

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

**Notice for Comment on Proposed Amendments to the Local Civil and
Criminal Rules for the Middle District of Louisiana**

Pursuant to Rule 83 of the Federal Rules of Civil Procedure, public notice is hereby given of the proposed amendments to the Local Rules of the United States District Court for the Middle District of Louisiana. The proposed amendments include the addition of Local Civil Rule 7.1 and Local Civil Rule 12, as well as amendments to Local Civil Rule 7, Local Civil Rule 10, Local Civil Rule 41, Local Civil Rule 54, Local Civil Rule 83, and Local Criminal Rule 44. The new language is underlined and the former language is stricken-through.

Comments regarding the proposed amendments may be submitted in writing and transmitted via email to localrules@lamd.uscourts.gov. The deadline for comments is April 22, 2022.

March 21, 2022



03/21/2022

Michael L. McConnell, Clerk of Court

LOCAL CIVIL RULE 7 – PLEADINGS ALLOWED; FORM OF MOTIONS

- (f) **Response and Memorandum.** Each respondent opposing a motion shall file a response, including opposing affidavits, and such supporting documents as are then available, within twenty-one days after service of the motion. Memoranda shall contain a concise statement of reasons in opposition to the motion, and a citation of authorities upon which the respondent relies. Memoranda must also include appropriate pinpoint citations to direct the Court to specific references within cited supporting material (e.g., Ex. 1 – Plaintiff Depo, p.5, ll. 8-10 or Rec. Doc. 1 – Complaint, p.3, ¶122).—For good cause appearing therefor, a respondent may be required to file a response and supporting documents, including memoranda, within such shorter or longer period of time as the Court may order. Reply memoranda may be filed without leave of Court in Rule 12 and Rule 56 motions only. Any such reply memoranda shall be filed within fourteen days after service of the response to the motion. Leave of court must be obtained to file surreplies in Rule 12 and Rule 56 motions. Leave of court must be obtained to file reply and surreply memoranda in all other motions not listed. If a party does not intend to oppose a motion, the non-opposing party must file a Notice of No Opposition on or, preferably, before the response deadline. If neither a Notice of No Opposition nor an Opposition is filed within twenty-one days, the Clerk shall enter a minute entry deeming the motion unopposed on the twenty-second day.
- (g) **Memoranda.** All memoranda filed by a party (including briefs, memoranda in support of or in opposition to a motion, and appeals to District Judges) shall be limited to twenty-five pages excluding table of contents, table of authorities, the certificate of service, and attachments. Signature blocks must begin on or before the last page but can extend beyond the page limit.—The form of the memorandum shall comply with LR10(a). Reply and surreply memoranda, if permitted, shall be limited to ten pages. Leave of Court must

be obtained to file memoranda in excess of the limit above.

(h) Mandatory Meet and Confer Prior to Filing Motions *in Limine*. To avoid the needless filing of motions *in limine*, the Court requires the party seeking to file a motion *in limine* to confer with the opposing party (or any party having an interest to oppose) before filing the motion in a good faith effort to resolve the issue(s) amicably. If a consensus cannot be reached, the motion *in limine* must contain a certification that the movant conferred in a good faith effort to resolve the issues(s) amicably but was unable to reach an agreement. If after filing the motion *in limine*, the movant determines there is no longer a dispute, the movant shall promptly file a motion to withdraw the motion *in limine*.

LOCAL CIVIL RULE 7.1 – CERTIFICATE OF INTERESTED PERSONS

All parties are required to file a certificate of interested Persons. In addition to the requirements of Fed. R. Civ. P. 7.1(a), Civil Complaints and the initial responsive pleading or motion filed in lieu of responsive pleadings that a defendant files in a civil action must be accompanied by a separately filed and signed certificate of interested persons that contains a complete list of all persons, associations of persons, firms, partnerships, corporations, guarantors, insurers, affiliates, parent or subsidiary corporations, or other legal entities that are financially interested in the outcome of the case or else a statement that there are no such persons to identify. If the defendant concurs in the accuracy of another party's previously filed certificate, the defendant may adopt that certificate.

If a civil action is removed, the plaintiff shall file a signed certificate of interested persons, which shall neither constitute a general appearance nor prejudice the party's ability to file a motion for remand. If the plaintiff concurs in the accuracy of another party's previously filed certificate, the plaintiff may adopt that certificate.

LOCAL CIVIL RULE 10 – FORM OF PLEADINGS

(a) Form: Statement Regarding Filing of Documents.

(4) In addition to the requirements of Fed. R. Civ. P. 7.1(a), civil complaints must also be accompanied by a separately filed and signed certificate of interested persons that contains a complete list of all persons, associations of persons, firms, partnerships, corporations, guarantors, insurers, affiliates, parent or subsidiary corporations, or other legal entities that are financially interested in the outcome of the case or else a statement that there are no such persons to identify. This requirement shall not apply to persons in the custody of civil, state or federal institutions or to persons filing cases pro se.

(5) An amended complaint will supersede any prior filed complaint and must be standalone. An amended complaint must fully restate all allegations against all parties, regardless of whether all allegations are amended. A proposed amended complaint which merely restates, amends, or supplements specific allegations from a prior filed complaint by reference will not be accepted.

(b) Consolidated Cases.

(1) Unless otherwise ordered by the Court, where cases are consolidated, whether for trial only or for pretrial matters and trial~~for trial only or otherwise~~, the caption of all documents filed after consolidation shall list first the name and docket number of the lowest numbered case in the group, with words “consolidated with” or abbreviation “c/w”. This shall be followed by a listing of the names and docket numbers of only those cases to which the document applies. This rule does not apply to cases wherein the assigned Magistrate Judge has ordered coordinated or consolidated discovery, but the cases are not consolidated for trial or any other

purpose. See LR10(b)(3).

