LOCAL RULES OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA

WITH AMENDMENTS THROUGH JANUARY 1, 2011

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

District Judges
Chief Judge Richard L. Young
Judge Sarah Evans Barker
Judge William T. Lawrence
Judge Jane E. Magnus-Stinson
Judge Tanya Walton Pratt
Senior Judge Larry J. McKinney

Magistrate Judges

Magistrate Judge William G. Hussmann, Jr.
Magistrate Judge Tim A. Baker
Magistrate Judge Debra McVicker Lynch
Magistrate Judge Mark J. Dinsmore
Recalled Magistrate Judge Kennard P. Foster

Clerk of Court Laura A. Briggs

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Local Rule 1.1 - Scope of the Rules

(a) Title and Citation. These Rules will be known as the Local Rules of the United States District Court for the Southern District of Indiana. They may be cited as "S.D.Ind.L.R. ."

(b) Effective Date. These Rules become effective on February 1, 1992.

(c) Scope of Rules. These Rules govern all proceedings in civil and criminal actions and proceedings before Magistrate Judges. No litigant will be bound by any Local Rule or standing order which is not passed in accordance with Fed. R. Civ. P. 83 and 28 U.S.C. §§ 2071 and 2077.

(d) Relationship to Prior Rules; Actions Pending on Effective Date. These Rules supersede all previous Rules promulgated by this court or any Judge of this court. They govern all applicable proceedings brought in this court after they take effect. They also apply to all proceedings pending at the time they take effect, except to the extent that in the opinion of the court the application thereof would not be feasible or would work injustice, in which event the former Rules govern.

(e) Modification or Suspension of Rules. In individual cases the court, upon its own motion or the motion of any party, may suspend or modify any of these Rules if the interests of justice so require.

Local Rule 1.2 - Availability of the Local Rules, Attorney's Handbook, and Other Resources

Copies of these Rules, as amended, and the Attorney's Handbook are available from the Clerk's Office for a reasonable charge. These Rules, the Attorney's Handbook, and other resources appear on the Court web site at www.insd.uscourts.gov.

When amendments to these Rules are made, notice of such amendments shall be provided among other places, in Res Gestae, published monthly by the Indiana State Bar Association.

When amendments to these Rules are proposed, notice of such proposal and an opportunity for public comment shall be provided. When the Rules are amended otherwise, public notice of such amendments shall be given.

Notes: Amended effective January 1, 2000

Local Rule 1.3 - Sanctions for Errors as to Form

The Court may sanction for violation of any Local Rule governing the form of pleadings and other papers filed with the Court. Local Rules governing the form of pleadings and other papers filed with the Court include, but are not limited to, those Local Rules regulating the paper size, the number of copies filed with the Court, and the requirement of a special designation in the caption. Nothing in this Rule shall prohibit the Court from ordering stricken from the record a paper which does not comply with these Rules.

Notes: Amended effective January 1, 2000.

Local Rule 4.6 - Representation by Counsel in Certain Civil Actions Involving Indigent Litigants

(a) Civil Trial Assistance Panel.

A Civil Trial Assistance Panel is maintained to assist the court with requests by indigent civil litigants for representation. Individual attorneys, law school legal clinics, and law firms willing to represent litigants who lack the resources to retain counsel may apply for membership on the panel. By applying, applicants indicate a willingness to accept requests for representation whenever reasonably possible.

(b) Requests for Representation.

(1) If the court determines that requesting counsel is warranted under 28 U.S.C. § 1915(e), 42 U.S.C. § 2000e-5(f), or any other applicable statute, the court may request a member of the Civil Trial Assistance Panel to represent the party or may direct the clerk to make such request on the court's behalf.

(2) The court may request representation by a specific member of the panel or of the bar of this court who is particularly qualified. Otherwise, the clerk will select an attorney from the panel at random.

(c) Appearance and Duration of Representation.

(1) The attorney whose representation has been requested by the court should file an appearance within 14 days of receipt of the request, if accepted.

(2) The attorney may decline the court's request.

(3) If an attorney accepts a request for representation pursuant to part (b) of this Rule, the attorney may thereafter seek to withdraw from the action and terminate the attorney's representation.

(A) Except as noted in parts (B) and (C) below, the requested attorney must first make the request for relief from the client, in writing. The request for relief must expressly inform the client that the court may choose not to request replacement counsel.

(B) If the relief requested is due to personal incompatibility between the attorney and the client, or to the attorney's belief that the client is proceeding for

improper purposes, or if the client rejects the attorney's relief request, the attorney may petition for leave to withdraw in accordance with Local Rule 83.7(b).

(C) If a replacement attorney has been arranged by the original attorney or by the client, the requirements of paragraphs (c)(3)(A) and (c)(3)(B) of this Rule will be waived. The original counsel must file a notice of withdrawal which includes the name, address and phone number of replacement counsel.

(4) The client may for good cause request the court to discharge the requested attorney and may request a replacement attorney.

(5) The court will have discretion to grant or deny petitions to withdraw or requests for discharge.

(6) When a requested attorney is relieved by consent, granted leave to withdraw, or discharged, the court will have discretion whether to request a replacement.

(d) Duration of Appointment.

(1) If at any time it appears the client is able to afford private counsel, the requested attorney may seek leave to withdraw or may agree with the client to be employed in the case.

(2) The representation begins on the date the requested attorney enters an appearance and continues until he/she has been relieved, final judgment is entered and reasonable collection or enforcement efforts are made, or later, if mutually agreed to by the attorney and the client.

(e) Expenses and Compensation.

(1) Reimbursement for attorneys requested under this Rule will be available from the court in the amount of Five Hundred Dollars ($500.00) for itemized copy, mail, telephone, travel, and expert witness expenses. At the discretion of the assigned Judge on a case-by-case basis, reimbursement of itemized expenses may be made up to One Thousand Dollars ($1000.00). Expenses paid under this Rule will be payable upon petition supported by appropriate documentation at the conclusion of an action and only if not otherwise recoverable.

(2) Upon appropriate application, the court may award attorney's fees to a prevailing party with requested counsel to the same extent as would be awarded to a party with privately retained attorney.

(3) Nothing in this rule prohibits an attorney accepting a request for representation from negotiating or entering a voluntary fee arrangement with the client.

Notes: December 1, 2009, stylistic amendment. Technical amendment to (c)(1) for consistency in time counting format with the Federal Rules of Civil Procedure. Rule was significantly revised effective January 1, 2002. Previous amendments were effective January 1, 2000, and subsection (d)(2) was amended January 1, 1999.

Local Rule 5.1 - General Format of Documents Presented for Filing

(a) Electronic Filings.

(1) Format of Documents Submitted Electronically. Documents submitted via the court's Electronic Case Filing System under Rule 5.4 must be in PDF (Portable Document Format). Whenever possible, documents must be converted to PDF directly from a word processing program (e.g., Microsoft Word® or Corel WordPerfect®), rather than created from the scanned image of a paper document. Documents that exist only in paper format may be scanned into PDF for electronic filing. Proposed Orders must not be scanned into PDF, and must always be converted to PDF directly from a word-processing application. Each PDF file may not exceed an electronic file size of 5 megabytes (MB). To electronically file a document or attachment that exceeds 5 MB, the document must first be divided into two or more smaller files (see CM/ECF Policies and Procedures Manual for more information). With regard to all documents converted from a word processing program, (a) the size of the type in the body of the text must be no less than 12 point, and in footnotes no less than 10 point, and (b) the margins, left-hand, right-hand, top and bottom, must each be 1 inch.

(2) Ex parte Filings. Ex parte documents must be filed electronically in accordance with the guidelines set forth in Section 19 of the CM/ECF Policies and Procedures Manual. The court's Electronic Case Filing System will not transmit a Notice of Electronic Filing to attorneys of record when an ex parte document is filed.

(3) Signature. Every electronically filed document must clearly identify the name, address, and telephone number, and Internet e-mail address of the filing attorney. Any electronically filed document not signed by the filing attorney appearing of record (as required by Local Rule 5.11) and submitted electronically using the filing attorney's ECF Login and Password must, upon discovery of such omission, be stricken from the record unless such omission is promptly corrected upon notice to said attorney.

(4) Electronic Copies and Electronic File-Stamps. When a document is filed electronically, the official record is the electronic recording of the document as stored by the court. The court's Electronic Case Filing System will generate a Notice of Electronic Filing, which will be transmitted by the court via e-mail to the filer and all attorneys of record in the matter who are Filing Users. The Notice of Electronic Filing will contain a hyperlink to the filed document which constitutes service of the electronically filed document, thereby replacing conventional paper service. The

Notice of Electronic Filing also serves as the court's date-stamp and proof of filing. When filing electronically, it is not necessary to provide the court with envelopes and postage or additional copies of the document, as the document will be served on all registered counsel via email.

(5) Form of Orders. The filing of a motion or petition requiring the entry of a routine or uncontested order by the Judge or the clerk must be accompanied by a suitable tendered form of order together with a service list of all parties or their counsel whose names and email addresses (or postal address, if appropriate) must be typed in the lower left-hand corner of the tendered form of order. The tendered order must be converted to a separate PDF file directly from a word-processing application (as opposed to scanning) and must be submitted electronically as an attachment to the motion or petition.

(b) Paper Filings.

(1) Form, Style and Size of Paper Filings. In order that the paper files of the clerk's office may be kept under the system commonly known as "flat filing," all papers presented to the clerk or Judge for filing must be flat and unfolded. All paper filings must be on white paper of good quality, 8 ½" x 11" in size, and must be plainly typewritten, printed, or prepared by a clearly legible duplication process, on single-sided paper, and double spaced, except for quoted material. Where the document is typed or printed, (a) the size of the type in the body of the text must be no less than 12 point, and in footnotes no less than 10 point, and (b) the margins, left-hand, right-hand, top and bottom, must each be 1 inch. Paper filings must be either stapled in the top left corner or bound in a manner which permits the document to lie reasonably flat when open (*e.g.*, spiral bound), and must be two-hole punched at the top (but not fastened)(the punches must be 2 ¾" apart and appropriately centered). Should the nature of the filing be so unusual as to make these methods of fastening infeasible, a party may seek leave of the court to use a different method. Such leave must be sought prior to the submission of any filing fastened in any way not conforming to this Rule. The title of each filing must be set out on the first page. Each page must be numbered consecutively. Any paper filing containing four or more exhibits must include a separate index identifying and briefly describing each exhibit.

(2) Signature. Every paper filing must clearly identify the name, address, and telephone number of the *pro se* litigant or attorney. Any paper filing not signed by at least one attorney appearing of record as required by Rule 11, *Federal Rules of Civil Procedure* must, upon discovery of such omission, be stricken from the record unless such omission is promptly corrected upon notice to said attorney. A rubber stamp or facsimile signature on the original copy of such document must not be used.

(3) Number of Copies; Return of File-Stamped Copies. An original of all paper filings must be submitted for filing unless ordered otherwise. If a party wishes to receive a file-stamped copy of a paper filing by return mail, the party must include an additional copy to be file-stamped, and a self-addressed envelope of adequate size and with adequate postage.

(4) Form of Orders. The filing of a motion or petition requiring the entry of a routine or uncontested order by the Judge or the clerk must be accompanied by a suitable tendered form of order together with sufficient copies thereof for service upon all parties or their counsel whose names and addresses must be typed in the lower left-hand corner of the tendered form of order. Whenever the clerk is required to give notice, as provided by Rules 53(d)(1), 53(e)(1), 65.1 and 77(d) of the Federal Rules of Civil Procedure, or Local Rule 24.1, the party or parties requesting such notice must furnish the clerk with sufficient copies of the proposed notice to be given and the names and addresses of the parties or their counsel to whom such notice is to be given.

(c) Facsimile Filings

The clerk is authorized to file papers received by facsimile transmission only upon specific authorization by a Judge of the court granted upon a finding of compelling circumstances warranting such method of filing. Whenever facsimile filings are permitted, a substitute copy that complies with Local Rule 5.1(a) must be filed to replace the facsimile within 7 days.

(d) Notice by Publication.

All notices required to be published in a case must be delivered by the clerk of the court to the party originating such notice or his counsel, who will have the responsibility for delivering such notice to the appropriate newspapers for publication.

Notes: December 1, 2009, stylistic amendment. Technical amendment to make the word “papers” appearing in the first sentence of (b)(3) singular. Previous amendments include effective dates of July 1, 2008, January 1, 2006, January 1, 2000, and September 1, 2004- Subsection (f) was formerly contained in Local Rule 4.1(b).

