

FILED

United States District Court
District of Oregon

In the Matter of Amendments to
Local Rules of Civil Practice

2002 MAY 16 P 1:18
CLERK, U.S. DISTRICT COURT
DISTRICT OF OREGON
Standing Order No. 02
BY _____

02 Civ. M. 30-110

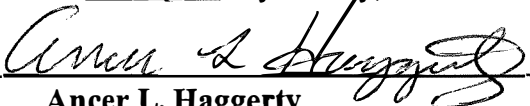
ORDER

Pursuant to 28 U.S.C. §2071(b), the following amendments and additions to Local Rules of Civil Practice have been adopted by the District Court and take effect on June 1, 2002.

A copy of the amended rules are available on the Court's web site at ord.uscourts.gov.

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|-------|--|---------|--|
| LR 1 | Scope and Purpose | LR 42 | Complex or Related Cases |
| LR 5 | Service and Filing of Pleadings and Paper | LR 51 | Instructions to the Jury |
| LR 6 | Time | LR 52 | Findings by the Court |
| LR 7 | Motions Practice | LR 56 | Summary Judgment |
| LR 10 | Form of Pleadings | LR 67 | Deposits In Court and Other Funds |
| LR 11 | Signature Requirements | LR 83 | Rules and Directives – by the District Court |
| LR 15 | Amended and Supplemental Pleadings | LR 100 | Cm/ECF – Electronic Case Filing System |
| LR 16 | Pretrial Conferences; Scheduling; Management | LR 2100 | Referral of Bankruptcy Cases and Proceedings |
| LR 23 | Class Actions | LR 2200 | Bankruptcy Appeals |
| LR 26 | General Discovery Provisions | | |

Done on behalf of the Court this 16 day of May, 2002.


Ancer L. Haggerty
Chief Judge

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LR 1 SCOPE AND PURPOSE (See Fed. R. Civ. P. 1)

LR 1.1 Scope and Application

These local rules govern practice and procedure in the United States District Court for the District of Oregon in all civil actions -- whether arising at law, in equity, or in admiralty -- except as stated in Fed. R. Civ. P. 81.

LR 1.2 Effective Date

These local rules became effective on June 1, 1998. Over time, individual rules are modified, and an explanation of any changes is included in the amendment history following each rule.

LR 1.3 Citation Format

The local civil rules will be cited as "LR ____ . ____."

LR 1.4 Authority to Modify or Suspend the Local Rules

In the interest of justice, a judge may suspend or modify the application of these rules in an individual case, or group of cases.

LR 1.5 Definitions

Unless the context requires otherwise, the following definitions apply to all proceedings within the District of Oregon:

(a) Clerk

The term applies to the Clerk of the District Court and to any authorized deputy clerk.

(b) Cm/ECF (See LR 100.1 and ord.uscourts.gov/ecf/ecf.html)

(c) Conventionally Filed

Any pleading or document submitted for filing in paper form.

(d) Counsel

The term refers to counsel of record for any represented party, to any unrepresented or pro se party, and to law students appearing pursuant to LR 83.5.

(e) Court

The term refers to the United States District Court for the District of Oregon and not to any particular judicial officer.

(f) Document (See *also* LR 1.5(m))

The term refers to all papers filed with the court. For purposes of these rules a pleading or document includes the attachments and exhibits to that pleading or document, unless the application of that rule to attachments and exhibits would not be practical.

(g) Electronic Filing (See LR 100.4 and 100.5)

Any pleading, document, exhibit, memoranda, or other material authorized to be filed via the Internet using the Cm/ECF system.

- (h) **Electronic Service** (See LR 100.13)
Service of any electronic filing over the Internet using the Cm/ECF system.
- (i) **Filing User**
Attorneys admitted to practice in this court pursuant to LR 83, and registered with the Cm/ECF system pursuant to LR 83.1(e).
- (j) **Judge or Judicial Officer**
The term applies to any United States circuit, district, or magistrate judge exercising jurisdiction over a particular case or proceeding.
- (k) **Party**
The term includes counsel of record for the represented party.
- (l) ***.pdf Format**
PDF is the acronym for portable document format, and is the document format requirement for all electronic filings via the Internet using the Cm/ECF system.
- (m) **Pleading** (See also LR 1.5(f))
The term means all papers filed with the court. For purposes of these rules a pleading or document includes the attachments and exhibits to that pleading or document, unless the application of that rule to attachments and exhibits would not be practical.

Amendment History to LR 1	
June 1, 2002	
LR 1.2	"Over time...." added
LR 1.5(a)	Delete definition of Alternate Dispute Resolution. See LR 16.4 for expanded information on ADR programs.
LR 1.5	Sections (c), (f), (g), (h), (i), (l), and (m) are new definitions. Sections (c), (g), (h), (i) and (l) are necessary in order to implement the court's electronic filing system – Cm/ECF (See LR 100).

LR 5.1 Filing Requirements

- (a) **Copies of Pleadings and Documents**
Parties must file an original and one copy of every pleading and document, including exhibits to documents.
- (b) **Request for Conformed Copies**
A party may request the clerk to conform a copy of any document presented for filing, **however**, the filing party must provide the clerk with a copy of the document, and a **postage-paid and self-addressed return envelope**. Without the extra copy and postage-paid envelope, the clerk will not conform and return the document by mail.
- (c) **Return of Unfiled Documents or Correspondence**
The clerk will not accept for filing any courtesy or information copies of documents or correspondence exchanged between the parties, unless they are contemporaneously filed as an exhibit or appendix to a pleading or other document.
- (d) **Letter Correspondence to the Court**
Unless directed by the court, letters to the court will not be docketed and included in the case file. (See Fed. R. App. P. 10a for guidance about including un-docketed correspondence in the official record on appeal).

LR 5.2 Documents Not Required to be Filed

- (a) Unless required by the court in a particular proceeding, the following documents must be retained by the parties and not filed with the court:
 - (1) Notices of depositions and transcripts (See LR 27 and LR 30))
 - (2) Interrogatories and responses (See LR 33)
 - (3) Requests for production and responses (See LR 34)
 - (4) Requests for admissions and responses (See LR 36)
 - (5) Expert witness disclosures (See LR 16 and LR 26)
 - (6) Unaccepted offers of judgment (See LR 68)
 - (7) Initial Disclosures (See LR 26)
- (b) **Service of Non-Filed Documents on Represented Parties**
Any document enumerated in LR 5.2(a) served pursuant to Fed. R. Civ. P. 5 shall also be served concurrently on a represented party by electronically mailing the document to the party's attorney. The document shall be mailed in Word or Word Perfect format, not in PDF format, unless otherwise agreed to by the parties.

Commentary

The purpose of this rule is to allow counsel to prepare responses to non-filed documents easily and efficiently. This rule does not affect the prescribed time period for taking any action in response to the document. The time period will be calculated according to the selected method of conventional service. Thus, if the non-filed document was served by mail, the party shall still have an additional 3 days to respond pursuant to Fed. R. Civ. P. 6(e). Counsel also should refer to LR 100.13 relating to electronic service.

LR 5.3

Filings Generally (See LR100.4 and LR 100.5)

A paper required or permitted to be filed in the district court must be filed with the clerk in order to be docketed and included in the record of the case.

Advisory Notes

1. Don't file pleadings, documents, jury instructions, exhibits, etc., (whether original or a copy) with Chambers — Instead, file all documents directly with the Clerk's Office
2. Time-Sensitive Documents:
If a document relates to a scheduled court proceeding that is to be held within 3-days of the filing date, the filing party must notify the intake clerk **at the time of filing** and request that chambers be promptly notified of the filing.
3. Filings Offered During Court Proceedings:
Parties tendering documents for filing during a court proceeding are responsible for filing the document with the clerk's office immediately after the court proceeding.

LR 5.4

Facsimile (FAX) Filings (See LR 11.2)

Facsimile filings are not allowed (except in emergency situations), and then only when expressly approved in advance by the assigned judge and coordinated with the clerk's office.

LR 5.5

After Business Hours Filings (See LR 77.3(c) and LR 100.7)

Amendment History to LR 5	
June 1, 2000	
LR 5.1(c)(5)	The word "Handling" was stricken
June 1, 2002	
LR 5	Generally - cross-references added
LR 5.1(c)	Section (c) deleted and moved to LR 5.2(a). Subsequent rules renumbered.
LR 5.2(b)	New Rule
LR 5.3	Advisory Note Amended by striking Note #4

LR 6 TIME (See Fed. R. Civ. P. 6)

LR 6.1 Time for Filing Motions and Responses (See LR 7)

Advisory Notes	
1.	Fed. R. Civ. P. 6(b) requires a court order to extend any deadline that is imposed by the Federal Rules of Civil Procedure or court order.
2.	A stipulation is not an order; it <u>does not</u> extend any deadline imposed by court order.
3.	Fed. R. Civ. P. 6(b) requires a showing of good cause to extend a deadline imposed by rule or court order.

LR 6.2 Notice of Appeal (See Fed. R. App. P. 4))

(a) Designation of Record on Appeal (See Fed. R. App. P. 10)

(b) Payment of Transcript Costs (See Fed. R. App. P. 10(b)(4))

The court reporter supervisor will notify the court of appeals whenever a party fails to make satisfactory arrangements to pay for the transcript on appeal.

LR 6.3 Timetable for Lawyers (See Appendix of Forms #3)

Amendment History to LR 6	
June 1, 2002	
LR 6.1	Practice Tip Amended to add "imposed by the Federal Rules of Civil Procedure"
LR 6.3	New Rule: A comprehensive Timetable for Lawyers was added.

LR 7 MOTIONS PRACTICE (See Fed. R. Civ. P. 7)

LR 7.1 Motions Practice — Generally

(a) Certification Requirements

- (1) Except for motions for Temporary Restraining Orders, the first paragraph of every motion must certify that:
 - (A) The parties made a good faith effort through personal or telephone conferences to resolve the dispute, and have been unable to do so; or
 - (B) The opposing party willfully refused to confer; or
 - (C) The moving party or opposing party is a prisoner not represented by counsel.
- (2) The court may deny any motion that fails to meet this certification requirement.

Advisory Note to LR 7.1
The certification requirements of LR 7.1 are broader than those established in Fed. R. Civ. P. 37(a)(4) which deals only with motions to compel discovery.

- (b) **Separate Documents:**
Motions may not be combined with any response, reply or other pleading.
- (c) **Affidavit and Supporting Memoranda (See Fed. R. Civ. P. 7(b))**
Every motion must be accompanied by a separately filed legal memoranda or brief.
- (d) **Table of Contents and Cases**
Legal memoranda and briefs exceeding 20 pages must have a table of contents and a table of cases and authorities with page references.
- (e) **Form**
Immediately after the certification requirements of LR 7.1(a), the filing party must concisely state each question to be decided.

(f) **Limitations on Oral Argument**

(1) **Generally**

The court will decide each motion without oral argument, unless the court determines that oral argument would help it resolve the matter. If the court elects to hear oral argument, the court will notify the parties of the date and time for any hearing.

(2) **Request for Oral Argument**

A party seeking oral argument must include “**Request for Oral Argument**” on the last line of the caption to the motion or response, e.g.,

**PLAINTIFF SMITH CORPORATION’S
MOTION FOR PROTECTIVE ORDER
Pursuant to Fed. R. Civ. P. 26(c)(1)
REQUEST FOR ORAL ARGUMENT**

(3) **Oral Argument by Telephone Conference**

A party may request that oral argument be by telephone conference.

