Amendments to the Local Rules
Effective December 1, 2009

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LR 1.1 – Redline showing amendments effective December 1, 2009

LR 1.1 SCOPE OF THE RULES

(a) **Title and Citation**. These rules shall be known as the Local Rules of the United States District Court for the District of Minnesota. They may be cited as "D. Minn. LR __".

(b) **Effective Date.** These rules become effective on May 1, 2000.

(c) **Scope of Rules**. Except as otherwise provided or where the context so indicates, these rules shall apply in all proceedings in civil and criminal actions, but not including bankruptcy actions. Rules governing proceedings before Magistrate Judges are incorporated herein.

(d) **Relationship to Prior Rules; Actions Pending on Effective Date.** These rules supersede all previous rules promulgated by this Court or any Judge of this Court. They shall govern all applicable proceedings brought in this Court after they take effect. They also shall apply to all proceedings pending at the time they take effect, except to the extent that in the opinion of the Court the application thereof would not be feasible or would work injustice, in which event the former rules shall govern.

(e) **Rule of Construction**. 1 U.S.C. §§ 1-5 shall, as far as applicable, govern the construction of these rules.

(f) **Computation of Time.** In computing any period of time prescribed or allowed by these rules, the provisions of Fed. R. Civ. P. 6(a) apply. ~~, except as hereinafter set forth.~~

~~When these rules provide that a due date is to be computed by counting backward in time from a scheduled act or event:~~

~~(1) in accordance with Fed. R. Civ. P. 6(a), if the due date falls on a day that is a Saturday, a Sunday, a legal holiday, or a day on which the clerk's office is inaccessible, then the due date is extended to the next day that is not such a day.~~

~~(2) in all other cases the occurrence of a Saturday, Sunday, holiday, or day of inaccessibility does not change the due date.~~

[Adopted effective February 1, 1991; amended November 1, 1996; amended December 1, 2009]

2009 Advisory Committee's Note to LR 1.1(f)

In 2009, Fed. R. Civ. P. 6(a) was amended to eliminate the different methods of counting that depended on whether a period was more or less than 11 days. Similar changes were made to the Federal Rules of Criminal Procedure, Federal Rules of Appellate Procedure, and the Federal Bankruptcy Rules. A portion

of Local Rule 1.1(f) (addressing how to compute a due date when "counting backward") has been eliminated because it was no longer needed in light of the new Federal Rule of Civil Procedure 6(a) that defines "next day" both in the context of counting forward and counting backward. Until these 2009 Amendments to the Federal Rules, Fed. R. Civ. P. 6(a) was silent with respect the meaning of "next day."

Under the amended rules, all days are counted regardless of whether any of them are Saturdays, Sundays, or legal holidays, and regardless of whether the period to be counted is more or less than 11 days. The Federal Rules by their express terms apply to computing due dates under the local rules of district courts as well as to computing due dates under the Federal Rules of procedure.

1991 Advisory Committee's Note to LR 1.1(f)

[The Committee has eliminated the text of the 1991 Advisory Committee's Note to this Rule so as to avoid any confusion it might cause, as it was addressed to an entirely different way of computing due dates. Similar changes were made in 2009 to other Local Rules and Forms that included a deadline computed by counting days from a given event.]

~~Fed. R. Civ. P. 6(a) provides a method for computing time that applies, by its express language, to computing due dates under the local rules of district courts as well as under the Federal Rules of Civil Procedure. LR 1.1(f) follows Fed. R. Civ. P. 6(a), and it provides a supplemental rule of computation for cases in which a due date is computed by counting backwards from a scheduled act or event.~~

~~Fed. R. Civ. P. 6(a) creates two types of automatic extension:~~

~~(1) When the due date falls on a non-business day or a day when the clerk's office is inaccessible because of weather conditions or the like, the due date is extended to the next ordinary day.~~
~~(2) When the period of time prescribed or allowed for an act is less than 11 days, and Saturdays, Sundays, or legal holidays occur between the event that starts the time period running and the due date, those Saturdays, Sundays, or legal holidays are excluded from the computation.~~

~~This Committee examined the operation of Fed. R. Civ. P. 6(a) in the context of Minnesota local rules, such as LR 7.1, that involve setting a due date by counting backward from a hearing date. Fed. R. Civ. P. 6(a) does not provide guidance for computing time under a counting backwards rule, and hence the question of computation falls within the local rule making authority.~~

~~The Committee decided that due dates created by counting backwards should be calculated by a calendar day method with no extension of time when Saturdays, Sundays, legal holidays, or inaccessibility days fall within the computation period. The only exception is made when the due date itself falls on a Saturday, Sunday, legal holiday, or inaccessibility day, in which case the due date is extended until the next day the clerk's office is open.~~

~~The following are examples of how to compute time under LR 1.1(f).~~

~~(1) Suppose that a rule provides that a motion must be filed within ten days after entry of judgment. Judgment is entered on Day 1. Five of the days between Day 1 and Day 11 are Saturdays, Sundays, and legal holidays. Since this example does not involve the counting backwards rule, Rule 6(a) applies and there is an automatic extension of time of five days.~~

~~(2) Suppose that a rule provides that a brief must be filed seven days before a hearing. The due date falls on a Sunday. This example does involve the counting backwards rule. Therefore, following the local rule, since the due date falls on a Sunday, the due date is extended until the next day that the clerk's office is open.~~

~~(3) Suppose that a rule provides that a brief must be filed seven days before a hearing. The due date falls on an ordinary business day. However, three of the seven days immediately before the due date are Saturdays, Sundays, or legal holidays. This example also involves the counting backwards rule. Thus, following Local Rule LR 1.1(f), which provides an extension of time only if the due date falls on a~~

~~day when the clerk's office is closed, there is no automatic extension. The brief must be filed seven calendar days before the hearing.~~

LR 1.1 – Final Language effective December 1, 2009

LR 1.1 SCOPE OF THE RULES

(a) **Title and Citation**. These rules shall be known as the Local Rules of the United States District Court for the District of Minnesota. They may be cited as "D. Minn. LR __".

(b) **Effective Date.** These rules become effective on May 1, 2000.

(c) **Scope of Rules**. Except as otherwise provided or where the context so indicates, these rules shall apply in all proceedings in civil and criminal actions, but not including bankruptcy actions. Rules governing proceedings before Magistrate Judges are incorporated herein.

(d) **Relationship to Prior Rules; Actions Pending on Effective Date.** These rules supersede all previous rules promulgated by this Court or any Judge of this Court. They shall govern all applicable proceedings brought in this Court after they take effect. They also shall apply to all proceedings pending at the time they take effect, except to the extent that in the opinion of the Court the application thereof would not be feasible or would work injustice, in which event the former rules shall govern.

(e) **Rule of Construction**. 1 U.S.C. §§ 1-5 shall, as far as applicable, govern the construction of these rules.

(f) **Computation of Time.** In computing any period of time prescribed or allowed by these rules, the provisions of Fed. R. Civ. P. 6(a) apply.

[Adopted effective February 1, 1991; amended November 1, 1996; amended December 1, 2009]

2009 Advisory Committee's Note to LR 1.1(f)

In 2009, Fed. R. Civ. P. 6(a) was amended to eliminate the different methods of counting that depended on whether a period was more or less than 11 days. Similar changes were made to the Federal Rules of Criminal Procedure, Federal Rules of Appellate Procedure, and the Federal Bankruptcy Rules. A portion of Local Rule 1.1(f) (addressing how to compute a due date when "counting backward") has been eliminated because it was no longer needed in light of the new Federal Rule of Civil Procedure 6(a) that defines "next day" both in the context of counting forward and counting backward. Until these 2009 Amendments to the Federal Rules, Fed. R. Civ. P. 6(a) was silent with respect the meaning of "next day."

Under the amended rules, all days are counted regardless of whether any of them are Saturdays, Sundays, or legal holidays, and regardless of whether the period to be counted is more or less than 11 days. The Federal Rules by their express terms apply to computing due dates under the local rules of district courts as well as to computing due dates under the Federal Rules of procedure.

1991 Advisory Committee's Note to LR 1.1(f)

[The Committee has eliminated the text of the 1991 Advisory Committee's Note to this Rule so as to avoid any confusion it might cause, as it was addressed to an entirely different way of computing due dates. Similar changes were made in 2009 to other Local Rules and Forms that included a deadline computed by counting days from a given event.]

LR 5.3 – Redline showing amendments effective December 1, 2009

LR 5.3 DEADLINE FOR FILING ANSWERS

1. All answers and other papers required by Fed. R. Civ. P. 5(d) to be filed shall be filed within 14 ~~10~~ days after service thereof; such period is deemed a reasonable time within the meaning of Fed. R. Civ. P. 5(d).

See LR 1.3 for sanctions for failure to comply with this rule.

LR 5.3 – Final Language effective December 1, 2009

LR 5.3 DEADLINE FOR FILING ANSWERS

1. All answers and other papers required by Fed. R. Civ. P. 5(d) to be filed shall be filed within 14 days after service thereof; such period is deemed a reasonable time within the meaning of Fed. R. Civ. P. 5(d).

See LR 1.3 for sanctions for failure to comply with this rule.

LR 5.5 – Redline showing amendments effective December 1, 2009

LR 5.5 Redaction of Transcripts

(a) Review of Transcript for Personal Data Identifiers. After a transcript of any Court proceeding has been filed under LR 80.1(a), the attorneys of record, including attorneys serving as "standby" counsel appointed to assist a pro se defendant in his or her defense in a criminal case, and unrepresented parties shall determine whether redaction of personal data identifiers in the transcript is necessary to comply with Fed. R. Crim. P. 49.1 or Fed. R. Civ. P. 5.2. Attorneys of record or unrepresented parties are responsible to request redaction of personal data identifiers in the following portions of the transcript, unless otherwise ordered by the Court:

(1)Statements by the party or made on the party's behalf;

(2)The testimony of any witness called by the party;

(3) Sentencing proceedings; and

(4)Any other portion of the transcript as ordered by the Court.

