UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

NOTICE REGARDING LOCAL RULES

(1) Proposed revisions to the following Local Rules have been posted on the USDC website:

Local Civil Rule 10 – Preparation of Pleadings

Local Civil Rule 11– Sanctions

Local Civil Rule 12(a) – Notice to *Pro Se* Litigants Regarding Motions to Dismiss

Local Civil Rule 16 – Status and Settlement Conferences and ADR

Local Civil Rule 23 – Class Action – Disposition of Residual Funds

Local Civil Rule 26 – Duty of Disclosure

Local Civil Rule 56(b) – Notice to *Pro Se* Litigants Regarding Summary Judgment

(2) The following proposed new Local Rule has been posted on the USDC website:

Local Civil Rule 7.1 – Disclosure Statement

The Rules can be reviewed in their entirety at: www.ctd.uscourts.gov

Comments from members of the Bar are welcomed by the Court and should be directed to:

Robin D. Tabora, Clerk
141 Church Street, New Haven, CT 06510

or sent by email to:
commentstotheclerkofcourt@ctd.uscourts.gov

To be considered, comments must be received by October 21, 2016.

RULE 7.1

DISCLOSURE STATEMENT

The requirement of Fed.R.Civ.P. 7.1 that nongovernmental parties file two copies of a disclosure statement shall be deemed satisfied by the electronic filing of such statement.

RULE 10

PREPARATION OF PLEADINGS

~~(Amended July 24, 2015)~~

~~(a) Preparation of Pleadings~~

All pleadings must be prepared in conformity with the Federal Rules of Civil Procedure and this Court's Electronic Filing Policies and Procedures. Pleadings shall be double-spaced, on 8-1/2" by 11" pages with left and right margins ~~per with a left margin~~ of at least 1", shall have page numbers in the bottom margin of each page after page 1, and shall have legibly typed, printed or stamped directly beneath the signature the name of the counsel or party who executed such document, the office address, telephone number, fax number and e-mail address, if available. The federal bar number assigned to counsel should appear beneath his/her signature. The complete docket number, including the initials of the Judge to whom the case has been assigned, shall be typed on each pleading. The date of each pleading shall be included in the case caption.

RULE 11

~~SANCTIONS~~

MOTIONS FOR ATTORNEYS' FEES AND-/OR SANCTIONS

Except as otherwise required by statute, ~~M~~motions for attorneys' fees or sanctions must~~shall~~ be filed with the Clerk not later than ~~and served on opposing parties within~~ 30 days after~~of~~ the entry of judgment. ~~Any motions not complying with this rule shall be denied.~~

RULE 12

(a) Notice to Self-Represented ~~*Pro Se*~~ Litigants Regarding Motions to Dismiss

Any represented party moving to dismiss the complaint of a self-represented party ~~proceeding *pro se*~~ shall file and serve, as a separate document in the form set forth below, a "Notice to Self-Represented ~~*Pro Se*~~ Litigant Concerning ~~Opposing~~ Motion to Dismiss." The movant shall attach to the notice copies of the full text of Rule 12 of the Federal Rules of Civil Procedure and Local Civil Rule 7.

Notice to ~~*Pro Se*~~*Self-Represented* Litigant Concerning ~~Opposing~~ Motion to Dismiss

(As Required by Local Rule 12(a))

The purpose of this notice, which is required by the Court, is to notify you that the defendant has filed a motion to dismiss asking the Court to dismiss all or some of your claims without a trial. The defendant argues that there is no need to proceed with these claims because they are subject to dismissal for the reasons stated in the motion.

THE DEFENDANT'S MOTION MAY BE GRANTED AND YOUR CLAIMS MAY BE DISMISSED WITHOUT FURTHER NOTICE IF YOU DO NOT FILE OPPOSITION PAPERS AS REQUIRED BY RULE 12 OF THE FEDERAL RULES OF CIVIL PROCEDURE AND IF THE DEFENDANT'S MOTION SHOWS THAT THE DEFENDANT IS ENTITLED TO DISMISSAL OF ANY OR ALL OF YOUR CLAIMS. COPIES OF RELEVANT RULES ARE ATTACHED TO THIS NOTICE, AND YOU SHOULD REVIEW THEM VERY CAREFULLY.

