# 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.

**JUDGES OF THE** **11**

**UNITED STATES DISTRICT COURT** **11**

**FOR THE DISTRICT OF CONNECTICUT** **11**

**SCOPE OF RULES** **12**
(A) TITLE AND CITATION 12
(B) EFFECTIVE DATE 12
(C) DEFINITIONS 12
**RULE 2** **13**
**(RESERVED)** **13**
**RULE 3** **14**
**COMMENCEMENT OF ACTION** **14**
(A) COMPLAINT 14
(B) PLACE OF FILING; NUMBER OF COPIES 14
(C) STATUTORY FEE 14
(D) IN FORMA PAUPERIS MOTION 14
**RULE 4** **15**
**CIVIL PROCESS** **15**
(A) ISSUE AND SERVICE 15
(B) SERVICE COPIES 15
(C) ATTACHMENTS AND PRE-JUDGMENT REMEDIES 15
**RULE 5** **16**
**SERVING AND FILING PLEADINGS** **16**
**AND OTHER PAPERS** **16**
(A) E-FILING 16
(B) APPEARANCE 16
(C) PROOF OF SERVICE 16
(D) UNITED STATES AS A PARTY 16
(E) SEALED PROCEEDINGS AND DOCUMENTS 17
(F) FILING OF DISCOVERY MATERIALS 20
(G) SERVICE BY FACSIMILE COPY 20
(H) THREE JUDGE COURT 21
**RULE 6** **22**
**COMPUTATION OF TIME** **22**
**RULE 7** **23**
**MOTION PROCEDURES** **23**
(A) PROCEDURES 23
(B) MOTIONS FOR EXTENSIONS OF TIME 23
(C) MOTIONS FOR RECONSIDERATION 24

(D) REPLY BRIEFS 24
(E) WITHDRAWAL OF APPEARANCES 24
(F) MOTIONS TO AMEND PLEADINGS 24
**RULE 8 26**
**RULES OF PLEADING 26**
(A) STATEMENT OF THE CLAIM 26
(B) PETITIONS SHALL BE LEGIBLE 26
**RULE 9 27**
**(RESERVED) 27**
**RULE 10 28**
**PREPARATION OF PLEADINGS 28**
(A) PREPARATION OF PLEADINGS 28
**RULE 11 29**
**SANCTIONS 29**
(A) MOTION FOR ATTORNEYS' FEES AND /OR SANCTIONS 29
**RULE 12 30**
**RULE 13 – 15 (RESERVED) 32**
**RULE 16 33**
**STATUS AND SETTLEMENT CONFERENCES AND ADR 33**
(A) STATUS CONFERENCES 33
(B) SCHEDULING ORDERS 33
(C) SETTLEMENT CONFERENCES 34
(D) PRETRIAL ORDER 34
(E) TRIAL BRIEFS 34
(F) FAILURE OF COMPLIANCE 34
(G) SANCTIONS AGAINST COUNSEL 35
(H) ALTERNATIVE DISPUTE RESOLUTION (ADR) 35
**RULE 17 - RULE 25 37**
**(RESERVED) 37**
**RULE 26 38**
**DUTY OF DISCLOSURE 38**
**RULE 27 – RULE 29 41**
**(RESERVED) 41**
**RULE 30 42**
**DEPOSITIONS 42**
(A) ATTENDANCE 42
(B) DEPOSITIONS 42
(C) TRANSCRIPTS AND COPIES OF TAPED DEPOSITIONS 42
**RULE 31 - RULE 36 43**
**(RESERVED) 43**
**RULE 37 44**
**DISCOVERY DISPUTES 44**

**RULE 38** **45**
**RESERVED** **45**
**RULE 39** **46**
**DESIGNATION OF BANKRUPTCY JUDGES TO CONDUCT** **46**
**JURY TRIALS** **46**
**RULE 40** **47**
**ASSIGNMENTS** **47**
(A) PLACE OF ASSIGNMENT OF CASES. 47
(B) INDIVIDUAL CALENDAR SYSTEM. 47
(C) ASSIGNMENT TO JUDGE UPON REMAND 47
**RULE 41** **48**
**DISMISSAL OF ACTIONS** **48**
(A) FOR FAILURE TO PROSECUTE 48
(B) WHEN REPORTED SETTLED TO THE COURT 48
**RULE 42** **49**
**CONSOLIDATION** **49**
(A) CONSOLIDATION OF CASES 49
**RULE 43 - RULE 46** **50**
**(RESERVED)** **50**
**RULE 47** **51**
**SELECTION OF JURORS** **51**
(A) EXAMINATION OF JURORS 51
(B) PEREMPTORY CHALLENGES 51
**RULE 48** **52**
**JURY PANEL** **52**
(A) NUMBER OF JURORS 52
**RULE 49 - RULE 52** **53**
**(RESERVED)** **53**
**RULE 53** **54**
**SPECIAL MASTERS** **54**
(A) CREATION OF PANEL OF SPECIAL MASTERS 54
(B) APPOINTMENT OF A MASTER 54
(C) DIRECTIVES AND CALENDARS OF SPECIAL MASTERS 54
(D) MAY SIT OUTSIDE DISTRICT 54
(E) FILING OF REPORT 54
(F) CONFIRMATION OR REJECTION OF MASTERS' REPORT 55
(G) COMPENSATION 55
**RULE 54** **56**
**TAXATION OF COSTS** **56**
(A) PROCEDURE FOR TAXING COSTS 56
(B) OBJECTIONS TO THE BILL OF COSTS 56
(C) ITEMS TAXABLE AS COSTS 56

(D) REVIEW OF THE CLERK'S RULING 59
**RULE 55 60**
**(RESERVED) 60**
**RULE 56 61**
**SUMMARY JUDGMENT 61**
(A) MOTIONS FOR SUMMARY JUDGMENT 61
(B) NOTICE TO PRO SE LITIGANTS REGARDING SUMMARY JUDGMENT. 62
**RULE 57 - RULE 66 64**
**(RESERVED) 64**
**RULE 67 65**
**DEPOSIT OF FUNDS IN COURT REGISTRY 65**
(A) ORDER FOR DEPOSIT IN INTEREST BEARING ACCOUNT 65
(B) ORDERS DIRECTING INVESTMENT OF FUNDS BY CLERK 65
(C) RELEASE OF DEPOSITED FUNDS 65
(D) REGISTRY ACCOUNT 65
**RULE 68 66**
**OFFER OF JUDGMENT 66**
**RULE 69- RULE 71 67**
**(RESERVED) 67**
**RULES 72 AND 73 67**
**SEE LOCAL RULES FOR 67**
**UNITED STATES MAGISTRATE JUDGES 67**
**RULES 74 - RULE 76 67**
**(RESERVED) 67**
**LOCAL RULE 77.1 68**
**ENTRY OF ORDERS AND JUDGMENTS 68**
(A) BY THE COURT 68
(B) BY THE CLERK 68
(C) LEGAL HOLIDAYS 68
(D) DISTRICT COURT LIBRARY 69
(E) ORDER OR JUDGMENT OF APPELLATE COURT 69
**RULE 78 70**
**(RESERVED) 70**
**RULE 79 71**
**DOCKET NUMBERS 71**
**RULE 80 72**
**STENOGRAPHER 72**
(A) REPORTER'S FEES 72
**RULE 81 73**
**PROCEEDINGS TO WHICH THE RULES APPLY 73**
(A) NATURALIZATION SESSIONS OF COURT 73
(B) DISMISSAL OF PETITION OR MOTION 73

**RULE 82** **74**
**(RESERVED)** **74**
**LOCAL RULE 83.1** **75**
**(AMENDED FEBRUARY 11, 2011)** **75**
**ADMISSION OF ATTORNEYS** **75**
(A) QUALIFICATIONS 75
(B) PROCEDURE FOR ADMISSION 75
(C) LOCAL OFFICE 76
(D) VISITING ATTORNEYS 77
**LOCAL RULE 83.2** **79**
**DISCIPLINE OF ATTORNEYS** **79**
(A) PROFESSIONAL ETHICS 79
(B) GRIEVANCE COMMITTEE 79
(C) PROCEEDINGS UPON COMPLAINT 80
(D) RECOMMENDATION OF GRIEVANCE COMMITTEE 80
(E) ATTORNEYS CONVICTED OF CRIMES 81
(F) DISCIPLINE OR RESIGNATION IN OTHER COURTS 82
(G) MENTAL DISABILITY OR INCAPACITY 83
(H) RESIGNATION 83
(I) REINSTATEMENT 84
**LOCAL RULE 83.3** **86**
**SECURITY FOR COSTS** **86**
(A) SECURITY FOR COSTS 86
(B) MODIFICATION AND WAIVER 86
**LOCAL RULE 83.4** **87**
**OPENING STATEMENTS** **87**
**LOCAL RULE 83.5** **88**
**SECRECY OF JURY DELIBERATIONS** **88**
1. TRIAL JURORS 88
2. JUROR INFORMATION 88
3. GRAND JURORS 88
4. VIOLATIONS 88
**LOCAL RULE 83.6** **90**
**REMOVAL OF PAPERS AND EXHIBITS** **90**
(A) WITHDRAWAL OF PLEADINGS, PAPERS AND EXHIBITS 90
(B) PRE-MARKED EXHIBITS AND EXHIBIT LISTS 90
(C) CUSTODY OF EXHIBITS AFTER TRIAL 90
(D) EXHIBITS ON APPEAL 90
(E) DISPOSITION OF EXHIBITS IN THE CUSTODY OF THE CLERK 90
**LOCAL RULE 83.7** **91**
**TRANSFER OF CASES TO ANOTHER DISTRICT OR UPON REMAND TO A** **91**
**STATE COURT** **91**