(4) **Waiver of Oral Argument**

A party waives oral argument by:

(A) Failing to timely file any brief, memorandum, or other statement required by LR 7, LR 26, LR 37, or LR 56; or

(B) Filing late any paper allowed by LR 7, LR 26, LR 37, or LR 56.

(g) **Time Limits for Discovery and Non-Discovery Motions**

(1) **Response**

A party must file and serve any response within eleven (11) days after service of the motion.

(2) **Reply**

A party must file and serve any allowable reply to the response within eleven (11) days after service of the response. (See LR 26.5(c))

(3) **Other Briefs**

Unless directed by the court, no further briefing is allowed.

(4) **Taking Under Advisement**

Unless otherwise directed by the court, both discovery and non-discovery motions will be taken under advisement at the close of the time limits set forth in LR 7.1(g).

- (h) **Request for Expedited Hearing**
A party seeking expedited hearing must include “**EXPEDITED HEARING REQUESTED**” on the last line of the document’s title, e.g.,

MOTION FOR PROTECTIVE ORDER
Pursuant to Fed. R. Civ. P.26(c)
EXPEDITED HEARING REQUESTED

- (i) **Reminders to the Court** (See LR 83.13)

LR 7.2 Non-Discovery Motions

- (a) **Document Designation** (See LR 10.2)
The document title shall substantially comply with the following format:

MOTION FOR SUMMARY JUDGMENT
By Defendant B.A. Cool One Corp.

- (b) **Page Limits**
Without prior court approval, briefs (including objections to a Findings & Recommendation of a Magistrate Judge and responses to such objections) must be 35 pages or less (exclusive of exhibits).

- (c) **Calendaring** (See LR 7.1(f)(1) and LR 7.1(g)(4))

LR 7.3 Discovery Motions (See Fed. R. Civ. P. 37, LR 37)

- (a) **Document Designation** (See LR 10.2)
The document title shall substantially comply with the following format:

Response to Plaintiff Numbskull’s Motion to Compel Production
By Defendant Kon Fused Company

- (b) **Page Limits**
Without prior court approval, briefs must be 10 pages or less (exclusive of exhibits).

- (c) **Calendaring** (See LR 7.1(f)(1) and LR 7.1(g)(4))

LR 7.4 Preliminary Injunctions & Temporary Restraining Orders (See LR 65)

LR 7.5 Motions for Summary Judgment (See LR 56)
Motions for Summary Judgment must also comply with LR 56.

LR 7.6

Motions to Consolidate Complex or Related Cases (See LR 42)

Amendment History to LR 7	
June 1, 2002	
LR 7.1(a)(1)	Motions for Temporary Restraining Orders specifically excluded.
LR 7.1(a)(1)(c)	New Rule.
LR 7.1(b)	New Rule. Subsequent rules renumbered
LR 7.2(b)	"(including objections....)" added

LR 10 FORM OF PLEADINGS (See Fed. R. Civ. P. 10)

LR 10.1 Format Requirements (See Appendix of Forms #4)

- (a) **Paper Requirements:** Pleadings and documents must be presented on 8 ½" x 11" unnumbered white paper of good quality (not less than 13-pound weight paper), flat and unfolded, without back or cover, **pre-punched** with two (2) holes (approximately 1/4" diameter) centered 2-3/4" apart and ½" to 5/8" from the top of the paper.

Advisory Note to LR 10.1(a)
Although word processing software can automatically generate line numbers on each page, converting these documents from *.pdf format documents back into a usable word processing document cannot be accomplished with today's versions of ADOBE ACROBAT or other word processing software. Ultimately, this rule will help lawyers and the Court transition to electronic filing and e-mail service using Cm/ECF.

- (b) **Legibility**
Pleadings and documents must be typewritten, neatly printed, or otherwise legibly reproduced, using blue or black ink, and presented on one side only.
- (c) **Line Spacing**
All papers must be double-spaced, except for the identification of counsel, title of the case, footnotes, quotations, and exhibits.
- (d) **Minimum Type Size for Text, Footnotes and Endnotes**
Typewritten materials -- **to include footnotes and endnotes**¹, must be presented using fonts of at least 12 point type size, that produce a maximum of 10 typed characters per inch.
- (e) **Page Margins**
Pleadings and documents tendered for filing must have 1" inch margins on the top, bottom, left and right sides.
- (f) **Stapled or Fastened**
All pleadings and documents 1" or less in thickness must be stapled in the upper left hand corner. Larger documents must be secured by a permanent fastening device.

¹ This footnote is typed in a True Type Times New Roman 12-point font.

(g) Pagination Requirements

- (1)** Every page of a pleading or document (not including attachments or exhibits) must contain a brief description of the pleading or document, and a consecutive page number at the bottom of the page.
- (2)** All exhibits or attachments to pleadings and documents will be clearly numbered.

Advisory Note to LR 10.1(g)(2)
A footer need not be included on exhibits or attachments. But exhibits or attachments must be clearly numbered, either in the original, or by numbers added by counsel, so that a particular page of the exhibit can be easily located by the court and counsel.

(h) Inter-lineation (See LR 15.1(e))

LR 10.2

Caption Requirements (See LR 15.1)

(a) Counsel Information

Type counsel information in the upper lefthand corner on the first page, starting one inch from the top of the page on unnumbered paper. An example of how to format this information is presented below:

First Attorney's Name, Oregon State Bar ID Number
First Attorney's Internet E-mail address
Second Attorney's Name, Oregon State Bar ID Number
Second Attorney's Internet E-mail address
Firm name
Mailing address or residence address if no office is maintained
City, State and 9-digit zip code
Area Code and Telephone Number
Facsimile Telephone Number
Attorney(s) for Plaintiff Smith

Advisory Notes to LR10.2(a)	
1.	Identifying Lead Counsel: List the name of the attorney who has primary litigation responsibility for the case first; <p style="text-align: center;">-- then --</p> if other attorneys are affiliated with the case, you may include them on subsequent lines, however , paper notices from the court will be sent only to "lead counsel" (if local) or to local counsel exempt from CM/ECF registration (See LR 83.1(e)). Reference may also be made to the signature page for a complete list of counsel submitting the document for filing.
2.	Identifying Associate (Out-of-State) Counsel: Always list out-of-state counsel in a subsequent paragraph below the local Oregon counsel name and address information. Paper notices from the court will only be sent to local Oregon attorneys exempt from CM/ECF registration. (See LR 83.1(e)).
3.	Representation in Multi-Party Cases: In multi-party cases, counsel must clearly identify the specific party or parties they are representing when not representing all plaintiffs or defendants.

(b) Court Title

Double space, capitalize and center the title of the court at least one inch below the last line of the counsel information paragraph, e.g., :

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

- (c) **Clerk's Authorization to Return Documents**
The clerk is directed to return without filing, and without action, all documents and papers presented for filing that do not comply with the requirements of LR 10.2(b). The offering party should be directed to re-submit the document(s) to comply with court titling requirements of the local rule.
- (d) **Party Names**
Single space the names of the parties along the left margin, four lines from the bottom of the court title. If the parties are too numerous, the names may be continued on the second or successive pages in the same space.
- (e) **Eliminate Brackets Following Party Name Information**
Do not use brackets ")" to set off party names from the document title.
- (f) **Case Number**
Right justify the case number on the same line as the first named plaintiff. The case number will be assigned by the clerk's office at the time of filing the initial filing, and should appear on all subsequent filings, e.g., :

CV. 97-0001-RE

- (g) **Document Title**
At least two lines below the case number, single space and capitalize a concise description of the nature of the document.

COMPLAINT
Personal Injury Action (28 U.S.C. § 1332)
DEMAND FOR JURY TRIAL

LR 10.3**Personal Data Identifiers (See Also LR 100.17(b))**

In compliance with the policy of the Judicial Conference of the United States, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall redact where inclusion is necessary, the following personal identifiers from all pleadings filed with the court, on or after June 1, 2002, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court.

(a) Social Security Numbers

If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.

(b) Names of Minor Children

If the involvement of a minor child must be mentioned, only the initials of that child should be used.

(c) Dates of Birth

If an individual's date of birth must be included in a pleading, only the year should be used.

(d) Financial Account Numbers

If financial account numbers are relevant, only the last four digits of these numbers should be used.

The responsibility for redacting these personal identifiers rests solely with counsel on the parties. The Clerk will not review each pleading for compliance with this rule.

LR 10.4

Affidavits

Affidavits will be filed separately from the underlying document, and must include the name of the related document within the document title of the affidavit, e.g.:

**AFFIDAVIT OF JOHN S. HONEST, Esquire
IN SUPPORT OF PLAINTIFF JOHNSON'S
MOTION FOR SUMMARY JUDGMENT**

The affiant's signature must be notarized. (See 28 U.S.C. §1746)

LR 10.5

Claims of Unconstitutionality

(a) Motion Requirements

In any case in which the constitutionality of an Act of Congress is brought into question, and the United States or any agency, officer, or employee thereof is not a party; or a statute of a state is brought into question and in which that state or any agency officer, or employee thereof is not a party; then the party raising the constitutional issue must file a motion (and memoranda in support) that the case be certified in accordance with 28 U.S.C. § 2403.

(b) Proposed Certification

In addition to the motion and memorandum, the moving party will also file two (2) copies of a proposed form of certification for execution and transmission by the court to either the Attorney General of the United States, or the State Attorney General as appropriate.

LR 10.6

Multi-District Litigation (See 28 U.S.C. § 1407)

LR 10.7

Patent, Trademark, or Copyright Cases

(a) Document Title

The word **PATENT, TRADEMARK** or **COPYRIGHT** must appear in the narrative description of the document initial complaint, e.g., ;

**COMPLAINT for Trademark Infringement
JURY DEMAND REQUESTED**

(b) Pleading Requirements

In a separately numbered paragraph within the body of the complaint, the filing party must identify the owner's full name; date of issuance; and the registration number of the relevant patent, trademark or copyright.

LR 10.8 **Removal Actions** (See 28 U.S.C. §1441, *et seq.*)

LR 10.9 **United States as a Party** (See 28 U.S.C. §2401, *et seq.*)

LR 10.10 **Individuals With Disabilities Education Act (IDEA) Cases**

(a) Document Title Requirements

The words **INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)** must appear in the description of the document title, e.g., :

COMPLAINT

Individuals with Disabilities Education Act (IDEA)

JURY DEMAND REQUESTED

(b) Court Scheduling Order

The court may issue a specialized procedural order in these cases.

LR 10.11 **Page Limitations Cross Reference Guide** (See Appendix of Forms #5)

Amendment History to LR 10	
June 1, 2002	
LR 10.1(a)	Subsection re-titled. Language from LR 10.2(e) added and modified to include requirement for unnumbered paper. Subsequent rules re-numbered.
LR 10.1(d)	Amended to substitute "maximum" for "minimum"
LR 10.1(e)	Language moved to LR10.1(a). Subsequent rules re-numbered.
LR 10.1(g)	Subsection (1) amended to add "...of a pleading or document.... Subsection (2) amended to add "...and documents will be clearly numbered."
LR 10.2(a)	Cross Reference to LR 15.1 added. Last sentence "An example..." added for clarity. Advisory Notes modified to conform with e-noticing methods of Cm/ECF.
LR 10.2(c)	New Rule. Subsequent sections re-lettered.
LR 10.2(e)	New Rule. Subsequent sections re-lettered.
LR 10.3	This is a new rule to reflect Judicial Conference policy (See Appendix of Forms). The previous version of LR 10.3, and all following rules, have been renumbered accordingly.
LR 10.4	Amended to require the affiant's signature be notarized.
LR 10.7(a)	Amended to substitute "initial complaint" for "document".
LR 10.10(b)	Amended to substitute "may" for "will".
LR 10.11	New rule. Page Limitations Cross Reference Guide added.

