

LOCAL RULES OF PRACTICE
Of The
UNITED STATES DISTRICT COURT
For The
DISTRICT OF NEVADA
Effective June 1, 1995
With Amendments Effective May 1, 1998
and December 1, 2000

This book will be supplemented as amendments or revisions are issued by the court.

Additional copies of this book and supplements may be obtained from:

Book Publishing Company
201 Westlake Avenue North
Seattle, Washington 98109
(206) 343-5700
1-800-537-7881

**TABLE OF CONTENTS
LOCAL RULES OF PRACTICE
OF THE
UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

**Rule Page
Number Number**

LR Part IA. Introduction 1

1-1.	Title	1
2-1.	Scope of the Rules; Construction	1
3-1.	Suspension or Waiver of These Rules	1
4-1.	Sanctions	1
5-1.	Effective Date	2
6-1.	Court Structure; Divisions of the District of Nevada	2
7-1.	Offices of the Clerk	2
8-1.	Place of Filing	2
9-1.	Inspection, Conduct in Courtroom and Environs, ___and Forfeiture	3
10-1.	Admission to the Bar of this Court; ___Eligibility and Procedure	4
10-2.	Admission to Practice in a Particular Case	4
10-3.	Government Attomeys	5
10-4.	Legal Services Attorneys	6
10-5.	Law Students	6
10-6.	Appearances, Substitutions and Withdrawals	8
10-7.	Ethical Standards, Disbarment, Suspension and Discipline	8

LR IB. United States Magistrate Judges 11

- 1-1. Duties Under 28 U.S.C. § 636(a) 11
- 1-2. Disposition of Misdemeanor Cases - 18 U.S.C. § 3401 11
- 1-3. Determination of Pretrial Matters - 28 U.S.C. § 636(b)(1)(A) 11
- 1-4. Findings and Recommendations - 28 U.S.C. § 636(b)(1)(B) 11
- 1-5. Judicial Review of Administrative Proceedings 12
- 1-6. *Habeas Corpus* and Criminal Cases 12
 - __ Under 28 U.S.C. §§ 636(b)(1)(B), 2241, 2254 and 2255
- 1-7. Special Master References 12
- 1-8. (Reserved) 13
- 1-9. Other Duties 13
- 2-1. Conduct of Civil Trials by 14
 - __ United States Magistrate Judges;
 - __ Conduct of Trials and Disposition
 - __ of Civil Cases Upon Consent of the Parties -
 - __ 28 U.S.C. § 636(c)
- 2-2. Special Provisions for the Disposition 14
 - __ of Civil Cases By a United States
 - __ Magistrate Judge on Consent of the
 - __ Parties - 28 U.S.C. § 636(c)
- 3-1. Review and Appeal - United States 15
 - __ Magistrate Judge; Review of Matters
 - __ Which May Be Finally Determined By
 - __ Magistrate Judge in Civil and Criminal
 - __ Cases - 28 U.S.C. § 636(b)(1)(A)
- 3-2. Review of Matters Which May Not Be 15
 - __ Finally Determined By A United
 - __ States Magistrate Judge in Civil
 - __ and Criminal Cases, Administrative
 - __ Proceedings, Probation Revocation
 - __ Proceedings - 28 U.S.C. § 636(b)(1)(B)

3-3.	Appeal From Judgments in Misdemeanor __Cases - 18 U.S.C. § 3402	16
3-4.	Appeal from Judgments in Civil Cases __Disposed of on Consent of the __Parties - 28 U.S.C. § 636(c)	16
3-5.	Appeal from United States Magistrate __Judge's Release and Detention Orders	16

LR Part II. Local Rules of Civil Practice 17

3-1.	Civil Cover Sheet	17
4-1.	Service and Issuance of Process	17
5-1.	Proof of Service	17
5-2.	Facsimile Filing	17
6-1.	Requests For Continuance, Extension of Time __or Order Shortening Time	18
6-2.	Required Form of Order For Stipulations __and <i>Ex Parte</i> Motions	18
7-1.	Stipulations	19
7-2.	Motions	19
7-3.	Citations of Authority	19
7-4.	Limitation on Length of Briefs and __Points and Authorities; Requirement __for Index and Table of Authorities	20
7-5.	<i>Ex Parte</i> Motions	20
7-6.	<i>Ex Parte</i> Communications	20
8-1.	Pleading Jurisdiction	20
10-1.	Form of Papers Generally	20

10-2.	Caption, Title of Court and Name of Case	21
10-3.	Exhibits	22
10-4.	Copies	22
10-5.	<i>In Camera</i> Submissions	22
10-6.	Certificate as to Interested Parties	23
15-1.	Amended Pleadings	23
16-1.	Scheduling and Case Management; __Time and Issuance of Scheduling Order	24
16-2.	Pretrial Conferences	24
16-3.	Pretrial Order, Motions <i>in Limine</i> , and Trial Setting	25
16-4.	Form of Pretrial Order	26
16-5.	Settlement Conference and Alternative __Methods of Dispute Resolution	30
26-1.	Discovery Plans and Mandatory Disclosures	30
26-2.	Time for Completion of Discovery __When No Scheduling Order is Entered	31
26-3.	Interim Status Reports	31
26-4.	Extension of Scheduled Deadlines	31
26-5.	Responses to Written Discovery	32
26-6.	Demand for Prior Discovery	32
26-7.	Discovery Motions	32
26-8.	Filing of Discovery Papers	33
26-9.	Exemptions	33
30-1.	Depositions Upon Oral Examination	33

30-2.	Requirements for Transcripts	33
31-1.	Depositions Upon Written Questions	33
32-1.	Use of Depositions in Court Proceedings	33
33-1.	Interrogatories	33
34-1.	Production of Documents	33
36-1.	Request for Admissions	34
38-1.	Jury Demand	34
41-1.	Dismissal for Want of Prosecution	34
43-1.	Interpreters/Taking of Testimony	34
48-1.	Contact with Jurors Prohibited	34
54-1.	Bill of Costs	34
54-2.	Clerk's, Marshal's, Process Server's, and Docket Fees	35
54-3.	Fees Incident to Transcripts; Trial Transcripts	35
54-4.	Deposition Costs	35
54-5.	Witness Fees, Mileage and Subsistence	35
54-6.	Exemplification and Copies of Papers	36
54-7.	Maps, Charts, Models, Photographs, Summaries, __ Computations and Statistical Summaries	36
54-8.	Fees of Masters, Receivers and Commissioners	36
54-9.	Premiums on Undertakings and Bonds	37
54-10.	Removed Cases	37
54-11.	Costs Against the Government	37
54-12.	Costs Not Ordinarily Allowed	37

54-13.	Method of Taxation of Costs	38
54-14.	Review of Costs	38
54-15.	Appellate Costs	38
54-16.	Motions for Attorney's Fees	38
56-1.	Motions for Summary Judgment	40
65.1-1.	Qualification of Surety	40
65.1-2.	Deposit of Money or United States Obligation in Lieu of Surety	40
65.1-3.	Approval	41
65.1-4.	Persons Not to Act as Sureties	41
65.1-5.	Judgment Against Sureties	41
65.1-6.	Further Security or Justification of Personal Sureties	41
66-1.	Receivers in General	41
66-2.	Notice; Temporary Receiver	41
66-3.	Review of Appointment of Temporary Receiver	42
66-4.	Reports of Receivers	42
66-5.	Notice of Hearings	42
66-6.	Employment of Attorneys, Accountants and Investigators	43
66-7.	Persons Prohibited from Acting as Receivers	43
66-8.	Deposit of Funds	43
66-9.	Undertaking of Receiver	43
66-10.	Administration of Estates	43
67-1.	Deposit and Investment of Funds in the Registry Account; ___Certificate of Cash Deposit	43

67-2.	Investment of Funds on Deposit	44
77-1.	Judgments and Orders Grantable By the Clerk	45
78-1.	Submission of Motions to the Court	46
78-2.	Oral Argument	46
79-1.	Files and Exhibits - Custody and Withdrawal	47
LR Part III. Local Rules of Bankruptcy Practice		49
1001.	Title; Scope of Rules	49
1002.	Petition - General	50
1003.	Joinder of Parties in Involuntary Case; Notice	51
1004.	Petition - Partnership	51
1005.	Petition - Caption	51
1006.	Filing Fee; Payment of Filing Fee in Installments	51
1007.	Lists, Schedules and Statements; Mailing - List or Matrix	51
1013.	Hearing and Disposition of Petition in Involuntary Cases	53
1015.	Related Cases	53
1016.	Notification of Death or Incompetency	54
1070.	Jurisdiction	54
1071.	Divisions - Bankruptcy Court	54
1073.	Assignment of Cases	54
2002.	Notice to Creditors, and Other Interested Parties	54
2003.	Meetings of Creditors and Equity Security Holders	56
2004.	Depositions and Examinations	56

2010.	Trustees - Bonds/Surety	57
2015.	Trustees - General	57
2016.	Compensation of Professionals	57
3001.	Claims and Equity Security Interests - General	57
3002.	Filing of Proof of Claim	58
3003.	Filing Proof of Claim or Equity Interest in Chapter 11 __Reorganization Case	58
3004.	Notice of Filing of Claims by Debtor or Trustee	58
3007.	Claims - Objections	58
3010.	Dividends - Small (Chapter 13 Cases)	59
3011.	Unclaimed Funds	59
3015.	Chapter 13 Plan and Confirmation	60
3016.	Chapter 11 Plan and Disclosure Statements	61
3018.	Ballots - Voting on Plans; Acceptance/Rejection of Plans	62
3019.	Chapter 11 - Amendments to Plans	63
3020.	Chapter 11 - Confirmation	63
3022.	Chapter 11 - Final Report/Decree	64
4001.	Automatic Stay - Relief From; Cash Collateral	64
4003.	Exemptions	65
4004.	Discharge - Notice	65
4007.	Determination of Dischargeability of a Debt	65
5001.	Clerk - Office Location/Hours	65
5003.	Court Papers - Removal of; Claims - Register	66

5004.	Disqualification: Disclosure of Interested Parties/Affiliates	67
5005.	Filing Papers - Requirements	67
5007.	Record of Proceedings and Transcripts	67
5010.	Reopening Cases	68
5011.	Withdrawal of Reference	68
5075.	Clerk - Delegated Functions	70
6006.	Executory Contracts	73
6007.	Abandonment	73
7003.	Cover Sheet	73
7005.	Certificate of Service (Adversary Proceedings)	73
7010.	General Requirements of Form	74
7015.	Amended and Supplemental Pleadings	75
7016.	Pre-trial Procedures	75
7026.	Discovery - General	77
7030.	Depositions Upon Oral Examination	80
7031.	Deposition Upon Written Questions	80
7032.	Use of Depositions in Adversary Proceedings	81
7033.	Interrogatories to Parties	81
7034.	Production of Documents and Things and Entry Upon Land for __ Inspection and Other Purposes	81
7035.	Physical and Mental Examinations of Persons	82
7036.	Requests for Admission	82
7041.	Dismissal for Want of Prosecution	82

7054.	Costs - Taxation/Payment	82
7056.	Summary Judgment	87
7062.	Stay of Proceedings to Enforce a Judgment	88
7064.	Seizure of Person or Property	88
7065.	Injunctions	88
7067.	Registry Funds	89
8001.	Notice of Appeal; Election to Have Appeal Heard by District Court Instead of Bankruptcy Appellate Panel	93
8004.	Service of Notice of Appeal	94
8006.	Designation of Record - Appeal	95
8007.	Transmission of Record on Appeal	95
8009.	Briefs and Appendix	96
8018.	Local Rules of Circuit Judicial Council or District Court	96
8070.	Dismissal of Appeal by Court for Non-prosecution	96
9004.	Papers - Requirements of Form	96
9006.	Time Periods	99
9009.	Forms	99
9010.	Attorneys - Notice of Appearance	99
9011.	<i>Pro Se</i> Parties	99
9013.	Motion Practice	101
9014.	Motion/Contested Matters; Briefs and Memoranda of Law	101
9015.	Jury Trials	105
9017.	Use of Alternate Direct Testimony and Exhibits at Trials	105

- 9018. Secret, Confidential, Scandalous, or Defamatory Matter 106
- 9019. Settlements and Agreed Orders; Alternative Dispute Resolution (ADR) 107
- 9021. Judgments and Orders - Entry of 107
- 9022. Judgments and Orders - Notice of 108

LCR Part IV. __Local Rules of Criminal Practice 109

- 12-1. Time For Filing Motions, Responses and Replies 109
- 16-1. Discovery, Reciprocal Discovery and Notice of Defense 110
- 17-1. Issuance of Subpoenas Requested By the Federal Public Defender 111
- 30-1. Instructions to Jury 111
- 32-1. Sentencing 111
- 35-1. Motions and Responses Pursuant to Fed. R. Crim. P. 35. 112
- 44-1. Appointment of Counsel 112
- 44-2. Designation of Retained Counsel 112
- 45-1. Requests for Continuance, Extension of Time or Order Shortening Time 113
- 45-2. Stipulations Generally 113
- 45-3. Required Form of Order for Stipulations and *Ex Parte* Motions 113
- 45-4. Continuance of Trial Date - Speedy Trial Act 114
- 46-1. Appearance Bonds 114
- 46-2. Qualification of Surety 114
- 46-3. Deposit of Money or United States Obligation in Lieu of Surety 114
- 46-4. Approval By the Court 115
- 46-5. Persons Not to Act as Sureties 115

46-6.	Judgment Against Sureties	115
46-7.	Further Security or Justification of Personal Sureties	115
46-8.	Investment of Funds on Deposit	115
46-9.	Exoneration of Bonds	116
47-1.	Motions	117
47-2.	<i>Ex Parte</i> Motions	117
47-3.	<i>Ex Parte</i> Communications	117
47-4.	<i>In Camera</i> Submissions and Sealing of Documents	117
47-5.	Form of Papers Generally	117
47-6.	Caption, Title of Court and Name of Case	118
47-7.	Limitation on Length of Briefs and Points and Authorities, ___and Requirement for Index and Table of Authorities	119
47-8.	Citations of Authority	119
47-9.	Failure to File Points and Authorities	119
47-10.	Exhibits	119
47-11.	Proof of Service	119
47-12.	Submission of Motions to the Court	120
55-1.	Files and Exhibits - Custody and Withdrawal	120
LSR Part V. Local Rules of Special Proceedings		121
___and Appeals		
1-1.	Motions for Leave to Proceed <i>In Forma Pauperis</i> ; ___Application: Standard Form	121
1-2.	Inmates: Additional Requirements	121
1-3.	Standard For Denial of <i>In Forma Pauperis</i> Motion	121

1-4.	Applicant Need Only File Original Complaint, __Petition, or Motion	121
1-5.	Revocation of Leave to Proceed <i>In Forma Pauperis</i>	122
1-7.	Abuse of Privilege to Proceed <i>In Forma Pauperis</i>	122
1-8.	Expenses of Litigation	122
2-1.	Civil Rights Complaint Pursuant to 42 U.S.C. § 1983; __ <i>Pro Se</i> Plaintiff to Use Standard Form	122
2-2.	Change of Address	122
3-1.	Petition For Writ of <i>Habeas Corpus</i> __Pursuant to 28 U.S.C. §§ 2241 and 2254	122
3-2.	Statement of All Available Grounds for Relief	123
4-1.	Motion Attacking Sentence Pursuant __to 28 U.S.C. § 2255; Motion to Correct __Or Reduce Sentence Pursuant to __Fed. R. Crim. P. 35; Petition Form	123
4-2.	Statement of All Available Grounds For Relief	123
5-1.	Death Penalty Case; Caption; Facsimile Filing	123
5-2.	Additional Information: Scheduled Execution Date	124
5-3.	Evidentiary Hearing: Transcript	124
6-1.	Appeal Bond; Ninth Circuit or Other Appellate Courts	124
6-2.	Designation and Preparation of Reporter's __and Recorder's Transcripts	124
6-3.	Clerk's Record on Appeal, Designation and Costs of Reproduction	125

DAVID W. HAGEN
United States District Judge

**STANDING COMMITTEE
ON THE LOCAL RULES OF PRACTICE
FOR THE DISTRICT OF NEVADA**

As Constituted May 1, 1998

Chair:

Honorable Roger L. Hunt
United States Magistrate Judge

Members:

Civil Rules Subcommittee

Kirk Lenhard, Esq.
Las Vegas, Nevada
Vice Chair, Civil Rules

Hon. Robert A. McQuaid, Jr.
United States Magistrate Judge

Anne Cathcart, Esq.
Deputy Attorney General

Blaine T. Welsh, Esq.
Assistant United States Attorney

Paul Yohey, Esq.
Reno, Nevada

Lance S. Wilson, Clerk
United States District Court

Linda Lea Sharer, Chief Deputy Clerk
United States District Court

Richard L. Owens, Esq.
Senior Staff Attorney
United States District Court

Criminal Rules Subcommittee

Honorable Lawrence R. Leavitt
United States Magistrate Judge
Vice Chair, Criminal Rules

Michael Pescetta, Esq.
Assistant Federal Public Defender

C. Frederick Pinkerton, Esq.
Reno, Nevada

Howard J. Zlotnick, Esq.
Chief Assistant United States Attorney

Katherine A. Woolf, Esq.
Las Vegas, Nevada

Kevin Butler, Esq.
Las Vegas, Nevada

Brian Sullivan, Esq.
Assistant United States Attorney

Lance S. Wilson, Clerk
United States District Court

Linda Lea Sharer, Chief Deputy Clerk
United States District Court

Bankruptcy Subcommittee—Local Rules 1999

Honorable Gregg W. Zive, Chief Judge
United States Bankruptcy Court
Vice Chair, Bankruptcy Rules

Corey B. Beck, Esquire
Las Vegas, NV

Candace C. Carlyon, Esquire
Las Vegas, NV

Marjorie A. Guymon, Esquire
Las Vegas, NV

Jeffrey L. Hartman, Esquire
Reno, NV

Barry H. Jenkins, Esquire
Office of the U.S. Trustee
Las Vegas, NV

Bridget Robb Peck, Esquire
Reno, NV

Lenard E. Schwartzer, Esquire
Las Vegas, NV

Rollin Thorley, Esquire
Internal Revenue Service
Las Vegas, NV

Patricia Gray, Clerk
U.S. Bankruptcy Court
Las Vegas, NV

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * * * *

District Judges

Hon. Howard D. McKibben, Chief Judge
Bruce R. Thompson United States Courthouse
and Federal Building
400 South Virginia Street #804
Reno, Nevada 89501
(775) 686-5880

Hon. Philip M. Pro
Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South #7015
Las Vegas, Nevada 89101
(702) 464-5510

Hon. David W. Hagen
Bruce R. Thompson United States Courthouse
and Federal Building
400 South Virginia Street #805
Reno, Nevada 89501
(775) 686-5888

Hon. Roger L. Hunt
Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South #6018
Las Vegas, Nevada 89101
(702) 464-5530

Kent J. Dawson
Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South #6006
Las Vegas, Nevada 89101
(702) 464-5560

Senior District Judges

Hon. Edward C. Reed, Jr.
Bruce R. Thompson United States Courthouse
and Federal Building
400 South Virginia Street #606
Reno, Nevada 89501
(775) 686-5919

Hon. Lloyd D. George
Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South #6073
Las Vegas, Nevada 89101
(702) 464-5500

Bankruptcy Judges

Hon. Gregg W. Zive, Chief Judge
C. Clifton Young Federal Building
_ and United States Courthouse
300 Booth Street, Suite #1167
Reno, Nevada 89509
(775) 784-5017

Hon. Robert Clive Jones
Foley Federal Building
_ and United States Courthouse
300 Las Vegas Boulevard South, Suite #2600
Las Vegas, Nevada 89101
(702) 388-6505

Hon. Linda B. Riegle
Foley Federal Building
_ and United States Courthouse
300 Las Vegas Boulevard South, Suite #2420
Las Vegas, Nevada 89101
(702) 388-6120

Hon. Bert M. Goldwater (Recalled Retired U.S. Bankruptcy Judge)
C. Clifton Young Federal Building
_ and United States Courthouse
300 Booth Street, Suite #1167
Reno, Nevada 89509
(775) 784-5017

Magistrate Judges

Hon. Lawrence R. Leavitt
Lloyd D. George_ United States Courthouse
333 Las Vegas Boulevard South #3014
Las Vegas, Nevada 89101
(702) 464-5540

Hon. Robert J. Johnston
Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South #3005
Las Vegas, Nevada 89101
(702) 464-5550

Hon. Robert A. McQuaid, Jr.
Bruce R. Thompson United States Courthouse
and Federal Building
400 South Virginia Street #405
Reno, Nevada 89501
(775) 686-5858

Hon. Valerie P. Cooke
Bruce R. Thompson United States Courthouse
and Federal Building
400 South Virginia Street #404
Reno, Nevada 89501
(775) 686-5855

Hon. Peggy A. Leen
Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South #3099
Las Vegas, Nevada 89101
(702) 464-5570

Hon. Phyllis Halsey Atkins (Recalled Retired U.S. Magistrate Judge)
Bruce R. Thompson United States Courthouse
and Federal Building
400 South Virginia Street #607
Reno, Nevada 89501
(775) 686-5927

District Clerk

Lance S. Wilson
Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South #1334
Las Vegas, Nevada 89101
(702) 464-5400

Reno Office

Bruce R. Thompson United States Courthouse
and Federal Building

400 South Virginia Street #301
Reno, Nevada 89501
(775) 686-5800

Bankruptcy Clerk

Patricia Gray
Foley Federal Building
_ and United States Courthouse
300 Las Vegas Boulevard South, Suite #2130
Las Vegas, Nevada 89101
(702) 388-6257

Reno Office

C. Clifton Young Federal Building
_ and United States Courthouse
300 Booth Street, Suite #1109
Reno, Nevada 89509
(775) 784-5559

Chief Probation Officer

David F. Sanders
411 Bonneville Avenue, Suite #400
Las Vegas, Nevada 89101-6632
(702) 388-6428

Reno Office

Bruce R. Thompson United States Courthouse
and Federal Building
400 South Virginia Street #103
Reno, Nevada 89501
(775) 686-5980

Chief Pretrial Services Officer

James R. Marsh
Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South #1112
Las Vegas, Nevada 89101
(702) 464-5630

Reno Office

Bruce R. Thompson United States Courthouse
and Federal Building
400 South Virginia Street #104
Reno, Nevada 89501
(775) 686-5964

Federal Public Defender

Franny A. Forsman
Phoenix Building, #700
330 South Third Street
Las Vegas, Nevada 89101
(702) 388-6577

Reno Office

201 West Liberty Street #102
Reno, Nevada 89501-2027
(775) 784-5626

**LOCAL RULES OF PRACTICE
for the
UNITED STATES DISTRICT COURT
for the DISTRICT OF NEVADA**

Local Rules IA_-_ Introduction

LR IA 1-1. TITLE.

These are the Local Rules of Practice for the United States District Court for the District of Nevada. These rules are divided into the following parts: Part IA (Introduction); Part IB (United States Magistrate Judges); Part II (Civil); Part III (Bankruptcy); Part IV (Criminal); and Part V (Rules Applicable in Special Proceedings and Appeals). The rules in Parts II, III and IV are numbered to correspond to their Federal Rules of Civil, Bankruptcy or Criminal Procedure counterparts. The rules in Parts IA through III may be cited as “LR ___;” those in Part IV, as “LCR ___;” and the rules in Part V, as “LSR ___.”

LR IA 2-1. SCOPE OF THE RULES; CONSTRUCTION.

These rules shall be construed so as to be consistent with the Federal Rules of Civil, Bankruptcy and Criminal Procedure they supplement. The provisions of Parts IA and II apply to all actions and proceedings, including civil, criminal, bankruptcy and admiralty, except where they may be inconsistent with rules or provisions of law specifically applicable thereto. The provisions of Part IB apply to all actions and proceedings, excluding bankruptcy, except where they may be inconsistent with rules or provisions of law specifically applicable thereto.

LR IA 3-1. SUSPENSION OR WAIVER OF THESE RULES.

The court may *sua sponte* or on motion change, dispense with, or waive any of these rules if the interests of justice so require.

LR IA 4-1. SANCTIONS.

The court may, after notice and opportunity to be heard, impose any and all appropriate sanctions on an attorney or party appearing *in pro se* who, without just cause:

- (a) Fails to appear when required for pretrial conference, argument on motion, or trial;
- (b) Fails to prepare for a presentation to the court;
- (c) Fails to comply with these rules; or

- (d) Fails to comply with any order of this court.

LR IA 5-1. EFFECTIVE DATE.

These rules, as amended, shall take effect on December 1, 2000, and govern all proceedings in actions pending on or after that date.

LR IA 6-1. COURT STRUCTURE; DIVISIONS OF THE DISTRICT OF NEVADA.

The State of Nevada constitutes one judicial district. The district has two unofficial divisions:

Southern Division: Clark, Esmeralda, Lincoln and Nye Counties.

Northern Division: Carson City, Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe and White Pine Counties.

LR IA 7-1. OFFICES OF THE CLERK.

The clerk of the court maintains offices at Las Vegas for the southern division of the court and at Reno for the northern division of the court. The clerk's offices are open to the public from 9:00_a.m. until 4:00_p.m., Monday through Friday, legal holidays excepted. The clerk may institute administrative procedures for filing pleadings and papers and, in an emergency, shall on request transact public business at other times.

LR IA 8-1. PLACE OF FILING.

(a) Civil actions shall be filed in the clerk's office for the division of the court in which the action allegedly arose. However, in civil rights actions filed by inmates proceeding *in pro se*, the action shall be filed in the division in which the inmate is held when the complaint is submitted for filing or, if the inmate is not held in this district, then in the division in which the events giving rise to a cause of action are alleged to have occurred.

(b) In criminal cases where the alleged offense was committed in more than one division, the government may elect either division for filing the indictment or information.

(c) The court may in its discretion direct that proceedings or trial take place in the division other than the division where filed. Unless otherwise ordered, however, all filings shall be made and proceedings had in the division of the court in which the case was originally filed.

LR IA 9-1. INSPECTION, CONDUCT IN COURTROOM AND ENVIRONS, AND FORFEITURE.

(a) All persons entering any United States Federal Building and Courthouse in this district and all items carried by such persons shall be subject to appropriate screening and checking by any United States Marshal or Security Officer of the General Services Administration. Entrance to the United States Federal Building and Courthouse will be denied any person who refuses to cooperate in such screening or checking.

(b) Except as provided in LR IA 9-1(c) or otherwise directed by the court, all forms, means, or manner of taking photographs, tape recordings, broadcasting or televising are prohibited in:

(1) All public areas of the C. Clifton Young Federal Building and United States Courthouse, 300 Booth Street, Reno, Nevada, on floors one through five, inclusive;

(2) All public areas of the Bruce R. Thompson United States Courthouse and Federal Building, 400 South Virginia Street, Reno, Nevada, on floors one through ten, inclusive;

(3) All public areas of the Foley Federal Building and United States Courthouse, 300 Las Vegas Boulevard South, Las Vegas, Nevada, on floors one through four, inclusive;

(4) All public areas of the Lloyd D. George United States Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada, on floors one through eight, inclusive; and

(5) When the court is conducting judicial proceedings in facilities other than a United States Federal Building and Courthouse, all courtrooms, chambers and court-related offices as well as such adjacent public areas as the court may designate.

(c) LR IA 9-1(b) shall not apply:

(1) To the first floor lobby areas of the United States Federal Buildings and Courthouses in this district, provided that no photographing, tape recording, broadcasting or televising shall occur in the southwest corridor leading to the loading dock in the Foley Federal Building, in the southeast corridor leading to the loading dock in the C. Clifton Young Federal Building, or within eight feet (8_) of the elevators and court security systems in any of the Federal Courthouses in the district;

(2) To the interiors of judicial offices;

(3) To cameras, tape recorders, broadcasting or television equipment being taken to non-judicial offices for official business in a United States Federal Building and Courthouse, provided prior authorization is obtained from the United States Marshal;

(4) To recordings by a court reporter or recorder where such recordings are for

use as a court record only; and

(5) To portable dictating equipment used by members of the bar when inspecting court records in the clerk's office. Such equipment shall not be used in courtrooms.

(d) No person shall carry or possess pagers, cellular telephones, two-way radios or other transmitting devices in any United States Federal Building and Courthouse in this district without express prior approval of the United States Marshal or a United States circuit judge, district judge, bankruptcy judge, or magistrate judge.

(e) All cameras, recording, reproducing and transmitting equipment, pagers, cellular telephones, two-way radios or other transmitting devices brought into prohibited areas without the requisite prior approval are subject to impound by the United States Marshal.

(f) Except as otherwise provided by special order of the court, no person shall carry or possess firearms or deadly weapons in any United States courthouse in this district. The United States Marshal, any deputy marshal, and officers of the Federal Protective Service shall be exempt from this provision.

LR IA 10-1. ADMISSION TO THE BAR OF THIS COURT; ELIGIBILITY AND PROCEDURE.

(a) An attorney who has been admitted to practice before the Supreme Court of Nevada, and who is of good moral and professional character, is eligible for admission to the bar of this court. Should such attorney live outside Nevada, the court may, in a particular case and at any time, order such attorney to associate a resident Nevada attorney as co-counsel and specify the responsibilities of each attorney to the case.

(b) A member of the bar of this court shall certify in a written motion on a form provided by the clerk that the petitioner is a member of the State Bar of Nevada and of good moral and professional character.

(c) The applicant shall subscribe the roll of attorneys and pay the clerk the admission fee fixed by the Judicial Conference of the United States plus such additional amount as the court shall fix from time to time.

(d) The applicant must take the following oath or affirmation after which the clerk shall issue a certificate of admission to the applicant:

I solemnly swear (or affirm) that I will support the Constitution of the United States; that I will bear true faith and allegiance to the Government of the United States; that I will maintain the respect due to the Courts of Justice and Judicial Officers, and that I will conduct myself as an attorney and counselor of this Court uprightly, so help me God.

LR IA 10-2. ADMISSION TO PRACTICE IN A PARTICULAR CASE.

(a) An attorney who is not admitted to the bar of this court but who has been retained or appointed to appear in a particular case may do so only with the permission of the court. Application for such permission shall be by verified petition on the form furnished by the clerk. The petitioner shall furnish all information required by the form and certify that he or she is a member in good standing of the highest court of a state, commonwealth, territory, or the District of Columbia and is in active status. A copy of any petition under this rule shall be served by the petitioner upon the State Bar of Nevada at its Las Vegas office, 600 East Charleston Boulevard, Las Vegas, Nevada 89104. The verified petition shall be accompanied by the admission fee set by the court.

(b) An attorney whose verified petition is pending shall take no action in the case beyond filing the first pleading or motion. Until permission is granted, the clerk shall not issue summons or other writ.

(c) Unless otherwise ordered by the court, any attorney who is granted permission to practice pursuant to this rule shall associate a resident member of the bar of this court as co-counsel. The attorneys shall confirm the association by filing a completed designation of resident counsel on the form provided by the clerk. The resident attorney must have authority to sign binding stipulations. The time for performing any act under these rules or the Federal Rules of Civil, Criminal and Bankruptcy Procedure shall run from the date of service on the resident attorney. Unless otherwise ordered by the court, such resident attorney need not personally attend all proceedings in court.

(d) In civil cases, attorneys shall have forty-five (45) days after their first appearance to comply with all the provisions of this rule.

(e) In criminal cases, attorneys shall have ten (10) days after their first appearance to comply with all the provisions of this rule. In addition, the defendant(s) shall execute designation(s) of retained counsel, which shall also bear the signatures of both the attorney appearing *pro hac vice* and the associated resident attorney. Such designation(s) shall be filed and served within the same ten (10) day period.

(f) When all the provisions of this rule are satisfied, the court may enter an order approving the verified petition for permission to practice in the particular case. Such permission is limited to the particular case and no certificate shall be issued by the clerk.

(g) Failure to comply timely with this rule may result in the striking of any and all documents previously filed by such attorney, the imposition of other sanctions, or both.

LR IA 10-3. GOVERNMENT ATTORNEYS.

Unless otherwise ordered by the court, any nonresident attorney who is a member in good

standing of the highest court of any state, commonwealth, territory or the District of Columbia, who is employed by the United States as an attorney and, while being so employed, has occasion to appear in this court on behalf of the United States, shall, upon motion of the United States Attorney or the Federal Public Defender for this district or one of the assistants, be permitted to practice before this court during the period of such employment.

LR IA 10-4. LEGAL SERVICES ATTORNEYS.

(a) Unless otherwise ordered by the court, an attorney in good standing with the highest court of any state, commonwealth, territory, or the District of Columbia, who becomes employed by or associated with an organized legal services program funded from state, federal or recognized charitable sources and providing legal assistance to indigents in civil matters, may be admitted to practice before this court during the period of such employment or association, subject to the conditions of this rule.

(b) Application for admission to practice pursuant to this rule shall be filed with the clerk and be accompanied by:

(1) A certificate of the highest court of another state certifying the attorney is a member in good standing of the bar of that court; and

(2) A statement signed by the executive director of the organized legal services program that the attorney is currently associated with such program.

(c) Admission to practice under this rule shall terminate when the attorney ceases to be employed by or associated with the legal services program. When such attorney's employment or association concludes, a statement to that effect shall be filed immediately with the clerk by the executive director of the legal services program that sponsored the attorney's admission.

(d) Permission to practice pursuant to this rule is limited to representing clients aided by or under the auspices of the legal services program that sponsored the attorney's admission. The attorney may not receive compensation for such representation beyond the salary or other remuneration paid by the legal services program.

(e) Permission to practice before this court is limited, and no certificate shall be issued by the clerk nor admission fee required.

LR IA 10-5. LAW STUDENTS.

(a) Upon leave of court, an eligible law student acting under the supervision of a member of the bar of this court may appear before a United States district judge, bankruptcy judge, magistrate judge or in a meeting in the United States Bankruptcy Court pursuant to 11 U.S.C. § 341(a) on behalf of any client, including federal, state or local government bodies, if the client has filed written consent with the court.

(b) An eligible student must:

(1) Be enrolled and in good standing in a law school approved by the court and have completed one-half (1/2) of the legal studies required for graduation or be a recent graduate of such school awaiting the results of a state bar examination;

(2) Have knowledge of the applicable Federal Rules of Procedure and Evidence, the Model Rules of Professional Conduct as set forth in LR IA 10-7(a), and all other rules of this court;

(3) Be certified by the dean of the student's law school as adequately trained to fulfill all responsibilities as a law student intern to the court;

(4) Not accept compensation for any legal services directly from a client; and

(5) File with the clerk all documents required to comply with this rule.

(c) The supervising attorney shall:

(1) Have been admitted to practice before the highest court of any state for two (2) years or longer and be admitted to practice before this court;

(2) Agree in writing to be the supervising attorney;

(3) Appear with the student at all oral presentations before the court;

(4) Sign all documents filed with the court;

(5) Assume professional responsibility for the student's work in matters before the court;

(6) Assist and counsel the student in preparing matters before the court;

(7) Be responsible to supplement the student's oral or written work so as to ensure proper representation of the client; and

(8) Certify in writing that the student has knowledge of the applicable Federal Rules of Procedure and Evidence, the Model Rules of Professional Conduct as set forth in LR IA 10-7(a), and all other rules of this court.

(d) The dean's certification of the student shall be filed with the clerk and, unless sooner withdrawn, shall remain in effect until publication of the results of the first bar examination following graduation. The dean may withdraw the certification by written notice to the court.

(e) Upon fulfilling the requirements of this rule, the student may:

(1) Assist in preparing briefs, motions and other documents pertaining to a case before the court; or

(2) Appear and make oral presentations before the court when accompanied by the supervising attorney.

(f) A student's eligibility to participate in activities under this rule terminates automatically:

(1) If a student does not apply for and take the first Nevada bar examination to be administered after such student has satisfied the educational requirements therefor;

(2) Upon announcement of the results of that examination if the student has failed to pass it; or

(3) Fifty (50) days after the results of that general bar examination are announced, if the student has passed.

LR IA 10-6. APPEARANCES, SUBSTITUTIONS AND WITHDRAWALS.

(a) A party who has appeared by attorney cannot while so represented appear or act in the case. An attorney who has appeared for a party shall be recognized by the court and all the parties as having control of the client's case. The court in its discretion may hear a party in open court even though the party is represented by an attorney.

(b) No attorney may withdraw after appearing in a case except by leave of court after notice served on the affected client and opposing counsel.

(c) Any stipulation to substitute attorneys shall be by leave of court and shall bear the signatures of the attorneys and of the client represented. Except where accompanied by a request for relief under subsection (e) of this rule, the signature of an attorney to a stipulation to substitute such attorney into a case constitutes an express acceptance of all dates then set for pretrial proceedings, for trial or hearing, by the discovery plan, or in any court order.

(d) Discharge, withdrawal or substitution of an attorney shall not alone be reason for delay of pretrial proceedings, discovery, the trial, or any hearing in the case.

(e) Except for good cause shown, no withdrawal or substitution shall be approved if delay of discovery, the trial or any hearing in the case would result. Where delay would result, the papers seeking leave of court for the withdrawal or substitution must request specific relief from the scheduled trial or hearing. If a trial setting has been made, an additional copy of the moving papers shall be provided to the clerk for immediate delivery to the assigned district judge, bankruptcy judge or magistrate judge.

LRIA 10-7. ETHICAL STANDARDS, DISBARMENT, SUSPENSION AND DISCIPLINE.

(a) Model Rules. An attorney admitted to practice pursuant to any of these rules shall adhere to the standards of conduct prescribed by the Model Rules of Professional Conduct as adopted and amended from time to time by the Supreme Court of Nevada, except as such may be modified by this court. Any attorney who violates these standards of conduct may be disbarred, suspended from practice before this court for a definite time, reprimanded or subjected to such other discipline as the court deems proper. This subsection does not restrict the court's contempt power.

(b) Reciprocal discipline.

(1) Should an attorney admitted to practice pursuant to any of these rules be convicted of a felony in any court, or disbarred or suspended from practice by any court of the United States, the Supreme Court of Nevada, or the highest court of another state, commonwealth, territory, or the District of Columbia, an order shall be entered requiring the attorney to show cause why this court should not enter an order suspending the attorney from practice before this court.

(2) Should an attorney admitted to practice pursuant to any of these rules be transferred to disability inactive status on the grounds of incompetency or disability by any court of the United States, the Supreme Court of Nevada, or the highest court of another state, commonwealth, territory, or the District of Columbia, an order shall be entered requiring the attorney to show cause why this court should not enter an order placing the attorney on disability inactive status.

