

U.S. District Court District of Oregon

Rules of Practice

Local Rules of Civil Practice

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U.S. DISTRICT COURT

DISTRICT OF OREGON

LOCAL RULES OF CIVIL PRACTICE

PRINTABLE VERSION



U.S. District Court District of Oregon

Rules of Practice

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

LR 1.1 Scope and Application: These local rules govern practice and procedure in the United States District Court for the District of Oregon in all civil actions -- whether arising at law, in equity, or in admiralty -- except as stated in Fed. R. Civ. P. 81.

LR 1.2 Effective Date: These local rules became effective on June 1, 1998. Over time, individual rules are modified, and an explanation of any changes is included in the amendment history following each rule.

LR 1.3 Citation Format: The local civil rules will be cited as "LR ____ . ____."

LR 1.4 Authority to Modify or Suspend the Local Rules: In the interest of justice, a judge may suspend or modify the application of these rules in an individual case, or group of cases.

LR 1.5 Definitions: Unless the context requires otherwise, the following definitions apply to all proceedings within the District of Oregon:

(a) **Clerk:** The term applies to the Clerk of the District Court and to any authorized deputy clerk.

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

(c) **Conventionally Filed:** Any pleading or document submitted for filing in paper form.

(d) **Counsel:** The term refers to counsel of record for any represented party, to any unrepresented or pro se party, and to law students appearing pursuant to [LR 83.5](#).

(e) **Court:** The term refers to the United States District Court for the District of Oregon and not to any particular judicial officer.

(f) **Document** (See also [LR 1.5\(m\)](#)): The term refers to all papers filed with the court. For purposes of these rules a pleading or document includes the attachments and exhibits to that pleading or document, unless the application of that rule to attachments and exhibits would not be practical.

(g) **Electronic Filing** (See [LR 100.4](#) and [LR 100.5](#)): Any pleading, document, exhibit, memoranda, or other material authorized to be filed via the Internet using the Cm/ECF system.

(h) **Electronic Service** (See [LR 100.13](#)): Service of any electronic filing over the Internet using the Cm/ECF system.

(i) **Filing User:** Attorneys admitted to practice in this court pursuant to [LR 83](#), and registered with the Cm/ECF system pursuant to [LR 83.1\(e\)](#).

(j) Judge or Judicial Officer: The term applies to any United States circuit, district, or magistrate judge exercising jurisdiction over a particular case or proceeding.

(k) Party: The term includes counsel of record for the represented party.

(l) *.pdf Format: PDF is the acronym for portable document format, and is the document format requirement for all electronic filings via the Internet using the Cm/ECF system.

(m) Pleading (*See also LR 1.5(f)*): The term means all papers filed with the court. For purposes of these rules a pleading or document includes the attachments and exhibits to that pleading or document, unless the application of that rule to attachments and exhibits would not be practical.

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

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U.S. District Court District of Oregon

Rules of Practice

LR 100 Cm/ECF - ELECTRONIC FILING SYSTEM

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LR 100.1 Case Management/Electronic Case Filing System (Cm/ECF) Overview: The District of Oregon uses the Federal judiciary's Cm/ECF system and the Internet to support electronic filing, service, and public access to court records in civil cases assigned to the Cm/ECF system. More information is available at ord.uscourts.gov/ecf/ecf.html.

LR 100.2 Cm/ECF Registered Attorneys (See [LR 83.1\(e\)](#) and [LR 1.5\(i\)](#) - Filing User): Unless otherwise exempted pursuant to [LR 83.1\(e\)](#), attorneys admitted to the bar of this court must register with the Cm/ECF system. Registration instructions are explained on the court's website at ord.uscourts.gov/ecf/ecf.html.

(a) Cm/ECF Login and Password Security: Once Cm/ECF registration is completed, the clerk's office will notify the Filing User of their personal login and password. Filing Users agree to protect the security of their passwords and immediately notify the clerk if they learn that their password has been compromised.

(b) Cm/ECF Filing User's E-mail Account: Concurrent with Cm/ECF registration, the clerk's office will activate the Filing User's e-mail account to allow the user to receive court materials pursuant to [LR 100.13](#).

LR 100.3 Voluntary Participation in the Cm/ECF System (See [LR 100.5\(c\)](#)): Without obtaining prior court approval, Filing Users may electronically file all petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the court using the court's Cm/ECF and Internet capabilities.

LR 100.4 Filing Initial Papers With the Court: Initial pleadings, to include related summons and other case papers, shall be filed conventionally on paper, with an additional electronic copy filed as required below:

(a) For All Non-Removal Civil Actions: If the Plaintiff elects to file electronically pursuant to [LR 100.3](#), it shall include a PDF copy of all initial case papers concurrent with the conventional filings required by the preceding paragraph. Submission of these electronic records may be on 3.5 inch diskette or CD Rom.

(b) For All Removed Civil Actions: If the removing party elects to file electronically pursuant to [LR 100.3](#), it shall submit a PDF copy of all initial papers (to include state court documents) on 3.5 inch diskette or CD Rom within three (3) business days of the initial filing.

LR 100.5 Electronic Filing of Subsequent Papers:

(a) Previous Conventional Filings: Unless otherwise directed by the court, it is not necessary for a party to submit electronic versions of previous conventionally filed documents.

(b) Subsequent Electronic Filings (See [LR 100.15\(b\)](#)): Unless relieved by the court, once a Filing User starts to file in a case electronically, all subsequent filings in that case must be electronically filed.

(c) Judge's Working Copy: One paper copy for the judge of each electronically filed document must be delivered to the Clerk within three (3) business days of the electronic filing. The Notice of Electronic Filing

must be attached to the front of the paper copy.

LR 100.6 Consequences of Electronic Filing: Electronic filing of a document consistent with these rules, together with the transmission of the Cm/ECF system generated *Notice of Electronic Filing*, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure and the local rules of this court, and constitutes entry of the document on the docket kept by the Clerk pursuant to Fed. R. Civ. P. 58 and 79.

LR 100.7 Filing Deadlines: Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before 6:00 pm Pacific time in order to be considered timely filed that day.

LR 100.8 Signature Requirements

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

(b) Electronic Filings

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

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



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

(c) Documents Requiring Multiple Signatures: Documents requiring signatures of more than one party must be electronically filed by:

- (1) Submitting a scanned document containing all necessary signatures;
 - (2) Representing the consent of the other parties on the document;
 - (3) Identifying on the document the parties whose signatures are required and submitting a notice of endorsement by the other parties no later than three (3) business days after filing; or
 - (4) In any other manner approved by the court.
-

LR 100.9 Entry of Court Orders

(a) All orders, decrees, judgments, and proceedings of the court will be electronically filed in accordance with these rules which will constitute entry on the docket pursuant to Fed. R. Civ. P. 58 and 79. In addition, the court will file a paper original of all appealable orders, decrees and judgments.

(b) Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Civ.

P. 77(d).

(c) The Clerk will mail a paper copy of all appealable orders, decrees and judgments to all counsel of record.

(d) The Clerk will mail a paper copy of all notices to a person who is exempt from electronic service.

(e) Any order, decree, judgment, or other proceeding of the court filed electronically without the original signature of a judge has the same force and effect as if the judge had signed a paper copy and it had been entered on the docket in a conventional manner.

LR 100.10 Electronic Filing of Proposed Orders and Documents

(a) **Proposed Forms of Orders or Judgments:** Unless otherwise requested by the court, proposed forms of order or judgments shall be docketed and served and clearly identified as proposed documents.

(b) **Proposed Amended Pleadings:** (See LR 15): When leave of court is sought for filing an amended pleading or document, the proposed amended document must be electronically filed as an attachment to the motion.

(c) **Proposed Jury Instructions, Verdict Forms and Voir Dire Questions:** (See LR 51.1(e)(2)): In addition to electronic filing via the Cm/ECF system, proposed jury instructions, verdict forms, and voir dire questions must be submitted on 3.5 inch diskette or CD Rom in WordPerfect or ASCII text format. A judge may also direct that these documents be electronically mailed to chambers.

LR 100.11 Attachments and Exhibits

(a) Except as provided in subsection (b), Filing Users must:

(1) Submit all documents referenced as exhibits or attachments in electronic form, unless the court permits conventional filing;

(2) Submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane.

(b) The following documents may be filed conventionally or in CD Rom (PDF) format without prior court approval:

(1) Administrative records, including, but not limited to, APA, IDEA, ERISA, and INS administrative records; (See LR 100.17(b)(2))

(2) Demonstrative exhibits;

(3) Oversized exhibits, including but not limited to maps and blueprints; and

(4) Exhibits or attachments of more than 100 pages

LR 100.12 Retention Requirements: Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User until either final disposition of the case **plus** the time for appeal; or until the expiration of any relevant statute of limitations, whichever is greater. On request of the court or a party, the Filing User must provide the original document for review.

LR 100.13 Electronic Service

(a) Consent to Receive Electronic Service (See [LR 100.2](#)): Registration as a Filing User constitutes consent to electronic service of all electronically filed documents as provided in these rules.

(b) Responsibility to Perfect Service:

(1) Parties who have not consented to electronic service must be served a paper copy of any electronically filed pleading or other document according to the Federal Rules of Civil Procedure.

(2) Upon notification from the Court that electronic service has not been perfected, the Filing User has the responsibility to perfect service on all parties conventionally pursuant to Fed. R. Civ. P. 5.

(c) Proof of Electronic Service: The Cm/ECF system generated *Notice of Electronic Filing* constitutes proof of service upon a Filing User in accordance with the Fed. R. Civ. P. 5(d)

(d) Electronic Service of Non-Filed Documents (See [LR 5.2](#))

LR 100.14 Official Record: When a document has first been filed electronically, the official record is the electronic recording of the document as stored on the Cm/ECF system, and the filing party is bound by the document as filed. Where a document is first conventionally filed, and then electronically filed pursuant to [LR 100.5](#), the conventionally filed document is the official record.

LR 100.15 Application to Discontinue Electronic Filing

(a) Withdrawal of Cm/ECF Attorney Registration (See [LR 83.1\(e\)](#))

(b) Application to Discontinue Electronic Filing in a Case: Upon application served on all parties, the assigned judge may authorize a Cm/ECF registered attorney to discontinue electronic filing in the particular case.

LR 100.16 Technical Failures: A Filing User whose filing is made untimely as a result of a technical failure may file a motion for appropriate relief from the court.

LR 100.17 Public Access to Electronic Records

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

(b) Privacy Concerns

(1) Format for Personal Data Identifiers (See [LR 10.3](#))

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

(3) Downloading Privacy Information: Information posted on the Cm/ECF system must not be downloaded for uses inconsistent with the privacy concerns of any person.

(c) Sealed Documents (See Also [LR 3.9](#)): A motion to file documents under seal may be filed electronically unless prohibited by law or otherwise ordered by the court. The order of the court authorizing the filing of documents under seal may be filed electronically unless prohibited by law. Documents ordered to be placed under seal must be filed conventionally and not electronically. A paper

copy of the order must be attached to the documents filed under seal and delivered to the clerk.

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

Amendment History to LR 100

June 1, 2002

LR 100 Cm/ECF - Electronic Filing System

LR 100 is an entirely new rule designed to accommodate the unique practice and procedural requirements associated with the court's electronic filing system - Cm/ECF. The rule has been cross-referenced to relevant federal rule of civil procedure, local rules of the district court, and proposed model Cm/ECF rules. This rule also explains that the Cm/ECF system is the national judiciary electronic filing system, and although the system has been in prototype development since 1997, national filing standards, as well as federal and local rule implications, are still evolving. By implication this means that changes to the operating system, and rules of practice and procedure, will also be evolving and changing for the next several years. Consequently, the District of Oregon has elected to include all Cm/ECF related local rules of practice and procedure within the body of one local rule.

LR 100.2 Cm/ECF Registered Attorneys

At the time of this rule amendment, limitations in clerk's office staffing, and the fact that Cm/ECF is still in the early development stages in Washington, D.C., preclude expanding the electronic filing and service options beyond Cm/ECF registered attorneys.

(a) Cm/ECF Login and Password Security

Each attorney must protect their personal Cm/ECF login and password in the same manner as they would their personal credit or bank card PIN number. In the event that either is lost or compromised, the attorney must immediately report that fact to the nearest clerk's office, who will reissue a new login and password.

(b) Cm/ECF Filing User's E-mail Account

Once the clerk's office sets up the initial e-mail account, the Filing User has on-line access to the Cm/ECF system to update and maintain personal and business information to ensure that they receive service of future electronic filings. Instructions for updating this information can be found in the Cm/ECF User's Manual at ord.uscourts.gov/ecf/ecf.html. The rule contemplates waiver of the paper notice requirements of LR 83.10.

<p>LR 100.3 Voluntary Assignment of Civil Cases to the Cm/ECF System</p>	<p>For the present time, the court has determined that participation in the electronic filing aspects of Cm/ECF will be on a voluntary basis. Attorneys are strongly encouraged to use the Cm/ECF system to file and serve documents in all civil cases.</p>
<p>LR 100.4 Filing of Initial Papers with the Court</p>	<p>When a plaintiff elects to file electronically, he must tender a PDF copy of the initial complaint on 3.5" diskette or CD Rom at the time of filing the initial papers. Parties removing actions to the federal court, who elect to file electronically, must tender the PDF copy of the initial papers, including the state court documents, within three (3) business days. The clerk's office will insert the PDF file at the time of docketing.</p>
<p>LR 100.6 Consequences of Electronic Filing</p>	<p>This rule provides a "time of filing" rule that is analogous to the traditional system of file stamping by the Clerk's office. A filing is deemed made when it is acknowledged by the Clerk's office through the CM/ECF system's automatically generated <i>Notice of Electronic Filing</i>. This rule also declares that electronically filed documents are considered to be entries on the official docket.</p>
<p>LR 100.8 Signature Requirements</p>	<p>(a) Initial case papers are filed conventionally pursuant to Cm/ECF LR 100.4, therefore the original signature requirements of Fed. R. Civ. P. 11 still apply.</p> <hr/> <p>(b)(1) Cm/ECF requires filing users to register with the system (LR 100.2) in order to receive their personal login and password. Cm/ECF also requires a Filing User to connect to the system, using their login and password in order to file and serve documents with the court and other Filing Users. Consistent with the model national rules, this rule declares that use of a Filing User's login and password constitutes a signature for purposes of the Federal Rules of Civil Procedure; including Fed. R. Civ. P. 11, and any other purpose for which a signature is required on a document in connection with proceedings before this court. It also assures that such a signature has the same force and effect as a written signature.</p> <hr/> <p>(b)(2) At the present time, other forms of digital or other electronic signature have received only limited acceptance. It is possible that over time and with further technological development a system of digital signatures may replace the current password system. Some users of electronic filing systems have questioned whether an s-slash requirement is worth retaining. The better view is that an s-slash is necessary; otherwise there is no indication that documents printed out from the website were ever signed. The s-slash provides some indication when the filed document is viewed or printed that the original was in fact signed.</p>

(b)(3) This paragraph does not require an attorney or other Filing User to personally file his or her own documents. The task of electronic filing can be delegated to an authorized agent, who may use the log-in and password to make the filing. However, use of the log-in and password to make the filing constitutes a signature by the Filing User under the Rule, even though the Filing User does not do the physical act of filing.

(c) Issues arise when documents being electronically filed have been signed by persons other than the filer, e.g., stipulations and affidavits. The Model Rule provides for a substantial amount of flexibility in the filing of these documents.

LR 100.9 Entry of Court Orders

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

LR 100.11 Attachments and Exhibits

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

(a) It is often the case that only a small portion of a much larger document is relevant to the matter before the court. In such cases, scanning the entire document imposes an inappropriate burden on both the litigants and the courts. To alleviate some of this inconvenience, the rule provides that a Filing User must submit as the exhibit only the relevant excerpts of a larger document. The opposing party then has a right to submit other excerpts of the same document under the principle of completeness.

(b) This rule is not intended to alter traditional rules with respect to materials that are before the court for decision. Thus, any material on which the court is asked to rely must be specifically provided to the court.

<p>LR 100.12 Retention Requirements</p>	<p>(a) Because electronically filed documents do not include original, handwritten signatures, it is necessary to provide for retention of certain signed documents in paper form in case they are needed as evidence in the future. This rule requires retention only of those documents containing original signatures of persons other than the person who files the document electronically. The filer's use of a log-in and password to file the document is itself a signature under the terms of LR 100.8.</p> <hr/> <p>(b) This rule places the retention requirement on the person who files the document.</p> <hr/> <p>(c) Filers should retain a paper copy of electronically filed documents in which a person verifies, certifies, affirms, or swears under oath or penalty of perjury. See, e.g., 28 U.S.C. § 1746 (unsworn declarations under penalty of perjury).</p>
<p>LR 100.13 Electronic Service</p>	<p>The court finds that maintenance of the "individual written consents" required by the Fed. R. Civ. P. 5(b)(2)(D) is too cumbersome and unwieldy to manage effectively.</p>
<p>LR 100.17 Public Access and Privacy Issues</p>	<p>On October 1, 2001 the Judicial Conference approved the following policy in regards to the electronic availability of case files. "Documents in civil cases should be made available electronically to the same extent that they are available at the courthouse with one exception (Social Security cases should be excluded from electronic access) and one change in policy (certain "personal identifiers" should be modified or partially redacted by the litigants). These identifiers are Social Security numbers, dates of birth, financial account numbers, and names of minor children." LR 100.17(b) and LR 10.3 have been written to conform to the spirit of that policy.</p> <hr/> <p>(a) This rule is taken from Rule 12 of the Model Local District Court Rules for Electronic Case Filing approved by the Judicial Conference at its March 2002 session.</p> <hr/> <p>(b)(2) Cm/ECF software provides the capability to limit access to electronically filed documents by Nature of Suit Codes (NOS). Social Security cases are categorized by specific NOS codes and as such redaction and/or modification of documents, pleadings and orders in this category of cases is unnecessary. Additionally, in conformance with Judicial Conference policies, this rule clearly excludes the administrative record in a Social Security case from electronic filing.</p> <hr/> <p>(c) This rule recognizes that other laws may affect</p>

whether a motion to file documents under seal, or an order authorizing the filing of such documents, can or should be electronically filed. It is possible that electronic access to the motion or order may raise the same privacy concerns that gave rise to the need to file a document conventionally in the first place. For similar reasons, the actual documents to be filed under seal should ordinarily be filed conventionally.

Existence vs. Content

(d) Individual party consents to Magistrate Judge are non-public documents and should not be electronically filed. Clerk's office staff will create a non-public entry to the docket recording the filing. At such time as all parties have consented, a public entry will be made to the docket sheet by court staff.

Forward To LR 1000



U.S. District Court District of Oregon

Rules of Practice

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

LR 83.1 Attorney Admissions -- Generally

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

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

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

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

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

LR 83.2 Admission to General Practice: Admission to general practice, and continuing membership in the bar of this court, is limited to attorneys of good moral character who are active members in good standing with The Oregon State Bar.

LR 83.3 Special Admissions -- Pro Hac Vice

(a) Application for Special Admission Pro Hac Vice: (See [Appendix of Forms #17](#)) Any attorney who is an active member in good standing of the bar of any United States court, or the highest court of any state, territory, or insular possession of the United States, may apply to be specially admitted pro hac vice in a particular case provided they:

(1) Associate with an attorney admitted to general practice before the bar of this court, who will meaningfully participate in the preparation and trial of the case (See [LR 83.2](#) and [LR 83.4](#)).

(2) Pay the admissions fee and file a pro hac vice admission application in every case in which they seek to be specially admitted.

(3) Certify professional liability insurance, or an equivalent financial responsibility, will apply and remain in force for the duration of the case, to include any appeal proceedings.

(b) Motion to Waive Special Admissions Fee: For good cause shown, any attorney may move to have the court waive the special admission's fee in a particular case.

(c) Order Granting Special Admission: The assigned judge will review and rule upon the application for special admission.

(d) Scheduling Court Proceedings: Unless otherwise directed by the trial judge, the clerk's office will coordinate and schedule all calendaring actions, telephone conferences, and other court proceedings through local counsel.

(e) Notice to Pro Hac Vice Counsel:

(1) Pro Hac Vice Counsel Registered with the CM/ECF System - Pro hac vice counsel registered with the CM/ECF system pursuant to [LR 83.1\(e\)](#) will receive electronic notice pursuant to [LR 100.13](#).

(2) Pro Hac Vice Counsel Exempt from CM/ECF Registration - Unless otherwise directed by the trial judge, the clerk's office will mail copies of notices, schedules, orders, and other court communications only to the associated local counsel -- who in turn will be responsible for distributing and coordinating the information with the pro hac vice attorney.

LR 83.4 Special Admissions -- Government Attorneys:

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

LR 83.5 Special Admissions -- Certified Law Students

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

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

(c) Supervising Counsel:

(1) In all cases, there must be a supervising attorney who must be a member of the bar of this court and an attorney of record on behalf of the client on whose behalf the law student is appearing. No law student may appear until the client, the supervising attorney and the judge of this court before whom the appearance is to be made have consented to such an appearance.

(2) The supervising attorney is responsible for explaining to the client the nature and extent of the law student's participation, and for obtaining the client's consent to such participation. The client's consent must be in writing and filed with the clerk and become part of the record of the case. Consent by the United States Attorney for the District of Oregon will constitute consent by the United States.

(3) The supervising attorney must be present at all times when the law student appears before the court. The member of the bar of this court under whose supervision an eligible law student does any of the things permitted by these rules must assume responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work.

LR 83.6 Suspension or Disbarment

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

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

(b) Order to Show Cause:

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

LR 83.7 Standards of Professional Conduct: Every attorney admitted to general or special practice and every law student appearing pursuant [LR 83.5](#) must:

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

LR 83.8 Cooperation Among Counsel

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

LR 83.9 Appearances by an Attorney

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

appear or act except through the attorney.

LR 83.10 Notification of Change of Address or Affiliation

(a) Current Address Information: Every attorney admitted to general or special practice, and every unrepresented party, has a continuing responsibility to notify the clerk's office whenever they change their mailing address, telephone number, and/or business e-mail address.

(b) Notice of Change of Mailing and/or Business E-Mail Address: Notice of a change of mailing and/or business e-mail address must be filed in pleading form and served on all parties to any pending action, or case on appeal.

LR 83.11 Withdrawal From a Case

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

(b) Death, Removal, Suspension, or Inaction of Attorney: When an attorney dies, is removed or suspended, or ceases to act, the party, unless already represented by another attorney, must designate a new attorney or appear in person before any further proceedings occur.

LR 83.12 Undeliverable Mail (See LR 100.13)

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

LR 83.13 Reminders to the Court

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

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

LR 83.14 Cameras -- Pagers -- Cell Phones -- Laptop Computers

(a) Cameras:

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

(2) Exceptions for Ceremonial Occasions - Cameras and other recording devices will be allowed during naturalization ceremonies, investitures, and other court approved ceremonial and educational programs.

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

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

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

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

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

(b) Procedural Requirements:

(1) Party Responsibilities - Any party seeking to have this court certify a question of law to The Oregon Supreme Court must:

(A) Motion in Support - File and serve a motion with supporting memoranda that complies with the requirements of paragraph (a) above.

(B) Calendaring, Opposition, and Reply - Unless otherwise directed by the court, the motion will be calendared as a discovery motion pursuant to these rules.

(2) Court Responsibilities -

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

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

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

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

(b) Time for Filing: When required by [LR 83.16\(a\)](#), a party shall file the corporate disclosure statement concurrently with the filing of a first appearance.

(c) Number of Copies: An original and a "JUDGE'S COPY" of the corporate disclosure statement shall be filed with the clerk's office (See [LR 3.4](#)).

Amendment History to LR 83	
September 23, 1999	
LR 83.2	Amended to eliminate the trial certification requirements of the previous rule.
June 1, 2000	

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

Forward To LR 100

U.S. District Court District of Oregon

Rules of Practice

LR 11 SIGNATURE REQUIREMENTS(See Fed. R. Civ. P. 11)

LR 11.1 Signature RequirementsGenerally (See Fed. R. Civ. P. 11(a)) :Pleadings, motion and other paper presented for filing must be signed in accordance with Fed. R. Civ. P. 11(a). In addition, the name of the attorney, bar identification number, telephone number, and reference to the represented party will be typed directly under the signature line, e.g., :

s/ MaryB.Guileless

MARY B. GUILELESS

OSB # 999-99999

[541] 999-9999

Attorney for Plaintiff John Q. Public

LR 11.2 Signature Requirements on Facsimile Filings(See Fed. R. Civ. P. 5(e) and LR 5.4)

(a) Signature Requirements: Where emergency facsimile filings are permitted, the original of the facsimile filing must be signed by an attorney of record pursuant to Fed. R. Civ. P. 11(a) and LR 11.1.

(b) Submission of the Original Document: Because of potential record clarity problems in facsimile document transmissions, the original of any FAX filing must be filed with the clerk within 3-days of the date of the facsimile transmission.

(c) Certification by the Filing Attorney: In addition to filing the original document required by the preceding rule, counsel must file an affidavit certifying that:

(1) The document tendered for filing is the original document used in the FAX transmission; and

(2) That no changes, alterations or other modifications to the FAX transmission have been made.

LR 11.3 Signature Requirements on Electronic Filings (See LR 100.8)

Amendment History to LR 11

June 1, 2002

LR 11.3 | New rule was added and cross-referenced to the Cm/ECF rule - LR 100.8.

Forward To LR 15

U.S. District Court District of Oregon

Rules of Practice

LR 15 AMENDED and SUPPLEMENTAL PLEADINGS (See Fed. R. Civ. P. 15)

LR 15.1 Amended and Supplemental Pleadings (See LR 10.2)

(a) Amended Document Title: The word **AMENDED** --and iteration-- must be included in the revised document title, e.g.,:

AMENDED COMPLAINT (Third)
Complaint and Demand for Declaratory Judgment

(b) Supplemental Document Title: The word **SUPPLEMENTAL** must be included in a supplemental document title.