LR 23 CLASS ACTIONS (See Fed. R. Civ. P. 23)

LR 23.1 Document Caption Requirements (See LR 10.2)

The words **CLASS ACTION ALLEGATION** must be included on the first line of any document proposing or seeking to maintain a class action, e.g., :

CLASS ACTION ALLEGATION COMPLAINT
Product Liability Action (28 U.S.C. § 1332)
DEMAND FOR JURY TRIAL

LR 23.2 Pleading Requirements

The filing party must also explain in separately titled and numbered paragraphs within the body of the document:

- (a) How this action meets the prerequisites mandated by Fed. R. Civ. P. 23(a);
- (b) How this action can be maintained as a class action under the provisions of Fed. R. Civ. P. 23(b);
- (c) The basis upon which the party claims either to be an adequate representative of the class; or that the class is comprised of defendants, and that those individuals named as defendants are adequate representatives of the proposed class; and
- (d) The question(s) of law and fact alleged to be common to the class.

Amendment History to LR 23	
June 1, 2002	
LR 23.1	Filed by line removed from example

LR 26**GENERAL DISCOVERY PROVISIONS** (See Fed. R. Civ. P. 26)**LR 26.1****Initial Conference of Counsel for Discovery Planning** (See Fed. R. Civ. P. 26(f))

Unless exempted under Fed. R. Civ. P. 26(a)(1)(E), or otherwise ordered by the court:

- (a) The parties shall hold a Fed. R. Civ. P. 26(f) initial conference of counsel for discovery planning within thirty (30) days after all defendants have been served. Counsel for plaintiff(s), upon learning the identity of counsel for defendant(s), shall initiate communications with counsel for defendant(s). All counsel shall then confer as required by Fed. R. Civ. P. 26(f);
- (b) No written report of the initial conference of counsel for discovery planning is required (other than the form that is referred to in LR 26.2), but the parties shall be prepared to report orally to the court as to their discovery plan; and
- (c) The parties may seek discovery once the initial conference of counsel for discovery planning contemplated by this local rule has occurred.

LR 26.2**Initial Disclosures** (See Fed. R. Civ. P. 26(a)(1))

Unless otherwise ordered by the court:

- (a) Parties who agree to forgo the disclosures required by Fed. R. Civ. P. 26(a)(1), can do so using the form issued at the time of filing, and found in the Appendix of Forms #11;
- (b) If a party believes that some or all of the disclosures mentioned in Fed. R. Civ. P. 26(a)(1) would be appropriate in the circumstances of the action, and any other party or parties disagree, the party seeking disclosure shall bring the matter before the court by written motion.

Advisory Note to LR 26.2
See the commentary following LR 16.2 for a historical perspective on the December 1, 2000 changes to LR 16.2, LR 26.1, and LR 26.2.

LR 26.3**Pretrial Disclosures** (See Fed. R. Civ. P. 26(a)(3))

Unless otherwise directed by the court, the time for pretrial disclosures will be set at the preliminary pretrial conference.

LR 26.4**Expert Testimony** (See Fed. R. Civ. P. 26(a)(2))**(a) Disclosure Requirements**

Unless otherwise directed by the court, the time for disclosure of experts under Fed. R. Civ. P. 26(a)(2) – and discovery regarding experts generally – will be set at a pretrial conference.

(b) Non-Filing Requirements (See Fed. R. Civ. P. 26(a)(2), LR 5.2, and LR 16)**LR 26.5****Discovery Motions** (See Fed. R. Civ. P. 26 and 37)**(a) Document Title** (See LR 7.3 and LR 10.2)**(b) Page Limits**

Without prior court approval, briefs must be ten pages or less (exclusive of exhibits)

(c) No Replies

Unless otherwise directed by the court, a movant may not file a reply supporting a discovery motion.

(d) Calendaring (See LR 7.1)**(e) Resolving Discovery Disputes by Telephone Conference** (See LR 16.2(e)).

Amendment History to LR 26	
December 1, 2000	
LR 26.1 & LR 26.2	Revised and amended to conform with amendments to F.R.Civ.P. 26
June 1, 2002	
LR 26.4(b)	Cross Reference to LR5.2 updated.
LR 26.5(a)	Cross Reference to LR 10.2 added.
LR 26.5(c)	Cross Reference to LR 7.1 removed. "may" substituted for "must"

LR 42 COMPLEX OR RELATED CASES (See Fed. R. Civ. P. 42)

LR 42.1 Reference to The Manual for Complex Litigation

Unless otherwise directed by the court, consolidation and case management of complex or related cases will usually be governed by the principals set forth in *The Manual for Complex Litigation, Third*. This manual is published by The Federal Judicial Center and may be purchased from the U.S. Government Printing Office: 1995 — 395 — 123 / 30538.

LR 42.2 Responsibilities of Counsel

It is the responsibility of counsel to identify complex or related cases and to bring the matter promptly to the attention of the court.

LR 42.3 Notice of Complex Case

Any party may suggest the need for adopting special procedures to help manage complex, protracted, or otherwise potentially difficult cases. Where appropriate, such a suggestion may be raised by letter, served on all parties and delivered to the court, or during any court conference or hearing.

LR 42.4 Related Cases

For good cause shown, any party may file and serve a motion to consolidate, or oppose consolidation, of related cases. When a party seeks or opposes consolidation of two or more cases, the motion or opposition must be filed in each case to be consolidated. Each motion or opposition must include:

- (a) The case number, case title, and assigned judge of every related case pending in the District of Oregon;
- (b) The case number, case title, assigned judge, and court location of every other related case pending in any other state or federal court;
- (c) The common question of law or fact at issue in each case;
- (d) The status in each case of all pending motions, court imposed deadlines, case management schedules, trial dates, etc.;
- (e) The reason that the cases should be reassigned and managed by a single judicial officer;
- (f) The position of the other parties, if known; and
- (g) The scope of consolidation requested, e.g., for hearing on a motion; for pretrial and discovery; or for all further proceedings including trial, etc.

Document Caption Requirements After Consolidation

(a) Designation of a Lead Case

Unless otherwise directed by the court, the earliest filed consolidated case will be designated as the *lead case* for administrative control and case management purposes.

(b) Identifying Lead Case Information on Consolidated Case Papers

Unless otherwise directed by the court, parties will continue to file pleadings, motions and other case papers in their individual cases; **however**, the case number of the lead case and the words **RELATED CASE** must be included in the document title of every document.

Advisory Note	
Document Titles in Related Cases	
For example, if a party files a motion in CV 97-1111-RE, and that case is related and consolidated with CV 96-9999-RE — then the document title for the motion in CV 97-1111-RE would read beneath the heading:	
RELATED CASE to CV 96-9999-RE (Lead Case) MOTION TO COMPEL PRODUCTION OF DOCUMENTS Filed by Plaintiff IWANNA Bee Corp.	

(c) Procedural Case Management Order

Once a case is consolidated by the court, the assigned judge will enter a new case management order to control discovery, submission of pleadings and documents, and other pretrial and trial related matters.

Amendment History to LR 42	
June 1, 2002	
LR 42.5(c)	"...submission of pleadings and documents" added.

LR 47 **SELECTION OF JURORS** (See Fed. R. Civ. P. 47)

LR 47.1 **Notification of Settlement Before Trial**

(a) Plaintiff's Duty to Notify the Court

Counsel for the parties must immediately notify the trial judge's courtroom deputy clerk **and** the trial judge whenever a scheduled jury or court trial is settled by the parties.

(b) Assessment of Juror Costs for Late Notices

If the court finds that the parties failed to notify the trial judge's courtroom deputy clerk and the trial judge of the settlement not later than 3:00 p.m. of the business day preceding the day the trial is to commence, and that the parties had the opportunity to do so, the court may assess the costs of summoning and paying prospective jurors on one or more of the parties.

LR 47.2 **Selection of Jurors**

(a) Examination of Jurors — Generally

The court will conduct the voir dire examination of jurors. The matter of attorney voir dire can be addressed with the trial judge at the preliminary pretrial conference.

(b) Supplemental Questions by the Parties

Counsel may submit and serve any questions which they desire to be propounded to the jurors at such time as the court orders. If there is no such order, questions must be submitted at least three (3) days before trial.

LR 47.3 **Challenges for Cause** (See Fed. R. Civ. P. 47(c))

Challenges to excuse a juror for cause will be taken orally.

LR 47.4

Peremptory Challenges (See Fed. R. Civ. P. 47(b))

- (a) **Numbers of Peremptory Challenges** (See 28 U.S.C. § 1870)
The trial judge will establish the number of peremptory challenges at the final pretrial conference.

- (b) **Procedures for Exercising Peremptory Challenges**
Unless otherwise directed by the court, the parties will exercise their peremptory challenges in the following manner:
 - Step (1)** Prior to the commencement of the trial, the courtroom deputy clerk will prepare a seating chart — or a numbered list — showing the names and seated positions of the jurors to be examined.

 - Step (2)** When the time comes to exercise peremptory challenges, the clerk will circulate the seating chart between the parties, starting with the plaintiff.

 - Step (3)** Peremptory challenges will be exercised one-at-a-time, starting with the plaintiff, and alternating between the parties until completed.

 - Step (4)** A party may exercise a peremptory challenge by circling the juror's name on the seating chart, and marking the chart with the number of the challenge, e.g., P-1, D-1, and so forth.

 - Step (5)** If a party elects to pass a peremptory challenge, the decision to pass will be counted as though the challenge had been exercised, however, it will not constitute a waiver of subsequent challenges unless there are no subsequent challenges by any other party.

Amendment History to LR 47	
June 1, 2002	
LR 47.2(b)	"... and serve" was added.

LR 51.1

Proposed Jury Instructions (See LR 100.10)**(a) Filing Requirements**

Unless otherwise ordered by the court, the requirements for filing proposed jury instructions will be discussed at the final pretrial conference.

(b) Scope of Party Submissions

The trial judge will discuss standard instructions common to all cases at the time of the conference with counsel on jury instructions — usually the final pretrial conference. Beyond these standard instructions, counsel need only submit proposed jury instructions specific to the issues in the pending case.

(c) Application of Model or Uniform Jury Instructions

Unless otherwise directed by the court, where the topic is covered by the Ninth Circuit Model Jury Instructions — or in diversity cases, by Oregon State Bar Uniform Civil Jury Instructions — the model instructions should be used.

(d) Number of Instructions

If there are more than 10 instructions, attach an index.

(e) Format Requirements

- (1) Each instruction must be on a separate sheet of paper.
- (2) The complete set of instructions should be submitted on a virus free 3.5 inch diskette or CD Rom using WordPerfect or ASCII text format.
- (3) Each instruction must embrace only one subject, and must be numbered consecutively using the model or uniform jury instruction numbers where applicable.
- (4) Each instruction must be brief, impartial, understandable, and free from argument. The principle stated in one instruction must not be repeated in any other instruction.
- (5) Except when citing to a model or uniform jury instruction, the text of each instruction must be set out in full. In the case of model rules, citation to the model rule number is sufficient.
- (6) Each instruction must contain citations of authority in support of the principle of law stated in the instruction.