Local Rule 5.1.1 – Constitutional Challenge to a Statute - Notice

A notice of constitutional challenge to a statute filed in accordance with Federal Rule of Civil Procedure 5.1 must be filed at the same time the parties tender their proposed case management plan if one is required or within 21 days of the filing drawing into question the constitutionality of a federal or state statute, whichever occurs later. The party filing the notice of constitutional challenge must serve the notice and paper on the Attorney General of the United States and the United States Attorney for the Southern District of Indiana if a federal statute is challenged--or on the Attorney General for the State if a state statute is challenged--either by certified or registered mail or by sending it to an electronic address designated by those officials for this purpose.

Notes: Effective December 1, 2009. Rule adopted December 1, 2009.

Local Rule 5.2 - Public Access to Certain Case Information –
Rule deleted effective December 1, 2007

Note: The Local Rule was deleted effective December 1, 2007, as the enactment of Fed. R. Civ. P. 5.2 - Privacy Protection For Filings Made with the Court - rendered Local Rule 5.2 duplicative and / or inconsistent.

Local Rule 5.3 - Filing of Documents Under Seal

(a) General Rule. No document will be maintained under seal in the absence of an authorizing statute, Court rule, or Court order. No sealed document shall be accessible electronically or otherwise absent court order.

(b) Filing of Cases Under Seal. Any new case submitted for filing under seal must be accompanied by a motion to seal and proposed order. Any case presented in this manner will be assigned a new case number, District Judge and Magistrate Judge. The Clerk will maintain the case under seal until a ruling on the motion to seal is entered by the assigned District Judge. If the motion to seal is denied, the case will be immediately unsealed with or without prior notice to the filing party.

(c) Filing of Documents Under Seal. Materials presented as sealed documents shall be filed electronically in accordance with the guidelines set forth in Section 18 of the CM/ECF Policies and Procedures Manual, unless exempted by local rule or court order. A document filed under seal must be accompanied by a cover sheet containing:

- **i.** the case caption;
- **ii.** the name of the document if it can be disclosed publicly, otherwise an appropriate title by which the document may be identified on the public docket;
- **iii.** the name, address and telephone number of the person filing the document; and
- **iv.** in the event the motion requesting the document be filed under seal does not accompany the document, the cover sheet must set forth the citation of the statute or rule or the date of the Court order authorizing filing under seal.

(d) Service of Documents Filed Under Seal. Documents filed electronically under seal shall not be served upon counsel through the Court's Electronic Case Filing System (see Local Rule 5.8). Any sealed document that has been filed electronically, as required under section (c) of this rule, must be served pursuant to Fed. R. Civ. P. 5.

Notes: Rule adopted effective July 1, 2002, and amended January 1, 2006.

Local Rule 5.4 - Filing of Documents Electronically

The court will accept for filing documents submitted, signed or verified by electronic means consistent with Local Rule 5.11 and the rules and procedures established by the court. Filing of documents electronically in compliance with these rules and procedures constitutes filing with the court for purposes of Fed. R. Civ. P. 5(b)(2)(E).

Notes: December 1, 2009, stylistic and technical amendment. Rule was previously amended and effective September 1, 2004. Rule adopted July 1, 2002.

Local Rule 5.5 - Definitions for Cases Filed Electronically

(a) The term "Electronic Case Filing System" (ECF) is used to refer to the Court's system that receives documents filed in electronic form via the Internet.

(b) The term "Filing User" is used to refer to attorneys who have an ECF log-in and password to file documents electronically.

(c) The term "Notice of Electronic Filing" is used to refer to the notice that is automatically generated by the Electronic Case Filing System at the time a document is filed with the system, setting forth the time of filing, the name of the party and attorney filing the document, the type of document, the text of the docket entry, the name of the attorney(s) receiving the notice, and an electronic link (hyperlink) to the filed document, which allows recipients to retrieve the document automatically.

(d) The term "PDF" is used to refer to a document that exists in Portable Document Format. A document file created with a word processor, or a paper document which has been scanned, must first be converted to portable document format before it can be electronically filed with the Court. Converted files contain the extension ".pdf"

(e) The term "PACER" (Public Access to Court Electronic Records) is used to refer to the automated system that allows an individual to view, print and download court docket information via the Internet.

Notes: Amended effective September 1, 2004. Sections (a) and (b) amended, and sections (c) through (e) added, September 1, 2004. Rule adopted July 1, 2002.

Local Rule 5.6 – Scope of Electronic Filing

All civil cases filed in this Court other than those cases specifically exempted by a judicial officer, are assigned to the Court's Electronic Case Filing System and shall be maintained in the system in accordance with these local rules. All documents required to be filed with the Court in connection with a case assigned to the Electronic Case Filing System must be electronically filed, except as expressly provided in these rules or as authorized by the Court. Pro se litigants may not file documents electronically.

The initial pleading and accompanying documents, including the complaint and the issuance and service of the summons, shall be filed and served in the traditional manner on paper. All subsequent documents must be filed electronically except as provided in these rules or as ordered by the Court.

All documents filed electronically must comply with the format and procedures set forth in the CM/ECF Policies and Procedures Manual for the Southern District of Indiana.

Notes: Rule amended September 1, 2004, and January 1, 2006. Rule adopted July 1, 2002.

Local Rule 5.7 – Eligibility, Registration, and Passwords for Electronic Filing

(a) Eligibility. Attorneys who are eligible to register as Filing Users of the court's Electronic Case Filing System include attorneys admitted to the bar of this court, attorneys admitted pro hac vice to the bar of this court, and attorneys authorized to represent the United States. Registration is in a form prescribed by the clerk and requires the Filing User's name, address, telephone number, Internet e-mail address, and a declaration that the attorney is admitted to the bar of this court. Filing Users must notify the clerk in writing within 28 days of any change of address, electronic or otherwise.

(b) Registration. Attorneys of record for pending cases assigned to the Electronic Case Filing System must register with the clerk to obtain an ECF login and password for use when filing documents electronically. Attorneys who wish to be exempted from participation in the program may file a Petition for ECF Exemption and a CM/ECF Technical Requirements Questionnaire. The petition and questionnaire must be filed for each pending case on the Electronic Case Filing System. The petition will be reviewed by the court in each case and granted only upon showing of good cause. The court's ECF Registration Form and CM/ECF Technical Requirements Questionnaire are available on the court's Internet website at www.insd.uscourts.gov.

Registration as a Filing User constitutes consent to electronic service of all documents as provided in these rules in accordance with the Federal Rules of Civil Procedure.

Once registration is completed, the Filing User will receive notification of the user log-in 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.

Note: December 1, 2009, stylistic amendment. Technical amendment to (a) to achieve consistency in time counting format with the Federal Rules of Civil Procedure. Rule previously amended September 1, 2004, and January 1, 2006. Rule adopted July 1, 2002.

Local Rule 5.8 - Consequences of Electronic Filing

Electronic transmission of a document to the Electronic Case Filing System consistent with these rules, together with the transmission of a Notice of Electronic Filing from the Court, 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 under Fed. R. Civ. P. 58 and 79.

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court, and the filing party is bound by the document as filed.

Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight local time of the division to which the case has been assigned in order to be considered timely filed that day.

When a document is filed electronically, the Court's Electronic Case Filing System will generate a Notice of Electronic Filing, which will be transmitted by the Court via e-mail to the filer and all attorneys of record in the matter who are Filing Users. The Notice of Electronic Filing will contain a hyperlink to the filed document. The party filing the document should retain a paper or electronic copy of the Notice of Electronic Filing, which serves as the Court's date-stamp and proof of filing.

Except for documents filed under seal, transmission of the Notice of Electronic Filing to an attorney's registered e-mail address constitutes service of the hyperlinked document(s) upon the attorney. Only the Notice of Electronic Filing, generated and transmitted by the Court's Electronic Case Filing System , is sufficient to constitute electronic service of an electronically filed document. A Notice of Electronic Filing transmitted by the Court's Electronic Case Filing System upon the filing of a document under seal will not provide recipients with access to the sealed document. Documents filed electronically under seal in accordance with Local Rule 5.3 must be served upon counsel pursuant to Fed.R.Civ.P. 5.

Those parties or attorneys within the case who are exempt from the electronic filing requirement must be provided notice of the filing in paper form in accordance with the Federal Rules of Civil Procedure.

Notes: Rule amended September 1, 2004, and January 1, 2006. Rule adopted effective July 1, 2002.

Local Rule 5.9 – Entry of Court Orders in Cases Filed Electronically

All orders, decrees, judgments, and proceedings of the Court in cases filed electronically will be filed in accordance with these rules which will constitute entry on the docket kept by the Clerk under FED. R. CIV. P. 58 and 79. All signed orders will be filed electronically by the Court or Court personnel. Any order or other court-issued document filed electronically without the original signature of the Judge or Clerk has the same force and effect as if the Judge or Clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner. Orders may also be issued as "text-only" entries on the docket, without an attached document. Such orders are official and binding.

A Filing User submitting a document electronically that requires a Judge's signature must do so in accordance with the policy set forth in the CM/ECF Policies and Procedures Manual for the Southern District of Indiana.

Notes: Rule amended September 1, 2004, and January 1, 2006. Rule adopted July 1, 2002.

Local Rule 5.10 – Attachments and Exhibits in Cases Filed Electronically

Filing Users must submit in electronic form all documents referenced as exhibits or attachments, except as specifically permitted in these Rules or as granted by the Court. Each supporting exhibit or attachment must be created as a separate PDF document and submitted in one filing as an attachment to the main document. A Filing User must 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. A responding party may timely file additional excerpts or the complete document which it believes are directly germane.

Exceptions to the electronic filing requirement include the following documents:

- **a.** transcripts in cases filed by claimants under the Social Security Act, and related statutes;
- **b.** exhibits in a format that does not readily permit electronic filing, such as large maps, charts, video tapes, and similar materials;
- **c.** paper documents that are illegible when scanned into PDF format.

Any such component shall not be filed electronically, but instead shall be manually filed, on paper, with the Clerk of Court and served upon the parties in accordance with the applicable Federal Rules of Civil Procedure and the Local Rules for filing and service of non-electronic documents. Parties making a manual filing of a component shall file electronically, in place of the manually filed component, a Notice of Manual Filing setting forth the reason(s) why the component cannot be filed electronically (see form in CM/ECF Policies and Procedures Manual for the Southern District of Indiana). The manually filed component must be presented to the Clerk within 24 hours after the electronic submission of the Notice of Manual Filing. A paper copy of the electronically filed Notice of Manual Filing must accompany the component at the time of manual filing.

Notes: Rule amended September 1, 2004, and January 1, 2006. Rule adopted July 1, 2002.

Local Rule 5.11 – Signatures in Cases Filed Electronically

The ECF log-in and password required to submit documents to the Electronic Case Filing System serve in part as the Filing User's signature on all electronic documents filed with the court. They also serve as a signature for purposes of the Federal Rules of Civil Procedure (including 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. Electronically filed documents must include a signature block and must set forth the name, address, telephone number and e-mail of the Filing User. When converting case documents to PDF directly from a word processing application (as opposed to scanning), the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "s/" and typed on the signature line where the Filing User's handwritten signature would otherwise appear. Documents requiring a signature other than that of a Filing User must bear an original handwritten signature and must be scanned into PDF for electronic filing.

Documents signed by an attorney, must be filed using that attorney's ECF log-in and password and may not be filed using a log-in and password belonging to another attorney. 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.

Documents requiring signatures for two or more parties represented by different counsel must be electronically filed either by: (a) representing the consent of the other attorney(s) on the signature line where the other attorney's handwritten signature would otherwise appear; (b) identifying in the signature block attorneys whose signatures are required and by the submission of a notice of endorsement by the other attorneys no later than 3 business days after filing; (c) submitting a scanned document containing all necessary signatures; or (d) in any other manner approved by the court.

Notes: December 1, 2009, stylistic amendment. Rule was previously amended and effective September 1, 2004. Rule adopted July 1, 2002.

Local Rule 5.12 – Notice of Court Orders and Judgments in Cases Filed Electronically

Immediately upon the entry of an order or judgment in an action assigned to the Electronic Case Filing System, the Clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. If a party is represented by multiple attorneys from the same law firm, and one or more is a Filing User, notice of entry of an order or judgment in a case assigned to the Electronic Case Filing System will be transmitted only to the Filing User(s). Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Civ. P. 77(d). If a party is not represented by at least one attorney who is a Filing User, the Clerk will give notice in paper form in accordance with the Federal Rules of Civil Procedure.

Notes: Rule amended February 2, 2004, and January 1, 2006. Rule adopted effective July 1, 2002.

