

CHAPTER I - GENERAL AND CIVIL RULES	1
LR1.1. Title.	1
LR1.2. Effective Date; Transitional Provision.	1
LR1.3. Scope of the Rules; Construction.	1
LR1.4. Definitions.	1
LR4.1. Service of Process.	2
LR5.1. Depositions: Original Transcripts.	2
LR5.2. Identification of Original Filings.	2
LR6.1. Computation of Time.	2
LR6.2. Extensions, Enlargements, or Shortening of Time.	3
LR7.1. Motions; Format.	4
LR7.2. —Motions; Notice, Hearing, Motion, and Supporting— <u>Papers.</u>	<u>4</u>
<u>LR7.3. Motions; Deadline for Hearings on Dispositive— Motions.</u>	<u>5</u>
LR7.4. Motions; Opposition and Reply.	5
LR7.5. Motions; Length of Briefs and Memoranda.	5 <u>6</u>
LR7.6. Motions; Affidavits and Declarations.	6 <u>7</u>
LR7.7. Motions; Filing; Lodging Extra Copy.	6 <u>7</u>
LR7.8. Motions; Uncited Authorities.	7
LR7.9. Motions; Counter Motions; Joinders.	7
LR7.10. Responses to Petitions Under 28 U.S.C. § 2255	7 <u>8</u>
LR9.1. Civil RICO Actions; Filing.	8
LR9.2. Civil RICO Actions; Failure to comply.	8
LR9.3. Civil RICO Actions; Service.	8 <u>9</u>
LR10.1. Applicability of Rule on the Format of Papers; Effect of Noncompliance.	8 <u>9</u>
LR10.2. Form of Papers; Copy.	9
LR10.3. Amended Pleadings.	11
LR10.4. Stipulations.	11
LR11.1. Sanctions and Penalties for Noncompliance <u>With the Rules.</u>	<u>11</u>
LR16.1. Counsel's Duty of Diligence.	11 <u>2</u>
LR16.2. Scheduling Conference.	11 <u>2</u>
LR16.3. Scheduling Conference Order.	13
LR16.4. Pretrial Conference.	14
LR16.5. Settlement Conferences.	14
LR16.6. Contents of Pretrial Statement.	16
LR16.7. Pretrial Conference Agenda.	18
LR16.8. Pretrial Order.	18

LR16.9.	Objections to Proposed Testimony and Exhibits; Motions in Limine.	19	
LR16.10.	Status Conference.	20 <u>19</u>	
LR17.1.	Actions Involving Minors or Incompetents	20 <u>19</u>	
LR26.1.	Conference of Parties.	20	
LR26.2.	Written Responses to Discovery Requests.	21 <u>0</u>	
LR37.1.	Abuse of or Failure to Make Discovery; Sanctions.	21	
<hr/>			
LR40.1.	Assignment of Civil Cases.	22	
LR40.2.	Assignment of Similar Cases.	22	
LR40.3.	Trial Setting and Readiness Procedure.	23 <u>2</u>	
LR40.4.	Motions to Continue Trial.	23	
LR40.5.	Notice to the Court of Calendar Conflicts.	24 <u>3</u>	
LR40.6.	Scheduling Conflicts.	24 <u>3</u>	
LR41.1	Voluntary Dismissal of Actions.	24	
LR48.1.	Civil Juries.	24	
LR51.1.	Jury Instructions.	24	
LR52.1.	Settlement of Findings of Fact and Conclusions- of Law.	26	
<hr/>			
LR53.1.	Magistrate Judges; Special Master References, Motions for Attorneys' Fees and Related Non- taxable Expenses.	27 <u>6</u>	
LR53.2.	Magistrate Judges; Special Master Reports - 28 U.S.C. § 636(b) (2)	27	
<hr/>			
<u>6</u>	LR53.3	Special Masters Appointment.	27
	LR53.4.	Settlement Masters Program	29 <u>8</u>
	LR54.1.	Jury Cost Assessment.	29 <u>8</u>
	LR54.2	Taxation of Costs	29 <u>8</u>
	LR54.3	Motion For Attorneys' Fees And Related Non-taxable _Expenses	31 <u>0</u>
<hr/>			
	LR56.1.	Motions for Summary Judgment.	34 <u>3</u>
	LR56.2.	Notice to Pro Se Prisoner Litigants Re Motions for _Summary Judgment.	36 <u>4</u>
<hr/>			
	LR58.1.	Entry of Judgments and Orders.	36 <u>4</u>
	LR58.2.	_____Settlement of Judgments and Orders by the Court.	37
<hr/>			
<u>5</u>	LR60.1.	Motions for Reconsideration.	38 <u>6</u>

LR65.1.1.	When a Bond or Security is Required.	386
LR65.1.2.	Qualifications of Surety.	386
LR65.1.3.	Suits as Poor Persons.	387
LR66.1.	Receiverships.	397
LR72.1.	Magistrate Judges; Jurisdiction Under 28 U.S.C. § 636(a).	40
<u>38</u>		
LR72.2.	Procedures Before the Magistrate Judge.	40
LR72.3.	Magistrate Judges; Determination of Non- Dispositive Pretrial Matters - 28 U.S.C. § 636(b)(1)(A).	40
LR72.4.	Magistrate Judges; Determination of Case- Dispositive Pretrial Matters - 28 U.S.C. § 636(b)(1)(B).	40
LR72.5.	Magistrate Judges; Prisoner Cases Under 28 U.S.C. §§ 2254 and 2255.	41
LR72.6.	Magistrate Judges; Prisoner Cases Under 42 U.S.C. § 1983.	41
LR72.7.	Magistrate Judges; Civil Cases.	42
LR72.8.	Magistrate Judges; Authority of U.S. District Judges.	42
LR73.1.	Magistrate Judges; Conduct of Trials and Disposition of Civil Cases Upon Consent of the Parties - 28 U.S.C. § 636(c).	42
LR73.2.	Magistrate Judges; Special Provisions for the Disposition of Civil Cases by a Magistrate Judge on Consent of the Parties - 28 U.S.C. § 636(c)(2).	44
LR73.3.	Magistrate Judges; Appeal from Judgments in Civil Cases Disposed of on Consent of the Parties - 28 U.S.C. § 636(e).	44
LR74.1		38
LR72.3.	Magistrate Judges; Appeal <u>Determination</u> of Non-Dispositive <u>Pretrial</u> Matters - 28 U.S.C. § 636(b)(1)(A).	44
LR74		38
LR72.4.	Magistrate Judges; Determination of Case-Dispositive Pretrial Matters - 28 U.S.C. § 636(b)(1)(B).	39
LR72.5.	Magistrate Judges; Prisoner Cases Under 28 U.S.C. §§ 2254 and 2255.	39

