UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

LOCAL RULES OF CIVIL PROCEDURE

LOCAL RULES FOR MAGISTRATE JUDGES

LOCAL RULES OF CRIMINAL PROCEDURE

Amended December 1, 2009*

*If a Rule was amended after December 2009, the date of amendment is located on the page of the Rule.

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JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

Michael P. Shea, Chief Judge

Victor A. Bolden

Kari A. Dooley

Sarala V. Nagala

Omar A. Williams

Vernon D. Oliver

Sarah F. Russell

SENIOR JUDGES

Robert N. Chatigny

Alvin W. Thompson

Janet Bond Arterton (Inactive)

Janet C. Hall

Stefan R. Underhill

Vanessa L. Bryant (Inactive)

Charles S. Haight Jr.

LOCAL RULES OF CIVIL PROCEDURE

RULE 1

SCOPE OF RULES

(Amended January 18, 2017)

(a) Title and Citation

These rules shall be known as the Local Civil Rules of the United States District Court for the District of Connecticut. They may be cited as D. Conn. L. Civ. R.___ and referred to as "L.Civ. R. ___," or "Local Rule ___," or "L.R. ___" where the meaning is clear.

(b) Effective Date

These rules, as amended from time to time, shall govern the conduct of all civil actions pending in the United States District Court for the District of Connecticut.

(c) Definitions

As used herein, "Judge" shall mean a District Judge of this Court, or a visiting Circuit or District Judge assigned to duties in this Court, or a Magistrate Judge of this Court performing duties authorized by applicable rules or statutes or by the District Judges of this Court. As used herein, "Clerk" shall mean the Clerk of the Court or the Clerk's authorized deputies and assistants.

RULE 2

(RESERVED)

RULE 3

COMMENCEMENT OF ACTION

(Amended January 18, 2017)

(a) Complaint or Other Initiating Document

1. Any complaint or other document initiating a proceeding filed in this Court by an attorney admitted to practice in this Court shall be filed electronically, in accordance with the Court's Electronic Filing Policies and Procedures ("EFPP"). In circumstances where these rules or the EFPP authorize the filing of a complaint or other initiating document in paper form, the complaint or document may be filed in the Clerk's Office at Bridgeport, Hartford, or New Haven. After a case has been initiated and assigned to a Judge, any pleading or other document authorized by these Rules or the EFPP to be filed in paper form shall be filed at the seat of Court where the presiding Judge sits unless otherwise directed by the Clerk or presiding Judge.

2. When a case is initiated by a complaint filed in paper form, the complaint shall be accompanied by a summons if required, and a Civil Cover Sheet. Upon request the Clerk's office will furnish these forms. Self-represented parties are exempted from the requirements of this paragraph. A Civil Cover Sheet indicating that a jury trial is desired shall not suffice as a demand for jury trial.

(b) Place of Filing; Number of Copies

Petitions for Writs of *Habeas Corpus* and motions filed pursuant to Title 28, U.S. Code Section 2255, if filed in paper form, shall be addressed to the Court and filed with the Clerk at Bridgeport, New Haven or Hartford.

(c) Statutory Fee

When the petitioner or movant has sufficient funds, his or her petition for Writ of *Habeas Corpus* or motion must be accompanied by the statutory fee.

(d) *In Forma Pauperis* Motion

When a petition for Writ of *Habeas Corpus* or motion is filed without payment of the statutory fee, the required *in forma pauperis* motion and affidavit must be completed and filed.

RULE 4

CIVIL PROCESS

(Amended January 18, 2017)

(a) Issue and Service

All civil process, including writs of summons, shall be prepared or produced through the electronic filing procedure by the party who seeks such process, and, on the application of the party to the Clerk, shall issue out of the Court under its seal.

(b) Service Copies

Each party manually filing a new complaint, third-party complaint, amended complaint or other document initiating a proceeding, shall file sufficient copies of the complaint to supply one (original impression) for the Court, one for each private party to be served, and three for the United States or an officer or agency thereof, if a party. The Clerk shall sign and seal the appropriate form of the summons to accompany the service copies of the complaint.

(c) Attachments and Pre-Judgment Remedies

In addition to remedies otherwise provided by federal law, a party may secure a pre-judgment remedy ("PJR"), as permitted by, and in accordance with, the law of the State of Connecticut. A signed complaint shall be filed before filing an application for PJR and proposed Order to Show Cause. A date for the hearing shall be fixed by the Court. A party wishing to file an application for PJR *ex parte* or under seal shall proceed under Local Rule 5(e). A release or reduction of attachment shall be issued by the Clerk (1) by request of the attaching party; (2) by stipulation of the attaching party and the person whose property is attached; or (3) by order of the Court. It shall be the duty of counsel in all cases to comply with the requirements of the General Statutes of Connecticut regarding filing certificates of discharge of attachments and lis pendens. In appropriate cases, upon request, the Clerk may issue such certificates in the form prescribed by the General Statutes of Connecticut.

(d) Filing Return of Service

The plaintiff shall file proof of service complying with Fed.R.Civ.P. 4(l), or proof of waiver of service, within 7 days after plaintiff's receipt of such proof. If the complaint will not be served within 90 days after it is filed, the plaintiff shall file within that time a motion for additional time on good cause shown or, if no extension is required, a statement of explanation.

RULE 5

SERVING AND FILING PLEADINGS AND OTHER PAPERS

(Amended January 18, 2017)

(a) E-Filing

In accordance with the Electronic Filing Policies and Procedures incorporated in these Rules, filing in most cases in this District will be by electronic filing. By order of the Court, upon a showing of good cause, a party may be excused from electronic filing.

(b) Appearance

Any counsel entering a case after the filing of the complaint, whether on behalf of a party or non-party, shall file with the Clerk and serve on all parties or their counsel a notice of appearance. The appearance shall include counsel's name, address, zip code, federal bar number, telephone number, fax number and e-mail address, if available. Any self-represented party other than the plaintiff shall also file an appearance. For purposes of this Rule, the representation of a non-party witness at deposition or trial does not ordinarily constitute "entering a case," but any counsel who wishes to address the court on behalf of any party or non-party shall file an appearance.

(c) Proof of Service

Proof of service may be made by written acknowledgment of service by the party served, by a certificate of counsel for the party filing the pleading or papers, by a certificate of the self-represented party filing the pleading or papers, or by affidavit of the person making the service. Where proof of service is made by certificate or by affidavit, the certificate or affidavit shall list the name and address of each person served or otherwise comply with the Electronic Filing Policies and Procedures. Where service is made on all parties through the court's CM/ECF system, the transmission notice on the Notice of Electronic Filing shall be deemed a sufficient certificate of service.

(d) United States As A Party

Except for cases subject to the Electronic Filing Policies and Procedures, in cases in which the United States is a party, three copies of each pleading or other paper initiating an action shall be served upon the United States Attorney or his or her designee in addition to the copies of the summons and complaint required by Rule 4(i), Fed.R.Civ.P.

(e) Sealed Proceedings and Documents

1.(a) The power to close a courtroom or to exclude the public from proceedings to which a First Amendment right to access attaches shall be used sparingly and only for clear and compelling reasons. Before excluding the public from such proceedings, the Court must make particularized findings on the record demonstrating the need for the exclusion, and any court closure order shall be narrowly tailored to serve the purpose of the closure. Those findings may

be made *in camera* and under seal, provided that the requirements of paragraph 3, below, have been met with respect to the findings themselves.

(b) Except when justified by extraordinary circumstances, no order closing a courtroom or excluding the public from proceedings to which a First Amendment right to access attaches shall be entered except upon advance notice to the public. Any motion seeking such relief, whether made by a party or by the Court *sua sponte*, must be docketed immediately in the public docket files of the Court. When docketed under seal pursuant to an order of the Court, the docket entry for any motion seeking court closure shall reflect the fact that the motion was made, the fact that any supporting or opposing papers were filed under seal, the time and place of any hearing on the motion, the occurrence of such hearing, the disposition of the motion, and the fact and extent of courtroom closure. Any such motion shall be made as far in advance of the pertinent proceeding as possible in order to permit the public to intervene for the purpose of challenging the court closure.

2. Except as permitted or required by federal law, no civil case shall be sealed in its entirety. The existence of any case sealed in its entirety shall be reflected on public dockets by use of the notation: “Sealed Case.”

3. Every document used by parties moving for or opposing an adjudication by the Court, other than trial or hearing exhibits, shall be filed with the Court. No judicial document shall be filed under seal, except upon entry of an order of the Court either acting *sua sponte* or specifically granting a request to seal that document. Any such order sealing a judicial document shall include particularized findings demonstrating that sealing is supported by clear and compelling reasons and is narrowly tailored to serve those reasons. A statute mandating or permitting the non-disclosure of a class of documents (e.g., personnel files, health care records, or records of administrative proceedings) provides sufficient authority to support an order sealing such documents. A judge may seal a Court order, including an order to seal documents and the related findings, when sealing a Court order meets the standard for sealing a judicial document. No document shall be sealed merely by stipulation of the parties. A confidentiality order or protective order entered by the Court to govern discovery shall not qualify as an order to seal documents for purposes of this rule. Any document filed under seal in the absence of a Court order to seal it is subject to unsealing without prior notice to the parties.

4. Counsel seeking an order to file a document under seal may choose among the following procedures:

(a) Counsel may e-file (1) a motion to seal, which may be e-filed as a public motion or a sealed motion, (2) a redacted version of each document sought to be sealed, which shall be e-filed as a public document, (3) unredacted copies of each document sought to be sealed, which shall be e-filed as sealed motions or sealed documents, and (4) any memorandum or other documents supporting the assertion that grounds exist for sealing the documents sought to be sealed, which may be e-filed as public or sealed documents. Upon submission by the party of a motion to seal, the contents of any sealed motion or sealed document shall be treated as sealed unless the motion to seal is denied or until otherwise directed by the Court.

(b) Counsel may e-file a motion to seal, which may be e-filed as a public motion or a sealed motion, along with a memorandum and supporting documents, without the documents sought to be sealed. If the Court grants the motion to seal in whole or in part, counsel shall e-file as public documents redacted copies of any documents required by the Court's sealing order, and shall e-file as sealed documents, unredacted copies of any motions or documents ordered sealed but not previously e-filed.

(c) Counsel may seek permission of the presiding Judge to submit the documents sought to be sealed for *in camera* consideration. If the Judge agrees to review documents *in camera*, counsel shall submit to Chambers and shall serve on all counsel of record copies of the documents sought to be sealed and shall e-file a motion to seal, a memorandum and supporting documents. If counsel want the motion to seal, memorandum or supporting documents to be considered as documents to be sealed, counsel shall e-file those submissions as sealed motions and/or sealed documents and their contents shall be treated as sealed unless the motion to seal is denied or until otherwise directed by the Court. If the Court grants the motion to seal in whole or in part, counsel shall e-file any redacted copies of the documents required by the Court's sealing order and shall e-file the unredacted documents as sealed documents.

5. A motion to seal shall be e-filed as either a "Motion to Seal" or a "Sealed Motion to Seal" along with a description of the items sought to be sealed (e.g., "Motion to Seal Defendant's Personnel File"). The documents sought to be sealed shall be entered on the docket using the same title of the pleading or description of the documents used in the motion to seal. Pursuant to a Court order supported by a particularized showing of good cause, a filing or document may be entered on the docket simply as "Sealed Document" or "Sealed Motion." Any documents ordered sealed by the Court shall be sealed by the Clerk on the docket, and the Clerk shall docket any sealing order issued by the Court. The Court may condition any sealing order on the filing of documents less fully redacted than those submitted by the party seeking sealing. If the Court denies the motion to seal in whole or in part, any unredacted document, motion, memorandum or supporting document not ordered sealed will be unsealed by the Clerk.

6. Any party may oppose a motion to seal or may move to unseal a case or document subject to a sealing order. Any non-party who either seeks to oppose a motion to seal or seeks to unseal a case or document subject to a sealing order, may move for leave to intervene in a civil action for the limited purpose of pursuing that relief. Motions for leave to intervene for purposes of opposing sealing, objections to motions to seal, and motions to unseal shall be decided expeditiously by the Court.

7. Any case or document ordered sealed by the Court shall remain sealed pending further order of this Court, or any Court sitting in review. After a sealed document has been uploaded to the electronic docket, the original and any copies in the possession of the Clerk's Office or a judicial officer may be returned to the filing party. Upon final determination of the action, as defined in Rule 83.6(c) of the Local Rules of Civil Procedure, counsel shall have ninety (90) days to file a motion pursuant to Rule 83.6(a) for the withdrawal and return of the sealed documents. Any sealed document thereafter remaining may be destroyed by the Clerk pursuant to Rule 83.6(e) or retired by the Clerk with other parts of the file to the Federal

Records Center, where they may be unsealed without notice to counsel or the parties. The return, destruction or retirement of hard copies of sealed documents shall not serve to unseal electronic copies of documents sealed by Court order.

(f) Filing of Discovery Materials

1. Pursuant to Fed.R.Civ.P. 5(d), expert witness reports, computations of damages, depositions, notices of deposition, interrogatories, requests for documents, requests for admissions, and answers and responses shall not be filed with the Clerk's Office except by order of the Court.

2. A party seeking relief under any of the Federal Rules of Civil Procedure shall file only that portion of the deposition, interrogatory, request for documents or request for admissions that is the subject of the dispute.

3. When discovery material not on file is needed for consideration of a motion or for an appeal, upon application to or order of the Court or by stipulation of counsel, the necessary portion of discovery material shall be filed with the Clerk.

(g) Service in Manually Filed Cases

In manually filed cases, the parties may reach an agreement, which shall be reduced to writing, concerning service of papers, which may permit service by facsimile or other electronic means, with or without simultaneous service of paper copies, provided that all pleadings and documents filed with the Clerk’s office must be by paper copy. In the absence of such agreement, service must be by mail, by overnight mail, or by hand.

RULE 6

COMPUTATION OF TIME

(Amended January 18, 2017)

Except as otherwise specified in these Local Rules or by order of the Court, Fed.R.Civ.P. 6 shall govern the computation of time limitations for purposes of computing any period of time prescribed or allowed by the Federal Rules of Civil Procedure, the Local Rules of this Court, any order of this Court, or any applicable statute. Any weekday on which the Clerk's office is closed for the entire day shall be deemed a legal holiday for purposes of computing time under Fed.R.Civ.P. 6.

RULE 7

MOTION PROCEDURES

(Amended January 12, 2024)

(a) Procedures

1. Any motion involving disputed issues of law shall be accompanied by a memorandum of law, and shall indicate in the lower margin of the motion whether oral argument is requested. Failure to submit a required memorandum may be deemed sufficient cause to deny the motion.

2. Unless otherwise ordered by the Court, all opposition memoranda shall be filed within twenty-one (21) days of the filing of the motion, and shall indicate in the lower margin of the first page of such memorandum whether oral argument is requested. Failure to submit a memorandum in opposition to a motion may be deemed sufficient cause to grant the motion, except where the pleadings provide sufficient grounds to deny the motion.

3. Nothing in this Rule shall require the Court to review portions of the record in response to a motion, where the moving and opposition papers do not make specific reference to such portions of the record. Notwithstanding that a request for oral argument has been made, the Court may, in its discretion, rule on any motion without oral argument.

4. To expedite a decision or for other good cause, the Court may rule on a motion before expiration of the period ordinarily permitted for filing opposition papers.

5. Except by order of the Court, memoranda shall be double-spaced (except headings, footnotes, and block quotes) and shall be no more than forty (40) 8 1/2" by 11" printed pages, exclusive of pages containing a table of contents, table of statutes, rules or the like. E-filed memoranda shall conform with the Electronic Filing Policies and Procedures. Unless otherwise ordered by the Court, text shall appear in at least 12 point font; footnotes shall appear in at least 10 point font. Any motion seeking permission to depart from these limitations shall be filed at least seven (7) days before the deadline for the filing of the memorandum at issue. A motion for permission not in compliance with this Rule will ordinarily be denied.

6. A party may request expedited consideration by the Court of a motion by designating the motion as one seeking “emergency” relief and demonstrating good cause in the motion.

(b) Motions for Extensions of Time

1. All motions for extensions of time must be decided by a Judge and will not be granted except for good cause. The good cause standard requires a particularized showing that the time limitation in question cannot reasonably be met despite the diligence of the party seeking the extension.

2. All motions for extensions of time shall include a statement of the movant that (1) the movant has inquired of all non-moving parties and there is agreement or objection to the motion, or that (2) despite diligent effort, including making the inquiry in sufficient time to afford non-movant a reasonable opportunity to respond, the movant cannot ascertain the position(s) of the non-movant(s). All such motions shall also indicate the number of motions for extension of time that have previously been filed by the movant with respect to the same time limitation. The Court may rule on the motion, without notice, before expiration of the period ordinarily permitted for filing opposition papers, notwithstanding a report of objection. Any party may move within seven (7) days of an order granting a motion for extension of time to have the Court set aside the order for good cause. Agreement of the parties as to any extension of time does not by itself extend any time limitation or provide good cause for failing to comply with a deadline established by the Federal Rules of Civil Procedure, these rules, or the Court.

3. All motions for extension of time shall be filed at least three (3) business days before the deadline sought to be extended, except in cases in which compelling circumstances warranting an extension arise during the three days before the deadline. Any motion for extension of time filed fewer than three business days before the deadline sought to be extended shall, in addition to satisfying all other requirements of this Rule, set forth reasons why the motion was not filed at least three business days before the deadline in question.

(c) Motions for Reconsideration

1. Motions for reconsideration shall not be routinely filed and shall satisfy the strict standard applicable to such motions. Such motions will generally be denied unless the movant can point to controlling decisions or data that the court overlooked in the initial decision or order. In circumstances where such motions are appropriate, they shall be filed and served within seven (7) days of the filing of the decision or order from which such relief is sought, and shall be accompanied by a memorandum setting forth concisely the controlling decisions or data the movant believes the Court overlooked.

2. No response to a motion for reconsideration need be filed unless requested by the Court.

3. In all other respects, motions for reconsideration shall proceed in accordance with Rule 7(a) of these Local Rules.

(d) Reply Memoranda

Reply memoranda are permitted but not required. Any reply memorandum, including cases brought under 28 U.S.C. § 2254 and 28 U.S.C. § 2255, must be filed within fourteen (14) days of the filing of the responsive memorandum to which reply is being made, as computed under Fed.R.Civ.P. 6. A reply memorandum may not exceed 10 pages. A reply memorandum must be strictly confined to a discussion of matters raised by, and must contain references to the pages of, the memorandum to which it replies. No sur-replies may be filed without permission of the Court, which may, in its discretion, grant permission upon a showing of good cause.

(e) Withdrawals of Appearances

Withdrawals of appearances may be accomplished only upon motion, which normally will not be granted except upon a showing that other counsel has appeared or that the party whose counsel seeks to withdraw may and has elected to proceed without counsel, and that the party has received actual notice of the motion to withdraw. In cases where the party has failed to engage other counsel or file a personal appearance, where good cause exists for permitting the withdrawal by the appearing counsel, the Court may grant the motion to withdraw the appearance after notice to the party that failure to either engage successor counsel or file a personal appearance will result in the granting of the motion to withdraw and may result in a dismissal or default being entered against the party.

(f) Motions to Amend Pleadings

Any motion to amend a party's pleading under Fed.R.Civ.P. 15(a) that requires leave of court shall (1) include a statement of the movant that: (i) the movant has inquired of all non-moving parties and there is agreement or objection to the motion; or (ii) despite diligent effort, including making the inquiry in sufficient time to afford non-movant a reasonable opportunity to respond, the movant cannot ascertain the position(s) of the non-movant(s), and (2) in cases in which the movant is represented by counsel, be accompanied by both a redlined version of the proposed amended pleading showing the changes proposed against the current pleading and a clean version of the proposed amended pleading.

RULE 7.1

(RESERVED)

RULE 8

RULES OF PLEADING

(a) Statement of the Claim

A petition for writ of *habeas corpus* or motion filed pursuant to Title 28, U.S.C., §2255 shall contain a short and plain statement of the claim made and the relief sought. A petition or motion not in compliance with this Rule shall be subject to dismissal without prejudice by the Court on its own motion.

(b) Petitions Shall be Legible

Petitions for writs of *habeas corpus* and motions filed pursuant to Title 28, U.S. Code § 2255, shall be typewritten or in legible handwriting. Such petitions and motions shall be on forms approved by the Court and supplied by the Clerk.

RULE 9

(RESERVED)

RULE 10

PREPARATION OF PLEADINGS

(Amended November 7, 2016)

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 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

MOTIONS FOR ATTORNEYS' FEES AND/OR SANCTIONS

(Amended November 7, 2016)

Except as otherwise required by statute, motions for attorneys' fees or sanctions must be filed with the Clerk not later than 30 days after the entry of judgment.

RULE 12

(Amended November 7, 2016)

(a) Notice to Self-Represented Litigants Regarding Motions to Dismiss

Any represented party moving to dismiss the complaint of a self-represented party shall file and serve, as a separate document in the form set forth below, a "Notice to Self-Represented Litigant Concerning 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 Self-Represented Litigant Concerning 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 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 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 13 – RULE 15

(RESERVED)

RULE 16

STATUS AND SETTLEMENT CONFERENCES AND ADR

(Amended November 7, 2016)

(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 after considering any 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 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 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 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. Parties 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.

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, 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 shall attend any settlement conference fully authorized to make a final demand or offer, to engage in settlement negotiations in good faith, and 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 each party subsequent to the conference, or the Court may require 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 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 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 17 - RULE 22

(RESERVED)

RULE 23

CLASS ACTION - DISPOSITION OF RESIDUAL FUNDS

(Amended November 7, 2016)

(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 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 24 – RULE 25

(RESERVED)

RULE 26

DUTY OF DISCLOSURE

(Amended November 7, 2016)

(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 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 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 serve on all parties a privilege log containing the following information:

(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 defendant, the attorneys of record and any self-represented parties who have appeared in the case shall confer for the purposes described in Fed.R.Civ.P. 26(f). 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.

