UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF WYOMING

LOCAL CIVIL RULES

May 2017

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I. SCOPE OF LOCAL RULES

Rule 1.1 TITLE, CITATION AND SCOPE OF RULES

(a) Citation.

These Rules shall be known as the Local Rules of the United States District Court for the District of Wyoming. They may be cited as "U.S.D.C.L.R" or "Local Rule."

(b) Applicability.

Unless otherwise ordered by the Court or presiding judge, these Rules shall apply in all proceedings in civil actions.

(c) Title of Court.

This Court is known as the "United States District Court for the District of Wyoming."

(d) Seal of Court.

The Seal shall contain the words "United States District Court District of Wyoming" in a circular design with an eagle in the center thereof.

Rule 1.2 CURRENT LOCAL RULES AND FORMS

These Local Rules and forms may be modified in accordance with Fed. R. Civ. P. 83. The current version of the local rules and forms are available at the Court's website: http://www.wyd.uscourts.gov/htmlpages/forms.html.

II. COMMENCEMENT OF ACTION

Rule 3.1 CIVIL COVER SHEET

A properly completed civil cover sheet shall be submitted at the commencement of each civil action. If the party is represented by counsel, the civil cover sheet shall be completed and signed by an attorney of record in the case. A civil cover sheet form may be obtained at the Clerk of Court's Office or through the Court's website: http://www.wyd.uscourts.gov/htmlpages/forms.html.

Individuals filing civil cases pro se are exempt from the civil cover sheet requirement.

Rule 4.1 SUMMONS

(a) Preparation of Summons.

Summons shall be prepared by counsel or pro se parties using the form obtained at the Clerk's Office or through the Court's website: http://www.wyd.uscourts.gov/htmlpages/forms.html.

(b) Civil Summons - Return of Service.

Every party causing a summons to be served shall file with the Clerk of Court the return of service contemporaneously with the filing of any motions and in no event not later than the time within which the party served must respond.

Rule 5.1 FILING WITH THE COURT

(a) Prepayment of Fees.

Prepayment of all fees collectible by the Clerk of Court and prescribed by statute or by the Judicial Conference, absent Court order, will be required by the Clerk of Court before furnishing the services therefor.

(b) Failure to Pay Fees.

Except for notices of appeal and prisoner petition matters, the Clerk of Court is authorized to refuse to docket or file any case-initiating documents until the filing fee is paid.

(c) Proof of Service.

Except as otherwise provided in the Federal Rules of Civil Procedure, or by order of the Court, proof of service of any pleading, motion or other paper required to be served, other than electronically, shall be made by a certificate of service in accordance with Fed. R. Civ. P. 5(d)(1). Such certificate or affidavit shall be served with the pleading or paper served, or shall be endorsed upon the pleading or papers served. The proof of service shall show the date, place and manner of service. Proof of service, or waiver of service, of a summons and complaint shall be filed within ten (10) days after effected or returned.

(d) Facsimile Filing.

Papers transmitted by facsimile shall not be accepted for filing.

(e) Failure to Comply.

Documents which fail to comply with the provisions of this Rule shall be filed but may be subject to being stricken by the Court.

(f) Place of Filing.

The Court's office in the City of Cheyenne in the District of Wyoming is hereby designated as the place where the records for the District Court for the District of Wyoming shall be maintained. Any filings not electronically filed, may be filed with the Clerk of Court's office in Cheyenne or Casper. However, when the Court is in session elsewhere in the District, such documents may then be filed with the Clerk of Court or the Court at the place where court is being held.

(g) Filing Cases and Documents Under Seal or as Non-Public (Civil cases only).

Absent prior Court authorization, no case or documents may be filed under seal or as non-public.

Rule 5.2 ELECTRONIC FILING

(a) Electronic Service.

Registration with the Court's Case Management/Electronic Case Filing (CM/ECF) system shall constitute consent to electronic service of filings in accordance with the Federal Rules of Civil Procedure. The Court and/or Clerk of Court may serve and give notice by electronic transmission. Any authorized user may withdraw consent for electronic service by sending written notice to the Clerk of Court. In addition to the means of service specified in Fed. R. Civ. P. 5(b), parties are authorized to make service through the Court's electronic transmission system. Parties who can or cannot be served by electronic service are identified in the CM/ECF Procedures Manual at http://www.wyd.uscourts.gov/pdfforms/cmprocmanual.pdf

(b) Electronic Filing.

