IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

IN THE MATTER OF THE AMENDMENT OF THE LOCAL RULES OF PRACTICE FOR THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII	ORDER AMENDING THE LOCAL RULES OF PRACTICE FOR THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII

IT IS HEREBY ORDERED that the Local Rules of Practice for the United States District Court for the District of Hawaii ("Local Rules") are amended, effective September 1, 2019, as attached to this order. All previous Local Rules adopted by the court are superseded by these Local Rules, except to the extent ordered by the court in an individual case, pursuant to Local Rule 1.2.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, August 26, 2019.

J. Michael Seabright
Chief United States District Judge

Derrick K. Watson
United States District Judge

Leslie E. Kobayashi
United States District Judge

Jill A. Otake
United States District Judge

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CHAPTER I – GENERAL AND CIVIL RULES

LR1.1. Title.

These are the Local Rules of Practice for the United States District Court for the District of Hawaii ("Local Rules"). They should be cited as "LR_____," or "CrimLR_____."

LR1.2. Effective Date; Transitional Provision.

The Local Rules govern all actions and proceedings in this Court pending on or commenced after September 1, 2019. When justice requires, a judge may order that an action or proceeding pending before the court prior to that date be governed by the prior rules or practice of the court.

LR1.3. Scope of the Rules; Construction.

The Local Rules supplement the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure and shall be construed consistently with those rules and administered and employed by the court and parties to promote the just, efficient, and economical determination of every action and proceeding. If any Local Rule is or becomes in conflict with a federal statutory provision or a federal rule, the federal statutory provision or federal rule shall govern and apply.

The provisions of the Local Rules shall apply to all actions and proceedings, including criminal, admiralty, and actions and proceedings before magistrate judges, except if inconsistent with rules or provisions of law specifically applicable thereto or varied by order of one or more judges with respect to one or more cases assigned to that judge or judges. All parties, including those proceeding pro se, are obligated to follow these Local Rules. From time to time, this court may post proposed changes and/or changes to these Local Rules on the court's website, www.hid.uscourts.gov.

LR1.4. Definitions.

The following definitions apply to the Local Rules:

(a) "Clerk" means Clerk, United States District Court, District of Hawaii.

(b) "CM/ECF" means "Case Management/Electronic Case Files" and refers to the electronic case management and filing system developed by the Administrative Office of the United States Courts and implemented by this court in the District of Hawaii. Any references

in the Local Rules to an electronic filing system mean the court's CM/ECF system.

(c) "Court" refers to the United States District Court for the District of Hawaii and not to any particular judge of the court.

(d) "Days" means calendar days unless otherwise defined by these rules.

(e) "Electronic Filing" means the electronic transmission of a document in PDF form for uploading and storing in the court's CM/ECF system.

(f) "Electronic Recording" refers to the scanned, electronic image of a document that has been filed with the court in paper form. Electronic Recordings are uploaded and stored in the court's CM/ECF system.

(g) "Judge" refers to any United States district judge or magistrate judge to whom an action or proceeding has been assigned.

(h) "Notice of Electronic Filing" or "NEF" refers to the notice automatically generated upon the filing of a document in CM/ECF and transmitted by email to parties in a case who are ECF Users. The NEF includes a link to an image of the filed document.

LR3.1. Complaints.

Civil complaints, notices of removal, and inmate complaints filed pursuant to an agreement with the State of Hawaii Department of Public Safety shall be filed electronically using the CM/ECF system except where otherwise specified. An appropriately completed Civil Cover Sheet, JS 44, must be electronically filed simultaneously. When a complaint pertains to patent or trademark law, an appropriately completed Report on the Filing or Determination of an Action Regarding a Patent or Trademark must be electronically filed simultaneously with the complaint.

LR4.1. Service of Process.

Pursuant to Fed. R. Civ. P. 4(c) and 4.1(a), the Sheriff of the State of Hawaii and his or her deputies are among those authorized to serve civil process.

LR5.1. Depositions: Transcripts or Recordings.

Counsel responsible for the storage of any deposition transcript or recording pursuant to Fed. R. Civ. P. 30(f)(1) shall produce the original deposition transcript

or recording when needed by any party for use in court proceedings or as ordered by the court as provided in Fed. R. Civ. P. 5(d).

LR5.2. Sealing of Information Filed with the Court.

(a) Any party may move to file under seal any pleading, declaration, affidavit, document, picture, exhibit, or other matter if it contains confidential, classified, restricted, or graphic information or images.

(b) No pleading, declaration, affidavit, document, picture, exhibit, or other matter may be filed under seal without leave of court upon motion unless: (1) the case is sealed; or (2) filing under seal is otherwise required by state or federal law or an order already entered in the case. A stipulation or blanket protective order that allows a party to designate matters to be filed under seal will not suffice to allow the filing of the matter under seal.

(c) A motion to file under seal must: be filed in the public record of the case; set forth the factual basis for sealing the document or matter without disclosing confidential information; specify the applicable standard for sealing the information and discuss how that standard has been met; and either state that a redacted version of the document or matter will be filed in the public record concurrent with the motion to seal or state why it is not feasible to file a redacted version of the document or matter in the public record.

(1) Unless the court orders otherwise, the movant shall submit a copy of the proposed sealed filing with a copy of the motion.

(2) Concurrently with the filing of the motion and the submission of the sealed matter, the movant must submit a proposed form of order. The proposed order must also be emailed to the relevant chambers. A list of chambers' email addresses is available on the court's website.

(3) Copies of the motion, the sealed matter, and proposed order shall be appropriately served, and two (2) Mandatory Chambers Copies (see LR10.3) of each shall be delivered to the judge. Service and Mandatory Chambers Copies of the sealed filing must be in sealed envelopes with a copy of the title page attached to the front of each envelope and a prominent legend indicating that the envelope contains a proposed sealed filing.

No later than seven (7) days after the filing of a motion to seal, any person may oppose the motion. If the court denies the motion, the movant shall inform the court within four (4) days whether it wants to withdraw the document or have it

filed publicly. If the court does not receive such notification within four (4) days, the document will be returned to the movant.

The movant shall, within four (4) days of an order, file a version of the document consistent with the order.

(d) If a party wishes to file in the public record a pleading, declaration, affidavit, document, picture, exhibit, or other matter that has been designated as confidential by another party pursuant to a protective order, or if a party wishes to refer in a memorandum or other filing to information so designated by another party, that party must move to file the matter publicly or obtain an appropriate stipulation. The movant shall file and serve a copy of the pleading, declaration, affidavit, document, picture, exhibit, or other matter and submit a proposed form of order in the same manner as provided in LR5.2(c)(1)-(3). Within seven (7) days after the motion to file a matter publicly is filed, any party may oppose the motion and seek to have all or part of the matter sealed. The matter may not be publicly filed until the court issues an order.

(e) If the court determines at any time that any pleading, declaration, affidavit, document, picture, exhibit, or other matter has been improperly sealed or no longer needs to be sealed, the court may order its unsealing or take other appropriate action, including issuing sanctions against the party or the party's attorney responsible for the sealing.

(f) Counsel and parties at any hearing that involves sealed material shall argue, to the extent practicable, the merits and the underlying facts of the motion or matter without specifically discussing the sealed material in order to allow public access to court proceedings to the fullest extent possible.

(g) Mandatory Chambers Copies (see LR10.3) of sealed documents will be disposed of at the judge's discretion. In the ordinary course, the court will recycle, not shred, the copies, unless a party arranges to retrieve the copies.

LR5.3. Electronic Filing.

Pursuant to Fed. R. Civ. P. 5(d)(3), documents may be filed, signed, or verified by electronic means consistent with (a) the Local Rules; (b) technical standards, if any, that the Judicial Conference of the United States establishes; and (c) any administrative procedure adopted by a general order of this court. A document filed by electronic means in compliance with this rule is equivalent to a written document for purposes of applying the Federal Rules of Civil Procedure and the Local Rules.

LR5.4. Electronic Service.

A party may serve pleadings and other documents, other than service of process, through the court's transmission facilities in accordance with these rules and any administrative procedure adopted by a general order of this court. Receipt of the NEF shall constitute service pursuant to Fed. R. Civ. P. 5(b)(2)(E).

Registration with CM/ECF constitutes consent to service under Fed. R. Civ. P. 5(b)(2)(E) for all documents required to be served.

LR5.5. Service of Hard Copies of Documents.

Unless otherwise ordered by the court or agreed to by the parties, any party serving hard copies of the following documents must make service on the day of the filing and comply with Fed. R. Civ. P. 5:

(a) A motion (regardless of when a response is due or when a hearing will be held); or

(b) Any other document that must be served on other parties pursuant to Fed. R. Civ. P. 5 and/or these Local Rules, and for which:

(1) a response is due within twenty-one (21) days, or

(2) a hearing or conference will be held within twenty-one (21) days.

This rule applies even if the filing occurs after normal business hours and is not satisfied by placing a document in a mailbox on the filing day after mail pick-up from that mailbox for that day has been completed, unless the parties have agreed to such service.

LR5.6. Proof of Service.

Proof of service of all documents required or permitted to be served, other than those for which a particular method of proof is prescribed in the Federal Rules of Civil Procedure, shall be filed or mailed for filing with the court within one (1) day of such service. The proof shall show the date and manner of service and may be:

(a) By written acknowledgment of service;

(b) By certificate of the person who mailed or otherwise effected service;

(c) By NEF; or

(d) By any other proof satisfactory to the court.

LR6.1. Computation of Time.

Fed. R. Civ. P. 6(a)(4) of the Federal Rules of Civil Procedure defines "last day." This Local Rule alters Rule 6(a)(4), as allowed by that rule, as follows: with respect to documents filed in hard copy with this court, the "last day" ends at 11:59 p.m. Hawaii Standard Time, provided service of the document complies with LR5.5.

LR6.2. Extending or Shortening Time.

All stipulations or applications to extend or shorten time shall indicate on the first page the sequential number of such request; e.g., "Second Stipulation to Extend Time." The request shall state the total amount of time previously obtained by extension or shortening and the reason for the request.

LR7.1. Motions: Notice, Hearing, Motion, and Supporting Documents.

(a) Except as otherwise provided by this rule or ordered by the court, all motions shall be entered on the motion calendar of the assigned judge for hearing at least thirty-five (35) days after service.

(b) The above period shall not apply to the following: non-hearing motions under Subsections (c) and (d) of this rule; applications for a temporary restraining order or preliminary injunction; motions for protective order; motions for withdrawal of counsel; applications to extend or shorten time; motions in limine; and motions made during the course of a trial or hearing.

(c) Unless specifically required, the court may decide all matters, including motions, petitions, and appeals, without a hearing. If a movant has a position on whether a hearing should or should not be held, the party shall so state in its motion, and the opposing party shall state its position in its opposition memorandum.

(d) The following shall be decided without a hearing: motions to alter, amend, reconsider, set aside or vacate a judgment or order; motions for judgment as a matter of law or for a new trial; motions for clarification of a judgment or order; motions for relief from judgment; motions to proceed in forma pauperis;

motions filed in pro se prisoner actions; motions for appointment of counsel; motions for certification of finality under Fed. R. Civ. P. 54; appeals from a magistrate judge's decision or order; and objections to a magistrate judge's report and recommendation. The court may set any of the foregoing motions for hearing sua sponte or upon application by a party.

LR7.2. Motions: Briefing Schedule.

An opposition to a motion set for hearing shall be served and filed at least twenty-one (21) days prior to the date of the hearing. An opposition to a non-hearing motion shall be served and filed within fourteen (14) days after service of the motion. A party not opposing a motion shall instead file a statement of no opposition or no position within the time provided above.

Any reply in support of a motion set for hearing shall be served and filed at least fourteen (14) days prior to the date of hearing. Any reply in support of a non-hearing motion shall be served and filed by the movant within fourteen (14) days after service of the opposition. A reply must respond only to arguments raised in the opposition. Any argument raised for the first time in the reply shall be disregarded.

Any opposition or reply that is untimely filed may be disregarded by the court or stricken from the record.

No further or supplemental briefing shall be submitted without leave of court.

If any action is settled while a motion is pending, the parties shall immediately notify the judge who is scheduled to decide the motion.

LR7.3. Motions: First Page.

Motions and all subsequently filed documents related to a motion shall state below the title of the document (a) the date and time of the hearing, when known, (b) the name of the presiding judge, (c) the trial date, if known, and (d) the docket number of the document to which it relates (i.e., an opposition memorandum shall indicate the CM/ECF document number of the relevant motion).

LR7.4. Motions, Petitions, and Appeals: Length of Briefs and Memoranda.

(a) Unless the court orders otherwise, a brief or memorandum in support of or in opposition to any motion, petition, or appeal, including one filed by a pro se party, shall not exceed twenty-five (25) pages in length, unless it complies with LR7.4(b) and (e).

(b) A brief or memorandum in support of or in opposition to a motion, petition, or appeal may exceed the page limit in LR7.4(a) if it contains no more than 6,250 words.

