

**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 30 – Depositions

Local Civil Rule 37– Discovery Disputes

Local Civil Rule 39 – Designation of Bankruptcy Judges to Conduct Jury Trials

Local Civil Rule 40 – Assignments

Local Civil Rule 41 – Dismissal of Actions

Local Civil Rule 48 – Jury Panel

Local Civil Rule 53 – Special Masters

Local Civil Rule 54 – Taxation of Costs

Local Civil Rule 68 – Offer of Compromise

- (2) The following proposed new Local Rules have been posted on the USDC website:

Local Civil Rule 45- Subpoenas

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

Comments 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 March 17, 2017.

RULE 30

DEPOSITIONS

(Amended March _____, 2017)

(a) Attendance

Depositions on oral examination or on written interrogatories are deemed to constitute private proceedings which the public is not entitled to attend. Any person other than the witness being deposed, the parties to the action, the parent of a minor deponent, counsel for the witness or any party, or any person who has been disclosed by any party as an expert witness in the case shall, at the request of counsel for any party, or the witness, be excluded from the hearing room while the deposition of any person is being taken. Application for an exception to this rule may be made to the presiding Judge.

(b) Appearances

Any counsel taking or defending a deposition on behalf of a party must have filed an appearance in the case. Subject to any applicable rules concerning the unauthorized practice of law, counsel representing a non-party witness only in deposition need not file an appearance unless otherwise ordered.

(c) ~~(b)~~ Depositions

Transcripts of depositions and exhibits marked for identification at the depositions shall not be filed with the Clerk, unless the parties are unable to agree as to who shall retain custody of the transcripts and exhibits. If filed with the Clerk, transcripts of all pre-trial depositions in the case and any exhibits marked upon the taking of any deposition shall be withheld from public inspection by the Clerk, but shall be available to any party for any proper use in the case.

(d) ~~(e)~~ Transcripts and Copies of ~~Taped~~ Depositions

Where a deposition has been taken, any party is entitled to a copy of the recording made of the testimony, whether that recording is done through stenographic, audio~~tape~~ or video~~tape~~ means. Each party shall bear the expense of his or her own copy of the recording of the deposition testimony.

RULE 37

DISCOVERY DISPUTES

(Amended March 1, 2017)

(a) No motion pursuant to Rules 26 through 37, Fed.R.Civ.P. shall be filed unless counsel making the motion has conferred, in person or by telephone, with opposing counsel and discussed the discovery issues between them in detail in a good faith effort to eliminate or reduce the area of controversy, and to arrive at a mutually satisfactory resolution. In the event the consultations of counsel do not fully resolve the discovery issues, counsel making a discovery motion shall file with the Court, as a part of the motion papers, an affidavit certifying that he or she has conferred with counsel for the opposing party in an effort in good faith to resolve by agreement the issues raised by the motion without the intervention of the Court, and has been unable to reach such an agreement. If some of the issues raised by the motion have been resolved by agreement, the affidavit shall specify the issues so resolved and the issues remaining unresolved.

(b)1. Memoranda by both sides shall be filed with the Clerk in accordance with Rule 7(a)1 of these Local Rules before any discovery motion is heard by the Court. Each memorandum shall contain a concise statement of the nature of the case and a specific verbatim listing of each of the items of discovery sought or opposed, and immediately following each specification shall set forth the reason why the item should be allowed or disallowed. Where several different items of discovery are in dispute, counsel shall, to the extent possible, group the items into categories in lieu of an individual listing of each item. Every memorandum shall include, as exhibits, copies of the discovery requests in dispute.

2. Where a discovery motion seeks disclosure of documents or electronically stored information, and the moving party believes in good faith that there is a significant risk that material information will be destroyed before the motion is decided in accordance with normal procedure, the moving party shall have good cause to seek expedited consideration of the motion in accordance with Rule 7(a)~~4~~³.

(c) Where a party has sought or opposed discovery which has resulted in the filing of a motion, and that party's position is not warranted under existing law and cannot be supported by good faith argument for extension, modification or reversal of existing law, sanctions will be imposed in accordance with applicable law. If a sanction consists of or includes a reasonable attorney's fee, the amount of such attorney's fee shall be calculated by using the normal hourly rate of the attorney for the party in whose favor a sanction is imposed, unless the party against whom a sanction is imposed can demonstrate that such amount is unreasonable in light of all the circumstances.