(c) Amended Document Requirements: Any party filing, or moving to file, an amended or supplemental pleading must:

- (1) Reproduce the entire pleading, and may not incorporate any part of the prior pleading by reference; and
- (2) Describe the changes made.

(d) Exhibits to a Motion

- (1) A copy of the proposed amended pleading must be attached as an exhibit to any motion for leave to file the amended pleading.
- (2) Upon entry of an order granting the motion, the original amended pleading must be tendered to the clerk for filing.
- (3) The clerk will not detach the proposed amended pleading from the motion.

(e) Amendments by Inter-lineation: Amendments by inter-lineation are allowed only by order of court.

Amendment History to LR 15

June 1, 2002

LR15.1	Cross Reference to LR 10.2 is added and the example has been modified.
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Forward To LR 16

U.S. District Court District of Oregon

Rules of Practice

LR 51 INSTRUCTIONS TO THE JURY (See Fed. R. Civ. P. 51)

51.1 Proposed Jury Instructions (See LR 100.10(c))

(a) Filing Requirements: Unless otherwise ordered by the court, the requirements for filing proposed jury instructions will be discussed at the final pretrial conference.

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

(c) Application of Model or Uniform Jury Instructions: Unless otherwise directed by the court, where the topic is covered by the Ninth Circuit Model Jury Instructions -- or in diversity cases, by Oregon State Bar Uniform Civil Jury Instructions -- the model instructions should be used.

(d) Number of Instructions: If there are more than 10 instructions, attach an index.

(e) Format Requirements

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

LR 51.2 Communications with Jurors (See LR 48)

Amendment History to LR 51

June 1, 2002

LR 51

Generally: Cross references added or updated.

LR 51.1(a)

"Unless otherwise ordered by the court...." added.

LR 51.1(e)(2)

CD Rom format added.

Forward To LR 52

U.S. District Court District of Oregon

Rules of Practice

LR 5 SERVICE & FILING OF PLEADINGS & PAPERS (See Fed. R. Civ. P. 5)

LR 5.1 Filing Requirement

(a) Copies of Pleadings and Documents Parties must file an original and one copy of every pleading and document, including exhibits to documents.

(b) Request for Conformed Copies A party may request the clerk to conform a copy of any document presented for filing, **however**, the filing party must provide the clerk with a copy of the document, and a **postage-paid and self-addressed return envelope**. Without the extra copy and postage-paid envelope, the clerk will not conform and return the document by mail.

(c) Return of Unfiled Documents or Correspondence The clerk will not accept for filing any courtesy or information copies of documents or correspondence exchanged between the parties, unless they are contemporaneously filed as an exhibit or appendix to a pleading or other document.

(d) Letter Correspondence to the Court Unless directed by the court, letters to the court will not be docketed and included in the case file. (See Fed. R. App. P. 10a for guidance about including un-docketed correspondence in the official record on appeal).

LR 5.2 Documents Not Required to be Filed

(a) Unless required by the court in a particular proceeding, the following documents must be retained by the parties and not filed with the court:

- (1)** Notices of depositions and transcripts (See [LR 27](#) and [LR 30](#))
- (2)** Interrogatories and responses (See [LR 33](#))
- (3)** Requests for production and responses (See [LR 34](#))
- (4)** Requests for admissions and responses (See [LR 36](#))
- (5)** Expert witness disclosures (See [LR 16](#) and [LR 26](#))
- (6)** Unaccepted offers of judgment (See [LR 68](#))
- (7)** Initial disclosures (See [LR 26](#))

(b) Service of Non-Filed Documents on Represented Parties Any document enumerated in [LR 5.2\(a\)](#) served pursuant to Fed. R. Civ. P. 5 shall also be served concurrently on a represented party by electronically mailing the document to the party's attorney. The document shall be mailed in Word or Word Perfect format, not in PDF format, unless otherwise agreed to by the parties.

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

LR 5.3 Filings Generally (See LR100.4 and LR 100.5)

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

Advisory Notes

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

LR 5.4 Facsimile (FAX) Filings (See LR 11.2)

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

LR 5.5 After Business Hours Filings (See LR 77.3(c) and LR 100.7)

Amendment History to LR 5

June 1, 2000

LR 5.1(c)(5)

The word "Handling" was stricken

June 1, 2002

LR 5

Generally - cross-references added

LR 5.1(c)

Section (c) deleted and moved to LR 5.2(a). Subsequent rules renumbered.

LR 5.2(a)(7)

New Rule

LR 5.2(b)

New Rule

LR 5.3

Advisory Note Amended by striking Note #4

Forward To LR 6

U.S. District Court District of Oregon

Rules of Practice

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

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

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

Advisory Note to LR 10.1(a)

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

(b) Legibility: Pleadings and documents must be typewritten, neatly printed, or otherwise legibly reproduced, using blue or black ink, and presented on one side only.

(c) Line Spacing: All papers must be double-spaced, except for the identification of counsel, title of the case, footnotes, quotations, and exhibits.

(d) Minimum Type Size for Text, Footnotes and Endnotes: Typewritten materials -- **to include footnotes and endnotes**, must be presented using fonts of at least 12 point type size, that produce a maximum of 10 typed characters per inch.

(e) Page Margins: Pleadings and documents tendered for filing must have 1" inch margins on the top, bottom, left and right sides.

(f) Stapled or Fastened: All pleadings and documents 1" or less in thickness must be stapled in the upper left hand corner. Larger documents must be secured by a permanent fastening device.

(g) Pagination Requirements:

(1) Every page of a pleading or document (not including attachments or exhibits) must contain a brief description of the pleading or document, and a consecutive page number at the bottom of the page.

(2) All exhibits or attachments to pleadings and documents will be clearly numbered.

Advisory Note to LR 10.1(g)(2)

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

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

LR 10.2 Caption Requirements (See LR 15.1)

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

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

Advisory Notes to LR10.2(a)

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

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

<p style="text-align: center;">UNITED STATES DISTRICT COURT</p> <p style="text-align: center;">DISTRICT OF OREGON</p>

(c) Clerk's Authorization to Return Documents: The clerk is directed to return without filing, and without action, all documents and papers presented for filing that do not comply with the requirements of **LR 10.2(b)**. The offering party should be directed to re-submit the document(s) to comply with court titling requirements of the local rule.

(d) Party Names: Single space the names of the parties along the left margin, four lines from the bottom of the court title. If the parties are too numerous, the names may be continued on the second or successive pages in the same space.

(e) Eliminate Brackets Following Party Name Information: Do not use brackets ")" to set off party names from the document title.

(f) Case Number: Right justify the case number on the same line as the first named plaintiff. The case number will be assigned by the clerk's office at the time of filing the initial filing, and should appear on all subsequent filings, e.g., :

CV. 97-0001-RE

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

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

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

(a) Generally (See E-Government Act of 2002): In order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the court, on or after June 1, 2002, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court.

(1) Social Security Numbers: If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.

(2) Names of Minor Children: If the involvement of a minor child must be mentioned, only the initials of that child should be used.

(3) Dates of Birth: If an individual's date of birth must be included in a pleading, only the year should be used.

(4) Financial Account Numbers: If financial account numbers are relevant, only the last four digits of these numbers should be used.

(b) Responsibility: Responsibility for redacting personal identifiers rests solely with counsel and the parties. The Clerk will not review pleading, papers, or other documents for compliance with this rule.

(c) Exemptions: The transcript of the administrative record in social security proceedings are exempted from the requirements of this rule.

LR 10.4 Affidavits: Affidavits will be filed separately from the underlying document, and must include the name of the related document within the document title of the affidavit, e.g.:

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

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

LR 10.5 Claims of Unconstitutionality

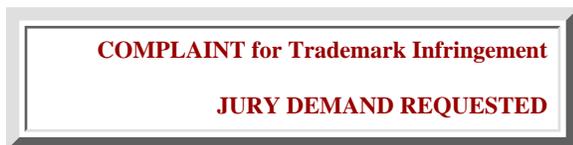
(a) Motion Requirements: In any case in which the constitutionality of an Act of Congress is brought into question, and the United States or any agency, officer, or employee thereof is not a party; or a statute of a state is brought into question and in which that state or any agency officer, or employee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

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

LR 10.6 Multi-District Litigation (See 28 U.S.C. § 1407)

LR 10.7 Patent, Trademark, or Copyright Cases

(a) Document Title: The word **PATENT, TRADEMARK** or **COPYRIGHT** must appear in the narrative description of the initial complaint, e.g., ;



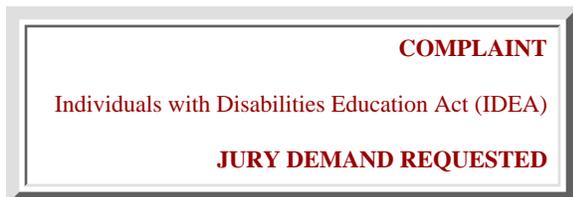
(b) Pleading Requirements: In a separately numbered paragraph within the body of the complaint, the filing party must identify the owner's full name; date of issuance; and the registration number of the relevant patent, trademark or copyright.

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

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

LR 10.10 Individuals With Disabilities Education Act (IDEA) Cases

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



(b) Court Scheduling Order: The court may issue a specialized procedural order in these cases.

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

Amendment History to LR 10

June 1, 2002

LR 10.1(a)

Subsection re-titled. Language from LR 10.2(e) added and modified to include requirement for unnumbered paper. Subsequent rules re-numbered.

LR 10.1(d)

Amended to substitute "maximum" for "minimum"

LR 10.1(e)

Language moved to LR10.1(a). Subsequent rules re-numbered.

LR 10.1(g)

Subsection (1) amended to add "...of a pleading or document....
Subsection (2) amended to add "...and documents will be clearly numbered."

LR 10.2(a)

Cross Reference to LR 15.1 added. Last sentence "An example..." added for clarity. Advisory Notes modified to conform with e-noticing methods of Cm/ECF.

LR 10.2(c)

New Rule. Subsequent sections re-lettered.

LR 10.2(e)

New Rule. Subsequent sections re-lettered.

LR 10.3

This is a new rule to reflect Judicial Conference policy (See Appendix of Forms). The previous version of LR 10.3, and all following rules, have been renumbered accordingly.

LR 10.4

Amended to require the affiant's signature be notarized.

LR 10.7(a)

Amended to substitute "initial complaint" for "document".

LR 10.10(b)

Amended to substitute "may" for "will".

LR 10.11

New rule. Page Limitations Cross Reference Guide added.

July 1, 2002

LR 10.3

Amended to exempt administrative records in social security proceedings.

April 16, 2003

LR 10.3(a)

Amended pursuant to the E-Government Act of 2002.

Forward To LR 11

U.S. District Court District of Oregon

Rules of Practice

LR 3 COMMENCEMENT OF ACTION (See Fed. R. Civ. P. 3)

LR 3.1 Format for Pleadings and Documents (See LR 10)

LR 3.2 Places of Holding Court (See 28 U.S.C. § 117): The court is open to receive filings and conduct judicial business in Portland, Eugene, and Medford.

LR 3.3 Divisions of Court: The following divisions of court are established to distribute the judicial work and to align counties for juror management purposes:

Division of Court	Assigned Counties
Portland Division	Clackamas, Clatsop, Columbia, Hood River, Jefferson, Multnomah, Polk, Tillamook, Wasco, Washington, and Yamhill.
Pendleton Division	Baker, Crook, Gilliam, Grant, Harney, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wheeler.
Eugene Division	Benton, Coos, Deschutes, Douglas, Lane, Lincoln, Linn, and Marion.
Medford Division	Curry, Jackson, Josephine, Klamath, Lake.

LR 3.4 Place of Filing (See LR 77.1)

(a) New Actions

(1) **Portland Clerk's Office:** Cases arising from counties within either the Portland or Pendleton Divisions will be filed in Portland.

(2) **Eugene Clerk's Office:** Cases arising in counties within the Eugene Division will be filed in Eugene.

(3) **Medford Clerk's Office:** Cases arising in counties within the Medford Division will be filed in Medford.

(b) **Subsequent Papers:** Unless otherwise directed by the court, subsequent papers will be filed and the case file will be maintained where the case was originally filed.

(c) **Case Reassignments to Another Division:** If a case is filed in any division other than the one required by LR 3.4(a), then the judge may reassign the case to the appropriate division on their own motion, or that of any party. When such an order is entered, the clerk will transfer the case file to the receiving division, and the parties must then file all subsequent papers in the new division.

LR 3.5 Place of Trial

(a) Usual Place of Trial (See LR 3.4): Unless otherwise directed by the court, cases will be tried in the city in which the case file is maintained.

(b) Pendleton: Upon motion of any party, the court may order that a case be tried in Pendleton.

(c) Other Places for Conducting Trials: In the interests of justice, the court may order that the case be tried at any other place within the district.

LR 3.6 Initial Filing Requirements

(a) Advance Payment Required (See 28 U.S.C. § 1914(c)): Before a document can be accepted for filing -- or before the clerk's office can provide any services covered under the Schedule of Fees adopted by the Judicial Conference of the United States -- the filing party, or the person requesting services, must pay all required fees, or file an in forma pauperis application for waiver of fees pursuant to 28 U.S.C. § 1915(a).

(b) Applications to Proceed In Forma Pauperis (See 28 U.S.C. § 1915): The clerk is directed to conditionally grant an application to proceed in forma pauperis and not delay the filing, assignment, and statistical opening of any civil action pending final review and decision on the application by the court.

Advisory Notes	
1.	JS-44 Civil Cover sheet Required: (See Appendix of Forms #1) A completed JS-44 Civil Cover sheet is required to be filed with every civil complaint, petition or other paper that initiates a civil action. Copies of the JS-44 Civil Cover sheet are available in the Portland, Eugene or Medford clerk's office.
2.	Jury Demand (See LR 38): Checking the <i>JURY DEMAND</i> box on the JS-44 Civil Cover Sheet does not constitute a valid jury demand pursuant to LR 38 or Fed. R. Civ. P. 38(b).

LR 3.7 Additional Service Requirements

(a) Case Management Scheduling Orders and Other Papers (See LR 16): At the time of filing, the clerk's office will issue a case management scheduling order, magistrate judge consent forms and information packets, information about the court's ADR programs, and a Notice of Judicial Assignment and Case Number.

(b) Responsibility to Serve: Except as provided by 28 U.S.C. § 1915, the filing party is responsible for serving all documents issued by the clerk at the time of filing upon all named parties.

LR 3.8 Sealed Cases

(a) New Action: At the time a complaint is presented for filing, any party seeking to file the case under seal, must either:

(1) File a motion and supporting memoranda requesting the court to seal the file. Pending the court's ruling on the motion to seal, the case file and records will be withheld from the public record; or

(2) Provide a citation to the authorizing legislation (if any). Upon verification of the legislation, the case file and associated records will be sealed and withheld from the public record.

(b) Pending Action: A party seeking to place a pending case under seal must file an appropriate motion requesting the court to seal the file and all associated electronic records.

(c) Court's Responsibility: After reviewing the motion and supporting materials, the court will either:

(1) Grant the motion and direct the clerk to file the case and all subsequent papers and electronic records under seal, and to limit future access to the sealed case to those individuals included in the order; or

(2) Deny the motion and direct the clerk to file the case in the public records of the court.

(d) Access to Sealed Cases: Subsequent access to the sealed case will be regulated by controlling statute or court order.

LR 3.9 Sealed Documents

(a) Sealed Documents Generally: Portions of a document cannot be placed under seal. Instead, the entire document must be placed under seal in order to protect the confidential information.

(b) Filing a Document Sealed by Previous Court Order: When a previous court order authorizes the filing of a document or other materials under seal, the filing party must present the clerk with a copy of the court order and submit the materials in an envelope provided by the clerk's office marked "SEALED MATERIALS". In addition, all documents authorized to be filed under seal must have the words "AUTHORIZED TO BE FILED UNDER SEAL" typed directly below the document title.

(c) Motions to File a New Document Under Seal: Motions to file a new document under seal -- even those offered by stipulation of the parties -- will be handled as in camera submissions pursuant to [LR 3.10](#)

(d) Motion to Seal Previously Filed Documents: A party seeking to place under seal a document that is currently in the public record, must file and serve a motion and proposed order pursuant to [LR 3.9\(e\)](#). Unless requested, the motion will be treated as a discovery motion pursuant to LR 26.5.

(e) Order to Seal Documents and/or Cases (See [LR 79.2](#)): A proposed order to seal a document or case must include language that:

(1) Identifies the persons authorized to review, copy, photograph, and/or inspect the sealed materials; and

(2) Instructs the clerk whether the document should be excluded from the electronic docket as well as the public case file.

(f) E-Government Act of 2002: In accordance with this rule, and the E-Government Act of 2002, a party authorized to file a document under seal may file an unredacted document which will be retained by the court as part of the official record. At the court's direction, the filing party may also be required to file a redacted copy of the sealed document for inclusion in the public case file. (See LR 10.3).

LR 3.10 In Camera Submissions

(a) During Court Proceedings: Documents or other materials offered and accepted for in camera inspection during a court proceeding will be handled in accordance with [LR 3.10\(c\)](#).

(b) Tendered to the Clerk's Office: Documents tendered ex parte to the clerk's office for transmission to the court and subsequent in camera inspection, must be:

(1) Accompanied by a transmittal letter or motion to the assigned judge requesting that the materials be reviewed in camera; and

(2) Enclosed in a separate envelope provided by the clerk's office and marked:



(c) Court Responsibility: After completing the in camera inspection, the court will direct the clerk's office to:

- (1) File the documents or materials in the public record; or
- (2) File the documents under seal with appropriate disclosure instructions to the clerk; or
- (3) Direct that the documents should be returned to the offering party with appropriate instructions.

(d) Order Regulating Subsequent Disclosure (See [LR 3.9\(e\)](#))

LR 3.11 Return of Sealed Documents to the Public Record

(a) Unsealing Documents and Cases: Because the Federal Records Center prohibits storage of sealed records or documents, the clerk must unseal all documents and cases prior to shipment of any record to the Federal Records Center.

(b) Application to Return Sealed Documents: Therefore, not later than sixty (60) days after a case is closed, or within sixty (60) days after the conclusion of any appeal, any party may file and serve a motion to have the clerk return a sealed document.

(c) Authorization to Unseal Documents or Cases: Unless otherwise restricted by federal law, and absent an application pursuant to [LR 3.11\(b\)](#), the clerk is authorized to unseal all previously sealed civil documents and cases before a record is shipped to the Federal Records Center.

Amendment History to LR 3

April 16, 2003

LR 3.9 (f)

Subsection added to comply with the E-Government Act of 2002.

Forward To [LR 4](#)



U.S. District Court District of Oregon

Rules of Practice

LR 1000 SCOPE AND PURPOSE

LR 1000.1 Title and Scope

(a) Title and Citation Format: The 1000 series rules are the Local Rules of Admiralty Practice for the United States District Court for the District of Oregon. They may be cited as "LR ."

(b) Application: They apply to the maritime and admiralty proceedings as defined in Supplemental Rule (A) of the Federal Rules of Civil Procedure.

(c) Relation to Other Rules: The Local Rules of the United States District Court for the District of Oregon apply to all civil cases, including admiralty and maritime proceedings, but if a local rule is inconsistent with an admiralty rule, the admiralty rule will control.

[Forward To LR 1005](#)



United States District Court
District of Oregon

**Application For Attorney Admission
and CM/ECF Registration**

- ▶ **Applicable Local Rules:** LR 83.1-5 sets forth the rules and requirements for admission to practice before the bar of the United States District Court for the District of Oregon.
- ▶ **CM/ECF Registration:** Concurrent with admission to the bar, attorneys will automatically be registered to access the court's Case Management/Electronic Case File system (See <http://ecf.ord.uscourts.gov>). After admission, the Clerk's Office will e-mail your private CM/ECF login and password.
- ▶ **Requirements For General Admission:** LR 83.2(a) requires that each applicant must be an active member in good standing of The Oregon Bar; and must submit a completed application for admission on the enclosed forms. Payment of the admissions fee, \$110.00, must accompany the application for admission. Payment must be in the form of check or money order made payable to the Clerk, US District Court.
- ▶ **Reinstatement Following State Bar Disciplinary Action:** Attorneys who have applied for reinstatement to The Oregon State Bar (pursuant to Title 8 of The Oregon State Bar's Rules of Procedure) must also separately apply for reinstatement to the bar of this court **after** being reinstated by the Oregon Supreme Court. Applications for reinstatement before this court must be filed with the clerk using the same forms required by The Oregon State Bar and the applicant must pay a \$100.00 application fee.
- ▶ **Determining Where to File Your Application:** The Court requires that you personally attend an attorney admission ceremony in order to be admitted to practice before this Court. For your convenience, monthly admission ceremonies are scheduled in Portland, Eugene, and Medford, and less frequently in Pendleton. Mail your application packet to the office where you wish to attend the admission ceremony.

Portland	Eugene	Medford	Pendleton
US District Court - Oregon Attorney Admissions Clerk 740 US Courthouse 1000 SW Third Portland, OR 97204-2902 [503] 326-8020	US District Court - Oregon Attorney Admissions Clerk 100 US Courthouse 211 East 7 th Street Eugene, OR 97401 [541] 465-6423	US District Court - Oregon Clerk's Office, 2nd Floor US Courthouse 310 W Sixth, Room 201 Medford, OR 97501 [541] 776-3926	US District Court Oregon Attorney Admissions Clerk 740 US Courthouse 1000 SW Third Portland, OR 97204-2902 [503] 326-8020

- ▶ **Scheduling Admission Ceremonies:** Once your application has been received and processed, the Attorney Admissions Clerk will notify you in writing of the date and time for your scheduled admissions ceremony.

- ▶ **Pro Bono Representation Panel:** The Court has established a Pro Bono Representation Panel to provide representation to selected pro se litigants. Information about the activities of the panel are described later in this packet.

- ▶ **U.S. District Court Historical Society:** Your admission fee will include a one year membership in the US District Court Historical Society and a copy of *The First Duty* the historical record of the Oregon US District Court. To enroll as a member, **please complete the membership application form included in this packet** and return it to us with your completed application form. At the conclusion of the admission ceremony, you may also elect to increase your initial annual membership to any of the following membership categories in the U.S. District Court Historical Society. If so, please contact the US District Court Historical Society at address on the membership application form.
- ▶ **Federal Bar Association - Oregon Chapter:** The Federal Bar Association is a national association with local chapters. The Oregon Chapter actively participates with the court to improve the quality of federal litigation in the District and Bankruptcy Courts in Oregon.

The Oregon Chapter - in conjunction with Lewis and Clark's Northwestern School of Law - offers an annual CLE Federal Practice and Procedures course each fall. From time to time, the chapter also conducts Advanced Federal Practice seminars for its members. Judges of the Federal Court participate in both of these CLE activities.

Admission to the Federal Bar Association is open to all attorneys admitted to practice before this court. Information about the Federal Bar Association can be found on their website at www.fedbar.org. The local membership contact is Ms. Shelley D. Russell, Crispen Employment Lawyers, (503) 293-5767 or e-mail at shelley@employmentlaw-nw.com.

- ▶ **EEOC Attorney Referral Program:** The Equal Employment Opportunity Commission (EEOC) is seeking new attorneys to join their "EEOC Lawyer Referral" panel. Applications may be obtained from the Seattle District Office of the EEOC at (206) 220-6883.
- ▶ **US District Court Website:** The US District Court website contains online access to current local rules, court notices, CM/ECF programs, etc. (See <http://ord.uscourts.gov>)

**United States District Court
for the District of Oregon**

**In the Matter of the Application of
(Attorney's Name)
for Admission to the Bar of the United States District
Court for the District of Oregon**

**Application for Attorney Admission
and CM/ECF Registration**

In accordance with LR 83.1, I am applying for admission to the Bar of the United States District Court for the District of Oregon. In support of this application, I certify that I am an active member in good standing with The Oregon Bar; that I have read and am familiar with the Federal Rules of Evidence, the Federal Rules of Civil and Criminal Procedure, and the local rules of this Court.

(1) PERSONAL DATA:

Name: _____
(Last Name) (First Name) (MI) (Suffix)

Oregon State Bar ID Number: _____

Firm or Business Affiliation: _____

Business Mailing Address: _____

City: _____ State: _____ ZIP: _____ - _____

Phone Number: _____ FAX Number: _____

Business e-mail address: _____

(2) EDUCATION:

(a) Undergraduate School: _____ Year Graduated: _____

(b) Graduate School: _____ Year Graduated: _____

(c) Law School: _____ Year Graduated: _____

(3) BAR ADMISSIONS INFORMATION:

(a) Date Admitted to the Oregon State Bar: _____

(b) Other State Bar Admission(s), Date of Admission(s), and Bar ID Number(s):

(c) Other Federal Court Admission(s), Date of Admission(s), and Bar ID number(s):

(4) CERTIFICATE OF DISCIPLINARY ACTIONS:

(a) _____ I am not now, nor have I ever been subject to any disciplinary action by the Oregon State Bar.

(b) _____ I am now, or have been subject to disciplinary action and am applying for reinstatement (Attach reinstatement application pursuant to Title 8 of The Oregon State Bar's Rules of Procedure).

(5) CME/ECF Registration: Concurrent with approval of this application, I acknowledge that I will automatically be registered to access the court's Case Management/Electronic Case File system. (See ecf.ord.uscourts.gov). I also consent to electronic service pursuant to Fed. R. Civ. P 5(b)(2)(D) and LR 100.13(a).

Date

Signature

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Certification in Support of _____

Application for Admission to the Bar of the

United States District Court for the District of Oregon

CERTIFICATE

In accordance with the requirements of LR 83.1, I certify that:

- (1) I am a member in good standing of The Oregon Bar and the Bar of this Court;
- (2) I am personally acquainted with the applicant listed below; and
- (3) I know the applicant to be of good moral character and otherwise competent and eligible to be admitted to practice before the bar of the United States District Court for the District of Oregon.

