UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

IN RE:	)	
	)	
AMENDMENTS TO LOCAL RULES	)	
	)	ADMINISTRATIVE ORDER
	)	NO. 199-1
	)	

ORDER

The Court hereby gives notice of its intent to amend the Local Rules, as attached and incorporated herein by reference, to be effective January 24, 2020. The proposed amendments are as follows:

1. Local Rule 5.03 is modified to clarify the procedures for motions to seal, including when the party intending to use the materials is not the party requesting restricted access.

2. Local Rule 7.01 is modified to clarify that the rule's timing provisions do not apply to motions for summary judgment filed under Fed. R. Civ. Pr. 56.

3. Local Rule 16.01 is modified to include a blanket referral to Magistrate Judges of all non-dispositive matters not specifically excepted from 28 U.S.C. § 636(b)(1)(A).

4. Local Rule 16.04 is modified to clarify that all District Judges, Magistrate Judges, and Bankruptcy Judges are authorized to conduct ADR.

5. Local Rules 39.01 and 83.01 are modified to clarify the duties of all counsel of record in a case.

6. Local Rule 54.01 is modified to simplify the procedures for taxation of costs.

7. Local Rule 55.01 is modified to provide procedures for filing motions for entry of default.

8. Local Rules 56.01, 72.02, and 83.01 are modified to correct administrative errors in the previous revision of the rules.

9. Local Rule 83.01 is modified to clarify the rules for admission and discipline of members of the bar.

10. Local Criminal Rules 32.01 and 53.01 are modified to correct administrative errors in the previous revision of the rules.

11. Local Criminal Rule 16.01 is replaced by a new rule for discovery and inspection in criminal cases.

12. Local Criminal Rule 57.07 is added to allow law student practice in criminal matters, which requires renumbering of the current Local Criminal Rule 57.07 to Local Criminal Rule 57.08

The Clerk is directed to provide for public notice and an opportunity to comment on the Court's website. In addition, notice with instructions for providing comments shall be sent to attorneys registered with the Court's CM/ECF electronic filing system. Any comments should be provided to the Clerk by 5:00 PM local time on January 20, 2010. The Court will consider any comments received and make further amendments or orders as necessary. If no objections are received, no further order shall be required.

The Clerk shall furnish copies of this order and the rules as amended to the Judicial Council of the Sixth Circuit Court of Appeals and the Administrative Office of the U.S. Courts.

IT IS SO ORDERED.

Waverly D. Crenshaw, Jr.
Chief United States District Judge

Aleta A. Trauger
United States District Judge

William L. Campbell, Jr.
United States District Judge

Eli J. Richardson
United States District Judge

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

(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~~, which demonstrates compelling reasons to seal the documents and that the sealing is narrowly tailored to those reasons~~. 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), even if unopposed, must demonstrate compelling reasons to seal the documents and that the sealing is narrowly tailored to those reasons by specifically analyzing~~e~~ 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. An unopposed motion or agreed order that does not address the standards for sealing documents does not comply with this rule.

(b) Use of Document by Party Not Designating Documents as Confidential. ~~It shall be the burden of the~~The party intending to use information or documents designated in discovery as confidential ~~to~~ 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 ~~LR 7.01~~ subsection (a), either in a joint motion to seal or in a response under LR 7.01(a)(3).

(c) Redacted Filing. If practicable, the party requesting that some or all of a filing be sealed, shall 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.

(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 be stricken and may result in denial of the motion for entry of the proposed protective order.

LR7.01 – MOTIONS

(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 Rule 12, 56, 59, or 60, but including discovery motions, 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 motion that may require the resolution of an issue 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 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 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 shall not exceed twenty-five (25) pages without leave of Court. If a timely response 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 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 prevailing party shall not respond to a motion to reconsider 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 include in said motion a statement of reasons why an expedited disposition of the case or motion is necessary or desirable.

(d) Citations to Legal Authorities.

(1) United States Supreme Court Decisions. Citations to 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 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 federal statutes must include at least the title and section designation as the statute appears in the United States Code. Citations to 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 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) Applicability to Rule 56 Motions. The timing provisions of this rule do not apply to motions for summary judgment filed under Fed.R.Civ.P. 56, the procedures for which are governed by LR 56.01. Unless otherwise excepted by the language of this rule, all other provisions of this rule apply to Rule 56 motions.

LR16.01 – CASE MANAGEMENT

(a) Purpose of Case Management. The purpose of case management is to provide mandatory, court-supervised, case management tailored to the individual needs of each case. Management of cases is primarily and ultimately the responsibility of the lawyers acting in the best interests of their clients.

(b) Cases Subject to Mandatory Initial Case Management Conferences.

(1) All civil cases not specifically exempted by section (c) of this Rule are subject to a mandatory initial case management conference and case management as determined appropriate by the Judge.

(2) The Judge to whom a case is assigned may subject any of the exempted cases to case management conferences and other case management by order or notice.

(c) Cases Exempt from Mandatory Initial Case Management Conferences.

(1) All actions in which one of the parties appears *pro se*;

(2) All prisoner petitions filed under 42 U.S.C. § 1983, or under 28 U.S.C. § 2254 and § 2255;

(3) All actions for judicial review of administrative decisions of government agencies or instrumentalities where the review is conducted on the basis of the administrative record, including without limitation, Social Security appeals;

(4) Bankruptcy appeals filed pursuant to 28 U.S.C. § 158 and bankruptcy cases in which an Article III Judge is required to review proposed findings of fact and conclusions of law of the Bankruptcy Judge in non-core proceedings, under 28 U.S.C. § 157; provided, however, that cases withdrawn from Bankruptcy Court, pursuant to 28 U.S.C. § 157(d), are not exempted from the customized case management plan;

(5) Proceedings for admission to citizenship or to cancel or revoke citizenship;

(6) Proceedings to compel arbitration or to confirm or set aside arbitration awards;

(7) Proceedings to compel testimony or production of documents under a subpoena or summons issued by an officer, agency or instrumentality of the United States not provided with authority to compel compliance;

(8) Proceedings to compel testimony or production of documents in this District in connection with discovery or for the perpetuation of testimony for use in a matter pending or contemplated in a United States District Court of another District;

(9) Proceedings for the temporary enforcement of orders of the National Labor Relations Board;

(10) Any proceedings assigned a "miscellaneous case" number; and

(11) Civil actions by Veterans Administration or other government agencies for recovery of erroneously paid educational assistance.