(b) Notice of Intent to Request Redaction. If any portion of the transcript reviewed in accordance with subsection (a) of this rule is required to be redacted to comply with Fed. R. Crim. P. 49.1 or Fed. R. Civ. P. 5.2, a Notice of Intent to Request Redaction shall be filed within ~~seven (~~7~~) calendar~~ days from the date the transcript was filed.

The Court will assume redaction of personal data identifiers from the transcript is not necessary if a Notice of Intent to Request Redaction is not filed.

(c) Statement of Redaction. If a Notice of Intent to Request Redaction is filed, the party shall file a Statement of Redaction within 21 ~~calendar~~ days from the date the transcript was filed. The Statement of Redaction shall consist of the following information:

(1) Type of personal data identifier to be redacted, e.g., "social security number";

(2) Page number and line number of transcript on which the personal data identifier to be redacted is located; and

(3) How the transcript should read after redaction, e.g, "social security number to read as XXX-XX-1234."

The Statement of Redaction shall not disclose the personal data identifier to be redacted.

(d) Redacted Transcript. After the Statement of Redaction is filed, the court reporter has 31 ~~calendar~~ days from the date the original transcript was filed to file the redacted transcript. The court reporter shall not charge any fees for redaction services.

(e) Extensions of Transcript Redaction Deadlines. Any extensions of the redaction deadlines may be granted only by Court order. If an attorney of record or a party fails to timely file a Statement of Redaction after a timely Notice of Intent to Request Redaction was filed, the attorney or party shall:

(1) File a motion with the Court to request redaction; or

(2) Withdraw the Notice of Intent to Request Redaction.

The Court may issue an order to show cause as to why the attorney or party has not met the requirements of this rule.

[Adopted effective May 12, 2008; amended August 11, 2008; amended December 1, 2009]

LR 5.5 – Final Language effective December 1, 2009

LR 5.5 Redaction of Transcripts

(a) Review of Transcript for Personal Data Identifiers. After a transcript of any Court proceeding has been filed under LR 80.1(a), the attorneys of record, including attorneys serving as "standby" counsel appointed to assist a pro se defendant in his or her defense in a criminal case, and unrepresented parties shall determine whether redaction of personal data identifiers in the transcript is necessary to comply with Fed. R. Crim. P. 49.1 or Fed. R. Civ. P. 5.2. Attorneys of record or unrepresented parties are responsible to request redaction of personal data identifiers in the following portions of the transcript, unless otherwise ordered by the Court:

(1)Statements by the party or made on the party's behalf;

(2)The testimony of any witness called by the party;

(3) Sentencing proceedings; and

(4) Any other portion of the transcript as ordered by the Court.

(b) Notice of Intent to Request Redaction. If any portion of the transcript reviewed in accordance with subsection (a) of this rule is required to be redacted to comply with Fed. R. Crim. P. 49.1 or Fed. R. Civ. P. 5.2, a Notice of Intent to Request Redaction shall be filed within 7 days from the date the transcript was filed.

The Court will assume redaction of personal data identifiers from the transcript is not necessary if a Notice of Intent to Request Redaction is not filed.

(c) Statement of Redaction. If a Notice of Intent to Request Redaction is filed, the party shall file a Statement of Redaction within 21 days from the date the transcript was filed. The Statement of Redaction shall consist of the following information:

(1) Type of personal data identifier to be redacted, e.g., “social security number”;

(2) Page number and line number of transcript on which the personal data identifier to be redacted is located; and

(3) How the transcript should read after redaction, e.g, “social security number to read as XXX-XX-1234.”

The Statement of Redaction shall not disclose the personal data identifier to be redacted.

(d) Redacted Transcript. After the Statement of Redaction is filed, the court reporter has 31 days from the date the original transcript was filed to file the redacted transcript. The court reporter shall not charge any fees for redaction services.

(e) Extensions of Transcript Redaction Deadlines. Any extensions of the redaction deadlines may be granted only by Court order. If an attorney of record or a party fails to timely file a Statement of Redaction after a timely Notice of Intent to Request Redaction was filed, the attorney or party shall:

(1) File a motion with the Court to request redaction; or

(2) Withdraw the Notice of Intent to Request Redaction.

The Court may issue an order to show cause as to why the attorney or party has not met the requirements of this rule.

[Adopted effective May 12, 2008; amended August 11, 2008; amended December 1, 2009]

LR 7.1(b) – Redline showing amendments effective December 1, 2009

LR 7.1 CIVIL MOTION PRACTICE

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(b) **Dispositive Motions.** Unless otherwise ordered by the District Judge, dispositive motions in any civil case shall be heard by the District Judge to whom the case is assigned. A hearing date must be secured before filing motion papers. Hearings may be scheduled by contacting the calendar clerk of the appropriate District Judge. After securing a hearing date, the parties may jointly request to have the hearing eliminated. If the Court approves the request or sua sponte cancels the hearing, all subsequently-filed motion papers must be served as if the hearing date were still in effect, and the motion will be considered submitted as of the original hearing date. For the purposes of this Rule, motions for injunctive relief, judgment on the pleadings, summary judgment, to dismiss, to certify a class action, and to exclude expert testimony under Daubert and Fed. R. Evid. 702 are considered dispositive motions.

(1) *Moving Party; Supporting Documents; Time Limits.* No motion shall be heard by a District Judge unless the moving party files and serves the following documents at least 42 ~~45~~ days prior to the hearing:

(A) Notice of Hearing
(B) Motion
(C) Memorandum of Law
(D) Affidavits and Exhibits
(E) Proposed Order*

(2) *Responding Party; Supporting Documents; Time Limits.* Any party responding to the motion shall file and serve the following documents at least 21 ~~20~~ days prior to the hearing:

(A) Memorandum of Law
(B) Affidavits and Exhibits

(3) *Reply Memorandum.* The moving party may submit a reply memorandum of law by filing and serving such memorandum at least 14 ~~12~~ days prior to the hearing. A reply memorandum may not raise new grounds for relief or present matters that do not relate to the response.

(4) *Multiple Summary Judgment Motions.* Multiple motions for summary judgment (or partial summary judgment) filed by a single party at or about the same time will be considered as a single motion for purposes of Local Rule 7.1(d).

*Refer to the Electronic Case Filing Procedures and the Orders section for information on providing the Court with proposed orders.

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LR 7.1(b) – Final Language effective December 1, 2009

LR 7.1 CIVIL MOTION PRACTICE

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(b) **Dispositive Motions.** Unless otherwise ordered by the District Judge, dispositive motions in any civil case shall be heard by the District Judge to whom the case is assigned. A hearing date must be secured before filing motion papers. Hearings may be scheduled by contacting the calendar clerk of the appropriate District Judge. After securing a hearing date, the parties may jointly request to have the hearing eliminated. If the Court approves the request or sua sponte cancels the hearing, all subsequently-filed motion papers must be served as if the hearing date were still in effect, and the motion will be considered submitted as of the original hearing date. For the purposes of this Rule, motions for injunctive relief, judgment on the pleadings, summary judgment, to dismiss, to certify a class action, and to exclude expert testimony under Daubert and Fed. R. Evid. 702 are considered dispositive motions.

(1) *Moving Party; Supporting Documents; Time Limits.* No motion shall be heard by a District Judge unless the moving party files and serves the following documents at least 42 days prior to the hearing:

(A) Notice of Hearing
(B) Motion
(C) Memorandum of Law
(D) Affidavits and Exhibits
(E) Proposed Order*

(2) *Responding Party; Supporting Documents; Time Limits.* Any party responding to the motion shall file and serve the following documents at least 21 days prior to the hearing:

(A) Memorandum of Law
(B) Affidavits and Exhibits

(3) *Reply Memorandum.* The moving party may submit a reply memorandum of law by filing and serving such memorandum at least 14 days prior to the hearing. A reply memorandum may not raise new grounds for relief or present matters that do not relate to the response.

(4) *Multiple Summary Judgment Motions.* Multiple motions for summary judgment (or partial summary judgment) filed by a single party at or about the same time will be considered as a single motion for purposes of Local Rule 7.1(d).

*Refer to the Electronic Case Filing Procedures and the Orders section for information on providing the Court with proposed orders.

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LR 7.2(b) – Redline showing changes effective December 1, 2009

LR 7.2 PROCEDURES IN SOCIAL SECURITY CASES

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(b) Motions - Time Limits.

(1) Within 60 days of the filing and service of the answer and administrative record, plaintiff shall file with the Clerk of Court and serve on defendant a motion for summary judgment and a memorandum of law in support. Within 45 days from the date of service of plaintiff's motion, defendant shall file with the Clerk of Court and serve on plaintiff a motion for summary judgment and a memorandum of law in support. Plaintiff may submit a reply memorandum. The reply memorandum shall be filed with the Clerk of Court and served on defendant within 14 ~~10~~ days from the date of service of defendant's motion.

(2) All motions shall be decided without oral argument unless otherwise ordered by the Court.

(3) Pursuant to Fed.R.Civ.P. 72(b) and the provisions of 28 U.S.C. § 636(b)(1)(B), within 14 ~~10~~ days after being served with a copy of a Magistrate Judge's report and recommendation, any party seeking to object to the same shall file with the Clerk of Court and serve on the opposing party written objections to the proposed findings and recommendations. Any party objecting to a magistrate judge's proposed findings and recommendation shall file a brief within 14 ~~10~~ days after being served with a copy of the recommended disposition. A party may respond to the objecting party's brief within 14 ~~10~~ days after being served. All briefs filed under this rule shall be limited to 10 pages.

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LR 7.2(b) – Final Language effective December 1, 2009

LR 7.2 PROCEDURES IN SOCIAL SECURITY CASES

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(b) Motions - Time Limits.