Local Rule 5.13 – Public Access to Cases Filed Electronically

A person may review at the Clerk's office filings that have not been sealed by the Court. A person also may access case documents electronically via the Court's Internet site: http://www.insd.uscourts.gov 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 Rule 5.4 of these rules may file documents.

Notes: Rule adopted effective July 1, 2002, and amended January 1, 2006.

Local Rule 5.14 - Retention of Documents in Cases Filed Electronically

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 2 years after all time periods for appeals expire. On request of the court, the Filing User must provide original documents for review.

Notes: December 1, 2009, stylistic amendment. Rule adopted effective July 1, 2002.

Local Rule 6.1 - Extensions of Time

(a) Pleadings. In any civil action in which all parties that have appeared are represented by counsel, a party wishing to obtain an initial extension of time not exceeding 28 days within which to file a response to a pleading (as defined by Federal Rule of Civil Procedure 7(a)), must contact counsel for the opposing party and solicit opposing counsel's agreement to the extension. If agreement to an initial extension is obtained (or the party seeking the extension cannot with due diligence reach opposing counsel), and no deadlines established by the case management plan are affected by the initial extension, the extension will become effective upon filing a notice advising of the extension and including, if applicable, a recitation of all attempts to reach opposing counsel.

(b) Written Discovery. In any civil action in which all parties are represented by counsel, a party wishing to obtain an initial extension of time not exceeding 28 days within which to respond to a written request for discovery or request for admission, must contact counsel for the opposing party and solicit opposing counsel's agreement to the extension. If agreement to an extension is obtained and no deadlines established by the case management plan are affected by the initial extension, no further action is necessary for the extension to be effective. Either party may file with the court a notice of such extension. In the event the party seeking the initial extension cannot with due diligence reach opposing counsel, that party must file a notice advising of the extension, including a recitation of all attempts to reach opposing counsel.

(c) Objection to Request. In the event the opposing party objects to a request for extension of time made pursuant to (a) or (b) above, the request for extension will be made by written motion. The motion must recite whether any attempts to obtain agreement were made, and what those attempts were.

(d) Other. Any other request for an extension of time, unless made in open court or at a conference, must be made by written motion.

(e) Pro Se Cases. In any case in which a party is unrepresented, any party's request for an extension of time, unless made in open court or at a conference, must be made by written motion.

(f) Due Dates. Any motion or notice filed pursuant to this Rule must state the original due date and the date to which time is extended.

Notes: December 1, 2009, technical amendment to (a) and (b) to achieve consistency in time counting format with the Federal Rules of Civil Procedure. Previous amendments include effective dates of July 1, 2008, and January 1, 2000.

Local Rule 7.1 - Motion Practice; Length, Form, and Schedule of Briefs; Attorneys' Conference; Notification of Settlement/Resolution of Pending Motions

(a) Form of Motion and Brief. A motion to dismiss, for judgment on the pleadings or for more definite statement under Rule 12 of the Fed. R. Civ. P., for summary judgment under Rule 56, or motions made pursuant to Rule 37 of the Fed. R. Civ. P. must be accompanied by a separate supporting brief.

Each motion must be separate; alternative motions filed together must each be named in the caption on the face. A new motion must not be incorporated within a brief, response, or reply to a previously filed motion, nor must a brief, response, or reply be contained within any motion.

(b) Response and Reply Deadlines. Except for summary judgment motions, which are governed by L.R. 56.1, unless otherwise provided in these rules or by the court, an adverse party will have 14 days after service of the initial brief in which to serve and file a response, and the moving party will have 7 days after service of the response in which to serve and file a reply. Time will be computed as provided in Rule 6, Fed. R. Civ. P. Local Rule 6.1 does not apply to the filing of briefs; therefore, extensions of time will be granted only by order of the assigned or presiding Judge or Magistrate Judge for good cause shown. Failure to file a response or reply within the time prescribed may subject the motion to summary ruling.

A non-dispositive motion or petition requiring the entry of a routine or uncontested order by the Judge or the clerk may be ruled upon prior to the passing of the standard 14 day response deadline, unless the motion indicates that the adverse party objects or the court otherwise has reason to believe a response may be forthcoming. The filing of a routine motion or petition must be accompanied by a suitable tendered form of order.

(c) Page Limits. Except by permission of the court, no brief or response may exceed 35 pages in length (exclusive of any pages containing a table of contents, table of authorities, and appendices), and no reply may exceed 20 pages. Permission to file a brief in excess of these page limitations will be granted only upon motion supported by extraordinary and compelling reasons.

A brief or response exceeding 35 pages in length (exclusive of any pages containing the table of contents, table of authorities, appendices and certificate of service) must contain (a) a table of contents with page references; (b) a statement of issues; and (c) a

table of cases (alphabetically arranged), statutes and other authorities cited, with reference to the pages of the brief where they are cited.

(d) Citation to Authority. Ordinarily, copies of cited authorities should not be appended to court filings. However, a party citing a decision, statute, or regulation that is not available on Westlaw or Lexis / Nexis must attach a copy to the document filed with the court. In addition, if a party cites a decision, statute, or regulation that is only available through electronic means (e.g. Lexis / Nexis, Westlaw or from the issuing court's website), upon request that party must furnish a copy to the court and other parties.

(e) Attorneys' Conference. The court may deny any motion for the award of attorney's fees, except post-judgment attorney's fees, motion for sanctions under Rule 11, Fed. R. Civ. P. , and motion for attorney disqualification (except those motions brought by a person appearing pro se) unless counsel for the moving party files with the court, at the time of filing the motion, a separate statement showing that the attorney making the motion has made a reasonable effort to reach agreement with opposing attorney(s) on the matter(s) set forth in the motion. This statement must recite, in addition, the date, time, and place of such conference and the names of all parties participating therein. If counsel for any party advises the court in writing that opposing counsel has refused or delayed meeting and discussing the matters covered in this Rule, the court may take such action as is appropriate to avoid unreasonable delay.

(f) Notice of Settlement/Resolution. The parties must immediately notify the court of any reasonably anticipated settlement of a case or the resolution of any pending motion.

Notes: December 1, 2009, stylistic amendment. Technical amendment to (b) to achieve consistency in time counting format with the Federal Rules of Civil Procedure. Rule was previously amended January 1, 2007; second sentence of subparagraph (a) amended January 1, 1999; third paragraph of subparagraph (b) amended January 1, 2000, and January 1, 2004.

Local Rule 7.2 - Corporate and Business Entity Disclosure Statement

To allow a Judge to identify potential conflicts of interest, any nongovernmental party to an action in this Court shall file a statement identifying all its parent corporations and listing any publicly held company or investment fund that holds a 10% or more ownership interest in that party. A party shall file the statement with its initial pleading or responsive motion and shall supplement the statement within a reasonable time of any change in the information.

Note: Rule was formerly numbered 81.2, and was renumbered January 1, 2005. Rule text amended January 1, 2002.

Local Rule 7.5 - Requests for Oral Arguments and Hearings

(a) A request for oral argument on a motion shall be by separate instrument served and filed with the brief, answer brief, or reply brief. The request for oral argument shall set forth specifically the purpose of the request and an estimate of the time reasonably required for the Court to devote to the argument. An oral argument shall be confined to argument and shall not include the presentation of additional evidence. If a request for oral argument is granted, the argument shall be held at such place within this district as the Court may designate for its convenience without regard to the division in which the cause shall stand for trial. The granting of a motion for oral argument shall be wholly discretionary with the Court. The Court, upon its own initiative, may also direct that oral argument be held.

(b) A request for an evidentiary hearing on a motion or petition may be made by any party after a motion or petition has been filed. The request for hearing shall set forth specifically the purpose of the hearing and an estimate of the time reasonably required for the Court to devote to the hearing. Dates of hearing shall not be specified in a notice of a motion or petition unless prior authorization is obtained from the Court or Deputy Court Clerk. If a request for a hearing is granted, a hearing shall be held at such place within this district as the Court may designate for its convenience without regard to the division in which the cause shall stand for trial. The Court, upon its own initiative, may also direct that a hearing be held.

Local Rule 8.1 - *Pro Se* Complaints

Form Complaints. The following complaints filed on behalf of parties representing themselves shall be on forms supplied by the Clerk of the Court:

(1) The Civil Rights Act, 42 U.S.C. § 1983;

(2) The Social Security Act, 42 U.S.C. § 405(g); and

(3) Any complaint alleging employment discrimination under a federal statute.

Notes: Amended effective January 1, 2000.

Local Rule 9.2 - Request for Three-Judge Court

(a) In any action or proceeding which a party believes is required to be heard by a three-Judge District Court, the words "Three-Judge District Court Requested" or the equivalent shall be included immediately following the title of the first pleading in which the cause of action requiring a three-Judge Court is pleaded. Unless the basis for the request is apparent from the pleading, it shall be set forth in the pleading or in a brief statement attached thereto. The words "Three-Judge District Court Requested" or the equivalent on a pleading is a sufficient request under 28 U.S.C. § 2284.

(b) In any action or proceeding in which a three-Judge Court is requested, parties shall file the original and three copies of every pleading, motion, notice, or other document with the Clerk until it is determined either that a three-Judge Court will not be convened or that the three-Judge Court has been convened and dissolved, and the case remanded to a single Judge. The parties may be permitted to file fewer copies by order of the Court.

Local Rule 15.1 - Form of a Motion to Amend and Its Supporting Documentation

A party who moves to amend a pleading shall electronically file the signed proposed amended pleading and proposed order as attachments to the motion. If the filing party is exempt from the electronic filing requirement, the motion and proposed order shall be submitted in paper form and must be accompanied by the signed original and one copy of the proposed amended pleading . Any amendment to a pleading, whether filed as a matter of course or upon a motion to amend, must, except by leave of Court, reproduce the entire pleading as amended, and may not incorporate any prior pleading by reference.

Local Rule 16.1 - Pretrial Procedures

(a) Initial Pretrial Conference and Case Management Plan. In any civil case, the assigned or presiding Judge may direct the clerk to issue notice of a pretrial conference, directing the parties to prepare and to appear before the court.

(1) In all cases not exempted pursuant to subsection (e) of this Rule, the court will order the parties to appear for an initial pretrial conference.

(2) Unless otherwise ordered or exempted by subsection (e) of this Rule, the parties must confer and prepare a case management plan and file it no later than 90 days from the date the case was filed or removed.

(3) Counsel for plaintiff is responsible for conferring with opposing counsel and coordinating timely completion and filing of the case management plan. If plaintiff fails to do so, counsel for defendant must appear at the initial pretrial conference with a proposed case management plan.

(4) If the parties cannot agree on all provisions of the case management plan the parties must file a joint plan setting forth their respective positions in the disputed portions of the case management plan. The court will enter a case management plan that the court deems most appropriate with or without additional input from the parties.

(b) Format of Case Management Plan. Counsel will complete the Uniform Case Management Plan in accordance with the instructions and form found on the court's website: http://www.insd.uscourts.gov/Attorney/default.htm.

(c) Additional Conferences. Counsel should expect that additional conferences may be set. At any such conference, counsel must be prepared to address case management plan issues, settlement, trial readiness, and any other matters specifically directed by the court. Prior to all court conferences, counsel must confer to prepare for the conference.

(d) Deadlines. Deadlines established in any order or pretrial entry under this Rule will not be altered except by agreement of the parties and the court, or for good cause shown.

(e) Exempted Cases. Unless otherwise ordered by the court, the following types of cases will be exempted from the scheduling and planning requirements of Rule 16(b) of the Federal Rules of Civil Procedure:

(1) An action for review of an administrative record;

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

(3) An action brought by a person in custody of the United States, a State or a State subdivision;

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

(5) An action by the United States to recover benefit payments;

(6) An action by the United States to collect on a student loan guaranteed by the United States;

(7) A proceeding ancillary to proceedings in another court; and

(8) An action to enforce, vacate or modify an arbitration award.

(9) Mortgage foreclosures in which the United States is a party; and

(10) Civil forfeiture cases.

(f) Sanctions. Should a party fail to comply with any part of this Rule, the court in its discretion may impose appropriate sanctions.

Commentary: The fundamental purpose of pretrial procedure as provided in Rule 16 of the Fed. R. Civ. P. is to eliminate issues not genuinely in contest and to facilitate the trial of issues that must be tried. The normal pretrial requirements are set forth in Rule 16 of the Fed. R. Civ. P. It is anticipated that the requirements will be followed in all respects unless any Judge of this court varies the requirements and advises counsel.