(d) Discretionary Exclusions from Case Management. Upon motion by any party, or *sua sponte*, the Court may exclude any case from an initial case management conference or other case management. The parties may not stipulate or agree to exclude a case from case management without Court approval.

(e) Notice of the Initial Case Management Conference.

(1) At the time of filing of the complaint or notice of removal, the Clerk shall give notice of the date of the initial case management conference to the filing party.

(2) The filing party (which in a removal case is the party removing the case) must serve the notice of the initial case management conference on all other parties.

(f) Preparation for and Attendance at Initial Case Management Conference. The parties are responsible for preparation for and attendance at the initial case management conference as directed in the notice of initial case management conference, and as otherwise provided for in the applicable practice and procedures manual and/or sample initial case management orders. If both the District Judge and the Magistrate Judge assigned to the case utilize a sample initial case management order, the parties must ensure that the proposed initial case management order incorporates the provisions of both sample orders.

(g) Discovery Conference, Discovery Plan, and Stays of Discovery. In preparation of their joint proposed initial case management order, as directed by the notice of initial case management conference, the parties must discuss, and if required by the Judge, provide in the proposed initial case management order for, the matters addressed in Fed.R.Civ.P. 26(f), including but not limited to matters related to e-discovery as outlined in Administrative Order 174-1. Unless otherwise directed by the Judge, it shall not however be necessary for the parties to file a discovery plan separate from their proposed initial case management order. Discovery is not stayed, including during the pendency of dispositive motions, unless specifically authorized by Fed.R.Civ.P. 26(d) or by order of the Court, or with regard to e-discovery, as outlined in Administrative Order 174-1.

(h) Dispositive Motions and Target Trial Dates.

(1) Proposed deadlines for any dispositive motions must be sufficiently in advance of the target trial date to allow for briefing and resolution of the dispositive motions in advance of trial. Absent court order, no dispositive motion deadline, including response and reply briefs, shall be later than ninety (90) days in advance of the target trial date.

(2) If the Magistrate Judge is responsible for case management, the Magistrate Judge shall enter an order giving notice to the District Judge and the parties of the filing of a dispositive motion.

(i) Non-dispositive Motions

The case management judge will rule on all matters not specifically excepted from the coverage of 28 U.S.C. § 636(b)(1)(A).

LR16.04 – ADR: JUDICIAL SETTLEMENT CONFERENCES

(a) Settlement Judge. Settlement conferences will ordinarily be conducted by a Magistrate Judge other than the Judge to whom the case is assigned, except when requested and agreed upon by the parties that the Magistrate Judge to whom the case is assigned should handle the settlement conference or the Magistrate Judge to whom the case is assigned deems it appropriate to preside over the settlement conference because of the exigencies of the case. All district judges, magistrate judges, and bankruptcy judges are authorized to act as settlement judges, mediators, or neutrals.

(b) Scheduling Settlement Conferences. A Judge who is assigned to the case may schedule a settlement conference as part of the case management order or as a result of discussions during a case management conference, with or without the consent of any or all parties. A

party may file a motion requesting a settlement conference, if a settlement conference is not otherwise provided in the case management order.

LR39.01 – TRIAL PROCEDURES

(a) Presence of Counsel.

(1) Duty of Counsel.

(A) Entry of an appearance or otherwise participating as counsel of record is a representation that the attorney will be prepared to conduct the trial of the case, from which the attorney may only be relieved by approval of the Court.

(B) In all jury cases, all counsel must be present at all portions and phases of trial including the time during which the jury is considering its verdict unless excused by the Court.

(2) Presumed Present. Unless the contrary affirmatively appears of record, it will be presumed that the parties and their counsel are present at all stages of the trial, or if absent, that their absence was voluntary and constituted a waiver of their presence.

(3) Decorum.

(A) Only one (1) attorney representing each interest in the litigation may examine or cross-examine an individual witness, and not more than two (2) attorneys for each interest in the litigation may argue the merits of an action or proceeding, unless the Court otherwise permits.

(B) During court proceedings all attorneys must stand when speaking. All objections and comments thereon must be addressed to the Court. There shall be no colloquy between opposing counsel.

(C) During court proceedings neither counsel nor parties may leave the courtroom without prior approval of the Court.

(b) Presence of Parties. All parties, plaintiffs and defendants, must be present at any trial unless prior approval of the absence of a party is obtained from the Court.

(c) Witnesses.

(1) Witness List. At the beginning of the trial, counsel must deliver to the Courtroom Deputy Clerk a list in triplicate of all witnesses expected to testify in the case. In civil cases a copy of the list must also be furnished to opposing counsel. The list must contain an abbreviated statement of the connection of the witness to the litigation.

(2) Background Information. When a witness takes the stand, the examining attorney may read such background information as the attorney desires to give concerning the witness and the connection of the witness to the litigation, and then solicit a response from the witness as to the correctness of the information read. The second question should address the issues in litigation.

(3) Approaching the Witness. During the testimony of a witness, the attorney may not approach the witness box without the Court's approval. All documents and objects to be shown to the witness shall be passed to the witness by the court officer.