Applicant's Last Name

First Name

Middle Initial/Suffix

DATED this _____ day of _____, 20_____

(Signature)

Sponsor's Name: _____

Firm Address: _____

Telephone Number: _____

OSB ID Number _____

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

Certification in Support of _____

Application for Admission to the Bar of the

United States District Court for the District of Oregon

CERTIFICATE

In accordance with the requirements of LR 83.1, I certify that:

- (1) I am a member in good standing of The Oregon Bar and the Bar of this Court;
- (2) I am personally acquainted with the applicant listed below; and
- (3) I know the applicant to be of good moral character and otherwise competent and eligible to be admitted to practice before the bar of the United States District Court for the District of Oregon.

Applicant's Last Name

First Name

Middle Initial/Suffix

DATED this _____ day of _____, 20_____

(Signature)

Sponsor's Name: _____

Firm Address: _____

Telephone Number: _____

OSB ID Number _____



PRO BONO REPRESENTATION PANEL

In 1989, the United States District Court for the District of Oregon established a Pro Bono Representation Panel of volunteer attorneys. The purpose of this panel is to represent pro se litigants in the prosecution of their actions before the Court. The panel is supervised by an Indigent Representation Supervisory Committee.

Upon granting of a motion for appointment of counsel, the court will ask an attorney on the panel to investigate the plaintiff's case and accept representation if he determines there is a meritorious claim. No funds are available for reimbursement of investigative expenses prior to a decision to accept or decline representation. Should an attorney accept representation and prevail, attorneys fees may be claimed as provided by law.

The court actively seeks out qualified attorneys to join the panel, and we ask you to consider volunteering your services to this important effort. Please complete the application form below and return to the Division Manager, Clerk's Office, US District Court, at any of our divisional offices.

**Application for Appointment to the
Pro Bono Representation Panel of the
United States District Court for the District of Oregon**

I wish to have my name added to the Pro Bono Representation Panel established by the United States District Court for the District of Oregon. If the appointment is granted, I understand that I may periodically receive cases to review. I further understand that when such referrals are made, I will be asked to investigate the plaintiff's case, and to accept representation if I determine there is a meritorious claim.

I also understand there are no funds available for reimbursement of investigative expenses prior to a decision to accept or decline representation. Should I accept representation and prevail, I may be entitled to attorneys fees as provided by law.

(Signature)

Applicant's Name: _____

Firm's Address: _____

OSB ID Number: _____

Telephone No: _____

Business e-mail:



U.S. District Court Historical Society

Membership Application

Enclosed is my application and annual membership dues to join the United States District Court Historical Society (*Please check level of membership desired*):

- Lifetime Member (*one-time contribution*) \$1,000
- Sponsor \$ 150
- Sustaining Member \$ 75
- General Member \$ 50
- Judicial Law Clerk \$15
- Student \$15
- Admitted to U.S. District Court for more than one year but less than four years \$25

Special Note: Please mail your check and membership application form to:

U.S. District Court Historical Society
740 U.S. Courthouse
1000 SW Third Avenue
Portland, Oregon 97204-2902

Name: _____

Address: _____

City: _____ **State:** _____ **Zip:** _____

Work Phone: _____ **Home Phone:** _____

U.S. District Court District of Oregon

Rules of Practice

LR 16 PRETRIAL CONFERENCES; SCHEDULING; MANAGEMENT (See Fed. R. Civ. P. 16)

LR 16.1 Court Actions Upon Initial Filing (See LR 3.7):At the time of the initial case filing, the clerk's office will:

- (a) Randomly select an assigned judge in accordance with the court's Case Management Plan;
- (b) Assign a case number;
- (c) Issue magistrate judge consent forms and other information packets;
- (d) Issue summons and other appropriate process; and
- (e) Issue the *Discovery and Pretrial Scheduling Order* (See [Appendix of Forms #6](#))

LR 16.2 Discovery and Other Conferences with the Court (See Fed. R. Civ. P. 16(b)):Unless otherwise ordered by the court:

- (a) Counsel for plaintiff(s) and for defendant(s), during or promptly after the conference of counsel for discovery planning referred to in [LR 26.1](#), shall contact the assigned judge's courtroom deputy clerk and schedule a Rule 16(b) scheduling and planning conference, and the assigned judge shall hold the conference, by telephone or in person, within thirty (30) days.
- (b) At the initial court conference, counsel for the parties shall have their calendars available and be prepared to discuss any discovery, magistrate consent, scheduling, or other issues presented by the action, including proposed modifications to the schedule outlined in the initial Discovery and Pretrial Scheduling order issued by the court at the commencement of the action.
- (c) Notwithstanding anything in this or any other local rule, any party may ask for a conference pursuant to Fed. R. Civ. P. 16 at any time. This subsection applies to all civil cases, including those categories of cases mentioned in Fed. R. Civ. P. 26(a)(1)(E).

Commentary to LR 16.2, LR 26.1, and LR 26.2

The US District Court for Oregon fashioned LR 16.2, LR 26.1, and LR 26.2, taking into account the characteristics of federal practice in Oregon. In recent history, this court has consistently maintained a fast docket. Most case are tried, or otherwise resolved in less than one year from the date the complaint is filed. This efficiency has been due both to the court's active involvement in case management, and to the fact that this court has opted out of the initial disclosure provisions of Fed. R. Civ. P. 26(a)(1) with Oregon attorneys generally pursuing discovery and trial preparation without delay. In that regard, Oregon attorneys have traditionally resolved most discovery disputes without need of the court's intervention and the satellite litigation that discovery disputes often spawn.

Local Rules 16.2, LR 26.1, and LR 26.2 are designed to build on the following characteristics of Oregon federal practice:

1.	These local rules allow the parties to proceed with discovery without delay once they have held the Fed. R. Civ. P. 26(f) initial conference of counsel for discovery planning. This will prevent a discovery lull for several weeks at the beginning of each case.
2.	This rule encourages parties to continue to opt out of the Fed. R. Civ. P. 26(a)(1) initial disclosures by stipulation in most cases, in light of this court's judgment that, in most cases, dockets will move more quickly and satellite disputes will be avoided if the parties opt out.
3.	If the parties do not agree to opt out of the initial disclosures, then the party seeking initial disclosure must bring the matter before the court by written motion.

(d) Completion of Discovery Defined: The initial case scheduling order establishes the time for completion of discovery. Unless otherwise directed by the court, the following discovery related events must be completed by the completion of discovery date:

- (1) All depositions must be taken, including depositions to preserve testimony for trial;
- (2) All interrogatory or other discovery requests must be answered; and
- (3) All documents must be produced pursuant to request.
- (4) The court will not require a response to a discovery request that is made with insufficient time for a party to respond prior to the completion of discovery date.
- (5) Completion of discovery does not include expert depositions taken pursuant to Fed. R. Civ. P. 26(b)(4)(A) and LR 26.4.

(e) Telephone Conferences: Parties encountering a discovery problem may telephone the assigned judge to set up a telephone conference to help resolve the issue(s). If the assigned judge is unavailable, the court will attempt to have the telephone conference handled by another judicial officer.

LR 16.3 Objections to Court Established Deadlines

(a) Objections: Except as provided by LR 16.2(b), objections to any court-imposed deadline must be raised by motion and must show:

- (1) Good cause why the deadlines should be modified;
- (2) Effective prior use of time;
- (3) A recommended new date for the deadline in question; and
- (4) The impact of the proposed extension upon other existing deadlines, settings, or schedules.

(b) Stipulations to Extend Deadlines or Schedules (See LR 29)

LR 16.4 Alternate Dispute Resolution (ADR) (See Fed. R. Civ. P. 16(c)(12))

(a) Scope and Application: Unless otherwise directed by the court, or as provided in paragraph (b) below, this rule applies to all civil cases filed in the district court.

(b) Exemptions: The following class of cases are exempt from this rule:

- habeas corpus petitions;
- prisoner suits;
- 28 U.S.C. §2255 claims;
- social security appeals;
- civil forfeitures;
- *qui tam* actions;

- IRS summons enforcement actions;
- student loan collection;
- veterans overpayment;
- multi-district litigation;
- bankruptcy appeals; and
- cases involving *pro se* litigants.

(c) ADR Conference Requirements (See LR 16.4(e)-(g) below): Not later than 120 days from the initiation of a lawsuit, counsel for all parties (after conferring with their clients) must confer with all other attorneys of record and all unrepresented parties, to discuss whether the case would benefit from any private or court sponsored ADR option.

(d) Joint ADR Report (See Appendix of Forms #7): Within 150 days of the initiation of a lawsuit, the parties must file a Joint Alternate Dispute Resolution Report.

(e) ADR Options - Generally

(1) Party Initiated

(A) Private ADR: The parties may agree to pursue mediation, or any other form of alternate dispute resolution, at any time in the life of a civil case.

(B) Request for Court Sponsored Volunteer Mediation - (See LR 16.4(f)(1)(A)).

(C) Request for a Settlement Judge (See LR 16.5)

(2) Court Directed Mediation

(A) The court on its own motion, or upon the motion or request of a party, may refer any civil case to mediation. As a general rule, the court will refer cases with financial resources to private mediators or mediation services, and will refer cases with limited financial resources, or indigent parties, to the court's panel of volunteer mediators.

(B) When the court makes a referral to private mediation, the parties select and compensate the mediator and, in conjunction with the mediator, agree to the time, place, and duration of the mediation.

(C) During the conduct of court directed mediation, mediators act as officers of the court and have judicial immunity

(f) Court Sponsored Volunteer Mediation Program

(1) Selection of a Volunteer Mediator

(A) Subject to the conditions of paragraph (e)(2)(A) , any party may move to have a case referred to one of the court's volunteer mediators.

(B) If the motion is granted, the court will enter an order directing reference to volunteer mediation. Upon entry of the order, the parties will be asked to select a mediator from the court's list of volunteer mediators, and to work with the mediator to agree to the time, place, and duration of the mediation.

(C) As a general rule, volunteer mediators agree to conduct mediation without costs to the parties for 4-hours. After that point, any decision to continue mediation, with or without compensation, must be agreed to by the mediator and the parties.

(D) If the parties cannot agree upon a mediator within 10 days after entry

of the order, the attorney for the plaintiff must notify the court, who will then designate a mediator.

(2) Mediation Procedure

(A) After entry of the order of reference to mediation, the parties are required to provide such information and advice as the mediator requires.

(B) Generally the mediator will schedule a preliminary conference prior to the mediation. The mediator may also require the parties to participate in the preliminary conference along with their attorneys.

(C) The attorney responsible for each party's case will attend the mediation and any adjourned sessions. At the mediation, the attorney for each party must be prepared to discuss in good faith:

(i) All liability issues;

(ii) All damage issues; and

(iii) The position of his or her client relative to settlement.

(D) Unless excused by the mediator, clients must be available and must attend the mediation.

(E) The mediator will determine whether parties will be present in the conference room, and if so, how they will be asked to participate.

(F) Parties whose defense is provided by a liability insurance company need not personally attend the mediation conference. However, if a representative of the insurer is available in the district, that representative must attend and must be empowered to bind the insurer to a settlement if a settlement can be reached within the limits set by the insurer.

(G) In all cases, any person with authority must be present or available by telephone; however, the United States may be represented by trial attorney.

(H) Unless excused from attendance by the mediator, an attorney or client's willful failure to attend the mediation must be reported to the court by the mediator and may result in the imposition of sanctions.

(g) Proceedings Privileged

(1) ADR proceedings (including all statements made by a party, attorney, or other participant; and/or any memorandum or written submission provided to the mediator or ADR facilitator), are privileged -- and except as otherwise authorized by the federal rules of evidence, will not be reported, recorded, or otherwise placed in evidence; made known to the trial court or jury; or construed for any purpose as an admission against interest.

(2) Unless waived in advance by the parties, or as otherwise authorized by the court, this privilege applies to ADR proceedings conducted pursuant to [LR 16.4\(e\)\(1\)](#) and [\(2\)](#).

(3) No party will be bound by anything done or said at the conference unless a settlement is reached, in which event, the agreement upon a settlement will be reduced to writing under the direction of the mediator and will be binding upon all parties to that agreement. In a dispute between the parties regarding the terms of the settlement, the terms of the settlement as communicated by the mediator and accepted by the parties are not privileged under [LR 16.4\(g\)\(1\)](#).

(h) Proceedings Upon Failure to Achieve an ADR Settlement

(1) Private ADR: Not later than seven working days following the conclusion of private ADR proceedings, Plaintiff's attorney will notify the court in writing:

(A) Whether settlement (in whole or in part) was achieved; or

(B) Whether settlement could not be achieved; and whether any (or all of the parties) believe that further judicial intervention (to include the possibility of a settlement judge) will help to resolve the case.

(2) Court Appointed Private or Volunteer Mediation: The court appointed mediator will promptly notify the court if no settlement is achieved. The mediator will also inform the court whether they believe intervention by a settlement judge may help to resolve the matter.

(i) No Stay of Action During ADR: Unless directed by the court, no stay of an action will take place during ADR. In addition, no scheduled dates for any required submission or proceeding, including trial, will be changed.

(j) Qualifications and Requirements of Mediators

(1) As a general rule, the parties may select and thereby set the qualifications of a private mediator or mediation service subject only to the requirements of **LR 16.4(g)**.

(2) Volunteer mediators must submit an agreement to serve (provided by the clerk's office), advise the court in which divisions of this court they are willing to serve, and agree to perform at least eight hours of volunteer mediation service per calendar year without payment. Volunteer mediators must be members in good standing of the Oregon State Bar who have been admitted to practice before the federal courts for a minimum of five years, or be a retired or senior judge.

(3) The clerk will maintain a list of volunteer mediators by division of this court.

(k) ADR Program Administration

(1) An ADR Administrator shall be responsible for implementing, administering, overseeing and evaluating the ADR program and procedures covered by **LR 16.4**.

(2) The Clerk of the Court shall make pertinent rules and explanatory materials available to the parties.

LR 16.5 Judicial Settlement Conferences

(a) The court on its own motion, or the request of a party, may schedule a settlement conference.

(b) The court on its own motion, or upon motion or request of any party, may assign any civil case for a non-binding summary trial (including summary jury trial, for cases triable to a jury), arbitration hearing, or other alternative method of dispute resolution.

Commentary to LR 16.5

The Court encourages the parties to make good faith efforts at settlement before requesting judicial intervention. A party may request a specific Judge to assist in the settlement efforts. The availability of a requested Judge - or any Judge - can only be determined on a case - by - case basis. Parties should also bear in mind that case management and settlement policies may differ among Judges. Some Judges initiate settlement possibilities, some wait for the lawyers to raise the issue, and some Judges have adopted the policy that, save for exceptional circumstances, parties should first use the court's volunteer mediation panel or other alternative dispute resolution resources before relying upon settlement Judges.

Counsel should seek guidance from the chambers of the Judge to whom the case is assigned if settlement efforts could affect the case schedule or any deadline set in the case.

LR 16.6 Proposed Pretrial Order

(a) Filing Requirements: The parties may stipulate, subject to the approval of the court, or the court may order, that no pretrial order need be filed. Otherwise, the parties will prepare and sign a proposed pretrial order to be lodged with the court on or before the date ordered by the court.

(b) Content Requirements (See [Appendix of Forms #8](#) and [Appendix of Forms #9](#)): If there is no court-approved stipulation or order dispensing with the need for a pretrial order, the parties will prepare a proposed order to frame the issues for trial. At a minimum, the pretrial order must contain:

- (1) A concise statement of the nature of the action including whether trial will be by jury and whether the parties have consented to trial by a magistrate judge;
- (2) A concise statement of each basis for federal jurisdiction and the facts supporting or disputing jurisdiction;
- (3) All agreed facts; with an asterisk (*) by those where relevance is disputed;
- (4) A statement of each claim and defense to that claim with the contentions of the parties. Contentions will not recite the evidence to be offered at trial but will be sufficient to frame the issues presented by each claim and defense.
- (5) Other legal issues not stated under either claims or defenses and designating those appropriate for decision before trial;
- (6) A statement indicating proposed amendments to the pleadings, if any;
- (7) The same format should be used in the order for any counterclaim or cross-claims, followed by any affirmative defenses to each of those claims.

(c) Service and Lodging of Pretrial Order: Unless modified by the court, the time for service and lodging of the pretrial order will be as follows:

- (1) The plaintiff will, at least thirty (30) days before the lodging date, prepare and serve on all parties a proposed pretrial order.
- (2) Within fifteen (15) days after service of that proposed pretrial order, each other party will serve on all parties the objections, additions, and changes such party believes should be made to the plaintiff's proposed pretrial order.
- (3) If there are areas of disagreement, these will be shown in the proposed pretrial order, but the parties will make every effort to resolve such disagreements.
- (4) The proposed pretrial order will be signed by the parties, and the plaintiff will lodge it with the court.

(d) Effect of Pretrial Order: The pretrial order amends the pleadings, and it, and any later order of the court will control the subsequent course of action or proceedings as provided in Fed. R. Civ. P. 16.

LR 16.7 Pretrial Conferences

(a) Unless otherwise directed by the court, upon lodging of the proposed pretrial order, or upon the entry of an order waiving the pretrial order, the judge will hold a preliminary pretrial conference either by telephone conference call or by personal appearance to establish the trial date. The following are examples of subjects the court may wish to discuss:

- (1) Consent to a magistrate judge;
- (2) Counsel's estimate of number of expert and lay witnesses and trial time.
- (3) The timing for the exchange of information required to be disclosed by Fed. R. Civ. P. 26(a)(3). The times set for these disclosures will constitute orders of the court superseding all dates discussed in Fed. R. Civ. P. 26(a)(3).

(4) Counsel's analysis of basic legal and factual questions involved.

(5) Whether trial will be to a jury.

(6) Whether any issue should be separately tried.

(7) The advisability of a settlement conference;

(8) Any special problems the lawyers foresee; and

(9) Establishment of a pretrial conference date and a trial date.

(b) Thereafter, the assigned judge will issue an order establishing pretrial requirements and confirming the dates of pretrial disclosures, the pretrial conference and the trial.

(c) See the [Appendix of Forms #10](#), for an example of a type of order that may be used and topics that may be discussed at the pretrial conference. Requirements may vary depending upon the nature of the case.

(d) At the conclusion of the pretrial conference, the court may enter additional orders to control subsequent proceedings as provided in Fed. R. Civ. P. 16 and 26

Amendment History to LR 16	
June 1, 2002	
LR 16.5	New section (b) added. Original rule renumbered to (a).
LR 16.7(c)	"preliminary" deleted from first sentence "...preliminary pretrial conference..."
February 10, 2003	
LR 16.5	Commentary added

Forward To LR 23

U.S. District Court District of Oregon

Rules of Practice

LR 48 JURORS and PARTICIPATION IN THE VERDICT (See Fed. R. Civ. P. 48)

LR 48.1 Number of Jurors (See Fed. R. Civ. P. 48): The court will fix the number of jurors in a civil case.

LR 48.2 Polling the Jury: Immediately after the reading of the jury's verdict, a party may request that the court poll the jury.

LR 48.3 Communications With Jurors -- Before and During Trial

(a) Limitations on Attorneys Except as necessary during trial -- or as ordered by the court -- attorney contact with jurors is governed by Oregon State Bar Disciplinary Rule DR 7-108.

(b) Limitations on Witnesses Except as authorized by the court, witnesses are prohibited from initiating contact with any juror, or prospective juror, concerning the merits of any case.

LR 48.4 Communications with Jurors -- Post-Verdict: Notwithstanding DR 7-108(D), after the verdict an attorney may not initiate contact with jurors except as authorized by the court.

[Forward To LR 51](#)

U.S. District Court District of Oregon

Rules of Practice

LR 52 FINDINGS BY THE COURT

LR 52.1 Reminders to the Court (See LR 83.13)

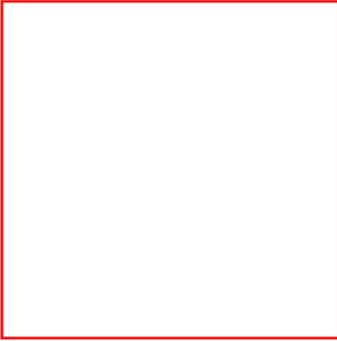
Amendment History to LR 52

June 1, 2002

LR 52.1

Reference corrected.

Forward To LR 54



U.S. District Court District of Oregon

Rules of Practice

LR 27 DEPOSITIONS - Before Action or Pending Appeal (See Fed. R. Civ. P. 27).

LR 27.1 Before Action (See Fed. R. Civ. P. 27(a))

(a) Initial Filing Requirements (See LR 79.2)

(1) A party seeking to perpetuate testimony must file a verified petition and proposed order with the clerk's office.

(2) Upon payment of the required filing fee, the clerk's office will open a miscellaneous case and refer the petition and proposed order to the duty magistrate judge for calendaring and disposition.

(b) Format Requirements (See LR 10)

LR 27.2 Pending Appeal(See Fed. R. Civ. P. 27(b)):Unless otherwise requested by a party, motions to perpetuate testimony pending an appeal will be processed as a discovery motion pursuant to LR 26.5.

LR 27.3 Relationship to LR 30: The requirements of LR 30 apply to depositions conducted under LR 27.

Forward To LR 29

U.S. District Court District of Oregon

Rules of Practice

LR 30 DEPOSITIONS (See Fed. R. Civ. P. 30)

LR 30.1 Depositions -- Generally (See Fed. R. Civ. P. 30)

(a) Not Filed With the Court (See [LR 5.2](#)): Unless directed by the court, depositions will not be filed with the court, instead they will be maintained by counsel and made available to parties in accordance with Fed. R. Civ. P. 30(b). Depositions presented for filing without court approval will be returned to the offering party.

(b) Use of Non-Filed Depositions: This rule does not preclude the use of deposition transcripts as exhibits or evidence in support of a motion, or for introduction and use at trial.

(c) Availability of Copies to Non-Parties: With leave of court during the pendency of a civil action, any person may obtain a copy of a deposition not on file provided they:

- (1) Serve notice of their request and proposed order on all parties;
- (2) Receive court approval; and
- (3) Pay the cost for a copy of the deposition.

LR 30.2 Notice of Deposition: Except for good cause, counsel will not serve a notice of deposition until they have made a good faith effort to confer with all counsel regarding a mutually convenient date, time, and place for the deposition.

LR 30.3 Conduct of Counsel (See Fed. R. Civ. P. 30(c) and (d)): Counsel to a deposition will not engage in any conduct that would not otherwise be allowed in the presence of a judge.

LR 30.4 Objections (See Fed. R. Civ. P. 30(c) and (d)(1)): There should be no argument in response to an objection or an instruction not to answer.

LR 30.5 Pending Questions: If a question is pending, it must be answered before a recess is taken unless the question involves a matter of privacy right; privilege; or an area protected by the constitution, statute, or work product.

LR 30.6 Motions Relating to Depositions (See Fed. R. Civ. P. 30(d)(3))

(a) If the parties have a dispute which may be resolved with assistance from the court, or if unreasonable or bad faith deposition techniques are being used, the deposition may be suspended so that a motion may be made immediately and heard by an available judge, or the parties may hold a telephone conference pursuant to [LR 16.2\(c\)](#).

(b) Alternatively, a written motion relating to the deposition may be filed after a transcript is available.

(c) The court may impose costs, including attorney fees, on any person responsible for unreasonable or bad faith deposition techniques or behavior.

LR 30.7 Motions to Compel (See Fed. R. Civ. P. 37(a) and [LR 37](#))

LR 30.8 Deposition of Experts: Depositions of experts may be taken only pursuant to a written stipulation of the parties, or as scheduled by the court.

[Forward To LR 33](#)



U.S. District Court District of Oregon

Rules of Practice

LR 33 INTERROGATORIES (See Fed. R. Civ. P. 33)

LR 33.1 Interrogatories -- Generally (See Fed. R. Civ. P. 33)

(a) Not Filed With the Court (See [LR 5.2](#)): Unless directed by the court, interrogatories, objections, and answers will not be filed with the court; instead they will be maintained by counsel and made available to parties upon request. Interrogatories presented for filing without court approval will be returned to the offering party.

(b) Use of Non-Filed Interrogatories: This rule does not preclude the use of interrogatories and answers as exhibits or evidence in support of a motion, or for introduction at trial.

(c) Definitions: Each interrogatory must state in concise language the information requested. In no case may an interrogatory refer to a definition not contained within the interrogatory, or the preamble. Only terms actually used in a set of interrogatories may be defined.

(d) Prohibited Form of Interrogatories: Broad general interrogatories, such as those which ask an opposing party to "*state all facts on which a contention is based*" or to "*apply law to facts*" are not permitted.

LR 33.2 Answers to Interrogatories

(a) Answers and objections to interrogatories must set forth each question in full before each answer or objection. Each objection must be followed by a statement of reasons.

(b) When an objection is made to part of an interrogatory, the remainder of the interrogatory must be answered at the time the objection is made, or within the period of any extension of time to answer, whichever is later.

LR 33.3 Motions to Compel (See Fed. R. Civ. P. 33(b)(5) and [LR 37](#))

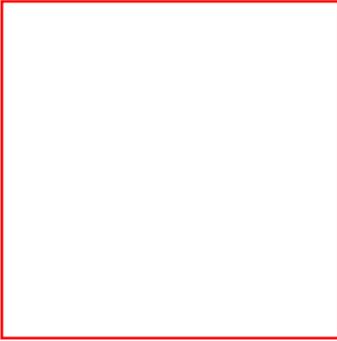
(a) Requirements: Motions to compel must set forth only the pertinent interrogatory question, objection, and legal arguments.

(b) Certification Requirements: The court will deny any motion to compel that does not contain the certification requirements mandated by [LR 7.1\(a\)](#).

LR 33.4 Waiver of Objection: Failure to object to an interrogatory within the time permitted by the federal rules of civil procedure, or within the time to which the parties have agreed, constitutes a waiver of any objection.

