UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

IN RE:	)	
	)	
AMENDMENTS TO LOCAL RULES	)	**Administrative Order No. 199**
	)	
	)	
	)	

ORDER

As required by 28 U.S.C. §2071(b), the Court hereby gives public notice of its intent to amend the Local Rules of Court, as reflected in the attached clean and redline versions and incorporated herein by reference, to become effective on **Thursday, May 15, 2025**. Any comments should be e-mailed to localrules@tnmd.uscourts.gov by **5:00 p.m.** central time on **Thursday, May 1, 2025**. The Court will consider any comments received and make further amendments or orders as necessary.

IT IS SO ORDERED.

William L. Campbell, Jr.
Chief United States District Judge

Aleta A. Trauger
United States District Judge

Waverly D. Crenshaw, Jr.
United States District Judge

Eli J. Richardson
United States District Judge

LOCAL CIVIL RULES

LR1.01 – LOCAL RULES AND CM/ECF REGISTRATION

(a) Deviation from Local Rules. The Court may deviate from any provision of any Local Rule of this Court, when appropriate for the needs of the case and the administration of justice.

(b) Reference to Local Rules. These Local Civil Rules of Court shall be referred to as the "Local Rules" or as "LR."

(c) Practice Manuals and Sample Orders. For further guidance in construction and application of these Local Rules, lawyers should consult the practice and procedures manuals and sample orders available for each individual judge on the Court's website.

(d) References to Administrative Orders. References to Administrative Orders are by assigned order number as of the date of promulgation of these Rules, but shall refer to any amended, superseding, or renumbered order.

(e) CM/ECF Registration via PACER. All attorneys practicing in the Middle District of Tennessee, including those admitted *pro hac vice* and those authorized to represent the United States, must, absent good cause shown, register as Filing Users of the Electronic Filing System (CM/ECF) via Public Access to Court Electronic Records (PACER) and file their documents by electronic means. A document filed by electronic means constitutes a written paper for the purposes of the Local Rules, the Federal Rules of Civil Procedure, and the Federal Rules of Criminal Procedure.

LR3.01 – COMMENCING AN ACTION

(a) Civil Case Initiating Documents - Represented Parties. Civil complaints, petitions, notices of removal from state court, or other civil case initiating documents must be filed electronically except in exceptional circumstances as determined by the Court. In the case of removal, a copy of all documents filed in the state court action must be attached to the notice of removal.

(b) Filing Case Initiating Documents in Hard Copy – Represented Parties. If civil case initiating documents must be filed in hard copy, as determined by the Court, counsel must contact the Clerk's Office in advance and provide the Clerk's Office with an electronic version in PDF format on a USB storage device or other means approved by the Clerk's Office. If there is a discrepancy between the paper document and the electronic version, the electronic version is controlling. All subsequent documents must be filed electronically via CM/ECF.

(c) Civil Case Initiating Documents - *Pro Se* Parties. Parties not represented by an attorney ("*pro se* parties") must file case-initiating documents (e.g. complaints, petitions, notices of removal) in hard copy by delivering the documents to the Clerk's Office by mail or in person. All subsequent documents may be filed by mail, in person, or electronically via the Court's *Pro Se* Electronic Filing Portal. *Pro se* parties may, with the Court's permission, register as a CM/ECF Filing User solely for purposes of filing documents in their case(s). Instructions on how to obtain a PACER account and how to request permission to file via CM/ECF are available on the Court's website.

(d) Civil Actions by Incarcerated Individuals. The Clerk's Office shall provide form pleadings for use by incarcerated individuals filing *habeas corpus* petitions (Section 2241 and 2254 petitions) and civil rights actions (Section 1983 actions) if requested in writing. These form pleadings are also available on the Court's website.

LR3.02 – FILING FEES

(a) Clerk to Require. The Clerk may require advance payment of fees before any civil action or other proceeding is initiated (other than those authorized to be brought *in forma pauperis*).

(b) When Fee Not Included. When a pleading is electronically filed or received for filing and is unaccompanied by either the required filing fee or an application to proceed *in forma pauperis*, or is accompanied by an application to proceed *in forma pauperis* that has not been acted upon by the Court, the Clerk shall issue a notice of deficiency instructing counsel or the party who submitted the pleading of the requirement for either payment of the filing fee or an order granting an application to proceed *in forma pauperis*.

(c) *In Forma Pauperis*. In all cases in which the plaintiff or defendant has been allowed to proceed in this Court *in forma pauperis*, the party must, upon filing a notice of appeal, also file a new affidavit of poverty. In all proceedings brought pursuant to 28 U.S.C. § 2254 and 28 U.S.C. § 2255 and in all proceedings brought pursuant to 42 U.S.C. § 1983 by an inmate of a penal institution, the affidavit of poverty must be on forms supplied by the Clerk of the Court and approved by this Court. The Clerk may accept for filing a non-compliant affidavit, but the Clerk or the Court may require the refiling of the affidavit in the approved format.

LR3.03 – CIVIL COVER SHEET

The filing attorney must prepare and file a civil cover sheet (Form JS-44) with each civil complaint filed. Civil cover sheets (Form JS-44) and instructions for the preparation thereof are available online and from the Clerk's Office.

LR4.01 – SUMMONS AND SERVICE OF PROCESS

(a) Preparation of Summons. With the filing of the complaint, third-party complaint, or any other pleading that requires the issuance of a summons, the filing party must prepare and file as an attachment a completed summons conforming to Fed. R. Civ. P. 4.

(b) Issuance of Summons. Summons will be issued electronically by the Clerk's Office unless otherwise requested by counsel when filing the case-initiating documents in CM/ECF. Counsel will be responsible for printing and serving electronic summons upon issuance.

(c) *Pro Se* Cases. In all cases in which the plaintiff is proceeding both *pro se* and *in forma pauperis*, the Clerk shall provide the plaintiff with blank summons and accompanying instructions for completion of the summons. Upon return of the completed summons by the plaintiff, the Clerk shall issue process for service by the United States Marshals Service.

(d) Service of Process.

(1) Service of Case-Initiating Documents. Case-initiating documents, such as a complaint and summons in a civil case, must be served in accordance with Fed. R. Civ. P. 4 and not via CM/ECF.

(2) Service by the United States Marshals Service. The United States Marshal will not serve a summons or other civil process unless required by these Rules, the Federal Rules of Civil Procedure, or order of the Court. Under appropriate circumstances when serving process, the Marshal may do so by certified or registered mail, in accordance with Rule 4.04(10) and (11) of the Tennessee Rules of Civil Procedure, as incorporated into Fed. R. Civ. P. 4(e)(1). The Marshal shall attach to the return on such process the return receipt from the Postal Service.

(3) Service of Initial Documents in Social Security Actions. Pleadings in an action for review on the record of a final decision of the Commissioner of Social Security that present only an individual claim will be served upon the Commissioner by the Court pursuant to Rule 3 of the Supplemental Rules for Social Security Actions under 42 U.S.C. §405(g).

LR5.01 – CERTIFICATE OF SERVICE

All filings not served through the Court's CM/ECF filing system must include a certificate of service identifying by name the person (or counsel) served, what was served, method of service, and date of service.

LR5.02 – ELECTRONIC FILING AND SERVICE

(a) Electronic Service of Pleadings and Other Filed Documents. For all electronic filings not required to be served under Fed. R. Civ. P. 4, receipt of the Notice of Electronic Filing (NEF) generated by CM/ECF shall constitute service of the electronically filed document on persons registered as Electronic Filing Users. Electronic service is complete upon transmission.

(b) Electronic Service Upon *Pro Se* Parties. Except for documents required to be served pursuant to Fed. R. Civ. P. 4, *pro se* parties may consent in writing to receive electronic service of documents from CM/ECF. A *pro se* party who consents to service via CM/ECF must complete and sign a Consent to Electronic Service form for each case in which the *pro se* party consents to electronic service. The Consent to Electronic Service form is available on the Court's website or from the Clerk's Office. Consent to electronic service will not be effective until the Clerk's Office dockets the signed consent form in the applicable case. Once a *pro se* party's consent to electronic service is docketed and effective, the *pro se* party may be served through CM/ECF. Absent consent under this rule, a *pro se* party can be served by any means authorized by Fed. R. Civ. P. 5(b)(2).

(c) Effect and Timing of Electronic Filing. Each electronically filed document, as stored by the Court, becomes a part of the Court's official record and the filing party is bound by the document as filed. An electronically filed document is deemed filed as of the date and time stated in the NEF generated by the CM/ECF system. Filing a document electronically does not alter the filing deadline for that document. For a document to be considered timely filed on a deadline date, the filing must be completed on the deadline date before midnight Central Time.

LR5.03 − REQUESTS TO SEAL DOCUMENTS OR PORTIONS OF DOCUMENTS

(a) Motion Required. Any party requesting that documents or portions of documents be sealed must file a motion for leave to file the document(s) under seal in accordance with LR 7.01.

(b) Procedures for Filing Motions to Seal in CM/ECF. Follow these instructions carefully. Failure to do so may result in the documents being immediately accessible to all parties or members of the public. If documents are erroneously filed not under seal, the Clerk's office cannot correct that error without an order from the Court to seal the documents.

(1) File a motion for Leave to File Document Under Seal via CM/ECF. DO NOT attach the document to be sealed to this motion at this stage.

(2) Immediately after filing the motion, file the proposed sealed document by selecting the "Sealed Document" event in CM/ECF.

Access to the document will remain restricted until the Court rules on the motion to seal. When documents are ordered to be placed under seal, such documents will be electronically accessible only to the Court.

(c) Contents of Motion to Seal. The motion for leave to seal or the response to a motion under subsection (d), even if unopposed, must provide compelling reasons to overcome the presumption that court records are open to the public. The motion to seal must show that the sealing is narrowly tailored to the stated reasons by specifically analyzing in detail, document by document, the propriety of secrecy, providing supporting facts and legal authority. Failure to provide sufficiently compelling reasons may result in denial of the request to seal documents or portions of documents. An unopposed motion or agreed order that does not address the standards for sealing documents does not comply with this rule.