(2) After the parties' report is filed, the Court will issue a written scheduling order pursuant to Fed.R.Civ.P. 16(b). 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) 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.

RULE 27 – RULE 29

(RESERVED)

RULE 30

DEPOSITIONS

(Amended December 22, 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) Depositions

Transcripts of depositions and exhibits marked for identification at the depositions shall not be filed with the Clerk, except as required by Local Rule 5(f). When filing deposition transcripts and exhibits in accordance with Local Rule 5(f), if a party seeks to file any of those materials under seal, the party must comply with the provisions of Local Rule 5(e).

(d) Transcripts and Copies of 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 or video means. Each party shall bear the expense of his or her own copy of the recording of the deposition testimony.

RULE 31 - RULE 36

(RESERVED)

RULE 37

DISCOVERY DISPUTES

(Amended January 12, 2024)

(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. This rule shall also apply to self-represented parties making such motion and to parties seeking to file any such motion against self-represented parties.

(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.

(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 38

(RESERVED)

RULE 39

DESIGNATION OF BANKRUPTCY JUDGES TO CONDUCT JURY TRIALS

(Amended April 10, 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 April 10, 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, the later-filed case should normally be transferred to the Judge having the earliest filed case that remains pending. 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 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.

RULE 41

DISMISSAL OF ACTIONS

(Amended April 10, 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 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 (21) 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, the Clerk shall enter an order closing the case, subject to the parties' right to move to reopen within thirty (30) days, unless a longer period is specified by the Court. Dismissal under this rule shall be without costs.

RULE 42

CONSOLIDATION

(a) Consolidation of Cases

Unless the presiding Judge rules otherwise, where two or more cases are consolidated, whether for trial or pretrial purposes, the Clerk shall maintain a separate docket for each case, but the parties shall file all pleadings and other papers in the master docket, which shall be the docket of the earliest filed case, and copies of all pleadings shall be served on all parties in each of the consolidated cases.

RULE 43 –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 47

SELECTION OF JURORS

(a) Examination of Jurors

When impaneling a jury, the presiding Judge will ordinarily conduct the examination of the prospective jurors. Prior to the examination, counsel shall file proposed voir dire questions for submission either to the jury panel as a group or to individual members of the panel. At the close of the Judge's examination, counsel will be given a reasonable opportunity to supplement the examination by putting questions to the panel or individual panel members as the Judge in his or her discretion deems proper, or by submitting additional voir dire questions to the Judge.

(b) Peremptory Challenges

Unless otherwise ordered by the presiding Judge, counsel shall exercise their peremptory challenges out of the hearing of the jury. (For number of challenges allowed, see 28 U.S.C. § 1870 and Rule 47(b), Fed.R.Civ.P.).

RULE 48 - RULE 52

(RESERVED)

RULE 53

SPECIAL MASTERS

(Amended April 10, 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 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 fourteen (14) days after notice to all parties of the making of the order.

(e) Confirmation or Rejection of Masters' Report

Any party objecting to any report of a master shall serve and file an objection, including the reasons therefor, within fourteen (14) days of the filing of the master's report. Opposing memoranda shall be served and filed within fourteen (14) days thereafter. The absence of a timely objection shall be sufficient grounds to confirm the master's report.

RULE 54

TAXATION OF COSTS

(Amended September 15, 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. 4) or 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 any case where (i) an offer of judgment for a sum certain is timely served, (ii) a notice of service is docketed as proof of the offer, (iii) the offer is not accepted, (iv) thereafter the matter goes to trial, 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 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 for the complaint, *habeas corpus* petitions, and appeals. 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(e)(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 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 taxable if authorized in advance by the Court or if necessarily obtained for use in the case.

(ii) The cost of an original and one copy of any paper deposition transcript (as well as 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 ½" × 11" in size. Costs for enlargements greater than 8 ½" × 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 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 ½" × 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, not later than fourteen (14) days 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 not later than fourteen (14) days after it is filed.

RULE 55

(RESERVED)

RULE 56

SUMMARY JUDGMENT

(Amended June 28, 2018)

(a) Motions for Summary Judgment

1. A party moving for summary judgment shall file and serve with the motion and supporting memorandum a document entitled “Local Rule 56(a)1 Statement of Undisputed Material Facts,” which sets forth, in separately numbered paragraphs meeting the requirements of Local Rule 56(a)3, a concise statement of each material fact as to which the moving party contends there is no genuine issue to be tried. The Local Rule 56(a)1 Statement should include only those facts that are material to the decision of the motion. The Local Rule 56(a)1 Statement shall be no longer than twelve (12) double-spaced pages, absent leave of the Court granted for good cause shown. Each material fact set forth in the Local Rule 56(a)1 Statement and supported by the evidence will be deemed admitted (solely for purposes of the motion) unless such fact is controverted by the Local Rule 56(a)2 Statement required to be filed and served by the opposing party in accordance with this Local Rule, or the Court sustains an objection to the fact. The movant shall, if feasible, serve all other parties with a native electronic copy of the Local Rule 56(a)1 Statement.

2. (i) A party opposing a motion for summary judgment shall file and serve with the opposition papers a document entitled “Local Rule 56(a)2 Statement of Facts in Opposition to Summary Judgment," which shall include a reproduction of each numbered paragraph in the moving party’s Local Rule 56 (a)1 Statement followed by a response to each paragraph admitting or denying the fact and/or objecting to the fact as permitted by Federal Rule of Civil Procedure 56(c). This portion of the Local Rule 56(a)2 Statement shall be double-spaced and shall be no longer than twice the length of the moving party’s Local Rule 56(a)1 Statement, absent leave of the Court granted for good cause shown. All admissions and denials shall be binding solely for purposes of the motion unless otherwise specified. All denials must meet the requirements of Local Rule 56(a)3. A party shall be deemed to have waived any argument in support of an objection that such party does not include in its memorandum of law.

(ii) The Local Rule 56(a)2 Statement must also include a separate section entitled “Additional Material Facts” setting forth in separately numbered paragraphs meeting the requirements of Local Rule 56(a)3 any additional facts, not previously set forth in responding to the movant’s Local Rule 56(a)1 Statement, that the party opposing summary judgment contends establish genuine issues of material fact precluding judgment in favor of the moving party. The statement of Additional Material Facts shall be no longer than nine (9) double-spaced pages, absent leave of the Court granted for good cause shown.

3. Each statement of material fact by a movant in a Local Rule 56(a)1 Statement or by an opponent in a Local Rule 56(a)2 Statement, and each denial in an opponent’s Local Rule 56(a)2 Statement, must be followed by a specific citation to (1) the affidavit of a witness competent to

testify as to the facts at trial, or (2) other evidence that would be admissible at trial. The affidavits, deposition testimony, responses to discovery requests, or other documents containing such evidence shall be filed and served with the Local Rule 56(a)1 and (a)2 Statements in conformity with Fed. R. Civ. P. 56(e). The "specific citation" obligation of this Local Rule requires parties to cite to specific paragraphs when citing to 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. Failure to provide specific citations to evidence in the record as required by this Local Rule may result in the Court deeming admitted certain facts that are supported by the evidence in accordance with Local Rule 56(a)1, or in the Court imposing sanctions, including, when the movant fails to comply, an order denying the motion for summary judgment, and when the opponent fails to comply, an order granting the motion if the motion and supporting materials show that the movant is entitled to judgment as a matter of law.

4. Motions to strike (a) statements made in a Rule 56(a) statement or (b) the supporting evidence are prohibited.

(b) Notice to Self-Represented Litigants Regarding Summary Judgment.

Any represented party moving for summary judgment against a self-represented party must file and serve, as a separate document, in the form set forth below, a “Notice to Self-Represented Litigant Concerning Motion for Summary Judgment.” 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 Self-Represented Litigant Concerning 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 a motion for summary judgment has been filed asking the Court to resolve all or some of the claims in the case without a trial. The movant argues that there is no need for a trial to resolve these claims because no reasonable factfinder could return a verdict in your favor.

THE 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 MOTION SHOWS THAT THE MOVANT 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 movant’s version of the facts; (2) you have admissible evidence contradicting the movant’s version; and (3) the evidence you rely on, if believed, would be sufficient to support a judgment in your favor.

To make this showing, you must file evidence, such as one or more affidavits disputing the movant’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 Local Civil Rule 56 requires parties to cite to specific paragraphs when citing to 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 with these instructions and to submit evidence contradicting the movant's version of the facts, judgment may be entered against you if the motion shows that the movant is entitled to judgment as a matter of law.

It is therefore very important that you read the motion, memorandum of law, statement of undisputed material facts, affidavits, and other evidentiary materials to see if you agree or disagree with the moving party'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 motion, including how you must respond to specific facts the movant claims are undisputed (see Local Rule 56(a)(2)) and how you must support your claims with specific references to evidence (see Local Rule 56(a)(3)). If you fail to follow these instructions, the motion may be granted if the motion shows that the movant is entitled to judgment as a matter of law.

You must file your opposition papers within 21 days of the date the motion was filed. 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 motion only by mail). If you need more than 21 days to respond to the motion, you should promptly file a motion for extension of time (see Local Rule 7(b)). If you do not file your opposition papers electronically, you must also mail a copy to opposing counsel and any other self-represented parties.

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 opposing counsel.

(c) Summary Judgment Principles and Certification

The Court appreciates the utility of summary judgment as a tool to manage the Court's workload by avoiding unnecessary trials, but at the same time the Court wishes to discourage the filing of motions for summary judgment in circumstances where responsible counsel and self-represented parties should recognize that the motion cannot be granted. The Court has therefore adopted this Local Rule 56(c) to remind counsel and self-represented parties of the standard for summary judgment and of their obligations with respect to motions for summary judgment.

A party moving for summary judgment bears a heavy burden. A party may obtain summary judgment as to a claim or defense only when there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law as to that claim or defense – or the part of that claim or defense – on which summary judgment is sought.

In deciding a motion for summary judgment, the court must assume that a trier of fact would resolve all factual disputes in favor of the party opposing summary judgment. All admissible evidence favorable to the party opposing the motion (including direct, indirect, and circumstantial evidence, and evidence admissible only for a limited purpose such as impeachment), and all permissible inferences based on such evidence, must be credited if such evidence and inferences could be credited by a trier of fact. The Court must disregard all evidence supporting the moving party that the jury would not be required to believe with regard to a disputed issue of fact, and must resolve all credibility questions in favor of the party opposing summary judgment.

Signing a summary judgment motion will certify that the signer, in presenting the motion to the court, (1) has complied with the requirements of Fed. R. Civ. P. 56 and this L.R. 56, and (2) in the case of an attorney, has specifically discussed those requirements with the attorney's client.

RULE 57 - RULE 66

(RESERVED)

RULE 67

DEPOSIT OF FUNDS IN COURT REGISTRY

(Amended April 24, 2019)

(a) Order for Deposit in Interest Bearing Account

Whenever a party seeks a Court order for money to be deposited by the Clerk in an interest-bearing account, the party shall file the order with the Clerk, who shall inspect the proposed order for proper form and content and compliance with this Rule prior to signature by the Judge for whom the order is prepared.

(b) Orders Directing Investment of Funds by Clerk

Any order obtained by a party or parties in an action that directs the Clerk to invest in an interest-bearing account in the registry of the Court pursuant to 28 U.S.C. § 2041 shall include the following: (1) the amount to be invested; (2) the designation of the type of account or instrument in which the funds shall be invested; and (3) a direction that the Clerk deduct from the income earned on the investment a fee of 0.10% or 0.20%, depending upon the type of account or instrument designated.

The order shall be consistent with the Order Regarding Deposit And Investment Of Registry Funds, which appears in the Appendix of these Rules, and direct the Clerk to invest the funds in one of two types of interest-bearing accounts: (1) the Court Registry Investment System ("CRIS"), administered by the Administrative Office of the United States Courts under 28 U.S.C. § 2045, or (2) Interpleader Funds or the Disputed Ownership Fund ("DOF") deposited under 28 U.S.C. § 1335, established within the CRIS and administered by the Administrative Office.

When so directed, the Clerk shall deduct the CRIS fee of an annualized 0.10% (ten basis points) on assets on deposit for all CRIS funds, excluding the case funds held in the DOF, for the management of investments in the CRIS, or the DOF fee of an annualized 0.20% (20 basis points) on assets on deposit in the DOF for management of investments and tax administration.

(c) Release of Deposited Funds

Upon final determination of the action or at such other times as may be appropriate, a party or parties may seek a Court order releasing deposited funds, by submitting a proposed order which shall contain the following information: (1) the name, address and taxpayer identification number of any individual(s) or corporation(s) receiving the funds; and (2) the amount of principal and interest to be paid to any individual(s) or corporation(s). Funds cannot be released from the registry account of the Court without a Court order.

(d) Registry Account

For the purpose of this Rule, the registry account of the Court is held in the United States Treasury.

RULE 68

OFFERS OF JUDGMENT AND COMPROMISE

(Amended December 22, 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. An offer of compromise shall be filed under seal. A sealed offer shall remain under seal until (a) the filing of a timely acceptance of the offer of compromise, or (b) after trial to allow the Court to evaluate the implications of the offer on the judgment to be entered, or (c) when the Clerk 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.

RULE 69 - RULE 71

(RESERVED)

RULE 72 - RULE 73

SEE LOCAL RULES FOR UNITED STATES MAGISTRATE JUDGES

RULE 74 – RULE 76

(RESERVED)

RULE 77

ENTRY OF ORDERS AND JUDGMENTS; MISCELLANEOUS

(Amended April 11, 2018)

(a) Entry of Orders and Judgments by the Court

1. A memorandum filed by the Judge or Magistrate Judge of the decision of a motion that does not finally determine all claims for relief shall constitute the required order unless such memorandum directs the submission of an order in more extended form.

2. The notation in the appropriate docket of an "order," as defined in the previous paragraph, shall constitute the entry of the order.

(b) Entry of Orders and Judgments by the Clerk

In addition to the other orders that the Clerk is authorized to sign, enter, or both pursuant to these Local Rules or the Federal Rules of Civil Procedure, the Clerk is authorized, in the absence of contrary instructions issued by a Judge with respect to any case assigned to such Judge, to sign and enter the following orders and judgments without further direction of the Court:

1. Consent judgments for the payment of money; orders on consent dismissing actions, withdrawing stipulations, exonerating sureties and permitting visiting lawyers to appear; orders setting aside defaults entered under Fed.R.Civ.P. 55(a); and orders entered pursuant to Fed.R.Civ.P. 4.1(a) specially appointing persons to serve process other than a summons or subpoena.

2. Subject to the provisions of Fed. R. Civ. P. 54(b) and 58, judgments upon a general verdict of a jury, or upon a decision by the Court. Every judgment shall be set forth on a separate document and shall become effective only when its substance is entered in the civil docket pursuant to Fed. R. Civ. P. 79(a).

(c) Legal Holidays

For the purpose of Fed. R. Civ. P. 6 and 77(c), and for all other purposes, the following are hereby designated Legal Holidays for the United States District Court for the District of Connecticut:

New Year's Day (January 1), Martin Luther King, Jr. Day (third Monday in January), Presidents' Day (third Monday in February), Memorial Day (last Monday in May), Juneteenth National Independence Day (June 19), Independence Day (July 4), Labor Day (first Monday in September), Columbus Day (second Monday in October), Veterans' Day (November 11), Thanksgiving Day (fourth Thursday in November), Christmas Day (December 25); or whenever any such day falls on Sunday, the Monday next following such day; or whenever any such day

falls on Saturday, the Friday preceding such day; and any other day appointed as a holiday by the President or the Congress of the United States.

When a particular holiday is celebrated on different days by the Federal government and the State of Connecticut, then the day designated by the Federal government, and not the day designated by the State of Connecticut, shall be observed as a holiday by the United States District Court for the District of Connecticut.

(d) District Court Library

The United States District Court Libraries are primarily for use by Court personnel. Attorneys and self-represented litigants are permitted to use the libraries on days when they have matters scheduled in the courthouse. Books may be used within the library. Wi-fi is available. Use of library computers, printers, and copy machines is limited to court personnel only. Any Judge of this Court shall have discretion to suspend the access of any person to the library for inappropriate behavior or when the needs of the Court so require.

(e) Order or Mandate of Appellate Court

Any order or mandate of an appellate Court, when received by the Clerk of the District Court, shall be entered on the docket and shall automatically become the order or judgment of the District Court without further order, except that if such order or judgment of the appellate court requires further proceedings in the District Court other than a new trial, the Judge to whom the case is assigned shall determine what, if any, further order(s) may be necessary.

RULE 78

(RESERVED)

RULE 79

DOCKET NUMBERS

(Amended December 22, 2017)

(a) Complaint, Notice of Removal

Upon the filing of a civil complaint (other than a grievance complaint governed by Local Rule 83.2(c)) or notice of removal, a case will be assigned a docket number, consisting of the following:

1. the prefix 3;

2. the last two digits of the year of filing;

3. a designation of “CV” for civil cases and “CR” for criminal cases;

4. the number of the case (with the first case of each calendar year designated as 00001); and

5. the initials of the Judge to whom the case has been assigned.

(b) Motion to Compel, to Quash, or for Protective Order

Upon the filing of a motion to compel, to quash, or for protective order under Fed. R. Civ. P. 45 with respect to an action pending in another district, the matter will be assigned a docket number in accordance with the procedure in Local Rule 79(a), but using the designation “MC” in lieu of “CV.”

(c) The Clerk of the District Court may develop and use other case designations as may be required or appropriate.

RULE 80

COURT REPORTERS

(Amended December 22, 2017)

(a) Reporter's Fees

An official Court reporter shall be entitled to compensation for transcript at rates which are fixed from time to time by the Judicial Conference of the United States. Said rates shall be entered in an Order of the Court and shall be posted on the Court’s website and available in the Clerk's Office, along with any other Auxiliary Orders which are adopted pursuant to Local Civil Rule 83.12.

RULE 81

NATURALIZATION SESSIONS OF THE COURT

(Amended December 22, 2017)

The petitions of persons to become citizens of the United States shall be heard from time to time at the various seats of Court, as the Chief Judge shall direct.

RULE 82

(RESERVED)

RULE 83.1

ADMISSION OF ATTORNEYS

(Amended April 3, 2024)

(a) Qualifications

Any attorney of the Bar of the State of Connecticut or of the bar of any United States District Court, whose professional character is good, may be admitted to practice in this Court upon a Petition for Admission, in form and substance prescribed by subsection (b) of this Rule, after paying the admission fee, taking the proper oath, and signing the Roll of Attorneys Admitted to the Bar of the United States District Court for the District of Connecticut.

(b) Procedure for Admission

An attorney seeking admission to the Bar of this Court shall file with the Clerk of this Court a written Petition for Admission in the form prescribed by the Judges of this Court. A certificate of good standing from all of the petitioner's state bar(s) must be included with the Petition. Such petition shall also be accompanied by a sworn affidavit setting forth the following information:

(i) the petitioner's residence and office address, and office telephone number, fax number and email address;

(ii) a list of courts to which the petitioner has been admitted to practice;

(iii) the petitioner's legal training and experience at the bar;

(iv) the petitioner's representation that he or she has studied carefully the jurisdictional provisions of Title 28 U.S.C., the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and the Local Rules of this Court;

(v) the petitioner has never been convicted of any crime, other than minor traffic offenses;

(vi) the petitioner has no pending disciplinary complaint(s) as to which a finding has been made that such complaint(s) should proceed to a hearing; and

(vii) the petitioner has not been denied admission to, been disciplined by, resigned from, surrendered a license to practice before, or withdrawn an application for admission to practice while facing a disciplinary complaint before, this Court or any other court.

If the petitioner cannot so state as to (b)(v), (vi) and (vii), then the petitioner must describe in full the circumstances of any such conviction, complaint, denial, discipline, resignation, surrender, or withdrawal, including the reasons therefor, any penalty, sanction or other discipline imposed, whether such discipline was satisfied, and whether the attorney is currently in good standing in such jurisdiction(s). The Judges of this District or their designee shall make such inquiry as deemed appropriate. It shall take a majority vote of the Judges to admit such

petitioner to this Bar. For the purpose of this Rule, "minor traffic offenses" shall mean motor vehicle violations which are neither felonies nor misdemeanors.

The petition and affidavit of the petitioner shall be accompanied by the sworn affidavits of two sponsoring members of the Bar of this Court. The sponsoring attorney's affidavits must attest:

(i) where and when the sponsor was admitted to practice in this Court,

(ii) that the sponsor has known the petitioner in a professional legal capacity for at least six months,

(iii) that the petitioner has good professional character,

(iv) that the petitioner is experienced at the bar,

(v) how long and under what circumstances the sponsor has known the petitioner's professional character and experience as an attorney, and

(vi) that the sponsor knows of no fact which would call into question the integrity or character of the petitioner.

The Clerk will examine the petition and affidavits and, if found to be in compliance with this Rule, the petition for admission will be presented to the Court at a time and place selected by the Clerk. The requirement of two sworn affidavits may be waived in whole or in part, for good cause shown, by a majority vote of the Judges of this District.

When a hearing is held on a petition, a member of the Bar of this District shall move the admission of the petitioner. The petitioner shall take an oath in open Court to support the Constitution and laws of the United States of America, and to discharge faithfully his duties as an attorney according to the law and the recognized standards of ethics of the profession. Under the direction of the Clerk, the newly admitted attorney shall sign the Roll of Attorneys and pay the fee required by law. Additionally, he or she shall pay a fee of $52.00, which shall be placed by the Clerk in a fund to be used for expenses incurred pursuant to Rule 83.2 of these Local Rules of Civil Procedure.