(d) Unless a different time is set by the Court, compliance with discovery ordered by the Court shall be made within fourteen (14) days of the filing of the Court's order.

RULE 39

DESIGNATION OF BANKRUPTCY JUDGES TO CONDUCT JURY TRIALS

(Amended March 1, 2017)

The United States District Court for the District of Connecticut hereby specially designates the bankruptcy judges of this district to conduct jury trials ~~(pursuant to 28 U.S.C. 157(e))~~.

RULE 40

ASSIGNMENTS

~~(Amended February 7, 2014)~~
~~(Amended November 7, 2014)~~
~~(Amended March 25, 2015)~~
(Amended March , 2017)

(a) Place of Assignment of Cases

The place of assignment of a case will be determined by the Court in accordance with a general policy on assignments adopted from time to time by the active Judges of the Court in the interest of the effective administration of justice.

(b) Individual Calendar System

(1) All cases will be assigned to a single Judge from filing to termination.

- a. In the event that it is subsequently determined that there is pending in this District a related case assigned to a different Judge, or, if one is later filed, such the later-filed case should normally be transferred to the Judge having the earliest filed case that remains pending. ~~A case may be reassigned at the discretion of the Chief Judge. The presiding Judge in a later-filed, related case will consider whether transfer is appropriate under the rule promptly after learning of an earlier-filed, related case pending before another Judge of this Court. Later-filed, related, related cases may be transferred by the presiding Judge, either sua sponte or upon motion of any party, with the consent of the transferee Judge.~~
- b. Any case (whether or not related to another case pending in the District before a different Judge) may be reassigned at the discretion of the Chief Judge.

(2) When a party files or removes a civil case or files its first motion or pleading in such case – whichever first occurs – that party shall file, at the same time, a Notice of Related Case disclosing the case caption, case number, and presiding judge of all cases currently pending in this District that may be related. Such notice must be filed in all cases in which relatedness is suggested.

(3) Whenever a party files in this Court an appeal from a ruling of the Bankruptcy Court, it shall file, at the same time, a notice disclosing the case caption, case number, and presiding judge of any previous appeals filed in this Court arising from the same bankruptcy case. The appeal should normally be transferred to the judge to whom any previous appeals arising from the same bankruptcy case were assigned.

~~(4) Personnel of the Clerk's office shall not reveal to any person other than a Judge or the Clerk of this Court the order of assignment of cases or the identity of the Judge to be assigned a particular case, until after the case is filed and assigned.~~

~~(5) All cases transferred to this Court as multidistrict litigation, pursuant to the provisions of 28 U.S.C. § 1407, shall be assigned to a designated Judge.~~

~~**(c) Assignment to Judge upon Remand**~~

~~Whenever an appellate Court has remanded a matter to the District Court, and further proceedings not requiring the trial of an issue of fact are appropriate, an application with reference thereto, whether made upon the motion calendar or otherwise, shall be referred for such further proceedings to the Judge who heard the matter below unless the Chief Judge or the appellate Court otherwise directs.~~

RULE 41

DISMISSAL OF ACTIONS

(Amended March 1, 2017)

(a) For Failure To Prosecute

In civil actions in which no action has been taken by the parties for six (6) months or in which deadlines established by the Court pursuant to Rule 16 appear not to have been met, the Clerk shall give notice of proposed dismissal to counsel of record and ~~pro se self-represented~~ parties, if any. If such notice has been given and no action has been taken in the action in the meantime and no satisfactory explanation is submitted to the Court within twenty ~~one~~ (20) days thereafter, the Clerk shall enter an order of dismissal. Any such order entered by the Clerk under this Rule may be suspended, altered, or rescinded by the Court for cause shown.