The papers you file must show that (1) you disagree with the defendant's arguments for dismissal, and (2) that the allegations of your~~the~~ complaint are sufficient to allow this case to proceed. If you would like to amend your complaint under Rule 15 of the Federal Rules of Civil Procedure in order to respond to the alleged deficiencies in your complaint asserted by the defendant, you may promptly file a motion to amend your complaint, but you must attach your proposed amended complaint to the motion.

It is very important that you read the defendant's motion and memorandum of law to see if you agree or disagree with the defendant's motion. It is also very important that you review the enclosed copies~~y~~ of Rule 12 of the Federal Rules and Local Rule 7 carefully. You must file your opposition papers (and any motion to amend) with the Clerk of the Court and mail a copy to the defendant's counsel within 21 days of the filing of the defendant's motion with the Clerk of the Court. (If you e-file under the Court's Electronic Filing Policies and Procedures, you do not need to separately mail a copy of your opposition papers to the defendant's counsel.) If you require additional time to respond to the motion to dismiss, you must file a motion for extension of time, providing the Court with good reasons for the extension and with the amount of additional time you require.

If you are confined in a Connecticut correctional facility, you must file your opposition papers and any motion to amend using the Prisoner Efiling Program and are not required to mail copies to the defendant's counsel.

RULE 16

STATUS AND SETTLEMENT CONFERENCES AND ADR

(a) Status Conferences

Pursuant to Fed. R. Civ. P. 16 and 26(f) and Local Rule 53, one or more status conferences may be scheduled before a Judge or a parajudicial officer or special master designated by the presiding Judge. Status conferences may be held in person or by telephone.

(b) Scheduling Orders

Within the time provided by Fed.R.Civ.P. 16, and ~~90 days after the appearance of any defendant, the Court,~~ after considering any ~~the parties'~~ proposed case management plan submitted by the parties under Fed. R. Civ. P. 26(f) and Local Rule 26(f), the Court shall enter a scheduling order that limits the time:

1. to join other parties and to amend the pleadings;
2. to complete discovery;
3. to file dispositive motions; and
4. to file a joint trial memorandum.

The scheduling order may ~~will~~ include a date by which the case will be deemed ready for trial and may also include dates for further status conferences, settlement conferences and other matters appropriate in the circumstances of the particular case. The scheduling order may include provisions for (a) disclosure or discovery of electronically stored information and (b) any agreed provisions for assertion of privilege over or protection of trial-preparation material, after production.

The schedule established by the Court for completing discovery, filing dispositive motions and filing a joint trial memorandum shall not be modified except by further order of the Court on a showing of good cause. The good cause standard requires a particularized showing that the schedule cannot reasonably be met, despite the diligence of the party seeking the modification, for reasons that were not reasonably foreseeable when the parties submitted their proposed case management plan. A~~The~~ trial ready date will not be postponed at the request of a party except to prevent manifest injustice.

This Rule does not require the entry of such a tailored scheduling order in the following categories of cases: self-represented ~~*pro se*~~ prisoner cases; *habeas corpus* proceedings; appeals from decisions of administrative agencies, including social security disability appeals; recovery of defaulted student loans, recovery of overpayment of veterans' benefits, forfeiture actions, petitions to quash Internal Revenue Service summons, appeals from Bankruptcy Court orders, proceedings to compel arbitration or to confirm or set aside arbitration awards, and Freedom of Information Act cases.

(c) Settlement Conferences

1. In accordance with Fed. R. Civ. P. 16, one or more conferences may be held for the purpose of discussing possibilities for settlement of the case. ~~A mandatory settlement conference will be held at or shortly after the close of discovery.~~ Parties~~Counsel~~ have a duty to discuss the possibility of settlement during the planning conference required by Fed. R. Civ. P. 26(f) and Local Rule 16 and may request that an early settlement conference be conducted before the parties undertake significant discovery or motion practice.

