

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 acknowledgment of service or certificate of the person who made service.

(b) The court may refuse to take action on any paper until a proof of service is filed. Either on its own initiative or on a motion by a party, the court may strike the unserved paper or vacate any decision made on the unserved paper.

(c) 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 5-3. FILING OF DOCUMENTS BY ELECTRONIC MEANS.

Documents may be filed and signed by electronic means to the extent and in the manner authorized by Special Order of the Court. A document filed by electronic means in compliance with this Local Rule constitutes a written document for the purposes of applying these Local Rules and the Federal Rules of Civil Procedure.

LR 5-4. SERVICE OF DOCUMENTS BY ELECTRONIC MEANS.

Documents may be served by electronic means to the extent and in the manner authorized by further Special Order of the Court. Transmission of the Notice of Electronic Filing (NEF) constitutes service of the filed document upon each party in the case who is registered as an electronic case filing user with the Clerk. Any other party or parties shall be served documents according to these Local Rules and the Federal Rules of Civil Procedure.

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 7-1.

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 a table of contents 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.

LR 7.1-1. CERTIFICATE AS TO INTERESTED PARTIES.

(a) Unless otherwise ordered, in all cases except *habeas corpus* cases counsel for private (non-governmental) parties shall identify in the disclosure statement required by Fed. R. Civ. P. 7.1 all persons, associations of persons, firms, partnerships or corporations (including parent corporations) which have a direct, pecuniary interest in the outcome of the case.

The disclosure statement shall include the following certification:

“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 and identify their connection and interests). These representations are made to enable judges of the Court to evaluate possible disqualification or recusal.

Signature, 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) A party must promptly file a supplemental certification upon any change in the information that this rule requires.

LR 8-1. PLEADING JURISDICTION.

The first allegation of any complaint, counterclaim, cross-claim, third-party complaint or petition for affirmative relief shall state the statutory or other basis of claimed federal jurisdiction and the facts in support thereof.

LR 10-1. FORM OF PAPERS GENERALLY.

Papers presented for filing shall be flat, unfolded, firmly bound together at the top, pre-punched with two (2) holes, centered two-and-three-quarters inches ($2\frac{3}{4}$ ") apart and one-half inch ($\frac{1}{2}$ ") to five-eighths inch ($\frac{5}{8}$ ") from the top edge of the paper, and on eight-and-one-half by eleven inch ($8\frac{1}{2}$ " x 11") paper. Except for exhibits, quotations, the caption, the 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 one-and-one-half inches ($1\frac{1}{2}$ ") 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.

LR 10-2. 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, e-mail address 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:

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

(c) The name of the action or proceeding shall appear below the title of the court, in the space to the left of center of the paper, i.e.:

UNITED STATES OF AMERICA)
)
Plaintiff,)
)
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 ("2" for Southern and "3" 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 as follows: 3:05-CV-115-HDM-(RAM).

(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 Motion for Disclosure of Confidential Informant.

LR 10-3. EXHIBITS.

(a) Exhibits attached to documents filed with or submitted to the court in paper form shall be tabbed with an exhibit number or letter at the bottom or side of the document. Exhibits need not be typewritten and may be copies, but must be clearly legible and not unnecessarily voluminous.

(b) No more than 100 pages of exhibits may be attached to documents filed or submitted to the court in paper form. Exhibits in excess of 100 pages shall be submitted in a separately bound appendix. Where an appendix exceeds 250 pages, the exhibits shall be filed in multiple volumes, with each volume containing no more than 250 pages. The appendix shall be bound on the left and must include a table of contents identifying each exhibit and, if applicable, the volume number.

(c) Oversized exhibits shall be reduced to eight-and-one-half by eleven inches (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.

(d) Copies of cases, statutes or other legal authority shall not be attached as exhibits or made part of an appendix.

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 cover sheet 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 15-1. AMENDED PLEADINGS.

(a) Unless otherwise permitted by the court, the moving party shall attach the proposed amended pleading to any motion to amend so that it will be complete in itself without reference to the

superseding pleading. An amended pleading shall include copies of all exhibits referred to in such pleading.

(b) After the court has filed its order granting permission to amend, the moving party shall file and serve 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 16-6. EARLY NEUTRAL EVALUATION.

(a) All employment discrimination actions filed in this court must undergo early neutral evaluation as defined by this rule. The purpose of the early neutral evaluation session is for the evaluating Magistrate Judge to give the parties a candid evaluation of the merits of their claims and defenses.

(b) Motions for relief from early neutral evaluation must be filed not later than ten (10) days after the appearance in the case of the moving party. A response to the motion for relief from early neutral evaluation must be filed within ten (10) days after service of the original motion. No reply will be allowed. Motions filed under LR 16-6(b) are not subject to the requirements of LR 7-2. The evaluating magistrate judge shall have final authority to grant or deny any motion requesting exemption from early neutral evaluation and may exempt any case from early neutral evaluation on the judge's own motion. Such orders are not appealable.

(c) Unless good cause is shown, the early neutral evaluation session shall be held by the court not later than seventy-five days after the first responding party appears in the case.

(d) Unless excused by the evaluating magistrate judge, the parties with authority to settle the case and their counsel shall attend the early neutral session in person.