(4) Deposition Testimony. In jury cases, when a deposition is to be used at trial as the basic testimony of a witness, all counsel offering the deposition must, at least fourteen (14) days prior to the trial date, unless directed otherwise by order of the Court, advise opposing counsel of those portions of the deposition to be read from a transcript, or played on video, to the jury. Such portions are to be designated by underlining or otherwise marking on the deposition transcript, and if such designations are made on

the same copy of the deposition transcript by attorneys representing different interests in the litigation, contrasting colors shall be used. All repetitious and irrelevant questions and answers and all colloquies between counsel—including objections to questions, instruction to the deponent, and all remarks—must be deleted. All objections to portions of the depositions thus prepared must be filed, along with any videos, no later than seven (7) days before trial or as otherwise ordered by the Court. All such objections must be accompanied by a statement certifying that all counsel have conferred in a good faith effort to resolve by agreement the objections and that counsel have not been able to do so. If certain objections have been resolved by agreement, the statement must specify the objections remaining unresolved.

(5) Expert and Character Witnesses.

(A) Limitation on Number of Experts. No more than three (3) witnesses may be called by any party in a case to give expert testimony as to any subject, or to impeach or sustain the character of a witness, absent prior approval of the Court.

(B) Stipulation to Qualification as Expert. To obviate the need for qualification of expert witnesses at trial, opposing counsel must, when possible, stipulate prior to trial that an individual who is to testify as an expert witness qualifies as an expert.

(C) Expert Disclosures and Supplementation. Expert witness disclosures must be made timely in accordance with any order of the Court, or if none, in accordance with Fed.R.Civ.P. 26(a)(2). Expert witness disclosure statements may not be supplemented after the applicable disclosure deadline, absent leave of Court. Expert witnesses may not testify beyond the scope of their expert witness disclosure statement. The Court may exclude the testimony of an expert witness, or order other sanctions provided by law, for violation of expert witness disclosure requirements or deadlines.

(D) Rebuttal Experts. No rebuttal expert witnesses shall be permitted at trial, absent timely disclosure in accordance with these Rules and leave of Court.

(E) Presentation of Expert Testimony at Trial. The court may require that the direct testimony of an expert witness, other than a treating physician, be reduced to writing and a copy thereof filed and served upon opposing counsel at least seven (7) days before trial or as otherwise provided by the Court. If so ordered, the following procedures shall apply. Such written statement must contain every material fact and opinion to which the witness would testify on direct examination if the witness were asked the appropriate questions. When the expert witness is called to testify at trial, the expert shall be sworn. After the expert witness is sworn and seated, the qualifications as an expert shall be recited by the attorney who has called the expert witness. Thereafter, the attorney may interrogate the witness as to the specific qualifications of expertise that have direct bearing on the subject matter of the case. If objection to the witness's qualifications is raised, the objecting party may conduct a *voir dire* as to qualifications. Unless objection is raised to the qualifications of the witness as an expert, the witness shall then read the written statement aloud to the trier of facts. During the reading of the statement, the witness may refer to a mechanical device, drawing, chart, photograph, or other exhibit in order to explain the expert's testimony. After the witness has read the prepared statement, the attorney who called the witness may ask additional questions to further explain his opinion. However, the witness may not proffer any opinion not

encompassed in the written statement. At the conclusion of the witness's direct examination in the manner described above, cross-examination and redirect will proceed as usual.

(d) Exhibits. All documentary exhibits on the exhibit list must be prepared in a sufficient number of copies to provide one copy each for the witness, the Court, each opposing counsel, and the examining attorney. The original exhibit shall be provided to the Courtroom Deputy Clerk.

(e) Supplementation of Discovery Responses. Unless provided otherwise in a pretrial or other order, discovery responses must be supplemented no later than thirty (30) days before trial. Failure to timely supplement precludes the proffer at trial of any evidence within the scope of the interrogatories or other responses that was not previously brought to the attention of opposing counsel, absent Court approval. A violation of this Rule, which expands the duty to supplement imposed by Fed.R.Civ.P. 26(e), may also result in the imposition of other sanctions, including taxing of costs to the culpable party for any delays caused.

(f) Subpoena of Trial Witnesses. Should an attorney deliver subpoenas for witnesses in civil cases to another individual for service, such subpoenas must be delivered along with an advance of such funds as may be required, and otherwise in accordance with the Federal Rules of Civil Procedure, at least fourteen (14) days prior to the trial date. If this requirement has not been met, a motion for continuance grounded upon failure of a witness to be served or to appear will not be granted except upon a showing of extenuating circumstances.

(g) Jurors.

(1) Interactions with Jurors. All attempts to curry favor with juries are unprofessional and disfavored. Suggestions of counsel regarding the comfort or convenience of jurors, including without limitation, propositions to dispense with argument or peremptory challenges for the convenience of the jury, must be made to the Court out of the jury's hearing. Before and during the trial, an attorney must avoid conversing or otherwise communicating with a juror on any subject, whether pertaining to the case or not, and must not make any attempt to identify with any juror.

(2) Post-Verdict Interview of Jurors. No attorney, party, or representative of either may interview a juror after the verdict has been returned without prior approval of the Court. Approval of the Court may be sought only by counsel orally in open court, or upon written motion that states the grounds and the purpose of the interview. If a post- verdict interview of one or more members of the jury is approved, the scope of the interview and other appropriate limitations upon the interview will be determined by the Judge prior to the interview.