(3) An attorney who is the subject of an order of disbarment, suspension or transfer to disability inactive status may petition for reinstatement to practice before this court or for modification of such order as may be supported by good cause and the interests of justice.

(c) Upon receipt by the clerk of a certified copy of an order or judgment of suspension, disbarment, transfer to disability inactive status, or of a judicial declaration of incompetency or conviction of a felony or a crime of moral turpitude concerning a member of the bar of this court, or any other attorney admitted to practice before this court, the clerk shall bring such order to the attention of the court which shall enter the order provided for in subsections (b)(1) or (2) of this rule.

(d) The clerk shall distribute copies of any order of suspension, disbarment, transfer to disability inactive status or other disciplinary order entered pursuant to this rule to the attorney affected, to all the judges in this district, to the clerk of the Nevada Supreme Court, to the Nevada State Bar Counsel and to the American Bar Association's National Disciplinary Data Bank.

(e) On being subjected to professional disciplinary action or convicted of a felony or a crime of moral turpitude in Nevada or in another jurisdiction, an attorney admitted to practice pursuant to any of these rules shall immediately inform the clerk in writing of the action.

(f) Any attorney who, before admission to practice before this court, or during any period

of disbarment, suspension or transfer to disability inactive status from such practice, exercises any of the privileges of an attorney admitted to practice before this court, or who pretends to be entitled to do so, is guilty of contempt of court and subject to appropriate punishment.

Local Rules IB - United States Magistrate Judges

LR IB 1-1. DUTIES UNDER 28 U.S.C. § 636(a).

Each United States magistrate judge in this district is authorized to:

- (a) Exercise all powers and duties conferred or imposed upon magistrate judges by 28 U.S.C. § 636(a);
- (b) Conduct extradition proceedings in accordance with 18 U.S.C. § 3184; and
- (c) Establish schedules for the payment of fixed sums to be accepted in lieu of appearance and thereby terminate proceedings in petty offense cases. Such schedules may be modified from time to time with the prior approval of the court.

LR IB 1-2. DISPOSITION OF MISDEMEANOR CASES - 18 U.S.C. § 3401.

A magistrate judge may:

- (a) Try persons accused of, and sentence persons convicted of, misdemeanors committed within this district in accordance with 18 U.S.C. § 3401; and
- (b) Direct the probation service of the court to conduct a presentence investigation and render a presentence report in any misdemeanor case.

LR IB 1-3. DETERMINATION OF PRETRIAL MATTERS - 28 U.S.C. § 636(b)(1)(A).

A magistrate judge may hear and finally determine any pretrial matter not specifically enumerated as an exception in 28 U.S.C. § 636(b)(1)(A).

LR IB 1-4. FINDINGS AND RECOMMENDATIONS - 28 U.S.C. § 636(b)(1)(B).

When a district judge refers a motion, petition or application that a magistrate judge may not finally determine in accordance with 28 U.S.C. § 636(b)(1)(B) to a magistrate judge, the magistrate judge shall review it, conduct any necessary evidentiary or other hearings and file findings and recommendations for disposition by the district judge. Motions subject to such referral include, but are not limited to:

- (a) Motions for injunctive relief, including temporary restraining orders and preliminary and permanent injunctions;
- (b) Motions for judgment on the pleadings;

- (c) Motions for summary judgment;
- (d) Motions to permit the maintenance of a class action;
- (e) Motions to dismiss;
- (f) Motions for review of default judgments;
- (g) Motions to dismiss or quash an indictment or information made by a defendant in a criminal case;
- (h) Motions to suppress evidence in a criminal case;
- (i) Applications for post-trial relief made by individuals convicted of criminal offenses;
- (j) Petitions by inmates challenging conditions of confinement; and
- (k) Internal Revenue Service summons enforcements.

LR IB 1-5. JUDICIAL REVIEW OF ADMINISTRATIVE PROCEEDINGS.

A district judge may refer any civil action seeking judicial review of an administrative proceeding to a magistrate judge. The magistrate judge shall review the matter, conduct any necessary proceedings and file findings and recommendations for disposition by the court.

**LR IB 1-6. *HABEAS CORPUS* AND CRIMINAL CASES UNDER
28 U.S.C. §§ 636(b)(1)(B), 2241, 2254 and 2255.**

A magistrate judge may perform any or all of the duties imposed upon a district judge by the rules governing proceedings under 28 U.S.C. §§ 636(b)(1)(B), 2241, 2254 and 2255, except in death penalty cases. In so doing a magistrate judge may issue any preliminary orders and conduct any necessary evidentiary hearings or other appropriate proceedings, and shall file findings of fact and recommendations for disposition by the district judge.

LR IB 1-7. SPECIAL MASTER REFERENCES.

A magistrate judge may be designated by a district judge to serve as a special master in appropriate civil cases in accordance with 28 U.S.C. § 636(b)(2) and Fed. R. Civ. P. 53.

LR IB 1-8. (RESERVED).

LR IB 1-9. OTHER DUTIES.

A magistrate judge is also authorized to:

- (a) Exercise general supervision of civil and criminal calendars, conduct calendar and status calls, and determine motions to expedite or postpone the trial of cases for the district judges;
- (b) Conduct pretrial conferences, settlement conferences, omnibus hearings, and related pretrial proceedings in civil and criminal cases;
- (c) Preside over all initial appearances, preliminary examinations, and arraignments before the district court, appoint counsel, accept pleas of not guilty, establish the times within which all pretrial motions will be filed and responded to, and fix trial dates. If a plea of guilty or *nolo contendere* is offered the matter will be forthwith calendared before a district judge;
- (d) Preside when the Grand Jury reports and accept for the court any indictments returned, issue warrants and summonses as appropriate, establish the terms of release pending trial, and continue the same if previously fixed, or modify the terms of release;
- (e) Accept waivers of indictment pursuant to Fed. R. Crim. P. 7(b);
- (f) Accept petit jury verdicts in civil and criminal cases at the request of a district judge and fix dates for imposition of sentence;
- (g) Issue subpoenas, writs of *habeas corpus ad testificandum* or *prosequendum*, and other orders necessary to obtain the presence of parties, witnesses or evidence needed for court proceedings;
- (h) Order the exoneration or forfeiture of bonds;
- (i) Fix the terms of release pending sentencing and appeal;
- (j) Have and exercise the powers of a district judge with respect to the issuance of warrants of removal and in the implementation and execution of the provisions of Fed. R. Crim. P. 40;
- (k) Conduct examinations of judgment debtors under Fed. R. Civ. P. 69;
- (l) Issue orders authorizing the installation and use of devices to register telephone numbers dialed or pulsed or directing communication common carriers, as defined in 18 U.S.C. § 2510(10), to furnish law enforcement agencies with information, facilities and technical assistance necessary to accomplish the installation and use of the registering device;
- (m) Decide petitions to enforce administrative summonses;

- (n) Preside over proceedings to enforce civil judgments;
- (o) Issue orders authorizing entries to effect levies;
- (p) Issue administrative inspection warrants;
- (q) Serve as a Commissioner in land condemnation cases;
- (r) Conduct international prisoner transfer hearings;
- (s) Conduct hearings to determine mental competency pursuant to 18 U.S.C. § 4242, *et seq.*;
- (t) Select petit juries in criminal and civil cases with the consent of the parties; and
- (u) Perform any additional duty not inconsistent with the Constitution and laws of the United States.

LR IB 2-1. CONDUCT OF CIVIL TRIALS BY UNITED STATES MAGISTRATE JUDGES; CONDUCT OF TRIALS AND DISPOSITION OF CIVIL CASES UPON CONSENT OF THE PARTIES - 28_U.S.C._§_636(c).

The magistrate judges of this district are designated to exercise all jurisdiction in civil jury and non-jury cases pursuant to 28_U.S.C._§_636(c). Upon the written consent of the parties and a reference of a civil case by the district judge to a magistrate judge, a magistrate judge may conduct any or all proceedings in the case, including the conduct of a jury or non-jury trial, and may order the entry of a final judgment in accordance with 28_U.S.C._§_636(c). In conducting such proceedings a magistrate judge may hear and determine any and all pretrial and post-trial motions filed by the parties, including case-dispositive motions.

LR IB 2-2. SPECIAL PROVISIONS FOR THE DISPOSITION OF CIVIL CASES BY A UNITED STATES MAGISTRATE JUDGE ON CONSENT OF THE PARTIES - 28 U.S.C. §_636(c).

(a) Except as otherwise ordered by the court, the clerk shall notify the parties in all civil cases that they may consent to have a magistrate judge conduct any or all proceedings in the case and order the entry of a final judgment. Such notice shall be served by the clerk upon all parties at the time of the filing of the scheduling order required by LR 26-1(b). Additional notices may be furnished to the parties at later stages of the proceedings and may be included with pretrial notices and instructions.

(b) After consent forms have been executed and submitted by all parties the clerk shall transmit the case and the consent forms to the district judge to whom the case has been assigned for

consideration of referral of the case to a magistrate judge. If the case is referred to a magistrate judge, the magistrate judge shall have the authority to conduct any and all proceedings to which the parties have consented and to direct the clerk to enter a final judgment in the same manner as if a district judge had presided.

(c) Parties may consent to a trial by a magistrate judge up to the date of trial even though they may have previously declined to sign such a consent.

(d) Parties may consent to have a magistrate judge hear all or any portions of a case pending before the district court.

**LR IB 3-1. REVIEW AND APPEAL - UNITED STATES MAGISTRATE JUDGE;
REVIEW OF MATTERS WHICH MAY BE FINALLY DETERMINED
BY MAGISTRATE JUDGE IN CIVIL AND CRIMINAL CASES -
28 U.S.C. §_636(b)(1)(A).**

(a) A district judge may reconsider any pretrial matter referred to a magistrate judge in a civil or criminal case pursuant to LR IB 1-3 where it has been shown that the magistrate judge's ruling is clearly erroneous or contrary to law. Any party wishing to object to the ruling of the magistrate judge on a pretrial matter shall, within ten (10) days from the date of service of the magistrate judge's ruling, file and serve specific written objections to the ruling together with points and authorities in support thereof. The opposing party shall within ten (10) days thereafter file and serve points and authorities opposing the objections. Points and authorities filed in support of or in opposition to the objections are subject to the page limits set forth in LR 7-4 or LCR 47-7.

(b) The clerk shall then submit the case file to the district judge. The district judge may affirm, reverse or modify, in whole or in part, the ruling made by the magistrate judge. The district judge may also remand the same to the magistrate judge with instructions.

**LR IB 3-2. REVIEW OF MATTERS WHICH MAY NOT BE FINALLY DETERMINED
BY A UNITED STATES MAGISTRATE JUDGE IN CIVIL AND
CRIMINAL
CASES, ADMINISTRATIVE PROCEEDINGS, PROBATION
REVOCATION
PROCEEDINGS - 28 U.S.C. §_636(b)(1)(B).**

(a) Any party wishing to object to the findings and recommendations of a magistrate judge made pursuant to LR IB 1-4, IB 1-5, IB 1-6 and IB 1-7 shall, within ten (10) days from the date of service of the findings and recommendations, file and serve specific written objections together with points and authorities in support thereof. The opposing party shall within ten (10) days thereafter file and serve points and authorities opposing the objections. Points and authorities filed in support of, or in opposition to, the objections are subject to the page limits set forth in LR 7-4 or LCR 47-7.

(b) The clerk shall then submit the case file to the district judge who shall make a *de novo* determination of those portions of the specified findings or recommendations to which objections have been made. The district judge may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The district judge may also receive further evidence or remand the same to the magistrate judge with instructions.

**LR IB 3-3. APPEAL FROM JUDGMENTS IN MISDEMEANOR CASES -
18 U.S.C. § 3402.**

A defendant may appeal a judgment of conviction by a magistrate judge in a misdemeanor case to a district judge by filing a notice of appeal within ten (10) days after entry of the judgment and by serving a copy of the notice upon the United States Attorney. The scope of appeal shall be the same as on an appeal from a judgment of the district court to the Court of Appeals.

**LR IB 3-4. APPEAL FROM JUDGMENTS IN CIVIL CASES DISPOSED OF ON
CONSENT OF THE PARTIES - 28 U.S.C. § 636(c).**

Upon the entry of judgment in any civil case disposed of by a magistrate judge on consent of the parties under authority of 28 U.S.C. § 636(c) and LR IB 2-1 *supra*, an appeal by an aggrieved party shall be taken directly to the Court of Appeals in the same manner as an appeal from any other judgment of this court.

**LR IB 3-5. APPEAL FROM UNITED STATES MAGISTRATE JUDGE'S RELEASE AND
DETENTION ORDERS.**

A motion under 18 U.S.C. § 3145(a) or (b) seeking revocation or amendment of a magistrate judge's release or detention order shall be entitled "Appeal from Magistrate Judge's Release (or Detention) Order."

Part II - Local Rules of Civil Practice

LR 3-1. CIVIL COVER SHEET.

Except in actions initiated by inmates appearing *in pro se*, every civil action tendered for filing in this court shall be accompanied by a properly completed civil cover sheet.

LR 4-1. SERVICE AND ISSUANCE OF PROCESS.

(a) The United States Marshal is authorized to serve summons and civil process on behalf of the United States.

(b) In those cases where service of process is authorized and sought pursuant to state and/or international procedure, counsel for the party seeking such service shall furnish the clerk with all forms and papers needed to comply with the requirements of such practice.

LR 5-1. PROOF OF SERVICE.

(a) All papers required or permitted to be served shall have attached when presented for filing a written proof of service. The proof shall show the day and manner of service and the name of the person served. Proof of service may be by written acknowledgement of service or certificate of the person who made service. The court may refuse to take action on any papers until proper proof of service is filed.

(b) Failure to make the proof of service required by this rule does not affect the validity of the service. Unless material prejudice would result, the court may at any time allow the proof of service to be amended or supplied.

LR 5-2. FACSIMILE FILING.

Papers may be filed with the clerk by means of telephone facsimile machine ("fax") only in cases involving the death penalty as hereinafter provided:

(a) Documents that relate to stays of execution in death penalty cases may be transmitted directly to the fax machines in the clerk's offices in Reno or Las Vegas for filing by the clerk when counsel considers this will serve the interests of their clients.

(b) Counsel must notify the clerk before transmitting any document by fax. On receiving the transmitted document, the clerk shall make the number of copies required and file the photocopies. Any document transmitted directly to the court by fax must show service on all other parties by fax or hand delivery.

(c) When a document has been transmitted by fax and filed pursuant to this rule, counsel must file the original document and accompanying proof of service with the clerk within three (3) judicial days of the date of the fax transmission.

LR 6-1. REQUESTS FOR CONTINUANCE, EXTENSION OF TIME OR ORDER SHORTENING TIME.

(a) Every motion requesting a continuance, extension of time, or order shortening time shall be “Filed” by the clerk and processed as an expedited matter. *Ex parte* motions and stipulations shall be governed by LR 6-2.

(b) Every motion or stipulation to extend time shall inform the court of any previous extensions granted and state the reasons for the extension requested. A request made after the expiration of the specified period shall not be granted unless the moving party, attorney, or other person demonstrates that the failure to act was the result of excusable neglect. Immediately below the title of such motion or stipulation there shall also be included a statement indicating whether it is the first, second, third, etc., requested extension, i.e.:

STIPULATION FOR EXTENSION OF TIME TO FILE MOTIONS
(First Request)

(c) The court may set aside any extension obtained in contravention of this rule.

(d) A stipulation or motion seeking to extend the time to file an opposition or final reply to a motion, or to extend the time fixed for hearing a motion, must state in its opening paragraph the filing date of the motion.

LR 6-2. REQUIRED FORM OF ORDER FOR STIPULATIONS AND *EX PARTE* MOTIONS.

(a) Any stipulation or *ex parte* motions requesting a continuance, extension of time, or order shortening time, and any other stipulation requiring an order shall not initially be “Filed” by the clerk, but shall be marked “Received.” Every such stipulation or *ex parte* motion shall include an “Order” in the form of a signature block on which the court or clerk can endorse approval of the relief sought. This signature block shall not be on a separate page, but shall appear approximately one inch (1_) below the last typewritten matter on the right-hand side of the last page of the stipulation or *ex parte* motion, and shall read as follows:

“IT IS SO ORDERED:

[UNITED STATES DISTRICT JUDGE,
UNITED STATES MAGISTRATE JUDGE,
UNITED STATES DISTRICT COURT CLERK
(whichever is appropriate)
DATED: _____”

(b) Upon approval, amendment or denial, the stipulation or *ex parte* motion shall be filed and processed by the clerk in such manner as may be necessary.

LR 7-1. STIPULATIONS.

(a) Stipulations relating to proceedings before the court, except stipulations made in open court that are noted in the clerk's minutes or the court reporter's notes, shall be in writing, signed by the parties or counsel for the parties to be bound, and served on all other parties who have appeared.

(b) No stipulations relating to proceedings before the court except those set forth in Fed. R. Civ. P. 29 shall be effective until approved by the court. Any stipulation that would interfere with any time set for completion of discovery, for hearing of a motion, or for trial, may be made only with the approval of the court.

(c) A dispositive stipulation, which has been signed by fewer than all the parties or their counsel, shall be treated as a motion.

(d) The clerk has authority to approve the stipulations described in LR 77-1.

LR 7-2. MOTIONS.

(a) All motions, unless made during a hearing or trial, shall be in writing and served on all other parties who have appeared. The motion shall be supported by a memorandum of points and authorities.

(b) Unless otherwise ordered by the court, points and authorities in response shall be filed and served by an opposing party fifteen (15) days after service of the motion.

(c) Unless otherwise ordered by the court, reply points and authorities shall be filed and served by the moving party eleven (11) days after service of the response.

(d) The failure of a moving party to file points and authorities in support of the motion shall constitute a consent to the denial of the motion. The failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion.

LR 7-3. CITATIONS OF AUTHORITY.

(a) References to an act of Congress shall include the United States Code citation, if available. When a federal regulation is cited, the Code of Federal Regulations title, section, page and year shall be given.

(b) When a Supreme Court decision is cited, the citation to the United States Reports shall be given. When a decision of a court of appeals, a district court, or other federal court has been reported in the Federal Reporter System, that citation shall be given. When a decision of a state appellate court has been reported in West's National Reporter System, that citation shall be given. All citations shall include the specific page(s) upon which the pertinent language appears.

LR 7-4. LIMITATION ON LENGTH OF BRIEFS AND POINTS AND AUTHORITIES; REQUIREMENT FOR INDEX AND TABLE OF AUTHORITIES.

Unless otherwise ordered by the court, pretrial and post-trial briefs and points and authorities in support of, or in response to, motions shall be limited to thirty (30) pages including the motion but excluding exhibits. Reply briefs and points and authorities shall be limited to twenty (20) pages, excluding exhibits. Where the court enters an order permitting a longer brief or points and authorities, the papers shall include an index and table of authorities.

LR 7-5. EX PARTE MOTIONS.

(a) All *ex parte* motions, applications or requests shall contain a statement showing good cause why the matter was submitted to the court without notice to all parties.

(b) All *ex parte* matters shall state the efforts made to obtain a stipulation and why a stipulation was not obtained.

LR 7-6. EX PARTE COMMUNICATIONS.

(a) No party nor counsel for any party shall make an *ex parte* communication with the court except as specifically permitted by these rules.

(b) Any party, counsel or those acting *in pro se*, may submit and serve a letter to the court at the expiration of sixty (60) days after any matter has been, or should have been, submitted to the court for decision if the court has not entered its written ruling.

vs.)
)
 RICHARD ROE,)
)
Defendant.)

(d) In the space to the right of center, there shall be inserted the docket number which shall include a designation of the nature of the case (“CV” for civil), the division of the court (“S” for Southern and “N” for Northern) and, except for the original pleading, the case number and the initials of the presiding district judge followed in parentheses by the initials of the magistrate judge if one has been assigned. This information shall be separated by dashes. For example: CV-S-95-114-LDG-(RJJ).

(e) Immediately below the caption and the docket number there shall be inserted the name of the paper and whenever there is more than one defendant a designation of the parties affected by it, e.g., Defendant Richard Roe's Cross-Claims against Defendant Black and White Corporation.

LR 10-3. EXHIBITS.

All exhibits attached to papers shall show the exhibit number at the bottom or side. Exhibits need not be typewritten and may be copies, but must be clearly legible and not unnecessarily voluminous. Counsel must reduce oversized exhibits to 8½_ x 11_ unless such reduction would destroy legibility or authenticity. An oversized exhibit that cannot be reduced shall be filed separately with a captioned cover sheet identifying the exhibit and the document(s) to which it relates.

LR 10-4. COPIES.

(a) Unless otherwise required, the original and one (1) copy of all pleadings and other papers shall be filed with the clerk. This rule does not apply to exhibits filed in the following categories of cases in which only one (1) copy of the exhibit need be submitted:

- (1) Reviews of decisions of administrative agencies (for example, Social Security Administration, Bureau of Land Management);
- (2) Petitions to compel arbitration or to vacate, enforce or modify arbitrations awards;
- (3) Actions by the United States to collect debts (for example, student loans, F.H.A. or V.A. collection matters);
- (4) *Habeas corpus* petitions;

- (5) Civil rights actions by inmates proceeding *in pro se*;
- (6) Actions by or on behalf of inmates under 28 U.S.C. §§ 2254 and 2255; and
- (7) Other actions as ordered by the court from time to time.

(b) Counsel or persons appearing *in pro se* who wish to receive a file-stamped copy of any pleading or other paper must submit one (1) additional copy and if by mail, a self-addressed, postage paid envelope, except that persons granted leave to proceed *in forma pauperis* need not submit a self-addressed, postage paid envelope.

LR 10-5. IN CAMERA SUBMISSIONS.

Papers submitted for *in camera* inspection shall have a captioned coversheet complying with LR 10-2 that indicates the document is being submitted *in camera* and shall be accompanied by an envelope large enough for the *in camera* papers to be sealed in without being folded.

LR 10-6. CERTIFICATE AS TO INTERESTED PARTIES.

(a) Unless otherwise ordered, in all cases except *habeas corpus* cases counsel for private (nongovernmental) parties shall upon entering the case file a certificate listing all persons, associations of persons, firms, partnerships or corporations known to have an interest in the outcome of the case including the names of all parent, subsidiary, affiliate and/or insider of the named non-individual parties, as follows:

“Number and Caption of Case
Certificate Required by LR 10-6

The undersigned, counsel of record for _____,
certifies that the following have an interest in the
outcome of this case: (here list the names of all such
parties including the names of all parent, subsidiary,
affiliate, and/or insider of the named non-individual
parties, and identify their interests).

These representations are made to enable
judges of the court to evaluate possible recusal.

Attorney of Record for _____”

(b) If there are no known interested parties other than those participating in the case, a statement to that effect will satisfy this rule.

(c) There is a continuing obligation to supplement in accordance with the provisions of this rule.

LR 15-1. AMENDED PLEADINGS.

(a) The original proposed amended pleading shall be signed and attached to any motion to amend a pleading. If the motion is granted the clerk shall forthwith detach and file the original amended pleading. Unless otherwise permitted by the court, every proposed amended pleading must be retyped or reprinted so that it will be complete in itself, including exhibits, without reference to the superseded pleading. An amended pleading shall include copies of all exhibits referred to in such pleading.

(b) Upon order of the court, the clerk shall remove any exhibits attached to prior pleadings and attach them to the amended pleading. The time under Fed. R. Civ. P. 15(a) for an entity already a party to answer or reply to an amended pleading shall run from the date of service of the order allowing said pleading to be amended, or where no order is required under Fed. R. Civ. P. 15(a), from the date of service of the amended pleading.

LR 16-1. SCHEDULING AND CASE MANAGEMENT; TIME AND ISSUANCE OF SCHEDULING ORDER.

(a) In cases where a discovery plan is required, the court shall approve, disapprove or modify the discovery plan and enter the scheduling order within thirty (30) days from the date the discovery plan is submitted.

(b) In actions by or on behalf of inmates under 42 U.S.C. § 1983 or the principles of Bivens v Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), and in forfeiture and condemnation actions, no discovery plan is required. In such cases, a scheduling order shall be entered within thirty (30) days after the first defendant answers or otherwise appears.

(c) The following categories of cases shall be governed by the entry of an order setting forth a briefing schedule and such other matters as may be appropriate:

- (1) Actions for review on an administrative record;
- (2) Petitions for *habeas corpus* or other proceeding to challenge a criminal conviction or sentence;
- (3) Actions brought without counsel by a person in custody of the United States, a state, or a state subdivision;
- (4) Actions to enforce or quash an administrative summons or subpoena;
- (5) Actions by the United States to recover benefit payments;
- (6) Actions by the United States to collect on a student loan guaranteed by the United States;

- (7) Proceedings ancillary to proceedings in other courts; and
- (8) Actions to enforce an arbitration award.

(d) In all cases, the court may order a conference of all the parties to discuss the provisions of the discovery plan, scheduling order, briefing order setting forth a briefing schedule, and such other matters as the court deems appropriate.

LR 16-2. PRETRIAL CONFERENCES.

Unless specifically ordered, the court will not conduct pretrial conferences. A party may at any time make written request for a pretrial conference to expedite disposition of any case, particularly one which is complex or in which there has been delay. Pretrial conferences may be called at any time by the court on its own initiative.

LR 16-3. PRETRIAL ORDER, MOTIONS *IN LIMINE*, AND TRIAL SETTING.

(a) The scheduling order may set the date for submitting the joint pretrial order, if required by the court.

(b) Unless otherwise ordered by the court, motions *in limine* are due thirty (30) days prior to trial. Oppositions shall be filed and served and the motion submitted for decision fifteen (15) days thereafter. Replies will be allowed only with leave of the court.

(c) Upon the initiative of counsel for plaintiff, counsel who will try the case and who are authorized to make binding stipulations shall personally discuss settlement and prepare and lodge with the court a proposed joint pretrial order containing the following:

- (1) A concise statement of the nature of the action and the contentions of the parties;
- (2) A statement as to the jurisdiction of the court with specific legal citations;
- (3) A statement of all uncontested facts deemed material in the action;
- (4) A statement of the contested issues of fact in the case as agreed upon by the parties;
- (5) A statement of the contested issues of law in the case as agreed upon by the parties;
- (6) Plaintiff's statement of any other issues of fact or law deemed to be material;

(7) Defendant's statement of any other issues of fact or law deemed to be material;

(8) Lists or schedules of all exhibits that will be offered in evidence by the parties at the trial. Such lists or schedules shall describe the exhibits sufficiently for ready identification and:

(A) Identify the exhibits the parties agree can be admitted at trial; and

(B) List those exhibits to which objection is made and state the grounds therefor. Stipulations as to admissibility, authenticity and/or identification of documents shall be made whenever possible;

(9) A statement by each party identifying any depositions intended to be offered at the trial, except for impeachment purposes, and designating the portions of the deposition to be offered;

(10) A statement of the objections, and the grounds therefor, to deposition testimony the opposing party has designated;

(11) A list of witnesses, with their addresses, who may be called at the trial. Such list may not include witnesses whose identities were not but should have been revealed in response to permitted discovery unless the court, for good cause and on such conditions as are just, otherwise orders; and

(12) A list of motions *in limine* filed, if any.

(d) Except when offered for impeachment purposes, no exhibit shall be received and no witnesses shall be permitted to testify at the trial unless listed in the pretrial order. However, for good cause shown the court may allow an exception to this provision.

LR 16-4.

FORM OF PRETRIAL ORDER.

Unless otherwise ordered, the pretrial order shall be in the following form:

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

_____,)
Plaintiff,) CASE NO. _____
)
vs.)
)
_____,) PRETRIAL ORDER
Defendant.)
_____)

Following pretrial proceedings in this cause,

IT IS ORDERED:

I.

This is an action for: (State nature of action, relief sought, identification and contentions of parties).

II.

Statement of jurisdiction: (State the facts and cite the statutes which give this court jurisdiction of the case).

III.

The following facts are admitted by the parties and require no proof:

IV.

The following facts, though not admitted, will not be contested at trial by evidence to the contrary:

V.

The following are the issues of fact to be tried and determined upon trial.¹ (Each issue of fact must be stated separately and in specific terms.)

VI.

The following are the issues of law to be tried and determined upon trial.¹ (Each issue of law must be stated separately and in specific terms.)

VII.

(a) The following exhibits are stipulated into evidence in this case and may be so marked by the clerk:

- (1) Plaintiff's exhibits.
- (2) Defendant's exhibits.

(b) As to the following additional exhibits the parties have reached the stipulations stated:

- (1) Set forth stipulations as to plaintiff's exhibits.
- (2) Set forth stipulations as to defendant's exhibits.

¹ Should counsel be unable to agree upon the statement of issues of fact or law, the joint pretrial order should include separate statements of issues of fact or law to be tried and determined upon trial.

(c) As to the following exhibits, the party against whom the same will be offered objects to their admission upon the grounds stated:

- (1) Set forth objections to plaintiff's exhibits.
- (2) Set forth objections to defendant's exhibits.

(d) Depositions:

(1) Plaintiff will offer the following depositions: (Indicate name of deponent and identify portions to be offered by pages and lines and the party or parties against whom offered).

(2) Defendant will offer the following depositions: (Indicate name of deponent and identify portions to be offered by pages and lines and the party or parties against whom offered).

(e) Objections to Depositions:

(1) Defendant objects to plaintiff's depositions as follows:

(2) Plaintiff objects to defendant's depositions as follows:

VIII.

The following witnesses may be called by the parties upon trial:

- (a) State names and addresses of plaintiff's witnesses.
- (b) State names and addresses of defendant's witnesses.

IX.

Counsel have met and herewith submit a list of three (3) agreed-upon trial dates:

It is expressly understood by the undersigned that the court will set the trial of this matter on one (1) of the agreed-upon dates if possible; if not, the trial will be set at the convenience of the court's calendar.

X.

It is estimated that the trial herein will take a total of _____ days.

APPROVED AS TO FORM AND CONTENT:

Attorney for Plaintiff

Attorney for Defendant

XI.

ACTION BY THE COURT

(a) This case is set down for court/jury trial on the fixed/stacked calendar on _____.
Calendar call shall be held on _____.

(b) An original and two (2) copies of each trial brief shall be submitted to the clerk on
or before _____.

(c) Jury trials:

(1) An original and two (2) copies of all instructions requested by either party
shall be submitted to the clerk for filing on or before _____.

(2) An original and two (2) copies of all suggested questions of the parties to be
asked of the jury panel by the court on *voir dire* shall be submitted to the clerk for filing on or before
_____.

(d) Court trials:

Proposed findings of fact and conclusions of law shall be filed on or before _____.

The foregoing pretrial order has been approved by the parties to this action as evidenced by
the signatures of their counsel hereon, and the order is hereby entered and will govern the trial of this
case. This order shall not be amended except by order of the court pursuant to agreement of the
parties or to prevent manifest injustice.

DATED: _____.

UNITED STATES DISTRICT JUDGE or
UNITED STATES MAGISTRATE JUDGE

LR 16-5. SETTLEMENT CONFERENCE AND ALTERNATIVE METHODS OF DISPUTE RESOLUTION.

The court may, in its discretion and at any time, set any appropriate civil case for settlement conference, summary jury trial, or other alternative method of dispute resolution.

LR 26-1. DISCOVERY PLANS AND MANDATORY DISCLOSURES.

- (a) [Repealed December 1, 2000. See Fed. R. Civ. P. 26(a).]
- (b) [Repealed December 1, 2000. See Fed. R. Civ. P. 26(g)(1).]
- (c) [Repealed December 1, 2000. See Fed. R. Civ. P. 26(e).]

(d) Fed. R. Civ. P. 26(f) Meeting; Filing and Contents of Discovery Plan and Scheduling Order. The parties shall meet and/or confer as required by Fed. R. Civ. P. 26(f) within thirty (30) days after the first defendant answers or otherwise appears. Fourteen (14) days after the mandatory Fed. R. Civ. P. 26(f) conference, the parties shall submit a stipulated discovery plan and scheduling order. The plan shall be in such form so as to permit the plan, on court approval thereof, to become the scheduling order required by Fed. R. Civ. P. 16(b). If the plan sets deadlines within those specified in LR 26-1(e), the plan shall state on its face in bold type, "SUBMITTED IN COMPLIANCE WITH LR 26-1(e)." If longer deadlines are sought, the plan shall state on its face "SPECIAL SCHEDULING REVIEW REQUESTED." Plans requesting special scheduling review shall include, in addition to the information required by Fed. R. Civ. P. 26(f) and LR 26-1(e), a statement of the reasons why longer or different time periods should apply to the case or, in cases in which the parties disagree as to the form or contents of the discovery plan, a statement of each party's position on each point in dispute.

(e) Form of Stipulated Discovery Plan and Scheduling Order, Applicable Deadlines. The discovery plan shall include, in addition to the information required by Fed. R. Civ. P. 26(f), the following information:

(1) Discovery Cut-Off Date. The plan shall state the date the first defendant answered or otherwise appeared, the number of days required for discovery measured from the date the first defendant answers or otherwise appears, and shall give the calendar date on which discovery will close. Unless otherwise ordered, discovery periods longer than one hundred eighty (180) days from the date the first defendant answers or appears will require special scheduling review;

(2) Amending the Pleadings and Adding Parties. Unless the discovery plan otherwise provides and the court so orders, the date for filing motions to amend the pleadings or to add parties shall be not later than ninety (90) days prior to the close of discovery. The plan should state the calendar dates on which these amendments will fall due;

(3) Fed. R. Civ. P. 26(a)(2) Disclosures (Experts). Unless the discovery plan

otherwise provides and the court so orders, the time deadlines specified in Fed. R. Civ. P. 26(a)(2)(C) for disclosures concerning experts are modified to require that the disclosures be made sixty (60) days before the discovery cut-off date and that disclosures respecting rebuttal experts be made thirty (30) days after the initial disclosure of experts. The plan should state the calendar dates on which these exchanges will fall due;

(4) Dispositive Motions. Unless the discovery plan otherwise provides and the court so orders, the date for filing dispositive motions shall be not later than thirty (30) days after the discovery cut-off date. The plan should state the calendar dates on which these dispositive motions will fall due;

(5) Pretrial Order. Unless the discovery plan otherwise provides and the court so orders, the joint pretrial order shall be filed not later than thirty (30) days after the date set for filing dispositive motions. In the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after decision of the dispositive motions or further order of the court;

(6) Fed. R. Civ. P. 26(a)(3) Disclosures. Unless the discovery plan otherwise provides and the court so orders, the disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereto shall be included in the pretrial order; and

(7) Form of Order. All discovery plans shall include on the last page thereof the words "IT IS SO ORDERED" with a date and signature block for the judge in the manner set forth in LR 6-2.

LR 26-2. TIME FOR COMPLETION OF DISCOVERY WHEN NO SCHEDULING ORDER IS ENTERED.

Unless otherwise ordered, in cases where no discovery plan is required discovery shall be completed within one hundred eighty (180) days from the time the first defendant answers or otherwise appears.

LR 26-3. INTERIM STATUS REPORTS.

Not later than sixty (60) days before the discovery cut-off the parties shall submit an interim status report stating the time they estimate will be required for trial, giving three (3) alternative available trial dates, and stating whether, in the opinion of counsel who will try the case, trial will be eliminated or its length affected by substantive motions. This status report shall be signed by counsel for each party or the party, if appearing *in pro se*.

LR 26-4. EXTENSION OF SCHEDULED DEADLINES.

Applications to extend any date set by the discovery plan, scheduling order, or other order must, in addition to satisfying the requirements of LR 6-1, be supported by a showing of good cause for the extension. All motions or stipulations to extend discovery shall be received by the court within twenty (20) days before the discovery cut-off date or any extension thereof. Any motion or stipulation to extend or to reopen discovery shall include:

- (a) A statement specifying the discovery completed;
- (b) A specific description of the discovery that remains to be completed;
- (c) The reasons why discovery remaining was not completed within the time limits set by the discovery plan; and
- (d) A proposed schedule for completing all remaining discovery.

LR 26-5. RESPONSES TO WRITTEN DISCOVERY.

All responses to written discovery shall, immediately preceding the response, identify the number or other designation and set forth in full the text of the discovery sought.

LR 26-6. DEMAND FOR PRIOR DISCOVERY.

A party who enters a case after discovery has begun is entitled, on written request, to inspect and copy, at the requesting party's expense, all discovery provided or taken by every other party in the case. The request shall be directed to the party who provided the discovery or, if the discovery was obtained from a person not a party to the case, to the party who took such discovery.

LR 26-7. DISCOVERY MOTIONS.

(a) All motions to compel discovery or for protective order shall set forth in full the text of the discovery originally sought and the response thereto, if any.

(b) Discovery motions will not be considered unless a statement of moving counsel is attached thereto certifying that, after personal consultation and sincere effort to do so, counsel have been unable to resolve the matter without court action.

(c) Unless otherwise ordered, all emergency discovery disputes are referred to the magistrate judge assigned to the case. Any attorney or party appearing *in pro se* may apply for relief by written motion or, where time does not permit, by a telephone call to the magistrate judge or district judge assigned to the case. Written requests for judicial assistance in resolving an emergency discovery dispute shall be entitled "Emergency Motion" and be accompanied by an affidavit setting forth:

- (1) The nature of the emergency;
 - (2) The office addresses and telephone numbers of moving and opposing counsel;
- and
- (3) A statement of when and how opposing counsel was notified of the motion or, if opposing counsel was not notified, why it was not practicable to do so.
- (d) It shall be within the sole discretion of the court to determine whether any such matter is, in fact, an emergency.

LR 26-8. FILING OF DISCOVERY PAPERS.

Unless otherwise ordered by the court, written discovery, including responses thereto, and deposition transcripts, shall not be filed with the court. Originals of responses to written discovery requests shall be served on the party who served the discovery request and that party shall make such originals available at the pretrial hearing, at trial, or on order of the court. Likewise, the deposing party shall make the original transcript of a deposition available at any pretrial hearing, at trial, or on order of the court.

LR 26-9. EXEMPTIONS.

[Repealed December 1, 2000. See Fed. R. Civ. P. 26(a)(1)(E).]

LR 30-1. DEPOSITIONS UPON ORAL EXAMINATION.

[Repealed effective December 1, 2000. See Fed. R. Civ. P. 30.]

LR 30-2. REQUIREMENTS FOR TRANSCRIPTS.

Unless the court orders otherwise, depositions shall be recorded by stenographic means.

LR 31-1. DEPOSITIONS UPON WRITTEN QUESTIONS.

[Repealed effective December 1, 2000. See Fed. R. Civ. P. 31.]

LR 32-1. USE OF DEPOSITIONS IN COURT PROCEEDINGS.

Unless the court orders otherwise, deposition testimony shall be offered by stenographic means.