LR 33.5 Time Limit to Comply (See [LR 37.3](#))

Forward To LR 34



U.S. District Court District of Oregon

Rules of Practice

LR 34 REQUESTS FOR PRODUCTION (See Fed. R. Civ. P. 34)

LR 34.1 Requests for Production -- Generally

(a) Not Filed With the Court (See [LR 5.2](#)): Unless directed by the court, requests for production will not be filed with the court. Instead they will be maintained by counsel and made available to parties upon request. Requests for production presented for filing without court approval will be returned to the offering party.

(b) Use of Non-Filed Requests: This rule does not preclude the use of requests for production and responses as exhibits or evidence in support of a motion, or for introduction at trial subject to the appropriate rules of evidence.

(c) Definitions: Each request must state in concise language the information requested. In no case may a request refer to a definition not contained within the request or the preamble. Only terms actually used in the request for production may be defined.

LR 34.2 Responses and Objections (See Fed. R. Civ. P. 34(b))

(a) Responses must set forth each request in full before each response or objection. Each objection must be followed by a statement of reasons.

(b) When an objection is made to part of a request for production, a response must be made to the remainder of the request at the time the objection is made, or within the period of any extension of time to respond, whichever is later.

LR 34.3 Waiver of Objection: Failure to object to a request for production within the time permitted by these local rules or within the time to which the parties have agreed, constitutes a waiver of any objection.

LR 34.4 Motions to Compel (See Fed. R. Civ. P. 37(a)(2)(B) and [LR 37](#))

LR 34.5 Time Limits to Comply (See [LR 37.3](#))

Forward To [LR 36](#)



U.S. District Court District of Oregon

Rules of Practice

LR 36 REQUESTS FOR ADMISSION (See Fed. R. Civ. P. 36)

LR 36.1 Requests for Admission -- Generally (See Fed. R. Civ. P. 36)

(a) Not Filed With the Court (See [LR 5.2](#)): Unless directed by the court, requests for admission will not be filed with the court; instead they will be maintained by counsel and made available to parties upon request. Requests for admission presented for filing without court approval will be returned to the offering party.

(b) Use of Non-Filed Requests (See Fed. R. Civ. P. 37(c)): This rule does not preclude the use of requests for admission and responses as exhibits or evidence in support of a motion, or for introduction at trial.

(c) Definitions: Each request must state in concise language the admission requested. In no case may a request for admission refer to a definition not contained within the request for admission or preamble. Only terms actually used in the request for admission may be defined.

LR 36.2 Response or Objections (See Fed. R. Civ. P. 36(a)): Every response, denial, or objection must set forth each request in full, followed by the admission, denial, or objection. Each objection must be followed by a statement of reasons.

LR 36.3 Motions to Compel (See [LR 37](#))

LR 36.4 Time Limits to Comply (See [LR 37.3](#))

Forward To [LR 37](#)

U.S. District Court District of Oregon

Rules of Practice

LR 26 GENERAL DISCOVERY PROVISIONS (See Fed. R. Civ. P. 26)

LR 26.1 Initial Conference of Counsel for Discovery Planning (See Fed. R. Civ. P. 26(f)) : Unless exempted under Fed. R. Civ. P. 26(a)(1)(E), or otherwise ordered by the court:

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

LR 26.2 Initial Disclosures (See Fed. R. Civ. P. 26(a)(1)): Unless otherwise ordered by the court:

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

Advisory Note to LR 26.2

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

LR 26.3 Pretrial Disclosures (See Fed. R. Civ. P. 26(a)(3)): Unless otherwise directed by the court, the time for pretrial disclosures will be set at the preliminary pretrial conference.

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

- (a) **Disclosure Requirements:** Unless otherwise directed by the court, the time for disclosure of experts under Fed. R. Civ. P. 26(a)(2) - and discovery regarding experts generally - will be set at a pretrial conference.
- (b) **Non-Filing Requirements** (See Fed. R. Civ. P. 26(a)(2), [LR 5.2](#), and [LR 16](#))

LR 26.5 Discovery Motions (See Fed. R. Civ. P. 26 and 37)

- (a) **Document Title** (See [LR 7.3](#) and [LR 10.2](#))

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

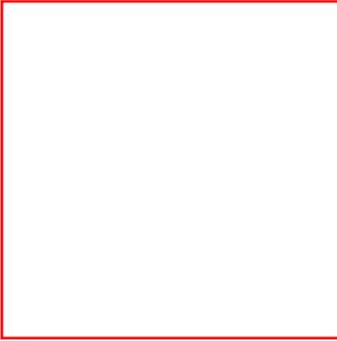
(c) No Replies: Unless otherwise directed by the court, a movant may not file a reply supporting a discovery motion.

(d) Calendaring (See [LR 7.1](#))

(e) Resolving Discovery Disputes by Telephone Conference (See [LR 16.2\(e\)](#)).

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

Forward To [LR 27](#)



U.S. District Court District of Oregon

Rules of Practice

LR 68 OFFERS OF JUDGMENT (See Fed. R. Civ. P. 68)

LR 68.1 Offers of Judgment -- Generally

(a) Not Filed With the Court: (See [LR 5.2](#)) Unaccepted offers of judgment are not to be filed with the court. They will be maintained by counsel and made available to the parties or the court upon request.

(b) Use of Non-filed Offers: This rules does not preclude the use of an offer for any purpose allowed by the federal rules.

[Forward To LR 72](#)

U.S. District Court District of Oregon

Rules of Practice

LR 77 DISTRICT COURTS AND CLERKS (See Fed. R. Civ. P. 77)

LR 77.1 District Court Clerk's Office (See Fed. R. Civ. P. 77(a))

Advisory Notes

Portland District Court Clerk's Office

Location

Room 740
Mark O. Hatfield United States Courthouse
1000 S.W. Third Avenue
Portland, Oregon 97204

Normal Business Hours

8:30 am to 4:30 pm

Civil Records & Filings

(503) 326-8008

Criminal Records & Filings

(503) 326-8003

Finance Operations

(503) 326-8173

Eugene District Court Clerk's Office

Location

Room 100
United States Courthouse
211 E. Seventh Avenue
Eugene, Oregon 97401

Normal business hours

8:30 am to 4:30 pm

Records & Filings

(541) 465-6423

Medford District Court Clerk's Office

Location	Room 213 James A. Redden United States Courthouse 310 W. Sixth Avenue Medford, Oregon 97501
Normal Business Hours	8:30 am to 4:30 pm
Records & Filings	(541) 776-3926
Internet WEB Page	ord.uscourts.gov.

LR 77.2 Bankruptcy Court Clerk's Office (See LBR 5001-2)

LR 77.3 After Hours Filings (See Fed. R. Civ. P. 77(a))

(a) Statute of Limitations and Other Provisional Process Issues: When it is necessary to file the above time sensitive matters after normal business hours, the filing party must notify the resident clerk's office **during normal business hours** of the anticipated requirements. Once notified, the clerk's office will make arrangements to receive, file, and process these time sensitive materials.

(b) Late Filings of Materials Relating to Court Imposed Deadlines: Unless otherwise directed by the court, the clerk's office will not remain after normal business hours to receive a party's late filing of a motion, response, or other non-statute of limitations related documents.

(c) After Hours Depository: The Portland clerk's office maintains an after hours filing depository that is available to the public during the hours that the buildings are open. Negotiable instruments and cash must not be left in this depository.

LR 77.4 Custody and Withdrawal of Court Records

(a) All files and records of the court must remain in the custody of the clerk.

(b) Nothing belonging in the files of the court will be withdrawn from the custody of the clerk without a court order and a signed receipt that specifies the matter withdrawn.

LR 77.5 Clerk's Authority to Grant Orders (See Fed. R. Civ. P. 77(c)) In addition to the authority granted by Fed. R. Civ. P. 77(c), the clerk is authorized to sign and enter the following orders without further direction of the court.

(a) Order on consent noting satisfaction of a judgment providing for the payment of money.

(b) Orders of dismissal pursuant to Fed. R. Civ. P. 41(a)(1), [LR 41.1](#) or [LR 47.1](#).

LR 77.6 Substituting a Copy of an Exhibit or Transcript: Subject to the approval of the parties, the court may allow the substitution of a copy of an original exhibit or transcript.

LR 77.7 Custody of Exhibits

(a) During Court Proceedings: Unless otherwise directed by the court, exhibits offered or received in

evidence will be maintained by the clerk during the hours in which the court is in session.

(b) At the Close of Daily Proceedings

(1) Sensitive Exhibits - At the conclusion of the daily proceedings, the court will generally order that sensitive exhibits be returned to the offering counsel, who will be responsible for maintaining custody and the integrity of the exhibits until the next session of court, when they will be returned to the clerk.

(2) Non-Sensitive Exhibits - Generally, the clerk will maintain custody of non-sensitive exhibits until the conclusion of the proceedings.

LR 77.8 Return and Disposition of Exhibits

(a) Return of Exhibits

(1) Clerk's Responsibility - Unless otherwise ordered by the court, at the conclusion of the hearing or trial, offering counsel will be notified to withdraw any exhibit not attached to a filed document.

(2) Counsel's Responsibility - Counsel are responsible for:

(A) Safely maintaining all exhibits and other returned materials during the time permitted for filing an appeal -- and thereafter during the pendency of any appeal, should one be taken; and

(B) Granting all reasonable requests of other parties, or the court reporter, to examine any or all returned exhibits or other materials for use in preparation of the record on appeal or for other purposes; and if requested by the court or the clerk, counsel will promptly return such items to the Clerk's Office.

(b) Disposition of Unclaimed Exhibits: Unless otherwise ordered by the court, exhibits not withdrawn within sixty (60) days after notice, may be destroyed or otherwise disposed of by the clerk.

Forward To LR 79

U.S. District Court District of Oregon

Rules of Practice

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

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

Advisory Notes

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

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

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

(b) Payment of Transcript Costs (See Fed. R. App. P. 10(b)(4)) The court reporter supervisor will notify the court of appeals whenever a party fails to make satisfactory arrangements to pay for the transcript on appeal.

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

Amendment History to LR 6

June 1, 2002

LR 6.1

Practice Tip Amended to add "imposed by the Federal Rules of Civil Procedure"

LR 6.3

New Rule: A comprehensive Timetable for Lawyers was added.

Forward To LR 7

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

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

ABC CORPORATION, an Oregon
corporation,
Plaintiff,

v.

CV. 01-1234-AS

JOHN Q. SMITH, RICHARD H.
ROE,

Defendants.

COMPLAINT
Personal Injury Action (28 U.S.C. §1332)
Demand for Jury Trial

Mary B. Guileless

MARY B. GUILELESS

OSB # 999-99999

[541] 999-9999

Attorney for Plaintiff ABC Corporation

US District Court – Oregon

Page Limitation Summary

Document	Page Limit	Local Rule	Comment
Briefs:			
- Discovery Motions	10 pages	LR 7.3(b) and LR 26.5(b)	Exclusive of Exhibits
- Non- Discovery Motions	35 pages	LR 7.2(b)	Exclusive of Exhibits
Concise Statement of Material Fact	5 pages	LR 56.1(d)	
Memoranda:			
- Bill of Costs	10 pages	LR 54.1(c)	
- Attorney Fees	10 pages	LR 54.4(e)	

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

DEFENDANTS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____

DOCKET NUMBER _____

DATE _____ SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44

Authority For Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b.) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States, are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a) Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS-44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

U.S. District Court District of Oregon

Rules of Practice

LR 38 JURY TRIAL OF RIGHT (See Fed. R. Civ. P. 38)

LR 38.1 Demand for Jury Trial (See Fed. R. Civ. P. 38)

(a) Document Title Requirements: The words **DEMAND FOR JURY TRIAL** must be included on the last line of the document title of any jury demand instrument filed pursuant to Fed. R. Civ. P. 38(b), e.g.,:

ANSWER by Defendant Acme Incorporated
and **DEMAND FOR JURY TRIAL**

(b) Pleading Requirements: In addition, the **DEMAND FOR JURY TRIAL** should be asserted in the last paragraph of the document.

LR 38.2 Waiver of Jury Demand (See Fed. R. Civ. P. 38(d))

LR 38.3 Number of Jurors (See [LR 48.1](#))

LR 38.4 Selection of Jurors (See [LR 47](#))

LR 38.5 Juror Challenges (See 28 U.S.C. § 1870 and [LR 47](#))

LR 38.6 Jury Instructions (See [LR 51](#))

Forward To [LR 41](#)

U.S. District Court District of Oregon

Rules of Practice

LR 79 RECORDS KEPT BY THE CLERK (See Fed. R. Civ. P. 79)

LR 79.1 Orders -- Generally: Orders must be designated in the caption as "ORDER" and set forth on a separate document.

LR 79.2 Proposed Orders and Judgments: When requested by the court, a proposed form of order or judgment submitted by counsel must include the words "**SUBMITTED BY**" and the signature line requirements of **LR 11.1**, e.g.,

SUBMITTED BY: William B. Fuddled

WILLIAM B. FUDDLED

OSB # 111-1111

[503] 222-2222

Attorney for Plaintiff B.A. Schnauzer

Forward To LR 81



U.S. District Court District of Oregon

Rules of Practice

LR 4 SUMMONS (See Fed. R. Civ. P. 4)

LR 4.1 Summons (See Fed. R. Civ. P. 4(a) and (b) (See [Appendix of Forms #2](#)): All summonses -- along with sufficient copies for service -- will be prepared by the filing party and presented to the clerk for issuance.

LR 4.2 Amended Summons (See Fed. R. Civ. P. 4(a)): An amended summons must be titled **AMENDED SUMMONS**; must be reproduced without interlined changes; and must be served pursuant to Fed. R. Civ. P. 4(c).

LR 4.3 Service by US Marshal's Personnel(See Fed. R. Civ. P. 4(c)(2)): Unless required by law or statute -- or upon application for good cause shown and subsequent court order -- U.S. Marshal's Office personnel will not serve the complaint and summons in private civil actions.

LR 4.4 Waiver of Service of Summons -- Option (See Fed. R. Civ. P. 4(d))

(a) Time Limits (See Fed. R. Civ. P. 4(d)(2)(F)): Unless otherwise permitted by the court, the reasonable time to return the waiver is thirty (30) days from the date on which the request is sent, or sixty (60) days from the date if the defendant is addressed outside any judicial district of the United States.

(b) Motion to Collect the Cost of Service: (See Fed. R. Civ. P. 4(d)(2)(G)): A motion and affidavit to recover costs of service pursuant to Fed. R. Civ. P. 4(d)(2)(G) and 4(d)(5) must include:

(1) Certification of the actions taken to implement the waiver of service option;

(2) Itemization of the costs incurred in effecting service pursuant to Fed. R. Civ. P. 4(e), (f), or (h); and

(3) Explanation of the method and rates used to calculate any reasonable attorney fees associated with the motion.

[Forward To LR 5](#)



U.S. District Court District of Oregon

Rules of Practice

LR 1005 VERIFICATION REQUIREMENTS

LR 1005.1 Verification of Pleadings and Claims to Property: Verification of pleadings and claims to property must be by the parties, or one of them, or by the attorney for the party, and, if a corporate party, by an officer or by the attorney for said party or corporation.

If the personal oath or the solemn affirmation of a party is demanded, the court may, on good cause, require the same and stay the proceedings a reasonable time for the securing thereof.

[Forward To LR 1010](#)



U.S. District Court District of Oregon

Rules of Practice

LR 41 DISMISSAL OF ACTION (See Fed. R. Civ. P. 41)

LR 41.1 Voluntary Settlement - Notice of Settlement (See [LR 47.1](#))

(a) Notice of Settlement: Immediately upon reaching substantial agreement about the terms and conditions of a settlement, plaintiff's counsel must telephone the courtroom deputy clerk for the assigned judge to notify the court of the impending settlement.

(b) Order of Dismissal: Upon notice of settlement pursuant to LR 41.1(a) or [LR 47.1](#), the court will direct the clerk to dismiss the case with prejudice and without costs, and with rights to any party to reopen the case in the event of a failure to consummate the final settlement agreement within 60-days.

LR 41.2 Involuntary Dismissal (See Fed. R. Civ. P. 41(b))

(a) Order to Show Cause: The court may notice for hearing any action or proceeding which does not appear to be diligently prosecuted.

(b) Party Statement Requirements: Not later than five (5) days prior to the hearing date, each party will file and serve a statement describing:

(1) The status of the action or proceedings to date; and

(2) Whether good cause exists to dismiss the action or proceeding for failure to prosecute.

(c) Filing Motion to Dismiss: Nothing in this rule will preclude any party from filing a motion to dismiss an action or proceeding for failure to prosecute under Fed. R. Civ. P. 41.

[Forward To LR 42](#)



U.S. District Court District of Oregon

Rules of Practice

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

LR 47.1 Notification of Settlement Before Trial

(a) Plaintiff's Duty to Notify the Court: Counsel for the parties must immediately notify the trial judge's courtroom deputy clerk **and** the trial judge whenever a scheduled jury or court trial is settled by the parties.

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

LR 47.2 Selection of Jurors

(a) Examination of Jurors -- Generally: The court will conduct the voir dire examination of jurors. The matter of attorney voir dire can be addressed with the trial judge at the preliminary pretrial conference.

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

LR 47.3 Challenges for Cause (See Fed. R. Civ. P. 47(c)): Challenges to excuse a juror for cause will be taken orally.

LR 47.4 Peremptory Challenges (See Fed. R. Civ. P. 47(b))

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

(b) Procedures for Exercising Peremptory Challenges: Unless otherwise directed by the court, the parties will exercise their peremptory challenges in the following manner:

Step (1) Prior to the commencement of the trial, the courtroom deputy clerk will prepare a seating chart -- or a numbered list -- showing the names and seated positions of the jurors to be examined.

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

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

Step (4) A party may exercise a peremptory challenge by circling the juror's name on the

seating chart, and marking the chart with the number of the challenge, e.g., P-1, D-1, and so forth.

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

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

Forward To LR 48

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

Janet Morton,

Plaintiff(s),

Civil No. 02-CV-285-JE

v.

Capitol Toyota, Inc.,

Defendant(s)

Discovery and Pretrial Scheduling Order

In order to facilitate and expedite discovery and the effective management of the instant action, the Court orders that:

(a) Corporate Disclosure Statement: In accordance with L.R. 83.16, any non-governmental corporate party must file a corporate disclosure statement concurrently with the filing of a first appearance.

(b) Initial Conference of Counsel for Discovery Planning: Except in cases exempted under Fed. R. Civ. P. 26(a)(1)(E), counsel for plaintiff(s), upon learning the identity of counsel for defendant(s), shall initiate communications with counsel for defendant(s). All counsel shall then confer as required by Fed. R. Civ. P. 26(f) within thirty (30) days after all defendants have been served (see Local Rule 26.1). In accordance with LR 16.2(b) and 16.4(c), counsel shall also discuss their client's positions regarding magistrate consent and Alternate Dispute Resolution options.

If counsel for all of the parties agree to forgo the initial disclosures required by Fed. R. Civ. P. 26(a)(1), they can use the Court form issued with this order (See Local Rule 26.2). Whether or not the parties agree to forgo the initial disclosures, they may seek discovery once the initial conference of counsel for discovery planning contemplated by Fed. R. Civ. P. 26(f) has occurred (See Local Rule 26.1).

(c) Rule 16(b) Court Conference for Scheduling and Planning: Counsel for plaintiff(s) and for defendant(s) shall, during or promptly after the conference of counsel referred to in the prior paragraph, contact the assigned judge's deputy clerk and schedule a LR 16.2 conference for scheduling and planning, and the assigned judge shall hold the conference within thirty (30) days.

At the conference, the parties shall be prepared to discuss any discovery, magistrate consent, scheduling or other issues presented by this action, including proposed modifications to the initial schedule set forth below (*See* LR 6.2).

(d) Pretrial and Discovery Deadlines: Not later than 120 days from the date of this Order¹, counsel for all parties shall:

- (1) File all pleadings [Fed. R. Civ. P. 7[a] and 15).
- (2) Join all claims, remedies and parties (Fed. R. Civ. P. 18 and 19).
- (3) File all pretrial, discovery and dispositive motions.
- (4) Complete all discovery
- (5) Confer as to Alternate Dispute Resolution (LR 16.4(c))

(e) Pretrial Order Deadline: Unless waived by order of the court, not later than 150 days from the date of this Order¹, counsel shall lodge a joint Pretrial Order and shall also file the Joint Alternate Dispute Resolution Report required by LR 16.4(d).

(f) Service of this Order: Counsel for the plaintiff shall serve this Order and attachments upon all other parties to the action.

(g) Electronic Filing: Pursuant to the protocols established in the Courts CM/ECF Procedural Order, Attorneys² may file and serve pleadings, subsequent to the complaint, electronically using the Court's Case Management/Electronic Case Filing (CM/ECF) system. The CM/ECF Procedural Order may be reviewed on the Court's Internet site at www.ord.uscourts.gov/ecf/ecfman/UserManualAttorneyExhibit01.pdf.

Dated: May 6, 2002 .

Thomas L. Gerhards, Deputy Clerk

¹ *Counsel are directed to the court's CM/ECF electronic docket to determine the exact dates established in paragraphs (d) and (e) of this order (See ecf.ord.uscourts.gov)*

² *Electronic filing is limited to attorneys admitted to practice in the court and registered with the CM/ECF system (See LR 83.1, LR 83.2, LR 83.3).*

U.S. District Court District of Oregon

Rules of Practice

LR 29 STIPULATIONS See Fed. R. Civ. P. 29)

LR 29.1 Non-Permissible Stipulations: Parties may not stipulate to extend any:

- (a) Deadline established by the case scheduling order;
- (b) Pretrial conference date;
- (c) Court scheduled telephone conference date;
- (d) Pretrial order lodging date; or
- (e) Trial date

LR 29.2 Permissible Stipulations (See Fed. R. Civ. P. 29 and [LR 6](#)): Parties may stipulate in writing to extend any deadline not set by court order.

Forward To [LR 30](#)

UNITED STATES DISTRICT COURT

District of Oregon

JOHN R. SMITH and
MARY S. ALLEN,
d.b.a. SMITH AND ALLEN, P.C.
and Oregon Corporation

Plaintiff(s),

CV. 00-9999-KI

vs.

JONES INCORPORATED,
an Idaho Corporation,

Defendant

JOINT ALTERNATE DISPUTE
RESOLUTION REPORT

In accordance with LR 16.4(d), this *Joint Alternative Dispute Resolution (ADR) Report* is filed on behalf of all parties to this action:

1. **Have counsel held settlement discussions with their clients and the opposing party?**

_____ Yes _____ No

If not, provide an explanation:

2. **The parties propose:** *(check one of the following)*

_____ Referring this case to a neutral of their choice for ADR not sponsored by the court.

_____ That the court refer this case to a court sponsored mediation using a volunteer mediator pursuant to LR 16.4. The parties seek a volunteer mediator because:

_____ ADR may be helpful at a later date following completion of:

_____ The parties believe the court would be of assistance in preparing for ADR by:

_____ The parties do not believe that any form of ADR will assist in the resolution

of this case.

_____ Other:

Dated: _____

By: _____

Mary R. Smart, Esquire
OSB # 123456
(503) 999-9999
Plaintiffs' Attorney

By: _____

William B. Wise, Esquire
OSB #56789
(503) 888-7777
Defendant's Attorney

PLAINTIFF'S ATTORNEY, Oregon State Bar ID Number
Business Internet E-mail Address
Firm Name
Mailing Address or residence if no office is maintained
City, State, 9-digit Zip Code
Area Code and Telephone Number
Facsimile Telephone Number

DEFENDANT'S ATTORNEY, Oregon State Bar ID Number
Business Internet E-mail Address
Firm Name
Mailing Address or residence if no office is maintained
City, State, 9-digit Zip Code
Area Code and Telephone Number
Facsimile Telephone Number

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

SALLY Q. SPECULATOR,

Plaintiff,

v.

CV. 98-0345-MA

**PAUL PUTTER, and BLUE SKY
SECURITIES, INC., an Oregon
corporation**

PRETRIAL ORDER

Defendants.

The following pretrial order is lodged pursuant to LR 16.6.

1. NATURE OF THE ACTION

Plaintiff alleges six claims: securities fraud in violation of federal (15 U.S.C. § 78(j)(b)) and state (ORS 59.135) securities laws, common law negligence, and common law breach of fiduciary duty. Trial will be to a jury, and the parties have consented to trial and entry of judgment by a magistrate judge.

2. SUBJECT MATTER JURISDICTION

This court has jurisdiction over the federal securities claims pursuant to 15 U.S.C. § 78aa, and pendent jurisdiction over the common law claims and the Oregon statutory claims.

3. AGREED FACTS

[List all agreed facts, marking those with an asterisk that are agreed to but disputed as to relevance.]

4. CLAIMS AND DEFENSES

CLAIM ONE

Violation of Federal Securities Laws

(A) Plaintiff contends:

(1) Churning:

- (a)** Putter conducted trades in plaintiff's accounts at a rate which he knew was excessive in light of plaintiff's investment objectives, which were preservation of capital and dividend income.
- (b)** Putter and Blue Sky Securities intentionally traded aggressively and excessively to generate funds for themselves, or at the very least, conducted excessive trades in willful and reckless disregard of plaintiff's interests.
- (c)** The excessive trades resulted in unwarranted or unnecessary commissions and mark-ups produced for the benefit of defendants, together with a diminution in the value of plaintiff's portfolios, all to her damage in the amount of \$ **[specify amount]**.