(d) Use of Document by Party Not Designating Documents as Confidential. The party intending to use information or documents designated in discovery as confidential must file a motion to seal under LR 7.01(a). However, the party who designated the materials as confidential or otherwise seeks to restrict access to the materials retains the burden of meeting the requirements set out in subsection (c), either in a joint motion to seal or in a response under LR 7.01(a)(3).

(e) Redacted Filing. If practicable, the party requesting that some or all of a filing be sealed must also separately file a redacted version. If the filing of a redacted version is impracticable, the motion to seal must include an affirmative statement to that effect.

(f) Protective Orders. Proposed protective orders should not provide that documents produced in discovery and designated as "confidential" will be automatically sealed upon filing or if used at trial. Any such language in proposed protective orders may be stricken and may result in denial of the motion for entry of the proposed protective order.

LR6.01 − COMPUTING AND EXTENDING TIMES

(a) Extensions of Deadlines Generally. Unless otherwise provided in a case management order or other order, a request for an extension of time not made in open court or at a case management or status conference must:

(1) Be made by written motion;
(2) State the original deadline and the requested deadline;
(3) Provide the reasons why an extension is requested; and
(4) If all parties are represented by counsel, either:
(A) State whether there is any objection to the extension by counsel for any other party; or
(B) If counsel cannot be reached, describe all attempts made to confer with all other counsel and the results of such attempts.

(b) Exception for Discovery Responses. This requirement does not apply to deadlines for responding to discovery, which may be agreed to by the parties without the necessity of an order of the Court, provided such extension does not interfere with the case management schedule, other case deadlines, or scheduled hearings.

LR7.01 – MOTIONS GENERALLY

All filings requesting relief from or action by the Court must be in the form of a motion. For motions filed in CM/ECF, the filer must select a "Motion" event.

(a) Conference with Counsel, Filing, Response and Reply

(1) Conference with Counsel. In cases in which all parties are represented by counsel, all motions, except motions under Rules 12, 55, 56, 59, or 60, and motions for admission *pro hac vice*, must state that counsel for the moving party has conferred with all other counsel, and whether or not the relief requested in the motion is opposed. In those instances where counsel for the moving party is unable to confer with all other counsel, the motion must describe all attempts made to confer with counsel.

(2) Motion and Supporting Memorandum. Every motion requiring a determination of law must be accompanied by a memorandum of law citing supporting authorities and, where allegations of fact are relied upon, affidavits, depositions, or other exhibits in support thereof. The memorandum may be separately filed from the motion or may be incorporated with the motion. If the memorandum is filed separately, it shall not be filed as an exhibit or addendum to the motion. If the memorandum is incorporated, the filing must be clearly titled as a "MOTION AND MEMORANDUM OF LAW". No memorandum or combined Motion and Memorandum of Law shall exceed twenty-five (25) pages without leave of Court.

(3) Response. Any party opposing a motion must serve and file a memorandum of law in response, and, if necessary to support assertions of fact, affidavits and depositions, not later than fourteen (14) days after service of the motion, unless otherwise ordered by the Court. The response in opposition shall not exceed twenty-five (25) pages without leave of Court. If a timely response in opposition is not filed, the motion shall be deemed to be unopposed.

(4) Reply. An optional reply memorandum may be filed within seven (7) days after service of the response, and shall not exceed five (5) pages without leave of Court.

(b) Action by Court. The Court may act on the motion prior to the time allowed for response. In such event, the affected party may file a motion for relief from the Court's ruling within fourteen (14) days after service of the order reflecting the action of the Judge. The prevailing party shall not respond to a motion for relief under this section unless the Court orders a response.

(c) Motions to Ascertain Status of Case. At any time, an attorney for any party or any *pro se* party may file a written motion inquiring as to the status of the case or to pending motions. If expedited disposition is sought, the motion must include a detailed statement of the grounds warranting an expedited disposition of the case or motion.

(d) Applicability to Rule 56 Motions. This rule does not apply to motions for summary judgment filed under Fed. R. Civ. P. 56, the procedures for which are governed by LR 56.01.

LR7.02 – MANDATORY DISCLOSURE STATEMENTS

(a) Corporate Affiliations and Financial Interests. Unless otherwise ordered by the Court, every non-governmental business entity party, including intervenors, must file a Business Entity Disclosure Statement using the "Business Entity Disclosure Statement" form located on the Court's website, identifying all its parent, subsidiary, and other affiliate corporations. A party must file the Business Entity Disclosure Statement as a separate document with its initial pleading, or other initial court filing, and must supplement the Business Entity Disclosure Statement within a reasonable time of any change in the information.

(b) Parties or Intervenors in a Diversity Case. Unless otherwise ordered by the Court, any party or intervenor required by Fed. R. Civ. P. 7.1(a)(2) to file a disclosure statement must do so using the "Rule 7.1(a)(2) Disclosure Statement" form located on the Court's website. A party must file the Rule 7.1(a)(2) Disclosure Statement as a separate document with its initial pleading, or other initial court filing, and must supplement the Rule 7.1(a)(2) Disclosure Statement as required by Fed. R. Civ. P. 7.1(b)(2).

LR7.03 – GENERAL FORM OF PAPERS

(a) Form. All pleadings, motions, briefs, and all other papers filed in CM/ECF or presented for filing must be formatted to 8-1/2" x 11" paper, with one-inch margins and at least 12-point font. If the filing is made in paper format, the filing must also be one sided. All material, except headings, footnotes, and quoted material, must be double spaced. Footnotes must also be at least 12-point font but must be single-spaced. Documents presented to the Clerk for filing must be typed, printed, or prepared by a clearly legible duplicating process and all pages must be

numbered at the bottom. The name of the District Judge and the Magistrate Judge must be placed below the case number on all filings subsequent to the initial filing. All pleadings must be signed as required by Fed. R. Civ. P. 11, and names must be typed or printed beneath all signature lines. Page limitations are exclusive of case caption, signature line(s), and certificate of service.

(b) Citations of Legal Authorities. Citations of legal authorities in any filing must conform to the following:

(1) United States Supreme Court Decisions. Citations of United States Supreme Court decisions shall be U.S. only, if therein, otherwise S.Ct. or L.Ed., in that order of preference. For recent or unreported decisions, Westlaw or Lexis citations are acceptable.

(2) State Cases. Citations of reported state cases must include at least the official state reporter citation and the regional reporter citation where available. For recent or unreported decisions, Westlaw and Lexis citations are acceptable.

(3) Federal and State Statutes. Citations of federal statutes must include at least the title and section designation as the statute appears in the United States Code. Citations of state statutes must include at least the title and section designation as the statute appears in the state's official code.

(4) Unreported Decisions or Administrative Opinions. Citations of any unreported federal or state court decisions or administrative opinions must include Westlaw or Lexis citations.

(5) Availability of Cited Authority. If a cited authority is not available in any reporter or legal research database, a copy of the decision, order, statute, regulation, or other cited authority must be appended as an exhibit to the memorandum of law

(c) Jury Demand. If demand for jury trial is made in the complaint or answer, the phrase "JURY DEMAND" must appear immediately opposite the style of the case on the first page of the pleading and all subsequent filings.

(d) Exhibits and Attachments. All exhibits or attachments to filed documents must be filed electronically, unless the Court permits filing in paper form. When uploading exhibits and attachments in CM/ECF, filers are required to select the appropriate document category and enter a brief description of each document. Failure to include the document description may result in the issuance of a deficiency notice

(e) Signatures.

(1) Electronically filed documents shall set forth the filer's name, address, telephone number, e-mail address, and, in the case of licensed attorneys, their Board of Professional Responsibility registration number.

(2) Only licensed attorneys may sign documents electronically.

(3) *Pro se* parties may not sign documents electronically. Documents submitted by *pro se* parties must contain an original signature.

(4) Documents requiring an original signature (e.g., affidavits, declarations, filings by *pro se* parties, etc.) shall be filed electronically by transmitting a scanned image of the document in PDF format. The filing party shall maintain the originally signed document for one year after all time periods for all appeals expire. On request of the Court, a filing party must provide the original document for review.

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LR 55.01 - ENTRY OF DEFAULT AND DEFAULT JUDGMENT

Obtaining a default judgment under Fed. R. Civ. P. 55 involves two steps:

1. Filing a motion for entry of default pursuant to Fed. R. Civ. P. 55(a).

2. After the Clerk enters default, filing a motion for default judgment pursuant to Fed. R. Civ. P. 55(b)(1) or 55(b)(2).

(a) Entry of Default Pursuant to Fed. R. Civ. P. 55(a).

A motion for entry of default must be accompanied by an affidavit or unsworn declaration under penalty of perjury under 28 U.S.C. § 1746 verifying the following:

(1) **Proof of service**. Provide details on how each alleged defaulting party was served under Fed. R. Civ. P. 4, including the date of service and a citation to the record showing that a proper return of service was filed.

(2) **Failure to plead or otherwise defend**. State that the party has failed to plead or otherwise defend as required by the rules.

(3) **Age and competency.** If the party is an individual, state that the party is not a minor or incompetent person.

(4) **Military status**. If the party is an individual, confirm that the individual is not in the military service, as required by 50 U.S.C. § 3931(b)(1). Attach documentation from the Defense Manpower Data Center or another reliable source to support this statement.

(b) Default Judgment Pursuant to Fed. R. Civ. P. 55(b).

Motions for default judgment pursuant to Fed. R. Civ. P. 55(b) must:

(1) **Specify the applicable rule.** Indicate whether the motion is brought under Fed. R. Civ. P. 55(b)(1) or Fed. R. Civ. P. 55(b)(2).

(2) **Include supporting evidence**. Submit an affidavit or unsworn declaration under penalty of perjury, along with any relevant documentation, to support the requested damages or relief.

(3) **Exclude requests for attorneys' fees.** Do not include requests for attorneys' fees. Such requests must made separately in accordance with LR 54.01.

LR56.01 − MOTIONS FOR SUMMARY JUDGMENT

(a) Generally. Motions for summary judgment must be filed in accordance with the provisions of Fed. R. Civ. P. 56, with the following additional requirements.