LR 33-1. INTERROGATORIES.

[Repealed effective December 1, 2000. See Fed. R. Civ. P. 33]

LR 34-1. PRODUCTION OF DOCUMENTS.

[Repealed effective December 1, 2000. See Fed. R. Civ. P. 34.]

LR 36-1. REQUEST FOR ADMISSIONS.

[Repealed effective December 1, 2000. See Fed. R. Civ. P. 36.]

LR 38-1. JURY DEMAND.

When a jury trial is demanded in a pleading, the words “JURY DEMAND” shall be typed or printed in capital letters on the first page immediately below the name of the pleading.

LR 41-1. DISMISSAL FOR WANT OF PROSECUTION.

All civil actions that have been pending in this court for more than nine (9) months without any proceeding of record having been taken may, after notice, be dismissed for want of prosecution on motion of counsel or by the court.

LR 43-1. INTERPRETERS/TAKING OF TESTIMONY.

A party who anticipates needing the services of an interpreter shall make arrangements therefor, at that party's expense, and file a written notice not later than eleven (11) days prior to the proceeding in which the interpreter's services will be used. The notice shall include the name and credentials of the interpreter, the name of the witness or witnesses requiring such service, and the reason the service is needed.

LR 48-1. CONTACT WITH JURORS PROHIBITED.

Unless otherwise permitted by the court, no party, attorney or other interested person shall communicate with or contact any juror until the jury concludes its deliberations and is discharged.

LR 54-1. BILL OF COSTS.

(a) See 28 U.S.C. §§ 1920, 1921 and 1923; and Fed. R. Civ. P. 54(d). Unless otherwise ordered by the court, the prevailing party shall be entitled to reasonable costs. A prevailing party who claims such costs shall serve and file a bill of costs and disbursements on the form provided by the clerk no later than ten (10) days after the date of entry of the judgment or decree.

(b) See 28 U.S.C. § 1924. Every bill of costs and disbursements shall be verified and distinctly set forth each item so that its nature can be readily understood. The bill of costs shall state that the items are correct and that the services and disbursements have been actually and necessarily provided and made. An itemization and, where available, documentation of requested costs in all categories must be attached to the bill of costs.

(c) The clerk shall tax the costs not later than ten (10) days after the filing of objections or when the time within which such objections may be filed has passed.

LR 54-2. CLERK'S, MARSHAL'S, PROCESS SERVER'S, AND DOCKET FEES.

Clerk's fees (see 28 U.S.C. § 1920), docket fees (see 28 U.S.C. § 1923) and marshal's fees (see 28 U.S.C. § 1921) are allowable by statute. Fees of authorized process servers are ordinarily taxable.

LR 54-3. FEES INCIDENT TO TRANSCRIPTS; TRIAL TRANSCRIPTS.

Transcripts of pretrial, trial, and post-trial proceedings are not taxable unless either requested by the court or prepared pursuant to stipulation approved by the court. Mere acceptance by the court does not constitute a request. Copies of transcripts for counsel's own use are not taxable absent a prior special order of the court.

LR 54-4. DEPOSITION COSTS.

The cost of a deposition transcript (either the original or a copy, but not both) is taxable whether taken solely for discovery or for use at trial. The reasonable expenses of a deposition reporter and the notary or other official presiding at the deposition are taxable, including travel, where necessary, and subsistence. Postage costs, including registry, for sending the original deposition to the clerk for filing are taxable if the court has ordered the filing of said deposition. Counsel's fees, expenses in arranging for taking a deposition, and expenses in attending the deposition are not taxable, except as provided by statute or by the Federal Rules of Civil Procedure. Fees for the witness at the taking of a deposition are taxable at the same rate as for attendance at trial. The witness need not be under subpoena. A reasonable fee for a necessary interpreter at the taking of a taxable deposition is taxable.

LR 54-5. WITNESS FEES, MILEAGE, AND SUBSISTENCE.

(a) The rate for witness fees, mileage, and subsistence are fixed by statute (see 28 U.S.C. § 1821). Such fees are taxable even though the witness did not testify if it is shown that the attendance was necessary, but if a witness is not used, the presumption is that the attendance was unnecessary. Such fees are taxable even though the witness attends voluntarily and not under subpoena. Costs may be taxed for each day the witness is necessarily in attendance and are not limited to the actual day the witness testified. Fees will be limited, however, to the days of actual testimony and the days required for travel if no showing is made that the witness necessarily attended for a longer time.

(b) Subsistence to the witness under 28 U.S.C. § 1821 is allowable if the mileage fees for the witness to travel from the witness' residence to court and back each day exceed the applicable subsistence fees.

(c) No party shall receive witness fees for testifying in that party's own behalf, but this shall not apply where a party is subpoenaed to attend court by the opposing party. Witness fees for officers of a corporation are taxable if the officers are not defendants and recovery is not sought against the officers individually. Fees for expert witnesses are not taxable in a greater amount than statutorily allowable for ordinary witnesses unless authorized by contract or specific statute.

(d) The reasonable fee of a competent interpreter is taxable if the fee of the witness for whom the interpreting services were required is taxable. The reasonable fee of a competent translator is taxable if the document translated is necessarily filed or admitted into evidence.

LR 54-6. EXEMPLIFICATION AND COPIES OF PAPERS.

(a) An itemization of costs claimed pursuant to this section shall be attached to the cost bill. The cost of copies of an exhibit necessarily attached to a document required to be filed and served is taxable. Cost of one (1) copy of a document is taxable when the copy is admitted into evidence in lieu of an original because the original is either not available or is not introduced at the request of opposing counsel. The cost of copies submitted in lieu of originals because of the convenience of offering counsel or counsel's client is not taxable. The cost of reproducing copies of motions, pleadings, notices and other routine case papers is not allowable. The cost of copies obtained for counsel's own use is not taxable. The fee of an official for certification or proof regarding non-existence of a document is taxable. Notary fees are taxable if actually incurred, but only for documents which are required to be notarized and which are necessarily filed. Costs incurred for reducing documents to comply with the paper size requirement of these rules are taxable.

(b) The cost of patent file wrappers and prior art patents are taxable at the rate charged by the patent office. Expenses for services of persons checking patent office records to determine what should be ordered are not taxable.

LR 54-7. MAPS, CHARTS, MODELS, PHOTOGRAPHS, SUMMARIES, COMPUTATIONS, AND STATISTICAL SUMMARIES.

The cost of maps and charts is taxable if they are admitted into evidence. The cost of photographs, 8_ x 10_ in size or less, is taxable if admitted into evidence or attached to documents required to be filed and served on opposing counsel. The cost of enlargements greater than 8_ x 10_, models, summaries, computations, and statistical comparisons is not taxable except by prior order of the court.

LR 54-8. FEES OF MASTERS, RECEIVERS, AND COMMISSIONERS.

Unless otherwise ordered by the court, fees of masters, receivers, and commissioners are taxable as costs.

LR 54-9. PREMIUMS ON UNDERTAKINGS AND BONDS.

Premiums paid on undertakings and bonds are ordinarily taxable where the same have been furnished by reason of express requirement of law, on order of the court, or to enable the party to secure some right in the action or proceeding.

LR 54-10. REMOVED CASES.

In a removed case, costs incurred in the state court before removal are taxable in favor of the prevailing party. Such costs include but are not limited to:

- (a) Fees paid to the clerk of the state court;
- (b) Fees for service of process in the state court;
- (c) Costs of exhibits necessarily attached to documents required to be filed in the state court; and
- (d) Fees for witnesses attending depositions before removal, unless the court finds that the witness was deposed without reason or necessity.

LR 54-11. COSTS AGAINST THE GOVERNMENT.

See 28 U.S.C. § 2412.

LR 54-12. COSTS NOT ORDINARILY ALLOWED.

Unless substantiated by reference to statute or decision, the following costs will not ordinarily be allowed:

- (a) Accountant's fees incurred for investigation;
- (b) The purchase of infringing devices in patent cases;
- (c) The physical examination of an opposing party;
- (d) Courtesy copies of exhibits furnished to opposing counsel without request; and
- (e) Motion pictures.

LR 54-13. METHOD OF TAXATION OF COSTS.

(a) Any objections to a bill of costs shall be filed and served no later than ten (10) days after service of the bill of costs. Such objections shall specify each item to which objection is made and the grounds therefor, and shall include, if appropriate, supporting affidavits or other material.

(b) On the date set for the taxation neither the parties nor their attorneys shall appear, and the clerk shall proceed to tax such costs as are properly chargeable and shall make an insertion of the costs into the docket and the judgment, if appropriate. The clerk's taxation of costs shall be final unless modified on review as provided in these rules.

(c) Notice of the clerk's taxation of costs shall be given by mailing a copy of the bill as approved by the clerk to all parties in accordance with Fed. R. Civ. P. 5.

LR 54-14. REVIEW OF COSTS.

(a) A party may obtain review of the clerk's taxation of costs by motion to retax under Fed. R. Civ. P. 54(d), accompanied by points and authorities. Any motion to retax costs shall be filed and served within five (5) days after receipt of the notice provided for in LR 54-13(c).

(b) A motion to retax shall particularly specify the ruling of the clerk excepted to, and no others will be considered by the court. The motion shall be decided on the same papers and evidence submitted to the clerk.

LR 54-15. APPELLATE COSTS.

The district court does not tax or retax appellate costs. The certified copy of the judgment or

the mandate of the court of appeals, without further action by the district court, is sufficient basis to request the clerk of the district court to issue a writ of execution to recover costs taxed by the appellate court.

LR 54-16. MOTIONS FOR ATTORNEY'S FEES.

(a) Time for Filing. When a party is entitled to move for attorney's fees, such motion shall be filed with the court and served within fourteen (14) days after entry of the final judgment or other order disposing of the action.

(b) Content of Motions. Unless otherwise ordered by the court, a motion for attorney's fees must, in addition to those matters required by Fed._R._Civ._P._54(d)(2)(B), include the following:

- (1) A reasonable itemization and description of the work performed;
- (2) An itemization of all costs sought to be charged as part of the fee award and not otherwise taxable pursuant to LR 54-1 through 54-15;
- (3) A brief summary of:
 - (A) The nature of the case;
 - (B) The difficulty of the case;
 - (C) The results obtained and the amount involved;
 - (D) The time and labor required;
 - (E) The novelty and difficulty of the questions involved;
 - (F) The skill requisite to perform the legal service properly;
 - (G) The preclusion of other employment by the attorney due to acceptance of the case;
 - (H) The customary fee;
 - (I) Whether the fee is fixed or contingent;
 - (J) The time limitations imposed by the client or the circumstances;
 - (K) The experience, reputation, and ability of the attorney(s);

- (L) The undesirability of the case, if any;
- (M) The nature and length of the professional relationship with the client;
- (N) Awards in similar cases; and

(4) Such other information as the court may direct.

(c) Attorney Affidavit. Each motion must be accompanied by an affidavit from the attorney responsible for the billings in the case containing the following:

- (1) Authentication of the information contained in the motion;
- (2) A statement of the amount usually charged by the firm for costs, e.g., computer legal research, telephone surcharges, copy charges;
- (3) A statement setting forth the hourly rates usually charged for similar services;
- (4) A statement that the bill has been reviewed and edited; and
- (5) A statement that the fees and costs charged are reasonable.

(d) Opposition. If no opposition is filed, the court may grant the motion. If an opposition is filed, it shall set forth the specific charges that are disputed and state with reasonable particularity the basis for such opposition. The opposition shall further include affidavits to support any contested fact.

(e) Hearing. If either party wishes to examine the affiant, such party must specifically make such a request in writing. Absent such a request, the court may decide the motion on the papers or set the matter for evidentiary hearing.

LR 56-1. MOTIONS FOR SUMMARY JUDGMENT.

Motions for summary judgment and responses thereto shall include a concise statement setting forth each fact material to the disposition of the motion which the party claims is or is not genuinely in issue, citing the particular portions of any pleading, affidavit, deposition, interrogatory, answer, admission, or other evidence upon which the party relies.

LR 65.1-1. QUALIFICATION OF SURETY.

Except for bonds secured by cash or negotiable bonds or notes of the United States as provided for in LR 65.1-2, every bond must have as surety:

(a) A corporation authorized by the United States Secretary of the Treasury to act as surety on official bonds under 31 U.S.C. §§ 9304 through 9306;

(b) A corporation authorized to act as surety under the laws of the State of Nevada, which corporation shall have on file with the clerk a certified copy of its certificate of authority to do business in Nevada, together with a certified copy of the power of attorney appointing the agent authorized to execute the bond;

(c) One or more individuals each of whom owns real or personal property sufficient to justify the full amount of the suretyship; or

(d) Such other security as the court shall order.

LR 65.1-2. DEPOSIT OF MONEY OR UNITED STATES OBLIGATION IN LIEU OF SURETY.

Upon order of the court, there may be deposited with the clerk in lieu of surety:

(a) Lawful money accompanied by an affidavit that identifies the legal owner thereof;
or

(b) Negotiable bonds or notes of the United States accompanied by an executed agreement as required by 31 U.S.C. § 9303(a)(3) authorizing the clerk to collect or sell the bonds or notes in the event of default.

LR 65.1-3. APPROVAL.

Unless approval of the bond or the individual sureties is endorsed thereon by opposing counsel or the party, if appearing *in pro se*, the party offering the bond shall apply to the court for approval. The clerk is authorized to approve bonds unless approval by the court is expressly required by law.

LR 65.1-4. PERSONS NOT TO ACT AS SURETIES.

No officer of this court nor any member of the bar of this court nor any nonresident attorney specially admitted to practice before this court nor their office associates or employees shall act as surety in this court.

LR 65.1-5. JUDGMENT AGAINST SURETIES.

Regardless of what may be otherwise provided in any security instrument, every surety who provides a bond or other undertaking for filing with this court thereby submits to the jurisdiction of

the court and irrevocably appoints the clerk as agent upon whom any paper affecting liability on the bond or undertaking may be served. Liability shall be joint and several and may be enforced summarily without independent action. Service may be made upon the clerk who shall forthwith mail a copy to the surety at the last known address.

LR 65.1-6. FURTHER SECURITY OR JUSTIFICATION OF PERSONAL SURETIES.

At any time and upon reasonable notice to all other parties, a party for whose benefit a bond is presented or posted may apply to the court for further or different security or for an order requiring personal sureties to justify.

LR 66-1. RECEIVERS IN GENERAL.

In the exercise of the authority vested in the district courts by Fed. _R. _Civ. _P. _66, the rules in this part are promulgated for the administration of estates by receivers or other similar officers appointed by the court. The Federal Rules of Civil Procedure and these rules govern any civil action in which the appointment of a receiver or other similar officer is sought or which is brought by or against such an officer.

LR 66-2. NOTICE; TEMPORARY RECEIVER.

A receiver shall not be appointed except after hearing, preceded by at least ten (10) days' notice to the party sought to be subjected to receivership and to all known creditors, except that a temporary receiver may be appointed without notice upon adequate showing provided by Fed. _R. _Civ. _P. _65(b).

LR 66-3. REVIEW OF APPOINTMENT OF TEMPORARY RECEIVER.

On being appointed, the temporary receiver shall give the notice required in LR 66-2, and at the hearing the court shall determine whether a receiver shall be appointed and the receivership continued or terminated in the same manner as though no temporary receiver had been appointed.

LR 66-4. REPORTS OF RECEIVERS.

(a) At the hearing provided for in LR 66-3, the temporary receiver shall file with the court a summary report of the temporary receivership.

(b) Within sixty (60) days of being appointed, a permanent receiver shall file a verified report and account of the receiver's administration which shall be heard upon ten (10) days' notice to all parties and known creditors of the party subject to receivership. The report and account shall

contain the following:

- (1) A summary of the operations of the receiver;
 - (2) An inventory of the assets and their appraised value;
 - (3) A schedule of all the receiver's receipts and disbursements;
 - (4) A list of all known creditors with their addresses and the amounts of their claims; and
 - (5) The receiver's recommendations for a continuation or discontinuation of the receivership and the reasons for the recommendations.
- (c) At the hearing, the court shall approve or disapprove the receiver's report and account, determine whether the receivership may continue, and fix the time for further regular reports by the receiver, if applicable.

LR 66-5. NOTICE OF HEARINGS.

Unless the court otherwise orders, the receiver shall give all interested parties and creditors at least ten (10) days' notice of the time and place of hearings of:

- (a) All further reports of the receiver;
- (b) All petitions for approval of the payment of dividends to creditors;
- (c) All petitions for confirmation of sales of real or personal property;
- (d) All applications for fees of the receiver, or of any attorney, accountant, or investigator;
- (e) Any application for the discharge of the receiver; and
- (f) All petitions for authority to sell property at private sale.

LR 66-6. EMPLOYMENT OF ATTORNEYS, ACCOUNTANTS, AND INVESTIGATORS.

A receiver shall not employ an attorney, accountant, or investigator without first obtaining an order of the court authorizing such employment. The compensation of such persons shall be fixed by the court, after hearing, upon the applicant's verified application setting forth in reasonable detail the nature of the services. The application shall state under oath that the applicant has not entered

into any agreement, written or oral, express or implied, with any other person concerning the amount of compensation paid or to be paid from the assets of the estate, or any sharing thereof.

LR 66-7. PERSONS PROHIBITED FROM ACTING AS RECEIVERS.

Except as otherwise allowed by statute or ordered by the court, no party in interest, attorney, accountant, employee or representative of a party in interest shall be appointed as a receiver or employed by the receiver.

LR 66-8. DEPOSIT OF FUNDS.

All funds received by a receiver shall be deposited in a depository designated by the court in an account entitled Receiver's Account, together with the name of the action.

LR 66-9. UNDERTAKING OF RECEIVER.

A receiver shall not act as such until a sufficient undertaking in an adequate amount as determined by the court is filed with the clerk.

LR 66-10. ADMINISTRATION OF ESTATES.

In all other respects or as ordered by the court, the receiver or similar officer shall administer the estate as nearly as may be in accordance with the practice in the administration of estates in Chapter 11 bankruptcy cases.

**LR 67-1.
ACCOUNT;**

**DEPOSIT AND INVESTMENT OF FUNDS IN THE REGISTRY
CERTIFICATE OF CASH DEPOSIT.**

(a) Cash tendered to the clerk for deposit into the Registry Account of this court shall be accompanied by a written statement titled "Certificate of Cash Deposit" which shall be signed by counsel or party appearing *in pro se*. The certificate shall contain the following information:

- (1) The amount of cash tendered for deposit;
- (2) The party on whose behalf the tender is being made;
- (3) The nature of the tender, e.g., interpleader funds deposit, cash bond in lieu of corporate surety in support of temporary restraining order, etc.;
- (4) Whether the cash is being tendered pursuant to statute, rule, or court order;
- (5) The conditions of the deposit signed and acknowledged by the depositor;
- (6) The name and address of the legal owner to whom a refund, if applicable, shall be made; and

(7) A signature block whereon the clerk can acknowledge receipt of the cash tendered. Said signature block shall not be set forth on a separate page, but shall appear approximately one inch (1_) below the last typewritten matter on the left-hand side of the last page of the Certificate of Cash Deposit and shall read as follows:

"RECEIPT

Cash as identified herein is hereby
acknowledged as being received this date.

Dated: _____

CLERK, U.S. DISTRICT COURT

By: _____

Deputy Clerk"

(b) The clerk may refuse cash tendered without the Certificate of Cash Deposit required by this rule.

LR 67-2.

INVESTMENT OF FUNDS ON DEPOSIT.

(a) Funds on deposit in the Registry Account of the court pursuant to 28 U.S.C. § 2041 will not be invested in the absence of an order by the court. All motions or stipulations for an order directing the clerk to invest Registry Account funds in an interest bearing account shall contain the following:

(1) The name of the bank or financial institution where the funds are to be invested;

(2) The type of account or instrument and the terms of investment where a timed instrument is involved; and

(3) Language that either

(A) Directs the clerk to deduct from income earned on the investment a fee, not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office; or

(B) States affirmatively the investment is being made for the benefit of the United States and, therefore, no fee shall be charged.

(b) Counsel obtaining an order under these rules shall cause a copy of the order to be served personally on the clerk or the chief deputy and the financial deputy. A supervisory deputy clerk may accept service on behalf of the clerk, chief deputy or financial deputy in their absence.

(c) The clerk shall take all reasonable steps to deposit funds into interest bearing accounts or instruments within, but not more than, fifteen (15) days after having been served with a copy of the order for such investment.

(d) Any party who obtains an order directing investment of funds by the clerk shall, within fifteen (15) days after service of the order on the clerk, verify that the funds have been invested as ordered.

(e) Failure of the party or parties to personally serve the clerk, the chief deputy and financial deputy, or in their absence a supervisory deputy clerk with a copy of the order, or failure to verify investment of the funds, shall release the clerk from any liability for the loss of earned interest on such funds.

(f) It shall be the responsibility of counsel to notify the clerk regarding disposition of funds at maturity of a timed instrument. In the absence of such notice funds invested in a timed instrument subject to renewal will be reinvested for a like period of time at the prevailing interest rate. Funds invested in a timed instrument not subject to renewal will be re-deposited by the clerk into the Registry Account of the court, which is a non-interest-bearing account.

(g) Service of notice by counsel as required by LR_67-2(f) shall be made as provided in LR_67-2(b) not later than fifteen (15) days prior to maturity of the timed instrument.

(h) Any change in terms or conditions of an investment shall be by court order only, and counsel will be required to comply with LR 67-2(a) and (b).

LR 77-1. JUDGMENTS AND ORDERS GRANTABLE BY THE CLERK.

(a) The clerk is authorized, without further direction by the court, to sign and enter any order permitted to be signed by the clerk under the Federal Rules of Civil Procedure and the following:

- (1) Orders specially appointing persons to serve process;
- (2) Orders withdrawing exhibits under LR 79-1;
- (3) Orders on stipulations:
 - (A) Satisfying judgments;
 - (B) Noting satisfaction of orders for the payment of money;
 - (C) Withdrawing stipulations;
 - (D) Annulling bonds; or
 - (E) Exonerating sureties.

(b) The clerk may also:

- (1) Enter judgments on verdicts or decisions of the court in circumstances authorized in Fed._R._Civ._P._58;
- (2) Enter default for failure to plead or otherwise defend, as provided in Fed._R._Civ._P._55;
- (3) Enter judgments by default in the circumstances authorized in Fed._R._Civ._P._55(b)(1);
- (4) Enter judgments pursuant to acceptance of an offer of judgment in the circumstances authorized in Fed._R._Civ._P._68;
- (5) When ordered by the court in the particular case or in all cases assigned to a particular judge, enter orders under LR IA 10-2 granting permission to an attorney to practice in a

particular case and orders under granting leave of court for substitution of counsel; and

(6) Enter any other order which, under Fed. _R._ Civ. _P._ 77(c), does not require special direction by the court.

LR 78-1. SUBMISSION OF MOTIONS TO THE COURT.

The clerk will submit motions to the court for decision after all motion papers are filed or the time period therefor has expired, unless the party who made the motion files a written withdrawal of the motion.

LR 78-2. ORAL ARGUMENT.

All motions may, in the court's discretion, be considered and decided with or without a hearing.

LR 79-1. FILES AND EXHIBITS - CUSTODY AND WITHDRAWAL.

(a) All files and records of the court shall remain in the custody of the clerk, and no record or paper belonging to the files of the court shall be taken from the custody of the clerk without written permission of the court and then only after a receipt has been signed by the person obtaining the record or paper.

(b) The clerk shall mark and have safekeeping responsibility for all exhibits marked and identified at trial or hearing. Unless there is some special reason why the originals should be retained, the court may order exhibits to be returned to the party who offered the same upon the filing of true copies thereof in place of the originals.

(c) Unless otherwise ordered by the court, the clerk shall continue to have custody of the exhibits until the judgment has become final and the time for filing a notice of appeal and motion for a new trial has passed, or appeal proceedings have terminated.

(d) Where no appeal is taken, after final judgment has been entered and the time for filing a notice of appeal and motion for a new trial has passed, or upon the filing of a stipulation waiving the right to appeal and to a new trial, any party may upon twenty (20) days' prior written notice to all parties withdraw any exhibit originally produced by it unless some other party or person files prior notice with the clerk of a claim to the exhibit. If such a notice of claim is filed the clerk shall not deliver the exhibit except with the written consent of both the party who produced it and the claimant or until the court has determined the person entitled thereto.

(e) If exhibits are not withdrawn within twenty (20) days after notice by the clerk to the parties to claim the same, the clerk shall, upon order of the court, destroy or make such other disposition of the exhibits as the court may direct.

Part III - Local Rules of Bankruptcy Practice

LR 1001. TITLE; SCOPE OF RULES.

(a) Title. These rules constitute the Local Rules of Practice of the United States District Court, District of Nevada. This part governs cases and proceedings before the United States Bankruptcy Court of this district. These rules may be cited as “LR ___”.

(b) Applicability of local bankruptcy and district court rules.

(1) The Federal Rules of Bankruptcy Procedure and these local rules govern procedure in all bankruptcy cases and proceedings in the District of Nevada. Except for those matters contained in Part IA of the Local Rules of Practice for the United States District Court for the District of Nevada, no other local rules of practice of the United States District Court for the District of Nevada apply.

(2) All cases and proceedings within the bankruptcy jurisdiction of the courts are referred to the bankruptcy judges. Except as provided in LR 8001, *et seq.*, these local rules shall not apply to bankruptcy proceedings in the district court.

(3) These rules supplement or, as permitted, modify the Federal Rules of Bankruptcy Procedure and shall be construed to be consistent with the Federal Rules of Bankruptcy Procedure and to promote the just, efficient and economical determination of every action and proceeding.

(4) These rules become effective December 1, 2000, and shall govern all actions and proceedings pending or commenced on or after that date.

(c) General and special orders, guidelines, and policy statements.

(1) These rules may be amended subsequent to their effective date by administrative order of the court. There may be other matters relating to internal court administration that, in the discretion of the court *en banc*, may be accomplished through the use of general orders. The clerk shall maintain copies of such orders, guidelines, and policy statements that relate to practice before this court and shall make copies available upon request and the payment of a nominal charge.

(2) As of the date of adoption of these rules, all administrative orders shall be superseded by these local rules. All future administrative orders shall be categorized by the year of adoption and numbered consecutively.

(d) Procedures outside the rules. These rules are not intended to limit the discretion of the court in any respect. The court may, upon a showing of good cause, waive any of these rules, or

make such additional orders as it may deem appropriate and in the interests of justice.

(e) Sanctions for noncompliance with rules. Failure of counsel or of a party to comply with these rules, with the Federal Rules of Civil Procedure or with the Federal Rules of Bankruptcy Procedure, or with any order of the court may be grounds for imposition of any and all sanctions, including, without limitation, the imposition of monetary sanctions.

(f) United States Trustee Guidelines. The United States Trustee may, from time to time, issue guidelines regarding all matters in or relating to cases under title 11 of the United States Code. Copies of such guidelines shall be available from the United States Trustee upon request.

LR 1002. PETITION - GENERAL.

(a) Number of copies.

(1) The clerk of the court shall maintain a list of copy requirements which will specify the minimal number of copies to be submitted for filing. The clerk of the court may from time to time revise the list of copy requirements. When revised, the list of copy requirements shall be reissued in full with a notation of the effective date of the revision. Copies of the list of copy requirements shall be available from the clerk of the court upon request, and shall be posted on the court's web site at www.nvb.uscourts.gov.

(2) In all cases in which the Internal Revenue Service is listed as a creditor, and in all chapter 11 cases, one additional copy of all petitions, lists, schedules, statements, and amendments thereto, and one additional copy of all chapter 11, 12 or 13 plans, shall be filed.

(3) If the filer wishes to receive a file-stamped copy of any petition, list, schedule, statement, and amendment thereto, or pleading or other paper submitted for filing, such person shall submit one additional copy and, if by mail, a self-addressed, postage paid envelope.

(4) Notwithstanding this rule, upon request from the clerk a person shall furnish to the clerk additional copies in any particular case or proceeding as requested.

(b) Additional documents. When a voluntary petition is filed by a corporation, there shall be attached to the petition as an exhibit a true copy of the resolution of the petitioner's board of directors authorizing the filing of the petition.

(c) Debtor's duty to notice other courts of the filing of bankruptcy petition. Within fifteen (15) days after filing a bankruptcy petition, the debtor shall serve a notice of the commencement of the bankruptcy case on the clerk of any court where any claim or cause of action is pending against, or on behalf of, the debtor. The debtor or debtor's counsel shall file evidence of service of the notice with the bankruptcy court within five (5) days after service is completed.

(d) Disclosure statement. In addition to other documents required to be filed, any

non-governmental non-individual debtor shall file with the petition, or within fifteen days thereafter, a statement identifying all “affiliates” and “insiders” (as defined in 11 U.S.C. § 101(2),(31)). Counsel have an ongoing obligation to supplement their disclosure consistent with this rule if there is any change in the identification of parties.

LR 1003. JOINDER OF PARTIES IN INVOLUNTARY CASE; NOTICE.

Upon the debtor's filing of an answer averring the existence of twelve (12) or more creditors, the creditor(s) filing the involuntary petition shall serve a copy of the petition, the answer, and a notice to each such creditor. The notice shall specify that the creditor may join in the petition before the hearing date held thereon.

LR 1004. PETITION - PARTNERSHIP.

When a voluntary petition is filed by a partnership, evidence of the consent of all general partners shall be attached to the petition unless other than unanimous consent is permitted by a written partnership agreement. In the event that the partnership agreement allows other than unanimous consent, a declaration to that effect will be attached to the petition.

LR 1005. PETITION - CAPTION.

The name, Nevada state bar number, address and telephone number of the attorney and any associated attorney appearing for the party filing the petition, or the name, address and telephone number of a party appearing *in pro se*; and the chapter of the Bankruptcy Code under which the case is filed shall be included upon the first page and/or second page of every petition presented for filing.

LR 1006. FILING FEE; PAYMENT OF FILING FEE IN INSTALLMENTS.

Applicants for Permission to Pay Filing Fees in Installments by individuals shall provide that an initial payment of no less than fifty dollars (\$50) shall be made within forty-eight (48) hours of the filing of the petition, a second payment of no less than fifty dollars (\$50) shall be made within thirty (30) days after the filing of the petition, and the balance of the filing fee shall be paid within sixty (60) days after the filing of the petition. Any application requesting payments to be made in a different manner shall be supported by an affidavit describing special circumstances.

LR 1007. LISTS, SCHEDULES AND STATEMENTS; MAILING - LIST OR MATRIX.

- (a) Number of copies. See in LR_1002(a).

(b) Master mailing matrix.

(1) Duty to prepare. The debtor shall file a master mailing list on a form approved by the clerk. Upon receipt of the master list, the clerk shall enter the filing date.

(2) Form and content. The following information shall be contained in the master mailing matrix:

(A) The debtor's name and address and that of the debtor's attorney shall be stated as the first and second items, followed by a list of the names and addresses of creditors, either alphabetically or alphabetically by category, including those parties to pending lawsuits indicated on the Debtor's Statement of Financial Affairs, and those additional parties and governmental entities specified in LR 2002;

(B) All addresses shall include zip codes;

(C) If the debtor is a partnership or a corporation, the names and addresses of all general partners or corporate officers shall be listed; and

(D) A declaration by the debtor attesting to the completeness and correctness of the list.

(3) Amendment. A supplement to the master list shall be submitted with the filing of any amended schedule of creditors. The supplement shall not otherwise repeat those creditors set forth in the master list, but shall list only the following information:

(A) The complete names and addresses of additional creditors and corrections to the master list, together with the bankruptcy case number, and the date on which the creditor was added to the master list; and

(B) The complete names and address of any party requesting special notice together with the bankruptcy case number, and the date on which the creditor was added to the master list.

(4) Accuracy. Accuracy and completeness in preparing the master list and any supplement thereto is the responsibility of the debtor and the debtor's attorney. The clerk shall not be required to compare the names and addresses of the creditors listed in the schedules with the names and addresses shown on the master list or supplement.

(5) Noticing. Any party who mails a notice to creditors and parties in interest shall have the responsibility of comparing the names and addresses listed on the master mailing matrix to the names and addresses shown on the schedules, amendments to schedules, requests for special notices, any related adversary files and any proofs of claim filed by creditors to ensure the accuracy and completeness of the master mailing matrix prior to the mailing of any such notice.

(6) Special notice matrix. Counsel for the debtor may prepare and file a “special notice matrix” including the names and addresses of those entities listed in LR 2002(a)(5) and (6), all secured creditors or their counsel, the twenty (20) largest unsecured creditors or their counsel, all professionals employed in the case, and those entities who have filed a request for notice.

(c) Extension of Time. Any motion to extend the time to file lists, schedules, and statements must be filed within the fifteen (15) day time period provided by Fed. R. Bank. P. 1007, and any such motion will be set on a hearing date of not less than ten (10) days notice.

LR 1013. HEARING AND DISPOSITION OF PETITION IN INVOLUNTARY CASES.

(a) Setting of trial of involuntary cases. Unless a status hearing is set by the clerk upon the filing of an involuntary petition, the petitioning creditor shall obtain a hearing date from the clerk for the trial of a contested petition and shall immediately notify the debtor and any creditors identified in the debtor's answer of the hearing date.

(b) Effect of default. If an answer or responsive pleading is not filed as required by Fed. R. Bank. P. 1011, the petitioning creditor shall, within five (5) days after such default, submit an order for relief, or a notice of voluntary dismissal to the court. If the petitioning creditor fails to file such an order or notice, the court may dismiss the case without prejudice.

LR 1015. RELATED CASES.

(a) Notice of related cases. Counsel or a debtor who is aware that a case on file, or about to be filed, is related to another case that is pending or that was pending within the preceding six (6) months shall file a Notice of Related Cases, setting forth the title, number and filing date of each related case, together with a brief statement of the relationship.

(b) Cases deemed related. Cases deemed to be related within the meaning of this rule include the following:

(1) The debtors are the same entity;

(2) The debtors are husband and wife;

(3) The debtors are partners;

(4) The debtor in one (1) case is a general partner or majority shareholder of the debtor in the other case;

(5) The debtors have the same partners or substantially the same shareholders;

or

(6) The debtors are affiliated as that term is defined under 11 U.S.C. § 101(2).

(c) Reservation of judicial discretion to deem case as related. Without limiting the foregoing, the court may deem the case to be so related as to warrant being treated as related.

(d) Assignment to judges. Unless otherwise directed by the court, related cases filed at the same time shall be assigned to one (1) judge. The clerk, whenever apprised of related cases, and after consultation with both the previously assigned judge and the proposed judge, shall cause the second case to be filed to be reassigned to the judge to whom the first such case was assigned, unless the court orders otherwise.

(e) Nonlimitation of applicability. Nothing contained herein shall preclude a judge from assigning any case or adversary proceeding to another judge.

LR 1016. NOTIFICATION OF DEATH OR INCOMPETENCY.

Upon the death or incompetency of the debtor, the executor, administrator or guardian of such debtor shall file a statement with the court of such fact and shall immediately serve such statement upon the trustee in a case in which a trustee is serving, or upon the United States trustee, if no trustee has been appointed.

LR 1070. JURISDICTION.

(a) Any case, contested matter, or adversary proceeding which is referred either automatically or otherwise to a particular bankruptcy judge may be heard by any other bankruptcy judge or by a bankruptcy judge designated and assigned temporarily to this district.

(b) Judges assigned to either division of this court may travel and hear cases in any official duty station within the district.

LR 1071. DIVISIONS - BANKRUPTCY COURT.

(a) The State of Nevada constitutes one (1) judicial district. For convenience the district is divided into two (2) unofficial divisions as follows:

(1) Southern Division: Clark, Esmeralda, Lincoln and Nye Counties.

(2) Northern Division: Carson City, Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe and White Pine Counties.

(b) Petitions must be filed in the division in which venue is based. If a petition is filed in an incorrect division, the court may, *sua sponte*, transfer it to the appropriate division, or retain the case.

LR 1073. ASSIGNMENT OF CASES.

See LR 1015(d) and LR 5075(a)(1)(A).

LR 2002. NOTICE TO CREDITORS, AND OTHER INTERESTED PARTIES.

(a) Notices to parties in interest.

(1) Any person who files any pleading, written motion or other paper (hereafter “papers”) which are required to be noticed for a hearing or served upon any other party shall mail those papers and notices to all parties which are required to be noticed or served. The clerk shall not mail those notices or papers unless otherwise ordered by the court.

(2) Pursuant to the provisions of Fed. R. Bank. P. 2002, the debtor in each bankruptcy case filed is directed to give the trustee, all creditors and other parties in interest, at least twenty (20) days notice by mail of the Order for § 341 Meeting of Creditors entered by the court in each bankruptcy case.

(3) Evidence of the mailing shall be made by the filing of a certificate or affidavit of service within five (5) days of mailing.

(4) Upon failure to provide evidence of the mailing of the Order for § 341 Meeting of Creditors in accordance with LR 2002(a)(3), the Court, upon hearing and notice, may dismiss the case. If the notice required by LR 2002(a)(2) was not timely served, and the Court grants an extension of time to serve the notice, the original creditor's meeting shall be vacated and a new date for the meeting of creditors shall be set. Any motion or request to extend the time to mail such notice and/or to set aside the dismissal shall be deemed to be both a waiver of the deadlines which run from the vacated first date set for the meeting of creditors and a stipulation to set such deadlines from the re-noticed hearing date.

(5) Any paper which is required to be served or noticed to all parties shall also be served or noticed upon the following entities:

- (A) Department of Employment, Training & Rehabilitation, Employment Security Division; and
- (B) United States Trustee.

(6) The person giving notice of a matter that requires notice to all creditors and all parties in interest in a chapter 11 case shall in addition to giving notice as required by paragraph (5) of this rule, give notice to:

- (A) Internal Revenue Service
District Director
Attention: Bankruptcy Unit;
- (B) Nevada Department of Taxation
Bankruptcy Division; and
- (C) State of Nevada, Department of Motor Vehicles & Public Safety,
Registration Division, Motor Carrier Bureau

(7) The person giving notice of a matter that requires notice to all creditors and parties in interest in a chapter 12 case shall, in addition to giving notice as required by subsection (5) of this rule, give notice to:

- (A) U.S. Department of Agriculture,
Rural Housing Service (USDA, CSC); and
- (B) Nevada Department of Taxation
Bankruptcy Division.

(8) Unless otherwise requested by the United States trustee or waived in the United States Trustee Guidelines, all documents filed by the debtor or party in interest with the United States Bankruptcy Court, other than proofs of claim, shall be served contemporaneously upon the United States trustee.