(b) When Reported Settled to the Court

When counsel of record report to the Court that a civil action pending on its docket has been settled between the parties, ~~and no closing papers are filed within thirty (30) days thereafter,~~ the Clerk shall enter an order closing the case, subject to the parties' right to reopen within thirty (30) days, unless a longer period is specified by the Court. ~~of dismissal. Said~~ ~~Dismissal under this rule~~ shall be without costs, ~~and without prejudice to the right of any of the parties thereto to move within thirty (30) days thereafter to reopen if settlement has not, in fact, been consummated.~~

RULE 43 – ~~RULE 46~~ RULE 44

(RESERVED)

RULE 45

SUBPOENAS

Unless excused by the Court or the party issuing the subpoena, a non-party responding to a subpoena and claiming privilege as to any document must prepare a privilege log in accordance with Local Rule 26(e) to satisfy the requirements of Fed.R.Civ.P. 45(e)(2).

RULE 46
(RESERVED)

~~RULE 48~~

~~JURY PANEL~~

~~(a) Number of Jurors~~

~~The jury shall consist of not less than six members and not more than twelve members and all jurors shall participate in the verdict unless excused from service by the Court.~~

RULE ~~49-48~~ - RULE 52

(RESERVED)

RULE 53

SPECIAL MASTERS

(Amended March _____, 2017)

(a) Creation of Panel of Special Masters

The active Judges of the District may appoint from among the members of the bar of this Court a panel of special masters ~~for each seat of Court~~ for the purpose of settlement of cases or for any other proper purpose determined by the Judge to whom a particular case has been assigned.

(b) Appointment of a Master

The parties to a civil action may stipulate in writing to, or the Judge to whom the case has been assigned may order, the appointment of a master to report upon particular issues in the case including the holding of status or settlement conferences pursuant to L.R. 16(c) of these Local Rules. The Judge may appoint two masters where the purpose of the appointment is the holding of a settlement conference. The stipulation may suggest the master, in which case the Judge may appoint the person named. A master shall not be appointed to any particular case unless he or she consents to such appointment.

(c) Directives and Calendars of Special Masters

The Clerk's Office shall issue calendars for hearings or conferences at the direction of the master. Failure to comply with such calendars and other directives of the master shall subject the attorneys and parties to sanctions in accordance with Rules 16(g)1 and 16(g)2 of these Local Rules.

(d) May Sit Outside District

A master may sit outside the District. Where he or she is requested to sit outside the District for the convenience of a party and there is opposition thereto by another party, the special master may make an order for the holding of the hearing, or a part thereof, outside the District, upon such terms and conditions as shall be just. Such order may be reviewed by the Court upon motion of any party, served within ~~four~~teen (154) days after notice to all parties of the making of the order.

~~**(e) Filing of Report**~~

~~Upon the filing of his or her report the master shall furnish the Clerk with sufficient copies thereof addressed severally to the parties or their attorneys, to enable the Clerk to mail copies to them.~~

(e) (f) Confirmation or Rejection of Masters' Report

Any party objecting to ~~the any~~ report of a master shall serve and file an objection, including the reasons therefor, within ~~fourteen~~ (154) days of the filing of the master's report. Opposing memoranda shall be served and filed within ~~fourteen~~ (154) days thereafter. The absence of a timely objection shall be sufficient grounds to confirm the master's report.

(g) Compensation

~~The compensation of masters shall be fixed by the Court in its discretion, including his or her necessary disbursements, unless all interested parties consent to a rate of compensation or the master consents to serve without compensation. Such compensation and disbursements shall be shared equally by the parties and taxed as costs, unless the Court directs otherwise.~~

RULE 54

TAXATION OF COSTS

(Amended March , 2017)

(a) Procedure for Taxing Costs

1. Any party who seeks costs in the District Court shall, within fourteen (14) days after the District Court judgment becomes final due to the expiration of the appeal period, ~~(as defined by Fed.R.App.P. Rule 44), or within fourteen (14) days after~~ the issuance of a mandate by a federal appellate Court, file with the Clerk and serve on all other parties a verified bill of costs pursuant to 28 U.S.C. §§ 1821, 1920, 1923 and 1924, setting forth each item of costs that is claimed.

2. The Clerk shall enter an order allowing costs to the prevailing party unless the Court otherwise directs. No costs shall be allowed to any party if the Court is unable to identify the prevailing party.