~~1.~~2. In a case that will be tried to a jury, such conferences shall be held with the presiding Judge, a Magistrate Judge, or a parajudicial officer or special master designated by the presiding Judge. Absent consent of the parties, ~~I~~in a case that will be tried to the Court, such conferences shall be held with a Judge other than the one to whom it has been assigned, a Magistrate Judge, or parajudicial officer or special master designated by the presiding Judge.

3. Parties and/or their representatives ~~Counsel~~ shall attend any settlement conference fully authorized to make a final demand or offer, to engage in settlement negotiations in good faith, and ~~. Counsel on both sides must be authorized~~ to act promptly on any proposed settlement. The judicial officer, parajudicial officer, or special master before whom a settlement conference is to be held may require that counsel be accompanied by the person or persons authorized and competent to accept or reject any settlement proposal.

(d) Pretrial Order

The Court may make an order reciting the action taken at any status or settlement conference and any amendments allowed to the pleadings, any agreements, concessions or admissions made by any party, and limiting the issues for trial to those not thereby disposed of. A pretrial order may be prepared by the Court and sent to ~~counsel for~~ each party subsequent to the conference, or the Court may require ~~counsel for~~ one of the parties to prepare a proposed written order for consideration and entry by the Court. The order shall become part of the record and shall be binding on the parties, unless modified by the Court at or before the trial so as to prevent manifest injustice.

(e) Trial Briefs

The Court may require the parties or any of them within such time as it directs to serve and file a trial brief as to any doubtful points of law which may arise at the trial.

(f) Failure of Compliance

For failure to appear at a conference or to participate therein, or for failure to comply with the terms of this Rule or any orders issued pursuant to this Rule, the Court in its discretion may impose such sanctions as are authorized by law, including without limitation an order that the case be placed at the bottom of the trial list, an order with respect to the imposition on the party or, where appropriate, on counsel personally, of costs and counsel fees, or such other order with respect to the continued prosecution or defense of the action as is just and proper.

(g) Sanctions Against Counsel and Parties

1. It shall be the duty of counsel and all parties to promote the just, speedy and inexpensive determination of every action. The Court may impose sanctions directly against counsel and any party who disobeys an order of the Court or intentionally obstructs the effective and efficient administration of justice.

2. Failure to Pay Costs or Sanctions

No attorney or ~~The Clerk shall not accept for filing any paper from an attorney or *pro se*~~ litigant against whom a final order of monetary sanctions has been imposed may file any pleading or other document until the sanctions have been paid in full. Pending payment, such attorney or ~~*pro se*~~ litigant also may be barred from appearing in court. An order imposing monetary sanctions becomes final for the purposes of this local rule when the Court of Appeals issues its mandate or the time for filing an appeal expires.

(h) Alternative Dispute Resolution (ADR)

1. In addition to existing ADR programs (such as Local Rule 53's Special Masters Program) and those promulgated by individual judges (e.g., Parajudicials Program), a case may be referred for voluntary ADR at any stage of the litigation deemed appropriate by the parties and the judge to whom the particular case has been assigned.

2. Before a case is referred to voluntary ADR, the parties must agree upon, subject to the approval of the judge:

(a) The form of the ADR process (e.g., mediation, arbitration, summary jury trial, minitrial, etc.);
(b) The scope of the ADR process (e.g., settlement of all or specified issues, resolution of discovery schedules or disputes, narrowing of issues, etc.);
(c) The ADR provider (e.g., a court-annexed ADR project; a profit or not-for-profit private ADR organization; or any qualified person or panel selected by the parties);
(d) The effect of the ADR process (e.g., binding or nonbinding).