(b) Notice to creditors whose claims have been filed. After the expiration of a claims bar date in a chapter 7 case, all notices required by Fed. _R. _Bank. _P. _2002(a) may be mailed only to the debtor, the trustee, all indenture trustees, creditors that hold claims for which proofs of claim have been filed with the clerk and to creditors, if any, that are permitted to file claims by reason of an extension granted pursuant to Fed. _R. _Bank. _P. _3002(c) (1) or (c)(2).

(c) Manner of clerk's notice to United States trustee and trustees. The clerk is authorized to serve the United States trustee and all trustees by transmitting a copy of any petition, pleading or paper for pickup by those persons and/or governmental unit. Such transmittal may be made by depositing any such petition, pleading or paper into a designated box located in the clerk's office, which conditions for pickup may be changed from time to time at the clerk's discretion. The clerk's deposit of such transmittal is deemed to be receipt thereof, and it is the sole responsibility of such persons and/or governmental unit to collect these transmittals.

(d) Manner of clerk's notice to attorneys. The clerk is authorized to serve any attorney,

or any party represented by an attorney, by placing a copy of any petition, pleading, notice, order or other paper in a designated location in the clerk's office. The clerk shall prescribe the conditions for pickup which may be changed from time to time at the clerk's discretion. The clerk's deposit of such pleading is deemed to be receipt thereof and will be made only to the submitting attorney shown in the caption of the paper. In accordance with LR 9022, such attorney shall serve all other parties.

LR 2003. MEETINGS OF CREDITORS AND EQUITY SECURITY HOLDERS.

A motion to waive the appearance of the debtor shall state that the United States trustee and the trustee in a chapter 7, 12 or 13 case have been contacted, and whether there is an objection to such waiver.

LR 2004. DEPOSITIONS AND EXAMINATIONS.

(a) Request for examination. All requests for orders pursuant to Fed. _R. _Bank. _P. _2004 shall be made by motion and shall be accompanied by a proposed order.

(b) Order for examination. Orders for examination may be signed by the clerk if the date set for examination is more than ten (10) business days from the date such motion is filed. If examination is requested on less than ten (10) business days notice, such motion shall include a statement as to whether or not the examination date has been agreed upon, or if no agreement has been reached, why examination on less than ten (10) business days notice is requested.

LR 2010. TRUSTEES - BONDS/SURETY.

(a) Blanket bond coverage. Trustees covered by the blanket bond applicable to the United States Trustee Region 17 and the District of Nevada shall pro rate the cost of the annual bond premium as to those asset estates held by the trustee at the time the bond premium is due and shall pay such pro rata share from each estate.

(b) Increase in bond premium. Any increase in the amount of the bond required in an individual case which results in an increase in the bond premium for that specific case shall be paid by the trustee from the assets of that specific case.

(c) Payment of bond premiums. All such bond premiums shall be paid by the trustee on or before the due date of such bond premium.

(d) Maintenance of original bonds. The United States trustee shall maintain all original bonds covering the trustees, and shall provide a copy to the clerk for purposes of maintaining the court's record.

LR 2015. TRUSTEES - GENERAL.

Without altering the priorities established under 11 U.S.C. § 507, or creating a superpriority, a trustee or debtor who operates a business shall pay all taxes, fees, charges, or other required payments to governmental entities on a timely basis, except where otherwise ordered.

LR 2016. COMPENSATION OF PROFESSIONALS.

The court, each chapter 13 standing trustee (upon approval by the court), or the United States trustee may, from time to time, issue guidelines for fee applications. Unless otherwise ordered by the court, these guidelines must be observed. Copies of guidelines for fee applications shall be available upon request from the issuing entity.

LR 3001. CLAIMS AND EQUITY SECURITY INTERESTS - GENERAL.

(a) Form and Content. Each proof of claim must clearly state the chapter of the Bankruptcy Code under which the case is pending at the time the claim is filed.

(b) Transferred Claims.

(1) Each proof of claim for a transferred claim must clearly state on the face of the claim form, immediately adjacent to the bankruptcy case number, that (1) the claim has been “transferred other than for security” or (2) the claim has been “transferred for security.”

(2) Each claimant who files a proof of claim for a transferred claim shall prepare and provide to the clerk, contemporaneously with the filing of the proof of claim, the notice which is required to be mailed by Fed. R. Bank. P. 3001(e)(2), 3001(e)(3), or 3001(e)(4).

LR 3002. FILING OF PROOF OF CLAIM.

(a) Copies and Service. An original and one (1) copy of a proof of claim shall be filed in a chapter 12 or chapter 13 case. In all other cases, an original proof of claim shall be filed. If a creditor wishes to receive a file-stamped copy of such proof of claim, the creditor shall submit an additional copy to be returned to the creditor and if by mail, include a self-addressed, postage paid envelope. The clerk may request additional copies at any time. The creditor shall serve a copy of such proof of claim on debtor's attorney, or on the debtor if the debtor is not represented by an attorney.

(b) Claim arising from rejection of executory contract or unexpired lease. The time for filing a proof of claim arising from the rejection of an executory contract or unexpired lease of the debtor under 11 U.S.C. § 365(d) is fixed at not later than ninety (90) days after the first date set for the meeting of creditors called under 11 U.S.C. § 341(a), unless otherwise ordered by the court.

LR 3003. FILING PROOF OF CLAIM OR EQUITY INTEREST IN CHAPTER 11 REORGANIZATION CASE.

Unless otherwise ordered by the court, and as provided by 11 U.S.C. § 502(b)(9), a proof of claim in a chapter 11 case shall be filed within ninety (90) days after the date first set for the meeting of creditors held pursuant to 11 U.S.C. § 341(a). The notice of the order setting the date for the first meeting of creditors shall also provide a bar date for filing claims.

LR 3004. NOTICE OF FILING OF CLAIMS BY DEBTOR OR TRUSTEE.

Unless otherwise ordered by the court, the debtor or trustee shall, upon filing of a claim pursuant to Fed. _R. _Bank. _P. _3004, serve notice of the filing of such a claim on all creditors, the debtor and the trustee. The notice of filing shall include a copy of the claim or a statement of the amount and classification of the claim and the date of filing of the claim by the debtor or trustee.

LR 3007. CLAIMS - OBJECTIONS.

(a) Form of objection. An objection to claim is a contested matter governed by LR 9014. In addition, the following procedures shall apply:

- (1) The objection must identify the holder of the claim, the amount of the claim and the date the claim was filed;
- (2) The objection must contain a statement setting forth the grounds for the objection; and
- (3) Unless grounds are stated for objecting to the entire claim, the objection must state the amount of the claim which is not in dispute.

(b) Responses to objection to claims. If an objection to a claim is opposed, a written response must be both filed and served upon the objecting party at least five (5) days prior to the scheduled hearing so that the objecting party has five (5) business days notice of the response.

(c) Hearing on objections. If a written response is not timely filed and served, the objection may be granted by the court without calling the matter and without receiving arguments or evidence. If a response is timely filed and served, the initial hearing may be treated by the court as a status and scheduling hearing.

(d) Bar date for filing objections to claims in chapter 11 cases. Unless otherwise extended by order of the court, all objections to claims in a chapter 11 case must be filed within sixty (60) days after entry of an order confirming a chapter 11 plan.

(e) Objections to claims in chapter 13 cases.

(1) Trustee guidelines for resolution of claim disputes.

(A) Each chapter 13 standing trustee, upon approval of the court, may issue guidelines for the resolution of claim disputes in chapter 13 cases. Unless otherwise ordered by the court, the guidelines prescribed by the trustee must be observed; and

(B) The standing trustees may from time to time revise the guidelines. When revised, the guidelines shall be reissued in full with a notation of the effective date of the revision.

(2) Copies of guidelines.

(A) Copies of the guidelines shall be available from each trustee upon request; and

(B) Each trustee shall maintain a mailing matrix of all persons requesting copies. Upon any revision, the standing trustee shall mail a copy of the reissued guidelines to each person on the matrix.

LR 3010. DIVIDENDS - SMALL (Chapter 13 Cases).

In a chapter 13 plan, the trustee may disburse funds to creditors receiving a pro rata share distribution regardless of dollar amount.

LR 3011. UNCLAIMED FUNDS.

(a) Procedure for requesting payment.

(1) Any entity seeking the payment of unclaimed funds shall file with the clerk a written application on forms prescribed by the clerk and submit the prescribed fee. The applicant shall disclose at a minimum the following:

- (A) The service(s) rendered by any asset recovery firm, also known as fund locators;
- (B) Any agreement of commission, fees, compensation or reimbursement of expenses; and
- (C) The amount(s) requested.

(2) In no event may any commission, fee, compensation or reimbursement of expenses exceed fifty percent (50%) of the claim dividend sought to be recovered. Procedures and forms for the filing of an application shall be available upon request from the clerk.

(b) Order. The clerk shall not process a payment from the unclaimed funds account without receiving a written order of the court and the prescribed fee.

LR 3015. CHAPTER 13 PLAN AND CONFIRMATION.

(a) Standard form of chapter 13 plans and orders confirming chapter 13 plans. Upon approval of the court, each chapter 13 standing trustee may issue a form chapter 13 plan and a form order for confirming a chapter 13 plan. Unless otherwise ordered by the court, the format prescribed by the trustee must be observed. The standing trustees may from time to time, upon approval of the court, revise the form plans and orders. When revised, the form plans and orders shall be reissued with a notation of the effective date of the revision.

(b) Chapter 13 plan guidelines. Each chapter 13 standing trustee may issue guidelines for the administration of chapter 13 plans. The guidelines will set forth positions which will generally be followed by the trustee in the administration of plans. The guidelines may also set procedures for the scheduling of confirmation hearings, filing objections to confirmation and submitting orders confirming chapter 13 plans. The standing trustees may from time to time, revise the guidelines. When revised, the guidelines shall be reissued in full with a notation of the effective date of the revision.

(c) Copies of forms and guidelines. Copies of the form plan, the form order confirming a chapter 13 plan, and guidelines shall be available from each trustee upon request. Each trustee shall maintain a mailing matrix of all persons requesting copies. Upon any revision, the standing trustee shall mail a copy of the reissued plan and guidelines to each person on the matrix.

(d) Extension of time. Any motion to extend the time to file a plan must be filed within the fifteen (15) day time period provided by Fed. R. Bank. P. 3015(b), and any such motion will be set on a hearing date of not less than ten (10) days notice.

LR 3016.

CHAPTER 11 PLAN AND DISCLOSURE STATEMENTS.

(a) Filing and hearing. An original plan and three (3) copies shall be submitted in a chapter 11 case. If a chapter 11 plan has not been filed or approved within six (6) months after commencement of the case, the debtor in possession must file a report with the court explaining why a plan has not been filed or approved and setting forth a time frame for filing and hearing the disclosure statement and plan confirmation. Thereafter, the report must be updated on a quarterly basis.

(b) Failure of compliance. Failure to comply with the provisions of this rule may be grounds for conversion or dismissal of the case.

(c) Small business chapter 11 reorganization cases. In a chapter 11 reorganization case, a debtor that qualifies as a small business as defined by 11 U.S.C. § 101(51C) may elect to be considered a small business by filing a written statement of election no later than sixty (60) days after the date of the order for relief pursuant to Fed. R. Bank. P. 1020 or by a later date as the court, for cause, may fix. If an election is made, the procedure for approval of disclosure statements shall be conducted pursuant to Fed. R. Bank. P. 3017.1.

(d) Expedited chapter 11 procedures. Notwithstanding a failure to make an election under Fed. R. Bank. P. 1020 discussed in subsection (c) of this rule, the court may, *sua sponte*, or at the suggestion of or on *ex parte* motion by the plan proponent, the United States trustee, the trustee, or any party in interest, enter an order in any chapter 11 case implementing expedited confirmation procedures, including but not limited to:

- (1) Early deadlines for submitted plans and disclosure statements;
- (2) Conditional approval of disclosure statements without hearing; and
- (3) Combine a hearing on the conditionally approved disclosure statement and confirmation of plan in a single hearing.

(e) Procedure for requesting conditional approval of disclosure statement. The plan proponent may file an *ex parte* motion for conditional approval of the disclosure statement, with the hearing on the adequacy of the disclosure statement to be combined with the hearing on confirmation. Such application must be accompanied by a certificate of counsel stating: (1) the circumstances which favor the preliminary approval of the disclosure statement; (2) the total number of creditors, value of assets and amount of claims as reflected in the debtor's schedules; and (3) that the proposed disclosure statement contains the information required by LR 3016(f). The notice regarding hearing on a conditionally approved disclosure statement combined with confirmation of a plan shall make clear that creditors and parties in interest may object to the conditionally approved disclosure statement as permitted by Fed. R. Bank. P. 3017.1.

(f) Contents of disclosure statement. The disclosure statement should include, at a minimum:

- (1) A statement regarding the debtor's background, ownership, and pre-bankruptcy operating and financial history;
 - (2) A discussion of the reason for the bankruptcy filing;
 - (3) A summary of proceedings to date in the bankruptcy case;
 - (4) A summary of assets;
 - (5) A description of unclassified claims, including estimated amounts of administrative and priority claims;
 - (6) A description of claims by class, including an estimate of the amount of claims in each class as reflected by the schedules and proofs of claim on file;
 - (7) A summary of the treatment of unclassified and classified claims under the proposed plan;
 - (8) A summary of the treatment of executory contracts under the proposed plan;
 - (9) A liquidation analysis;
 - (10) A statement as to how the proponent intends to achieve the payments proposed;
- and
- (11) The disclosures required by 11 U.S.C. § 1129(a)(5).

LR 3018. BALLOTS - VOTING ON PLANS; ACCEPTANCE/REJECTION OF PLANS.

- (a) Filing of ballot summary. The proponent of a chapter 11 plan shall:
 - (1) File a Certification of Acceptance and Rejection of Chapter 11 Plan (ballot summary) no later than one (1) business day prior to the hearing on confirmation of the plan. The ballot summary must be signed by the plan proponent and must certify to the court the amount and number of allowed claims of each class accepting or rejecting the plan and the amount of allowed interests of each class accepting or rejecting the plan; and
 - (2) Have all of the original ballots available at the hearing for inspection and review by the court and any interested party.
 - (3) In addition to the above requirements, the presiding judge may order the filing of an amended ballot summary with the original ballots attached thereto.

(b) Duty of plan proponent. It is the responsibility of the plan proponent:

(1) To tabulate the ballots of those accepting and rejecting the plan; and

(2) In the event the original ballots are not filed with the court, to maintain those original ballots for a period of not less than one (1) year.

LR 3019. CHAPTER 11 - AMENDMENTS TO PLANS.

At the hearing on confirmation of a chapter 11 plan, the court may consider modifications to the plan. Such modifications may be incorporated in the order confirming the plan. Any notice of a confirmation hearing under Fed. R. Bank. P. 2002(b) shall provide notice that such modifications may be considered at the confirmation hearing.

LR 3020. CHAPTER 11 - CONFIRMATION.

(a) Order confirming plan. In addition to the requirements of Fed. R. Bank. P. 3020(c), the order confirming a chapter 11 plan shall contain the following provisions:

(1) “Until the entry of the final decree, the debtor shall file with the clerk, not later than twenty (20) days after the end of the calendar quarter which occurs after the entry of this order, and every six (6) months thereafter, a report of the action taken by the reorganized debtor and the progress made toward consummation of the confirmed plan. Said report shall include, at a minimum, the following information:

(A) A schedule of any personal property costing more than \$5,000 and any real property acquired, sold or disposed of since confirmation of the plan and the price paid for each;

(B) A schedule listing each debt, the total amount required to be paid under the plan, the amount required to be paid to date, the amount actually paid to date, and the amount unpaid;

(C) A schedule of executory contracts entered into after plan confirmation;

(D) A statement listing each postpetition tax (i.e., income, payroll, property, sales), and payee and the amount actually paid;

(E) The progress toward completion of the confirmed plan and a list and status of any pending adversary proceedings or motion and resolution expected; and

(F) A statement regarding the status of payment of both pre-confirmation and post confirmation United States trustee quarterly fees.

Pursuant to LR 3022, a final decree may be entered on _____.”

(b) Report(s) by debtor required in order confirming plan. Failure to timely file the initial and subsequent reports may constitute cause pursuant to 11 U.S.C. § 1112(b) for conversion to a case under chapter 7 or for dismissal.

LR 3022. CHAPTER 11 - FINAL REPORT/DECREE.

Unless otherwise provided in the plan or by order of the court, or there are pending contested matters or adversary proceedings, a case shall be deemed to be fully administered six (6) months after confirmation of a plan and a final decree may thereafter be entered by the clerk.

LR 4001. AUTOMATIC STAY - RELIEF FROM; CASH COLLATERAL.

(a) Motions for relief from automatic stay.

(1) Unless otherwise ordered by the court, hearings on matters under 11 U.S.C. §§ 362(d) and 363(e) shall be held on not less than twenty (20) days notice. Notice of a Motion for relief from automatic stay must be served upon any lien holder who has requested notice pursuant to state law.

(2) All motions for relief from the automatic stay shall have attached as Exhibit A a § 362 information sheet, which shall be signed by counsel and/or the moving party. All pleadings or papers shall contain a motion control number assigned by the clerk.

(3) It shall be the duty of the party seeking relief from the automatic stay to set a hearing within thirty (30) days of the filing of the motion. Failure to do so shall be deemed a waiver of 11 U.S.C. § 362(e). Any stipulation to continue such motion, or any continuance sought by the moving party, shall, unless otherwise ordered by the court, constitute a waiver of the provisions of 11 U.S.C. § 362(e). Any opposition must be in conformance to LR 9014.

(4) Unless otherwise ordered by the court, a properly completed § 362 information sheet will satisfy the requirements for a statement of facts and legal memorandum in cases under chapters 7 and 13.

(5) Motions for relief from stay will not be considered unless moving counsel certifies that an attempt has been made to confer with debtor(s)' counsel, or with debtor(s) if in proper person, no later than two (2) business days prior to the filing of the motion, and that after sincere effort to do so, counsel has been unable to resolve the matter without court action. Said certification will be set forth in the § 362 information sheet.

(b) Motions for use of cash collateral or to obtain credit. Motions for use of cash collateral or to obtain credit to be heard on less than twenty (20) days notice shall be accompanied

by affidavits of the moving party setting forth the nature and extent of the immediate and irreparable harm which will result in the event the request is not granted and will conform with the requirements to obtain an order shortening time in conformity to LR 9006.

(c) Motion for interim orders or approval of agreements. Motions for orders under Fed. R. Bank. P. 4001(d) or approval to pay or honor pre-petition debts or transactions shall state with particularity the magnitude of the proposed transaction involving property of the estate and its impact upon unsecured creditors of the estate. Where the debtor seeks to pay pre-petition obligations, the motion shall identify the relative priority of the claim as if it were not paid. All orders approving interim transactions must contain the following provision: "PAYMENTS AUTHORIZED BY THIS ORDER ARE NOT EXEMPT FROM SUBSEQUENT OPERATION OF 11 U.S.C. §§ 547, 548, 549 and 550."

LR 4003. EXEMPTIONS.

(a) Objection to exemptions. Objections to exemptions must specifically state the grounds supporting the objection.

(b) Hearing. The objecting party shall set a hearing on not less than twenty (20) days notice to the debtor, the debtor's attorney, and the trustee, or the United States trustee in a chapter 11 case.

LR 4004. DISCHARGE - NOTICE.

The debtor or debtor's attorney shall serve by mail the trustee, all creditors and other parties in interest a copy of the Order of Discharge of Debtor within ten (10) days after the entry of the Discharge of Debtor. Evidence of the mailing shall be made by the filing of a certificate or affidavit of service within five (5) days of mailing.

LR 4007. DETERMINATION OF DISCHARGEABILITY OF A DEBT.

(a) Form order setting deadline for filing a complaint pursuant to 11 U.S.C. § 523(c) and Fed. R. Bank. P. 4007(d). When the debtor or debtor's attorney submits a motion for a hardship discharge under 11 U.S.C. § 1328(b) pursuant to Fed. R. Bank. P. 4007(d), the debtor or debtor's attorney shall also submit a form order fixing a time for the filing of a complaint to determine the dischargeability of any debt pursuant to 11 U.S.C. § 523(c).

(b) Notice of deadline for filing a complaint pursuant to 11 U.S.C. § 523(c). The debtor or debtor's attorney shall give the notice required by Fed. R. Bank. P. 4007(d) within ten (10) days after the entry of the order fixing a time for the filing of a complaint to determine the dischargeability of any debt pursuant to 11 U.S.C. § 523(c). Evidence of the mailing shall be made by the filing of a certificate or affidavit of service within five (5) days of mailing.

LR 5001. CLERK - OFFICE LOCATION/HOURS.

(a) Clerk's office. The clerk of the court shall maintain offices at Las Vegas for the Southern Division and at Reno for the Northern division of the court, which offices shall be open for public transaction of business from 9:00 a.m. until 4:00 p.m., Monday through Friday of each week, legal holidays excepted. The clerk may institute administrative procedures for filing pleadings and papers; and, in an emergency, shall on request transact public business at other times as may from time to time be necessary. The mailing address and location of the office of the clerk is:

(1) Southern Division:

Clerk, U.S. Bankruptcy Court
The Foley Federal Building
300 Las Vegas Blvd. South, Room 2130
Las Vegas, Nevada 89101

(2) Northern Division:

Clerk, U.S. Bankruptcy Court
The C. Clifton Young Federal Building
and U.S. Courthouse
300 Booth Street, Room 1109
Reno, Nevada 89509

LR 5003. COURT PAPERS - REMOVAL OF; CLAIMS - REGISTER.

(a) Files and records. All files and records of the court shall remain in the custody of the clerk, and no record or paper belonging to the files of the court shall be taken from the custody of the clerk without written permission of the court and then only after a receipt has been signed by the person obtaining the record or paper.

(b) Exhibits.

(1) The clerk shall have custody of all exhibits marked for identification or admitted into evidence during any proceeding.

(2) The court may order original exhibits to be returned to the party who offered the same upon the filing of true copies thereof in place of the originals.

(3) Unless otherwise ordered by the court, the clerk shall retain custody of the exhibits until the judgment has become final and after the time for filing a notice of appeal and motion for a new trial has passed, or appeal proceedings have been terminated.

(4) Upon the expiration of the time to take an appeal from any appealable order

or judgment, any party may, upon twenty (20) days prior written notice to all parties, withdraw any exhibit originally produced by it unless some other party or person files prior notice with the clerk of a claim to the exhibit. If such notice of claim is filed, the clerk shall not deliver the exhibit except with the written consent of both the party who produced it and the claimant, or until the court has determined the person entitled thereto.

(5) Upon the expiration of the time to take an appeal from any appealable order or judgment, the clerk may, upon twenty (20) days notice, destroy any exhibit not claimed by the parties. If no timely request is made for the return of the exhibits, the clerk may destroy or make other disposition of the exhibits upon the closing of the case.

(c) Claims register. Unless otherwise ordered by the court, when it appears that there will be a distribution to creditors, the debtor in possession or the trustee shall prepare or make arrangements for the preparation of the claims register required by Fed. R. Bank. P. 5003(b). The clerk shall verify that the Proofs of Claims filed in a case file have been correctly docketed after completion of the claims register by a trustee.

**LR 5004. DISQUALIFICATION: DISCLOSURE OF INTERESTED PARTIES/
AFFILIATES.**

(a) Unless otherwise ordered, in all cases except *habeas corpus* cases, counsel for private (non-governmental) parties shall upon entering the case file a certificate listing all persons, associations of persons, firms, partnerships or corporations known to have an interest in the outcome of the case including the names of all parent, subsidiary, affiliate an/or insider of the named non-individual parties, as follows:

“Number and Caption of Case

Certificate Required by LR 5004

The undersigned, counsel of record for _____,

certifies that the following have an interest in the

outcome of this case: (here list the names of all such

parties including the names of all parent, subsidiary, affiliate, and/or insider

of the named non-individual parties, and identify their interests).

These representations are made to enable

judges of the court to evaluate possible recusal.

Attorney of Record for _____.”

(b) If there are no known interested parties other than those participating in the case, a statement to that effect will satisfy this rule.

(c) There is a continuing obligation to supplement in accordance with the provisions of this rule.

LR 5005. FILING PAPERS - REQUIREMENTS.

Cases shall be filed with the clerk of the United States Bankruptcy Court for the District of Nevada at Las Vegas or Reno in accordance with LR 1071. Once filed, cases shall be administered, papers and pleadings docketed, and files retained in the place the case was filed unless the court orders otherwise.

LR 5007. RECORD OF PROCEEDINGS AND TRANSCRIPTS.

Any party ordering transcripts of proceedings will give five (5) days advance notice to the Clerk of the need for daily transcripts.

LR 5010. REOPENING CASES.

(a) Disclosure of payment or non-payment of fees. The debtor or other movant filing a motion or requesting to reopen a bankruptcy case, shall disclose the payment or non-payment of any fee owing in the originally filed bankruptcy case, including any filing fee and/or administrative fee prescribed by 28 U.S.C. § 1930(a) and by the Judicial Conference of the United States.

(b) Payment of fees. Unless otherwise ordered by the court, the debtor or other movant shall pay any and all filing and administrative fees due to the clerk, including any fees remaining unpaid for the original bankruptcy case as required by 28 U.S.C. §1930(a) and by the Judicial Conference of the United States. Payment of such fees are due immediately upon the filing of the motion or request to reopen a bankruptcy case.

LR 5011. WITHDRAWAL OF REFERENCE.

(a) Form of request; place for filing. A request for withdrawal in whole or in part of the reference of a case or proceeding referred to the bankruptcy judge, other than a *sua sponte* request by the bankruptcy judge or the automatic withdrawal as provided in a jury case by LR_9015(e), shall be by motion filed timely with the clerk of the bankruptcy court. All such motions shall clearly and conspicuously state that “RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE.”

(b) Time for filing. Except as provided in these rules regarding adversary proceedings and contested matters, a motion to withdraw reference of a bankruptcy case in whole or in part shall be served and filed at or before the time first scheduled for the meeting of creditors held pursuant to 11 U.S.C. § 341(a). Except as provided in these rules as to contested matters, a motion to withdraw reference of an adversary proceeding, in whole or in part, shall be served and filed on or before the date on which an answer, reply or motion under Fed. R. Bank. P. 7012 or 7015 is first due. A stipulation to extend the time to answer or otherwise respond to the complaint does not extend the time for filing the motion for withdrawal. A motion to withdraw the reference of a contested matter within a case shall be served and filed not later than eleven (11) days after service of the motion,

application or objection which initiates the contested matter. Notwithstanding the foregoing, a motion to withdraw the reference may be served and filed no later than eleven (11) days after service of any timely filed pleading in which the basis for the motion first arises.

(c) Stay. The filing of a motion to withdraw the reference does not stay any proceeding in United States Bankruptcy Court, and Fed. R. Bank. P. 8005 governs.

(d) Designation of record.

(1) The moving party shall serve and file, together with the motion to withdraw reference, a designation of those portions of the record of the proceedings in bankruptcy court that the moving party believes will reasonably be necessary or pertinent to the district court's consideration of the motion. Within eleven (11) days after service of such designation of record, any other party may serve and file a designation of additional portions of the record.

(2) The original pleadings shall remain in the custody of the bankruptcy court, unless an order from a bankruptcy judge or a district court judge directs the original, official case/adversary file documents to be forwarded to the district court.

(3) Unless otherwise required by the bankruptcy court or the district court, a reproduction of pleadings from the court's official case/adversary file, as designated, shall be transmitted to the district court.

(4) The clerk of the bankruptcy court shall request copies to be provided from the party or parties designating the record pursuant to LR 5011(d)(1) and (d)(5). The copies shall be tendered to the clerk in chronological order within ten (10) days from the date of the request by the clerk. If any party fails to provide the clerk with copies of designated items within ten (10) days from the date of the request by the clerk, the clerk may make copies at the expense of the designating party. All parties shall take any other action necessary to enable the clerk to assemble and transmit the record.

(5) If the record designated by any party includes a transcript of any proceeding or a part thereof, that party shall immediately after filing the designation, deliver to the court recorder and file with the clerk of the bankruptcy court a written request for the transcript and make satisfactory arrangements for payment of its cost. The parties shall submit only that part(s) of a transcript of proceedings relevant to the issues raised on the motion for withdrawal of reference.

(6) If the issues involve only questions of law, the parties may submit an agreed statement of facts or such part(s) of the record as are relevant to such questions of law, unless the district judge considering the motion directs otherwise.

(e) Responses to motion to withdraw the reference; reply. Opposing parties shall file with the clerk of the bankruptcy court, and serve on all parties to the withdrawal of reference matter, their written opposition to the motion to withdraw the reference within eleven (11) days after service of the motion. The moving party may serve and file a reply within eleven (11) days after service of a

response. The parties to any motion to withdraw reference may consent to the bankruptcy judge hearing the motion in the first instance and making proposed findings of fact, conclusions of law, and recommendations for disposition of the motion by the district court. Consent must be in writing and filed with the clerk of the bankruptcy court no later than the last day for filing any opposition to the motion to withdraw reference.

(f) Transmittal to and proceedings in United States District Court. When the record is complete for purposes of transmittal, but without awaiting the filing of any transcripts, the clerk of the bankruptcy court shall promptly transmit to the clerk of the district court the motion papers and the portions of the record designated. After the opening of a docket in district court, documents pertaining to the matter under review by the district court shall be filed with the clerk of the district court, but all documents relating to other matters in the bankruptcy case, adversary proceeding or contested matter shall continue to be filed with the clerk of the bankruptcy court. Any motion and any *sua sponte* request by the bankruptcy judge to withdraw the reference shall be referred to the Chief District Judge or the Chief District Judge's designee in the district court for decision, but if the matter is withdrawn it shall be assigned to a district judge in accordance with the court's usual system for assigning civil cases, unless the Chief District Judge determines that exceptional circumstances warrant special assignment to a district judge. Upon request of the district court, the bankruptcy judge shall determine, pursuant to 28 U.S.C. § 157(b)(3), whether or not any proceeding, as to which withdrawal of the reference is sought in whole or in part, is a core proceeding and may make findings and recommendations. The district court may, in its discretion, grant or deny the motion to withdraw reference, in whole or in part. After withdrawal, the district court may retain the entire matter withdrawn, or may refer part or all of it back to the bankruptcy judge with or without instructions for further proceedings.

LR 5075. CLERK - DELEGATED FUNCTIONS.

(a) United States Bankruptcy Court Clerk.

(1) Powers and duties delegated to the clerk. The clerk of the bankruptcy court shall have the same rights and powers, shall perform the same functions and duties and shall be subject to the same provisions of 28 U.S.C. § 751 as a clerk of the district court. Pursuant to the provisions of 28 U.S.C. § 956, the judges of this court further assign the following powers and duties to the clerk of the bankruptcy court:

(A) Assignment of cases and proceedings commenced under Title 11, United States Code, in accordance with the provisions of 28 U.S.C. § 157; including the re-assignment of a case to another bankruptcy judge of the district, upon the oral or written directive of the judge assigned to the case; and

(B) Signing and entering all orders and process specifically allowed to be signed by the clerk under Title 28, United States Code, and the Federal Rules of Civil Procedure as modified by the Federal Rules of Bankruptcy Procedure. If the Federal Rules of Bankruptcy Procedure direct the performance of a duty by the court of the same type delegated to a clerk in the

Federal Rules of Civil Procedure, the clerk of the bankruptcy court shall hereafter perform such duties.

(2) Specific duties assigned to the clerk. Unless otherwise ordered by the court, the clerk is authorized to sign and enter without further direction the following orders which are deemed to be of a ministerial nature:

(A) Orders specifically appointing persons to serve process in accordance with Fed. R. Civ. P. 4;

(B) Orders on consent:

(i) Noting satisfaction of a judgment,

(ii) Approving and annulling bonds filed or to be released pursuant to court order and exonerating sureties, or

(iii) Setting aside a default;

(C) Orders and notices that establish meeting and hearing dates required or requested by a party in interest under Title 11, United States Code, including orders which fix the last dates for the filing of objections to discharge and confirmations of plans, complaints to determine the dischargeability of debts and proofs of claim;

(D) Orders and notices regarding duties of debtors and debtors in possession;

(E) Discharge of debtor in a chapter 7 case in which there is not a pending motion to dismiss under 11 U.S.C. § 707(b) and in which there has not been a timely filed objection to discharge of the debtor nor a waiver by the debtor of the debtor's discharge. Discharges granted by the court following a hearing of a motion to dismiss under 11 U.S.C. § 707(b) or a trial on objections to the discharge will be signed only by the judge;

(F) Discharge of a debtor in a chapter 13 case as provided in 11 U.S.C. § 1328 in which there has not been a timely filed objection to discharge of the debtor nor a waiver by the debtor of the debtor's discharge. Discharges granted by the court following trial on objections thereto will be signed only by the judge;

(G) Order of Substitution upon the filing of an Assignment of Claim, after due notice to the Assignor of the filing of the Assignment of Claim;

(H) Order sustaining Trustee's Objection to Claims, after notice and hearing, where no written response to the objection has been filed by or on behalf of the claimant and where no appearance at the hearing to consider the objections was made by or on behalf of the claimant;

(I) Orders approving the final fees and expenses of the trustee in a chapter 7 case with estates of \$1,500 or less; and in cases with estates over \$1,500, after notice and hearing, where no timely objection was made to the final fees and expenses;

(J) Orders of Abandonment, after notice and hearing pursuant to 11 U.S.C. § 102(1) and 554(a) and (b) and pursuant to Fed. R. Bank. P. 6007. When an objection to a proposed abandonment has been filed, only a judge may sign the order approving or disapproving said abandonment;

(K) Orders closing cases and discharging the trustee in all cases in which the trustee has filed a final account and certified that the case has been fully administered pursuant to Fed. R. Bank. P. 5009, and entering final decrees in chapter 11 cases pursuant to Fed. R. Bank. P. 3022;

(L) When ordered by the court in the particular case or in all cases assigned to a particular judge, orders under LR IA 10-2 granting permission to an attorney to practice in a particular case, and orders under LR IA 10-4;

(M) All motions and applications of the type specified in Fed. R. Civ. P. 77(c);

(N) Orders permitting the payment of filing fees in installments and fixing the number, amount and date of payment of each installment filed pursuant to LR 1006, which provide that an initial payment of no less than fifty dollars (\$50) shall be made within forty-eight (48) hours of the filing of the petition, a second payment of no less than fifty dollars (\$50) shall be made within thirty (30) days after the filing of the petition, and the balance of the filing fee shall be paid within sixty (60) days after the filing of the petition. Any application requesting payments to be made in a different manner or any request for an extension of time greater than the stated sixty (60) day period or a request which is received after entry of the first order entered by the clerk shall be in writing and will be considered only by a judge;

(O) Orders reopening bankruptcy cases for administrative purposes;

(P) Orders authorizing examinations to be taken under Fed. R. Bank. P. 2004 upon not less than ten (10) business days notice, with the exception of Fed. R. Bank. P. 2004(d), which orders shall be signed by the court;

(Q) Reaffirmation orders under 11 U.S.C. § 524(c) where the debtor is represented by an attorney which have been approved by the court after notice and hearing;

(R) Orders approving motions to allow claims submitted in chapter 13 cases wherein no prior objection to claims have been filed;

(S) Orders withdrawing exhibits under LR 5003;

(T) Orders on stipulations satisfying judgments, noting satisfaction of orders for the payment of money, or withdrawing stipulations, or annulling bonds, or exonerating sureties, or setting aside defaults;

(U) Judgments on verdicts or decisions of the court in circumstances authorized in Fed. R. Civ. P. 58;

(V) When parties file with the clerk a written stipulation for an extension of time to answer, plead or otherwise move and no such prior extension has been granted which shall affirmatively appear in the stipulation, orders granting the stipulated extension for a period not exceeding thirty (30) days by endorsement upon the stipulation;

(W) Orders to assess, deduct and withdraw a fee from the court's registry account pursuant to 28 U.S.C. § 2041 and 2042 and LR 7067(i). The collection of said fee shall be made at the time any distribution of funds is made by the clerk, or whenever it is the clerk's customary, accounting practice to assess, deduct and collect such fee. The amount of the fee shall be ten percent (10%) of the income earned, or such other fee as prescribed by the Judicial Conference of the United States and set by the Director of the Administrative Office;

(X) Conditional orders of dismissal of cases for failure of debtor(s) to comply with Fed. R. Bank. P. 1007 and Fed. R. Bank. P. 3015(b); and

(Y) Any other orders which under applicable rule or statute do not require special direction by the court.

(3) Limitation of clerk's powers and duties. Any action taken by the clerk in connection with the powers and duties herein specified may be suspended or rescinded by a judge upon good cause shown.

(b) Standing of the clerk and deputy clerks. The clerk and deputy clerks of this court are authorized to issue notices or Orders to Show Cause for failure of a party to comply with the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, these local rules and/or any order of this court.

LR 6006. EXECUTORY CONTRACTS.

Unless otherwise directed by the court, the movant shall give notice of a proposed assumption, rejection and assignment of executory contract(s) and unexpired lease(s) to those parties who have requested special notice, as well as to all parties to the contract or lease.

LR 6007. ABANDONMENT.

Unless otherwise directed by the court, the party proposing abandonment or other disposition of property shall serve notice to those parties who have requested special notice, as well as to any party having a special relationship to the property.

LR 7003. COVER SHEET.

Every adversary proceeding filed in bankruptcy court shall be accompanied by a properly completed bankruptcy adversary proceeding cover sheet, Form B 104.

LR 7005. CERTIFICATE OF SERVICE (Adversary Proceedings).

(a) Proof of service. Proof of service of all papers and pleadings required or permitted to be served shall be filed with the clerk. The proof shall show the day and manner of service and the name of the person served. Proof of service may be by written acknowledgment of service, by certificate of a member of the bar of this court, by affidavit of the person who served the papers, or by any other proof satisfactory to the court.

(b) Failure to file proof of service. The court may refuse to take action on any papers or pleadings until proof of service is filed. If an affidavit or certificate of service is attached to the original pleading, it shall be attached the same so that the character of the pleading is easily discernible. Failure to make the proof of service required by this rule does not affect the validity of the service, and the court may at any time allow the proof of service to be amended or supplied unless it clearly appears that to do so would result in material prejudice to the substantial rights of any party.

LR 7010.

GENERAL REQUIREMENTS OF FORM.

(a) Form of papers. After notice and hearing, any paper or pleading filed which does not conform to an applicable provision of these rules or any Federal Rule of Bankruptcy Procedure may be stricken by the court on its own motion. Whenever the individual number of plaintiffs or defendants contained in the caption of a complaint or third party complaint exceeds five (5), it shall be the responsibility of the party filing said complaint or third party complaint to provide to the clerk contemporaneously therewith two (2) copies of an alphabetical list of the parties.