The objective of the case management plan is to promote the ends of justice by providing for the timely and efficient resolution of the case by trial, settlement or pretrial adjudication. In preparing the plan, counsel must confer in good faith concerning the matters set forth above and any other matters tending to accomplish the objective of this Rule. The plan must incorporate matters covered by the conference on which the parties have agreed as well as advise the court of any substantial disagreements on such matters.

Notes: December 1, 2009, stylistic and technical amendments. Previously, Rule was substantially amended January 1, 2005, to maintain consistency with the Federal Rules of Civil Procedure. Amendments effective January 1, 2002. Subsections (9) and (10) of section (b) added January 1, 2002. Other Amendments effective January 1, 2001, to bring rule into compliance with Fed. R. Civ. P. 26, as amended December 1, 2000. Subsections (d)(2) and (h) amended effective January 1, 2000.

Local Rule 16.2 - Responsibilities for Cases Remanded or Transferred

When the Court of Appeals remands a case to this court for further proceedings or when an action is docketed in this court after having been transferred from another district, counsel for the parties shall, within 21 days after receipt by this court of the judgment or transfer, file statements of their positions as to the action which ought to be taken by this court.

Notes: Rule 16.2 adopted effective January 1, 2001.

Local Rule 16.3 - Continuances in Civil Cases

In any civil action, upon motion, or other evidence, or agreement of the parties, proceedings may be continued in the discretion of the Court. The Court expects counsel to have consulted with their clients prior to requesting continuance of a trial setting. The Court may award such costs as will reimburse the other parties for their actual expenses incurred from the delay. A motion to postpone a civil trial on account of the absence of evidence can be made only upon affidavit, showing the materiality of the evidence expected to be obtained, that due diligence has been used to obtain it; where the evidence may be; and if it is for an absent witness, the affidavit must show the name and residence of the witness, if known, and the probability of procuring the testimony within a reasonable time, and that his / her absence has not been procured by the act or connivance of the party, nor by others at the party's request, nor with his / her knowledge or consent, and what facts the party believes to be true, and that he / she is unable to prove such facts by any other witness whose testimony can be as readily procured. If the adverse party will stipulate to the content of the evidence that would have been elicited at trial from the absent document or witness, the trial shall not be postponed. In the event of a stipulation, the parties shall have the right to contest the stipulated evidence to the same extent as if the absent document or witness were available at trial.

Notes: Amended effective January 1, 2000.

Local Rule 23.1 - Designation of "Class Action" in the Caption

(a) In any case sought to be maintained as a class action, the complaint must bear next to its caption the legend "Complaint -- Class Action." The complaint must also contain a reference to the portion or portions of Rule 23, Fed. R. Civ. P., under which it is claimed that the suit is properly maintained as a class action.

(b) The provisions of the Rule will apply, with appropriate adaptations, to any counterclaim or cross claim alleged to be brought for or against a class.

Notes: December 1, 2009, stylistic amendment. Subsection (b) amended January 1, 2011, to remove requirement that a separate motion seeking class certification must be filed within 90 days of filing of a complaint in a class action, leaving the timing of such a motion to be determined within the Case Management Plan for each case.

Local Rule 26.1 - Form of Discovery Documents

The party propounding written interrogatories pursuant to Rule 33 of the Fed. R. Civ. P., requests for production of documents or things pursuant to Rule 34, Fed. R. Civ. P., or requests for admission pursuant to Rule 36, Fed. R. Civ. P., must number each such interrogatory or request sequentially. The party answering, responding or objecting to such interrogatories or requests must quote each such interrogatory or request in full immediately preceding the statement of any answer, response or objection thereto, and must number each such response to correspond with the number assigned to the request.

Upon request, the propounding party must supply the interrogatories or requests in an editable word processing format.

Notes: December 1, 2009, stylistic amendment, addition of second paragraph, and re-titling. Previous amendment effective January 1, 2001. Former subsection (b) moved to new Local Rule 36.1, for numbering consistent with the Federal Rules of Civil Procedure.

Local Rule 26.2 - Filing of Discovery Materials

Because of the considerable cost to the parties of furnishing discovery materials, and the serious problems encountered with storage, this Court adopts the following procedure for filing of discovery materials with the Court:

(a) If relief is sought under Rules 26(c) or 37, FED. R. CIV. P., concerning any disclosures, interrogatories, or requests for production or inspection, answers to interrogatories or responses to requests for production or inspection, copies of the portions of the disclosures, interrogatories, requests, answers or responses in dispute shall be filed with the Court contemporaneously with any motion filed under these Rules.

(b) If disclosures, interrogatories, requests, answers, responses or depositions are to be used at trial or are necessary to a pretrial motion which might result in a final order on any issue, the portions to be used shall be filed with the Clerk at the outset of the trial or at the filing of the motion insofar as their use can be reasonably anticipated.

(c) When documentation of discovery not previously in the record is needed for appeal purposes, upon an application and order of the Court, or by stipulation of counsel, the necessary discovery papers shall be filed with the Clerk.

Notes: Amended effective January 1, 2001. Section (e) is deleted as unnecessary; FED. R. CIV. P. 32 does not require any such motion before a deposition is used pursuant to that rule.

Note: Local Rule 26.3, Exemption from Certain Federal Rules of Civil Procedure, was deleted effective January 1, 2001, due to changes in FED.R.CIV.P. 26.

Local Rule 30.1 - Conduct and Scheduling of Depositions

(a) Assertion of Claim of Privilege. If a claim of privilege has been asserted as a basis for an instruction not to answer, the attorney seeking disclosure will have reasonable latitude during the deposition to question the deponent to establish relevant information concerning the legal appropriateness of the assertion of the privilege, including (i) the applicability of the privilege being asserted, (ii) circumstances that may result in the privilege having been waived, and (iii) circumstances that may overcome a claim of qualified privilege.

(b) Private Conference with Deponent. An attorney for a deponent will not engage in a private conference with the deponent regarding a pending question except for the purpose of determining whether a claim of privilege should be asserted.

(c) Scheduling of Depositions. Pursuant to the Standards for Professional Conduct within the Seventh Federal Judicial Circuit, Lawyers Duty to Other Counsel, paragraph 14, the attorneys will make a good faith effort to schedule depositions in a manner which avoids scheduling conflicts. Unless agreed by counsel or otherwise ordered by the court, no deposition will be scheduled on less than 14 days notice.

Notes: December 1, 2009, stylistic amendment and re-titling. New subparagraph (c) reflective of Northern District of Indiana's Local Rule 30.1 Previous amendment effective January 1, 2001. Subparagraphs (a) and (d) are deleted as duplicitous of Fed. R. Civ. P. 30(d).

Local Rule 36.1 - Requests for Admissions

No party shall serve on any other party more than 25 requests for admission without leave of Court. Requests relating to the authenticity or genuineness of documents are not subject to this limitation. Any party desiring to serve additional requests for admission shall file a written motion setting forth the proposed additional requests for admission and the reason(s) for their use.

Notes: Effective January 1, 2001.This Rule consists of language formerly contained in L.R. 26.1(b).

Local Rule 37.1 – Discovery Disputes

(a) Prior to involving the court in any discovery dispute, including disputes involving depositions, counsel must confer in a good faith attempt to resolve the dispute. If any such dispute cannot be resolved in this manner, counsel are encouraged to contact the chambers of the assigned Magistrate Judge to determine whether the Magistrate Judge is available to resolve the discovery dispute by way of a telephone conference or other proceeding prior to counsel filing a formal discovery motion. When the dispute involves an objection raised during a deposition that threatens to prevent completion of the deposition, any party may recess the deposition to contact the Magistrate Judge's chambers.

(b) In the event that the discovery dispute is not resolved at the conference, counsel may file a motion to compel or other motion raising the dispute. Any motion raising a discovery dispute must contain a statement setting forth the efforts taken to resolve the dispute, including the date, time, and place of any discovery conference and the names of all participating parties. The court may deny any motion raising a discovery dispute that does not contain such a statement.

(c) Discovery disputes involving *pro se* parties are not subject to Local Rule 37.1.

Notes: January 1, 2011, Local Rule 37.1 was amended, and consolidated with Local Rule 37.3, to encourage informal resolution of discovery disputes, including disputes that might otherwise derail a deposition. More complex discovery disputes may benefit from full briefing, but the amended rule recognizes that most discovery disputes can be resolved or at least narrowed by good faith efforts of counsel and intervention by the Magistrate Judge as necessary. The amendment also deletes prior language in the rule suggesting parties were required to file a separate statement regarding efforts to resolve the discovery dispute. The amended rule provides that such a statement must be contained in the motion.

Local Rule 38.1 - Notation of "Jury Demand" in the Pleading

If a party demands a jury trial by indorsing it on a pleading, as permitted by Rule 38(b) of the FED. R. CIV. P., a notation shall be placed on the front page of the pleading, immediately following the title of the pleading, stating "Demand For Jury Trial" or an equivalent statement. This notation will serve as a sufficient demand under Rule 38(b). Failure to make such a notation will not result in a waiver, pursuant to Rule 38(d).

Local Rule 39.1 - Authorization of Bankruptcy Judges to Conduct Jury Trials

Each Bankruptcy Judge of this Court is authorized to conduct jury trials in any proceeding to which, under applicable law, the right to a jury trial exists. This designation is made pursuant to 28 U.S.C. § 157(e). No such trial shall be held absent the express consent of all the parties. When such a trial is scheduled, the presiding Judge may utilize the then-current pool of prospective jurors of the District Court.

Notes: Effective June 8, 1998.

Local Rule 40.1 - Assignment of Cases

(a) The caseload of the court will be distributed among the Judges and Magistrate Judges as provided by order of the court. All cases, as they are filed, will be assigned to appropriate judicial officers in accordance with the method prescribed by the court from time to time.

(b) No clerk, deputy clerk, or other employee in the clerk's office will reveal to any person, other than the Judges, the order of assignment of cases until after they have been filed and assigned or assign any case otherwise than as herein provided or as ordered by the District Court.

(c) No person will directly or indirectly cause or procure or attempt to cause or procure any clerk, deputy clerk or other court attaché to reveal to any person, other than the Judges of the court, the order of assignment of cases until after they have been filed and assigned as provided above. No person will directly or indirectly cause or procure or attempt to cause or procure any clerk, deputy clerk or other court attaché to assign any case otherwise than as herein provided or as ordered by the District Court. Any person violating this subparagraph may be punished for contempt of court.

(d) At the time of filing and at any time thereafter when it becomes known, counsel must file a notice of related action when it appears that any case:

1. grows out of the same transaction or occurrence,
2. involves the same property, or
3. involves the validity or infringement of a patent, trademark or copyright,
as is involved in a pending case.

(e) Upon filing an appeal from any bankruptcy proceeding, counsel must file a notice of related action if there have been any other appeals filed, whether arising out of an adversary action or otherwise, stemming from that same underlying bankruptcy proceeding.

(f) Related cases will be transferred from one Judge to another Judge, or from one Magistrate Judge to another Magistrate Judge, when it is determined that a later numbered case is related to a pending, earlier numbered case assigned to another Judge or Magistrate Judge.

(g) When required by considerations of workload, in the interest of the expeditious administration of justice, the court may reassign cases among the Judges or Magistrate Judges.

(h) Whenever it becomes necessary to reassign any case for reasons other than workload, the Chief Judge will refer the case to the clerk for reassignment. When reassigning cases pursuant to the provisions of this subparagraph, the clerk will employ a similar random lot system as used for all cases when first filed.

(i) Unless the remand order directs otherwise, following the docketing of a mandate for a new trial pursuant to Seventh Circuit Rule 36 and allowing 14 days thereafter within which all parties may file their request that the Judge previously assigned to the case retry the case, the clerk will reassign the case to another Judge selected by random lot.

Notes: December 1, 2009, stylistic amendment. Technical amendment to (i) to achieve consistency in time counting format with the Federal Rules of Civil Procedure. Subsection (e) added March 1, 2004, and remaining subsections redesignated. Subsections (e) and (f) amended effective January 1, 2000. In conjunction with the amendments to 40.1(e) and (f), Local Rule 72.4 was deleted in its entirety. Subsections (d) and (h) amended January 1, 1999. [All references in this Note are to subsections as redesignated March 1, 2004.]

Local Rule 40.3 - Calendar of Cases

All trials will commence within 6 to 18 months after filing of the complaint unless the court determines that, because of the complexity of the case, staging provided by the case management plan, or the demands of the court's docket, the trial cannot reasonably be held within such time.

Note: December 1, 2009, stylistic amendment.

