



SIGNIFICANT PROPOSED CHANGES TO THE LOCAL RULES OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WASHINGTON

All renamed to coincide with FRCP. Much of the numbering is similar (e.g. LR 4.1 becomes LCivR 4). Some text has been reorganized; other rules rewritten substantially. Not all changes are listed here, just our subjective determination of significant changes.

LR 3.2 RICO Case Statement

Stricken

LCivR 4 Summons

(d) parties should employ waiver of service provisions where appropriate under FRCP 4(d)

(l) after service, the plaintiff shall promptly file POS of summons and complaint

(m) presumption of service within 90 days of filing of complaint

LCivR 5 Serving and Filing Pleadings

(d)(3) for pleadings and exhibits over 100 pages, Court may request paper copy for presiding judge

LCivR 7 Pleadings Allowed, Form of Motions

(b)(2) Motions seeking extension of time or other procedural relief shall recite opposing party's position.

(b)(j)(2)(C) A response memorandum to an expedited motion is due the day before the hearing set for the expedited motion.

LCivR 10 Forms of Pleadings

(a)(1)(B-E) more specifics than previously about format of caption and other pages

(a)(3) Unnamed defendants (John Doe(s)) are disfavored, and more requirements for pleading unknown defendants.

(c) Previously filed pleadings, exhibits, or documents shall not be unnecessarily refiled but rather shall be incorporated by reference.

LCivR 16 Pretrial Conferences; Scheduling; Management

Previous LR 16.2(g) regarding "Third Party Neutrals as Mediators" deleted.



(a)(5)(C)

“Court Annexed Program of Mediation. In selected cases, the presiding judge may refer matters for mediation to a magistrate judge, a district judge, or a bankruptcy judge designated by the presiding judge in his or her sole discretion.”

LCivR 25 (new) Substitution of Parties

(a) Death

“If a party dies, counsel shall file a statement noting the death within 14 days after discovery of such event.”

LCivR 32 Using Depositions in Court Proceedings

(a)(1) “Only those portions of a deposition necessary to a motion shall be appended to the relevant filing.”

(a)(2)(C) The designation and objection procedure in this rule does not apply to a deposition used to refresh recollection, an admission against interest, or impeachment.

LCivR 34 Producing Documents, Electronically Stored Information, and Tangible Things, or Entering onto Land, for Inspection and Other Purposes

(d) Number

“Unless, pursuant to Fed. R. Civ. P. 29, the parties have stipulated otherwise, no party may serve more than 30 requests on any other party, without leave of the Court.”

LCivR 36 Requests for Admission

(c) Number.

“Unless, pursuant to Fed. R. Civ. P. 29, the parties have stipulated otherwise, no party may serve more than 15 requests on any other party, without leave of the Court.”

LCivR 37 Failure to Make Disclosures or to Cooperate in Discovery; Sanctions

[Note: Motions to compel and for protective orders must include a certification that the movant has in good faith conferred or attempted to confer with the other affected parties in an effort to resolve the dispute without court action. Fed. R. Civ. P. 26(c), 37(a)(1). The parties are reminded that Fed. R. Civ. P. 37(a)(5) mandates the payment of reasonable expenses, including attorney fees, from the unsuccessful party, except in narrow circumstances.]

LCivR 38 Right to a Jury Trial; Demand

(d) Waiver; Withdrawal.



“A party waives a jury trial unless its demand is properly served and filed according to Fed. R. Civ. P. 38 and 81(c). In a removed action in which state law does not require an express demand for a jury trial, a party must serve and file its demand within 30 days after it files a notice of removal or is served with a notice of removal filed by another party.”

LR 39.1: requirement that trial briefs not exceed 20 pages has been deleted.

LCivR 41 Dismissal of Actions

(a)(1)(B) Stipulated dismissal must be signed by all parties and docketed as a “Stipulated Motion to Dismiss.”

(b)(1) Order to Show Cause can be entered by court if no action has occurred for 180 days; a court-imposed deadline expired; defendant not served within 90 days of complaint filing.

LCivR 54 Judgment; Costs

(d)(3):

“**Attorney’s Fees.** Unless a statute or court order provides otherwise, a motion for attorney’s fees and any nontaxable expenses shall be filed within 14 days after the entry of judgment. The motion shall be treated as a non-dispositive motion and noted for hearing according to LCivR 7.”

LCivR 56 Summary Judgment

(c)(1)(A)-(C):

(A) **Motion.** “A party filing a motion for summary judgment must separately file a ‘Statement of Material Facts Not in Dispute’ which shall specify the undisputed material facts relied upon to support the motion.”

(B) **Response.** “A party filing an opposition to a motion for summary judgment must separately file a ‘Statement of Disputed Material Facts’ which shall specify the disputed material facts precluding summary judgment.”

(C) **Reply.** “The moving party filing a reply memorandum must separately file a ‘Reply Statement of Material Facts Not in Dispute’ which shall specify the opposing party’s disputed facts that the moving party contends are not in genuine dispute.”

LCivR 67 Deposit Into Court

Significant rewrite. See new local rule.

LCivR 79 Records Kept by the Clerk

Significant rewrite. See new local rule.



LCivR 83.1 Courtroom Practice and Civility

(j) Civility Code—significantly condensed:

(1) I will be courteous and guided by fundamental tenets of integrity and fairness.

(2) I will endeavor to resolve differences through cooperation and negotiation.

(3) I will be timely, honoring appointments, commitments and case schedules.

(4) I will never design the timing, manner of service, and scheduling of hearings for the objective of oppressing or inconveniencing my opponent.

(5) I will always conduct myself professionally, as if I were in the presence of a judge.

(6) I will be forthright, respectful and honest.

(7) As an officer of the court, I will uphold the honor and dignity of the court and of the profession of law, remembering that I have sworn to uphold the Constitution of the United States and its establishment of justice.

LCivR 83.5 Bankruptcy Cases . . .

Some significant revisions to this rule. Read if you find yourself in bankruptcy court.