(c) A reply brief or reply memorandum, including one filed by a pro se party, shall not exceed fifteen (15) pages in length, unless it contains no more than 3,750 words and also complies with LR7.4(e).

(d) Headings, footnotes, and quotations count toward the word limit. The case caption, table of contents, table of authorities, exhibits, declarations, certificates of counsel, and certificates of service do not count toward the page or word limit. In any matter in which a movant uses a form prepared by the court (e.g., § 2254 and § 2255 petitions, etc.), the preprinted portions of the form shall not count against any space limit set forth in these rules.

(e) A brief or memorandum submitted under LR7.4(b), a reply brief or memorandum submitted under the word limit in LR7.4(c), or a concise statement submitted under the word limit permitted in LR56.1(c) must include a certificate by the attorney or a pro se party that the document complies with the applicable word limit. This certificate shall state the number of words contained in the document. The person preparing the certificate may rely on the word count of the word-processing system used to produce the document.

(f) Briefs and memoranda exceeding ten (10) pages shall have a table of contents and a table of authorities.

LR7.5. Motions: Affidavits, Declarations, Citations.

Factual contentions made in support of or in opposition to any motion shall be supported by affidavits or declarations, when appropriate under the applicable rules. Affidavits and declarations shall contain only facts, shall conform to the requirements of Fed. R. Civ. P. 56(c)(4) and 28 U.S.C. § 1746, and shall avoid conclusions and argument. Any statement made upon information or belief shall

specify the basis therefor. Affidavits and declarations not in compliance with this rule may be disregarded by the court.

If citation is made to an authority that is not easily available through Westlaw, Lexis/Nexis, or a comparably accessible service, two (2) Mandatory Chambers Copies (see LR10.3) of the authority shall be submitted to the court concurrently with the document containing the citation.

Citations shall be made to the applicable United States Code provision(s), rather than only to the section(s) of a named act or code, although reference may be made to both. For example, a citation should not be made only to section 402(b) of the Clean Water Act; citation shall be made also or instead to 33 U.S.C. § 1342(b).

LR7.6. Supplemental Authorities.

If, after briefing on a motion is complete pursuant to LR7.2 or LR7.7, a party intends to rely on authorities not previously offered to the court, that party may promptly file a Notice of Supplemental Authorities. The Notice of Supplemental Authorities shall list the additional authorities, including pinpoint citations, on which the party intends to rely and include a short parenthetical describing the proposition of law for which each authority is cited. No further analysis or argument is permitted.

Absent extenuating circumstances, the court will not consider the submission of any supplemental authority that was available at the time of the filing of the party's last brief.

LR7.7. 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 and may not exceed the page or word limit for an opposition absent leave of court. 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 file and serve any reply as follows: if

the matter is scheduled for a hearing, at least seven (7) days before the scheduled hearing; if the matter is scheduled as a non-hearing motion, within seven (7) days after service of the opposition to the counter motion.

Except with leave of court based on good cause, any substantive joinder in a motion or opposition must be filed and served within three (3) days of the filing of the motion or opposition joined in. "Substantive joinder" means a joinder that is supported by a memorandum that complies with LR7.4(a) and (b) supplementing the motion or opposition joined in. If a party seeks the same relief sought by the movant for himself, herself, or itself, the joinder shall clearly indicate that. A joinder of simple agreement may be filed at any time. A separate opposition or reply complying with LR7.4 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. Joinders in motions must specifically identify the pending motion by docket number to which the joinder applies. 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, when an underlying motion is withdrawn, any joinders are also treated as withdrawn.

LR7.8. Pre-Filing Conference.

Except in connection with discovery motions (which are governed by LR37.1), applications for temporary restraining orders or preliminary injunctions, matters in which at least one party is pro se, and motions made during trial, counsel contemplating the filing of any motion shall first contact opposing counsel to discuss thoroughly, preferably in person, the substance of the contemplated motion and any potential partial or complete resolution. The conference shall take place at least seven (7) days prior to the filing of the motion. If the parties are unable to reach a resolution which eliminates the necessity for a motion, counsel for the movant shall include in the motion a statement to the following effect:

> "This motion is made following the conference of counsel pursuant to LR7.8 which took place on [date]."

LR7.9. Telephone Appearances.

Counsel seeking to appear at a motion hearing by telephone must make a request by letter to the court, with copies to all parties, as far in advance of the hearing as practicable. The letter shall include the telephone number at which counsel will be available and shall include the position of all other counsel regarding the request. Whether such an appearance will be considered, what procedural requirements will be imposed, and the type of relief granted are within the sole discretion of the court. Telephone appearances by cellular telephone are discouraged.

LR7.10. Ex Parte Applications.

Any ex parte application must include a declaration that states why a stipulation or motion could not be submitted and sets forth the positions of other parties with respect to the request, if known.

LR10.1. Applicability of Rule on the Form of Documents: Effect of Non-Compliance.

The rule on the form of documents applies in all civil actions and proceedings, unless otherwise provided by rule governing the particular action or proceeding, and in criminal proceedings to the extent that the provisions of the rule are pertinent. In the event of a failure to comply with the rule, the court may order the prompt refiling of the document in proper form or strike the offending document.

LR10.2. Form of Documents.

(a) Form of Documents.

(1) All documents presented for filing shall be unbound on white opaque paper of good quality, eight and one-half (8 1/2) inches by eleven (11) inches in size, with one (1) inch margins, and shall be flat, unfolded (except when necessary for the presentation of exhibits), without back or cover, and shall comply with all other applicable provisions of the Local Rules.

(2) All memoranda, including footnotes, shall utilize 14-point Times New Roman plain style, except that italics, underlining, or boldface may be used for emphasis.

(3) All documents shall be clearly legible with text appearing on one side of each sheet only.

(4) All documents shall be double-spaced except for the identification of counsel, title of the case, footnotes, quotations, and exhibits.

(b) Identification of Person Filing a Document.

The name, Hawaii bar identification number, address, telephone number, and email address of counsel (or, if pro se, of the party), and the specific identification of each party represented by name and interest in the litigation (e.g., plaintiff, defendant, etc.) shall appear in the upper left corner of the first page of each document 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, Case Numbers, and Title.

Following the identification of the person filing the document, there shall appear:

(1) the title of the court;

(2) the title of the action or proceeding;

(3) the case number of the action or proceeding, whether it is civil or criminal, followed by the initials of the judge(s) to whom it is currently assigned;

(4) a title describing the document; and

(5) any other matter required by the Local Rules.

If the case is a consolidated case, the words “Consolidated Case” shall appear on the first page of the document.

(d) Exhibits, Declarations, and Affidavits.

Original documents and Mandatory Chambers Copies (see LR10.3) of exhibits, declarations, and affidavits shall have appropriately labeled tabs. All exhibits attached to documents shall show the exhibit number or letter at the bottom of the first page of the exhibit. Exhibits, declarations, and affidavits shall not contain cover sheets in lieu of tabs.

To the extent possible, parties should refrain from submitting multiple copies of the same exhibit.

Exhibits may be copies but must be clearly legible and not unnecessarily voluminous. Unless otherwise authorized by the court or necessary for the presentation of exhibits, all exhibits shall be printed on one side only and shall be on white opaque paper of good quality, eight and one-half (8½) inches by eleven (11) inches. Counsel are required to reduce oversized exhibits to eight and one-half (8½) inches by eleven (11) 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. Such oversized exhibits may, at the discretion of the clerk, be kept out of the electronic docket, but will be retained by the court.

Non-paper physical exhibits shall not be attached to any document. A non-paper physical exhibit shall be placed in a secure container labeled with the case name, case number, and the name, address, and telephone number of the submitting party; and submitted to the court with a separately filed notice. The notice shall include a description of the exhibit and an explanation for why it is not possible to attach the exhibit to the document to which it relates. Unless the filer is exempted from electronic filing, the notice shall be filed electronically. The exhibit, the notice, and the applicable NEF shall be presented to the clerk's office.

(e) Signatures on Declarations and Affidavits.

When it is impracticable to submit an original signature on a declaration or an affidavit along with a filing, the declaration or affidavit may be submitted with an electronic signature. The party and/or attorney must maintain the declaration or affidavit with the original signature.

(f) In Camera Submissions.

Documents 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 documents to be sealed without being folded.

(g) Fax/Email Filings.

No document may be filed by faxing or emailing it to the court unless the filing party has first obtained leave to do so. Leave will be subject to the court's discretion and will only be granted for good cause.

LR10.3 Mandatory Chambers Copies.

(a) When Required.

Except for prisoners proceeding pro se, two (2) Mandatory Chambers Copies are required of the following: complaints and amended complaints; corporate disclosure statements; any document pertaining to a request for court action, including motions, appeals, and petitions, and any opposition to and reply in support, as well as concise statements, exhibits, declarations, and affidavits in any way related to the request for court action; Scheduling Conference Statements; Final Pretrial Conference Statements; Settlement Conference Statements; trial briefs; and discovery briefs.

Mandatory Chambers Copies of the following are not required: answers, appearances of counsel, certificates of service, entries of default, routine discovery (including designations and namings of witnesses, disclosures, answers to interrogatories and document requests, requests for admissions, expert reports, etc.), and returns of service.

(b) Format.

(1) All Mandatory Chambers Copies shall indicate which judge should receive the copies.

(2) Mandatory Chambers Copies must comply with all Local Rule requirements, including the tabbing of exhibits and declarations or affidavits.

(3) If a document has been filed electronically, the Mandatory Chambers Copies should consist of a printout of the filed document, showing the ECF header containing the filing information.

(4) Mandatory Chambers Copies shall be held together with a single staple in the upper left corner. In lieu of a staple, rubber bands or binder clips are acceptable. Metal prongs and fasteners are not allowed.

(c) Timing.

(1) If a document is filed in hard copy, the Mandatory Chambers Copies must be submitted at the time the original document is filed.

(2) Mandatory Chambers Copies of electronically filed documents may be mailed to the clerk’s office if they are mailed from anywhere in

Hawaii no later than the business day following the date the document was filed.

(3) If a document concerns an imminent or expedited proceeding, Mandatory Chambers Copies shall be delivered as soon as possible after filing.

LR10.4. Amended Pleadings.

Any party filing or moving to file an amended complaint, counterclaim, third-party complaint, or answer or reply thereto shall reproduce the entire pleading as amended and may not incorporate any part of a prior pleading by reference, except with leave of court. A motion or stipulation to amend a pleading shall be accompanied by the proposed amended pleading in redline format, which must indicate in every respect how the proposed amended pleading differs from the pleading which it amends, by striking through the text to be deleted and underlining the text to be added. If granted or allowed, the amended pleading shall be filed, with redline formatting removed, and served on all parties under Fed. R. Civ. P. 5 within fourteen (14) days of the filing of the order granting leave to amend, unless the court orders otherwise.

LR10.5. Form of Stipulations.

Except as provided in LR41.1, a stipulation requiring approval of the court shall contain the words "APPROVED AND SO ORDERED," and a designated signature line for the judge. The caption and title of the document must appear on the signature page. Stipulations must comply with LR6.2, if applicable. Proposed stipulations may be sent by email to the appropriate "orders box" via the email addresses available on the court's website.

LR11.1. Sanctions and Penalties for Non-Compliance with the Local Rules.

Failure of counsel or a party to comply with any provision of the Local Rules is a ground for imposition of appropriate sanctions, including a fine or dismissal. Sanctions may be imposed by the court sua sponte consistent with applicable law.

LR12.1. Fed. R. Civ. P. 12 Motions.

Mandatory Chambers Copies of any Fed. R. Civ. P. 12 motion shall include two (2) copies of the related complaint or petition.

LR16.1. Parties' Duty of Diligence.

All counsel and self-represented litigants shall proceed with diligence to take all steps necessary to bring an action to readiness for trial. When it appears that counsel or a self-represented party is not prosecuting the case with such diligence, the court may impose sanctions, including dismissal of the case after notice and an opportunity to be heard.

LR16.2. Scheduling Conference.

(a) The court shall issue a scheduling order within the earlier of ninety (90) days after any defendant has been served with the complaint or sixty (60) days after any defendant has appeared, unless the court finds good cause to delay. All parties receiving notice of the scheduling conference shall attend in person or by counsel and shall be prepared to discuss the following subjects:

(1) Service of process on parties not yet served;

(2) Jurisdiction and venue;

(3) Anticipated motions, including Daubert motions, and deadlines as to the filing and hearing of motions;

(4) Appropriateness and timing of motions for dismissal or for summary judgment under Fed. R. Civ. P. 12 or 56;

(5) Deadlines to join other parties and to amend pleadings;

(6) Anticipated or remaining discovery, including discovery cut-off;

(7) The control and scheduling of discovery, including orders affecting disclosures and discovery pursuant to Fed. R. Civ. P. 26 – 37;

(8) Further proceedings, including setting dates for pretrial and trial;

(9) Appropriateness of special procedures, such as consolidation of actions for discovery or pretrial, reference to a master or magistrate judge or to the Judicial Panel on Multidistrict Litigation, alternative dispute procedures, application of the Manual for Complex Litigation, or early discovery in RICO actions;

(10) Modification of the standard pretrial procedures specified by this rule on account of the relative simplicity or complexity of the action or proceeding;

(11) Prospects for settlement, including participation in the court's mediation program or any other alternative dispute resolution process; and

(12) Any other matters that may be conducive to the just, efficient, and economical determination of the action or proceeding, including any of the matters specified in Fed. R. Civ. P. 16(c).

