

LR 67 – Deposits in Court
(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 or certified check made payable to Clerk, U.S. District Court.

(b) Registry Fund

Upon receipt, the Clerk will deposit the monies into the Court's registry fund, which is held by the Treasurer of the United States.

(c) Interest-bearing Account

(1) Interest-bearing account deposits other than interpleader funds. Upon order of the Court, the Clerk will deposit monies into an interest-bearing account to be held pending disbursement. As set forth in paragraph (d), below, a fee will be assessed on funds deposited into such an account.

(2) Interpleader funds deposited under 28 U.S.C. § 1335. Such funds meet the IRS definition of a Disputed Ownership Fund (DOF), a taxable entity that requires tax administration. Upon order of the Court, the Clerk will deposit interpleader funds into an interest-bearing account. Interpleader funds are subject to a DOF fee, assessed according to the Court's Miscellaneous Fee Schedule, and withholding of federal taxes due.

Practice Tip

Refer to Standing Order 2016-11, Order Regarding Deposit and Investment of Registry Funds, for details about how interest-bearing account deposits are administered and how fees and applicable taxes are assessed.

(d) Assessment of ~~Registry~~ Fee

Pursuant to the authority of the Judicial Conference of the United States, the Clerk will assess ~~a registry~~ the required fee on all income earned on any funds deposited in an interest-bearing account authorized by the Court pursuant to paragraph (c), above.

LR 67-2 Order to Deposit Funds (See Sample Orders to Deposit Funds)

A proposed form of order must be filed with any motion to deposit funds. The Clerk's Office Financial Administrator must approve all proposed orders seeking to deposit funds with the Court.

LR 67-3 Funds Withdrawal - Generally (See 28 U.S.C. § 2042)

(a) Motion to Withdraw Funds (See Sample Orders to Disburse Funds)

Upon motion or stipulation, the Court may order that funds be withdrawn from the registry of the Court for redeposit or disbursement. A proposed form of order must be filed with a motion to withdraw funds, and must contain the following information:

- (1) The amount on deposit at the time of the motion;
- (2) The amount to be withdrawn ~~and the amount of the registry fee, if any, to be assessed by the Clerk; and~~
- (3) The name of the attorney of record who will receive and maintain the funds as a trustee, or the name and address of any payee who will receive such funds; ~~and~~
- ~~(4) The method for delivery of such funds to the intended recipient, whether by U.S. Mail or personal delivery at the Clerk's Office.~~

(b) Review of Proposed Orders by the Clerk

The Clerk's Office Financial Administrator must approve all proposed orders to withdraw funds deposited with the Court.

Amendment History to LR 67	
March 1, 2013	
LR 67-2	Added this new initial sentence: "A proposed form or order must be submitted with any motion to deposit funds." Omitted "Prior to submission to the Court" at the beginning of the second sentence and "with the Court" at the end of the same sentence. Capitalized "Clerk's Office Financial Administrator."
LR 67-3(a)	Changed the word "Monies" to "Funds" in the reference to the Sample Orders.
LR 67-3(b)	Omitted "Prior to submission to the Court" at the beginning of the sentence. Capitalized "Clerk's Office Financial Administrator," and replaced the word "monies" at the end of the sentence with "funds deposited with the Court."
March 1, 2014	

LR 67-2	Changed "submitted" to "filed."
LR 67-3	Changed "submitted" to "filed."
<u>March 1, 2017</u>	
<u>LR 67-1(c)(1)</u>	<u>Added subsection (1) heading: "Interest-bearing account deposits other than interpleader funds."</u>
<u>LR 67-1(c)(2)</u>	<u>New subsection.</u>
<u>LR 67-1(c)</u>	<u>New Practice Tip.</u>
<u>LR 67-1(d)</u>	<u>Deleted "Registry" before "Fee" in the heading. Replaced "a registry" with "the required" in the rule text.</u>
<u>LR 67-3(a)(2)</u>	<u>Deleted "and the amount of the registry fee, if any, to be assessed by the Clerk" after "withdrawn" and added "and" after the semicolon at the end of that subsection.</u>
<u>LR 67-3(a)(3)</u>	<u>Deleted semicolon and "and" at the end of subsection (3) and added period after "funds."</u>
<u>LR 67-3(a)(4)</u>	<u>Deleted subsection (4), "The method for delivery of such funds to the intended recipient, whether by U.S. Mail or personal delivery at the Clerk's Office."</u>