(b) Memorandum of Law. The movant must file a memorandum of law as a separate docket entry using the "Memorandum in Support" event in CM/ECF. The memorandum must not be uploaded as an attachment or exhibit to the motion. The memorandum shall not exceed twenty-five (25) pages without leave of Court.

(c) Statement of Undisputed Material Facts.

(1) The movant must file a concise, non-argumentative statement of the alleged undisputed material facts (not legal conclusions, arguments, or characterizations) that the movant contends supports summary judgment. The statement must be docketed separately using the "Statement of Facts" event in CM/ECF.

(2) Each individual material fact must be numbered separately and must be supported by a citation to materials permitted by Fed R. Civ. P. 56(c)(1).

(3) The purpose of the statement of undisputed material facts is to identify for the Court those facts that the movant contends require judgment as a matter of law. Legal arguments, including as to materiality, must be made in the supporting memorandum, not in the statement of undisputed material facts.

(4) A copy of the statement of undisputed material facts must also be provided to opposing counsel in an editable electronic format.

(d) Response to Motion. Unless otherwise ordered by the Court, the respondent must respond to the motion for summary judgment within twenty-one (21) days of service of the motion with a memorandum of law that shall not exceed twenty-five (25) pages without leave of Court.

(e) Response to Statement of Facts. The respondent must also respond to the movant's statement of undisputed material facts in a separately filed response. The response must be docketed separately using the "Response to Statement of Facts" event in CM/ECF.

(1) The response to the statement of undisputed material facts must contain individually numbered, concise, non-argumentative responses corresponding to each of the movant's numbered undisputed material facts by (A) agreeing that the fact is undisputed; (B) agreeing that the fact is undisputed for purposes of summary judgment only; or, (C) disputing the fact on any basis permitted by Fed. R. Civ. P. 56(c).

(2) Each numbered response must start with "Undisputed," "Undisputed for Summary Judgment Purposes Only," or "Disputed".

(3) If the respondent disputes a fact, the evidentiary citations supporting the respondent's position must be limited to evidence specific to that particular fact.

(4) The respondent may state that a fact is not material, but stating that a fact is not material shall not excuse the respondent from stating whether the fact is disputed or undisputed.

(5) Legal arguments, including as to materiality of any fact, must be made in the responding memorandum, not in the response to the statement of undisputed material facts.

(f) Reply. Unless otherwise ordered by the Court, the movant may file an optional reply within fourteen (14) days of service of the response. The reply shall not exceed five (5) pages without leave of Court.

(g) Failure to Respond. If a timely response to a moving party's statement of material ~~facts, or a non-moving party's statement of additional facts,~~ is not filed within the time periods provided by these rules, the asserted facts shall be deemed undisputed for purposes of summary judgment.

(h) Cases with *Pro Se* Parties. The provisions of this rule, including the requirement that a statement of undisputed material facts must be filed with any motion for summary judgment, apply in cases with a *pro se* party. However, *pro se* parties are excused from providing a copy of the statement of undisputed material facts to opposing counsel in an editable electronic format.

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LR83.04 − RELEASE OF INFORMATION CONCERNING CIVIL PROCEEDINGS

(a) By Attorneys Concerning Civil Proceedings.

(1) Limitation on Extrajudicial Statements. Lawyers should try matters in court, not in the media. A lawyer who is participating in or has participated in the investigation or litigation of a matter, either directly or indirectly, shall not make any extrajudicial statement (other than a quotation from or reference to public records) that the lawyer knows or reasonably should know will be disseminated by public communication and will have substantial likelihood of materially prejudicing an adjudicative proceeding in the matter, including especially that will interfere with a fair trial. Extrajudicial statements that will ordinarily have a material prejudicial effect on an adjudicative proceeding or a substantial likelihood of interfering with a fair trial include, but are not limited to:

(A) The character, credibility, or criminal record of a party, witness, or prospective witness;

(B) The performance or results of any examinations or tests or the refusal or failure of a party to submit to an examination or test; or,

(C) Information that the lawyer knows or reasonably should know is likely to be inadmissible as evidence at trial and that would, if disclosed, create a substantial risk of prejudicing an impartial trial.

(2) Optional Lawyer Statement. Notwithstanding paragraph (a)(1), a lawyer may make a statement that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer or the lawyer's client. A statement made pursuant to this paragraph must be limited to information necessary to mitigate the recent adverse publicity.

(3) Application to Law Firms and Agencies. The provisions of this rule concerning lawyers apply to the law firm and government agencies or offices, and the partners and employees of such firms, government agencies or offices, with which the lawyer is associated.

(b) Provision for Special Orders. The Court, on motion of either party or on its own, may issue a special order governing such matters as: extrajudicial statements by parties and witnesses likely to interfere with the rights of a party to a fair trial by an impartial jury; the seating and conduct in the courtroom of spectators and news media representatives; the management and sequestration of jurors and witnesses; and any other matters that the Court may deem appropriate for inclusion in such an order.

(c) By Courthouse Personnel. All court personnel and United States Marshals Service employees and contractors are prohibited from disclosing to any person, without authorization by the Court, information relating to a pending civil proceeding that is not part of the public record of the Court and from discussing with the public the merits of such proceeding while it is pending before the Court. This Rule specifically forbids the divulging of information concerning arguments and hearings held in chambers or otherwise outside the presence of the public.

LR1.01 – LOCAL RULES AND CM/ECF REGISTRATION

[Retitled. No changes to subsections (a) – (d). New subsection (e).]

(e) CM/ECF Registration via PACER. All attorneys practicing in the Middle District of Tennessee, including those admitted *pro hac vice* and those authorized to represent the United States, must, absent good cause shown, register as Filing Users of the Electronic Filing System (CM/ECF) via Public Access to Court Electronic Records (PACER) and file their documents by electronic means. A document filed by electronic means constitutes a written paper for the purposes of the Local Rules, the Federal Rules of Civil Procedure, and the Federal Rules of Criminal Procedure.

LR3.01 – ~~ADVANCE PAYMENT OF FILING FEES~~ COMMENCING AN ACTION

(a) Civil Case Initiating Documents - Represented Parties. Civil complaints, petitions, notices of removal from state court, or other civil case initiating documents must be filed electronically except in exceptional circumstances as determined by the Court. In the case of removal, a copy of all documents filed in the state court action must be attached to the notice of removal.

(b) Filing Case Initiating Documents in Hard Copy – Represented Parties. If civil case initiating documents must be filed in hard copy, as determined by the Court, counsel must contact the Clerk's Office in advance and provide the Clerk's Office with an electronic version in PDF format on a USB storage device or other means approved by the Clerk's Office. If there is a discrepancy between the paper document and the electronic version, the electronic version is controlling. All subsequent documents must be filed electronically via CM/ECF.

(c) Civil Case Initiating Documents - *Pro Se* Parties. Parties not represented by an attorney ("*pro se* parties") must file case-initiating documents (e.g. complaints, petitions, notices of removal) in hard copy by delivering the documents to the Clerk's Office by mail or in person. All subsequent documents may be filed by mail, in person, or electronically via the Court's *Pro Se* Electronic Filing Portal. *Pro se* parties may, with the Court's permission, register as a CM/ECF Filing User solely for purposes of filing documents in their case(s). Instructions on how to obtain a PACER account and how to request permission to file via CM/ECF are available on the Court's website.

(d) Civil Actions by Incarcerated Individuals. The Clerk's Office shall provide form pleadings for use by incarcerated individuals filing *habeas corpus* petitions (Section 2241 and 2254 petitions) and civil rights actions (Section 1983 actions) if requested in writing. These form pleadings are also available on the Court's website.

LR3.0~~1~~2 – ~~ADVANCE PAYMENT OF~~ FILING FEES

[Renumbered and retitled. No changes to subsections (a)-(c).]

LR3.~~02~~03 – CIVIL COVER SHEET

The filing attorney must prepare and file a civil cover sheet (Form JS-44) with each civil complaint filed. Civil cover sheets (Form JS-44) and instructions for the preparation thereof are available

online and from the ~~office of the Clerk of the Court~~Clerk's Office.

LR4.01 – SUMMONS~~ES~~ AND SERVICE OF PROCESS

(a) Preparation of Summons. With the filing of the complaint, third-party complaint, or any other pleading~~s~~ that require~~s~~ the issuance of a summons, the filing ~~attorney~~ party must prepare and file as an ~~attached exhibit~~ attachment a completed summons conforming to Fed. R. Civ. P. 4.

(b) Issuance of Summons. ~~The Clerk shall issue the summons in accordance with the Federal Rules of Civil Procedure, and return the issued summons to the filing attorney.~~ Summons will be issued electronically by the Clerk's Office unless otherwise requested by counsel when filing the case-initiating documents in CM/ECF. Counsel will be responsible for printing and serving electronic summons upon issuance.

(c) *Pro Se* Cases. In all cases in which the plaintiff is proceeding both *pro se* and *in forma pauperis*, the Clerk shall provide the plaintiff with blank summons and accompanying instructions for completion of the summons. Upon return of the completed summons by the plaintiff, the Clerk shall issue process for service by the ~~Marshal~~United States Marshals Service.

(d) Service of Process.

(1) Service of Case-Initiating Documents. Case-initiating documents, such as a complaint and summons in a civil case, must be served in accordance with Fed. R. Civ. P. 4 and not via CM/ECF.

(2) Service by the United States Marshals Service. The United States Marshal will not serve a summons or other civil process unless required by these Rules, the Federal Rules of Civil Procedure, or ~~by~~ order of the Court. Under appropriate circumstances when serving process, the Marshal may do so by certified or registered mail, in accordance with Rule 4.04(10) and (11) of the Tennessee Rules of Civil Procedure, as incorporated into Fed. R. Civ. P. ~~Rule~~ 4(e)(1). The Marshal shall attach to the return on such process the return receipt from the Postal Service.

(3) Service of Initial Documents in Social Security Actions. Pleadings in an action for review on the record of a final decision of the Commissioner of Social Security that present only an individual claim will be served upon the Commissioner by the Court pursuant to Rule 3 of the Supplemental Rules for Social Security Actions under 42 U.S.C. §405(g).