<u>LR72.6.</u>	<u>Magistrate Judges; Prisoner Cases Under</u>	
	<u>42 U.S.C. § 1983.</u>	<u>40</u>
<u>LR72.7.</u>	<u>Magistrate Judges; Civil Cases.</u>	<u>40</u>
<u>LR72.8.</u>	<u>Magistrate Judges; Authority of U.S. District</u>	
	<u>Judges.</u>	<u>40</u>
<u>LR73.1.</u>	<u>Magistrate Judges; Conduct of Trials and</u>	
	<u>Disposition of Civil Cases Upon Consent of the</u>	
	<u>Parties - 28 U.S.C. § 636(c).</u>	<u>40</u>
<u>LR73.2.</u>	<u>Magistrate Judges; Special Provisions for the</u>	
	<u>Disposition of Civil Cases by a Magistrate Judge</u>	
	<u>on Consent of the Parties -</u>	
	<u>28 U.S.C. § 636(c) (2).</u>	<u>42</u>
<u>LR73.3.</u>	<u>Magistrate Judges; Appeal from Judgments in</u>	
	<u>Civil Cases Disposed of on Consent of the</u>	
	<u>Parties - 28 U.S.C. § 636(c).</u>	<u>42</u>
<u>LR74.1.</u>	<u>Magistrate Judges; Appeal of Non-Dispositive</u>	
	<u>Matters - 28 U.S.C. § 636(b) (1) (A).</u>	<u>42</u>
<u>LR74.2</u>	<u>Magistrate Judges; Review of Recommendations</u>	
	<u>for Disposition - 28 U.S.C. § 636(b) (1) (B)</u>	<u>45</u>
<u>3</u>		
LR74.3.	Magistrate Judges; Appeals from Other Orders of a	
	<u>of a Magistrate Judge.</u>	<u>464</u>
LR77.1.	Sessions of the Court.	<u>464</u>
LR77.2.	Clerk's Office; Location and Hours.	<u>464</u>
LR77.3.	Court Library; Operation and Use.	<u>464</u>
LR79.1.	Disposition of Exhibits and Depositions.	<u>465</u>
LR83.1.	Attorneys; Admission to the Bar of this Court.	<u>475</u>
LR83.2.	Attorneys; Practice in this Court.	<u>5048</u>
LR83.3.	Attorneys; Standard of Professional Conduct.	<u>5048</u>
LR83.4.	Attorneys; Discipline.	<u>5248</u>
LR83.5.	Attorneys; Sanctions for Unauthorized Practices.	<u>5349</u>
LR83.6.	Attorneys; Appearances, Substitutions and	
	Withdrawal of Attorneys.	<u>530</u>
LR83.7.	Attorneys; Supervised Student Practice of Law.	<u>540</u>
LR83.8.	Broadcasting, Televising, Recording, or	
	Photographing Judicial and Grand Jury	
	Proceedings.	<u>584</u>
LR83.9.	Publicity.	<u>584</u>
LR83.10.	Gratuities.	<u>584</u>
LR88.1	Mediation.	<u>58</u>

Preapproved Notice to Pro Se Prisoners

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CHAPTER II - CRIMINAL RULES 65

1
CrimLR5.1. Arrest by Federal Agencies and Others. 65
CrimLR12.1. Hearings on Non-Discovery Pretrial

Motions. 65

1
CrimLR12.2. Memoranda in Support of or in Opposition
to Motions. 65

1
CrimLR12.3. Local Civil and Magistrate Rules
Applicable to Motions. 66

2
CrimLR16.1. Standing Order for Routine Discovery in
Criminal Cases. 66
CrimLR17.1.1. Pretrial Agenda. 7166
CrimLR17.1.2. Disclosure of Witnesses and Exhibits. . 7267
CrimLR17.1.3. Pretrial Orders. 7268
CrimLR30.1. Jury Instructions. 7268
CrimLR32.1. Sentencing Procedure. 7268
CrimLR35.1. Responses to Motions for Reconsideration
and Reduction

of Sentence. 761

CrimLR44.1. Right to and Appointment of Counsel. . 761

CrimLR44.2. CJA Voucher Reduction. 761

CrimLR46.1. Appearance Bond. 771

CrimLR46.2. Posting Security. 772

CrimLR46.3. Types of Bonds in Criminal Cases. . . 773

CrimLR56.1. The District Court Always in Session. . 783

CrimLR57.1. Duties of Magistrate Judges. 783

CrimLR57.2. Assignment of Criminal Cases to
Magistrate Judge 79

4
CrimLR57.3. Magistrate Judges; Decision by a
Magistrate Judge on Non-Dispositive
Pretrial Matters. 79

4
CrimLR57.4. Magistrate Judges; Dispositive Pretrial-
Motions. 80

75

CrimLR57.5.	Shortening of Time to File Appeals and Objections to Decisions by a Magistrate Judge.	81 <u>76</u>
CrimLR57.6.	Orders Filed After the Time Provided by This Rule.	81 <u>76</u>
CrimLR57.7.	Expedited Appeals from Magistrate Judge—Rulings.	82 <u>76</u>
CrimLR57.8.	Appeal of Detention or Release Orders.	82 <u>77</u>
CrimLR57.9.	Appearance and Withdrawal of Retained—Counsel.	82 <u>77</u>
CrimLR58.1.	Magistrate Judges; Disposition of Misdemeanor Cases - 18 U.S.C. § 3401.	83 <u>77</u>
CrimLR58.2.	Trial of Misdemeanor Offenses.	83 <u>78</u>
CrimLR58.3.	Appeal from Misdemeanor Conviction by Magistrate judge.	83 <u>78</u>
CHAPTER III - ADMIRALTY RULES		85 <u>0</u>
A.1.	—Scope.	85 <u>0</u>
A.2.	—Officers of Court.	85 <u>0</u>
B.1.	—Affidavit that Defendant Is Not Found Within the District.	85 <u>0</u>
C.1.	—Undertaking in Lieu of Arrest.	85 <u>0</u>
C.2.	—Intangible Property.	85 <u>0</u>
C.3.	—Notice of Action and Arrest.	86 <u>1</u>
C.4.	—Default in Action In Rem.	87 <u>2</u>
C.5.	—Entry of Default and Default Judgment.	87 <u>2</u>
D.1.	—Return Date.	88 <u>2</u>
E.1.	—Itemized Demand for Judgment.	88 <u>3</u>
E.2.	—Verification of Pleadings.	88 <u>3</u>
E.3.	—Review by Judicial Officer.	88 <u>3</u>
E.4.	—Process Held in Abeyance.	89 <u>4</u>
E.5.	—Service by Marshal Required.	90 <u>84</u>
E.6.	—Instructions to the Marshal.	90 <u>84</u>
E.7.	—Property in Possession of United States Officer.	90 <u>84</u>
E.8.	—Security for Costs.	90 <u>85</u>
E.9.	—Adversary Hearing.	90 <u>85</u>
E.10.	—Appraisal.	91 <u>85</u>
E.11.	—Security Deposit for Arrest or Attachment	

	of Vessels.	91
<u>86</u>		
E.12.	—Intervenors' Claims.	<u>9186</u>
E.13.	—Custody of Property.	<u>9286</u>
E.14.	—Sale of Property.	<u>9388</u>