(1) Within 60 days of the filing and service of the answer and administrative record, plaintiff shall file with the Clerk of Court and serve on defendant a motion for summary judgment and a memorandum of law in support. Within 45 days from the date of service of plaintiff's motion, defendant shall file with the Clerk of Court and serve on plaintiff a motion for summary judgment and a memorandum of law in support. Plaintiff may submit a reply memorandum. The reply memorandum shall be filed with the Clerk of Court and served on defendant within 14 days from the date of service of defendant's motion.

(2) All motions shall be decided without oral argument unless otherwise ordered by the Court.

(3) Pursuant to Fed.R.Civ.P. 72(b) and the provisions of 28 U.S.C. § 636(b)(1)(B), within 14 days after being served with a copy of a Magistrate Judge's report and recommendation, any party seeking to object to the same shall file with the Clerk of Court and serve on the opposing party written objections to the proposed findings and recommendations. Any party objecting to a magistrate judge's proposed findings and recommendation shall file a brief within 14 days after being served with a copy of the recommended disposition. A party may respond to the objecting party's brief within 14 days after being served. All briefs filed under this rule shall be limited to 10 pages.

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LR 16.2(a) – Redline showing amendments effective December 1, 2009

LR 16.2 PRETRIAL CONFERENCES

(a) In every case, not exempted by LR 26.1(d), the Court shall schedule an initial pretrial conference, pursuant to Fed.R.Civ.P. 16, for the purpose of adopting a pretrial schedule. The initial pretrial conference shall be held within 90 days after the first responsive pleading is filed or, in the case of actions removed or transferred from another Court, within 90 days after the Notice of Removal is filed. No later than 21 ~~14~~ days before the scheduled initial pretrial conference, the parties shall meet as required by Fed.R.Civ.P. 26(f) and LR 26.1(f). If the case is not settled at the Rule 26(f) meeting, the parties shall, within 14 ~~10~~ days of the meeting, file with the Court the joint report of the meeting. The report shall be made in the form prescribed in Form 3, "Rule 26(f) Report", or in the cases in which any party asserts any claim involving a patent, in the form prescribed in Form 4, "Rule 26(f) Report (Patent Cases)".

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LR 16.2(a) – Final Language effective December 1, 2009

LR 16.2 PRETRIAL CONFERENCES

(a) In every case, not exempted by LR 26.1(d), the Court shall schedule an initial pretrial conference, pursuant to Fed.R.Civ.P. 16, for the purpose of adopting a pretrial schedule. The initial pretrial conference shall be held within 90 days after the first responsive pleading is filed or, in the case of actions removed or transferred from another Court, within 90 days after the Notice of Removal is filed. No later than 21 days before the scheduled initial pretrial conference, the parties shall meet as required by Fed.R.Civ.P. 26(f) and LR 26.1(f). If the case is not settled at the Rule 26(f) meeting, the parties shall, within 14 days of the meeting, file with the Court the joint report of the meeting. The report shall be made in the form prescribed in Form 3, "Rule 26(f) Report", or in the cases in which any party asserts any claim involving a patent, in the form prescribed in Form 4, "Rule 26(f) Report (Patent Cases)".

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LR 26.1(f) – Redline showing amendments effective December 1, 2009

LR 26.1 DISCOVERY

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(f) Meeting of Parties; Early Meeting Request; Discovery Planning Report. [Portions of Local Rule 26f have been deleted - see 2001 Advisory Committee Note]

(1) Any party may request a Fed. R. Civ. P. 26(f) meeting of the parties prior to the date on which Fed. R. Civ. P. 26(f) would otherwise require the meeting to be held. All other parties shall attend such a requested meeting provided:

(A) such request is made in writing at least 14 ~~10~~ days in advance of the requested date for the meeting; and

(B) such request is made not less than 30 days after each defendant has answered, pled or otherwise responded to the action, but if significant delay is expected to occur before certain parties may be served such a request may go forward as to those parties who have been served. The Rule 26(f) meeting must take place at least 21 days before the initial pretrial conference is held. Failure by a party to attend a Rule 26(f) meeting of parties pursuant to this rule shall subject such party to such sanctions under Rule 37(a)(4) as the Court may deem appropriate. A reasonable request by a party for rescheduling of such a meeting is not a refusal to meet provided the party offers to meet with the other parties on a date within 14 ~~10~~ days of the date initially requested for the meeting.

(2) At the conference held pursuant to Fed. R. Civ. P. 26(f), in addition to the matters specified therein, the parties shall discuss and include in their written plan and report to the Court a recommendation regarding whether Alternative Dispute Resolution would be helpful to the resolution of the case.(see Form 3 at(I)(3)). The parties' Rule 26(f) report shall also include a proposed deadline for making discovery-related motions(see Form 3 at (d)(1)(A)).

LR 26.1(f) – Final Language effective December 1, 2009

LR 26.1 DISCOVERY

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(f) Meeting of Parties; Early Meeting Request; Discovery Planning Report. [Portions of Local Rule 26f have been deleted - see 2001 Advisory Committee Note]

(1) Any party may request a Fed. R. Civ. P. 26(f) meeting of the parties prior to the date on which Fed. R. Civ. P. 26(f) would otherwise require the meeting to be held. All other parties shall attend such a requested meeting provided:

(A) such request is made in writing at least 14 days in advance of the requested date for the meeting; and

(B) such request is made not less than 30 days after each defendant has answered, pled or otherwise responded to the action, but if significant delay is expected to occur before certain parties may be served such a request may go forward as to those parties who have been served. The Rule 26(f) meeting must take place at least 21 days before the initial pretrial conference is held. Failure by a party to attend a Rule 26(f) meeting of parties pursuant to this rule shall subject such party to such sanctions under Rule 37(a)(4) as the Court may deem appropriate. A reasonable request by a party for rescheduling of such a meeting is not a refusal to meet provided the party offers to meet with the other parties on a date within 14 days of the date initially requested for the meeting.

(2) At the conference held pursuant to Fed. R. Civ. P. 26(f), in addition to the matters specified therein, the parties shall discuss and include in their written plan and report to the Court a recommendation regarding whether Alternative Dispute Resolution would be helpful to the resolution of the case.(see Form 3 at(I)(3)). The parties' Rule 26(f) report shall also include a proposed deadline for making discovery-related motions(see Form 3 at (d)(1)(A)).

LR 39.1(b) – Redline showing amendments effective December 1, 2009

LR 39.1 PREPARATION FOR TRIAL IN CIVIL CASES

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(b) Documents to be Submitted for Trial. Unless otherwise ordered, counsel shall file and serve the following documents at least 14 ~~10~~ days before the first case on the civil calendar is to be called for trial:

(1) Documents Required for All Trials

(A) Trial Brief.

(B) Exhibit List. A list of exhibits shall be prepared on a form to be obtained from the Clerk of Court. All exhibits shall be marked for identification with Arabic numbers and shall include the case number.

Example: Pltf. or Deft. #1

Civ. 3-84-2

(Multiple parties list name, e.g. Pltf. Smith #l)

These exhibits shall be made available for examination and copying at least 14 days prior to the date the first case on the civil calendar may be called for trial.

(C) Witness List. The list shall include a short statement of the substance of the expected testimony of each witness.

(D) List of Deposition Testimony. The list shall designate those specific parts of deposition to be offered at trial. Any party who wishes to object to deposition testimony shall submit a list of objections at least 7 ~~5~~ days before the first case on the civil calendar is to be called for trial.

(E) Motions in Limine.

(2) Additional Documents for Jury Trials. In all jury trials, counsel shall file and serve the following documents in addition to the documents listed in LR 39.1(b)(1):

(A) Proposed Voir Dire Questions

(B) Proposed Jury Instructions

(i) In general. Each proposed instruction shall be numbered and on a separate page and shall contain citation to legal authority.

(ii) Patent cases. In trials that involve one or more claims relating to patents, in which the parties have agreed to a

particular set of model jury instructions as set out in LR 16.6(c), the parties shall additionally file and serve those of their instructions that pertain to the claims relating to patents in the form of specific additions to and/or deletions from those model jury instructions.

(C) Proposed Special Verdict Forms

(3) Additional Documents for Non-Jury Trials. In all non-jury trials, counsel shall file and serve proposed findings of fact and conclusions of law in addition to the documents listed in LR 39.1(b)(1).

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LR 39.1(b) – Final Language effective December 1, 2009

LR 39.1 PREPARATION FOR TRIAL IN CIVIL CASES

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(b) Documents to be Submitted for Trial. Unless otherwise ordered, counsel shall file and serve the following documents at least 14 days before the first case on the civil calendar is to be called for trial:

(1) Documents Required for All Trials

(A) Trial Brief.

(B) Exhibit List. A list of exhibits shall be prepared on a form to be obtained from the Clerk of Court. All exhibits shall be marked for identification with Arabic numbers and shall include the case number.

Example: Pltf. or Deft. #1

Civ. 3-84-2

(Multiple parties list name, e.g. Pltf. Smith #l)

These exhibits shall be made available for examination and copying at least 14 days prior to the date the first case on the civil calendar may be called for trial.

(C) Witness List. The list shall include a short statement of the substance of the expected testimony of each witness.

(D) List of Deposition Testimony. The list shall designate those specific parts of deposition to be offered at trial. Any party who wishes to object to deposition testimony shall submit a list of objections at least 7 days before the first case on the civil calendar is to be called for trial.

(E) Motions in Limine.

(2) Additional Documents for Jury Trials. In all jury trials, counsel shall file and serve the following documents in addition to the documents listed in LR 39.1(b)(1):

(A) Proposed Voir Dire Questions

(B) Proposed Jury Instructions

(i) In general. Each proposed instruction shall be numbered and on a separate page and shall contain citation to legal authority.

(ii) Patent cases. In trials that involve one or more claims relating to patents, in which the parties have agreed to a particular set of model jury instructions as set out in LR 16.6(c), the parties shall additionally file and serve those of their instructions that pertain to the claims relating to patents in the form of specific additions to and/or deletions from those model jury instructions.