(c) Annual Registration Fee

Effective April 3, 2024, all attorneys who were admitted by regular admission shall register annually between June 1 and August 31 to continue as active members of the bar of this Court. Active status in the District Court is required for practice in both the U.S. District Court and in the U.S. Bankruptcy Court for the District of Connecticut. Members of the bar shall pay an annual fee of $50.00, which shall be placed in a fund maintained by the Clerk pursuant to the Plan for the Administration of Non-Appropriated Fund and earmarked for the Federal Pro Se Legal Assistance Program ("FPSLAP"). Annual registration fees will be used solely for purposes that inure to the benefit of the FPSLAP, including but not limited to the salaries and fringe benefits of FPSLAP employees, office furnishings and equipment, office telephones and cell phones and related costs, copies, and costs of litigation. If members of the bar fail to pay their annual

registration fees, their filing privileges may be suspended, and they will be subject to removal from the rolls of the Court's bar.

(d) Address with the Court

(1) Any self-represented party must provide an address where service can be made upon such party.

(2) A member of the bar of this Court who changes his or her office address shall notify the Clerk of such change of address within 30 days of such change.

(e) Visiting Attorneys

(1) Attorneys not members of the Bar of this Court, but who are members in good standing of the bar of another Federal or State Court, may be permitted to represent clients in criminal, civil and miscellaneous proceedings in this Court on written motion by a member of the Bar of this Court. The motion shall be accompanied by an affidavit, or declaration on a form available from the Clerk's Office or on the website and executed by the proposed visiting attorney:

(a) stating the proposed visiting attorney's office address, telephone number, fax number, and e-mail address;

(b) identifying the bar of each court of which said attorney is and has ever been a member, and the corresponding bar identification number(s); or if no such numbers have been assigned, so stating;

(c) stating that said attorney:

(i) has no pending disciplinary complaints as to which a finding has been made that such complaint should proceed to a hearing; and

(ii) has not been denied admission to, been disciplined by, resigned from, surrendered a license to practice before, or withdrawn an application for admission to practice while facing a disciplinary complaint before, this Court or any other court; or, if the visiting attorney cannot so state as to subsections (c)(i) and (c)(ii), then the visiting attorney must describe in full the circumstances of any such complaint, denial, discipline, resignation, surrender, or withdrawal, including the reasons therefor, any penalty, sanction or other discipline imposed, whether such discipline was satisfied, and whether the attorney is currently in good standing in such jurisdiction(s);

(d) stating that said attorney has fully reviewed and is familiar with the Federal Rules of Civil Procedure (for an attorney seeking admission in a civil case) or Criminal Procedure (for an attorney seeking admission in a criminal case), the applicable Local Rules of the United States District Court for the District of Connecticut, and the Connecticut Rules of Professional Conduct; and

(e) designating the sponsoring attorney as his or her agent for service of process and the District of Connecticut as the forum for the resolution of any dispute arising out of said attorney's

admission under this Local Rule 83.1(e), to include matters involving grievances filed against the visiting attorney and matters of attorney discipline that relate thereto.

(2) Said motion shall be made promptly and may be denied if granting the motion will require modification of a scheduling order entered pursuant to Fed. R. Civ. P. 16(b). If the motion is granted, the sponsoring attorney may apply to be excused from attendance in Court and participation in other proceedings before the Court. A sponsoring attorney who is excused is not thereby relieved of any other obligation of an appearing attorney. A visiting attorney admitted pursuant to this Local Rule may participate in depositions, Rule 26(f) conferences, and other conferences with other parties not involving Court personnel without the presence of the sponsoring attorney.

(3) Each such motion filed on behalf of an attorney shall be accompanied by payment to the Clerk of this Court of a fee of $200.00, which shall be placed in a fund maintained by the Clerk pursuant to the Plan for the Administration of the Non-Appropriated Fund.

(4) Upon admission under this rule, an attorney shall promptly file with the Clerk of the Court a certificate of good standing from the court of the state in which he or she has his or her primary office.

Such certificate of good standing shall be filed no later than 60 days after the date of admission and shall be dated no more than 60 days before the date of admission. Failure to file such certificate will result in the automatic revocation of the visiting attorney status of said attorney, absent an order of the Court. Furthermore, upon revocation of a visiting attorney's status in one case, the Clerk of the Court shall examine the Court's Docket and revoke said attorney's visiting attorney status in all cases in which said attorney has filed an appearance.

RULE 83.2

DISCIPLINE OF ATTORNEYS

(Amended January 30, 2024)

(a) Professional Ethics

1. Except as provided in Rule 83.2(a)2 of these Local Rules, this Court recognizes the authority of the "Rules of Professional Conduct," as approved by the Judges of the Connecticut Superior Court as expressing the standards of professional conduct expected of lawyers practicing in the District of Connecticut. Any changes made by the Judges of the Connecticut Superior Court to the Rules of Professional Conduct shall apply in the District of Connecticut, on the date they become effective in the Connecticut Superior Court unless such changes are expressly rejected by order of the District Judges. The Clerk shall report to the Judges any such changes to the Connecticut Rules of Professional Conduct. The interpretation of said Rules of Professional Conduct by any authority other than the United States Supreme Court, the United States Court of Appeals for the Second Circuit and the United States District Court for the District of Connecticut shall not be binding in disciplinary proceedings initiated in the United States District Court for the District of Connecticut.

2. This Court does not adopt the provisions of Rules of Professional Conduct 1.2 and 1.5 concerning limited representations and limited appearances. The ethical standards governing public statements by counsel in a criminal case are set forth in Local Criminal Rule 57. The ethical standards governing participation as counsel in a case where either the attorney or another attorney in his or her firm may be a witness for both civil and criminal cases are set forth in Local Civil Rule 83.13.

3. The following Local Civil Rules shall apply in grievance proceedings: Rule 83.1 (Admission of Attorneys), Rule 1 (Definitions), Rule 10 (Preparation of Pleadings), Rule 5(b) (Appearance), Rule 5(c) (Proof of Service), Rule 5(h) (Service in Manually Filed Cases), Rule 7(a) (Motion Practice Procedures), Rule 7(b) (Motions for Extensions of Time.), and Rule 83.10 (Civil Pro Bono Panel).

(b) Grievance Committee

1. The Judges of this Court shall appoint a Grievance Committee of the United States District Court for the District of Connecticut consisting of twelve (12) members of the bar of this Court. One member shall be appointed by the judges as the chairperson of the committee for a term of three years.

2. Members shall be appointed for a term of three (3) years, renewable once, for an additional term of three (3) years. If a member is appointed chairperson during the second term of three years, that member may serve the full three-year term of chairperson, even if his or her total tenure on the committee would thereby exceed six years. In the event that a vacancy arises before the end of a term, a member of the bar of this Court shall be appointed by the

Judges of this Court to fill the vacancy for the balance of the term. Anyone filling such a vacancy is eligible for reappointment to a full three-year term. Five (5) members of the Grievance Committee shall constitute a quorum and any action taken by the Grievance Committee shall be by a majority vote of those members present and voting.

3. The judges shall appoint three (3) members of the bar of this Court to serve as Counsel to the Grievance Committee. Assignment of cases to each counsel shall be made on the basis of the assigned seat of court, according to administrative procedures approved by the Clerk.

4. The Grievance Committee and Counsel to the Grievance Committee shall have the use of the staff of the Clerk, grievance clerks, for clerical and record-keeping assistance, shall have the power to issue subpoenas to compel witnesses to testify and produce documents at proceedings, and may incur such expenses as shall be approved by the Chief Judge of this Court. Compulsory process shall be available to the attorney who is the subject of the complaint.

(c) General Procedures

1. Grievance cases are opened upon a) the filing of a verified complaint against an attorney alleging misconduct relating to any matter relevant to an attorney's qualifications to practice before the court; b) judicial referral to the Grievance Committee upon an allegation of possible misconduct relating to any matter relevant to an attorney's qualification to practice before the court; c) notice of a guilty plea or conviction of a serious crime; d) notice of discipline or resignation in other courts; or e) notice of a finding of mental disability or incapacity.

2. The Clerk shall assign a docket number to the grievance cases consisting of the initials "GP," the last two digits of the year of filing, the number of the case (with the first case of each year being designated as number 1), and the initials of the Judge to whom the case has been assigned.

3. Each grievance case shall be assigned to a Judge on a random District-wide basis. Any complaint which arises out of conduct witnessed by a particular Judge of this Court shall not be assigned to that Judge. The 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 such cases.

4. Grievance cases shall be considered sealed and shall not be a record open to the public unless and until public discipline is ordered. Assigned counsel for the Grievance Committee will be allowed electronic access to the sealed case and be permitted to efile documents. Other members of the Grievance Committee will be allowed electronic access to sealed grievance cases, but are not permitted to efile documents. Counsel for the attorney who is the subject of the grievance or such attorney, if he or she is proceeding as a self-represented party, will be allowed electronic access to the sealed case and be permitted to efile documents.

(d) Proceedings Upon Complaint or Judicial Referral

1. Any person may file with the Clerk of the Court a written verified complaint alleging attorney misconduct relating to any matter relevant to an attorney's qualification to practice before the court. The Clerk shall forward a copy of the complaint to the Grievance Committee and counsel assigned to the matter.

2. Within thirty (30) days of the matter being opened, the attorney shall file a written response to the complaint. The complainant may reply to the attorney's response within twenty (20) days after the response is filed.

3. After the briefing deadlines have passed, the Grievance Committee shall review the complaint and determine if the matter warrants further action. The Grievance Committee, upon appropriate notice, may conduct hearings as it deems appropriate under rules for fair procedure. Such hearings shall be private unless the attorney complained against requests a public proceeding. The Grievance Committee shall decide whether to recommend that the complaint be dismissed or that the attorney complained against be disciplined (1) by private or public censure, (2) by suspension from the practice of law for a fixed period of time, (3) by indefinite suspension, (4) by disbarment, or (5) by any other appropriate remedial measure.

4. When any misconduct or allegation of misconduct which would warrant discipline of any attorney admitted to practice before this Court comes to the attention of any Judge of this Court, the Judge may refer the matter to the Grievance Committee for the initiation of a presentment or the formulation of such other recommendation as may be appropriate. The Grievance Committee may request that the Court order the attorney to respond to the referral. Nothing in this Rule 83.2 shall be interpreted to limit the inherent authority of the Judge to enforce the standards of professional conduct by way of appropriate proceedings other than by referral to the Grievance Committee. The Judge who referred the matter to the Grievance Committee will not be assigned to preside over any resulting disciplinary proceeding.

5. The Grievance Committee shall make its recommendation to the Court within 180 days from the date the last brief permitted under this Rule would be due. If additional time is needed, Counsel to the Committee shall notify the Clerk and up to an additional 180 days shall be allowed.

6. If the recommendation of the Grievance Committee is to dismiss the complaint, the recommendation shall be filed with the Court. The Committee may make a dismissal recommendation conditioned on the satisfaction by the respondent of conditions determined by the Committee to be appropriate under the circumstances. The complainant shall have the opportunity to respond to the dismissal recommendation within thirty (30) days. The Judge to whom the complaint has been assigned may hold further hearings on the recommendation to dismiss or may dismiss the complaint on the written record presented by the Committee. If the Judge decides not to dismiss the complaint, an Order to Show Cause shall be issued by the Court directing the attorney complained against to show cause why disciplinary action should not be taken.

7. If the Grievance Committee's recommendation is for discipline, the Committee shall file its recommendation in the form of a presentment, seeking an order to show cause why the attorney complained against should not have disciplinary action taken against him or her as prayed for in the presentment. The Committee may recommend discipline conditioned on the satisfaction by the respondent of conditions determined by the Committee to be appropriate under the circumstances.

8. Within thirty (30) days of service of the order to show cause issued pursuant to Local Rule 83.2(d)6 or a presentment issued pursuant to Local Rule 83.2(d)7, the attorney complained against shall file a written answer. Upon request of the attorney who is the subject of the complaint, a hearing may be held by the Judge to whom the matter has been assigned. If the attorney does not request a hearing, the Court may deem the hearing waived.

9. If a hearing is held, the attorney complained against shall have a right to be represented by counsel, shall have the right to confront and cross-examine witnesses, and shall have the right to offer the testimony of witnesses and other evidence on the attorney's behalf. Discipline shall not be imposed unless the Court finds, by clear and convincing evidence, that the attorney complained against should be disciplined. Unless requested to be a public proceeding by the attorney complained against, all proceedings shall be in private and maintained under seal unless and until discipline is ordered.

10. The attorney complained against may choose to waive presentment and hearing and to agree upon a disposition with the Grievance Committee. In such event, the proposed, stipulated disposition shall be presented to the Court, with a motion seeking the Court's approval. Should the Court deny the motion, an Order to Show Cause shall be issued by the Court directing the attorney complained against to show cause why disciplinary action should not be taken.

11. Upon the imposition of discipline, other than a private censure, the Court file shall be unsealed and made a matter of public record. In that event, a notation shall be made on the attorney's admission record indicating the date and nature of the discipline imposed.

(e) Proceedings Upon Notice of Conviction of Crimes

1. The Grievance Committee shall be notified and take appropriate action of convictions of "serious crimes" of attorneys admitted to practice before this Court and cause certified copies of such convictions to be filed with this Court. The term "serious crime" shall include any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involves false swearing, misrepresentation, fraud, willful failure to file tax returns or currency transaction reports, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit, or the aiding and abetting the commission of any of the foregoing crimes.

2. Upon the filing with this Court of a certified copy of a judgment of conviction or proof of change of plea or jury verdict of guilty prior to sentencing, demonstrating that any attorney

admitted to practice before the Court has been convicted in any Court of the United States, or the District of Columbia, or of any state, territory, commonwealth or possession of the United States or any foreign country, of a serious crime, the Court shall open a grievance case as set forth in subsection (c). The Court shall enter an order immediately suspending that attorney from practice before this Court, whether the conviction resulted from a plea of guilty or nolo contendere or from a verdict after trial or otherwise, and regardless of the pendency of any appeal. A copy of such order shall immediately be sent to the attorney. Upon good cause shown, the Court may set aside such order when it is in the interest of justice to do so. An attorney suspended under the provisions of this subparagraph 2 shall be reinstated immediately upon filing of a certificate demonstrating that the underlying conviction of a serious crime has been reversed, but reinstatement will not terminate any disciplinary proceedings against the attorney brought pursuant to this Local Rule 83.2. The matter shall automatically be referred to the Grievance Committee for the institution of a presentment before this Court, in the manner specified in Local Rule 83.2(d)7, in which the sole issue to be determined shall be the extent of the final discipline to be imposed as the result of the conduct resulting in the conviction, provided that a disciplinary proceeding so instituted shall not be brought to final hearing until all direct appeals from the conviction are concluded.

3. A certified copy of a judgment of conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based upon the conviction.

(f) Proceedings Upon Notice of Discipline or Resignation in Other Courts

1. Any attorney disciplined by order of the Courts of Connecticut or any other state or federal Court or any attorney resigning from the bar of the State of Connecticut or any other state or federal Court while disciplinary proceedings are pending, shall deliver a copy of the disciplinary order to the Clerk of this Court within fourteen (14) days of the entry of such order. The Court may also receive notice from the courts in which the attorney has been disciplined or resigned.

2. Upon receiving information described in paragraph (f)1 above, the Clerk shall open a grievance case as set forth in subsection (c). Counsel for the Grievance Committee shall institute a presentment petitioning the Court to impose the identical discipline upon the attorney or to require the resignation of the attorney receiving such disciplinary action or so resigning, and seeking an order to show cause why the attorney should not have disciplinary action taken against him or her as prayed for in the presentment.

3. Within thirty (30) days of service of the order to show cause issued or a presentment issued the attorney shall file a written answer.

4. If proof of service is confirmed and no answer is filed, the Grievance Committee shall file a motion for default and imposition of reciprocal discipline.

5. If the attorney's answer contests the imposition of reciprocal discipline, a hearing may be held before the presiding judge. If an attorney fails to request a hearing in the answer, the Court may deem the hearing waived.

6. After the hearing, the Court shall require the resignation of the attorney or shall impose the identical discipline against the attorney unless the Court finds that, on the face of the record upon which the discipline in another jurisdiction is predicated, it clearly appears:

a. that the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
b. that there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that the Court could not, consistent with its duty, accept as final the discipline imposed; or
c. that the imposition of the same discipline by the Court would result in grave injustice; or
d. that the misconduct established is deemed by the Court to warrant substantially different discipline.

Where the Court determines that any such element exists, it shall enter such other order as it deems appropriate.

7. Upon good cause shown, the Court may set aside an order issued under Rule 83.2(f) when it is in the interest of justice to do so. An attorney suspended under the provisions of subparagraph (f)2 shall be reinstated immediately upon filing (1) an affidavit with the Court demonstrating that the disciplinary action in the other jurisdiction has been reversed and (2) a certificate of good standing showing the attorney is a member in good standing in the other jurisdiction.

(g) Proceedings Following Finding of Mental Disability or Incapacity

1. In the event an attorney is by a Court of competent jurisdiction (1) declared to be incompetent to manage the attorney's affairs, or (2) committed involuntarily to a mental hospital for drug dependency, mental illness, or the addictive or excessive use of alcohol, this Court will open a grievance case as set forth in subsection (c) and the matter shall be referred to the Grievance Committee.

2. The Court shall issue an order to show cause, requiring the attorney to show cause why the attorney should not be suspended immediately from practicing law in this Court, and may set a hearing date. The Court shall arrange for a copy of such order to be forwarded to such attorney, the attorney's conservator if any, and the director of any institution in which the attorney may reside. If, after a hearing is held, or with the consent of the parties by stipulation, the Court concludes that the attorney is incapacitated from continuing to practice law, it shall enter an order suspending the attorney on the ground of such disability until further order of the Court.

3. Whenever the Grievance Committee shall have reason to believe that an attorney is incapacitated from practicing in this Court by reason of mental infirmity or illness or because of drug dependency or addiction to alcohol, it shall file a presentment in accordance with paragraph (f)2 of this Local Rule 83.2. Whenever a Judge of this Court has reason to believe that an attorney is similarly incapacitated or otherwise impaired, the Judge may refer the matter to the Grievance Committee for the formulation of such recommendation as may be appropriate,

including the initiation of a presentment or such other orders as it deems appropriate. The Grievance Committee may take or direct such action as it deems necessary or proper in order to determine whether such attorney is incapacitated or otherwise impaired, including examination of the attorney by such qualified medical expert or experts as the Grievance Committee shall designate. If the Court concludes that the attorney is incapacitated or otherwise impaired from continuing to practice law, it shall enter an order suspending the attorney on the ground of such disability until further order of the Court.

In the event there are disciplinary proceedings pending against an attorney who is suspended under this rule, those proceedings shall be held in abeyance for a long as the suspension under this rule remains in effect.

(h) Resignation in the District of Connecticut

Any attorney may resign from the bar of this Court by submitting a resignation, in writing, properly witnessed and acknowledged to be the attorney's free act and deed, to the Clerk of this Court, which shall be effective upon filing. However, such resignation shall not affect any pending disciplinary proceedings pursuant to this Local Rule 83.2, unless the attorney's resignation certifies that the attorney waives the privilege of applying for readmission to the bar at any future time, in which case disciplinary proceedings shall be terminated.

(i) Reinstatement

1. An attorney suspended for a fixed period of time shall be automatically reinstated at the end of the period of suspension upon filing (1) an affidavit with the Court demonstrating compliance with the provisions of the suspension order and (2) a certificate of good standing showing the attorney is now a member in good standing in the Superior Court for the State of Connecticut or another court.

2. Petitions for reinstatement by a disbarred or suspended attorney whose period of suspension has not expired shall be filed with the Clerk. Where practicable, such petition shall be assigned to the Judge to whom the original grievance proceeding was assigned. Otherwise, it shall be randomly assigned to another Judge of the District. The petition shall automatically be referred to counsel for the Grievance Committee, who shall give public notice on the District Court website, allowing thirty (30) days for comment. Counsel shall provide notice to the complainant that a petition for reinstatement has been filed.

3. After the close of the public comment period, the Grievance Committee may schedule a hearing for the purpose of determining whether or not the petitioner should be reinstated. The Grievance Committee shall make a recommendation to the Court, within thirty (30) days of completing its independent investigation, as to the fitness of the petitioner to be reinstated.

4. Within thirty (30) days of receiving the Committee's recommendation, the petitioner may file a reply requesting a hearing. If the petitioner fails to request a hearing within thirty (30) days of the Committee's recommendation, the Court may deem the hearing waived.

5. If a hearing is held, the petitioner shall have the burden of demonstrating by clear and convincing evidence that the petitioner has the moral qualifications, competency and learning in

the law required for admission to practice law before this Court and that the petitioner's resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice, or injurious to the public interest.

6. In all proceedings upon a petition for reinstatement, counsel for the Grievance Committee may conduct cross-examination of the witnesses of the petitioner attorney and may file objections to the petition. The petitioning attorney may conduct cross-examination of witnesses for the Grievance Committee and may file a reply to any objection filed by counsel for the Grievance Committee.

7. If the petitioner is found unfit to resume the practice of law, the petition shall be denied. If the petitioner is found fit to resume the practice of law, the judge shall reinstate the petitioner, provided that the judge may make reinstatement conditional upon (1) the payment of all or part of the costs of the proceedings, (2) the making of partial or complete restitution to parties harmed by the conduct of the petitioner which led to the suspension or disbarment, (3) the furnishing of proof of competency and learning in the law or one or more areas of the law or of law practice management, (4) the petitioner's taking and passing the Multistate Professional Responsibility Examination and/or (5) certification by the bar examiners of a state or other jurisdiction of the attorney's successful completion of an examination for admission to practice subsequent to the date of suspension or disbarment.

8. Absent exceptional circumstances, no petition for reinstatement under this paragraph shall be filed within one year following an adverse judgement upon a prior petition for reinstatement filed by or on behalf of the same person.