CHAPTER IV - BANKRUPTCY RULES

<u>TITLE</u>	AND APPLICABILITY OF RULES	96
<u>0</u>		

LBR 1001-1.	SCOPE OF RULES <u>Scope of Rules</u> ; SHORT TITLE <u>Short Title</u>	97 <u>960</u>
LBR 1001-2.	APPLICABILITY OF RULES FROM OTHER CHAPTERS	97
PART I	98
LBR 1004-1.	PETITION - PARTNERSHIP	98
LBR 1005-1.	PETITION - CAPTION	98
LBR 1007-1.	LISTS, SCHEDULES AND STATEMENTS	99
LBR 1007-2.	MAILING MATRIX	100
LBR 1009-1.	AMENDMENTS TO LISTS AND SCHEDULES	100
LBR 1015-2.	RELATED CASES	100
LBR 1070-1.	JURISDICTION	101
LBR 1072-1.	PLACES OF HOLDING COURT	101
LBR 1074-1.	CORPORATIONS AND OTHER ENTITIES	101
PART II	102
LBR 2004-1.	DEPOSITIONS AND EXAMINATIONS	102
LBR 2015-2.	DEBTOR IN POSSESSION DUTIES	102
LBR 2015-3.	TRUSTEES - REPORTS AND DISPOSITION OF RECORDS	103
LBR 2015-6.	MAIL REDIRECTION	103
LBR 2015-7.	MONTHLY OPERATING REPORTS	103
LBR 2016-1.	COMPENSATION OF PROFESSIONALS	105
LBR 2072-1.	NOTICE TO OTHER COURTS	106
LBR 2083-1.	CHAPTER 13 - GENERAL	107
LBR 2090-1.	ATTORNEYS - ADMISSION TO PRACTICE	107
LBR 2091-1.	ATTORNEYS - WITHDRAWAL	107
LBR 2092-1.	ATTORNEYS - SUBSTITUTION	108
PART III	108
LBR 3003-1.	CHAPTER 9 AND CHAPTER 11 PROOFS OF CLAIM OR INTEREST	108
LBR 3007-1.	CLAIMS - OBJECTIONS	108
LBR 3010-1.	DIVIDENDS - SMALL	108
LBR 3015-1.	CHAPTER 13 - PLAN	109
LBR 3017-1.	DISCLOSURE STATEMENT - APPROVAL	109
LBR 3020-1.	CHAPTER 11 - CONFIRMATION	110

LBR 3022-1.	FINAL DECREE	111
PART IV		111
LBR 4001-1.	AUTOMATIC STAY — RELIEF FROM	111
LBR 4002-1.	DEBTOR — DUTIES; DESIGNATION OF RESPONSIBLE INDIVIDUAL	114
LBR 4003-1.	EXEMPTIONS	114
LBR 4008-1.	REAFFIRMATION	114
PART V		115
LBR 5001-2.	CLERK — LOCATION	115
LBR 5005-1.	FILING PAPERS — REQUIREMENTS	115
LBR 5005-2.	FILING PAPERS — NUMBER OF COPIES	116
LBR 5005-4.	ELECTRONIC FILING	117
LBR 5005-5.	FAX FILING	117
LBR 5011-1.	WITHDRAWAL OF REFERENCE	117
PART VI		118
LBR 6004-1.	SALE OF ESTATE PROPERTY	118
LBR 6006-1.	EXECUTORY CONTRACTS	118
PART VII		119
LBR 7001-1.	ADVERSARY PROCEEDINGS — GENERAL	119
LBR 7003-1.	COVER SHEET	121
LBR 7007-2.	STATEMENT OF NON-OPPOSITION	121
LBR 7052-1.	FINDINGS AND CONCLUSIONS	121
LBR 7055-1.	DEFAULT	122
PART VIII		122
LBR 8005-2.	PROCESSING OF BANKRUPTCY APPEALS	122
LBR 8007-1.	COMPLETION OF RECORD — APPEAL	123
LBR 8007-2.	TRANSMISSION OF RECORD — APPEAL TO DISTRICT COURT	123
LBR 8009-3.	REQUIREMENT FOR APPENDIX TO APPELLATE BRIEF	23
PART IX		123
LBR 9010-1.	ATTORNEYS — NOTICE OF APPEARANCE	123
LBR 9011-1.	ATTORNEYS — DUTIES	124
LBR 9011-2.	PRO SE PARTIES	124
LBR 9013-1.	MOTION PRACTICE	124
LBR 9013-3.	CERTIFICATE OF SERVICE — MOTIONS	127
LBR 9019-2.	ALTERNATIVE DISPUTE RESOLUTION	127
LBR 9021-1.	JUDGMENTS AND ORDERS — ENTRY OF	128
LBR 9073-1.	HEARINGS — NOTICE OF	129
LBR 9074-1.	TELEPHONIC AND VIDEO CONFERENCE APPEARANCES	29

<u>Applicability of Rules from Other Chapters</u>	<u>91</u>
<u>PART I</u>	<u>92</u>
<u>LBR 1004-1. Petition - Partnership</u>	<u>92</u>
<u>LBR 1005-1. Petition - Caption</u>	<u>92</u>
<u>LBR 1007-1. Lists, Schedules and Statements</u>	<u>93</u>
<u>LBR 1007-2. Mailing Matrix</u>	<u>93</u>
<u>LBR 1009-1. Amendments to Lists and Schedules</u>	<u>94</u>
<u>LBR 1015-2. Related Cases</u>	<u>94</u>
<u>LBR 1070-1. Jurisdiction</u>	<u>94</u>
<u>LBR 1072-1. Places of Holding Court</u>	<u>95</u>
<u>LBR 1074-1. Corporations and Other Entities</u>	<u>95</u>
<u>PART II</u>	<u>95</u>
<u>LBR 2004-1. Depositions and Examinations</u>	<u>95</u>
<u>LBR 2015-2. Debtor-in-possession Duties</u>	<u>96</u>
<u>LBR 2015-3. Trustees - Reports and Disposition of Records</u>	<u>96</u>
<u>LBR 2015-6. Mail Redirection</u>	<u>97</u>
<u>LBR 2015-7. Monthly Operating Reports</u>	<u>97</u>
<u>LBR 2016-1. Compensation of Professionals</u>	<u>98</u>
<u>LBR 2072-1. Notice to Other Courts</u>	<u>99</u>
<u>LBR 2083-1. Chapter 13 - General</u>	<u>100</u>
<u>LBR 2090-1. Attorneys - Admission to Practice</u>	<u>100</u>
<u>LBR 2091-1. Attorneys - Withdrawal</u>	<u>100</u>
<u>LBR 2092-1. Attorneys - Substitution</u>	<u>101</u>
<u>PART III</u>	<u>101</u>
<u>LBR 3003-1. Chapter 9 and Chapter 11 Proofs of Claim or Interest</u>	<u>101</u>
<u>LBR 3007-1. Claims - Objections</u>	<u>101</u>
<u>LBR 3010-1. Dividends - Small</u>	<u>102</u>
<u>LBR 3015-1. Chapter 13 - Plan</u>	<u>102</u>
<u>LBR 3017-1. Disclosure Statement - Approval</u>	<u>102</u>
<u>LBR 3020-1. Chapter 11 - Confirmation</u>	<u>103</u>
<u>LBR 3022-1. Final Decree</u>	<u>104</u>
<u>PART IV</u>	<u>104</u>
<u>LBR 4001-1. Automatic Stay - Relief from</u>	<u>104</u>
<u>LBR 4002-1. Debtor - Duties; Designation of Responsible Individual</u>	<u>107</u>
<u>LBR 4003-1. Exemptions</u>	<u>107</u>