(b) Each party shall file with the court and serve on all parties a Scheduling Conference Statement at least seven (7) days prior to the scheduling conference. The Scheduling Conference Statement shall include the following:

(1) A short statement of the nature of the case;

(2) A statement of jurisdiction with cited authority for jurisdiction and a short description of the facts conferring venue;

(3) Whether jury trial has been demanded;

(4) A statement addressing the appropriateness, extent, and timing of disclosures pursuant to Fed. R. Civ. P. 26 and LR26.1 that are not covered by the report(s) filed pursuant to Fed. R. Civ. P. 26(f);

(5) A list of discovery completed, discovery in progress, motions pending, and hearing dates;

(6) A statement addressing the appropriateness of any of the special procedures or other matters specified in Fed. R. Civ. P. 16(c) and LR16.2 that are not covered by the joint report filed pursuant to Fed. R. Civ. P. 26(f);

(7) A statement identifying any related case, including pending cases as well as cases that have been adjudicated or have otherwise been terminated, in any state or federal court; and

(8) Additional matters at the option of counsel.

(c) Exempt Cases. Unless the court orders otherwise, this rule does not apply to proceedings described in Fed. R. Civ. P. 26(a)(1)(B).

(d) The court will notify all parties of the date and time of the scheduling conference and may, in its discretion, conduct the scheduling conference by telephone or video technology.

LR16.3. Scheduling Conference Order.

At the conclusion of the scheduling conference, the judge shall enter an order governing disclosures under Fed. R. Civ. P. 26(a) and LR26.1, the extent of discovery to be permitted, the discovery completion date, deadlines for motions to be filed and heard, deadlines to join other parties, and deadlines to amend pleadings. The order may include other matters that the judge deems appropriate, including:

(a) Provisions for the disclosure, discovery, or preservation of electronically stored information;

(b) Agreements reached by the parties for asserting claims of privilege or of protection as trial-preparation materials after information is produced, including agreements reached under Federal Rule of Evidence 502;

(c) A directive that prior to moving for an order relating to discovery, the movant must request a conference with the court;

(d) Provisions for the initiation of pretrial proceedings and trial settings; and

(e) Reference of the case to the court mediation program or other ADR process pursuant to LR88.1.

Requests for continuances of trial will not be routinely granted. Parties must prepare diligently for trial and are discouraged, absent extraordinary circumstances, and good cause shown, from seeking continuance of a trial. In granting a motion for continuance, the court may impose costs and conditions.

LR16.4. Pretrial Conference.

(a) In General.

A pretrial conference shall be held on the date and at the time scheduled. The agenda for the pretrial conference shall consist of matters covered by Fed. R. Civ. P. 16 and any other matter germane to the trial of the action or proceeding. Each party (other than a pro se party) shall be represented at the pretrial conference

by counsel having authority with respect to all matters on the agenda, including settlement of the action or proceeding.

The judge may make such pretrial order or orders at or following the pretrial conference as may be appropriate and such order shall control the subsequent course of the action or proceeding as provided in Fed. R. Civ. P. 16.

(b) Contents of Pretrial Statement.

At the time set by the scheduling conference order under LR16.3, the parties shall serve and file separate pretrial statements, with Mandatory Chambers Copies, to the judges assigned to the case. The pretrial statements shall address the following:

(1) Party.

The name of the party or parties on whose behalf the statement is filed.

(2) Jurisdiction and Venue.

The statutory basis of federal jurisdiction and venue, and a statement as to whether any party disputes jurisdiction or venue.

(3) Substance of Action.

A brief description of the substance of the claims and defenses presented.

(4) Undisputed Facts.

A plain and concise statement of all material facts not reasonably disputable. Counsel are expected to make a good faith effort to stipulate to all facts not reasonably disputable for incorporation into the trial record without the necessity of supporting testimony or exhibits.

(5) Disputed Facts.

A plain and concise statement of all disputed factual issues.

(6) Relief Sought.

A detailed statement of the relief claimed, including a particularized itemization of all elements of damages claimed.

(7) Points of Law.

A concise statement of each disputed point of law with respect to liability and relief, with reference to statutes and decisions relied upon. Extended legal argument is not to be included in the pretrial statement.

(8) Previous Motions.

A list of all previous motions made in the action or proceeding and their dispositions.

(9) Witnesses to be Called.

A list of all witnesses likely to be called at trial, except for impeachment or rebuttal, together with a brief statement following each name describing the substance of the testimony to be given.

(10) Exhibits, Schedules, and Summaries.

A list of all documents and other items to be offered as exhibits at the trial, except for impeachment or rebuttal, with a brief statement following each, describing its substance or purpose and the identity of the sponsoring witness.

(11) Further Discovery or Motions.

A statement of all remaining discovery or motions.

(12) Stipulations.

A statement of stipulations requested or proposed for pretrial or trial purposes.

(13) Amendments, Dismissals.

A statement of requested or proposed amendments to pleadings or dismissals of parties, claims, or defenses.

(14) Settlement Discussion.

A statement summarizing the status of settlement negotiations and participation in any alternative dispute resolution process, indicating whether further participation or negotiations are likely to be productive.

(15) Agreed Statement.

A statement as to whether presentation of the action or proceeding, in whole or in part, upon an agreed statement of facts is feasible and desired.

(16) Bifurcation, Separate Trial of Issues.

A statement as to whether bifurcation or a separate trial of specific issues is feasible and desired.

(17) Reference to Master or Magistrate Judge.

A statement as to whether reference of all or a part of the action or proceeding to a master or magistrate judge is feasible and agreeable.

(18) Appointment and Limitation of Experts.

A statement as to whether appointment by the court of an impartial expert witness, and whether limitation on the number of expert witnesses, is feasible and desired.

(19) Trial.

A statement of the scheduled or, if not scheduled, requested trial date, and, if trial is to be by jury, a statement that a timely request for a jury trial is on file in the action.

(20) Estimate of Trial Time.

An estimate of the number of court days expected to be required for the presentation of each party's case. Counsel must make a good faith effort to reduce the time required for trial by all means reasonably feasible, including stipulations, agreed statements of facts, expedited means of presenting testimony and exhibits, and the avoidance of cumulative proof.

(21) Claims of Privilege or Work Product.

A statement indicating whether any matter otherwise required to be stated by this rule is claimed to be covered by the work product doctrine or any privilege. Upon such indication, such matters may be omitted subject to further order at the pretrial conference.

(22) Miscellaneous.

Any other subjects relevant to the trial of the action or proceeding, or material to its just, efficient, and economical determination.

LR16.5. Settlement Conferences.

(a) In General.

In each civil action, a mandatory settlement conference shall be scheduled before the assigned magistrate judge, district judge, or such other judicial officer as the court may direct. In a non-jury case, the written stipulation of counsel shall be necessary if the judge trying the case conducts the settlement conference. The judge conducting the settlement conference may require the parties or representatives of a party other than counsel who have authority to negotiate and enter into a binding settlement to be present at the settlement conference.

(b) Settlement Conference Procedures.

(1) **Confidential Settlement Conference Statement.** At least seven (7) days before the settlement conference, each party shall deliver directly to the settlement judge a Confidential Settlement Conference Statement, which should not be filed or served on the other parties. The Confidential Settlement Conference Statement will not be made a part of the record and information of a confidential nature contained in the statement will not be disclosed to other parties without express authority from the party submitting the statement.

The Confidential Settlement Conference Statement shall indicate the date of the settlement conference and shall include the following:

(A) A brief statement of the case;

(B) A brief statement of the claims and defenses, e.g., statutory and other grounds upon which claims are founded, a forthright evaluation of the parties' likelihood of prevailing on the claims and defenses, and a description of the major issues in dispute, including damages;

(C) A summary of the proceedings to date, including a statement as to the status of discovery;

(D) An estimate of the time to be expended for further discovery, pretrial proceedings, and trial;

(E) A brief statement of present demands and offers and the history of past settlement discussions, offers, and demands; and

(F) A brief statement of the party's position on settlement, including issues regarding the availability of insurance proceeds.

(2) **Required Attendance at the Settlement Conference.** Unless otherwise permitted in advance by the court, lead trial counsel and all parties appearing pro se, except prisoners, shall appear in person at the settlement conference with full authority to negotiate and to settle the case. Unless otherwise ordered by the court, parties may be present at the settlement conference. If not physically present, a party shall be available by telephone to its counsel during the settlement conference. The parties must be immediately available throughout the conference until excused regardless of any time zone differences. Any other special arrangements desired in cases in which settlement authority rests with a governing body shall be proposed to the court in advance of the settlement conference.

(3) **Sanctions.** If any trial attorney, party, or person with authority to negotiate and settle the case fails to attend the conference or to be available by telephone, the court may assess sanctions, including the fees and costs expended by the other parties in preparing for and attending the conference. Failure to timely deliver a Confidential Settlement Conference Statement may also result in sanctions.

(c) Confidentiality of Settlement Communications.

The settlement conference will be conducted in such a way as to permit a candid, confidential discussion among counsel, the parties, and the settlement judge. At the presiding settlement judge's discretion, settlement discussions may take place before and after the settlement conference in person or remotely (by video conference, phone, e-mail, etc.) as necessary. All such settlement communications shall be absolutely protected from disclosure for use in trial or for any other purpose, including a motion to enforce settlement.

LR16.6. Motions in Limine.

The caption to a motion in limine or opposition to a motion in limine should reflect both the general subject matter of the motion in limine and identify the

motion by number, e.g., "Motion in Limine No. 1. re: Exclusion of Prior Bad Acts."

LR16.7. Status Conferences.

Status conferences may be scheduled sua sponte or upon request of any party after consultation with all other parties. No status conference statement need be filed unless requested by the court.

LR17.1. Actions Involving Minors or Incompetents.

Except as otherwise permitted by statute or federal rule, no action by or on behalf of a minor or incompetent shall be dismissed, discontinued, or terminated without court approval. When required by state law, court approval shall also be obtained from the appropriate state court having jurisdiction over such matters for any settlement or other disposition of litigation involving a minor or incompetent.

LR26.1. Conference of Parties.

(a) Unless otherwise ordered by the court, the Fed. R. Civ. P. 26(f) conference must be held within twenty-one (21) days before any scheduling conference set by the court under Fed. R. Civ. P. 16(b).

(b) Unless otherwise agreed by the parties or ordered by the court, the plaintiff(s) shall prepare and file the report required by this rule within fourteen (14) days after the conference. The defendant(s) may file a supplemental report within seven (7) days if there are any objections to the report filed by the plaintiff(s).

(c) In connection with their discussion pursuant to Fed. R. Civ. P. 26(f) of the possibilities for a prompt settlement or resolution of the case, the parties at the conference shall confer about alternative dispute resolution options, including, without limitation, the option of participation in the court's mediation program. The report should include the following information under "Other Matters:"

> [Other Matters]
> The parties have discussed alternative dispute resolution options, including, without limitation, the option of participation in the court's mediation program. The parties [plaintiff] [defendant] are prepared to consider this matter further and discuss options at the scheduling conference.

LR26.2. Written Responses to Discovery Requests.

(a) Discovery requests served pursuant to Fed. R. Civ. P. 33, 34, and 36 shall be in a form providing sufficient space to respond following each request.

(b) Responses to discovery requests pursuant to Fed. R. Civ. P. 33, 34, and 36 shall set forth the interrogatory or request in full before the response. Each objection shall be followed by a statement of the reasons therefor. Boilerplate and generalized objections are not permitted.

(c) A motion to compel discovery shall set forth only the pertinent interrogatories, requests for production, or requests for admissions, and answers or objections.

(d) When a claim of privilege is made in response to any discovery request pursuant to Fed. R. Civ. P. 33, 34, or 36, unless otherwise agreed to by the parties, the materials or information claimed to be privileged shall be identified with reasons stated for the particular privilege claimed. No generalized claim of privilege shall be allowed. An assertion of privilege or work product should, on a schedule agreed to by the parties or ordered by the court, contain the following for each document, communication, or piece of information withheld:

(1) Date of the creation of the document;

(2) Author;

(3) Primary addressee(s) and the relationship of that person(s) to the client and/or author of the document;

(4) Secondary addressee(s) and the relationship of that person(s) to the client and/or author of the document;

(5) Type of document;

(6) Client (party asserting the privilege);

(7) Subject matter of the document or privileged communication;

(8) Basis for the legal claim of privilege, work product, or other objection to production; and

(9) Document identifier (e.g., Bates number).

LR37.1. Enforcement of Discovery Requirements; Sanctions.

(a) Conference Required.