Local Rule 40.4 - Division of Business Among District Judges

(a) This district has four divisions: Indianapolis, Evansville, New Albany and Terre Haute. Judges may be assigned to a division of this Court, permanently, for trial sessions or by cause number, as the Court may from time to time order. Judges assigned to trial sessions shall have the authority to conduct trials and evidentiary hearings in all pending cases during the trial session in the same manner as though the cases were assigned to him / her.

(b) Divisions of this Court to which one or more Judges have been permanently assigned shall be in continuous session.

(c) At all times there shall be a Motions Judge designated by the Court. The identity of the Motions Judge shall be available from the Clerk. The Motions Judge shall:

(1) hear emergency matters in the absence of the Judge assigned to the case; and

(2) hear miscellaneous proceedings and applications in matters not previously assigned to a particular Judge.

Notes: Subparagraph (a) amended effective March 25, 1998.

Local Rule 41.1 - Dismissal of Actions for Failure to Prosecute

Civil cases in which no action has been taken for a period of 6 months may be dismissed for want of prosecution with judgment for costs after 28 days' notice given by the assigned judicial officer or the clerk to the attorneys of record (or, in the case of a *pro se* party, to the party) unless, for good cause shown, the court orders otherwise.

Notes: December 1, 2009, stylistic amendment. Technical amendment to achieve consistency in time counting format with the Federal Rules of Civil Procedure. Previous amendment effective January 1, 2000.

Local Rule 42.1 - Juror Costs

Whenever any civil action scheduled for jury trial is settled or otherwise disposed of in advance of the actual trial, then, except for good cause shown, juror costs, including marshal's fees, mileage and per diem, will be assessed as agreed by the parties, or equally against the parties and / or their counsel, or otherwise assessed as directed by the court, unless the clerk's office is notified at least 1 full business day prior to the day on which the action is scheduled for trial in time to advise the jurors that it will not be necessary for them to attend.

Notes: December 1, 2009, stylistic amendment.

Local Rule 42.2 - Consolidation of Cases

A motion to consolidate two or more civil cases pending upon the docket of the Court shall be filed in the case bearing the earliest docket number. That motion shall be ruled upon by the Judge to whom that case is assigned. In each case to which the consolidation motion applies, a copy of the moving papers shall be served upon all parties and a notice of consolidation motion shall be filed.

Notes: Adopted effective January 1, 2001.

Local Rule 47.1 - Voir Dire of Jurors

The Court will conduct the voir dire examination in all jury cases. If counsel desires any particular area of interrogation or questions on voir dire examination, such proposal shall be filed with the Clerk of the Court at least twenty-four (24) hours before commencement of trial, or at such other time as the Court may order. The Court will give counsel an opportunity at the completion of the original voir dire to request that the Court ask such further questions as counsel shall deem necessary and proper and which could not have been reasonably anticipated in advance of trial. However, nothing in this Rule is intended to preclude or otherwise limit the Court, in any individual case, from allowing attorneys to conduct voir dire examination in any other manner as permitted by Rule 47, FED. R. CIV. P.

Local Rule 47.2 - Attorney Communication with Jurors

No attorneys (or pro se litigants) appearing in this Court, or any of their agents or employees, shall approach, interview, or communicate with any member of the jury following a trial except on leave of Court granted upon notice to opposing counsel. In all criminal cases, any petition for leave of Court to make such contact or communication shall require showing of good cause.

No attorneys (or pro se litigants) appearing in this Court, or any of their agents or employees, shall approach, interview, or communicate before trial with members of the venire from which the jury will be selected, as well as any communication with members of the jury during trial or deliberations. Any juror contact permitted by the Court shall be subject to the control of the Judge.

Local Rule 47.4 - Six-Member Juries

In all civil jury cases, the jury shall consist of six (6) members, unless otherwise provided by law, plus such additional jurors, if any, as the trial Judge shall designate.

Provided, however, that the Judge to whom the case is assigned may impanel a jury of not more than ten (10) members who shall constitute the jury to hear the particular civil case. Each person so impaneled shall be considered a member of the jury and the verdict shall be unanimous. Additional peremptory challenges may be permitted if more than six (6) jurors are to be seated, pursuant to Rule 47(b), FED. R. CIV. P.

In the event that it becomes necessary to excuse one (1) or more jurors for reasons the Court determines to be valid, the unanimous decision of six (6) or more jurors shall constitute the verdict of the case.

Local Rule 54.1 - Taxation of Costs and Attorney's Fees

Except as otherwise provided by statute, Rule, or Court order, the parties shall have 14 days from the entry of final judgment to file and serve a Bill of Costs and a motion for the assessment of attorney fees. The Court prefers that any Bill of Costs be filed on AO form 133, which is available from the Clerk. This time may be extended by the Court for good cause shown. Failure to file such bill or motion or to obtain leave of Court for extensions of time within which to file shall be deemed a waiver of the right to recover taxable costs or attorney fees.

Comment:

Amended effective January 1, 2000, to bring Rule into compliance with *FED. R. CIV. P.* 54 and provide for uniformity in form of submissions.

Local Rule 56.1 - Summary Judgment Procedure

(a) Requirements for Moving Party. A party filing a motion for summary judgment pursuant to Fed. R. Civ. P. 56 must serve and file a supporting brief and any evidence not already in the record upon which the party relies. The brief must include a section labeled "Statement of Material Facts Not in Dispute" containing the facts potentially determinative of the motion as to which the moving party contends there is no genuine issue. These asserted material facts must be supported by appropriate citations to discovery responses, depositions, affidavits, and other admissible evidence either already in the record or contained in an appendix to the brief. Such citation must be by page or paragraph number or similar specific reference, if possible; this citation form applies to all briefs filed under this rule.

(b) Requirements for Non-Movant. No later than 28 days after service of the motion, a party opposing the motion will serve and file a supporting brief and any evidence not already in the record upon which the party relies. The brief must include a section labeled "Statement of Material Facts in Dispute" which responds to the movant's asserted material facts by identifying the potentially determinative facts and factual disputes which the nonmoving party contends demonstrate that there is a dispute of fact precluding summary judgment. These facts must be supported by appropriate citations to discovery responses, depositions, affidavits, and other admissible evidence either already in the record or contained in an appendix to the brief.

(c) Reply Brief. A party filing a motion for summary judgment may file a reply brief no later than 14 days after service of the opposing party's submissions.

(d) Surreply. If, in reply, the moving party relies upon evidence not previously cited or objects to the admissibility of the non-moving party's evidence, the non-moving party may file a surreply brief limited to such new evidence and objections, no later than 7 days after service of the reply brief.

(e) Effect of Factual Assertions. For purposes of deciding the motion for summary judgment, the court will assume that the facts as claimed and supported by admissible evidence by the moving party are admitted to exist without controversy, except to the extent that such facts: are specifically controverted in the opposing party's "Statement of Material Facts in Dispute" by admissible evidence; are shown not to be supported by admissible evidence; or, alone, or in conjunction with other admissible evidence, allow reasonable inferences to be drawn in the opposing party's favor which preclude summary judgment. The court will also assume for purposes of deciding the motion that any facts asserted by the opposing party are true to the extent they are supported

by admissible evidence. The parties may stipulate to facts in the summary judgment process, and may state that their stipulations are entered only for the purpose of the motion for summary judgment and are not intended to be otherwise binding. The court has no independent duty to search and consider any part of the record not specifically cited in the manner described in sections (a) and (b) above.

(f) Collateral Motions. Collateral motions in the summary judgment process, such as motions to strike, are disfavored. Any dispute regarding the admissibility or effect of evidence should be addressed in the briefs.

(g) Oral Argument or Hearing. All motions for summary judgment will be considered as submitted for ruling without oral argument or hearing unless a request for such is granted under Local Rule 7.5 or the court otherwise directs.

(h) Notice Requirement for Pro Se Cases. A party moving for summary judgment against an unrepresented party must file and serve a notice that:

(1) briefly and plainly states that a fact stated in the moving party's Statement of Material Facts and supported by admissible evidence will be accepted by the court as true unless the opposing party cites specific admissible evidence contradicting that statement of material fact; and

(2) sets forth the full text of Fed. R. Civ. P. 56 and S.D. Ind. L.R. 56.1; and

(3) otherwise complies with applicable case law regarding required notice to pro se litigants opposing summary judgment motions.

(i) Compliance. The court may, in the interests of justice or for good cause, excuse failure to comply strictly with the terms of this rule.

Notes: December 1, 2009, stylistic amendment. Technical amendment to (b) and (c) to achieve consistency in time counting format with the Federal Rules of Civil Procedure. Previous amendments to Local Rule 56.1 were adopted July 1, 2008, July 1, 2002, January 1, 2000, April 30, 1999, and December 17, 1998.

Local Rules Advisory Committee Comments
Re: 2002 Amendment

The revision replaces the former rule. It is designed to reduce the length of briefs related to motions for summary judgment, particularly the statement of undisputed material facts. In some cases, the statement of undisputed material facts has grown to an unmanageable level for the courts and for the parties. The parties have included facts which are not material to the legal issues to be resolved by

summary judgment. Including the statement of undisputed material facts in the 35-page limit for initial briefs established by S.D. Ind. L. R. 7.1(b) will require the parties to discipline their presentation.

Note to subdivision (a). This provision sets forth the general requirements for all briefs to be submitted by the parties. It requires that the movant's brief contain a "Statement of Material Facts Not in Dispute." Emphasis is made that "material" facts are ones which are potentially determinative (former Rule 56.1(h)). The Statement should not contain mere background facts which a party feels puts the case in perspective – that can be done in an introduction or background section of the brief. Further, the Statement of asserted material facts is to state facts, not the party's argument which should be in the argument portion of the brief. Asserted material facts must be supported by specific citations to the admissible evidence in the record, which requires that any material not already in the Court's file be contained in an appendix. Although the strict formatting requirements of former Rule 56.1(h) are eliminated, separately numbering the facts is recommended for presentation clarity.

Note to subdivision (b). The specific rules for the non-movant's response are contained in this section. The brief shall contain a "Statement of Material Facts in Dispute" identifying: (1) the material facts which preclude summary judgment and/or (2) disputed material facts which do so. Like movant's Statement, the non-movant's Statement should not contain mere background facts or be argumentative.

Note to subdivision (d). A non-moving party may file a surreply brief in two limited circumstances. It is permitted only when: (1) the moving party submits in its reply brief evidence not previously cited; or (2) the moving party objects in its Reply to the admissibility of evidence cited by the non-movant.

Note to subdivision (e). This provision sets forth the effect of facts asserted. If supported by cited admissible evidence, a party's asserted material facts will be assumed admitted unless the opposing party submits admissible evidence of a genuine issue of material fact, demonstrates that the movant's assertions are not supported by admissible evidence or, through argument, shows that reasonable inferences can be drawn from admissible facts which preclude summary judgment. Obviously, the parties may, and are encouraged to, stipulate to undisputed material facts. Any such fact stipulations may be for purposes of the summary judgment motion only. The Court will <u>not</u> search the record to find admissible evidence to support an asserted material fact.

Note to subdivision (f). Motion practice about the admissibility of evidence cited in support of asserted material facts is strongly discouraged. Challenges to the evidence belong in the parties' briefs.

Cross Motions. If the parties anticipate cross-motions for summary judgment, the briefing schedule and format should be addressed in the case management plan.

Local Rule 65.2 - Motions for Preliminary Injunctions and Temporary Restraining Orders

(a) Preliminary Injunction. The Court will consider a request for a preliminary injunction only when the moving party files a separate motion for relief and complies with the requirements of *Federal Rule of Civil Procedure* 65(a). Supporting and responsive briefs may, but need not, be filed unless ordered by the Court.

(b) Temporary Restraining Orders. The Court will consider a request for a temporary restraining order only when the moving party files a separate motion for relief with a supporting brief. The moving party shall also fully comply with all requirements of *Federal Rule of Civil Procedure* 65(b).

Notes: Amended effective January 1, 2009, to clarify when briefing is required and when it is optional. Other amendments effective January 1, 2000. This Rule was formerly numbered 65.1.

Local Rule 66.1 - Receiverships

(a) Proceedings to Which This Rule is Applicable. This Rule is promulgated, pursuant to Rule 66 of the Fed. R. Civ. P. for the administration of estates, other than the estates in bankruptcy, by receivers or by other officers appointed by the court.

(b) Inventory and Appraisal. Unless the court otherwise orders, a receiver or similar officer, as soon as practicable after his / her appointment and not later than 28 days after he / she has taken possession of the estate, will file an inventory and an appraisal of all the property and assets in his / her possession or in the possession of others who hold possession as his / her agent, and in a separate schedule, an inventory of the property and assets of the estate not reduced to possession by him / her but claimed and held by others.