LR5.01 – CERTIFICATE OF SERVICE

All ~~things filed with the Court that are required to be~~filings not served ~~upon a party~~through the Court's CM/ECF filing system must include a certificate of service identifying by name the person (or counsel) served, what was served, method of service ~~(either through CM/ECF or other means) and date of service. Procedures for certificates of service of electronically filed documents are provided for in LR 5.02 below.~~, and date of service.

LR5.02 – ELECTRONIC FILING AND SERVICE

~~(a) Filing of Documents by Electronic Means. All attorneys practicing in the Middle District of Tennessee, including those admitted *pro hac vice* and those authorized to represent the United States, must, absent good cause shown, register as Filing Users of the Electronic Filing System and file their documents by electronic means as set forth in Administrative Order No. 167-1, Administrative Practices and Procedures for Electronic Case Filing (ECF). A document filed by electronic means constitutes a written paper for the purposes of the Local Rules, the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.~~

~~(b) Pleadings and Other Papers in Particular Cases.~~

~~(1) Actions by Incarcerated Individuals. The Clerk shall provide form pleadings for use by incarcerated individuals filing *habeas corpus* petitions (2254 petitions) and civil rights actions (Section 1983 actions) if requested in writing from the Clerk's Office. These form pleadings are also available on the Court's website.~~

~~(2) Paper Filing by Attorneys. In exceptional circumstances, the Clerk may accept initial documents for paper filing by a party represented by counsel. An attorney requesting to file initial documents with the Clerk rather than through CM/ECF must contact the Clerk in advance and must otherwise comply with Administrative Order No. 167-1.~~

(a) ~~(c)~~ **Electronic Service of Pleadings and Other Filed Documents.** ~~Receipt~~For all electronic filings not required to be served under Fed. R. Civ. P. 4, receipt of the Notice of Electronic Filing (NEF) generated by ~~the Court's Electronic Case Filing System (CM/ECF)~~CM/ECF shall constitute service of the electronically filed document on persons registered as Electronic Filing Users. Electronic service is complete upon transmission.

~~(1) Certificate of Service. A certificate of service in compliance with Local Rule 5.01 must be included with all electronically filed documents.~~

~~(2) Initial Documents. Initial documents, such as a complaint and summons in a civil case, must be served in accordance with Fed. R. Civ. P. 4 and not via the Court's CM/ECF. Charging documents in criminal cases must be filed with the Clerk rather than in CM/ECF.~~

(b) Electronic Service Upon *Pro Se* Parties. Except for documents required to be served pursuant to Fed. R. Civ. P. 4, *pro se* parties may consent in writing to receive electronic service of documents from CM/ECF. A *pro se* party who consents to service via CM/ECF must complete and sign a Consent to Electronic Service form for each case in which the *pro se* party consents to electronic service. The Consent to Electronic Service form is available on the Court's website or from the Clerk's Office. Consent to electronic service will not be effective until the Clerk's Office dockets the signed consent form in the applicable case. Once a *pro se* party's consent to electronic service is docketed and effective, the *pro se* party may be served through CM/ECF. Absent consent under this rule, a *pro se* party can be served by any means authorized by Fed. R. Civ. P. 5(b)(2).

(c) Effect and Timing of Electronic Filing. Each electronically filed document, as stored by the Court, becomes a part of the Court's official record and the filing party is bound by the document as filed. An electronically filed document is deemed filed as of the date and time stated in the NEF generated by the CM/ECF system. Filing a document electronically does not alter the filing deadline for that document. For a document to be considered timely filed on a deadline date, the filing must be completed on the deadline date before midnight Central Time.

LR5.03 − REQUESTS TO SEAL DOCUMENTS OR PORTIONS OF DOCUMENTS

(a) Motion Required. Any party requesting that documents or portions of documents be sealed must file a motion for leave to file the document(s) under seal in accordance with LR 7.01.

(b) Procedures for Filing Motions to Seal in CM/ECF. Follow these instructions carefully. Failure to do so may result in the documents being immediately accessible to all parties or members of the public. If documents are erroneously filed not under seal, the Clerk's office cannot correct that error without an order from the Court to seal the documents.

(1) File a motion for Leave to File Document Under Seal via CM/ECF. DO NOT attach the document to be sealed to this motion at this stage.

(2) Immediately after filing the motion, file the proposed sealed document by selecting the "Sealed Document" event in CM/ECF.

Access to the document will remain restricted until the Court rules on the motion to seal. When documents are ordered to be placed under seal, such documents will be electronically accessible only to the Court.

(c)~~(a)~~ Contents of Motion to Seal. ~~Any party requesting that documents or portions of documents be sealed must file a motion for leave to file the document(s) under seal in accordance with Section 5.07 of Administrative Order No. 167-1 (Administrative Practices and Procedures for Electronic Case Filing) and LR 7.01. If the party using the information or document is not the party that requests restriction of access, the applicable standards must be addressed as provided for in subsection (b).~~ The motion for leave to seal or the response to a motion under subsection ~~(b),~~ (d), even if unopposed, must provide ~~demonstrate~~ compelling reasons to ~~seal the documents and that the sealing is narrowly tailored to those reasons by specifically analyzing in detail, document by document, the propriety of secrecy, providing factual support and legal citations. Generally, only trade secrets, information covered by a recognized privilege (such as the attorney-client privilege), and information required by statute to be maintained in confidence is typically enough to overcome the presumption of public access. Failure to comply with these procedures or to provide sufficiently compelling reasons may result in denial of the request to seal documents or portions of documents.~~ overcome the presumption that court records are open to the public. The motion to seal must show that the sealing is narrowly tailored to the stated reasons by specifically analyzing in detail, document by document, the propriety of secrecy, providing supporting facts and legal authority. Failure to provide sufficiently compelling reasons may result in denial of the request to seal documents or portions of documents. An unopposed motion or agreed order that does not address the standards for sealing documents does not comply with this rule.

(d)~~(b)~~ Use of Document by Party Not Designating Documents as Confidential. The party intending to use information or documents designated in discovery as confidential must file a motion to seal under LR 7.01(a). However, the party who designated the materials as confidential or otherwise seeks to restrict access to the materials retains the burden of meeting the requirements set out in subsection (~~a~~c), either in a joint motion to seal or in a response under LR 7.01(a)(3).

(e)~~(c)~~ Redacted Filing. If practicable, the party requesting that some or all of a filing be sealed~~,~~ ~~shall~~ must also separately file a redacted version. If the filing of a redacted version is impracticable, the motion to seal must include an affirmative statement to that effect.

(f)~~(d)~~ Protective Orders. Proposed protective orders should not provide that documents produced in discovery and designated as "confidential" will be automatically sealed upon filing or if used at trial. Any such language in proposed protective orders ~~will~~may be stricken and may result in denial of the motion for entry of the proposed protective order.

LR6.01 – COMPUTING AND EXTENDING TIMES

(a) Extensions of Deadlines Generally. Unless otherwise provided in a case management order or other order, a request for an extension of time not made in open court or at a case management or status conference must:

(1) Be made by written motion;
(2) State the original deadline and the requested deadline;
(3) Provide the reasons why an extension is requested; and
(4) If all parties are represented by counsel, either:
(A) State ~~that~~ whether there is ~~no~~ any objection to the extension by counsel for any other party; or
(B) If counsel cannot be reached, describe all attempts made to confer with all other counsel and the results of such attempts.

(b) Exception for Discovery Responses. This requirement does not apply to deadlines for responding to discovery, which may be agreed to by the parties without the necessity of an order of the Court, provided such extension does not interfere with the case management schedule, other case deadlines, or scheduled hearings.

LR7.01 – MOTIONS GENERALLY

All filings requesting relief from or action by the Court must be in the form of a motion. For motions filed in CM/ECF, the filer must select a "Motion" event.

(a) Conference with Counsel, Filing, Response and Reply

(1) Conference with Counsel. In cases in which all parties are represented by counsel, all motions, except motions under Rules 12, 55, 56, 59, or 60, ~~but including discovery~~and motions for admission *pro hac vice*, must state that counsel for the moving party has conferred with all other counsel, and whether or not the relief requested in the motion is opposed. In those instances where counsel for the moving party is unable to confer with all

other counsel, the motion must describe all attempts made to confer with counsel ~~and the results of such attempts~~.

(2) Motion and Supporting Memorandum. ~~Except as otherwise provided herein, every~~Every motion ~~that may require the resolution of an issue~~requiring a determination of law must be accompanied by a ~~separately filed~~ memorandum of law citing supporting authorities and, where allegations of fact are relied upon, affidavits, depositions, or other exhibits in support thereof. ~~No memorandum~~The memorandum may be separately filed in a docket entry separate from the motion or may be incorporated with the motion. If the memorandum is incorporated, the filing must be clearly titled as a "MOTION AND MEMORANDUM OF LAW". The memorandum shall not be filed as an exhibit or addendum to the motion. No memorandum or combined Motion and Memorandum of Law shall exceed twenty-five (25) pages without leave of Court.

(3) Response. ~~Except for motions for reconsideration (to which no response shall be filed unless ordered by the Court), any~~ Any party opposing a motion must serve and file a memorandum of law in response, and, if necessary to support assertions of fact, affidavits and depositions, not later than fourteen (14) days after service of the motion, ~~except, that in cases of a motion for summary judgment, that time shall be twenty-one (21) days after the service of the motion~~, unless otherwise ordered by the Court. The response in opposition shall not exceed twenty-five (25) pages without leave of Court. If a timely response in opposition is not filed, the motion shall be deemed to be unopposed~~, except for motions to reconsider for which no response shall be permitted unless ordered by the Court~~.

(4) Reply. An optional reply memorandum may be filed within seven (7) days after service of the response, and shall not exceed five (5) pages without leave of Court.

(b) Action by Court. The Court may act on the motion prior to the time allowed for response. In such event, the affected party may file a motion ~~to reconsider~~for relief from the Court's ruling within fourteen (14) days after service of the order reflecting the action of the Judge. ~~However, notwithstanding any other provisions of this rule, the~~The prevailing party shall not respond to a motion ~~to reconsider~~for relief under this section unless the Court orders a response.