3. In ~~cases any case~~ where (i) an offer of judgment for a sum certain is ~~made~~ timely served, ~~and (ii) a notice of filing has been service is~~ docketed as proof of the offer, ~~and (iii) the offer is not accepted and~~, (iv) thereafter the matter goes to trial ~~with the resulting recovery being~~, and (v) ~~the party who rejected the offer recovers~~ less than the offer, the party who made the offer of judgment shall be considered the prevailing party for purposes of taxing costs and shall be ~~paid awarded~~ the costs incurred after the making of the offer.

(b) Objections to the Bill of Costs

Any objections to the bill of costs shall be filed with the Clerk within fourteen (14) days of the filing of the bill of costs and shall specify each item to which there is an objection and the reasons for such objection. The Clerk shall rule on any objection to the bill of costs. In the absence of a timely objection, the Clerk shall award costs in accordance with the provisions of this Local Rule.

(c) Items Taxable As Costs

1. Fees of the Clerk and Marshal

Fees of the Clerk and Marshal are taxable as costs and include the filing fees ~~of for~~ the complaint, *habeas corpus* petitions, ~~and appeals and fees for the issuance of deposition subpoenas by another district~~. Service fees for summonses and initial process, subpoenas for nonparty witnesses testifying at trial, subpoenas for depositions and the cost of mailing if service is executed by mail pursuant to Rule 4(de)(2)(C) of the Federal Rules of Civil Procedure, are also recoverable as costs. All claims for service fees by private process servers shall be supported by documentation ~~attached as an exhibit to submitted with~~ the bill of costs.

2. Fees of the Court Reporter

(i) The cost of the original and one copy of the trial transcript, transcripts of pre-trial proceedings, and the cost of postage required for the court reporter to file the transcripts with

the Court, ~~are~~ are taxable if authorized in advance by the Court or ~~are if~~ necessarily obtained for use in the case.

(ii) The cost of an original and one copy of any paper deposition transcripts-transcript (as well as electronic electronic text, audio, or audiovisual transcript if used in that form) are recoverable as costs, if used at trial in lieu of live testimony, for cross-examination or impeachment, if used in support of a successful motion for summary judgment, or if they are necessarily obtained for the preparation of the case and not for the convenience of counsel. Appearance fees of the court reporter and the notary or other official presiding at the deposition, are taxable as costs, including travel, subsistence and postage for filing if the transcripts are required to be filed with the Court. Fees for nonparty deponents, including mileage and subsistence, are taxable at the same rate as for attendance at trial, where the deposition is a taxable cost under this subsection. A reasonable fee for the necessary use of an interpreter is also taxable.

3. Fees for Exemplification and Copies of Papers Necessarily Obtained for Use in the Case

(i) Costs for exemplifications or copies of papers are taxable only if counsel can demonstrate that such exemplifications or copies were necessarily obtained for use in the case. Costs for one copy of documents admitted into evidence in lieu of the originals, shall be permitted as costs. Copies for the convenience of counsel or additional copies are not taxable unless otherwise directed by the Court. The fee of a translator is taxable if the copy itself is a taxable cost.

(ii) The cost of patent file wrappers and prior art patents are taxable at the rate charged by the patent office. However, expenses for services of persons checking patent office records to determine what should be ordered are not recoverable.

(iii) Copies of pleadings are not allowed as costs. However, the cost of exhibits appended to a successful motion for summary judgment are allowable.

4. Fees for Witnesses

(i) Witness fees are taxable when the witness has actually testified or was necessarily in attendance at trial and whether or not the witness voluntarily attended or was present under subpoena. Witness fees for attendance at a deposition are recoverable if the deposition is a taxable cost. Witness fees for officers of a corporation are taxable provided that such witnesses are not named parties to the action. Fees for expert witnesses are taxable at the same rates as any other witness. Any amounts in excess of the statutory limits are not taxable. Fees for a competent interpreter are taxable if the fees of the witness involved are taxable.

(ii) Fees for subsistence are taxable if the distance from the Court to the residence of the witness is such that mileage fees would be greater than subsistence fees if the witness were to return to the residence every day. Additional claims for subsistence when the witness has testified and remains in attendance for the convenience of counsel shall not be taxable.

(iii) Mileage shall be taxable at the statutory rate. The "100-mile" rule which limits the total taxable mileage of a witness to 200 miles round trip, will not be applied where it has been

demonstrated that the witness' testimony was relevant and material and had a bearing on essential issues of the case. Fees of common carriers are also taxable at coach fare rates. Receipts for common carrier expenses shall be appended to the bill of costs. Miscellaneous toll charges, parking fees, taxicab fares between places of lodging and carrier terminals, are also taxable.