3. When agreement between the parties and the judge for a voluntary ADR referral has been reached, the parties shall file jointly for the judge's endorsement a "Stipulation for Reference to ADR." The Stipulation, subject to the judge's approval, shall specify:

(a) The form of ADR procedure and the name of the ADR provider agreed upon;
(b) The judicial proceedings, if any, to be stayed pending ADR (e.g., discovery matters, filing of motions, trial, etc.);
(c) The procedures, if any, to be completed prior to ADR (e.g., exchange of documents, medical examination, etc.);
(d) The effect of the ADR process (e.g., binding or nonbinding);
(e) The date or dates for the filing of progress reports by the ADR provider with the trial judge or for the completion of the ADR process; and

(f) The special conditions, if any, imposed by the judge upon any aspect of the ADR process (e.g., requiring trial counsel, the parties, and/or representatives of insurers with settlement authority to attend the voluntary ADR session fully prepared to make final demands or offers).

4. Attendance at ADR sessions shall take precedence over all non-judicially assigned matters (depositions, etc.). With respect to court assignments that conflict with a scheduled ADR session, trial judges may excuse trial counsel temporarily to attend the ADR session, consistent with the orderly disposition of judicially assigned ¬matters. In this regard, trial counsel, upon receiving notice of an ADR session, immediately shall inform the trial judge and opposing counsel in matters scheduled for the same date of his or her obligation to appear at the ADR session.

5. All ADR sessions shall be deemed confidential and protected by the provisions of Fed. R. Evid. 408 and Fed. R.Civ. P. 68. No statement made or document produced as part of an ADR proceeding, not otherwise discoverable or obtainable, shall be admissible as evidence or subject to discovery.

6. At the conclusion of the voluntary ADR session(s), the ADR provider's report to the judge shall merely indicate "case settled or not settled," unless the parties agree to a more detailed report (e.g., stipulation of facts, narrowing of issues and discovery procedures, etc.). If a case settles, the parties shall agree upon the appropriate moving papers to be filed for the trial judge's endorsement (Judgment, Stipulation for Dismissal, etc.). If a case does not settle but the parties agree to the narrowing of discovery matters or legal issues, then the ADR provider's report shall set forth those matters for endorsement or amendment by the judge.

RULE 23

CLASS ACTION - DISPOSITION OF RESIDUAL FUNDS

~~(Amended July 24, 2015)~~

(a) "Residual Funds" are funds that remain after the payment of approved class member claims, expenses, litigation costs, attorney's fees, and other court-approved disbursements made to implement the relief granted. Nothing in this rule is intended to limit the parties to a class action from recommending, or the trial court from approving, a settlement that does not create residual funds.

(b) The Court may approve a settlement proposal that designates the recipients(s) of any residual funds remaining after the claims payment process has been completed or, in the absence of an approved proposal, may designate the recipient(s) in its discretion. Any ~~such~~ discretionary designation by the Court should include distribution of residual funds to charitable institutions for uses consistent with the legitimate objectives underlying the lawsuit, the interests of class members, and the interests of those similarly situated, when feasible. Where no such charitable institutions can be identified, the residual funds may be designated for the organization administering the program for the use of interest on lawyers' client funds pursuant to § 51-81c of the General Statutes for the purpose of supporting its activities including, but not limited to, the funding of those organizations that provide legal services for the poor in Connecticut.

RULE 26

DUTY OF DISCLOSURE

(a) Definitions Applicable to Discovery Requests.

The full text of the definitions and rules of construction set forth in paragraphs (c) and (d) herein is deemed incorporated by reference into all discovery requests served in cases filed in this District, but shall not preclude (i) the definition of other terms specific to the particular litigation, (ii) the use of abbreviations or (iii) a more narrow definition of a term defined in paragraph (c).

(b) This Rule is not intended to broaden or narrow the scope of discovery permitted by the Federal Rules of Civil Procedure for the United States District Courts.

(c) The following definitions apply to all discovery requests:

(1) **Communication.** The term 'communication' means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

(2) **Document.** The term 'document' is ~~defined to be~~ synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a). A draft or non-identical copy is a separate document within the meaning of this term. A request for production of 'documents' shall encompass, and the response shall include, electronically stored information, as included in Federal Rule of Civil Procedure 34, unless otherwise specified by the requesting party.