(b) Caption, title of court and name of case. In addition to the requirements of LR 9004, the caption shall include the caption of the adversary proceeding as well as the caption of the case, including the adversary proceeding number assigned to the case. If a scheduling conference has been set, the complaint and answer should indicate that date in the space for hearing date and time. Such requirement is illustrated as follows:

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

IN RE:)	BK-S-95-000123-LBR
)	CHAPTER 7
JOHN DOE,)	
)	ADVERSARY NO: BK-S-952001-LBR
Debtor)	
_____)	
)	
JOHN DOE,)	DEFENDANT'S ANSWER TO
)	COMPLAINT TO DETERMINE
Plaintiff,)	DISCHARGEABILITY OF DEBT
)	
RICHARD ROE,)	
)	Hearing Date (Status Conf): _____
Defendant,)	Hearing Time: _____
_____)	Estimated Time: _____

(c) Copies. The clerk of the court shall maintain a list of copy requirements which will specify the minimal number of copies to be submitted for filing. The clerk of the court may from time to time revise the list of copy requirements. When revised, the list of copy requirements shall be reissued in full with a notation of the effective date of the revision. Copies of the list of copy requirements shall be available from the clerk of the court upon request, and shall be posted on the court's web site at www.nvb.uscourts.gov.

(1) Unless otherwise required, counsel or persons appearing *in pro se* shall submit for filing the original and the number of copies indicated in the clerk of the court's list of copy requirements of all pleadings, summons, orders and other papers; and

(2) In the event counsel or persons appearing *in pro se* desire to receive a file stamped copy of any pleading or other paper presented for filing, counsel or persons appearing *in pro se* must submit one (1) additional copy; and if by mail, include a self-addressed, postage paid envelope.

(d) *In camera* submissions.

(1) Papers submitted for the court's *in camera* inspection shall be accompanied by a captioned cover sheet complying with subsection (a) of these rules indicating that it is being submitted *in camera*. Counsel shall provide to the court, an envelope of sufficient size into which the *in camera* papers can be sealed without being folded. Counsel shall be permitted to tender to the clerk papers *in camera* without a prior court order authorizing same.

(2) The court will review the *in camera* submission and enter an appropriate order directing that it be filed under seal, be made part of the official public file, or be permitted to be withdrawn.

(3) In the event the court orders such *in camera* submission to be sealed, the moving party shall submit an order in compliance with LR 9022, which order shall be docketed with the clerk of the court.

LR 7015. AMENDED AND SUPPLEMENTAL PLEADINGS.

(a) Any motion to amend the pleadings shall include a copy of the proposed amended pleading attached to the motion. Unless otherwise permitted by the court, every amended pleading must be reprinted and filed so that it will be complete in itself, including exhibits, without reference to the superseded pleading.

(b) If the motion is granted, the moving party has ten (10) days from the entry of the order approving the motion to file and serve an original amended pleading.

LR 7016. PRE-TRIAL PROCEDURES.

(a) Actions exempted from scheduling order. Except as ordered by the court, the following categories of cases are exempt from the requirements of Fed. R. Civ. P. 16(b) as adopted by Fed. R. Bank. P. 7016(b):

(1) Contested matters under Fed. R. Bank. P. 9014; and

(2) Such other actions or category of actions as ordered by the court from time to time.

(b) Time and issuance for scheduling order.

(1) At the time a summons is issued, the clerk shall provide a blank “Standard Discovery Plan/Scheduling Order” form, which document shall be served by the plaintiff with the summons. Such standard form, which may be changed from time to time by the court, shall be used by the parties.

(2) Within thirty (30) days after the first defendant has answered or otherwise appeared the parties shall meet as required by Fed. R. Bank. P. 7026 and LR 7026. No later than fourteen (14) days after such meeting, the parties shall complete and submit the information required by the Discovery Plan or Request for Waiver of Filing Discovery Plan (“Discovery Plan”).

(3) If the parties agree to the standard deadlines or fail to submit the Discovery Plan, the standard deadlines shall govern the course of the proceedings.

(4) If the parties have agreed to different deadlines, cannot agree as to deadlines, or wish to seek a waiver of the requirement for a discovery plan, they shall so indicate on the front page of the Discovery Plan.

(5) The parties shall appear, unless excused, at any scheduling conference.

(6) The court shall approve, disapprove, or modify the discovery plan and enter such other orders as may be appropriate following the first scheduling conference. The court shall also issue an Order Regarding Pretrial and Trial following the scheduling conference. At any time, the court may order a status hearing or a conference of all the parties.

(c) Time limits for filing certain motions. Unless otherwise ordered by the court in the Standard Discovery Plan/Scheduling Order or otherwise, the following time periods shall govern the filing of certain motions:

(1) All motions to amend the pleadings pursuant to Fed. R. Bank. P. 7015(a) or for the joinder of parties shall be filed so as to be heard no later than the close of discovery. If such amendment or joinder is allowed, and unless otherwise ordered by the court, discovery shall be extended for forty-five (45) additional days for the limited purposes of conducting discovery with respect to such amendments or joinders;

(2) All potentially dispositive motions as to any or all issues shall be filed by the close of discovery unless otherwise ordered; and

(3) Motions *in limine* shall be filed at the time of the pretrial conference and any responses thereto shall be filed five (5) business days prior to the start of trial. No reply will be permitted unless requested by the court.

(d) Pretrial order and trial setting.

(1) The Order Regarding Pretrial and Trial may set the date for the filing of a joint or separate trial statement(s). The court may, however, order the filing of a joint pretrial order at any

time. Unless otherwise ordered, the parties shall use the standard Trial Statement which form may be obtained from the clerk and may be changed from time to time by the court.

(2) The court may set a trial date in the Order Regarding Pretrial and Trial or by separate written or oral order. Continuances will not be favored.

(e) Form of pretrial order. Unless otherwise ordered by the court, counsel shall use the form of Pretrial Order prescribed by the court.

(f) Settlement conference and alternative methods of dispute resolution. The court may, in its discretion, set any appropriate adversary proceeding for settlement conference, summary jury trial or other alternative method of dispute resolution.

LR 7026. DISCOVERY - GENERAL.

(a) Disclosures.

Unless otherwise ordered by the court, the disclosures required by Fed. R. Civ. P. 26(a)(2), as adopted by Fed. R. Bank. P. 7026, shall be made no later than thirty (30) days prior to the close of discovery by the party bearing the burden of proof on the issue in question and no later than fifteen (15) days prior to the close of discovery by the party opposing such issue. Written reports by experts, unless otherwise stipulated by the parties or ordered by the court, are due no later than the time the identity of experts is to be disclosed.

(b) Exemptions from the provisions of Fed. R. Civ. P. 26(f).

(1) Exemption of an action not otherwise exempted by Fed. R. Civ. P. 26(a)(1)(E), may be obtained by order of the court after motion noticed to all parties to the action or by stipulation of all parties prior to the date any meeting under this rule is to be held.

(2) The parties obtaining an exemption pursuant to subsection (b)(1) of this rule are exempt from filing a discovery plan.

(3) LR 7016 and 7026(c) govern the requirements pertaining to discovery plans. The parties to an action not exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to subsection (b)(1) of this rule may seek a limited exemption from Fed. R. Civ. P. 26(f), insofar as the rule requires the filing of a discovery plan. The parties may request a waiver of the requirement that a discovery plan be submitted under the following conditions:

(A) In cases in which the parties certify that no formal discovery is required;

(B) Trial may proceed within one hundred twenty (120) days from the date a discovery plan would otherwise be due; and

(C) Such waiver shall be sought by so indicating on the standard discovery plan/scheduling form and by the completion of all information requested on that form.

(c) Discovery conference and plan.

(1) Unless exempted, the parties shall meet and confer no later than thirty (30) days after the first defendant has answered or otherwise appeared.

(2) No later than fourteen (14) days after such meeting, the parties shall submit the Discovery Plan or Request for Waiver and Order. If the parties fail to submit a Discovery Plan they may be subject to sanctions. In addition, if they have not requested and been granted a waiver from the requirement to file a Discovery Plan, the deadlines set forth in the standard form shall apply, notwithstanding the failure of the parties to submit a plan.

(3) The court may conduct a scheduling conference to consider the submitted Discovery Plan and to issue an Order Regarding Pretrial and Trial.

(4) The court may, from time to time, alter such standard form, including without limitation, the deadlines contained therein. Counsel shall use the format then in use and the deadlines set forth in such standard form shall apply unless the court orders other, or different, deadlines.

(5) If the parties agree to different deadlines, or cannot agree to deadlines, they shall so indicate on the face of the standard discovery plan/scheduling form and shall attach their proposed plan using Form 35 to the Federal Rules of Civil Procedure or such other form as the court may from time to time direct.

(d) Discovery limitations.

(1) Unless otherwise ordered by the court, all discovery must be commenced in time to be completed by one hundred twenty (120) days after the answer or first appearance by the first defendant in cases in which a discovery plan is required:

(2) Unless otherwise ordered by the court, the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to subsection (b)(1) of this rule may commence discovery upon the commencement of the action.

(3) The court shall approve, disapprove, or modify the Discovery Plan and enter such other orders as may be appropriate following the first scheduling conference. At any time, including upon request of a party, the court may order a conference of all the parties in order to discuss the provisions of the Discovery Plan or scheduling order.

(e) Extension of discovery time.

(1) Unless otherwise ordered by the court, an extension of the discovery deadline will not be allowed without a showing of good cause as to why all discovery was not completed

within the time allotted. All motions or stipulations to extend discovery shall be received by the court at least twenty (20) days prior to the date fixed for completion of discovery, or at least twenty (20) days prior to the date of expiration of any extension thereof that may have been approved by the court. Such motion or stipulation and any motion or stipulation to reopen discovery shall include:

(A) A statement specifying the discovery completed by the parties as of the date of the motion or stipulation;

(B) A specific description of the discovery which remains to be completed;

(C) The reasons why such remaining discovery was not completed within the time limit of the existing discovery deadline plan; and

(D) A proposed schedule for the completion of all remaining discovery.

(2) It is the responsibility of counsel to ensure that all discovery is initiated so as to be completed by the expiration of the period set out in the Discovery Plan. No additional discovery shall be permitted thereafter except as provided herein.

(f) Demand for prior discovery. Whenever a party makes a written demand for discovery which took place prior to the time that person or entity became a party to the action, each party who has previously responded to a request for admission or production or answered interrogatories shall furnish to the demanding party the documents in which the discovery responses in question are contained for inspecting and copying or a list identifying each such document by title, and upon further demand shall furnish to the demanding party at the expense of the demanding party, a copy of any listed discovery response specified in the demand; or, in the case of requests for production, shall make available for inspection by the demanding party all documents and things previously produced. Further, each party who has taken a deposition shall make a copy of the transcript available to the demanding party for copying at the latter's expense.

(g) Discovery motions.

(1) All motions to compel discovery or for protective orders shall, in addition to the discovery being sought or enjoined in the motion, set forth in full the text of the discovery originally sought or enjoined and the response made thereto, if any, and comply with Fed. R. Civ. P. 26(c), as adopted by Fed. R. Bank. P. 7026, in all respects.

(2) Discovery motions will not be considered unless a statement of moving counsel is attached thereto certifying that, after personal consultation and sincere effort to do so, counsel have been unable to resolve the matter without court action.

(3) Any attorney or party appearing *in pro se* may make written application to, or, where time does not permit, make contact by telephoning the court, and request judicial assistance in resolving an emergency discovery dispute. The attorney or party seeking emergency relief shall endorse on the face of any written application the words "Request for Emergency Relief."

(h) Filing of discovery papers. Unless filing is ordered by the court on motion or upon its own motion, notices of deposition, depositions, interrogatories, requests for production or inspection, requests for documents, requests for admissions, answers and responses thereto and proof of service thereof shall not be filed with the court. Originals of responses to requests for admissions or production and answers to interrogatories shall be served upon the party who made the request or propounded the interrogatories and that party shall make such originals available at the time of any pretrial hearing or at trial for use by any party. Likewise, the deposing party shall make the original transcript of a deposition available at the time of any pretrial hearing or at trial for use by any party or filing with the court if so ordered.

(i) Contested matters under Fed. R. Bank. P. 9014. Unless otherwise ordered by the court, Fed. R. Bank. P. 7026 and LR 7026 shall not apply to contested matters filed under Fed. R. Bank. P. 9014.

LR 7030. DEPOSITIONS UPON ORAL EXAMINATION.

(a) Commencement of discovery. Unless otherwise ordered by the court, the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to LR 7026(b)(1) may commence discovery upon the commencement of the action.

(b) Commencement of discovery by deposition.

(1) Depositions may be taken without leave of court in an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to LR 7026(b)(1) of this rule unless the plaintiff in such an adversary proceeding seeks to take a deposition prior to the expiration of thirty (30) days after service of the summons and complaint. If, however, a defendant in such an adversary proceeding has served a notice of taking deposition or otherwise sought discovery, leave of court is not required.

(2) Depositions may be taken without leave of court unless the party in an adversary proceeding seeks to take a deposition prior to the parties conferring pursuant to Fed. R. Civ. P. 26(f).

(c) Requirements for transcripts. Unless the parties stipulate or the court orders otherwise, depositions shall be recorded by stenographic means.

LR 7031. DEPOSITION UPON WRITTEN QUESTIONS.

(a) Commencement of discovery. Unless otherwise ordered by the court, the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to LR 7026(b)(1) may commence discovery upon the commencement of the action.

(b) Commencement of discovery by deposition. Except as provided in Fed. R. Civ. P. 31(a) (2)(B):

(1) After commencement of an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to LR 7026(b)(1), any party may take the testimony of any person, including a party, by deposition upon written questions.

(2) Depositions may be taken upon written questions without leave of court unless the party in an adversary proceeding seeks to take a deposition prior to the parties conferring pursuant to Fed. R. Civ. P. 26(f).

(c) Requirements for transcripts. Unless the court orders otherwise, depositions shall be recorded by stenographic means.

LR 7032. USE OF DEPOSITIONS IN ADVERSARY PROCEEDINGS.

Unless the court orders otherwise, deposition testimony shall be offered by stenographic means.

LR 7033. INTERROGATORIES TO PARTIES.

(a) Commencement of discovery. Unless otherwise ordered by the court, the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to LR 7026(b)(1) may commence discovery upon the commencement of the action.

(b) Number of interrogatories permitted; commencement of discovery by interrogatories.

(1) Unless otherwise ordered by the court or stipulated by the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to LR 7026(b)(1), any party to such an action may serve upon any other party interrogatories not exceeding twenty-five (25) in number, including all discrete subparts, after commencement of the action. A defendant in an adversary proceeding shall not, however, be required to serve answers or objections to interrogatories before the expiration of forty-five (45) days after service of the summons and complaint upon the defendant.

(2) Interrogatories may be served pursuant to Fed. R. Civ. P. 33 without leave of court unless the party in an adversary proceeding seeks to serve interrogatories prior to the parties conferring pursuant to Fed. R. Civ. P. 26(f).

LR 7034. PRODUCTION OF DOCUMENTS AND THINGS AND ENTRY UPON LAND FOR INSPECTION AND OTHER PURPOSES.

(a) Commencement of discovery. Unless otherwise ordered by the court, the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to LR 7026(b)(1) may commence discovery upon the commencement of the action.

(b) Requests for production or inspection.

(1) Unless otherwise ordered by the court or stipulated by the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to LR 7026(b)(1), any party may serve upon any other party a request for production or inspection after commencement of such action. A defendant in an adversary proceeding shall not, however, be required to respond before the expiration of forty-five (45) days after service of the summons and complaint.

(2) Requests for production or inspection may be served pursuant to Fed. R. Civ. P. 34 without leave of court unless the party in an adversary proceeding seeks to request production or inspection prior to the parties conferring pursuant to Fed. R. Civ. P. 26(f).

(c) Responses to discovery sought. All responses to discovery sought shall, immediately preceding the response, identify the number or other designation and set forth in full the text of the discovery sought.

LR 7035. PHYSICAL AND MENTAL EXAMINATIONS OF PERSONS.

Whenever a party in the pleadings filed with the court places any party's present, past or future physical or mental condition in issue, that party may not prevent discovery of information concerning such physical or mental condition or prior history related thereto by asserting any physician-patient privilege provided by state law against discovery or information concerning such physical or mental condition or prior history directly related thereto.

LR 7036. REQUESTS FOR ADMISSION.

(a) Commencement of discovery. Unless otherwise ordered by the court, the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to LR 7026(b)(1) may commence discovery upon the commencement of the action.

(b) Requests for admissions.

(1) Unless otherwise ordered by the court or stipulated by the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(E) or by order obtained pursuant to LR 7026(b)(1), any party may serve upon any other party a request for admission after commencement of such action. A defendant in an adversary proceeding shall not, however, be required to serve answers or objections to requests for admissions before the expiration of forty-five (45) days after service of the summons and complaint upon the defendant.

(2) Requests for admission may be served pursuant to Fed. R. Civ. P. 36 without leave of court unless the party in an adversary proceeding seeks to request admission prior to the parties conferring pursuant to Fed. R. Civ. P. 26(f).

LR 7041.**DISMISSAL FOR WANT OF PROSECUTION.**

Any proceeding which has been pending in this court for more than one (1) year without any activity of record may, after notice, be dismissed for want of prosecution on motion of counsel, any party, or by the court.

LR 7054.**COSTS - TAXATION/PAYMENT.**

(a) Costs and attorneys' fees in general.

(1) Unless otherwise ordered by the court, the prevailing party may be entitled to reasonable costs. A prevailing party who claims such costs shall, not later than ten (10) days after the date of entry of the decree or judgment, serve on the attorney for the adverse party or upon an *in pro se* adversary party and file with the clerk on a form provided by the clerk a bill of costs and disbursements. Cross reference 28 U.S.C. §§_1920, 1921 and 1923; and Fed. R. Civ. P. 54(d).

(2) Such bill of costs shall be verified as required by 28_U.S.C. §_1924, shall distinctly set forth each item thereof so that the nature of the charge can be readily understood, and shall state that the items are correct and that the services have been actually and necessarily performed and the disbursements have been necessarily incurred in the action or proceeding. An itemization and, where available, documentation of requested costs in all categories must be attached to the bill of costs.

(3) The clerk shall tax the costs not later than ten (10) days after the filing of objections or the time within which such objections may be filed has passed.

(b) Fees of clerk, marshal, process server and docket. Fees allowable by statute are clerk's fees pursuant to 28_U.S.C. §_1920; docket fees pursuant to 28_U.S.C. §_1923; and, marshal's fees pursuant to 28_U.S.C. §_1921. Fees of authorized process servers are ordinarily taxable.

(c) Fees incident to transcripts, trial transcripts. The cost of the original of a trial transcript, including a daily transcript, and of a transcript of matters occurring prior or subsequent to trial which is furnished to the court is taxable when either requested by the court or prepared pursuant to stipulation approved by the court. Mere acceptance by the court does not constitute a request. Copies of transcripts for counsel's own use are not taxable in the absence of a prior special order of the court.

(d) Deposition costs. The reporter's charge for the original deposition is taxable whether or not the same is actually received in evidence or whether or not it is taken solely for discovery. Counsel's copies are not taxable, regardless of which party took the deposition. The reasonable expenses of a deposition reporter and the notary or other official presiding at the taking of the deposition are taxable, including travel, where necessary, and subsistence. Postage costs, including registry, for sending the original deposition to the clerk for filing are taxable if the court has ordered

the filing of said deposition. Counsel's fees, expenses in arranging for taking and expenses in attending the taking of a deposition are not taxable, except as provided by statute or by the Federal Rules of Civil Procedure. Fees for the witness at the taking of a deposition are taxable at the same rate as for attendance at trial. The witness need not be under subpoena. A reasonable fee for a necessary interpreter at the taking of a taxable deposition is taxable.

(e) Witness fees, mileage and subsistence.

(1) The rate for witness fees, mileage and subsistence are fixed by statute under 28 U.S.C. § 1821. Such fees are taxable even though the witness may not take the stand if it is shown that the attendance was necessary; but if a witness is not used, it will be presumed that the attendance was unnecessary. Such fees are taxable even though the witness attends voluntarily upon request and is not under subpoena. Taxation may be made for the cost of each day the witness is necessarily in attendance and is not limited only to those costs incurred for the actual day the witness testified. Fees will be limited, however, to the days of actual testimony and the days required for travel if no showing is made that the witness necessarily attended for a longer time.

(2) Taxable transportation expenses shall be based on the most direct route at the most economical rate reasonably available for the means of transportation actually used by the witness, subject to the additional provisions of the Federal Rules of Civil Procedure.

(3) Subsistence for the witness under 28 U.S.C. § 1821 is allowable if the distance from the court to the residence of the witness is such that mileage fees would be greater than subsistence fees if the witness were to return to his/her residence from day to day.

(4) No party shall receive witness fees for testifying in that party's own behalf, but this shall not apply where a party is subpoenaed to attend court by the opposing party. Witness fees for officers of a corporation are taxable if the officers are not defendants and recovery is not sought against the officers individually. Fees for expert witnesses are not taxable in a greater amount than statutorily allowable for ordinary witnesses unless authorized by contract or specific statute.

(5) The reasonable fee for a competent interpreter is taxable if the fee of the witness for whom the interpreting services were required is taxable. The reasonable fee of a competent translator is taxable if the document translated is necessarily filed or admitted into evidence.

(f) Exemplification and copies of papers.

(1) An itemization of costs claimed pursuant to this section shall be attached to the cost bill. The cost of copies of an exhibit necessarily attached to a document required to be filed and served is taxable. Cost of one (1) copy of a document is taxable when admitted into evidence in lieu of an original which is either not available for introduction into evidence, or is not introduced at the request of opposing counsel. The cost of copies submitted in lieu of originals because of the convenience to offering counsel or counsel's client is not taxable. The cost of reproducing copies of motions, pleadings, notices and other routine case papers is not allowable. The cost of copies

obtained for counsel's own use is not taxable. The fee of an official for certification or proof regarding non-existence of a document is taxable. Notary fees are taxable if actually incurred, but only for documents which are required to be notarized and which are necessarily filed. Costs incurred for reducing by xerographic or other similar means documents in order to comply with the paper size requirement of LR 9004(a) or LR 9004(d) are taxable.

(2) The cost of patent file wrappers and prior art patents are taxable at the rate charged by the patent office. Expenses for services of persons checking patent office records to determine what should be ordered are not taxable.

(g) Maps, charts, models, photographs, summaries, computations and statistical summaries. The cost of maps and charts is taxable if they are admitted into evidence. The cost of photographs, eight-inch by ten-inch (8_ x 10_) in size or less, is taxable if admitted into evidence or attached to documents required to be filed and served on opposing counsel. The cost of enlargements greater than eight-inch by ten-inch (8_ x 10_), models or compiling summaries, computations and statistical comparisons is not taxable except by prior order of the court.

(h) Fees of masters, receivers and commissioners. Unless otherwise ordered by the court, the fees of masters, receivers and commissioners are taxable as costs.

(i) Premiums on undertakings and bonds. The party entitled to recover costs shall ordinarily be allowed premiums paid on undertakings and bonds where the same have been furnished by reason of express requirement of the law, on order of the court or a judge thereof, or where the same is necessarily required to enable the party to secure some right accorded to such party in the action or proceeding.

(j) Removed cases. In a case removed from the state court, costs incurred in the state court prior to removal, including but not limited to the following, are taxable in favor of the prevailing party in this court:

- (1) Fees paid to the clerk of the state court;
- (2) Fees for service of process in the state court;
- (3) Costs of exhibits necessarily attached to documents required to be filed in the state court; and
- (4) Fees for witnesses attending depositions before removal unless the court finds that the witness was deposed without reason or necessity.

(k) Party entitled to costs. The prevailing party shall be determined by the court. If each side recovers in part, ordinarily the party recovering the larger sum will be considered the prevailing party. The defendant is the prevailing party upon a dismissal or other termination of the case without judgment for the plaintiff on the merits. In appropriate circumstances, the court may apportion the

costs between the parties. No costs shall be allowed to either party if the court is unable to clearly determine the prevailing party.

(l) Costs against the government. For these costs, reference 28 U.S.C. § 2412.

(m) Costs not ordinarily allowed. Unless a party shall substantiate any claim by references to statutes or decisions for the following costs, they will not ordinarily be allowed:

- (1) Accountant's fees incurred for investigation;
- (2) The purchase of infringing devices in patent cases;
- (3) The physical examination of an opposing party;
- (4) Courtesy copies of exhibits furnished to opposing counsel without request;

and

(5) Motion pictures.

(n) Method of taxation of costs.

(1) Opposing counsel shall have ten (10) days after service of the bill of costs within which to file and serve written objections specifying each item to which objection is made, the ground for the objection, and to file and serve any affidavit presenting facts relied upon in support of the objection.

(2) On the date set for the taxation neither the parties nor their attorneys shall appear. The clerk shall proceed to tax the costs, and shall allow the items specified in said bill of costs as are properly chargeable as costs. The clerk shall make an insertion of the costs into the docket, and the judgment, if appropriate. The taxation of costs made by the clerk shall be final unless modified on review as provided in LR_7054(o).

(3) Notice of the clerk's taxation of costs shall be given by mailing a copy of the bill as approved by the clerk to all parties in accordance with Fed. R. Civ. P. 5.

(o) Review of costs.

(1) A review of the decision of the clerk in the taxation of costs may be taken to the court on motion to retax by any party in accordance with Fed. R. Civ. P. 54(d). A motion to retax accompanied by points and authorities shall be filed and served within five (5) days after receipt of the notice provided for in LR 7054(n)(3).

(2) A motion to retax shall particularly specify the ruling of the clerk excepted to, and no others will be considered by the court. Said motion shall be decided upon the same papers and evidence submitted to the clerk.

(p) Appellate costs. The bankruptcy court does not tax or retax appellate costs. The certified copy of the judgment or the mandate of the Court of Appeals, without further action by the district court, is sufficient basis to request issuance by the clerk of the bankruptcy court of a writ of execution to recover costs taxed by the appellate court.

(q) Motions for attorneys' fees. When a party is entitled to move the court for an award of attorney's fees, the motion shall be filed with the court and served within fourteen (14) days after final judgment or order disposing of the action.

(r) Procedure for motions for attorney's fees.

(1) Contents of motion. Unless otherwise ordered by the court, a motion for fees must contain the following items in addition to those duties required by Fed. R. Civ. P. 54(d)(2)(B):

(A) An itemization of the work performed, the name of the person performing the work, a brief description of the position and experience of each individual billing time to the case, the hourly charge, and the amount charged. A description of the work performed must be specific so as to permit the reviewer to identify the task(s) sufficiently performed;

(B) An itemization of all costs sought to be charged as part of the fee award and not otherwise taxable pursuant to 28 U.S.C. § 1920;

(C) A brief summarization of the nature of the case, the difficulty of the case, and the results obtained;

(D) Previous applications and the amounts awarded; and

(E) Such other information as the court may direct.

(2) Attorney affidavit. Each motion must be accompanied by an affidavit by the attorney responsible for the billing of the case or the litigants of the action containing the following:

(A) Authentication of the information contained in the motion;

(B) A statement of the amount charged by firm of costs, e.g., computer legal research;

(C) A statement setting forth the hourly rates usually charged for similar services; and

(D) A statement that the bill has been reviewed and edited.

(3) Opposition. Opposition to any motion for request for attorney's fees must be in writing and filed and served pursuant to LR 9014. Unless such opposition contends that fees are

not allowable as a matter of law, the opposition must set forth the specific charges that are disputed and the basis for such opposition. The opposition may include affidavits relevant to the fee issues. If no opposition is filed, the court may grant the application. The movant may file a reply within five (5) days.

(4) Hearing. If either party wishes to examine the affiant, such party must specifically set forth the request in the opposition or reply. Absent a request, the court may decide the application on the pleadings or may set the matter for further evidentiary hearing.

LR 7056. SUMMARY JUDGMENT.

(a) Motions. Motions for summary judgment shall include a concise statement setting forth each fact material to the disposition of the motion which the party claims is, or is not, genuinely in issue, citing the particular portions of any pleading, affidavit, deposition, interrogatory, answer, admission or other matter upon which the party relies.

(b) Responsive memorandum. Unless otherwise ordered by the court, an opposing party shall have fifteen (15) days after service of the moving party's points and authorities within which to file and serve a memorandum of points and authorities in opposition to the motion.

(c) Reply memorandum. Unless otherwise ordered by the court, the moving party shall have ten (10) days after service of the responsive memorandum to file and serve a reply memorandum of points and authorities if it is so desired.

(d) Hearings on motions for summary judgment.

(1) The party moving for summary judgment shall obtain a hearing date from the clerk for the hearing of the motion. Unless the court shortens the time for hearing, the date shall be not less than forty-five (45) days from the date of the filing of the motion.

(2) If the opposing party files a countermotion for summary judgment, the original moving party shall have ten (10) days to respond to the motion. Unless otherwise ordered by the court, the countermotion shall be heard at the same time as the original motion.

LR 7062. STAY OF PROCEEDINGS TO ENFORCE A JUDGMENT.

Unless otherwise ordered by the court, a supersedeas bond must conform to the provisions of LR 7065.

LR 7064. SEIZURE OF PERSON OR PROPERTY.

(a) Service by the United States Marshal. The United States Marshal shall, without need of court order, be authorized to serve civil process on behalf of the United States Government.

(b) Service of process under state procedure. In those cases or proceedings where Federal Rules of Civil Procedure or Federal Rules of Bankruptcy Procedure authorize the service of process to be made in accordance with Nevada state practice, it shall be the duty of counsel for the party seeking the service to furnish the clerk with all necessary orders and sufficient copies of all papers to comply with the requirements of the state practice, together with specific instructions for administering service.

LR 7065. INJUNCTIONS.

(a) Qualification of surety. Except for bonds secured by cash or negotiable bonds or notes of the United States as provided for in LR 7065(b), every bond must have as surety:

(1) A corporation authorized by the Secretary of the Treasury of the United States to act as surety on official bonds under 31 U.S.C. §§ 9304 through 9306;

(2) A corporation authorized to act as surety under the laws of the State of Nevada, which corporation shall have on file with the clerk a certified copy of its certificate of authority to do business in Nevada, together with a certified copy of the power of attorney appointing the agent authorized to execute the bond;

(3) One (1) or more individuals each of whom owns real or personal property sufficient to justify the full amount of the suretyship; or

(4) Such other security as the court shall order.

(b) Deposit of money or United States obligation in lieu of surety. Upon order of the court, there may be deposited with the clerk in lieu of surety:

(1) Lawful money accompanied by an affidavit which identifies the legal owner thereof; or

(2) Negotiable bonds or notes of the United States accompanied by an executed agreement as required by 31 U.S.C. § 9303(a)(3) authorizing the clerk to collect or sell the bonds or notes in the event of default.

(c) Approval. Unless approval of the bond or the individual sureties is endorsed thereon by the opposing counsel or the party, if appearing *in pro se*, the party offering the bond shall apply to the court for approval. The clerk is authorized to approve bonds unless approval by the court is expressly required by law.

(d) Persons not to act as sureties. No officer of this court, nor any member of the bar of this court, nor any nonresident attorney specially admitted to practice before this court, nor their office associates or employees shall act as surety in this court.

(e) Judgment against sureties. Every surety who provides a bond or other undertaking with the court thereby submits to the jurisdiction of the court regardless of what may be otherwise provided in any security instrument. The surety who provides the bond or other undertaking irrevocably appoints the clerk as agent upon whom any paper affecting liability thereon may be served. Liability shall be joint and several and may be enforced summarily without independent action. Service may be made upon the clerk who shall forthwith mail a copy to the surety at the last known address.

(f) Further security or justification of personal sureties. At any time, upon reasonable notice to all other parties, any party for whose benefit a bond is presented or posted may apply to the court for further or different security or for an order requiring personal sureties to justify.

LR 7067. REGISTRY FUNDS.

(a) Deposits and investments.

(1) Funds will be deposited or invested in the Registry Account of this court pursuant to an order by the court. Funds deposited with the court are to be placed in some form of interest-bearing account unless otherwise ordered by the court. Financial institutions designated in 31 CFR 202 (formerly Treasury Circular 176) and the Court Registry Investment System (CRIS) administered through the United States District Court for the Southern District of Texas shall be the only investment mechanisms authorized unless otherwise ordered by the court. All applications, motions, or stipulations by a moving party to an action for an order, and any resulting order of the court, directing the clerk to deposit or invest funds deposited in the Registry Account of the court pursuant to 28 U.S.C. § 2041 shall contain, at a minimum, the following information:

(A) The amount of funds tendered for deposit.

(B) The party on whose behalf the tender is being made.

(C) The nature of the tender, e.g., interpleader funds deposit, cash bond in lieu of corporate surety in support of Temporary Restraining Order, etc.

(D) Whether the funds are being tendered pursuant to statute, rule or court order.

(E) The conditions of the deposit signed and acknowledged by the depositor, e.g., deposit into the Court Registry Investment System (CRIS) or a financial institution designated in 31 CFR 202, and if into a financial institution designated in 31 CFR 202:

(i) The type of account or instrument, any terms of investment;

(ii) The bank or financial institution where the funds are to be deposited or invested; and

(iii) The amount of insurance and the federal agency insuring the account or instrument, together with a statement as to other accounts held by said party or parties at the named bank or financial institution.

(F) Identification, if any, of any registry deposit intended to be a designated or qualified settlement fund and the identity of the fund's administrator.

(2) If a financial institution is designated for the deposit into the court's Registry, the funds shall only be deposited by the clerk in a financial institution designated in 31 CFR 202 (formerly Treasury Circular 176) and if such financial institution has pledged sufficient securities to secure the total sum of deposits in excess of FDIC coverage (\$100,000 per account). Should the financial institution designated in the order not have sufficient securities pledged, the funds will be deposited in the Court Registry Investment System (CRIS) until the designated financial institution has pledged the required securities and the clerk has been provided with written verification thereof. At that time, the funds will be transferred to the designated financial institution.

(3) If the Court Registry Investment System (CRIS) is designated for the deposit into the Registry Account of the court:

(A) Under CRIS, monies deposited in each case or adversary proceeding account will be "pooled" together with those on deposit with Treasury to the credit of other courts in CRIS and used to purchase Treasury Securities, which will be held at the Federal Reserve Bank of Dallas, in a safekeeping account in the name and to the credit of the Clerk, United States Bankruptcy Court for the District of Nevada, hereby designated custodian for CRIS.

(B) A CRIS account for each case or adversary proceeding account will be established in CRIS titled in the name of the case giving rise to the investment in the system. Earnings received from the funds investments will be distributed to each case or adversary proceeding account based on the ratio each account's principal and earnings has to the aggregate principal and income total in the fund each week. Weekly reports showing the interest earned and the principal amounts contributed in each case or adversary proceeding account will be prepared and distributed to each court participating in CRIS and made available to litigants and/or their counsel.

(4) If neither a financial institution designated in 31 CFR 202 nor the Court Registry Investment System (CRIS) is designated for the deposit into the Registry Account of the court, the funds will be deposited in the Court Registry Investment System (CRIS).

(5) Additionally, except for funds held for the benefit of the United States in which no fee is charged, all orders for deposit or other investment of registry funds shall contain the following language: "THE CLERK OF THE COURT IS DIRECTED TO DEDUCT FROM INCOME EARNED ON THE INVESTMENT A FEE NOT EXCEEDING THAT AUTHORIZED BY THE JUDICIAL CONFERENCE OF THE UNITED STATES AND SET BY THE DIRECTOR OF THE ADMINISTRATIVE OFFICE."

(6) It is solely the responsibility of the moving party to identify any terms and/or conditions of any registry deposit in accordance to subsection (a)(1) of this rule. Failure of the party or parties to so identify minimum requirements designated by subsection (a)(1) shall release the clerk from any liability for reporting and/or tax treatment of interest on such funds pursuant to Section 468B of the Internal Revenue Code (title 26, U.S.C.).

(b) Certificate of cash deposit. The clerk may refuse for deposit cash tendered without the Certificate of Cash Deposit required by these rules. In the event that cash is tendered to the clerk for deposit into the Registry Account of this court, it shall be accompanied by an order of the court directing deposit pursuant to subsection (a) of this rule and written statement entitled “Certificate of Cash Deposit” which shall be signed by counsel or party appearing *in pro se* and shall contain the following information:

- (1) The amount of cash tendered for deposit;
- (2) The party on whose behalf the tender is being made;
- (3) The nature of the tender, e.g., interpleader funds deposit, cash bond in lieu of corporate surety in support of Temporary Restraining Order, etc.;
- (4) Whether the cash is being tendered pursuant to statute, rule or court order;
- (5) The conditions of the deposit signed and acknowledged by the depositor, e.g., deposit into the Court Registry Investment System (CRIS) or a financial institution designated in 31 CFR 202, and if into a financial institution designated in 31 CFR 202:
 - (A) The type of account or instrument, any terms of investment;
 - (B) The bank or financial institution where the funds are to be deposited or invested; and
 - (C) The amount of insurance and the federal agency insuring the account or instrument, together with a statement as to other accounts held by said party or parties at the named bank or financial institution.
- (6) Identification, if any, of any registry deposit intended to be a designated or qualified settlement fund and the identity of the fund's administrator; and
- (7) A signature block whereon the clerk can acknowledge receipt of the cash tendered. The signature block shall not be set forth on a separate page, but shall appear approximately one inch (1_) below the last typewritten matter on the left-hand side of the Certificate of Cash Deposit and shall read as follows:

“RECEIPT

Cash as identified herein is hereby
acknowledged as being received this date.

Dated: _____

CLERK, U.S. BANKRUPTCY COURT

By: _____
Deputy Clerk”

(c) Service of order. Counsel obtaining an order as described in subsection (a) of this rule shall cause a copy of the order to be served personally upon the clerk, or financial administrator deputy in Las Vegas, or the deputy in charge in the Reno divisional office. A supervisory deputy clerk may accept service on behalf of the clerk, financial administrator in Las Vegas, or deputy in charge in the Reno divisional office in their absence.

(d) Deposit of funds by the clerk after receipt of order. The clerk shall take all reasonable steps to deposit funds into an interest bearing account or instruments within, but not more than, fifteen (15) days after service of the order as provided by subsection (c) of this rule. Notwithstanding the provisions of subsection (a) of this rule, in the event counsel should fail to submit an order as required, the clerk is authorized to deposit funds to be held in the Registry Account in an interest bearing account in the Court Registry Investment System (CRIS) pursuant to subsection (a) of this rule.