LR54.01 – COSTS AND ATTORNEY'S FEES

(a) Costs. If counsel for the litigants in a civil case are able to agree on costs, they need not file a bill of costs with the Clerk. If counsel cannot agree, a bill of costs, with supporting documentation, must be filed by the prevailing party with the Clerk within thirty (30) days from the entry of the judgment in the case. A copy of said bill of costs must be served on opposing counsel. The filing of a bill of costs in the Court's CM/ECF system and the subsequent Notice of Electronic Filing (NEF) that is generated and emailed to case participants, or in the case of a paper filing the filing and service of a Bill of Costs by the

filer, shall constitute the commencement of the 14-day notice period required under Fed.R.Civ.P. 54(d)(1)for the taxation of costs by the Clerk. Upon expiration of the 14-day period, the Clerk shall tax costs as sought by the prevailing party unless an objection is filed by the opposing party. If objections are filed within the 14-day period, the Clerk shall review the objections and make a determination as to whether and in what amount the costs should be taxed. ~~Notice of the proposed taxation shall be provided by the Clerk and any exceptions to the proposed taxation must be filed within fourteen (14) days from the filing of the Notice of Taxation. Following consideration of the exceptions t~~The Clerk shall then issue a Taxation of Costs assessing the costs. Any motion seeking court review of the Clerk's taxation must be filed within seven (7) days from the date of the filing of the Taxation of Costs by the Clerk.

(b) Attorney's Fees

(1) After Entry of District Court Judgment. Unless otherwise provided by statute or order of the Court, a motion for an award of attorney's fees and related nontaxable expenses must be filed within thirty (30) days from the District Court's entry of final judgment in the case.

(2) After any Appeal. Unless otherwise provided by statute or order of the Court, a motion for an award of attorney's fees and related nontaxable expenses for appellate and Supreme Court litigation in the case must be made within thirty (30) days of the entry of the Sixth Circuit mandate and, if applicable, thirty (30) days from the denial of a petition for certiorari or other final decision of the Supreme Court.

(3) Social Security Appeals.

(A) Any application for attorney's fees under 28 U.S.C. § 2412(d)(1)(A) must be filed within thirty (30) days of the order of remand or reversal, and must be accompanied by the supporting documents described in this rule.

(B) Any application for attorney's fees under 42 U.S.C §406(b) must be filed within thirty (30) days after plaintiff's federal court attorney has received all of the Notices of Award that are necessary to calculate the total amount of retroactive benefits payable. An application submitted beyond the 30-day period will be considered only upon a showing of good cause for the delay. In addition to the required supporting documents described in this rule, a copy of the Notice(s) of Award must accompany any application for fees under this section.

(c) Requirement for Supporting Documents; Deadline for Objections. A motion or application for an award of attorney's fees must be supported by a separately filed memorandum of law as to the authority of the Court to make such an award, and as to why the movant should be considered the "prevailing party," if such is required for the award. The motion must also be supported by an accompanying affidavit of counsel setting out in detail the number of hours spent on each aspect of the case, the rate customarily charged by counsel for such work, the prevailing rate charged in the community for similar services, and any other factors that the Court should consider in making the award. The party or parties against whom the award is requested must file any objections within fourteen (14) days of the filing of the motion. The objections must be accompanied by a memorandum setting forth the objecting party's contentions why the award is excessive, unwarranted, or unjust. Failure to file timely objections may be deemed to be no opposition to the requested fees.

LR55.01 – MOTIONS FOR ENTRY OF DEFAULT.

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.

LR56.01 − MOTIONS FOR SUMMARY JUDGMENT

(a) Time for Response. Motions for summary judgment pursuant to Fed.R.Civ.P. 56 ~~of the~~ must be in accordance with that Rule except that the party opposing the motion shall have twenty-one (21) days after service of the motion in which to serve a response, unless otherwise ordered by the Court.

(b) Statement of Undisputed Material Facts. In order to assist the Court in ascertaining whether there are any material facts in dispute, any motion for summary judgment made pursuant to Fed.R.Civ.P. 56 must be accompanied by a separate, concise statement of the material facts as to which the moving party contends there is no genuine issue for trial. Each fact must be set forth in a separate, numbered paragraph. Each fact must be supported by specific citation to the record. After each paragraph, the word "response" must be inserted and a blank space provided that is reasonably calculated to allow the non-moving party sufficient space to respond to the assertion that the fact is undisputed. 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.

(c) Response to Statement of Facts. Any party opposing the motion for summary judgment must respond to each fact set forth by the movant by either:

(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.

The response must 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 ~~undisputed~~ 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 ~~undisputed~~ 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.

(d) Reply Statement. If the non-moving party has asserted additional disputed facts, the moving party must ~~respond to these additional facts by filing a~~ file a reply statement ~~in the same manner and form as specified in section (b) and (c) above~~ 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 of the response of the non-moving party.

(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.

(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.

LR72.02 – MAGISTRATE JUDGES – DISPOSITIVE MATTERS

(a) Objections to a Report and Recommendation of a Magistrate Judge. Objections to a report and recommendation of a Magistrate Judge on a dispositive motion must be made within fourteen (14) days after service of the report and recommendation in accordance with Fed.R.Civ.P. 72(b). Such objections must be written, must state with particularity the specific portions of the Magistrate Judge's report or proposed findings or recommendations to which an objection is made, and must be accompanied by sufficient documentation including, but not limited to, affidavits, pertinent exhibits, and if necessary, transcripts of the record to apprise the District Judge of the bases for the objections. A separately filed supporting memorandum of law, not exceeding twenty-five (25) pages, must accompany the objections.

(b) Response. Any response to the objections ~~raised in the motion for review and accompanying memorandum of law~~ must be filed within fourteen (14) days after service of the objections, and may not exceed twenty-five (25) pages.

LR83.01 – ATTORNEYS

(a) Eligibility and Procedure for Admission.

(1) To be eligible for admission to the bar of this Court, an attorney must be a member in good standing of the bar of the State of Tennessee, any other State or Territory of the United States, or the District of Columbia. If the applicant is not a member of the bar of Tennessee, the applicant must be a member in good standing of a United States District Court or a United States appellate court.