(3) **Identify (With Respect to Persons).** When referring to a person, to 'identify' means to provide, to the extent known, the person's full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

(4) **Identify (With Respect to Documents or Electronically Stored Information).** When referring to documents or electronically stored information, to 'identify' means to provide, to the extent known, information about the (i) type of document or electronically stored information; (ii) its general subject matter; (iii) the date of the document or electronically stored information; and (iv) author(s), addressee(s) and recipient(s).

(5) **Parties.** The terms 'plaintiff' and 'defendant' as well as a party's full or abbreviated name or a pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

(6) **Person.** The term 'person' means~~is defined as~~ any natural person or any business, legal or governmental entity or association.

(7) **Concerning.** The term 'concerning' means relating to, referring to, describing, evidencing or constituting.

(d) The following rules of construction apply to all discovery requests:

(1) **All/Each.** The terms 'all' and 'each' shall both be construed as all and each.
(2) **And/Or.** The connectives 'and' and 'or' shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
(3) **Number.** The use of the singular form of any word includes the plural and vice versa.

(e) **Privilege Log.** In accordance with Fed. R. Civ. P. 26(b), when a claim of privilege or work product protection is asserted in response to a discovery request for documents or electronically stored information, the party asserting the privilege or protection ~~shall~~ shall serve on all parties a privilege log containing ~~provide~~ the following information: ~~in the form of a privilege log.~~

(1) The type of document or electronically stored information;
(2) The general subject matter of the document or electronically stored information;
(3) The date of the document or electronically stored information;
(4) The author of the document or electronically stored information; and
(5) Each recipient of the document or electronically stored information.

This rule shall apply only to requests for documents or electronically stored information.

If the information called for by one or more of the foregoing categories is itself privileged, it need not be disclosed. However, the existence of the document and any non-privileged information called for by the other categories must be disclosed.

This rule requires preparation of a privilege log with respect to all documents withheld on the basis of a claim of privilege or work product protection except the following: written or electronic communications between a party and its trial counsel after commencement of the action and the work product material created after commencement of the action. The parties may, by stipulation, narrow or dispense with the privilege log requirement, on the condition that they agree not to seek to compel production of documents that otherwise would have been logged.

(f) **Parties' Planning Conference.**

(1) Within thirty days after the first appearance of a~~ny~~ defendant, the attorneys of record and any self-~~un~~represented parties who have appeared in the case shall confer for the purposes described in Fed. R. Civ. P. 26(f). ~~If a government entity or official is a defendant, the conference shall be held within thirty days after the appearance of any such defendant.~~ The conference ordinarily shall be initiated by the plaintiff, and may be conducted by telephone or electronic audio or video conferencing service. Within fourteen (14) days after the conference, the participants shall jointly complete and file a report in the form prescribed by Form 26(f),

which appears in the Appendix to these Rules. ~~A copy of the report shall be mailed to the chambers of the presiding Judge.~~

(2) After the parties' report is filed, the Court will issue a written scheduling order pursuant to Fed. R. Civ. P. 16(b). ~~Until such a scheduling order is issued, the case will be governed by the provisions of the Standing Order On Scheduling In Civil Cases~~. If a defendant appears after the scheduling order is issued, such defendant shall be bound by the scheduling order unless it is modified by the Court either on its own initiative or on motion.

(3) This Local Rule 26(f) ~~rule~~ shall not apply to the following categories of cases: prisoner petitions; review of decisions by administrative agencies, including social security disability matters; recovery of defaulted student loans; recovery of overpayment of veterans' benefits; forfeiture actions; petitions to quash Internal Revenue summons; appeals from Bankruptcy Court orders; proceedings to compel arbitration or to confirm or set aside awards and cases under the Freedom of Information Act.