<u>LBR 4008-1.</u>	<u>Reaffirmation</u>	<u>107</u>
<u>PART V</u>		<u>107</u>
<u>LBR 5001-2.</u>	<u>Clerk - Location</u>	<u>107</u>
<u>LBR 5005-1.</u>	<u>Filing Papers - Requirements</u>	<u>108</u>
<u>LBR 5005-2.</u>	<u>Filing Papers - Number of Copies</u>	<u>109</u>
<u>LBR 5005-4.</u>	<u>Electronic Filing</u>	<u>110</u>
<u>LBR 5005-5.</u>	<u>Fax Filing</u>	<u>110</u>
<u>LBR 5011-1.</u>	<u>Withdrawal of Reference</u>	<u>110</u>
<u>PART VI</u>		<u>110</u>
<u>LBR 6004-1.</u>	<u>Sale of Estate Property</u>	<u>110</u>
<u>LBR 6006-1.</u>	<u>Executory Contracts</u>	<u>111</u>
<u>PART VII</u>		<u>112</u>
<u>LBR 7001-1.</u>	<u>Adversary Proceedings - General</u>	<u>112</u>
<u>LBR 7003-1.</u>	<u>Cover Sheet</u>	<u>113</u>
<u>LBR 7007-2.</u>	<u>Statement of Non-opposition</u>	<u>113</u>
<u>LBR 7052-1.</u>	<u>Findings and Conclusions</u>	<u>113</u>
<u>LBR 7055-1.</u>	<u>Default</u>	<u>114</u>
<u>PART VIII</u>		<u>114</u>
<u>LBR 8005-2.</u>	<u>Processing of Bankruptcy Appeals</u>	<u>114</u>
<u>LBR 8007-1.</u>	<u>Completion of Record - Appeal</u>	<u>115</u>
<u>LBR 8007-2.</u>	<u>Transmission of Record - Appeal to</u> <u>District Court</u>	<u>115</u>
<u>LBR 8009-3.</u>	<u>Requirement for Appendix to Appellate</u> <u>Brief</u>	<u>115</u>
<u>PART IX</u>		<u>115</u>
<u>LBR 9010-1.</u>	<u>Attorneys - Notice of Appearance</u>	<u>115</u>
<u>LBR 9011-1.</u>	<u>Attorneys - Duties</u>	<u>116</u>
<u>LBR 9011-2.</u>	<u>Pro Se Parties</u>	<u>116</u>
<u>LBR 9013-1.</u>	<u>Motion Practice</u>	<u>116</u>
<u>LBR 9013-3.</u>	<u>Certificate of Service - Motions</u>	<u>119</u>
<u>LBR 9019-2.</u>	<u>Alternative Dispute Resolution</u>	<u>119</u>
<u>LBR 9021-1.</u>	<u>Judgments and Orders - Entry of</u>	<u>120</u>
<u>LBR 9073-1.</u>	<u>Hearings - Notice of</u>	<u>121</u>
<u>LBR 9074-1.</u>	<u>Telephonic and Video Conference</u> <u>Appearances</u>	<u>121</u>

LR7.5. Motions; Length of Briefs and Memoranda.

(a) A brief or memorandum in support of or in opposition to any motion shall not exceed thirty (30) pages in length, unless it complies with LR7.5(b) and (e).

(b) A brief or memorandum in support of or in opposition to a motion may exceed the page limitation in LR7.5(a) if it either (i) contains no more than 9,000 words or (ii) uses a monospaced face and contains no more than 750 lines of text.

(c) A reply brief or reply memorandum shall not exceed fifteen (15) pages in length, unless it contains no more than half of the words or lines of text specified for a brief or memorandum in support of or in opposition to a motion and also complies with LR7.5(e).

(d) Headings, footnotes, and quotations count toward the word and line limitations. The case caption, table of contents, table of authorities, exhibits, declarations, certificates of counsel, and certificates of service do not count toward the page, word, or line limitation.

(e) A brief or memorandum submitted under LR7.5(b), a reply brief or memorandum submitted under the word or line limitation in LR7.5(c), or a concise statement submitted under the word limitation permitted in LR56.1(d) must include a certificate by the attorney or a pro se party that the document complies with the applicable word or line limitation. The person preparing the certificate may rely on the word or line count of the word-processing system used to produce the document. In the case of a brief or memorandum, the certificate must state either the number of words in the document or the number of lines of monospaced type in the document. In the case of a concise statement, the certificate must state the number of words in the document.

(f) Briefs and memoranda exceeding fifteen (15) pages shall have a table of contents and a table of authorities cited.

(g) As used in these rules, the term "brief" includes statements in support of or in opposition to appeals from administrative agencies, magistrate judges, and bankruptcy judges.

LR7.9. Motions; Counter Motions; Joinders.

Any motion raising the same subject matter as an original motion may be filed by the responding party together with the party's opposition and may be noticed for hearing on the same date as the original motion, provided that the motions would otherwise be heard by the same judge. A party's memorandum in support of the counter motion must be combined into one document with the party's memorandum in opposition to the original motion. The opposition to the counter motion shall be served and filed together with any reply in support of the original motion in accordance with LR7.4. A party's opposition to the counter motion must be combined into one document with that party's reply in support of the original motion and may not exceed the page limit for a reply absent leave of court. The movant on a counter motion shall have three (3) days after receipt of opposition within which to file and serve a reply.

Except with leave of court based on good cause, any substantive joinder in a motion or opposition must be filed and served within two business days of the filing of the motion or opposition joined in. "Substantive joinder" means a joinder based on a memorandum supplementing the motion or opposition joined in. A joinder of simple agreement may be filed at any time. A separate opposition or reply complying with LR7.5 may be filed in response to a substantive joinder in a motion or opposition, respectively. No substantive joinder in a reply may be filed; a party that has joined in a motion may file its own reply (as opposed to a joinder in the movant's reply) by the reply deadline only if the opposition has addressed matters unique to that joining party. This paragraph applies only to joinders relating to motions, not other proceedings, and does not preclude the filing of an independent motion that does not seek to be included in a pre-existing hearing schedule, or the filing of a motion to consolidate matters for hearing.==

Unless otherwise ordered by the court, whenever an underlying motion is withdrawn, any joinders are also treated as withdrawn.

LR10.2. Form of Papers; Copy.

(a) All papers presented for filing shall be on white opaque paper of good quality, eight and one-half inches by eleven inches in size, with one inch margins, and shall be flat, unfolded (except where necessary for the presentation of exhibits), without back or cover, and firmly bound at the top, and shall comply with all other applicable provisions of these rules. All

typewriting, including footnotes, shall be in either (i) a proportionally spaced face that is 14-point or larger and that includes serifs (e.g., 14-point Times New Roman, CG Times, Charter BT, or Georgia), except that sans-serif type (e.g., 14-point Arial, CG Omega, or Univers) may be used in headings and captions, or (ii) a monospaced face that contains not more than 10½ characters per inch (e.g., 12-point Courier or Courier New). All typewriting must be in a plain, Roman style, except that italics or boldface may be used for emphasis. In addition to the original, a legible conformed copy of all pleadings, except discovery pleadings, shall be filed for the judge's use. In a consolidated proceeding, the original pleading and a copy of each pleading for each numbered case shall be filed (in addition to a copy for the judge's use, as required above). Matter shall be presented by typewriting, printing, or other clearly legible reproduction process, and shall appear on one side of each sheet only. All papers shall be double-spaced except for the identification of counsel, title of the case, footnotes, quotations, and exhibits.