(2) Each applicant for admission to the bar must file with the Clerk a written application, on the form provided by the Clerk, setting forth the information required by the application, including the attorney's residence and office addresses, general and legal education, ~~and~~ the other courts to which the attorney has been admitted to practice, and

prior or pending criminal charges or disciplinary proceedings against the attorney. The application must be signed by two members in good standing of the bar of this Court who recommend the attorney's admission.

(3) The Clerk will examine the application and the accompanying recommendation, and, if in compliance with this rule, the application will then be presented to a Judge of this Court. The applicant will make suitable arrangements thereafter with the Clerk for the applicant's appearance and admission in open court or in chambers in accordance with this rule.

(4) When an application is called, one of the members of the bar of this Court must move the admission of the petitioner.

(5) The applicant, after taking the required oath, must then sign the roll of attorneys and must pay to the Clerk the prescribed enrollment fee.

(6) Any attorney applying for admission to practice must be introduced to the Court, and admitted to practice, within six (6) months from the date on which the attorney's application is approved. After that time, a new application, in accordance with this rule, must be completed and approved before the attorney may be admitted.

(7) Any attorney employed in the offices of the United States Attorney or the Federal Public Defender for the Middle District of Tennessee who is admitted to the bar of any State or Territory of the United States or the District of Columbia may be admitted to practice in this Court and entered on the roll of the Court without the necessity of either an application for admission or payment of any admission fee. However, prior to entry on the roll of the Court, the attorney must provide a certificate of admission or other confirmation of admission to the bar of a State or Territory of the United States or the District of Columbia. The fee waiver extended under this rule is effective only during the attorney's employment with the specified office. When an attorney admitted under this section discontinues employment with the specified office, the attorney must pay the fee for admission then in effect and be otherwise eligible to practice before the Court to remain on the roll of the Court.

(8) Law clerks in the employ of the United States Courts may be admitted to practice in this Court through the normal application process if such law clerk is admitted to the bar of any State or Territory of the United States or the District of Columbia. The law clerk must provide with the application a certificate of admission or other confirmation of admission to the bar of a State or Territory of the United States or the District of Columbia. The admission fee is waived for law clerks in the employ of this Court, or otherwise as the Chief District Judge may determine to be appropriate.

(b) Admission *Pro Hac Vice*. Any member in good standing of the bar of any other District Court of the United States who is not a resident of this District and who does not maintain an office in this District for the practice of law, may be permitted to appear and participate in a particular case in this Court subject to the following provisions:

(1) No later than the first pleading filed in this Court, the attorney must certify the attorney's good standing as a member of the bar of another United States District Court or a United States appellate court. In cases where an attorney enters an appearance subsequent to the first pleading filed, the certification of good standing must be filed no later than the first filing upon which the attorney's name appears. Certification of good standing must be made by filing a certificate of good standing from a United States District Court or a United States appellate court. The non- resident attorney will

be admitted to practice in a particular case on written motion made and order entered by the Court, after payment of the required fee.

(2) The applicant attorney must state under oath whether disciplinary proceedings by any disciplinary authority, ~~or~~ a finding of contempt or a sanction under 28 U.S.C. § 1927 by any court, or any criminal charges have been instituted against the attorney, and if so, must disclose full information about the proceeding or charges and the outcome thereof.

(3) When an attorney applies to be admitted or is admitted to this Court for purposes of a particular proceeding (*pro hac vice*), the attorney is deemed thereby to have:

(A) Acknowledged the attorney's responsibility for compliance with all rules of this Court; and

(B) Conferred disciplinary jurisdiction upon this Court for any alleged misconduct of that attorney arising in the course of the proceeding. In addition to visiting counsel, local counsel, if any, remains responsible to the Court at all stages of the proceedings.

(4) All business entities must be represented by an attorney duly admitted or authorized to practice before this Court.

(c) Disbarment and Discipline.

(1) Except as provided below, any member of the bar of this Court may, for good cause shown, and after an opportunity to be heard has been given, be disbarred, suspended from practice for a definite time, reprimanded, or subjected to such other discipline as the Court may deem proper.

(2) ~~Whenever any member of the bar of this Court has been disbarred or suspended from practice by law, or has been convicted of any crime involving moral turpitude, the attorney will be summarily suspended from practice before this Court, and unless good cause to the contrary is shown within 28 days from the date of such suspension, the Court may impose such further discipline as it deems proper.~~Any attorney who is administratively suspended from the practice of law, for any reasons provided for in Rule 9, Section 30.3, of the Rules of the Supreme Court of the State of Tennessee, will be automatically suspended from the practice of law in this Court, without the requirement of a separate order. The Clerk will also suspend the attorney's CM/ECF filing privileges. To reinstate practice privileges in this Court, the attorney must notify the Clerk of Court that the attorney has been readmitted to practice by the Tennessee Supreme Court. The Clerk will then confirm the attorney's status with the Tennessee Board of Professional Responsibility. If verified as active, the Clerk will reinstate the attorney's practice and CM/ECF filing privileges in this Court without the attorney's reapplication for admission, unless there is another reason to deny the privilege to practice before this Court.

(3) Any attorney who is disbarred or suspended as a disciplinary sanction by the Tennessee Supreme Court under its rules, or by any regulatory authority or tribunal outside Tennessee, or who is convicted of a crime involving fraud or dishonesty that attorney will be automatically suspended from the practice of law in this Court without the requirement of a separate order. The Clerk will also suspend the attorney's CM/ECF filing privileges. Any attorney who is disbarred or suspended as a disciplinary sanction by the Tennessee Supreme or by any regulatory authority or tribunal outside Tennessee or who is convicted of a crime involving fraud or dishonesty must immediately notify

this Court, independent of any disciplinary rules or orders that might otherwise apply to the attorney's suspension or disbarment. To reinstate practice privileges, the attorney must reapply for admission under the Court's rules and procedures for admission to practice. In considering applications for readmission, this Court is not bound by the decisions of the Tennessee Supreme Court, the Board of Professional Responsibility of the Tennessee Supreme Court, or any other regulatory authority or tribunal, and in each case this Court will make its own determination as to the attorney's fitness to practice law in this Court. If the attorney is readmitted, the Clerk will reinstate the attorney's CM/ECF filing privileges.

