

**LR 3 - Commencement of Action**  
(See [Fed. R. Civ. P. 3](#))

**LR 3-1 Locations for Filing**

- (a) See 28 U.S.C. § 177 for locations where Court may be held.
- (b) The Court is open to receive filings in Portland, Eugene, and Medford.

**LR 3-2 Divisions of Court**

- (a) The following divisions of court and corresponding codes are established to identify divisional venue, distribute the judicial work, and to align counties for juror management purposes:

(1) Portland Division (Division Code is 3)

Clackamas, Clatsop, Columbia, Hood River, Jefferson, Multnomah, Polk, Tillamook, Wasco, Washington, and Yamhill.

(2) Pendleton Division (Division Code is 2)

Baker, Crook, Gilliam, Grant, Harney, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wheeler.

(3) Eugene Division (Division Code is 6)

Benton, Coos, Deschutes, Douglas, Lane, Lincoln, Linn, and Marion.

(4) Medford Division (Division Code is 1)

Curry, Jackson, Josephine, Klamath, and Lake.

- (b) Pleading Requirement: Assignment to a Division

In the caption of any complaint, petition, notice of removal, and all charging documents, the filing party must identify the division where "divisional venue" lies.

For purposes of these Local Rules, "divisional venue" means the division of the Court in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated.

Example	UNITED STATES DISTRICT COURT DISTRICT OF OREGON MEDFORD DIVISION
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	<p><b>JANE DOE,</b> Plaintiff,</p> <p>v.</p> <p><b>JOHN DOE,</b> Defendant.</p>	<p>Case No.:</p> <p><b>COMPLAINT</b> Personal Injury Action (28 U.S.C. § 1332) <b>DEMAND FOR JURY TRIAL</b></p>
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### **LR 3-3 Place of Trial**

**(a) Usual Place of Trial**

Unless otherwise directed by the Court, cases will be tried in the division assigned under LR 3-2(b).

**(b) 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 3-4 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. (See "Application to Proceed In Forma Pauperis - Incarcerated Person" and "Application to Proceed In Forma Pauperis" forms.)

**(c) Civil Cover Sheet**

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.

**(d) Consent to Magistrate Judge Jurisdiction in Social Security Cases**

In a case seeking review of the decision of the Commissioner of Social Security filed pursuant to 42 U.S.C. § 405(g), a plaintiff represented by counsel must indicate whether the plaintiff consents to Magistrate Judge jurisdiction at the time of filing.

### Practice Tips

1. Copies of the JS-44 Civil Cover Sheet are available at the Divisional Office Intake Counters in Portland, Eugene, and Medford and available on the Court's website.

2. Checking the  JURY DEMAND 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 3-5 Additional Service Requirements

### (a) Case Management Scheduling Orders and Other Papers (*See* LR 16-1)

Upon case initiation, the Clerk's Office will issue certain documents as enumerated in LR 16-1.

### (b) Issuance of Summons Electronically

The Clerk's Office may issue summons electronically by placement of the Court's seal and signature of the issuing clerk on the process documents submitted by the plaintiff(s).

### (c) 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 case initiation upon all named parties. In cases which are removed to this Court, the removing defendant is considered the "filing party" for purposes of this rule and must serve the documents issued by the Clerk enumerated in LR 16-1 upon all named parties.

### Practice Tip

Electronic notice by the Court is not a substitute for the filing party's obligation to serve all documents issued by the Court at the time of filing upon all named parties.

## LR 3-6 Sealed Cases (*See* LR 26-4)

### (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 memorandum requesting the Court to seal the case. Pending the Court's ruling on the motion to seal, the case, complaint, and motion will be withheld from the public record; or
- (2) Provide a citation to the authorizing legislation. Pending verification of the legislation, the case, complaint, and motion 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 case along with all associated electronic records. (*See* LR 5-4(a)).

**(c) Proposed Order to Seal a Case**

A proposed order to seal a case must include language that identifies the persons authorized to review, copy, photograph, and/or inspect the sealed materials.

**(d) 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 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.

**(e) Access to Sealed Cases**

Subsequent access to the sealed case will be regulated by controlling statute or Court order.

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<b>Amendment History to LR 3</b>	
<b>June 1, 2006</b>	
Generally	Cross References updated throughout the rule. The word "Memoranda" changed to "Memorandum" throughout the rule.
LR 3.4(a)(1) (2) and (3)	The word "in" substituted for the word "from." The word "must" substituted for the word "will."
LR 3.4(c)	The word "Court" substituted for the word "judge." The word "its" substituted for the word "their."
LR 3.7(a)	The phrase beginning with ". . . certain documents as enumerated in LR 16.1 . . ." substituted for the phrase beginning with ". . . a case management scheduling order . . ."
LR 3.7(b)	The line beginning with "In cases which . . ." added. Practice Tip added.
LR 3.8(a) (2)	The word "Upon" in second sentence replaced with "Pending."