Amendment History to LR 51	
June 1, 2002	
LR 51	Generally: Cross references added or updated.
LR 51.1(a)	"Unless otherwise ordered by the court..." added.
LR 51.1(e)(2)	CD Rom format added.

LR 52 FINDINGS BY THE COURT

LR 52.1 Reminders to the Court (See LR 83.13)

Amendment History to LR 52	
June 1, 2002	
LR 52.1	Reference corrected.

LR 54 COST BILLS and ATTORNEY FEES (See Fed. R. Civ. P. 54)

LR 54.1 Costs — Other than Attorney Fees (See Fed. R. Civ. P. 54(d)(1))

(a) Filing Requirements (See 28 U.S.C. §§ 1920-24)

(1) Bill of Costs

(A) Not later than fourteen (14) days after entry of judgment, or receipt and docketing of the appellate court's mandate, the prevailing party may file and serve on all parties a Bill of Costs that provides detailed itemization of all claimed costs.

(B) When the allowance, or the amount of any claimed item is not obvious on its face, the prevailing party must file an affidavit, appropriate documentation, and a supporting legal memorandum.

(2) Verification of Cost Bill

The cost bill must be verified as required by 28 U.S.C. § 1924.

(b) Objections

Not later than eleven (11) days after service of the Bill of Costs, a party objecting to any item of cost must file and serve objections. Objections should be accompanied by an affidavit and legal memorandum in support of the party's position.

Unless requested by the court, no other filings associated with the Bill of Costs will be permitted.

(c) Legal Memoranda and Page Limitations

Except as authorized in advance by the court, all legal memoranda in support of, or in opposition to, the Bill of Costs are limited to 10 pages in length

LR 54.2

Order Taxing Costs

(a) Authority to Tax Costs

Unless otherwise directed by the court, the clerk may tax costs provided in Fed. R. Civ. P. 54(d)(1) , one day after the time limits established in LR 54.1 have expired.

(b) No Oral Argument

Unless requested by the court, costs will be taxed on the written submissions of the parties and without oral argument.

(c) Order Taxing Costs

An order taxing costs will be filed and served on the parties and the amount of taxed costs will be included in the judgment.

LR 54.3

Objections to the Clerk's Order Taxing Costs

Not later than eleven (11) days after filing of the clerk's order taxing costs, any party may file and serve written objections to the clerk's order.

Unless requested by the court, there will be no further submissions, and review by the court will be determined on the same papers and evidence submitted to the clerk.

LR 54.4

Motion for Award of Attorney Fees (See Fed. R. Civ. P. 54(d)(2))

(a) Motion Requirements (See Fed. R. Civ. P. 54(d)(2))

In addition to the requirements of Fed. R. Civ. P. 54(d)(2)(B), any motion for attorney fees must set forth the relevant facts and arguments of the moving party, along with all supporting authorities and affidavits.

(b) Objections or Other Responses

Any party wishing to respond to the motion must file and serve all responsive materials not later than eleven (11) days after service of the motion. Unless otherwise directed, replies are not authorized.

(c) **Hearing**

Unless otherwise directed by the court, any hearing on the motion for attorneys' fees will be heard by the court without:

- (1) Segregating the issue of liability for attorneys' fees from the issue of the amount of fees;
- (2) Live testimony and/or cross-examination of witnesses;
- (3) Extending the time for appeal of the underlying judgment under Fed. R. Civ. P. 58; or
- (4) The parties submitting proposed findings and conclusions, and/or the parties objecting to proposed findings and conclusions issued by the court.

(d) **Other Options** (See Fed. R. Civ. P. 54(d))

The court may issue other appropriate orders relating to the motion for attorneys' fees including a decision to refer the motion and objections to mediation or other dispute resolution process.

(e) **Legal Memoranda and Page Limitations**

Except as authorized in advance by the court, all legal memoranda in support of, or in opposition to, motions for attorney fees are limited to ten (10) pages.

Amendment History to LR 54	
June 1, 2000	
LR 54.1(a)(1)(A)	The phrase "or receipt and docketing of the appellate court's mandate," has been added to clarify the filing deadlines.
June 1, 2002	
LR 54.4(b)	The sentence beginning "Unless otherwise directed...." was added.

LR 56.1 **Motion for Summary Judgment** (See Fed. R. Civ. P. 56)

(a) Motion Requirements

A motion for summary judgment must be accompanied by the following two documents:

(1) Memorandum in Support

The supporting memorandum must address applicable law and explain why there are no genuine issues of material fact to be tried; and

(2) Concise Statement of Material Facts

A separately filed concise statement must articulate the undisputed relevant material facts that are essential for the court to decide only the motion for summary judgment – not the entire case (See Also LR 56.1(c) for formatting and citation instructions)

(b) Opposition and Reply Requirements

(1) Opposition to a motion for summary judgment must include a response to the separate concise statement that responds to each numbered paragraph of the moving party's facts by:

(A) Accepting or denying each fact contained in the moving party's concise statement; or

(B) Articulating opposition to the moving party's contention or interpretation of the undisputed material fact.

(2) After responding to the movant's numbered paragraphs, the responding party may then articulate other relevant material facts which are at issue, or are otherwise necessary for the court to determine the motion for summary judgment.

(3) In the same manner as set forth in LR 56.1(b)(1), the moving party shall reply to the responding party's additional facts.

(c) **Concise Statement** (See Appendix of Forms #12)

- (1) Facts shall be stated in separately numbered paragraphs. A party must cite to a particular affidavit, deposition, or other document (indicating both page and line number references [where appropriate]) supporting the party's statement, acceptance, or denial of the material fact.
- (2) A party may reference only the material facts which are necessary for the court to determine the limited issues presented in the motion for summary judgment and no others.
- (3) Documents referenced in the separate concise statement shall not be filed in their entirety. Instead, the filing party must extract and highlight only the relevant portions of each referenced document. Photocopies of extracted pages, with appropriate identification and highlighting will be adequate.

(d) **Page Limitations**

Unless approved by the court in advance, the concise statement may not be longer than five (5) pages. Statements in excess of that amount may be returned by the Court with direction for counsel to further condense the statement.

(e) **Scope of Judicial Review**

Except as otherwise required by law, when resolving a motion for summary judgment, the court has no independent duty to search and consider any part of the court record not otherwise referenced in the separate concise statements of the parties.

(f) **Admission of Material Facts**

For purposes of a motion for summary judgment, material facts set forth in the concise statement of the moving party, or in the response to the moving party's concise statement, will be deemed admitted unless specifically denied, or otherwise controverted by a separate concise statement of the opposing party.

Amendment History to LR 56	
June 1, 2002	
LR 56.1(a)(2)	Cross reference LR 56.1(c) – formatting and citation instructions to be included in the Concise Statement
LR 56.1(b)	" and Reply..." added to Caption
LR 56.1(b)(2)	Last sentence added for clarification
LR 56.1(c)	Requirement to include page number and line number (where appropriate) information to the Concise Statement.
LR 56.1(f)	"...or in the response..." added

LR 67 DEPOSITS IN COURT and OTHER FUNDS (See Fed. R. Civ. P. 67)

LR 67.1 Deposits in Court -- Procedural Requirements (See 28 U.S.C. § 2041)

(a) Form of Deposit

All monies paid into the court must be by cash, or by cashier's check, authorized plastic card payment, or certified check made payable to **Clerk, U.S. District Court**.

(b) Registry Fund

Upon receipt, the clerk will deposit the monies with the Treasurer of the United States into the court's registry fund.

(c) Assessment of Registry Fee

Pursuant to the authority of the Judicial Conference of the United States, the clerk will assess a registry fee on all income earned on any court approved account established pursuant to this rule.

LR 67.2 Order to Deposit Funds into Interest Bearing Accounts (See Appendix of Forms #13)
Prior to submission to the court, the clerk's office financial administrator must approve all proposed orders requesting authority to direct the deposit of funds from the registry of the court into interest-bearing accounts or instruments.

LR 67.3 Funds Withdrawal — Generally (See 28 U.S.C. § 2042)

(a) Authority

28 U.S.C. § 2042 provides that "*No monies deposited pursuant to 28 U.S.C. § 2041 shall be withdrawn except by order of court.*"

(b) Motion to Withdraw Funds for Redeposit Elsewhere (See Appendix of Forms #14)

Upon motion or stipulation, the court may order that funds be withdrawn from the registry of the court for redeposit elsewhere. A proposed form of order must be submitted with an application to withdraw funds, and must contain the following information:

- (1)** The amount on deposit and the schedule of anticipated or future deposits;
- (2)** The amount to be withdrawn and the amount of the registry fee to be assessed by the clerk;
- (3)** The plan for redepositing the funds;
- (4)** The name of the attorney of record who will receive and maintain the funds as a trustee; and
- (5)** The proposed disposition of the funds upon final order of court.

(c) Review of Proposed Orders by the Clerk

Prior to submission to the court, the clerk's office financial administrator must approve all applications and proposed orders to withdraw monies.

LR 67.4 Disbursement of Funds

Except as directed by the court, payments from registry funds held by the court will be paid jointly to the entitled party and to their local attorney of record, and will be mailed to the attorney for distribution.

LR 67.5 Designated or Qualified Settlement Funds

(a) Designation of Fund

A registry account may be designated to serve as a qualified settlement fund only if:

- (1) There has been a settlement agreement in the case;
- (2) A court order has established or approved a deposit into the registry as a settlement fund; and
- (3) The liability resolved by the settlement agreement is of a kind described in 26 U.S.C. § 468B or 26 C.F.R. § 1.468B-1(c).

(b) Designation of Administrator

When a registry account is established under LR 67.1, the court will designate a person outside the court to serve as the administrator responsible for obtaining the employer identification number for the fund, filing all fiduciary tax returns, and paying any tax.

Generally, the court will designate either the person named as administrator in the settlement agreement or counsel for the party that deposited the funds into the registry account.

Amendment History to LR 67	
June 1, 2002	
LR 67	Generally: Cross references added and updated.
LR 67.1(a)	"...authorized plastic card payment..." added.
LR 67.5(b)	Corrected reference to LR 67.1

LR 83 **RULES and DIRECTIVES-- by the District Court** (See Fed. R. Civ. P. 83)

LR 83.1 **Attorney Admissions -- Generally**

- (a) **Limitations on Practice** (See LR 83.2-5)
Only attorneys generally or specially admitted pursuant to this rule may practice in the district and bankruptcy courts of the District of Oregon.

- (b) **Application Forms** (See Appendix of Forms #16)
An applicant must submit an application for general or special admission in the format provided by the clerk's office.

- (c) **Payment of Fees**
Attorney admission fees must be paid at the time the application for general or special admission is filed with the clerk.

- (d) **Sanctions for Unauthorized Practice**
Any person who exercises any of the privileges of a member of the bar of this court without being entitled to do so, will be guilty of contempt.

- (e) **CM/ECF Registration** (See LR 100.2)
Except for good cause shown by letter to the Clerk indicating a lack of computer technology to access the Internet, attorneys admitted to practice pursuant to LR 83 are required to complete and mail to the clerk's office, the CM/ECF Attorney Registration form found at ord.uscourts.gov/ecf/ecf.html.