Defense

(B) Defendants contend:

- (1) Defendants deny plaintiff's contentions.
- (2) Plaintiff knew or should have known of the alleged wrongful conduct more than two years prior to commencement of this action.
- (3) Plaintiff has voluntarily and intentionally waived the right to pursue her claims. Plaintiff was fully and timely informed of all transactions. She did not object to any transaction or series of transactions and she continued to instruct, approve, and allow defendants to enter into transactions.
- (4) Plaintiff is estopped from asserting her claims because she acted with knowledge of the facts regarding the transactions; she acted in such a way that defendants justifiably believed the transactions were approved; defendants relied on plaintiff's repeated acceptance of both the transactions and of defendants' performance and, thus, continued to enter into similar transactions.
- (5) Plaintiff cannot complain of defendants' conduct because, with knowledge of the material facts, plaintiff accepted and/or approved the transactions made for her on behalf of defendants.
- (6) Plaintiff cannot recover any part of her loss, if there was one, caused by plaintiff's own failure (once plaintiff had reason to know of the matters of which plaintiff complains) to take reasonable steps to avoid further harm.

CLAIM TWO

Suitability

(C) Plaintiff contends:

- (1)** Contrary to plaintiff's conservative and prudent investment objectives, defendants exchanged plaintiff's conservative portfolio of securities for speculative securities involving high risk and little or no dividend income.
- (2)** Substantially all of the securities the defendants placed plaintiff into were held in their inventories and many were securities for which Blue Sky was a market maker. Transactions in these securities generated higher profits for the defendants than they would have received had defendants made more suitable, conservative trades on behalf of plaintiff.
- (3)** Defendants intentionally placed plaintiff in unsuitable trades to increase their own profits, or at the very least, acted with reckless disregard for plaintiff's interest in making unsuitable investments.
- (4)** The unsuitable investments resulted in excessive and unnecessary commission, decline in the value of plaintiff's portfolios, and loss of dividend income, all to her damage in the amount of \$[specify amount]. These damages are in the alternative, and not in addition, to the damages alleged in Claim One.

Defense

(D) Defendants contend:

- (1) All of the same defenses as alleged under Claim One.

CLAIM THREE

Unauthorized Trades

(E) Plaintiff contends:

- (1) Defendant Putter made trades on behalf of plaintiff without authority to do so. Plaintiff neither authorized nor ratified such trades, which defendant Putter made with willful or reckless disregard of plaintiff's interests.
- (2) The unauthorized trades resulted in improper commissions and diminution in the value of plaintiff's portfolios, all to her damage in the amount of **[\$[specify amount]]**. These damages are in the alternative, and not in addition, to the damages alleged in Claims One and Two.

Defense

(F) Defendants contend:

- (1) All of the same defenses as alleged under Claim One.

CLAIM FOUR

Fraudulent Concealment

(G) Plaintiff contends:

- (1) Plaintiff did not know, and reasonably should not have known, of the excessive, unauthorized, or unsuitable trading more than two years before commencement of this action.

- (2) Defendants concealed the excessive and unsuitable trading from plaintiff by failing to disclose plaintiff's falling stock and portfolio values, by giving plaintiff inaccurate information and misquotes of the value of various stocks in plaintiff's portfolios, by generating a flurry of unnecessary trades to divert attention from and confuse plaintiff about the true value and character of their trading losses, and destroying or making unavailable for discovery relevant documents concerning facts underlying plaintiff's claims.
- (3) Plaintiff seeks damages as alleged in Claims One, Two, and Three. These damages are in the alternative, and not in addition, to the damages alleged in Claims One, Two, and Three.

Defense

(H) Defendants contend:

- (1) All of the same defenses as alleged under Claim One.

CLAIM FIVE

Breach of Fiduciary Duty

(I) Plaintiff contends:

- (1) Defendants owed plaintiff a fiduciary duty to handle her stock transactions in plaintiff's best interests. Defendant Putter dominated plaintiff, and effectively handled plaintiff's portfolios as discretionary accounts, and traded speculative stocks, knowing that plaintiff was not in a position to evaluate the wisdom of those trades.
- (2) By making, or allowing to be made, excessive, unauthorized, or unsuitable trades on behalf of plaintiff, defendants breached their fiduciary duty to

plaintiff. That breach resulted in improper commissions and diminution in the value of plaintiff's portfolios.

- (3) Plaintiff seeks compensatory damages as alleged in Claims One, Two, Three, and Four, and punitive damages in the amount of **#[specify amount]**. The compensatory damages sought are in the alternative, and not in addition, to the damages alleged in Claims One, Two, Three, Four, and Five. The punitive damages are in addition to the damages asserted in the other claims.

Defense

(J) **Defendants contend:**

- (1) All of the same defenses as alleged under Claim One.
- (2) In addition, defendants allege plaintiff's own negligence contributed to her alleged injury in that plaintiff encouraged, approved, ratified, or accepted the actions of which she complains.

CLAIM SIX

Oregon Securities Laws

- (K) The issues in this claim for relief are the same as those set forth under plaintiff's first, second, third, and fourth claims for relief.

5. OTHER LEGAL ISSUES

[Set forth legal issues, if any.]

6. AMENDMENTS TO PLEADINGS

[Include a statement indicating proposed amendments to the pleadings, if any]

Dated this 29th Day of March, 1998.

PLAINTIFF'S LAW FIRM

DEFENDANTS' LAW FIRM

Attorney for Plaintiff
Oregon State Bar Number

Attorney for Defendants
Oregon State Bar Number

For Court Use Only

The foregoing Pretrial Order is:

_____ Approved as lodged.

_____ Approved as amended by interlineation and the pleadings are amended accordingly.

SO ORDERED this _____ day of _____, 20_____.

JOHN JELDERKS
United States Magistrate Judge

PLAINTIFF'S ATTORNEY, Oregon State Bar ID Number
Business Internet e-mail Address
Firm Name
Business Mailing Address
City, State, 9-digit Zip Code
Area Code and Telephone Number
Facsimile Telephone Number

DEFENDANT'S ATTORNEY, Oregon State Bar ID Number
Business Internet E-mail Address
Firm Name
Business Mailing Address
City, State, 9-digit Zip Code
Area Code and Telephone Number

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

INJURED SEAMAN,

Plaintiff,

v.

CV. 98-1234-HO

VESSEL OWNER,

Defendant.

PRETRIAL ORDER

The following pretrial order is lodged pursuant to LR 16.6.

1. NATURE OF THE ACTION

This is an action for injuries alleged to have been suffered by the plaintiff. Plaintiff was employed by the defendant as a seaman and as a member of the crew of the F/V STAR.

The parties have consented to trial and entry of judgment by a magistrate judge.

2. SUBJECT MATTER JURISDICTION

Jurisdiction is granted the court by the Jones Act, 26 U.S.C. § 688. Jurisdiction of the unseaworthiness claims is further granted by general maritime law.

3. AGREED FACTS

[List all agreed facts, marking those with an asterisk that are agreed to but disputed as to relevance.]

4. CLAIMS AND DEFENSES

CLAIM ONE – Negligence

(a) Plaintiff contends:

- (1)** On February 14, 1983, the defendant was negligent in one or more of the following particulars:
 - (A)** In navigating the vessel so that the cable caught on a shackle at the starboard trawl door;
 - (B)** In having a shackle turned with the pin on its upward side, causing the transfer line to be caught, breaking loose a ring on the gallows post when the lines fouled;
 - (C)** In failing to warn plaintiff that the cable was fouled on the shackle;
 - (D)** In permitting and requiring crew members, including plaintiff, to work in the area of the trawl cable under the circumstances then and there existing.
- (2)** As a result of the negligence of the defendant in one or more of the above particulars, plaintiff was struck in the back of the legs by the winch cable and thrown into the air, striking the crab block and falling, causing him to suffer nervous shock, physical and mental pain and suffering, a wrenching, tearing and twisting of the muscles, ligaments, nerves, soft tissue and bone of the head, arms, back and coccyx, a sprain or strain of the low back and coccyx, a probable fracture of the coccyx, injury to the left part of the head, headaches, swelling and injury to the right forearm, olecranon bursitis

of the left elbow, a strain or sprain of the cervical area, the back injury causing or superimposed upon spondylolisthesis at the L5-S1 level, all of which injuries are or may be permanent and may cause future wage loss or lost earning capacity and medical expense, and have caused plaintiff general damage.

- (3) As a result of his injuries, plaintiff has lost wages in the approximate amount of \$[specify amount] and has incurred medical expenses in the approximate amount of \$[specify amount].

Defense One

(b) Defendant contends:

- (1) Defendant denies plaintiff's contentions.
- (2) The plaintiff himself performed the weld on the vessel's shackle which failed on or about February 14, 1983.
- (3) Plaintiff was himself at fault in a manner which caused his injuries:
- (A) In negligently performing the weld on the vessel's shackle which failed on or about February 14, 1983;
 - (B) In failing to warn the vessel's owner and operator that the weld was of insufficient strength to withstand the pressure of the cables;
 - (C) In failing to adequately inspect the shackle and its weld;
 - (D) In failing to keep an adequate or any lookout for his own safety.
- (4) Defendant paid all medical bills associated with this injury, and likewise paid to plaintiff his lost wages until he returned to work on the vessel later in 1983.

Claim Two – Unseaworthiness

(c) Plaintiff contends:

- (1)** On February 14, 1983, the vessel was unseaworthy in one or more of the following particulars:
 - (A)** In navigating the vessel so that the cable caught on a shackle at the starboard trawl door;
 - (B)** In having a shackle turned with the pin on its upward side, causing the transfer line to be caught, breaking loose a ring on the gallows post when the lines fouled;
 - (C)** In failing to warn plaintiff that the cable was fouled on the shackle;
 - (D)** In permitting and requiring the crew members, including plaintiff, to work in the area of the trawl cable under the circumstances then and there existing.
- (2)** As a result of the unseaworthiness of the vessel in one or more of the particulars above set forth, plaintiff was injured and sustained damages as alleged in Claim One. These damages are in the alternative, and not in addition, to those alleged in Claim One.

Claim Two – Defense

(d) Defendant contends:

- (1)** Plaintiff was himself at fault in a manner which caused his injuries:
 - (A)** In negligently performing the weld on the vessel's shackle which failed on or about February 14, 1983;
 - (B)** In failing to warn the vessel's owner and operator that the weld was of insufficient strength to withstand the pressure of the cables;
 - (C)** In failing to adequately inspect the shackle and its weld;
 - (D)** In failing to keep an adequate or any lookout for his own safety.

(2) Defendant paid all medical bills associated with this injury, and likewise paid to plaintiff his lost wages until he returned to work on the vessel later in 1983.

5. OTHER LEGAL ISSUES

[Set forth legal issues, if any.]

6. AMENDMENTS TO PLEADINGS

[Include a statement indicating proposed amendments to the pleadings, if any]

DATED this 27th Day of February, 2001.

PLAINTIFF'S LAW FIRM

DEFENDANT'S LAW FIRM

Attorney for Plaintiff
Oregon State Bar Number

Attorney for Defendant
Oregon State Bar Number

For Court Use Only

The foregoing Pretrial Order is:

_____ Approved as lodged.

_____ Approved as amended by interlineation and the pleadings are amended accordingly.

SO Ordered, this _____ Day of _____, 20 _____.

Malcolm F. Marsh
Senior United States District Judge

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

Plaintiff,

v.

CV. 98-1233-PA

Defendants.

**PRETRIAL ORDER ESTABLISHING THE TRIAL AND
PRETRIAL CONFERENCE DATES AND PROCEDURES**

1. Trial date 9:00 AM on March 21, 2001 in Courtroom 12A
2. Pretrial conference 8:30 AM on February 1, 2001 in Chambers.
3. Not later than _____ days before the pretrial conference, file and serve on all parties:

a. **Exhibits and Exhibit List.**

Plaintiff's exhibits should be numbered and listed starting with "1". Defendant's exhibits should be numbered and listed starting with "101". If multiple parties or numerous exhibits, contact the assigned judge's courtroom deputy clerk for exhibit number assignments.

Impeachment exhibits will be marked, sealed, and delivered only to the court. Each party shall separately identify exhibits the party expects to offer and those the party may offer if the need arises.

b. **Depositions.**

One copy of any deposition to be offered as substantive evidence to opposing counsel with those portions sought to be admitted underlined. (Not applicable to depositions used to refresh recollection or for impeachment.)

- c. **Witness Lists.**
List all witnesses to be called, showing names, addresses, telephone numbers, and occupations, together with a brief statement setting forth the substance of the testimony and a time estimate for the direct testimony of each witness. Each party shall separately identify witnesses it expects to call and those the party may call if the need arises. Names and statements of impeachment witnesses may be sealed and delivered only to the court.

 - d. **Expert Witnesses.**
A copy of the previously exchanged expert disclosures submitted to counsel pursuant to L.R. 205-1(a)(2) setting forth qualifications, any opinions to be expressed, the facts and data upon which the opinions are based, any exhibits to be used by the witness, a list of all publications authored by the expert in the last 10 years, the compensation to be paid for the study and testimony, and a listing of any other cases in which the witness testified as an expert in deposition or at trial in the last 4 years.

 - e. **Itemized List of Special Damages** [if any].

 - f. **Voir Dire Questions** [jury trials only].

 - g. **Requested Jury Instructions** [jury trials only].
f more than 20, attach index.

 - h. **Verdict Forms** [jury trials only].

 - i. **Suggested Findings of Fact and Conclusions of Law** [non-jury trials only].
If more than 20, attach index.

 - j. **Trial Briefs.**
4. The following are examples of the subjects the court may want to discuss and schedule at the pretrial conference:
- a. Exhibit objections.
 - b. Deposition testimony objections.
 - c. Verdict forms [jury trials only].
 - d. Voir dire questions [jury trials only].
 - e. Jury instruction objections [jury trials only].
 - f. Findings of Fact and Conclusion of Law [non-jury trials only].
 - g. Settlement.

- h. Other matters which may arise.
- 5. Except for good cause shown, no exhibits or testimony will be received in evidence at trial unless presented in accordance with this order.

IT IS SO ORDERED.

DATED this _____ day of _____, 20_____.

OWEN M. PANNER
Senior United States District Judge

cc: Counsel of Record
Courtroom Deputy Clerk

U.S. District Court District of Oregon

Rules of Practice

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

LR 23.1 Document Caption Requirements (See LR 10.2): The words **CLASS ACTION ALLEGATION** must be included on the first line of any document proposing or seeking to maintain a class action, e.g., :

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

LR 23.2 Pleading Requirements: The filing party must also explain in separately titled and numbered paragraphs within the body of the document:

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

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

Forward To LR 26



U.S. District Court District of Oregon

Rules of Practice

LR 81 HABEAS CORPUS PETITIONS (See 28 U.S.C. §§2241, 2254, and 2255)

LR 81.1 Petitions Generally

(a) Petitions by state prisoners for writs of habeas corpus pursuant to 28 U.S.C. § 2254, and motions pursuant to 28 U.S.C. §§ 2241 or 2255 by federal prisoners who are in custody, shall be legibly written or typewritten on forms supplied by the court and shall be signed and verified by the prisoner. The original and two (2) copies of the petition or motion shall be sent to the clerk.

(b) If the petition is taken in forma pauperis, it shall include an affidavit setting forth information which establishes that the applicant will be unable to pay the fees and costs of the proceedings.

LR 81.2 Procedure in Habeas Corpus(See 28 U.S.C. §§ 2254 and 2255): All procedures in habeas corpus proceedings and motions under 28 U.S.C. §§ 2254 and 2255 shall follow the rules governing such matters in the United States Courts as adopted and amended by the Supreme Court of the United States.

LR 81.3 Requirements for First Petition in a Capital Case

(a) **Applicability:**This rule shall govern the procedures for a first petition for a writ of habeas corpus in which a petitioner seeks relief from a state court's judgment imposing a sentence of death. A subsequent filing shall be treated as a first petition under this rule if the original filing was voluntarily dismissed or dismissed for failure to exhaust state remedies. This rule is intended to supplement The Rules Governing §2254 Cases and is not intended to alter or amend those rules. The application of this rule to a particular petition may be modified by the district judge to whom the petition is assigned.

(b) **Information on Status of Case:** The Clerk of the Court shall periodically request copies of the reports prepared by the State Court Administrator regarding the status of cases in which an Oregon court has imposed the penalty of death.

(c) **Notice from Petitioner's Counsel:** Whenever counsel determines that a petition will be filed in this court, counsel shall file promptly with the clerk of this court, and send to the Oregon Attorney General's Office, a written notice of intention to file a petition. The notice shall state the name of the petitioner, the county in which the petitioner was convicted, the place of petitioner's incarceration, and the status of the petitioner's state court proceedings. The notice is only for the information of the court, and failure to file the notice shall not preclude the filing of the petition.

(d) **Counsel:**

(1) **Representation by Counsel** - Each petitioner shall be represented by counsel, unless petitioner has clearly elected to proceed pro se and the court is satisfied, after a hearing, that petitioner's election is intelligent and voluntary.

(2) **Appointment of Counsel** - Unless petitioner is proceeding pro se or is represented by retained counsel, counsel shall be appointed in every such case at the earliest practicable time. A panel of attorneys qualified for appointment in death penalty cases will

be recruited and maintained by the Federal Public Defender. The Federal Public Defender will accept and review referrals to this panel from interested associations and bar groups. The Federal Public Defender and the members of the Federal Public Defender's office may be included on this list.

(3) Continuation of Representation - When a judgment of conviction that includes a sentence of death is affirmed by the Oregon Supreme Court and subsequent proceedings in the state courts have been concluded, if counsel is willing to continue representation in the federal habeas corpus proceedings, the Federal Public Defender shall review counsel's performance in the state courts and make a recommendation as to whether that counsel should be appointed in federal court.

(4) State Post-Conviction Counsel Available - If state post-conviction counsel is available and willing to continue representation in the federal court, and if he or she is found to be qualified to do so by the Federal Public Defender, there is a presumption in favor of continued representation. In light of this presumption, it is expected that appointed counsel who is willing to continue representation and who has been found by the Federal Public Defender to be qualified to do so would file a motion for appointment of counsel on behalf of the client, together with the client's federal habeas corpus petition. If, however, counsel for any reason wishes to confirm his or her appointment before preparing the petition, counsel may move for appointment before filing the petition.

(5) State Post-Conviction Counsel Unavailable - If state post-conviction counsel is not available to represent petitioner in the federal habeas corpus proceedings, or if appointment of state post-conviction counsel would be inappropriate for any reason, the court shall appoint counsel upon application of petitioner. The clerk of court shall have forms available for such application. A model form for such application is annexed to this rule. The Federal Public Defender shall recommend counsel to the court from the panel of qualified attorneys. If application for appointment of counsel is made before a finalized petition has been filed, the application shall be assigned to a district judge in the same manner that a finalized petition would be assigned, and counsel shall be appointed by the assigned judge. The judge so assigned shall continue to preside over the proceedings through their conclusion.

(6) Two Counsel to be Appointed - Due to the complex, demanding, and protracted nature of death penalty proceedings, at least two counsel shall be appointed in every case.

(e) Filing:

(1) Assignment of Case Number - Upon the submission of any document identified at [LR 81.3\(c\)](#), [LR 81.3\(d\)\(5\)](#), [LR 81.3\(g\)\(2\)](#) and [\(3\)](#), the next sequentially numbered Civil Miscellaneous file shall be opened and that number assigned to the document. Future submissions relative to the same proceeding shall also bear the same Civil Miscellaneous number.

(2) Petition Requirements - Petitions shall be completed in conformance with the Model Form accompanying the Rules Governing §2254 Cases. All petitions (a) shall state whether petitioner has previously sought relief arising out of the same matter from this court or any other federal court, together with the ruling and reasons of such court, and (b) shall set forth any scheduled execution date. The foregoing requirements do not apply to preliminary petitions filed under [Section \(g\)\(2\)](#) and [\(3\)](#), below.

(3) Copies - An original and three copies of the petition shall be filed by counsel for the petitioner. A pro se petitioner need only file the original. If no fee is tendered or waiver sought with the filing of a petition, the clerk shall grant in forma pauperis status conditionally, subject to further review by a judge, and shall not delay the filing, assignment, or statistical opening of any civil action pending the resolution of in forma pauperis status.

(f) Assignment to District Judges: Notwithstanding the general assignment plan of this court, petitions shall be assigned to the district judges of the court as follows:

(1) Category - The clerk of the court shall establish a separate category for these

petitions, to be designated with the title "Capital Case".

(2) Participation - All active district judges of this court shall participate in the assignments, without regard to intra district venue.

(3) Random Assignment - Until each active district judge has one capital case, petitions in the capital case category or pre-petition documents identified at **LR 81.3(c)**, **LR 81.3(d)(5)**, **LR 81.3(g)(2)** and **(3)** shall be assigned blindly and randomly by the clerk of the court to each of the active district judges of the court. At such time as each active district judge has one capital case, the blind assignment process will start again until each active district judge, and other judges the calendar management committee finds available, has taken a case. Assignment and new filings will continue under this procedure.

(4) Certificate of Unavailability - If the assigned district judge has filed a Certificate of Unavailability with the clerk of the court, which is in effect on the date of the assignment, a new random assignment will be made to another judge immediately.

(5) Previously Assigned Petition - If petitioner has previously sought relief in this court with respect to the same conviction, the petition will be assigned to the district judge who was assigned to the prior proceedings, if he or she is still sitting, unless such district judge has taken senior status and has elected not to hear capital habeas corpus petitions.

(6) Assignment to a Magistrate Judges - Pursuant to 28 U.S.C. §636(b)(1)(B), and not inconsistent with law, United States magistrate judges may be designated by the court to perform all duties under this rule.

(g) Stays of Execution: (See **Appendix of Forms #15**)

(1) Stay Pending Final Disposition in District Court - Upon the filing of a petition, unless the petition is patently frivolous, the judge may order a stay of execution pending final disposition of the petition in this court.

(2) Temporary Stay for Appointment of Counsel - When counsel in the state court proceedings withdraws at the conclusion of the state court proceedings or is otherwise not available or qualified to proceed, the Federal Public Defender will designate an attorney from the panel, who will assist an indigent petitioner in filing a pro se application for appointment of counsel and for temporary stay of execution. This application shall be substantially in the form presented in the Appendix of Forms, and shall be accompanied by a statement, describing one or more federal grounds for relief. Upon the filing of this application and statement, the district court shall issue a temporary stay of execution and appoint counsel from the panel of attorneys certified for appointment. The temporary stay will remain in effect for forty-five (45) days unless extended by the court.

(3) Temporary Stay for Preparation of the Petition - When counsel new to the case is appointed, upon counsel's application for a temporary stay of execution accompanied by a specification of issues to be raised in the petition, the district court shall issue a temporary stay of execution, unless only frivolous issues are presented. The temporary stay will remain in effect for one hundred twenty (120) days from the filing of the record by the respondent under **Section (h)(1)** of this rule, to allow newly appointed counsel to prepare and file the petition. The temporary stay may be extended by the court upon a showing of good cause.

(4) Stay Pending Appeal from District Court - If the petition is denied and a certificate of appealability is issued, the court will grant a stay of execution, which will continue in effect until the court of appeals issues its mandate.

(5) Notice of Stay - Upon the granting of any stay of execution, the clerk of the court will immediately notify the Oregon Attorney General's Office which shall immediately notify the Superintendent of the Oregon State Penitentiary. The Oregon Attorney General's Office shall ensure that the clerk of the court has a 24-hour telephone number to that office.

(6) Application of 28 U.S.C. §2262 - Subsection (1) through (4) of this section (g) apply only if the stay provisions of 28 U.S.C. §2262 do not apply.

(h) Procedures for Considering the Petition: Unless the district judge dismisses the petition under Rule 4 of the Rules Governing §2254 Cases, the following schedule and procedure shall apply, subject to modification by the district judge for good cause shown. Requests for enlargement of any time period in the Rule shall comply with Local Rules.

(1) Schedule - Respondent shall, as soon as practicable but in any event on or before sixty-three (63) days from the date of service of the application for appointment of counsel or the petition, whichever occurs first, file with the court duplicate copies of the following documents. These documents also must be served on petitioner's lead counsel, unless respondent confirms that petitioner's counsel already has a copy of the document. If respondent's and petitioner's counsel agree, item(s) may be omitted from this list.

(A) Relevant portions of the trial court file from petitioner's criminal trial, and the Oregon Judicial Information Network (OJIN) printout reflecting the contents of that trial court file;

(B) Relevant transcripts filed with the Oregon Supreme Court on direct review.

(C) The appellant's and respondent's briefs and any reply brief filed on direct review in the Oregon Supreme Court, and the opinion and any relevant orders of that court; any petition for certiorari from the Oregon Supreme Court's decision, together with the state's response, if any; any subsequent briefing filed in the United States Supreme Court and any relevant orders and decisions from that Court, and the appellate judgment;

(D) Relevant portions of the trial court file, including petitioner's petition(s) and the trial court's opinion, if any, and judgment, from any state post-conviction case that arose from the same conviction, together with the pertinent OJIN printout;

(E) Relevant transcripts filed with the trial court in any state post-conviction case that arose from the same conviction, except to the extent those transcripts and exhibits are covered by **subsection (h)(1)(B)** of this rule;

(F) The petitioner's and respondent's briefs filed on appeal in any state post-conviction proceeding arising from the same conviction; the opinion and any relevant orders of the Oregon Court of Appeals; the petition for review, if any; any additional briefing filed in the Oregon Supreme Court; any pertinent orders from that court, together with the court's opinion, if any review is allowed; and petition for certiorari filed with the United States Supreme Court; the response, if any; and relevant orders and decisions from that Court, and the appellate judgment;

(G) Copies of all pleadings, opinions, and orders in any previous federal habeas corpus proceeding filed by petitioner, or on petitioner's behalf, that arose from the same conviction; and

(H) An index of all materials described in items (A) through (G) above shall be prepared reflecting the filing date, title of the document and a reference to the document number for each document submitted. These requirements also apply to any supplements to the state court record.

For purposes of this rule, "relevant" means any document that respondent reasonably believes may relate to a claim raised by petitioner. If any items identified in paragraphs (A) through (G) above are not available, respondent shall state when, if at all, such missing material can be filed.