<b>December 1, 2009</b>	
LR 3-1	Former LR 3.1 deleted. Subsequent rules renumbered.
LR 3-2 (b)	Added to require pleading the division assignment in the case caption.
LR 3-3	Altered text from "Cases arising in counties" to "Cases where divisional venue lies."
LR 3-9	Former LR 3.9 deleted.
LR 3-10	Former LR 3.10 deleted.
Generally	Cross-references updated and references to Appendix of Forms deleted.
<b>March 1, 2012</b>	
LR 3-2(a)	Sentence modified to note the addition of the division codes established to identify divisional venue. Division codes added to LR 3-2(a)(1)-(4).
LR 3-2(b)	The word "filing" has been replaced with "complaint, petition, notice of removal, and all charging documents."
LR 3-3	Former LR 3-3 deleted. Subsequent sections renumbered.
LR 3-4	The words "city in which the case is maintained" have been changed to "division assigned under LR 3-2(b)."
LR 3-5 now LR 3-4	Clerical corrections (upper and lower case letters and italicized text) made to <i>in forma pauperis</i> references.
LR 3-8 now LR 3-7	Update reference in (c) to LR 3-9 now LR 3-8, reference in (d) to LR 3-8(e) to LR 3-7(e), and in (e) omitted the cross reference to LR 79.
<b>March 1, 2013</b>	
LR 3-1	Title change from "Places of Holding Court" to be "Locations for Filing." Further, the rule is amended to clarify that the Court is open to receive filings in Portland, Eugene, and Medford in light of 28 U.S.C. § 117, which states, in part, "Court shall be held at Coquille, Eugene or Springfield, Klamath Falls, Medford, Pendleton, and Portland."
LR 3-3	Amended to delete LR 3-3(b) ("Upon motion of any party, the Court may order that a case be tried in Pendleton") and renumber LR 3-3(c) accordingly.
LR 3-5(a)	Replaced "At the time of filing" with "Upon case initiation."

LR 3-5(b)	New subsection.
LR 3-5(c)	Subsection relettered from (b) to (c). Replaced "at the time of filing" in first sentence with "at case initiation." Replaced "at the time of filing" in second sentence with "enumerated in LR 16-1." Replaced "the documents" in second sentence with "all documents."
LR 3-6(a)(1)	Replaced "file" with "case" in first sentence. Replaced "file and records" with "complaint, and motion" in second sentence.
LR 3-6(a)(2)	Removed "(if any)" from first sentence. Replaced "file and associated records" with "complaint, and motion" in second sentence.
LR 3-6(b)	Replaced "the file and" with "the case along with."
LR 3-6(c)	New subsection.
LR 3-6(d)	Relettered section from (c) to (d).
LR 3-6(e)	Relettered section from (d) to (e).
LR 3-7	New provision with Practice Tip.
LR 3-8	Renumbered from LR 3-7 to 3-8. Omitted cross-reference. Added "This provision applies to documents sealed by orders other than a protective order."
LR 3-8(a)	Added "and remote, electronic access to electronically filed sealed documents is restricted to court users only" at end of sentence.
LR 3-8(c)	Renumbered reference to LR 3-8 to LR 3-9.
LR 3-9	Renumbered from LR 3-8 to 3-9.
LR 3-9(a)	Renumbered reference to LR 3-8(c) to LR 3-9(c).
LR 3-9(b)(2)	Added text "to include the following information:" and added to the Example: "Case caption including case number" and "Submitted by: name of attorney, representing (name of party)."
<b>March 1, 2014</b>	
LR 3-2(b)	Replaced "court" with "Court."
LR 3-4	Clarified Practice Tip #1 that copies of the JS-44 Civil Cover Sheet are available "at the Divisional Office Intake Counters in Portland, Eugene, and Medford."

LR 3-7	Reference to former LR 100-5 updated to be (new) LR 5-5(b).
<b>May 1, 2015</b>	
LR 3-1	Moved JS-44 Civil Cover Sheet requirement from the Practice Tip to the text of the rule.
LR 3-6	Removed instances of "electronic" and "electronically."
LR 3-8	Removed instances of "electronic" and "electronically."
<b>March 1, 2016</b>	
LR 3-7	Text deleted from LR 3-7 and moved to LR 26-4(b) and (c).
LR 3-7 Practice Tip	Text deleted from LR 3-7 Practice Tip and moved to LR 26-4 Practice Tip.
LR 3-8	Renumbered from LR 3-8 to LR 3-7.
LR 3-8(c) now LR 3-7(c)	Updated cross-reference from "LR 3-9" to "LR 3-8."
LR 3-8(d) now LR 3-7(d)	Updated cross-reference from "LR 3-8(e)" to "LR 3-7(e)."
LR 3-9	Renumbered from LR 3-9 to LR 3-8.
LR 3-9(a) now LR 3-8(a)	Updated cross-reference from "LR 3-9(c)" to "LR 3-8(c)."
<b>March 1, 2017</b>	
LR 3-7	Added a new second sentence: "For documents to be filed under seal pursuant to an existing protective order in a civil case, see LR 26-4(c)."
LR 3-7(b)	In the heading, after "Order," added "Other Than by a Protective Order." In the first sentence of the rule text, after "order," added "other than a protective order." Added new third sentence: " <i>See</i> LR 26-4(c) addressing documents filed under seal pursuant to a protective order in a civil case."
<b>January 1, 2019</b>	
LR 3-5(b)	Deleted "in the manner described in LR 11-1(b)" after "clerk."

LR 3-6(b)	Updated the cross-reference from "LR 5-5(b)" to "LR 5-4(b)."
<b>January 21, 2020</b>	
LR 3-6(b)	Updated cross-reference from "LR 5-4(b)" to "LR 5-4(a)."
<b>December 1, 2020</b>	
LR 3-7	Deleted.
LR 3-8	Deleted.
<b><u>September 3, 2024</u></b>	
<u>LR 3-4</u>	<p><u>Added subsection (d) "Consent to Magistrate Judge Jurisdiction in Social Security Cases</u></p> <p><u>In a case seeking review of the decision of the Commissioner of Social Security filed pursuant to 42 U.S.C. § 405(g), a plaintiff represented by counsel must indicate whether the plaintiff consents to Magistrate Judge jurisdiction at the time of filing."</u></p>