



UNITED STATES DISTRICT COURT

District of Minnesota

Richard D. Sletten, Clerk
Wendy S. Osterberg, Chief Deputy Clerk

Warren E. Burger Federal
Building and U.S. Courthouse
316 North Robert Street
Suite 100
St. Paul, MN 55101
(651) 848-1100

U.S. Courthouse
300 South Fourth Street
Suite 202
Minneapolis, MN 55415
(612) 664-5000

Gerald W. Heaney Federal Building
and U.S. Courthouse and Customhouse
515 West First Street
Suite 417
Duluth, MN 55802
(218) 529-3500

U.S. Courthouse
118 South Mill Street
Suite 212
Fergus Falls, MN 56537
(218) 739-5758

PUBLIC NOTICE

Date: July 17, 2009

**Contact: Richard Sletten, Clerk of Court
(612) 664-5026**

PROPOSED AMENDMENTS TO LOCAL RULES

The United States District Court for the District of Minnesota is issuing for public comment proposed amendments to the Court's Local Rules (LR). Below is a brief summary of the proposed amendments. To read the proposed amendments in full, visit the Court's website at www.mnd.uscourts.gov, or contact the Office of the Clerk of Court in St. Paul, Minneapolis, Duluth, or Fergus Falls.

1. Rules for Civil Cases

a. Civil Motion Practice — LR 7.1

A number of changes, some of them significant, are proposed for LR 7.1. In particular, under the proposed amended rule:

- Parties are instructed to secure hearing dates before filing motions of any kind.
- Motions to exclude expert testimony and post-judgment motions are treated as dispositive motions.
- Reply briefs are generally not permitted in connection with non-dispositive motions. With respect to dispositive motions, parties are clearly instructed that a reply brief must not raise new issues or go beyond the issues raised in the response brief to which it replies.
- A single word limit applies whether a party files a single summary-judgment motion or several such motions at the same time. Requests to enlarge word limits must be made in writing — and permission must be obtained — before filing an overlong brief.
- Parties do not need to attach unpublished opinions to briefs if those opinions are available on Lexis or Westlaw.

The amended rule also includes additional clarifying language about how to calculate certain deadlines and about the Court's ECF procedures.

b. Other Rules and Forms

An amendment is proposed with respect to **LR 15.1**, which governs motions to amend. Under the amended rule, parties must file with a motion to amend both (1) the proposed amended pleading and (2) a redlined version of that pleading, showing how it differs from the original pleading.

An amendment is proposed with respect to **Form 3**, the prescribed form for Rule 26(f) reports in non-patent cases. The amendment would require parties to indicate whether they agree to proceed under the Court's Rules of Procedure for Expedited Trials. Those rules are available on the Court's website at www.mnd.uscourts.gov/expedited_trials.shtml.

Minor amendments are proposed to two local rules relating to Social Security cases (**LR 7.2** and **LR 9.1**). A minor amendment is proposed to **LR 37.1**, which governs motions about discovery disputes.

2. Rules for Criminal Cases

a. Sentencing — LR 83.10

The Court proposes to revise Local Rule 83.10 substantially. The proposed revisions were suggested to the Court's Federal Practice Committee by members of the United States Attorney's Office, the Federal Defender's Office, and the United States Probation Office. Under the proposed rule as revised:

- The Probation Office will prepare two presentence reports, one designated "preliminary" and one designated "final." The rule encourages the government to provide the Probation Office with materials necessary for the preliminary presentence report.
- Parties who object to the preliminary presentence report must provide the Probation Office with detailed written objections within 14 days of the report's disclosure. The Probation Office will then prepare the final presentence report, together with an addendum discussing the objections that were made to the preliminary report.
- Parties must file their position papers with respect to sentencing within 14 days of the final presentence report's disclosure. All issues a party wishes to raise in connection with sentencing, whether the issues relate to the Sentencing Guidelines or to factors under 18 U.S.C. § 3553(a), must be addressed in the position paper.
- Parties who seek an evidentiary hearing must request the hearing when they file their position papers, and they must provide witness and exhibit lists 5 days before the hearing.
- Parties are permitted to file replies to the other side's position paper. Such replies must be filed no later than 5 business days before the sentencing hearing.

- Government motions for a downward departure for substantial cooperation must be filed no later than 5 business days before the sentencing hearing.

These proposed amendments were recommended by the Court's Federal Practice Committee, chaired by Jeannine Lee. The proposed amendments will be posted by the Court for public review and comment through August 21, 2009. Comments should be provided in writing to the Clerk of Court at the address above, or by e-mail to MnFedRules@mnd.uscourts.gov. The Court will consider adoption of the proposed amendments after reviewing any comments or suggestions submitted on or before August 21, 2009.

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Richard D. Sletten
Clerk, U.S. District Court
District of Minnesota