The court will not entertain any motion pursuant to Fed. R. Civ. P. 26 through 37, including any request for expedited discovery assistance pursuant to LR37.1(c), unless counsel have previously conferred, either in person or by telephone, concerning all disputed issues (including the requirement that discovery be proportional to the needs of the case), in a good faith effort to limit the disputed issues and, if possible, eliminate the necessity for a motion or expedited discovery assistance. Electronic or letter communications are not a substitute for the conference.

The court may also direct that before moving for an order relating to discovery, the movant must request a conference with the court pursuant to Fed. R. Civ. P. 16(b)(3)(B)(v) and LR16.7.

(b) Certificate of Compliance.

When filing any motion with respect to Fed. R. Civ. P. 26 through 37, or a letter brief in accordance with LR37.1(c), counsel for the movant shall certify compliance with this rule.

(c) Expedited Discovery Assistance.

(1) Counsel may seek resolution of disputed discovery issues expeditiously and economically. This expedited procedure is intended to afford a swift but full opportunity for the parties to present their positions through abbreviated, simultaneous briefing and, when appropriate, a conference. Counsel desiring such assistance shall contact opposing counsel to arrange a mutually agreeable deadline for the submission of letter briefs. Should counsel be unable to agree upon a deadline, counsel may contact the courtroom manager of the assigned magistrate judge, who will assign a deadline for letter briefs. Counsel who obtains a deadline from the courtroom manager shall notify opposing counsel of the assigned deadline.

(2) Letter briefs by all parties shall be filed and served on opposing counsel by the deadline. The letter brief shall contain all relevant information, including: confirmation of the deadline for submission of letter briefs; dates of discovery cut-off and trial; and a discussion of the dispute. If a party opposes the use of this expedited procedure, such opposition should

be included in the letter brief. Unless ordered by the court, the letter briefs shall be five (5) pages or less, inclusive of all exhibits.

(3) Upon receipt of the letter briefs, the magistrate judge shall determine a procedure for resolving the dispute. Should a conference be required, the courtroom manager of the assigned magistrate judge shall schedule such a conference and shall specify whether counsel must attend in person or by telephone.

(4) Any discovery order issued by a magistrate judge pursuant to such expedited procedure may be appealed to the assigned district judge, unless the case has been assigned on consent of the parties to the magistrate judge to act as the trial judge in the case.

LR40.1. Assignment of Civil Cases.

Cases will be assigned as determined by the court, in most cases by random draw. Upon assignment, it is not permissible to dismiss and thereafter refile an action for the purpose of obtaining a different judge.

LR40.2. Assignment of Similar Cases: Notice of Related Case.

When it appears that two or more pending or completed civil actions or proceedings filed in this district involve the same or substantially identical transactions, happenings, or events, or the same or substantially identical questions of law, or for any other reason said actions or proceedings could be more expeditiously handled if assigned to the same judge, it is the parties' responsibility to promptly file a Notice of Related Case in each pending action or proceeding. Completion of Section VIII of the Civil Cover Sheet (Form JS44) is not sufficient to meet this requirement.

The Notice of Related Case must briefly describe why the actions or proceedings are related, including all facts that appear material to that determination, and must be served on all parties as soon as practicable. Any party receiving a Notice of Related Case must respond within seven (7) days of service or that party's objections, if any, will be considered waived. The court may, in its discretion, reassign any or all cases identified in a Notice of Related Case to the same judge. Reassignment may also occur sua sponte.

LR40.3. Motions to Continue Trial.

Motions to continue trial are generally decided by the assigned magistrate judge. Any motion to continue trial shall indicate that the client-party has consented to the continuance.

LR41.1. Voluntary Dismissal.

Any dismissal sought by the parties pursuant to Fed. R. Civ. P. 41 shall address whether:

(a) the dismissal is with or without prejudice;

(b) fees and/or costs are sought to be awarded;

(c) any claims, including any counterclaim, cross-claim, or third-party claim, would remain following dismissal;

(d) in the case of a dismissal sought under Fed. R. Civ. P. 41(a)(1)(A)(i), an answer or motion for summary judgment has been filed; and

(e) in the case of any dismissal sought under Fed. R. Civ. P. 41(a)(1)(A)(ii), all parties who have appeared have signed the stipulation of dismissal.

Any dismissal filed pursuant to Fed. R. Civ. P. 41(a)(1)(A) shall be submitted to the trial judge for that judge to sign as "APPROVED AS TO FORM."

LR47.1. Research on Jurors or Prospective Jurors.

(a) Except as authorized by the court, attorneys, parties, witnesses, and their respective representatives may not initiate contact with any juror concerning any case in which that juror was summoned to appear.

(b) Attorneys may use websites available to the public, including social media websites, for juror or prospective juror research, provided:

(1) The website or information is available and accessible to the public and not the result of an attorney's own social media account;

(2) The attorney does not send an access request to a juror's social media accounts;

(3) No direct communication or contact occurs between the attorney and a juror or prospective juror as a result of the research, including, but not limited to Facebook "friend" requests, Twitter or Instagram "follow" requests, LinkedIn "connections" requests, or other forms of internet and social media contact;

(4) Social media research is done anonymously. A search on a social media site must not disclose to the juror or prospective juror the identity of the party who is making the inquiry; and

(5) Deception is not used to gain access to any website or to obtain any information.

(c) Third parties working for the benefit of or on behalf of any attorney must comply with all the same restrictions as set forth above for attorneys.

(d) If an attorney becomes aware of a juror's case-related posting on the internet while the case remains pending in this court, the attorney shall report the posting to the court.

LR47.2. Jury Cost Assessment.

Counsel shall inform the court immediately when a case set for trial has been settled or otherwise resolved.

When a civil case set for jury trial is settled or otherwise disposed of, counsel shall notify the court least one (1) full business day before the date on which the trial is set to begin; otherwise, juror costs, including service fees, mileage, and per diem, may be assessed equally against the parties and their counsel or otherwise assessed as directed by the court, except for good cause shown. When a continuance of a case is applied for on the day set for trial and granted by the court without a finding of good cause, the payment of juror costs by the party applying for the continuance may be one of the conditions of the continuance.

LR51.1. Jury Instructions.

Unless otherwise ordered, jury instructions must be submitted consistent with the following:

(a) Each instruction must begin on a separate page, must be numbered consecutively, and must cite to the model or uniform jury instruction number,

where applicable. The principle stated in one instruction should not be repeated in any other instruction.

(b) All instructions should be concise, clear, understandable, and contain neutral statements of law. Argumentative instructions are improper, will not be given, and should not be submitted.

(c) A judge may have designated a set of standard jury instructions that can be found on the court's website under "Judges' Requirements." If so, these jury instructions should be considered for inclusion.

(d) Any modifications of the Ninth Circuit Model Jury Instructions or any other form instructions must specifically identify the modification made and the authority supporting the modification.

(e) The parties shall serve their proposed instructions upon each other at least twenty-one (21) days prior to trial. The parties must then meet, confer in good faith, and submit one complete set of agreed upon instructions.

(f) If the parties cannot agree on one complete set of instructions, they shall submit one set of those instructions on which agreement was reached, and each party should additionally submit a separate set of proposed instructions on which agreement could not be reached.

(g) These jointly agreed upon instructions and separately proposed instructions must be filed at least fourteen (14) days prior to trial. Each party should then file, at least seven (7) days before trial, its objections to the instructions proposed by the other party. All objections shall be in writing and shall set forth the proposed instruction in its entirety. The objection shall then specifically set forth each objectionable matter in the proposed instruction including any argument and citation to authority explaining the basis of the objection. When applicable, the objecting party shall submit an alternative instruction covering the subject or principle of law.

(h) In addition to filing the instructions, the parties shall concurrently submit an electronic copy of their agreed upon and separately proposed instructions to the court by e-mail in Word format unless otherwise directed by the court.

(i) The trial judge shall schedule a hearing to settle any jury instructions that have not been agreed upon.

(j) Failure to comply with any requirement of this rule may result in sanctions in accordance with LR11.1.

LR52.1. Findings of Fact and Conclusions of Law.

Except as otherwise ordered, within twenty-eight (28) days of the conclusion of any action tried without a jury, including actions with an advisory jury under Fed. R. Civ. P. 39(c), the parties shall simultaneously file separate draft findings of fact and conclusions of law. Draft findings and conclusions shall be separately numbered and in chronological order, where applicable, with citations to the record. In addition to filing the draft findings and conclusions, the parties shall concurrently submit an electronic copy to the court by email in Word format unless otherwise directed by the court.

LR54.1. Taxation of Costs.

(a) Entitlement.

Costs shall be taxed as provided in Fed. R. Civ. P. 54(d)(1). The party entitled to costs shall be the prevailing party in whose favor judgment is entered, or shall be the party who prevails in connection with a motion listed in LR54.1(b). Unless otherwise ordered, the court will not determine the party entitled to costs in an action terminated by settlement; the parties must reach agreement regarding entitlement to taxation of costs, or bear their own costs. Non-compliance with any provision of LR54.1 shall be deemed a waiver of costs.

(b) Time for Filing.

Unless otherwise ordered by the court, a Bill of Costs shall be filed and served within fourteen (14) days after entry of judgment, the entry of an order denying a motion filed under Fed. R. Civ. P. 50(b), 52(b), or 59, or an order remanding to state court any removed action.

(c) Contents.

The Bill of Costs must state separately and specifically each item of taxable costs claimed. It must be supported by a memorandum setting forth the grounds and authorities supporting the request and an affidavit that the costs claimed are correctly stated, were necessarily incurred, and are allowable by law. The affidavit must also contain a representation that counsel met and conferred in an effort to resolve any disputes about the claimed costs and the results of such a conference, or explain why the conference was not held. Parties may use the Bill of Costs

Form AO 133, which is available from the clerk's office and the court's website. Any vouchers, bills, or other documents supporting the requested costs shall be attached as exhibits.

(d) Objections.

Within seven (7) days after a Bill of Costs is served, the party against whom costs are claimed must file and serve any specific objections, succinctly setting forth the grounds and authorities for each objection. Upon the timely filing of any objections, the clerk will refer both the Bill of Costs and objections to the court for a determination of taxable costs. If no objections are filed within the required time, the clerk may tax all of the requested costs without any further notice.

(e) Review.

Taxation of costs may be reviewed by the court upon motion filed and served within seven (7) days after taxation by the clerk, in accordance with Fed. R. Civ. P. 54(d)(1).

(f) Standards.

Costs are taxed in conformity with 28 U.S.C. §§ 1821, 1920-1925, and other applicable statutes, with the following clarifications:

(1) Fees for the service of process and service of subpoenas by someone other than the marshal are allowable, to the extent they are reasonably required and actually incurred.

(2) The cost of a stenographic and/or video original and one copy of any deposition transcript necessarily obtained for use in the case is allowable. A deposition need not be introduced in evidence or used at trial, so long as, at the time it was taken, it could reasonably be expected that the deposition would be used for trial preparation, rather than mere discovery. The expenses of counsel for attending depositions are not allowable.

(3) Per diem, subsistence, and mileage payments for witnesses are allowable to the extent reasonably necessary and provided for by 28 U.S.C. § 1821. Unless otherwise provided by law, fees for expert witnesses are not taxable in an amount greater than that statutorily allowable for ordinary witnesses.

(4) The cost of copies necessarily obtained for use in the case is taxable provided the party seeking recovery submits an affidavit describing the documents copied, the number of pages copied, the cost per page, and the use of or intended purpose for the items copied. As of the effective date of these rules, the practice of this court is to allow taxation of copies at $.15 per page or the actual cost charged by commercial copiers, provided such charges are reasonable. The cost of copies obtained for the use and/or convenience of the party seeking recovery and its counsel is not taxable.

(5) Electronic or computer research costs are not taxable.

(6) Fees paid to the clerk of the state court prior to removal are taxable in this court, unless the removed case is remanded back to state court.

LR54.2. Motions for Attorney's Fees and Related Nontaxable Expenses.

(a) Definitions. For purposes of this rule:

(1) "Fee Motion" means a motion, complaint or any other pleading seeking only an award of attorney's fees and related nontaxable expenses;

(2) "Movant" means the party filing the Fee Motion;

(3) "Respondent" means a party from whom the movant seeks payment; and

(4) "Related nontaxable expenses" means any expense for which a prevailing party may seek reimbursement other than costs that are taxed by the clerk pursuant to Fed. R. Civ. P. 54(d)(1).

(b) Time to File. Either before or after the entry of judgment, the court may enter an order with respect to the filing of a Fee Motion pursuant to Fed. R. Civ. P. 54. Unless the court's order includes a different schedule for such filing, the motion shall be filed in accordance with the provisions of this rule and shall be filed and served within forty-nine (49) days after the entry of the judgment or settlement agreement on which the motion is founded. If the court has not entered such an order before a motion has been filed pursuant to Fed. R. Civ., P. 54(d)(2)(B), then after such filing the court may order the parties to comply with the procedure set out in this rule as a post-filing rather than as a pre-filing procedure.

(c) Effect on Appeals. The filing of a Fee Motion shall have no effect on the time for appeal of any judgment on which the motion is founded. This rule does not change the time requirements of Fed. R. Civ. P. 59.