LR 83.2 **Admission to General Practice**

Admission to general practice, and continuing membership in the bar of this court, is limited to attorneys of good moral character who are active members in good standing with The Oregon State Bar.

LR 83.3

Special Admissions — Pro Hac Vice

- (a) **Application for Special Admission Pro Hac Vice** (See Appendix of Forms #17)
Any attorney who is an active member in good standing of the bar of any United States court, or the highest court of any state, territory, or insular possession of the United States, may apply to be specially admitted pro hac vice in a particular case provided they:
- (1) Associate with an attorney admitted to general practice before the bar of this court, who will meaningfully participate in the preparation and trial of the case (See LR 83.2 and LR 83.4).
 - (2) Pay the admissions fee and file a pro hac vice admission application in every case in which they seek to be specially admitted.
 - (3) Certify professional liability insurance, or an equivalent financial responsibility, will apply and remain in force for the duration of the case, to include any appeal proceedings.
- (b) **Motion to Waive Special Admissions Fee**
For good cause shown, any attorney may move to have the court waive the special admission's fee in a particular case.
- (c) **Order Granting Special Admission**
The assigned judge will review and rule upon the application for special admission.
- (d) **Scheduling Court Proceedings**
Unless otherwise directed by the trial judge, the clerk's office will coordinate and schedule all calendaring actions, telephone conferences, and other court proceedings through local counsel.
- (e) **Notice to Pro Hac Vice Counsel**
- (1) **Pro Hac Vice Counsel Registered with the CM/ECF System**
Pro hac vice counsel registered with the CM/ECF system pursuant to LR 83.1(e) will receive electronic notice pursuant to LR 100.13.
 - (2) **Pro Hac Vice Counsel Exempt from CM/ECF Registration**
Unless otherwise directed by the trial judge, the clerk's office will mail copies of notices, schedules, orders, and other court communications only to the associated local counsel — who in turn will be responsible for distributing and coordinating the information with the pro hac vice attorney.

LR 83.4

Special Admissions — Government Attorneys

Attorneys who represent the United States, Indian treaty tribes, a state, or any agency of these sovereigns, may appear in a case without having to comply with LR 83.1(c) and LR 83.2.

Special Admissions — Certified Law Students**(a) Eligibility**

An "eligible" law student is a law student meeting all the requirements of Rule 13.20 of Rules for Admission of Attorneys of the Supreme Court of the State of Oregon ("Oregon Rules").

(b) Certification

A law school dean must make the certification described in Oregon Rules 13.20 and 13.25 by filing with the clerk of this court a copy of the certification filed with the State Court Administrator. The dean may withdraw the certification and this court may terminate the certification as provided in Oregon Rule 13.25. The certification must otherwise remain in effect for the period described in Oregon Rule 13.25(1).

(c) Supervising Counsel

- (1)** In all cases, there must be a supervising attorney who must be a member of the bar of this court and an attorney of record on behalf of the client on whose behalf the law student is appearing. No law student may appear until the client, the supervising attorney and the judge of this court before whom the appearance is to be made have consented to such an appearance.
- (2)** The supervising attorney is responsible for explaining to the client the nature and extent of the law student's participation, and for obtaining the client's consent to such participation. The client's consent must be in writing and filed with the clerk and become part of the record of the case. Consent by the United States Attorney for the District of Oregon will constitute consent by the United States.
- (3)** The supervising attorney must be present at all times when the law student appears before the court. The member of the bar of this court under whose supervision an eligible law student does any of the things permitted by these rules must assume responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work.

Suspension or Disbarment

(a) Duty of Counsel to Notify Court

Every attorney admitted to general or special practice before this court has an affirmative duty to notify the Chief Judge — and assigned judge — in writing within ten (10) days after they have:

- (1) Been suspended or disbarred from practice by any court;
- (2) Been convicted of a felony in either a state or federal court
- (3) Resigned from the bar of any court while an investigation was pending into allegations of misconduct which would warrant suspension or disbarment;
- (4) Been notified of a change in their admissions status in any other jurisdiction which would affect their eligibility for general or special admission to the bar of this court.

(b) Order to Show Cause

- (1) Upon receipt of a notice pursuant to LR 83.6; or upon notice or information that an LR 83.6 violation may have occurred, the court may direct the clerk to issue an order to show cause why disciplinary action (to include suspension, disbarment, or other appropriate disciplinary action) should not be taken against the attorney.
- (2) The clerk will mail the order to the last known address of the attorney and The Oregon State Bar's Discipline Committee.
- (3) The attorney must file a response to the order within twenty (20) days from the date of the order, showing good cause why he or she should not be subject to disciplinary action. If requested, the responding attorney may ask that a hearing be held on the matter. If a hearing is requested, the Chief Judge may appoint a judge or special master to preside over the hearing.
- (4) At the conclusion of any hearing, or within twenty (20) days if no response is filed by the attorney, the presiding judge or master will enter a final order. A copy of the order will be mailed to the attorney and The Oregon State Bar's Discipline Committee.

LR 83.7

Standards of Professional Conduct

Every attorney admitted to general or special practice and every law student appearing pursuant LR 83.5 must:

- (a) Be familiar and comply with the standards of professional conduct required of members of the Oregon State Bar;
- (b) Maintain the respect due courts of justice and judges;
- (c) Perform with honesty, care, and decorum required for the fair and efficient administration of justice; and
- (d) Discharge the obligations owed to their clients and to the court; and assist those in need of counsel when requested by the court.

LR 83.8

Cooperation Among Counsel

- (a) Counsel must cooperate with each other, consistent with the interests of their clients, in all phases of the discovery process and be courteous in their dealings with each other, including the matters relating to scheduling and timing of various discovery procedures.
- (b) The court may impose sanctions if it finds that counsel has been unreasonable in not accommodating the legitimate requests of opposing counsel. In a case where an award of attorney fees is applicable, the court may take a lack of cooperation into consideration in setting the fee.

LR 83.9

Appearances by an Attorney

- (a) **Appearance by Filing**
The filing of any document constitutes an appearance by the attorney who signs the document.
- (b) **Appearance by Represented Parties Through Counsel**
A party represented by an attorney cannot appear or act except through the attorney.

LR 83.10

Notification of Change of Address or Affiliation

- (a) **Current Address Information**
Every attorney admitted to general or special practice, and every unrepresented party, has a continuing responsibility to notify the clerk's office whenever they change their mailing address, telephone number, and/or business e-mail address.
- (b) **Notice of Change of Mailing and/or Business E-Mail Address**
Notice of a change of mailing and/or business e-mail address must be filed in pleading form and served on all parties to any pending action, or case on appeal.

LR 83.11 Withdrawal From a Case

(a) Withdrawal -- Court Approval Required

An attorney may withdraw as counsel of record only with leave of court. Unless there is a substitution of counsel, a motion must be filed and served on the client and opposing counsel. The motion will be heard on an expedited basis.

(b) Death, Removal, Suspension, or Inaction of Attorney

When an attorney dies, is removed or suspended, or ceases to act, the party, unless already represented by another attorney, must designate a new attorney or appear in person before any further proceedings occur.

LR 83.12 Undeliverable Mail (See LR 100.13)

When court mail is sent to the last known address of an attorney of record or unrepresented party, and the postal service returns the mail as undeliverable because the attorney or party has failed to notify the clerk of a changed address, and the failure to notify the clerk of the change of an address continues for sixty (60) days, then the court may strike appropriate pleadings, enter a default, or dismiss the action.

LR 83.13 Reminders to the Court

(a) Matters Under Advisement

If any matter, including a motion or a decision in a bench trial, is under advisement more than sixty (60) days, each affected party must send the judge a letter describing the matter and stating when it was taken under advisement. Every forty-five (45) days thereafter, while the matter remains under advisement, each affected party must send a similar letter to the chair of the Calendar Management Committee by delivery to the clerk of court.

(b) Failure to Schedule a Preliminary Pretrial Conference

Unless a trial date has already been set, if the assigned judge fails to schedule a preliminary pretrial conference within ten (10) days of the lodging of the pretrial order or order waiving the pretrial order, each affected party must send the assigned judge a letter advising that no conference has been set.

LR 83.14 Cameras — Pagers — Cell Phones — Laptop Computers

(a) Cameras

(1) Prohibition — Generally

Except as authorized by a judge in a particular proceeding, cameras, and any other type of audio, video, or digital broadcasting or recording devices, are not permitted in the courthouse. All such items must be checked at the court security checkpoint prior to entry into the courthouse.

(2) Exceptions for Ceremonial Occasions

Cameras and other recording devices will be allowed during naturalization ceremonies, investitures, and other court approved ceremonial and educational programs.

(b) Pagers

Pagers are permitted in the courthouse, **provided** they are switched to a vibrate signal (rather than an audible signal) prior to entry. Trial jurors will turn their pagers over to the courtroom deputy clerk during deliberations.

(c) Cellular Phones

Cellular phones are permitted in the courthouse, **however**, they must be turned off whenever the phone is brought into a courtroom, chambers area, or agency office area. Trial jurors will turn their cellular phones over to the courtroom deputy clerk during deliberations.

(d) Laptop Computers

Laptop computers may be brought into the courthouse, and with the permission of the presiding judge, may be used during court proceedings.

LR 83.15 Certifying a Question to the Oregon Supreme Court (See ORS 28.200-255)

(a) Criterion

For purposes of this rule, the court will be guided by the certification criterion set forth in *Western Helicopter Services, Inc., v. Rogerson Aircraft Corporation*, 311 Or. 361, 811 P.2d 627.

(b) Procedural Requirements

(1) Party Responsibilities

Any party seeking to have this court certify a question of law to The Oregon Supreme Court must:

(A) Motion in Support

File and serve a motion with supporting memoranda that complies with the requirements of paragraph (a) above.

(B) Calendaring, Opposition, and Reply

Unless otherwise directed by the court, the motion will be calendared as a discovery motion pursuant to these rules.

(2) Court Responsibilities

(A) Assigned Judge

If the assigned trial judge (district, bankruptcy, or magistrate judge) believes that certification of a question to The Oregon Supreme Court is appropriate, he or she will refer that recommendation to the Chief Judge.

(B) Chief Judge Responsibility

Upon receipt of the recommendation, the Chief Judge will confer with other members of the court. If the court concurs, the Chief Judge will certify the question to The Oregon Supreme Court.

LR 83.16 Corporate Disclosure Statement (Compare Fed. R. App. P. 26.1)

(a) Who Must File

Any non-governmental corporate party to a proceeding in this court must file a statement identifying all of its parent corporations and listing any publicly held company that owns 10% or more of the party's stock (or stating that there are none).

(b) Time for Filing

When required by LR 83.16(a), a party shall file the corporate disclosure statement concurrently with the filing of a first appearance.

(c) Number of Copies

An original and a "JUDGE'S COPY" of the corporate disclosure statement shall be filed with the clerk's office (See LR 3.4).