**LOCAL RULE 83.8** **92**
**ORDERS FOR EXTENSION OF FILING RECORD ON APPEAL** **92**
**LOCAL RULE 83.9** **93**
**LAW STUDENT INTERNSHIP RULES** **93**
(A) APPEARANCE OF LAW STUDENT INTERN 93
(B) REQUIREMENTS OF SUPERVISING ATTORNEY 93
(C) REQUIREMENTS OF LAW STUDENT INTERN 93
(D) PRIVILEGES OF LAW STUDENT INTERN 93
**LOCAL RULE 83.10** **94**
**CIVIL PRO BONO PANEL** **94**
(A) ASSIGNMENT WHEEL 94
(B) APPOINTMENT PROCEDURE 94
(C) RESPONSIBILITIES OF THE APPOINTED ATTORNEY 95
(D) RELIEF FROM APPOINTMENT 96
(E) DISCHARGE 97
(F) EXPENSES 97
(G) COMPENSATION FOR SERVICES 97
(H) DURATION OF REPRESENTATION 98
**LOCAL RULE 83.11** **99**
**RECORDINGS AND PHOTOGRAPHS** **99**
**LOCAL RULE 83.12** **100**
**AUXILIARY ORDERS** **100**
**LOCAL RULE 83.13** **101**
**PROHIBITION ON COUNSEL AS WITNESS** **101**
(A) REFUSING EMPLOYMENT WHEN COUNSEL MAY BE CALLED AS A WITNESS 101
(B) WITHDRAWAL AS COUNSEL WHEN THE LAWYER BECOMES A WITNESS 101
(C) DISCRETION OF COURT TO PROVIDE RELIEF FROM THIS RULE WHEN LAWYER IN SAME FIRM IS LIKELY TO BE A WITNESS 101
**CIVIL APPENDIX** **102**
**FORM 26(F) REPORT OF PARTIES' PLANNING MEETING** **103**
**CIVIL STANDING ORDERS** **109**
**STANDING ORDER ON SCHEDULING IN CIVIL CASES** **109**
**STANDING ORDER REGARDING TRIAL MEMORANDA IN CIVIL CASES** **112**
1. TRIAL COUNSEL. 112
2. JURISDICTION. 112
3. JURY/NON-JURY. 112
4. NATURE OF CASE. 112
5. STIPULATIONS OF FACT AND LAW. 112
6. PLAINTIFF'S CONTENTIONS. 112
7. DEFENDANT'S CONTENTIONS. 112
8. LEGAL ISSUES. 112
9. VOIR DIRE QUESTIONS. 112

10. LIST OF WITNESSES. 113
11. EXHIBITS. 113
12. DEPOSITION TESTIMONY. 113
13. REQUESTS FOR JURY INSTRUCTIONS. 113
14. ANTICIPATED EVIDENTIARY PROBLEMS. 113
15. PROPOSED FINDINGS AND CONCLUSIONS. 113
16. TRIAL TIME. 113
17. FURTHER PROCEEDINGS. 113
18. ELECTION FOR TRIAL BY MAGISTRATE. 114
**STANDING ORDER IN CIVIL RICO CASES 115**
**STANDING ORDER ON REMOVED CASES 119**
**ORDER RE: DISCLOSURE STATEMENT 121**
**LOCAL RULES FOR MAGISTRATE JUDGES 122**
**RULE 72.1 122**
**GENERAL JURISDICTION AND DUTIES OF MAGISTRATE JUDGES 122**
**LOCAL RULE 72.2 124**
**REVIEW 124**
**LOCAL RULE 73 125**
**CIVIL TRIAL JURISDICTION 125**
**LOCAL RULE 77.2 126**
**ASSIGNMENT 126**
**LOCAL RULES OF CRIMINAL PROCEDURE 127**
**RULE 1 127**
**SCOPE OF RULES 127**
(A) TITLE AND CITATION 127
(B) EFFECTIVE DATE 127
(C) APPLICABILITY OF LOCAL CIVIL RULES 127
(D) TYPES OF PROCEEDINGS 127
**RULE 2 - RULE 15 128**
**(RESERVED) 128**
**RULE 16 129**
**DISCOVERY 129**
(A) TIMING OF DISCOVERY 129
**RULE 17 130**
**ISSUANCE OF SUBPOENAS ON BEHALF OF PUBLIC DEFENDERS 130**
(A) WITHIN THIS DISTRICT 130
(B) OUTSIDE THIS DISTRICT 130
(C) SERVICE BY MARSHAL 130
**RULE 18 - RULE 31 131**
**(RESERVED) 131**
**RULE 32 132**
**(AMENDED DECEMBER 7, 2011) 132**

**DISCLOSURE OF PRESENTENCE REPORTS** **132**
(A) INITIAL DISCLOSURE OF PRESENTENCE REPORTS 132
(B) REVISIONS TO REPORT 132
(C) SUBMISSION OF REVISED PRESENTENCE REPORT 132
(D) OBJECTIONS TO REVISED PRESENTENCE REPORT 132
(E) SCHEDULING ORDER 133
(F) MODIFICATION OF TIME LIMITS 133
(G) NON-DISCLOSABLE INFORMATION 133
(H) DATE OF DISCLOSURE 134
(I) LIMITATIONS ON DISCLOSURE BY THE GOVERNMENT AND THE DEFENSE 134
(J) APPEALS 134
(K) DISCLOSURE TO OTHER AGENCIES 135
**SENTENCING PROCEDURES** **136**
(L) THE ROLE OF DEFENSE COUNSEL 136
(M) THE ROLE OF THE UNITED STATES ATTORNEY 136
(N) THE ROLE OF THE PROBATION OFFICER 136
(O) SENTENCING MEMORANDA 137
(P) PRESENTENCE CONFERENCE 138
(Q) CONFIDENTIALITY OF COMMUNICATIONS TO SENTENCING JUDGE 138
(R) BINDING PLEA AGREEMENTS 138
**RULE 33 - RULE 42** **140**
**(RESERVED)** **140**
**RULE 43** **141**
**ATTENDANCE OF DEFENDANTS** **141**
(A) PRESENCE REQUIRED 141
**RULE 44 - RULE 46** **142**
**(RESERVED)** **142**
**RULE 47** **143**
**MOTIONS** **143**
**RULE 48 AND RULE 49** **144**
**(RESERVED)** **144**
**RULE 50** **145**
**ASSIGNMENTS** **145**
(A) ASSIGNMENT OF JUDGES 145
(B) INDIVIDUAL CALENDAR SYSTEM 145
(C) ASSIGNMENT OF JUDGES TO SPECIAL PROCEEDINGS 145
(D) SUBSTITUTION 145
**RULE 51 - RULE 54** **146**
**(RESERVED)** **146**
**RULE 55** **147**
**RECORDS** **147**
(A) DOCKET NUMBERS 147

(B) MISCELLANEOUS DOCKET NUMBERS 147
(C) SUBSEQUENT PROCEEDINGS 147
**RULE 56 148**
**(RESERVED) 148**
**RULE 57 149**
**RULES BY DISTRICT COURTS 149**
(A) APPEARANCES 149
(B) SEALED PROCEEDINGS AND DOCUMENTS 149
**PUBLIC STATEMENTS BY COUNSEL 154**
(C) STATEMENTS PERMITTED DURING INVESTIGATION 154
(D) STATEMENTS PROHIBITED AFTER COMMENCEMENT OF PROCEEDINGS 155
(E) STATEMENTS PERMITTED AFTER COMMENCEMENT OF PROCEEDINGS 155
(F) STATEMENTS PROHIBITED DURING JURY SELECTION AND TRIAL 155
(G) STATEMENTS PROHIBITED PRIOR TO SENTENCING 156
**RULE 58 157**
**APPEALS 157**
(A) NOTICE OF APPEAL 157
(B) BOND ON APPEAL 157
(C) TRANSCRIPTS ON APPEAL 157
**CRIMINAL APPENDIX 158**
**APPENDIX. STANDING ORDER ON DISCOVERY 158**

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

**Alvin W. Thompson, Chief Judge**

**Robert N. Chatigny**

**Janet Bond Arterton**

**Janet C. Hall**

**Stefan R. Underhill**

**Mark R. Kravitz**

**Vanessa L. Bryant**

**SENIOR JUDGES**

**Ellen Bree Burns**

**Warren W. Eginton**

**Charles S. Haight Jr.**

**Alfred V. Covello**

**Dominic J. Squatrito**

## 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___.

### (b) Effective Date

These rules 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 or by the District Judges of this Court. As used herein, "Clerk" shall mean the Clerk of the Court or his or her deputies and assistants authorized by him or her to perform the functions specified herein.

## RULE 2

**(RESERVED)**

## RULE 3

## COMMENCEMENT OF ACTION

### (a) Complaint

1. The complaint may be filed with the Clerk at Bridgeport, Hartford, or New Haven. All other papers shall be filed at the seat of Court where the docket is maintained for the case involved.

2. All civil complaints submitted to the Clerk for filing shall be accompanied by a summons and a Civil Cover Sheet, Form JS 44a or JS 44c. 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, 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 Title 28, U.S. Code Section 2255 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 by the party who seeks such process, and, on the application of a party to the Clerk, shall issue out of the Court under its seal.

### (b) Service Copies

Each party filing a new complaint, third-party complaint or amended complaint, 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 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, as permitted by, and in accordance with, the law of the State of Connecticut. The complaint shall be signed and filed with the Clerk. 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 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.

## RULE 5

## SERVING AND FILING PLEADINGS

## AND OTHER PAPERS

### (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 entering a case after the filing of the complaint, whether on behalf of the plaintiff or the defendant, 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.

### (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 se 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.

### (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 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 Rules 4(d)(4) and 4(d)(5), 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 shall file a redacted version of each document sought to be sealed.

Counsel shall also file a motion to seal, and shall attach to the motion unredacted copies of each document sought to be sealed and any memorandum or other documents supporting the assertion that grounds exist for sealing the documents sought to be sealed. The unredacted documents and memorandum or other supporting documents shall be submitted in an envelope for sealing, bearing the caption and docket number of the case, and the caption of the pleading or description of the documents sought to be sealed. The Clerk shall:

(b) file-stamp and docket the redacted documents and the motion to seal; (2) file-stamp and docket under seal the unredacted documents submitted in the envelope for sealing; and (3) forward to the Court for consideration the redacted documents, the motion to seal, the unredacted documents sought to be sealed, and the memorandum or other supporting documents. Upon submission by the party seeking a sealing order, the sealing envelope and its contents shall be treated as a sealed document unless the motion to seal is denied or until otherwise directed by the Court.

(c) Counsel may file a motion to seal, along with a memorandum and supporting documents, with or without the documents sought to be sealed. Any documents submitted to the Court that counsel want considered to be sealed, including the motion to seal, memorandum or supporting documents, shall be submitted in a sealing envelope of the type described in Local Rule 5(e)4(a), and its contents shall be treated as a sealed document 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 file any redacted copies of any documents required by the Court's sealing order and shall submit to the Clerk in a sealing envelope unredacted copies of any documents ordered sealed but not previously submitted to the Court.