(d) Pre-Motion Meet and Confer. Prior to filing a Fee Motion, the parties involved shall meet and confer in a good faith attempt to agree on the amount of fees or related nontaxable expenses that should be awarded.

During the attempt to agree, the parties shall provide the following information to each other:

(1) The movant shall provide the respondent with the time and work records on which the motion will be based and shall specify the hours for which compensation will and will not be sought. These records may be redacted to prevent disclosure of material protected by the attorney-client privilege or work product doctrine.

(2) The movant shall inform the respondent of the hourly rates that will be claimed for each lawyer, paralegal, or other person. If the movant's counsel has been paid on an hourly basis in the case in question, records showing the rates paid for those services must be provided. If the movant will rely on other evidence to establish appropriate hourly rates, such as evidence of rates charged by attorneys of comparable experience and qualifications or evidence of rates used in previous awards by courts or administrative agencies, the movant shall provide such other evidence.

(3) The movant shall furnish the evidence that will be used to support the related nontaxable expenses to be sought by the motion.

(4) The movant shall provide the respondent with the above information within fourteen (14) days after the judgment upon which the motion is based, unless the court sets a different schedule.

(5) If no agreement is reached after the above information has been furnished, the respondent shall, within fourteen (14) days of receipt of that information, disclose any evidence the respondent will use to oppose the requested hours, rates, or related nontaxable expenses.

Seven (7) days after the above exchange of information is completed and before the motion is filed, the parties shall specifically identify all hours, billing rates, or related nontaxable expenses (if any) that will and will not be objected to, the basis of any objections, and the specific hours, billing rates,

and related nontaxable expenses that in the parties' respective views are reasonable and should be compensated. The parties will thereafter attempt to resolve any remaining disputes.

All information furnished by any party under this section shall be treated as strictly confidential by the party receiving the information. The information shall be used solely for purposes of the fee litigation, and shall be disclosed to other persons, if at all, only in court filings or hearings related to the fee litigation. A party receiving such information who proposes to disclose it in a court filing or hearing shall provide the party furnishing it with prior written notice and a reasonable opportunity to request an appropriate protective order.

(e) Joint Statement. If any matters remain in dispute after the above steps are taken, the parties, prior to the filing of the Fee Motion, shall prepare a joint statement listing the following:

(1) The total amount of fees and related nontaxable expenses claimed by the movant (if the fee request is based on the "lodestar" method, the statement shall include a summary table giving the name, claimed hours, claimed rates, and claimed totals for each biller);

(2) The total amount of fees and/or related nontaxable expenses that the respondent deems should be awarded (If the fees are contested, the respondent shall include a similar table giving respondent's position as to the name, compensable hours, appropriate rates, and totals for each biller listed by movant); and

(3) A brief description of each specific dispute remaining between the parties as to the fees or expenses and all matters agreed upon.

The parties shall cooperate to complete preparation of the joint statement within forty-two (42) days after the entry of the judgment or settlement agreement on which the motion for fees will be based, unless the court orders otherwise.

(f) Fee Motion.

The movant shall attach the joint statement to the Fee Motion. Unless otherwise allowed by the court, the motion and any supporting or opposing memoranda shall limit their argument and supporting evidentiary matter to disputed issues. The memorandum in support of the Fee Motion, shall, as

necessary to address the disputed issues, set forth the nature of the case; the claims as to which the movant prevailed; the claims as to which the movant did not prevail; the applicable authority entitling the movant to the requested award; a description of the work performed by each timekeeper, broken down by hours expended on each task; the timekeeper's customary fee for like work; the customary fee for like work prevailing in the 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; and any additional factors the movant wishes to bring to the court's attention.

(1) **Summary Table.** Counsel must provide a table that summarizes the total fees requested in the Fee Motion. The summary table must, at a minimum, include the following columns:

(A) Timekeeper;

(B) Rate;

(C) Hours;

(D) Total fees requested.

Sample:

Timekeeper	Rate	Hours	Total Requested
Attorney 1	$350.00	100	$35,000
Attorney 2	$225.00	100	$22,500
Attorney 3	$190.00	100	$19,000
Paralegal	$110.00	100	$11,000

(2) **Itemization of Work Performed.** Counsel must submit a chart describing the services rendered in chronological order that includes, at minimum, the following columns:

(A) Date;

(B) Timekeeper;

(C) Hours billed;

(D) Description of services rendered.

Sample:

Date	Timekeeper	Hours	Description of Services Rendered
02/01/2019	Attorney 1	7.8	
02/01/2019	Attorney 2	1	
02/02/2019	Attorney 3	0.8	
02/03/2019	Paralegal	0.2	

(3) **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 information protected by the attorney-client privilege or the 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 documents must include an identification of the pleading or other document prepared and the activities associated with such preparation. Block billing is not permitted, and block billed entries may be partially or completely excluded by the court.

(4) **Description of Expenses Incurred.**

In addition to identifying each requested nontaxable expense, the movant shall set forth the applicable authority entitling the movant to such expense and should attach copies of invoices and receipts, if possible.

(5) **Affidavit of Counsel.**

The Fee Motion shall be supported by an affidavit of counsel that includes:

(A) A brief description of the relevant qualifications, experience, and case-related contributions of each timekeeper for whom fees are claimed, as well as any other factors relevant to establishing the reasonableness of the requested rates;

(B) 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

(C) A statement identifying all adjustments, if any, made in the course of exercising "billing judgment."

(g) Responsive and Reply Memoranda.

Unless otherwise ordered by the court, any opposing party may file and serve a responsive memorandum within seven (7) days after service of the Fee Motion. The responsive memorandum in opposition to a Fee Motion shall identify with specificity all disputed issues of law and fact, each disputed time entry, and each disputed expense item. The movant, unless otherwise ordered by the court, may file and serve a reply memorandum within seven (7) 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.

(h) Court's Discretion to Deny with Prejudice.

Failure to follow these rules regarding Fee Motions and/or related nontaxable expenses may, in the court's discretion, result in the denial of such motions with prejudice.

(i) Referral to Magistrate Judge.

Unless otherwise ordered, a post-verdict or post-judgment Fee Motion shall automatically be referred to the magistrate judge assigned to the case pursuant to Fed. R. Civ. P. 54(d). Parties may consent to having the assigned magistrate judge enter a final order dispositive of the motion by submitting a completed Notice, Consent, and Reference of a Dispositive Motion to a Magistrate Judge, Form HID 85A, to the clerk of court.

(j) Additional Matters.

At any time, the court may require, or the parties may request, a settlement conference to attempt to resolve the fees dispute by agreement. The parties may obtain relief from the time schedule set forth in this rule with the approval of the court.

LR56.1. Motions for Summary Judgment.

(a) Motion Requirements.

A motion for summary judgment shall be accompanied by a supporting memorandum and a separate concise statement detailing each material fact that the movant contends is undisputed and essential for the court's determination of the motion. The motion shall be heard on the schedule set forth in LR7.2, as permitted by Fed. R. Civ. P. 56.

(b) Focus of the Concise Statement.

The separate concise statement shall assert only the material facts that are necessary for the court to determine the issues presented in the motion. Each factual assertion shall be a single sentence, followed by a citation to a particular affidavit, deposition, or other document that supports the assertion. Documents referenced in the concise statement may be filed in their entirety only if a party concludes that the full context would be helpful to the court. Each citation shall particularly identify the page and portion of the page of the document referenced. The document referred to shall have relevant portions highlighted or otherwise emphasized. The parties may extract and highlight the relevant portions of each referenced document but shall ensure that enough of a document is attached to put the matter in context. If a party determines that an entire deposition transcript should be submitted, the party should consider whether a miniscript would be preferable to a full-size transcript. If an entire miniscript is submitted, the index of terms appearing in the transcript must be included, if it exists. When multiple pages from a single document are submitted, the pages shall be grouped in a single exhibit.

(c) Length.

The concise statement in support of or in opposition to a motion for summary judgment shall not exceed five (5) pages, unless it contains no more than 1,500 words. When a concise statement is submitted pursuant to the foregoing word limit, the number of words shall be computed in accordance with LR7.4(d), and the concise statement shall include the certificate provided for in LR7.4(e).

(d) Format.

A separate concise statement may utilize a single-space format for the presentation of the facts and evidentiary support only when set out in parallel columns, but a column format is not required.

(e) Concise Statements: Opposition and Reply.

Any party who opposes the motion shall file and serve with the opposing documents a separate document containing a single concise statement that admits or disputes each fact set forth in the movant's concise statement. The opposing party shall, if appropriate, admit in part and deny in part a fact asserted by the movant, stating specifically what is admitted and what is denied. The opposing party shall also assert, in a separate section of its concise statement, any additional facts the party believes the court should consider, set forth in the same manner as in the movant's concise statement, as described in LR56.1(b). If such additional facts are advanced in the opposing party's concise statement, the movant shall file, together with its reply brief, a further concise statement that responds only to those additional facts. The movant should proceed in the same manner if the opposing party offers such additional facts in support of a counter-motion for summary judgment under LR7.7.

(f) Scope of Judicial Review.

When resolving motions for summary judgment, the court shall have no independent duty to search and consider any part of the court record not otherwise referenced in the separate concise statements of the parties. Further, the court shall have no independent duty to review exhibits in their entirety, but rather will review only those portions of the exhibits specifically identified in the concise statements.

(g) Admission of Material Facts.

For purposes of a motion for summary judgment, material facts set forth in the movant's concise statement will be deemed admitted unless controverted by a separate concise statement of the opposing party.

(h) Affidavits and Declarations.

Affidavits or declarations setting forth facts and/or authenticating exhibits, as well as exhibits themselves, shall only be attached to the concise statement. Supplemental affidavits and declarations may only be submitted with leave of court.

(i) Summary Judgment to Nonmoving Party.

If a party moves for summary judgment and the record establishes as a matter of law that another party is entitled to summary judgment against the movant, the court, in the court's discretion, may enter summary judgment against

the movant after providing that party with oral or written notice and an opportunity to be heard.

(j) Filing and Service Deadlines.

The opposition to any motion for summary judgment and any reply in support of a motion for summary judgment shall be due on the schedule set forth in LR7.2.

LR58.1. Entry of Judgments and Orders.

(a) The clerk may require any party obtaining a judgment or order that does not require approval as to form by the judge to supply the clerk with a draft judgment or order.

(b) No judgment or order, except orders grantable by the clerk pursuant to authorization by the court and judgments that the clerk is authorized by the Federal Rules of Civil Procedure to enter without direction of the court, will be noted on the civil docket until the clerk has received from the court a specific direction to enter it.

(c) Every order and judgment shall be filed with the clerk.

(d) Attorneys shall notify the clerk in advance of substantial sums to be deposited as registry account funds, to ensure that the depository has pledged sufficient collateral under Treasury Regulations; otherwise, funds will be retained in a non-interest-bearing account pending verification of such pledge. All orders for the deposit of registry account funds in interest-bearing accounts shall contain the following provisions:

> "IT IS FURTHER ORDERED that counsel presenting this order shall serve a copy on the clerk at the time the money is deposited. Absent service, the clerk is relieved of any personal liability relative to compliance with this order.
>
> IT IS FURTHER ORDERED that the clerk shall deduct from the income earned on the account, a fee, not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office."

(e) Orders distributing registry funds that have accumulated interest income in the amount of $10.00 or more shall contain the name, address, and social

security number or taxpayer identification number of the party or parties entitled thereto. A copy of the entire order shall be filed under seal. A copy of the order with the personal information redacted shall be filed and available for the public's inspection.

LR58.2. Settlement of Judgments; Orders by the Court.

Except as otherwise ordered by the judge, within seven (7) days after the announcement of the decision of the court awarding any judgment or order that requires settlement and approval as to form by the judge, the prevailing party shall file and serve a draft of the order or judgment. Any party receiving the proposed draft judgment or order shall, within seven (7) days, file and serve a statement of any objection to the proposed draft and a substitute proposed draft. The proposed order must also be emailed to the relevant chambers. A list of chambers' email addresses is available on the court's website.

LR60.1. Motions for Reconsideration.

Motions seeking reconsideration of case-dispositive orders shall be governed by Fed. R. Civ. P. 59 or 60, as applicable. Motions for reconsideration of interlocutory orders may be brought only upon the following grounds:

(a) Discovery of new material facts not previously available;

(b) Intervening change in law; and/or

(c) Manifest error of law or fact.

Motions asserted under subsection (c) of this rule must be filed and served within fourteen (14) days after the court's order is issued.

Motions for reconsideration are disfavored. A motion may not repeat arguments already made, unless necessary to present one or more of the permissible grounds for the reconsideration request, as set forth above. A movant who repeats arguments already made for any other reason will be subject to appropriate sanctions.

No opposition or reply shall be filed unless directed by the court. A motion for reconsideration will not be granted, unless the non-moving party is given the opportunity to respond.

LR65.1. When a Bond or Security Is Required.

The court, on motion or of its own initiative, may order any party to file an original bond or additional security for costs in such an amount and so conditioned as the court by its order may designate.

LR65.2. Qualifications of Surety.

