TABLE OF CONTENTS

INTRODUCTION iii
LR 1.1 Scope, Purpose and Construction 1
LR 1.2 Definitions 1
LR 3.1 Jury Divisions 1
LR 3.2 Assignment of Actions to Jury Division 2
LR 3.3 Place of Filing Pleadings and Other Papers 3
LR 4.1 Service of Process Through the Secretary of State 3
LR 4.2 Service of Summons by United States Marshal 3
LR 4.3 Preparation of Process 4
LR 5.1 Form of Pleadings 4
LR 5.2 Pro Se Actions 4
LR 5.3 Petitions or Complaints In Forma Pauperis 5
LR 5.4 Filing of Documents by Electronic Means 5
LR 5.5 Service of Documents by Electronic Means 5
LR 5.6 Time of Filing and Service 6
LR 5.7 Privacy Requirements for Court Filed Documents 6
LR 7.1 Motions 6
LR 8.1 Residence Required to be Stated in Complaint or Other Initial Pleading 7
LR 16.1 Exemptions from Federal Rule of Civil Procedure 16 7
LR 16.2 Alternative Dispute Resolution 7
LR 26.1 Discovery Responses. 8
LR 37.1 Motions Relating to Discovery 8
LR 40.1 Assignment of Cases Among Judges and Calendaring 8
LR 41.1 Dismissal for Failure to Prosecute 8
LR 45.1 Service of Subpoenas by United States Marshal 8
LR 47.1 Trial Jurors 9
LR 54.1 Notice of Settlements 9
LR 54.3 Time for Filing Bill of Costs 9
LR 54.4 Time for Filing Motion for Attorneys Fees and Nontaxable Expenses 9
LR 65.1.1 Bond and Surety Requirements 9
LR 72.1 Duties of United States Magistrate Judges 10
LR 73.1 Consent to Judgment by a Magistrate Judge 10
LR 79.1 Original Pleadings 11
LR 83.1 Attorney Admission to Practice 11
LR 83.2 Permission to Practice in a Particular Case 11
LR 83.3 Attorney Discipline 12
LR 83.4 Local Counsel 13
LR 83.5 Appearance of Counsel 13
LR 83.6 Withdrawal of Attorney of Record 13
LR 83.8 Writs of Habeas Corpus Ad Testificandum 14
LR 83.9 Courtroom Decorum 14
LR 83.10 Exhibits 14
LR 83.11 Social Security Cases 15
LR 83.12 Bankruptcy Matters 16

LR 83.13 Advance Payment of Fees 17
LR 83.14 Modification or Amendment of Local Rules 17
LR 85.1 Citation 18
LR 86.1 Effective Date 18

INTRODUCTION

It has long been the intent of the federal judges in Kentucky to make the practice of law in the federal courts as simple and understandable as possible for the Kentucky federal practitioner. While no federal statute mandates uniformity, the United States District Courts for the Eastern District and Western District of Kentucky promulgated Joint Local Rules in 1986. The 2004 revisions of the Joint Rules reflect the Joint Local Rule Commission's desire to ensure continuing continuity, clarity, and modernity in these Joint Rules.

The members of the 2004 Joint Local Rules Commission who participated in the revision and editing process are as follows:

Douglas L. McSwain, Esq., Chairman, Lexington, Kentucky
Honorable Karl S. Forester, Chief Judge, Eastern District of Kentucky
Honorable John G. Heyburn, II, Chief Judge, Western District of Kentucky
Honorable David L. Bunning, Judge, Eastern District of Kentucky
Honorable Joseph H. McKinley, Jr., Judge, Western District of Kentucky
Honorable James D. Moyer, Magistrate Judge, Western District of Kentucky
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Leslie Whitmer, ex officio, Clerk, Eastern District of Kentucky
Jeffrey Apperson, ex officio, Clerk, Western District of Kentucky
Larisa Gilbert, ex officio, Law Clerk to Hon. James D. Moyer, Western District of Kentucky

The Judges of the Eastern and Western Districts of Kentucky are grateful to the many lawyers who have worked on the Joint Local Rules Commission and for their ongoing efforts in the review of the Local Rules of Court. The invaluable contribution of these lawyers has made for the success of the Joint Local Rules Project between the Eastern and Western Districts.

Comments and suggestions for the improvements of the Local Rules should be directed to a Clerk of Court for the attention of the Joint Local Rules Commission.

JOINT LOCAL RULES OF CIVIL PRACTICE

LR 1.1 **Scope, Purpose and Construction**

These Joint Local Rules of Civil Practice for the United States District Courts for the Eastern and Western Districts of Kentucky provide standardized procedures for the convenience of the bench and bar. These rules must be construed to be consistent with the Federal Rules of Civil Procedure and to secure the just, efficient and economical determination of civil actions. These rules do not eliminate the statutory distinction between the United States District Courts for the Eastern and Western Districts of Kentucky.

LR 1.2 **Definitions**

References to "Court" or the "Clerk" mean the United States District Court for the Eastern District of Kentucky -- or the Clerk of that Court -- or the United States District Court for the Western District of Kentucky -- or the Clerk of that Court. A "party" or "you" refers to either the party or the attorney.

LR 3.1 **Jury Divisions**

(a) **United States District Court for the Eastern District of Kentucky.** The United States District Court for the Eastern District of Kentucky is divided into the following jury divisions:

(1) **Ashland.** The following counties are in the Ashland Division: Boyd, Carter, Elliott, Greenup, Lawrence, Lewis, Morgan, and Rowan.

(2) **Covington.** The following counties are in the Covington Division: Boone, Bracken, Campbell, Gallatin, Grant, Kenton, Mason, Pendleton, and Robertson.

(3) **Frankfort.** The following counties are in the Frankfort Division: Anderson, Carroll, Franklin, Henry, Owen, Shelby, and Trimble.

(4) **Lexington.** The following counties are in the Lexington Division: Bath, Bourbon, Boyle, Breathitt, Clark, Estill, Fayette, Fleming, Garrard, Harrison, Jessamine, Lee, Lincoln, Madison, Menifee, Mercer, Montgomery, Nicholas, Powell, Scott, Wolfe, and Woodford.

(5) **London.** The following counties are in the London Division: Bell, Clay, Harlan, Jackson, Knox, Laurel, Leslie, McCreary, Owsley, Perry, Pulaski, Rockcastle, Wayne, and Whitley.