(c) Motions to Ascertain Status of Case. At any time, an attorney for any party or any *pro se* party may file a written motion inquiring as to the status of the case or to pending motions~~, and may~~. If expedited disposition is sought, the motion must include ~~in said motion~~ a detailed statement of ~~reasons why~~the grounds warranting an expedited disposition of the case or motion ~~is necessary or desirable~~.

(d) Applicability to Rule 56 Motions. This rule does not apply to motions for summary judgment filed under Fed. R. Civ. P. 56, the procedures for which are governed by LR 56.01.

LR7.02 – MANDATORY ~~BUSINESS ENTITY~~ DISCLOSURE STATEMENTS

~~Any non-governmental business entity party must file a Business Entity Disclosure Statement, using the form located on the Court's website. A party must file the Business Entity Disclosure Statement as a separate document with its initial pleading, or other initial court filing, and must~~

~~supplement the Business Entity Disclosure Statement within a reasonable time of any change in the information.~~

(a) Corporate Affiliations and Financial Interests. Unless otherwise ordered by the Court, every non-governmental business entity party, including intervenors, must file a Business Entity Disclosure Statement using the "Business Entity Disclosure Statement" form located on the Court's website, identifying all its parent, subsidiary, and other affiliate corporations. A party must file the Business Entity Disclosure Statement as a separate document with its initial pleading, or other initial court filing, and must supplement the Business Entity Disclosure Statement within a reasonable time of any change in the information.

(b) Parties or Intervenors in a Diversity Case. Unless otherwise ordered by the Court, any party or intervenor required by Fed. R. Civ. P. 7.1(a)(2) to file a disclosure statement must do so using the "Rule 7.1(a)(2) Disclosure Statement" form located on the Court's website. A party must file the Rule 7.1(a)(2) Disclosure Statement as a separate document with its initial pleading, or other initial court filing, and must supplement the Rule 7.1(a)(2) Disclosure Statement as required by Fed. R. Civ. P. 7.1(b)(2).

LR7.03 – GENERAL FORM OF PAPERS

[No change to subsection (a).]

(b) Citations ~~to~~of Legal Authorities. Citations of legal authorities in any filing must conform to the following:

(1) United States Supreme Court Decisions. Citations ~~to~~of United States Supreme Court decisions shall be ~~to~~ U.S. only, if therein, otherwise ~~to~~ S.Ct. or L.Ed., in that order of preference. For recent or unreported decisions, Westlaw or Lexis citations are acceptable.

(2) State Cases. Citations ~~to~~of reported state cases must include at least the official state reporter citation and the regional reporter citation where available. For recent or unreported decisions, Westlaw and Lexis citations are acceptable.

(3) Federal and State Statutes. Citations ~~to~~of federal statutes must include at least the title and section designation as the statute appears in the United States Code. Citations ~~to~~of state statutes must include at least the title and section designation as the statute appears in the state's official code.

(4) Unreported Decisions or Administrative Opinions. Citations ~~to~~of any unreported federal or state court decisions or administrative opinions must include Westlaw or Lexis citations.

(5) Availability of Cited Authority. If a cited authority is not available in any reporter or legal research database, a copy of the decision, order, statute, regulation, or other cited authority must be appended as an exhibit to the memorandum of law ~~.~~

(c)~~(b)~~ **Jury Demand**. If demand for jury trial is made in the complaint or answer, the phrase "JURY DEMAND" must appear immediately opposite the style of the case on the first page of the pleading and all subsequent filings.

(d) Exhibits and Attachments. All exhibits or attachments to filed documents must be filed electronically, unless the Court permits filing in paper form. When uploading exhibits and attachments in CM/ECF, filers are required to select the appropriate document category and enter a brief description of each document. Failure to include the document description may result in the issuance of a deficiency notice

(e) Signatures.

(1) Electronically filed documents shall set forth the filer's name, address, telephone number, e-mail address, and, in the case of licensed attorneys, their Board of Professional Responsibility registration number.

(2) Only licensed attorneys may sign documents electronically.

(3) *Pro se* parties may not sign documents electronically. Documents submitted by *pro se* parties must contain an original signature.

(4) Documents requiring an original signature (e.g., affidavits, declarations, filings by *pro se* parties, etc.) shall be filed electronically by transmitting a scanned image of the document in PDF format. The filing party shall maintain the originally signed document for one year after all time periods for all appeals expire. On request of the Court, a filing party must provide the original document for review.

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LR 55.01 – ~~MOTIONS FOR~~ ENTRY OF DEFAULT AND DEFAULT JUDGMENT

~~Motions for entry of default under Fed. R. Civ. P. 55(a) must be accompanied by an unsworn declaration under penalty of perjury under 28 U.S.C. § 1746 verifying: (i) proof of service; (ii) the opposing party's failure to plead or otherwise defend; (iii) if the opposing party is an individual, that the opposing party is not a minor or incompetent person; and, (iv) if the opposing party is an individual, that the opposing party is not in the military service, as required by 50 U.S.C. § 3931(b)(1). Evidence from the Defense Manpower Data Center, or other reliable source, confirming that the opposing party is not in the military service must be appended to the unsworn declaration.~~

Obtaining a default judgment under Fed. R. Civ. P. 55 involves two steps:

1. Filing a motion for entry of default pursuant to Fed. R. Civ. P. 55(a).

2. After the Clerk enters default, filing a motion for default judgment pursuant to Fed. R. Civ. P. 55(b)(1) or 55(b)(2).

(a) Entry of Default Pursuant to Fed. R. Civ. P. 55(a).

A motion for entry of default must be accompanied by an affidavit or unsworn declaration under penalty of perjury under 28 U.S.C. § 1746 verifying the following:

(1) **Proof of service**. Provide details on how each alleged defaulting party was served under Fed. R. Civ. P. 4, including the date of service and a citation to the record showing that a proper return of service was filed.

(2) **Failure to plead or otherwise defend**. State that the party has failed to plead or otherwise defend as required by the rules.

(3) **Age and competency.** If the party is an individual, state that the party is not a minor or incompetent person.

(4) **Military status**. If the party is an individual, confirm that the individual is not in the military service, as required by 50 U.S.C. § 3931(b)(1). Attach documentation from the Defense Manpower Data Center or another reliable source to support this statement.

(b) Default Judgment Pursuant to Fed. R. Civ. P. 55(b).

Motions for default judgment pursuant to Fed. R. Civ. P. 55(b) must:

(1) **Specify the applicable rule.** Indicate whether the motion is brought under Fed. R. Civ. P. 55(b)(1) or Fed. R. Civ. P. 55(b)(2).

(2) **Include supporting evidence**. Submit an affidavit or unsworn declaration under penalty of perjury, along with any relevant documentation, to support the requested damages or relief.

(3) **Exclude requests for attorneys' fees.** Do not include requests for attorneys' fees. Such requests must made separately in accordance with LR 54.01.

LR56.01 – MOTIONS FOR SUMMARY JUDGMENT

(a) ~~Time for Response.~~**Generally.** Motions for summary judgment ~~pursuant to Fed. R. Civ. P. 56~~ must be filed in accordance with ~~that Rule except that the party opposing~~ the provisions of Fed. R. Civ. P. 56, with the following additional requirements.

(b) Memorandum of Law. The movant must file a memorandum of law as a separate docket entry using the "Memorandum in Support" event in CM/ECF. The memorandum must not be uploaded as an attachment or exhibit to the motion. The memorandum shall not exceed twenty-five (25) pages without leave of Court.

(c) ~~(b)~~ **Statement of Undisputed Material Facts**. ~~In order to assist the Court in ascertaining whether there are any~~

(1) The movant must file a concise, non-argumentative statement of the alleged undisputed material facts ~~in dispute, any motion for~~ (not legal conclusions, arguments, or characterizations) that the movant contends supports summary judgment ~~made pursuant~~. The statement must be docketed separately using the "Statement of Facts" event in CM/ECF.

(2) Each individual material fact must be numbered separately and must be supported by a citation to materials permitted by Fed. R. Civ. P. 56 ~~must be accompanied by a separate, concise~~ (c)(1).

(3) The purpose of the statement of ~~the~~undisputed material facts ~~as~~is to ~~which~~identify for the ~~moving party~~Court those facts that the movant contends ~~there is no genuine issue for trial. Each fact must be set forth in~~ require judgment as a ~~separate, numbered paragraph. Each fact~~matter of law. Legal arguments, including as to materiality, must be ~~supported by specific citation to the record. After each paragraph,~~ made in the ~~word "response" must be inserted and a blank space provided that is reasonably calculated to allow~~ supporting memorandum, not in the ~~non-moving party sufficient space to respond to the assertion that the fact is undisputed.~~ statement of undisputed material facts.

(4) A copy of the statement of undisputed material facts must also be provided to opposing counsel in an editable electronic format. ~~The requirement that a statement of undisputed material facts in the described format must accompany any motion for summary judgment applies to *pro se* parties. *Pro se* parties are excused from providing a copy of the statement of undisputed material facts to opposing counsel in an editable electronic format.~~

(d) Response to Motion. Unless otherwise ordered by the Court, the respondent must respond to the motion for summary judgment within twenty-one (21) days of service of the motion with a memorandum of law that shall not exceed twenty-five (25) pages without leave of Court.

(e) ~~(c)~~ Response to Statement of Facts. ~~Any party opposing the motion for summary judgment~~The respondent must also respond to the movant's statement of undisputed material facts in a separately filed response. The response must be docketed separately using the "Response to Statement of Facts" event in CM/ECF.

(1) The response to the statement of undisputed material facts must contain individually numbered, concise, non-argumentative responses corresponding to each ~~fact set forth~~of the movant's numbered undisputed material facts by ~~the movant by either:~~(A) agreeing that the fact is undisputed; (B) agreeing that the fact is undisputed for purposes of summary judgment only; or, (C) disputing the fact on any basis permitted by Fed. R. Civ. P. 56(c).