(4) Any attorney who no longer has an active license to practice law, including because the license has been placed on inactive or disability status, will be automatically suspended from the practice of law in this Court, without the requirement of a separate order. The Clerk will also suspend the attorney's CM/ECF filing privileges. Any attorney whose license to practice is placed on inactive or disability status must immediately notify this Court, independent of any disciplinary rules or orders that might otherwise apply to the attorney's inactive status. To reinstate practice privileges in this Court, the attorney must notify the Clerk of Court that the attorney has been readmitted to practice by the Tennessee Supreme Court or other licensing tribunal. The Clerk will then confirm the attorney's status with the Tennessee Board of Professional Responsibility or other regulatory tribunal. If verified as active, the Clerk will reinstate the attorney's practice and CM/ECF filing privileges in this Court without the attorney's reapplication for admission, unless there is another reason to deny the privilege to practice before this Court.

(~~3~~5) Except as otherwise provided by these Rules, any person who, before admission to the bar of this Court or during any disbarment or suspension proceedings, exercises in this Court any of the privileges as a member of the bar of this Court, or pretends to be entitled to do so, is guilty of contempt and subject to appropriate punishment.

(~~4~~6) The standard of professional conduct of the members of the bar of this Court shall include the current Tennessee Rules of Professional Conduct. A violation of any of the Rules of Professional Conduct in connection with any matter pending before this Court will subject the offending attorney to appropriate disciplinary action. The Court may appoint a grievance committee to investigate complaints of professional misconduct by an attorney in connection with that attorney's practice in this Court. In such case the committee appointed will operate under the directions of the Court and may take such actions as directed by the Court. In the alternative, such complaints may be forwarded by the Court to the appropriate disciplinary authority. This Rule shall not apply to RPC 3.6 (Trial Publicity), which is superseded as a rule of this District by LR 83.04 and LCrR2.01.

(d) Local Co-Counsel in Civil Proceedings.

(1) General requirement. Unless counsel appearing on behalf of a party in a civil case is both a member of the Tennessee bar and admitted to the bar of this Court, local co-counsel must be retained.

(2) Exception for U.S. Government Attorneys. An attorney representing the United States government or any department or agency thereof, or an attorney with the office of the Federal Public Defender, may appear and participate on behalf of a party without

local co-counsel, provided the attorney is a member of the bar of a District Court of the United States and has been admitted *pro hac vice* in the case.

(3) Notification of Tennessee Bar Status. Any attorney who is a member of the Tennessee bar and admitted to practice in this Court but whose principal office is outside the state of Tennessee, must include in the signature line on all filings a notation that they are a member of the Tennessee bar and provide their Tennessee Board of Professional Responsibility number.

(4) Non-Compliance. Any filings made on behalf of a party that fail to comply with this rule in retention of local counsel or notification of Tennessee bar status may be stricken or other penalties imposed by the Court, either upon motion or upon the Court's own initiative.

(5) Discretion of Court. A Judge assigned to the case has discretion to require, upon notice, that an attorney who resides outside the District designate as local counsel an attorney who is admitted to practice in this Court and maintains a law office in this District, who shall be prepared to present and argue the party's position at any hearing or status conference.

(6) Responsibilities of Local Co-Counsel. Local counsel is equally responsible with *pro hac vice* counsel for all aspects of the case.

(e) Appearance by Attorney.

(1) Representation of Parties in Civil Cases. Any attorney representing a party in any civil action must file a separate Notice of Appearance, except that an attorney who has signed the original complaint, petition, or notice of removal is not required to file a Notice of Appearance. The Notice of Appearance must be filed by the attorney promptly upon undertaking the representation and before or contemporaneously with the filing of any paper, other than a complaint, petition, or notice of removal, by such attorney. Each attorney who intends to participate in a case is responsible for ensuring that attorney is reflected as counsel of record on the electronic case docket, which may require the filing of a Notice of Appearance if the attorney's participation is not reflected as a result of any other filing.

(2) Representation of Witnesses in Civil Actions. An attorney representing a witness in any civil action must file a separate Notice of Appearance with the Clerk of the Court. The Notice must be filed by the attorney promptly upon undertaking the representation and prior to the attorney's appearance on behalf of the witness client at any hearing. For the purposes of this rule, an attorney shall be deemed to be appearing for and representing a witness if the attorney is present within the courthouse and advising such witness in connection with the witness's testimony.

(3) Action by Represented Party. Whenever an attorney has entered an appearance for a party or individual, that party or individual may not thereafter appear or act in their own behalf in the action or proceeding.

(4) Duty of Counsel. Entry of an appearance or otherwise participating as counsel of record is a representation that the attorney will be prepared to conduct the trial of the case, from which the attorney may only be relieved by approval of the Court.

(f) Notice of Tennessee Office Address. Any attorney who has an office address in Tennessee but whose official mailing address is located outside Tennessee, must include the Tennessee address as a physical location address in addition to the official mailing address.

(g) Withdrawal as Attorney of Record. Any attorney desiring to withdraw as the attorney of record for a party must file a motion to withdraw, which must set forth the reasons for the withdrawal request and must certify that such attorney has given written notice to the client of the attorney's intention to withdraw from the case. A copy of the notice must be appended as an exhibit to the motion to withdraw. Such notice to the client must be given at least fourteen (14) days prior to the filing of the motion to withdraw. Ordinarily counsel will not be allowed to withdraw if such withdrawal will delay trial or other pending matters in the case. If the party represented by the withdrawing attorney is still being represented by another attorney of record from the same law firm, the withdrawing attorney need only file a Notice of Withdrawal.