(6) **Pikeville.** The following counties are in the Pikeville Division: Floyd, Johnson, Knott, Letcher, Magoffin, Martin, and Pike.

(b) **United States District Court for the Western District of Kentucky.** The United States District Court for the Western District of Kentucky is divided into the following jury divisions:

(1) **Louisville.** The following counties are in the Louisville Division: Breckinridge, Bullitt, Hardin, Jefferson, Larue, Marion, Meade, Nelson, Oldham, Spencer, and Washington.

(2) **Bowling Green.** The following counties are in the Bowling Green Division:

Adair, Allen, Barren, Butler, Casey, Clinton, Cumberland, Edmonson, Green, Hart, Logan, Metcalf, Monroe, Russell, Simpson, Taylor, Todd, and Warren.

(3) **Owensboro.** The following counties are in the Owensboro Division: Daviess, Grayson, Hancock, Henderson, Hopkins, McLean, Muhlenberg, Ohio, Union, and Webster.

(4) **Paducah.** The following counties are in the Paducah Division: Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Hickman, Livingston, Lyon, McCracken, Marshall, and Trigg.

(c) **Assignment to a Division.** Jury division assignments may be changed by rule or by Court order.

LR 3.2 **Assignment of Actions to Jury Division**

(a) **Generally.** A civil action may be filed in any division courthouse. Civil actions are assigned to particular jury divisions as follows. In the event of improper assignment, the case will be transferred to the correct jury division. The validity of the filing is not affected by the Clerk's improper assignment.

(1) **Defendants in Same Division.** If all defendants reside in the same jury division, the case is assigned to the jury division where all defendants reside.

(2) **Defendants in Different Divisions.** If at least one defendant resides in the district but the defendants do not all reside in the same jury division, the case is assigned as follows:

(A) To the jury division in which a substantial part of the events or omissions giving rise to the claim occurred, or in which a substantial part of property that is the subject of the action is situated; or

(B) If no jury division satisfies (A), to the jury division in which the first named resident defendant resides.

(3) **Non-Resident Defendants.** If none of the defendants reside in the district, the case is assigned as follows:

(A) To the jury division in which a substantial part of the events or omissions giving rise to the claim occurred, or in which a substantial part of property that is the subject of the action is situated; or

(B) If no jury division satisfies (A), to the jury division in which the first named plaintiff resides.

(b) **Removal Cases and 28 U.S.C. § 2254 Petitions.** A removal or state habeas corpus petition shall be assigned to the jury division that includes the court from which the removal is had or in which the challenged judgment, conviction or order was rendered.

(c) **Assignment of 28 U.S.C. § 2255 Motions.** A motion under 28 U.S.C. § 2255 should be assigned to the jury division in which the movant was originally tried or sentenced such that the motion is heard, if possible, by the same judge who presided over the part of the proceedings under attack.

(d) **Venue for Corporations.** A corporation is a resident of the county in which it has its principal place of business within the district. If a corporation does business throughout the district and has no operation which is its principal place of business, or if a non-resident corporation does not maintain a place of business within the district, the action is assigned to the jury division in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated.

(e) **Governmental Venue**. For purposes of this rule, the United States, federal agencies, the Commonwealth of Kentucky, and agencies of the Commonwealth are deemed non-residents of the District. State or federal officials joined solely in their official capacities are deemed residents of the division in which they perform their official duties.

(f) **Transfer.** Any civil action or proceeding may, in the discretion of the Court, be transferred from the jury division in which it is pending to any other division for the convenience of the Court, parties, witnesses, or in the interest of justice.

LR 3.3 Place of Filing Pleadings and Other Papers

Pleadings, motions and other papers may be filed in any of the divisional offices of the Clerk for the district in which the action is filed or pending.

LR 4.1 Service of Process Through the Secretary of State

The Secretary of State's Office will accept service of a summons and complaint only if it is served by certified mail, return receipt requested, in an envelope bearing the Clerk's return address. Anyone preparing process for service through the Secretary of State must provide the Clerk with the following:

(a) an envelope to mail the summons and complaint;
(b) sufficient postage;
(c) a return receipt provided by the United States Postal Service;
(d) two copies of the summons;
(e) two attested copies of the complaint;
(f) the statutory fee for each defendant to be served. Checks should be made payable to the Kentucky State Treasurer.

LR 4.2 Service of Summons by United States Marshal

(a) **Generally.** If service of a summons by the United States Marshal is permitted, a party must present the following to the U.S. Marshal at least seven working days before the compliance date specified in the summons:
   (1) a properly completed summons; and
   (2) a properly completed U.S. Marshal Form 285.

(b) **Service upon a Party in Custody.** If the party to be served is in state or federal custody, properly completed process must be presented to the U.S. Marshal at least thirty (30) working days before the compliance date specified in the summons.

LR 4.3 **Preparation of Process**

(a) **Generally.** Subject to current availability, the Clerk will make available reasonable supplies of blank official process forms. Any attorney B or any party proceeding pro se B who requests the issuance of process must prepare and present to the Clerk for signature and sealing all necessary forms, including the following:

(1) Summons;
(2) Warrants of Seizure and Monition;
(3) Summons to Alleged Bankrupts;
(4) Subpoenas to Witnesses;
(5) Certificates of Judgment;
(6) Writs of Execution;
(7) Orders of Sale;
(8) All Process in Garnishment or Other Aid in Execution;
(9) Civil Cover Sheet;
(10) U.S. Marshal's Form 285; and
(11) Notice of Stipulation to Magistrate Judge's Jurisdiction.

(b) **Time for Completion.** The Clerk must accept for filing any pleading or document tendered even if it is not accompanied by the appropriate forms. If the pleading is not accompanied by the appropriate forms, the attorney or party filing the pleading must comply with this rule within three (3) working days of filing the pleading. If counsel or the party fails to comply with this order within three (3) working days of filing the pleading, the Court will issue an order requiring the party to show cause why the pleading should not be stricken.

LR 5.1 **Form of Pleadings**

(a) **Name of Counsel.** All pleadings, motions and other papers must include the name, address, and telephone number of the filing party's attorney(s) of record or, if the party is not represented by counsel, of the filing party.

(b) **Paper Size.** All pleadings, motions and other papers filed with the Court must be filed on paper that is "8½ x 11".