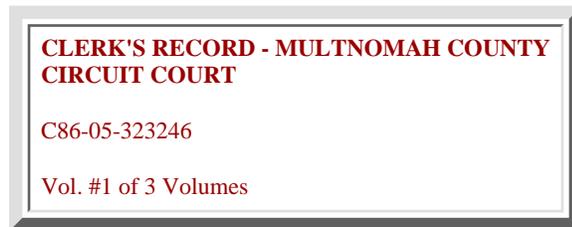
(2) Assembling the Record

(A) Both copies of each document submitted under LR 81.3(h)(1)(A) through (G) shall be individually tabbed and numbered consecutively.

(B) Each document submitted shall bear a copy of the state court file stamp. The record shall be accompanied by a certification from the clerk of the state court attesting to the authenticity of the documents.

(C) The state court record shall be submitted in volumes consisting of no more than 250 pages each. Each volume shall be two-hole punched at the top center and fastened with a two prong fastener. Each volume shall be identified with the case title and case number as required in LR 10.2.

The caption of the volume shall be, e.g:



(3) **Failure to Comply:** If counsel for petitioner claims that respondent has not complied with the requirements of paragraphs (1) and (2), counsel for petitioner shall immediately notify the court in writing, with a copy to respondent.

(4) **Status Conference** - As soon as practicable after the filing of the petition, the court shall set a status conference to determine a schedule for further proceedings.

(5) Procedural Defenses

(A) Respondent is responsible for raising procedural defenses in the appropriate responsive pleading(s). A failure to plead any such defense, except exhaustion, before the date of the evidentiary hearing, or submission of the case for decision in cases in which no evidentiary hearing is held, will constitute a waiver of the defense.

(B) The respondent may choose to waive a procedural defense in order to address the merits of the claim(s) for which the defense is waived.

(i) **Evidentiary Hearing:** If an evidentiary hearing is held, the court will order the preparation of a transcript of the hearing, which is to be provided immediately to petitioner and respondent for use in briefing and argument. Upon the preparation of the transcript, the court may establish a reasonable schedule for further briefing and argument of the issues considered at the hearing.

(j) Rulings

(1) The court's rulings may be in the form of a written opinion, which will be filed, or in the form of an oral opinion on the record in open court, which will be transcribed and filed promptly.

(2) The clerk of the court will notify the Superintendent of the Oregon State Penitentiary and the Oregon Attorney General's Office immediately whenever relief is granted on a petition.

(3) The clerk of the court will notify the clerk of the United States Court of Appeals for the Ninth Circuit immediately, by telephone, of (1) the issuance of a final order denying or dismissing a petition without a certificate of appealability, or (2) the denial of a stay of execution.

(4) When a notice of appeal is filed, the clerk of the court will transmit the records to the Court of Appeals immediately, as required by Circuit Rules.

(k) **Return of State Court Record:** Upon conclusion of proceedings at either the district or appellate

court level, the clerk of the court is directed to return one copy of the state court record to the office of the Oregon Attorney General.

Amendment History to LR 81	
June 1, 2002	
LR 81.3(g)	Added reference to Appendix of Forms

Forward To LR 83

UNITED STATES DISTRICT COURT

District of _____

SUMMONS IN A CIVIL CASE

V.

CASE

TO: (Name and address of Defendant)

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is herewith served upon you, within _____ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

(By) DEPUTY CLERK



U.S. District Court District of Oregon

Rules of Practice

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

LR 42.1 Reference to The Manual for Complex Litigation: Unless otherwise directed by the court, consolidation and case management of complex or related cases will usually be governed by the principals set forth in *The Manual for Complex Litigation, Third*. This manual is published by The Federal Judicial Center and may be purchased from the U.S. Government Printing Office: 1995 -- 395 -- 123 / 30538.

LR 42.2 Responsibilities of Counsel: It is the responsibility of counsel to identify complex or related cases and to bring the matter promptly to the attention of the court.

LR 42.3 Notice of Complex Case: Any party may suggest the need for adopting special procedures to help manage complex, protracted, or otherwise potentially difficult cases. Where appropriate, such a suggestion may be raised by letter, served on all parties and delivered to the court, or during any court conference or hearing.

LR 42.4 Related Cases: For good cause shown, any party may file and serve a motion to consolidate, or oppose consolidation, of related cases. When a party seeks or opposes consolidation of two or more cases, the motion or opposition must be filed in each case to be consolidated. Each motion or opposition must include:

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

LR 42.5 Document Caption Requirements After Consolidation

(a) **Designation of a Lead Case:** Unless otherwise directed by the court, the earliest filed consolidated case will be designated as the *lead case* for administrative control and case management purposes.

(b) **Identifying Lead Case Information on Consolidated Case Papers:** Unless otherwise directed by the court, parties will continue to file pleadings, motions and other case papers in their individual cases; **however**, the case number of the lead case and the words **RELATED CASE** must be included in the

document title of every document.

Advisory Note to LR 42.5

Document Titles in Related Cases:For example, if a party files a motion in CV 97-1111-RE, **and** that case is related and consolidated with CV 96-9999-RE -- then the document title for the motion in CV 97-1111-RE would read beneath the heading:

**RELATED CASE to CV 96-9999-RE (Lead Case)
Plaintiff's Motion to Compel Production of Documents**

(c) Procedural Case Management Order: Once a case is consolidated by the court, the assigned judge will enter a new case management order to control discovery, submission of pleadings and documents, and other pretrial and trial related matters.

Amendment History to LR 42

June 1, 2002

LR 42.5(c) "....submission of pleadings and documents" added.

Forward To LR 47

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

[Plaintiff]

Plaintiff(s),

Case No.

v.

[Defendant]

Fed. R. Civ. P. 26(a)(1) Agreement

Defendant(s)

Pursuant to Local Rule 26.2¹, I state that the parties who have been served and are not in default have agreed to forgo the disclosures required by Fed. R. Civ. P. 26(a)(1). The original of this Agreement will be filed with the Court, pursuant to Local Rule 26.2.

DATED this _____ day of _____, 20_____.

(Signature)

(Typed Name)

Bar ID No: _____

(Parties Represented)

(Firm Name)

(Mailing Address)

(Telephone Number)

cc: Counsel of Record

¹ LR 26.2 as amended on December 1, 2000.

U.S. District Court District of Oregon

Rules of Practice

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

LR 7.1 Motions Practice -- Generally

(a) Certification Requirements

(1) Except for motions for Temporary Restraining Orders, the first paragraph of every motion must certify that:

(A) The parties made a good faith effort through personal or telephone conferences to resolve the dispute, and have been unable to do so; or

(B) The opposing party willfully refused to confer; or

(C) The moving party or opposing party is a prisoner not represented by counsel.

(2) The court may deny any motion that fails to meet this certification requirement.

Advisory Note to LR 7.1

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

(b) **Separate Documents:** Motions may not be combined with any response, reply or other pleading.

(c) **Affidavit and Supporting Memoranda** (See Fed. R. Civ. P. 7(b)): Every motion must be accompanied by a separately filed legal memoranda or brief.

(d) **Table of Contents and Cases:** Legal memoranda and briefs exceeding 20 pages must have a table of contents and a table of cases and authorities with page references.

(e) **Form:** Immediately after the certification requirements of LR 7.1(a), the filing party must concisely state each question to be decided.

(f) **Limitations on Oral Argument:**

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

(2) **Request for Oral Argument:** A party seeking oral argument must include "Request for Oral Argument" on the last line of the caption to the motion or response, e.g.,

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

(3) Oral Argument by Telephone Conference: A party may request that oral argument be by telephone conference.

(4) Waiver of Oral Argument: A party waives oral argument by:

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

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

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

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

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

(3) Other Briefs: Unless directed by the court, no further briefing is allowed.

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

(h) Request for Expedited Hearing: A party seeking expedited hearing must include "EXPEDITED HEARING REQUESTED" on the last line of the document's title, e.g.,

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

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

LR 7.2 Non-Discovery Motions

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

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

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

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

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

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

following format:

**RESPONSE TO PLAINTIFF NUMBSKULL'S
MOTION TO COMPEL PRODUCTION** By
Defendant Kon Fused Company

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

(c) Calendaring (See [LR 7.1\(f\)\(1\)](#) and [LR 7.1\(g\)\(4\)](#))

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

LR 7.5 Motions for Summary Judgment (See [LR 56](#)): Motions for Summary Judgment must also comply with LR 56.

LR 7.6 Motions to Consolidate Complex or Related Cases (See [LR 42](#))

Amendment History to LR 7

June 1, 2002

LR 7.1(a)(1)

Motions for Temporary Restraining Orders specifically excluded.

LR 7.1(a)(1)(c)

New Rule.

LR 7.1(b)

New Rule. Subsequent rules renumbered

LR 7.2(b)

"(including objections....)" added

Forward To [LR 10](#)

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

Plaintiff,

v.

CV.

Defendant.

**Application for Writ of Habeas Corpus;
Application for Appointment of Counsel; and
Request for Stay of Execution**

1. My name is John Doe, and I am a prisoner in state custody under a sentence of death. I was convicted and sentenced in the Multnomah County Circuit Court. My death sentence was affirmed by the Oregon Supreme Court on January 4, 1997, and my scheduled execution date is set for March 9, 1998.

2. I was tried and I am being held in violation of my federal constitutional rights, including¹:

Claim (1):

Claim (2):

Claim (3):

3. My lawyer in the most recent state court proceedings related to my conviction and death sentence has informed me that he is unable to represent me in this proceeding. I cannot afford to hire an lawyer. Therefore, I request that the court appoint a lawyer to represent me

¹ State at least one federal ground for relief.

in my petition for writ of habeas corpus in this court.

4. I also ask that the court stay my execution until a lawyer has been appointed and that the court also allow me to amend my petition after my new lawyer has had a chance to help me.

5. I declare under penalty of perjury that the foregoing is true and correct.

DATED this _____ day of _____, 20 _____.

Signature of Prisoner
Typed or handwritten name
Prisoner ID number
Mailing Address, City, State and Zip Code



U.S. District Court District of Oregon

Rules of Practice

LR 37 MOTIONS TO COMPEL (See Fed. R. Civ. P. 37)

LR 37.1 Certification Requirement: The court will deny any motion to compel any form of discovery authorized by the federal rules that does not contain the certification requirements mandated by [LR 7.1\(a\)](#).

LR 37.2 Motion Requirements: Motions to compel must set forth only the pertinent interrogatory, question, request, response, and/or objection, together with the legal arguments of the party, in conformity with the procedures and limitations set forth in [LR 7.1](#) and [LR 26.5](#).

LR 37.3 Time Limits: Unless otherwise directed by the court, the party against whom an order to compel has been entered must comply with the order within seven days after receipt of the order.

[Forward To LR 38](#)

U.S. District Court District of Oregon

Rules of Practice

LR 72 MAGISTRATE JUDGES -- Pretrial (See Fed. R. Civ. P. 72)

LR 72.1 Pretrial Authority (See 28 U.S.C. § 636(b)): The court designates every magistrate judge to conduct all pretrial proceedings contemplated by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, without further designation or assignment from the court.

Advisory Notes

Magistrate Judges

- | | |
|-----------|---|
| 1. | The District of Oregon includes magistrate judges in the random assignment of new civil case filings. |
| 2. | When selected as the assigned judge, the magistrate judge will be the presiding judicial officer, and will conduct all pretrial proceedings in accordance Fed. R. Civ. P. 72. |
| 3. | Magistrate judges may modify scheduling orders issued by other judges. |

Forward To LR 73

TIME TABLE FOR LAWYERS IN THE U.S. DISTRICT COURT FOR OREGON

Amended June 1, 2002

This Time Table was prepared by the Court's Local Rules Advisory Committee. It is to be used as a supplemental guide to the Time Table for Lawyers included with the published version of the Federal Rules of Civil Procedure. This timetable summarizes the unique time limits imposed by the local rules of practice of this District Court. The user should always consult the actual text of the appropriate federal or local rule or statute.

AFTER HOURS FILINGS LR 77.3

Statute of Limitations or Other Provisional Process Issues (LR 77.3(a))

When it is necessary to file time sensitive matters after normal business hours, the filing party must notify the clerk's office during normal business hours to make arrangements.

Late Filings of Materials Relating to Court Imposed Deadlines (LR 77.3(b))

Unless directed by the court, the clerk's office will not remain open after normal business hours to receive a party's conventional filing of a non-statute of limitations related document.

ALTERNATIVE DISPUTE RESOLUTION (ADR) LR 16.4

ADR Conference Requirements (LR 16.4(c)): Within 120 days from the initiation of the lawsuit, counsel are required to confer about ADR options.

Joint ADR Report (LR 16.4(d)): Within 150 days from the initiation of the lawsuit, the parties must file a Joint ADR Report.

Notice of Private ADR Settlement or "No Resolution" (LR 16.4(h)(1)): Not later than 7 days after the conclusion of private ADR, plaintiff's attorney will notify the court in writing of the results.

ATTORNEY FEES LR 54.4

Motion for Attorney Fees (LR 54.4(a)) and (See Fed R. Civ. P. 54(d)(2)): Not later than 14 days after the entry of judgment, or receipt and docketing of the appellate court's mandate, and filed concurrently with any bill of costs (See Also LR 54.1(a)(1).

Objections (LR 54.4(b)): Not later than 11 days after service of the motion.

Response and/or Reply (LR 54.4(b)): Not authorized unless requested by the court.

BILL OF COSTS LR 54.1

Bill of Costs (LR 54.1(a)(1)(A)): Not later than 14 days after the entry of judgment, or receipt and docketing of the appellate court's mandate.

Objections (LR 54.1(b)): Not later than 11 days after service of the motion.

Response and/or Reply (LR 54.1(b)): Not authorized unless requested by the court.

Objections to the Clerk's Order Taxing Costs (LR 54.3): Not later than 11 days after the filing of the Order.

COMPEL LR 37

Compliance with Order (LR 37.3): Unless otherwise directed by the court, compliance must be within 7 days after receipt of the order.

CORPORATE DISCLOSURE STATEMENT LR 83.16

Time for Filing (LR 83.16(a)):

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

DISCOVERY COMPLETION LR 16.1(e)

The Discovery and Pretrial Scheduling Order issued at the time of case filing provides discovery be completed within 120 days of filing the complaint.

DISCOVERY PROVISIONS LR 26

Initial Conference of Counsel for Discovery Planning (LR 26.1)

Within 30 days after the last party is served, the parties will hold the initial conference for discovery planning.

Pretrial Disclosures (LR 26.3)

The time for pretrial disclosures will be set at the preliminary pretrial conference.

Expert Testimony Disclosures (LR 26.4)

The time for disclosure of experts under Fed. R. Civ. P. 26(a)(2) – and discovery regarding experts generally – will be set at a pretrial conference.

DISMISSALS LR 41

Involuntary Dismissal (LR 41.2):

Not later than 5 days prior to the hearing date, each party will file and serve statements describing the status of the action or proceedings to date; and

whether good cause exists to dismiss the action or proceeding for failure to prosecute.

Voluntary Dismissal (LR 41.1)

Immediately upon reaching substantial agreement about the terms and conditions of a settlement, plaintiff's counsel must telephone the courtroom deputy clerk for the assigned judge.

ELECTRONIC FILINGS LR 100

Oregon Website (ord.uscourts.gov/ecf/ecf.html)

Judge's Working Copy (LR 100.5(c)):

A paper working copy of each electronically filed document must be submitted within 3 working days.

Filing Deadlines (LR 100.7):

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

EXHIBITS LR 77.8

Disposition of Unclaimed Exhibits (LR 77.8(b)):

Unless otherwise ordered by the court, exhibits not withdrawn within 60 days after notice, may be destroyed or otherwise disposed of by the clerk.

FACSIMILE TRANSMITTED DOCUMENTS LR 11.2(b)

Submission of Original Document (LR 11.2)

The filing party must file the original document with the clerk's office within 3 days after any court approved facsimile transmission.

JURY TRIAL SETTLEMENT LR 47.1

Plaintiff's Duty to Notify the Court (LR 47.1(a)):

Plaintiff's counsel must notify the clerk of a settlement immediately

MEDIATION LR 16.4(f)

Failure to Select a Volunteer Mediator (LR 16.4(f)(1)(D))

If the parties cannot agree upon a mediator within 10 days after entry of the order directing reference to volunteer mediation, plaintiff’s attorney must notify the court, who will then appoint a volunteer mediator.

PRETRIAL ORDER LR 16.6

Service and Lodging of a Pretrial Order (LR 16.6(c))

Proposed Pretrial Order (LR 16.6(c)(1))

At least 30 days prior to the lodging date, Plaintiff’s attorney will serve on all parties a proposed pretrial order.

Objection, Additions, Deletion and/or Changes (LR 16.6(c)(2))

Within 15 days after service of the proposed pretrial order, each party will serve any objections, additions, deletions, and/or changes to the proposed pretrial order.

Lodging Requirements (LR 16.1(e)):

The Discovery and Pretrial Scheduling Order issued at the time of case filing provides the pretrial order be lodged within 150 days of filing the complaint.

REPLY LR 7

Non-Discovery Motions (LR 7.1(g)(2)):

A party must file and serve any allowable reply to a response within 11 days after service of the response.

Discovery Motions (LR 26.5(c)):

Unless otherwise directed by the court, replies to discovery motions are not permitted.

RESPONSE LR 7

Discovery and Non-Discovery Motions (LR 7.1(g)(1)):

A party must file and serve any response within 11 days after service of a motion.

Response to Order to Show Cause: (LR 83.6(b)(3)):

Within 20 days from the date of the Order to Show Cause

RULE 16(B) CONFERENCE LR 16.2

Rule 16(b) Scheduling and Planning Conference (LR 16.2(a))

Unless otherwise directed by the court, the conference will be set within 30 days after discovery planning conference required by LR 26.1.

SEALED DOCUMENTS LR 3.11

Return of Sealed Documents (LR 3.11(b)):

Not later than 60 days after a case is closed, or within 60 days after the conclusion of any appeal, a party may file and serve a motion to have the clerk return a sealed document.

SUSPENSION OR DISBARMENT LR 83.6

Duty of Counsel to Notify the Court (LR 83.6(a))

Every attorney must notify the Chief Judge and assigned judge in writing within 10 days.

Response to Order to Show Cause: (LR 83.6(b)(3)):

Within 20 days from the date of the Order to Show Cause

Final Order for Disciplinary Action (LR 83.6(b)(4)):

At the conclusion of any hearing, or within 20 days if no response is filed by the attorney.

WAIVER OF SERVICE OF SUMMONS LR 4.4

Return Requirements (LR 4.4(a))

30 days from the date on which the request is sent, or 60 days from the date if the defendant is addressed outside any judicial district of the United States.



U.S. District Court District of Oregon

Rules of Practice

LR 56 SUMMARY JUDGMENT (See Fed. R. Civ. P. 56)

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

(a) Motion Requirements: A motion for summary judgment must be accompanied by the following two documents:

(1) Memorandum in Support: The supporting memorandum must address applicable law and explain why there are no genuine issues of material fact to be tried; and

(2) Concise Statement of Material Facts: A separately filed concise statement must articulate the undisputed relevant material facts that are essential for the court to decide only the motion for summary judgment - not the entire case. (See Also [LR 56.1\(c\)](#) for formatting and citation instructions.)

(b) Opposition and Reply Requirements

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

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

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

(2) After responding to the movant's numbered paragraphs, the responding party may then articulate other relevant material facts which are at issue, or are otherwise necessary for the court to determine the motion for summary judgment. In the same manner as set forth in LR 56.1(b)(1), the moving party shall reply to the responding party's additional facts.

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

(c) Concise Statement (See [Appendix of Forms #12](#))

(1) Facts shall be stated in separately numbered paragraphs. A party must cite to a particular affidavit, deposition, or other document supporting the party's statement, acceptance, or denial of the material fact.

(2) A party may reference only the material facts which are necessary for the court to determine the limited issues presented in the motion for summary judgment and no others.

(3) Documents referenced in the separate concise statement shall not be filed in their entirety. Instead, the filing party must extract and highlight only the relevant portions of

each referenced document. Photocopies of extracted pages, with appropriate identification and highlighting will be adequate.

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

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

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

Amendment History to LR 56	
June 1, 2002	
LR 56.1(a)(2)	Cross reference LR 56.1(c) -- formatting and citation instructions to be included in the Concise Statement.
LR 56.1(b)	" and Reply..." added to Caption
LR 56.1(b)(2)	Last sentence added for clarification
LR 56.1(c)	Reference to an Appendix of Forms was added.
LR 56.1(f)	"...or in the response..." added

Forward To LR 65



U.S. District Court District of Oregon

Rules of Practice

LR 65 INJUNCTIONS - Calendaring (See Fed. R. Civ. P. 65)

Motions for a preliminary injunction - not otherwise accompanied by the concurrent filing of an application for a TRO - will be calendared as a *non-discovery motion* pursuant to [LR 26](#).

[Forward To LR 65.1](#)



U.S. District Court District of Oregon

Rules of Practice

LR 73 MAGISTRATE JUDGES -- Trial by Consent (See Fed. R. Civ. P. 73)

LR 73.1 Duties and Powers See Fed. R. Civ. P. 73: Pursuant to 28 U.S.C. § 636(c)(1), and subject to the consent of the parties, every full-time, part-time or recalled Magistrate Judge assigned to the District of Oregon is designated and authorized to exercise civil jurisdiction over all assigned cases, **to include the entry of final judgment and the conduct of any court or jury trial.**

LR 73.2 Accelerated Trial Scheduling: Unlike district judges who are assigned both civil and criminal cases, and by law must give scheduling priority to criminal cases, magistrate judges are only assigned civil cases. Consequently, when parties consent pursuant to Fed. R. Civ. P. 73(b), the assigned magistrate judge is able to set earlier and firmer trial dates than might otherwise be possible for a district judge.

[Forward To LR 77](#)

Attorney's Name , Oregon State Bar ID Number
Attorney's Internet E-mail address
Firm name
Mailing address or residence address if no office is maintained
City, State and 9-digit zip code
Area Code and Telephone Number
Facsimile Telephone Number
Attorney for Defendant ABC Insurance Co.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

JOHN Q. SMITH

Plaintiff

v.

CV. 01-1234-AS

ABC INSURANCE CO., an Oregon
corporation,

Defendant.

**Defendant's Concise
Statement of Material Facts**

Pursuant to LR 56.1, defendant ABC Insurance Co. presents the following statement of undisputed facts:

1. Plaintiff John Q. Smith was insured under an individual long-term disability policy issued by ABC Insurance Company. The policy provides that a claimant is entitled to long-term disability benefits only if he is "not able to perform the substantial and material duties of [his] occupation." Exhibit 1 to Affidavit of Plaintiff's Counsel.

2. Plaintiff was employed as CEO/manager/administrator of a food-processing company (Foods). See Pls' Concise Statement, para 1; Pls' Depo, p. 13, Ln.7¹. As such, his

¹Relevant excerpts from plaintiff's deposition are attached to the Affidavit of John Q. Attorney filed concurrently herewith.

job duties involved executive management, problem resolution, planning, and interacting with customers, suppliers and regulatory agencies. Plaintiff's Depo, p. 23, Ln.15.

3. Although plaintiff was CEO of the company, the business was controlled by majority shareholders in Japan. Plaintiffs' Depo, p. 10, 13.

4. Plaintiff's last day of full-time employment prior to his alleged date of disability was August 31, 1999. Exhibit 3 to Affidavit of Plaintiff's Counsel. Almost immediately thereafter, the majority shareholders of the company closed the food processing plant entirely. Plaintiff's Depo, p. 31, Ln. 9.

5. Despite the plant closure, plaintiff continued to return to his job for a couple of hours a day in order to perform some duties relative to the company 401K plan. Plaintiff's Depo, p. 34-35. Other than that, however, there was little for him to do given that the plan was no longer operational. PI's Depo, p. 37, Ln. 21.

6. Prior to his last day of work on August 31, 1999, plaintiff was able to complete his job duties and get all of his work done as long as he worked during slower time periods. PI's Depo, p. 41, Ln. 19.

Dated this 22nd day of March, 2002.

Firm Name

First Attorney, OSB 99999
Second Attorney, OSB 88888
Tel: (503) 333-3333
Attorneys for Defendant ABC Insurance Co.



U.S. District Court District of Oregon

Rules of Practice

LR 65.1 SECURITY and SURETIES (See Fed. R. Civ. P. 65.1)

LR 65.1.1 Qualifications of Sureties; Deposit Requirements

(a) Except for qualified corporate sureties, or as otherwise provided by statute, every bond or undertaking must:

(1) Be secured by the deposit of cash or government bonds in the amount of the bond; or

(2) Have as sureties two residents of the district, each of whom owns real or personal property within the district in excess of that exempt from execution and sufficient to justify the full amount of the surety.

(b) Except for qualified corporate sureties, before a bond or undertaking may be accepted, each surety must present a verified schedule of assets and liabilities, including a statement of all other bonds and undertakings on which the surety may become liable. If the bond is accepted by the court, the schedule must be filed with the clerk.

LR 65.1.2 Court Officers as Sureties

(a) No clerk, marshal, or other employee of the court -- nor any member of the bar representing a party in the particular action or proceeding -- will be accepted as surety on any bond or other undertaking in any action or proceeding.

(b) Cash deposits on bonds may be made by members of the bar on certification that the funds are the property of a specified person who has signed a surety on the bond.

(c) Upon exoneration of the bond -- and upon motion and order of court -- monies held by the clerk will be returned to that specified person.

LR 65.1.3 Examination of Sureties: Any party may apply for an order requiring an opposing party to show cause why it should not be required to furnish further or different security, or requiring personal sureties to justify the full amount of the surety.

Forward To LR 67



U.S. District Court District of Oregon

Rules of Practice

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

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

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

(b) Registry Fund: Upon receipt, the clerk will deposit the monies with the Treasurer of the United States into the court's registry fund.