Amendment History to LR 83	
September 23, 1999	
LR 83.2	Amended to eliminate the trial certification requirements of the previous rule.
June 1, 2000	
LR 83.16	This rule establishes corporate disclosure statements similar to those required by Fed. R. App. P. 26.1.
June 1, 2002	
LR 83.1(b)	Reference to the court's website deleted.
LR 83.1(e)	New Rule: Cm/ECF registration requirements added.
LR 83.3(d)	Title amended to "Scheduling Court Proceedings". Subsection (2) deleted.
LR 83.3(e)	New Rule.
LR 83.4	Reference to LR 83.1(c) added.
LR 83.6	"... by any court." added.
LR 83.10(a) and (b)	Amended to include business e-mail address.
LR 83.12	Cross-reference to LR 100.13 added.

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- LR 100.1 Case Management/Electronic Case Filing System (Cm/ECF) Overview**
The District of Oregon uses the Federal judiciary's Cm/ECF system and the Internet to support electronic filing, service, and public access to court records in civil cases assigned to the Cm/ECF system. More information is available at ord.uscourts.gov/ecf/ecf.html.
- LR 100.2 Cm/ECF Registered Attorneys** (See LR 83.1(e) and LR 1.5(i) – Filing User)
Unless otherwise exempted pursuant to LR 83.1(e), attorneys admitted to the bar of this court must register with the Cm/ECF system. Registration instructions are explained on the court's website at ord.uscourts.gov/ecf/ecf.html.
- (a) **Cm/ECF Login and Password Security**
Once Cm/ECF registration is completed, the clerk's office will notify the Filing User of their personal login and password. Filing Users agree to protect the security of their passwords and immediately notify the clerk if they learn that their password has been compromised.
- (b) **Cm/ECF Filing User's E-mail Account**
Concurrent with Cm/ECF registration, the clerk's office will activate the Filing User's e-mail account to allow the user to receive court materials pursuant to LR 100.13.
- LR 100.3 Voluntary Participation in the Cm/ECF System** (See LR 100.5(c))
Without obtaining prior court approval, Filing Users may electronically file all petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the court using the court's Cm/ECF and Internet capabilities.
- LR 100.4 Filing Initial Papers With the Court**
Initial pleadings, to include related summons and other case papers, shall be filed conventionally on paper, with an additional electronic copy filed as required below:
- (a) **For All Non-Removal Civil Actions:** If the Plaintiff elects to file electronically pursuant to LR 100.3, it shall include a PDF copy of all initial case papers concurrent with the conventional filings required by the preceding paragraph. Submission of these electronic records may be on 3.5 inch diskette or CD Rom.
- (b) **For All Removed Civil Actions:** If the removing party elects to file electronically pursuant to LR 100.3, it shall submit a PDF copy of all initial papers (to include state court documents) on 3.5 inch diskette or CD Rom within three (3) business days of the initial filing.
- LR 100.5 Electronic Filing of Subsequent Papers**
- (a) **Previous Conventional Filings**
Unless otherwise directed by the court, it is not necessary for a party to submit electronic versions of previous conventionally filed documents.
- (b) **Subsequent Electronic Filings** (See LR100.15(b))
Unless relieved by the court, once a Filing User starts to file in a case electronically, all subsequent filings in that case must be electronically filed.

(c) **Judge's Working Copy**

One paper copy for the judge of each electronically filed document must be delivered to the Clerk within three (3) business days of the electronic filing. The Notice of Electronic Filing must be attached to the front of the paper copy.

LR 100.6

Consequences of Electronic Filing

Electronic filing of a document consistent with these rules, together with the transmission of the Cm/ECF system generated *Notice of Electronic Filing*, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure and the local rules of this court, and constitutes entry of the document on the docket kept by the Clerk pursuant to Fed. R. Civ. P. 58 and 79.

LR 100.7

Filing Deadlines

Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before 6:00 pm Pacific time in order to be considered timely filed that day.

LR 100.8

Signature Requirements

(a) **Initial Case Papers** (See Fed. R. Civ. P. 11 and LR 11.1)

(b) **Electronic Filings**

(1) The Filing User's log-in and password serves as the Filing User's signature on all documents electronically filed with the court. They also serve as a signature for purposes of Fed. R. Civ. P. 11, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court.

(2) Each document filed electronically must include the Filing User's name preceded by an "s/" and typed in the space where the signature would otherwise appear, followed by the other information required by LR 11.1, e.g.

s/ John Q. Lawyer
John Q. Lawyer, Esquire
OSB # 999-9999
[541] 999-9999
Attorney for Plaintiff

(3) No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

(c) **Documents Requiring Multiple Signatures**

Documents requiring signatures of more than one party must be electronically filed by:

(1) Submitting a scanned document containing all necessary signatures;

(2) Representing the consent of the other parties on the document;

(3) Identifying on the document the parties whose signatures are required and submitting a notice of endorsement by the other parties no later than three (3) business days after filing; or

- (4) In any other manner approved by the court.

LR 100.9 Entry of Court Orders

- (a) All orders, decrees, judgments, and proceedings of the court will be electronically filed in accordance with these rules which will constitute entry on the docket pursuant to Fed. R. Civ. P. 58 and 79. In addition, the court will file a paper original of all appealable orders, decrees and judgments.
- (b) Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Civ. P. 77(d).
- (c) The Clerk will mail a paper copy of all appealable orders, decrees and judgments to all counsel of record.
- (d) The Clerk will mail a paper copy of all notices to a person who is exempt from electronic service.
- (e) Any order, decree, judgment, or other proceeding of the court filed electronically without the original signature of a judge has the same force and effect as if the judge had signed a paper copy and it had been entered on the docket in a conventional manner.

LR 100.10 Electronic Filing of Proposed Orders and Documents

- (a) **Proposed Forms of Orders or Judgments**
Unless otherwise requested by the court, proposed forms of order or judgments shall be docketed and served and clearly identified as proposed documents.
- (b) **Proposed Amended Pleadings** (See LR 15)
When leave of court is sought for filing an amended pleading or document, the proposed amended document must be electronically filed as an attachment to the motion.
- (c) **Proposed Jury Instructions, Verdict Forms and Voir Dire Questions** (See LR 51.1(e)(2))
In addition to electronic filing via the Cm/ECF system, proposed jury instructions, verdict forms, and voir dire questions must be submitted on 3.5 inch diskette or CD Rom in WordPerfect or ASCII text format. A judge may also direct that these documents be electronically mailed to chambers.

LR 100.11 Attachments and Exhibits

- (a) Except as provided in subsection (b), Filing Users must:
- (1) Submit all documents referenced as exhibits or attachments in electronic form, unless the court permits conventional filing;
 - (2) Submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane.
- (b) The following documents may be filed conventionally or in CD Rom (PDF) format without prior court approval:
- (1) Administrative records, including, but not limited to, APA, IDEA, ERISA, and INS administrative records; (See 100.17(b)(2))
 - (2) Demonstrative exhibits;
 - (3) Oversized exhibits, including but not limited to maps and blueprints; and
 - (4) Exhibits or attachments of more than 100 pages

LR 100.12 Retention Requirements

Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User until either final disposition of the case **plus** the time for appeal; or until the expiration of any relevant statute of limitations, whichever is greater. On request of the court or a party, the Filing User must provide the original document for review.

LR 100.13 Electronic Service

- (a) Consent to Receive Electronic Service (See LR 100.2)**
Registration as a Filing User constitutes consent to electronic service of all electronically filed documents as provided in these rules.
- (b) Responsibility to Perfect Service**

 - (1)** Parties who have not consented to electronic service must be served a paper copy of any electronically filed pleading or other document according to the Federal Rules of Civil Procedure.
 - (2)** Upon notification from the Court that electronic service has not been perfected, the Filing User has the responsibility to perfect service on all parties conventionally pursuant to Fed. R. Civ. P. 5.
- (c) Proof of Electronic Service**
The Cm/ECF system generated *Notice of Electronic Filing* constitutes proof of service upon a Filing User in accordance with the Fed. R. Civ. P. 5(d)
- (d) Electronic Service of Non-Filed Documents (See LR 5.2)**

LR 100.14 Official Record

When a document has first been filed electronically, the official record is the electronic recording of the document as stored on the Cm/ECF system, and the filing party is bound by the document as filed. Where a document is first conventionally filed, and then electronically filed pursuant to LR 100.5, the conventionally filed document is the official record.

LR 100.15 Application to Discontinue Electronic Filing

- (a) Withdrawal of Cm/ECF Attorney Registration (See LR 83.1(e))**
- (b) Application to Discontinue Electronic Filing in a Case**
Upon application served on all parties, the assigned judge may authorize a Cm/ECF registered attorney to discontinue electronic filing in the particular case.

LR 100.16 Technical Failures

A Filing User whose filing is made untimely as a result of a technical failure may file a motion for appropriate relief from the court.

Public Access to Electronic Records**(a) Public Access Through PACER**

A person may review at the clerk's office filings that have not been sealed by the court. A person also may access the CM/ECF system at the court's Internet site ord.uscourts.gov/ecf/ecf.html by obtaining a PACER log-in and password. A person who has PACER access may retrieve docket sheets and documents. Only a Filing User under LR 1.5(i) of these rules may file documents.

(b) Privacy Concerns**(1) Format for Personal Data Identifiers (See LR 10.3)****(2) Social Security Cases**

Electronic access to documents in actions against the Commissioner of the Social Security Administration is limited to participants in the case and court users. The administrative record must be filed conventionally and not electronically.

(3) Downloading Privacy Information

Information posted on the Cm/ECF system must not be downloaded for uses inconsistent with the privacy concerns of any person.

(c) Sealed Documents (See Also LR 3.9)

A motion to file documents under seal may be filed electronically unless prohibited by law or otherwise ordered by the court. The order of the court authorizing the filing of documents under seal may be filed electronically unless prohibited by law. Documents ordered to be placed under seal must be filed conventionally and not electronically. A paper copy of the order must be attached to the documents filed under seal and delivered to the clerk.

(d) Individual Party Consents to U.S. Magistrate

Individual Party Consents for all Further Proceedings before a U.S. Magistrate Judge must be filed conventionally and not electronically. When all parties file consents, the Clerk will make the appropriate docket entry.

Amendment History to LR 100

June 1, 2002

- LR 100 Cm/ECF – Electronic Filing System**
LR 100 is an entirely new rule designed to accommodate the unique practice and procedural requirements associated with the court's electronic filing system – Cm/ECF. The rule has been cross-referenced to relevant federal rule of civil procedure, local rules of the district court, and proposed model Cm/ECF rules. This rule also explains that the Cm/ECF system is the national judiciary electronic filing system, and although the system has been in prototype development since 1997, national filing standards, as well as federal and local rule implications, are still evolving. By implication this means that changes to the operating system, and rules of practice and procedure, will also be evolving and changing for the next several years. Consequently, the District of Oregon has elected to include all Cm/ECF related local rules of practice and procedure within the body of one local rule.
- LR 100.2 Cm/ECF Registered Attorneys**
At the time of this rule amendment, limitations in clerk's office staffing, and the fact that Cm/ECF is still in the early development stages in Washington, D.C., preclude expanding the electronic filing and service options beyond Cm/ECF registered attorneys.
- (a) Cm/ECF Login and Password Security**
Each attorney must protect their personal Cm/ECF login and password in the same manner as they would their personal credit or bank card PIN number. In the event that either is lost or compromised, the attorney must immediately report that fact to the nearest clerk's office, who will reissue a new login and password.
- (b) Cm/ECF Filing User's E-mail Account**
Once the clerk's office sets up the initial e-mail account, the Filing User has on-line access to the Cm/ECF system to update and maintain personal and business information to ensure that they receive service of future electronic filings. Instructions for updating this information can be found in the Cm/ECF User's Manual at ord.uscourts.gov/ecf/ecf.html. The rule contemplates waiver of the paper notice requirements of LR 83.10.
- LR 100.3 Voluntary Assignment of Civil Cases to the Cm/ECF System**
For the present time, the court has determined that participation in the electronic filing aspects of Cm/ECF will be on a voluntary basis. Attorneys are strongly encouraged to use the Cm/ECF system to file and serve documents in all civil cases.
- LR 100.4 Filing of Initial Papers with the Court**
When a plaintiff elects to file electronically, he must tender a PDF copy of the initial complaint on 3.5" diskette or CD Rom at the time of filing the initial papers. Parties removing actions to the federal court, who elect to file electronically, must tender the PDF copy of the initial papers, including the state court documents, within three (3) business days. The clerk's office will insert the PDF file at the time of docketing.
- LR 100.6 Consequences of Electronic Filing**
This rule provides a "time of filing" rule that is analogous to the traditional system of file stamping by the Clerk's office. A filing is deemed made when it is acknowledged by the Clerk's office through the CM/ECF system's automatically generated *Notice of Electronic Filing*. This rule also declares that electronically filed documents are considered to be entries on the official docket.