~~(4) This rule applies to cases filed on or after June 1, 1995.~~

RULE 56

SUMMARY JUDGMENT

~~(Amended December 31, 2013)~~

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(b) Notice to *Pro Se* Litigants Regarding Summary Judgment.

Any represented party moving for summary judgment against a party proceeding *pro se* shall file and serve, as a separate document, in the form set forth below, a "Notice to *Pro Se* Litigant Opposing Motion for Summary Judgment." If the *pro se* party is not a plaintiff, or if the case is to be tried to the Court rather than to a jury, the movant will modify the notice accordingly. The movant shall attach to the notice copies of the full text of Rule 56 of the Federal Rules of Civil Procedure and of this Local Civil Rule 56.

Notice to *Pro Se* Litigant Opposing Motion For Summary Judgment
As Required by Local Rule of Civil Procedure 56(b)

The purpose of this notice, which is required by the Court, is to notify you that the defendant has filed a motion for summary judgment asking the Court to dismiss all or some of your claims without a trial. The defendant argues that there is no need for a trial with regard to these claims because no reasonable jury could return a verdict in your favor.

THE DEFENDANT'S MOTION MAY BE GRANTED AND YOUR CLAIMS MAY BE DISMISSED WITHOUT FURTHER NOTICE IF YOU DO NOT FILE PAPERS AS REQUIRED BY RULE 56 OF THE FEDERAL RULES OF CIVIL PROCEDURE AND RULE 56 OF THE LOCAL RULES OF CIVIL PROCEDURE AND IF THE DEFENDANT'S MOTION SHOWS THAT THE DEFENDANT IS ENTITLED TO JUDGMENT AS A MATTER OF LAW. COPIES OF THESE RULES ARE ATTACHED TO THIS NOTICE, AND YOU SHOULD REVIEW THEM VERY CAREFULLY.

The papers you file must show that (1) you disagree with the defendant's version of the facts; (2) you have evidence contradicting the defendant's version; and (3) the evidence you rely on, if believed by a jury, would be sufficient to support a verdict in your favor.

To make this showing, you must file one or more affidavits disputing the defendant's version of the facts. An affidavit is a sworn statement by a witness that the facts contained in the affidavit are true to the best of the witness's knowledge and belief. To be considered by the Court, an affidavit must be signed and sworn to in the presence of a notary public or other person authorized to administer oaths. In addition to affidavits, you may also file deposition transcripts, responses to discovery requests, and other evidence that supports your claims. Please be aware that the Local Rule requires counsel and *pro se* parties to cite to specific paragraphs when citing affidavits or responses to discovery requests and to cite to specific pages when citing to deposition or other transcripts or to documents longer than a single page

in length. If you fail to comply and submit evidence contradicting the defendant's version of the facts, your claims may be dismissed if the defendant's motion shows that the defendant is entitled to judgment as a matter of law.

It is therefore very important that you read the defendant's motion, memorandum of law, affidavits, and other evidentiary materials to see if you agree or disagree with the defendant's version of the relevant facts. It is also very important that you review the enclosed copy of Rule 56 of the Local Rules of Civil Procedure carefully. This rule provides detailed instructions concerning the papers you must file in opposition to the defendant's motion, including how you must respond to specific facts the defendant claims are undisputed (see Rule 56(a)(2)) and how you must support your claims with specific references to evidence (see Rule 56(a)(3)). If you fail to follow these instructions, the defendant's motion may be granted if the defendant's motion shows that the defendant is entitled to judgment as a matter of law.

You must file your opposition papers with the Clerk of the Court and mail a copy to the defendant's counsel within 21 days of the filing of the defendant's motion with the Clerk of the Court. This 21-day period is extended an additional three days if any of the conditions of Rule 6(e) of the Federal Rules of Civil Procedure are met (for example, if you received the defendant's motion by mail or overnight delivery service).

If you are confined in a Connecticut correctional facility, you must file your opposition papers using the Prisoner Efiling Program and are not required to mail copies to the defendant's counsel.