LR 5.2 **Pro Se Actions**

(a) **Generally.** The following papers should be written on court-supplied forms, signed and verified:

(1) Pro se writ of habeas corpus filed under 28 U.S.C. § 2254; and
(2) Pro se motions attacking a conviction or sentence filed under 28 U.S.C. § 2255.
(3) Pro se civil rights complaints filed under 42 U.S.C. § 1983; and
(4) Pro se civil rights complaints filed under the authority of Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

(b) **Papers Not on Court-Supplied Forms.** If a pro se litigant submits a paper identified in (a) above that is not on a court-supplied form, the Clerk will accept the paper for filing and forward it to an appropriate judicial officer for

review. If directed by the appropriate judicial officer, the Clerk shall provide sufficient copies of the prescribed form, and instructions for preparing the form, to the pro se litigant along with directions to file the petition on the appropriate court-supplied form within thirty (30) days thereafter. When required to do so, a pro se litigant's failure to file his or her petition on a court-supplied form within thirty (30) days may be grounds for dismissal.

(c) **Filing.** Pleadings, motions or other papers in pro se civil rights cases must be addressed to the Clerk. A pleading, motion, or other paper addressed to an individual judge will be directed to the Clerk for assignment.

(d) **Current Mailing Address.** All pro se litigants must provide written notice of a change of address to the Clerk and to the opposing party or the opposing party's counsel. Failure to notify the Clerk of an address change may result in the dismissal of the litigant's case or other appropriate sanctions.

LR 5.3 Petitions or Complaints In Forma Pauperis

(a) **Prisoners**

(1) **Habeas Corpus Petitions.** A prisoner seeking leave to proceed in forma pauperis in a habeas corpus action must file a fully completed Application to Proceed Without Prepayment of Fees or a motion and affidavit that includes the same information. An application form may be obtained from the Clerk. No filing fee is required for motions filed under 28 U.S.C. § 2255.

(2) **Civil Rights Actions and All Other Civil Complaints.** Prisoners seeking leave to proceed without prepayment of the entire filing fee must comply with the requirements of the Prison Litigation Reform Act, 28 U.S.C. § 1915(a)(2) (1996).

(b) **Non-Prisoners.** A non-prisoner seeking leave to proceed in forma pauperis in a civil action must file a fully completed Application to Proceed Without Prepayment of Fees or a motion and affidavit that includes the same information. An application form may be obtained from the Clerk. The Court may order production of additional documents as necessary.

LR 5.4 Filing of Documents by Electronic Means

Documents may be filed, signed and verified by electronic means to the extent and in the manner authorized by General Order of the Court. A document filed by electronic means in compliance with this Local Rule constitutes a written document for the purposes of applying these Local Rules and the Federal Rules of Civil Procedure. The General Orders of the Court referenced herein may be obtained from the Clerk's office on the following websites:

WDKY – "http://www.kywd.uscourts.gov/";
EDKY - "http://www.kyed.uscourts.gov/".

LR 5.5 Service of Documents by Electronic Means

Documents may be served through the court's transmission facilities by electronic means to the extent and in the manner authorized by further General Order of the

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

LR 5.6 **Time of Filing and Service**

Documents filed under LR 5.4 and served by a party through the Court's transmission facilities under LR 5.5 shall be deemed filed on the date transmission is received by the Clerk, and be deemed served as if by mail, such that three (3) days shall be added to any prescribed response period to the electronically filed document.

LR 5.7 **Privacy Requirements for Court Filed Documents**

Documents filed with the Court by traditional paper or electronic means will be accessible to the public via Public Access to Court Electronic Records (PACER). Parties and counsel are directed to review Joint General Order WD No. 04-01 and ED No. 04-01, or any later amendment thereto, for the Court's current requirements regarding maintenance of privacy for documents and exhibits filed with the Court. The Joint General Order of Court is available on the Court's websites at "http://www.kywd.uscourts.gov/", "http://www.kyed.uscourts.gov/". Copies of the Order may also be obtained from the Clerk.

LR 7.1 **Motions**

(a) **Generally.** All motions must state precisely the relief requested. Except for routine motions -- such as motions for an extension of time -- each motion must be accompanied by a supporting memorandum. Failure to file a supporting memorandum may be grounds for denying the motion.

(b) **Motions for an Extension of Time.** Subject to any deadlines established by the Court, parties may extend time limits by agreed order. Absent an agreement, the party seeking the extension must file a motion setting forth the reasons the extension is sought and tender a proposed order. A memorandum opposing the motion must be filed within five (5) days of service of the motion.

(c) **Time for Filing Memoranda in Response and Reply.** A party opposing a motion must file a response memorandum within fifteen (15) days of service of the motion. A party may file a reply memorandum within eleven (11) days of service of the response. When you request an extension of time to file a memorandum, please do so by agreed order or state whether other parties consent.

(d) **Limitations on Memoranda.** Supporting and opposing memoranda may not exceed forty (40) pages without leave of Court. Reply memoranda may not exceed fifteen (15) pages without leave of Court.

(e) **Proposed Order.** With each motion and response, you must submit a separate proposed order granting the relief requested or denying the motion. Any proposed order imposing sanctions must be provided separately from a proposed order pertaining to any other matter.

(f) **Hearing or Oral Arguments on Motions.** A party may request a hearing or oral argument by motion.

(g) **Submission to the Court.** A motion is submitted to the Court for decision after completion of the hearing or oral argument -- or if none -- after the reply memorandum is filed, or the time for filing the reply memorandum has expired.

(h) **Copies of Cited Authority.** If a motion or memoranda contains a citation to any authority not available electronically (via WestLaw), you must attach a copy of the authority. Upon request, a party must provide a copy of any cited unpublished or non-Kentucky state case or statute to the opposing party.

LR 8.1 **Residence Required to be Stated in Complaint or Other Initial Pleading**

A party commencing a civil action must include in the complaint or other initial pleading the following information:

(a) the defendant's or defendants' county of residence;

(b) the plaintiff's or plaintiffs' county of residence; or

(c) if located in Kentucky, the jury division in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated.

LR 16.1 **Exemptions from Federal Rule of Civil Procedure 16.** The following are exempt from the requirements of Federal Rule of Civil Procedure 16(b):

(a) an action for review on an administrative record;

(b) a petition for habeas corpus or other proceeding to challenge a criminal conviction or sentence;

(c) an action brought without counsel by a person in custody of the United States, a state, or a state subdivision;

(d) an action to enforce or quash an administrative summons or subpoena;

(e) an action by the United States to recover benefit payments;

(f) an action by the United States to collect on a student loan guaranteed by the United States;

(g) a proceeding ancillary to proceedings in other courts; and

(h) an action to enforce an arbitration award.