RULE 83.3

SECURITY FOR COSTS

(Amended December 22, 2017)

(a) Security for Costs

Any time after the commencement of an action, the defendants, or the plaintiffs upon the filing of a counterclaim, are entitled on request to the Clerk to an order to be entered by the Clerk, as of course, for a cash deposit or bond with recognized corporate surety in the sum of $500.00 as security for costs, to be given within thirty days from the entry of such order. Parties who are jointly represented by the same counsel will be deemed to be one party for the purposes of this $500 limitation. Additional, substituted, or reduced security, or a justification of financial responsibility by any surety, may be ordered by the Court at any time during the pendency of the action for good cause found by the Court. Noncompliance with an order entered hereunder may be grounds for summary dismissal or default upon application by a party and notice to the non-complying party.

(b) Modification and Waiver

Upon good cause shown, the Court may modify or waive the requirements of this Rule.

RULE 83.4

OPENING STATEMENTS

Unless the presiding Judge directs otherwise, counsel in civil jury trials shall be permitted to make opening statements subject to limitations imposed by the Judge.

RULE 83.5

SECRECY OF JURY DELIBERATIONS AND GRAND JURY PROCEEDINGS

(Amended December 22, 2017)

1. Trial Jurors

(a) No person, other than the Court or Court personnel, shall contact or communicate with, directly or indirectly, a juror, potential juror or excused juror, or any relative, friend or associate of any such juror, during jury selection or trial, concerning the subject matter of the trial or the juror's participation in the trial, except with the permission of and under the supervision of the Court.

(b) Jurors have no obligation to speak to any person about any case and may refuse all interviews or requests to discuss the case. Jurors may only speak or write about their own participation in the trial. Jurors may not discuss the deliberations of the jury, votes of the jury, or the actions or comments of any other juror. However, jurors shall report to the Court any extraneous prejudicial information improperly brought to the jury's attention, any outside influence improperly brought to bear upon any juror, or whether the verdict reported was the result of a clerical mistake.

(c) Unless explicitly authorized by the Court, no party, and no attorney or person acting on behalf of a party or attorney, shall question a juror concerning the deliberations of the jury, votes of the jury or the actions or comments of any other juror.

(d) No person may contact, communicate with or interview any juror in any manner which subjects the juror to harassment, misrepresentation, duress or coercion.

2. Juror Information

The Clerk shall make available to counsel and self-represented parties participating in jury selection the responses to juror questionnaires of those prospective jurors participating in jury selection. Upon request of counsel or a self-represented party, the Court may order the Clerk to make available to counsel and a self-represented party participating in jury selection the list of potential jurors summoned for the case. Other individuals may request such information in accordance with the District's Jury Plan.

3. Grand Jurors

No person, other than those authorized under Fed.R.Crim.P. 6 or Court personnel, shall contact or communicate with, directly or indirectly, a grand juror, potential grand juror, or excused grand juror at any time concerning the subject matter of the grand jury proceedings or the juror's participation in the grand jury proceedings. Grand jurors shall also comply with Fed. R. Crim P. 6.

4. Violations

A violation of this rule may be treated as a contempt of Court. The Court shall have continuing supervision over communications with jurors, even after a trial has been completed.

RULE 83.6

REMOVAL OF PAPERS AND EXHIBITS

(Amended December 22, 2017)

(a) Withdrawal of Pleadings, Papers and Exhibits

After being filed in Court, pleadings or other papers may be withdrawn only upon order of the Court. Exhibits received in evidence may be withdrawn by stipulation of the parties or by order of the Court.

(b) Pre-marked Exhibits and Exhibit Lists

Prior to the commencement of trial, the parties shall pre-mark all exhibits to be offered at hearing or trial. The parties shall prepare and submit to the courtroom deputy and the Judge a list of their exhibits, as pre-marked.

(c) Custody of Exhibits After Trial

Except in proceedings before a special master, and unless the Court otherwise directs, exhibits shall not be filed with the clerk, but shall be retained in the custody of the parties who produce them in court. The parties shall retain these exhibits until final determination of the action, including the date when the mandate of the final reviewing court has been filed or until the time for appeal has expired.

(d) Disposition of Exhibits in the Custody of the Clerk

The offering party shall make arrangements for the return of those exhibits remaining with the Clerk within ninety days after final determination of the action. Exhibits not claimed may be destroyed by the Clerk, without notice.

RULE 83.7

TRANSFER OF CASES TO ANOTHER DISTRICT OR UPON REMAND TO A STATE COURT

(Amended December 22, 2017)

In a case ordered transferred to another District Court or remanded to the appropriate State Court, the clerk will, unless otherwise ordered; transmit, on the eleventh day following the order of transfer or remand, to the Court to which the case is transferred or remanded: (1) the Court's opinion directing such action, and its order thereon, and the docket entries, and (2) all pleadings and other papers on file in the case, provided that no timely motion for reconsideration of the order of transfer or remand has been filed pursuant to Local Civil Rule 7(c). Where a timely motion for reconsideration has been filed, the Clerk will delay transmitting the file until the Court has ruled on the motion for reconsideration and will thereafter take such action as is consistent with the ruling on the motion for reconsideration.

RULE 83.8

(RESERVED)

RULE 83.9

LAW STUDENT INTERNSHIP RULES

(Amended December 22, 2017)

(a) Appearance of Law Student Intern

An eligible law student intern may, with the Court's approval, under supervision by a member of the bar, appear on behalf of any person who has consented in writing to the intern's appearance.

(b) Requirements of Supervising Attorney

The attorney who supervises an intern shall:

1. be a member of the bar of the United States District Court for the District of Connecticut;
2. assume personal professional responsibility for the student's work;
3. assist the student to the extent necessary;
4. appear with the student in all proceedings before the Court unless the attorney's presence is waived by the Court;
5. indicate consent in writing to supervise the intern under this Rule.

(c) Requirements of Law Student Intern

In order to appear pursuant to this Rule, the law student intern shall:

1. be enrolled in good standing in a law school approved by the American Bar Association;
2. have completed legal studies amounting to at least two semesters of credit, or the equivalent if the school is on some basis other than a semester basis;
3. be introduced to the Court by the supervising attorney;
4. not be employed or compensated by a client. This Rule shall not prevent an attorney, legal aid bureau, law school, public defender, or other agency from compensating a law student intern.

(d) Privileges of Law Student Intern

The law student intern, supervised in accordance with this Rule, may:

1. appear as counsel in Court or at other proceedings when the consents of the client and supervising attorney referred to in subdivisions (a) and (b) of this Rule have been filed, and the Court has approved the intern's request to appear; and
2. prepare and sign motions, petitions, answers, briefs and other documents in connection with any matter in which the law student intern has met the conditions of Rule 83.9(c). Each such document must also be signed by the supervising attorney.

RULE 83.10

CIVIL PRO BONO PANEL

(Amended July 24, 2019)

(a) Assignment Wheel

1. The Clerk will establish a wheel to be used in assigning members of the Bar to provide pro bono representation to indigent persons in civil cases (the "Assignment Wheel").

2. Any member of the Bar who has appeared as counsel of record in at least one civil action in this Court since January 1, 2015, shall be included in the Assignment Wheel except for (1) an attorney whose principal place of business is outside the District; (2) an attorney who is employed full-time as an attorney for an agency of the United States, a State, or a municipality; (3) an attorney who is employed full-time as an attorney by a not-for-profit legal aid organization; (4) an attorney who has notified the Clerk's Office in writing that he or she has retired from the practice of law; and (5) an attorney who has notified the Clerk's Office in writing that he or she has been suspended or resigned from the bar. Any such exempted attorney who has not retired, been suspended, or resigned shall be included in the pool, upon request, by notifying the Clerk's Office in writing of such request.

3. The Clerk will review and update the Assignment Wheel on a biennial basis. The Clerk will add to the Assignment Wheel any non-exempt member of the Bar who files an appearance in a civil action in this Court within the prior two years and remove from the wheel any individual who has become exempt.

(b) The Volunteer Wheel

The Clerk will also establish a wheel of Pro Bono Volunteer Attorneys (the "Volunteer Wheel"), which shall be comprised of attorneys who are members of the Bar and who contact the Clerk's Office in writing to request to be included in the Volunteer Wheel. As set forth below, the Court will use the Volunteer Wheel to make pro bono appointments under this Rule before it uses the Assignment Wheel, and will resort to the Assignment Wheel only when no attorneys on the Volunteer Wheel are available. An attorney on the Volunteer Wheel will be considered available for appointments under this Rule as long as such attorney has filed appearances in no more than two pending cases under this Rule (i.e., cases in which counsel was appointed under this Rule and in which final judgment has not yet been entered). Any attorney who has been placed in the Volunteer Wheel may request in writing to be removed from that Wheel at any time, in which case the attorney shall be removed from the Volunteer Wheel but shall remain in the Assignment Wheel. The Court may remove an attorney from the Volunteer Wheel for good cause.

(c) Appointment of Counsel

1. Pro bono counsel may be appointed at the discretion of the presiding judge upon motion or on the initiative of the presiding judge when the judge determines that the appointment will serve the interests of justice based upon factors such as (a) a party's apparent ability or inability to afford legal counsel, (b) the likelihood that counsel may be secured under alternative fee arrangements, and (c) the apparent merit of the party's claims or defenses. Newly filed cases in which any party is unrepresented will be evaluated by the presiding judge for appointment of pro bono counsel at an early stage. A status conference may be convened before the entry of a Rule 26(f) scheduling order to assist the presiding judge in making that evaluation.

2. The presiding judge may appoint counsel for a specific limited purpose, such as for settlement purposes only, for the purpose of assisting with a particular pleading or proceeding, for the purpose of facilitating a limited investigation into the legal or factual basis for any claim or defense in order to evaluate the merit of a party's claims or defenses, or for any other limited purpose the Court finds would serve the interests of justice. The Court's order appointing counsel for limited purposes shall delineate the extent of counsel's responsibilities to the client and to the Court.

3. A limited-purpose appointment will be limited to the purpose identified in the order of appointment and will not extend to any other part of the litigation process. Only in the case of a limited purpose appointment, counsel may withdraw from the case by filing a notice of withdrawal upon fulfillment of the purpose for which appointed. The Clerk will then terminate counsel's receipt of ECF notifications related to the case.

4. Any attorney appointed for a limited purpose specified by the Court may apply at any time for an order appointing the attorney to represent the party for all purposes in the litigation in this Court.

5. The Court considers any attorney appointed under this Local Rule to be a volunteer on behalf of a governmental entity for purposes of the Volunteer Protection Act of 1997 (the "Protection Act"), 42 U.S.C. §§ 14501-05, as long as such attorney does not receive an award of compensation for services in excess of $500 per year (other than reasonable reimbursement or allowance, approved by the Court under this Local Rule, for expenses actually incurred).

(d) Appointment Procedure

1. Upon determining that pro bono counsel should be appointed, the presiding judge will issue an order appointing as pro bono counsel the next attorney whose name is randomly generated by the Volunteer Wheel or, if no attorney from the Volunteer Wheel is available, the Assignment Wheel.

2. The order will be entered on the docket and the appointed attorney and all unrepresented parties and attorneys of record in the case will receive email notification of the appointment from the Court's electronic filing system. If any unrepresented party will not receive an email notification, the Clerk will cause notice of the order to be mailed. The order appointing the attorney shall indicate that it is made under this Local Rule.

(e) Responsibilities of the Appointed Attorney

1. Within 14 days of the entry of an order appointing counsel under this Rule, the appointed attorney shall file and serve an appearance in accordance with L. Civ. R. 5(b).

2. An appointed attorney shall communicate with his or her client before appearing or as soon as practicable thereafter

3. An appointed attorney shall provide an engagement letter to his or her client as soon as practicable following appointment. In addition to including any other language required by law, the engagement letter shall provide that the attorney may not charge for the representation but that, in consideration of the appointed attorney's legal services, the client agrees that this Court will have exclusive jurisdiction over any dispute arising from the representation, including, without limitation, a grievance or malpractice claim. The appointed attorney shall explain the engagement letter to the client and the letter shall be signed by the attorney and the client. If the appointed attorney wishes to do so, he or she may file the engagement letter on the docket, together with a motion to seal, within 45 days of the entry of an order of appointment under this Rule.

4. By entering an appearance as required by the order of appointment, the appointed attorney incurs no obligation to represent the client in any other matter.

(f) Duration of Representation

1. Unless an order of limited appointment is made, an appointed attorney shall represent the party in this Court from the date of appointment until relieved from appointment by the Court or until a final judgment is entered in this Court.

2. If the party desires to take an appeal from a final judgment or appealable interlocutory order, or if such judgment or order is appealed by another party, or if the matter is remanded to an administrative forum, the appointed attorney is encouraged but not required to represent the party on the appeal, and in any proceeding, judicial or administrative, which may ensue upon an order of remand.

3. Where the appointed attorney elects not to represent the party on an appeal or in a proceeding upon remand, the attorney shall advise the party of all required steps to be taken in perfecting the appeal or appearing in the proceeding on remand. Upon request of the self-represented party the attorney shall file the notice of appeal.

(g) Relief From Appointments

Motions for relief from appointment are disfavored, as the Court views the acceptance of pro bono assignments from time to time as a professional responsibility of the attorneys who are members of its Bar. Any such motion shall comply with Rule 6.2 of the Connecticut Rules of Professional Conduct and Local Rule 7(e). Relief from appointment is unlikely to be granted on the grounds that the appointment would be burdensome or interfere with counsel's other professional obligations where the Court can fashion a case schedule that reasonably mitigates such difficulties. Relief from appointment is also unlikely to be granted on the ground that

counsel lacks experience in the area of law involved in the case. In the Court's experience, even an attorney who is inexperienced or unfamiliar with the subject matter can provide valuable assistance to an unrepresented person. If an attorney is currently engaged in, or has in the previous 12 months completed, a pro bono representation under this rule or a case in this Court in which the attorney was appointed under the Criminal Justice Act, 18 U.S.C. Sec. 3006A, and does not wish to accept a new pro bono assignment, that attorney may file, within 14 days of the entry of the order appointing counsel, a notice so indicating and specifying the docket number of the case in which he or she was appointed. In addition, if an attorney has reached the age of 70 and does not wish to accept the appointment, the attorney may file a notice so indicating. In either case, upon the filing of such a notice, the Court will vacate the order of appointment and will appoint a new attorney from the assignment wheel.

(h) Additional Appointments

Upon request for good cause shown, the Court may (a) limit the purpose(s) of an appointment and appoint an additional attorney from another firm to serve in a different limited capacity (e.g., sequentially) or (b) appoint an additional attorney from another firm to serve as co-counsel. Nothing in this Local Rule should be construed to prevent an appointed attorney from soliciting another attorney from the same or another firm to appear as co-counsel, except that neither appointed counsel nor co-counsel may limit the purpose of the representation without approval by the Court.

(i) Discharge

A party for whom an attorney has been appointed may request the discharge of the appointed attorney and appointment of another attorney. Such requests must be made within thirty (30) days after the party's initial consultation with the appointed attorney, or within such additional period as is warranted by good cause.

When good cause is shown (e.g., substantial disagreement between the party and the appointed attorney on litigation strategy), the appointed attorney shall be discharged from further representation of the party. In such cases, another attorney may thereupon be appointed by the Court to undertake the representation, in accordance with this rule. The Judge may deny a further appointment in such cases.

(j) Complaints or Grievances Against Appointed Counsel

1. Should a party who is represented by counsel appointed under this Rule wish to file a complaint or grievance against appointed counsel for any failure of counsel to comply with his or her professional obligations, including any applicable standard of care or rule of professional conduct, during the representation in this Court, such complaint or grievance shall be filed in this Court within thirty days of the termination of the representation, and shall be served by first-class mail on the appointed attorney. This period may be extended, up to six months from the termination of the representation, by a showing that the party could not have, through the exercise of reasonable diligence, been expected to learn the facts from which the complaint or grievance arises during the representation or within thirty days of its termination. Failure to

comply with the time limits set forth in this paragraph shall constitute a waiver of the right to bring a complaint or grievance under this Rule.

2. Any such complaint or grievance shall be filed in the original case, in which counsel was appointed, together with a motion to reopen the case, if it has been closed. Unless and until the Court orders otherwise, the complaint, and the fact of filing the complaint, shall be considered sealed and shall not be a record open to the public. The docket will reflect only the filing of a sealed document and a sealed motion.

3. The attorney against whom such complaint or grievance is filed is not required to respond to such complaint or grievance until after the presiding judge has reviewed it and made a determination that a response is required.

4. The judge will dismiss the complaint or grievance, in whole or in part, without requiring a response if the facts alleged, if accepted as true, fail to state a cognizable claim. In making this evaluation, the judge will consider (a) the Protection Act, (b) the standard of care expected of an appointed lawyer, (c) the rules of professional conduct for lawyers practicing in the District of Connecticut under L. Civ. R. 83.2(a), and (d) the interests of justice. The judge may also dismiss the complaint or grievance in whole or in part without requiring a response if the judge's own recollection of the earlier proceedings contradicts material facts alleged in the complaint or grievance.

5. If the judge determines that the complaint or grievance warrants a response, the judge will order a response to be made. The judge may thereafter proceed to adjudicate the claim, direct that it be assigned to another judge of this Court, or refer the matter to the Grievance Committee.

6. The Clerk of Court shall ensure that every judgment entered in a case in which an attorney is appointed under this Local Rule, including cases that are settled or withdrawn, includes the following language: Because counsel was appointed in this case under Local Civil Rule 83.10, this Court shall retain jurisdiction to adjudicate any dispute between such counsel and his or her client arising from the representation in this case, including without limitation, a grievance or malpractice claim.

(k) Expenses

1. The appointed attorney shall bear any expenses of the litigation (e.g., discovery expenses, expert witness fees, subpoena fees, transcript expenses), unless the attorney has, prior to incurring any such expense, obtained an order from the Court authorizing such expense. Failure to obtain such an order will not bar the appointed attorney from seeking reimbursement pursuant to Rule 83.10(l). Nothing in this Local Rule will be construed to prevent an attorney from reaching agreement with the client for the client to pay an expense. An appointed attorney will have no obligation to bear any litigation expense that the Court has refused to authorize after appropriate application and the client is unable or unwilling to pay, even if the failure to pay that expense will cause the client to be unable to meet a burden of proof with respect to a claim or defense.

2. Upon appropriate application by the appointed attorney the Clerk shall certify those expenses for which the appointed attorney may be reimbursed, in accordance with the procedures utilized in *in forma pauperis* proceedings, in proceedings under the Criminal Justice Act or other guidelines issued by the Court. Thereafter, the presiding judge may order reimbursement of the expenses of the litigation, as authorized by applicable statute, regulation, rule or other provision of law.

3. A fund shall be kept by the Clerk for the purpose of funding expenses that a party is unable to meet, in whole or in part. This fund shall consist of a portion of the fees collected in connection with applications for admission to the Bar of this Court and motions for admission *pro hac vice*. The presiding judge shall review all applications of appointed attorneys for advance approval of part or all of a litigation expense and decide whether to authorize the expense and provide for payment from the fund. If the party is subsequently reimbursed for or recovers an expense that had been funded in whole or in part from the Clerk's fund (excluding unallocated settlement payments and damages awards), the party will ordinarily be required to reimburse the fund.

(l) Compensation for Services

1. Upon appropriate application by the appointed attorney, the presiding judge may award to the appointed attorney attorney's fees, costs and/or expenses, as authorized by applicable statute, regulation, rule or other provision of law, and as the presiding judge deems just and proper. In deciding whether to award attorney's fees, the presiding judge will consider: (i) the relevant statutes and provisions of law; (ii) the source of the fee award; (iii) the services rendered; (iv) the out-of-pocket costs incurred by the attorney, and (v) any other factors the presiding judge deems appropriate.

2. If the party is able to pay for legal services, upon application of the appointed attorney, the presiding judge may (i) approve a fee arrangement between the party and the attorney, (ii) order fees and expenses to be paid on a specified basis, or (iii) relieve the attorney from the responsibilities of the appointment and permit the party to retain another attorney or proceed without counsel.

3. Nothing in this Local Rule will be construed to prohibit an attorney appointed from the Assignment Wheel from reaching a prospective fee agreement with the client, which may include contingent fees or the right to receive any fee award and which shall comply with state law. Any such agreement shall be submitted for approval to the Court, and may be submitted together with a motion to seal. An appointed attorney may not condition service to the client on the client’s willingness to enter into such an agreement, except as provided in section (l)(2) of this Local Rule. Appointed attorneys are on notice that acceptance of in excess of $500 per year for performing services under this rule may affect their status as a “volunteer” under the Volunteer Protection Act of 1997. 42 U.S.C. § 14505(6).

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RULE 83.11

PHOTOGRAPHS, RECORDINGS, AND BROADCASTS

(Amended January 30, 2024)

The taking of photographs or video, the operation of electronic recording equipment by any means, and the broadcasting by any means on any floor of any building on which proceedings of this Court may be held or on which the Clerk's Office is located, are prohibited, except by the official court reporter or court-operated recording system. The taking of photographs or video of security checkpoints at entrances to this Court is also prohibited. For purposes of this rule: (a) "recording" includes, but is not limited to, making a video or audio record, and using software that converts speech to text, but does not include taking notes by hand or by manual typing on an electronic device; (b) "broadcasting" includes, but is not limited to, the use of videoconferencing software (e.g., FaceTime, Zoom, Teams, or Google Meet) that allows persons not present in the courtroom to hear or see the proceedings, and the transmission by internet, radio, television, or telephone signal of the proceedings. The presiding judge may, however, permit (1) the use of electronic or photographic means for the presentation of evidence or the perpetuation of a record, (2) the broadcasting, televising, recording, or photographing of investiture, naturalization, or other ceremonial proceedings, and (3) the creation of a video or audio record of educational programs. The above activities are also permissible in a judge's chambers at the discretion of the judge and in Clerk's Office space at the discretion of the Clerk of Court. In addition, the Chief Judge may allow exceptions to this Rule for good cause and with notice to the judges of the Court.