(C) Proposed Special Verdict Forms

(3) Additional Documents for Non-Jury Trials. In all non-jury trials, counsel shall file and serve proposed findings of fact and conclusions of law in addition to the documents listed in LR 39.1(b)(1).

* * * * *

LR 54.3 – Redline showing amendments effective December 1, 2009

LR 54.3 TIME LIMIT FOR MOTION FOR AWARD OF ATTORNEY'S FEES AND FOR COSTS OTHER THAN ATTORNEY'S FEES

(a) Applications for fees under the Equal Access to Justice Act shall be filed within 30 days of final judgment as defined by 28 U.S.C. § 2412.

(b) In all other cases in which attorney's fees are sought, the party seeking an award of fees shall:

(1) Within 30 days of entry of judgment in the case, file and serve an itemized motion for the award of fees. Within 14 days after being served with a motion for the award of fees, a party may file and serve a response. A reply brief may not be filed unless the Court otherwise permits; or,

(2) Within 14 ~~15~~ days after the entry of judgment in the case, serve on all counsel of record and deliver to the Clerk of Court a Notice of Intent to Claim an Award of Attorney's Fees. The Notice shall specify the statutory or other authority for the award of fees and shall identify the names of all counsel who rendered the legal services upon which the claim is based. The Notice may propose a schedule for the presentation of motions for attorney's fees. Thereafter, the Court, or the Clerk of Court acting at the Court's direction, shall issue an order setting a schedule for the submission and consideration of the motion for attorney's fees and all supporting documentation.

(3) For good cause shown, the Court may excuse failure to comply with LR 54.3(b).

(c) In all cases in which costs are sought under Federal Rule of Civil Procedure 54(d)(1):

(1) Within 30 days of entry of the judgment in the case, a party seeking costs shall file and serve a verified bill of costs using the approved form.

(2) Within 14 days after being served with a copy of the bill of costs, a party may file and serve objections to the bill of costs. If objections are filed, a party may file and serve a response to the objections within 7 days after service of the objections.

(3) Unless the Court directs otherwise, the Clerk will tax costs at the conclusion of the procedure outlined in subsection (c)(2), above.

(4) Within 14 days after the entry of the Clerk's decision, any party may file and serve a motion and supporting documents for review of the Clerk's decision Within 14 days after being served with the motion for review, a party may file and serve a response. A reply brief may not be filed unless the Court otherwise permits.

(5) The filing of a bill of costs does not affect the appealability of the judgment previously entered.

(6) The Clerk of Court will promptly enter any costs taxed in the mandate of the Court of Appeals under Fed. R. App. P. 39(d). Appeal costs taxable in the district court under Fed. R. App. P. 39(e) will be taxed in accordance with this rule, provided that a bill of costs or amended bill of costs is filed within 14 days of the issuance of the mandate of the Court of Appeals.

(d) All motion papers filed under this rule shall comply with LR 7.1(c).

[Adopted effective February 1, 1991; amended November 1, 1996; amended January 3, 2000; amended May 17, 2004; amended December 1, 2009]

2009 Advisory Committee's Note to LR 54.3

This local rule has been amended to be consistent with the amendments to the federal rules on time-computation and changes the past practice of the Clerk of Court not to tax costs until all applicable appeal periods have expired. The amended rule now requires the request to be filed promptly after the entry of judgment.

The form referenced in LR 54.3(c)(1) is available in all Clerk's Office locations and electronically on the Court's website at www.mnd.uscourts.gov. When filing a bill of costs or amended bill of costs under subsection (c)(6), refer to Fed. R. App. P. 41 to determine when the Court of Appeals mandate was issued.

Parties are encouraged to refer to the District Court's Bill of Costs Guide, which is available in all Clerk's Office locations and electronically on the Court's website at www.mnd.uscourts.gov.

1991 Advisory Committee's Note to LR 54.3

In general, applications for attorney's fees should be submitted promptly after a determination of the case on the merits. Prompt submission aids the trial Judge, whose memory of the work of the lawyers is fresh, and facilitates appellate consideration of the whole controversy. As a general procedure, then, the rule requires attorney's fees motions to be submitted within 30 days of the entry of judgment.

The Equal Access to Justice Act, 28 U.S.C. § 2412, requires (and permits) applications for fees to be made "within thirty days of final judgment in the action". "Final judgment" is defined as "a judgment that is final and not appealable, and includes an order of settlement". It is clear that the EAJA contemplates that fee applications will be made either after appeal, or after the time for appeal has run. The rule adopts the statutory time and definitions for EAJA petitions.

Some circumstances (in addition to those relating to the EAJA) may call for a different schedule for the submission of fee motions. For example, if post-judgment motions may significantly affect the results of

the case (and thus the extent of the award), it may be more fair or more efficient to postpone submission and consideration of the fee motions until after those motions are decided. Additionally, in rare instances, delaying the fee consideration until after an appeal is determined may promote justice and efficiency. Subparagraph (b)(2) provides a procedure by which a party seeking fees can ask the Court to establish an alternate schedule. The Notice of Intention to Claim an Award of Attorney's Fees tolls the time for submitting a fee motion, pending the establishment of the schedule by the district court. The drafters contemplate that the Court will, in its schedule, provide adequate time for the preparation and submission of the detailed fee petition.

Finally, Section (b)(3) provides that the Court may excuse failure to abide by the provisions of the rule, for good cause shown. This section does not apply to EAJA petitions, which are governed by the statutory time limit.

LR 54.3 – Final Language effective December 1, 2009

LR 54.3 TIME LIMIT FOR MOTION FOR AWARD OF ATTORNEY'S FEES AND FOR COSTS OTHER THAN ATTORNEY'S FEES

(a) Applications for fees under the Equal Access to Justice Act shall be filed within 30 days of final judgment as defined by 28 U.S.C. § 2412.

(b) In all other cases in which attorney's fees are sought, the party seeking an award of fees shall:

(1) Within 30 days of entry of judgment in the case, file and serve an itemized motion for the award of fees. Within 14 days after being served with a motion for the award of fees, a party may file and serve a response. A reply brief may not be filed unless the Court otherwise permits; or,

(2) Within 14 days after the entry of judgment in the case, serve on all counsel of record and deliver to the Clerk of Court a Notice of Intent to Claim an Award of Attorney's Fees. The Notice shall specify the statutory or other authority for the award of fees and shall identify the names of all counsel who rendered the legal services upon which the claim is based. The Notice may propose a schedule for the presentation of motions for attorney's fees. Thereafter, the Court, or the Clerk of Court acting at the Court's direction, shall issue an order setting a schedule for the submission and consideration of the motion for attorney's fees and all supporting documentation.

(3) For good cause shown, the Court may excuse failure to comply with LR 54.3(b).

(c) In all cases in which costs are sought under Federal Rule of Civil Procedure 54(d)(1):

(1) Within 30 days of entry of the judgment in the case, a party seeking costs shall file and serve a verified bill of costs using the approved form.

(2) Within 14 days after being served with a copy of the bill of costs, a party may file and serve objections to the bill of costs. If objections are filed, a party may file and serve a response to the objections within 7 days after service of the objections.

(3) Unless the Court directs otherwise the Clerk will tax costs at the conclusion of the procedure outlined in subsection (c)(2), above.

(4) Within 14 days after the entry of the Clerk's decision, any party may file and serve a motion and supporting documents for review of the Clerk's decision Within 14 days after being served with the motion for review, a party may file and serve a response. A reply brief may not be filed unless the Court otherwise permits.

(5) The filing of a bill of costs does not affect the appealability of the judgment previously entered.

(6) The Clerk of Court will promptly enter any costs taxed in the mandate of the Court of Appeals under Fed. R. App. P. 39(d). Appeal costs taxable in the district court under Fed. R. App. P. 39(e) will be taxed in accordance with this rule, provided that a bill of costs or amended bill of costs is filed within 14 days of the issuance of the mandate of the Court of Appeals.

(d) All motion papers filed under this rule shall comply with LR 7.1(c).

[Adopted effective February 1, 1991; amended November 1, 1996; amended January 3, 2000; amended May 17, 2004; amended December 1, 2009]

2009 Advisory Committee's Note to LR 54.3

This local rule has been amended to be consistent with the amendments to the federal rules on time-computation and changes the past practice of the Clerk of Court not to tax costs until all applicable appeal periods have expired. The amended rule now requires the request to be filed promptly after the entry of judgment.

The form referenced in LR 54.3(c)(1) is available in all Clerk's Office locations and electronically on the Court's website at www.mnd.uscourts.gov. When filing a bill of costs or amended bill of costs under subsection (c)(6), refer to Fed. R. App. P. 41 to determine when the Court of Appeals mandate was issued.

Parties are encouraged to refer to the District Court's Bill of Costs Guide, which is available in all Clerk's Office locations and electronically on the Court's website at www.mnd.uscourts.gov.

1991 Advisory Committee's Note to LR 54.3

In general, applications for attorney's fees should be submitted promptly after a determination of the case on the merits. Prompt submission aids the trial Judge, whose memory of the work of the lawyers is fresh, and facilitates appellate consideration of the whole controversy. As a general procedure, then, the rule requires attorney's fees motions to be submitted within 30 days of the entry of judgment.

The Equal Access to Justice Act, 28 U.S.C. § 2412, requires (and permits) applications for fees to be made "within thirty days of final judgment in the action". "Final judgment" is defined as "a judgment that is final and not appealable, and includes an order of settlement". It is clear that the EAJA contemplates that fee applications will be made either after appeal, or after the time for appeal has run. The rule adopts the statutory time and definitions for EAJA petitions.