LR 16.2 **Alternative Dispute Resolution.** Upon motion of any party, or sua sponte, any judicial officer may require parties in civil cases to consider some form of alternative dispute resolution process, including but not limited to, mediation, early neutral evaluation, minitrial, or arbitration. Mediation may be conducted under the auspices of a private professional mediator or a judicial officer. Positions taken and statements or concessions made during the mediation process shall not be admissible as evidence during any court proceedings. The mediator shall not be called or listed as a witness to any matter in which such mediator shall have served. Each District Court may, by separate General Order, designate a person to implement, administer, oversee, and evaluate alternative dispute resolution in such District.

LR 26.1 **Discovery Responses.**

(a) **Repetition of Request.** In responding to interrogatories, requests for production of documents or things or for entry upon land, and requests for admission, the responding party must repeat the question or request immediately before the answer or objection.

(b) **Custodian of Discovery Documents.** The party responsible for service of a discovery document not filed of record pursuant to F.R.Civ.P. 5(d), including disclosures, notices, interrogatories, requests and answers or responses thereto, shall be the custodian and must retain the original document. The custodian must provide access to all parties of record during the pendency of the action.

LR 37.1 **Motions Relating to Discovery**

Prior to filing a discovery motion, all counsel must make a good faith effort to resolve extrajudicially any dispute relating to discovery. The Court will not entertain discovery motions unless counsel have conferred -- or attempted to confer -- with other affected parties in an effort to resolve their dispute. The moving party must attach to every discovery motion a certification that counsel have conferred and are unable to resolve their differences. The certification must detail counsel's attempts to resolve the dispute.

LR 40.1 **Assignment of Cases Among Judges and Calendaring**

(a) **Assignment of Cases Among Judges**. Cases are assigned among the various judges within a district in a manner established by the Court's General Order. Unless otherwise ordered, cases are calendared for trial or other appropriate proceedings by the assigned judge.

(b) **Judge Not Available**. If it appears that any matter demands immediate attention and the judge to whom the case has been assigned is not or will not be available, the Clerk -- upon request -- must determine if another judge is available who will consent to hear the matter.

LR 41.1 **Dismissal for Failure to Prosecute**

If no action has been taken on a case for one year, the Clerk may issue an order requiring the plaintiff to show cause why the case should not be dismissed for lack of prosecution.

LR 45.1 **Service of Subpoenas by United States Marshal**

If service of a subpoena by the United States Marshal is permitted, a party must present the following to the U.S. Marshal Service at least seven working days before the compliance date specified in the subpoena:

(1) a properly completed subpoena;

(2) a properly completed U.S. Marshal Form 285; and

(3) attendance fees and mileage to be tendered to the person to whom the subpoena is directed.

LR 47.1 **Trial Jurors**

(a) **Contact with Jurors**. Unless permitted by the Court, no person, party or attorney, nor representative of a party or attorney, may contact, interview, or communicate with any juror before, during, or after the trial.

(b) **Peremptory Jury Challenges**. Unless the Court orders otherwise, the parties must exercise their peremptory challenges simultaneously.

(c) **Attorneys Not to Request any Person's Excuse from Jury Service**. No attorney -- or an employee of an attorney or law firm -- may request a judge to excuse any person lawfully summoned for jury service.

LR 54.1 **Notice of Settlements**

If parties settle a civil action, counsel must promptly notify the Clerk. Failure to give prompt notice may be grounds for assessing any jury costs against one or more of the parties or their counsel.

LR 54.3 **Time for Filing Bill of Costs**

The prevailing party must file a Bill of Costs with the Clerk and serve a copy of the Bill on each adverse party within thirty (30) days of entry of judgment. If the Bill of Costs is not filed within thirty (30) days, costs, other than those of the Clerk, taxable pursuant to 28 U.S.C. § 1920, shall be waived. The Court may, on motion filed within the time for the filing of the Bill of Costs, extend the time for filing.

LR 54.4 **Time for Filing Motion for Attorneys Fees and Nontaxable Expenses**

A motion for attorneys fees and related nontaxable litigation expenses, pursuant to Fed.R.Civ.P. 54(d)(2), must be filed no later than thirty (30) days after entry of judgment. If a motion for attorneys fees or nontaxable expenses is not filed within thirty (30) days, such fees and costs shall be waived. The Court may, on motion filed within the time provided for filing a motion for attorneys fees or nontaxable expenses, extend the time for filing such a motion.

LR 65.1.1 **Bond and Surety Requirements**

(a) **General Requirements.** In all civil and bankruptcy actions, the Clerk may -- unless the Court orders otherwise -- accept only the following as surety on a bond:

(1) a surety company approved by the United States Department of Treasury;

(2) cash in an amount set by the Court; or

(3) a personal surety secured by real estate that complies with subsections (d), (e), (f), and (g) below.

(b) **Powers of Attorney.** A Treasury Department approved surety company may designate an agent in Kentucky to execute bonds. If so, the power of attorney designating the agent may be filed with the Clerk in the jury division in which the action is pending. In lieu of filing the power of attorney with the Clerk, a copy of the power of attorney must be appended to each bond executed.

(c) **Unacceptable Personal Sureties.** The Clerk must not accept the following as a personal surety on any bond:

(1) an attorney;
(2) a Court officer or employee; or
(3) the United States Marshal or any deputy marshal.

(d) **Personal Surety Secured by Real Estate; Generally.** The Clerk must accept a personal surety secured by real estate under the following conditions:
(1) The real estate is located in Kentucky;
(2) The real estate has an unencumbered value of at least 110% of the bond amount;
(3) The real estate is not owned by a corporation or partnership; and
(4) If the property is held jointly, all joint tenants have executed the bond.

(e) **Procedure for Posting Real Estate Bond.** To post a real estate bond, the sureties must execute an affidavit providing the following information:
(1) the owners' names and addresses;
(2) an affiant's statement as to the assessed value from the Property Valuation Administrator's Office or, if that is not available, an appraisal by a licensed appraiser; and
(3) a listing of all liens and mortgages on the property, including all but the current year's real estate taxes.

(f) **Affidavit on Appearance Bonds.** On appearance bonds, the affidavit required in (e) must be incorporated by reference in the Justification of Sureties portion of the Appearance Bond Form.