(e) Verification of deposit by moving party of investment of funds. It shall be the responsibility of any party or parties obtaining an order directing investment of funds by the clerk to verify with the clerk that the funds have been deposited and/or invested as ordered. Such verification shall be completed within fifteen (15) days after service of the order as provided by subsection (c) of this rule.

(f) Failure of compliance. Failure of the party or parties to personally serve: (i) the clerk or financial administrator deputy in Las Vegas; (ii) the deputy in charge of the Reno divisional office; or (iii) in their absence a supervisory deputy clerk, with a copy of the order or failure to verify investment of the funds, shall release the clerk from any liability for the loss of earned interest on such funds.

(g) Moving party's responsibility of disposition of funds at maturity.

(1) It shall be the responsibility of counsel to notice the clerk regarding disposition of funds at maturity of a timed instrument. In the absence of the notice, funds invested in a timed instrument subject to renewal will be reinvested for a like period of time at the prevailing rate of interest. Funds invested in a timed instrument not subject to renewal will be redeposited by the clerk into an interest bearing account in the Court Registry Investment System (CRIS) pursuant to subsection (a) of this rule.

(2) Service of notice by counsel as required by subsection (g)(1) of this rule shall be made in accordance with the requirements as provided by subsection (c) of this rule, and must be

made no later than fifteen (15) days prior to maturity.

(h) Change in terms/conditions of an investment held in the Registry Account. Any change in terms or conditions of an investment shall be by court order only and counsel will be required to comply with subsections (a), (b), and (c) of this rule.

(i) Withdrawal of funds on deposit held in the Registry Account.

(1) No funds shall be withdrawn from the Registry Account and released by the clerk except by order of the court pursuant to 28 U.S.C. § 2042. All orders submitted to the clerk for withdrawal and release of registry account funds will be accompanied by affidavit of counsel setting forth facts indicating the order approving withdrawal and release of registry account funds is nonappealable, or subject to any similar appeal process.

(2) The clerk is authorized to withdraw funds from the Registry Account without delay:

(A) Solely upon presentation of a fully executed court order specifically waiving the period of appeal and stating withdrawal and release of funds is to be made immediately, or by a date certain. In the event the order does not state the appeal waiver, or a date certain for withdrawal of funds from the Registry Account, the clerk is authorized to make withdrawal and release of such funds either upon the expiration of ten (10) business days pending time for appeal, or upon an appeal being determined final and nonappealable; or

(B) Without further order pursuant to the delegated authority of LR 5075(a)(2)(W) wherein the clerk may assess, deduct and withdraw a fee from the Registry Account of the court.

(3) If the order submitted does not conform to the provisions of subsections (a) and (b) of this rule, and is not served pursuant to subsection (c) of this rule, there shall be no liability on the clerk as the result of payment on a certain date should the interest be reduced or the principal invaded.

LR 8001. NOTICE OF APPEAL; ELECTION TO HAVE APPEAL HEARD BY DISTRICT COURT INSTEAD OF BANKRUPTCY APPELLATE PANEL.

(a) Order Being Appealed. The appellant shall attach to the notice of appeal filed in bankruptcy court a copy of the entered judgment, order or decree from which the appeal was taken.

(b) Bankruptcy Appellate Panel. Pursuant to 28 U.S.C. § 158(b)(6), this court hereby authorizes a Bankruptcy Appellate Panel to hear and determine appeals from judgments, orders and decrees entered by bankruptcy judges from this district, subject to the limitations set forth in subsections (b) and (c) of this rule.

(1) The Bankruptcy Appellate Panel may hear and determine only those appeals in which there has not been timely filed a “statement of election to have appeal heard by district court instead of Bankruptcy Appellate Panel” pursuant to the provisions of 28 U.S.C. § 158(c)(1) and Fed. R. Bank. P. 8001(e).

(2) The Bankruptcy Appellate Panel may hear and determine appeals from final judgments, orders and decrees entered by bankruptcy judges and, with leave of the Bankruptcy Appellate Panel, appeals from interlocutory orders and decrees entered by bankruptcy judges.

(3) The Bankruptcy Appellate Panel may hear and determine appeals from judgments, orders and decrees entered by bankruptcy judges after July 10, 1984, and appeals transferred to the district court from the previous Ninth Circuit Bankruptcy Appellate Panel by Section 115(b) of The Bankruptcy Amendments and Federal Judgeship Act of 1984, Pub. L. No. 98-353. The Bankruptcy Appellate Panel may not hear or determine appeals from judgments, orders and decrees entered by bankruptcy judges between December 25, 1982, and July 10, 1984, under the Emergency Bankruptcy Rule of this district.

(c) Time for election.

(1) When a notice of appeal is filed with the clerk of the bankruptcy court, the appeal shall be referred to the Bankruptcy Appellate Panel, unless the appellant files at the time of filing the appeal a statement of election under 28 U.S.C. § 158(c)(1) in a separate writing pursuant to Fed. R. Bank. P. 8001(e) that the appeal be heard by the district court. All parties to the appeal shall be notified of the filing and reference within the time and in the manner provided for in LR 8004.

(2) Unless a party to the appeal files a statement of election under 28 U.S.C. § 158(c)(1) in a separate writing pursuant to Fed. R. Bank. P. 8001(e) that the appeal be heard by the district court with the clerk of the Bankruptcy Appellate Panel not later than thirty (30) days after service of the notice of appeal, the appeal will be heard by the Bankruptcy Appellate Panel.

LR 8004. SERVICE OF NOTICE OF APPEAL.

(a) Service. Not later than three (3) days after the filing of a notice of appeal, the clerk of the bankruptcy court shall serve upon all parties to the appeal a copy of the notice of appeal. A copy of the notice of appeal shall also be transmitted to the clerk of the Bankruptcy Appellate Panel, unless the appellant has filed a “statement of election to have the appeal heard by the district court instead of the Bankruptcy Appellate Panel” under 28 U.S.C. § 158(c)(1) and Fed. R. Bank. P. 8001(e).

(b) Notification of Bankruptcy Appellate Panel procedures. Upon receipt of the notice of appeal, the clerk of the Bankruptcy Appellate Panel shall, as directed by order of the Ninth Circuit Court of Appeals, notify the parties of the procedures and requirements relating to practice before the Bankruptcy Appellate Panel.

LR 8006.

DESIGNATION OF RECORD - APPEAL.

(a) Reproduction of record on appeal.

(1) In all appeals to the district court or other appellate court the original pleadings shall remain in the custody of the bankruptcy court, unless the party or parties or the clerk have obtained an order from a bankruptcy judge allowing the original, official case/adversary file to be forwarded to the district court.

(2) If required by the district court or other appellate court in addition to the excerpts of the record required by LR 8009, a reproduction of pleadings from the court's official case/adversary file, as designated, shall be transmitted to the district court or other appellate court. The clerk of the bankruptcy court shall request copies to be provided from the party or parties designating the record on appeal. The copies shall be tendered to the clerk in chronological order in conformity to LR 9004(c) within thirty (30) days from the date of the request by the clerk or within a shorter time if ordered by the district court or other appellate court, after which the clerk shall tender a receipt of copy for all items designated. If any party fails to provide the clerk with copies of designated items within thirty (30) days from the date of the request by the clerk or within a shorter time if ordered by the district court or other appellate court, the clerk may make copies at the expense of the designating party.

(b) Designation and preparation of reporter's and recorder's transcripts.

(1) It shall be the responsibility of the party filing the notice of appeal, or other moving party, to specify the date(s), time(s) and type of hearing(s) and identify by name the court reporter or recorder when designating transcripts on appeal.

(2) The party filing the "Notice of Transcript" shall include in the "Notice," at a minimum:

(A) All transcripts listed in the designation of record, if any;

(B) Notation of the date of filing, if any; and

(C) The estimated time of filing, whether expedited or in the ordinary course of transcription.

(c) Procedure for requesting preparation of transcript. A transcript order form (AO 435) must be submitted to the clerk and shall specify which portions of the designated transcript a particular court reporter or recorder shall be responsible for transcribing. If a court reporter was present, the clerk may arrange for the transcription of the record at the requesting party's expense.

LR 8007. TRANSMISSION OF RECORD ON APPEAL.

When the record, including any transcript, is complete for the purposes of appeal, the clerk of the bankruptcy court shall transmit a certificate of record to the district court or other appellate court. The clerk of the bankruptcy court shall forthwith notify the parties of the date of the filing of the certificate of record with the district court or other appellate court. The record shall be retained by the clerk of the bankruptcy court until requested by the district court or other appellate court.

LR 8009. BRIEFS AND APPENDIX.

(a) Excerpts of record. Excerpts of record shall be filed by the parties on appeals to the district court in the same manner as required by Fed. R. Bank. P. 8009(b) for appeals to the bankruptcy appellate panel. A party filing excerpts of record with the district court shall file two (2) copies to be bound separately from the briefs. A party filing excerpts of record with the bankruptcy appellate panel shall file the number of copies as required by the 9th Circuit Bankruptcy Appellate Panel.

(b) Transcripts. The excerpts of record shall include the transcripts necessary for adequate review in light of the standard of review to be applied to the issues before the district court or other appellate court.

LR 8018. LOCAL RULES OF CIRCUIT JUDICIAL COUNCIL OR DISTRICT COURT.

Practice in such bankruptcy appeals as may come before the district court shall be governed by Part VIII of the Federal Rules of Bankruptcy Procedure, except as provided in LR 8070 or in rules subsequently adopted by the district court.

LR 8070. DISMISSAL OF APPEAL BY COURT FOR NON-PROSECUTION.

(a) The court may enter an order dismissing the appeal, impose such sanctions as the court deems appropriate, or both in circumstances indicated in subsections (1) and (2) of this rule, which may be invoked on motion of a party or by the court *sua sponte* after notice to the parties:

(1) When an appellant fails timely to pay the filing and/or docket fee for the notice of appeal; file a designation of the reporter's transcript, designation of record, statement of issues and/or brief; file the excerpts of record; or otherwise comply with rules and orders governing the processing of bankruptcy appeals by the district court; or

(2) When an appellee fails timely to file a designation of reporter's transcript, designation of record or brief; or otherwise comply with rules and orders governing the processing of the bankruptcy appeals by the district court.

LR 9004.

PAPERS - REQUIREMENTS OF FORM.

(a) Form of papers.

(1) The form of papers filed with the bankruptcy court shall be flat, unfolded, firmly bound together at the top and legibly typewritten on eight-and-one-half by eleven inch (8½_ x 11_) size paper, with copies reproduced by any method resulting in clearly readable copy. Unless otherwise ordered by the court, all typewriting and handwriting shall be double-spaced.

(2) Excepted from the format outlined in subsection (a)(1) of this rule are:

(A) Exhibits, footnotes and quotations, the identification of counsel, caption, title of the court and the name of the case; and

(B) The title page, which shall begin at least one-and-one-half inches (1½_) from the top of the page.

(b) Print requirements. All typewriting shall be of a size which is either not more than ten (10) characters per linear inch; or, not less than twelve (12) points for proportional spaced fonts or equivalent. All quotations longer than two (2) sentences shall be indented. All pages of each pleading or other papers filed with the court (except exhibits) shall be numbered consecutively. All pages of each pleading or other papers filed with the court (including exhibits) shall be single-sided with print on only one side of the paper.

(c) Papers. Papers presented for filing, receiving or lodging with the clerk shall be pre-punched with two (2) holes, centered, two-and-three-quarters inches (2¾_) apart, one-half inch (½_) to five-eighths inch (⁵⁄₈_) from the top edge of the paper.

(d) Exhibits.

(1) All exhibits and copies thereof attached to papers shall show the exhibit number indicated at the bottom thereof by use of indexing tabs. Exhibits need not be typewritten and may be copies, but must be clearly legible and not unnecessarily voluminous. Counsel is required to reduce oversized exhibits by xerographic or other similar means in order to comply with the eight-and-one-half inch by eleven inch (8½_ x 11_) size paper requirement unless the reduction would destroy legibility or authenticity. In such instances, an oversized exhibit which cannot be reduced in size shall be filed separately with a captioned cover sheet which identifies the exhibit(s) and the document(s) to which it refers.

(2) If affidavits/declarations are used, they must be filed with the motion, attached as exhibits and tabbed appropriately.

(e) Caption, title of court and name of case. The following information (illustrated in subsection (e)(8) of this rule) shall be stated upon the first page of every paper presented for filing:

(1) The name, Nevada state bar number, address, telephone number, fax number, and e-mail address of the attorney and any associated attorney appearing for the party filing the petition, or the name, address and telephone number of a party appearing in proper person;

(2) The title of the court shall appear at the center of the first page at least one inch (1_) below the information required by subsection (1) of this rule;

(3) Below the title of the court, there shall be inserted in the space to the left of center of the paper the name of the action or proceeding;

(4) In the space to the right of center opposite the name of the action or proceeding there shall be inserted the chapter of the Bankruptcy Code under which the case is pending, the bankruptcy case number ("BK" for bankruptcy), followed by the clerk's designated identification for the presiding bankruptcy court judge; and, where applicable, there shall be included the adversary proceeding number or motion number, followed by the clerk's designated identification for the presiding bankruptcy court judge;

(5) Upon the filing of certain paper or pleading (e.g., motions for relief of the automatic stay) the clerk of the court will issue a motion control number, which motion control number shall be included directly below the bankruptcy case number;

(6) Every paper filed with this court shall include, directly below the bankruptcy case number, and adversary or motion number, a precise, complete, and specific description of the nature of the document underlying the initial paper or pleading filed (e.g., motion to reject executory contract, notice of motion to reject executory contract, certificate of service of notice of motion to reject executory contract, objection to motion to reject executory contract, order granting/denying motion to reject executory contract, etc.);

(7) Immediately below the description shall appear the time, date of the hearing on the matter to which the paper is addressed, and the estimated time of hearing; and

(8) A sample illustration of the provisions of subsections (e)(2)-(7) of this rule is as follows:

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

IN RE:) BK-N-95-000123-GWZ
) CHAPTER 7
JOHN DOE,)
) MOTION TO REJECT
) EXECUTORY CONTRACT
)
) Hearing Date: _____
Debtor(s),) Hearing Time: _____
_____) Estimated Time: _____

(f) 11 U.S.C. § 362 pleadings/cover sheet. With every filing in this court of a motion for relief from the automatic stay pursuant 11 U.S.C. § 362, the motion shall be accompanied by a properly completed § 362 information cover sheet, on colored paper attached as Exhibit A to the motion. Failure to comply with any of these provisions may result in sanctions, denial of motion or other adverse ruling.

(g) Facsimile or electronically produced signature. Unless otherwise ordered in a case, the clerk may accept for filing papers (other than original petitions) bearing a facsimile or electronically produced signature, as if such signature was an original signature.

LR 9006. TIME PERIODS.

(a) In appropriate circumstances and for good cause shown, the court may shorten the time for a notice of intended action, or for serving a motion and holding the hearing thereon.

(b) Unless otherwise permitted by the court, every motion for an order shortening time shall be accompanied by an affidavit setting forth the reason why an expedited hearing is required, a copy of the motion for which an expedited hearing is sought, and an “Attorney Information Sheet For Proposed Order Shortening Time,” or similar statement indicating the following:

- (1) Whether opposing counsel and other interested parties and persons were provided notice;
- (2) Whether opposing counsel or other persons consent to a hearing on shortened time;
- (3) The date counsel or other persons were provided notice; and
- (4) How notice was provided; or, if counsel or other persons were not provided notice, how the moving party attempted to provide notice.

LR 9009. FORMS.

In addition to the Official Forms prescribed by the Judicial Conference of the United States, the court may from time to time establish forms as needed in the interests of facilitating the administrative process.

LR 9010. ATTORNEYS - NOTICE OF APPEARANCE.

Any corporation, partnership or other business entity, except when acting as a bankruptcy trustee for a corporation or partnership, shall be represented only by an attorney.

LR 9011. PRO SE PARTIES.

(a) Petition Preparers.

(1) Fines for improper conduct of petition preparers. When a non-lawyer petition preparer is alleged to be in violation of 11 U.S.C. § 110(b) through (g), the Bankruptcy Court shall find the facts and impose the fines set forth in those provisions.

(2) Disallowance of Excess Fees, Turnover Orders and Fines for Violating Such Orders. Where a non-lawyer petition preparer is alleged to be in violation of 11 U.S.C. § 110(h), the Bankruptcy Court shall find the facts and order the disallowance of fees and turnover of such excess fees to the bankruptcy trustee.

(b) Injunctions against Petition Preparers under 11 U.S.C. § 110(j).

(1) Commencement of action. An action seeking an injunction under 11 U.S.C. § 110(j) shall be commenced in the Bankruptcy Court.

(2) Issuance of injunction. The Bankruptcy Court shall find the facts and order an injunction.

(3) Attorney's fees and costs. The Bankruptcy Court shall award a successful plaintiff's fees and costs in bringing an action pursuant to 11 U.S.C. § 110(j)(3).

(c) Certification of Facts to the District court under 11 U.S.C. § 110(i).

(1) Commencement of Certification of Facts Proceeding. A certification of facts proceeding under 11 U.S.C. § 110(i) is commenced in the Bankruptcy Court on a motion by the debtor, the trustee, a creditor or on the Bankruptcy Court's own motion. The Bankruptcy Court is required to:

- (A) Give notice to the accused preparer; and
- (B) Conduct a hearing prior to certifying facts to the District Court.

(2) Certification to the District Court. In certifying facts under 11 U.S.C. § 110(i)(1) to the District Court, the Bankruptcy Court shall:

- (A) Include such findings of fact as were made during the bankruptcy proceeding;
- (B) Include the transcript and the record in the bankruptcy proceeding upon which the facts were found;
- (C) Include the Bankruptcy Court's finding as to the debtor's actual damages under 11 U.S.C. § 110(i)(1)(A);
- (D) Include the Bankruptcy Court's finding as to whether the \$2,000.00 penalty or twice the amount paid by the debtor to the preparer is the greater sum for inclusion in the penalty under 11 U.S.C. § 110(i)(1)(B);
- (E) Include the Bankruptcy Court's finding as to the amount of the movant's reasonable attorney's fees and costs incurred in connection with the certification proceedings; and
- (F) Advise the prevailing party in the bankruptcy proceeding that it should, following the issuance of the Bankruptcy Court's decision, file an appropriate motion in the District Court moving the imposition of further sanctions pursuant to 11 U.S.C. § 110(i).

Court: (3) District Court Procedure. When the certification of facts is before the District

- (A) No in-person hearing is required unless the court so directs;
- (B) At the hearing, no new evidence shall be received, and the hearing shall be on the record only;
- (C) Briefing shall only be allowed by those parties affected;
- (D) The Bankruptcy Court's findings of fact shall be reviewed under the abuse of discretion standard; and
- (E) The Bankruptcy Court's conclusions of law shall be reviewed *de novo*.

(d) Petition preparer guidelines. The United States trustee may issue guidelines in

connection with the provisions of 11 U.S.C. § 110. The guidelines will set forth positions which will generally be followed by the United States trustee in relation to petition preparers. The United States trustee may from time to time revise the guidelines. When revised, the guidelines shall be reissued in full with a notation of the effective date of the revision. Copies of such guidelines shall be available from the United States trustee upon request.

LR 9013. MOTION PRACTICE.

See LR 9014.

LR 9014. MOTION/CONTESTED MATTERS; BRIEFS AND MEMORANDA OF LAW.

(a) Applicability. Unless otherwise ordered by the court, with the exception of motions made pursuant to Fed. R. Bank. P. 7056, LR 7056, Fed. R. Bank. P. 2004 and LR 2004, a hearing date must be obtained for all motions. Whenever “notice and a hearing” is required the party intending action or requesting relief shall proceed as follows:

(1) By motion, if a court order must be obtained. In the absence of objection, or as is appropriate in the particular circumstances, the relief requested may be granted without a hearing; or

(2) By notice, if action may be taken without court order in the absence of an objection. The notice shall be served by the party intending action upon all parties in interest as specified in subsection (c)(1) of this rule. If no objection is timely filed the action may be taken without a hearing. If an objection is timely filed, it is the duty of the objecting party to set the matter for hearing and request determination by the court.

(b) Court calendar; hearing.

(1) Unless otherwise directed by the court, all hearings (including motions in adversary proceedings, objections and other matters for which a hearing is necessary) shall be set by counsel or persons acting *in pro se* on the calendar of the judge to which the case is assigned. The court may set any matter for hearing whether or not a hearing is required by statute or rules.

(2) Each judge of the court will maintain his or her motion calendar and specific court procedures. Information as to the time and dates of each judge's calendar and respective procedures, including the allowance for live testimony, may be obtained from the clerk.

(3) The first date set for the hearing may be deemed by the judge to be a status and scheduling hearing if the judge determines that evidence must be taken to resolve a material factual dispute. Uncontroverted facts may be taken as true. The judge may order a further hearing at which oral evidence and exhibits will be received, or may order that all evidence shall be presented by affidavit or declaration.

(c) Notice of hearing, and service of motion and notice.

(1) The movant shall obtain a hearing date and the notice of hearing shall be filed with the motion and shall include the following:

(A) The date;

(B) Time and place of the hearing;

(C) A statement of the relief sought;

(D) A statement of the time for filing and service of objections;

(E) A statement that the relief requested may be granted without a hearing if timely objection is not filed and served as required by subsection (e)(1) of this rule; and

(F) If a hearing has been set pursuant to an order shortening time, the motion and order shortening time will constitute notice of hearing.

(2) Service of the motion and notice thereof shall be made in accordance with these rules and the Federal Rules of Bankruptcy Procedure and shall be made within two (2) business days of the filing of the motion.

(A) The proof of service shall show the day and manner of service and the name of the person served. Proof of service may be by written acknowledgement of service or certificate of the person who made service. The court may refuse to take action on any papers until proper proof of service is filed. If an acknowledgement or certificate of service is attached to the paper presented for filing, it shall be attached underneath. The notice and accompanying proof of service shall be filed not more than five (5) business days after the filing of the matter.

(B) Failure to make the proof of service required by this rule does not affect the validity of the service. Unless material prejudice would result, the court may at any time allow the proof of service to be amended or supplied.

(C) Except for motions made pursuant to LR 7056 and LR 4001, and other motions or matters requiring more or less than twenty-five (25) days notice as provided elsewhere in these rules, service shall be completed so that all parties in interest are given not less than twenty-five (25) days notice of the hearing, unless the court shortens the time pursuant to LR_9006 or otherwise designates the parties to be served.

(d) Contents of motion; affidavits and declarations.

(1) The motion must state the facts upon which it is based and must contain a legal memorandum. If affidavits/declarations are used, they must be filed with the motion, attached as exhibits and tabbed appropriately.

(2) Affidavits and declarations failing to comply substantially with all of the requirements of subsection (d) of this rule may be stricken in whole or in part upon the request of an opposing party or upon the judge's own initiative. A motion, supported by affidavits and declarations, made under penalty of perjury, shall:

(A) Identify the affiant, the party on whose behalf the affidavit is submitted, and the motion to which it pertains;

(B) Contain only factual evidentiary matter or expert opinion, conform as far as possible to the requirements of Fed. R. Civ. P. 56(e), and avoid mere general conclusions or arguments;

(C) Specify the source and basis of any statement made on information and belief, and the reasons why it cannot be made upon personal knowledge;

(D) Identify and authenticate documents and exhibits offered in support of the motion or opposition, unless such documents are already in the record and are specifically referred to and identified in the motion or opposition; and

(E) If an appraisal, shall include a statement of the qualifications of the appraiser, and shall either be made under penalty of perjury or shall be included by reference into an affidavit or declaration of the appraiser.

(e) Opposition or response required; reply.

(1) Except for motions made pursuant to Fed. R. Bank. P. 7056 and LR 7056, an opposition to a motion must be filed and service completed upon the movant not more than fifteen (15) days after service of the motion, but in no event later than five (5) business days before the date set for the hearing so that the movant receives the opposition no less than five (5) business days before the hearing date or within the time otherwise fixed by the court. The opposition must set forth all relevant facts and must contain a legal memorandum. An opposition may be supported by affidavits or declarations that conform to the provisions of subsection (d) of this rule.

(2) A reply memorandum may be filed and served upon the opposing party no later than two (2) business days before the date set for hearing or within the time otherwise fixed by the court.

(3) Uncontroverted facts may be taken as true. If no response or opposition is filed within the time required by these rules, the court may enter an order granting the relief requested in the motion without further notice and without a hearing.

(f) Limitation on Length of Briefs and Points and Authorities; Requirement for Index and Table of Authorities. Unless otherwise ordered by the court, pre-hearing and post-hearing briefs and points and authorities in support of, or in response to, motions shall be limited to twenty (20) pages including the motion but excluding exhibits. Reply briefs and points and authorities shall be

limited to fifteen (15) pages, excluding exhibits. Where the court enters an order permitting a longer brief or points and authorities, the papers shall include an index and table of contents.

(g) Stipulations.

(1) Stipulations of counsel relating to proceedings before the court shall be in writing, signed by the parties to the stipulation and served on all other parties who have appeared.

(2) No stipulations between the parties relating to proceedings before the court, except stipulations pursuant to Fed. R. Bank. P. 7029, shall be effective until approved by the court and entered upon the court's docket.

(3) A dispositive stipulation shall be treated as a motion unless the stipulation is approved in writing by all counsel who have appeared for the parties and any party appearing in proper person.

(4) Whenever any written stipulation contains a provision for continuing a hearing or a provision for vacating a pending hearing, a separate "Notice of Continuance of Hearing" or "Notice Vacating Hearing" shall be clearly set forth in the caption. Any Notice of Continuance of Hearing shall contain notification of the hearing date and time which is to be continued, and the new date and time which has been scheduled. Any Notice Vacating Hearing shall contain notification of the hearing date and time which is to be vacated.

LR 9015. JURY TRIALS.

(a) Designation to conduct jury trials. The bankruptcy judges of this district are designated to exercise all jurisdiction in civil jury cases pursuant to 28 U.S.C. § 157(e). Consent of the parties may be made in writing or orally on the record and, unless otherwise ordered by the court, must be given at least thirty (30) days prior to the date first set for trial.

(b) Demand. Fed. R. Civ. P. 38 shall apply in adversary proceedings where there is a right to trial by jury.

(c) Form of demand. Where demand is made for a jury trial, it shall appear immediately following the title of the complaint or answer containing the demand, or in such other document as may be permitted by Fed. R. Civ. P. 38(b). Any notation on the adversary proceeding cover sheet concerning whether a jury trial is, or is not demanded shall not constitute a demand for a jury trial under these local rules.

(d) Procedure. In any proceeding in which a demand for a jury trial is made, the court shall, upon motion of one of the parties or upon the court's own motion, determine whether the demand was timely made and whether the demanding party has a right to a jury trial. The court may, on the judge's own motion, determine that there is no right to a jury trial in a proceeding even if all the parties have consented to a jury trial.

(e) Consent and withdrawal. If the court determines that the demand was timely made and the party has a right to a jury trial, and if all parties have not filed a written consent to a jury trial before the court, the bankruptcy judge shall preside over all pretrial proceedings. When the proceeding is ready to be tried by a jury, the court shall certify that fact to the district court, and further certify that the parties have not consented to a jury trial in the bankruptcy court. Upon such certification, reference of the proceeding shall be automatically withdrawn and the proceeding assigned to a district court judge.

(f) Non-jury determination. If the court determines that a jury demand was not timely made, or the demanding party is not entitled to a jury trial, the proceeding shall be heard as a non-jury proceeding before the court.

(g) Certification to United States District Court. If, upon timely motion of a party or on the judge's own motion, the court determines that a claim is a personal injury tort or wrongful death claim requiring trial by a district court judge, the proceeding shall be certified to the district court based upon that fact pursuant to 28 U.S.C. § 157(b)(5).

LR 9017. USE OF ALTERNATE DIRECT TESTIMONY AND EXHIBITS AT TRIALS.

(a) Purpose. The purpose of this procedure is to facilitate pretrial preparation and to streamline the adducement of direct testimony at trials of adversary proceedings. This procedure shall be known as the “alternate direct testimony procedure.”

(b) Stipulation for use. Upon stipulation of all parties involved and the approval of the judge, or upon order of the court, the alternate direct testimony procedure may be utilized in all trials of adversary proceedings or contested matters. The stipulation shall be filed with the court no later than the time of the pretrial conference required by LR 7016 and 7026.

(c) Preparation of direct testimony and exhibits. Unless otherwise ordered by the court, each attorney shall prepare a written declaration or affidavit of the direct testimony of each witness to be called, except hostile or adverse witnesses. The declaration or affidavit shall be executed by the witness under penalty of perjury. Each statement of fact or opinion shall be set forth in separate sequentially numbered paragraphs and shall contain only matters which are admissible under the Federal Rules of Evidence. Declarations and affidavits shall conform to the provisions of LR_9014(d)(2).

(d) Submission of declarations, exhibits, and objections. Unless otherwise ordered by the court, copies of all declarations of witnesses and exhibits which are intended to be presented at trial shall be furnished to opposing counsel and lodged with the court as follows:

(1) The plaintiff shall submit all declarations and exhibits comprising plaintiff's case in chief ten (10) business days before the trial;

(2) The defendant shall submit all declarations and exhibits comprising the defense case five (5) business days before trial;

(3) Two (2) business days before trial each party shall lodge with the courtroom deputy clerk of the judge to whom the trial is assigned, one (1) copy of all declarations and exhibits intended to be presented at trial by that party, and an original and one (1) copy of that party's written objections to the admission of any of the declarations or exhibits of an opposing party. Copies of exhibits lodged with the clerk shall be pre-marked by counsel, and shall be accompanied by a cover sheet index containing a brief description of each exhibit; and

(4) Unless otherwise stipulated by the parties with approval of the judge, the declarants must be made available for cross examination at the time of trial.

(e) Utilization of live testimony. All cross-examination, rebuttal, and surrebuttal shall be by live testimony unless stipulated by the parties and approved by the judge. Notwithstanding the provisions of this rule, the court, in its discretion, may allow the live direct examination of any witness.

LR 9018. SECRET, CONFIDENTIAL, SCANDALOUS, OR DEFAMATORY MATTER.

(a) Papers submitted for the court's *in camera* inspection shall be accompanied by a captioned cover sheet complying with LR 9004, indicating that it is being submitted *in camera*. Counsel shall provide to the court an envelope of sufficient size into which the *in camera* papers can be sealed without being folded. Counsel shall be permitted to tender to the clerk of the court papers *in camera* without a prior court order authorizing same.

(b) The court will review the *in camera* submission and enter an appropriate order directing that it be filed under seal, be made part of the official public file, or be permitted to be withdrawn. In the event the court orders such paper sealed, the moving party shall submit an order in compliance to LR 9022, which order shall be docketed by the clerk.

LR 9019. SETTLEMENTS AND AGREED ORDERS; ALTERNATIVE DISPUTE RESOLUTION (ADR).

(a) The court, upon its own initiative or upon the request of any party in interest, may at any time order that a matter be set for settlement conference or other alternative method of dispute resolution.

(b) It is the duty of the plaintiff or moving party to promptly advise the court in writing when any adversary proceeding or contested matter is settled.

(c) Unless otherwise directed by the court, when any party gives notice of a motion for the approval of a compromise, that party shall either include a summary of the essential terms of the compromise in the notice or shall serve a copy of the compromise with the notice.

LR 9021. JUDGMENTS AND ORDERS - ENTRY OF.

(a) Preparation of entry of orders and judgments. Unless proposed findings of fact, conclusions of law, judgments or orders are submitted in court and accepted by the judge at the time of the ruling, counsel whose duty it is to prepare any such document shall submit the original and a copy thereof to opposing counsel, to the trustee, and to the office of the United States trustee in chapter 11, 12, and 13 cases.

(1) Unless otherwise ordered, all proposed findings of fact, conclusions of law, judgments and orders, shall be prepared in writing by the attorney for the prevailing party and these documents shall embody the court's decision and include a date block, and a judge's signature block which shall appear approximately one inch (1_) below at least two (2) typewritten lines on the right-hand side of the last page;

(2) No language other than "approved" or "disapproved" shall appear above opposing counsel's signature; and

(3) Unless otherwise ordered by the court, "opposing counsel" shall mean any attorney who appeared at the hearing regarding the matter which is the subject of the order or having filed written objections.

(b) Service and lodging. Counsel preparing the document may proceed in one (1) of two (2) ways:

(1) Counsel may mail a copy to all opposing counsel and the trustee, wait five (5) business days, and then file the original with the clerk together with an affidavit or certificate of service regarding service of the copy; or

(2) Counsel may serve the original on opposing counsel who shall forthwith acknowledge on the original the date of receipt and shall endorse an approval or disapproval as to form consistent with the court's oral ruling. Such endorsement does not constitute approval of the substance and does not waive any right of appeal.

(3) Counsel preparing the document shall lodge with the clerk the endorsed original and such copies as are required by the clerk.

(c) Objection. Opposing counsel shall have five (5) business days after the date of service under (b)(1) or (b)(2) within which to file and serve a detailed statement of objections thereto together with an alternative proposed form of document. If objections are filed, the court may either require counsel to respond as it deems appropriate or may sign the document as prepared or as modified.

(d) Conditional orders. If no objection is filed to a conditional order dismissing or converting a case, it will be deemed to be dismissed or converted at the expiration of the objection period without further order of the court.

LR 9022. JUDGMENTS AND ORDERS - NOTICE OF.

(a) Unless otherwise ordered by the court, counsel whose duty it is to prepare an order or judgment shall upon entry of such order or judgment, immediately serve notice of entry on the opposing counsel as defined in LR 9021(a)(3) or such other entities as the court directs. The notice of entry shall include a copy of the document and the date of entry of the document.

(b) Lack of notice of the entry does not affect the time to appeal or relieve or authorize the court to relieve a party for failure to appeal within the time allowed except as permitted in Fed. _R._ Bank. _P._ 8002.

Part IV - Local Rules of Criminal Practice

LCR 12-1. TIME FOR FILING MOTIONS, RESPONSES AND REPLIES.

(a) In all criminal cases, except as otherwise ordered by the court:

(1) Each party shall have fourteen (14) calendar days from the time of arraignment within which to file and serve the pretrial motions and notices specified in subsection (b) of this rule;

(2) Responses to such motions shall be filed and served within eleven (11) calendar days from the date of service of the motion; and

(3) A reply brief may be filed in connection with case dispositive motions only and shall be served within three (3) calendar days from the date of service of the response. The reply brief shall only respond to arguments made in the responsive pleading.

(b) The following pretrial motions and notices must be filed within the time period set forth in subsection (a) of this rule:

(1) Defenses and objections based upon defects in the institution of the prosecution, except challenges to the composition of the grand or petit jury, which are governed by 28 U.S.C. § 1867;

(2) Defenses and objections based upon defects in the indictment or information (other than it fails to show jurisdiction in the court or to charge an offense, which shall be noticed by the court at any time during the pendency of the proceedings);

(3) Motion for bill of particulars, Fed. R. Crim. P. 7(f);

(4) Motion for severance, Fed. R. Crim. P. 14;

(5) Motion to take deposition, Fed. R. Crim. P. 15;

(6) Motion to transfer to another district, Fed. R. Crim. P. 21;

(7) Written demand by the attorney for the United States for notice of alibi pursuant to Fed. R. Crim. P. 12.1;

(8) Notice of insanity defense or expert testimony of defendant's mental condition pursuant to Fed. R. Crim. P. 12.2;

(9) Notice of defense based upon public authority under Fed. R. Crim. P. 12.3;
and

(10) Motion to suppress evidence under Fed. R. Crim. P. 41(f).

(c) Any party filing pretrial motions, responses to motions, or replies pursuant to the time schedule set forth in subsection (a) of this rule, or within any time period ordered by the court, shall provide a certification that the motion, response or reply is being filed timely. The certification shall be so identified and shall be set forth separately as an opening paragraph on any such motion, response or reply.

LCR 16-1. DISCOVERY, RECIPROCAL DISCOVERY AND NOTICE OF DEFENSE.

(a) Unless otherwise designated by the attorney for the United States at the time of arraignment, all cases shall be deemed to be subject to a Joint Discovery Statement. In such a case, within five (5) calendar days after arraignment, unless good cause is shown, the parties shall file a Joint Discovery Statement setting forth the agreements of the parties as to the discovery to be provided. In any case in which a Joint Discovery Statement has been filed, it shall be deemed by the court that an appropriate and sufficient discovery motion was made by all parties.

(b) In all cases in which a Joint Discovery Statement has been filed the attorney for the United States shall make the following discovery materials available within five (5) calendar days after arraignment:

(1) All evidence that is discoverable under Fed. R. Crim. P. 16;

(2) Any materials or evidence the production of which is mandated by the Constitution of the United States; and

(3) Any materials or evidence required to be disclosed by the Joint Discovery Statement except those which are specifically identified as subject to disclosure at a later date.

(c) In any case in which a Joint Discovery Statement has been filed, the attorney for the United States shall be provided with reciprocal discovery by the defense pursuant to Fed. R. Crim. P. 16 not later than fourteen (14) calendar days prior to trial.

(d) In a case in which a Joint Discovery Statement has been filed, the following motions may not be filed without leave of court:

(1) Motion for bill of particulars, Fed. R. Crim. P. 7(f); and

(2) Motion for discovery and inspection, Fed. R. Crim. P. 16.

(e) A motion for leave will be stricken unless accompanied by the original motion for which leave is sought and a statement of moving counsel setting forth all efforts made to resolve the issue informally pursuant to the Joint Discovery Statement. Counsel for the United States shall have three (3) calendar days to oppose the motion for leave.

(f) If leave is granted, the motion for which leave was sought shall be deemed to have been filed on the date of the order granting leave, and the time periods for filing an opposition and a reply shall be governed by LCR 12-1(a)(2) and (3).

(g) If the attorney for the United States elects to withhold certain discovery material to which the defendant is otherwise entitled under the Joint Discovery Statement, the attorney for the United States shall without delay notify the court and counsel for the defendant either in writing or orally in open court. As to such discovery materials, counsel for the defendant may file a discovery motion without leave of court.

LCR 17-1. ISSUANCE OF SUBPOENAS REQUESTED BY THE FEDERAL PUBLIC DEFENDER.

(a) When a finding of indigency is made in a criminal case and the court orders the appointment of the office of the Federal Public Defender pursuant to the Criminal Justice Act, 18_U.S.C. §§_3006A, *et seq.*, the clerk shall issue subpoenas upon oral request and submission of prepared subpoenas by the attorneys of the office of the Federal Public Defender. The cost of process, fees, and expenses of witnesses subpoenaed shall be paid as for witnesses subpoenaed on behalf of the United States. The United States Marshal shall provide said witnesses with advance funds for the purpose of travel within this district and subsistence. This rule shall only apply to witnesses who reside or are served within the District of Nevada. Any subpoenas which must be served outside the District of Nevada shall require approval of the court as provided in Fed._R._Crim._P._17(b).