~~**(1)** Agreeing that the fact is undisputed;~~

~~**(2)** Agreeing that the fact is undisputed for the purpose of ruling on the motion for summary judgment only; or~~

~~**(3)** Demonstrating that the fact is disputed. Each disputed fact must be supported by specific citation to the record.~~

(2) Each numbered response must start with "Undisputed," "Undisputed for Summary Judgment Purposes Only," or "Disputed". ~~be made on the document provided by the movant or on another document in which the non- movant has reproduced the facts and citations verbatim as set forth by the movant. In either case, the non-movant must make a response to each fact set forth by the movant immediately below each fact set forth by the~~

~~movant. Such response must be filed with the papers in opposition to the motion for summary judgment. In addition, the non-movant's response may contain a concise statement of any additional facts that the non-movant contends are material and as to which the non-movant contends there exists a genuine issue to be tried. Each such disputed fact must be set forth in a separate, numbered paragraph with specific citations to the record supporting the contention that such fact is in dispute. A copy of the statement of additional disputed facts must also be provided to opposing counsel in an editable electronic format. *Pro se* parties are excused only from providing a copy of the statement of additional disputed material facts to opposing counsel in an editable electronic format, and such *pro se* parties must otherwise comply with the requirements of this section~~.

(3) If the respondent disputes a fact, the evidentiary citations supporting the respondent's position must be limited to evidence specific to that particular fact.

(4) The respondent may state that a fact is not material, but stating that a fact is not material shall not excuse the respondent from stating whether the fact is disputed or undisputed.

(5) Legal arguments, including as to materiality of any fact, must be made in the responding memorandum, not in the response to the statement of undisputed material facts.

(f) ~~**(d)**~~ **Reply** ~~**Statement**~~. Unless otherwise ordered by the Court, the movant may file ~~a~~an optional reply ~~statement responding to each of the additional disputed facts. The reply statement of the moving party must be filed~~ within fourteen (14) days of ~~the filing~~service of the response. The reply shall not exceed five (5) pages without leave of ~~the non-moving party.~~Court.

~~(e) Definition of Record. For purposes of this Rule, the term "record" shall include deposition transcripts, answers to interrogatories, affidavits, requests for admissions, and documents filed in support of or in opposition to the motion or documents otherwise in the court file.~~

(g)~~**(f)**~~ **Failure to Respond**. If a timely response to a moving party's statement of material ~~facts, or a non-moving party's statement of additional facts,~~ is not filed within the time periods provided by these rules, the asserted facts shall be deemed undisputed for purposes of summary judgment.

(h) Cases with *Pro Se* Parties. The provisions of this rule, including the requirement that a statement of undisputed material facts must be filed with any motion for summary judgment, apply in cases with a *pro se* party. However, *pro se* parties are excused from providing a copy of the statement of undisputed material facts to opposing counsel in an editable electronic format.

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LR83.04 − RELEASE OF INFORMATION CONCERNING CIVIL PROCEEDINGS

(a) By Attorneys Concerning Civil Proceedings.

(1) Limitation on Extrajudicial Statements. Lawyers should try matters in court, not in the media. A lawyer who is participating in or has participated in the investigation or litigation of a matter, either directly or indirectly, ~~must~~shall not make any extrajudicial statement (other than a quotation from or reference to public records) that the lawyer knows or reasonably should know will be disseminated by public communication and will have substantial likelihood of materially prejudicing an adjudicative proceeding in the matter, including especially that will interfere with a fair trial. Extrajudicial statements that will ordinarily have a material prejudicial effect on an adjudicative proceeding or a substantial likelihood of interfering with a fair trial include, but are not limited to:

~~(2) Comments More Likely Than Not to Have Material Prejudicial Effect. Comment relating to the following matters is more likely than not to have a material prejudicial effect on a proceeding, and the burden is upon the person commenting upon such matters to show that the comment did not pose such a threat:~~

~~**(A)** Evidence regarding the occurrence or transaction involved;~~

~~**(B**~~**(A)** The character, credibility, or criminal record of a party, witness, or prospective witness;~~ or~~

(~~C~~B) The performance or results of any examinations or tests or the refusal or failure of a party to submit to an examination or test~~.~~; or,

(~~D~~C) Information that the lawyer knows or reasonably should know is likely to be inadmissible as evidence at trial ~~or~~and that would, if disclosed, create a substantial risk of prejudicing an impartial trial.

(2)~~(3)~~ Optional Lawyer Statement. Notwithstanding paragraph (a), a lawyer may make a statement that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer or the lawyer's client. A statement made pursuant to this paragraph must be limited to ~~such~~ information ~~as is~~ necessary to mitigate the recent adverse publicity.

(3)~~(4)~~ Application to Law Firms and Agencies. The provisions of this rule concerning lawyers apply to the law firm and government agencies or offices, and the partners and employees of such firms, government agencies or offices, with which the lawyer is associated.

(b) Provision for Special Orders ~~in Widely Publicized and Sensational Cases. In widely publicized cases the~~. The Court, on motion of either party or on its own ~~motion~~, may issue a special order governing such matters as: extrajudicial statements by parties and witnesses likely to interfere with the rights of a party to a fair trial by an impartial jury; the seating and conduct in the courtroom of spectators and news media representatives; the management and

sequestration of jurors and witnesses; and any other matters that the Court may deem appropriate for inclusion in such an order.

(c) By Courthouse Personnel. All court personnel and United States Marshals Service employees and contractors are prohibited from disclosing to any person, without authorization by the Court, information relating to a pending civil proceeding that is not part of the public record of the Court and from discussing with the public the merits of such proceeding while it is pending before the Court. This Rule specifically forbids the divulging of information concerning arguments and hearings held in chambers or otherwise outside the presence of the public.

LOCAL CRIMINAL RULES

LCrR1.01 – LOCAL CRIMINAL RULES AND CM/ECF REGISTRATION.

(a) Deviation from Local Rules. The Court may deviate from any provision of any Local Rule, when appropriate for the needs of the case and the administration of justice.

(b) Reference to Local Rules. These Local Criminal Rules of Court shall be referred to as the "Local Criminal Rules" or as "LCrR".

(c) Practice Manuals and Sample Orders. For further guidance in construction and application of these Local Rules, lawyers should consult the practice and procedures manuals and sample orders available for each individual judge on the Court's website.

(d) References to Administrative Orders. References to Administrative Orders are by assigned order number as of the date of promulgation of these Rules, but shall refer to any amended, superseding, or renumbered order.

(e) CM/ECF Registration via Pacer. All attorneys practicing in the Middle District of Tennessee, including those admitted *pro hac vice* and those authorized to represent the United States, must, absent good cause shown, register as Filing Users of the Electronic Filing System (CM/ECF) via Public Access to Court Electronic Records (PACER) and file their documents by electronic means. A document filed by electronic means constitutes a written paper for the purposes of the Local Rules, the Federal Rules of Civil Procedure, and the Federal Rules of Criminal Procedure.

LCrR2.01 – RELEASE OF INFORMATION CONCERNING CRIMINAL PROCEEDINGS

(a) By Attorneys

(1) Limitation of Extrajudicial Statements. Lawyers should try matters in court not in the media. A lawyer who is participating or has participated in the investigation or litigation of a matter either directly or indirectly shall not make an extrajudicial statement (other than a quotation from or reference to public records) that the lawyer knows or reasonably should know will be disseminated by public communication, and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter, including especially that will interfere with a fair trial. Extrajudicial statements relating to the following matters will ordinarily have a material prejudicial effect on a proceeding, even if included in the public record:

(A) Grand Jury and Pending Investigations. Any extrajudicial statement outside the limitations under (a)(1), including the character, credibility, reputation, or criminal record of a suspect in a criminal investigation, except such statement as is necessary to inform the public that the investigation is underway, to describe the general scope of the investigation, to obtain assistance in the apprehension of a suspect, to warn the public of any dangers, or otherwise seek the public's aid in the investigation.

(B) Following Formal Charges Through Adjudication. After formal charges have been initiated (meaning an arrest, issuance of an arrest warrant, or the filing of a complaint, information or indictment in any criminal matter), until the conclusion of trial or the disposition without trial, any extrajudicial statement outside the limitations under (a)(1) relating to the matter and concerning:

(i) The prior criminal record (including arrests, indictments, or other charges of crime), or the character or reputation of the accused, except that the attorney or law firm may make a factual statement of the accused's name, age, residence, occupation, and family status, and if the accused has not been apprehended, an attorney associated with the prosecution may release any information necessary to aid in apprehension or to warn the public of any dangers presented;

(ii) The possibility of a plea of guilty to the offenses charged or to a lesser offense, the existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any statement;

(iii) The performance of any examination or tests or the accused's refusal or failure to submit to an examination or test;

(iv) The character, credibility, reputation, or criminal record of a party or the identity, testimony, or credibility of prospective witnesses, except that the attorney may announce the identity of the victim if the announcement is not otherwise prohibited by law;

(v) The identity or nature of physical evidence expected to be presented;

(vi) The fact that an accused has been charged with a crime, unless there is included therein a statement that the charge is merely an accusation and that the accused is presumed innocent unless and until proven guilty;

(vii) Any opinion as to the accused's guilt or innocence, or as to the evidence in the case; or

(viii) Information that the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial or that would, if disclosed, create a substantial risk of prejudicing an impartial trial.

The foregoing shall not be construed to preclude the prosecution or defense attorney during this period, in the proper discharge of their official or professional obligations, from announcing the fact and circumstances of arrest (including time and place of arrest, resistance, pursuit, and use of weapons), the identity of the investigating and arresting officer or agency, and the length of the investigation; from making an announcement, at the time of seizure of physical evidence other than a confession, admission, or statement, that is limited to a description of the evidence seized; from disclosing the nature, substance, or text of the charge including a brief description of the offense charged; from quoting or referring without comment to public records of the Court in the case; from requesting assistance in obtaining evidence; or from

announcing (without further comment) that the accused denies the charges, maintains their innocence and looks forward to their day in court.

(2) Statements Necessary to Protect a Client from Substantial Undue Prejudice. Notwithstanding paragraphs (a)(1) and (a)(2), a lawyer may make a statement that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer or the lawyer's client. A statement made pursuant to this paragraph must be limited to information necessary to mitigate the recent adverse publicity.