(g) **Bond Execution and Deed Deposit.** All parties to the deed and the bond must execute the bond and take the oath. The deed, or certified copy of the deed, must be deposited with the Clerk. Upon receipt of the deed, or certified copy of the deed, the Clerk must provide a receipt to the owner. If the bond is not forfeited, the deed must be returned to the property owner in person, or by certified mail, at the conclusion of the case.

(h) **Lis Pendens Notice and Fees.** The Clerk must file a lis pendens notice against the property in the County Clerk's Office in the county where the property is located. The required fee for filing the notice and release of lis pendens is required upon execution of the bond.

LR 72.1 Duties of United States Magistrate Judges

All magistrate judges may perform any of the duties authorized by 28 U.S.C. § 636(a), (b), and (c).

LR 73.1 Consent to Judgment by a Magistrate Judge

(a) **Generally.** If the parties consent, all magistrate judges are designated within the meaning of 28 U.S.C. § 636(c)(1) to conduct all proceedings and to enter judgment in civil matters.

(b) **Duty of Plaintiff.** Upon filing an action, each plaintiff must obtain from the Clerk copies of notices setting forth the provisions of 28 U.S.C. § 636(c)(2). Each plaintiff must serve a copy of that notice with the summons and complaint on each defendant in the action.

(c) **Duty of Clerk.** If the parties file a stipulation that a magistrate judge may try an action, the Clerk will reassign the case from the judge's docket to the magistrate judge's docket.

LR 79.1 Original Pleadings

Originals of pleadings, motions and other papers filed with the Court must not be withdrawn from Court files, unless ordered by the Court.

LR 83.1 Attorney Admission to Practice

(a) **Applicant Eligibility.** An attorney may apply for admission to the Bar of the Court if:
  (1) The attorney has been admitted to practice before the Supreme Court of Kentucky;
  (2) The attorney is in good standing with the Supreme Court of Kentucky; and
  (3) The attorney is of good moral and professional character.

(b) **Admission Procedure.** An applicant must provide the Clerk with the following:
  (1) an Application for Admission;
  (2) an Authorization and Release;
  (3) an affidavit of sponsorship signed by a member of the bar; and
  (4) the prescribed fee.

(c) **Admission.** After the Court grants the attorney's application, the applicant may be admitted by mail or by appointment in open court.
  (1) **Admission by Mail.** Upon request, the Clerk will promptly mail a Certificate of Admission to the applicant.
  (2) **Admission in Open Court.** Upon request, the Clerk will arrange for a hearing at which time the sponsor will move to admit the applicant. The presiding judge will administer the attorney's oath or affirmation in open court.

LR 83.2 Permission to Practice in a Particular Case*

(a) **Procedure.** An attorney who has not been admitted to the Bar of the Court -- but who is in good standing in the Bar of any state, territory, or the District of Columbia -- may request permission to practice in a particular case by filing the following with the Clerk:
  (1) a motion for admission pro hac vice;
  (2) an affidavit identifying the Bar in which the attorney is a member in good standing;
  (3) the prescribed fee; and
  (4) a written consent to be subject to the jurisdiction and rules of the Kentucky Supreme Court governing professional conduct.

(b) **Sanctions.** Nothing in this rule detracts from the Court's power to sanction unprofessional conduct.

*The Attorney General or any other officer of the Department of Justice need not seek admission pro hac vice under this rule. See 28 U.S.C. § 515(a).

LR 83.3 Attorney Discipline

(a) **Discipline Generally.** Any attorney practicing before the Court is subject to discipline by the Court upon a showing that:

(1) The attorney is currently suspended or disbarred by any admitting or licensing authority; or

(2) The attorney is guilty of unprofessional conduct in the matter pending before the Court.

(b) **Discipline By Admitting or Licensing Authority; Procedure.**

(1) **Attorney's Duty to Notify.** An attorney practicing before the Court who is suspended or disbarred by any admitting or licensing authority must promptly inform the Clerk of the suspension or disbarment.

(2) **Notice to the Attorney.** Upon receipt of documentation demonstrating an attorney has been suspended or disbarred by any admitting or licensing authority, the Court will immediately issue a notice to the attorney containing the following:

(A) a copy of the documentation evidencing suspension or disbarment; and

(B) an order to show cause -- within thirty (30) days after service of that order -- why the attorney should not be disqualified from practicing before the Court. The challenge to the Court's disqualification of the attorney must be based on one of the grounds contained in section (3). The attorney may respond to the show cause order personally or by mail.

(3) **Discipline Imposed; Grounds for Challenge.** Thirty (30) days after service of the notice provided in (b)(2) above, the Court will disqualify the attorney from practicing before it unless the Court concludes that the entry of some other order is appropriate. To conclude that the entry of some other order is appropriate, the Court must find that the record underlying the attorney's suspension or disbarment clearly indicates that:

(A) the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;

(B) the proof establishing the misconduct was so infirm that the Court could not -- consistent with its duty -- accept the conclusion of the admitting or licensing authority as final;

(C) the Court's disqualification of the attorney would result in grave injustice; or

(D) the Court concludes that the misconduct underlying the attorney's suspension or disbarment warrants substantially different discipline.

(4) **Finality of the Action of the Admitting or Licensing Authority.** Unless the Court determines that one of the grounds contained in (3) above exists, the admitting or licensing authority's final adjudication

of attorney misconduct conclusively establishes the misconduct for purposes of this Court's discipline. If the attorney's suspension or disbarment is stayed or is not yet final, this Court's disqualification of the attorney is deferred until the stay expires or the decision becomes final.

(c) **Discipline for Unprofessional and Improper Conduct.** If it appears to the Court that an attorney practicing before the Court has violated the rules of the Kentucky Supreme Court governing professional conduct or is guilty of other conduct unbecoming an officer of the Court, any judge may order an attorney to show cause -- within a specified time -- why the Court should not discipline the attorney. Upon the expiration of the period specified or upon the attorney's response to the show cause order, the Court will enter an appropriate order. If requested by the responding attorney, the Court will conduct a hearing prior to determining the appropriate order.

(d) **Discipline for Contempt.** Disbarment from the Court may be utilized as a sanction for contempt of court under the procedures contained in Federal Rule of Criminal Procedure 42. Nothing in this rule shall limit the Court's power to punish contempt.

LR 83.4 Local Counsel

If the law practice of an attorney practicing before the Court is not located in proximity to the place where court is held, the Court may -- in its discretion -- require the attorney to designate local counsel. To require local counsel, the Court must enter an order articulating the reasons local counsel is required.