(2) The caption of the lowest numbered case will serve as the identifying caption during the pendency of the consolidation and will continue to be used even if that particular case is closed.

(3) For cases consolidated for discovery purposes only, the caption of all discovery related filings subject to the assigned Magistrate Judge's discovery consolidation order shall list the names and docket numbers of all cases in which coordinated discovery has been ordered. The filing party's case caption should appear at the top of the pleading followed by the other case caption(s) separated by "AND". For discovery pleadings required to be filed into the record, the filing party must file the pleading in each individual case subject to the discovery consolidation order.

LOCAL CIVIL RULE 12 – DEFENSES AND OBJECTIONS

If the Court grants leave to allow a party to file an amended complaint while a motion to dismiss pursuant to Fed. R. Civ. P. 12 is pending, the Clerk will terminate the pending motion to dismiss without prejudice to the party to refile if grounds exist therefor based upon the allegations contained in the amended complaint.

LOCAL CIVIL RULE 41 - DISMISSAL OF ACTIONS

(a) **Dismissals.** Except as provided in Fed. R. Civ. P. 41(a)(1), if an attorney proposes to dismiss a suit with the intention of refiling it, the attorney must bring this to the attention of the Judge to whom the suit has been assigned. Such dismissal requests do not result in automatic dismissal. All dismissal requests must be ruled upon by the assigned Judge.

LOCAL CIVIL RULE 54 – JUDGMENTS, COSTS

- (c) **Memorandum of Costs.** Within thirty days after receiving notice of entry of judgment, unless otherwise ordered by the Court, the party in whose favor judgment is rendered and who claims and is allowed costs, shall serve on the attorney for the adverse party and file with the Clerk of Court a notice of application to have the costs taxed, together with a memorandum signed by the attorney of record stating that the items are correct and that the costs have been necessarily incurred, which is supported by itemization and documentation of all costs requested in each category.

LOCAL CIVIL RULE 83 RULES BY DISTRICT COURTS; JUDGES' DIRECTIVES

- (13) **Continuing Representation, Withdrawals, Substitution of Counsel.** ~~The original~~All counsel of record shall be held to represent the party for whom counsel appears unless the Court permits said counsel to withdraw from the case. Counsel may obtain permission to withdraw only upon filing: 1) a motion to withdraw filed by the counsel seeking to withdraw or 2) a motion to withdraw filed by the client's other counsel of record, which includes either the withdrawing counsel's signature or a certification that the withdrawing counsel's consent to file the motion has been obtained. ~~joint motion to substitute counsel or upon a written motion served on opposing counsel and the client before the Court acts.~~ If ~~new~~either counsel is not ~~thereby~~ substituted and no counsel of record will remain to represent the client, the motion to withdraw shall contain: -1) the present address of the client and the client's telephone number if the client can be reached by

telephone and 2). ~~The motion shall contain~~ a certification by counsel that the client has been notified of all deadlines and pending court appearances. The certificate of service accompanying the motion shall indicate that it was served on the client by certified mail or an affidavit shall be included stating why such service has not been made. If the motion to withdraw includes a request for substitution of new counsel, then the motion must also be signed by counsel seeking to be enrolled in substitution for the withdrawing counsel or include a certification that the enrolling counsel's consent to file the motion has been obtained.

(14) Additional Counsel. Where counsel has appeared for any party, other counsel may appear for the same party only:

- (A) Upon motion of counsel of record for that party, ~~or motion~~ by counsel seeking to be enrolled as additional counsel, which includes either counsel of record's signature or a certification by the filer that counsel of record's consent to file the motion has been obtained ~~consented to by additional counsel~~; or
- (B) Upon motion of counsel seeking to be enrolled, after counsel of record for the party has been permitted to withdraw or has died, or is incapacitated, or cannot be found as established in the motion; or
- (C) _____ Upon motion of a party after notice to counsel of record and _a hearing thereon.

LOCAL CRIMINAL RULE 44 - CONTINUING REPRESENTATION, WITHDRAWALS, SUBSTITUTION OF COUNSEL

~~The original counsel of record shall be held to represent the party for whom counsel appears unless the Court permits said counsel to withdraw from the case. Counsel may obtain permission only upon joint motion to substitute counsel or upon a written motion served on opposing counsel and the client before the Court acts. If other counsel is not thereby substituted, the motion to withdraw shall contain the present address of the client and the client's telephone number, if the client can be reached by telephone. The motion shall contain a certification by~~

~~counsel that the client has been notified of all deadlines and pending court appearances. The certificate of service accompanying the motion shall indicate that it was served on the client by certified mail or an affidavit shall be included stating why such service has not been made.~~

All counsel of record shall be held to represent the party for whom counsel appears unless the Court permits said counsel to withdraw from the case. Counsel may obtain permission to withdraw only upon filing: 1) a motion to withdraw filed by the counsel seeking to withdraw or 2) a motion to withdraw filed by the client's other counsel of record, which includes either the withdrawing counsel's signature or a certification that the withdrawing counsel's consent to file the motion has been obtained. If new counsel is not substituted and no counsel of record will remain to represent the client, the motion to withdraw shall contain: 1) the present address of the client and the client's telephone number if the client can be reached by telephone and 2) a certification by counsel that the client has been notified of all deadlines and pending court appearances. The certificate of service accompanying the motion shall indicate that it was served on the client by certified mail or an affidavit shall be included stating why such service has not been made. If the motion to withdraw includes a request for substitution of new counsel, then the motion must also be signed by counsel seeking to be enrolled in substitution for the withdrawing attorney or include a certification that the enrolling counsel's consent to file the motion has been obtained.