(3) Applications to Law Firms and Agencies. The provisions of this rule concerning lawyers apply to the law firm and government agencies or offices, and the partners and employees of such firms, government agencies or offices, with which the lawyer is associated.

(b) Additional Restrictions by the Court. Nothing in this rule is intended to preclude the formation or application of more restrictive rules, upon motion of any party or by the Court on its own: related to the release of information about juvenile or other offenders; to preclude the holding of hearings or the lawful issuance of reports by legislative, administrative or investigative bodies; to address the seating and conduct of spectators and media representatives; to preclude any attorney from replying to charges of misconduct that are publicly made against that attorney; or, to address any other matters that the Court may deem appropriate for inclusion.

(c) By Courthouse Personnel. All court personnel and United States Marshals Service employees and contractors are prohibited from disclosing to any person, without authorization by the Court, information relating to a pending criminal proceeding that is not part of the public record of the Court and from discussing with the public the merits of such proceeding while it is pending before the Court. This Rule specifically forbids the divulging of information concerning arguments and hearings held in chambers or otherwise outside the presence of the public.

LCrR12.01 – PRETRIAL MOTIONS

(a) Discovery Motions. Motions relating to discovery matters are governed by LCrR 16.01.

(b) Timing of Pretrial Motions. All pretrial motions must be filed in accordance with the Court's filing deadline, unless an extension is granted.

(c) Pretrial Motions Requiring Determination of Law.

(1) Each pretrial motion requiring a determination of law must be accompanied by a supporting memorandum of law, which may be filed in a docket entry separate from the motion or may be incorporated with the motion. The memorandum of law must not be appended as an exhibit to the motion. If the memorandum of law is incorporated, the filing must be clearly titled as a MOTION AND MEMORANDUM OF LAW. No memorandum of law or combined motion and memorandum of law shall exceed twenty-five (25) pages without leave of Court. No conference with opposing counsel is required prior to filing pretrial motions under this section.

(2) Any party opposing a motion filed under this section must file a memorandum of law in response not later than fourteen (14) days after service of the motion, unless otherwise ordered by the Court. The response shall not exceed twenty-five (25) pages without leave of Court.

(3) An optional reply memorandum may be filed within seven (7) days after service of the response, and shall not exceed five (5) pages without leave of Court.

(d) Conference with Counsel. All motions seeking relief other than a determination of law (such as a matter of timing or administrative matters) must state that counsel for the moving party conferred with all other counsel in a good faith effort to resolve by agreement the subject matter of the motion and whether or not the motion is opposed. *Ex parte* motions do not require conference with opposing counsel.

LCrR 12.02 - DISCLOSURE STATEMENT

(a) Non-governmental Corporate Party. Unless otherwise ordered by the Court, any party required by Fed. R. Crim. P. 12.4(a)(1) to file a disclosure statement must do so using the "Fed. R. Crim. 12.4 Disclosure Statement" form located on the Court's website.

(b) Organizational Victim. Unless otherwise ordered by the Court, the government must file the disclosure statement required by Fed. R. Crim. R. 12.4(a)(2) using the "Fed. R. Civ. P. 12.4 Disclosure Statement" form located on the Court's website.

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LCrR 49.01 – FILING AND SERVING PAPERS

(a) Electronic Service of Filed Documents. Other than for charging documents, receipt of the Notice of Electronic Filing (NEF) generated by CM/ECF shall constitute service of the electronically filed document on persons registered as Electronic Filing Users. Electronic service is complete upon transmission.

(b) Effect and Timing of Electronic Filing. Each electronically filed document, as stored by the Court, becomes a part of the Court's official record and the filing party is bound by the document as filed. An electronically filed document is deemed filed as of the date and time stated in the NEF generated by the CM/ECF system. Filing a document electronically does not alter the filing deadline for that document. For a document to be considered timely filed on a deadline date, the filing must be completed on the deadline date before midnight (local time at the Court's location).

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LCrR 57.01 FORM OF FILINGS GENERALLY.

(a) Form. All motions, briefs, and all other papers filed in CM/ECF or presented for filing must be formatted to 8-1/2" x 11" paper, with one-inch margins and at least 12-point font. If the filing is made in paper format, the filing must also be one sided. All material, except headings,

footnotes, and quoted material, must be double spaced. Footnotes must also be at least 12-point font but must be single-spaced. Documents presented to the Clerk for filing must be typed, printed, or prepared by a clearly legible duplicating process and all pages must be numbered at the bottom.

(b) Citations of Legal Authorities. Citations of legal authorities in any filing must conform to the following:

(1) United States Supreme Court Decisions. Citations of United States Supreme Court decisions shall be U.S. only, if therein, otherwise S.Ct. or L.Ed., in that order of preference. For recent or unreported decisions, Westlaw or Lexis citations are acceptable.

(2) State Cases. Citations of reported state cases must include at least the official state reporter citation and the regional reporter citation where available. For recent or unreported decisions, Westlaw and Lexis citations are acceptable.

(3) Federal and State Statutes. Citations of federal statutes must include at least the title and section designation as the statute appears in the United States Code. Citations of state statutes must include at least the title and section designation as the statute appears in the state's official code.

(4) Unreported Decisions or Administrative Opinions. Citations of any unreported federal or state court decisions or administrative opinions must include Westlaw or Lexis citations.

(5) Availability of Cited Authority. If a cited authority is not available in any reporter or legal research database, a copy of the decision, order, statute, regulation, or other cited authority must be appended as an exhibit to the memorandum of law.

(e) Exhibits and Attachments. All exhibits or attachments to filed documents must be filed electronically, unless the Court permits filing in paper form. When uploading exhibits and attachments in CM/ECF, filers are required to select the appropriate document category and enter a brief description of each document. Failure to include the document description may result in the issuance of a deficiency notice

(f) Signatures.

(1) Electronically filed documents shall set forth the filer's name, address, telephone number, e-mail address, and, in the case of licensed attorneys, their Board of Professional Responsibility registration number.

(2) Only licensed attorneys may sign documents electronically.

(3) *Pro se* parties may not sign documents electronically. Documents submitted by *pro se* parties must contain an original signature.

(4) Documents requiring an original signature (e.g., affidavits, declarations, filings by *pro se* parties, etc.) shall be filed electronically by transmitting a scanned image of the document in PDF format. The filing party shall maintain the originally signed document for one year

after all time periods for all appeals expire. On request of the Court, a filing party must provide the original document for review.

(5) Defendant's Signature. A document containing the signature of a defendant in a criminal case may, at the option of the Court, be filed: (1) in paper form with an original written signature or (2) in electronic form as a scanned image of the document containing an image of the defendant's original signature.

[LCrR57.02 – LCrR57.04 – renumbered]

LCrR 57.05 PRODUCTION OF PRISONERS AND DETAINEES.

All motions and orders to produce prisoners or detainees must be filed at least fourteen (14) days prior to the date of the hearing. Relief from this Rule requires an order of the Court.

[LCrR57.06 – LCrR57.09 – renumbered]

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LOCAL CRIMINAL RULES

LCrR1.01 – LOCAL CRIMINAL RULES AND CM/ECF REGISTRATION.

(a) Deviation from Local Rules. The Court may deviate from any provision of any Local Rule, when appropriate for the needs of the case and the administration of justice.

(b) Reference to Local Rules. These Local Criminal Rules of Court shall be referred to as the "Local Criminal Rules" or as "LCrR".

(c) Practice Manuals and Sample Orders. For further guidance in construction and application of these Local Rules, lawyers should consult the practice and procedures manuals and sample orders available for each individual judge on the Court's website.

(d) References to Administrative Orders. References to Administrative Orders are by assigned order number as of the date of promulgation of these Rules, but shall refer to any amended, superseding, or renumbered order.

(e) CM/ECF Registration via Pacer. All attorneys practicing in the Middle District of Tennessee, including those admitted *pro hac vice* and those authorized to represent the United States, must, absent good cause shown, register as Filing Users of the Electronic Filing System (CM/ECF) via Public Access to Court Electronic Records (PACER) and file their documents by electronic means. A document filed by electronic means constitutes a written paper for the purposes of the Local Rules, the Federal Rules of Civil Procedure, and the Federal Rules of Criminal Procedure.

LCrR2.01 – RELEASE OF INFORMATION CONCERNING CRIMINAL PROCEEDINGS

(a) By Attorneys

(1) Limitation of Extrajudicial Statements. Lawyers should try matters in court not in the media. A lawyer who is participating or has participated in the investigation or litigation of a matter either directly or indirectly ~~must~~shall not make an extrajudicial statement (other than a quotation from or reference to public records) that the lawyer knows or reasonably should know will be disseminated by public communication, and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter, including especially that will interfere with a fair trial. Extrajudicial statements relating to the following matters will ordinarily have a material prejudicial effect on a proceeding, even if included in the public record:

~~**(2) Comments More Likely Than Not to Have a Material Prejudicial Effect Even if Included in the Public Record.** A comment relating to the following matters is more likely than not to have a material prejudicial effect on a proceeding, even if included in the public record, and the burden is upon the person commenting upon such matters to show that the comment did not pose such a threat:~~

(A) Grand Jury and Pending Investigations. Any extrajudicial statement outside the limitations under (a)(1), including the character, credibility, reputation, or criminal record of a suspect in a criminal investigation, except such statement as is necessary to inform the public that the investigation is underway, to describe the general scope of the investigation, to obtain assistance in the apprehension of a suspect, to warn the public of any dangers, or otherwise seek the public's aid in the investigation.