(d) 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 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 submit those documents in a sealing envelope of the type described in Local Rule 5(e)4(a), and its contents shall be treated as a sealed document 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 file any redacted copies of the documents required by the Court's sealing order and shall submit to the Clerk the unredacted documents to be sealed in a sealing envelope.

5. A motion to seal shall be entered on the docket as "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 caption of

the pleading or description of the documents used on the sealing envelope, with the remark "filed under seal" (e.g., "Motion to Declassify Documents Protected by Confidentiality Order, filed under seal" or "Psychiatric records, filed under 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 in the envelope provided by counsel; the Clerk shall docket any sealing order issued by the Court and shall note the date of the sealing order on the envelope. 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 treated as unsealed and docketed 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.

8. Except as otherwise provided by federal statute or the Federal Rules of Civil Procedure, the party filing any document that will or could become publicly available shall redact from that document:

(a) Social Security numbers to the last four digits;
(b) Financial account numbers to the last four digits;
(c) Dates of birth to the year; and
(d) Names of minor children to the initials.

9. The envelope for sealing required by Local Civil Rule 5(e) shall be in substantially the following form:

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

[CAPTION]

NO. _____

Contents: _____

Submitting Attorney: _____

Judicial Officer: _____

Date Sealed: _____

Date Unsealed: _____

The Clerk is directed to seal the contents of this envelope until further order of the Court.

SO ORDERED this ____ day of _____, 20__, at _____, Connecticut.

_____

[Name of Judge], U.S.D.J./U.S.M.J.

**(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**

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.

**(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, 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.

## RULE 7

## MOTION PROCEDURES

### (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 memorandum may be deemed sufficient cause to deny the motion. Unless otherwise ordered by the Court, all memoranda in opposition to any motion 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. Nothing in this Rule shall require the Judge ruling on the motion to review portions of the record in response to a motion, where the moving papers do not make specific reference to such portions of the record. Notwithstanding that a request for oral argument has been made, the Judge may, in his or her discretion, deny such request. 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.

2. Except by permission of the Court, briefs or memoranda shall not exceed forty (40) 8 1/2" by 11" pages of double spaced standard typographical print, exclusive of pages containing a table of contents, table of statutes, rules or the like. The original of all motions or briefs shall be filed with the Clerk at the seat of Court where the Judge sits.

3. For good cause shown in the motion, a party may request expedited consideration of the motion by the Court by designating the motion as one seeking “emergency” relief.
(

### (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 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. All motions for extensions of time, whether for consideration by the Clerk or a Judge, shall include a statement of the moving counsel that (1) he or she has inquired of opposing counsel and there is agreement or objection to the motion, or that (2) despite diligent effort, he or she cannot ascertain opposing counsel's position. All such motions shall also indicate the number of motions for extension of time that have been filed by the moving party with respect to the same limitation. The motion may be granted ex parte notwithstanding a report of objection by opposing counsel. Opposing counsel 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 as to any extension of time does not of 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.

**(c) Motions for Reconsideration**

1. Motions for reconsideration shall be filed and served within fourteen (14) 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 or controlling decisions which counsel believes the Court overlooked in the initial decision or order.

2. In all other respects, motions for reconsideration shall proceed in accordance with Rule 7(a)1 of these Local Rules.

**(d) Reply Briefs**

Reply briefs are not required and the absence of a reply brief will not prejudice the moving party. Any reply brief must be filed within fourteen (14) days of the filing of the responsive brief to which reply is being made, as computed under Fed. R. Civ. P. 6. A reply brief may not exceed 10 pages, 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.

**(e) Withdrawal of Appearances**

Withdrawal of appearances may be accomplished only by leave of Court on motion duly noticed, and normally shall not be granted except upon a showing that other counsel has appeared or that the party has elected to proceed pro se, 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 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 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 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.

## 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

### (a) Preparation of Pleadings

All pleadings must be prepared in conformity with the Federal Rules of Civil Procedure. Each such pleading shall be punched with two holes, 2-3/4" apart, each centered 7/16" from the upper edge, one being 2-7/8" from the left edge and the other being 2-7/8" from the right edge, each being 1/4" in diameter. Pleadings shall be double-spaced, on 8-1/2" by 11" paper with a left margin of at least 1" free from all typewritten or printed material, shall have page numbers in the bottom margin of each page after page 1, and shall have legibly typed, printed or stamped directly beneath the signature the name of the counsel or party who executed such document, the office address, telephone number, fax number and e-mail address, if available. The federal bar number assigned to counsel should appear beneath his/her signature. The complete docket number, including the initials of the Judge to whom the case has been assigned, shall be typed on each pleading. The date of each pleading shall be included in the case caption.

## RULE 11

## SANCTIONS

### (a) Motion for Attorneys' Fees and /or Sanctions

Motions for attorneys' fees or sanctions shall be filed with the Clerk and served on opposing parties within 30 days of the entry of judgment. Any motions not complying with this rule shall be denied.

## RULE 12

### (a) Notice to Pro Se Litigants Regarding Motions to Dismiss

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

**Notice to Pro Se Litigant Opposing Motion to Dismiss As Required by Local Rule 12(a)**

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

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

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

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 copy 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 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.

**Rule 13 – 15 (RESERVED)**

## RULE 16

## STATUS AND SETTLEMENT CONFERENCES AND ADR

### (a) Status Conferences

1. 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 90 days after the appearance of any defendant, the Court, after considering the parties' proposed case management plan under Fed. R. Civ. P. 26(f) and Local Rule 26(f), 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 will include a date by which the case will be deemed ready for trial and may also include dates for further status conferences, settlement conferences and other matters appropriate in the circumstances of the particular case. The scheduling order may include provisions for (a) disclosure or discovery of electronically stored information and (b) any agreed provisions for assertion of privilege over or protection of trial-preparation material, after production.

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

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

**(c) Settlement Conferences**

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

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

**(d) Pretrial Order**

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

**(e) Trial Briefs**

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

**(f) Failure of Compliance**

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

**(g) Sanctions Against Counsel**

**(1)** It shall be the duty of counsel to promote the just, speedy and inexpensive determination of every action. The Court may impose sanctions directly against counsel who disobey an order of the Court or intentionally obstruct the effective and efficient administration of justice.

**(2) Failure to Pay Costs or Sanctions**

The Clerk shall not accept for filing any paper from an attorney or pro se litigant against whom a final order of monetary sanctions has been imposed until the sanctions have been paid in full. Pending payment, such attorney or pro se litigant also may be barred from appearing in court. An order imposing monetary sanctions becomes final for the purposes of this local rule when the Court of Appeals issues its mandate or the time for filing an appeal expires.

**(h) Alternative Dispute Resolution (ADR)**

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

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

(a) The form of the ADR process (e.g., mediation, arbitration, summary jury trial, minitrial, etc.);

(b) The scope of the ADR process (e.g., settlement of all or specified issues, resolution of discovery schedules or disputes, narrowing of issues, etc.);

(c) The ADR provider (e.g., a court-annexed ADR project; a profit or not-for-profit private ADR organization; or any qualified person or panel selected by the parties);

(d) The effect of the ADR process (e.g., binding or nonbinding).

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

(a) The form of ADR procedure and the name of the ADR provider agreed upon;

(b) The judicial proceedings, if any, to be stayed pending ADR (e.g., discovery matters, filing of motions, trial, etc.);

(c) The procedures, if any, to be completed prior to ADR (e.g., exchange of documents,

medical examination, etc.);

(d) The effect of the ADR process (e.g., binding or nonbinding);

(e) The date or dates for the filing of progress reports by the ADR provider with the trial judge or for the completion of the ADR process; and

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

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

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

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

## RULE 17 - RULE 25

**(RESERVED)**

## RULE 26

## DUTY OF DISCLOSURE

**(a) Definitions Applicable to Discovery Requests.**

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

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

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

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

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

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

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

(5) ***Parties***. The terms 'plaintiff' and 'defendant' as well as a party'sfull 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' is defined as any natural person or any business, legal or governmental entity or association.

(7) Co***ncerning***. 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 provide the following information in the form of a privilege log.

(1) The type of document or electronically stored information;

(2) The general subject matter of the document or electronically stored information;

(3) The date of the document or electronically stored information;

(4) The author of the document or electronically stored information; and

(5) Each recipient of the document or electronically stored information.

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

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

This rule requires preparation of a privilege log with respect to all documents withheld on the basis of a claim of privilege or work product protection except the following: written or electronic communications between a party and its trial counsel after commencement of the action and the work product material created after

commencement of the action.

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

(1) Within thirty days after the appearance of any defendant, the attorneys of record and any unrepresented parties who have appeared in the case shall confer for the purposes described in Fed. R. Civ. P. 26(f). If a government entity or official is a defendant, the conference shall be held within thirty days after the appearance of any such defendant. The conference shall be initiated by the plaintiff and may be conducted by telephone. Within fourteen (14) days after the conference, the participants shall jointly complete and file a report in the form prescribed by Form 26(f), which appears in the Appendix to these Rules. A copy of the report shall be mailed to the chambers of the presiding Judge.

(2) After the parties' report is filed, the Court will issue a written scheduling order pursuant to Fed. R. Civ. P. 16(b). Until such a scheduling order is issued, the case will be governed by the provisions of the Standing Order On Scheduling In Civil Cases.

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

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

## RULE 27 – RULE 29

**(RESERVED)**

## RULE 30

## DEPOSITIONS

### (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) Depositions

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

### (c) Transcripts and Copies of Taped Depositions

Where a deposition has been taken, any party is entitled to a copy of the recording made of the testimony, whether that recording is done through stenographic, audiotape or videotape 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

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

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

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

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

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

## RULE 38

## RESERVED

## RULE 39

## DESIGNATION OF BANKRUPTCY JUDGES TO CONDUCT JURY TRIALS

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

### (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. In the event that it is subsequently determined that there is pending in this District a related case, or, if one is later filed, such case should normally be assigned to the Judge having the earliest filed case. A case may be reassigned at the discretion of the Chief Judge.