Some circumstances (in addition to those relating to the EAJA) may call for a different schedule for the submission of fee motions. For example, if post-judgment motions may significantly affect the results of the case (and thus the extent of the award), it may be more fair or more efficient to postpone submission and consideration of the fee motions until after those motions are decided. Additionally, in rare instances, delaying the fee consideration until after an appeal is determined may promote justice and efficiency. Subparagraph (b)(2) provides a procedure by which a party seeking fees can ask the Court to establish an alternate schedule. The Notice of Intention to Claim an Award of Attorney's Fees tolls the time for submitting a fee motion, pending the establishment of the schedule by the district court. The drafters contemplate that the Court will, in its schedule, provide adequate time for the preparation and submission of the detailed fee petition.

Finally, Section (b)(3) provides that the Court may excuse failure to abide by the provisions of the rule, for good cause shown. This section does not apply to EAJA petitions, which are governed by the statutory time limit.

LR 72.2(a)-(b) – Redline showing amendments effective December 1, 2009

LR 72.2 REVIEW OF MAGISTRATE JUDGE RULINGS

(a) Nondispositive Matters.

A Magistrate Judge to whom a pretrial matter not dispositive of a claim or defense of a party is referred shall promptly conduct such proceedings as are required and when appropriate enter into the record a written order setting forth the disposition of the matter. Within 14 ~~10~~ days after being served with a copy of the Magistrate Judge's order, unless a different time is prescribed by the Magistrate Judge or a District Judge, a party may file and serve objections to the order; a party may not thereafter assign as error a defect in the Magistrate Judge's order to which objection was not timely made.

A party may respond to another party's objections within 14 ~~10~~ days after being served with a copy thereof. Any objections or responses to objections filed under this rule shall not exceed 3,500 words counted in accordance with Rule 7.1 and must comply with all other requirements contained in Rule 7.1(c) and (e).

The District Judge to whom the case is assigned shall consider such objections and shall modify or set aside any portion of the Magistrate Judge's order found to be clearly erroneous or contrary to law. The District Judge may also reconsider any matter *sua sponte*.

(b) Dispositive Matters

A Magistrate Judge assigned without consent of the parties to hear a pretrial matter dispositive of a claim or defense of a party or a prisoner petition challenging the conditions of confinement shall promptly conduct such proceedings as are required. A record shall be made of all evidentiary proceedings before the Magistrate Judge, and a record may be made of such other proceedings as the Magistrate Judge deems necessary. The Magistrate Judge shall file with the Clerk of Court a recommendation for disposition of the matter, including proposed findings of fact when appropriate.

A party objecting to the recommended disposition of the matter shall promptly arrange for the transcription of the record, or portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the District Judge otherwise directs. Within 14 ~~10~~ days after being served with a copy of the recommended disposition, unless a different time is prescribed by the Magistrate Judge or a District Judge, a party may serve and file specific, written objections to the proposed findings and recommendations. A party may respond to another party's objections within 14 ~~10~~ days after being served with a copy thereof. Any objections or responses to objections filed under this rule shall not exceed 3,500 words counted in accordance with Rule 7.1 and must comply with all other requirements contained in Rule 7.1(c) and (e).

The District Judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the Magistrate Judge's

disposition to which specific written objection has been made in accordance with this rule. The District Judge, however, need not normally conduct a new hearing and may consider the record developed before the Magistrate Judge and make a determination on the basis of that record. The District Judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the Magistrate Judge with instructions.

* * * * *

LR 72.2(a)-(b) – Final Language effective December 1, 2009

LR 72.2 REVIEW OF MAGISTRATE JUDGE RULINGS

(a) Nondispositive Matters.

A Magistrate Judge to whom a pretrial matter not dispositive of a claim or defense of a party is referred shall promptly conduct such proceedings as are required and when appropriate enter into the record a written order setting forth the disposition of the matter. Within 14 days after being served with a copy of the Magistrate Judge's order, unless a different time is prescribed by the Magistrate Judge or a District Judge, a party may file and serve objections to the order; a party may not thereafter assign as error a defect in the Magistrate Judge's order to which objection was not timely made.

A party may respond to another party's objections within 14 days after being served with a copy thereof. Any objections or responses to objections filed under this rule shall not exceed 3,500 words counted in accordance with Rule 7.1 and must comply with all other requirements contained in Rule 7.1(c) and (e).

The District Judge to whom the case is assigned shall consider such objections and shall modify or set aside any portion of the Magistrate Judge's order found to be clearly erroneous or contrary to law. The District Judge may also reconsider any matter *sua sponte*.

(b) Dispositive Matters

A Magistrate Judge assigned without consent of the parties to hear a pretrial matter dispositive of a claim or defense of a party or a prisoner petition challenging the conditions of confinement shall promptly conduct such proceedings as are required. A record shall be made of all evidentiary proceedings before the Magistrate Judge, and a record may be made of such other proceedings as the Magistrate Judge deems necessary. The Magistrate Judge shall file with the Clerk of Court a recommendation for disposition of the matter, including proposed findings of fact when appropriate.

A party objecting to the recommended disposition of the matter shall promptly arrange for the transcription of the record, or portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the District Judge otherwise directs. Within 14 days after being served with a copy of the recommended disposition, unless a different time is prescribed by the Magistrate Judge or a District Judge, a party may

serve and file specific, written objections to the proposed findings and recommendations. A party may respond to another party's objections within 14 days after being served with a copy thereof. Any objections or responses to objections filed under this rule shall not exceed 3,500 words counted in accordance with Rule 7.1 and must comply with all other requirements contained in Rule 7.1(c) and (e).

The District Judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the Magistrate Judge's disposition to which specific written objection has been made in accordance with this rule. The District Judge, however, need not normally conduct a new hearing and may consider the record developed before the Magistrate Judge and make a determination on the basis of that record. The District Judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the Magistrate Judge with instructions.

* * * * *

LR 83.6(b), (k) – Redline showing amendments effective December 1, 2009

LR 83.6 ATTORNEY DISCIPLINE

* * * * *

(b) Discipline Imposed by Other Courts.

(1) Any attorney admitted to practice before this Court shall, upon being subjected to public discipline by any other court of the United States or the District of Columbia, or by a court of any state, territory, commonwealth, or possession of the United States; promptly inform the Clerk of this Court of such action. Unless otherwise ordered by this Court, any such attorney who has been temporarily or permanently prohibited from practicing law by order of any other court, whether by suspension, revocation, or disbarment, shall automatically forfeit his or her right to practice law before this Court during the same period that such attorney has been prohibited from practicing law by such other court. The Clerk of Court shall send a written notice to the attorney, together with a copy of this section of the Local Rules, informing the attorney of the forfeiture of his or her right to practice law before this court; but, any failure or delay with regard to the sending of such notice shall not affect the automatic forfeiture provisions of this section.

(2) If an attorney who has been prohibited from practicing law by order of some other court believes that he or she should not be required to forfeit his or her right to practice law before this Court, then such attorney may petition this Court seeking relief from the automatic forfeiture provision of subsection (b)(1). Any such petition shall be made in writing and shall be delivered to the Chief Judge of this Court. Such petition shall fully set forth the reason(s) that the relief requested should be granted. The petition shall also include a copy of the complete record of the disciplinary proceedings from the court that disciplined the attorney -- to the extent that such materials are reasonably available to the petitioning attorney.

(3) Within 7 ~~five (5)~~ days after the Chief Judge receives a petition seeking relief from the automatic forfeiture provision of subsection (b)(1), the matter shall be set for hearing before one or more Judges of this Court, unless the petitioning attorney consents to having the hearing conducted at some mutually convenient later date. Within 7 ~~three (3)~~ days after such hearing has been completed, the Court shall rule on the petition by granting or denying the relief sought, or by entering any other order that may be deemed appropriate. If the Court should fail to take any required action within the time periods prescribed by this subsection, for any reason not attributable to the petitioning attorney, then the petitioning attorney shall retain his or her right to practice law before this Court until the Court does take such required action.

Upon receiving a petition seeking relief from the automatic forfeiture provision of subsection (b)(1), the Chief Judge may, for good cause shown, temporarily suspend the automatic forfeiture provision and allow the petitioning attorney to continue to practice law before this Court pending the Court's final ruling on the petition. In the absence of

such temporary relief, the automatic forfeiture provision of subsection (b)(1) shall remain in effect pending the Court's final ruling on the petition.

(4) A petition seeking relief from the automatic forfeiture provisions of subsection (b)(1), shall not be granted unless the petitioning attorney has demonstrated, or this Court finds, that on the face of the record upon which the discipline by another court is predicated it clearly appears:

> (A) that the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
>
> (B) that there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this Court could not, consistent with its duty, accept as final the conclusion on that subject; or
>
> (C) that the imposition of the same discipline by this Court would result in grave injustice; or
>
> (D) that the misconduct established is deemed by this Court to warrant substantially different discipline.
>
> Where this Court determines that any of said elements exist, it shall enter such order as it deems appropriate.

(5) In all other respects, a final adjudication in another Court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in any other Court of the United States.

(6) This Court may at any stage appoint counsel to prosecute the disciplinary proceedings.

* * * * *

(k) Duties of the Clerk.

(1) Upon being informed that an attorney admitted to practice before this Court has been convicted of any crime, the Clerk of this Court shall determine whether the Clerk of the Court in which such conviction occurred has forwarded a certificate of such conviction to this Court. If a certificate has not been so forwarded, the Clerk of this Court shall promptly obtain a certificate and file it with this Court.

(2) Upon being informed that an attorney admitted to practice before this Court has been subjected to discipline by another Court, the Clerk of this Court shall determine whether a certified or exemplified copy of the disciplinary judgment or order has been filed with this Court and, if not, the Clerk shall promptly obtain a certified or exemplified copy of the disciplinary judgment or order and file it with this Court.