RULE 83.12

AUXILIARY ORDERS

(Amended December 22, 2017)

Orders entered by the Court which affect the procedures or policies of practice before the Court but which do not amend or take the form of a Local Rule, shall be designated as Auxiliary Orders, shall be available in the Clerk's Office, and shall be posted on the Court’s website.

RULE 83.13

PROHIBITION ON COUNSEL AS WITNESS

(a) Refusing Employment When Counsel May Be Called as a Witness

A lawyer shall not accept employment in contemplated or pending litigation if he or she knows or it is obvious that he or she or a lawyer in the same firm ought to be called as a witness, except that he or she may undertake the employment and he or she or a lawyer in his or her firm may testify:

1. If the testimony will relate solely to an uncontested matter.
2. If the testimony will relate solely to a matter of formality and there is no reason to believe that substantial evidence will be offered in opposition to the testimony.
3. If the testimony will relate solely to the nature and value of the legal services rendered in the case by the lawyer or the law firm to the client.

(b) Withdrawal as Counsel When the Lawyer Becomes a Witness

If, after undertaking employment in contemplated or pending litigation, a lawyer learns or it is obvious that he or she or a lawyer in the same firm ought to be called as a witness on behalf of the client, he or she shall withdraw from the conduct of the trial and the law firm shall not continue representation in the trial, except that the lawyer may continue the representation, and he or she or a lawyer in the law firm may testify in the circumstances enumerated in Rule 83.13(a).

If, after undertaking employment in contemplated or pending litigation, a lawyer learns or it is obvious that he or she or a lawyer in the same firm may be called as a witness other than on behalf of his or her client, the lawyer may continue the representation until it is apparent that his or her testimony is or may be prejudicial to the client.

(c) Discretion of Court To Provide Relief From This Rule When Lawyer In Same Firm Is Likely To Be A Witness

The court may in the exercise of its sound discretion permit a lawyer to act as an advocate in a trial in which another lawyer in the lawyer's firm is likely to be called as a witness if disqualification of the lawyer would work substantial hardship on the client and permitting the lawyer to act as an advocate would not cause prejudice to opposing parties.

CIVIL APPENDIX

FORM 26(f) REPORT OF PARTIES' PLANNING MEETING

STANDING ORDER ON SCHEDULING IN CIVIL CASES

STANDING ORDER REGARDING TRIAL MEMORANDA IN CIVIL CASES

STANDING ORDER IN CIVIL RICO CASES

STANDING ORDER IN REMOVED CASES

ORDER RE DISCLOSURE STATEMENT

ORDER REGARDING DEPOSIT AND INVESTMENT OF REGISTRY FUNDS

FORM 26(F) REPORT OF PARTIES' PLANNING MEETING

(Amended December 22, 2017)

Caption of Case
[List all parties]

Date Complaint Filed:

Date Complaint Served:

Date of Defendant's Appearance:

Pursuant to Fed. R. Civ. P. 16(b), 26(f) and D. Conn. L. Civ. R. 16, a conference was held on [date(s)]. The participants were:

_____ for plaintiff [party name]

_____ for defendant [party name]

I. Certification

Undersigned counsel (after consultation with their clients) and any undersigned self-represented parties certify that (a) they have discussed the nature and basis of the parties' claims and defenses and any possibilities for achieving a prompt settlement or other resolution of the case; and (b) they have developed the following proposed case management plan. Counsel further certify that they have forwarded a copy of this report to their clients.

II. Jurisdiction

A. Subject Matter Jurisdiction

[Provide a statement of the basis for subject matter jurisdiction with appropriate statutory citations. If defendant denies plaintiff's allegation of subject matter jurisdiction, defendant must specify the basis for the denial. In cases where the basis for subject matter jurisdiction is diversity of citizenship, if any party is a partnership, limited liability partnership, or limited liability company or corporation, provide the citizenship of each partner, general partner, limited partner and/or member, and if any such partner, general partner, limited partner or member is itself a

partnership, limited liability partnership, or limited liability company or corporation, provide the citizenship of each partner and/or member.]

B. Personal Jurisdiction

[State whether personal jurisdiction is contested and, if it is, summarize the parties' competing positions].

III. Brief Description of Case

[Briefly summarize the claims and defenses of all parties and describe the relief sought. If the parties cannot reach agreement on a joint statement, each party must provide a short separate statement. The requirement that the parties briefly summarize their claims and defenses is not intended to be unduly burdensome. The parties are obliged to discuss and consider the nature of their claims and defenses at the planning conference in order to formulate a meaningful case management plan. Moreover, the presiding judge needs to be informed of the nature of the claims and defenses in order to evaluate the reasonableness of that proposed plan. The statement of the parties' claims and defenses, whether set forth jointly or separately, does not preclude any party from raising new claims and defenses as permitted by other applicable law.]

A. Claims of Plaintiff/s:

B. Defenses and Claims (Affirmative Defenses, Counterclaims, Third Party Claims, Cross Claims)(either pled or anticipated) of Defendant/s:

C. Defenses and Claims of Third Party Defendant/s:

IV. Statement of Undisputed Facts

[The Court expects that in most cases there will be facts that are not genuinely disputed, and urges counsel and self-represented parties to assist the Court in identifying such facts, as part of their obligation to promote the “just, speedy and inexpensive determination of every action.”] Counsel and self-represented parties certify that they have made a good faith attempt

to determine whether there are any material facts that are not in dispute. The following material facts are undisputed:

V. Case Management Plan:

A. Initial Disclosures

Initial disclosures will be served by _____.

B. Scheduling Conference

1. The parties [request] [do not request]

to be excused from holding a pretrial conference with the Court before entry of a scheduling order pursuant to Fed. R. Civ. P. 16(b).

2. The parties prefer that a scheduling conference, if held, be conducted [in person] [by telephone].

C. Early Settlement Conference

1. The parties certify that they have considered the potential benefits of attempting to settle the case before undertaking significant discovery or motion practice. Settlement [is likely] [is unlikely at this time] [may be facilitated by use of the following procedure]:

_____.

2. The parties [request] [do not request] an early settlement conference.

3. The parties prefer a settlement conference, when such a conference is held, with [the presiding judge] [a magistrate judge] [a parajudicial officer or special master].

4. The parties [request] [do not request] a referral for alternative dispute resolution pursuant to D. Conn. L. Civ. R. 16.

D. Joinder of Parties, Amendment of Pleadings, and Motions Addressed to the Pleadings

The parties have discussed any perceived defects in the pleadings and have reached the following agreements for resolution of any issues related to the sufficiency of the pleadings.

1. Plaintiff(s) should be allowed until [date] to file motions to join additional parties and until [date] to file motions to amend the pleadings. Motions filed after the foregoing dates will require, in addition to any other requirements under the applicable rules; a showing of good cause for the delay.

2. Defendant(s) should be allowed until [date] to file motions to join additional parties and until [date] to file a response to the complaint, or any amended complaint. Motions filed after the foregoing dates will require, in addition to any other requirements under the applicable rules, a showing of good cause' for the delay.

E. Discovery

a. Recognizing that the precise contours of the case, including the amounts of damages at issue, if any, may not be clear at this point in the case, in making the proposals below concerning discovery, the parties have considered the scope of discovery permitted under Fed. R. Civ. P. 26(b)(1). At this time, the parties wish to apprise the Court of the following information regarding the "needs of the case" :

Plaintiff's Position:

Defendant's Position (if different):

b. The parties anticipate that discovery will be needed on the following subjects: [list each of the principal issues of fact on which discovery will be needed; a statement that, e.g., "discovery will be needed on liability and damages" is insufficient].

c. All discovery, including depositions of expert witnesses pursuant to Fed. R. Civ. P. 26(b)(4), will be commenced by [date] and completed (not propounded) by [date].

d. Discovery [will] [will not] be conducted in phases.

e. If discovery will be conducted in phases, describe each phase and state the date by which it will be completed by

f. The parties anticipate that the plaintiff(s) will require a total of ____ depositions of fact witnesses and that the defendant(s) will require a total of ____ depositions of fact witnesses. The depositions will commence by [date] and be completed by [date].

g. The parties [will] [will not] request permission to serve more than 25 interrogatories.

h. Plaintiff/s [intend] [do not intend] to call expert witnesses at trial. Defendant/s [intend] [do not intend] to call expert witnesses at trial.

i. Parties will designate all trial experts and provide opposing counsel with reports from retained experts pursuant to Fed. R. Civ. P. 26(a)(2) on any issues on which they bear the burden of proof by [a date not later than 3 months before the deadline for completing all discovery]. Depositions of any such experts will be completed by [a date not later than 2 months before the deadline for completing all discovery].

j. Parties will designate all trial experts and provide opposing counsel with reports from retained experts pursuant to Fed. R. Civ. P. 26(a)(2) on any issues on which they do not bear the burden of proof by [a date not later than 1 month before the deadline for completing all discovery]. Depositions of such experts will be completed by [a date not later than the discovery cutoff date].

k. A damages analysis will be provided by any party who has a claim or counterclaim for damages by [date].

l. Undersigned counsel (after consultation with their respective clients concerning computer-based and other electronic information management systems, including historical, archival, back-up and legacy files, in order to understand how information is stored and how it may be retrieved) and self-represented parties have discussed the disclosure and preservation of electronically stored information, including, but not limited to, the form in which such data shall

be produced, search terms and/or other techniques to be used in connection with the retrieval and production of such information, the location and format of electronically stored information, appropriate steps to preserve electronically stored information, and the allocation of costs of assembling and producing such information. [The parties agree to the following procedures for the preservation, disclosure and management of electronically stored information [OR the parties have been unable to reach agreement on the procedures for the preservation, disclosure and management of electronically stored information. Following is the position of each party:] [SPECIFY].

m. Undersigned counsel (after consultation with their clients) and self-represented parties have also discussed the location(s), volume, organization, and costs of retrieval of information stored in paper or other non-electronic forms. The parties agree to the following procedures for the preservation, disclosure and management of such information [OR: The parties have been unable to reach agreement on the procedures for the preservation, disclosure and management of such information. Following is the position of each party]: [SPECIFY].

n. Undersigned counsel and self-represented parties have discussed discovery procedures that minimize the risk of waiver of privilege or work-product protection, including procedures for asserting privilege claims after production. The parties agree to the following procedures for asserting claims of privilege after production [OR] The parties have been unable to reach agreement on the procedures for asserting claims of privilege after production. Following is the position of each party: [SPECIFY].

F. Other Scheduling Issues

The parties propose the following schedule for addressing other issues pertinent to this case [e.g., class certification, claim construction]:

G. Summary Judgment Motions:

Summary judgment motions, which must comply with Local Rule 56, will be filed on or before [date].

H. Joint Trial Memorandum

The joint trial memorandum required by the Standing Order on Trial Memoranda in Civil Cases will be filed by [date].

VI. TRIAL READINESS

The case will be ready for trial by [date].

As officers of the Court, undersigned counsel agree to cooperate with each other and the Court to promote the just, speedy and inexpensive determination of this action.

Plaintiff

By _____ Date: _____

Defendant

By _____ Date: _____

The undersigned self-represented parties certify that they will cooperate with all other parties, counsel and the Court to promote the just, speedy and inexpensive determination of this action.

Plaintiff _____ Date: _____

Defendant _____ Date: _____

CIVIL STANDING ORDERS

STANDING ORDER ON SCHEDULING IN CIVIL CASES

(Amended July 30, 2018)

1. Order on Pretrial Deadlines. Except in cases exempted by D. Conn. L. Civ. R. 16, the Clerk, acting pursuant to the authority of the Court, shall enter in each civil action an Order on Pretrial Deadlines, which Order shall contain the deadlines listed in paragraph 2 of this Standing Order. The Clerk shall enter the Order at the time of the filing of the complaint, and the Order shall control the course of the action until a further Scheduling Order is issued pursuant to Fed.R.Civ.P. 16(b) and D. Conn. L. Civ. R. 16.

2. Presumptive Deadlines. Unless otherwise ordered by the presiding Judge, parties in civil cases shall adhere to the following deadlines:

(a) All motions relating to joinder of parties or amendment of the pleadings shall be filed within the latest of the following: (i) 35 days after the appearance of the last defendant or (ii) 60 days after the filing of the complaint, the filing of a petition for removal, or the transfer of an action from another District, except that a defendant may file a third-party complaint within 14 days of serving an answer, as permitted by Fed.R.Civ.P. 14(a).

(b) The filing of a motion to dismiss shall not result in a stay of discovery or extend the time for completing discovery.

(c) Formal discovery pursuant to the Federal Rules of Civil Procedure may not commence until the parties have conferred as required by Fed.R.Civ.P. 26(f) and Local Civil Rule 16 but the parties may commence formal discovery immediately thereafter without awaiting entry of a scheduling order pursuant to Fed.R.Civ.P. 16(b). Informal discovery by agreement of the parties is encouraged and may commence at any time. Unless otherwise ordered, discovery shall be completed within 6 months after the latest of the following: the filing of the complaint, the

filing of a petition for removal, the transfer of an action from another District, or the appearance of the last defendant.

(d) Unless otherwise ordered, all motions for summary judgment shall be filed within 35 days after the deadline for completion of discovery.

3. Modification. A Scheduling Order issued pursuant to this Standing Order may be modified by a stipulation signed by all parties and approved by the presiding Judge, or on motion by any party for good cause shown or by the presiding Judge acting *sua sponte*. The good cause standard requires a particularized showing that the schedule established by this order cannot reasonably be met despite the diligence of the party seeking the extension.

STANDING ORDER REGARDING TRIAL MEMORANDA IN CIVIL CASES

(Amended October 26, 2017)

At the discretion of the presiding Judge, each party may be ordered to prepare and submit, or the parties may be ordered to jointly prepare and submit, a trial memorandum which shall contain the following information:

1. Trial Counsel.

List the names, addresses and telephone numbers of the attorneys who will try the case. Trial counsel must attend the pretrial conference unless excused by the Court.

2. Jurisdiction.

Set forth the basis for federal jurisdiction.

3. Jury/Non-jury.

State whether the case is a jury or court case.

4. Nature of Case.

State separately the nature of each cause of action and relief sought.

5. Stipulations of Fact and Law.

Prepare a list of stipulations on any issues of fact and/or law as to which the parties have been able to agree.

6. Plaintiff's Contentions.

State generally the plaintiff's factual contentions with respect to each cause of action.

7. Defendant's Contentions.

State generally the defendant's factual contentions with respect to defenses, counterclaims and setoffs.

8. Legal Issues.

List the legal issues presented by the factual contentions of the parties.

9. Voir Dire Questions.

For jury cases, attach a list of proposed questions to be submitted to the jury panel.

10. List of Witnesses.

Set forth the name and address of each witness to be called at trial, with a brief statement of the anticipated testimony. Witnesses not listed, except rebuttal and impeachment witnesses, will not be permitted to testify at trial, except for good cause shown.

11. Exhibits.

Attach a list of all exhibits, with a brief description of each, that each party will offer at trial on the case-in-chief. Exhibits not listed, except rebuttal and impeachment exhibits, will not be admissible at trial except for good cause shown. All objections to designated exhibits, except as to relevance, must be filed in writing, to be resolved between the parties or by Court ruling prior to jury selection.

12. Deposition Testimony.

List each witness who is expected to testify by deposition at trial. Such list shall include designation by page references of the deposition transcript which each party proposes to read into evidence. Cross-designations shall be listed as provided by Fed.R.Civ.P. 32(a)(4). The lists shall include all objections to deposition designations. These objections must be resolved between the parties or by Court ruling prior to jury selection. After submission, the Court will permit amendment of the lists only for good cause shown. At the time of trial, the Court will permit reading of testimony from a deposition only in the order in which it was taken.

13. Requests for Jury Instructions.

For jury cases, attach requests for the jury charge.

14. Anticipated Evidentiary Problems.

Attach memoranda of fact and law concerning evidentiary problems anticipated by the parties.

15. Proposed Findings and Conclusions.

For non-jury cases, attach proposed findings of fact and conclusions of law.

16. Trial Time.

Counsel shall set forth a realistic estimate of trial days required.

17. Courtroom Technology

Counsel shall indicate whether they will require the use of courtroom technology during the trial. If such technology will be required, counsel shall specifically indicate in the trial memorandum that the request for such technology will be submitted on the Request for Courtroom Technology Form (located on the Court's website) at least two weeks prior to the scheduled trial date. Failure to submit the Request Form in a timely manner may preclude the use of such technology.

18. Further Proceedings.

Specify, with reasons, the necessity of any further proceedings prior to trial.

19. Election for Trial by Magistrate Judge.

The parties shall indicate whether they have agreed to have the case tried by a United States Magistrate Judge, and if so, indicate whether the parties have elected to have any appeal heard by the District Court or by the Court of Appeals.

STANDING ORDER IN CIVIL RICO CASES

(Amended March 19, 2018)

In all civil actions where the pleading contains a cause of action pursuant to 18 U.S.C. §§ 1961–1968 ("RICO") the party asserting the RICO claim shall file a RICO Case Statement within twenty (20) days of filing the first pleading asserting the RICO claim. Consistent with counsel's obligations under Fed.R.Civ.P. 11 to make a "reasonable inquiry" prior to the filing of the complaint, the RICO Case Statement shall state in detail the following information:

1. The alleged unlawful conduct that is claimed to be in violation of 18 U.S.C. §§ 1962(a), (b), (c) and/or (d).

2. The identity of each defendant and the alleged misconduct and basis of liability of each defendant.

3. The identity of the alleged wrongdoers, other than the defendants listed in response to paragraph 2, and the alleged misconduct of each wrongdoer.

4. The identity of the alleged victims and the manner in which each victim was allegedly injured.

5. A description of the pattern of racketeering activity or collection of unlawful debts alleged for each RICO claim, which shall include the following information:

   a. The alleged predicate acts and the specific statutes which were allegedly violated;

   b. The dates of the predicate acts, the participants in the predicate acts, and a description of the facts surrounding the predicate acts;

   c. If the RICO claim is based on the predicate offenses of wire fraud, mail fraud, or fraud in the sale of securities, the "circumstances constituting fraud or mistake shall be stated with particularity." Fed.R.Civ.P. 9(b). The time, place and contents of the alleged misrepresentations, and the identity of persons to whom and by whom the alleged misrepresentations were made shall be identified;

d. Whether there has been a criminal conviction for violation of the predicate acts;

e. Whether civil litigation has resulted in a judgment in regard to the predicate acts;

f. The manner in which the predicate acts form a "pattern of racketeering activity"; and

g. Whether the alleged predicate acts relate to each other as part of a common plan, and if so, a detailed description of the common plan.

6. A detailed description of the alleged enterprise for each RICO claim, which shall include:

a. The names of the individuals, partnerships, corporations, associations, or other legal entities, which allegedly constitute the enterprise;

b. The structure, purpose, function and course of conduct of the enterprise;

c. Whether any defendants are employees, officers or directors of the alleged enterprise;

d. Whether any defendants are associated with the alleged enterprise;

e. Whether plaintiff contends that the defendants are individuals or entities separate from the alleged enterprise, or that the defendants are the enterprise itself, or members of the enterprise; and

f. If any defendants are alleged to be the enterprise itself, or members of the enterprise, an explanation as to whether such defendants are perpetrators, passive instruments, or victims of the alleged racketeering activity.

7. Whether plaintiff contends that the pattern of racketeering activity and the enterprise are separate or have merged into one entity.

8. The alleged relationship between the activities of the enterprise and the pattern of racketeering activity, including a description of the manner in which the racketeering activity differs, if at all, from the usual and daily activities of the enterprise.

9. The benefits, if any, the alleged enterprise receives or has received from the alleged pattern of racketeering.

10. The effect of the activities of the enterprise on interstate or foreign commerce.

11. If the complaint alleges a violation of 18 U.S.C. § 1962(a), provide the following information:

a. The identity of the individual(s) who received the income derived from the pattern of racketeering activity or through the collection of an unlawful debt; and

b. The use or investment of such income.

12. If the complaint alleges a violation of 18 U.S.C. § 1962(b), describe in detail the acquisition or maintenance of any interest in or control of the alleged enterprise.

13. If the complaint alleges a violation of 18 U.S.C. § 1962(b), provide the following information:

a. The individuals who are employed by or associated with the enterprise; and

b. Whether the same entity is both the liable “person” and the “enterprise” under § 1962(c).

14. If the complaint alleges a violation of 18 U.S.C. § 1962(d), describe in detail the alleged conspiracy.

15. The alleged injury to business or property.

16. The direct causal relationship between the alleged injury and the violation of the RICO statute.

17. The damages sustained for which each defendant is allegedly liable.

18. A description of other federal causes of action alleged in the complaint, if any, and citation to the relevant statutes.

19. A description of all pendent state claims alleged in the complaint, if any.

20. Any additional information plaintiff feels would be helpful to the Court in processing the RICO claim.

STANDING ORDER ON REMOVED CASES

(Amended December 19, 2022)

All parties removing actions to this Court pursuant to 28 U.S.C. § 1441 shall, no later than seven (7) days after filing a notice of removal, file and serve a signed statement that sets forth the following information:

1. The date on which each defendant first received a copy of the summons and complaint in the state court action.

2. The date on which each defendant was served with a copy of the summons and complaint, if any of those dates are different from the dates set forth in item 1.

3. In an action in which jurisdiction is based on diversity under 28 U.S.C. § 1332(a), a party or intervenor must, unless the court orders otherwise, file a disclosure statement. That statement must name and identify the citizenship of every party. If any party is a partnership, limited liability partnership, limited liability company, or other unincorporated association, the statement must provide citizenship information about that party's members. If any party is a corporation, the statement must provide that party's state or other jurisdiction of incorporation and its principal place of business. The statement shall be filed when the action is filed in or removed to federal court and when any party is added to the action, or when another later event occurs that could affect the court's jurisdiction under § 1332(a).