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

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

### (c) Assignment to Judge upon Remand

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

## RULE 41

## DISMISSAL OF ACTIONS

### (a) For Failure To Prosecute

In civil actions in which no action has been taken by the parties for six (6) months or in which deadlines established by the Court pursuant to Rule 16 appear not to have been met, the Clerk shall give notice of proposed dismissal to counsel of record and pro se 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 (20) days thereafter, the Clerk shall enter an order of dismissal. Any such order entered by the Clerk under this Rule may be suspended, altered, or rescinded by the Court for cause shown.

### (b) When Reported Settled to the Court

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

## RULE 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 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

## JURY PANEL

### (a) Number of Jurors

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

## RULE 49 - RULE 52

**(RESERVED)**

## RULE 53

## SPECIAL MASTERS

### (a) Creation of Panel of Special Masters

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

### (b) Appointment of a Master

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

### (c) Directives and Calendars of Special Masters

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

### (d) May Sit Outside District

A master may sit outside the District. Where he or she is requested to sit outside the District for the convenience of a party and there is opposition thereto by another party, the special master may make an order for the holding of the hearing, or a part thereof, outside the District, upon such terms and conditions as shall be just. Such order may be reviewed by the Court upon motion of any party, served within fifteen (15) days after notice to all parties of the making of the order.

### (e) Filing of Report

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

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

Any party objecting to the report of a master shall serve and file an objection, including the reasons therefor, within fifteen (15) days of the filing of the master's report. Opposing memoranda shall be served and filed within fifteen (15) days thereafter. The absence of a timely objection shall be sufficient grounds to confirm the master's report.

**(g) Compensation**

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

## RULE 54

## TAXATION OF COSTS

### (a) Procedure for Taxing Costs

1. Any party who seeks costs in the District Court shall, within fourteen (14) days after the District Court judgment becomes final due to the expiration of the appeal period, as defined by Fed.R.App.P. Rule 4, or within fourteen (14) days after the issuance of a mandate by a federal appellate Court, file with the Clerk and serve on all other parties a verified bill of costs pursuant to 28 U.S.C. §§ 1821, 1920, 1923 and 1924, setting forth each item of costs that is claimed.

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

3. In cases where an offer of judgment for a sum certain is made, and a notice of filing has been docketed as proof of the offer, and the offer is not accepted and thereafter the matter goes to trial with the resulting recovery being less than the offer, the party who made the offer of judgment shall be considered the prevailing party for purposes of taxing costs and shall be paid the costs incurred after the making of the offer.

### (b) Objections to the Bill of Costs

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

### (c) Items Taxable As Costs

#### 1. Fees of the Clerk and Marshal

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

(ii) The cost of an original and one copy of deposition transcripts 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 1/2 × 11 in size. Costs for enlargements greater than 8 1/2 × 11 or for models, are not taxable unless by order of the Court. Compilations of summaries, computations and statistical comparisons are also not taxable unless by order of the Court.

**6. Other Items Taxable as Costs Are as Follows**

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

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

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

**7. Items Not Taxable as Costs**

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

(i) Filing fees for cases initiated by the United States;
(ii) Service of process fees for discovery 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 1/2 × 11 in size, as well as costs for producing models;
(xv) Copies of pleadings retained by counsel or served on opposing counsel;
(xvi) Telephone calls by counsel, general postage expense of counsel, Federal Express or other express mail service costs.

**(d) Review of the Clerk's Ruling**

Any party may, within fourteen (14) days of the entry of the Clerk's ruling, apply to the Judge before whom the case was assigned for review of the Clerk's ruling on the bill of costs. Such application shall specify which portions of the Clerk's ruling are the subject of the objection and shall specify the reasons therefor. Any other party may respond to such objection within fourteen (14) days of the filing of such objection.

## RULE 55

## (RESERVED)

## RULE 56

## SUMMARY JUDGMENT

### (a) Motions for Summary Judgment

1. There shall be annexed to a motion for summary judgment a document entitled “Local Rule 56(a)1 Statement,” 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. All material facts set forth in said statement and supported by the evidence will be deemed admitted unless controverted by the statement required to be filed and served by the opposing party in accordance with Local Rule 56(a)2.

2. The papers opposing a motion for summary judgment shall include a document entitled “Local Rule 56(a)2 Statement," which states in separately numbered paragraphs meeting the requirements of Local Rule 56(a)3 and corresponding to the paragraphs contained in the moving party’s Local Rule 56(a)1 Statement whether each of the facts asserted by the moving party is admitted or denied. The Local Rule 56(a)2 Statement must also include in a separate section entitled "Disputed Issues of Material Fact" a list of each issue of material fact as to which it is contended there is a genuine issue to be tried.

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 and/or (2) 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 2 Statements in conformity with Fed. R. Civ. P. 56(e). The "specific citation" obligation of this Local Rule requires counsel and pro se parties to cite to specific paragraphs when citing affidavits or responses to discovery requests and to cite to specific pages when citing to deposition or other transcripts or to documents longer than a single page in length. Counsel and pro se parties are hereby notified that failure to provide specific citations to evidence in the record as required by this Local Rule may result in the Court deeming certain facts that are supported by the evidence admitted in accordance with Rule 56(a)1or 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 undisputed facts show that the movant is entitled to judgment as a matter of law.

4. The Local Rule 56(a)1 and 2 Statements referred to above shall be filed and served along with the motion, memorandum of law and certificate of service required by Local Rule 7 and the Federal Rule of Civil Procedure 56.

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

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

---

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

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

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

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

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

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

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

**RULE 57 - RULE 66**

**(RESERVED)**

## RULE 67

## DEPOSIT OF FUNDS IN COURT REGISTRY

### (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 or instrument funds deposited 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 ten percent (10%), whenever such income becomes available for deduction in the investment so held and without further order of the Court.

### (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 Court is held in Bank of America, 157 Church Street, New Haven, CT 06510.

## RULE 68

## OFFER OF JUDGMENT

When an offer of judgment is filed pursuant to Connecticut General Statute, §52-192a or §52-193, the offer of judgment shall be filed in a sealed envelope bearing the caption of the case, the case number and the caption of the document. The document shall remain under seal until (a) the filing of an acceptance of the offer of judgment at which time the clerk shall enter judgment, or (b) after trial to allow the court to decide whether the plaintiff is entitled to additional interest on the amount recovered, or (c) when the clerk retires the record to the Federal Record Center.

**RULE 69- RULE 71**

**(RESERVED)**

**RULES 72 AND 73**

**SEE LOCAL RULES FOR**
**UNITED STATES MAGISTRATE JUDGES**

**RULES 74 - RULE 76**

**(RESERVED)**

## LOCAL RULE 77.1

## ENTRY OF ORDERS AND JUDGMENTS

### (a) By the Court

1. A memorandum signed by the Judge or Magistrate 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 or settlement 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.

3. Unless otherwise directed by the Court, proposed orders, judgments and decrees shall be presented to the Clerk's office, and not directly to the Judge. Unless the form of order, judgment, or decree is consented to in writing, or unless the Court otherwise directs, seven (7) days' notice of settlement is required. Seven (7) days' notice is required on all counter proposals. Unless adopted by the Court, such proposed orders, judgments or decrees shall not form any part of the record of the action.

### (b) By the Clerk

In addition to the other orders that the Clerk is authorized to sign and enter pursuant to these Local Rules or the Federal Rules of Civil Procedure, the Clerk is authorized 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. Orders on consent for the substitution of attorneys in cases not assigned for trial.

3. 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 unless the Court otherwise directs. 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 Rules 6 and 77(c), Fed.R.Civ.P., 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), 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, or by the Governor or General Assembly of the State of Connecticut.

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 Library is established for use by Court personnel. The library is available to attorneys who are admitted to practice in the United States District Court only on the day they appear before the Court on trial, to argue motions, or to participate in chambers conferences, and only for emergency research.

**(e) Order or Judgment of Appellate Court**

Any order or judgment of an appellate Court, when filed in the office of the Clerk of the District Court, shall automatically become the order or judgment of the District Court and shall be entered as such by the Clerk 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, an order shall be entered making the order or judgment of the appellate court the order or judgment of the District Court.

## RULE 78

**(RESERVED)**

## RULE 79

## DOCKET NUMBERS

Upon the filing of a complaint, 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.

## RULE 80

## STENOGRAPHER

### (a) Reporter's Fees

An official Court reporter shall be entitled to compensation for transcript at rates which may be fixed from time to time by order of the District Judges. Said rates shall be entered in an Order of the Court and shall be available in the Clerk's Office, along with any other Auxiliary Orders which are adopted pursuant to Local Civil Rule 83.12.

## RULE 81

## PROCEEDINGS TO WHICH THE RULES APPLY

### (a) Naturalization Sessions of Court

The petitions of aliens 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.

### (b) Dismissal of Petition or Motion

Whenever a petition or motion filed pursuant to this Rule is dismissed as provided for in Rule 8 of these rules, the Clerk shall return the petition or motion to the petitioner along with a brief statement of the defect giving rise to the dismissal.

## RULE 82

**(RESERVED)**

**LOCAL RULE 83.1**
**(Amended February 11, 2011)**
**(Amended December 1, 2012)**

**ADMISSION OF ATTORNEYS**

**(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 his licence 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 it deems 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.

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 $24.00, 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) Local Office**

(1) Unless otherwise ordered by the Court for good cause shown, no visiting lawyer admitted specially under Rule 83.1(d) not having an office for the transaction of business in person within the District of Connecticut shall appear as attorney of record in any cause without specifying on the record a member of the bar of this Court having an office within the District of Connecticut, upon whom service of all papers shall also be made. All communications sent by the Court to the local office so designated shall have the same force and effect as if said communications were sent to the out of state office of a visiting lawyer who has been admitted pursuant to Rule 83.1(d), even where the sponsoring lawyer has been excused from attendance in Court pursuant to Rule 83.1(d)1 of these Local Rules of Civil Procedure.

(2) Any party appearing pro se must give an address within the District of Connecticut where service can be made upon him or her in the same manner as service is made on an attorney.

(3) 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, and shall at the same time provide the Clerk with a list of all pending cases in which the attorney has filed an appearance.

**(d) 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, duly sworn 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 his or her corresponding bar identification number(s);

(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,

(ii) has not been denied admission to, been disciplined by, resigned from, surrendered his or her licence to practice before, or withdrawn an application for admission to practice before this Court or any other court, while facing a disciplinary complaint; or, if the visiting attorney cannot so state, 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 and Criminal Procedure, the 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.

(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) or the deadlines established by the Standing Order on Scheduling in Civil Cases. 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.