(b) Counsel Identification. The name, Hawaii bar identification number, address, and telephone number, facsimile number, and e-mail address of counsel (or, if *in propria persona*, of the party) and the specific identification of each party represented by name and interest in the litigation (i.e., plaintiff, defendant, etc.) shall appear in the upper left-hand corner of the first page of each paper presented for filing, except that in multi-party actions or proceedings, reference may be made to the signature page for the complete list of parties represented.

(c) Caption and Title. Following the counsel identification there shall appear: (1) the title of the court; (2) the title of the action or proceeding; (3) the file number of the action or proceeding, whether it is civil or criminal, followed by the initials of the district judge to whom it is currently assigned; (4) a title describing the paper; and (5) any other matter required by this rule. If the case is a consolidated case, the words "Consolidated Case" shall appear on the first page of the document.

(d) Exhibits. All exhibits attached to papers shall show the exhibit number or letter at the bottom thereof and shall have appropriate labeled tabs. Exhibits need not be typewritten and may be copies, but must be clearly legible and not unnecessarily voluminous. Counsel are required to reduce oversized exhibits to eight and one-half inches by eleven inches unless such reduction would destroy legibility or authenticity. An oversized exhibit

that cannot be reduced shall be filed separately with a captioned cover sheet, identifying the exhibit and the document(s) to which it relates.

(e) Fax Signatures. When it is impracticable to submit an original signature on a declaration or an affidavit along with a filing, a party and/or attorney may submit a fax signature and file the original signature within eleven (11) days.

(f) In camera submissions. Papers submitted for in camera inspection shall have a captioned cover sheet that indicates the document is being submitted in camera and shall include an envelope large enough for the in camera papers to be sealed without being folded.

(g) Application for Temporary Restraining Order or Preliminary Injunction. An application for a temporary restraining order or preliminary injunction shall be made in a document separate from the complaint.

(h) Class Actions. In any action sought to be maintained as a class action, the complaint, and any counterclaim or cross-claim, shall bear below the title of the pleading the legend "Class Action".

(i) Three-Judge Court. If any party contends that a hearing before a three-judge court is required, the words Three-Judge Court shall be typed below the docket number on the first page of the complaint, answer, or other pleading making such allegation. The clerk shall forthwith notify the assigned district judge of such filing. In addition to the original filed, three copies of all papers, including briefs, shall be lodged with the clerk.

(j) The thickness of a pleading or papers presented for filing, inclusive of all exhibits attached to the pleading, shall not exceed two inches. In the event a party desires to file thicker submissions, the pleading or papers shall be separated into two or more parts such that the thickness of each part shall not exceed two inches. Multiple parts of a separated pleading or papers presented for filing shall be identified, for example, as being "1 of 3," "2 of 3," and "3 of 3."

(k) Fax Filings. No document may be filed by faxing to the Clerk's Office unless the filing party has first obtained leave to do so from the judge to whom the filing is addressed, or, if no judge has been assigned to a matter, from the Clerk of Court. Leave will be granted only for good cause.

LR54.3 Motion For Attorneys' Fees And Related Non-taxable Expenses

(a) Time For Filing. Unless otherwise provided by statute or ordered by the court, a motion for an award of attorneys' fees and related non-taxable expenses must be filed within fourteen (14) days of entry of judgment. Filing an appeal from the judgment does not extend the time for filing a motion.

(b) Statement of Consultation. The court will not consider a motion for attorneys' fees and related non-taxable expenses until moving counsel shall first advise the court in writing that, after consultation, or good faith efforts to consult, the parties are unable to reach an agreement with regard to the fee award or that the moving counsel has made a good faith effort, but has been unable, to arrange such a conference. The statement of consultation shall set forth the date of the consultation, the names of the participating attorneys, and the specific results achieved, or shall describe the efforts made to arrange such conference and explain the reasons why such conference did not occur. The moving party shall initiate this consultation after filing a motion for attorneys' fees and related non-taxable expenses. The statement of consultation shall be filed and served by the moving party within ~~eleven (11) days after the conclusion of such consultation~~ fourteen (14) days after the filing of the motion. If the parties reach an agreement, they may file an appropriate stipulation and request for an order.

(c) Contents. A motion for attorneys' fees and related non-taxable expenses shall specify the applicable judgment and statutory or contractual authority entitling the moving party to the requested award and the amount of attorneys' fees and related non-taxable expenses sought. In addition, the moving party shall file a memorandum in support and an affidavit of counsel.

(d) Memorandum in Support. The memorandum in support shall set forth the nature of the case; the claims as to which the moving party prevailed; the claims as to which the moving party did not prevail; the applicable authority entitling the moving party to the requested award; a description of the work performed by each attorney and paralegal, broken down by hours or fractions thereof expended on each task; the attorney's customary fee for like work; the customary fee for like work prevailing in the attorney's community; any additional factors required by case law; a listing, in sufficient detail to enable the court to rule on the reasonableness of the request, of any expenditures for which reimbursement is sought; any additional factors that are

required by case law; and any additional factors the moving party wishes to bring to the court's attention.

1. Itemization of Work Performed. Descriptions of work performed shall be organized by litigation phase¹ as follows: (A) case development, background investigation and case administration (includes initial investigations, file setup, preparation of budgets, and routine communications with client, co-counsel, opposing counsel and the court); (B) pleadings; (C) interrogatories, document production, and other written discovery; (D) depositions; (E) motions practice; (F) attending court hearings; (G) trial preparation and attending trial; and (H) post-trial motions.

2. Description of Services Rendered. The party seeking an award of fees must describe adequately the services rendered, so that the reasonableness of the requested fees can be evaluated. In describing such services, counsel should be sensitive to matters giving rise to attorney-client privilege and attorney work product doctrine, but must nevertheless furnish an adequate non-privileged description of the services in question. If the time descriptions are incomplete, or if such descriptions fail to describe adequately the services rendered, the court may reduce the award accordingly. For example, time entries for telephone conferences must include an identification of all participants and the reason for the call; entries for legal research must include an identification of the specific issue researched and, if possible, should identify the pleading or document for which the research was necessary; entries describing the preparation of pleadings and other papers must include an identification of the pleading or other document prepared and the activities associated with such preparation.

3. Description of Expenses Incurred. In addition to identifying each requested non-taxable expense, the moving party

¹In general, preparation time should be reported under the category to which it relates. For example, time spent preparing for a court hearing should be recorded under the category "court hearings." Factual investigation should also be listed under the specific category to which it relates. For example, time spent with a witness to obtain an affidavit for a summary judgment motion or opposition should be indicated under the category "motions practice." Similarly, a telephone conversation or a meeting with a client held for the purpose of preparing interrogatory answers should be included under the category "interrogatories, document production, and other written discovery."

shall set forth the applicable authority entitling the moving party to such expense and should attach copies of invoices and receipts, if possible.

(e) Affidavit of Counsel. The affidavit of counsel shall include: (1) a brief description of the relevant qualifications, experience and case-related contributions of each attorney and paralegal for whom fees are claimed, as well as any other factors relevant to establishing the reasonableness of the requested rates; (2) a statement that the affiant has reviewed and approved the time and charges set forth in the itemization of work performed and that the time spent and expenses incurred were reasonable and necessary under the circumstances; and (3) a statement identifying all adjustments, if any, made in the course of exercising "billing judgment."