(c) Periodic Reports. Within 28 days after the filing of inventory, and at regular intervals of 3 months thereafter until discharged, unless the court otherwise directs, the receiver or other similar officer will file reports of his / her receipts and expenditures and of his / her acts and transactions in an official capacity.

(d) Compensation of Receiver, Attorneys and Other Officers. In the exercise of its discretion, the court will determine and fix the compensation of receivers or similar officers and their counsel and the compensation of all others who may have been appointed by the court to aid in the administration of the estate, and such allowances or compensation will be made only on petition therefore and on such notice, if any, to creditors, and other interested persons as the court may direct.

(e) Administration Generally. In all other respects the receiver or similar officer must administer the estate as nearly as may be in accordance with the practice in the administration of estates in bankruptcy, except as otherwise ordered by the court.

Notes: December 1, 2009, stylistic amendment. Technical amendment to (b) and (c) to achieve consistency in time counting format with the Federal Rules of Civil Procedure.

Local Rule 69.1 - Execution

The procedure on execution, in proceedings supplementary to and in aid of a judgment, and in proceedings on and in aid of execution shall be in accordance with Rule 69, FED. R. CIV. P., and applicable state law.

Local Rule 69.2 - Discovery in Aid of Judgment or Execution

Interrogatories. An order to answer interrogatories shall accompany each set of interrogatories served on a garnishee defendant and may be part of the same document or pleading. At a minimum, the order to answer interrogatories shall contain the following information:

(1) that the plaintiff has a judgment against the defendant and the amount of the judgment;

(2) that the garnishee defendant may answer the interrogatories in writing on or before the date specified or appear in Court and answer the interrogatories in person, at his / her option;

(3) the time, date and place of the hearing; and

(4) that any claim or defense to a proceedings supplemental or garnishment order to a garnishee defendant must be presented at the time and place of the hearing specified in the order to appear.

A copy of the motion for proceedings supplemental must be served on the garnishee defendant at the time the order to answer interrogatories and the interrogatories are served upon the garnishee defendant.

Further, if the order to answer interrogatories is to operate as a hold on a judgment defendant's depository account, the order shall comply with the applicable provisions of the Indiana Code.

Local Rule 69.3 - Final Orders in Wage Garnishment

All final orders garnishing wages shall comply with Indiana Code § 24-4.5-5-105, et seq. and shall take effect after all prior orders in garnishment have been satisfied, and only one wage garnishment will be carried out by the garnishee defendant at a time.

Local Rule 69.4 - Body Attachments; Hearings

Whenever a judgment debtor fails to appear for hearing, after proof of service and actual notice thereof is shown to the satisfaction of the Magistrate Judge, the Magistrate Judge may, in his / her discretion, recommend to the District Judge that a body attachment shall issue. Whenever a judgment defendant has been brought into Court on a body attachment, a hearing shall be conducted at the earliest convenience of the Court. Counsel for the plaintiff shall respond to the telephone request by Court personnel to appear at the hearing forthwith, and counsel shall be deemed to have consented to such notice to appear by requesting a body attachment. The hearing requires the presence of the attorney of record and clerical or secretarial personnel shall not appear to interrogate the attached judgment defendant. Failure to respond promptly to such a request may result in the discharge of the attached defendant or other such appropriate measures taken by the Court.

Local Rule 72.1 - Authority of United States Magistrate Judges

This rule applies to all United States Magistrate Judges, including full-time magistrate judges, part-time magistrate judges and magistrate judges recalled pursuant to 28 U.S.C. §636(h).

Magistrate judges of this district are judicial officers of the court and are authorized and specially designated to perform all duties authorized to be performed by United States magistrate judges by the United States Code and any rule governing proceedings in this court.

The cases in which each magistrate judge is authorized to perform the duties enumerated in these rules are those cases assigned to the magistrate judge by rule or order of this court, or by order or special designation of any district judge of this court.

Note: Effective December 1, 2009, the text for Rule 72.1 was deleted in its entirety and replaced with the above text. Previous amendments were adopted January 1, 2002.

Local Rule 72.2 - Forfeiture of Collateral in Lieu of Appearance

(a) A person who is charged with an offense made criminal pursuant to 18 U.S.C. § 13, and for which the penalty provided by state law is equal to or less than that of a misdemeanor, other than an offense for which a mandatory appearance is required, may, in lieu of appearance, post collateral before a United States Magistrate Judge and consent to forfeiture of collateral. The offenses to which this Rule applies, together with the amounts of collateral to be posted, where applicable, shall appear on a schedule to be filed in the office of the Clerk of Court in each division of this district and available for public inspection. Such schedule shall be in effect until rescinded, amended or superseded by general order of the Court. The Clerk shall make copies of such schedule available to those legal publishing houses who publish for commercial distribution the Rules of this Court for inclusion of such schedule in any publication of the Rules of this Court.

(b) Upon the failure of the person charged with an offense to which this Rule applies to appear before the United States Magistrate Judge, the collateral posted shall be forfeited and the forfeiting of said collateral shall signify that the offender does not contest the charge or request a hearing before the United States Magistrate Judge. If collateral is forfeited, such action shall be tantamount to a finding of guilt.

(c) Forfeiture will not be permitted on violations contributing to an accident which results in personal injury. Arresting officers shall treat multiple and aggravated offenses as mandatory appearance offenses, and shall direct the accused to appear for a hearing. No forfeiture of collateral will be permitted in such cases.

(d) Nothing in this Rule shall prohibit a law enforcement officer from arresting a person for the commission of any offense, including those for which collateral may be posted and forfeited, and requiring the person charged to appear before a United States Magistrate Judge, or, upon arrest, taking the person immediately before a United States Magistrate Judge.

Local Rule 76.1 - Designation of Additional Items to Be Included in Record on Appeal

If an appellant wishes to designate items to be included in the record on appeal pursuant to Circuit Rule 10(a), it must serve a proposed joint designation on the appellee with the notice of appeal. The parties will confer and, if they agree, will prepare a joint designation, highlighting those entries on the court's docket sheet, if practicable, and file it with the clerk of the district court within 14 days of the filing of the notice of appeal. If the parties are unable to reach agreement on a joint designation, each party may submit a separate designation within 14 days of the filing of the notice of appeal.

Note: December 1, 2009, stylistic amendment. Technical amendment to rule to achieve consistency in time counting format with the Federal Rules of Civil Procedure. Previous amendments adopted January 1, 2002.

Local Rule 79.1 - Custody of Files and Exhibits

(a) Custody During Pendency of Action. After being marked for identification, models, diagrams, exhibits and material offered or admitted in evidence in any cause pending or tried in this court will be placed in the custody of the clerk, unless otherwise ordered by the court, and may not be withdrawn until after the time for appeal has run or the case is disposed of otherwise. Such items may not be withdrawn until the final mandate of the reviewing court is filed in the office of the clerk and until the case is disposed of as to all issues, unless otherwise ordered.

(b) Removal After Disposition of Action. Subject to the provisions of subsections (a) and (d) hereof, unless otherwise ordered, all models, diagrams, exhibits or material placed in the custody of the clerk must be removed from the clerk's office by the party offering them in evidence within 90 days after the case is decided. In all cases in which an appeal is taken these items must be removed within 28 days after the mandate of the reviewing court is filed in the clerk's office and the case is disposed of as to all issues, unless otherwise ordered. At the time of removal a detailed receipt will be given to the clerk and filed in the cause. No motion or order is required as a prerequisite to the removal of an exhibit pursuant to this Rule.

(c) Neglect to Remove. Unless otherwise ordered by the court, if the parties or their attorneys neglect to remove models, diagrams, exhibits or material within 28 days after notice from the clerk, the same will be sold by the United States Marshal at public or private sale or otherwise disposed of as the court may direct. If sold, the proceeds, less the expense of sale, will be paid into the registry of the court.

(d) Contraband Exhibits. Contraband exhibits, such as controlled substances, money, and weapons, will be released to the investigative agency at the conclusion of the trial and not placed in the custody of the clerk. A receipt will be issued when such contraband exhibits are released.

(e) Withdrawal of Original Records and Papers. Except as provided above with respect to the disposition of models and exhibits, no person may withdraw any original pleading, paper, record, model or exhibit from the custody of the clerk or other officer of the court having custody thereof except upon order of a Judge of this court.

Note: December 1, 2009, stylistic amendment. Technical amendment to (b) and (c) to achieve consistency in time counting format with the Federal Rules of Civil Procedure.

Local Rule 81.1 - Amendment of Complaint Following Removal of Certain Diversity Cases

In any petition seeking the removal to this court of any action in which unspecified monetary damages are sought for alleged personal injury or death and removal is premised in part or in whole on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a), the petitioner must certify that the amount of damages at issue satisfies the jurisdictional amount requirement and, unless the case is remanded, the plaintiff must, within 28 days following such removal, amend the complaint to comply with the jurisdictional amount requirements.

Note: December 1, 2009, stylistic amendment. Technical amendment to rule to achieve consistency in time counting format with the Federal Rules of Civil Procedure.

Local Rule 83.3 - Courtroom and Courthouse Decorum

At its March 1979, meeting the Judicial Conference of the United States amended its March 1962 resolution pertaining to Courtroom photographs to read as follows:

> "RESOLVED, That the Judicial Conference of the United States condemns the taking of photographs in the Courtroom or its environs in connection with any judicial proceedings, and the broadcasting of judicial proceedings by radio, television, or other means, and considers such practices to be inconsistent with fair judicial procedure and that they ought not be permitted in any federal Court. A Judge may, however, permit the broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings."

In the Southern District of Indiana the term "environs" has been generally interpreted to mean all areas upon the same floor of the building on which a Courtroom is located.

Consistent with the Resolution of the Judicial Conference of the United States, and this Court's interpretation of the term "environs," the taking of photographs, sound recording (except by the official Court reporters in the performance of their duties), broadcasting by radio, television, or other means, in connection with any judicial proceeding on or from the same floor of the building on which a Courtroom is located are prohibited. Provided, however, that incidental to investitive, ceremonial or naturalization proceedings, a Judge of this Court may, in his/her discretion, permit the taking of photographs, broadcasting, televising, or recording.

Local Rule 83.5 - Bar Admission

(a) Bar Membership. In all cases filed in, removed to, or transferred to this Court, every attorney representing any party, except as provided in subsection (c), must be a member of the bar of this Court.

The bar of this Court shall consist of persons admitted to practice by this Court and who have signed the roll of attorneys, who have not been disbarred or suspended, or who have not resigned.

(b) Admission. Any attorney admitted to practice by the Supreme Court of the United States or the highest Court of any state may become a member of the bar of this Court upon motion by a member of the bar of this Court, if the Court is satisfied that the applicant's private and professional character is good from the assurance of the movant or upon report of a committee appointed by the Court. Upon being admitted, the applicant shall take a prescribed oath or affirmation; certify that he or she has read and will abide by the Seventh Circuit Standards of Professional Conduct; pay the required fees (except law clerks to Judges of this Court shall not be required to pay such fees); sign the roll of attorneys; register for electronic case filing (see Local Rule 5.7(b)); give a current post office address, and agree to notify the Clerk promptly of any change thereof, whereupon the attorney's admission will be entered upon the records of this Court with certificate to issue accordingly.

(**c) Pro Se, Pro Hac Vice, and United States Government Appearances.** A person not a member of the bar of this Court shall not be permitted to practice in this Court or before any officer thereof as an attorney, unless (1) such person appears on his/her own behalf as a party, or (2) such person is admitted to practice in any other United States Court or the highest Court of any state, is not currently under suspension or subject to other disciplinary action with respect to his or her practice, has certified that he or she will abide by the Seventh Circuit Standards of Professional Conduct, and is, on application to this Court and payment of the required filing fee, granted leave to appear in a specific action, or (3) such person appears as attorney for the United States.

(d) Foreign Legal Consultants. There is no admission to this bar for Foreign Legal Consultants, as provided for in Rule 5 of the Indiana Rules for the Admission to the Bar and the Discipline of Attorneys.

(e) Local Counsel. Whenever necessary to facilitate the conduct of litigation, this Court may require any attorney appearing in any action in this Court who resides outside this district to retain as local counsel a member of the bar of this Court who is resident of this district.

(f) Sanctions. Any member of the bar of this Court and any attorney appearing in any action in this Court may, for good cause shown and after an opportunity has been given to him / her to be heard, be disbarred or suspended from practice in this Court or reprimanded, as provided in this Court's Rules of Disciplinary Enforcement.

(g) Standards. The Rules of Professional Conduct, as adopted by the Indiana Supreme Court, shall provide the rules governing conduct for those practicing in this Court.