(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 $75.00, which shall be placed in a fund by the Clerk to be used for expenses incurred pursuant to Rule 83.2 of these Local Rules.

(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. 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.

## LOCAL RULE 83.2

## DISCIPLINE OF ATTORNEYS

### (a) Professional Ethics

1. Other than the specific Rules enumerated 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 not be binding in the District of Connecticut, unless such changes are expressly adopted by order of the District Judges. The Clerk shall report to the Judges any such changes. The interpretation of said Rules of Professional Responsibility 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 on disciplinary proceedings initiated in the United States District Court for the District of Connecticut.

2. Rule 3.6 and 3.7(b) of the Rules of Professional Conduct are not adopted as rules governing professional conduct in the District of Connecticut. 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(a) (Appearance), Rule 5(b) (Proof of Service), Rule 59(f) (Service by Facsimile Copy), Rule 7(a) (Motion Practice Procedures), and Rule 7(b) (Motions for Extensions of Time.)

### (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. 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 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) Proceedings Upon Complaint**

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. Each person filing a complaint shall file sufficient copies of the complaint to supply an original for the Court, one copy for each attorney who is the subject of the complaint, and one copy for each member of the Grievance Committee. The Clerk shall assign a docket number, 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. Each complaint 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 complaints. The Clerk shall forward a copy of the complaint to the Grievance Committee and counsel assigned to the matter. The complaint, and the fact of filing the complaint, shall be considered sealed and shall not be a record open to the public.

2. The Grievance Committee, upon appropriate notice, shall conduct such 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, or (4) by disbarment.

3. 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. 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.

**(d) Recommendation of Grievance Committee**

1. The Grievance Committee shall make its recommendation to the court within 180

days of receipt of the complaint or referral for action. If additional time is needed, Counsel to the Committee shall notify the Clerk and up to an additional 180 days shall be allowed.

2. If the recommendation of the Committee is to dismiss the complaint, the recommendation shall be filed with the court. 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.

3. 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.

4. If the Grievance Committee's recommendation is for discipline, the Grievance 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.

5. Within thirty (30) days of service of the order to show cause issued pursuant to Rule 83.2(d)3 or a presentment issued pursuant to Rule 83.2(d)4, the attorney complained against shall file a written answer. Thereafter, a hearing on the issue shall be held before the assigned Judge. At the hearing, 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 on his or her 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. Absent the filing of an answer as provided above, a hearing shall be held on the limited question of appropriate discipline.

6. Upon the imposition of discipline, other than a private reprimand, 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) Attorneys Convicted of Crimes**

1. The Grievance Committee shall take such action as is necessary to keep informed of convictions of "serious crimes," as defined in subparagraph 4, of attorneys admitted to practice before this Court and cause certified copies of such convictions to be filed with this Court.

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 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 served upon 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 Rule 83.2.

3. Upon the filing 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 of a serious crime, the matter shall automatically be referred to counsel for the Grievance Committee for the institution of a presentment before this Court, in the manner specified in Rule 83.2(d), 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.

4. 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, moral turpitude, 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.

5. 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) Discipline or Resignation in Other Courts**

1. Any attorney receiving disciplinary action against him or her 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 promptly inform the Clerk of this Court of such action.

2. Upon the filing of such information pursuant to this paragraph (f) or such information having otherwise come to the attention of this Court or of the Grievance Committee, counsel for the Grievance Committee shall institute a presentment, in the manner specified in paragraph (d) of this Rule 83.2, petitioning the Court to impose the identical discipline upon or require the resignation of the attorney receiving such disciplinary action or so resigning. After 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.

3. 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 subparagraph (f)2 shall be reinstated immediately upon filing a certificate demonstrating that the disciplinary action in the other jurisdiction has been reversed.

**(g) Mental Disability or Incapacity**

1. In the event an attorney is by a Court of competent jurisdiction (1) declared to be incompetent of managing his or her affairs or (2) committed involuntarily to a mental hospital for drug dependency, mental illness, or the addictive or excessive use of alcohol, the Court shall issue an order to show cause, requiring the attorney to show cause why he or she should not be suspended immediately from practicing law in this Court. The matter shall be handled by the Grievance Committee, which shall arrange for a copy of such order to be served, in such manner as the Court shall direct, upon such attorney, his or her conservator if any, and the director of any institution in which he or she may reside. If, after hearing, the Court concludes that the attorney is incapacitated from continuing to practice law, it shall enter an order suspending him or her on the ground of such disability until further order of the Court.

2. 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 (d) of this Rule 83.2(g). 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, after hearing, the Court concludes that the attorney is incapacitated or otherwise impaired from continuing to practice law, it shall enter an order suspending him or her on the ground of such disability until further order of the Court.

3. 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**

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 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 his or her 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 a member in good standing in the Superior Court for the State of Connecticut or other state court.

2. Petitions for reinstatement by a disbarred or suspended attorney whose period of suspension has not expired shall be filed with the Clerk. Upon the filing of the petition, it shall be assigned to the judge previously assigned the original grievance proceeding. 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 by newspaper publication of such petition, allowing 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 shall promptly 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 Judge assigned to the matter shall schedule a hearing at which the petitioner shall have the burden of demonstrating by clear and convincing evidence that he or she has the moral qualifications, competency and learning in the law required for admission to practice law before this Court and that his or her 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.

5. 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.

6. 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 him or her, 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, or (3) the furnishing of proof of competency and learning in the law if the petitioner has been suspended or disbarred for five years or more, which proof may include 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.

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

## LOCAL RULE 83.3

## SECURITY FOR COSTS

### (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.

## LOCAL 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.

## LOCAL RULE 83.5

## SECRECY OF JURY DELIBERATIONS

### 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) 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 *pro se* parties participating in jury selection the responses to juror questionnaires of those prospective jurors participating in jury selection. 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.

## LOCAL RULE 83.6

## REMOVAL OF PAPERS AND EXHIBITS

### (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, counsel or pro se parties shall pre-mark all exhibits to be offered at hearing or trial. Counsel or pro se 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 counsel or pro se parties who produce them in court. Counsel or pro se 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) Exhibits on Appeal

In the case of an appeal or other review by an appellate court, the parties are encouraged to agree with respect to a designation of exhibits to be included in the record on appeal. In the absence of such an agreement, a party, upon the request of any other party, shall make the original exhibits available to the requesting party, or furnish copies, as may be necessary to enable the requesting party to designate or prepare the record on appeal. All exhibits designated as part of the record on appeal, except large or bulky exhibits, shall be filed with the Clerk, who shall transmit them with the record on appeal to the Clerk of the Court of Appeals. Exhibits not so designated shall remain in the custody of the respective attorneys or pro se parties who shall have the responsibility of forwarding same to the Clerk of the Court of Appeals upon request. Large or bulky exhibits designated as part of the record on appeal shall remain in the custody of counsel or the pro se party producing them and shall be responsible for their transportation to the appellate court.

### (e) 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.

## LOCAL RULE 83.7

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

In a case ordered transferred to another District Court or remanded to the appropriate State Court, the clerk shall mail, on the fourteenth (14th) day following the order of transfer or remand, to the Court to which the case is transferred or remanded: (1) a certified copy of the Court's opinion directing such action, and its order thereon, and of the docket entries, and (2) the original of 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 shall delay mailing 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.

## LOCAL RULE 83.8

## ORDERS FOR EXTENSION OF FILING RECORD ON APPEAL

An extension of the forty (40) day period within which to transmit the record to the United States Court of Appeals, pursuant to Rule 11(d) of the Rules of Appellate Procedure, shall be granted only upon good cause shown and only if such request for extension is made within the time originally prescribed or within an extension previously granted. The District Court is without authority to extend the time to a day more than ninety (90) days from the date of filing the first notice of appeal. Each application for an extension of time under this Rule must show the date on which the notice of appeal was filed and the date when the last extension, if any, will expire. If the application is based upon delay in obtaining the reporter's transcript, it shall state the date on which the transcript was ordered.

## LOCAL RULE 83.9

## LAW STUDENT INTERNSHIP RULES

### (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 in writing his or her consent 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 in which he or she is appearing 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

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

## LOCAL RULE 83.10

## CIVIL PRO BONO PANEL

### (a) Assignment Wheel

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. Any duty imposed on or authority granted to the Clerk by this standing order may be delegated to Staff Counsel.

Any member of the Bar who has appeared as counsel of record in more than one civil action in this Court since January 1, 2006 is eligible for inclusion in the wheel.

The Clerk will send to each eligible attorney a registration form to enable the attorney to provide information for use by the Court in assigning pro bono counsel, including: (1) the seat(s) of court where the attorney is available to accept pro bono assignments; (2) any preference the attorney might have regarding certain types of cases (e.g., employment discrimination, prisoner civil rights, social security disability appeals); (3) the attorney's proficiency in languages other than English; and (4) conflicts of interest preventing representation adverse to governmental entities. The form will also give the attorney an opportunity to indicate that he or she wishes to opt out of the Court's pro bono program. Each attorney receiving a form must complete, sign and return the form to the Clerk within 21 days. Any attorney who fails to return the form will remain eligible for assignment of all case types in all seats of court.

The Clerk will review the completed forms for the purpose of creating an initial wheel comprised of all eligible attorneys who have not opted out. For each eligible attorney, the Clerk will maintain information showing the attorney's name, the seat(s) of court where the attorney is available to accept pro bono assignments, the attorney's preferences (if any) with regard to case type, the attorney's proficiency in languages other than English, and conflicts preventing representation adverse to governmental entities. These names will then be randomly ordered to create the initial wheel. A new randomly ordered wheel will be generated at least once a year; the new wheel shall not include attorneys who previously have been appointed counsel under paragraph (b), below.

After the initial wheel is established, any member of the Bar who files a second appearance in a civil action in this Court will be eligible to be added to the wheel. The Clerk will send to each such attorney a registration form to be completed, signed and returned within 21 days.

### (b) Appointment Procedure

When the presiding judge in a civil case determines that pro bono counsel should be appointed to represent a person who cannot afford an attorney and who is proceeding in the case pro se, an order will issue directing the Clerk to appoint pro bono counsel from the assignment wheel.

On receiving such an order, the Clerk will select the next attorney in the assignment wheel who is suitable for appointment in the case in light of the information provided by the attorney in his or her registration form. The Clerk will immediately send notice of the appointment to the attorney, along with the pro se party's contact information, the pleadings, the case management order, any pending motions and any rulings on dispositive motions.