(h) Substitution of Counsel. Any attorney substituting as counsel of record for a party must promptly file a motion for substitution of counsel. The substituting attorney's signature on the motion constitutes a certification that the substitution is made with the party's consent and agreement.

LCrR16.01 – DISCOVERY AND INSPECTION

(a) Discovery in Criminal Cases.

(1) Discovery Conference: No later than fourteen (14) days after the arraignment, the attorneys for the government and the defendant must confer in an effort to agree on a timetable and procedures for pretrial disclosure under Fed.R.Crim.P. 16. The parties shall memorialize any agreement in writing.

(2) Modification of Discovery: After the discovery conference, one or both parties may ask the court to determine or modify the timing, manner, or other aspects of disclosure to facilitate preparation for trial.

(3) Preservation: The government must advise its agents and officers involved in the case to preserve all rough notes in whatever form.

(4) Aggrieved Person. The government must state whether the defendant was an aggrieved person, as defined in 18 U.S.C. § 2510(11), of electronic surveillance, and if so, must set forth in detail the circumstances thereof.

(5) Independent Chemical Analysis. The government must, upon request, deliver to any chemist selected by the defense, who is presently registered with the Attorney General in compliance with 21 U.S.C. §§ 822 and 823, and 21 C.F.R. §3101, a sufficient representative sample of any alleged contraband which is the subject of the indictment, to allow independent chemical analysis of such sample with appropriate safeguards for the preservation of evidence.

(6) Inspection. Upon request, the government must permit the defendant, his counsel, and any experts selected by the defense to inspect any automobile, vessel, or aircraft in the custody or control of the government and allegedly utilized in the commission of any offenses charged. Government counsel must, if necessary, assist defense counsel in arranging such inspection at a reasonable time and place, by advising the government authority having custody of the thing to be inspected that such inspection has been ordered by the Court.

(7) Independent Expert Examination. Upon request, the government must provide the defense, for independent expert examination, copies of all latent fingerprints or palm prints, and any DNA evidence, that have been identified by a government expert as that of the defendant.

(8) Stipulations. The parties must make every possible effort in good faith to stipulate to all facts or points of law the truth and existence of which is not contested and the early resolution of which will expedite the trial.

~~(b) Discovery Motions: **Discovery motions shall not be filed unless the parties are unable to reach an agreement after good faith conference between counsel. Motions regarding discovery under Fed.R.Crim.P. 16 or LCrR 16.01(a), must be filed within fourteen (14) days after a discovery request is denied or the discovery is otherwise due pursuant to LCrR 16.01, Fed.R.Crim.P. 16 or order of the Court. Each discovery motion must include the certification required by LCrR 12.01(d). A response must be filed within seven (7) days after the motion is filed and served, unless the Court orders otherwise.**~~

LCrR16.01 – DISCOVERY AND INSPECTION

(a) Discovery in Criminal Cases.

(1) Unless an extension of time is agreed to, no later than fourteen (14) days after the date (or effective date) of arraignment, subsections (A), (B), and (C) shall be complied with.

(A) **Automatic Discovery.** The government shall provide the discovery identified in Fed. R. Crim. P. 16(a)(1)(A)–(F). No formal request by the defendant is necessary to trigger this obligation. If, however, the defendant accepts production of such discovery, then his or her acceptance will be deemed to trigger the defendant's reciprocal discovery obligations under Fed. R. Crim. P. 16(b)(1)(A) and (B).

(B) **Aggrieved Person.** The government shall state whether the defendant was an aggrieved person, as defined in 18 U.S.C. § 2510(11), of electronic surveillance, and if so, shall set forth in detail the circumstances thereof.

(C) **Documents Relating to Identification of the Defendant**. In any case involving a lineup, showup, photospread, or similar identification proceeding, the government shall provide the defendant with all relevant documents relating to the proceeding, including any pictures used.

(2) The expert witness disclosure obligations of the government and the defendant are governed by Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Crim. P. 16(b)(1)(C).

(3) **Exculpatory and Impeachment Information and Material.** The government shall provide exculpatory and impeachment information and material to the defendant at the following times, absent the issuance of a protective order by the Court:

(A) Information and material that is exculpatory within the meaning of *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny must be disclosed reasonably promptly upon discovering it.

(B) Information and material that is impeaching within the meaning of *Giglio v. United States*, 405 U.S. 150 (1972), and its progeny must be disclosed within a reasonable time before trial to allow the trial to proceed efficiently.

(C) In making these disclosures, the government is expected to take a broad view of what constitutes exculpatory and impeachment information.

(4) **Informant's Prior Record.** The government shall obtain the record of prior convictions of any alleged informant who will testify for the government at trial so that the record will be available to the defendant at trial.

(5) **FRE 404(b) Evidence.** The government shall advise the defendant of its intention to introduce during its case in chief evidence pursuant to Fed. R. Evid. 404(b). This

disclosure shall be made sufficiently in advance of trial that the defendant may prepare to object to and/or counter such evidence.

(6) **Independent Chemical Analysis.** Upon request, the government shall deliver to any chemist selected by the defense, who is presently registered with the Attorney General in compliance with 21 U.S.C. §§ 822 and 823, and 21 C.F.R. § 3101, a sufficient representative sample of any alleged contraband that is the subject of the indictment, to allow independent chemical analysis of such sample with appropriate safeguards for the preservation of evidence.