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

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

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

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

(b) Motion to Withdraw Funds for Redeposit Elsewhere: (See [Appendix of Forms #14](#)) Upon motion or stipulation, the court may order that funds be withdrawn from the registry of the court for redeposit elsewhere. A proposed form of order must be submitted with an application to withdraw funds, and must contain the following information:

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

(c) Review of Proposed Orders by the Clerk: Prior to submission to the court, the clerk's office financial administrator must approve all applications and proposed orders to withdraw monies.

LR 67.4 Disbursement of Funds: Except as directed by the court, payments from registry funds held by the court will be paid jointly to the entitled party and to their local attorney of record, and will be mailed to the attorney for distribution.

LR 67.5 Designated or Qualified Settlement Funds

(a) Designation of Fund: A registry account may be designated to serve as a qualified settlement fund only if:

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

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

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

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

Forward To LR 68



U.S. District Court District of Oregon

Rules of Practice

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

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

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

(1) Bill of Costs

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

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

(2) Verification of Cost Bill: The cost bill must be verified as required by 28 U.S.C. § 1924.

(b) Objections: Not later than eleven (11) days after service of the Bill of Costs, a party objecting to any item of cost must file and serve objections. Objections should be accompanied by an affidavit and legal memorandum in support of the party's position. Unless requested by the court, no other filings associated with the Bill of Costs will be permitted.

c) Legal Memoranda and Page Limitations: Except as authorized in advance by the court, all legal memoranda in support of, or in opposition to, the Bill of Costs are limited to 10 pages in length.

LR 54.2 Order Taxing Costs

(a) Authority to Tax Costs: Unless otherwise directed by the court, the clerk may tax costs provided in Fed. R. Civ. P. 54(d)(1) , one day after the time limits established in [LR 54.1](#) have expired.

(b) No Oral Argument: Unless requested by the court, costs will be taxed on the written submissions of the parties and without oral argument.

(c) Order Taxing Costs: An order taxing costs will be filed and served on the parties and the amount of taxed costs will be included in the judgment.

LR 54.3 Objections to the Clerk's Order Taxing Costs: Not later than eleven (11) days after filing of the clerk's order taxing costs, any party may file and serve written objections to the clerk's order. Unless requested by the court, there will be no further submissions, and review by the court will be determined on the same papers and evidence submitted to the clerk.

LR 54.4 Motion for Award of Attorney Fees (See Fed. R. Civ. P. 54(d)(2))

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

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

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

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

(d) Other Options (See Fed. R. Civ. P. 54(d)) The court may issue other appropriate orders relating to the motion for attorneys' fees including a decision to refer the motion and objections to mediation or other dispute resolution process.

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

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

Forward To LR 56

ATTORNEY'S NAME, Oregon State Bar ID Number
Business Internet E-Mail Address
Firm Name
Business Mailing Address
City, State, Zip Code
Area Code and Business Telephone Number
Facsimile Telephone Number
Attorney for I-Got-the-Money, Corp.

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

I-GOT-THE-MONEY Incorporated,
an Oregon Corporation.

Plaintiff,

v.

CV 00-8888-HA

INTERESTED PARTIES,

Defendants.

ORDER TO DEPOSIT FUNDS

1. In accordance with Plaintiff's *Motion to Deposit Funds Into an Interest Bearing Account* (filed on _____), in the above entitled interpleader action, the Clerk is directed to accept Plaintiff's cashier's check, made payable to the Clerk, U.S. District Court – Oregon, in the amount of \$ _____, and to deposit these monies into a market rate investment account at a variable interest rate, at the court's current financial institution.

2. Counsel presenting this Order must serve a copy personally on the Clerk of Court and on the Clerk's Financial Administrator, before the Clerk will take any action on this order.

3. The Clerk of the United States District Court for the District of Oregon is absolved of any liability by compliance with this Order.

4. It shall be counsel's responsibility to confirm any action required by this Order to be performed by the Clerk or his designee.

5. The Clerk of this Court is directed to deduct a registry fee from the income earned on the investment of these funds in accordance with the directives of the Judicial Conference of the United States Courts.

IT IS SO ORDERED this _____ day of _____, 20____ .

ANCER L. HAGGERTY
United States District Judge

cc: Counsel of Record
Clerk, US District Court
Chief Financial Administrator, Clerk's Office (Portland)

For Court Use Only

APPROVED AS TO FORM:

US District Court Clerk
By Financial Administrator

ATTORNEY'S NAME, Oregon State Bar ID Number
Business Internet E-mail Address
Firm Name
Business Mailing Address
City, State, 9-digit Zip Code
Area Code and Telephone Number
Facsimile Telephone Number
Attorney for Plaintiff(s)

UNITED STATES DISTRICT COURT

District of Oregon

**OHIO NATIONAL BANK AND
LIFE INSURANCE COMPANY,**
a Delaware Corporation, and
BEVERLY A. RICHEY,

Plaintiff,

v.

CV. 96-9999-AS

INTERESTED PARTIES,

Defendants.

ORDER TO DISBURSE MONIES

In accordance with the judgment entered February 24, 1998 (Document #301), the funds deposited with the court pursuant to the Order of January 1, 1998 (Document #256) , shall be disbursed as indicated below:

1. Registry Fee Assessment: 10% of the income earned on the investment of the funds shall be paid to the clerk of court for the registry fees (55 Federal Register 206).

2. Payment to Ohio National Bank and Life Insurance Company: \$10,985.00

shall be paid to the Ohio National Bank and Life Insurance Company and its counsel, Nifty B. Swell, Esquire.

3. Payment to Beverly A. Richey: 50% of the remainder of the funds, together with 45% of the income earned on the investment of the funds shall be paid to Beverly A. Richey and her counsel, John D. Winner.

Dated this 4th Day of March, 1998.

Donald C. Ashmanskas
United States Magistrate Judge

cc: Counsel of Record
Financial Administrator – Clerk's Office



U.S. District Court District of Oregon

Rules of Practice

LR 1010 PROCESS GENERALLY

LR 1010.1 Instructions Regarding Process: Any party requiring process to be executed by the U.S. Marshal, or any other authorized person, must prepare and file the appropriate process forms with instructions sufficiently detailed to identify and locate the property subject to execution.

LR 1010.2 Process Held in Abeyance: If a party files a pleading seeking relief *in rem* or *quasi in rem* which would require the clerk to issue process, and the party does not wish the process to be issued at that time, the party must request that issuance of process be held in abeyance. It will not be the responsibility of the clerk to ensure that process is issued at a later date.

LR 1010.3 Intangible Property

(a) Issuance and Effect of Summons: Summons issued pursuant to Supplemental Rule C(3) must direct the person having control of the funds or other intangible property to show cause, no later than ten (10) days after service, why the funds or property should not be delivered to the court to abide the judgment. The court, for good cause shown, may shorten or lengthen the time. Service of the summons has the effect of an arrest of the property and brings it within the control of the court.

(b) Payment to Marshal: The person who is served may deliver or pay over to the marshal the property or funds proceeded against, or a part thereof, sufficient to satisfy the claim. If such payment is made, the person served is excused from any duty to show cause.

(c) Manner of Showing Cause: The claimant of the property may show cause why the property should not be delivered to the court by serving and filing a claim as provided in Supplemental Rule C(6) within the time allowed to show cause, and by serving and filing an answer to the complaint within twenty (20) days thereafter.

(d) Effect of Failure to Show Cause: If a claim is not filed within the time stated in the summons, or an answer is not filed within the time allowed under this rule, the person who was served must deliver or pay over to the marshal the property or funds proceeded against, or a part thereof, sufficient to satisfy plaintiff's claim.

LR 1010.4 Marshal's Return: The person executing process must file proof of service with the clerk and the marshal, and the marshal will mail a copy of the return to the attorney at whose request the execution was effected.

LR 1010.5 Seizure of Property in US Custody: Where property in the custody of an officer or employee of the United States is to be arrested or attached, the marshal will deliver a copy of the complaint and warrant for arrest, or summons and process of attachment, to such officer or employee or, if the officer or employee is not found within the district, then to the custodian of the property within the district. The marshal will notify such officer, employee or custodian not to relinquish such property from custody until ordered to do so by the court.

Forward To LR 1015



U.S. District Court District of Oregon

Rules of Practice

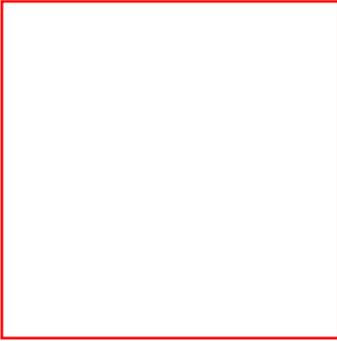
LR 1015 ATTACHMENT AND GARNISHMENT

LR 1015.1 Verification of the Complaint: The affidavit verifying a complaint which includes a prayer for process under Supplemental Rule B, if made by a person who does not have personal knowledge of the facts alleged as grounds for the claim, will state the circumstances making it necessary for that person to make the verification and will also state the source of that person's information.

LR 1015.2 Affidavit Showing Defendant's Absence: The affidavit required by Supplemental Rule B must state with particularity the efforts made to locate the defendant within the district.

LR 1015.3 Order Authorizing Clerk to Issue Process: Pleadings and accompanying affidavits must be reviewed by a judge before the clerk will issue a summons and process of attachment and garnishment under Supplemental Rule B. If the judge finds probable cause has been shown, the judge will authorize the clerk to issue process. Alias process may thereafter be issued by the clerk upon application without further order of the court.

[Forward To LR 1016](#)



U.S. District Court District of Oregon

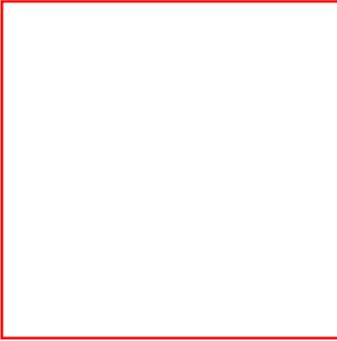
Rules of Practice

LR 1016 PROCESS FOR ARREST

LR 1016.1 Verification of the Complaint: The affidavit verifying a complaint which includes a prayer for process under Supplemental Rule C, if made by a person who does not have personal knowledge of the facts alleged as grounds for the claim, must state the circumstances making it necessary for that person to make the verification and must also state the source of that person's information.

LR 1016.2 Process: A warrant of arrest issued by the clerk pursuant to Supplemental Rule C will state on its face that the right exists to an order to show cause and hearing as described in [LR 1017](#).

Forward To [LR 1017](#)



U.S. District Court District of Oregon

Rules of Practice

LR 1017 HEARING

LR 1017.1 Hearing: A person or entity claiming ownership of, or an interest in property arrested or attached, or having a right to intervene with respect to such property, may, upon a showing of any improper practice or of a manifest want of equity on the part of the plaintiff, be entitled to an order requiring the plaintiff to show cause why the arrest or attachment should not be vacated.

Unless the plaintiff shows cause at the hearing why such an order should not be granted, the person or entity seeking the relief will be entitled to an order vacating the arrest or attachment forthwith and granting any other appropriate relief.

[Forward To LR 1020](#)

U.S. District Court District of Oregon

Rules of Practice

LR 1020 SECURITY FOR COSTS - Marshal's Fees

LR 1020.1 Costs - Generally:In an action governed by Supplemental Rule E, any party may file and serve upon an adverse party a demand for security for costs, or for an increase in the amount of security for costs previously posted.

Unless otherwise ordered by the court, the amount thereof will be \$500. The party notified must post security within five (5) days after service. A party who fails to post security when demanded may not participate further in the proceedings except for the purpose of seeking relief from the rule.

LR 1020.2 Costs -- In Action for Limitation of Liability: The amount of the security for costs required by Supplemental Rule F(1) is \$500. Unless otherwise ordered by the court, the security for costs may be combined with the security for value and interest.

LR 1020.3 Marshal's Fees

(a) Deposit Required Before Seizure: A party who seeks arrest or attachment of property in an action governed by Supplemental Rule E must deposit a sum with the marshal sufficient to cover the marshal's estimated fees and expenses of arresting and keeping the property for at least ten (10) days. The marshal is not required to execute process until the deposit is made.

(b) Additional Deposit Required After Seizure: A party who has caused the marshal to arrest or attach property will advance additional sums from time to time as requested to cover the marshal's estimated fees or expenses until the property is released or disposed of as provided in Supplemental Rule E. Any party who fails to make an advance when demanded may not participate further in the proceeding except for the purpose of seeking relief from this rule.

LR 1020.4 Judicial Relief: The marshal will notify the court if a party fails to advance sums as requested after property has been arrested. The marshal may also apply to a judge for direction if a question arises concerning the obligation of a party to advance moneys required under this rule.

[Forward To LR 1024](#)



U.S. District Court District of Oregon

Rules of Practice

LR 1024 UNDERTAKINGS

LR 1024.1 Undertakings In Lieu of Arrest: If, in return for foregoing the arrest or stipulating to the release of such vessel or other property, a party accepts by written undertaking to respond on behalf of the vessel or other property, the undertaking will become a party in place of the vessel or property sued, and will be deemed referred to under the name of the vessel or property in any pleading, order, or judgment.

[Forward To LR 1025](#)



U.S. District Court District of Oregon

Rules of Practice

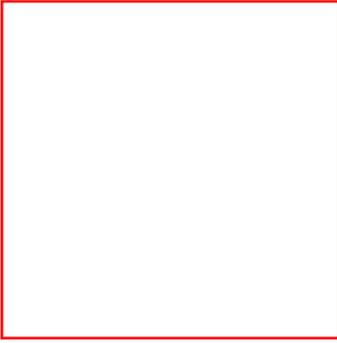
LR 1025 PUBLICATION REQUIREMENTS

LR 1025.1 Publication of Notice of Action and Arrest:The notice required by Supplemental Rule C(4) will be published at least once in accordance with [LR 1050.1](#). The notice must contain the following:

- (a) Title and number of the action or proceeding;
- (b) Date of the arrest;
- (c) Identity of the property arrested;
- (d) Name and address of the attorney for the party;
- (e) A statement that claims of persons entitled to possession or claiming an interest pursuant to Supplemental Rule C(6) must be filed with the clerk and served on the attorney for the party within ten (10) days after the last date of publication; and
- (f) A statement that answers to the pleadings must be filed and served within twenty (20) days after the filing of claims, and in lieu thereof, default may be noted and condemnation ordered.

Applications for intervention under Fed.R.Civ.P. 24, by persons claiming maritime liens or other interests, must be filed within the time allowed for claims to possession.

[Forward To LR 1030](#)



U.S. District Court District of Oregon

Rules of Practice

LR 1050 PUBLICATION OF NOTICES

LR 1050.1 Publication of Notices: Every notice required to be published in a newspaper by any statute of the United States, or any rule applying to admiralty and maritime proceedings, including these rules, will be published in a newspaper of general circulation in this district unless a judge directs otherwise.

[Forward To LR 1055](#)

U.S. District Court District of Oregon

Rules of Practice

LR 1030 DEFAULT IN ACTIONS *IN REM*

LR 1030.1 Notice Required: A party seeking a default judgment in an action *in rem* must show to the satisfaction of a judge, that due notice of the action and arrest of the property has been given:

- (a) By publication as required by [LR 1025.1](#);
- (b) By service on the master or other person having custody of the property; and
- (c) By delivery, or by certified mail return receipt requested, to every other person who has not appeared in the action and is known to have an interest in the property.

The party seeking a default judgment may be excused for failing to give notice to such "other person" upon a satisfactory showing that a diligent effort was made to give notice without success.

LR 1030.2 Persons With Recorded Interests

- (a) If the defendant property is a vessel documented under the laws of the United States, the parties must obtain a current Certificate of Ownership, or Abstract of Title copy, from the United States Coast Guard and give notice to the persons named therein who appear to have an interest.
 - (b) If the defendant property is a vessel numbered as provided in the Federal Boat Safety Act, the party must obtain information from the issuing authority and give notice to the person(s) named in the records of such authority who appear to have an interest.
-

LR 1030.3 Manner of Giving Notice: A required notice, other than by publication, of the action and arrest of the property will be given by delivering a copy of the pleadings and warrant of arrest. The delivery may be made by personal service or by certified mail with return receipt requested.

LR 1030.4 Motion for Default Judgment: Upon a showing that no one has appeared to claim the property and given security, and that due notice of the action and arrest of property has been given, a party may move for judgment at any time after the time to answer has expired.

If no one has appeared, the party may have an ex parte hearing before a judge and judgment without notice.

If any person has appeared and does not join in the motion for judgment, such people will be given five (5) days notice of the motion; provided, however, that upon good cause, a judge can shorten the time of the required notice.

[Forward To LR 1035](#)



U.S. District Court District of Oregon

Rules of Practice

LR 1055 PREJUDGMENT INTEREST

LR 1055.1 Rate of Prejudgment Interest Allowed: Unless otherwise ordered by the court, an award of prejudgment interest will be computed at the rate authorized in 28 U.S.C. § 1961, providing for interest on judgments.

[Forward To LR 1056](#)



U.S. District Court District of Oregon

Rules of Practice

LR 1035 CUSTODY OF PROPERTY

LR 1035.1 Safekeeping of Property When Seized:When a vessel, cargo, or other property is seized, the marshal will take custody and arrange for adequate and necessary security for the safekeeping of the vessel, cargo or other property which may include, in the marshal's discretion, the placing of keepers on or near the vessel, or the appointment of a facility or person as custodian of the vessel for the marshal.

LR 1035.2 Cargo Handling, Repairs, and Movement of Vessel: After the arrest or attachment of a vessel, no cargo handling, repairs, or movement of the vessel, may be made without a court order and notice to the marshal. The required notice will be given to the marshal prior to the application for such an order.

LR 1035.3 Petition for Change of Arrangements: After a vessel, cargo or other property has been taken into custody by the marshal, any party then appearing may petition the court to dispense with keepers; to remove to or place the vessel, cargo or other property at a specified facility; to designate a substitute custodian for the vessel or cargo; or other appropriate relief.

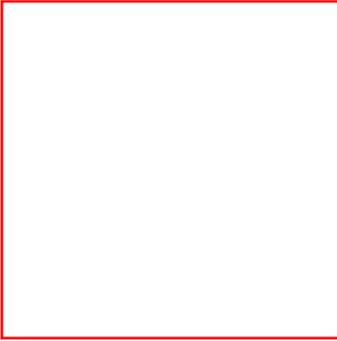
Notice of the petition will be given to the marshal and to counsel for all parties who have appeared. The petition may be brought on for hearing at which time a judge will determine whether such a facility or substitute custodian is capable of and will safely keep the vessel, cargo or other property.

LR 1035.4 Insurance: The marshal may order insurance to protect the marshal, his deputies, keepers and substitute custodians from liability assumed in arresting a vessel, cargo or other property and while performing whatever services are undertaken to protect the vessel, cargo or other property while such items are maintained in the court's custody. The party applying for arrest of the vessel, cargo or other property will reimburse the marshal for premiums paid to effect the insurance.

The party applying to remove the vessel, cargo, or other property to another location; for designation of a substitute custodian; or for any other form of relief that will require an additional insurance premium, will reimburse the marshal for the additional premiums. The premiums charged for the liability insurance are taxable as administrative costs while the vessel, cargo or other property is in *custodia legis*.

LR 1035.5 Claim by Supplier for Payment of Charges: A person who furnishes services or supplies to a vessel, cargo or other property in custody, who has not been paid and claims the right to payment as an expense of administration, must submit an invoice to the court for approval in the form of a verified claim at any time before the vessel, cargo or other property is released.

The supplier must serve copies of the claim on the marshal (and the substitute custodian if one has been appointed) and the attorneys for all parties appearing in the action. The court may decline to consider the claim until a hearing is conducted to decide other claims against the property.



U.S. District Court District of Oregon

Rules of Practice

LR 1056 AUTHORITY OF THE MARSHAL TO SERVE PROCESS

LR 1056.1 Territory for Service of Process and Seizure of Vessels: Pursuant to Section I of the Oregon Admissions Act, 11 Stat. 383 (1859), providing for concurrent jurisdiction on the Columbia and Snake Rivers within the states of which these rivers form a common boundary, the marshal is empowered to serve process and seize vessels on the Columbia and Snake Rivers which border the State of Oregon.

[Forward To LR 2100](#)



U.S. District Court District of Oregon

Rules of Practice

LR 1040 RELEASE OF PROPERTY

LR 1040.1 Appraisal:At the request of any interested party, the clerk will enter an order for appraisal of property so security can be given.

If the parties do not agree in writing upon the appraiser, a judge will appoint the appraiser. The appraiser will be sworn to the faithful and impartial discharge of his duties before any federal or state officer authorized by law to administer oaths. The appraiser will give one (1) day's notice of the time and place of making the appraisal to the attorneys who have appeared in the action. The appraiser will file the appraisal with the clerk as soon as it is made.

[Forward To LR 1045](#)

U.S. District Court District of Oregon

Rules of Practice

LR 1045 SALE OF PROPERTY

LR 1045.1 Notice: Unless otherwise ordered as provided by law, the notice of sale of property in an action *in rem* will be published daily in accordance with LR 1050.1 for a period of four (4) days prior to the day of sale.

LR 1045.2 Payment of Bid: The person whose bid is accepted will immediately pay the marshal the full purchase price if the bid is not more than \$500; or a deposit of \$500 or 10 percent of the bid, whichever sum is the greater, if the bid exceeds \$500. The bidder will pay the balance of the purchase price within three (3) days thereafter, excluding Saturdays, Sundays and holidays.

If an objection to the sale is filed within that time, the bidder is excused from paying the balance of the purchase price until three (3) days after the sale is confirmed. Payments to the marshal will be made in cash, certified check or cashier's check. A judge may specify different terms in any order of sale.

LR 1045.3 Penalty for Failure to Pay Balance of Bid

(a) Late Payment: A successful bidder who fails to pay the balance of the bid within the time allowed under these rules or a different time specified in an order by a judge, will also pay the marshal the costs of keeping the property from the date payment of the balance was due, to the date the bidder takes delivery of the property. The marshal may refuse to release the property until this additional charge is paid.

(b) Default: A person who fails to pay the balance of a bid within the time allowed is deemed to be in default and a judge may, at any time thereafter, order a sale to the second highest bidder or order a new sale where appropriate. Any sum deposited by the bidder in default will be forfeited and applied to pay any additional costs incurred by the marshal by reason of the forfeiture and default, including costs incident to a resale. The balance of the deposit, if any, will be retained in the registry subject to further order of the court.

LR 1045.4 Accounting by the Marshal: At the conclusion of the sale, the marshal will forthwith file a written report to the court of the fact of sale, the date thereof, the price obtained and the name and address of the buyer.

LR 1045.5 Confirmation

(a) Without Order of Court: A sale will stand confirmed as of course without any affirmative action by the court unless

(1) A written objection is filed within the time allowed under these rules; or

(2) The purchaser is in default for failing to pay the balance due the marshal.

(b) On Motion: If an objection has been filed, or if the successful bidder is in default, the marshal, the objector, the successful bidder, or a party may move the court for relief. The motion will be heard

summarily by a judge. The person seeking a hearing will apply to the court for an order fixing the date of the hearing and directing the manner of giving notice and will give written notice of the motion to the marshal and all persons who have an interest. The judge may confirm the sale, order a new sale, or grant such other relief as justice requires.

LR 1045.6 Objection to the Sale

(a) Manner and Time for Objecting: A person may object to the sale by filing a written objection with the clerk and depositing a sum with the marshal which will pay the expense of keeping the property for at least seven (7) days. Payment to the marshal will be made in cash, certified check or cashier's check.

The objector must give written notice of the objection to the successful bidder and the parties to the action. The written objection must be endorsed by the marshal with an acknowledgment of receipt of the deposit prior to filing. The objection must be filed within three (3) days after the sale, excluding Saturdays, Sundays and holidays.

(b) Disposition of Deposits:

(1) If the objection is sustained, sums deposited by the successful bidder will be returned to the bidder forthwith. The sum deposited by the objector will be applied to pay the fees and expenses incurred by the marshal in keeping the property until it is resold, and any balance remaining will be returned to the objector without delay. The objector will be reimbursed for the expense of keeping the property from the proceeds of a subsequent sale.

(2) If the objection is overruled, the sum deposited by the objector will be applied to pay the expense of keeping the property from the day the objection was filed until the day sale is confirmed, and any balance remaining will be returned to the objector forthwith.

LR 1045.7 Title to Property Sold: Failure of a party to give required notice of the action and arrest of a vessel, cargo or other property or required notice of the sale, may afford grounds for objecting to the sale but does not affect the title of the purchaser of the property.

Forward To LR 1050



U.S. District Court District of Oregon

Rules of Practice

LR 2100 REFERRAL OF BANKRUPTCY CASES AND PROCEEDINGS

LR 2100.1 Cases and Proceedings Under Title 11, United States Code: This court hereby continues its reference to the bankruptcy judges of this district of all cases under Title 11 and all proceedings arising under Title 11 or arising in or related to cases under Title 11.

LR 2100.2 Cases and Proceedings Under the Bankruptcy Act of 1898: The bankruptcy judges shall hear and determine cases and proceedings arising under the Bankruptcy Act of 1898, as amended, pursuant to § 403(a) of the Bankruptcy Reform Act of 1978.

LR 2100.3 Procedure Concerning Abstention (See 28 U.S.C. § 1334(c)), Withdrawal of Reference (See 28 U.S.C. § 157(d)), and Change of Venue (See 28 U.S.C. § 1412):

(a) Titles: All documents shall be entitled "United States Bankruptcy Court for the District of Oregon."

(b) Local Rules: The District Court Local Rules and Orders apply to all matters before a district judge. The bankruptcy court Local Rules and General Orders apply to all matters before a bankruptcy judge.

(c) Timeliness:

(1) Unless otherwise provided in these rules, to be considered "timely," motions of the type in the caption of LR 2100.3 shall be filed with the movant's first pleading or motion.

(2) A motion for enlargement of a time limit in subsection (c)(1) may be granted where the failure to act was the result of excusable neglect. The motion will ordinarily be denied if made more than twenty (20) days after the specified time period.