(b) A further showing of indigency or necessity shall not be required after an order is entered pursuant to subsection (a) of this rule for subpoenas to be served within the District of Nevada.

(c) Counsel appointed pursuant to the Criminal Justice Act shall be required to make application pursuant to Fed. R. Crim. P._17(b) for the issuance of subpoenas, whether for service within or without the District of Nevada.

(d) A defendant who is acting *in pro se* shall in all cases make application pursuant to Fed._R._Crim._P._17(b) for the issuance of subpoenas, whether for service within or without the District of Nevada.

(e) The order of appointment shall be in a form approved by the court.

LCR 30-1. INSTRUCTIONS TO JURY.

Counsel shall submit jury instructions in accordance with the Order Regarding Pretrial Procedure filed in each case.

LCR 32-1. SENTENCING.

In all cases which are set for sentencing upon a conviction for an offense which occurred after November 1, 1987, the provisions of Fed. R. Crim. P. 32(b) and the following procedure shall apply except as otherwise ordered by the court:

(a) Unless waived by the defendant, not less than thirty-five (35) calendar days before the date set for sentencing the probation officer must furnish the pre-sentence report referenced in Fed. R. Crim. P. 32 to the defendant, the defendant's counsel, and the attorney for the United States.

(b) Within fourteen (14) calendar days after receiving the pre-sentence report, the parties shall communicate in writing with each other and to the probation officer any objections to the pre-sentence report that will affect the probation officer's recommendation to the court. After receiving the objections, the probation officer may meet with the parties and revise the report before submitting the report to the court.

(c) The pre-sentence report and any addenda and revision(s) shall be submitted to the court not later than seven (7) court days before the sentencing hearing. Any revisions or addenda shall also be provided to the parties.

(d) A sentencing memorandum addressing any unresolved objections to the pre-sentence report or other sentencing issues shall be filed by either party and served upon opposing counsel and the United States Probation Office not later than five (5) court days before the sentencing hearing. Any response by the parties to the sentencing memorandum must be filed and served not later than three (3) court days prior to the date set for sentencing.

LCR 35-1. MOTIONS AND RESPONSES PURSUANT TO FED. R. CRIM. P. 35.

When a defendant files a motion for modification of sentence pursuant to Fed. R. Crim. P. 35, the defendant shall serve the same upon the United States, and the United States shall be required to file and serve a response within twenty (20) calendar days thereafter. In regard to such motions, reference is also made to LSR 4-1.

LCR 44-1. APPOINTMENT OF COUNSEL.

For procedures governing appointment of counsel see the Plan for Administration of the Criminal Justice Act of 1964, as Amended, which has been adopted by the District of Nevada. A copy of the Plan may be obtained from the clerk of the court.

LCR 44-2. DESIGNATION OF RETAINED COUNSEL.

Except for the Federal Public Defender and attorneys appointed by the court, no attorney shall be considered by the court as an attorney of record for a defendant in a criminal case until after there shall be filed with the clerk a written designation of retained counsel, signed by the defendant and the attorney. A copy thereof shall be served upon the United States Attorney.

LCR 45-1. REQUESTS FOR CONTINUANCE, EXTENSION OF TIME OR ORDER SHORTENING TIME.

(a) Every motion requesting a continuance, extension of time, or order shortening time shall be “Filed” by the clerk and processed as an expedited matter. *Ex parte* motions and stipulations shall be governed by LCR 45-3.

(b) Every motion or stipulation to extend time shall inform the court of any previous extensions granted and state the reasons for the extension requested. A request made after the expiration of the specified period shall not be granted unless the moving party, attorney, or other person demonstrates that the failure to act was the result of excusable neglect. Immediately below the title of such motion or stipulation there shall also be included a statement indicating whether it is the first, second, third, etc., requested extension, i.e.:

STIPULATION FOR EXTENSION OF TIME TO FILE MOTIONS
(First Request)

(c) The court may set aside any extension obtained in contravention of this rule.

(d) A stipulation or motion seeking to extend the time to file an opposition or final reply to a motion, or to extend the time fixed for hearing a motion, must state in its opening paragraph the filing date of the motion.

LCR 45-2. STIPULATIONS GENERALLY.

All stipulations except those made on the record shall be served on all other parties who have appeared and shall not be effective until approved by the court.

LCR 45-3. REQUIRED FORM OF ORDER FOR STIPULATIONS AND *EX PARTE* MOTIONS.

(a) Any stipulation or *ex parte* motion requesting a continuance, extension of time, or order shortening time, and any other stipulation requiring an order shall not initially be “Filed” by the clerk, but shall be marked “Received.” Every such stipulation or *ex parte* motion shall include an “Order” in the form of a signature block on which the court can endorse approval of the relief sought. This signature block shall not be on a separate page, but shall appear approximately one inch (1_) below the last typewritten matter on the right-hand side of the last page of the stipulation or *ex parte* motion, and shall read as follows:

“IT IS SO ORDERED:

[UNITED STATES DISTRICT JUDGE,
UNITED STATES MAGISTRATE JUDGE,
(whichever is appropriate)]
DATED: _____”

(b) Upon approval, amendment or denial, the stipulation or *ex parte* motion shall be filed and processed by the clerk in such manner as may be necessary

LCR 45-4. CONTINUANCE OF TRIAL DATE - SPEEDY TRIAL ACT.

A request to continue a trial date, whether by motion or stipulation, will not be considered unless it sets forth in detail the reasons why a continuance is necessary and the relevant statutory citations regarding excludable periods of delay, if any, under the Speedy Trial Act, 18 U.S.C. § 3161(h). The request must be accompanied by a proposed order that contains factual findings and relevant statutory citations, if any.

LCR 46-1. APPEARANCE BONDS.

Any person admitted to bail shall be required to execute an appearance bond in a form approved by the court.

LCR 46-2. QUALIFICATION OF SURETY.

Except for personal recognizance bonds and bonds secured by cash or negotiable bonds or notes of the United States as provided for in LCR 46-3, every bond must have as surety:

(a) A corporation authorized by the United States Secretary of the Treasury to act as surety on official bonds under 31 U.S.C. §§ 9304 through 9306; or

(b) A corporation authorized to act as surety under the laws of the State of Nevada, which corporation shall have on file with the clerk a certified copy of its certificate of authority to do business in the State of Nevada, together with a certified copy of the power of attorney appointing the agent authorized to execute the bond;

(c) One or more individuals each of whom owns real or personal property sufficient to justify the full amount of the suretyship; or

(d) Such other security as the court shall order.

LCR 46-3. DEPOSIT OF MONEY OR UNITED STATES OBLIGATION IN LIEU OF SURETY.

Upon order of the court, there may be deposited with the clerk in lieu of surety:

(a) Lawful money accompanied by an affidavit that identifies the legal owner thereof;
or

(b) Negotiable bonds or notes of the United States accompanied by an executed agreement as required by 31 U.S.C. § 9303(a)(3), authorizing the clerk to collect or sell the bonds or notes in the event of default.

LCR 46-4. APPROVAL BY THE COURT.

An appearance bond shall require the approval of a judicial officer. An approved appearance bond shall be immediately forwarded to the clerk for filing together with any money deposited with that judicial officer as security.

LCR 46-5. PERSONS NOT TO ACT AS SURETIES.

No officer of this court nor any member of the bar of this court nor any nonresident attorney specially admitted to practice before this court nor their office associates or employees shall act as surety in this court.

LCR 46-6. JUDGMENT AGAINST SURETIES.

Regardless of what may be otherwise provided in any security instrument, every surety who provides a bond or other undertaking for filing with this court thereby submits to the jurisdiction of the court and irrevocably appoints the clerk as agent upon whom any paper affecting liability on the bond or undertaking may be served. Liability shall be joint and several and may be enforced summarily without independent action. Service may be made upon the clerk who shall forthwith mail a copy to the surety at the last known address.

LCR 46-7. FURTHER SECURITY OR JUSTIFICATION OF PERSONAL SURETIES.

At any time, upon reasonable notice to all other parties, any party for whose benefit a bond is presented may apply to the court for further or different security or for an order requiring personal sureties to justify.

LCR 46-8. INVESTMENT OF FUNDS ON DEPOSIT.

(a) Funds on deposit in the Registry Account of the court pursuant to 28 U.S.C. §_2041

will not be invested in the absence of an order by the court. All motions or stipulations for an order directing the clerk to invest Registry Account funds in an interest bearing account shall contain the following:

(1) The name of the bank or financial institution where the funds are to be invested;

(2) The type of account or instrument and the terms of investment where a timed instrument is involved; and

(3) Language that either

(A) Directs the clerk to deduct from income earned on the investment a fee, not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office; or

(B) States affirmatively the investment is being made for the benefit of the United States and, therefore, no fee shall be charged.

(b) Counsel obtaining an order under these rules shall cause a copy of the order to be served personally upon the clerk or the chief deputy and the financial deputy. A supervisory deputy clerk may accept service on behalf of the clerk, chief deputy or financial deputy in their absence.

(c) The clerk shall take all reasonable steps to deposit funds into interest bearing accounts or instruments within, but not more than, fifteen (15) days after having been served with a copy of the order for such investment.

(d) Any party who obtains an order directing investment of funds by the clerk shall, within fifteen (15) days after service of the order on the clerk, verify that the funds have been invested as ordered.

(e) Failure of the party or parties to personally serve the clerk, the chief deputy and financial deputy, or in their absence a supervisory deputy clerk with a copy of the order, or failure to verify investment of the funds, shall release the clerk from any liability for the loss of earned interest on such funds.

(f) It shall be the responsibility of counsel to notice the clerk regarding disposition of funds at maturity of a timed instrument. In the absence of such notice funds invested in a timed instrument subject to renewal will be reinvested for a like period of time at the prevailing interest rate. Funds invested in a timed instrument not subject to renewal will be re-deposited by the clerk into the Registry Account of the court which is a non-interest-bearing account.

(g) Service of notice by counsel as required by LCR 46-8(f) shall be made as provided in LCR_46-8(b) not later than fifteen (15) days prior to maturity of the timed instrument.

(h) Any change in terms or conditions of an investment shall be by court order only and counsel will be required to comply with LCR 46-8(a) and (b).

LCR 46-9. EXONERATION OF BONDS.

(a) Upon exoneration of any bond involving the deposit of cash bail funds in the court's Registry Account, the clerk shall make refund of such funds solely to the person denominated legal owner at the time the funds were deposited with and received by the clerk.

(b) No assignment of any deposited cash bail funds in the court's Registry Account shall be effective for refund purposes by the clerk unless the person denominated legal owner of such fund at the time of deposit, as assignor, files with the clerk an executed, notarized acknowledgement of the assignment of any such funds.

(c) Upon order of the court, the clerk shall apply any cash bail funds of which the defendant is legal owner of record, whether invested or on deposit in the Registry Account, to the payment and satisfaction of any court-imposed fine. Said payment shall take place before either making refund of the remainder of such cash bail funds, if any, to said defendant or to any extent honoring a defendant's assignment of such funds.

LCR 47-1. MOTIONS.

All motions, unless made during a hearing or trial, shall be in writing and served on all other parties who have appeared.

LCR 47-2. EX PARTE MOTIONS.

(a) All *ex parte* motions, applications or requests shall contain a statement showing good cause why the matter was submitted to the court without notice to all parties; and

(b) All *ex parte* matters shall state the efforts made to obtain a stipulation and why a stipulation was not obtained.

LR 47-3. EX PARTE COMMUNICATIONS.

(a) No party nor counsel for any party shall make an *ex parte* communication with the court except as specifically permitted by these rules.

(b) Any party, counsel or those acting *in pro se*, may submit and serve a letter to the court at the expiration of sixty (60) days after any matter has been, or should have been, submitted to the court for decision if the court has not entered its written ruling.

LCR 47-4. IN CAMERA SUBMISSIONS AND SEALING OF DOCUMENTS.

Papers submitted for *in camera* inspection shall have a captioned cover sheet complying with LCR 47-6 that indicates the document is being submitted *in camera* and shall be accompanied by an envelope large enough for the *in camera* papers to be sealed in without being folded.

LCR 47-5. FORM OF PAPERS GENERALLY.

(a) Any paper filed that does not conform to an applicable provision of these rules or any Federal Rule of Criminal Procedure may be stricken.

(b) Papers presented for filing shall be flat, unfolded, firmly bound together at the top, pre-punched with two (2) holes, centered $2\frac{3}{4}$ _ apart, $\frac{1}{2}$ _ to $\frac{5}{8}$ _ from the top edge of the paper and on $8\frac{1}{2}$ _ x 11 _ paper. Except for exhibits, quotations, the caption, title of the court and the name of the case, lines of typewritten text shall be double-spaced, and except for the title page, shall begin at least $1\frac{1}{2}$ _ from the top of the page. All handwriting shall be legible, and all typewriting shall be of a size which is either not more than ten (10) characters per linear inch or not less than twelve (12) points for proportional spaced fonts or equivalent. All quotations longer than one (1) sentence shall be indented. All pages of each pleading or other paper filed with the court (exclusive of exhibits) shall be numbered consecutively.

LCR 47-6. CAPTION, TITLE OF COURT AND NAME OF CASE.

The following information shall be stated upon the first page of every paper presented for filing, single-spaced:

(a) The name, address, telephone number, fax number and Nevada State Bar number, if any, of the attorney and any associated attorney filing the paper, whether such attorney appears for the plaintiff, defendant or other party, or the name, address and telephone number of a party appearing *in pro se*. This information shall be set forth in the space to the left of center of the page beginning at the top of the first page. The space to the right of center shall be reserved for the filing marks of the clerk.

(b) The title of the court shall appear at the center of the first page at least one inch (1 _) below the information required by subsection (a) of this rule, as follows:

shall be given. When a decision of a court of appeals, a district court, or other federal court has been reported in the Federal Reporter System, that citation shall be given. When a decision of a state appellate court has been reported in West's National Reporter System, that citation shall be given. All citations shall include the specific page or pages upon which the pertinent language appears.

LCR 47-9. FAILURE TO FILE POINTS AND AUTHORITIES.

The failure of a moving party to file points and authorities in support of the motion shall constitute a consent to the denial of the motion. The failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion.

LCR 47-10. EXHIBITS.

All exhibits attached to papers shall show the exhibit number at the bottom thereof. Exhibits need not be typewritten and may be copies, but must be clearly legible and not unnecessarily voluminous. Counsel must reduce oversized exhibits to 8½ x 11 unless such reduction would destroy legibility or authenticity. An oversized exhibit that cannot be reduced shall be filed separately with a captioned cover sheet, identifying the exhibit and the document(s) to which it relates.

LCR 47-11. PROOF OF SERVICE.

(a) All papers required or permitted to be served shall, at the time they are presented for filing, be accompanied by written proof of service. The proof shall show the day and manner of service and may be by written acknowledgment of service or written certificate by the person who served the papers. The court will not take action on any papers until proof of service is filed. If an acknowledgment or certificate of service is attached to a paper presented for filing, it shall be attached underneath.

(b) Failure to make the proof of service required by this rule does not affect the validity of the service. Unless material prejudice would result, the court may at any time allow the proof of service to be amended or supplied.

LCR 47-12. SUBMISSION OF MOTIONS TO THE COURT.

After all motion papers are filed or the time period therefor has expired all motions shall be submitted by the clerk to the court for decision unless the party who made the motion files a written withdrawal of the motion.

LCR 55-1. FILES AND EXHIBITS - CUSTODY AND WITHDRAWAL.

(a) All files and records of the court shall remain in the custody of the clerk, and no

record or paper belonging to the files of the court shall be taken from the custody of the clerk without written permission of the court and then only after a receipt has been signed by the person obtaining the record or paper.

(b) The clerk shall mark and have safekeeping responsibility for all exhibits marked and identified at trial or hearing. Unless there is some special reason why the originals should be retained, the court may order exhibits to be returned to the party who offered the same upon the filing of true copies thereof in place of the originals.

(c) Unless otherwise ordered by the court in a particular case, the clerk shall continue to have custody of the exhibits until the judgment has become final and the time for filing a notice of appeal and motion for a new trial has passed, or appeal proceedings have terminated, but in no event sooner than two (2) years after the mandate issues or the appeal is otherwise terminated.

(d) Where no appeal is taken, after final judgment has been entered and the time for filing a notice of appeal and motion for a new trial has passed, or upon the filing of a stipulation waiving the right to appeal and to a new trial, any party may upon twenty (20) days' prior written notice to all parties withdraw any exhibit originally produced by it unless some other party or person files prior notice with the clerk of a claim to the exhibit. If such a notice of claim is filed the clerk shall not deliver the exhibit except with the written consent of both the party who produced it and the claimant or until the court has determined the person entitled thereto.

(e) If exhibits are not withdrawn within twenty (20) days after notice by the clerk to the parties to claim the same the clerk shall, upon order of the court, destroy or make other disposition as the court may direct of any such exhibits.

Part V - Local Rules of Special Proceedings and Appeals

LSR 1-1. MOTIONS FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*; APPLICATION: STANDARD FORM.

Any person who is unable to prepay the fees in a civil case, may apply to the court for authority to proceed *in forma pauperis*. The application shall be made on the form provided by the court and shall include a financial affidavit disclosing the applicant's income, assets, expenses and liabilities.

LSR 1-2. INMATES: ADDITIONAL REQUIREMENTS.

An application to proceed *in forma pauperis* received from an incarcerated or institutionalized person shall be accompanied by a certificate from the institution certifying the amount of funds currently held in the applicant's trust account at the institution and the net deposits in the applicant's account for the six (6) months preceding the submission of the application. If the applicant has been at the institution for less than six (6) months, the certificate shall show the account's activity for such period.

LSR 1-3. STANDARD FOR DENIAL OF *IN FORMA PAUPERIS* MOTION.

(a) A motion to proceed *in forma pauperis* may be denied, in the absence of exceptional circumstances, if the applicant's assets exceed the amount set by order of the court.

(b) If the applicant has money or assets in an amount less than the minimum set by the court pursuant to this rule, the court may require the payment of a partial filing fee.

(c) If a partial filing fee is required, the applicant may, in the discretion of the court, be granted additional time to pay the filing fee. Installment payments will not be accepted. In a civil rights action the applicant must pay the full partial filing fee before the court will order service of process. If the case is a petition or motion for post-conviction relief, the applicant shall be allowed to proceed *in forma pauperis* during the interim period before the partial filing fee is paid. The failure of the applicant to pay the fee before the expiration of the time granted shall be cause for dismissal of the case.

LSR 1-4. APPLICANT NEED ONLY FILE ORIGINAL COMPLAINT, PETITION, OR MOTION.

A plaintiff seeking *in forma pauperis* status shall submit to the clerk only the original of any petition or motion for post-conviction relief or civil rights complaint, on forms approved by the court. Upon filing, the clerk shall make copies of the petition or motion for post-conviction relief or civil rights complaint, and the motion for leave to proceed *in forma pauperis*, in order to provide a file-stamped copy of each document to the petitioner, movant or plaintiff and all respondents or defendants. No answer or responsive pleading is required unless ordered by the court.

LSR 1-5. REVOCATION OF LEAVE TO PROCEED *IN FORMA PAUPERIS*.

The court may, either on the motion of a party or *sua sponte*, after affording an opportunity to be heard, revoke leave to proceed *in forma pauperis* if the party to whom leave was granted becomes capable of paying the complete filing fee or the applicant has willfully misstated information in the motion and affidavit for leave to proceed *in forma pauperis*.

LSR 1-7. ABUSE OF PRIVILEGE TO PROCEED *IN FORMA PAUPERIS*.

The court may limit an applicant's use of *in forma pauperis* if the court finds that the applicant has abused the privilege to so proceed.

LSR 1-8. EXPENSES OF LITIGATION.

The granting of an application to proceed *in forma pauperis* does not waive the applicant's responsibility to pay the expenses of litigation which are not covered by 28 U.S.C. § 1915.

**LSR 2-1. CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983;
PRO SE PLAINTIFF TO USE STANDARD FORM.**

A civil rights complaint filed by a person who is not represented by counsel shall be on the form provided by this court.

LSR 2-2. CHANGE OF ADDRESS.

The plaintiff shall immediately file with the court written notification of any change of address. The notification must include proof of service upon each opposing party or the party's attorney. Failure to comply with this rule may result in dismissal of the action with prejudice.

**LSR 3-1. PETITION FOR WRIT OF *HABEAS CORPUS* PURSUANT TO
28 U.S.C. §§ 2241 AND 2254.**

A petition for writ of *habeas corpus*, filed by a person who is not represented by an attorney, shall be on the form provided by this court. If a petition for writ of *habeas corpus* is filed by an attorney on behalf of a person seeking relief, it shall be on the form supplied by the court or shall contain all of the information required in the Model Form for Use in Applications for *Habeas Corpus* under 28 U.S.C. § 2254 in the Appendix of Forms to the Rules Governing Section 2254 Cases in the United States District Courts.

LSR 3-2. STATEMENT OF ALL AVAILABLE GROUNDS FOR RELIEF.

A petition for writ of *habeas corpus* must include all grounds for relief which are available to the petitioner. A second or successive petition may be dismissed if the judge finds that:

(a) It fails to allege new or different grounds for relief and a prior determination was on the merits; or,

(b) If new and different grounds are alleged and the judge finds that the failure of the petitioner to assert those grounds in a prior petition constituted an abuse of the writ.

LSR 4-1. MOTION ATTACKING SENTENCE PURSUANT TO 28 U.S.C. § 2255; MOTION TO CORRECT OR REDUCE SENTENCE PURSUANT TO Fed. R. Crim. P. 35.; PETITION FORM.

A motion to vacate sentence pursuant to 28 U.S.C. § 2255 or a motion to correct or reduce sentence pursuant to Fed. R. Crim. P.35 filed by a person who is not represented by an attorney, shall be on the form provided by this court. If the motion for post-conviction relief is filed by an attorney, it shall be on the form supplied by the court or shall contain all of the information required in the Model Form for Motions Under 28 U.S.C. § 2255 in the Appendix of Forms to Rules Governing Section 2255 Proceedings in the United States District Courts.

LSR 4-2. STATEMENT OF ALL AVAILABLE GROUNDS FOR RELIEF.

A motion for post-conviction relief must include all grounds for relief which are available to the movant. A second or successive motion may be dismissed if the judge finds that:

(a) It fails to allege new or different grounds for relief and a prior determination was on the merits; or

(b) If new and different grounds are alleged and the judge finds that the failure of the movant to assert those grounds in a prior motion constituted an abuse of the motion.

LSR 5-1. DEATH PENALTY CASE; CAPTION; FACSIMILE FILING.

(a) In a death penalty case, the caption to any motion for leave to proceed *in forma pauperis*, petition for writ of *habeas corpus* or motion for post-conviction relief must include below the title of the document the following caption: "DEATH PENALTY CASE."

(b) Papers may be filed with the clerk by means of telephone facsimile machine ("fax") only in cases involving the death penalty as hereinafter provided:

(1) Documents that relate to stays of execution in death penalty cases may be transmitted directly to the fax machines in the clerk's offices in Reno or Las Vegas for filing by the clerk when counsel considers this will serve the interests of their clients;

(2) Counsel must notify the clerk before transmitting any document by fax. On receiving the transmitted document, the clerk shall make the number of copies required and file the photocopies. Any document transmitted directly to the court by fax must show service on all other parties by fax or hand delivery; and

(3) When a document has been transmitted by fax and filed pursuant to this rule, counsel must file the original document and accompanying proof of service with the clerk within three (3) judicial days of the date of the fax transmission.

LSR 5-2. ADDITIONAL INFORMATION: SCHEDULED EXECUTION DATE.

In a death penalty case, the date of any scheduled execution must be included at the beginning of any motion for leave to proceed in forma pauperis, petition for writ of *habeas corpus* or motion for post-conviction relief.

LSR 5-3. EVIDENTIARY HEARING: TRANSCRIPT.

In a death penalty case, the court shall order a transcript of any evidentiary hearing for purposes of appellate review.

LSR 6-1. APPEAL BOND; NINTH CIRCUIT OR OTHER APPELLATE COURTS.

The appellant will not be required to file a bond or provide other security to ensure payment of costs on appeal in a civil case unless the court, on a motion or *sua sponte*, orders such bond or security and fixes the amount thereof.

LSR 6-2. DESIGNATION AND PREPARATION OF REPORTER'S AND RECORDER'S TRANSCRIPTS.

It shall be the responsibility of the party filing the notice of appeal to identify by name the court reporter or recorder (or the tape number when proceedings before the magistrate judge are taped without the presence of a reporter or recorder) when designating transcripts on appeal. If more than one (1) court reporter or recorder reported matters designated, a separate Transcript Designation and Ordering Form must be completed for each court reporter or recorder and each such form shall specify which portions of the designated transcript a particular court reporter or recorder shall be responsible for transcribing. The clerk shall arrange for the transcription of any designated tapes of a magistrate judge's proceedings.

LSR 6-3.**CLERK'S RECORD ON APPEAL, DESIGNATION AND COSTS OF REPRODUCTION.**

Fed. _R._App._P._10(a) requires the original clerk's file to be transmitted as the clerk's record on appeal unless some or all of the original file is required to be kept for use in the district court. The court hereby delegates to the clerk the authority to determine, pursuant to Fed._R._App._P._11(e), when the original clerk's record or any part thereof is required to be kept for use in the district court. In such cases the parties shall be so notified and given the opportunity to designate which pleadings and other papers are to be reproduced for transmission to the appellate court as the clerk's record on appeal. The costs of reproduction shall be paid by the appellant, except when an appellant is allowed to appeal *in forma pauperis*, in which case the clerk shall reproduce the record at no cost to the appellant. In the event a cross appeal is filed and the clerk transmits a "joint" record, the cost of reproduction shall be borne equally by the appellant and cross-appellant.

INDEX

**Rule Page
Number Number
A**

Accountants , employment by receivers	66-6	43
Administrative proceedings , review	IB 1-5	12
Bankruptcy court		
Pleadings, papers, copies of		
Adversary complaints	7010(a)	74
Copies	7010(c)	74
Order or judgment	7010(c)(1)	74
Summons	7010(c)(1)	74
Chapter 11 plan	3016(a)	61
Lists, schedules, statements	1002	50
	1007(a)	51
Proofs of claim	3002	58
District court		
Pleadings, papers, copies of	10-4	22
Admission to practice	IA 10-1 et seq.	4
Admission fee	IA 10-1(c)	4
Attorneys not admitted to the bar __ of this court	IA 10-1	4
Bar of the court	IA 10-1	4
Attorneys not admitted to the __ bar of this court	IA 10-1	4
Certificate of admission	IA 10-1(d)	4

Eligibility	IA 10-1	4	
Government attorneys	IA 10-3	5	
Law students	IA 10-5	6	
Limited practice for certain attorneys	IA 10-4	6	
Motion for admission, written	IA 10-2	4	
Oath	IA 10-1(b)	4	
Admissions, request for	36-1	34	
Bankruptcy court			
Protective orders	7026(g)(1)	79	
Responses to discovery sought	7034(c)	82	
District court			
Protective orders, motions for or to compel	26-7	32	
Responses to discovery sought	26-5	32	
Alternative dispute resolution			
Bankruptcy court	7016(f)	77	
District court	16-5	30	
Amended pleadings			
Bankruptcy court	7015	75	
Deadline for filing	7016(c)(1)	76	
District court	15-1	23	
Deadline for filing	26-1(e)(2)	30	
Appeals			
Bankruptcy matters	8001 et seq.	93	

Ninth circuit or other appellate courts

Bond	LSR 6-1	124	
Designation of clerk's record	LSR 6-3	125	
Designation of reporter's __or recorder's transcript	LSR 6-2	124	
Reproduction of clerk's record	LSR 6-3	125	
United States magistrate judge's decision	LR IB 3-1, 3-2, 3-3, 3-3, 3-5	15; 16	

Appellate costs

Bankruptcy court

Writ of execution for	7054(p)	86	
-----------------------	----------------	-----------	--

District court

Writ of execution for	54-15	38	
-----------------------	--------------	-----------	--

Application of Local Rules to Bankruptcy Matters	1001(b)	49	
---	----------------	-----------	--

Applicability

Civil Rules to Criminal Rules	IA 2-1	1	
-------------------------------	---------------	----------	--

General and Civil Rules	IA 2-1	1	
-------------------------	---------------	----------	--

Local Rules

To Bankruptcy Rules	IA 2-1	1	
	1001(b)	49	

Assignment of Cases

Bankruptcy court, by clerk	1015(d)	53	
	1073	54	
	5075(a)(1)(A)	70	

Attorneys

Admission to practice	IA 10-1 et seq.	4	
-----------------------	------------------------	----------	--

Appearance, substitution and withdrawal	IA 10-6	8
Appointment of	LCR 44-1	112
Associate resident counsel, responsibilities	IA 10-2(c)	5
Bar of Court	IA 10-1	4
Barred from serving as sureties	65.1-4	41
Certificate of admission	IA 10-1(d)	4
	IA 10-2(f)	5
Conduct, professional rules governing	IA 10-7	8
Criminal cases	IA 10-2(e)	5
Designation of resident attorney by	IA 10-2	4
___attorney not admitted to bar of court	IA 10-2(c)	5
Mandatory	IA 10-1	4
	IA 10-2	4
Responsibilities of designated resident attorney	IA 10-2(c)	5
Designation of retained counsel, written	IA 10-2	4
	LCR 44-2	112
Disability	IA 10-7	9
Disbarment	IA 10-7	8
Discipline	IA 10-7	8
Failures, inexcusable	IA 4-1	1
To appear or be prepared	IA 4-1(a), (b)	1
To comply with local rules or court orders	IA 4-1(c)	1
	IA 4-1(d)	1
Eligibility for admission	IA 10-1	4
Employment by receivers	66-6	43
Ethical standards applicable	IA 10-7	8

Fee on admission, payment of	IA 10-1(c)	4
	IA 10-2(a)	4
Fees, motions for	54-16	38
	2016	57
Government attorneys, permission to practice	IA 10-3	5
Inactive status	IA 10-7(b)—(f)	9
Inspection	IA 9-1	2
Law students	IA 10-5	6
Limited practice for certain attorneys	IA 10-4	6
Motion for admission, written	IA 10-2	4
Non-compliance with rules	IA 4-1(c)	1
Not admitted to bar of court	IA 10-2	4
Oath on admission, form of	IA 10-1(d)	4
Participation in particular case	IA 10-2(a)	4
Admission fee	IA 10-2(a)	4
Certificate of admission, non-issuance	IA 10-2(f)	5
Permission to practice grantable by the clerk	77-1(b)(5)	46
Procedure for admission	IA 10-1, 10-2	4
Resident attorney, responsibilities of designated	IA 10-2(c)	5
Roll of attorneys, subscribing	IA 10-1(c)	4
Sanctions, grounds for imposition	IA 4-1	1
Application of, notice and hearing	IA 4-1	1
Substitutions	IA 10-6	8
Sureties, barred as	65.1-4	41

Associates, employees, barred to act as	65.1-4	41
Suspension from practice	IA 10-7	8
Unauthorized practice as contempt of court	IA 10-7(f)	9
Withdrawal	IA 10-6	8
Authorities, citations of	7-3	19
	LCR 47-8	119
Motions	7-2(b), (c), (d)	19
B		
Bail		
Bonds	LCR 46-1	114
Refunds	LCR 46-9	116
Bankruptcy cases and proceedings		
Appeals	8001 <i>et seq.</i>	93
Bankruptcy Appellate Panel	8001	93
Authorized to hear and determine __ appeals, subject to limitations	8001(b)	93
Exclusions - appeals from judgments, __ judgments, orders and decrees entered __ between 12/25/82 and 7/10/84	8001(b)(3)	94
Interlocutory orders, only with __ leave of Panel	8001(b)(2)	94
Parties must consent to Panel disposition	8001(b)(1)	94
Time to consent	8001(c)	94
Dismissal, sanctions imposition when	8070	96
Notification to parties of Panel	8004(a)	94

__procedures and requirements		
Rules governing bankruptcy appeals	8018	96
__in district court		
Governed by Part VIII of	8018	96
__the Bankruptcy Rules		
Death, incompetency of debtor	1016	54
Discharge, notice	4004	65
Documents, service on		
Employment Security Division	2002(a)(5)(A)	55
Internal Revenue Service	2002(a)(6)(A)	55
Nevada Department of Taxation	2002(a)(6)(B)	55
	2002(a)(7)(B)	55
Nevada Department of Motor Vehicles	2002(a)(6)(C)	55
United States trustee	2002(5)(B)	55
Duty of debtor/trustee to pay taxes	2015	57
Estate administration by receiver	66-10	43
Exemptions, objections	4003	65
Fee Applications		
By professionals	2016	57
Objection to Claims, Chapter 13	3007(e)(1)	59
Funds		
Unclaimed, payment request	3011	59
Findings and conclusions of law,	9021	107
__proposed, requirements of counsel regarding		
Acknowledgment by opposing counsel	9021(b)	107

Filing of objections	9021(c)	108
Preparation of	9021(a)	107
Submission of	9021(a)	107
Government agencies, notices to	2002	54
Hearings		
Automatic stay	4001	64
Involuntary cases	1013(a)	53
Involuntary cases	1013	53
Jurisdiction	1070	54
Meetings of creditors, equity security __holders	2003	56
Master mailing matrix required, accuracy __and completeness debtor's responsibility	1007(b)	51
“Notice and a hearing”		
__Under Title 11 U.S.C. procedures	9014	101
__when required.		
By motion, if court order required __whether or not objection filed	9014(a)(1)	101
By notice, if no court order required __in the absence of objection	9014(a)(2)	102
Proposed hearing date required	9014(b)	102
Service requirements, notice by debtor/ __debtor in possession, moving party	9014(c)	102
Notices		
Addresses of, Bankruptcy Rule 2002	2002	54
Clerk, enterable by	5075	70
Creditors, to	1007(b)	51

Death, incompetency of debtor	1016	54
Government agencies, to	2002	54
“Notice and a hearing”	9014	101
Parties to pending suits, to	2002	54
Party mailing must verify accuracy __of master mailing matrix	1007(b)(4)	52
Proof of claims	3004	58
Related cases	1015(a)	53
Taxing authorities, to	2002	54
Orders and judgments	9021	107
Notice of entry of order/judgment required	9022	108
Lack of notice of entry	9022(b)	108
Statement of objections by opposing counsel	9021	107
Submission of form of order required __to opposing counsel for approval/disapproval __as to form and content	9021(a)	107
Written, prepared by prevailing party	9021(a)	107
Papers, form of	3001	57
	7010(a)	74
	9004(a)	96
Service on United States trustee	2002(a)	54
	2002(c)	56
Reference of bankruptcy cases and __proceedings to bankruptcy judges	1001(b)(2)	49
<i>Pro se</i> parties	9011	99
Reports		

Written reports, debtor in possession __or Chapter 11 trustee	3016(a)	61
Rules, generally	1001	49
Applicability of Fed. R. Bank. P.	1001(b)(1)	49
Application of local rules	1001(b)	49
Time limitations for notice may be __shortened - Procedure	9006(a) 9006(b)	99 99
Plan amendments - Chapter 11		
Acceptance, rejection	3018	62
Confirmation	3020	63
Consideration	3019	63
Final decree	3022	64
Taxes		
Debtors operating businesses to pay all taxes	2015	57
Taxing authorities, notice to	2002	54
Bankruptcy judges		
Reference of bankruptcy cases and __proceedings to	1001(b)(2)	49
Related cases assignment	1015	53
Bill of Costs (See Costs, this Index.)		
Bonds		
Appeal	LSR 6-1	124
Appearance bonds in criminal cases	LCR 46-1	114
Approval	65.1-3	41
	LCR 46-4	115

Clerk, filed and taken by	LCR 46-4	115
Court, by	LCR 46-4	115
Assignment of cash bail	LCR 46-9(b)	116
Authorized corporate sureties	65.1-1 40	
	LCR 46-2	114
Bankruptcy court		
Certificate of cash deposit required	7067(b)	91
Trustee	2010 57	
District court		
Certificate of cash deposit required	67-1	43
Deposit of money in lieu of sureties		
Civil	65.1-2 40	
Criminal	LCR 46-3	114
Exoneration	LCR 46-9	116
Further security	65.1-6 41	
	LCR 46-7	115
Individual residents, security by	65.1-1(C) 40	
	LCR 46-2(c)	114
Investment of funds on deposit		
Bankruptcy court	7067(a)	89
District court	67-2 44	
	LCR 46-8	115
Judgment against sureties	65.1-5 41	
	LCR 46-6	115
Personal Property		
Bankruptcy court	7065(a)(3)	88

District court	65.1-1(c)	40	
			LCR 46-2(c) 114
Persons prohibited to act as sureties	65.1-4	41	
		7065(d)	89
		LCR 46-5	115
Court officers	65.1-4	41	
		7065(d)	89
		LCR 46-5	115
Members of the Bar	65.1-4	41	
		7065(d)	89
		LCR 46-5	115
Associates and employees	65.1-4	41	
		7065(d)	89
		LCR 46-5	115
Qualifications of surety			
Bankruptcy court	7065(a)	88	
District court	65.1-1	40	
			LCR 46-2 114
Undertaking of receiver	66-9	43	
U.S. obligation in lieu of surety			
Bankruptcy court	7065(b)	89	
District court			
	Civil	65.1-2	40
	Criminal	LCR 46-3	114
Briefs			
Limitation on length	IB 3-1(a)	15	
		7-4	20
		LCR 47-7	119
Trial	16-4(XI)(b)	29	