(e) Parties shall submit to the chambers of the evaluating magistrate judge their written evaluation statements by 4:00 p.m. five (5) court days prior to the early neutral evaluation hearing. The written evaluation statement shall not be filed with the clerk or served on the opposing parties.

(1) Evaluation statements shall be concise and shall:

(A) Identify, by name or status the person(s) with decision-making authority, who, in addition to counsel, will attend the early neutral evaluation session as representative(s) of the party, and persons connected with a party opponent (including an insurer representative) whose presence might substantially improve the utility of the early neutral evaluation session or the prospects of settlement;

(B) Describe briefly the substance of the suit, addressing the party's views on the key liability issues and damages;

(C) Address whether there are legal or factual issues whose early resolution would reduce significantly the scope of the dispute or contribute to settlement negotiations;

(D) Describe the history and status of settlement negotiations; and

(E) Include copies of documents, pictures, recordings, etc. out of which the suit arose, or whose availability would materially advance the purposes of the evaluation session, (e.g., medical reports, documents by which special damages might be determined).

(2) Each evaluation statement shall remain confidential unless a party gives the court permission to reveal some or all of the information contained within the statement.

(f) Each evaluating magistrate judge shall:

(1) Permit each party (through counsel or otherwise), orally and through documents or other media, to present its claims or defenses and to describe the principal evidence on which they are based;

(2) Assist the parties to identify areas of agreement and, where feasible, enter stipulations;

(3) Assess the relative strengths and weaknesses of the parties' contentions and evidence, and carefully explain the reasoning that supports these;

(4) When appropriate, assist the parties through private caucusing or otherwise, to explore the possibility of settling the case;

(5) Estimate, where feasible, the likelihood of liability and the range of damages;

(6) Assist the parties in devising a plan for expediting discovery, both formal and informal, in order to enter into meaningful settlement discussions or to position the case for disposition by other means;

(7) Assist the parties to realistically assess litigation costs; and

(8) Determine whether some form of follow up to the session would contribute to the case development process or to settlement.

LR 22-1. INTERPLEADER ACTIONS.

In all interpleader actions, no discharge will be granted and no plaintiff will be dismissed prior to the scheduling conference provided for in Local Rule 22-2.

LR 22-2. SCHEDULING CONFERENCES FOR INTERPLEADER ACTIONS.

In all interpleader actions, the Plaintiff must file a motion requesting that the Court set a scheduling conference. The motion must be filed within thirty (30) days after the first defendant answers or otherwise appears. At the scheduling conference, the Plaintiff will advise the Court as to the status of service on all defendants who have not appeared. In addition, the Court and parties will develop a briefing schedule or discovery plan and scheduling order for resolving the parties' competing claims. If the plaintiff fails to prosecute the interpleader action by failing to file the motion required by this local rule, the Court may dismiss the action.

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. Counsel for the plaintiff shall initiate the scheduling of the Fed. R. Civ. P. 26(f) meeting 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.

(f) Unless otherwise ordered, Local Rule 26-1(d) and (e) do not apply to interpleader actions. The procedures in Local Rules 22-1 and 22-2 will govern all interpleader actions.

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 no later than 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.

(1) If no objection has been filed, the clerk may enter the bill of costs as submitted and shall make an insertion of the costs in to 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. If no objection to a cost bill is filed, such failure may constitute a consent to the award of all costs included but does not prevent a party from filing a motion to retax as provided in LR 54-14, subject to the court's consideration of the party's failure to file an objection.

(2) If the costs are sought against the United States, its officers, and agencies, the clerk shall proceed to tax such costs as are properly chargeable and shall make an insertion of the costs in to 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.

(3) If an objection to a cost bill is filed, the cost bill shall be treated as a motion and the objection shall be treated as a response thereto. The Clerk or a deputy clerk may prepare sign and enter an order disposing of a cost bill, subject to a motion to re-tax as provided in LR 54-14. 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 serving 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 results obtained and the amount involved;
 - (B) The time and labor required;
 - (C) The novelty and difficulty of the questions involved;
 - (D) The skill requisite to perform the legal service properly;
 - (E) The preclusion of other employment by the attorney due to acceptance of the case;
 - (F) The customary fee;
 - (G) Whether the fee is fixed or contingent;
 - (H) The time limitations imposed by the client or the circumstances;
 - (I) The experience, reputation, and ability of the attorney(s);
 - (J) The undesirability of the case, if any;
 - (K) The nature and length of the professional relationship with the client;
 - (L) 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 authenticating the information contained in the motion and confirming that the bill has been reviewed and edited and that the fees and costs charged are reasonable.

(d) Failure to provide the information required by LR 54-16(b) and (c) in a motion for attorneys' fees constitutes a consent to the denial of the motion.

(e) 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.

(f) 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. DEPOSIT AND INVESTMENT OF FUNDS IN THE REGISTRY ACCOUNT; 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 be invested in an interest bearing account established by the clerk in the absence of an order by the court.

(b) All motions or stipulations for an order directing the clerk to invest Registry Account funds in an account other than the court’s standard 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

(g) 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.

(h) Service of notice by counsel as required by LCR 46-8(g) shall be made as provided in LCR 46-8(c) not later than fifteen (15) days prior to maturity of the timed instrument.

(i) 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(b) and (c).

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 78-2. 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.