Subject to approval of the court and in compliance with Volume 14, Chapter 6 of the Guide to Judiciary Policy, bonds must be supported by acceptable corporate sureties, individual sureties, assets acceptable as security, or irrevocable letters of credit.

(a) Acceptable Corporate Sureties. Any corporate surety offered for a bond furnished to the judiciary must appear on the list contained in Treasury Department Circular 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies).

(b) Individual Sureties. On a case by case basis, the court may accept individual sureties.

(c) Assets Acceptable as Security. The only assets acceptable in place of a surety bond are:

(1) United States bonds or notes with a maturity date less than five (5) years from the date of the contract, together with an agreement authorizing collection or sale in the event of default. The par value of the bonds or notes must be at least equal to the penal amount of the bond.

(2) A certified check, cashier's check, bank draft, postal money order, or currency. The deposit must be at least equal to the penal amount of the surety bond and payable to "Clerk, U.S. District Court."

(3) A bond secured by an Irrevocable Letter of Credit (ILC) in an amount equal to the penal sum required to be secured. A separate ILC is required for each bond.

LR66.1. Receivers.

In the exercise of the authority vested in the district courts by Fed. R. Civ. P. 66, this rule is promulgated for the administration of estates by receivers or by other similar officers appointed by the court. Except in the administration of the estate, any civil action in which the appointment of a receiver or other similar

officer is sought, or which is brought by or against such an officer, is governed by the Federal Rules of Civil Procedure and the Local Rules.

(a) Inventories.

Unless otherwise ordered, within twenty-eight (28) days after taking possession of the estate, a receiver or similar officer shall file an inventory of all the property and assets in the receiver's possession or in the possession of his or her agent. In a separate schedule, a receiver or other similar officer shall file an inventory of the property and assets of the estate claimed and held by others.

(b) Reports.

Within one (1) month after the filing of the inventory, and at regular intervals of three (3) months thereafter until discharged, or at such other times as the court may direct, the receiver or other similar officer shall file reports of his or her receipts and expenditures and of the receiver's acts and transactions in his or her official capacity.

(c) Compensation of Receivers, Commissioners, Attorneys, and Others.

The compensation of receivers or similar officers, of their counsel, and of all those who may have been appointed by the court to aid in the administration of the estate, the conduct of its business, the discovery and acquisition of its assets, the formation of reorganization plans, and the like, shall be ascertained and awarded by the court in its discretion. Such an allowance shall be made only on such notice to creditors and other persons in interest as the court may direct. The notice shall state the amount claimed by each applicant.

(d) Administration of Estates.

In all other respects, receivers or similar officers shall administer the estate in accordance with the practice in the administration of estates in bankruptcy, except as otherwise ordered by the court.

LR73.1. Magistrate Judges: Authority.

(a) Notice.

A United States magistrate judge may conduct some or all proceedings in a civil action (including a motion or trial) and order the entry of a final judgment if all parties voluntarily consent. After a case is initially assigned, the parties may,

subject to approval of a district judge, consent to a particular magistrate judge by designating the name of such magistrate judge in the consent form.

(b) Execution of Consent.

Unless otherwise ordered, the clerk shall not accept a consent form unless it has been signed by all the parties or their respective counsel in a case. The parties shall be responsible for securing the execution of a consent form by all parties or their respective counsel and for filing such form with the clerk. All consents to trial by a magistrate judge shall be filed as soon as practicable, preferably before any ruling on a dispositive motion.

(c) Even without consent, a magistrate judge is authorized to:

(1) Exercise general supervision of the civil calendars, conduct calendar and status calls, and determine motions to expedite or postpone the trial of cases for the district judge;

(2) Conduct pretrial conferences, settlement conferences, omnibus hearings, and related pretrial proceedings in civil cases;

(3) Issue subpoenas or other orders necessary to obtain the presence of parties, witnesses, or evidence needed for court proceedings;

(4) Order the exoneration or forfeiture of bonds;

(5) Conduct proceedings for the collection of civil penalties of not more than $200.00 assessed under 46 U.S.C. §§ 4311(d) and/or 12309(c);

(6) Conduct examinations of judgment debtors in accordance with Fed. R. Civ. P. 69;

(7) Conduct naturalization hearings;

(8) Grant motions to dismiss in civil cases when authorized by statute or rule and when such dismissal is within the jurisdiction of the magistrate judge;

(9) Conduct extradition proceedings in accordance with 18 U.S.C. § 3184; and

(10) Perform any additional duty not inconsistent with the Constitution and laws of the United States.

LR74.1. Magistrate Judges: Objections to Non-Dispositive Orders or to Findings and Recommendations.

(a) Except in cases where the parties have consented to a magistrate judge pursuant to LR73.1, a party may object to a magistrate judge's non-dispositive order or findings and recommendations within fourteen (14) days after being served. The objection must specifically designate the portions of the magistrate judge's order or findings and recommendations to which the party is objecting and the basis of the objection.

(b) Any party may file and serve a response to the objection within fourteen (14) days after service of the objection.

(c) No reply in support of an objection shall be filed without leave of court.

(d) A reconsideration motion shall toll the time in which any objection must be taken from the magistrate judge's non-dispositive order or findings and recommendations.

LR74.2. Magistrate Judges: Appeals from Other Orders of a Magistrate Judge.

Appeals from any other decisions and orders of a magistrate judge not provided for in these Local Rules should be taken as provided by governing statute, rule or decisional law.

LR77.1. Sessions of the Court.

The court shall be in continuous regular session in Honolulu, Hawaii, and in special session at other locations when ordered by the chief judge or the chief judge's designee.

LR77.2. Clerk's Office: Location and Hours.

The offices of the clerk of this court are located at 300 Ala Moana Boulevard, Room C-338, Honolulu, Hawaii, 96850. Business hours are 8:30 a.m. to 4:00 p.m. each day, except Saturdays, Sundays, legal holidays, and other days or times so ordered by the court.

LR77.3. Ninth Circuit Court Library: Operation and Use.

The United States Court of Appeals for the Ninth Circuit maintains a law library for the primary use of judges and personnel of the court. In addition, attorneys admitted to practice in this court may use the library, when circumstances require, while actively engaged in actions or proceedings pending in the court. The library is operated in accordance with such rules and regulations as the court may from time to time adopt. Pro se parties may use the court library only if they obtain an order signed by any judge of this court.

LR79.1. Custody and Disposition of Files and Exhibits.

(a) After being admitted into evidence, exhibits of a documentary nature in any case pending or tried in this court, including such electronically stored information, shall be placed in the custody of the clerk during the duration of the proceeding unless otherwise ordered by the court. All other exhibits, models, and material offered or admitted in evidence shall be retained in the custody of the attorney or party producing the same pending disposition of the case and for any appeal period thereafter unless otherwise ordered by the court.

(1) At the conclusion of the trial or hearing, including any post-trial motions, every exhibit marked for identification or introduced in evidence and all depositions and transcripts in the custody of the clerk shall be returned to the party who produced them.

(2) On request, a party or attorney with custody of any exhibits has the responsibility to produce such exhibits to this court or the Court of Appeals, and shall grant the reasonable request of any party to examine or reproduce such for use in the proceeding.

LR79.2. Search Warrants, Orders on Pen Registers, Orders on Trap and Trace Devices, and Mobile Tracking Device Warrants.

Unless otherwise ordered by the court, any search warrant, order on pen register, order on trap and trace device or mobile tracking device warrant ordered sealed in a criminal matter, will be unsealed one (1) year after the file date of the search warrant or the expiration date of the pen/trap order or tracking warrant. At least sixty (60) days before the expiration of the sealing order, the clerk must notify the Criminal Chief at the Office of the United States Attorney, or his or her designee, of the date when the documents will be unsealed. The government may file a motion to extend the sealing order, and the motion may be filed ex parte.

Documents unsealed under this rule may be destroyed, when eligible, under the Records Disposition Schedule in the Guide to Judiciary Policy.

LR81.1. Self-Represented Litigants.

(a) Self-Represented Litigants. Those proceeding without an attorney, i.e., "pro se" or "in propria persona," must appear personally on behalf of themselves only and may not delegate that duty to another who is not authorized to practice in this court. Pro se litigants shall abide by all local, federal, and other applicable rules and/or statutes. Sanctions, including but not limited to entry of default judgment or dismissal with prejudice, may be imposed for failure to comply with the Local Rules.

(b) Entities Other than Individuals. Entities other than individuals, including but not limited to corporations, partnerships, limited liability partnerships or corporations, trusts, community associations, and unions, must be represented by an attorney.

(c) Filing and Service by Self-Represented Litigants.

(1) After service of process, self-represented litigants need not serve any document that is electronically filed. Any document **not** electronically filed must be served pursuant to LR5.5.

(2) The court may agree to accept by e-mail scanned documents from a self-represented litigant intended for electronic filing. The agreement must be in writing and filed in the record. All documents intended for filing by the self-represented litigant must be signed by hand and conform to LR10.2.

(3) If a self-represented litigant presents a document or item for filing that cannot be scanned or does not produce a legible electronic image, the clerk must:

(A) Briefly describe the document or item and note the date of its submission in the record of the case; and

(B) Notify the litigant to serve the document or item by other means within three (3) business days.

(d) Serving Documents on Self-Represented Litigants.

(1) Self-represented litigants may agree to receive e-mail service of all documents filed electronically, whether filed by the clerk or by registered users. Consent must be in writing and filed in the record of the case. Documents not filed in the electronic record must be served pursuant to LR5.5.

(2) Alternatively, or in addition, pursuant to Fed. R. Civ. P. 5(b)(2)(E), a self-represented litigant may agree with one or more other parties to receive and/or effect service by specified means. Such agreement must be made in writing signed by each participating party and filed in the record.

(3) Where neither (d)(1) nor (d)(2) apply, attorneys filing electronically must serve a self-represented litigant pursuant to LR5.5.

(e) Application of Three-Day Mailing Rule. When a party may or must respond to a document within a specified time period in a case involving a self-represented litigant three (3) days are added to the end of the response time, except when the party receives the document by e-mail, CM/ECF, personal service, or hand delivery.

(f) Ex Parte Communications. Self-represented litigants must not informally communicate with the presiding judge or chambers staff by letter, telephone, or electronic means. Requests for action must be brought by motion subject to response by the opposing party. Documents sent directly to the presiding judge, other than confidential settlement conference statements, will be shared with all parties in the case. The court may, in its discretion, construe written ex parte requests as motions that shall be docketed and treated as such by all parties.

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

(a) Eligibility for Membership. Admission to and continuing membership in the bar of this court is limited to: (1) attorneys of good moral character who are active members in good standing of the State Bar of Hawaii, and (2) attorneys of good moral character who were admitted to the bar of this court prior to October 1, 1997 as active members in good standing of a bar of the highest court of any State or territory of the United States or the District of Columbia, and who have maintained that standing.

(b) Admission to the Bar. An attorney who is of good moral character and an active member in good standing of the State Bar of Hawaii is eligible to apply for membership in the bar of this court. An applicant for admission to the bar must present to the clerk a completed and signed Petition for Admission to Practice (HID 002), along with the applicable fee.

(c) Permission to Practice Before the Court. Individuals who are not members of the bar of this court may, in the court's discretion, be granted leave to practice in this court as follows.

(1) Attorneys for the United States. An attorney who is an active member in good standing of the bar of the highest court of any State or territory of the United States or the District of Columbia and who is employed by the United States and who has occasion to appear in this court on behalf of the United States, shall be eligible to apply to practice in this court during the period of such employment. The court shall grant leave to practice upon written notice, accompanied by an affidavit verifying eligibility. If the application is granted, the attorney is subject to the jurisdiction of the court to the same extent as a member of the bar of this court.

(2) Attorneys Admitted Pro Hac Vice for a Particular Case.

(A) Eligibility. An attorney who is an active member in good standing of the bar of the highest court of any State or territory of the United States or the District of Columbia, who is of good moral character, and who has been retained to appear in this court may apply for pro hac vice status to appear in a particular case, except that, 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 (1) or more of the following apply: the attorney resides in Hawaii; the attorney is regularly employed in Hawaii; or the attorney is regularly engaged in business, professional, or law-related activities in Hawaii.

(B) Application. An applicant shall submit the following information to the clerk, under penalty of perjury, using forms HID 007 and HID 007A, for each case in which the attorney seeks to appear:

(i) The attorney's city and state of residence and office address;

(ii) In what court(s) the attorney has been admitted to practice and the date(s) of admission:

(iii) That the attorney is in good standing and eligible to practice in said court(s);

(iv) Whether and under what circumstances the attorney:

(a) Is currently involved in disciplinary proceedings before any state bar, federal bar, or its equivalent;

(b) Has, in the past ten (10) years, been suspended, disbarred, or otherwise subject to other disciplinary proceedings before any state bar, federal bar, or its equivalent;

(c) Has, in the past ten (10) years, been denied admission pro hac vice by any court or agency; and

(d) Has, in the past ten (10) years, been the subject of a criminal investigation known to the attorney or a criminal prosecution or conviction in any court.

