

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

NOTICE REGARDING LOCAL RULES

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

Local Civil Rule 1 - Scope of Rules

Local Civil Rule 3 – Commencement of Action

Local Civil Rule 4 – Civil Process

Local Civil Rule 5 – Serving and Filing Pleadings and Other Papers

Local Civil Rule 6 – Computation of Time

Local Civil Rule 7 – Motion Procedures

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

Local Civil Rule 4(d) Civil Process – Filing Return of Service

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

Comments are welcomed by the Court and should be directed to:

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

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

To be considered, comments must be received by December 30, 2016.

LOCAL RULES OF CIVIL PROCEDURE

RULE 1

SCOPE OF RULES

(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. _____ 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 ~~on or after May 1, 1985.~~

(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 his or her the Clerk's authorized deputies and assistants ~~authorized by him or her to perform the functions specified herein.~~

RULE 2
(RESERVED)

RULE 3

COMMENCEMENT OF ACTION

(a) Complaint or other initiating document

1. ~~The~~ 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 ~~with the Clerk at~~ Bridgeport, Hartford, or New Haven. ~~All other papers~~ 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 ~~docket~~ presiding Judge sits unless otherwise directed by the Clerk or presiding Judge.

2. ~~When a case is maintained for the case involved. 2. All civil complaints submitted to the Clerk for filing initiated by a complaint filed in paper form, the complaint shall be accompanied by a summons if required, and a Civil Cover Sheet, Form JS 044. Complaints not accompanied by a summons and these forms may be rejected for filing by the Clerk. Upon request the Clerk's office will furnish these forms. Persons filing civil complaints who are in custody at the time of filing, and persons filing pro se, 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. ~~Two copies of each petition, motion or affidavit must be filed with the original.~~

(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

(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 ~~a~~ 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, ~~or~~ 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 five~~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. ~~The~~ A signed complaint shall be ~~signed and filed with the Clerk before filing an application for PJR and proposed Order to Show Cause.~~ A date for the hearing shall be fixed by the Court. ~~Upon written request to the Clerk, public inspection and service of the complaint will be withheld until the order for the hearing has been signed.~~ 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 December 31, 2013)~~

~~(Amended March 25, 2015)~~

(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

~~Counsel~~ Any counsel entering a case after the filing of the complaint, whether on behalf of ~~the plaintiff~~ a party or ~~the defendant~~ 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 ~~pro~~ 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 ~~filed~~ 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 by ~~Facsimile Copy~~ in Manually Filed Cases

~~Copies of pleadings may be served on counsel through use of a facsimile machine, provided that service of a typewritten copy of the identical pleading is made simultaneously by regular mail. Copies of pleadings may not be filed with the Clerk's Office through the use of a facsimile machine or other electronic means. 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.~~

~~(h) Three Judge Court~~

~~In three-judge court cases, the Clerk shall not accept any complaints, petitions, pleadings, briefs or other papers unless the original is accompanied by three copies thereof for the use of the Court. Counsel filing such papers, after service of process has been effected, shall serve one copy thereof on each other party.~~

RULE 6

COMPUTATION OF TIME

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 July 24, 2015)~~

(a) Procedures

1. Any motion involving disputed issues of law shall be accompanied by a ~~written~~ 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 ~~memoranda in opposition to any motion~~ 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 ~~Judge ruling on the motion~~ 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 Judge Court may, in ~~his or her~~ its discretion, rule on any motion without oral argument ~~deny such request~~.

4. To expedite a decision or for other good cause, the Court may, ~~on notice to all parties,~~ rule on a motion before expiration of the ~~21-day~~ period ordinarily permitted for filing opposition papers.

5. ~~2-~~ Except by permission order of the Court, ~~briefs or~~ memoranda shall not exceed be double-spaced (except headings, footnotes, and block quotes) and shall be no more than forty (40) 8 1/2" by 11" printed pages ~~of double spaced standard typographical print,~~ 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. ~~A3-~~ ~~For good cause shown in the motion,~~ a party may request expedited consideration ~~of the motion~~ 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. Unless otherwise directed by a particular Judge with respect to cases on his or her docket, the Clerk is empowered to grant initial motions for extensions of time, not to exceed 30 days, in civil cases with regard to the following time limitations:~~

~~(a) the date for filing an answer or motion addressed to the complaint, counterclaim or third party complaint; and~~

~~(b) the date for serving responses to discovery requests.~~

~~2. All other~~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.

~~3.~~ 2. All motions for extensions of time, ~~whether for consideration by the Clerk or a Judge,~~ shall include a statement of the ~~moving counsel~~movant that (1) ~~he or she~~the movant has inquired of ~~opposing counsel~~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, ~~he or she~~the movant cannot ascertain ~~opposing counsel's~~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 moving party~~filed by the movant with respect to the same time limitation with respect to the same limitation. The Court may rule on the motion ~~may be granted ex parte, without notice, before expiration of the period ordinarily permitted for filing opposition papers,~~ notwithstanding a report of objection ~~by opposing counsel.~~ Opposing counsel. 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 ~~counsel~~the parties as to any extension of time does not ~~of~~by itself extend any time limitation or provide good cause for failing to comply with a deadline established by the ~~federal rules~~Federal Rules of ~~civil procedure~~Civil Procedure, these rules, or the Court.

3. All motions for extension of time shall be filed at least three (3) 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 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 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 ~~fourteen (14)~~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 ~~matters of~~ controlling

decisions ~~which counsel~~ data the movant believes the Court overlooked ~~in the initial decision or order.~~

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)~~4 of these Local Rules.

(d) Reply ~~Briefs~~ Memoranda

Reply ~~briefs~~ memoranda are not required and the absence of a reply ~~brief~~ memorandum will not prejudice the moving party. Any reply ~~brief~~ memorandum must be filed within fourteen (14) days of the filing of the responsive ~~brief~~ memorandum to which reply is being made, as computed under Fed.R.Civ.P. 6. ~~A reply brief may not exceed 10 pages.~~ A reply memorandum must be strictly confined to a discussion of matters raised by the responsive brief, and must contain references to the pages of the responsive brief to which reply is being made; 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) ~~Withdrawal~~ Withdrawals of Appearances

~~Withdrawal~~ Withdrawals of appearances may be accomplished only ~~by leave of Court~~ on ~~upon~~ motion ~~duly noticed, and, which~~ normally ~~shall~~ 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 ~~pro se~~ without counsel, and that the party ~~whose counsel seeks to withdraw~~ has received actual notice ~~by personal service or by certified mail~~ of the motion to withdraw. In cases where the party has failed to engage other counsel or file a ~~pro se~~ 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 ~~pro se~~ 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 ~~include a statement of the moving counsel that: (1) he or she has inquired of (1) 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, and (2) 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) opposing counsel and there is agreement or objection to the motion; or (2) despite diligent effort, he or she cannot ascertain opposing counsel's position.~~