Broadcasting court proceedings prohibited **IA 9-1(b), (c)** **3**

Business of the Court

Public hours

Office of the clerk, bankruptcy court **5001(a)** **65**

Office of the clerk, district court **IA 7-1** **2**

C

Calendars

Bankruptcy court

Discovery (scheduling) conference **7026(c)** **77**

Dismissal of cases for want of prosecution **7041** **82**

Failure of attorneys to attend, consequences **IA 4-1(a)** **1**

Setting of pretrial conference, notice **7016(c)** **76**

Trial setting **7016(d)** **76**

District court

Dismissal of cases for want of prosecution **41-1** **34**

Failure of attorneys to attend, consequences **IA 4-1(1)** **1**

Setting of pretrial conference, notice **16-2** **24**

Trial setting **16-3** **25**

Cameras restricted **IA 9-1(b)** **3**

IA 9-1(c) **3**

IA 9-1(e) **4**

Capital cases **LSR 5-1** **123**

LSR 5-2, 5-3 **124**

Caption, case, form

Bankruptcy court

Adversary proceeding papers **7010(b)** 74

General requirements **9004(e)** 97

District court **10-2** 21

LCR 47-6 118

Case assignment

Bankruptcy Court, by clerk **1015(d)** 53
1073 54
5075 70

Case caption

Bankruptcy court

Name and form **9004(e)** 97

Adversary **7010(b)** 74

District court

Name and form **10-2** 21
LCR 47-6 118

Case management

Bankruptcy court **7016 et seq.** 75

District court **16-1 et seq.** 24

Certificate as to interested parties **10-6** 23

Citations of Authority **7-3** 19
LCR 47-8 119

Civil and General rules, specifically **IA 1-1** 1

Civil cases

Bankruptcy court

Assignment of cases	1015	53		
	1073	54		
	5075	70		
Orders, entry of	5075	70		
Custody of files and records	79-1	47		
	LCR 55-1		120	
Exhibits	79-1	47		
	5003(b)		66	
	LCR 55-1		120	
Custody	79-1(a)	47		
	79-1(c)		47	
	5003(b)		66	
	LCR 55-1(a)		120	
	LCR 55-1(c)		120	
Disposition	79-1(e)	47		
	LCR 55-1(e)		120	
Withdrawal	79-1(d)	47		
	5003(b)(4)		66	
	LCR 55-1(d)		120	
Office location and hours				
Clerk, bankruptcy court	5001	65		
Clerk, district court	IA 7-1	2		
Orders grantable by				
Clerk, bankruptcy court	5075	70		
Clerk, district court	77-1	45		
Records and papers				
Bankruptcy court	5003	66		
District court	79-1(a)	47		
	LCR 55-1		120	

Taxation of Costs by (See also Costs, this Index.) 54-1 *et seq.* 34

Conduct in court and environs IA 9-1 3

Area included IA 9-1(b) 3

Broadcasting and television prohibited IA 9-1(b) 3

Impounding of equipment when IA 9-1(e) 4

Inspection by U.S. Marshal IA 9-1(a) 3

Photographs, taking of prohibited IA 9-1(b) 3

Impounding of equipment when IA 9-1(e) 4

Tape recordings, when prohibited - exceptions IA 9-1(b) 3

IA 9-1(c) 3

IA 9-1(e) 4

Impounding of equipment when 1A 9-1(e) 4

Conduct standards, attorneys IA 10-7 8

Conferences

Pretrial

Bankruptcy court 7026(c) 77

District court 16-2 24

By U.S. Magistrate Judge IB 1-9(b) 13

Settlement

By U.S. Magistrate Judge IB 1-9(b) 13

Construction, local rules IA 2-1 1

Continuance, request for 6-1 18

LCR 45-1 113

LCR 45-4 114

Control of case **IA 10-6(a)** **8**

Copies, number required for filing

Bankruptcy court

Commencement of the Case **1002(a)** **50**

General Requirements of Form **7010(c)** **74**

District court **10-4** **22**

Costs

Bankruptcy court

Against the Government **7054(l)** **85**

Allowed, not ordinarily **7054(m)** **85**

Appellate costs **7054(p)** **86**

Record on appeal **LSR 6-3** **125**

Bill of Costs, filing, form and service

Contents, verification, itemization
__and documentation required **7054(a)** **82**

Bond premiums **7054(i)** **85**

Charts **7054(g)** **84**

Clerk's fees **7054(b)** **83**

Commissioner's fees **7054(h)** **85**

Computations, statistical summaries **7054(g)** **84**

Copies of papers, exemplifications **7054(f)** **84**

Depositions **7054(d)** **83**

Docket fees **7054(b)** **83**

Expert witness fees	7054(e)(4)	84
Interpreter fees	7054(e)(5)	84
Maps	7054(g)	84
Marshal's fees	7054(b)	83
Master's fees	7054(h)	85
Models	7054(g)	84
Motion to retax	7054(o)	86
Photographs	7054(g)	84
Premiums on bonds and undertakings	7054(i)	85
Prevailing party	7054(a)	82
Process server fees	7054(b)	83
Removed cases	7054(j)	85
Review of costs	7054(o)	86
Summaries	7054(g)	84
Taxation by clerk, method	7054(a)(3)	83
	7054(n)	85
Appearance not required	7054(n)(2)	86
Notice of taxation by clerk	7054(n)(3)	86
Objections to costs	7054(n)(1)	86
Transcripts	7054(c)	83
Translator fees	7054(e)(5)	84
Witness fees, mileage and subsistence	7054(e)	83
Expert witness	7054(e)(4)	84

District court

Against the Government	54-11	37	
Allowed, not ordinarily	54-12	37	
Appellate costs	54-15	38	
Record on appeal	LSR 6-3		125
Bill of Costs, filing, form and service			
Contents, verification, itemization __and documentation required	54-1(b)		34
Bond premiums	54-9	37	
Charts	54-7	36	
Clerk's fees	54-2	35	
Commissioner's fees	54-8	36	
Computations, statistical summaries	54-7	36	
Copies of papers, exemplifications	54-6	36	
Depositions	54-4	35	
Docket fees	54-2	35	
Expert witness fees	54-5(c)		36
Interpreter fees	54-5(d)		36
Maps	54-7	36	
Marshal's fees	54-2	35	
Master's fees	54-8	36	
Models	54-7	36	
Motion to retax	54-14	38	
Photographs	54-7	36	

Premiums on bonds and undertakings	54-9	37
Prevailing party	54-1(a)	34
Process server fees	54-2	35
Removed cases	54-10	37
Review of costs	54-14	38
Subpoena issued by request of __Federal Public Defender	LCR 17-1(a)	111
Summaries	54-7	36
Taxation by clerk, method	54-1(c)	35
	54-13	38
Appearance not required	54-13(b)	38
Notice of taxation by clerk	54-13(c)	38
Objections to costs	54-13(a)	38
Transcripts	54-3	35
Translator fees	54-5(d)	36
Witness fees, mileage and subsistence	54-5	35
Expert witness	54-5(c)	36

Counsel (See Attorneys, this Index.)

Court files and records, custody

Bankruptcy court	5003(a)	66
District court	79-1(a)	47
	LCR 55-1	120

Court title, form

Bankruptcy court

Generally, **9004(e)** **97**

Adversary pleadings **7010(b)** **74**

District court

Civil **10-2** **21**

Criminal **LCR 47-6** **118**

Cover Sheets, requirements to file

Bankruptcy adversary proceedings, **7003** **73**
__bankruptcy complaints

Civil cases

Civil Cover Sheet **3-1** **17**

Criminal cases

Bail bonds

Appearance exoneration of **LCR 46-1** **114**
LCR 46-9 **116**

Counsel

Appointment **LCR 44-1** **112**

Designation, retained **LCR 44-2** **112**

Magistrate Judge's duties **IB 1-9** **13**

Misdemeanor jurisdiction of U.S. Magistrate Judge **IB 1-2** **11**

Motion pursuant to Fed. R. Crim. P. 35 **LCR 35-1** **112**
LSR 4-1 **123**

Government's response **LCR 35-1** **112**

Motions **LCR 12-1** **109**

Petty offenses, forfeiture of collateral in lieu **IB 1-1(c)** **11**

Removal proceedings before U.S. Magistrate Judge	IB 1-9(j)	13
Schedules of fixed collateral, modification by U.S. Magistrate Judge with prior court approval	IB 1-1(c)	11
Subpoenas, issuance	LCR 17-1	111
Motion for, by <i>pro se</i> defendant	LCR 17-1(d)	111
On request of CJA panel attorney	LCR 17-1(c)	111
On request of Federal Public Defender	LCR 17-1(a)	111
Criminal rules, specifically	LCR 12, et seq.	109

Custody, court files and records

Bankruptcy court	5003	66
District court		
Civil	79-1	47
Criminal	LCR 55-1	120

D

Date, effective, Local Rules

Bankruptcy court	1001(b)(4)	49
District court	IA 5-1	2

Death penalty cases

Filing by telephonic transmission, fax	5-2	17
	LSR 5-1(b)	123

Default

Entry by clerk for failure to plead	77-1(b)(2)	46
Judgments pursuant to Fed. R. Civ. P. 55(b)(1)	77-1(b)(3)	46

District court

Availability of prior depositions	26-6	32
Discovery, generally	26-1	30
	26-1(d)	30
Original transcript	26-8	33
Protective orders	26-7(a)	32
Transcript use in court proceedings	30-2	33
	32-1	33

Designations

District court

Clerk's record on appeal	LSR 6-3	125
Reporter's transcript on appeal	LSR 6-2	124
Resident counsel by attorney not __admitted to bar of court	IA 10-2(c)	5

Bankruptcy court

Clerk's record on appeal	8006(a)(2)	95
Reporter's transcript on appeal	8006(b)	95
Resident counsel by attorney not __admitted to bar of court	IA 10-2(c)	5

Destruction of exhibits

Bankruptcy court	5003(b)(5)	66
------------------	------------	----

District court

Civil	79-1(e)	47
Criminal	LCR 55-1(e)	120

Detention order, appeals from	IB 3-5	16
--------------------------------------	---------------	-----------

Disbarment IA 10-7 8

Discipline of attorneys

Failure

To appear or prepare court presentations	IA 4-1(a)	1
	IA 4-1(b)	1
To comply with court orders or local rules	IA 4-1(c)	1
	IA 4-1(d)	1
To comply with pretrial procedures	IA 4-1(a)	1
Unauthorized practice	IA 10-7(f)	9
Sanctions, application of after notice of hearing	IA 4-1	1

Disclosure of exhibits

District court 16-3(c)(8) 25

Discovery, Bankruptcy

Commencement	7026(d)	78	
		7030	80
		7031	80
		7033	81
		7034	81
Demand for prior discovery	7026(f)	79	
Depositions	2004	56	
		7030	80
		7031	80
Discovery motions	7026(g)	79	
Discovery plan, generally	7026(c)	77	
Cut-off date	7026(c)(2)	78	
Exemptions from provisions	7026(b)	77	

Initial disclosures	7026(a)	77
Examination orders	2004	56
Extension of time for completion	7026(e)	78
Filing discovery papers	7026(h)	79
Interrogatories, limitation on	7033	81
Motions to compel	7026(g)	79
Physician-patient privilege, not to be asserted		7035 82
Pretrial Order	7016(d)(1)	76
Disclosures, Fed. R. Civ. P. 26(a)(2)	7026(a)	77
Form of Order	7016(e)	77
Responses to discovery sought	7034(b)	81
Scheduling Order	7016	75
	7026(d)	78
Scope of discovery	7026(c)	77
	7026(d)	78

Discovery, Civil

District court

Cut-off date	26-1(e)(1)	30
Demand for prior discovery	26-6	32
Deposition transcript	30-2	33
Discovery motions	26-7	32
Discovery plan, generally	26-1	30
Adding parties	26-1(e)(2)	30
Amending pleadings	26-1(e)(2)	30

Dispositive motions	26-1(e)(4)	31
Filing and Contents	26-1(d)	30
Form	26-1(e)	30
Initial disclosures	26-1(e)(6)	31
Meeting of parties; planning of discovery	26-1(d)	30
Extension of time for completion	26-4	31
Filing discovery papers	26-8	33
Interim Status Reports	26-3	31
Motions to compel and for protective orders	26-7	32
Motions <i>in limine</i>	16-3(b)	25
Pretrial Order	26-1(e)(5)	31
Disclosures, Fed. R. Civ. P. 26(a)(3)	26-1(e)(6)	31
Form of Order	16-4	26
	26-1(e)(7)	31
Responses to discovery sought	26-5	32
Scheduling Order	26-1(d)	30
Form	26-1(e)	30
Scope of discovery	26-1(e)(1)	30
	26-2	31
Time for completion of discovery	26-1(e)(1)	30
Time for completion of discovery when __when no scheduling order is entered	26-2	31

Discovery, Criminal

Joint Discovery Statement designation	LCR 16-1(a)	110
---------------------------------------	--------------------	------------

Materials provided by Government **LCR 16-1(b) 110**

Reciprocal discovery by defense **LCR 16-1(c) 110**

Dismissal

Address change notification failure by
__petitioner, movant, plaintiff **LSR 2-2 122**

Want of prosecution, for

Bankruptcy court **7041 82**

District court **41-1 34**

Divisions of the District

District court **IA 6-1 2**

E

Effective date, local rules

Bankruptcy court **1001(b)(4) 49**

District court **IA 5-1 2**

Estate

Administration by receiver **66-10 43**

Evidence

District court

Admissibility of documentary **16-3(c)(8)(B) 25**

Exhibits

Bankruptcy court

Custody **5003(b)(1)&(2) 66**

Destruction **5003(b)(5) 66**

To pleadings **9004(d)** **97**
7015(a) **75**

Trial, after **5003(b)(2)&(3)** **66**

Withdrawal **5003(b)(4)** **66**

District court

Civil

Custody **79-1(a)** **47**
79-1(c) **47**

Destruction **79-1(e)** **47**

Listing and description, pretrial order **16-3(c)(8)** **25**

To pleadings **10-3** **22**
15-1(a) **23**

Trial, after **79-1(c)&(d)** **47**

Withdrawal **79-1(d)** **47**

Criminal

Custody **LCR 55-1(a)** **120**
LCR 55-1(c) **120**

Destruction **LCR 55-1(e)** **120**

To pleadings **LCR 47-10** **119**

Trial, after **LCR 55-1(c), (d)** **120**

Withdrawal **LCR 55-1(d)** **120**

Exoneration of bonds **LCR 46-9** **119**

Ex parte communications

District court **7-6** **20**
LCR 47-3 **117**

Ex parte motions

Bankruptcy court

Requirement for form of order to accompany **9021(a)** **107**

District court

Civil **7-5** **20**

Criminal **LCR 47-2** **117**

Requirement for form of order to accompany **6-2(a)** **18**
LCR 45-3(a) **113**

Expert witnesses, costs

Bankruptcy court **7054(e)(4)** **84**

District court **54-5(c)** **36**

Extensions of time

District court

Disclosure of all obtained **6-1** **18**
LCR 45-1 **113**

Enlargement of, prior to expiration to **6-1** **18**
__authorized time **LCR 45-1** **113**

On motion for excusable neglect, after **6-1** **18**
__expiration of authorized time **LCR 45-1** **113**

Order, form required to accompany request **6-2** **18**
LCR 45-3 **113**

F

Fees

Attorneys

Admission **IA 10-1(c)** **4**
IA 10-2(a) **5**

Bankruptcy court

Guidelines issuance	2016	57	
Motion for	7054(q)	86	
Attorney affidavit	7054(r)(2)	87	
Contents of	7054(r)(1)	86	
Hearing	7054(r)(4)	87	
Itemization of costs	7054(r)(1)(B)	86	
Opposition	7054(r)(3)	87	
Procedure	7054(r)	86	
Taxed as costs	7054(a)	82	

District court

Motion for	54-16	38	
Attorney Affidavit	54-16(c)	38	
Contents of	54-16(b)	38	
Hearing	54-16(e)	40	
Opposition	54-16(d)	40	

Files and exhibits

Bankruptcy court

Custody	5003(a)	66	
		5003(b)(1) & (2)	66
Unclaimed exhibits, disposition of	5003(b)(5)	66	

District court

Custody	79-1(a), (c)	47	
		LCR 55-1(a), (c)	120

Unclaimed exhibits, disposition of	79-1(e)	47
	LCR 55-1(e)	120

Filing, place of

Bankruptcy court

Change of place of trial or hearing	1070	54
	1071	54

District court

Change of place of trial or hearing	IA 8-1(c)	2
Civil actions	IA 8-1(a)	2
Criminal actions	IA 8-1(b)	2

Filings

Form of papers

Bankruptcy court	7010(a)	74
	9004(a)	96

District court

Criminal	LCR 47-5	117
General, civil	10-1	20

Number of copies

Bankruptcy court		
Adversary	7010(c)	74
Generally	1002(a)	50

District court	10-4	22
----------------	-------------	-----------

Findings and Recommendations

U.S. Magistrate Judge, dispositive matters	IB 1-4	11
--	---------------	-----------

Findings of Fact and Conclusions of Law

District court **16-4(XI)(d)** **29**

Firearms and weapons

Prohibited in court and environs **IA 9-1(f)** **4**

Forma pauperis, motions to proceed in **LSR 1-1** **121**

Inmates, additional requirement **LSR 1-2** **121**

Standard for denial **LSR 1-3** **121**

Forms

Bankruptcy court

Bills of costs **7054(a)** **82**

Certificate of cash deposit required **7067(b)** **91**

Oath of admission to practice **IA 10-1(d)** **4**

Papers

Adversary **7010** **74**

Generally **9004** **96**

May be stricken by the court for
__non-compliance **7010(a)** **74**

Pretrial order **7016(d)** **76**

District court

Bills of costs **54-1(a)** **34**

Certificate of cash deposit required **67-1** **43**

Instructions to jury, criminal **LCR 30-1** **111**

Motion for admission **IA 10-1(b)** **4**

Order of appointment, Federal Public Defender **LCR 17-1(e)** **111**

Order required with motions and stipulations	6-2	18
LCR 45-3	113	
Papers	10-1	20
LCR 47-5	117	
Pretrial order	16-4	26

G

General and Civil rules

Bankruptcy court

Applicability	1001(b)	49
Specifically	1001(a)	49

District court

Applicability	IA 2-1	1
Specifically	IA 1-1	1

Government attorneys, permission to practice	IA 10-3	5
--	---------	---

H

<i>Habeas corpus</i> , petition for writ	LSR 3-1	122
	LSR 3-2	123
	LSR 5-1	123
Copies	10-4(a)(4)	22
Form available from clerk	LSR 3-1	122
<i>In forma pauperis</i> requirement	LSR 1-1, <i>et seq.</i>	121
Inmates	LSR 1-2	121
Standards for denial	LSR 1-3	121
U.S. Magistrate Judge, action by	IB 1-6	12

Hearing in death penalty cases	LSR 5-3	124
Filing by telephonic transmission, fax	5-2	17
	LSR 5-1	123

I

Impeachment , exhibits and witnesses used for	16-3(d)	26
Impoundment , camera, recording, reproducing, __ transmitting equipment in prohibited areas	IA 9-1(e)	4

***In camera* submissions**

Bankruptcy court

Adversary proceedings	7010(d)	75
-----------------------	----------------	-----------

Submissions, generally	9018	106
------------------------	-------------	------------

District court **10-5** **22**

	LCR 47-4	117
--	-----------------	------------

<i>In forma pauperis</i> motions	LSR 1-1	121
---	----------------	------------

Instructions to jury	LCR 30-1	111
-----------------------------	-----------------	------------

Submittal	LCR 30-1	111
-----------	-----------------	------------

Interrogatories, written or oral

Bankruptcy court

Interrogatories, generally	7033	81
----------------------------	-------------	-----------

Limitation on number	7026(d)	78
	7033(b)	81

Protective orders	7026(g)(1)	79
-------------------	-------------------	-----------

 Responses, form of

District court

	Failure to serve	67-2(e)	45
Fees	67-2(a)(3)(A), (B)	44	
	Maturity of timed instruments	67-2(f)	45
	Verification of investment	67-2(d)	45
	Failure to verify	67-2(e)	45

Criminal

	Court order required	LCR 46-8(a)	115
		LCR 46-8(h)	116
	Copy of, service of	LCR 46-8(b)	116
	Service by counsel on clerk	LCR 46-8(b), (g)	116
	Failure to serve	LCR 46-8(e)	116
Fees	LCR 46-8(a)(3)(A)	115	
		LCR 46-8(a)(3)(B)	116
	Maturity of timed instruments	LCR 46-8(f)	116
	Verification of investment	LCR 46-8(d)	116
	Failure to verify	LCR 46-8(e)	116

J

Joint pretrial order

Bankruptcy court	7016(d)	76
District court	16-3	25
Form of order	16-4	26

Judgments and orders

Bankruptcy court, generally	9021	107
Signing and entry by clerk	5075	70

District court

Signing and entry by clerk 77-1 45

Jurisdiction

Requirement to plead, civil cases 8-1 20

Jury

District court

Demand for 38-1 34

Instructions 16-4(XI)(c)(1) 29
LCR 30-1 111

Trials 9015 105

Voir dire questions 16-4(XI)(c)(2) 29

K

No entries

L

Law students, practice IA 10-5 6

Activities permitted IA 10-5(e) 7

Dean's certification IA 10-5(d) 7

Eligibility

Requirements IA 10-5(b) 6

Termination IA 10-5(f) 7

Supervising attorney responsibilities IA 10-5(c) 7

Lawyer (See Attorneys, this Index.)

Memorandum of points and authorities

District Court

Failure to file	7-2(d)	19	LCR 47-9	119
Limitation on length	IB 3-1, 3-2	15	7-4; LCR 47-7	20; 119
Reply (by moving party)	7-2(c)	19		
Required in support of motion	7-2(a)	19		
Responsive (by opposing party)	7-2(b)	19		

Misdemeanors

Disposition by U.S. Magistrate Judges	IB 1-2	11		
---------------------------------------	---------------	-----------	--	--

Model Rules of Professional Conduct	IA 10-7(a)	8		
--	-------------------	----------	--	--

Motions

Bankruptcy Court	4001	64	9014	101
------------------	-------------	-----------	-------------	------------

District Court

Attorneys fees, for	54-16	38		
Criminal cases, specifically	LCR 12-1	109		
Form of in writing	LCR 47-1	117		
Motions permitted to be filed	LCR 12-1	109		
Motions pursuant to Fed. R. Crim. P. 35	LSR 4-1	123		
LCR 35-1	112			
Responses, Fed. R. Crim. P. 35	LCR 35-1	112		
Response to criminal motions	LCR 12-1(a)(2)	109		
Time for filing criminal motions	LCR 12-1(a)(1)	109		

Deadline for filing

Discovery

Civil **26-7 32**

Criminal **LCR 16-1(a) 110**
LCR 16-1(f) 110

Dispositive stipulations, when treated **7-1(c) 19**
__as motions

Index, when required **7-4 20**

Limitation on length of briefs, points **IB 3-1, 3-2 15**
__and authorities **7-4; LCR 47-7 20; 119**

Memorandum of points and authorities, **7-2(a); 7-2(d) 19**
__requirement to file

Failure to file **7-2(d) 19**
LCR 47-9 119

Moving party **7-2(a) 19**

Reply (by moving party) **7-2(c) 19**

Responsive (by opposing party) **7-2(b) 19**

Motions pursuant to Fed. R. Crim. P. 35

Government's response **LSR 4-1 123**
LCR 35 112

Motions pursuant to 28 U.S.C. § 2255 **LSR 4-1 123**

U.S. Magistrate Judge, action by **IB 1-6 12**

Oral argument **78-2 46**

Order, form required to accompany motion **6-2 18**
LCR 45-3 113

Submission to the court **78-1 46**
LCR 47-12 120

Summary judgment	56-1	40
Table of authorities, when required	7-4	20
	LCR 47-7	119

N

Nonadmitted attorneys	IA 10-2	4
Association of resident attorney, time limit		
Civil cases	IA 10-2(d)	5
Criminal cases	IA 10-2(e)	5
Petition for permission to practice	IA 10-2(a)	4

O

Oath , attorney's, on admission to practice	IA 10-2(d)	4
--	------------	---

Offices of the clerk

Bankruptcy court clerk	5001	65
------------------------	------	----

District court clerk	IA 7-1	2
----------------------	--------	---

Oral argument , on motions	78-2	46
-----------------------------------	------	----

Orders

Clerk, bankruptcy court, orders enterable	5075	70
---	------	----

Clerk, district court, orders grantable by	77-1	45
--	------	----

Form required to accompany stipulations and motions	6-2	18
	LCR 45-3	113

Pretrial, form of	16-4	26
-------------------	------	----

Release, detention orders by	IB 3-5	16
__ U.S. Magistrate Judge, appeals from		

Admission to practice, attorneys	IA 10-1	4
	IA 10-2	4
Bankruptcy (See Bankruptcy cases, this Index.)		
Filing fee	1006	51
Verified, for permission to practice	IA 10-2(a)	4
__ (attorney not admitted to bar of court)		
Writ of <i>Habeas Corpus</i>	LSR 3-1	122
Statement of all available grounds for relief	LSR 3-2	123
U.S. Magistrate Judge, action by	IB 1-6	12
Petty offenses	IB 1-1	11
Appearances, forfeiture of collateral in lieu of	IB 1-1(c)	11
Collateral schedules, establishment of by	IB 1-1(c)	11
__ U.S. Magistrate Judge with prior court approval		
Photographs, taking of prohibited	IA 9-1(b)	4
Impoundment of camera when	IA 9-1(e)	3
Place of filing	IA 8-1	2
Place of trial	IA 8-1	2
Change of place	IA 8-1(c)	2
Pleadings, form and style of		
District court		
Amended pleadings	15-1	23
Certificate as to interested parties	10-6	23
Civil cover sheet, requirement to file	3-1	17

Copies required for filing	10-4	22	
Jurisdiction and venue, pleading of	8-1	20	
Jury demand	38-1	34	
Points and authorities in motions	7-2	19	
Failure to file	7-2(d)	19	
	LCR 47-9	119	
Limitation on length	IB 3-1, 3-2	15	
	7-4	20	
	LCR 47-7	119	
Posttrial relief , reference to U.S. Magistrate Judge	IB 1-6	12	
Practice			
Admission	IA 10-1	4	
Limited practice for certain attorneys	IA 10-2	4	
Presence of attorney , failure to appear	IA 4-1(a)	1	
Pretrial procedures and requirement , civil cases	16-1	24	
District Court			
Conference	16-2	24	
	26-1(d)	30	
Discovery procedures (See also Discovery, ___ this Index.)	26-1(d)	30	
Time for completion when no scheduling order	26-2	31	
Exhibits	79-1	47	
Disposition	79-1(e)	47	
Jury instructions	16-4(XI)(c)(1)	29	
Pretrial notice order, issuance	16-3	25	

Pretrial order	16-3	25	
Due date	26-1(e)(5)	31	
Form of	16-4	26	
Preparation, responsibilities and content	16-3(c)	25	
Proposed findings of fact and conclusions __of law, preparation	16-4(XI)(d)	29	
Scheduling order	16-1(a)	24	
Exempt cases	16-1(c)	24	
Form and content	26-1(e)	30	
When entered	16-1(a)	24	
Settlement			
Conference	16-5	30	
Discussions required	16-3(c)	25	
Stipulations, admissibility in evidence	16-3(c)(8)(B)	25	
Trial setting	16-4(IX)	29	
Agreed upon dates required	16-4(IX)	29	
Witnesses, limitation at trial __and listing	16-3(c)(11) 16-3(d)	25 26	
<i>Voir dire</i> questions	16-4(XI)(c)(2)	29	

Prisoner litigation

Civil rights complaints pursuant to __42 U.S.C. § 1983	LSR 2-1	122	
Filing, place of	IA 8-1(a)	2	
<i>In forma pauperis</i> requirements	LSR 1-1	121	

Inmate additional requirements	LSR 1-2	121
Standard for denial	LSR 1-3	121
Motions pursuant to 28 U.S.C. § 2255	LSR 4-1	123
Motions pursuant to Fed. R. Crim. P. 35	LSR 4-1	123
Papers, pleadings, copies of	10-4(a)(4), (5), (6)	22
Petitions for writs of <i>habeas corpus</i>	LSR 3-1	122
Statement of all available grounds for relief	LSR 3-2	123

Process

Clerk authorized to appoint persons to serve	77-1(a)(1)	45
Issuance, service, service under State __procedures and proof of service	4-1	17

Production of documents

Protective orders	26-7(a)	32
Requests for	26-6	32
Responses to	26-5; 26-6	32

Proof of claim , filing, bankruptcy cases	3001	57
	3002	58
	3003	58
	3004	58

Proof of service	5-1	17
	LCR 47-11	119

Q

No entries

R

Receivers, civil cases 66-1 41

Deposit of funds **66-8 43**

Employment of attorneys, accountants,
__investigators **66-6 43**

Estate administration **66-10 43**

Hearings on receivers' reports, notice of **66-5 42**

Persons prohibited from acting as receivers **66-7 43**

Reports of receivers **66-4 42**

Temporary receivers

Appointment **66-2 41**

Notice and hearing **66-2 41**

Review of appointment **66-3 42**

Undertaking of receiver **66-9 43**

Record on Appeal (See also, Appeals, this Index.)

Costs of **LSR 6-3 125**

Designation of **LSR 6-2 124**

Clerk's designation **LSR 6-3 125**

Records and papers belong in court

Rules governing **79-1 47**
5003(a) 66

Registry Account of clerk

Bankruptcy court **7067 89**

District court **67-1 43**
LCR 46-8 115

Release order, appeal from **IB 3-5 16**

**Removal proceedings before U.S. Magistrate
__ Judge** **IB 1-9(j) 13**

Reporter's transcripts

Designation on appeal **LSR 6-2 124**

Clerk's designation **LSR 6-3 125**

Review, of administrative proceedings **IB 1-5 12**

Rules of Practice, District of Nevada **IA 1-1 1**
(See also Local Rules, this Index.)

S

Sanctions **IA 4-1 1**

Failures:

To appear when required for motions,
__pretrial conference **IA 4-1(a) 1**

To comply with court orders or
__local rules **IA 4-1(d) 1** **IA 4-1(c) 1**

To prepare for court presentations **IA 4-1(b) 1**

Imposition after notice and hearing **IA 4-1 1**

Scheduling order, civil cases **16-1 24**
26-1(d), (e) 30

Sealed papers (See *In Camera* submissions,
__this Index.)

Security (See Bonds, this Index.)

Courthouse **IA 9-1 3**

Service of process and other papers

Bankruptcy documents, on United States trustee **2002(a)(5)(B) 55**

By U.S. Marshal, when made **4-1 17**

Motions/contested matters **9014(c) 102**

Process, service under State procedure **4-1(b) 17**

Proof of service, requirement to file **5-1 17**
7005 73
LCR 47-11 119

Responsibility of party to make arrangements **4-1(b) 17**

**Settlement Conference and Alternative
__Methods of Dispute Resolution**

Bankruptcy court **7016(f) 77**

District court **16-5 30**

Shortening time, request for **6-1 18**
LCR 45-1 113

Special master, service of U.S. Magistrate **IB 1-7 12**
__Judge as

Stipulations of counsel

Bankruptcy court

Clerk authorized to approve **5075 70**

Court approval required **9014(g)(2) 104**

Dispositive, when treated as motion **9014(g)(3) 104**

District court **7-1 19**

Clerk authorized to approve **7-1(d) 19**

Court approval required **7-1(b) 19**
LCR 45-2 113

Dispositive, when treated as motion **7-1(c) 19**

Oral, only when made in open court **7-1(a) 19**

Order, form required to accompany stipulation **6-2 18**
LCR 45-3 113

Submissions to court

Bankruptcy court

In camera submissions **7010(d) 75**
9018 106

District court

In camera submissions

Civil **10-5 22**

Criminal **LCR 47-4 117**

Motions

Civil **78-1 46**

Criminal **LCR 47-12 120**

Subpoenas, Issuance LCR 17-1(a)—(d) 111

Motion for, by *pro se* defendant **LCR 17-1(d) 111**

On request of CJA panel attorney **LCR 17-1(c) 111**

On request of Federal Public Defender **LCR 17-1(a) 111**

Substitution of attorneys IA 10-6(c) 8

Summary judgment

Bankruptcy court

Motion for **7056(a) 87**

District court

Motion for **56-1 40**

Oral argument 78-2 46

**Summary jury trials, and alternative methods
of dispute resolution**

Bankruptcy court 7016(f) 77
9015 105

District court 16-5 30

Sureties

Attorneys, associates and employees,
and court officers barred to act as 65.1-4 41

Cash deposit in lieu of surety

Bankruptcy 7065(b) 89

Trustee 2010 57

Civil 67-1(a) 43

Individual residents as, requirements

Bankruptcy 7065(a)(3) 88

Civil 65.1-1(c) 40

Criminal LCR 46-2(c) 114

Judgment against 65.1-5 41
7065(e) 89
LCR 46-6 115

Justification of

Civil 65.1-6 41

Criminal LCR 46-7 115

Suspension from practice, attorneys IA 10-7 8

T

Taxation of costs (See Costs, this Index.)

Televising court proceedings prohibited IA 9-1 3

Time, extensions of 6-1, 6-2 18
LCR 45-1, 45-3 113

Titles

Court, form of

Bankruptcy court, generally 9004(e) 97

Adversary 7010(b) 74

District court 10-2 21
LCR 47-6 118

Local rules IA 1-1 1

Papers, form

Bankruptcy court, generally 9004 96

Adversary 7010(a) 74
7010(b) 74

District court 10-1 20
LCR 47-5 117

Transcripts, reporter's

Daily 5007 67

Designation and preparation on appeal

Bankruptcy court 8006(b) 95

District court LSR 6-2 124

Trial setting

Bankruptcy court 7016(d) 76

District court **16-3 25**

U

Unauthorized practice IA 10-7(f) 9

Undertakings

Appearances in criminal cases, to secure **LCR 46-1 114**

Receiver, by **66-9 43**

United States Magistrate Judges IB 1-1 et seq. 11

Administrative inspection warrants **IB 1-9(p) 14**

Administrative proceedings, judicial review **IB 1-5 12**

Administrative summonses, petitions to enforce **IB 1-9(m) 13**

Appeal and review **IB 3-1 15**

Appointment of counsel **IB 1-9(c) 13**

Arraignments, accept not guilty pleas **IB 1-9(c) 13**

Bail, set terms of release **IB 1-9(d) 13**
IB 1-9(i) 13

Calendar supervision, calendar and status, **IB 1-9(a) 13**
__calls, trial settings

Civil trials, conduct of

Disposition on consent of the parties **IB 2-1 14**

Special provisions **IB 2-2 14**

Notice to parties **IB 2-2(a) 14**

Reference by district judge **IB 2-2(b) 14**

Commissioner, land condemnation cases **IB 1-9(q) 14**

Conditions of release	IB 1-9(d)	13	
	IB 1-9(i)		13
Dispositive matters, proposed findings _and recommendations	IB 1-4	11	
Injunctive Relief	IB 1-4(a)	11	
Motions			
Dismiss for failure to state a claim, to	IB 1-4(e)	12	
Dismiss or quash indictment or information __made by a defendant, to	IB 1-4(g)	12	
Internal Revenue Service, summons __enforcements	IB 1-4(k)	12	
Judgment on the pleadings, for	IB 1-4(b)	11	
Pertaining to designation as class action	IB 1-4(d)	12	
Review of default judgment, for	IB 1-4(f)	12	
Summary judgment, for	IB 1-4(c)	12	
Suppress evidence in a criminal case, to	IB 1-4(h)	12	
Duties			
Other	IB 1-9	13	
Under 28 U.S.C. § 636(a)	IB 1-1	11	
Enforcement, civil judgments	IB 1-9(n)	14	
Examination of judgment debtors	IB 1-9(k)	13	
Exoneration, forfeiture of bonds	IB 1-9(h)	13	
Extradition proceedings	IB 1-1(b)	11	
Fix times for filing motions	IB 1-9(c)	13	
Grand jury, accept reports and returns	IB 1-9(d)	13	

<i>Habeas corpus</i> cases under 28 U.S.C. §§ 2241, 2254 and 2255	IB 1-6	12
Initial Appearances	IB 1-9(c)	13
International prisoner transfer hearings	IB 1-9(r)	14
Issuance of warrants of removal	IB 1-9(j)	13
Judgment debtor examinations	IB 1-9(k)	13
Judicial review, administrative proceedings	IB 1-5	12
Jury verdict, acceptance of	IB 1-9(f)	12
Master, special	IB 1-7	12
Mental competency hearings	IB 1-9(s)	14
Misdemeanor cases, disposition of	IB 1-2	11
Jurisdiction	IB 1-2(a)	11
Order presentence report	IB 1-2(b)	11
Motions	IB 1-3; IB 1-4	11
Non-dispositive pretrial matters, determination	IB 1-3	11
Orders authorizing entries to effect levies	IB 1-9(o)	14
Pen registers	IB 1-9(l)	13
Preliminary examinations	IB 1-9(c)	13
Pretrial conferences	IB 1-9(b)	13
Prisoner cases under 28 U.S.C. § 636(b)(1)(B), 2241, 2254 and 2255	IB 1-6	12
Review and Appeal		
Case-dispositive matters	IB 3-2	15
Civil cases disposed of on consent	IB 3-4	16

Appeal to court of appeals	IB 3-4	16	
Misdemeanor case judgments	IB 3-3	16	
Non-dispositive matters	IB 3-1	15	
Release and detention orders, from	IB 3-5	16	
Schedules of collateral in fixed sums, establish	IB 1-1(c)		11
Settlement conferences	IB 1-9(b)	13	
Special master references	IB 1-7	12	
Subpoenas, issuance of	IB 1-9(g)	13	
Summonses, issuance of	IB 1-9(d)	13	
Waiver of indictment, acceptance of	IB 1-9(e)	13	
Warrants, issuance of	IB 1-9(d)	13	

United States trustee

Bond/surety	2010	57	
Funds distribution (chapter 13)	3010	59	
Guidelines issuance authority	1001(f)	50	
Tax/other payments responsibility	2015	57	

V

Verified Petition , for permission to practice, _attorney not admitted to bar of court	IA 10-2	4	
--	----------------	----------	--

W

Waivers

Debtor appearance, bankruptcy	2003	56	
-------------------------------	-------------	-----------	--

Local Rules IA 3-1 1

Want of prosecution, dismissal for 41-1 34
7041 82

Weapons

Prohibited in court and environs IA 9-1(f) 4

Withdrawal

Attorney, of IA 10-6 8

Exhibits, of

Bankruptcy 5003(b) 66

Civil 79-1(d) 47

Criminal LCR 55-1(d) 120

Witnesses

Expert, costs 54-5 36
7054(e) 83

Fees and costs when subpoenaed by
__indigent criminal defendant LCR 17-1(a) 111
LCR 17-1(b), (c) 111
LCR 17-1(d) 111
7054(e) 83

Fees, mileage and subsistence 54-5 35

Procedure for subpoena of witness for
pro se criminal defendant LCR 17-1(d) 111

Writ of execution, for appellate costs 54-15 38
7054(p) 86

Writs of *habeas corpus*, petition for

In forma pauperis, additional requirements LSR 1-2 121

Papers, pleadings for, copies of 10-4(a)(4) 22

X, Y, & Z

No entries.