Notes: Rule amended January 1, 2007. Subsection (d) added effective January 1, 2002. Subsection (c) amended effective January 1, 2001, to require that attorneys appearing *pro hac vice* not be under suspension or subject to disciplinary action with regard to their practice.

Local Rule 83.7 - Appearance and Withdrawal of Appearance

(a) General. Each attorney representing a party, whether in person or by filing any document, must file a separate Notice of Appearance for such party. Only those attorneys who have filed a Notice of Appearance in a pending action will be entitled to receive service of case documents pursuant to Fed. R. Civ. P. 5(a).

(b) Removed and Transferred Cases. Any attorney of record whose name does not appear on this court's docket following the removal of a case from state court, must file a Notice of Appearance or a copy of his/her appearance as previously filed in state court.

Within 21 days of removal or transfer of a case to this court, any attorney of record who is not admitted to practice before this court must either comply with this court's admission policy, as set forth in Local Rule 83.5, or withdraw his/her appearance, as permitted under section (c) of this rule.

(c) Withdrawal of Appearance. Counsel desiring to withdraw his/her appearance in any action must file a motion requesting leave to do so. Such petition must fix a date for such withdrawal, and petitioning counsel must file with the court satisfactory evidence of written notice to his/her client at least 7 days in advance of such withdrawal date. Such petition must also include the client's contact information, including a current address and telephone number.

A withdrawal of appearance when accompanied by the appearance of other counsel will constitute a waiver of the provisions of paragraph (c) of this Rule.

Note: Subsection (c) amended January 1, 2011, to require withdrawing attorney to provide court with client contact information. December 1, 2009, stylistic amendment. Technical amendment to (b) and (c) to achieve consistency in time counting format with the Federal Rules of Civil Procedure. Previously, Section (b) was amended June 1, 2007, to remove reference to previously stricken section (d). Rule previously amended January 1, 2007.

Local Rule 83.8 – Reference of Cases to and Rulemaking Authority of Bankruptcy Judges

Pursuant to 28 U.S.C. § 157(a), all cases and all proceedings arising under Title 11 of the United States Code, or arising in or related to a case under Title 11 of the United States Code, are referred to the bankruptcy judges of this district. This reference includes all matters removed pursuant to 28 U.S.C §§ 1441(a) or 1452. All papers filed in any such case or proceeding, including the original petition, must be filed with the clerk of the bankruptcy court and be captioned "United States Bankruptcy Court for the Southern District of Indiana. "

Bankruptcy Judges of this District are authorized, subject to the requirements of Rule 83 of the Federal Rules of Civil Procedure, to make and amend rules of practice and procedure which are consistent with – but not duplicative of – Acts of Congress and the Federal Rules of Bankruptcy Procedure and which do not prohibit or limit the use of the Official Forms.

Note: December 1, 2009, stylistic amendment. Technical amendment to clarify that the notices of removal related to certain bankruptcy proceedings are appropriately filed with the bankruptcy clerk. Rule adopted effective January 1, 2004. Comment: adoption of this Rule does not affect the application of 28 U.S.C. § 157(d) which permits the District Court to withdraw the reference of cases to the Bankruptcy Court under appropriate circumstances. Rule amended June 1, 2007, by addition of second paragraph, and modification of title.

CRIMINAL RULES

Local Criminal Rule 1.1 - Bail in Criminal Cases

(a) The conditions of release of defendants and material witnesses are set forth in 18 U.S.C. § 3141, et seq., and Rule 46, Federal Rules of Criminal Procedure.

(b) When the appearance of a person in a criminal case is required by the Court to be secured by a surety,

(1) every surety except a corporate surety must own fee simple title to real estate, unencumbered except for current taxes and the lien of a first mortgage. The surety's equity in such property shall have a fair market value at least double the penalty of said bond; provided, however, that a proposed surety whose real estate is then subject to an existing appearance bond in this Court or in any other Court in this district, including, state, county or municipal Courts, shall not be accepted as a surety; and

(2) a corporate surety must hold a certificate of authority from the Secretary of the Treasury and must act through a bondsman registered with the Clerk of this Court.

(c) No person who executes appearance bonds for a fee, price or other valuable consideration shall be eligible as a surety on any appearance bond unless such person be a corporate surety which is approved as provided by law.

Local Criminal Rule 2.1 - Standard Orders in Criminal Cases

The Court may issue a standard order in a criminal case which contains provisions for a plea of not guilty, a change of plea, trial date, attorney appearances, pretrial discovery, pretrial motions, plea agreement, and other matters. When such a standard order is issued, it shall be served on the defendant with the indictment or information. Copies of the form standard order are available from the Clerk of the Court.

Local Criminal Rule 3.1 - Provisions for Special Orders in Appropriate Cases

(a) On motion of any party or on its own motion, when the Court deems it necessary, to preserve decorum and to maintain the integrity of the trial, the Court may issue a special order governing such matters as extra-judicial statements by parties and witnesses likely to interfere with the rights of any party to a fair trial, the seating and conduct in the Courtroom of parties, attorneys and their staff, spectators and news media representatives, the management and sequestration of jurors and witnesses, and any other matters which the Court may deem appropriate for inclusion in such an order. Such special order may be addressed to some or all, but not limited to the following subjects:

(1) A proscription of extra-judicial statements by participants in the trial, including lawyers and their staff, parties, witnesses, jurors, and Court officials, which might divulge prejudicial matter not of public record in the case.

(2) Specific directives regarding the clearing of entrances to and hallways in the Courthouse and respecting the management of the jury and witnesses during the course of the trial to avoid their mingling with or being in the proximity of reporters, photographers, parties, lawyers, and others, both in entering and leaving the Courtroom and Courthouse, and during recesses in the trial.

(3) A specific direction that the jurors refrain from reading, listening to, or watching news reports concerning the case, and that they similarly refrain from discussing the case with anyone during the trial and from communicating with others in any manner during their deliberations.

(4) Sequestration of the jury on motion of any party or the Court, without disclosure of the identity of the movant.

(5) Direction that the names and addresses of the jurors or prospective jurors not be publicly released except as required by statute, and that no photograph be taken or sketch made of any juror within the environs of the Court.

(6) Insulation of witnesses from news interviews during the trial period.

(7) Specific provisions regarding the seating of parties, attorneys and their staff, spectators and representatives of the news media.

(b) Unless otherwise permitted by law and ordered by the Court, all preliminary criminal proceedings, including preliminary examinations and hearings on pretrial motions, shall be held in open Court and shall be available for attendance and observation by the public.

If the Court orders closure of a pretrial hearing pursuant to this Rule, it shall cite for the record its specific findings that compel the need for same.

Local Criminal Rule 4.1 - Release of Information by Court Supporting Personnel

All Court supporting personnel, including among others, Marshals, Deputy Marshals, Court Clerks, Deputy Court Clerks, Bailiffs, and Court or Grand Jury reporters and their employees or subcontractors, are prohibited from disclosing to any person, without authorization by the Court, information relating to a grand jury or pending criminal case that is not part of the public records of the Court. This Rule shall be applicable also to divulgence of information concerning grand jury proceedings, arguments, hearings held in chambers or otherwise outside the presence of the public.

Local Criminal Rule 5.1 - Release of Information by Attorneys in Criminal Cases

It is the duty of the attorneys for the government and the defense, including the law firm, not to release or authorize the release of information or opinion which a reasonable person would expect to be disseminated by any means of public communication, in connection with pending or imminent criminal litigation with which a lawyer or a law firm is associated, if such dissemination poses a serious and imminent threat of interference with the fair administration of justice.

The following actions will presumptively be deemed to pose a serious and imminent threat of interference with the fair administration of justice:

(a) With respect to a grand jury or other pending investigation of any criminal matter, the release, by a government lawyer participating in or associated with the investigation, of any extra-judicial statement, which a reasonable person would expect to be disseminated by any means of public communication, that goes beyond the public record or that is not necessary to inform the public that the investigation is under way, to describe the general scope of the investigation, to obtain assistance in the apprehension of a suspect, to warn the public of any dangers or otherwise to aid in the investigation.

(b) From the time of arrest, issuance of an arrest warrant or the filing of a complaint, information, or indictment in any criminal matter until the commencement of trial or disposition without a trial, the release or giving of authority to release by a lawyer or law firm associated with the prosecution or defense, of any extra-judicial statement, which a reasonable person would expect to be disseminated, by any means of public communication, relating to that matter and concerning:

(1) the prior criminal record (including arrests, indictments, or other charges of crime), or the character or reputation of the accused, except a factual statement of the accused's name, age, residence, occupation, and family status, and if the accused has not been apprehended, the release by a lawyer associated with the prosecution of any information necessary to aid in the apprehension of the accused or to warn the public of any dangers he/she may present;

(2) the existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any statement;

(3) the performance of any examinations or tests or the accused's refusal or failure to submit to an examination or test;

(4) the identity, testimony, or credibility of prospective witnesses, except announcement of the identity of the victim if the announcement is not otherwise prohibited by law;

(5) the possibility of a plea of guilty to the offense charged or a lesser offense;

(6) any opinion as to the accused's guilt or innocence or the evidence in the case.

The foregoing shall not be construed to preclude the lawyer or law firm during this period, in the proper discharge of his/her or its official or professional obligations, from announcing the fact and circumstances of arrest (including time and place of arrest, resistance, pursuit, and use of weapons), the identity of the investigating and arresting officer or agency, and the length of the investigation; from making an announcement, at the time of seizure of any physical evidence other than a confession, admission or statement, which is limited to a description of the evidence seized; from disclosing the nature, substance, or text of the charge, including a brief description of the offense charged; from quoting or referring without comment to public records of the Court in the case; from announcing the scheduling or result of any stage in the judicial process; from requesting assistance in obtaining evidence; or from announcing without further comment that the accused denies the charges made against him/her and stating without elaboration the general nature of the defense.

(c) During a trial of any criminal matter, or any other proceeding that could result in incarceration, including a period of selection of the jury, the release or giving authority to release by a lawyer associated with the prosecution or defense, of any extra-judicial statement or interview, relating to the trial or the parties or issues in the trial, which a reasonable person would expect to be disseminated by any means of public communication, other than a quotation from or reference without comment to public records of the Court in the case.

Nothing in this Rule is intended to preclude the formulation or application of more restrictive Rules relating to the release of information about juvenile or other offenders, to preclude the holding of hearings or the lawful issuance of reports by legislative, administrative, or investigative bodies, or to preclude any lawyer from replying to charges of misconduct that are publicly made against him.

Local Criminal Rule 6.0 - Petitions for Habeas Corpus Motions Pursuant to 28 U.S.C. Sections 2254 and 2255 by Persons in Custody

Petitions for writs of habeas corpus and motions filed pursuant to 28 U.S.C. Sections 2254 and 2255 by persons in custody shall be in writing and signed under the penalty of perjury. Such petitions and motions shall be on the form contained in the Rules following 28 U.S.C. Section 2254, in the case of a person in state custody, or 28 U.S.C. Section 2255, in the case of a person in federal custody, or on forms adopted by general order of this Court, copies of which may be obtained from the Clerk of the Court.

Local Criminal Rule 6.1 - Petitions Under 28 U.S.C. Section 2254 or 2255 in Cases Involving a Sentence of Capital Punishment

(a) Applicability. This Rule governs the procedures for a petition filed pursuant to 28 U.S.C. §§ 2254 or 2255, in which a prisoner seeks relief from a judgment imposing a sentence of death. The provisions of this Rule may, where appropriate, be determined to be applicable in any collateral challenge not authorized by §§ 2254 or 2255. The application of this Rule may be modified by the Judge to whom the petition is assigned.

(b) Clerk to Maintain the Records of status of cases; Request to Attorney General of Indiana. The clerk will request from the Indiana Attorney General, insofar as reasonably available, information pertaining to the movement of cases through the Indiana courts in which a prisoner is under sentence of death from an Indiana Court and as to which the judgment of conviction and sentence have been affirmed by the Supreme Court of Indiana. This information should include the following: defendant's name, court imposing sentence, date of affirmance on direct appeal by the Supreme Court of Indiana, date that denial of postconviction relief petition was affirmed by the Supreme Court of Indiana, and the execution date, if any.

(c) Clerk to Maintain the Records of status of cases; Request to United States Attorney. The clerk will request from the United States Attorney, insofar as reasonably available, information pertaining to the movement of cases through the federal courts in which a prisoner within the district is under sentence of death from a federal court and as to which the judgment of conviction and sentence are final. This information should include the following: defendant's name, court imposing sentence, date of affirmance on direct appeal by a Court of Appeals and the United States Supreme Court, date that denial of any postconviction relief petition was affirmed by a Court of Appeals or Supreme Court, and the execution date, if any.