(B) Following Formal Charges Through Adjudication. After formal charges have been initiated (meaning an arrest, issuance of an arrest warrant, or the filing of a complaint, information or indictment in any criminal matter), until the conclusion of trial or the disposition without trial, any extrajudicial statement outside the limitations under (a)(1) relating to the matter and concerning:

(i) The prior criminal record (including arrests, indictments, or other charges of crime), or the character or reputation of the accused, except that the attorney or law firm may make a factual statement of the accused's name, age, residence, occupation, and family status, and if the accused has not been apprehended, an attorney associated with the prosecution may release any information necessary to aid in apprehension or to warn the public of any dangers presented;

(ii) The possibility of a plea of guilty to the offenses charged or to a lesser offense, the existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any statement;

(iii) The performance of any examination or tests or the accused's refusal or failure to submit to an examination or test;

(iv) The character, credibility, reputation, or criminal record of a party or the identity, testimony, or credibility of prospective witnesses, except that the attorney may announce the identity of the victim if the announcement is not otherwise prohibited by law;

(v) The identity or nature of physical evidence expected to be presented;

(vi) The fact that an accused has been charged with a crime, unless there is included therein a statement that the charge is merely an accusation and that the accused is presumed innocent unless and until proven guilty;

(vii) Any opinion as to the accused's guilt or innocence, or as to the evidence in the case; or

(viii) Information that the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial or that would, if disclosed, create a substantial risk of prejudicing an impartial trial.

The foregoing shall not be construed to preclude the prosecution or defense attorney during this period, in the proper discharge of their official or professional obligations, from announcing the fact and circumstances of arrest (including time and place of

arrest, resistance, pursuit, and use of weapons), the identity of the investigating and arresting officer or agency, and the length of the investigation; from making an announcement, at the time of seizure of physical evidence other than a confession, admission, or statement, that is limited to a description of the evidence seized; from disclosing the nature, substance, or text of the charge including a brief description of the offense charged; from quoting or referring without comment to public records of the Court in the case; from requesting assistance in obtaining evidence; or from announcing (without further comment) that the accused denies the charges, maintains their innocence and looks forward to their day in court.

(3) Statements Necessary to Protect a Client from Substantial Undue Prejudice. Notwithstanding paragraphs (a)(1) and (a)(2), a lawyer may make a statement that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer or the lawyer's client. A statement made pursuant to this paragraph must be limited to ~~such~~ information ~~as is~~ necessary to mitigate the recent adverse publicity.

(4) Applications to Law Firms and Agencies. The provisions of this rule concerning lawyers apply to the law firm and government agencies or offices, and the partners and employees of such firms, government agencies or offices, with which the lawyer is associated.

(b) Additional Restrictions by the Court. Nothing in this rule is intended to preclude the formation or application of more restrictive rules, upon motion of any party or by the Court on its own~~,~~; related to the release of information about juvenile or other offenders~~,~~; to preclude the holding of hearings or the lawful issuance of reports by legislative, administrative or investigative bodies~~,~~; to address the seating and conduct of spectators and media representatives~~,~~; to preclude any attorney from replying to charges of misconduct that are publicly made against that attorney~~,~~; or, to address any other matters that the Court may deem appropriate for inclusion.

(c) By Courthouse Personnel. All court~~house~~ personnel~~, including but not limited to, employees of the Clerk's office, employees of the Court (including judicial chambers staff), employees of the Probation~~ and ~~Pretrial Services office, and the~~ United States Marshals Service employees ~~including Court Security Officer(s),~~and contractors are prohibited from disclosing to any person, without authorization by the Court, information relating to a pending criminal proceeding that is not part of the public record of the Court~~.~~ and from discussing with the public the merits of such proceeding while it is pending before the Court. This Rule specifically forbids the divulging of information concerning arguments and hearings held in chambers or otherwise outside the presence of the public.

LCrR12.01 – PRETRIAL MOTIONS

(a) ~~(a)~~ **Discovery Motions**. Motions relating to discovery matters are governed by LCrR 16.01.

(b) Timing of Pretrial Motions.

~~(1)~~ All pretrial motions must be filed in accordance with the Court's filing deadline, unless an extension is granted ~~by the Court~~.

~~(2~~(c) Pretrial Motions Requiring Determination of Law.

(1) Each pretrial motion requiring a determination of law must be accompanied by a ~~separately filed~~ supporting memorandum of law, which may be filed in a docket entry separate from the motion or may be incorporated ~~memorandum of law.~~with the motion. The memorandum of law must not be appended as an exhibit to the motion. If the memorandum of law is incorporated, the filing must be clearly titled as a ~~Motion and Memorandum of Law.~~MOTION AND MEMORANDUM OF LAW. No memorandum of law or combined motion and memorandum of law shall exceed twenty-five (25) pages without leave of Court. No conference with opposing counsel is required prior to filing ~~such~~pretrial motions under this section.

~~(c) Certification of~~ **(2)** Any party opposing a motion filed under this section must file a memorandum of law in response not later than fourteen (14) days after service of the motion, unless otherwise ordered by the Court. The response shall not exceed twenty-five (25) pages without leave of Court.

(3) An optional reply memorandum may be filed within seven (7) days after service of the response, and shall not exceed five (5) pages without leave of Court.

(d) Conference with Counsel. All motions seeking relief other than a determination of law (such as a matter of timing or administrative matters) must ~~be accompanied by a certification~~state that counsel for the moving party conferred with ~~opposing~~all other counsel in a good faith effort to resolve by agreement the subject matter of the motion and whether or not the motion is opposed. *Ex parte* motions do not require conference with opposing counsel.

LCrR 12.02 - DISCLOSURE STATEMENT

(a) Non-governmental Corporate Party. Unless otherwise ordered by the Court, any party required by Fed. R. Crim. P. 12.4(a)(1) to file a disclosure statement must do so using the "Fed. R. Crim. 12.4 Disclosure Statement" form located on the Court's website.

(b) Organizational Victim. Unless otherwise ordered by the Court, the government must file the disclosure statement required by Fed. R. Crim. R. 12.4(a)(2) using the "Fed. R. Civ. P. 12.4 Disclosure Statement" form located on the Court's website.

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LCrR 49.01 – FILING AND SERVING PAPERS

(a) Electronic Service of Filed Documents. Other than for charging documents, receipt of the Notice of Electronic Filing (NEF) generated by CM/ECF shall constitute service of the electronically filed document on persons registered as Electronic Filing Users. Electronic service is complete upon transmission.

(b) Effect and Timing of Electronic Filing. Each electronically filed document, as stored by the Court, becomes a part of the Court's official record and the filing party is bound by the document as filed. An electronically filed document is deemed filed as of the date and time stated in the NEF generated by the CM/ECF system. Filing a document electronically does not alter the filing deadline for that document. For a document to be considered timely filed on a deadline date, the filing must be completed on the deadline date before midnight (local time at the Court's location).

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LCrR 57.01 FORM OF FILINGS GENERALLY.

(a) Form. All motions, briefs, and all other papers filed in CM/ECF or presented for filing must be formatted to 8-1/2" x 11" paper, with one-inch margins and at least 12-point font. If the filing is made in paper format, the filing must also be one sided. All material, except headings, footnotes, and quoted material, must be double spaced. Footnotes must also be at least 12-point font but must be single-spaced. Documents presented to the Clerk for filing must be typed, printed, or prepared by a clearly legible duplicating process and all pages must be numbered at the bottom.

(b) Citations of Legal Authorities. Citations of legal authorities in any filing must conform to the following:

(1) United States Supreme Court Decisions. Citations of United States Supreme Court decisions shall be U.S. only, if therein, otherwise S.Ct. or L.Ed., in that order of preference. For recent or unreported decisions, Westlaw or Lexis citations are acceptable.

(2) State Cases. Citations of reported state cases must include at least the official state reporter citation and the regional reporter citation where available. For recent or unreported decisions, Westlaw and Lexis citations are acceptable.

(3) Federal and State Statutes. Citations of federal statutes must include at least the title and section designation as the statute appears in the United States Code. Citations of state statutes must include at least the title and section designation as the statute appears in the state's official code.

(4) Unreported Decisions or Administrative Opinions. Citations of any unreported federal or state court decisions or administrative opinions must include Westlaw or Lexis citations.

(5) Availability of Cited Authority. If a cited authority is not available in any reporter or legal research database, a copy of the decision, order, statute, regulation, or other cited authority must be appended as an exhibit to the memorandum of law.

(e) Exhibits and Attachments. All exhibits or attachments to filed documents must be filed electronically, unless the Court permits filing in paper form. When uploading exhibits and attachments in CM/ECF, filers are required to select the appropriate document category and enter a brief description of each document. Failure to include the document description may result in the issuance of a deficiency notice

(f) Signatures.

(1) Electronically filed documents shall set forth the filer's name, address, telephone number, e-mail address, and, in the case of licensed attorneys, their Board of Professional Responsibility registration number.

(2) Only licensed attorneys may sign documents electronically.

(3) *Pro se* parties may not sign documents electronically. Documents submitted by *pro se* parties must contain an original signature.

(4) Documents requiring an original signature (e.g., affidavits, declarations, filings by *pro se* parties, etc.) shall be filed electronically by transmitting a scanned image of the document in PDF format. The filing party shall maintain the originally signed document for one year after all time periods for all appeals expire. On request of the Court, a filing party must provide the original document for review.

(5) Defendant's Signature. A document containing the signature of a defendant in a criminal case may, at the option of the Court, be filed: (1) in paper form with an original written signature or (2) in electronic form as a scanned image of the document containing an image of the defendant's original signature.

LCrR57.~~01~~02 – ATTORNEYS

[Renumbered. No changes to subsections (a)-(d).]

LCrR57.~~02~~03 – CJA PLAN

[Renumbered. No changes to text of rule.]

LCrR57.~~03~~04 – COURT REPORTERS AND TRANSCRIPTS

[Renumbered. No changes to text of rule.]

LCrR 57. ~~04~~05 PRODUCTION OF PRISONERS AND DETAINEES.

All motions and orders to produce prisoners ~~for testimony,~~or detainees must be filed ~~with the Clerk~~ at least fourteen (14) days prior to the date of the hearing. Relief from this ~~rule may be obtained by~~Rule requires an order of the Court.

LCrR57.~~05~~06 – RETENTION OF PRETRIAL SERVICES OR BAIL REVIEW REPORT

[Renumbered. No changes to text of rule.]

LCrR57.~~06~~07 – DESTRUCTION OF FILINGS

[Renumbered. No changes to text of rule.]

LCrR57.~~07~~08 – LAW STUDENT PRACTICE

[Renumbered. No changes to text of rule.]

LCrR57.~~08~~09 – AMENDMENTS

[Renumbered. No changes to text of rule.]

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