LR 100.8 Signature Requirements

- (a) Initial case papers are filed conventionally pursuant to Cm/ECF to LR 100.4, therefore the original signature requirements of Fed. R. Civ. P. 11 still apply.
- (b)(1) Cm/ECF requires filing users to register with the system (LR 100.2) in order to receive their personal login and password. Cm/ECF also requires a Filing User to connect to the system, using their login and password in order to file and serve documents with the court and other Filing Users. Consistent with the model national rules, this rule declares that use of a Filing User's login and password constitutes a signature for purposes of the Federal Rules of Civil Procedure; including Fed. R. Civ. P. 11, and any other purpose for which a signature is required on a document in connection with proceedings before this court. It also assures that such a signature has the same force and effect as a written signature.
- (b)(2) At the present time, other forms of digital or other electronic signature have received only limited acceptance. It is possible that over time and with further technological development a system of digital signatures may replace the current password system. Some users of electronic filing systems have questioned whether an s-slash requirement is worth retaining. The better view is that an s-slash is necessary; otherwise there is no indication that documents printed out from the website were ever signed. The s-slash provides some indication when the filed document is viewed or printed that the original was in fact signed.
- (b)(3) This paragraph does not require an attorney or other Filing User to personally file his or her own documents. The task of electronic filing can be delegated to an authorized agent, who may use the log-in and password to make the filing. However, use of the log-in and password to make the filing constitutes a signature by the Filing User under the Rule, even though the Filing User does not do the physical act of filing.
- (c) Issues arise when documents being electronically filed have been signed by persons other than the filer, e.g., stipulations and affidavits. The Model Rule provides for a substantial amount of flexibility in the filing of these documents.

LR 100.9 Entry of Court Orders

Electronically filed court orders have the same force and effect as an order conventionally filed. This rule also contemplates that a judge can authorize court support personnel to electronically enter an order on the judge's behalf.

LR 100.11 Attachments and Exhibits

One issue that has arisen in most courts using electronic filing relates to attachments or exhibits not originally available to the filer in electronic form, and that must be scanned (or imaged) into Portable Document Format (PDF) before filing. Examples include leases, contracts, proxy statements, charts and graphs. A scanned document creates a much larger electronic file than one prepared directly on the computer (e.g., through word processing). The large documents can take considerable time to file and retrieve. The rule provides that if the case is assigned to the electronic filing system, the party must file this type of material electronically, unless the court specifically permits conventional filing.

- (a) It is often the case that only a small portion of a much larger document is relevant to the matter before the court. In such cases, scanning the entire document imposes an inappropriate burden on both the litigants and the courts. To alleviate some of this inconvenience, the rule provides that a Filing User must submit as the exhibit only the relevant excerpts of a larger document. The opposing party then has a right to submit other excerpts of the same document under the principle of completeness.
- (b) This rule is not intended to alter traditional rules with respect to materials that are before the court for decision. Thus, any material on which the court is asked to rely must be specifically provided to the court.

LR 100.12 Retention Requirements

- (a) Because electronically filed documents do not include original, handwritten signatures, it is necessary to provide for retention of certain signed documents in paper form in case they are needed as evidence in the future. This rule requires retention only of those documents containing original signatures of persons other than the person who files the document electronically. The filer's use of a log-in and password to file the document is itself a signature under the terms of LR 100.8.
- (b) This rule places the retention requirement on the person who files the document.
- (c) Filers should retain a paper copy of electronically filed documents in which a person verifies, certifies, affirms, or swears under oath or penalty of perjury. See, e.g., 28 U.S.C. § 1746 (unsworn declarations under penalty of perjury).

LR 100.13 Electronic Service

The court finds that maintenance of the "individual written consents" required by the Fed. R. Civ. P. 5(b)(2)(D) is too cumbersome and unwieldy to manage effectively.

LR 100.17 Public Access and Privacy Issues

On October 1, 2001 the Judicial Conference approved the following policy in regards to the electronic availability of case files. "Documents in civil cases should be made available electronically to the same extent that they are available at the courthouse with one exception (Social Security cases should be excluded from electronic access) and one change in policy (certain "personal identifiers" should be modified or partially redacted by the litigants). These identifiers are Social Security numbers, dates of birth, financial account numbers, and names of minor children." LR 100.17(b) and LR 10.3 have been written to conform to the spirit of that policy.

- (a) This rule is taken from Rule 12 of the Model Local District Court Rules for Electronic Case Filing approved by the Judicial Conference at its March 2002 session.
- (b)(2) Cm/ECF software provides the capability to limit access to electronically filed documents by Nature of Suit Codes (NOS). Social Security cases are categorized by specific NOS codes and as such redaction and/or modification of documents, pleadings and orders in this category of cases is unnecessary. Additionally, in conformance with Judicial Conference policies, this rule clearly excludes the administrative record in a Social Security case from electronic filing.
- (c) This rule recognizes that other laws may affect whether a motion to file documents under seal, or an order authorizing the filing of such documents, can or should be electronically filed. It is possible that electronic access to the motion or order may raise the same privacy concerns that gave rise to the need to file a document conventionally in the first place. For similar reasons, the actual documents to be filed under seal should ordinarily be filed conventionally. Existence vs. Content
- (d) Individual party consents to Magistrate Judge are non-public documents and should not be electronically filed. Clerk's office staff will create a non-public entry to the docket recording the filing. At such time as all parties have consented, a public entry will be made to the docket sheet by court staff.

LR 2100 REFERRAL OF BANKRUPTCY CASES AND PROCEEDINGS

- LR 2100.1 Cases and Proceedings Under Title 11, United States Code**
This court hereby continues its reference to the bankruptcy judges of this district of all cases under Title 11 and all proceedings arising under Title 11 or arising in or related to cases under Title 11.
- LR 2100.2 Cases and Proceedings Under the Bankruptcy Act of 1898**
The bankruptcy judges shall hear and determine cases and proceedings arising under the Bankruptcy Act of 1898, as amended, pursuant to § 403(a) of the Bankruptcy Reform Act of 1978.
- LR 2100.3 Procedure Concerning Abstention (See 28 U.S.C. § 1334(c)), Withdrawal of Reference (See 28 U.S.C. § 157(d)), and Change of Venue (See 28 U.S.C. § 1412)**
- (a) Titles**
All documents shall be entitled "United States Bankruptcy Court for the District of Oregon."
 - (b) Local Rules**
The District Court Local Rules and Orders apply to all matters before a district judge. The bankruptcy court Local Rules and General Orders apply to all matters before a bankruptcy judge.
 - (c) Timeliness**
 - (1)** Unless otherwise provided in these rules, to be considered "timely," motions of the type in the caption of LR 2100.3 shall be filed with the movant's first pleading or motion.
 - (2)** A motion for enlargement of a time limit in subsection (c)(1) may be granted where the failure to act was the result of excusable neglect. The motion will ordinarily be denied if made more than twenty (20) days after the specified time period.
 - (d) Filing**
All documents in cases or adversary proceedings arising under or related to Title 11 shall be filed with the bankruptcy court clerk. Only if reference of an entire case or adversary proceeding is withdrawn by a district judge or an appeal is filed from a judgment, order or decree of a district judge, shall documents be filed with the district court clerk.
 - (e) Caption of Documents Where Matter Has Been Transmitted to District Court**
When a matter has been transferred to the district court, the caption of all documents submitted within that matter will contain, under the title of the document, the wording, "Referred to United States District Court."
 - (f) Required Exhibits**
All motions and responses, which seek district court action shall have attached as exhibits copies of all relevant portions of any record in the bankruptcy court record that the party believes will be necessary for consideration of the motion. When ruling on such a motion, the district court will consider only those portions of the record which are attached.
- LR 2100.4 Withdrawal of Reference (See 28 U.S.C. § 157(d))**
In addition to the statutory provisions relating to withdrawal of reference, a case, or any portion thereof, may be withdrawn on recommendation of a bankruptcy judge.

- LR 2100.5 Abstention (See 28 U.S.C. § 1334(c))**
- (a) **General**
Motions for abstention shall be heard by a bankruptcy judge.
 - (b) **Motions Under 28 U.S.C. § 1334(c)(2)**
In addition to complying with the provisions of LR 2100.3, motions filed pursuant to 28 U.S.C. § 1334(c)(2) shall be accompanied by an affidavit, declaration under penalty of perjury or deposition setting forth compliance with each statutory provision, and by an appropriate memorandum or brief.
- LR 2100.6 Change of Venue (See 28 U.S.C. § 1412)**
Motions for a change of venue shall be heard by a bankruptcy judge.
- LR 2100.7 Removal and Remand (See 28 U.S.C. § 1452)**
- (a) **General**
All provisions of LR 2100.3 shall apply except LR 2100.3(c).
 - (b) **Timeliness**
A motion to remand a case removed to the bankruptcy court shall be considered only if it is filed within thirty (30) days of docketing of the removal by the bankruptcy court.
- LR 2100.8 Jury Trials**
- (a) **General**
In any proceeding in which a demand for a jury trial is filed, the bankruptcy judge shall determine whether the party has a right to a jury trial and whether the demand was properly filed. If so, the bankruptcy judge shall preside at the jury trial if all parties consent in writing and there is approval by a district judge. If there is not consent or district judge approval, the bankruptcy judge shall conduct pretrial proceedings up through lodging of the pretrial order, unless reference is withdrawn.
 - (b) **Involuntary Cases**
Issues arising under 11 U.S.C. § 303 shall be tried before a bankruptcy judge without a jury.
- LR 2100.9 "Non-Core" Matters (See 28 U.S.C. § 157(c)(2))**
Subject to the provisions of LR 2100.8(a), if all parties to a case consent, the bankruptcy judge may conduct any and all proceedings in a "non-core" matter and enter orders and judgments without further order of this court.
- LR 2100.10 Stay of Administration**
The filing and pendency of any motion requesting district court action or a request for a jury trial shall not stay or suspend the bankruptcy case or proceeding. A motion for stay shall be heard by the bankruptcy judge to whom the case or proceeding is assigned.
- LR 2100.11 Matters for District Court Determination After Entry of Proposed Findings of Fact and Conclusions of Law by the Bankruptcy Judge (28 U.S.C. § 157(c)(1))**
- (a) **Oral Argument**
Any party may request oral argument by endorsing the request on the written objections or responses.
 - (b) **Immediate Review**
When a bankruptcy judge certifies that circumstances require immediate review by a district judge, a district judge shall review the matter and enter an order or judgment as soon as possible.

