moving party, support a finding of good cause include:

1. A claim construction by the Court different from that proposed by the party seeking amendment;

2. Recent discovery of material, prior art despite earlier diligent search; and

3. Recent discovery of nonpublic information about the Accused Instrumentality which was not discovered, despite diligent efforts, before the service of the Infringement Contentions.

The duty to supplement discovery responses does not excuse the need to obtain leave of court to amend contentions.

g. **Advice of Counsel**

Not later than 30 days after service by the Court of its Claim Construction Ruling, each party relying upon advice of counsel as part of a patent-related claim or defense for any reason shall:

1. Produce or make available for inspection and copying any written advice and documents related thereto for which the attorney-client and work product protection have been waived;

2. Provide a written summary of any oral advice and produce or make available for inspection and copying that summary and documents related thereto for which the attorney-client and work product protection have

Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font: Bold, Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font: Bold, Font color: Text 1
Formatted: Font color: Text 1

been waived; and

3. Serve a privilege log identifying any other documents, except those authored by counsel acting solely as trial counsel, relating to the subject matter of the advice which the party is withholding on the grounds of attorney-client privilege or work product protection.

A party who does not comply with the requirements of this LPR 3(g) shall not be permitted to rely on advice of counsel for any purpose absent a stipulation of all parties or by order of the Court.

h. **Damages Contentions**

Not later than 50 days after service of the Invalidity Contentions, each party asserting infringement shall identify each of the category(-ies) of damages it is seeking for the asserted infringement (e.g., lost profits, reasonable royalty, price erosion, convoyed sales, etc.), and for each category of damages sought, provide a good faith explanation of the theory of damages and the factual basis for damages. By way of example only, if a party is seeking price erosion, it should state the period during which the price erosion occurred and the quantum of price erosion. For convoyed sales, the party should identify the convoyed sales and explain why they qualify as convoyed sales. For reasonable royalty damages, a party should explain the extent to which it is seeking cost- savings or cost-avoidance royalties, profit split royalties, comparable license royalties or any other basis for royalties.

A party may not amend, without leave, its identification of the categories of damages it is seeking.

i. **Responsive Damages Contentions**

Not later than 30 days after service of the Damages Contentions served pursuant to LPR 3(h), each party denying infringement shall disclose in good faith material facts of which it is aware that are relevant to a category of damages disclosed under LPR 3(h).

By way of example only, if a party is aware of material facts regarding an existing non-infringing alternative, intervening rights, a marking defense, foreign sales or other damages limitations that it believes would alter a damages calculation, it should disclose the basis for its belief.

j. **Damages Contentions Meeting**

Not later than 60 days after the response date for any required disclosure under LPR 3(i), the parties shall

(a) meet, with or without counsel of record, and shall disclose their good faith estimate of damages, assuming infringement and validity; and

(b) submit a Damages Meeting Certification that certifies the meeting has taken place and identifies the individuals who participated in the meeting.

Nothing said or written during or in the course of the meeting, or for the purpose of the meeting, can be received in evidence, compelled in discovery, or compelled as testimony in any proceeding.

Formatted: Font color: Text 1

Formatted: Font: Bold, Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font: Bold, Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font: Bold, Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

LPR 4 CLAIM CONSTRUCTION PROCEEDINGS

a. Exchange of Proposed Terms for Construction

Not later than 14 days after service of the "Invalidity Contentions" pursuant to LPR 3(c), not later than 42 days after service upon it of the "Disclosure of Asserted Claims and Infringement Contentions" in those actions where validity is not at issue (and LPR 3(c) does not apply), or, in all cases in which a party files a complaint or other pleading seeking a declaratory judgment not based on validity, not later than 14 days after the defendant serves an answer that does not assert a claim for patent infringement (and LPR 3(a) does not apply), each party shall serve on each other party a list of claim terms which that party contends should be construed by the Court, and identify any claim term which that party contends should be governed by 35 U.S.C. § 112(6).

b. Exchange of Preliminary Claim Constructions and Extrinsic Evidence

1. Not later than 21 days after the exchange of the lists pursuant to LPR 4(a), the parties shall simultaneously exchange proposed constructions of each term identified by either party for claim construction. Each such "Preliminary Claim Construction" shall also, for each term which any party contends is governed by 35 U.S.C. § 112(6), identify the structure(s), act(s), or material(s) corresponding to that term's function.