LR 83.5 Appearance of Counsel

Unless the Court orders otherwise, an attorney is deemed an attorney of record by:

(a) appearing in court on behalf of a party;

(b) filing an entry of appearance;

(c) signing a pleading, motion or other paper as attorney for a party; or

(d) listing his or her name as an attorney -- other than of counsel -- on a pleading, motion, or other paper.

LR 83.6 Withdrawal of Attorney of Record

Unless a compelling reason exists, an attorney of record is not permitted to withdraw within twenty-one (21) days of trial or a hearing on any motion for judgment or dismissal. At any other time, an attorney of record may withdraw from a case only under the following circumstances:

(a) The attorney files a motion, his or her client consents in writing, and another attorney enters his or her appearance; or

(b) The attorney files a motion, certifies the motion was served on the client, makes a showing of good cause, and the Court consents to the withdrawal on whatever terms the Court chooses to impose.

LR 83.8 **Writs of Habeas Corpus Ad Testificandum**

If a person in state or federal custody is needed for testimony or for trial in a civil case, the party desiring the person's attendance must move for a writ of habeas corpus ad testificandum at least thirty (30) working days before the date the person is needed in court to appear or testify unless exigent circumstances otherwise exist.

LR 83.9 **Courtroom Decorum**

(a) **Persons Permitted Inside the Bar of the Courtroom.** Only those persons authorized by the Court, or those persons having an official function, are permitted inside the bar of the courtroom during proceedings held in open court.

(b) **Possession and Use of Electronic or Photographic Equipment; Generally.** Except as permitted by (c), no person may operate any visual or audio recording, broadcasting or transmitting device or equipment in any courtroom. This rule applies regardless of whether court is actually in session.

(c) **Permitted Uses of Electronics.** The presiding judge may permit the following:

(1) Use of electronic or photographic means for presenting evidence or perpetuating the record; and/or

(2) The broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings.

(3) Any wireless or internet communication device approved by the Court.

(d) **Devices and Equipment in Courthouses.** By General Order, the Eastern and Western Districts may regulate the possession of electronic devices and equipment within each courthouse. Notice of any such General Order shall be posted in a conspicuous place in all federal court buildings in the District, and will be available on the Clerk's website.

LR 83.10 **Exhibits**

Unless the Court orders otherwise, exhibits must be managed as follows:

(a) **Method of Designation.** All exhibits and materials to be used during a civil trial must be marked for identification purposes with labels obtained from the Clerk.

(1) Joint exhibits (JX) must be numbered using white labels;

(2) Plaintiff's exhibits (PX) must be numbered using pink labels;

(3) Defendant's exhibits (DX) must be numbered using blue labels;

(4) Third-party exhibits (TPX) must be numbered using green labels;

(5) If the proceeding involves multiple plaintiffs or multiple defendants, the identification assigned to each exhibit must contain the individual party's surname or corporate name.

(b) **Uniform Designation.** Proposed exhibits must be uniformly identified during all phases of the case. This rule applies to all proposed exhibits, including exhibits appended to discovery requests or depositions and exhibits to be used at trial.

(c) **Disposition of Exhibits.** The Clerk may direct counsel of record to retrieve their exhibits from the Clerk's custody by a specific date. The Clerk may destroy any exhibits that remain unclaimed two weeks after counsel of record has been directed to retrieve them.

(d) **X-Rays, Hospital Records and Medical Reports.** The Clerk may deliver x-ray negatives, hospital records and medical reports to the witness through whom the exhibit was introduced in evidence.

(e) **Contraband.** If not claimed within two (2) weeks of final disposition of a case, the Clerk may deliver all contraband filed as exhibits to the appropriate agency for disposition.

LR 83.11 Social Security Cases

(a) **Service of Social Security Number on Separate Paper than Complaint.** Any person seeking judicial review of a decision of the Commissioner of Social Security under § 205(g) of the Social Security Act, 42 U.S.C. §405(g), shall provide, on a separate sheet of paper attached to the copies of the complaint served on the Commissioner and the Unites States Attorney, the name and social security number of the worker on whose wage record the application for benefits was filed. The person shall also state in the complaint itself that the name and social security number have been attached to the copies served upon the Commissioner and the United States Attorney. Failure to provide a social security number in this manner is not grounds for dismissal of the complaint. However, in addition to other sanctions that the Court may order, the Commissioner's time for filing an answer and transcript will not begin until the Commissioner has been served in compliance with this subsection. To note for the record any period of tolling of the time to file an answer under this subsection, the United Stated Attorney must file a notice showing the plaintiff's failure to comply.

(b) **Commissioner's Time to Respond.** Within sixty (60) days of service of the complaint, the Commissioner of Social Security must file an answer and transcript of the administrative proceedings. An initial extension of up to sixty (60) days may be granted, for good cause, upon motion of the Commissioner. If the responsible Social Security Administration official files an affidavit detailing the circumstances that require additional time, a second extension of time to respond may be granted. No other extension will be granted.

(c) **Judicial Review.** At the discretion of the judge to whom the case is assigned, judicial review may occur on written motion or oral argument.

(1) **Motion Practice.**

(A) Plaintiff must move for summary judgment or judgment on the pleadings within sixty (60) days of the filing of the answer and administrative transcript.

(B) The Commissioner must file a countermotion or a response to the plaintiff's motion within thirty (30) days of service of the Plaintiff's motion.

(C) The Clerk must submit the case to the judicial officer immediately following the filing of the Commissioner's countermotion or response.

(D) Extensions of time may be granted only if good cause is shown or there is no objection from any party.

(2) **Oral Argument Practice.**

(A) Plaintiff must file a brief statement of specific errors upon which plaintiff relies for reversal within thirty (30) days of the filing of the answer and administrative transcript.

(B) The Commissioner may file a brief statement responding to the Plaintiff's statement of specific errors within fifteen (15) days of the filing of the Plaintiff's statement.

(C) The case must be assigned for oral argument within forty-five (45) days of plaintiff's filing in (A). At oral argument, each side has fifteen (15) minutes to present its position. The presiding judicial officer may allow additional time for good cause shown. Counsel must cite authority to support their arguments and provide references to the administrative record to support their statements of fact.

(D) The matter will be submitted for decision upon completion of oral arguments.

(d) **Attorney's Fees Petitions Under Social Security Act.** Plaintiff's counsel may petition for attorneys's fees, awardable under § 206(b) of the Social Security Act, 42 U.S.C. § 406(b), within thirty (30) days of a final favorable decision for plaintiff.