- (c) **General Form of Order or Judgment in a "Non-Core" Matter:**
In a "non-core" matter (28 U.S.C. § 157(b)) tried by a bankruptcy judge and where no timely objection has been filed to the proposed findings of fact and conclusions of law, the prevailing party shall submit to the bankruptcy court clerk a separate original and one (1) copy of the proposed final form of order or judgment. The proposed order or judgment shall include the statement "Approved as to Form" below the text, on the left side of the document and above a signature line for a bankruptcy judge. Below and to the right of the bankruptcy judge's signature line there shall be included lines for the district judge to date and sign the final order or judgment. Neither signature line shall be on a page otherwise devoid of text from the proposed order or judgment.
- (d) **Default Order or Judgment in a "Non-Core" Matter**
If an order or judgment will be entered by default and it involves a "non-core" matter, the moving party or plaintiff shall submit to the bankruptcy court clerk:
- (1) A proposed form of default order for a bankruptcy judge's signature; and
 - (2) A separate original and one (1) copy of the proposed final form of order or judgment which shall include the statement "Approved as to Form" above a signature line for a bankruptcy judge and a date and signature line for a district judge, all of which shall conform to the requirements of LR 2100.11(c).

LR 2100.12 Procedure for Certification of Questions of State Law (See Also LR 83.15)

- (a) Any interested party may request that determinative questions of state law be certified to a state appellate court pursuant to applicable state law allowing such certification. Requests for certification of questions of state law shall be filed with the bankruptcy court and shall include:
- (1) A statement of the question of law to be answered; and
 - (2) A statement of all facts relevant to the question of law and showing fully the nature of the controversy in which the question arose.
- (b) The bankruptcy judge may, *sua sponte*, raise the issue of whether a determinative question of state law should be certified to a state appellate court pursuant to applicable state law allowing such certification. When the bankruptcy judge raises the issue of certification *sua sponte*, the clerk of the bankruptcy court shall serve upon all interested parties a notice of a hearing on the issue of certification not less than 21 days prior to the hearing. Any response to the notice must be filed with the clerk of the bankruptcy court not less than 10 days prior to the hearing.
- (c) A request for certification or a *sua sponte* consideration of the certification issue shall be heard by the bankruptcy judge.
- (d) If the bankruptcy judge determines that the state law question should not be certified, he or she shall enter an order denying certification. Such an order denying certification shall be subject to review to the extent permitted by 28 U.S.C. § 158.

(e) If the bankruptcy judge determines that the state law question should be certified he or she shall issue a report and recommendation and a proposed certification order which shall include:

- (1) A statement of the question of law to be answered; and
- (2) A statement of all facts relevant to the question of law and showing fully the nature of the controversy in which the question arose. The bankruptcy court clerk shall serve forthwith a copy of the report and recommendation and proposed certification order upon the parties to the proceeding. Within 10 days of being served with a copy of the report and recommendation and proposed certification order, a party may serve and file with the clerk of the bankruptcy court objections prepared in the manner provided by Fed.R.Bankr.P. 9033(b). The district court shall review the report and recommendation and proposed certification order under Fed.R.Bankr.P. 9033 and shall enter the order granting or denying certification.

Amendment History to LR 2100	
June 1, 2002	
LR 2100	Rules numbers have been restyled to track the current district court local rules numbering format, e.g. LR 2100-1 has been renumbered to LR 2100.1.
LR 2100.12(e)(2)	This rule has been amended to add the last sentence, which had been included in previous drafts, but inadvertently was omitted in the final version of the original rule.

LR 2200 BANKRUPTCY APPEALS

LR 2200.1 Authorization of Bankruptcy Appellate Panel (BAP) to Hear and Determine Appeals

- (a) **Jurisdiction**
Pursuant to 28 U.S.C. § 158(b)(6), this court authorizes a bankruptcy appellate panel (BAP) to hear and determine appeals from judgments, orders, and decrees entered by bankruptcy judges from this district, subject to the limitations set forth in LR 2200.1(b) and (c).
- (b) **Consent Required**
The BAP may hear and determine only those appeals in which all parties to the appeal consent pursuant to LR 2200.2.
- (c) **Scope**
The BAP may hear and determine appeals from final and interlocutory judgments, orders and decrees entered by bankruptcy judges after July 10, 1984, and appeals transferred to this court from the previous Ninth Circuit BAP by § 115(b) in the Bankruptcy Amendments and Federal Judgeship Act of 1984, P.L. 98-353.

LR 2200.2 Form and Time of Consent to Allow Appeal to Be Heard and Determined by Bankruptcy Appellate Panel

- (a) **General**
The consent of a party to allow an appeal to be determined by the BAP shall be deemed to have been given unless written objection thereto in accordance with Fed.R.Bankr.P 8001 is filed either:
 - (1) With the notice of appeal or motion for leave to appeal; or
 - (2) By any party other than the original appellant, with the bankruptcy court clerk within thirty (30) days from the date of filing such notice or motion. When an appellant files both a notice of appeal and a motion for leave to appeal, consent will be deemed revoked if an objection to BAP determination is filed with respect to either pleading.
- (b) **Effect of a Timely Objection**
Upon timely receipt of a written objection to an appeal being heard and determined by the BAP, jurisdiction over the appeal shall be immediately transferred to the district court, the appeal shall be governed by the provisions of LR 2200.6, and the bankruptcy court clerk shall not forward any appeal documents, or any further documents, to the BAP. If the objection is timely, but filed after some of the appeal documents have been transferred to the BAP, the BAP clerk shall promptly return to the bankruptcy court clerk all appellate documents for administration under LR 2200.6.
- (c) **Objection Filed With Notice or Motion**
If a written objection, filed pursuant to LR 2200.2(a), is filed with the notice of appeal or motion for leave to appeal, the bankruptcy court clerk shall not be required to serve on the parties copies of LR 2200 or the Ninth Circuit Judicial Council's Amended Order Establishing and Continuing the Bankruptcy Appellate Panel of the Ninth Circuit nor forward any appeal documents to the BAP.

LR 2200.3

Service of Required Copies of Documents Upon the Filing of a Notice of Appeal or Motion for Leave to Appeal

(a) If Appellant Files Written Objections to BAP With the Notice of Appeal or Motion for Leave to Appeal

If the appellant files a written objection to BAP determination with the notice of appeal or motion for leave to appeal, then the appellant must simultaneously serve on all other parties to the appeal a copy of the objection; a copy of the notice or motion; and a copy of the judgment, order or decree being appealed. Certification of such service shall be attached to the original notice of appeal or motion for leave to appeal filed with the bankruptcy court clerk.

(b) If Original Appellant Does Not Simultaneously File an Objection to BAP Determination With the Notice or Motion

If a written objection to BAP determination is not filed at the same time as the notice of appeal or motion for leave to appeal, the party filing such notice or motion shall simultaneously file with the bankruptcy court clerk, for service, the following items for each party to the appeal (including the original appellant):

- (1) A copy of the original notice of appeal or motion for leave to appeal;
- (2) A conformed copy of the judgment, order or decree being appealed;
- (3) A copy of the most current version of the bankruptcy court's Local Form #800 (Notice of Referral of Appeal to Bankruptcy Appellate Panel) applicable on that date, completed except for the date and signature line; and
- (4) A stamped, addressed envelope.

In addition to service of the above documents, the bankruptcy court clerk shall serve a copy of LR 2200 on each party to the appeal.

(c) Dispositive Orders Re Motions for Leave to Appeal

A copy of any order disposing of a motion for leave to appeal shall be immediately transmitted to the bankruptcy court clerk by the clerk of the appellate court which determined the motion.

LR 2200.4

Documents Filed During Objection Period

All documents relating to the appeal shall be filed with the bankruptcy court clerk during the objection period set forth in LR 2200.2 even if a motion requiring BAP determination is filed before the termination of such period. The BAP may not dismiss or render a final disposition of an appeal within thirty (30) days from the date of the filing of the notice of appeal.

LR 2200.5

Transmittal of Appeal Documents to the Bap

The bankruptcy court clerk shall immediately forward all appeal documents to the BAP either upon termination of the objection period set forth in LR 2200.2 or upon the filing of a motion requiring immediate BAP determination, whichever is earlier. A motion for leave to appeal shall not be considered one requiring immediate BAP determination.

Rules Governing Bankruptcy Appeals to Be Determined by the District Court Subsequent to Filing of a Timely Objection to Bap Determination

- (a) **General**
Except as otherwise provided in these rules, practice in bankruptcy appeals which comes before the district court shall be governed by Part VIII of the Rules of Bankruptcy Procedure. The provisions of LR 2200.6 apply only after a party has timely filed a written objection to determination of an appeal by the BAP.
- (b) **Place of Filing**
All documents required to be filed by the district or bankruptcy court local rules or orders up to and including all briefs, shall be filed with the bankruptcy court clerk.
- (c) **Extensions**
Unless reference of the case or proceeding underlying the appeal has been withdrawn, all motions for extensions of time periods relating to appellate procedures, up through and including the time to file briefs, shall be filed with the bankruptcy court clerk and determined by a bankruptcy judge.
- (d) **Simultaneous Notice of Appeal and Motion for Leave to Appeal**
If a notice of appeal and a motion for leave to appeal on the same matter are simultaneously pending, the motion for leave to appeal shall be ruled on first. All time requirements arising at the filing of the notice of appeal, except for the thirty (30) day period provided in LR 2200.2 for objection to BAP determination of the appeal, shall automatically be stayed until the date of entry of the order on the motion for leave to appeal.
- (e) **Designation/Excerpt of Record**
The designation of record required by Bankruptcy Rule 8006 shall be the documents contained in an "Excerpt of Record" which shall be filed by the parties with their briefs. The excerpt of record shall be separately bound and contain true copies of all portions of the bankruptcy files and records each party is relying on in the appeal unless another party has previously filed a copy of the identical portion of the bankruptcy file. Each excerpt shall begin with a table of contents. Copies used for the excerpt of record may either be made from the original document in the bankruptcy court file or from a copy of that document which has been retained by the party. Copies need not be certified by the bankruptcy court clerk as a true copy of the original document. The bankruptcy court record shall remain in the office of the bankruptcy clerk.
- (f) **Time for Filing Briefs**
The time for filing the appellant's brief, appellee's brief, and all reply briefs shall be 40 days, 30 days and 14 days respectively, in lieu of the time limits specified in Bankruptcy Rule 8009(a).

Amendment History to LR 2200	
June 1, 2002	
LR 2200	Rules numbers have been restyled to track the current district court local rules numbering format, e.g. LR 2200-1 has been renumbered to LR 2200.1.
LR 2202.2(a)(1)	Reference to Fed.R.Bankr.P 8001 are added to this subsection.
LR 2200.2(a)(2)	The words "other than the original appellant" have been added to this subsection.
LR 2200.4	Amended the twenty-one day notice of appeal time limit to thirty (30) days to reflect current statutory language.

LR 2200.6	Amended the twenty-one day notice of appeal time limit to thirty (30) days to reflect current statutory language.
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