(v) 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 case name and number of each matter wherein the attorney made the application, the date of the application, and whether or not the application was granted; and

(vi) A designation of a current 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, including the associated attorney's commitment to 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; to participate in all court proceedings (not including depositions and other discovery) unless otherwise ordered by the court; and to accept service of any document required or authorized to be served upon counsel by the Federal Rules of Civil or Criminal Procedure, or by these rules, which shall be deemed proper and effective service.

(C) Fee. The pro hac vice application shall be accompanied by payment to the clerk of any required assessment. Upon order by the court, the pro hac vice fee may be waived.

(D) Ruling on Application. The court will determine in its discretion whether to grant pro hac vice status. If the pro hac vice application is denied, the court may refund the fee paid by the attorney. If the application is granted, the attorney is subject to the jurisdiction of the court to the same extent as a member of the bar of this court.

(d) Notice of Change of Status. An attorney who is a member of the bar of this court, or any person who has permission to practice in this court, shall notify the court of any information that might render him or her ineligible to practice in this court, including without limitation the following:

(1) Discipline by a court or bar in any jurisdiction;

(2) Resignation from the bar of any jurisdiction while a disciplinary investigation or proceeding is pending;

(3) Conviction for a felony, or for a misdemeanor that involves dishonesty;

(4) Change in the attorney's status with another bar (including assuming inactive status) so that the attorney is no longer an active member in good standing of the bar of the highest court of any State or territory of the United States or the District of Columbia; or

(5) Revocation of pro hac vice status in another jurisdiction.

The notice shall be filed within fourteen (14) days of the change. Failure to comply with this rule may result in the imposition of sanctions.

(e) Change of Address or Contact Information.

(1) **Address Changes.** An attorney or a self-represented litigant whose email, post office box, physical mailing address, fax, telephone number, or firm affiliation changes while appearing in any pending case must file with the court and serve upon all other parties in all pending cases a Notice of Change of Address within fourteen (14) days that specifies the effective date of the change.

(2) **Sanctions for Failure to Notify.** Failure to comply with this rule may result in sanctions, including but not limited to fines, dismissal of the case, or entry of judgment when:

(a) A document directed to the attorney or self-represented litigant by the court has been returned to the court as not deliverable; and

(b) The court fails to receive, within thirty (30) days of this return, a written communication from the attorney or self-represented litigant indicating a current address for service.

LR83.2. Attorneys: Practice in this Court.

Only a member of the bar of this court who is also an active member in good standing of a state bar or its equivalent, or an attorney otherwise authorized by LR83.1 to practice before this court, may enter an appearance for a party, sign stipulations or receive payment or enter satisfaction of judgment, decree, or order.

In every action or proceeding in which a party is represented by an attorney who is a member of the bar of this court but who does not maintain an office within the district, the court may order the attorney to designate in the pleadings a member in good standing of the State Bar of Hawaii who maintains an office within the district, and is a member of the bar of this court upon whom copies of pleadings may be served and with whom the district judge and opposing counsel may communicate concerning the conduct of the action. 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 the Local Rules, shall be served upon the associated attorney, which shall be deemed proper and effective service. Nothing in the Local Rules shall prohibit any individual from appearing pro se.

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(c) shall be governed by and shall observe the standards of professional and ethical conduct required of members of the State Bar of Hawaii.

LR83.4. Attorneys: Discipline.

(a) When alleged attorney misconduct is brought to the attention of the court, the court may, in its discretion, handle the matter on its own through the use of its inherent, statutory, or other powers; refer the matter to an appropriate state bar or other agency for investigation and disposition; conduct an investigation on its own or through a designee; or take any other action the court deems appropriate. These procedures are not mutually exclusive, and nothing contained in the Local Rules should be construed to deny the court its inherent, statutory, or other powers to maintain control and preside over matters and proceedings conducted before it, including any contempt proceedings that may be proceeding elsewhere for the same conduct. Any reference made pursuant to these rules may be withdrawn by the court at any time in its discretion.

Unless the court directs otherwise, disciplinary proceedings shall be public.

Discipline imposed under these rules may include disbarment from this court, suspension from practice for a definite time, public or private reprimand, monetary penalties, including the payment of costs of the disciplinary proceedings, restitution, and/or such other discipline as the court may deem proper.

(b) When it comes to the attention of the court that a member of the bar of this court, or other person authorized to practice in this court, has been disbarred or suspended from practice by any other court, has been found guilty of a crime that is a felony or involves dishonesty or false statement, or fails to satisfy any of the court's present requirements for admission, a notice shall be mailed to such person's last known residence and business addresses, requiring that person to show cause within fourteen (14) days after the mailing of such notice why disbarment or suspension before this court should not occur.

If the person responds by stating that the imposition of an order of suspension or disbarment from this court is not contested, or if the person does not respond, the court may order suspension or disbarment without further notice or process. In its discretion, the court may also accept the person's resignation from

the bar of this court, or from practice before this court, in lieu of suspension or disbarment.

If the person files a timely response contesting suspension or disbarment, the district judge to whom the matter is assigned shall determine whether suspension or disbarment is nonetheless appropriate and the extent to which further investigation or process is warranted. In conjunction with that determination, the person shall promptly comply with any informational or evidentiary request made by the district judge.

For purposes of this subsection, a finding of guilt is a verdict or judgment of guilty, a guilty plea, or a no contest plea. Deferred acceptance of a plea, a sentence suspension, or a conditional discharge does not change the definition of guilt for purposes of this rule.

(c) Any person who practices in this court without authorization may be held in contempt of court.

(d) The court may reinstate, without a hearing, any person suspended, disbarred, or otherwise disciplined under these rules, upon written request, for good cause shown and upon payment of the appropriate reinstatement fee.

LR83.5. Attorneys: Appearances, Substitutions, and Withdrawal of Attorneys.

(a) Appearances.

When a party is represented by an attorney, the party may not act on his or her own behalf in the action unless an order of substitution shall first have been made by the court, after notice to the attorney of such party, and to all parties; provided that the court may in its discretion hear from a party, notwithstanding the fact that the party has appeared or is represented by an attorney. The court may strike any document filed by a party on his or her own behalf when the party is represented by counsel in the action.

(b) Substitution and Withdrawal.

No attorney will be permitted to be substituted as attorney of record in any pending action without leave of court. An attorney who has appeared in a case may seek to withdraw on motion showing good cause. A motion to withdraw must specify the reasons for withdrawal, unless that would violate the rules of professional conduct, and the name, address, and telephone number of the client.

Notice to the attorney's client must include the warning that the client personally is responsible for complying with all court orders and time limitations established by any applicable rules. When the withdrawing attorney's client is a corporation, partnership, or other business entity, the notice shall state that such entity cannot appear without counsel admitted to practice before this court, and, absent prompt appearance of substitute counsel, pleadings, motions, and other documents may be stricken and default judgment or other sanctions may be imposed against the entity. It is within the court's discretion to hold a hearing on a motion to withdraw as counsel. Withdrawal shall be effective only on court order entered after service by the withdrawing attorney of a notice of withdrawal on all counsel of record and on the withdrawing attorney's client.

LR84.1. Supervised Student Practice of Law.

(a) Definitions.

(1) A "law student intern" is a person who is enrolled and in good standing at any accredited school of law, who has completed substantially one-third (⅓) of the requirements for graduation from that law school, who is enrolled in a clinical program at that law school, and to whom the order referred to in LR84.1(b)(2) is in effect.

(2) A "clinical program" is a practice-oriented law activity administered under the direction of a faculty member of any accredited school of law, participation in which activity entitles qualified students to receive academic credit.

(3) A "supervising lawyer" is a member of the bar of this court who has been approved as a supervisor of law student interns by any accredited school of law or this court.

(b) Qualification Procedures for Law Student Interns.

(1) To become a law student intern, an applicant shall submit a letter from an appropriate representative of an ABA accredited law school certifying that the applicant is enrolled and in good standing, that he or she has completed substantially one-third (⅓) of the requirements for graduation therefrom, and that he or she is enrolled in a clinical program at the law school. The applicant shall also certify that he or she has read and is familiar with the standards of professional and ethical conduct required of members of the State Bar of Hawaii.

(2) This court shall issue an order designating each qualified applicant as a law student intern.

(3) In connection with a clinical program, a law student intern may appear before this court provided that:

(A) The client has consented in writing to such appearance; and

(B) A supervising lawyer has indicated in writing approval of such appearance.

In every such appearance by a law student intern, these written consents and approvals shall be filed in the record of the proceeding and shall be brought to the attention of the judge.

(c) Duration of Law Student Intern Authorization.

(1) Unless the order referred to in LR84.1(b)(2) is revoked or modified, it shall remain in effect so long as the law student intern is enrolled in a clinical program at any accredited school of law, and shall cease to be in effect upon any termination of such enrollment. However, after the clinical semester ends, the law student intern may continue to represent a client in cases initiated before the semester ended if such representation is deemed appropriate by the supervising lawyer.

(A) The certification referred to in LR84.1(b)(1) may be withdrawn by an appropriate representative of the law school by notice to the clerk. It is not necessary that such notice state the cause for withdrawal. Upon receipt of such notice, the order referred to in LR84.1(b)(2) shall be automatically revoked.

(B) The order referred to in LR84.1(b)(2) with respect to any law student intern may be terminated by this court for cause consisting of violation of this rule or any act or omission that, on the part of any attorney, would constitute misconduct and ground for discipline. The effectiveness of a subsection (b)(2) order may be suspended by this court during any proceedings to terminate such order.

(d) Activities of Law Student Interns. Any law student intern, with the knowledge and approval of the supervising lawyer and the client, may:

(1) Counsel and advise clients, interview and investigate witnesses, negotiate the settlement of claims, and prepare and draft legal instruments, pleadings, briefs, abstracts, and other documents; and

(2) Render assistance to clients who are inmates of penal institutions or other clients who request such assistance in preparing applications for and supporting documents for post-conviction legal remedies

(e) Supervision of Law Student Practice. The supervising lawyer shall counsel and assist the law student who practices law pursuant to this rule and shall provide professional guidance in every phase of such practice with special attention to matters of professional responsibility and legal ethics. Whenever a law student intern appears before the court, the supervising lawyer shall accompany the law student intern unless otherwise approved by the court. Any document requiring the signature of counsel and any settlement or compromise of a claim must be signed by a supervising lawyer.

(f) Law Students Employed by the United States Attorney and the Federal Public Defender. Any other local rule notwithstanding, in any criminal case, any law student under the supervision of the United States Attorney or the Federal Public Defender, who has completed at least two (2) years of study at any American Bar Association accredited law school, may appear in court provided that the United States Attorney or Federal Public Defender personally approves, and provided further that:

(1) The particular judge before whom the student is to appear consents;

(2) The student is supervised by an Assistant United States Attorney or Assistant Federal Public Defender who is present in court; and

(3) In the case of the Federal Public Defender, the written consent of the defendant is filed with the court.

(g) Miscellaneous. Law students practicing pursuant to this rule shall be governed by the rules of conduct applicable to lawyers generally, but the termination of practice referred to in LR84.1(c)(1)(B) shall be the exclusive sanction for disciplinary infractions that occur during authorized practice. Any

discipline imposed under this rule may be considered by a court or agency authorized to entertain applications for admission to the practice of law.

LR88.1. Mediation.

(a) Purpose and Scope.

Pursuant to the Alternative Dispute Resolution Act of 1998, 28 U.S.C. §§ 651 et seq., the court authorizes and encourages the use of alternative dispute resolution (ADR) in all civil actions. This rule implements court-sponsored mediation in accordance with the ADR Act.

(b) Duty to Consider ADR.

The parties shall consider mediation and/or other ADR processes in accordance with LR16.2 and LR26.1. Nothing in this rule precludes: (1) parties from agreeing to private ADR; (2) the court from ordering non-binding ADR outside of this rule; or (3) parties and the court from considering any other type of ADR, including a summary jury trial.

(c) Mediation Judge.

A magistrate judge shall be appointed to serve as the mediation judge who shall have primary responsibility for the mediation program.

(d) Mediator Panel.

The clerk shall publish and maintain a list of mediators who have been recommended by the mediation judge and approved by the court. The mediator's role is to facilitate the voluntary resolution of cases.

(e) Submission to Mediation.

(1) By Stipulation.

Parties may stipulate to submit a civil action to mediation. The parties may stipulate to the appointment of a mediator from the panel of mediators provided in this rule, subject to the consent of the selected mediator. If the parties have stipulated to mediation but are unable to agree on a mediator, the court may appoint a mediator from the panel.

(2) By Court Order.

Notwithstanding subsection (e)(1), at any time before the entry of final judgment, the court may, on its own motion or at the request of any party after affording the parties an opportunity to be heard, order the parties to participate in mediation and/or any other non-binding ADR process. However, when the court orders the appointment of a compensated mediator, the parties shall have the right to select the mediator by agreement, provided they do so within the time frame set by the court. If no agreement is reached, the court may select the mediator.

(f) Mediation Procedure.

