

## **LR 5.1 ELECTRONIC FILING AND SERVICE**

Electronic filing and service are governed by the Federal Rules of Practice and Procedure, these Local Rules, and the civil and criminal Electronic Case Filing Procedures Guides.

[Adopted effective February 1, 1991; amended November 1, 1996; amended January 3, 2000; amended May 17, 2004 - formerly titled GENERAL FORMAT OF PAPERS PRESENTED FOR FILING; amended January 31, 2011; amended December 1, 2018]

### **2018 Advisory Committee's Note to LR 5.1**

Local Rule 5.1 has been amended to comply with the 2018 amendments to Fed. R. Civ. P. 5 and Fed. R. Crim. P. 49. In particular, language that was redundant of Fed. R. Civ. P. 5 and Fed. R. Crim. P. 49 has been deleted.

### **2011 Advisory Committee's Note to LR 5.1**

The language of LR 5.1 has been amended in accordance with the restyling process described in the 2012 Advisory Committee's Preface on Stylistic Amendments.

The most recent ECF Guides are available on the court's website.

### **LR 5.3 TIME FOR FILING AFTER SERVICE**

Any paper required by Fed. R. Civ. P. 5(d)(1) or Fed. R. Crim. P. 49(b)(1) to be filed must be filed within 14 days after service. This 14-day period is a “reasonable time” under Fed. R. Civ. P. 5(d)(1) and Fed. R. Crim. P. 49(b)(1).

[Adopted effective February 1, 1991; amended numbering May 17, 2004; amended December 1, 2009; amended July 23, 2012; amended December 1, 2018]

#### **2018 Advisory Committee’s Note to LR 5.3**

Local Rule 5.3 has been amended to comply with the 2018 amendments to Fed. R. Crim. P. 49.

#### **2012 Advisory Committee’s Note to LR 5.3**

The language of LR 5.3 has been amended in accordance with the restyling process described in the 2012 Advisory Committee’s Preface on Stylistic Amendments. A cross-reference to LR 1.3 was eliminated as superfluous, and not for any substantive reason.

## **LR 5.4 SERVICE OF DOCUMENTS THROUGH THE COURT'S ELECTRONIC TRANSMISSION FACILITIES [Abrogated]**

[Adopted effective May 17, 2004; amended January 31, 2011; abrogated December 1, 2018]

### **2018 Advisory Committee's Note to LR 5.4**

Local Rule 5.4 is abrogated as redundant of Fed. R. Civ. P. 5(d)(1)(B) and Fed. R. Crim. P. 49(b)(1). The rule number is reserved for possible future use.

### **2011 Advisory Committee's Note to LR 5.4**

The language of LR 1.3 has been amended in accordance with the restyling process described in the 2012 Advisory Committee's Preface on Stylistic Amendments.

Local Rule 5.4 is amended to no longer require the filing of a separate certificate of service if service was conducted electronically through the court's electronic transmission facilities (ECF). When service is conducted electronically, the notice of electronic filing (NEF) may serve as the certificate of service to comply with Fed. R. Civ. P. 5(d)(1).

### **2004 Advisory Committee Note to LR 5.4**

The 2001 Amendments to the Federal Rules of Civil Procedure permitted district courts to authorize service by electronic means "through the court's transmission facilities." Fed.R.Civ.P. 5(b)(2)(D). Accordingly, new Local Rule 5.4 explicitly authorizes service by electronic means via the court's electronic filing facilities.

The 2001 Amendments also provided that the additional three days established in Rule 6(e) for service by mail applies to service by electronic means. Fed.R.Civ.P. 6(e).

Counsel are encouraged to consult the electronic service provisions of the Federal Rules of Civil Procedures, as amended in 2001. LR 5.4 does not modify the Federal Rules in any way.

Counsel are encouraged, further, to consult the most recently adopted version of the Electronic Filing Procedures for the District of Minnesota for further clarification on administrative procedures for filing and serving by electronic means.

## **LR 67.2 WITHDRAWING MONEY FROM THE COURT REGISTRY**

**(a) Court Order Required.** A party may withdraw money from the court registry only by court order.

**(b) Motion to Withdraw Money.**

- (1) A party seeking to withdraw money from the court registry must file:
  - (A) a motion for leave to make the withdrawal;
  - (B) a Withdrawal Payee Information form (under seal); and
  - (C) a proposed order (an editable copy of which must be emailed to chambers), specifying the amount of principal and percentage of interest to be disbursed to each payee.
- (2) A party opposing the motion must file a response within 7 days after the motion is filed.
- (3) The moving party may file a reply within 7 days after the response is filed.
- (4) No motion, response, or reply may exceed 1,500 words.

**(c) Timing of Disbursement.** The clerk must not disburse money from the court registry until 30 days after entry of the order granting leave, unless the court orders otherwise.

[Adopted effective February 1, 1991; amended January 31, 2011; amended January 28, 2013; amended April 1, 2017; amended December 1, 2018].

### **2018 Advisory Committee's Note to LR 67.2**

Local Rule 67.2(c) has been amended to comply with the 2018 amendments to Fed. R. Civ. P. 62(a).

### **2017 Advisory Committee's Note to LR 67.2**

Local Rule 67.2 has been amended to allow the Withdrawal Payee Information form to be filed under seal. Under the former rule, a party had to file the form conventionally. The amended rule also corrects a clerical error in former subsection (b)(4).

**2013 Advisory Committee’s Note to LR 67.2**

The language of LR 67.2 relating to proposed orders has been revised to be consistent with similar language in LR 7.1. Subsection (c) has been amended to reflect the fees that must be assessed when funds are deposited in an interest-bearing account with the court’s registry.

**2011 Advisory Committee’s Note to LR 67.2**

The filing requirements of LR 7.1(a)-(b), Civil Motion Practice, do not apply to motions to withdraw money from the court registry. Parties who desire to withdraw money from the court registry need only: (1) conventionally file the Withdrawal Payee Information form; (2) file a motion on the court’s ECF system requesting the court to enter an order to withdraw money from the court registry; and (3) e-mail the presiding judge a proposed order. Refer to the ECF Guides for information on providing the court with proposed orders.

The Withdrawal Payee Information form is available from the clerk and electronically on the court’s website at [www.mnd.uscourts.gov](http://www.mnd.uscourts.gov). The social security number information collected by the clerk on the form is provided to the depository institution pursuant to I.R.S. Ruling 76-50. This information is used for administrative purposes only and will be kept confidential. The Withdrawal Payee Information form will not be filed on the court’s ECF system.

Please note that even if the court orders money to be withdrawn before the expiration of the 14-day stay period, administrative delays may occur in the disbursing of funds. Questions about money deposited into the court registry should be directed to the finance department at 612-664-5000.