(f) Responsive and Reply Memoranda. Unless otherwise ordered by the court, any opposing party may file a responsive memorandum within eleven (11) days after service of the statement of consultation. The responsive memorandum in opposition to a motion for attorneys' fees and related non-taxable expenses shall identify with specificity all disputed issues of law and fact, each disputed time entry, and each disputed expense item. The moving party, unless otherwise ordered by the court, may file a reply memorandum within eleven (11) days after service of the responsive memorandum. Thereafter, unless otherwise ordered by the court, the motion and supporting and opposing memoranda will be taken under advisement and a ruling will be issued without a hearing.

LR74.1. Magistrate Judges; Appeal of Non-Dispositive Matters - 28 U.S.C. § 636(b) (1) (A).

A magistrate judge may hear and determine any pretrial matter pending before the court, except those motions delineated in LR72.4(a). Any party may move for reconsideration before the magistrate judge pursuant to LR60.1. A reconsideration motion shall toll the time in which any appeal must be taken from the magistrate judge's order. Any party may appeal from a magistrate judge's order determining a motion or matter under LR72.3, or, if a reconsideration order has issued, the magistrate judge's reconsideration order, within eleven (11) calendar days after issuance from the entry of the magistrate judge's order, which t. The clerk shall serve on all the parties the magistrate judge's non-dispositive order and any reconsideration order, unless the order and/or reconsideration order has been prepared by counsel, in which event counsel responsible for such preparation shall be responsible for service of the order(s) so prepared. The appealing party shall file with the clerk, and serve on the

magistrate judge and all parties, a written statement of appeal which shall specifically designate the order, or part thereof, appealed from after having been served with a copy thereof. Any party in interest may file a response within eleven (11) calendar days after ~~having been served with a copy~~service thereof. Each of the above ~~periods of~~ eleven (11) ~~day periods~~days may be altered by the magistrate judge or a district judge. ~~Filing of a response shall be governed by LR7.4. The eleven (11) calendar day period may be altered by the magistrate judge or a district judge.~~ Oral argument will not be scheduled unless requested by the court. A district judge shall consider the appeal and shall set aside any portion of the magistrate judge's order found to be clearly erroneous or contrary to law. The district judge may also reconsider sua sponte any matter determined by a magistrate judge under this rule. Any cross-appeal shall be filed within two (2) working days of the ~~receipt~~filing of an appeal or within eleven (11) calendar days after ~~service~~the filing of the magistrate judge's order, whichever is later. Any opposition to a cross-appeal shall be filed within eleven (11) calendar days of ~~receipt~~service of the cross-appeal. No reply in support of an appeal or cross-appeal shall be filed without leave of court.

LR74.2 Magistrate Judges; Review of Recommendations for Disposition - 28 U.S.C. § 636(b) (1) (B)

Any party may object to a magistrate judge's case dispositive order, findings, or recommendations under LR72.4, 72.5, and 72.6 within eleven (11) calendar days after the ~~date of~~entry of the magistrate judge's order, findings, or recommendations. Any party may move for reconsideration before the magistrate judge pursuant to LR60.1. A reconsideration motion shall toll the time in which objections must be filed to the magistrate judge's order, findings, or recommendations; objections must be filed within eleven (11) days from entry of the order disposing of the reconsideration motion. The clerk shall serve on the parties the magistrate judge's order, findings, and recommendations and any reconsideration order, unless the order, findings, and recommendations, and/or any reconsideration order has been prepared by counsel, in which event counsel responsible for such preparation shall be responsible for service of the order ~~on all parties, findings, recommendations, and/or reconsideration order so prepared.~~ The objecting party shall file with the clerk, and serve on the magistrate judge and all parties, written objections ~~which shall~~that specifically identify the portions of the order, findings, or recommendations to which objection is made and the basis for such objections. ~~Filing of a response shall be governed by LR7.4. Each of the~~Any party in interest may file a response within eleven (11) calendar days after service thereof.

Each of the above periods of eleven (11) day periods~~days~~ may be enlarged~~altered~~ by a magistrate judge or a district judge. A district judge shall make a de novo determination of those portions of the report or specified findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The district judge, however, will not conduct a new hearing unless required by law, and may consider the record developed before the magistrate judge, making his or her own determination on the basis of that record. The district judge may exercise discretion to receive further evidence, recall witnesses, or recommit the matter to the magistrate judge with instructions. Cross-objections shall be filed within two (2) working days of the receipt~~filing~~ of an objection or within eleven (11) calendar days after service~~the filing~~ of the magistrate judge's order. Any opposition to a cross-objection shall be filed within eleven (11) calendar days of receipt~~service~~ of the original objection. No reply in support of objections of fr cross-objections to a magistrate judge's case dispositive proposed order, findings, or recommendations shall be filed without leave of court.

LR83.1. Attorneys; Admission to the Bar of this Court.

(a) Admission to Practice. Admission to and continued membership in the bar of this court is limited to attorneys of good moral character who are members in good standing of the bar of this court prior to October 1, 1997 and those attorneys who are admitted to membership after October 1, 1997.

(b) Eligibility for Membership. After October 1, 1997, an applicant for admission to membership in the bar of this court must be an attorney who is a member in good standing of the bar of the State of Hawaii.

(c) Procedure for Admission. Each applicant for admission to the bar of this court shall file with the clerk a verified petition for admission, stating the applicant's full name, residence address, office address, the names of the courts before which the applicant is admitted to practice, and the respective dates of admission to those courts. The petition shall be accompanied by proof of membership in the bar of the State of Hawaii.

(d) Attorneys for the United States, Students at an Accredited School of Law. Any attorney who is an active member in good standing of the bar of the highest court of any State and who is employed by the United States or one of its agencies in a

professional capacity and who, while being so employed, may have occasion to appear in this court on behalf of the United States, shall be eligible for leave to practice before this court during the period of such employment. Leave of court shall be granted upon written notice, accompanied by an affidavit verifying eligibility. Any student at an accredited school of law shall be eligible for leave to practice before this court under the provisions set forth in LR83.7.

(e) Pro hac vice. = An attorney who is a member in good standing of, and eligible to practice before, the bar of any United States Court or of the highest court of any State or of any Territory or Insular Possession of the United States, who is of good moral character, and who has been retained to appear in this court, may, upon written application and in the discretion of ~~the district judge~~this court, be permitted to appear and participate in a particular case subject to the conditions of this rule. Unless authorized by the Constitution of the United States or Acts of Congress, an attorney is not eligible to practice pursuant to this section if any one or more of the following apply:

1. the attorney resides in Hawaii;
2. the attorney is regularly employed in Hawaii; or
3. the attorney is regularly engaged in business, professional, or law-related activities in Hawaii.

