



Comment re Proposed Amendment to Local Rules 67.1 and 67.2

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03/03/2017 10:10 AM

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History: This message has been replied to.

Good morning,

We have had the opportunity to review the Local Rule amendments currently out for comment through March 22, 2017, and write to bring your attention to a potential ambiguity in proposed Local Rules 67.1(b)(2) and 67.2(b)(2).

Local Rule 67.1 as proposed provides in pertinent part as follows:

(b) Motion to Deposit Money.

(1) A party seeking to deposit money in the court registry must file:

(A) a motion for leave to make the deposit;

(B) a completed Registry Deposit Information form; and

(C) a proposed order specifying the amount of money to be deposited.

(2) A party opposing the motion must file a response within 7 days.

(3) The moving party may file a reply within 7 days after the response is filed.

[Emphasis added.]

Local Rule 67.2 as proposed provides in pertinent part as follows:

(b) Motion to Withdraw Money.

(1) A party seeking to withdraw money from the court registry must file:

(A) a motion for leave to make the withdrawal;

(B) a Withdrawal Payee Information form (under seal); and

(C) a proposed order specifying the amount of principal and interest to be disbursed to each payee.

(2) A party opposing the motion must file a response within 7 days.

(3) The moving party may file a reply within 7 days after the response is filed.

[Emphasis added.]

Specifically, our concern regarding the underlined portion of the rules cited above is that the events that trigger the requirement to file the response in 67.1(b)(2) and 67.2(b)(2) are somewhat ambiguous. We believe it would be helpful to further revise or amend Local Rules 67.1(b)(2) and 67.2(b)(2) to specify the trigger events (e.g. "A party opposing the motion must file a response within 7 days [after the motion is filed].").

We note that such amendment would also be consistent with the provisions in the following subsections (i.e. subsection (b)(3)), where the trigger events for the filing of a reply are specified as the filing of the response.

Thank you in advance for your time and consideration of this issue.

Sincerely,

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Rules Attorney

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