(3) Whenever it appears that any person convicted of any crime or disbarred or suspended or censured or disbarred on consent by this Court is admitted to practice law in any other jurisdiction or before any other Court, the Clerk of this Court shall, within 14 ~~10~~ days of that conviction, disbarment, suspension, censure, or disbarment on consent, transmit to the disciplinary authority in such other jurisdiction, or for such other Court, a certificate of the conviction or a certified exemplified copy of the judgment or order of disbarment, suspension, censure, or disbarment on consent, as well as the last known office and residence addresses of the defendant or respondent.

(4) The Clerk of this Court shall, likewise, promptly notify the National Discipline Data Bank, operated by the American Bar Association, of any order imposing public discipline upon any attorney admitted to practice before this Court.

* * * * *

LR 83.6(b), (k) – Final Language effective December 1, 2009

LR 83.6 ATTORNEY DISCIPLINE

* * * * *

(b) Discipline Imposed by Other Courts.

(1) Any attorney admitted to practice before this Court shall, upon being subjected to public discipline by any other court of the United States or the District of Columbia, or by a court of any state, territory, commonwealth, or possession of the United States; promptly inform the Clerk of this Court of such action. Unless otherwise ordered by this Court, any such attorney who has been temporarily or permanently prohibited from practicing law by order of any other court, whether by suspension, revocation, or disbarment, shall automatically forfeit his or her right to practice law before this Court during the same period that such attorney has been prohibited from practicing law by such other court. The Clerk of Court shall send a written notice to the attorney, together with a copy of this section of the Local Rules, informing the attorney of the forfeiture of his or her right to practice law before this court; but, any failure or delay with regard to the sending of such notice shall not affect the automatic forfeiture provisions of this section.

(2) If an attorney who has been prohibited from practicing law by order of some other court believes that he or she should not be required to forfeit his or her right to practice law before this Court, then such attorney may petition this Court seeking relief from the automatic forfeiture provision of subsection (b)(1). Any such petition shall be made in writing and shall be delivered to the Chief Judge of this Court. Such petition shall fully set forth the reason(s) that the relief requested should be granted. The petition shall also include a copy of the complete record of the disciplinary proceedings from the court that disciplined the attorney -- to the extent that such materials are reasonably available to the petitioning attorney.

(3) Within 7 days after the Chief Judge receives a petition seeking relief from the automatic forfeiture provision of subsection (b)(1), the matter shall be set for hearing before one or more Judges of this Court, unless the petitioning attorney consents to having the hearing conducted at some mutually convenient later date. Within 7 days after such hearing has been completed, the Court shall rule on the petition by granting or denying the relief sought, or by entering any other order that may be deemed appropriate. If the Court should fail to take any required action within the time periods prescribed by this subsection, for any reason not attributable to the petitioning attorney, then the petitioning attorney shall retain his or her right to practice law before this Court until the Court does take such required action.

Upon receiving a petition seeking relief from the automatic forfeiture provision of subsection (b)(1), the Chief Judge may, for good cause shown, temporarily suspend the automatic forfeiture provision and allow the petitioning attorney to continue to practice law before this Court pending the Court's final ruling on the petition. In the absence of such temporary relief, the automatic forfeiture provision of subsection (b)(1) shall remain in effect pending the Court's final ruling on the petition.

(4) A petition seeking relief from the automatic forfeiture provisions of subsection (b)(1), shall not be granted unless the petitioning attorney has demonstrated, or this Court finds, that on the face of the record upon which the discipline by another court is predicated it clearly appears:

> (A) that the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
>
> (B) that there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this Court could not, consistent with its duty, accept as final the conclusion on that subject; or
>
> (C) that the imposition of the same discipline by this Court would result in grave injustice; or
>
> (D) that the misconduct established is deemed by this Court to warrant substantially different discipline.
>
> Where this Court determines that any of said elements exist, it shall enter such order as it deems appropriate.

(5) In all other respects, a final adjudication in another Court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in any other Court of the United States.

(6) This Court may at any stage appoint counsel to prosecute the disciplinary proceedings.

* * * * *

(k) Duties of the Clerk.

(1) Upon being informed that an attorney admitted to practice before this Court has been convicted of any crime, the Clerk of this Court shall determine whether the Clerk of the Court in which such conviction occurred has forwarded a certificate of such conviction to this Court. If a certificate has not been so forwarded, the Clerk of this Court shall promptly obtain a certificate and file it with this Court.

(2) Upon being informed that an attorney admitted to practice before this Court has been subjected to discipline by another Court, the Clerk of this Court shall determine whether a certified or exemplified copy of the disciplinary judgment or order has been filed with this Court and, if not, the Clerk shall promptly obtain a certified or exemplified copy of the disciplinary judgment or order and file it with this Court.

(3) Whenever it appears that any person convicted of any crime or disbarred or suspended or censured or disbarred on consent by this Court is admitted to practice law in any other jurisdiction or before any other Court, the Clerk of this Court shall, within 14 days of that conviction, disbarment, suspension, censure, or disbarment on consent, transmit to the disciplinary authority in such other jurisdiction, or for such other Court, a certificate of the conviction or a certified exemplified copy of the judgment or order of disbarment, suspension, censure, or disbarment on consent, as well as the last known office and residence addresses of the defendant or respondent.

(4) The Clerk of this Court shall, likewise, promptly notify the National Discipline Data Bank, operated by the American Bar Association, of any order imposing public discipline upon any attorney admitted to practice before this Court.

* * * * *

LR Form 5 – Redline showing amendments effective December 1, 2009

FORM 5. STIPULATION FOR PROTECTIVE ORDER (PATENT CASES)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

[NAME OF PARTY],	)	Case No. _____
Plaintiff,	)	
	)	STIPULATION FOR
v.	)	PROTECTIVE ORDER
[NAME OF PARTY],	)	
Defendant.	)	

Upon stipulation of the parties for an order pursuant to Fed. R. Civ. P. 26(c) that trade secret or other confidential information be disclosed only in designated ways:

1. As used in the Protective Order, these terms have the following meanings:

"Attorneys" means counsel of record;

"Confidential" documents are documents designated pursuant to paragraph 2;

"Confidential - Attorneys' Eyes Only" documents are the subset of Confidential documents designated pursuant to paragraph 5;

"Documents" are all materials within the scope of Fed. R. Civ. P. 34;

"Written Assurance" means an executed document in the form attached as Exhibit A.

2. By identifying a document "Confidential", a party may designate any document,

including interrogatory responses, other discovery responses, or transcripts, that it in good faith contends to constitute or contain trade secret or other confidential information.

3. All Confidential documents, along with the information contained in the documents, shall be used solely for the purpose of this action, and no person receiving such documents shall, directly or indirectly, transfer, disclose, or communicate in any way the contents of the documents to any person other than those specified in paragraph 4. Prohibited purposes include, but are not limited to, use for competitive purposes or the prosecution of additional intellectual property rights.

4. Access to any Confidential document shall be limited to:

(a) the Court and its officers;

(b) Attorneys and their office associates, legal assistants, and stenographic and clerical employees;

(c) persons shown on the face of the document to have authored or received it;

(d) court reporters retained to transcribe testimony;

[Optional: (e) these inside counsel: [names];]

[Optional: (f) these employees of the parties: [names];]

(g) outside independent persons (i.e., persons not currently or formerly employed by, consulting with, or otherwise associated with any party) who are retained by a party or its attorneys to furnish technical or expert services, or to provide assistance as mock jurors or focus group members or the like, and/or to give testimony in this action.

5. The parties shall have the right to further designate Confidential documents or portions of documents [optional: in the areas of [identify]] as "Confidential - Attorneys'

Eyes Only". Disclosure of such information shall be limited to the persons designated in paragraphs 4(a), (b), (c), (d), (e), and (g).

6. Third parties producing documents in the course of this action may also designate documents as "Confidential" or "Confidential - Attorneys' Eyes Only", subject to the same protections and constraints as the parties to the action. A copy of the Protective Order shall be served along with any subpoena served in connection with this action. All documents produced by such third parties shall be treated as "Confidential - Attorneys' Eyes Only" for a period of 14 ~~15~~ days from the date of their production, and during that period any party may designate such documents as "Confidential" or "Confidential - Attorneys' Eyes Only" pursuant to the terms of the Protective Order.

7. Each person appropriately designated pursuant to paragraph 4(g) to receive Confidential information shall execute a "Written Assurance" in the form attached as Exhibit A. Opposing counsel shall be notified at least 14 ~~10~~ days prior to disclosure to any such person who is known to be an employee or agent of, or consultant to, any competitor of the party whose designated documents are sought to be disclosed. Such notice shall provide a reasonable description of the outside independent person to whom disclosure is sought sufficient to permit objection to be made. If a party objects in writing to such disclosure within 14 ~~10~~ days after receipt of notice, no disclosure shall be made until the party seeking disclosure obtains the prior approval of the Court or the objecting party.

8. All depositions or portions of depositions taken in this action that contain trade secret or other confidential information may be designated "Confidential" or "Confidential - Attorneys' Eyes Only" and thereby obtain the protections accorded other "Confidential" or "Confidential - Attorneys' Eyes Only" documents. Confidentiality

designations for depositions shall be made either on the record or by written notice to the other party within 14 ~~10~~ days of receipt of the transcript. Unless otherwise agreed, depositions shall be treated as "Confidential - Attorneys' Eyes Only" during the 14 ~~10~~-day period following receipt of the transcript. The deposition of any witness (or any portion of such deposition) that encompasses Confidential information shall be taken only in the presence of persons who are qualified to have access to such information.

9. Any party who inadvertently fails to identify documents as "Confidential" or "Confidential - Attorneys' Eyes Only" shall have 14 ~~10~~ days from the discovery of its oversight to correct its failure. Such failure shall be corrected by providing written notice of the error and substituted copies of the inadvertently produced documents. Any party receiving such inadvertently unmarked documents shall make reasonable efforts to retrieve documents distributed to persons not entitled to receive documents with the corrected designation.