The attorney will have fourteen (14) days from the date of the Clerk's notice to decline the appointment. The Clerk may grant one or more written requests for extensions of time to decide whether to decline an appointment, totaling not more than 20 days beyond the initial fourteen (14)-day period set forth above.

An attorney may decline an appointment for any reason, but a reason must be provided in a written notice of declination provided to the Clerk. An attorney who declines an appointment remains in the assignment wheel.

If no timely notice of declination of appointment is provided to the Clerk, then an order appointing the attorney shall be issued by the Clerk, filed on the docket, and sent to the pro se party. An attorney appointed as counsel shall promptly file and serve an appearance in the action. The failure to file an appearance or to fulfill the duties of appointed counsel shall constitute grounds to enter an order sanctioning the appointed attorney.

Pro bono counsel will not be appointed unless the presiding judge first determines that the pro se party's claims or defenses satisfy the test of likely merit and that the pro se party has made good faith but unsuccessful efforts to obtain counsel. Newly filed cases in which the plaintiff is proceeding pro se 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.

**(c) Responsibilities of the Appointed Attorney**

1. The appointed attorney shall promptly communicate with his or her client.

2. If the appointed attorney reasonably perceives the potential applicability of any of the grounds enumerated in this Rule, the attorney shall, before discussing the merits of the case with the client, advise the client of the provisions of this Rule. Where the attorney did not perceive such prior to discussing the merits of the case with the client, the attorney may request the client to execute a limited waiver of the attorney-client privilege permitting the attorney to disclose under seal to the Court information relevant to the applicability of the Rule. The waiver should indicate that the application for relief will be a privileged Court document and may not be used in the litigation. The client's refusal to execute a waiver shall not preclude the attorney from applying for relief.

3. The appointed attorney should discuss fully the merits of the dispute with the party, and explore with the party the possibilities of resolving the dispute in other forums, including but not limited to administrative forums.

4. If the party decides to prosecute or defend the action after consultation with the appointed attorney, the appointed attorney shall proceed to represent the party in the action, unless or until the attorney-client relationship is terminated as provided in this Rule.

5. Once appointed, the attorney shall freely exercise his or her professional judgment, but shall not be required to represent the client in any other matter.

**(d) Relief From Appointment**

1. A request for relief from appointment will not be considered unless the party has received specific notice of such request by personal service or by certified mail. Absent an appearance of new counsel, an appointed attorney may apply to be relieved of an appointment only on the following grounds: (i) a conflict of interest results from the representation of the party; (ii) the attorney believes that he or she is not competent to represent the party in the particular type of action assigned; (iii) a personal incompatibility or a substantial disagreement on litigation strategy exists between the attorney and the party; (iv) the attorney lacks the time necessary to represent the client because of the temporary burden of other professional commitments; (v) the party appears to be proceeding for purposes of harassment or malicious injury, or the party's claims or defenses are not warranted under existing law and cannot be supported by good faith argument for extension, modification or reversal of existing law; or (vi) for other good cause shown.

2. If an application for relief from an appointment is granted, another attorney may be ordered to represent the party. The Judge shall have the discretion to deny a further appointment, in which case the party may prosecute or defend the action pro se.

3. Whenever an attorney seeks to be relieved of an order of appointment on any of the grounds set forth above, he or she shall file an application for relief with the Clerk within a reasonable period of time not to exceed thirty (30) days after learning of the facts warranting such relief. The application shall set forth in full the factual and legal basis for the request. The application shall be a privileged Court document kept under seal and shall not be available in discovery or otherwise used in the litigation. The attorney appointed shall thereupon be relieved of the order of appointment upon showing any of the grounds set forth above. The Clerk shall then, without revealing the contents of the application to the Judge, forthwith select another attorney to represent the party in accordance with the provisions of this Rule, unless the Judge determines not to order another appointment pursuant to paragraph (d)2 above.

4. An attorney selected pursuant to Rule 83.10(d)3 may seek to be relieved from appointment on any of the grounds in subparagraph (d)1(v) of this Rule 83.10 by filing an application therefor. The Clerk shall thereupon submit the application for relief of the first and any subsequent appointed attorneys to the assigned Judge. The Judge shall either (i) deny the application of the subsequent attorney and direct that attorney to proceed with the representation or (ii) grant the application. In the latter instance, the Judge may choose not to issue a further order of appointment. If so, the Clerk shall inform the party that no further appointments shall be made and upon request of the pro se party the Judge shall recuse himself

or herself.

**(e) 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 selected by the Clerk to undertake the representation, in accordance with this Rule. The Judge may deny a further appointment in such cases. Where a party requests discharge of a second appointed attorney, no additional appointments shall be made.

Where (i) a request for discharge is not supported by good cause, or (ii) discharge of a second appointed attorney is requested, the party may prosecute or defend the action pro se. In either case, the appointed attorney shall be discharged from the representation.

**(f) Expenses**

1. The appointed attorney shall bear any expenses of the litigation (e.g., discovery expenses, subpoena fees, transcript expenses), unless the attorney has, prior to incurring such expenses, 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(g)1 and 3.

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 assigned Judge may order reimbursement of the expenses of the litigation, as authorized by applicable statute, regulation, rule or other provision of law.

**(g) Compensation for Services**

1. If the action is one for which compensation for legal services, costs and/or expenses may become available to the appointed attorney by statute, the Clerk shall so inform the pro se party at the time of the application for appointed counsel and at the time the appointment is made. The Clerk shall also then inform the party that any statutory fee may be awarded only by the Judge at the conclusion of the case.

2. Pro se litigants in Social Security disability cases shall be specifically advised by the Clerk that a statutory attorney's fee may be awarded to be paid from the award, if any, of retroactive disability benefits.

3. Upon appropriate application by the appointed attorney, the Judge may award attorney's fees, costs and/or expenses to the appointed attorney for services rendered in the action, as authorized by applicable statute, regulation, rule or other provision of law, and as the Judge deems just and proper. In deciding whether to award attorney's fees the Judge shall consider: (i) the relevant statutes and provisions of law; (ii) the source of the fee award; (iii) the services rendered; and (iv) any other factors he or she deems appropriate.

4. If the party is able to pay for legal services, upon application of the appointed attorney, the Judge may thereupon (i) approve a fee arrangement between the party and the attorney, (ii) order a fee 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 to proceed pro se.

5. 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 Clerk 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. An appointed attorney may request the presiding Judge to review the Clerk's decision. If the party is subsequently reimbursed for an expense that had been funded in whole or in part from the Clerk's fund, the party shall be required to reimburse the fund.

**(h) Duration of Representation**

1. An appointed attorney shall represent the party in the trial Court from the date he or she enters an appearance until he or she has been relieved from appointment by the Court or until a final judgment is entered in the District 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 pro se party the attorney shall file the notice of appeal. The trial Judge may thereafter, upon the request of the party, appoint another attorney from the Panel to represent the party on such appeal or further proceeding, in accordance with the provisions of this Rule.

## LOCAL RULE 83.11

## RECORDINGS AND PHOTOGRAPHS

Except for ceremonial occasions, and then only upon the approval of the presiding Judge, the taking of photographs or the broadcasting by means of radio or television or the recording of the proceedings by any person other than the official court reporter in or from the courtroom during the progress of or in connection with judicial proceedings, including proceedings before the Grand Jury or a Magistrate, whether or not the Court is actually in session, is prohibited.

## LOCAL RULE 83.12

## AUXILIARY ORDERS

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 and shall be available in the Clerk's Office.

## LOCAL 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 PARTIE'S 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

FORM 26(F) REPORT OF PARTIES' PLANNING MEETING

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]. The participants were:

_____ for plaintiff [party name]

_____ for defendant [party name]

I. Certification

Undersigned counsel certify that, after consultation with their clients, 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, in consultation with their clients, 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 plaintiff's allegation of subject matter jurisdiction is denied, 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 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 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 agreement cannot be reached 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 the parties' 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 (Counterclaims, Third Party Claims, Cross Claims) of Defendant/s:

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

IV.

Counsel certify that they have made a good faith attempt to determine whether there are any material facts that are not in dispute. The parties state that the following material facts are undisputed:

V. Case Management Plan:

A. Standing Order on Scheduling in Civil Cases

The parties [request] [do not request] modification of the deadlines in the Standing Order on Scheduling in Civil Cases [as follows]:

B. Scheduling Conference with the Court

The parties [request] [do not request] a pretrial conference with the Court before entry of a scheduling order pursuant to Fed. R. Civ. P. 16(b). The parties prefer a conference [in person] [by telephone].

C. Early Settlement Conference

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

_____.

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

3. The parties prefer a settlement conference with [the presiding judge] [a magistrate judge] [a parajudicial officer] [special masters].

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 and Amendment of 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.

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.

E. Discovery

a. 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 "discovery will be needed on liability and damages" is insufficient].

b. 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].

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

d. Discovery on _____ will be completed by [date].

e. 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].

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

g. Plaintiff/s [intend] [do not intend] to call expert witnesses at trial. Plaintiff/s will designate all trial experts and provide opposing counsel with reports from retained experts pursuant to Fed. R. Civ. P. 26(a)(2) 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].

h. Defendant/s [intend] [do not intend] to call expert witnesses at trial. Defendant/s will designate all trial experts and provide opposing counsel with reports from retained experts pursuant to Fed. R. Civ. P. 26(a)(2) 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].

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

j. Undersigned counsel 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 to be applied 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:]

k. Undersigned counsel 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:]

F. Dispositive Motions:

Dispositive motions will be filed on or before [date].

G. 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 pro se parties certify that they will cooperate with all other parties, counsel of record 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

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. Said Order shall be entered at the time of the filing of the complaint, and will 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 Filing Deadlines. Unless otherwise ordered by the presiding Judge, parties in civil cases will adhere to the following deadlines:

(a) In accordance with D. Conn. L. Civ. R. 16, within thirty days after the appearance of a defendant, the parties shall confer for the purposes described in Fed. R. Civ. P. 26(f). Within fourteen (14) days thereafter, the parties shall jointly file a report on Form 26(f), which appears in the Appendix to the Local Civil Rules.

(b) All motions relating to joinder of parties, claims or remedies, class certification, and amendment of the pleadings shall be filed within 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 fourteen (14) days of serving an answer, as permitted by Fed. R. Civ. P. 14(a).