4. If removal takes place more than thirty (30) days after any defendant first received a copy of the summons and complaint, the reasons why removal has taken place at this time.

5. The name of any defendant served prior to the filing of the notice of removal who has not formally joined in the notice of removal and the reasons why any such defendant did not join in the notice of removal.

6. For each party, list the name and firm name of all counsel of record for that party

or state that the party is self-represented.

At the time a removal notice is filed with the Clerk of this Court, the removing party shall also file with the Clerk a separate notice, entitled “Notice of Pending Motions,” specifying any pending motions that require action by a Judge of this Court and attaching a true and complete copy of each such motion and all supporting and opposition papers.

NOTICE TO COUNSEL RE LOCAL RULE 5(b)

To ensure that our records are complete and to ensure that you receive notice of hearings and any court rulings, PLEASE FILE AN APPEARANCE with this office in accordance with Local Rule 5(b) of the Local Rules of Civil Procedure for the District of Connecticut.

Counsel for the removing defendant(s) is responsible for immediately serving a copy of this notice on all counsel of record and all self-represented parties at their last known addresses.

ORDER RE: DISCLOSURE STATEMENT

(Amended December 19, 2022)

Any non-governmental corporate party to an action in this court, or any non-governmental party who seeks to intervene, shall file a statement identifying all its parent corporations and listing any publicly held company that owns 10% or more of the party's stock. A party shall file the statement with its initial pleading filed in the court and shall supplement the statement within a reasonable time of any change in the information.

Citizenship of Parties in Diversity Cases

Parties or intervenors in a diversity case: in an action in which jurisdiction is based on diversity under 28 U.S.C. § 1332(a), a party or intervenor must, unless the court orders otherwise, file a disclosure statement. In addition to the information set forth above (if applicable), the statement must name and identify the citizenship of every party. If any party is a partnership, limited liability partnership, limited liability company, or other unincorporated association, the statement must provide citizenship information about that party's members. If any party is a corporation, the statement must provide that party's state or other jurisdiction of incorporation and its principal place of business. The statement shall be filed when the action is filed in or removed to federal court and when any party is added to the action, or when another later event occurs that could affect the court's jurisdiction under § 1332(a).

Counsel for plaintiff(s) or removing defendant(s) shall be responsible for serving a copy of this order upon all parties to the action.

ORDER REGARDING DEPOSIT AND INVESTMENT OF REGISTRY FUNDS

(Amended November 1, 2024)

The Court, having determined that it is necessary to adopt local procedures to ensure uniformity in the deposit, investment, and tax administration of funds in the Court's Registry,

IT IS ORDERED that the following shall govern the receipt, deposit, and investment of registry funds:

I. Receipt of Funds

A. No money shall be sent to the Court or its officers for deposit in the Court's registry without a court order signed by the presiding judge in the case or proceeding.

B. The party making the deposit or transferring funds to the Court's registry shall serve the order permitting the deposit or transfer on the Clerk of Court.

C. Unless provided for elsewhere in this Order, all monies ordered to be paid to the Court or received by its officers in any case pending or adjudicated shall be deposited with the Treasurer of the United States in the name and to the credit of this Court pursuant to 28 U.S.C. § 2041 through depositories designated by the Treasury to accept such deposit on its behalf.

II. Investment of Registry Funds

A. Where, by order of the Court, funds on deposit with the Court are to be placed in some form of interest-bearing account or invested in a court-approved, interest-bearing instrument in accordance with Rule 67 of the Federal Rules of Civil Procedure, the Court Registry Investment System ("CRIS"), administered by the Administrative Office of the United States Courts under 28 U.S.C. § 2045, shall be the only investment mechanism authorized.

B. Interpleader funds deposited under 28 U.S.C. § 1335 meet the IRS definition of a "Disputed Ownership Fund" (DOF), a taxable entity that requires tax administration. Unless otherwise ordered by the court, interpleader funds shall be deposited in the DOF established within the CRIS and administered by the Administrative Office of the United States Courts, which shall be responsible for meeting all DOF tax administration requirements.

C. The Director of Administrative Office of the United States Courts is designated as custodian for all CRIS funds. The Director or the Director's designee shall perform

the duties of custodian. Funds held in the CRIS remain subject to the control and jurisdiction of the Court.

D. Money from each case deposited in the CRIS shall be "pooled" together with those on deposit with Treasury to the credit of other courts in the CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt, which will be held at Treasury, in an account in the name and to the credit of the Director of Administrative Office of the United States Courts. The pooled funds will be invested in accordance with the principles of the CRIS Investment Policy as approved by the Registry Monitoring Group.

E. An account will be established in the CRIS Liquidity Fund titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case based on the ratio each account's principal and earnings has to the aggregate principal and income total in the fund after the CRIS fee has been applied. Reports showing the interest earned and the principal amounts contributed in each case will be prepared and distributed to each court participating in the CRIS and made available to litigants and/or their counsel.

F. For each interpleader case under 28 U.S.C. § 1335, an account shall be established in the CRIS Disputed Ownership Fund, titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case after the DOF fee has been applied and tax withholdings have been deducted from the fund. Reports showing the interest earned and the principal amounts contributed in each case will be available through the FedInvest/CMS application for each court participating in the CRIS and made available to litigants and/or their counsel. On appointment of an administrator authorized to incur expenses on behalf of the DOF in a case, the case DOF funds should be transferred to another investment account as directed by court order.

III. Fees and Taxes

A. The custodian is authorized and directed by this Order to deduct the CRIS fee of an annualized 10 basis points on assets on deposit for all CRIS funds, excluding the case funds held in the DOF, for the management of investments in the CRIS. According to the Court's Miscellaneous Fee Schedule, the CRIS fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases.

B. The custodian is authorized and directed by this Order to deduct the DOF fee of an annualized 20 basis points on assets on deposit in the DOF for management of investments and tax administration. According to the Court's Miscellaneous Fee Schedule, the DOF fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases. The custodian is further authorized and directed by this Order to withhold and pay federal taxes due on behalf of the DOF.

IV. Transition From Former Investment Procedure

A. The Clerk of Court is further directed to develop a systematic method of redemption of all existing investments and their transfer to the CRIS.

B. Deposits to the CRIS DOF will not be transferred from any existing CRIS Funds. Only new deposits pursuant to 28 U.S.C. § 1335 from the effective date of this order will be placed in the CRIS DOF.

C. Parties not wishing to transfer certain existing registry deposits into the CRIS may seek leave to transfer them to the litigants or their designees on proper motion and approval of the judge assigned to the specific case.

D. This Order supersedes and abrogates all prior orders of this Court regarding the deposit and investment of registry funds.

E. The effective date of this order is, April 1, 2017, the date the CRIS DOF begins accepting deposits.

STANDING ORDER RE: INITIAL DISCOVERY DISCLOSURES

(Effective November 20, 2018)

This Order shall be entered in any case in which a self- represented inmate in the custody of the Connecticut Department of Correction ("DOC") files suit against one or more employees of the State of Connecticut relating to events occurring during plaintiff's incarceration. The Order shall be entered upon the filing of an Initial Review Order ordering service of the Complaint.

ORDER

The Complaint has been reviewed by the Court, and an Initial Review Order has been filed, allowing the Complaint to proceed to service of process on defendant(s).

In order to assist in the efficient prosecution of this matter, the Court hereby enters the following Order:

1. MATERIALS TO BE PROVIDED BY PLAINTIFF

Within 45 days from the appearance of any defendant, the self-represented plaintiff shall provide the following materials to counsel for the defendant(s):

- A list of any witnesses believed to have relevant information regarding the claims in the Complaint.
- A damages analysis, that is, a statement of any money damages claimed and the basis for such claims. The damages analysis must state the type of harm the plaintiff suffered, and the basis for any demand for financial compensation for the harm.
- A statement of any non-monetary relief sought by plaintiff.
- Copies of any grievances, complaints, notices, reports or correspondence in plaintiff's possession that relate to the claims in the Complaint.

2. MATERIALS TO BE PROVIDED BY DEFENDANT(S)

Within 45 days from the appearance of a defendant, counsel for that defendant shall provide the following materials to the self-represented plaintiff:

- A list of any witnesses believed to have relevant information regarding the claims in the Complaint.
- Copies of any grievances, complaints, notices, reports filed by the plaintiff, or correspondence from the plaintiff, in the possession of any individual defendant or the DOC that relate to the claims in the Complaint.
- Copies of any incident reports, reports of investigation, disciplinary reports, or similar reports relating to the claims in the Complaint.
- If the Complaint includes a claim relating to medical treatment, physical injuries, medication, mental illness, or other medical issues (whether physical or psychological), a copy of the plaintiff's DOC medical records for the relevant time period set forth in the Complaint and/or the Initial Review Order.

If redactions are made to any materials disclosed, the disclosure must be accompanied by a privilege log indicating the basis for the redactions.

3. PRESERVATION OF EVIDENCE

Counsel for the defendants shall immediately confer with any individual defendants and with staff at the correctional facility or facilities at which the events underlying the claims in the Complaint occurred and direct the defendants and staff to preserve any video recordings, whether made by stationary, surveillance, or handheld cameras, and any photographs, that may have captured the events giving rise to the Complaint**. Failure to preserve relevant video recordings or photographs may result in the imposition of sanctions.** Such materials need not be produced at this time, but must be preserved.

4. OBJECTIONS

If either party seeks to be relieved from any of the requirements of this Order, a motion explaining the relief sought and the basis for that relief must be filed by the plaintiff within ten days of the docketing of this Order, and must be filed by a defendant within ten days of the appearance of that defendant's counsel.

5. AFFIRMATIVE DEFENSES

If a defendant asserts any affirmative defenses related to(a) failure to exhaust administrative remedies; (b) jurisdiction; or (c) release of the claims at issue; counsel for that defendant shall file a notice with the Court within 45 days of the appearance of the defendant, describing the defenses.

LOCAL RULES FOR MAGISTRATE JUDGES

RULE 72.1

GENERAL JURISDICTION AND DUTIES OF MAGISTRATE JUDGES

(Amended September 10, 2020)

The following general jurisdiction and duties shall be exercised by each Magistrate Judge appointed by the Court:

(A) The Magistrate Judge shall have jurisdiction over the entire District, with such official station as is fixed by the order of appointment.

(B) The Magistrate Judge shall perform all duties authorized by 28 U.S.C. Section 636(a), including, but not limited to, the exercise of all powers and duties previously conferred or imposed upon United States Commissioners, and may also conduct extradition proceedings, and exercise misdemeanor trial and sentencing jurisdiction under 18 U.S.C. Section 3401.

(C) The Magistrate Judge shall have authority to assist the Judges of this Court in the conduct of civil and criminal proceedings in all respects contemplated by 28 U.S.C. Section 636(b)–(c), including, but not limited to, exercise of the following duties:

(1) The review and any necessary hearing of, and issuance of recommended decision on, any motion for injunctive relief, to suppress evidence, to permit or to refuse class action maintenance, to dismiss or for summary judgment, or any other similar application in civil or criminal cases potentially dispositive of a claim or defense;

(2) The review, any necessary hearing, and determination of nondispositive motions, including, but not limited to, those relating to discovery and other matters of procedure;

(3) The review and any necessary hearing of, and issuance of recommended decision on, any prisoner petitions challenging conditions of confinement and any applications for post-conviction relief, such review process to the extent pertinent to include also the issuance of preliminary orders and the conduct of incidental proceedings;

(4) The conduct of pretrial conferences; and

(5) Service as a special master in any appropriate proceedings on order of reference, and a special master reference may be made by consent of the parties without regard to the limiting provisions of Rule 53(b), Fed.R.Civ.P.; trial or other disposition of a civil case by the Magistrate Judge on consent of the parties is further expressly authorized in accordance with 28 U.S.C. Section 636(c) and L.R. 73 infra.

(D) The Magistrate Judge shall have authority to perform such additional miscellaneous duties as are contemplated by the laws of the United States, rules of procedure governing District Courts, and local court rules and plans, and may also be assigned such other additional duties, not inconsistent with the Constitution and laws of the United States, as the Court may hereafter require.

RULE 72.2

REVIEW

(Amended March 19, 2018)

(a) The Magistrate Judge's written ruling, pre-trial conference order, or decision or report including proposed findings of fact and recommended conclusions of law, shall be filed with the Clerk, and the Clerk shall forthwith mail a copy to each party who does not receive electronic notice thereof. Any party wishing to object must, within fourteen (14) days after filing of such order or recommended ruling file written objection which shall specifically identify the ruling, order, proposed findings and conclusions, or part thereof to which objection is made and the factual and legal basis for such objection. A party may not thereafter assign as error a defect in the Magistrate Judge's order to which objection was not timely made. Any party receiving notice of an order or recommended ruling from the Clerk by mail shall have five (5) additional days to file any objection.

(b) In the event of such objection, in matters acted on by the Magistrate Judge in an advisory capacity, such as under Rule 72.1(C)(1) or (3), supra, the Judge ultimately responsible shall make a de novo determination of those portions of the proposed decision to which objection is made, and may accept, reject, or modify the recommended ruling in whole or in part. Such independent determination may be made on the basis of the record developed before the Magistrate Judge, and need not ordinarily involve rehearing, although further evidence may also be received in the reviewing Judge's discretion. Absent such objection, the Judge ultimately responsible may forthwith endorse acceptance of the proposed decision; but the Judge, in an exercise of discretion, may afford the parties opportunity to object to any contemplated rejection or substantial modification of the proposed decision. In matters determined by the Magistrate Judge for the Court, such as under Rule 72.1(C)(2) or (4), supra, the reviewing Judge on timely objection shall set aside any order found to be clearly erroneous or contrary to law, and may, absent such objection, reconsider any matter *sua sponte*.

(c) Review of special master proceedings shall be in accordance with Rule 53, Fed. R. Civ. P., to the extent applicable. In civil cases referred to the Magistrate Judge for trial by the parties' consent, appeals shall be taken as provided by Rule 4, Fed. R. App. P, in accordance with 28 U.S.C. Section 636(c). Appeals in misdemeanor cases shall conform to the requirements of 18 U.S.C. Section 3402 and the Rules of Procedure for Trial of Misdemeanors before Magistrate Judges.

RULE 73

CIVIL TRIAL JURISDICTION

(Amended March 19, 2018)

(A)(1) Each Magistrate Judge may exercise case-dispositive authority in a civil case on the specific written request of all parties, as permitted by 28 U.S.C. § 636(c)(1), provided the District Judge assigned to the case approves.

(2) When a civil action is commenced, the Clerk shall promptly notify the parties that they may request referral of the case to a Magistrate Judge for disposition pursuant to 28 U.S.C. § 636(c), subject to the approval of the District Judge to whom the case is assigned. The Clerk shall inform the parties that their consent to such a referral must be voluntary and that they are free to withhold consent without adverse consequences. The parties' agreement to such a reference is to be communicated in the first instance to the Clerk by written stipulation, which shall be forwarded to the assigned District Judge for discretionary consideration.

(B)(1) A direct appeal to the Court of Appeals shall be taken in the same manner as from any other judgment or reviewable order of this Court.

(2) The scope of an appeal to the referring Judge shall be the same as on an appeal from a judgment of this Court to the Court of Appeals; such appeal shall be taken as herein provided, subject on prompt application to such modification of time limits and procedures in a particular case as may be found appropriate by the Judge in the interest of justice. Dismissal of the appeal may be directed for failure to comply with this Local Rule 73 or related court orders.

(3) Appeal to the referring Judge shall be taken by filing a notice of appeal with the Clerk within thirty (30) days after entry of the Magistrate Judge’s judgment, or within sixty (60) days after such judgment's entry if the United States or any officer or agency thereof is a party; if a timely notice of appeal is filed, any other party may file a notice of appeal within fourteen (14) days thereafter. The Clerk shall forthwith mail copies of a notice of appeal to all other parties who do not receive electronic notice of filing. Any attendant stay application shall be made to the Magistrate Judge in the first instance. The record on appeal shall consist of the original papers and exhibits filed with the Clerk, the docket and any transcript of proceedings before the Magistrate Judge. Within ten (10) days after filing the notice of appeal, the appellant shall make arrangements in the first instance for the production of any transcript deemed necessary. Within thirty (30) days after the notice of appeal is filed, the appellant's brief shall be served and filed; the appellee's brief shall be served and filed within thirty (30) days thereafter. Absent scheduling of oral argument on the Judge's own initiative, the appeal may be decided on the papers unless good cause for allowance of oral argument is shown by written request submitted with the brief.

(C) These provisions shall be construed to promote expeditious, inexpensive and just decision, and are subject to any controlling uniform procedures for such appeals as may be adopted hereafter by rule or statute.

LOCAL RULES OF CRIMINAL PROCEDURE

RULE 1

SCOPE OF RULES

(Amended April 11, 2018)

(a) Title and Citation

These Rules shall be known as the Local Criminal Rules of the United States District Court for the District of Connecticut. They may be cited as D. Conn. L. Cr. R. ____ and referred to as "L.Cr. R. ___," or "Local Rule ___," or L.R. ___" where the meaning is clear.

(b) Effective Date

These rules, as amended from time to time, shall govern the conduct of all criminal proceedings in the United States District Court for the District of Connecticut.

(c) Applicability of Local Civil Rules

The following Local Civil Rules shall apply in criminal proceedings: 1(c) (Definitions), 5(a) (E-filing), 5(c) (Proof of Service), 7(a)1 and 2 (Motion Procedures), 7(b) (Motions for Extension of Time), 7(c) (Motions for Reconsideration), 7(d) (Reply Memoranda), 7(e) (Withdrawals of Appearances), 10 (Preparation of Pleadings), 11 (Motions for Attorneys' Fees and/or Sanctions), 47(a) (Examination of Jurors), 54 (Taxation of Costs), 80 (Court Reporters), 83.1 (Admission of Attorneys), 83.2 (Discipline of Attorneys), 83.5 (Secrecy of Jury Deliberations and Grand Jury Proceedings), 83.6 (Removal of Papers and Exhibits), 83.9 (Law Student Internship Rules), 83.11 (Recordings and Photographs), 83.12 (Auxiliary Orders) and 83.13 (Prohibition on Counsel as Witness).

(d) Types of Proceedings

All criminal proceedings requiring judicial action which do not commence with an indictment or information shall be denominated special proceedings. Such proceedings shall include, but not be limited to, the determination of all matters relating to proceedings before the grand jury, motions pursuant to Rule 41, Fed. R. Crim. P., made before indictment; and proceedings pursuant to the Omnibus Crime Control and Safe Streets Act, 18 U.S.C. §§ 2510–20.

RULE 2 - RULE 15

(RESERVED)

RULE 16

DISCOVERY

(Amended May 24, 2017)

(a) Timing of Discovery

At arraignment the Court shall set a schedule for the filing of motions and responses. All pretrial proceedings shall be governed by such schedule and by any standing orders on pretrial procedure as the Judges of the District may from time to time adopt. Said standing orders shall be published as an appendix to these Local Rules of Criminal Procedure.

RULE 17

ISSUANCE OF SUBPOENAS ON BEHALF OF PUBLIC DEFENDERS

(Amended October 26, 2017)

(a) Within This District

Any Public Defender, which term shall include both staff members of the Federal Public Defender and counsel specially appointed pursuant to the Criminal Justice Act, may apply to the Clerk for a witness subpoena when the witness involved will be served within the boundaries of this District. The Clerk shall issue such subpoena to said Public Defender in blank, signed but not otherwise filled in. No subpoena so issued in blank may be served outside the boundaries of this District. The filling in of any such subpoena shall constitute a certificate by said Public Defender, that he or she believes the witness in question will be able to provide relevant and material testimony at the trial and that it is the Public Defender's opinion that the attendance of said witness is reasonably necessary to the defense of the charge.

(b) Outside This District

Where the witness to be subpoenaed will be served outside this District, an ex parte application for the issuance of such subpoena shall be made to a Judge or Magistrate Judge.

(c) Service by Marshal

Service of subpoenas issued by or at the request of a Public Defender shall be made by the United States Marshal or his or her deputies in the same manner as in other cases and the name and address of the person served shall not be disclosed without prior authorization of said Public Defender. No fee will be allowed for the service by anyone other than the United States Marshal or his or her deputies of any subpoena issued by or at the request of a Public Defender, except when such service has been expressly authorized by written order of Court.

RULE 18 - RULE 31

(RESERVED)

RULE 32

DISCLOSURE OF PRESENTENCE REPORTS

(Amended November 4, 2020)

(a) Initial Disclosure of Presentence Reports

Unless otherwise ordered by the Court, the Probation Officer shall, not more than 6 weeks after the verdict or finding of guilt, disclose the presentence investigation report, including the worksheets utilized to calculate sentencing guideline ranges, to the defendant and to counsel for the defendant and the government. Within 14 days thereafter, counsel shall communicate in writing to the Probation Officer and to opposing counsel any objections they may have as to any of the following items contained in or omitted from the report:

(i) factual inaccuracies;

(ii) other material information;

(iii) guideline calculations and sentencing ranges;

(iv) sentencing classifications;

(v) sentencing options; and

(vi) bases for departure.

(b) Revisions to Report

After receiving counsel's objections, the Probation Officer shall conduct any further investigation and make any revisions to the presentence report that may be necessary. Any counsel or the Probation Officer may request a meeting to discuss unresolved factual and legal issues.

(c) Submission of Revised Presentence Report

No later than ten (10) days after the deadline for counsel’s objections, the Probation Officer shall submit the presentence report to the sentencing judge and disclose the revised presentence report to the defendant and counsel for the defendant and the government. The report shall be accompanied by an addendum setting forth any objections counsel may have made that have not been resolved, together with the Probation Officer’s comments thereon, and shall have attached thereto any written objections submitted to the Probation Officer pursuant to Local Rule 32(b). The Probation Officer shall certify that the contents of the report, including any revisions to the report, have been disclosed to the defendant and to counsel for the defendant and the government, that the content of the addendum and the Probation Officer’s comments on unresolved issues have been communicated to counsel, and that the addendum fairly states any remaining objections.