The *pro hac vice* application shall be presented to the clerk and shall state under penalty of perjury:

1. the attorney's residence and office addresses;
2. by what court(s) the attorney has been admitted to practice and the date(s) of admission;
3. that the attorney is in good standing and eligible to practice in said court(s);
4. that the attorney is not currently suspended or disbarred in any other court; and
5. whether the attorney has concurrently or within the year preceding the current application made any *pro hac vice* application in this court, and if so, the title and the number of each matter wherein the attorney made application, the date of application, and whether or not the application was granted. The attorney shall also designate in the application a member in good

standing of the bar of this court who maintains an office within the district to serve as associate counsel. The application shall include the address, telephone number, and written consent of such associate counsel. The associated attorney shall at all times meaningfully participate in the preparation and trial of the case with the **authority** and **responsibility** to act as attorney of record for all purposes. The associated attorney shall participate in all court proceedings unless otherwise ordered by the court, but need not attend depositions or participate in other discovery. Any document required or authorized to be served upon counsel by the Federal Rules of Civil or Criminal Procedure, or by these rules, shall be served upon the associated attorney which shall be deemed proper and effective service. The *pro hac vice* application shall also be accompanied by payment to the clerk of any required assessment which the clerk shall place to the credit of the Court Library Fund. If the *pro hac vice* application is denied, the court may refund any and all of the assessment paid by the attorney. If the application is granted, the attorney is subject to the jurisdiction of the court with respect to the attorney's conduct to the same extent as a member of the bar of this court.

(f) Notice of Change of Status. An attorney who is a member of the bar of this court or who has been permitted to practice in this court under LR83.1(e) hereof shall promptly notify the court of any change in his (or her) status in another jurisdiction which would make him (or her) ineligible for membership in the bar of this court under LR83.1(a) hereof or ineligible to practice in this court under LR83.1(e) hereof.

(g) Reinstatement. Any person who has been suspended or disbarred or is otherwise ineligible to practice law before this court may be reinstated upon such terms and conditions as may be prescribed by the court.

(h) Changes in Address of Attorney or Firm Affiliation. An attorney shall file and serve on all other parties who have appeared in the action any change in the attorney's business address or firm affiliation, and the effective date of the change. This notice shall appear in each case in which the attorney represents a party. The notice required by this rule shall be filed within eleven (11) days of the change.

LR83.3. Attorneys; Standard of Professional Conduct.

Every member of the bar of this court and any attorney permitted to practice in this court pursuant to LR83.1(d) shall be governed by and shall observe the standards of professional

and ethical conduct required of members of the Hawaii State Bar, ~~except as follows:~~.

~~1. Rule 1.6 of the Hawaii Rules of Professional Conduct ("Hawaii Rules") is not adopted by this district. In lieu thereof, Rule 1.6 of the American Bar Association's Model Rules of Professional Conduct ("Model Rules") shall apply. Rule 1.6 of the Model Rules provides as follows:~~

~~RULE 1.6 Confidentiality of Information~~

~~(a) A lawyer shall not reveal information relating to the representation of a client unless the client consents after consultation, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraph (b).~~

~~(b) A lawyer may reveal such information to the extent the lawyer reasonably believes necessary:~~

~~(1) to prevent the client from committing a criminal act that the lawyer believes is likely to result in imminent death or substantial bodily harm; or~~

~~(2) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge, or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client.~~

~~2. Rule 8.4 of the Hawaii Rules is not adopted by this District. In lieu thereof, Rule 8.4 of the Model Rules shall apply. Rule 8.4 of the Model Rules provides as follows:~~

~~RULE 8.4 Misconduct~~

~~It is professional misconduct for a lawyer to:~~

~~(a) violate or attempt to violate the rules of professional conduct, knowingly assist or induce another to do so, or do so through the acts of another;~~

~~(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;~~

~~(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;~~

~~(d) engage in conduct that is prejudicial to the administration of justice;~~

~~(e) state or imply an ability to influence improperly a government agency or official; or~~

~~(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.~~

CrimLR46.1. Appearance Bond.

A person required to give bail shall execute the type of bond or promise to appear required by the judicial officer specifying the conditions thereof. The bond or promise to appear shall substantially conform in both form and content to the appropriate form approved by the court.

CrimLR46.2. Posting Security.

When the release of a defendant is conditioned upon the deposit of cash or other security with the court, such deposit shall be made with the clerk or the marshal, as authorized.

CrimLR46.3. Types of Bonds in Criminal Cases.

A person charged with a criminal offense in which a secured bond has been required may, in the discretion of the court, furnish in lieu of cash a commercial surety bond or a secured interest in real estate, which shall be referred to as a "property bond."

(a) Surety Bonds. Surety bonds for the appearance of a person charged with a criminal offense shall require the execution of a bail bond or equivalent security as provided in LR65.1.2.

(b) Property Bonds. For real property to qualify as adequate security:

1. The real property, whether located within the State of Hawaii or a sister state, territory, or commonwealth, must have an equity value, after deducting the outstanding balance of any existing lien or encumbrance, in an amount not less than the principal amount of the bail set.

2. The title owner of the property shall furnish a mortgage on the property in favor of the clerk and shall deliver to the court such mortgage note as security for the bond.

3. Prior to release of the person charged, the mortgage shall be recorded in the State of Hawaii Bureau of Conveyances or filed with Registrar of the State Land Court. In the event that the property is located in a sister state, territory, or commonwealth, the mortgage or deed of trust shall be recorded in the designated office required by the law of such state, territory, or commonwealth, and evidence thereof shall be furnished to the court.

4. The value of the property must be established by evidence satisfactory to the court.

Crim. LR 46.4. Filings Relating to Release or Pretrial Detention of a Defendant.

Whenever a document relating to the release or detention of a pretrial defendant is filed with the court, a copy of the document shall be served on the Pretrial Services Office. This rule applies to, for example, motions to detain, motions for reconsideration of a release or detention order, and appeals of a Magistrate Judge release or detention order.

[Local Admiralty Rule] C.3.

Notice of Action and Arrest.

(a) Publication. The notice required by Fed. R. Civ. P., Supp. R. C(4) shall be published once in a newspaper to be specified by the United States District Court for the District of Hawaii, and plaintiff's attorney shall file a copy of the notice as it was published with the clerk. The notice shall contain:

1. The court, title, and number of the action;
2. The date of arrest;
3. The identity of the property arrested;
4. The name, address, and telephone number of the attorney for plaintiff;
5. A statement that the claim of a person who is entitled to possession or who claims an interest pursuant to Fed. R. Civ. P., Supp. R. C(6) must be filed with the clerk and served on the attorney for plaintiff (i) for proceedings governed by Admiralty Rule C(6)(b), within ten (10) days after publication, and (ii) for proceedings not governed by Admiralty Rule C(6)(b), within thirty (30) days after publication, unless a different time is set forth in Admiralty Rule C(6), in which event that different period controls;-_____
6. A statement that an answer to the complaint must be filed and served within twenty (20) days after publication, and that otherwise, default may be entered and condemnation ordered;
7. A statement that applications for intervention under Fed. R. Civ. P. 24, by persons claiming maritime liens or other interests, shall be filed within the time fixed by the court; and
8. The name, address, and telephone number of the marshal.

(b) Filing of Proof of Publication. Plaintiff shall cause to be filed with the clerk no later than thirty (30) days after the date of publication sworn proof of publication by or on behalf of the publisher of the newspaper in which notice was published, together with a copy of the publication or reproduction thereof.