(c) All motions to dismiss based on the pleadings shall be filed within 90 days after the filing of the complaint, the filing of a petition for removal, or the transfer of an action from another District. The filing of a motion to dismiss will not result in a stay of discovery or extend

the time for completing discovery.

(d) 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 anytime. Unless otherwise ordered, discovery shall be completed within 6 months after the filing of the complaint, the filing of a petition for removal, or the transfer of an action from another District.

(e) Unless otherwise ordered, all motions for summary judgment shall be filed within 7 months after the filing of the complaint, the filing of a petition for removal, or the transfer of an action from another District.

3. Modification. This Order may be modified pursuant to 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. Unless specifically ordered by the Court, an extension of time to comply with any one of the time limits in this Order does not automatically extend the time to comply with subsequent time limits.

4. Status and Settlement Conferences. The Court may schedule the case for a status conference or a settlement conference at any time.

5. Standing Order Regarding Trial Memoranda in Civil Cases. Counsel are alerted that, at an appropriate time during the progress of the case, each party may be ordered to prepare and submit, or the parties may be ordered to jointly prepare and submit, a trial memorandum

substantially in the form described in the Standing Order Regarding Trial Memoranda in Civil Cases, which is published in the Local Rules. Counsel should familiarize themselves with that Standing Order and with the particular practice of the Judge to whom the case has been assigned.

## STANDING ORDER REGARDING TRIAL MEMORANDA IN CIVIL CASES

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 in duplicate 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. **Further Proceedings.**

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

18. **Election for Trial by Magistrate.**

The parties shall indicate whether they have agreed to have the case tried by a United States Magistrate, 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**

In all civil actions where the complaint contains a cause of action pursuant to 18 U.S.C. §§ 1961–1968 the plaintiff shall file a RICO Case Statement within twenty (20) days of filing the complaint. 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**

(Corrected January 12, 2012)

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 diversity cases, whether any defendant who has been served is a citizen of Connecticut. Also, if any party is a partnership, limited liability partnership or limited liability company or corporation, the citizenship of each partner, general partner, limited partner and 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, the citizenship of each member.

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.

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.

The removing party shall list in its certificate of service immediately below the name and address of counsel the name of the party or parties represented by said counsel and all parties appearing *pro se*.

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 unrepresented parties at their last known address.

BY ORDER OF THE COURT

ROBIN D. TABORA, CLERK

**ORDER RE: DISCLOSURE STATEMENT**

ANY NON-GOVERNMENTAL CORPORATE PARTY TO AN ACTION IN THIS COURT 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. COUNSEL SHALL APPEND A CERTIFICATE OF SERVICE TO THE STATEMENT IN COMPLIANCE WITH D. CONN. L. CIV. R. 5 (b).

COUNSEL FOR PLAINTIFF OR REMOVING DEFENDANT SHALL BE RESPONSIBLE FOR SERVING A COPY OF THIS ORDER UPON ALL PARTIES TO THE ACTION.

BY ORDER OF THE COURT

ROBIN D. TABORA, CLERK

## LOCAL RULES FOR MAGISTRATE JUDGES

## RULE 72.1

## GENERAL JURISDICTION AND DUTIES OF MAGISTRATE JUDGES

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.

## LOCAL RULE 72.2
## REVIEW

**(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. Any party wishing to object must, within fourteen (14) days after service of such order or recommended ruling on him, serve on all parties, and file with the Clerk, 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. For the purposes of this rule, service of the order of the Magistrate Judge or recommended ruling shall be deemed to occur no later than five (5) days after the filing of such order or ruling with the Clerk.

**(b)** In the event of such objection, in matters acted on by the Magistrate Judge in an advisory capacity 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 his or her 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 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, infra, 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.

## LOCAL RULE 73
## CIVIL TRIAL JURISDICTION

(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 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. 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 will 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 RULE 77.2

## ASSIGNMENT

All matters to be referred by the Judges to the Magistrate Judges shall be referred in the first instance to the Clerk for appropriate assignment to be made under the supervision of the Chief Judge, bearing in mind such factors as a Magistrate Judge's prior familiarity with proceedings, the seat of court involved and current caseload allocation. With the assistance of the Magistrate Judge's clerical staff, the Clerk shall be responsible for preparation and issuance of all calendars and notices of proceedings necessitated by such assignments.

## LOCAL RULES OF CRIMINAL PROCEDURE

## RULE 1

## SCOPE OF RULES

### (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. ____."

### (b) Effective Date

These rules shall apply in all criminal proceedings in the United States District Court for the District of Connecticut commenced on or after May 1, 1985.

### (c) Applicability of Local Civil Rules

The following Local Civil Rules shall apply in criminal proceedings: 1(c) (Definitions), 5(c)(Proof of Service), 7(a)1 and 2 (Motion Practice), 7(b) (Motions for Extension of Time), 7(c) (Motions for Reconsideration), 7(d) (Reply Briefs), 7(e) (Withdrawal of Appearances), 10(a) (Preparation of Pleadings), 11 (Sanctions Against Counsel), 40(c) (Remand by Appellate Court), 47(a) (Examination of Jurors), 54 (Taxation of Costs), 80 (Reporter's Fees), Rules 83.1 (Admission of Attorneys), 83.2 (Discipline of Attorneys), 83.5 (Secrecy of Jury Deliberations), 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). (Effective December 1, 2004)

### (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

### (a) Timing of Discovery

At arraignment the Court shall set a schedule for the filing of motions and responses for discovery requests made pursuant to Rules 12.1, 12.2, and 16, Fed.R.Crim.P. 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

### (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.

### (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
## (Amended December 7, 2011)

### DISCLOSURE OF PRESENTENCE REPORTS

**(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 revised 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 |
| Simultaneous sentencing memoranda: | Day 73 |
| Responsive sentencing memoranda: | Day 78 |
| 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 set forth in this Rule may 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 the case agent, experts or consultants hired by the government and the Financial Litigation Unit of the United States Attorney's Office when a fine 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.

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:

(i) 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. (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. (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.

**(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. Cr. 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 42

**(RESERVED)**

## RULE 43

## ATTENDANCE OF DEFENDANTS

### (a) Presence Required

A defendant in a criminal prosecution admitted to bail shall attend before the Court at all times required by the Federal Rules of Criminal Procedure, and at any time required by the Court.

## RULE 44 - RULE 46

**(RESERVED)**

## RULE 47

## MOTIONS

(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.

## RULE 48 AND RULE 49

**(RESERVED)**

## RULE 50

## ASSIGNMENTS

### (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, such case should normally be assigned to the Judge having the earliest filed case. A case may be reassigned at the discretion of the Chief Judge, after due consultation with the transferor and transferee 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

### (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) Miscellaneous Docket Numbers

All matters involving special proceedings shall be assigned a miscellaneous civil 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

### (a) Appearances

Attorneys representing defendants named in an information or indictment shall file a notice of appearance with the Clerk and serve a copy on the United States Attorney and all other counsel of record. Such appearance shall contain the attorney's name, address, zip code, federal bar number telephone number, fax number and e-mail address, if available.

### (b) 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 (e.g., the defendant's right to a fair trial; privacy interests of the defendant, a victim, or others; the integrity of significant government activities entitled to confidentiality, such as ongoing undercover investigations; and danger to persons or property). 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; provided, however, that in extraordinary situations where even the contemporaneous notation in the docket that courtroom closure has been sought or has occurred 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 the docketing of closure proceedings be delayed for a reasonable time, but must place its particularized findings supporting that delay on the record, under seal if appropriate. 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. A criminal complaint may be filed under seal and an indictment may be returned under seal when a judicial officer finds that the safety of persons or a legitimate law enforcement objective would be furthered by sealing or when one or more of the named defendants is found by a judicial officer to pose a substantial risk of evading capture. In that

event, during the time that the charging document remains sealed, the existence of the case shall be reflected on public dockets by use of 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 shall be unsealed and the full caption shall be entered on the docket sheet. 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.

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. In extraordinary situations where even the contemporaneous notation in the docket that sealing has been sought or has occurred 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 the docketing of a motion to seal and sealed documents be delayed for a reasonable time, but must place its particularized findings supporting that delay on the record, under seal if appropriate. No document shall be sealed merely by stipulation of the parties. 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 shall file a redacted version of each document sought to be sealed. Counsel shall also file a motion to seal, and shall attach to the motion unredacted copies of each document sought to be sealed and any memorandum or other documents supporting the assertion that grounds exist for sealing the documents sought to be sealed. The unredacted documents and memorandum or other supporting documents shall be submitted in an envelope for sealing, bearing the caption and docket number of the case, and the caption of the pleading or description of the documents sought to be sealed. The Clerk shall: (1) file-stamp and docket the redacted documents and the motion to seal; (2) file-stamp and docket under seal the unredacted documents submitted in the envelope for sealing; and (3) forward to the Court for consideration the redacted documents, the motion to seal, the unredacted documents sought to be sealed, and the memorandum or other supporting documents. Upon submission by the party seeking a sealing order, the sealing envelope and its contents shall be treated as a sealed document unless the motion to seal is denied or until otherwise directed by the Court.

(b) Counsel may file a motion to seal, along with a memorandum and supporting documents, with or without the documents sought to be sealed. Any documents submitted to

the Court that counsel want considered as documents to be sealed, including the motion to seal, memorandum or supporting documents, shall be submitted in a sealing envelope of the type described in Local Criminal Rule 57(b)4(a), and its contents shall be treated as a sealed document 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 file redacted copies of any documents required by the Court's sealing order and shall submit to the Clerk in a sealing envelope unredacted copies of any documents ordered sealed but not previously submitted to the Court.

(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 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 submit those documents in a sealing envelope of the type described in Local Criminal Rule 57(b)4(a), and its contents shall be treated as a sealed document 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 file any redacted copies of the documents required by the Court's sealing order and shall submit to the Clerk the unredacted documents to be sealed in a sealing envelope.