10. Any party who inadvertently discloses documents that are privileged or otherwise immune from discovery shall, promptly upon discovery of such inadvertent disclosure, so advise the receiving party and request that the documents be returned. The receiving party shall return such inadvertently produced documents, including all copies, within 14 ~~10~~ days of receiving such a written request. The party returning such inadvertently produced documents may thereafter seek re-production of any such documents pursuant to applicable law.

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LR Form 5 – Final Language effective December 1, 2009

FORM 5. STIPULATION FOR PROTECTIVE ORDER (PATENT CASES)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

[NAME OF PARTY],	)	Case No. _____
Plaintiff,	)	
	)	STIPULATION FOR
v.	)	PROTECTIVE ORDER
[NAME OF PARTY],	)	
Defendant.	)	

Upon stipulation of the parties for an order pursuant to Fed. R. Civ. P. 26(c) that trade secret or other confidential information be disclosed only in designated ways:

1. As used in the Protective Order, these terms have the following meanings:

"Attorneys" means counsel of record;

"Confidential" documents are documents designated pursuant to paragraph 2;

"Confidential - Attorneys' Eyes Only" documents are the subset of Confidential documents designated pursuant to paragraph 5;

"Documents" are all materials within the scope of Fed. R. Civ. P. 34;

"Written Assurance" means an executed document in the form attached as Exhibit A.

2. By identifying a document "Confidential", a party may designate any document,

including interrogatory responses, other discovery responses, or transcripts, that it in good faith contends to constitute or contain trade secret or other confidential information.

3. All Confidential documents, along with the information contained in the documents, shall be used solely for the purpose of this action, and no person receiving such documents shall, directly or indirectly, transfer, disclose, or communicate in any way the contents of the documents to any person other than those specified in paragraph 4. Prohibited purposes include, but are not limited to, use for competitive purposes or the prosecution of additional intellectual property rights.

4. Access to any Confidential document shall be limited to:

(a) the Court and its officers;

(b) Attorneys and their office associates, legal assistants, and stenographic and clerical employees;

(c) persons shown on the face of the document to have authored or received it;

(d) court reporters retained to transcribe testimony;

[Optional: (e) these inside counsel: [names];]

[Optional: (f) these employees of the parties: [names];]

(g) outside independent persons (i.e., persons not currently or formerly employed by, consulting with, or otherwise associated with any party) who are retained by a party or its attorneys to furnish technical or expert services, or to provide assistance as mock jurors or focus group members or the like, and/or to give testimony in this action.

5. The parties shall have the right to further designate Confidential documents or portions of documents [optional: in the areas of [identify]] as "Confidential - Attorneys' Eyes Only". Disclosure of such information shall be limited to the persons designated in paragraphs 4(a), (b), (c), (d), (e), and (g).

6. Third parties producing documents in the course of this action may also designate documents as "Confidential" or "Confidential - Attorneys' Eyes Only", subject to the same protections and constraints as the parties to the action. A copy of the Protective Order shall be served along with any subpoena served in connection with this action. All documents produced by such third parties shall be treated as "Confidential - Attorneys' Eyes Only" for a period of 14 days from the date of their production, and during that period any party may designate such documents as "Confidential" or "Confidential - Attorneys' Eyes Only" pursuant to the terms of the Protective Order.

7. Each person appropriately designated pursuant to paragraph 4(g) to receive Confidential information shall execute a "Written Assurance" in the form attached as Exhibit A. Opposing counsel shall be notified at least 14 days prior to disclosure to any such person who is known to be an employee or agent of, or consultant to, any competitor of the party whose designated documents are sought to be disclosed. Such notice shall provide a reasonable description of the outside independent person to whom disclosure is sought sufficient to permit objection to be made. If a party objects in writing to such disclosure within 14 days after receipt of notice, no disclosure shall be made until the party seeking disclosure obtains the prior approval of the Court or the objecting party.

8. All depositions or portions of depositions taken in this action that contain trade secret or other confidential information may be designated "Confidential" or "Confidential - Attorneys' Eyes Only" and thereby obtain the protections accorded other "Confidential" or "Confidential - Attorneys' Eyes Only" documents. Confidentiality designations for depositions shall be made either on the record or by written notice to the other party within 14 days of receipt of the transcript. Unless otherwise agreed, depositions shall be treated as "Confidential - Attorneys' Eyes Only" during the 14 day period following receipt of the transcript. The deposition of any witness (or any portion of such deposition) that encompasses Confidential information shall be taken only in the presence of persons who are qualified to have access to such information.

9. Any party who inadvertently fails to identify documents as "Confidential" or "Confidential - Attorneys' Eyes Only" shall have 14 days from the discovery of its oversight to correct its failure. Such failure shall be corrected by providing written notice of the error and substituted copies of the inadvertently produced documents. Any party receiving such inadvertently unmarked documents shall make reasonable efforts to retrieve documents distributed to persons not entitled to receive documents with the corrected designation.

10. Any party who inadvertently discloses documents that are privileged or otherwise immune from discovery shall, promptly upon discovery of such inadvertent disclosure, so advise the receiving party and request that the documents be returned. The receiving party shall return such inadvertently produced documents, including all copies, within 14 days of receiving such a written request. The party returning such

inadvertently produced documents may thereafter seek re-production of any such documents pursuant to applicable law.

* * * * *

LR Form 6 – Redline showing amendments effective December 1, 2009

FORM 6. STIPULATION FOR PROTECTIVE ORDER

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

[NAME OF PARTY],	)	Case No. _____
Plaintiff,	)	
	)	STIPULATION FOR
v.	)	PROTECTIVE ORDER
[NAME OF PARTY],	)	
Defendant.	)	

Upon stipulation of the parties for an order pursuant to Fed. R.Civ. P. 26(c) that confidential information be disclosed only in designated ways:

1. As used in the Protective Order, these terms have the following meanings:

"Attorneys" means counsel of record;

"Confidential" documents are documents designated pursuant to paragraph 2;

"Documents" are all materials within the scope of Fed. R. Civ. P. 34;

"Outside Vendors" means messenger, copy, coding, and other clerical-services vendors not employed by a party or its Attorneys; and

"Written Assurance" means an executed document in the form attached as Exhibit A.

2. A Party may designate a document “Confidential”, to protect information within the scope of Fed. R. Civ. P. 26(c).

3. All Confidential documents, along with the information contained in the documents, shall be used solely for the purpose of this action, and no person receiving such documents shall, directly or indirectly, use, transfer, disclose, or communicate in any way the documents or their contents to any person other than those specified in paragraph 4. Any other use is prohibited.

4. Access to any Confidential document shall be limited to:

(a) the Court and its staff;

(b) Attorneys, their law firms, and their Outside Vendors;

(c) persons shown on the face of the document to have authored or received it;

(d) court reporters retained to transcribe testimony;

(e) the parties;

(f) outside independent persons (i.e., persons not currently or formerly employed by, consulting with, or otherwise associated with any party) who are retained by a party or its Attorneys to provide assistance as mock jurors or focus group members or the like, or to furnish technical or expert services, and/or to give testimony in this action.

5. Third parties producing documents in the course of this action may also designate documents as “Confidential”, subject to the same protections and constraints as the parties to the action. A copy of the Protective Order shall be served along with any subpoena served in connection with this action. All documents produced by such

third parties shall be treated as “Confidential” for a period of 14 ~~15~~ days from the date of their production, and during that period any party may designate such documents as “Confidential” pursuant to the terms of the Protective Order.

6. Each person appropriately designated pursuant to paragraphs 4(f) to receive Confidential information shall execute a “Written Assurance” in the form attached as Exhibit A. Opposing counsel shall be notified at least 14 ~~10~~ days prior to disclosure to any such person who is known to be an employee or agent of, or consultant to, any competitor of the party whose designated documents are sought to be disclosed. Such notice shall provide a reasonable description of the outside independent person to whom disclosure is sought sufficient to permit objection to be made. If a party objects in writing to such disclosure within 14 ~~10~~ days after receipt of notice, no disclosure shall be made until the party seeking disclosure obtains the prior approval of the Court or the objecting party.

7. All depositions or portions of depositions taken in this action that contain confidential information may be designated “Confidential” and thereby obtain the protections accorded other “Confidential” documents. Confidentiality designations for depositions shall be made either on the record or by written notice to the other party within 14 ~~10~~ days of receipt of the transcript. Unless otherwise agreed, depositions shall be treated as “Confidential” during the 14 ~~10~~-day period following receipt of the transcript. The deposition of any witness (or any portion of such deposition) that encompasses Confidential information shall be taken only in the presence of persons who are qualified to have access to such information.

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LR Form 6 – Final Language effective December 1, 2009

FORM 6. STIPULATION FOR PROTECTIVE ORDER

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

[NAME OF PARTY],	)	Case No. _____
Plaintiff,	)	
	)	STIPULATION FOR
v.	)	PROTECTIVE ORDER
[NAME OF PARTY],	)	
Defendant.	)	

Upon stipulation of the parties for an order pursuant to Fed. R.Civ. P. 26(c) that confidential information be disclosed only in designated ways:

1. As used in the Protective Order, these terms have the following meanings:

"Attorneys" means counsel of record;

"Confidential" documents are documents designated pursuant to paragraph 2;

"Documents" are all materials within the scope of Fed. R. Civ. P. 34;

"Outside Vendors" means messenger, copy, coding, and other clerical-services vendors not employed by a party or its Attorneys; and

"Written Assurance" means an executed document in the form attached as Exhibit A.

2. A Party may designate a document "Confidential", to protect information within the scope of Fed. R. Civ. P. 26(c).

3. All Confidential documents, along with the information contained in the documents, shall be used solely for the purpose of this action, and no person receiving such documents shall, directly or indirectly, use, transfer, disclose, or communicate in any way the documents or their contents to any person other than those specified in paragraph 4. Any other use is prohibited.