LBR 1001-2. APPLICABILITY OF RULES FROM OTHER CHAPTERS

(a) Incorporation of Rules from Other Chapters. Except as hereinafter set forth or otherwise ordered by the court, the following rules from other chapters of these local rules shall apply in all bankruptcy cases and adversary proceedings:

- _____ (A) _____ (1) LR 5.3 Identification of Original Filings;
- (2) LR 6.2 Extensions, Enlargements or Shortening of Time;
- (3) LR 7.5 Motions; Length of Briefs and Memoranda;
- (4) LR 7.6 Motions; Affidavits and Declarations;
- (5) LR 7.8 Motions; Uncited Authorities;
- _____ 6. _____ (6) LR 10.1 Applicability of Rule on the Format of Papers; Effect of Noncompliance;
- _____ 7. _____ (7) LR 10.2 Form of Papers; Copy (except (i) that any type size or type style requirements of subdivision (a) shall not apply to any of the Official or Procedural Bankruptcy Forms or any court-approved local form, and (ii) subdivision (~~e~~k) shall not apply (see LBR 5005-5));
- _____ 8. _____ (8) LR 10.3 Amended Pleadings;
- _____ 9. _____ (9) LR 10.4 Stipulations;
- _____ 10. _____ (10) LR 58.1 Entry of Judgments and Orders;

- ~~11.~~ (11) LR 79.1 Disposition of Exhibits and Depositions;
- ~~12.~~ (12) LR 83.1(e), (h) Attorneys; Admission to the Bar of this Court;
- ~~13.~~ (13) LR 83.5 Attorneys; Sanctions for Unauthorized Practice;
- ~~14.~~ (14) LR 83.7 Attorneys; Supervised Student Practice of Law;
- ~~15.~~ (15) LR 83.8 Broadcasting, Televising, Recording or Photographing Judicial and Grand Jury Proceedings (first sentence only); and
- ~~16.~~ (16) LR 83.10 Gratuities.

References in the incorporated rules to the United States District Court, the judge, the clerk, or "civil actions or proceedings" shall be treated as references to the United States Bankruptcy Court, the bankruptcy judge, the clerk of the Bankruptcy Court, or to "bankruptcy cases or adversary proceedings," as the case may be.

(b) Modification. The court may, in any bankruptcy case or adversary proceeding, direct that additional local rules from other chapters apply.

(c) Amendment. Local rules incorporated from other chapters of these local rules shall be the rules in effect on the effective date of these rules and as such other local rules are thereafter amended, unless otherwise provided by such amendment or by these rules.

<u>(b)</u>	<u>(9)</u>	LR 16.2	Scheduling Conference;
<u>(c)</u>	<u>(10)</u>	LR 16.3	Scheduling Conference Order;
<u>(d)</u>	<u>(11)</u>	LR 16.4	Pretrial Conference;
<u>(e)</u>	<u>(12)</u>	LR 16.6	Contents of Pretrial Statement;
<u>(f)</u>	<u>(13)</u>	LR 16.7	Pretrial Conference Agenda;
<u>(g)</u>	<u>(14)</u>	LR 16.8	Pretrial Order;
<u>(h)</u>	<u>(15)</u>	LR 16.9	Objections to Proposed Testimony and Exhibits; Motions in Limine;
<u>(i)</u>	<u>(16)</u>	LR 26.1	Conference of Parties;
<u>(j)</u>	<u>(17)</u>	LR 26.2	Written Responses to Discovery Requests;
<u>(k)</u>	<u>(18)</u>	LR 51.1	Jury Instructions;
<u>(l)</u>	<u>(19)</u>	LR 56.1	Motions for Summary Judgment;
<u>1.</u>	<u>(20)</u>	LR65.1.1	When a Bond or Security is Required;
<u>2.</u>	<u>(21)</u>	LR 65.1.2	Qualifications of Surety; and

(b) Modification. The court may direct that additional local rules apply.

LBR 9013-1. MOTION PRACTICE

(a) Matters Covered by Rule. This rule shall apply to any motion, application, or objection with respect to which the Bankruptcy Code provides that relief may be obtained after "notice and a hearing," but does not apply to: (1) motions for relief from the automatic stay; (2) proceedings that must be initiated by complaint under Fed. R. Bankr. P. 7001 (adversary proceedings) or motions therein; and (3) matters that may properly be presented to a judge *ex parte*.

(b) Hearing Required.

(1) Unless the court otherwise orders, the following matters shall be set for hearing:

- (A) Motions governed by Fed R. Bankr. P. 4001;
- (B) — All motions to convert or dismiss unless the debtor can so move as a matter of right and except for a motion by the Office of the United States Trustee pursuant to 11 U.S.C. § 1112(e);
- (C) Motions to appoint a trustee or an examiner;
- (D) — Motions to sell property free and clear of liens;
- (E) — Hearings on Chapter 11 disclosure statements, and confirmation hearings in cases under Chapters ~~11~~ 11 and 12, and;
- (F) Objections to a debtor's claim of exemption.

(2) With court approval, any matter within the scope of this rule may be set for hearing.

(3) Except as provided in LBR 9013-1(b)(4), 9013-1(b)(5), and 9013-1(c), notice of all hearings shall be served at

least 28 days before the hearing date, any opposition must be filed and served on the party requesting relief at least 18 days prior to the hearing date, and any reply must be filed and served not less than 11 days before the hearing date. This rule extends the minimum time periods specified in Fed. R. Bankr. P. 2002(a). The time periods specified in this subdivision do not apply to notice requirements for approval of a disclosure statement or for confirmation of a plan under any chapter of Title 11, pursuant to Fed. R. Bankr. P. 2002(a)(8) and (b), or for objections to claims, pursuant to Fed. R. Bankr. P. 3007.

(4) The court may shorten time for notice of any hearing or limit the parties to which notice is to be given unless the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure provide otherwise. Every motion requesting that the court shorten or limit notice of a hearing shall be supported by a declaration stating the reasons for the motion, the parties with which the moving party has spoken or attempted to speak concerning the request to shorten or limit notice, and the position taken by such parties. Every such motion shall specify to whom, how, and when the moving party proposes to give notice, and shall propose deadlines for the filing and serving of opposition and reply memoranda. The proposed order on such motions shall have appropriate blanks for such deadlines.

(5) The court may disregard any untimely opposition or reply memorandum or impose other appropriate sanctions.

(6) Every notice of hearing shall state, in bold face type, the deadline for the filing and service of opposition memoranda and that the court may disregard any untimely memoranda.

(7) A Chapter 7 trustee may, without necessity of an order shortening time, set for hearing on 10 days notice any motion to sell personal property of the estate free and clear of, or subject to, liens, if the subject property is situated on leased premises.

(c) Notice and Opportunity for Hearing.

(1) Unless otherwise ordered, a party in interest may file a request for relief, without setting a hearing, regarding any matter within the scope of this rule, other than those matters set forth in subparagraph (b)(1).

(2) The notice shall state conspicuously, on the first page, that:

(A) Any objection or request for hearing must be filed and served within 15 days of mailing of the notice and state with particularity the basis of the objection or request for hearing;

(B) Unless an objection or request for hearing is filed and served in a timely manner, the court may enter an order granting the requested relief by default; and

(C) If there is a timely objection or request for hearing, the moving party will give at least 15 days written notice of hearing to the requesting party, any trustee, any committee appointed in the case, and any other parties directed by the court.

(3) If an objection or request for hearing is filed and the motion is set for hearing, the moving party may file and serve a reply memorandum not later than seven days prior to the hearing.

(4) If notice is given in compliance with this rule and no interested party objects or requests a hearing, the moving party shall file a request for entry of order by default with the clerk and shall submit a proposed order. The request shall be accompanied by an affidavit or declaration regarding the date and place of mailing of the notice, the addresses to which it was mailed and the lack of response.