2. At the same time the parties exchange their respective "Preliminary Claim Constructions," each party shall also identify all references from the specification or prosecution history that support its proposed construction and designate any supporting extrinsic evidence including, without limitation, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses. Extrinsic evidence shall be identified by production number or by producing a copy if not previously produced. With respect to any supporting witness, percipient or expert, the identifying party shall also provide a description of the substance of that witness' proposed testimony that includes a listing of any opinions to be rendered in connection with claim construction.

3. Not later than seven (7) days after the exchange of proposed construction of claim terms pursuant to LPR 4(b)(1), the parties must meet and confer and agree upon no more than ten (10) terms or phrases to submit for construction by the court. No more than ten (10) terms or phrases may be presented to the Court for construction absent prior leave of court upon a showing of good cause. The assertion of multiple non-related patents shall, in an appropriate case, constitute good cause. If the parties are unable to agree upon ten terms, then five shall be allocated to all plaintiffs and five to all defendants. For each term to be presented to the Court, the parties must certify whether it is outcome-determinative.

Formatted: Font: Bold, Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font: Bold, Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1

c. Joint Claim Construction and Prehearing Statement and Expert Reports

Not later than 60 days after service of the "Invalidity Contentions," the parties shall complete and file a Joint Claim Construction and Prehearing Statement, which shall contain the following information:

1. The construction of those terms on which the parties agree;
2. Each party's proposed construction of each disputed term, together with an identification of all references from the specification or prosecution history that support that construction, and an identification of any extrinsic evidence known to the party on which it intends to rely either to support its proposed construction or to oppose any other party's proposed construction, including, but not limited to, as permitted by law, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses;
3. The anticipated length of time necessary for the Claim Construction Hearing;
4. Whether any party proposes to call one or more witnesses at the Claim Construction Hearing, and the identity of each such witness.
5. An identification of any factual findings requested from the Court related to claim construction.

Unless the parties agree otherwise, not later than 60 days after service of the "Invalidity Contentions," any party that intends to rely on any witness who will give expert testimony to support that party's proposed constructions shall serve the other party or parties with a claim construction expert report for that witness. Such reports shall comply with the disclosure requirements of Fed. R. Civ. P. 26(A)(2)(B).

d. Completion of Claim Construction Discovery

Not later than 30 days after service and filing of the Joint Claim Construction and Prehearing Statement, the parties shall complete all discovery relating to claim construction, including any depositions with respect to claim construction of any witnesses, including experts, identified in the Preliminary Claim Construction statement (LPR 4(b) or Joint Claim Construction and Prehearing Statement (LPR 4(c).

e. Claim Construction Briefs

1. Not later than 45 days after serving and filing the Joint Claim Construction and Prehearing Statement, the party claiming patent infringement, or the party asserting invalidity if there is no infringement issue present in the case, shall serve and file an opening brief and any evidence supporting its claim construction.
2. Not later than 14 days after service upon it of an opening brief, each opposing party shall serve and file its responsive brief and supporting evidence.
3. Not later than 7 days after service upon it of a responsive brief, the party claiming patent infringement, or the party asserting invalidity if there is no infringement issue present in the case, shall serve and file any reply brief and any evidence directly rebutting the supporting evidence contained in an opposing party's response.

Formatted: Font: Bold, Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font: Bold, Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font color: Text 1
Formatted: Font: Bold, Font color: Text 1
Formatted: Font color: Text 1

f. Claim Construction Hearing

Subject to the convenience of the Court's calendar, two weeks following submission of the reply brief specified in LPR 4(e)(3), the Court shall schedule a Claim Construction Hearing, to the extent the parties or the Court believe a hearing is necessary for construction of the claims at issue.

g. Good Faith Participation

A failure to make a good faith effort to narrow the instances of disputed terms or otherwise participate in the meet and confer process of any of the provisions of section 4 may expose counsel to sanctions, including under 28 U.S.C. § 1927.

Formatted: Font: Bold, Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font color: Text 1

Formatted: Font: Bold, Font color: Text 1

Formatted: Font color: Text 1