(d) Notice of Intention to File Initial Petition. Whenever it is determined that a prisoner under sentence of death will file an initial petition for relief in this court, either counsel or the prisoner may file with the clerk a "Notice of Intention to File Initial Petition for a Writ of Habeas Corpus." Each such Notice will be on the form set out in Appendix A to this Rule or in substantially similar terms. Forms will be available from the clerk. The failure to submit such a Notice will not preclude the filing of a petition.

(e) Action by Court Upon Filing of Notice. The clerk will forward copies of the Notice, together with copies of any motions or requests submitted therewith, and any rulings thereon, to the following: (i) the Indiana Attorney General if the prisoner is in state custody or the United States Attorney if the prisoner is in federal custody; (ii) the

United States Marshal for the Southern District of Indiana; and (iii) the Warden or Superintendent of the institution where the prisoner is confined.

(f) Appointment of Counsel. Motions or requests for the appointment of counsel will be presented to, and counsel appointed by, the Judge to whom such action is assigned.

(g) Additional Required Materials. Within 14 days of filing the notice or petition, Petitioner or Movant must file a legible copy of the materials listed below. If a required document is not filed, the petitioner or movant must state the reason for the omission. The required documents are:

(1) listing of prior petitions, with docket numbers, filed in any state or federal court challenging the conviction and sentence challenged in the current petition; and

(2) a copy of, or a citation to, each state or federal court opinion, memorandum decision, order, transcript of oral statement of reasons, or judgment involving an issue presented in the petition.

(h) Motions for Stay of Execution.

(1) The movant must attach to the motion for stay a legible copy of the documents listed in section (g) of this Rule, unless the documents have already been filed with the court. If the movant asserts that time does not permit the filing of a written motion, he or she must deliver to the clerk a legible copy of the listed documents as soon as possible. If a required document is not filed, the movant must state the reason for the omission.

(2) Parties must file motions with the clerk during the normal business hours of the clerk's office. The motion must contain a brief account of the prior actions of any court or Judge to which the motion or a substantially similar or related petition for relief has been submitted.

(3) The clerk will adopt procedures for filing of emergency motions or applications pursuant to this Rule when the clerk's office is closed.

(4) The clerk will maintain a separate list of all cases within the scope of this Rule.

Note: December 1, 2009, stylistic amendment. Technical amendment to (g) to achieve consistency in time counting format with the Federal Rules of Civil Procedure. Current Rule was formerly numbered 6.2, and was significantly amended effective January 1, 2007. Former rule 6.1 was eliminated January 1, 2007.

Local Criminal Rule 7.1 - Continuance in Criminal Cases

A motion for continuance in a criminal case will be granted only if the moving party demonstrates that the ends of justice served by a continuance outweigh the best interest of the public and the defendant to a speedy trial, as provided by 18 U.S.C. §3161(h)(8), or that the continuance will not violate the Speedy Trial Act deadlines for trial because of some other reason. The moving party shall submit with the motion a proposed entry setting out the findings as to these ends of justice, or such other reason why the continuance will not violate the Speedy Trial Act, 18 U.S.C §3151 *et seq*.

Local Criminal Rule 8.1 - Assignment of Related Cases

When a pending indictment or information is superseded by an indictment or information charging one or more of the defendants charged in the pending indictment or information and charging one or more of the offenses charged in the original indictment or information growing out of one or more occurrences which gave rise to the original charge, the superseding indictment or information shall be assigned to the same Judge to whom the first case is assigned. When two or more indictments or criminal informations are filed against the same person or persons, corporation or corporations, charging like offenses or violations of the same statute, each of such cases shall be assigned to the Judge to whom the first of such cases is assigned. Further, when an indictment or information is pending against a defendant, all subsequent indictments or informations against the same defendant which may be returned or filed shall be assigned to the same Judge.

Local Criminal Rule 9.1 - Processing of Cases in Division Without a Resident Judge

(a) In any criminal case presided over by a Judge to whom such case was not regularly assigned upon its filing, in which there is more than one defendant and in which one or more but not all of the defendants enter a plea of guilty, the Judge taking such plea shall retain control over the defendant or defendants making such plea and proceed toward final disposition of the case in so far as it concerns such defendants. The Judge may then elect to retain the case in his/her control for purposes of trial and final disposition as to the remaining defendants or may refer the case back to the Judge to whom such case was originally assigned.

(b) In any criminal case in which a defendant enters a plea of guilty or is found guilty upon trial, the Judge taking such plea or presiding at trial, as the case may be, shall retain control of such case for disposition and sentencing.

Local Criminal Rule 10.1 - The Grand Jury

(a) A regular session of the grand jury shall be called on the second Monday of February and August in each year, and shall serve for a six-month term. Each Indianapolis-based Judge shall in rotation impanel the grand jury.

(b) A petition to extend the session of a grand jury impaneled pursuant to this Rule shall be made to and decided by the Judge who impaneled that grand jury, the Motions Judge, or the Chief Judge.

(c) Each newly impaneled grand jury shall be assigned a number on the miscellaneous docket. All motions, orders, and other filings pertaining to matters before that grand jury shall bear that particular docket number and shall be maintained by the Clerk under seal, without the necessity for a motion to seal or order.

(d) All pre-indictment challenges to grand jury subpoenas or grand jury proceedings shall be made in writing and filed with the Clerk, and shall recite all pertinent facts including the grand jury number, the date of service of the subpoena, the appearance or production date of the subpoena, and the law. Such matters shall be ruled on by the District Judge who impaneled the grand jury, or, in his/her absence, the Motions Judge or the Chief Judge.

(e) Motions to quash the appearance of a witness or the production of records commanded by grand jury subpoena shall be filed and served upon the United States no later than 48 hours prior to the appearance or production date unless good cause exists for a later filing.

(f) Upon the filing of any objection to a grand jury subpoena, the appropriate District Judge will endeavor to rule upon the motion on or prior to the return date of the subpoena.

Local Criminal Rule 11.1 - Records Relating to Presentence Reports and Probation Supervision

(a) Records maintained by the Probation Office of this Court relating to the preparation of presentence investigation reports are considered to be confidential. Such information may be released only by Order of the Court. Requests for such information in a presentence report being released shall be by written petition establishing, with particularity, the need for specific information contained in such reports.

(b) When a demand by way of subpoena or other judicial process is made of the probation officer either for testimony concerning information contained in such presentence reports or for copies of the presentence reports, the probation officer may petition the Court for instructions. The probation officer shall neither disclose the information nor provide the presentence report or copies of the presentence report except on Order of this Court or as provided in Rule 32(b)(3) of the Federal Rules of Criminal Procedure.

(c) Supervision records on persons under probation supervision are considered to be confidential. The occasional need to release information on probationers to governmental agencies is recognized as being conducive to the rehabilitative process. In those infrequent cases, the Chief U.S. Probation Officer has in his/her discretion the authority to release or not release the requested information.

Note: Subsection (d) deleted effective January 1, 2002.

Local Criminal Rule 12.1 - Authority of United States Magistrate Judges in Criminal Matters

The authority of United States Magistrate Judges in criminal matters shall include, but is not necessarily limited to, those duties set forth in Local Rule 72.1 - Authority of United States Magistrate Judges.

Note: Rule adopted effective January 1, 2002, to provide a cross-reference to applicable local civil rules.

Local Criminal Rule 13.1 - Sentencing Procedure

(a) The sentencing hearing in each criminal case will be scheduled by the court in accordance with the following timetable, which commences with either the filing of a petition to enter a plea of guilty, the entry of a guilty plea, or a verdict of guilty.

(b) Within 14 days after a verdict of guilty, or a guilty plea is entered by a defendant or a Petition to Enter a Plea of Guilty is filed with the clerk of court, counsel for the government and counsel for the defendant must submit in writing their respective versions of the facts pertaining to the instant offense to the probation officer of the court for inclusion in the Presentence Investigation Report.

(c) The Presentence Investigation Report, including guideline computations, will be completed and disclosed to the parties as early as feasible. The presentence report will be deemed to have been disclosed when the document is electronically served upon counsel through the court's CM/ECF system or, if an attorney is not registered to receive electronic service, 3 days after a notice of the report's availability is mailed to the attorney. The probation office will also mail a disclosure letter to the defendant advising that the presentence report has been made available to both parties. The sentence recommendation provided to the court by the probation office will not be disclosed except to the court.

(d) Within 14 days following disclosure of the presentence report, unless the court determines otherwise, all counsel must file in writing with the probation officer and serve on each other all objections they may have as to any material information, sentencing classifications, sentencing guideline calculations, and policy statements contained in or omitted from the Report.

(e) After receiving counsels' objections, if any, the probation officer will conduct any further investigation and make any necessary revisions to the Presentence Investigation Report. The officer may require counsel for both parties to meet with the officer in person or by telephone to discuss unresolved factual and legal issues. It is the obligation of an objecting party to seek administrative resolution of disputed factors or facts through consultation with opposing counsel and the probation officer prior to the sentencing hearing.

(f) The probation officer will submit the Presentence Investigation Report to the sentencing judge immediately after the receipt and processing of objections but no later than 7 days before the sentencing date. The probation officer will notify the court immediately if additional time is necessary to investigate and resolve disputed issues raised by the attorneys and the defendant during the review period. The Report will be

accompanied by an addendum setting forth any objections any counsel may have asserted that have not been resolved, together with the officer's comments thereon. The probation officer will certify that the contents of the Report, including any revisions thereof, have been disclosed to the defendant and to counsel for the defendant and counsel for the government, and that the addendum fairly summarizes any remaining objections.

(g) Any party objecting to the Presentence Investigation Report, the guidelines, computations, or commentary will have a reasonable opportunity, usually at the sentencing hearing, but in any event in advance of imposition of the sentence, to present evidence or argument to the court regarding disputed factors or facts. The court may consider any reliable information presented by the probation officer, the defendant, or the government. The manner and form of such presentations are committed to the discretion of each sentencing judge on a case by case basis.

(h) The presentence report will be disclosed to the defendant's counsel and the government's counsel by the probation officer. Defense counsel will be responsible for making the necessary arrangements for review of the report by defendants within the schedules set out by the sentencing court. The unauthorized disclosure of the information contained in the presentence report, statements, and other attachments may be considered a contempt and punished accordingly. The presentence report will be filed under seal with the clerk of court and retained as part of the case file for whatever further judicial purposes may occur or be necessary.

Note: January 1, 2011, amendment to allow electronic service of presentence report and reflect previously adopted practice of defense counsel providing report to defendant rather than probation officer. December 1, 2009, stylistic amendment and technical amendment to (b) to achieve consistency in time counting format with the Federal Rules of Civil Procedure.

Local Criminal Rule 57.1 – Public Access to Criminal Case Information - *Rule deleted effective December 1, 2007*

Note: The Local Rule was deleted effective December 1, 2007, as the enactment of Fed. R. Crim. P. 49.1, "Privacy Protection For Filings Made with the Court" - rendered Local Criminal Rule 57.1 duplicative and / or inconsistent.

APPENDIX A

Notice of Intention to File First Petition for Writ of Habeas Corpus by Person in State Custody under Sentence of Death

The undersigned, being either counsel in the Indiana courts for a person under a sentence of death imposed by an Indiana court or such a person, hereby gives notice to the Clerk of the United States District Court for the Southern District of Indiana that such person will in the near future file a petition attacking such sentence or the underlying conviction or both.

The name of the person under sentence of death is _____, his inmate number within the Department of Correction is _____and he is presently confined at the _____ (insert name of the institution where confined). In connection with this Notice the following representations are made:

1. The sentence of death was imposed by the (insert name of court) in cause number _____ ;

2. The sentence and the underlying conviction have been appealed to the Indiana Supreme Court and the appeal and postconviction proceedings were concluded in that Court on _____ (insert dates of decision of the Indiana Supreme Court on direct appeal and, if applicable, on the denial of postconviction relief);

3. The person under sentence of death will / will not (select one) be represented by counsel when a petition for relief is presented to the United States District Court;

4. There is presently no date of execution set; or an execution date of (insert date);

5. The person under sentence of death will / will not (select one) seek a stay of execution before / upon (select one) the filing of the petition for relief referred to in this Notice and will / will not (select one) be seeking the appointment of counsel to represent him in the proceeding.

6. This Notice is accompanied by the $30.00 docketing fee prescribed by 28 U.S.C. § 1914(a) or submitted by or on behalf of a person without sufficient funds to prepay the $20.00 docketing fee.

Date:_____

(Signature)

(Name)