(d) Objections to Revised Presentence Report

Except with regard to any objection made under subdivision (a) that has not been resolved, the final presentence report may be accepted as accurate. The Court, however, for good cause shown, may allow a new objection to be raised at any time before the imposition of sentence.

(e) Scheduling Order

In accordance with Fed. R. Crim. P. 32(b)(2), the Court shall issue a scheduling order that sets the following deadlines for the sentencing process, with all dates calculated from the date of guilty plea or guilty verdict:

Initial disclosure of the presentence report:	Day 42
Objections to the presentence report:	Day 56
Disclosure of revised presentence report:	Day 66
Defendant's sentencing memorandum:	Day 70
Government's sentencing memorandum:	Day 77
Any reply sentencing memorandum (optional):	Day 80
Sentencing:	Day 84

The Court may postpone issuance of a sentencing scheduling order under this Rule for good cause. In cases in which the parties have agreed that an extended schedule is necessary, and the Court has agreed to postpone issuance of a sentencing scheduling order accordingly, the deadlines set forth above shall be calculated from the date the Court orders the preparation of the presentence report.

(f) Modification of Time Limits

The times and sequence for the filing of sentencing memoranda set forth in this Rule may be modified by the judge to whom the case is assigned. The times set forth in this Rule may otherwise be modified by the Court for good cause shown, except that the 6 week period set forth in subsection (a) may be enlarged only with the consent of the defendant. If a party proposes that sentencing be continued beyond 84 days for any reason, that proposal shall be accompanied by a proposed scheduling order establishing dates for initial disclosure of the presentence report, objections by counsel, disclosure of the revised report, sentencing memoranda and responsive sentencing memoranda. In any case in which the Court does not issue an order for preparation of a presentence report at the time of the guilty verdict or guilty plea, the Court may establish a report date at which time counsel must report back to the Court as to the status of the case. At the report date, the Court can consider whether to set a sentencing date and enter a scheduling order pursuant to Local Rule 32(e) or set another report date.

(g) Non-disclosable Information

Any information that the Probation Officer believes, consistent with Fed.R.Crim.P. 32(b)(5), should not be disclosed to the defendant (such as diagnostic opinions, sources of information obtained upon a promise of confidentiality, or other information the disclosure of which might result in harm, physical or otherwise, to the defendant or other persons) shall be submitted on a separate page from the body of the report and marked “confidential.” The sentencing Judge in lieu of making the confidential page available, exclusive of the sentencing recommendation, shall summarize in writing the factual information contained therein if it is to be relied on in determining the sentence. The summary may be provided to the parties *in camera*. The Judge must give the defendant and defendant's counsel a reasonable opportunity to comment on the information. Nothing in this Rule requires disclosure of portions of the presentence report that are not disclosable under Fed.R.Crim.P. 32.

(h) Date of Disclosure

The presentence report shall be deemed to have been disclosed (1) when a copy of the report is physically delivered, (2) one day after the report's availability for inspection is orally communicated, or (3) three days after notice of its availability is mailed.

(i) Limitations on Disclosure by the Government and the Defense

Disclosure of the presentence report is made to the government and to the defense, subject to the following limitations:

1. The attorney for the government shall not disclose the contents of the presentence report to any person other than to the case agent, experts or consultants hired by the government and to the Financial Litigation Unit of the United States Attorney's Office when a fine, assessment or order of restitution is imposed.

2. The attorney for the defendant shall not disclose the contents of the presentence report to any person other than the defendant or experts or consultants hired by the defense. The defendant shall not disclose the contents of the presentence report to any person other than his or her attorney and spouse.

3. The defendant or his or her attorney may take notes regarding the contents of the presentence report; however, such notes are subject to the same prohibition against disclosure as applies to the report itself.

4. The defendant and the attorney for the defendant and the government may retain their copies of the presentence report, subject to the same limitations on disclosure set forth in this rule.

5. Nothing in this rule shall limit the authority of any detention facility or prison to impose restrictions on the receipt or handling of any presentence report within the facility.

The presentence report shall remain a confidential Court document, disclosure of which is controlled by the Court. A violation of any of the above conditions shall be treated as a contempt

of Court and may be punished by any appropriate sanction, including action by the Grievance Committee pursuant to Rule 1 of these Local Rules of Criminal Procedure and Rule 83.2 of the Local Rules of Civil Procedure.

(j) Appeals

On the date of sentencing, a copy of the presentence report shall provisionally be made a part of the district court record and shall be placed under seal. If a notice of appeal is not filed in the district court, the Clerk's Office shall return the report to the Probation Office.

(k) Disclosure to Other Agencies

1. Any copy of a presentence report which the Court makes available, or has made available, to agencies other than the Federal Bureau of Prisons and the U.S. Parole Commission constitutes a confidential Court document and shall be presumed to remain under the continuing control of the Court during the time it is in temporary custody of such other agencies. Such copy shall be lent or made available for inspection only for the purpose of enabling other agencies to carry out their official functions and shall be returned to the Court after such use, or upon request.

2. The following legend shall be stamped on the face of those reports lent to all agencies except the Bureau of Prisons and U.S. Parole Commission:

CONFIDENTIAL

PROPERTY OF U.S. COURTS

SUBMITTED FOR OFFICIAL USE ONLY.

TO BE RETURNED AFTER USE.

3. Authorized agencies which may have access to a presentence report or summary thereof include the following:

(d) United States Probation Offices outside this district.

(ii) United States Pretrial Services Officers.

(iii) The Federal Bureau of Prisons.

(iv) The United States Parole Commission.

(v) The United States Sentencing Commission.

4. The following legend shall be stamped on those reports sent to the Federal Bureau of Prisons and United States Parole Commission:

CONFIDENTIAL

U.S. PROBATION OFFICE

5. In addition to the above, the Court may authorize disclosure of a presentence report, or a summary thereof, with the written authorization of the defendant, to other agencies that are currently involved in the treatment, rehabilitation or correction of the defendant such as, but not

limited to, mental or physical health practitioners, social service and vocational rehabilitation agencies, state or county Courts or probation/parole departments, and correctional institutions.

6. For situations other than those described above, requests for disclosure shall be handled on an individual basis by the Court, and shall be granted only upon a showing of compelling need for disclosure in order to meet the ends of justice.

SENTENCING PROCEDURES

(l) The Role of Defense Counsel

Defense counsel shall read the presentence report prior to sentencing and review the report with the defendant prior to submitting objections pursuant to Rule 32(a) of these Local Rules and prior to sentencing.

Defense counsel may submit a “Defendant's Version of the Offense” to the Probation Officer and, in that event, shall serve a copy on the attorney for the government. Subject to the restrictions of Fed. R. Crim. P. 32 and D. Conn. L. Cr. R. 32(g), the attorney for the defendant shall promptly make available to the attorney for the government all documents provided to the Probation Officer that were not provided to the government in discovery, unless otherwise excused by the Court for good cause shown.

(m) The Role of the United States Attorney

The United States Attorney or an Assistant United States Attorney may advise the Judge, on the record or confidentially in writing, of any cooperation rendered by the defendant to the Government. If such information is given in written form, the memorandum shall be submitted by the U.S. Attorney and it shall be revealed to defense counsel unless the United States Attorney or his or her assistant shows good cause for non-disclosure.

The attorney for the government shall not make any agreement with the defendant or defense counsel regarding the information to be included in the presentence report, including the information conveyed to the probation office in the government's version of the offense. The attorney for the government shall state on the record at any change of plea or sentencing proceeding the government's understanding of the amount of possible restitution based upon consultation with, inter alia, the victim.

The attorney for the government may submit a “Government's Version of the Offense” to the Probation Officer and, in that event, shall serve a copy on counsel for the defendant. Subject to the restrictions of Fed.R.Crim.P. 32 and D. Conn. L. Cr. R. 32(g), the attorney for the government shall promptly make available to the attorney for the defendant all documents that are provided to the Probation Officer that were not provided to the defense in discovery, unless otherwise excused by the Court for good cause shown.

(n) The Role of the Probation Officer

1. In preparing presentence reports, the Probation Officer is responsible to the Court, and is not bound by the terms of any agreement made between the United States Attorney and the defendant or defense counsel.

2. In connection with the preparation of the presentence report, the Probation Officer shall:

i. Consider any sentence or correctional proposals that the defendant or defendant's counsel may suggest;
ii. Consider any specific factual and opinion evidence submitted by the defendant or defense counsel relating to defendant's physical and mental condition;
iii. Pursuant to 18 U.S.C., Section 3664(b), include in the presentence report information concerning any damage or injury that the defendant caused to any victims of the offense as provided in 18 U.S.C. § 3663, and information concerning the defendant's ability to make restitution, including information about the defendant's family obligations;
iv. Include the information required by Fed.R.Crim.P. 32(b)(4), including sentencing guideline calculations, the sentencing range, the kinds of sentence available, and an explanation of any aggravating or mitigating factors that may warrant departure.
v. Notify defense counsel, in advance and without request, of any interview of the defendant or the defendant's spouse, whether in person or by telephone, and provide said counsel with a reasonable opportunity to attend and/or participate in the interview.
vi. Include in the presentence report all facts known about the offense charged, as related by both the defendant and the government;
vii. Notify defense counsel and the attorney for the government, without request, of the availability of the presentence report as provided in Local Rule 32;

3. In regard to presentence hearings and the sentencing hearing itself, the Probation Officer shall:

i. Attend such hearings when requested by the Judge;
ii. Consult with the Judge regarding any queries that the latter may have;
iii. Make specific sentence recommendations to the Judge when requested.

(o) Sentencing Memoranda

Counsel for the defense and the government may submit sentencing memoranda to the Court addressing (i) any factual inaccuracy in the presentence report; (ii) the guidelines calculations; (iii) the available sentencing options, including alternatives to incarceration; (iv) any restitution issues; (v) any bases for departure; and (vi) any other factual or legal issue relevant to sentencing. Any sentencing memorandum shall be filed according to the schedule as set forth in Local Rule 32(e) unless the Court has provided other deadlines for these memoranda by scheduling order.

Except by order of the Court, memoranda shall be double-spaced (except headings, footnotes, and block quotes) and shall be no more than forty (40) 8 1/2" by 11" printed pages,

exclusive of pages containing a table of contents, table of statutes, rules or the like. E-filed memoranda shall conform with the Electronic Filing Policies and Procedures. Unless otherwise ordered by the Court, text shall appear in at least 12 point font; footnotes shall appear in at least 10 point font. Any motion seeking permission to depart from these limitations shall be filed at least seven (7) days before the deadline for the filing of the memorandum at issue. A motion for permission not in compliance with this Rule will ordinarily be denied.

(p) Presentence Conference

In his or her discretion, the sentencing Judge, prior to the sentencing hearing, may confer with the attorney for the government and defense counsel together (and with the Probation Officer, when requested by the Judge):

1. To be informed of any agreement;

2. To consider questions regarding the presentence report;

3. To define contested issues in the presentence report and, in the discretion of the Judge, establish an appropriate procedure for resolving material factual disputes;

4. To evaluate the significance of data in the presentence report on the issue of whether the data would support a determination to impose probation, home confinement, community confinement, intermittent confinement, or incarceration;

5. To consider the appropriateness of further study of the defendant, including psychiatric evaluation and/or presentence diagnostic commitment to a correctional facility;

6. To review the extent and value of defendant's cooperation with authorities; and to

7. To consider any other matters deemed appropriate or necessary by the Judge.

(q) Confidentiality of Communications to Sentencing Judge

In his or her discretion, the sentencing Judge may hold in confidence any oral or written communication directed to any judicial officer regarding any matter relating to sentencing, any matter relating to a motion filed pursuant to Rule 35, Fed.R.Crim.P., and any inquiry from a defendant or other person relating to the status of the defendant, the defendant's custodial conditions, or the defendant's probation or parole. This Rule shall apply whether such communications are made before, during or after sentencing or the making of a motion pursuant to Rule 35, Fed.R.Crim.P. The sentencing Judge may also hold in confidence any communication made at any time by the United States Probation Officer assigned the case.

(r) Binding Plea Agreements

The Court may accept a plea of guilty offered by a defendant pursuant to Fed.R.Crim.P. 11(c)(1)(C). The plea agreement shall be reduced to writing and submitted to the Court for its approval. The agreement may provide for a specific sentence or an applicable Guideline sentencing range. The Court may accept or reject the agreement, or may defer its acceptance or rejection until there has been an opportunity to consider the presentence report. If the Court

accepts the agreement it shall inform the defendant that it will embody in the judgment and sentence the disposition provided for in the plea agreement or will impose a sentence within the agreed upon range. If the court rejects the plea agreement, it shall inform the parties of this fact on the record; advise the defendant personally in open court or, on a showing of good cause, *in camera*, that the court is not bound by the agreement; afford the defendant the opportunity to then withdraw the plea; and advise the defendant on the record that if the defendant persists in a guilty plea or plea of nolo contendere, the disposition of the case may be less favorable to the defendant than that contemplated by the plea agreement.

RULE 33 - RULE 46

(RESERVED)

RULE 47

MOTIONS

(Amended March 25, 2015)

(a) Any party applying to the Court for an order must do so by motion.

(b) Motions to adopt are not permitted, although a party may indicate in the body of a motion or supporting memorandum of law that an argument of a co-defendant is incorporated by reference. Any such incorporation by reference must identify the motion or memorandum of law incorporated by specifying the name of the co-defendant, the date of filing and the document number. Incorporation by reference of motions or memoranda filed in another case is prohibited. The Court will not consider arguments incorporated by reference unless the requirements of this rule are met.

(c) Counsel filing an omnibus response to motions filed by the opposing party must identify the motions responded to by the names of the motions, their document numbers, where appropriate, the names of the defendants who filed the motions and the dates the motions were filed.

(d) Counsel filing any motion concerning pretrial release or detention, sentencing, supervised release, or probation (other than a motion for extension of time) shall identify, in the body of the motion, the pretrial services or probation officer assigned to the case and whether the officer objects to the relief sought in the motion.

RULE 48 - RULE 49

(RESERVED)

RULE 50

ASSIGNMENTS

(Amended September 10, 2020)

(a) Assignment of Judges

Assignment of Judges to criminal matters shall be made in accordance with a general policy on assignments adopted from time to time by the Judges of the Court in the interest of the effective administration of justice. The 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 Judges or the identity of the Judge assigned to a particular case, until such case has been filed and assigned.

(b) Individual Calendar System

All cases will be assigned to a single Judge from filing to termination. In the event that it is subsequently determined that there is pending in this District a related case, or, if one is later filed, the later filed case should normally be transferred to the Judge having the earliest filed case. A supervised release matter, however, shall not be treated as a pending case for purposes of this rule; generally, a supervised release proceeding involving the same defendant should be transferred to the judge assigned the later filed indictment. A case may be reassigned at the discretion of the Chief Judge.

(c) Assignment of Judges to Special Proceedings

At any given time one Judge may be designated to hear special proceedings for a particular seat of Court. Each such Judge shall be assigned to hear special proceedings for a designated period, on a rotating basis. The personnel of the Clerk's office shall not reveal to any person, other than a Judge or the Clerk of the Court, the identity of the Judge assigned to hear special proceedings or the order of assignment of Judges.

(d) Substitution

In the event that justice requires that some action be taken in a case in the absence of the assigned Judge, another Judge may consent to act in his or her behalf.

RULE 51 - RULE 54

(RESERVED)

RULE 55

RECORDS

(Amended May 24, 2017)

(a) Docket Numbers

Upon the filing of an information or indictment a case will be assigned a criminal docket number followed by the initials of the Judge to whom the case has been assigned.

(b) Special Proceeding Docket Numbers

All matters involving special proceedings shall be assigned a docket number followed by the initials of the Judge to whom the case has been assigned.

(c) Subsequent Proceedings

If a proceeding is brought before the special proceedings Judge pursuant to this Rule 55 and the matter results in the filing of an information or an indictment, the case shall be assigned in the manner provided in Rule 50 of these Local Rules. In all other cases, the Judge to whom a special proceedings matter has been assigned shall normally preside over that matter until it has been concluded.

RULE 56

(RESERVED)

RULE 57

RULES BY DISTRICT COURTS

APPEARANCES

(Amended April 25, 2024)

Attorneys representing defendants named in an information or indictment shall file a notice of appearance. Such appearance shall contain the attorney's name, address, zip code, federal bar number, telephone number, fax number and e-mail address, if available.

RULE 57.1

SEALED PROCEEDINGS AND DOCUMENTS

(a) Sealed Proceedings.

(1) Orders to Seal Proceedings, Findings. The court may exclude the public from court proceedings to which a public right of access attaches only if it makes particularized findings on the record that closure is essential to preserve compelling interests, and that the closure is narrowly tailored to serve those interests, unless a different standard applies. The court may make those findings in camera and under seal, only if there are compelling reasons to do so.

(2) Advance Notice on Public Docket of Closed Proceedings. Any motion or order to exclude the public from proceedings to which there is a presumption of access under the First Amendment must be immediately entered on the public docket, except as provided in section (b)(10) of this Rule. The public docketing of any such motion or order must be made as far in advance of the pertinent proceeding as possible to permit any member of the public to intervene for the purpose of challenging any such order.

(b) Sealing of Criminal Complaints, Arrest Warrants, and Indictments. A criminal complaint, arrest warrant, or indictment, and any supporting applications or affidavits, may be filed under seal if the court finds that sealing is necessary for the safety of any person or for any compelling law enforcement reason. During the time that any such documents remain sealed, the existence of the case must be reflected on the public docket by the notation: “Sealed Case.” Unless otherwise ordered by the court based upon particularized findings sufficient to support further sealing, upon the initial appearance of the first defendant arrested in the case, the entire case must be unsealed and the full caption must be entered on the docket sheet. The court may make any findings under this paragraph in camera and under seal, only if there are compelling reasons to do so.

(c) Orders to Seal Documents.

(1) Common-Law Right of Access.

Any document that a party presents to the court, which is relevant to the performance of a judicial function and useful to the judicial process, is a judicial document to which the public

has a presumptive right of access under the common law. The court may seal a document, or any part of a document, subject to the common-law right of public access only if it makes particularized findings on the record that the presumption of access to the particular document is outweighed by countervailing factors in favor of sealing, such as the danger of impairing law enforcement or judicial efficiency, and privacy interests.

(2) First Amendment Right of Access.

The court may seal a document, or any part of a document, to which the First Amendment right of access attaches only if it makes particularized findings on the record demonstrating that sealing is essential to preserve compelling interests, and that sealing in whole or in part is narrowly tailored to serve those interests.

(3) Duration of Sealing Orders.

Any order sealing a document, or any part thereof, shall specify that sealing is for a specified duration, until the occurrence of a specific event, or until further order of the court but only upon a determination by the court that no fixed date or period of time can be ascertained at the time of the order or is required by law. A statute mandating the non-disclosure of a class of documents (e.g., personnel files, health care records, or records of administrative proceedings) provides sufficient authority for an order sealing such documents, until further order of the court without a set duration. The court may seal an order to seal documents and the related findings, only if sealing the order meets the standard for sealing the underlying document. No document may be sealed merely by stipulation of the parties. Any document or part of a document that is filed under seal in the absence of a court order to seal is subject to unsealing without prior notice to the parties if the court concludes that sealing is not warranted.

(d) Motions to Seal Documents; Procedures. A party may file a motion to seal a document in whole or in part. A party may seek to seal an entire document only if sealing of the entire document (apart from the case caption and signature block) meets the relevant standard for sealing in paragraph (b)(3). A party seeking an order to file a document under seal in whole or in part may choose among the following procedures:

(1) A party may e-file (i) a motion to seal, which may be e-filed as a public motion or a sealed motion, (ii) a redacted version of each document sought to be sealed, which must be e-filed as a public document, (iii) unredacted copies of each document sought to be sealed, which must be e-filed as sealed documents, and (iv) any memorandum or other documents supporting the assertion that grounds exist for sealing all or part of the documents sought to be sealed, which may be e-filed as public or sealed documents. Upon e-filing by the party of a motion to seal, the contents of any sealed motion or sealed document must be treated as sealed unless the motion to seal is denied or until otherwise directed by the court.

(2) A party may e-file a motion to seal, which may be e-filed as a public motion or a sealed motion, along with a memorandum and supporting documents, without the documents sought to be sealed. If the court grants the motion to seal in whole or in part, the party must e-file as public documents redacted copies of any documents required by the sealing order, and must e-file as either sealed motions or sealed documents, unredacted copies of any motions or documents ordered sealed but not previously e-filed.

(3) A party may seek the court's permission to submit documents sought to be sealed for in camera consideration. If the court agrees to review documents in camera, the party must submit to the court and must serve on all parties of record copies of the documents sought to be sealed and must e-file a motion to seal, a memorandum, and supporting documents. If a party wants the motion to seal, memorandum, or supporting documents to be considered as documents to be sealed, the party must e-file those submissions as sealed motions and/or sealed documents, and their contents must be treated as sealed unless the motion to seal is denied or until otherwise directed by the court. If the court grants the motion to seal in whole or in part, the party must e-file any redacted copies of the documents required by the court's sealing order and must e-file the unredacted documents as sealed documents.

(e) Motions to Seal; Docketing. A motion to seal must be e-filed as either a "Motion to Seal" or a "Sealed Motion to Seal" along with a description of the items sought to be sealed (e.g., "Motion to Seal Sentencing Memorandum"). The documents sought to be sealed must be entered on the docket using the same title of the pleading or description of the documents used in the motion to seal.

A party seeking to file a sealed document without a docket label description of the document (e.g., "Sealed Motion") must make a particularized showing of good cause. If the court finds that a docketing entry without description is unjustified, it must strike the filing and direct the moving party to file the sealed document with a docket label description that describes the item(s) sought to be sealed. If the court finds that a docketing entry without a description is justified, the document may be entered on the docket simply as "Sealed Document" or "Sealed Motion."