(1) **Petition.** The attorneys's fee petition must include an itemization of the services provided in both the administrative and the judicial proceedings. Plaintiff's counsel must serve a copy of the fee petition on the claimant and the United States Attorney.

(2) **Response by the Claimant.** The United States Attorney must respond to the attorneys's fee petition within thirty (30) days of the petition's filing. The government's response must include a statement of accrued benefits and must advise the Court whether the government considers the fee to be reasonable. The government must serve a copy of the response on the claimant and the petitioning attorney. The claimant may respond to the attorney's fee petition within thirty (30) days of the petition's filing.

LR 83.12 Bankruptcy Matters

(a) **Generally.** The powers of law, equity and admiralty vested in the District Court are referred to the United States Bankruptcy Court as a unit of the District Court. The following cases and proceedings are referred to the Bankruptcy Court judges for the District:

(1) Cases, matters and proceedings in cases, under the Bankruptcy Act pending in the Bankruptcy Court on July 9, 1984;

(2) All matters arising under -- or arising in or related to cases arising under -- Title 11 of the United States Code that were pending in the Bankruptcy Court on July 9, 1984, except proceedings involving tort claims for personal injury or wrongful death;

(3) All matters arising under -- or arising in or related to cases arising under -- Title 11 of the United States Code filed on or after July 10, 1984, except proceedings involving tort claims for personal injury or wrongful death;

(4) All actions for removal of claims under 28 U.S.C. §1452(a) and (b) that relate to bankruptcy cases, except proceedings involving tort claims for personal injury or wrongful death;

(5) All venue matters relating to bankruptcy cases under 28 U.S.C. § §1406 and 1412.

(b) **Filing.** All matters in (a) must be filed in accordance with the local rules of the United States Bankruptcy Court.

LR 83.13 Advance Payment of Fees

(a) **Generally.** The Clerk, the United States Marshal Service, or any other officer of the Court entitled to collect fees for services rendered may require fees to be paid in advance. This rule includes fees for filing cases.

(b) **Payment of Fees in Seamen's Suit.**
Seamen may institute and prosecute suits in their own names and for their own benefit for wages or salvage or the enforcement of laws enacted for their health or safety without prepaying fees or costs or furnishing security therefor. In all such actions in which a seaman prevails, either by judgment or by settlement, no dismissal or satisfaction of judgment shall be filed or entered until all fees of the marshal and clerk have been paid. It shall be the responsibility of counsel handling the payment of any settlement to see to it that all fees are paid whether or not any dismissal or satisfaction of judgment entry is applied for.

LR 83.14 Modification or Amendment of Local Rules

(a) **Modification in Particular Case.** A judge may modify any local rule in a case by entering an appropriate order.

(b) **Amendments to the Joint Local Rules.** The Courts may amend these rules by entering an appropriate order in each District under the procedures in Federal Rule of Civil Procedure 83. The Courts have agreed not to adopt an amendment to the Joint Local Rules of Civil or Criminal Practice until considered by the Joint Local Rules Commission.

(c) **Joint Local Rules Commission Membership**

(1) **Generally.** The Joint Local Rules Commission is comprised of the following members:

(A) two judges from each District;

(B) four practicing attorneys from each District;

(C) a chairperson selected by -- and serving at the will of -- the Chief Judges of the Districts.

(2) **Judge Members.** Judge members of the Commission must include the Chief Judges of the respective Districts -- or his or her designee -- and one other judge selected by the judges of each Court.

(3) **Attorney Members.** The Board of Governors of the Kentucky Bar Association must appoint the attorney members of the Commission. Attorney members must be selected from those attorneys currently practicing in the Eastern or Western District of Kentucky -- or in both Districts. The Board should select attorneys so as to maintain geographic representation for all Bar members in Kentucky.

(d) **Terms of Office for Attorney Members.** Attorney members of the Commission must be appointed for a four year period. The initial appointments must be staggered terms of one, two, three or four years to achieve continuity on the Commission. Commission members at the time this rule takes effect may be reappointed to the Commission in appropriately staggered terms to maintain continuity.

(e) **Meetings.** The Commission will meet bi-annually in a place convenient to as many members as possible. If no one identifies any agenda items to the chairperson prior to the scheduled meeting, the meeting may be canceled. A quorum consists of the following:

(1) one judge from each District; and

(2) two attorneys from each District.

LR 85.1 **Citation**

These rules may be known as the Joint Local Rules of Civil Practice, and cited as "LR ___."

LR 86.1 **Effective Date**

These rules are effective April 1, 2005. Except for jury plans, speedy trial plans and criminal justice plans for each district, these rules supersede all previous local rules and court orders.

INDEX
JOINT LOCAL RULES OF CIVIL PRACTICE

ADMISSION TO PRACTICE	
General Admissions	LR 83.1
Pro Hac Vice	LR 83.2
Government Attorneys	LR 83.2
AFFIDAVITS	
Appearance bond	LR 65.1
Attorney admission to practice	LR 83.1
Extension of time	LR 83.11
In forma pauperis application	LR 5.3
Pro hac vice admission	LR 83.2
Real property surety	LR 65.1
ALTERNATIVE DISPUTE RESOLUTION	LR 16.2
APPEARANCES AND WITHDRAWALS	
Appearance as attorney	LR 83.5
Withdrawal of appearance	LR 83.6
ASSIGNMENT OF CASES	
Among judges	LR 40.1
Jury divisions	LR 3.2, LR 8.1
Motions under 28 U.S.C. § 2255	LR 3.2
Pro se filings	LR 5.3
ATTORNEYS	
Admissions	LR 83.1
Appearance	LR 83.5
Discipline	LR 83.3
Fees	LR 54.4, LR 83.11
Local counsel	LR 83.4
Pro hac vice	LR 83.2
Withdrawal	LR 83.6
BANKRUPTCY MATTERS	LR 83.12
BILL OF COSTS	LR 54.3
BONDS	LR 65.1
CALENDARING	LR 40.1

CERTIFICATE
Of admission LR 83.1
Of judgment LR 4.3

CHANGE OF ADDRESS LR 5.2

COMPLAINT
In forma pauperis LR 5.3
Pro se LR 5.2
Residence information LR 8.1
Service LR 4.1
Social Security LR 83.11