(d) Filing: All documents in cases or adversary proceedings arising under or related to Title 11 shall be filed with the bankruptcy court clerk. Only if reference of an entire case or adversary proceeding is withdrawn by a district judge or an appeal is filed from a judgment, order or decree of a district judge, shall documents be filed with the district court clerk.

(e) Caption of Documents Where Matter Has Been Transmitted to District Court: When a matter has been transferred to the district court, the caption of all documents submitted within that matter will contain, under the title of the document, the wording, "Referred to United States District Court."

(f) Required Exhibits: All motions and responses, which seek district court action shall have attached as exhibits copies of all relevant portions of any record in the bankruptcy court record that the party believes will be necessary for consideration of the motion. When ruling on such a motion, the district court will consider only those portions of the record which are attached.

LR 2100.4 Withdrawal of Reference (See 28 U.S.C. § 157(d)): In addition to the statutory provisions relating to withdrawal of reference, a case, or any portion thereof, may be withdrawn on recommendation of a bankruptcy judge.

LR 2100.5 Abstention (See 28 U.S.C. § 1334(c))

(a) General: Motions for abstention shall be heard by a bankruptcy judge.

(b) Motions Under 28 U.S.C. § 1334(c)(2): In addition to complying with the provisions of [LR 2100.3](#), motions filed pursuant to 28 U.S.C. § 1334(c)(2) shall be accompanied by an affidavit, declaration under penalty of perjury or deposition setting forth compliance with each statutory provision, and by an appropriate memorandum or brief.

LR 2100.6 Change of Venue (See 28 U.S.C. § 1412): Motions for a change of venue shall be heard by a bankruptcy judge.

LR 2100.7 Removal and Remand (See 28 U.S.C. § 1452)

(a) General: All provisions of [LR 2100.3](#) shall apply except [LR 2100.3\(c\)](#).

(b) Timeliness: A motion to remand a case removed to the bankruptcy court shall be considered only if it is filed within thirty (30) days of docketing of the removal by the bankruptcy court.

LR 2100.8 Jury Trials

(a) General: In any proceeding in which a demand for a jury trial is filed, the bankruptcy judge shall determine whether the party has a right to a jury trial and whether the demand was properly filed. If so, the bankruptcy judge shall preside at the jury trial if all parties consent in writing and there is approval by a district judge. If there is not consent or district judge approval, the bankruptcy judge shall conduct pretrial proceedings up through lodging of the pretrial order, unless reference is withdrawn.

(b) Involuntary Cases: Issues arising under 11 U.S.C. § 303 shall be tried before a bankruptcy judge without a jury.

LR 2100.9 "Non-Core" Matters (See 28 U.S.C. § 157(c)(2)): Subject to the provisions of [LR 2100.8\(a\)](#), if all parties to a case consent, the bankruptcy judge may conduct any and all proceedings in a "non-core" matter and enter orders and judgments without further order of this court.

LR 2100.10 Stay of Administration: The filing and pendency of any motion requesting district court action or a request for a jury trial shall not stay or suspend the bankruptcy case or proceeding. A motion for stay shall be heard by the bankruptcy judge to whom the case or proceeding is assigned.

LR 2100.11 Matters for District Court Determination After Entry of Proposed Findings of Fact and Conclusions of Law by the Bankruptcy Judge (28 U.S.C. § 157(c)(1))

(a) Oral Argument: Any party may request oral argument by endorsing the request on the written objections or responses.

(b) Immediate Review: When a bankruptcy judge certifies that circumstances require immediate review by a district judge, a district judge shall review the matter and enter an order or judgment as soon as possible.

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

(d) Default Order or Judgment in a "Non-Core" Matter: If an order or judgment will be entered by default and it involves a "non-core" matter, the moving party or plaintiff shall submit to the bankruptcy court clerk:

(1) A proposed form of default order for a bankruptcy judge's signature; and

(2) A separate original and one (1) copy of the proposed final form of order or judgment which shall include the statement "Approved as to Form" above a signature line for a bankruptcy judge and a date and signature line for a district judge, all of which shall conform to the requirements of [LR 2100.11\(c\)](#).

LR 2100.12 Procedure for Certification of Questions of State Law (See Also [LR 83.15](#)):

(a) Any interested party may request that determinative questions of state law be certified to a state appellate court pursuant to applicable state law allowing such certification. Requests for certification of questions of state law shall be filed with the bankruptcy court and shall include:

(1) A statement of the question of law to be answered; and

(2) A statement of all facts relevant to the question of law and showing fully the nature of the controversy in which the question arose.

(b) The bankruptcy judge may, *sua sponte*, raise the issue of whether a determinative question of state law should be certified to a state appellate court pursuant to applicable state law allowing such certification. When the bankruptcy judge raises the issue of certification *sua sponte*, the clerk of the bankruptcy court shall serve upon all interested parties a notice of a hearing on the issue of certification not less than 21 days prior to the hearing. Any response to the notice must be filed with the clerk of the bankruptcy court not less than 10 days prior to the hearing.

(c) A request for certification or a *sua sponte* consideration of the certification issue shall be heard by the bankruptcy judge.

(d) If the bankruptcy judge determines that the state law question should not be certified, he or she shall enter an order denying certification. Such an order denying certification shall be subject to review to the extent permitted by 28 U.S.C. § 158.

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

(1) A statement of the question of law to be answered; and

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

Amendment History to LR 2100

June 1, 2002

LR 2100

Rules numbers have been restyled to track the current district court local rules numbering format, e.g. LR 2100-1 has been renumbered to LR 2100.1.

LR 2100.12(e)(2)

This rule has been amended to add the last sentence, which had been included in previous drafts, but inadvertently was omitted in the final verison of the original rule.

Forward To LR 2200



U.S. District Court District of Oregon

Rules of Practice

LR 2200 BANKRUPTCY APPEALS

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

(a) Jurisdiction: Pursuant to 28 U.S.C. § 158(b)(6), this court authorizes a bankruptcy appellate panel (BAP) to hear and determine appeals from judgments, orders, and decrees entered by bankruptcy judges from this district, subject to the limitations set forth in [LR 2200.1\(b\)](#) and [\(c\)](#).

(b) Consent Required: The BAP may hear and determine only those appeals in which all parties to the appeal consent pursuant to [LR 2200.2](#).

(c) Scope: The BAP may hear and determine appeals from final and interlocutory judgments, orders and decrees entered by bankruptcy judges after July 10, 1984, and appeals transferred to this court from the previous Ninth Circuit BAP by § 115(b) in the Bankruptcy Amendments and Federal Judgeship Act of 1984, P.L. 98-353.

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

(a) General: The consent of a party to allow an appeal to be determined by the BAP shall be deemed to have been given unless written objection thereto in accordance with Fed.R.Bankr.P 8001 is filed either:

(1) With the notice of appeal or motion for leave to appeal; or

(2) By any party other than the original appellant, with the bankruptcy court clerk within thirty (30) days from the date of filing such notice or motion. When an appellant files both a notice of appeal and a motion for leave to appeal, consent will be deemed revoked if an objection to BAP determination is filed with respect to either pleading.

(b) Effect of a Timely Objection: Upon timely receipt of a written objection to an appeal being heard and determined by the BAP, jurisdiction over the appeal shall be immediately transferred to the district court, the appeal shall be governed by the provisions of [LR 2200.6](#), and the bankruptcy court clerk shall not forward any appeal documents, or any further documents, to the BAP. If the objection is timely, but filed after some of the appeal documents have been transferred to the BAP, the BAP clerk shall promptly return to the bankruptcy court clerk all appellate documents for administration under [LR 2200.6](#).

(c) Objection Filed With Notice or Motion: If a written objection, filed pursuant to [LR 2200.2\(a\)](#), is filed with the notice of appeal or motion for leave to appeal, the bankruptcy court clerk shall not be required to serve on the parties copies of LR 2200 or the Ninth Circuit Judicial Council's Amended Order Establishing and Continuing the Bankruptcy Appellate Panel of the Ninth Circuit nor forward any appeal documents to the BAP.

LR 2200.3 Service of Required Copies of Documents Upon the Filing of a Notice of Appeal or Motion for Leave to Appeal

(a) If Appellant Files Written Objections to BAP With the Notice of Appeal or Motion for Leave to Appeal: If the appellant files a written objection to BAP determination with the notice of appeal or motion for leave to appeal, then the appellant must simultaneously serve on all other parties to the appeal a copy of the objection; a copy of the notice or motion; and a copy of the judgment, order or decree being appealed. Certification of such service shall be attached to the original notice of appeal or motion for leave to appeal filed with the bankruptcy court clerk.

(b) If Original Appellant Does Not Simultaneously File an Objection to BAP Determination With the Notice or Motion: If a written objection to BAP determination is not filed at the same time as the notice of appeal or motion for leave to appeal, the party filing such notice or motion shall simultaneously file with the bankruptcy court clerk, for service, the following items for each party to the appeal (including the original appellant):

- (1) A copy of the original notice of appeal or motion for leave to appeal;
- (2) A conformed copy of the judgment, order or decree being appealed; and
- (3) A stamped, addressed envelope.

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

(c) Dispositive Orders Re Motions for Leave to Appeal: A copy of any order disposing of a motion for leave to appeal shall be immediately transmitted to the bankruptcy court clerk by the clerk of the appellate court which determined the motion.

LR 2200.4 Documents Filed During Objection Period: All documents relating to the appeal shall be filed with the bankruptcy court clerk during the objection period set forth in [LR 2200.2](#) even if a motion requiring BAP determination is filed before the termination of such period. The BAP may not dismiss or render a final disposition of an appeal within thirty (30) days from the date of the filing of the notice of appeal.

LR 2200.5 Transmittal of Appeal Documents to the Bap: The bankruptcy court clerk shall immediately forward all appeal documents to the BAP either upon termination of the objection period set forth in [LR 2200.2](#) or upon the filing of a motion requiring immediate BAP determination, whichever is earlier. A motion for leave to appeal shall not be considered one requiring immediate BAP determination.

LR 2200.6 Rules Governing Bankruptcy Appeals to Be Determined by the District Court Subsequent to Filing of a Timely Objection to Bap Determination

(a) General: Except as otherwise provided in these rules, practice in bankruptcy appeals which comes before the district court shall be governed by Part VIII of the Rules of Bankruptcy Procedure. The provisions of [LR 2200.6](#) apply only after a party has timely filed a written objection to determination of an appeal by the BAP.

(b) Place of Filing: All documents required to be filed by the district or bankruptcy court local rules or orders up to and including all briefs, shall be filed with the bankruptcy court clerk.

(c) Extensions: Unless reference of the case or proceeding underlying the appeal has been withdrawn, all motions for extensions of time periods relating to appellate procedures, up through and including the time to file briefs, shall be filed with the bankruptcy court clerk and determined by a bankruptcy judge.

(d) Simultaneous Notice of Appeal and Motion for Leave to Appeal: If a notice of appeal and a motion for leave to appeal on the same matter are simultaneously pending, the motion for leave to appeal shall be ruled on first. All time requirements arising at the filing of the notice of appeal, except for the thirty (30) day period provided in [LR 2200.2](#) for objection to BAP determination of the appeal, shall automatically be stayed until the date of entry of the order on the motion for leave to appeal.

(e) Designation/Excerpt of Record: The designation of record required by Bankruptcy Rule 8006 shall be the documents contained in an "Excerpt of Record" which shall be filed by the parties with their briefs.

The excerpt of record shall be separately bound and contain true copies of all portions of the bankruptcy files and records each party is relying on in the appeal unless another party has previously filed a copy of the identical portion of the bankruptcy file. Each excerpt shall begin with a table of contents. Copies used for the excerpt of record may either be made from the original document in the bankruptcy court file or from a copy of that document which has been retained by the party. Copies need not be certified by the bankruptcy court clerk as a true copy of the original document. The bankruptcy court record shall remain in the office of the bankruptcy clerk.

(f) Time for Filing Briefs: The time for filing the appellant's brief, appellee's brief, and all reply briefs shall be 40 days, 30 days and 14 days respectively, in lieu of the time limits specified in Bankruptcy Rule 8009(a).

Amendment History to LR 2200

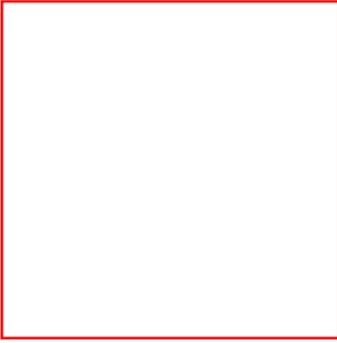
June 1, 2002

LR 2200	Rules numbers have been restyled to track the current district court local rules numbering format, e.g. LR 2200-1 has been renumbered to LR 2200.1.
LR 2202.2(a)(1)	Reference to Fed.R.Bankr.P 8001 are added to this subsection.
LR 2200.2(a)(2)	The words "other than the original appellant" have been added to this subsection.
LR 2200.4	Amended the twenty-one day notice of appeal time limit to thirty (30) days to reflect current statutory language.
LR 2200.6	Amended the twenty-one day notice of appeal time limit to thirty (30) days to reflect current statutory language.

November 1, 2002

LR 2200.3(b)(3)	Language of subsection (b)(3) requiring submission of Local Form #800 deleted. Subsequent subsection renumbered.
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Forward To LR 2300



U.S. District Court District of Oregon

Rules of Practice

LR 2300 EFFECTIVE DATE

LR 2300.1 Effective Date: Local Rules 2100 and 2200 become effective on April 9, 1986, and shall govern all cases, proceedings, and appeals filed on and after that date.

U.S. District Court District of Oregon

Rules of Practice

LR 3000 VIDEO TELECONFERENCE (VTC) PROCEEDINGS IN CRIMINAL CASES

LR 3000.1 Authorized Proceedings: With the consent of the defendant, and subject to the commentary which follows this local rule, video teleconference (VTC) proceedings are authorized in the following criminal proceedings:

- (a) Initial Appearances pursuant to Fed. R. Crim. P. 5
- (b) Arraignment pursuant to Fed. R. Crim. P. 10
- (c) Other Preliminary Pretrial Proceedings
- (d) Initial Appearances in Petty Offense Cases.

LR 3000.2 Notice Requirements

- (a) **Defendant Requested VTC:** A defendant wishing to appear by video conference shall notify the Clerk's Office and the United States Marshal, through counsel, at least ten (10) days prior to the date of the hearing.
- (b) **Other Requests for VTC:** Any other party seeking to have the defendant appear by teleconference shall notify defense counsel to request consent at least fourteen (14) days prior to the hearing.
- (c) **Waiver of Notice Period:** Time periods set forth in LR 3000.2(a) and (b) may be waived to accommodate exigent matters.

LR 3000.3 Judicial Requirements

- (a) **Acknowledgment of Consent to VTC:** At the commencement of any VTC proceeding, the Court will confirm defendant's consent on the record.

Amendment History to LR 3000

September 22, 2003

LR 3000

This new rule is intended to provide guidance to litigants and court agencies about video teleconference (VTC) proceedings in criminal cases.

This rule provides a limited exception to the general preference of the Court for the personal appearance of a defendant (unless that appearance has been waived). See Fed. R. Crim. P. 43 (defendant's presence required for specified proceedings).

In establishing this rule, the Court recognizes that in some instances, the personal appearance of a defendant may be outweighed by such factors as transportation burdens for the Marshal or the defendant, the defendant's age or medical status, US Marshal's security concerns, etc.

In opposition to these concerns, factors weighing against VTC proceedings include:

- (1)** Shifting travel costs from one party to another by requiring attorneys and interpreters to travel to the defendant's location instead of bringing the defendant to court;
- (2)** Potential degradation of the attorney-client relationship, and the need for defendants to consult privately with their attorneys before and during the course of proceedings;
- (3)** Pretrial Services need to interview defendants and facilitate the expeditious release of eligible defendants;
- (4)** The US Marshal's need to have the defendant physically present for booking and processing;
- (5)** Defense counsel's need to review and explain documents to the defendant; and
- (6)** Potential VTC technology problems between sites.

LR 3000.1

Consent Requirements: Appearance by a defendant at a VTC proceeding requires consent of the defendant. "Consent," as used in this rule is understood to mean "after advice of counsel". Consent should not be obtained by means of pre-printed forms or Miranda-type waivers. A defendant who is represented by counsel may consent or object to a VTC proceeding through counsel. Absence of consent shall in no manner be used against the defendant.

Consultation with Counsel. In all cases in which the right to counsel applies, a defendant must be afforded the opportunity to consult privately with counsel before giving consent to a VTC proceeding. Opportunity to confer privately with counsel must also be available during the appearance itself. In general, this means that counsel must have the opportunity be physically present with the defendant.

Interpreters. A defendant whose primary language is not English must be afforded an interpreter for proceedings which are on the record as well as for private communication with counsel. In many such instances, VTC proceedings are impractical unless arrangements can be made to place the defendant, defense counsel, and the interpreter in the same physical location.

LR 3000.2

Notice Requirements: The 10-day notice requirement provides time for the Marshal's Service to confirm the defendant's location; confirm whether VTC capabilities exist at the facility where a defendant is incarcerated; and ultimately to determine whether determine whether to transport the defendant to court in lieu of the VTC proceeding. A list of VTC sites will be maintained by the Clerk's Office. The 14-day notice to the Court Clerk facilitates scheduling courtroom VTC equipment.

Both notice requirements provide defense counsel sufficient time to review the application and confer with his client; and when appropriate, either object to the VTC proceeding, or make necessary travel or other logistical arrangements.

Section (c) permits accommodation for exigent circumstances, i.e. emergency matters, expedited first appearances or unavailability of a judicial officer.

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

Plaintiff,

v.

Defendant.

**APPLICATION TO PROCEED
IN FORMA PAUPERIS**

CASE NUMBER:

I, _____, declare that I am the plaintiff in the above-entitled proceeding; that, in support of my request to proceed without prepayment of fees under 28 U.S.C. § 1915, I declare that I am unable to pay the fees for this proceeding or give security therefor and that I am entitled to the relief sought in the complaint.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated: Yes No

If "Yes" state the place of your incarceration. _____

If "Yes" have the institution fill out the Certificate portion of this application and attach a certified copy of your prison trust account showing transactions for the past six months.

2. Are you currently employed? Yes No

a. If the answer is "Yes" state the amount of your pay.

b. If the answer is "No" state the date of your last employment, the amount of your take-home salary or wages and pay period, and the name and address of your last employer.

3. In the past twelve months have you received any money from any of the following sources?

- a. Business, profession or other self-employment Yes No
- b. Rent payments, interest, or dividends Yes No
- c. Pensions, annuities, or life insurance payments Yes No
- d. Disability or workers compensation payments Yes No
- e. Gifts or inheritances Yes No
- f. Any other sources Yes No

If the answer to any of the above is "Yes" describe by that item each source of money and state the amount received **and** what you expect you will continue to receive. Please attach an additional sheet if necessary.

4. Do you have cash or checking or savings accounts, Yes No
(including prison trust accounts)?

If "Yes" state the total amount: _____

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or other valuable property? Yes No

If "Yes" list the asset(s) and state the value of each asset listed.

6. Do you have any other assets? Yes No

If "Yes" list the asset(s) and state the value of each asset listed.

7. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

I hereby authorize the agency having custody of me to collect from my trust account and forward to the Clerk of the United States District Court payments toward the full filing fee of \$150.00 for a prisoner civil rights complaint in accordance with the Prison Litigation Reform Act, P.L. 104-134 (110 Stat. 1321), Section 804(a) (to be codified at 28 U.S.C. § 1915(b)).

I declare under penalty of perjury that the above information is true and correct.

DATE

SIGNATURE OF APPLICANT

CERTIFICATE

(To be completed by the institution of incarceration.)

I certify that the applicant named herein has the sum of \$_____ on account to his/her credit at _____ (name of institution). I further certify that during the past six months the applicant's average monthly balance was \$_____. I further certify that during the past six months the average of monthly deposits to the applicant's account was \$_____.

I have attached a certified copy of the applicant's trust account statement showing the transactions for the past six months.

DATE

SIGNATURE OF AUTHORIZED OFFICER

US District Court – Oregon Time Table

Local Rule	Description	# Days	Period Calculated From	Comment
LR 83.16	Corporate Disclosure Statement		Concurrent with party's first appearance	
LR 26.1	Initial Conference for Discovery Planning	30	Service of last defendant	Held between parties
LR 16.2	Rule 16(b) Conference	30	Initial Conference for Discovery Planning required by LR 26.1	Held before assigned Judge - LR 26.1
<ul style="list-style-type: none"> • LR 16.1(e) • LR 16.4(c) 	<ul style="list-style-type: none"> • Initial Case Scheduling Order- Discovery Completion • ADR Conference 	120	Filing of complaint	
<ul style="list-style-type: none"> • LR16.1(e) • LR16.4(d) 	<ul style="list-style-type: none"> • Lodge Pretrial Order • File Joint Alternate Dispute Resolution Report 	150	Filing of complaint	
LR 16.4(f)(1)(D)	Agree on Volunteer Mediator	10	Filing of Order directing case to mediation	If parties cannot agree, plaintiff's attorney must notify court who will designate mediator
LR 16.4(h)(1)	Notification of Court of results of ADR Settlement	7	Conclusion of private ADR	
LR 16.4(h)(2)	Notify Court if no settlement achieved		Concurrent notification at conclusion of mediation	

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

Plaintiff(s),

v.

Civil Case No:

Defendant(s).

**CONSENT TO JURISDICTION BY A
UNITED STATES MAGISTRATE JUDGE
AND DESIGNATION OF NORMAL APPEAL ROUTE**

Pursuant to Fed.R.Civ.P. 73(b), the undersigned party or parties to the above-captioned civil matter hereby consent to have a United States Magistrate Judge conduct any and all proceedings in the case, including trial, and order the entry of final judgment.

In accordance with Fed.R.Civ.P. 73(c), the filing party also confirms that any appeal from a judgment or final order entered by a Magistrate Judge shall proceed via the normal appeal route directly to the United States Court of Appeals for the Ninth Circuit.

DATED this _____ day of _____, 20_____.

(Signature) _____

(Typed Name) _____ Bar ID No: _____

(Representing) _____

(Firm Name) _____

(Mailing Address) _____

(Telephone Number) _____

cc: Counsel of Record



United States District Court
District of Oregon

Agreement to Serve as a Voluntary Mediator

- This is a new application**
 I am presently on the court's list of Volunteer Mediators

1. Personal Information:

Name: _____
Last First Middle Initial

Mailing Address: _____

Oregon State Bar ID Number: _____

Phone Number: _____ Fax Number: _____

Business e-mail address: _____

2. Law Firm and Practice Information:

Law firm name: _____

Principal area of practice (please identify if predominantly plaintiff or defense): _____

Other fields of training and/or experience: _____

Legal or Non-legal organizations with whom you are affiliated: _____

Mediation Training Experience: _____

Court Divisions you would be willing to serve in (check as many as apply):

- | | |
|-----------------------------------|------------------------------------|
| <input type="checkbox"/> Portland | <input type="checkbox"/> Pendleton |
| <input type="checkbox"/> Eugene | <input type="checkbox"/> Medford |

I certify that I have read Local Rule 16.4, that I am a member in good standing with the Oregon State Bar, and that I have been admitted to practice in the United States District Court for the District of Oregon for at least five years, and/or I am a retired or senior judge.

Signature

Date

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

Plaintiff(s),

vs.

Civil Case No:

**APPLICATION FOR SPECIAL
ADMISSION - *PRO HAC VICE***

Defendant(s).

As local counsel in the above captioned case and in accordance with LR 83.3, I am recommending the following attorney for admission *pro hac vice* and certify that the information contained in this application is true.

1. **Pro Hac Vice Attorney Certification:** I have read and understand the requirements of LR 83.3, and certify that the following information is correct:

(A) **Personal Data:**

- (1) Name:
- (2) Firm or Business Affiliation:
- (3) Mailing Address, City, State and Zip Code:
- (4) Business E-mail Address:
- (5) Business Telephone Number:
- (6) Fax Telephone Number:

(B) **Bar Admissions Information:** I certify that I am now a member in good standing of the following State and/or Federal Bar Association:

- (1) State Bar Admissions: Name of court; admissions standing, date of admission, and BAR ID number.
- (2) Federal Bar Admissions: Name of court; admissions standing, date of admission, and BAR ID number.

(C) **Certification of Disciplinary Proceedings:**

___ I certify that I am not now, nor have I ever been subject to any disciplinary action by any state or federal bar association or administrative agency; or

___ I certify that I am now, or have been subject to disciplinary action from a state or federal bar association or administrative agency (*See* attached letter of explanation).

(D) **Certification of Professional Liability Insurance:** I have a current professional liability insurance policy that will apply in this case, and that the policy will remain in effect during the course of these proceedings.

(E) **Representation Statement:** I am representing the following party(s) in this case:

(F) **CME/ECF Registration:** Concurrent with approval of this *pro hac vice* application, I acknowledge that I will automatically be registered to access the court’s Case Management/Electronic Case File system. (*See* ecf.ord.uscourts.gov). I also consent to electronic service pursuant to Fed. R. Civ. P 5(b)(2)(D) and LR 100.13(a).

2. **Certification of Associated Local Counsel:** I certify that I am member in good standing of the Bar of this Court, that I have read and understand the requirements of LR 83.3(d), and that I will serve as designated local counsel in this particular case.

DATED this _____ day of _____, 200_____.

(*Signature of Local Counsel*)
Typed Name and Oregon State Bar ID Number
Firm or Business Affiliation
Mailing Address, City, State & Zip Code
Business E-mail Address
Business Telephone Number
FAX Number

(*Signature of Pro Hac Vice Counsel*)
Typed Name
Firm or Business Affiliation
Mailing Address, City, State & Zip Code
Business E-mail Address
Business Telephone Number
FAX Number

COURT ACTION

- _____ Application approved subject to payment of fees
- _____ Application approved and fee waived
- _____ Application denied

Date

United States District Judge

cc: Counsel of Record