(f) Opposing Motions to Seal. Any party may oppose a motion to seal a case or document. Any non-party who seeks to oppose a motion to seal a case or document may move for leave to intervene in a criminal case for the limited purpose of pursuing that relief. Motions for leave to intervene for purposes of opposing sealing and objections to motions to seal must be decided expeditiously by the court.

(g) Physical Custody of Sealed Documents. Except as otherwise required by federal statute or the Federal Rules of Criminal Procedure (e.g., grand jury matters), and except as otherwise provided by this Rule, all documents ordered sealed by the court must be e-filed as sealed motions or sealed documents. Custody of the original documents filed under seal must remain with the filing party, unless ordered otherwise by the court, subject to the following exceptions:

(1) Cooperation Agreements and Related Filings. When a defendant's plea agreement has been filed and the court has ordered that the associated cooperation agreement be sealed, the executed cooperation agreement must be maintained by the judge who will sentence the defendant. Before the time of sentencing, the United States Attorney's Office must retrieve the original cooperation agreement from the court, and the United States Attorney's Office must file a copy of the cooperation agreement on the docket under seal, either separately or as an attachment to the government's substantial assistance motion or sentencing memorandum.

(2) Wiretap Applications. The United States Attorney's Office or its designee must maintain all wiretap applications, supporting documents or affidavits, all orders addressing wiretap applications, and the fruits of all wiretap authorizations.

(3) Pen Registers and Trap and Trace Devices. An application for a pen register or for trap and trace devices must be filed after review by the court. Any orders authorizing pen registers or trap and trace devices, along with related applications and supporting documents, must be e-filed in accordance with 18 U.S.C. 3123(d) with the case caption, "In re Pen Register/Trap and Trace."

(4) Search Warrants. Any application for a search warrant must be filed after review by the court. The original paper copies of any reviewed search warrant, application, affidavit, and other supporting documents must be maintained by the officer or attorney seeking the warrant. Copies of those documents must be e-filed with the case caption, "In Re Search Warrant." Such documents, as well search warrant returns, must be e-filed as unsealed documents, unless the court has ordered them sealed.

(5) Other Ex Parte Motions. Ex parte motions filed in an existing case must reflect the general nature of the request, and must be e-filed by the applicant with the docket entry, "Ex Parte Motion Filed by [Party]." If the submission of an ex parte motion will result in the opening of a new matter, any materials submitted in connection with the ex parte motion must be submitted to the judicial officer. The motion and related materials must be docketed after review by the judicial officer. A party may also move to seal any such motion or request. In the event that materials for which the applicant seeks ex parte review are not appropriate for filing (i.e. due to volume or format), the ex parte submission must include a Notice of Manual Filing Under Seal that generally describes the material and the need for filing the material manually. Any material submitted in connection with the ex parte motion must be e-filed after review as an exhibit to the motion.

(6) Presentence Investigation Reports. Presentence investigation reports must be e-filed by the Probation Office and access to them must be restricted to counsel of record for the government, counsel of record for the defendant, and the defendant, and may be disclosed only as permitted by law.

(h) Disposition of Sealed Paper Filings. Any sealed paper filing submitted to the clerk for filing under seal, once uploaded to the electronic docket as a sealed document, must be destroyed by the clerk unless the filing party requests that it be returned.

(i) Unsealing. Any case or document ordered sealed by the court must remain sealed as directed in the court's order.

(1) Motions To Unseal. A party may at any time file a motion to unseal a case or document that has been sealed. A non-party who seeks to unseal a document may move for leave to intervene for the limited purpose of pursuing that relief. Motions for leave to intervene for purposes of unsealing a document must be decided expeditiously by the court.

(2) Notice of Motions To Unseal. Any party filing a motion to unseal or a response thereto must state whether there are non-parties who should be served with notice of the motion to unseal.

(3) Intervention and Objections By Non-Parties To Motions To Unseal. A non-party having an interest in the matter who wishes to object to a motion to unseal may move for leave to intervene in the proceeding for the limited purpose of pursuing that relief.

(4) Disposition of Motions To Unseal. Absent an objection, the court must grant the motion to unseal upon a finding that sealing is no longer appropriate under the law and these Rules.

(j) Delayed Docketing. Notwithstanding the docketing provisions above, in extraordinary situations where even a contemporaneous notation in the docket would create a substantial risk of harm to an individual, the defendant's right to a fair trial, the integrity of ongoing criminal investigations, or the secrecy of grand jury proceedings, the court may order docketing of any document or minutes of any proceeding to be delayed for a reasonable time, but must place particularized findings supporting that delay on the record, under seal if appropriate. When such delayed docketing is employed, the delayed docket entry must reflect the fact that the motion was made, or proceeding held; the fact that any supporting or opposing papers were filed under seal; the time and place of any hearing on the motion; the occurrence of such hearing; the disposition of the motion; and the fact and extent of courtroom closure.

(k) The requirements of this rule for the court to make a finding prior to ordering the sealing of proceedings or documents shall not apply to any proceeding or document to which there is no constitutional, statutory, or common law right of public access.

RULE 57.2

OPENING STATEMENTS

The presiding judge shall determine in his or her discretion whether or not to allow opening statements.

RULE 57.3

PUBLIC STATEMENTS BY COUNSEL

(a) Statements Permitted During Investigation

A prosecutor participating in or associated with the investigation of a criminal matter shall not make or participate in making an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication and that does more than state without elaboration:

1. Information contained in a public record.
2. That the investigation is in progress.

3. The general scope of the investigation including a description of the offense and, if permitted by law, the identity of the victim.
4. A request for assistance in apprehending a suspect or assistance in other matters and the information necessary thereto.
5. A warning to the public of any dangers.

(b) Statements Prohibited After Commencement of Proceedings

A lawyer associated with the prosecution or defense of a criminal matter shall not, from the time of the filing of a complaint, information, or indictment, the issuance of an arrest warrant, or arrest until the commencement of the trial or disposition without trial, make or participate in making an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication and that relates to:

1. The character, reputation, or prior criminal record (including arrests, indictments, or other charges of crime) of the accused, unless the accused's prior convictions are expressly charged in the complaint, information, or indictment.
2. The existence, nature or scope of plea negotiations.
3. The existence or contents of any confession, admission, or statement given by the accused or any refusal or failure to make a statement.
4. The performance or results of any examinations or tests or the refusal or failure of the accused to submit to examinations or tests.
5. The identity, testimony, or credibility of a prospective witness.
6. Any opinion as to the guilt or innocence of the accused, the evidence, or the merits of the case.

(c) Statements Permitted After Commencement of Proceedings

Rule 57(c) does not preclude a lawyer during such period from disclosing publicly:

1. The name, age, residence, occupation, and family status of the accused.
2. If the accused has not been apprehended, any information necessary to aid in apprehension or to warn the public of any dangers the accused might present.
3. A request for assistance in obtaining evidence.
4. The identity of the victim of the crime, if otherwise permitted by law.
5. The fact, time and place of arrest, resistance, pursuit, and use of weapons.
6. The identity of investigating and arresting officers or agencies and the length of the investigation.
7. At the time of any seizure, a description of the physical evidence seized.
8. The nature, substance, or text of the charge.
9. Quotations from or references to public records of the Court in the case.
10. The scheduling or result of any step in the judicial proceedings.
11. That the accused denies the charges.

(d) Statements Prohibited During Jury Selection and Trial

During the selection of a jury or the trial of a criminal matter, a lawyer associated with the prosecution or defense of a criminal matter shall not make or participate in making an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication and that relates to the trial, parties, or issues in the trial or other matters that are reasonably likely to interfere with a fair trial, except that the lawyer may quote from or

refer without comment to public records of the Court in the case and defense counsel may state that the accused denies the charges.

RULE 58

APPEALS

(Amended May 24, 2017)

(a) Notice of Appeal

When an appeal is taken by a defendant in a criminal case, the Clerk shall cause a file-stamped copy of the notice of appeal to be served upon all counsel of record in the case. The Clerk shall transmit forthwith a copy of the notice of appeal and of the docket entries to the Clerk of the Court of Appeals.

(b) Bond on Appeal

The bond of any defendant admitted to bail pending appeal to the Court of Appeals shall be conditioned upon the defendant-appellant's compliance with the Rules of Appellate Procedure and the Rules of the United States Court of Appeals for the Second Circuit concerning the times for filing the record on appeal and briefs. Applications for an extension of time for filing the record on appeal in a criminal case shall be made to the Court of Appeals in accordance with the "Plan to Expedite the Processing of Criminal Appeals" adopted by the United States Court of Appeals for the Second Circuit.

(c) Transcripts on Appeal

When an appeal is taken, counsel shall take the necessary steps forthwith to order that portion of the court reporter's transcript which is required for appeal purposes. The court reporter shall notify the Chief Judge of the United States Court of Appeals for the Second Circuit of the date on which such transcript has been completed. When the transcript is completed, a copy thereof shall be filed immediately by the court reporter with the Clerk of the District Court for perfecting the record on appeal.

RULE 58.1

FORFEITURE OF COLLATERAL IN LIEU OF APPEARANCE IN PETTY OFFENSE MATTERS

(a) Pursuant to Federal Rule of Criminal Procedure 58(d)(1), this Local Criminal Rule 58.1 incorporates the rules of this Court relative to forfeiture of collateral in lieu of appearance in petty offense matters.

(b) For petty offenses originating under the applicable federal statute or regulations or applicable state statute by virtue of the Assimilative Crimes Act, 18 U.S.C. ' 13, occurring within the boundaries of United States military installations, federal buildings and grounds, national forests, and property under the charge and control of the Veterans Administration or the U.S. Postal Service, the person so charged shall post collateral and may, in lieu of appearance, waive appearance before a United States Magistrate Judge, and consent to the forfeiture of collateral. If collateral is forfeited, such action shall be tantamount to a finding of guilt.

(c) If a person charged with a petty offense under subparagraph (a) fails to post and forfeit collateral and is subsequently convicted, any punishment, including fine, imprisonment, or probation may be imposed within the limits established by the applicable law.

(d) If, within the discretion of the law enforcement officer, the offense is of an aggravated nature, the law enforcement officer may require a mandatory appearance before a United States Magistrate Jude of the person charged with the offense. Additionally, some petty offenses require a mandatory appearance before a United States Magistrate Judge, and as such, may not be adjudicated solely through the posting and forfeiture of collateral.

(e) Nothing in this Local Criminal Rule 58.1 shall prohibit a law enforcement officer from arresting a person for committing an offense, including those for which collateral may be posted and forfeited, and requiring the person charged to appear before a United States Magistrate Judge or, upon arrest, taking the person before a United States Magistrate Judge during a regularly scheduled business day or if at a time when the Court is closed, on the next business day thereafter.

CRIMINAL APPENDIX

STANDING ORDER ON DISCOVERY

(Amended December 13, 2024)

In all criminal cases, it is Ordered:

(A) Initial Disclosure by the Government.

No later than 14 days after the arraignment, the attorney for the government and the defendant's attorney must confer and try to agree on a timetable and procedures for pretrial disclosure under Rule 16. After the discovery conference, one or both of the parties may ask the court to determine or modify the time, place, manner, or other aspects of disclosure to facilitate preparation for trial.

If any agreement is reached, this agreement shall be reduced to writing and filed with the Court by the government within 3 days of reaching the agreement.

(1) Information subject to disclosure.

Within 14 days after the arraignment or within the period established by the discovery conference or otherwise established by the court, the attorney for the government shall furnish to defense counsel copies, or allow defense counsel to inspect or listen to and record items which are impractical to copy, of the following items within the government's possession, custody, or control, the existence of which is known or by the exercise of due diligence could be known to the attorney for the government:

(a) the substance of any relevant oral statement, or the portion of any written record containing it, made by the defendant, before or after arrest in response to interrogation by a person the defendant knew was a government agent, if the government intends to use the statement at trial;

(b) any relevant written or recorded statement by the defendant;

(c) the defendant's recorded testimony before a grand jury relating to the charged offense;

(d) for an organizational defendant, any statement by a person who is covered by Rule 16(a)(1)(C);

(e) the defendant's prior criminal record;

(f) books, papers, documents, data, photographs, tangible objects, buildings or places, or copies or portions of any of these items, which are material to preparing the

defense or which the government intends to use in its case-in-chief at trial, or were obtained from or belong to the defendant;

(g) results or reports of any physical or mental examinations and of any scientific tests or experiments, if the item is material to preparing the defense or the government intends to use the item in its case-in-chief;

(h) all warrants, applications, with supporting affidavits, testimony under oath, returns, and inventories for the arrest of the defendant and for the search and/or seizure of the defendant's person, property, things, or items with respect to which the defendant has standing to move to suppress;

(i) all applications, orders, line sheets, and recordings obtained pursuant to Chapter 119 of Title 18 of the United States Code with respect to which the defendant has standing to move to suppress;

(j) all information that may be favorable to the defendant on the issues of guilt or punishment and that falls within the scope of *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny;

(k) all information concerning the existence and substance of any payments, promises of immunity, leniency, or preferential treatment, made to prospective government witnesses, within the scope of *United States v. Giglio*, 405 U.S. 150 (1972), *Napue v. Illinois*, 360 U.S. 264 (1959) and their progeny;

(l) all information concerning the defendant's identification in any lineup, show up, photospread or similar identification proceedings;

(m) all information related to other crimes, wrongs or acts of the defendant that will be offered as evidence by the government at trial pursuant to Federal Rule of Evidence 404(b).

(2) Information Not Subject to Disclosure. Except as otherwise provided by law, this Standing Order does not require the discovery or inspection of reports, memoranda, or other internal government documents made by an attorney for the government or other government agent in connection with investigating or prosecuting the case. Nor does this Standing Order require the discovery or inspection of statements made by prospective government witnesses, except as provided in 18 U.S.C. § 3500.

(3) Grand Jury Transcripts. This Standing Order does not apply to the discovery or inspection of a grand jury's recorded proceedings, except as to grand jury testimony by the defendant.

(B) Disclosure by the Defendant.

(1) Information Subject to Disclosure. Within 14 days after the attorney for the government provides the discovery required by Paragraph A, defense counsel shall:

(a) inform the attorney for the government in writing whether the nature of the defense is (i) alibi, (ii) insanity, mental disease or defect or any other mental condition of the

defendant bearing on either (A) the issue of guilt or (B) the issue of punishment in a capital case, or (iii) acting under public authority at the time of the offense;

(b) furnish copies or allow the government to inspect or listen to and record items that are impractical to copy, of the following items that are within the defendant's possession, custody or control:

(i) books, papers, documents, data, photographs, tangible objects, buildings or places, or copies of portions of any of those items if the defendant intends to use the item in his case-in-chief at trial;

(ii) results or reports of any physical or mental examinations and of any scientific tests or experiments, if the defendant intends to use the item in the defendant's case-in-chief at trial, or intends to call the witness who prepared the report and the report relates to the witness's testimony.

(2) Information Not Subject to Disclosure. Except for scientific or medical reports, this Standing Order does not require discovery or inspection of:

(a) reports, memoranda, or other documents made by the defendant, or the defendant's attorney or agent, during the case's investigation or defense; or

(b) a statement made to the defendant, or the defendant's attorney or agent, by:

(i) the defendant;

(ii) a government or defense witness; or

(iii) a prospective government or defense witness.

(C) Disclosure of Expert Witnesses.

(1) Government's Disclosure

(a) Information Subject to Disclosure.

(i) Duty to Disclose. At the defendant's request, the government must disclose to the defendant, in writing, the information required by subparagraph (iii) for any testimony that the government intends to use at trial under Federal Rules of Evidence 702, 703, or 705 during its case-in-chief, or during its rebuttal to counter testimony that the defendant has timely disclosed under subparagraph (2)(a)(i). If the government requests discovery under the second bullet point in subparagraph (2)(a)(i) and the defendant complies, the government must, at the defendant's request, disclose to the defendant, in writing, the information required by subparagraph (iii) for testimony that the government intends to use at trial under Federal Rules of Evidence 702, 703, or 705 on the issue of the defendant's mental condition.

(ii) Time to Disclose. Unless otherwise ordered, the Government's disclosure under this section shall be no later than 60 days before the final pretrial conference

so as to allow sufficient time before trial to provide a fair opportunity for the defendant to meet the government's evidence.

(iii) Contents of the Disclosure. The disclosure for each expert witness must contain:

- a complete statement of all opinions that the government will elicit from the witness in its case- in-chief, or during its rebuttal to counter testimony that the defendant has timely disclosed under subparagraph (2)(a)(i);
- the bases and reasons for them;
- the witness's qualifications, including a list of all publications authored in the previous 10 years; and
- a list of all other cases in which, during the previous 4 years, the witness has testified as an expert at trial or by deposition.

(iv) Information Previously Disclosed. If the government previously provided a report under subparagraph (A)(1)(g) that contained information required by subparagraph (iii), that information may be referred to, rather than repeated, in the expert-witness disclosure.

(v) Signing the Disclosure. The witness must approve and sign the disclosure, unless the government:

- states in the disclosure why it could not obtain the witness's signature through reasonable efforts; or
- has previously provided under subparagraph (A)(1)(g) a report, signed by the witness, that contains all the opinions and the bases and reasons for them required by (iii).

(vi) Supplementing and Correcting a Disclosure. The government must supplement or correct its disclosures in accordance with section (D).

(2) Defendant's Disclosure.

(a) Information Subject to Disclosure.

(i) Duty to Disclose. At the government's request, the defendant must disclose to the government, in writing, the information required by subparagraph (iii) for any testimony that the defendant intends to use under Federal Rule of Evidence 702, 703, or 705 during the defendant's case-in- chief at trial, if:

- the defendant requests disclosure under subparagraph (1)(a)(i) and the government complies; or
- the defendant has given notice under Rule 12.2(b) of an intent to present expert testimony on the defendant's mental condition.

(ii) Time to Disclose. Unless otherwise ordered, the defendant's disclosure under this section shall be no later than 30 days before the final pretrial conference so as to allow sufficient time before trial to provide a fair opportunity for the government to meet the defendant's evidence.

(iii) Contents of the Disclosure. The disclosure for each expert witness must contain:

- a complete statement of all opinions that the defendant will elicit from the witness in the defendant's case-in-chief;
- the bases and reasons for them;
- the witness's qualifications, including a list of all publications authored in the previous 10 years; and
- a list of all other cases in which, during the previous 4 years, the witness has testified as an expert at trial or by deposition.

(iv) Information Previously Disclosed. If the defendant previously provided a report under section (B) that contained information required by subparagraph (iii), that information may be referred to, rather than repeated, in the expert-witness disclosure.

(v) Signing the Disclosure. The witness must approve and sign the disclosure, unless the defendant:

- states in the disclosure why the defendant could not obtain the witness's signature through reasonable efforts; or
- has previously provided under subparagraph (B)(1)(b)(ii) a report, signed by the witness, that contains all the opinions and the bases and reasons for them required by subparagraph (iii).

(vi) Supplementing and Correcting a Disclosure. The defendant must supplement or correct the defendant's disclosures in accordance with section (D).

(D) Continuing Duty to Disclose. It shall be the continuing duty of counsel for both sides to reveal immediately to opposing counsel all newly-discovered material within the scope of this Standing Order.

(E) Discovery Motions. Any motions related to discovery shall contain a certification that counsel have conferred and that, after good faith efforts to resolve their differences on discovery, they were unable to reach an accord.

(F) Compliance. The Court may, upon a showing of good cause, order the discovery provided under this Standing Order be denied, restricted or deferred, or make such other order as appropriate.

(G) Use of Discovery Material. Unless otherwise authorized by the Court or the party producing discovery, and except for materials that were obtained from or belong to the party

receiving discovery, a party shall not use any material that it receives as discovery from the opposing party, except for the purposes of the criminal proceeding itself. For purposes of this rule, the criminal proceeding includes proceedings in the district court, on appeal, or in a collateral attack of any judgment arising from that criminal proceeding.

(H) Protected Discovery Material.

(1) Designation of Protected Discovery Material. The attorney for the government may designate in writing that certain discovery material is "Protected Discovery Material" by bates-stamp, letter, index or other clear manner. Protected Discovery Material means only grand jury testimony and written or recorded statements of witnesses (other than by the defendant as set forth in subparagraph (A)(1)(a)-(d) above), material filed under seal in any court, reports drafted by law enforcement officers or agencies, material provided to the United States by foreign law enforcement officers or agencies and/or material regarding such provision, and material that has been classified. At any time, the Court may, for good cause, issue an order regarding the designation, use, or scope of Protected Discovery Material.

(2) Custody of Protected Discovery Material. Unless otherwise authorized by the Court or the party producing discovery, and except for materials that were obtained from or belong to the party receiving discovery, counsel shall not provide copies of any Protected Discovery Material to any persons, except that defense counsel may provide copies to persons employed by defense counsel in connection with the investigation or defense of the case, and the government may provide copies to law enforcement agents or persons employed by government counsel in connection with the investigation and prosecution of the case. In addition, any person receiving material under this provision from defense counsel, or the government shall not provide copies of this Protected Discovery Material to any person.

(3) Public Disclosure of Protected Discovery Material. When a party believes it is necessary to file with the Court any Protected Discovery Material, absent consent from the opposing party that the material may be publicly docketed, that party must move to file the material under seal in light of its status as Protected Discovery Material. The motion must include the position of the movant as to whether sealing is appropriate under Local Criminal Rule 57.1, and if so, the reasons therefor. If there is a disagreement between the parties as to whether the material should remain under seal, or if the moving party states in the motion that the moving party lacks sufficient information to formulate a position on whether the material should be sealed, the non-movant may, within ten (10) days, file a motion seeking to maintain the sealing of the material pursuant to Local Criminal Rule 57.1(d).