5. A motion to seal shall be entered on the docket as "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 shall be entered on the docket using the same caption of the pleading or description of the documents used on the sealing envelope, with the remark "filed under seal" (e.g., "Sentencing Memorandum, filed under seal" or "Psychiatric records, filed under 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 in the envelope provided by counsel; the Clerk shall docket any sealing order issued by the Court and shall note the date of the sealing order on the envelope. 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 treated as unsealed and docketed 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 criminal case 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. Except as required otherwise by federal statute or the Federal Rules of Criminal Procedure (e.g., grand jury matters), and except as otherwise provided in Local Criminal Rule 57(b), all documents ordered sealed by the Court shall be submitted to the Clerk for file stamping and posting to the docket. Custody of all sealed documents, unless specifically

ordered otherwise by the presiding judicial officer, shall be with the Clerk, subject to the following exceptions:

(a) Cooperation Agreements and related filings. When a defendant's plea agreement has been filed and the Court has ordered that the associated cooperation agreement shall be sealed, the executed cooperation agreement and transcript of the canvass of a defendant regarding a cooperation agreement shall be maintained by the judicial officer who will sentence the defendant. Docketing of the minute entry of the cooperation colloquy may be delayed in extraordinary situations that would justify the delayed docketing of a sealed document.

(b) Wiretap applications. All wiretap applications, supporting documents or affidavits, all orders addressing wiretap applications, and the fruits of all wiretap authorizations shall be maintained by the United States Attorney's Office or its designee.

(c) Pen registers/trap and trace. Orders authorizing pen registers or trap and trace of telephone calls, along with related applications and supporting documents, shall be delivered to one of the criminal docket clerks in the Office of the Clerk upon approval by a judicial officer. If no criminal docket clerk is available, the papers shall be delivered to an office supervisor. The papers submitted will be filed stamped and a miscellaneous sealed case will be opened, with the docket entry reflecting "Pen Register filed" or "Trap and Trace filed." At the request of the United States Attorney's Office, pen register/trap and trace orders, along with related applications and supporting documents, may be held by the judicial officer for a reasonable period of time (i.e., until the related criminal case has been charged and publicly disclosed) prior to presentation to the Clerk's Office for filing.

(d) Search Warrants. Copies of search warrants, along with the search warrant application and supporting affidavits or other papers, shall be maintained by the judicial officer authorizing the warrant until the warrant has been executed and returned, at which time the warrant papers shall be filed with the Clerk. At the request of the United States Attorney's Office, search warrants, along with search warrant applications and supporting affidavits or other documents may be held by the judicial officer for a reasonable period of time (i.e., until the related criminal case has been charged and publicly disclosed) prior to presentation to the Clerk's Office for filing. Unless otherwise directed by the Court for sufficient cause, search warrant returns shall be docketed as unsealed filings.

(e) Ex Parte Applications. Ex parte applications and requests (e.g., the government's ex parte request for a ruling whether materials must be disclosed as Giglio material, or a defendant's ex parte request for a subpoena) may be submitted to a judicial officer without being filed or docketed by the applicant. The party submitting an ex parte application shall file a Notice of Ex Parte submission reflecting the fact and the general nature of the ex parte application or request. Unless and until otherwise ordered by the Court, all papers submitted in support of an ex parte application or

request shall be maintained by the judicial officer or by the Clerk, as directed by the judicial officer, in a manner to protect the ex parte character of the submission and to preserve the record for appeal.

(f) In Camera Proceedings. A proceeding of the type to which a First Amendment right of access attaches may be held in camera, subject to the provisions of subsection (b)1(b) of this rule. A proceeding of the type to which a First Amendment right of access does not attach may be held in camera without complying with the provisions of subsection (b)1(b) of this rule.

(g). Presentence Investigation Reports. Presentence investigation reports prepared by the U.S. Probation Office to assist the Court with sentencing shall not be docketed and may be disclosed only as permitted by law.

8. Any document submitted to the Clerk under seal shall be kept and maintained by the Clerk in a separate, locked filing cabinet or other secure location. All sealed materials shall be maintained by docket number and the docket number shall be the same as that of the underlying criminal case or miscellaneous civil or criminal matter. The Clerk shall not keep any sealed documents in a publicly available file nor make them available to any unauthorized person through any computerized docket or database. 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.

9. Any case or document ordered sealed by the Court shall remain sealed pending further order of this Court, or any Court sitting in review. 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 sealed documents. Any sealed document thereafter remaining shall be destroyed by the Clerk pursuant to Rule 83.6(e) prior to the delivery of other parts of the file to the Federal Records Center. The return or destruction of hard copies of sealed documents shall not serve to unseal electronic copies of documents sealed by Court order.

10. Except as otherwise provided by federal statute or the Federal Rules of Criminal Procedure, the party filing any document that will or could become publicly available shall redact from that document:

(a) Social Security numbers to the last four digits;
(b) Financial account numbers to the last four digits;
(c) Dates of birth to the year; and
(d) Names of minor children to the initials.

11. The envelope for sealing required by Local Criminal Rule 57(b) shall be in substantially the following form:

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

[CAPTION] NO. _____

Contents: _____

Submitting Attorney: _____

Judicial Officer: _____

Date Sealed: _____

The Clerk is directed to seal the contents of this envelope until further order of the Court.

SO ORDERED this ____ day of _____, 20__, at _____, Connecticut.

_____
[Name of Judge], U.S.D.J./U.S.M.J.

**PUBLIC STATEMENTS BY COUNSEL**

**(c) Statements Permitted During Investigation**

A lawyer 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.

**(d) 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.
2. The possibility of a plea of guilty to the offense charged or to a lesser offense.
3. The existence or contents of any confession, admission, or statement given by the accused or his 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.

**(e) Statements Permitted After Commencement of Proceedings**

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

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 his apprehension or to warn the public of any dangers he may 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 seizure, a description of the physical evidence seized, other than a confession, admission, or statement.
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 made against him.

**(f) 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 he may quote from or refer without comment to public records of the Court in the case.

**(g) Statements Prohibited Prior to Sentencing**

After the completion of a trial or disposition without trial of a criminal matter and prior to the imposition of sentence, a lawyer or law firm associated with the prosecution or defense shall not make or participate in making an extrajudicial statement that a reasonable person would expect to be disseminated by public communication and that is reasonably likely to affect the imposition of sentence.

## RULE 58

## APPEALS

### (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 the United States Attorney, the defendant and 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 appellant with the Clerk of the District Court for perfecting the record on appeal.

## CRIMINAL APPENDIX

## APPENDIX. STANDING ORDER ON DISCOVERY

In all criminal cases, it is Ordered:

**(A) Disclosure by the Government.** Within fourteen (14) days from the date of arraignment, government and defense counsel shall meet, at which time the attorney for the government shall furnish copies, or allow defense counsel to inspect or listen to and record items which are impractical to copy, of the following items in the possession, custody or control of the government, the existence of which is known or by the exercise of due diligence may become known to the attorney for the government or to the agents responsible for the investigation of the case:

(1) Written or recorded statements made by the defendant.

(2) The substance of any oral statement made by the defendant before or after his arrest in response to interrogation by a then known government agent which the government intends to offer in evidence at trial.

(3) Recorded grand jury testimony of the defendant relating to the offense charged.

(4) The defendant's prior criminal record.

(5) Books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which are within the possession, custody or control of the government, and which are material to the preparation of the defense or are intended for use by the government as evidence in chief at the trial, or were obtained from or belong to the defendant.

(6) Results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case. The government shall also disclose to the defendant a written summary of testimony the government intends to use under Rules 702, 703 or 705 of the Federal Rules of Evidence during its case in chief. This summary must describe the witness' opinions, the bases and reasons therefor, and the witness' qualifications.

(7) 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.

(8) All authorizations, applications, orders, and returns 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, and if requested by the defendant and at reasonable cost to the defendant, all inventories, logs, transcripts 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.

(9) Unless otherwise ordered by the presiding Judge pursuant to paragraph F of this Standing Order, a list of the names and addresses of all witnesses whom the government intends to call in the presentation of its case-in-chief, together with any record of prior felony convictions and of prior misdemeanor convictions which reflect on the credibility of any such witness.

(10) 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) and Napue v. Illinois, 360 U.S. 264 (1959).

(11) All information known to the government which may be favorable to the defendant on the issues of guilt or punishment within the scope of Brady v. Maryland, 373 U.S. 83 (1963).

(12) All information concerning the defendant's identification in any lineup, showup, photospread or similar identification proceedings.

(13) All information relating 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).

**(B) Disclosure by the Defendant.** Within fourteen (14) days after the meeting required by Section A is held, defense counsel shall:

(1) Inform the attorney for the government in writing whether the nature of the defense is entrapment, insanity, duress or coercion, or acting under public authority at the time of the offense.

(2) Permit the government to inspect and copy the following items that are within the possession, custody or control of the defendant, the existence of which is known or by the exercise of due diligence may become known to the defendant: (a) books, papers, documents, photographs or tangible objects that the defendant intends to introduce as evidence in his case-in-chief at trial; (b) results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case that the defendant intends to offer as evidence at trial or which were prepared by a defense witness who will testify concerning the contents thereof. The defendant shall also disclose to the government a written summary of testimony the defendant intends to use as evidence at trial under Rules 702, 703 or 705 of the Federal Rules of Evidence. This summary must describe the witness' opinions, the bases and reasons therefor, and the witness' qualifications.

**(C) Other Discovery Motions.** Within twenty (20) days of arraignment, all motions concerning materials or information *not* covered by this Standing Order must be filed, with supporting papers and a memorandum of law. The party opposing such motion shall file its response within ten (10) days of the filing of the motion. The Court shall refuse to consider any such motions unless the supporting papers contain a certification that counsel have met and

that, after good faith efforts to resolve their differences on discovery, they were unable to reach an accord. Unless otherwise directed by the Court, compliance with discovery ordered by the Court shall be made within ten (10) days of the entry of the Court's order.

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

**(E) Exhibits.** Not less than ten (10) days prior to trial, the parties shall meet, inspect and premark, either for identification or as full exhibits, all exhibits which they reasonably anticipate will be offered into evidence at trial.

**(F) Compliance.** At the time of arraignment or upon motion promptly filed thereafter with supporting moving papers, the Court may, upon a showing of sufficient cause, order the discovery provided under this Standing Order be denied, restricted or deferred, or make such other order as is appropriate.

**(G) Disclosure of Statements of Witnesses.** After a witness other than the defendant has testified on direct examination at a suppression hearing, a sentencing hearing, a hearing to revoke or modify probation or supervised release, or a detention hearing, the party calling said witness shall produce, for examination and use by the other party, any of the statements in its possession and that relates to the subject matter of the witness' testimony. Any party intending to call a witness at any such proceeding shall ensure that all statements of the witness are available for disclosure at the hearing.