5. Maps, Charts, Models, Photographs, Summaries, Computations and Statistical Summaries.

The cost of maps and charts are taxable as costs only if admitted into evidence and only if they are not greater than 8 $4\frac{1}{2}$ " \times 11" in size. Costs for enlargements greater than 8 $4\frac{1}{2}$ " \times 11" or for models, are not taxable unless by order of the Court. Compilations of summaries, computations and statistical comparisons are also not taxable unless by order of the Court.

6. Other Items Taxable as Costs Are as Follows

(i) Fees to masters, receivers and commissioners, unless otherwise ordered by the Court;

(ii) Premiums paid upon all bonds provided pursuant to statute, rule of Court, order of Court, or stipulation of parties, including bonds in lieu of or in release of attachment, may be taxed as costs to the prevailing party, subject to disallowance entirely or in part by the Court in its discretion;

(iii) Fees incurred in removing a case from state Court, including the fees for service of process in the state Court and fees for witnesses attending depositions prior to removal.

7. Items Not Taxable as Costs

In addition to any limitations addressed in the preceding sections, the following items are not recoverable as costs, unless by order of the Court:

- (i) Filing fees for cases initiated by the United States;
- (ii) Service of process fees for discovery document subpoenas;
- (iii) Copies of trial transcripts in excess of an original plus one copy;
- (iv) Costs of an expedited or daily copy transcript produced for the convenience of counsel;
- (v) Counsel's fees and expenses in arranging for and traveling to a deposition or trial;
- (vi) Fees of any named party to the action;
- (vii) Compensation for an expert witness in excess of the statutorily allowed limits;
- (viii) Subsistence fees for witnesses in attendance at trial or deposition, beyond the time of testimony by the witness;
- (ix) Attorneys' fees incurred in attending depositions, conferences or trial, including expenses for investigations;
- (x) Word processing or typing charges;
- (xi) Computerized legal research fees;
- (xii) Paralegal expenses;
- (xiii) Pre-judgment and post-judgment interest;

- (xiv) Costs for maps, charts and photographs greater than 8 ~~4~~¹/₂" x 11" in size, as well as costs for producing models;
- (xv) Copies of pleadings retained by counsel or served on opposing counsel;
- (xvi) Telephone calls by counsel, general postage expense of counsel, Federal Express or other express mail service costs.

(d) Review of the Clerk's Ruling

Any party may, within not later than fourteen (14) days ~~of~~after the entry of the Clerk's ruling, apply to the Judge before whom the case was assigned for review of the Clerk's ruling on the bill of costs. Such application shall specify which portions of the Clerk's ruling are the subject of the objection and shall specify the reasons therefor. Any other party may respond to such objection within not later than fourteen (14) days ~~of the filing of such objection~~after it is filed.

RULE 68

OFFERS OF JUDGMENT AND COMPROMISE

~~(Amended January 25, 2013)~~

(Amended March __, 2017)

(a) Offers of judgment made under the Federal Rules of Civil Procedure shall be governed by and comply with Fed.R.Civ.P. 68.

(b) Offers of compromise made under Connecticut state law shall be governed by and comply with Connecticut General Statutes § 52-192a or §§ 52-193 – 195. When an offer of compromise is filed pursuant to Connecticut General Statute, §52-192a or §52-193, the An offer of compromise shall be filed in a sealed envelope bearing the caption of the case, the case number and the caption of the document under seal. The document A sealed offer shall remain under seal until (a) the filing of a timely n-acceptance of the offer of compromise ~~at which time the clerk shall enter judgment~~, or (b) after trial to allow the court to ~~decide whether the plaintiff is entitled to additional interest on the amount recovered~~ evaluate the implications of the offer on the judgment to be entered, or (c) when the eClerk retires the record to the Federal Record Center. If an offer of compromise has been timely accepted, the plaintiff (or, where applicable, plaintiff-in-counterclaim) shall file a Notice of Dismissal pursuant to Fed.R.Civ.P. 41 upon receipt of the compromise amount.