(7) **Inspection.** Upon request, the government shall permit the defendant, his counsel, and any experts selected by the defense to inspect any automobile, vessel, or aircraft in the custody or control of the government that allegedly was utilized in the commission of any offenses charged. Government counsel shall, if necessary, assist defense counsel in arranging such inspection at a reasonable time and place, by advising the government authority having custody of the thing to be inspected that such inspection has been ordered by the Court.

(8) **Independent Expert Examination.** Upon request, the government shall provide the defense, for independent expert examination, copies of all latent fingerprints or palm prints and all DNA evidence identified by a government expert as those of the defendant.

(9) **Preservation.** The government shall advise its agents and officers involved in the case to preserve all rough notes in whatever form.

(10) **Insanity Defense.** If the defendant intends to rely upon the defense of insanity at the time of the alleged crime, or intends to introduce expert testimony relating to a mental disease, defect, or other condition bearing upon the issue of whether the defendant had the mental state required for the offense charged, the defendant shall give written notice thereof to the government sufficiently in advance of the trial that the government may obtain proof to oppose such a defense.

(11) **Continuing Duty.** It shall be the continuing duty of counsel for both sides to immediately reveal to opposing counsel all newly discovered information or other material as to which disclosure is required by this Rule.

(12) **Stipulations.** The parties shall make every possible effort in good faith to stipulate to all facts or points of law the truth and existence of which is not contested and the early resolution of which will expedite the trial.

(b) **Motions Related to Discovery.** Discovery motions shall not be filed unless the parties are unable to reach an agreement after good faith consultation between counsel. Motions regarding discovery shall be filed within fourteen (14) days after a discovery request is denied or the discovery is otherwise due pursuant to LCrR 16.01, Fed. R. Crim. P. 16 or order of the Court. A response shall be filed within seven (7) days after the motion is filed and served, unless the Court orders otherwise.

LCrR32.01 – SENTENCING

(a) Initial Disclosure. Upon a finding of guilt or at the conclusion of the hearing on the petition to enter a plea, a sentencing hearing date shall be set at least eighty (80) days from the finding of guilt or hearing on the petition to enter a plea.

(b) Presentence Interview and Presentence Report.

(1) After a finding of guilt, the Probation Officer shall give notice and a reasonable opportunity to the defense counsel to attend any interview initiated by the Probation Office with the defendant.

(2) The attorneys must confer with the Probation Officer during the presentence investigation process with a view toward resolving any disputed facts or factors. All parties must communicate in a timely manner so that errors can be corrected and disputed issues fairly addressed.

(3) When the Presentence Report is completed, the United States Probation Office must furnish a copy of the report to the attorneys of record. The defendant's attorney must review the Presentence Report with the defendant in-person. If an in-person review is not reasonably possible, the defendant's attorney must seek leave of court to review the Presentence Report with the defendant by some other means.

(4) Absent an order by the Court, Presentence Reports provided to the attorneys may be retained by them.

(c) Objections to the Presentence Report.

(1) Within fourteen (14) days after receiving the Presentence Report, the defendant's attorney and the attorney for the government must communicate in writing to the Probation Office, and to each other, any objections to material information, sentencing classifications, sentencing guideline ranges, and policy statements contained in or omitted from the Presentence Report.

(2) After receiving objections, the Probation Officer may meet with the defendant, defense counsel, and attorney for the government to discuss the objections. The Probation Officer may also conduct a further investigation and revise the Presentence Report as appropriate.

(3) Within seven (7) days of receiving the objections, the Probation Officer must disclose to all parties any changes or unresolved factual disputes or objections to the report.

(4) At least seven (7) days prior to sentencing, the defendant's attorney and the attorney for the government must file (not under seal unless ordered by the Court upon motion) with the Clerk, with a copy to the United States Probation Office and opposing counsel, their respective "Position of the (Government or Defendant) Regarding Presentence Report" containing only unresolved matters previously raised with all parties in writing.

(d) Final Disclosure. The United States Probation Office must transmit to the sentencing Judge at least seven (7) days before the sentencing date the Presentence Report with guideline computations, an addendum indicating any unresolved factual disputes or objections by the parties with respect to the application of the guidelines, the Probation Officer's recommendations on disputed matters. Such material must also be furnished to the defense counsel and the attorney for the government.

(e) Section 3553(a) Factors. Notwithstanding limitations in plea agreements to the contrary, by no later than three (3) days before the sentencing hearing, unless ordered otherwise by

the Court, counsel for all parties must file a statement identifying any relevant factors that may be applicable at sentencing pursuant to 18 U.S.C. § 3553(a).

(f) Other Sentencing Filings. All other sentencing related filings must be filed by no later than three (3) days before the sentencing hearing or as otherwise ordered or permitted by the Court.

(g) Sentencing Hearing. The Judge, before imposing sentence, will conduct such hearing as may be deemed necessary to resolve any disputed factors or facts and may allow the attorney for the government and the defense attorney reasonable opportunity to comment either orally or in writing upon the Probation Officer's determination and on other matters relating to the appropriate sentence.

(h) Special Assessments. ~~The Clerk must accept payment of special assessments without requiring that a judgment and commitment order be entered.~~Absent an order from the Court, the Clerk will not accept payments for criminal monetary penalties, including special assessments, fines or restitution, before sentenced is imposed.

LCrR53.01 – PHOTOGRAPHY, BROADCASTING, AND ELECTRONIC DEVICES

The provisions of LR 83.03 apply to all proceedings in criminal cases, with the additional inclusion that electronic devices may also be used in the courtroom by experts, investigators, and law enforcement agents, subject to the attorney supervision provided for in LR ~~83.02(b)(3)~~83.03(b)(3) and (d)(2) and further orders of the presiding Judge.

LCrR57.07 – LAW STUDENT PRACTICE

The provisions of LR 83.02 apply to proceedings before Magistrate Judges in criminal matters.

Renumber **LCrR57.07 – AMENDMENTS to LCrR57.08**