Upon submission of an action to mediation and appointment of a mediator, the plaintiff shall provide a copy of the stipulation or order to the mediator together with a list of the names and contact information of counsel for all appearing parties and/or self-represented litigants. All mediation procedures shall be determined by the mediator.

(g) Attendance at Mediation.

Lead counsel and clients, representatives, or third persons with full settlement authority shall attend, in person, all mediation conferences scheduled by the mediator, unless excused by the mediator.

A governmental entity satisfies the attendance requirement if its lead counsel is in attendance and has been delegated full settlement authority or has reasonable access to the person who has full settlement authority. In the event that the mediator determines it appropriate, the mediator shall have reasonable access to the person who has full settlement authority with appropriate accommodation of the person's competing public duties.

(h) Compensation of Mediators.

Unless otherwise stipulated by the parties and/or ordered by the court, each party will be responsible for a pro-rata share of the mediator's fees and expenses. Any dispute regarding the mediator's fees or expenses may be submitted to the Mediation Judge for disposition.

The court shall ensure that no referral to mediation results in imposition on any party of an unfair or unreasonable economic burden. A party who cannot

afford to pay any fee charged under this rule may file a motion to be excused from paying or to pay at an appropriately reduced amount or rate.

(i) Immunity of Mediators.

All persons serving as mediators under this rule shall be deemed to be performing quasi-judicial functions and shall be entitled to all of the privileges, immunities, and protections that the applicable law accords to persons serving in such capacity.

(j) Confidentiality.

Except as otherwise provided by this rule and/or applicable law, all communications made in connection with any mediation under this rule shall be absolutely protected from disclosure for use in trial or for any other purpose, including a motion to enforce settlement.

Mediators and parties shall not communicate with the court about the substance of any position, offer, or other matter related to mediation without the consent of all parties, unless such disclosure is required to adjudicate a dispute over mediator fees, or to provide evidence in an attorney disciplinary proceeding, but only to the extent required to accomplish that purpose.

(k) Disclosure by Mediator.

Before commencing a mediation, an individual who is requested to serve as a mediator shall make an inquiry that is reasonable under the circumstances to determine whether there are any known facts that a reasonable person would consider likely to affect the impartiality of the mediator, including a financial or personal interest in the outcome of the mediation and any existing or past relationship with a party or counsel or foreseeable participant in the mediation. The mediator shall disclose any such fact known or learned by the mediator to the parties as soon as is practical.

(l) Objections for Cause.

Within seven (7) days after learning the identity of a mediator selected by the court or within seven (7) days of learning facts that form the basis of an objection, a party who objects to the selection of that mediator must file an objection that specifies the reason for the objection. Promptly after receiving an objection, the court shall determine whether the proposed mediator or another mediator will be selected.

LR99.1. Prisoner Actions.

(a) Definition. Regardless of whether a person is represented by counsel or appears pro se, any plaintiff who is accused of, convicted of, sentenced for, or adjudicated delinquent for violations of criminal law, the terms and conditions of parole, probation, pretrial release, or diversionary program, or who is incarcerated in any facility on the date of service of the complaint is considered a "prisoner" within the meaning of this rule.

(b) The following rules apply to all proceedings pending or commenced by prisoners, whether proceeding pro se or represented by counsel, in addition to all other Local Rules, including LR83.1(e).

(c) Communications with the Court. All communications shall be directed to the clerk of court. A prisoner should not communicate directly with the presiding judge or chambers staff via letters, requests, motions, telephone or facsimile, absent exceptional circumstances. Any communications sent directly to the presiding judge or chambers staff by a prisoner may be disregarded, stricken from the record, or returned.

LR99.2. Court Forms.

(a) Complaints and Petitions. All prisoner complaints, petitions, or motions challenging a conviction or sentence shall be signed under penalty of perjury and legibly written or typewritten on approved court forms available on the court's website or from the clerk's office. Documents that do not substantially conform to court forms may be stricken or dismissed.

(b) In Forma Pauperis Applications. Prisoners seeking in forma pauperis status shall file a complete "Application to Proceed In District Court Without Prepaying Fees or Costs" (AO 240), available on the court's website or from the clerk's office. The application shall include:

(1) A certification of the warden or other appropriate officer of the institution in which the prisoner is confined as to the amount of money or securities on deposit to the prisoner's credit;

(2) A copy of the prisoner's account statement (or institutional equivalent) for the six (6) month period preceding the filing of the action; and

(3) The prisoner's consent to the collection of fees.

The court will take no action on motions or other requests filed in prisoner cases until payment is received or in forma pauperis status is granted.

LR99.3. Habeas Proceedings.

(a) All federal and Local Rules apply to the form of motions, petitions, and responses filed pursuant to 28 U.S.C. §§ 2241, 2244, 2254, and 2255, unless otherwise ordered by the court.

(b) The clerk will serve the State of Hawaii Attorney General and the appropriate Prosecuting Attorney a copy of each pro se petition brought pursuant to 28 U.S.C. § 2254 when the court orders an answer or response to be filed.

(c) Responses to petitions or motions shall contain only the relevant portions of the record necessary for the court to adjudicate the proceeding. When a party cites to a portion of the record, the relevant portion of that document shall be highlighted.

(d) Within thirty-five (35) days of service of a Motion to Vacate or Correct Sentence pursuant to 28 U.S.C. § 2255, respondents shall file a response addressing the matters asserted in the motion, unless otherwise ordered by the court.

LR99.12. Dismissal for Want of Prosecution.

Pro se prisoner cases may be dismissed when it appears that the pro se prisoner is not prosecuting the case with diligence by taking all necessary steps to bring the action to readiness for trial. See LR16.1. Notice and an opportunity to be heard shall be given to the pro se prisoner that such action is contemplated prior to dismissal of the action for want of prosecution.

LR99.16.1. Hearings and Status Conferences.

Pretrial proceedings in pro se prisoner actions shall generally be conducted by telecommunication technology that allows the prisoner to stay in the penal institution.

LR99.16.2. Rule 16 Scheduling Orders in Prisoner Actions.

Rule 16 scheduling conferences are not held in pro se prisoner actions. The court will issue a scheduling order after the first opposing party files an answer or other response to a complaint or petition. The pro se prisoner scheduling order is substantially identical to that in represented cases as set forth in LR16.3, except

that motions asserting the affirmative defense of failure to exhaust prison administrative remedies, pursuant to 42 U.S.C.§ 1997e(a), must be filed within seventy (70) days after entry of the scheduling order.

LR99.56.2. Required Notice: Motions for Summary Judgment in Pro Se Prisoner Cases.

A defendant must file and serve the following "Notice and Warning to Pro Se Prisoner," in a document separate from the motion and from the brief, at the same time a motion for summary judgment is filed against a prisoner who is proceeding pro se:

NOTICE AND WARNING TO PRO SE PRISONER

The court requires this Notice and Warning to be given to all pro se prisoner litigants when an opposing party files a motion for summary judgment.

Defendant_____ [name defendant, or state "all defendants"] has/have moved for summary judgment by which [appropriate pronoun] seeks to have your remaining claims dismissed and judgment entered against you. A motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure will, if granted, end your case as to the following claims: _____ [list claims].

Rule 56 explains how to oppose a motion for summary judgment. Generally, summary judgment must be granted when there is no genuine issue of material fact – that is, if there is no real dispute about any fact that would affect the result of your case, the party who requested summary judgment is entitled to judgment as a matter of law, which will end your case. When a party you are suing makes a motion for summary judgment that is properly supported by declarations or other sworn testimony, you cannot simply rely on what your complaint says. Instead, you must set out specific facts in the record, including depositions, documents, affidavits or declarations, stipulations, admissions, interrogatory answers, or other materials, as provided in Rule 56(c), or comply with Rule 56(d), to contradict the facts shown in the other party's declarations and documents and show that there is a genuine issue of material fact for trial. If you do not submit your own evidence in opposition, summary judgment, if appropriate, may be entered against you. If summary judgment is granted, the court will enter judgment against you and there will be no trial.

Additionally, LR56.1(e) requires that any party who opposes the motion for summary judgment shall file and serve with his or her opposing documents a separate document containing a single concise statement that admits or disputes the facts set forth in the movant's concise statement, as well as sets forth all material facts as to which it is contended there exists a genuine issue necessary to be litigated.

RULES PERTAINING TO CASES UNDER TITLE 11, UNITED STATES CODE

LR1001.1. Scope of Rules.

(a) Scope of Rules.

The Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms, promulgated under 28 U.S.C. § 2075, together with these Local Rules and any local bankruptcy rules adopted by the bankruptcy court, govern practice and procedure in all bankruptcy cases and adversary proceedings in this district. The Local Rules, and any local bankruptcy rules adopted by the bankruptcy court, supersede all previous local bankruptcy rules for the District of Hawaii.

(b) Effective Date.

These rules shall apply to all bankruptcy cases and adversary proceedings pending on or initiated after the date of adoption.

LR1070.1(a). General Reference.

Pursuant to 28 U.S.C. § 157(a), all cases under Title 11 and all civil proceedings arising under Title 11 or arising in or related to a case under Title 11 are referred to the bankruptcy judges of this district, except as provided in LR1070.1(b). A party may request that reference of a particular matter be withdrawn by filing a motion with the clerk of the bankruptcy court, who will promptly transmit the motion to the clerk of the district court.

LR1070.1(b) Pending District Court Proceedings.

Any civil proceeding arising in or related to a case under Title 11 that is pending in the district court on the date the Title 11 case is filed shall be referred to a bankruptcy judge only upon order of the district judge before whom the proceeding is pending. Such an order may be entered on the motion of a party, on the district judge's own motion, or on the recommendation of a bankruptcy judge.

LR1070.1(c) Removed and Transferred Proceedings.

Pursuant to the general reference provided in LR1070.1(a), the following may be filed with the clerk of the bankruptcy court:

(1) A notice of removal of a claim related to a bankruptcy case under 28 U.S.C. § 1452(a); and

(2) A bankruptcy case or proceeding transferred from another district under 28 U.S.C. § 1412.

LR1070.1(d). Authorization of Bankruptcy Appellate Panel to Hear and Determine Appeals.

Pursuant to 28 U.S.C. § 158(b)(6), the Bankruptcy Appellate Panel of the Ninth Circuit may hear and determine appeals from judgments, orders, and decrees issued by bankruptcy judges in this district.

LR1070.1(e) Authorization for Bankruptcy Court to Make Local Bankruptcy Rules.

Pursuant to Fed. R. Bankr. P. 9029(a), the bankruptcy judges of this district are authorized to make and amend rules of practice and procedure in the bankruptcy court that meet the requirements of Fed. R. Civ. P. 83 and Fed. R. Bankr. P. 9029.

LR8005.1. Processing of Bankruptcy Appeals.

(a) At any time before the bankruptcy clerk certifies that the record on appeal is complete, the bankruptcy court is authorized and directed, on motion of a party or its own motion:

(1) To dismiss an appeal filed after the time specified in Fed. R. Bankr. P. 8002;

(2) To dismiss an appeal in which appellant has failed to file a designation of the items for the record or a statement of the issues as required by Fed. R. Bankr. P. 8009;

(3) To dismiss an appeal in which appellant has failed to timely pay any applicable fee or to file a timely application for waiver of that fee; and

(4) To hear, under Fed. R. Bankr. P. 9006(b), motions to extend the foregoing deadlines and to consolidate appeals that present similar issues from a common record.

(b) Bankruptcy court orders entered under Subsection (a) may be reviewed by the district court on motion filed within fourteen (14) days after entry of the order sought to be reviewed.

LR8007.1. Completion of Record – Bankruptcy Appeal.

The record on appeal in a bankruptcy case shall include a transcript of the hearing(s) resulting in the order or judgment from which the appeal is taken or a summary of such hearings as agreed upon by all parties.

LR8007.2. Transmission of Record – Bankruptcy Appeal to District Court.

In a bankruptcy appeal to the district court, as soon as the statement of issues, designation of record, and any transcripts that have been designated are filed with the bankruptcy court, the clerk of the bankruptcy court shall transmit to the district court a certificate of readiness, indicating that the record is complete. The clerk of the district court shall forthwith notify the parties to the appeal that this certificate has been filed at the district court. The record shall be retained by the clerk of the bankruptcy court.

A copy of the record shall be transmitted to the district court upon request by the clerk of the district court.

LR8009.1. Requirement for Appendix to Bankruptcy Appellate Brief.

(a) Time for Filing Briefs. Unless the court directs otherwise, appellate briefs shall be filed and served in accordance with Fed. R. Bankr. P. 8018(a).

(b) The requirement for an appendix to an appellate brief in Fed. R. Bankr. P. 8018(b) shall apply to appeals to the district court. The appendix shall include excerpts of the record (including ECF header or footer information stamped on PDF) to be considered an appeal. Each excerpt must be clearly marked for identification. All Mandatory Chambers Copies of the appendix must be tabbed.

(c) Format and Length of Briefs and Other Documents. The format and length requirements of the local civil rules apply to bankruptcy appeals. These

include, but are not limited to, LR7.4 (length of briefs), LR10.2 (form of documents); and LR10.3 (Mandatory Chambers Copies).