

October 25, 2019

NOTICE

**TO: THE PUBLIC AND MEMBERS OF THE PRACTICING BAR FOR THE
EASTERN AND WESTERN DISTRICTS OF KENTUCKY**

Pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 57 of the Federal Rules of Criminal Procedure, the United States District Courts for the Eastern and Western Districts of Kentucky hereby give public notice of the following:

The Joint Local Rules Commission for the Eastern and Western Districts of Kentucky has recommended, and the District Court has authorized for release for a period of public comment through December 31, 2019, the revision of certain Joint Local Rules of Civil Practice and Joint Local Rules of Criminal Practice. Unless otherwise indicated, as seen in this Notice, underlined text is added and ~~struck~~ text is deleted. The proposed revisions are as follows:

- A. **LR 3.3, 5.1, 5.2, 5.4, 5.5, 5.6, 5.7, 77.1** – will be amended or renumbered as follows in order to address recent amendments to the Federal Rules of Civil Procedure and to delete rules that duplicate provisions of the Federal Rules:

LR 5.1 ~~3.3~~ Place of Filing Pleadings, Written Motions, and Other Papers
Pleadings, **written** motions, and other papers **not filed electronically** may be filed in any of the divisional offices of the Clerk for the district in which the action is filed or pending.

LR 5.2 ~~5.1~~ Format ~~Form~~ of Pleadings, Written Motions, and Other Papers
(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) ~~Format.~~ All pleadings, **written** motions, and other papers filed with the Court must be in size 8½ x 11 inch page format with margins of at least one inch on all sides, with text double spaced (except for appropriate block quotes, headings, and footnotes), in at least 12-point proportionately-spaced font.

LR 5.3 ~~5.2~~ Pro Se Actions

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(c) **Filing.** Pleadings, **written** motions, **and** ~~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) **Disclosure of Contact Information; Sanctions.** ~~In addition to the requirements of LR 5.1 (a), a~~ All pro se non-prisoner litigants must include, if available, in the caption of the litigant's first filing, the litigant's current telephone number, e-mail address, residential address, and, if different, mailing address. ~~All pro se prisoner litigants must include in every pleading, written motion, and other paper the prisoner's inmate number and current mailing address.~~ Failure to provide the required ~~address and telephone~~ information upon request may result in the dismissal of the litigant's case or other appropriate sanctions.

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LR 5.4 5.3 Petitions or Complaints In Forma Pauperis

[renumbered only]

LR 5.5 5.4 Electronic Filing of Documents by Electronic Means

~~Users of the Court's electronic case filing system must comply with the Court's Electronic Case Filing Administrative Policies and Procedures, available Documents shall be filed, signed and verified by electronic means to the extent and in the manner authorized by General Order 05-03 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 shall be served through the court's transmission facilities by electronic means to the extent and in the manner authorized by General Order 05-03 of the Court. Transmission of the Notice of Electronic Filing (NEF), with a hyperlink to the electronically filed document, 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 by electronic means under LR 5.4 shall be deemed filed on the date and time stated on the Notice of Electronic Filing which is transmitted, with a hyperlink to the electronically filed document, to the filing party.~~

~~Documents served by electronic means under LR 5.5 shall be deemed served on the date and time stated on the Notice of Electronic Filing which is transmitted, with a hyperlink to the electronically filed document, to the party served~~

LR 5.6 5.7 Filing Documents Under Seal

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(d) **Electronic Filing Rules and Procedures.** All procedures for ~~electronic~~ filing of documents under seal, whether pursuant to this Rule or a federal statute or federal rule of procedure, are contained in the Court's ~~Amended~~ Electronic Case Filing Administrative Policies and Procedures, available from the Clerk's office on the following websites:

WDKY – "<http://www.kywd.uscourts.gov/>";

EDKY – "<http://www.kyed.uscourts.gov/>".

LR 5.7 77.1 Service Date for Electronic Notice of Entry of Court Judgments and Orders

[renumbered only]

B. LCrR 12.1, 47.1, 49.1, 49.2, 49.3, 49.4, 49.5, 49.6, and 49.7 – will be amended or renumbered as follows in order to address recent amendments to the Federal Rules of Criminal Procedure and to delete rules that duplicate provisions of the Federal Rules:

LCrR 47.1 42.1 Motions

[renumbered only]

LCrR 49.1 49.2 Place of Filing ~~Written Motions Pleadings~~ and Other Papers

~~Written Pleadings~~, motions and other papers ~~not filed electronically~~ may be filed in any of the divisional offices of the Clerk for the district in which the action is filed or pending.

LCrR 49.2 49.1 Format of Motions and Other Papers ~~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) — Format. All pleadings, written motions, and other papers filed with the Court must be in size 8½ x 11 inch page format with margins of at least one inch on all sides, with text double spaced (except for~~

appropriate block quotes, headings, and footnotes), in at least 12-point proportionately-spaced font.

LCrR 49.3 ~~Electronic Filing of Documents by Electronic Means~~

~~Users of the Court’s electronic case filing system must comply with the Court’s Electronic Case Filing Administrative Policies and Procedures, available Documents shall be filed, signed and verified by electronic means to the extent and in the manner authorized by General Order 05-03 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 Criminal 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/>”.~~

~~LCrR 49.4—Service of Documents by Electronic Means~~

~~Documents shall be served through the court’s transmission facilities by electronic means to the extent and in the manner authorized by General Order 05-03 of the Court. Transmission of the Notice of Electronic Filing (NEF), with a hyperlink to the electronically filed document, 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 Criminal Procedure.~~

~~LCrR 49.5—Time of Filing and Service~~

~~Documents filed by electronic means under LCrR 49.3 shall be deemed filed on the date and time stated on the Notice of Electronic Filing which is transmitted, with a hyperlink to the electronically filed document, to the filing party.~~

~~Documents served by electronic means under LCrR 49.4 shall be deemed served on the date and time stated on the Notice of Electronic Filing which is transmitted, with a hyperlink to the electronically filed document, to the party served.~~

LCrR 49.4 49.6 Filing Documents Under Seal

~~...~~

(d) Electronic Filing Rules and Procedures. All procedures for ~~electronic~~ filing of documents under seal, whether pursuant to this Rule or a federal statute or federal rule of procedure, are contained in the ~~C~~ourt's ~~Amended~~ Electronic Case ~~F~~iling Administrative Policies and Procedures, available from the Clerk's office on the following websites:

WDKY – “<http://www.kywd.uscourts.gov/>”;
EDKY – “<http://www.kyed.uscourts.gov/>”.

**LCrR 49.5 49.7 Service Date for Electronic Notice of the Entry of Court Judgments
and Orders**

[renumbered only]

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Comments concerning the proposed rule amendments are welcome. Comments must be submitted in writing or via email on or before December 31, 2019, and should be sent to:

Brian F. Haara
Chair, Joint Local Rules Commission
Tachau Meek PLC
101 South Fifth Street, Suite 3600
Louisville, Kentucky 40202
bhaara@tachaulaw.com