4. Access to any Confidential document shall be limited to:

(a) the Court and its staff;

(b) Attorneys, their law firms, and their Outside Vendors;

(c) persons shown on the face of the document to have authored or received it;

(d) court reporters retained to transcribe testimony;

(e) the parties;

(f) outside independent persons (i.e., persons not currently or formerly employed by, consulting with, or otherwise associated with any party) who are retained by a party or its Attorneys to provide assistance as mock jurors or focus group members or the like, or to furnish technical or expert services, and/or to give testimony in this action.

5. Third parties producing documents in the course of this action may also designate documents as “Confidential”, subject to the same protections and constraints as the parties to the action. A copy of the Protective Order shall be served along with any subpoena served in connection with this action. All documents produced by such third parties shall be treated as “Confidential” for a period of 14 days from the date of

their production, and during that period any party may designate such documents as "Confidential" pursuant to the terms of the Protective Order.

6. Each person appropriately designated pursuant to paragraphs 4(f) to receive Confidential information shall execute a "Written Assurance" in the form attached as Exhibit A. Opposing counsel shall be notified at least 14 days prior to disclosure to any such person who is known to be an employee or agent of, or consultant to, any competitor of the party whose designated documents are sought to be disclosed. Such notice shall provide a reasonable description of the outside independent person to whom disclosure is sought sufficient to permit objection to be made. If a party objects in writing to such disclosure within 14 days after receipt of notice, no disclosure shall be made until the party seeking disclosure obtains the prior approval of the Court or the objecting party.

7. All depositions or portions of depositions taken in this action that contain confidential information may be designated "Confidential" and thereby obtain the protections accorded other "Confidential" documents. Confidentiality designations for depositions shall be made either on the record or by written notice to the other party within 14 days of receipt of the transcript. Unless otherwise agreed, depositions shall be treated as "Confidential" during the 14-day period following receipt of the transcript. The deposition of any witness (or any portion of such deposition) that encompasses Confidential information shall be taken only in the presence of persons who are qualified to have access to such information.

* * * * *

Rules of Procedure for Expedited Trials – Redline showing amendments effective December 1, 2009

U.S. District Court
District of Minnesota

Rules of Procedure
for Expedited Trials

Effective July 2, 2001, amended December 1, 2009

1. Agreement. Parties may agree to have existing or future disputes resolved under the Federal Rules of Civil Procedure, but with limited discovery and an expedited trial. Such agreements shall be in writing, and may be in the following form: "[This dispute] [All disputes arising out of this contract] shall be governed by the Rules of Procedure for Expedited Trials of the United States District Court for the District of Minnesota." Copies of the parties' written agreement shall be attached to the Complaint, or filed promptly after said agreement is reached as to an existing dispute.

   Comment: The provisions of the Rule are voluntary. They can be invoked by pre-existing agreement to submit future disputes to this process, or after the action is commenced.

2. Applicable Rules. All Federal Rules of Civil Procedure and Local Rules of this Court shall apply, except as set forth below.

3. Initial Disclosures. In cases where the parties have already agreed to the procedures of this Rule, Plaintiff shall serve the disclosures required by Fed. R. Civ. P. 26(a) (1) (A), (C) and (D) with the Complaint, and Defendant shall serve said disclosures with the Answer/Counterclaim. In all other cases, these disclosures shall be exchanged within seven ~~five~~ days of the date of the filing of said agreement.

   Comment: The expectation is that the provisions of Rule 26(a)(1) will be more vigorously followed and enforced when the parties elect this process. (The document disclosures under Rule 26 (a) (1) (B) are covered by Rule 5.)

4. Pretrial Conference. Immediately upon the filing of the agreement to follow the procedures of this Rule, Plaintiff shall contact the chambers of the Magistrate Judge assigned to the action and schedule a Pretrial Conference to occur within 30 days of the date the Complaint was served. Upon the request of any party, the Magistrate Judge shall permit counsel to appear at the Pretrial Conference by telephone. All Fed. R. Civ. P. 12 and pleading issues shall be resolved by the Magistrate Judge at the Pretrial Conference, except as provided in Paragraph 9 of this Rule.

Comment: The pretrial conference takes on added significance under this Rule. It must be held almost immediately. If a serious challenge to jurisdiction or other dispositive motion is desired, it will be the duty of the parties to proceed under paragraph 9 of the Rule.

5. Pretrial Order. A Pretrial Order shall be issued by the Magistrate Judge at the Pretrial Conference. Unless otherwise ordered by the Magistrate Judge for good cause shown or by agreement of the parties, the Pretrial Order shall require the parties to exchange the documents described in Rule 26 (a) (1) (B) of the Federal Rules of Civil Procedure within 30 days of the date of the Pretrial Conference and shall require the parties to complete all discovery within 120 days of the date of the Pretrial Conference.

   Comment: In Rules 5, 6 and 7, presumptive limits are specified, but the parties are encouraged to tailor these limits to their particular needs in the initial pretrial conference with the Magistrate Judge.

6. Discovery. Discovery shall be limited to ten Interrogatories, five document requests, five requests for admission, and two depositions per party, unless otherwise ordered by the Magistrate Judge for good cause shown, or by agreement of the parties. The parties may agree, or the Magistrate Judge may order, that the time for response to written discovery be shortened.

7. Expert Witnesses. No party shall call more than one expert witness to testify, unless otherwise ordered by the Magistrate Judge for good cause shown or by agreement of the parties.

8. Non-Dispositive Motions. If a party desires to make a non-dispositive Motion, it shall first apply for permission to do so in a telephone conference with the Magistrate Judge. If permission is granted, the Motion shall be brought by letter to the Magistrate Judge, and the Response shall be made within three ~~two~~ days by letter to the Magistrate Judge. Each letter shall not exceed two pages, and a copy thereof shall be filed with the Clerk of Court. Unless the Magistrate Judge finds that extraordinary circumstances exist, there shall be no oral hearing, and costs shall be awarded to the prevailing party on the motion.

9. Dispositive Motions. If a party desires to make a dispositive Motion, it shall first apply for permission to do so, by letter to the District Judge, not to exceed two pages. The party opposing permission may respond within three ~~two~~ days, by letter to the District Judge, not to exceed two pages. If permission is granted, the District Judge will establish a prompt briefing schedule, limit the length of memoranda, and rule promptly on the Motion. Pendency of a dispositive motion shall not stay any other proceedings. Unless the District Judge finds that extraordinary circumstances exist, there shall be no oral hearing, and costs shall be awarded to the prevailing party on the motion.

10. Trial Date. The case shall be called for trial no later than six months after the date of the Pretrial Conference. If the parties consent to trial before a Magistrate Judge, trial shall be held on a day certain within 120 days of the date of the Pretrial Conference.

11. Trial. Each side shall be granted eight hours of trial time, for opening statements, direct examinations of its witnesses, cross examinations of other witnesses, and final argument. In multi-party trials, plaintiffs shall divide the eight hours among themselves, and defendants shall divide the eight hours among themselves. If the parties cannot agree to a division of trial time, the presiding Magistrate Judge or District Judge shall order a division, and, if appropriate, may increase the amount of trial time available per side to a maximum of 12 hours. In court trials, written witness statements may be offered in lieu of direct testimony.

    Comment: As with other limits, the presumptive limits here are intended as a useful starting place for discussion at the pretrial conference. The last sentence permits the submission of direct testimony by written statement, a process frequently used in arbitration.

12. Judgment. An Order for Judgment shall be entered within thirty days after the matter is submitted.

    Comment: The intention is to assure parties that a prompt trial will be followed by a prompt decision.

Rules of Procedure for Expedited Trials – Final Language effective December 1, 2009

U.S. District Court
District of Minnesota

Rules of Procedure
for Expedited Trials

Effective July 2, 2001, amended December 1, 2009

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    Comment: The provisions of the Rule are voluntary. They can be invoked by pre-existing agreement to submit future disputes to this process, or after the action is commenced.

2. Applicable Rules. All Federal Rules of Civil Procedure and Local Rules of this Court shall apply, except as set forth below.

3. Initial Disclosures. In cases where the parties have already agreed to the procedures of this Rule, Plaintiff shall serve the disclosures required by Fed. R. Civ. P. 26(a) (1) (A), (C) and (D) with the Complaint, and Defendant shall serve said disclosures with the Answer/Counterclaim. In all other cases, these disclosures shall be exchanged within seven days of the date of the filing of said agreement.

   Comment: The expectation is that the provisions of Rule 26(a)(1) will be more vigorously followed and enforced when the parties elect this process. (The document disclosures under Rule 26 (a) (1) (B) are covered by Rule 5.)

4. Pretrial Conference. Immediately upon the filing of the agreement to follow the procedures of this Rule, Plaintiff shall contact the chambers of the Magistrate Judge assigned to the action and schedule a Pretrial Conference to occur within 30 days of the date the Complaint was served. Upon the request of any party, the Magistrate Judge shall permit counsel to appear at the Pretrial Conference by telephone. All Fed. R. Civ. P. 12 and pleading issues shall be resolved by the Magistrate Judge at the Pretrial Conference, except as provided in Paragraph 9 of this Rule.

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11. Trial. Each side shall be granted eight hours of trial time, for opening statements, direct examinations of its witnesses, cross examinations of other witnesses, and final argument. In multi-party trials, plaintiffs shall divide the eight hours among themselves, and defendants shall divide the eight hours among themselves. If the parties cannot agree to a division of trial time, the presiding Magistrate Judge or District Judge shall order a division, and, if appropriate, may increase the amount of trial time available per side to a maximum of 12 hours. In court trials, written witness statements may be offered in lieu of direct testimony.

    Comment: As with other limits, the presumptive limits here are intended as a useful starting place for discussion at the pretrial conference. The last sentence permits the submission of direct testimony by written statement, a process frequently used in arbitration.

12. Judgment. An Order for Judgment shall be entered within thirty days after the matter is submitted.

    Comment: The intention is to assure parties that a prompt trial will be followed by a prompt decision.