



# 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: September 24, 2009**  
**Contact: Richard Sletten, Clerk of Court**  
**(612) 664-5026**

### FEDERAL COURT LOCAL RULE AMENDMENTS AND PROPOSAL TO AMEND LOCAL RULES

#### I. Federal Court Local Rule Amendments

The United States District Court for the District of Minnesota has approved amendments to the Court's Local Rules of practice, effective September 24, 2009. The rule changes affect Local Rules 7.1, 7.2(a)-(c), 9.1, 15.1, 37.1, 72.2(a), 83.10, and Form 3. On July 17, 2009, Court notified the public of the proposed amendments to these rules and provided an opportunity for public comment. Taking into consideration the public's comments and Court practices, the Court approved the amendments recommended by the Court's Federal Practice Committee, chaired by Attorney Jeannine Lee.

Below is a brief summary of the Local Rule amendments. To read the amendments in full, visit the Court's website at [www.mnd.uscourts.gov](http://www.mnd.uscourts.gov), or contact the Office of the Clerk of Court in St. Paul, Minneapolis, Duluth, or Fergus Falls.

#### A. Rules for Civil Cases

##### *1. Civil Motion Practice — LR 7.1*

A number of changes, some of them significant, have affected LR 7.1. In particular, under the amended rule:

- Parties are instructed to secure hearing dates before filing motions of any kind.
- Motions to exclude expert testimony are treated as dispositive motions.
- A new rule provision specifically governs post-trial or post-judgment motions.
- Reply briefs are generally not permitted in connection with nondispositive 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 in a publicly accessible electronic database.

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

## ***2. Other Rules and Forms***

Local Rule **15.1**, “Form of a Motion to Amend and its Supporting Documents,” now directs parties to 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.

Form **3**, “Rule 26(f) Report,” now requires 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](http://www.mnd.uscourts.gov/expedited_trials.shtml).

In addition, minor technical amendments were made to Local Rules **7.2**, “Procedures in Social Security Cases,” **9.1**, “Social Security Number in Social Security Cases,” **37.1**, “Motions Presenting Discovery Disputes,” and **72.2(a)**, “Review of Magistrate Judge Rulings.”

## **B. Local Rule 83.10, “Sentencing Procedures in Criminal Cases Subject to the Sentencing Reform Act of 1984”**

The amendments revise Local Rule 83.10 substantially. The revisions were based upon recommendations made 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. The amendments are:

- 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 7 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 7 days before the sentencing hearing.
- Government motions for a downward departure for substantial cooperation must be filed no later than 7 days before the sentencing hearing.

## II. Proposal to Amend 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. A brief summary of the proposed amendments is provided below. To read the proposed amendments in full, visit the Court’s website at [www.mnd.uscourts.gov](http://www.mnd.uscourts.gov), or contact the Office of the Clerk of Court in St. Paul, Minneapolis, Duluth, or Fergus Falls. The proposed rule changes affect several local rules and forms that contain filing deadlines and LR 54.3, “Time Limit for Motion for Award of Attorney’s Fees.”

### A. Filing deadlines

On December 1, 2009, the Federal Rules will change concerning how to compute time and the Court’s Local Rules also must change to conform with the Federal Rules. For more information on the Federal Rules revisions, visit <http://www.uscourts.gov/rules/>. The table below describes the proposed filing deadline changes to the Local Rules and Forms and the [Rules of Procedure for Expedited Trials](#) that are posted for public comment.

Local Rule	Proposed Change
1.1(f) Scope of the Rules	Explanatory language for computing time changed
5.3 Deadline for Filing Answers	10 days changed to 14 days
5.5(b)-(c) Redaction of Transcripts	Removed “calendar”
7.1(b) Civil Motion Practice	45 days changed to 42 days; 20 days changed to 21 days for responses; and 12 days to 14 days for replies
7.2(b) Procedures in Social Security Cases	10 days changed to 14 days
16.2(a) Pretrial Conferences	14 days changed to 21 days; 10 days changed to 14 days
26.1(f) Discovery	10 days changed to 14 days
39.1(b) Preparation for Trial in Civil Cases	10 days changed to 14 days; 5 days changed to 7 days
54.3(b) Time Limit for Motion for Award of Attorney’s Fees	15 days changed to 14 days
72.2(a)-(b) Review of Magistrate Judge Rulings	10 days changed to 14 days
83.6(b), (k) Attorney Discipline	In (b), 5 and 3 days changed to 7 days; in (k) 10 days

	changed to 14 days
Form 5 – Stipulation for Protective Order (Patent Cases)	15 and 10 days changed to 14 days
Form 6 – Stipulation for Protective Order	15 and 10 days changed to 14 days
Rules of Procedure for Expedited Trials	Changed 5 days to 7 days in section 3; and 2 days to 3 days in sections 8-9.

## **B. LR 54.3, “Time Limit for Motion for Award of Attorney’s Fees”**

The Court proposes that LR 54.3, “Time Limit for Motion for Award of Attorney’s Fees,” be amended to:

1. Provide a briefing schedule for filing a response to a motion for attorney’s fees under LR 54.3(b);
2. Provide a procedure for taxing costs under Fed. R. Civ. P. 54(d)(1); and
3. Clarify that motion papers filed under LR 54.3 comply with subsection (c), “Post-trial and Post-judgment Motions,” of LR 7.1, “Civil Motion Practice.”

The proposed taxation of costs procedure changes the current practice of the Clerk of Court from taxing costs after all applicable appeal periods have ended, to requiring the party seeking costs to file a bill of costs within 30 days of judgment. The proposed rule also provides a procedure for objecting to the bill of costs and a procedure for filing a motion to review the Clerk’s decision with the presiding judge. The Clerk’s Office will provide an updated Bill of Costs form and Bill of Costs Guidelines to comport with the changes that occur to LR 54.3.

These proposed amendments are posted for public review and comment through October 16, 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](mailto:MnFedRules@mnd.uscourts.gov). The Court will consider adoption of the proposed amendments after reviewing any comments or suggestions submitted on or before October 16, 2009.

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