CONSENT TO MAGISTRATE JUDGE LR 73.1

CORPORATIONS
Venue LR 3.2

COSTS
Assessment of jury costs LR 54.1
Bill of costs LR 54.3
Filing time LR 54.4

COUNSEL
Appearance LR 83.5
Local LR 83.4
Name on pleadings LR 5.1

COURT FILES LR 79.1

COURTROOM DECORUM LR 83.9

DEADLINE EXTENSIONS LR 7.1

DISBARMENT LR 83.3

DISCIPLINARY PROCEEDINGS LR 83.3

DISCOVERY
Exhibits LR 83.10
Motions LR 37.1
Responses LR 26.1

DISMISSAL OF ACTION
For failure to file court-supplied form LR 5.2
For failure to prosecute LR 41.1
For failure to provide address change LR 5.2

DISPOSITION OF EXHIBITS LR 83.10

ELECTRONIC FILING
Document filing LR 5.4
Privacy requirements LR 5.7
Service LR 5.5
Time of filing LR 5.6

ELECTRONIC EQUIPMENT LR83.9

EVIDENCE
Electronic presentation LR 83.9
Mediation proceedings LR 16.2

EXHIBITS
Disposition LR 83.10
Identification LR 83.10
Privacy requirements LR 5.7

EXTENSION OF TIME
Generally LR 7.1
Social Security cases LR 83.11

EXEMPTIONS TO RULE 16 LR 16.1

EXPENSES, ATTORNEY LR 54.4, LR 83.11

FAILURE TO PROSECUTE LR 41.1

FEES
Advance payment LR 83.13
Attorney fees LR 54.4, LR 83.11
In forma pauperis status LR 5.3
Lis pendens notice LR 65.1
Seamen's suit LR 83.13

FILING OF PLEADINGS
Place of filing LR 3.3, LR 3.4
Bankruptcy matters LR 83.12
Court-supplied forms LR 5.2
Electronically LR 5.4

Time of filing	LR 5.6
FORMS	
Appearance bond	LR 65.1
Pro se actions	LR 5.2
Process	LR 4.3
Summons by marshal	LR 4.2, LR 45.1
HABEAS CORPUS	
Ad testificandum	LR 83.8
Forms	LR 5.2
In forma pauperis	LR 5.3
Jury division assignment	LR 3.2
Pro se	LR 5.2
HEARINGS	
Attorney admission	LR 83.1
Disciplinary	LR 83.3
Motions	LR 7.1
IN FORMA PAUPERIS	LR 5.3
INTERROGATORIES	LR 26.1
JURY	
Assessment of jury costs	LR 54.1
Contact with jurors	LR 47.1
Divisions	LR 3.1, LR 3.2
Excuse from service	LR 47.1
Peremptory challenges	LR 47.1
LACK OF PROSECUTION	LR 41.1
LOCAL COUNSEL	LR 83.4
LOCAL RULES	
Citation	LR 85.1
Effective date	LR 86.1
Joint Local Rules Commission	LR 83.14
Modification and amendment	LR 83.14
Scope and purpose	LR 1.1
MAGISTRATE JUDGES	
Consensual reference to	LR 73.1
Duties	LR 72.1

MARSHALL
- Fees — LR 83.13
- Service of subpoenas — LR 45.1
- Service of summons — LR 4.2

MEDIATION — LR 16.2

MEMORANDA — LR 7.1

MOTIONS
- Attorney fees and costs — LR 54.4
- Discovery — LR 37.1
- Form of — LR 5.1
- Generally — LR 7.1
- In forma pauperis — LR 5.3
- Place of filing — LR 3.3
- Pro hac vice — LR 83.2
- Pro se — LR 5.2

NOTICE OF
- Attorney discipline — LR 83.3
- Change of address — LR 5.2
- Consent to judgment by magistrate judge — LR 73.1
- Electronic equipment restrictions — LR 83.9
- Electronic filing (NEF) — LR 5.5
- Lis pendens — LR 65.1
- Settlement — LR 54.1

NUMBERING OF EXHIBITS — LR 83.10

ORDERS PREPARED BY COUNSEL — LR 7.1

PAGE LIMITATIONS — LR 7.1

PAPERS
- Not on court-supplied forms — LR 5.2
- Privacy requirements — LR 5.7
- Removal of — LR 79.1
- Size and format — LR 5.1

PHOTOGRAPHY — LR 83.9

PRISONER CASES — LR 5.3

PRIVACY OF DOCUMENTS — LR 5.7

PRO HAC VICE LR 83.2

PRO SE
- Actions generally LR 5.2
- Mailing address LR 5.2
- Preparation of process LR 4.3

PROCESS
- Preparation LR 4.3
- Service through Secretary of State LR 4.1

PUBLIC ACCESS TO RECORDS LR 5.7

REAL ESTATE BOND LR 65.1

REMOVAL CASES LR 3.2

REPLIES LR 7.1

REQUEST FOR ADMISSION LR 26.1

RESPONSES LR 7.1

RULE (CivPro) 16 EXEMPTIONS LR 16.1

RULE (CrimPro) 42 LR 83.3

RULE (CivPro) 83 LR 83.14

SANCTIONS
- Attorney discipline LR 83.3
- Failure to comply with rules or orders LR 5.2
- Unprofessional conduct LR 83.2, LR 83.3

SCOPE OF LOCAL RULES LR 1.1

SERVICE
- Electronically LR 5.5
- Secretary of State LR 4.1
- Social Security number separate LR 83.11
- United States Marshal LR 4.2, LR 45.1
- Time of LR 5.6

SETTLEMENT LR 54.1

SOCIAL SECURITY APPEALS LR 83.11

SUBPOENAS	LR 4.3, LR 45.1
SUMMONS	LR 4.1,LR 4.2,LR 4.3
SURETY REQUIREMENTS	LR 65.1
TIME	
Attorney fees and non-taxable expenses	LR 54.4
Bill of costs	LR 54.3
Completion of pleading	LR 4.3
Extensions	LR 7.1
Filing and service	LR 5.6
Reply	LR 7.1
Response	LR 7.1
Social Security answer	LR 83.11
TRIAL	
Exhibits	LR 83.10
Scheduling	LR 40.1
TRANSFER	
Intradistrict	LR 3.2
VENUE	
Bankruptcy	LR 83.12
Corporations	LR 3.2
Governmental	LR 3.2
VERIFICATIONS	
Electronic filing	LR 5.4
Pro se filing	LR 5.2
WITHDRAWAL OF ATTORNEY	LR 83.6
28 U.S.C. § 2255	LR 5.2, LR 5.3