A party may file a document by electronic transmission in accordance with guidelines established by the Court (see CM/ECF Procedures Manual for Wyoming) at http://www.wyd.uscourts.gov/pdfforms/cmprocmanual.pdf. A filing day is defined as 12:00:00 a.m. to 11:59:59 p.m. The time and date of actual filing are reflected in the Court's digital file stamp.

(c) Documents of Record.

A document filed electronically and stored in the Court's server is the official document of record.

Rule 6.1 TIME

(a) Computation of Time Limits.

All time limits imposed by the Local Rules of this Court shall be computed in accordance with the applicable Federal Rules of Civil Procedure.

(b) Extensions of Time to Answer or Move to Dismiss.

All parties shall strictly comply with all time limits as provided by the Local Rules and the Federal Rules of Civil Procedure. Where compelling circumstances exist, motions for extension of time, of not more than fourteen (14) days within which to answer or move to dismiss the complaint, may be granted by the judge. After consultation with and approval by opposing counsel, counsel seeking an extension of time for the first time shall, upon oral motion, request an immediate ruling from the judge. The hearing may be by telephone conference call or in person. The judge shall enter or cause the Clerk of Court to enter the decision on the docket sheet as a minute order and no further order shall be entered on the motion.

(c) Extension of Time to Respond to Discovery Requests.

Prior to the expiration of the deadline to respond, the parties may jointly stipulate to an extension of time to:

(1) answer or object to interrogatories under Fed. R. Civ. P. 31 or Fed. R. Civ. P. 33;

(2) respond to requests for production or for inspection under Fed. R. Civ. P. 34;

(3) respond to requests for admissions under Fed. R. Civ. P. 36;

The stipulation, signed by counsel for all parties, shall be filed with the Court and set forth the specific date upon which responses shall be due. No further action or Court order will be required. Where counsel for all parties are unable, after consultation, to stipulate to an extension of time, a written motion for extension of time, of not more than fourteen (14) days within which to respond, may be granted by the judge when compelling circumstances exist. Counsel seeking an extension of time shall advise the Court of any prior extensions and the nature of any objections to the requested extension. The Court may conduct a hearing on the motion by telephone conference call or in person. The judge shall enter or cause the Clerk of Court to enter the decision on the docket sheet as a minute order or text order and no further order need be entered on the motion.

(d) Extensions of Time Generally.

All other requests for continuances or extensions of time under these rules or the Federal Rules of Civil Procedure shall be presented to the Court by written motion including a proposed order.

(e) Motion for Extension of Time.

Any motion for extension of time shall state the reason an extension is required, state a date certain for the requested extension of time, and state the total number of extensions previously granted.

III. PLEADINGS AND MOTIONS

Rule 7.1 MOTIONS

(a) Hearings.

Motions may be decided on the submissions unless oral argument, at the Court's discretion, is ordered. Nothing in this rule precludes the Court from ruling on a motion at any time after it is filed.

(b) Motion, Response and Reply; Time for Serving and Filing; Length.

(1) Non-Dispositive Motions.

(A) Duty to Confer. Except as otherwise ordered, the Court will not entertain any nondispositive motion unless counsel for the moving party has conferred orally, either in person or by telephone, and has made reasonable good faith efforts to resolve the dispute with, or obtain the consent of, opposing counsel prior to filing the motion. The moving party shall state in the motion the specific efforts to comply with this rule and the position of the opposing party. The Court will not consider the motion until this information is provided. This provision shall not apply to cases involving pro se parties.

(B) Briefs. A party who files a non-dispositive motion shall include in the motion a short, concise statement of the arguments and authorities in support of the motion. Alternatively, a party may file a separate written brief with the motion. Each party opposing the motion shall have fourteen (14) days after the filing of the motion to file a written response containing a short, concise statement of the argument and authorities in opposition to the motion. The Court may, in its discretion, consider the failure of a responding party to file a response within the fourteen (14) day time limit, or such other time limit as the Court may direct, as a confession of the motion.

(C) Page Limitation. Briefs in support of and in opposition to all non-dispositive motions are limited to a maximum of ten (10) pages. Motions seeking permission to file briefs containing more than ten (10) pages will be granted only when complex or numerous legal issues justify such relief. The motion shall state how many pages the proposed brief will contain. A proposed order shall be submitted with the motion to exceed page limits.

(D) Reply Briefs. Parties shall not file reply briefs for any motion set for hearing. Parties may file a reply brief for motions to be determined without a hearing if the reply brief is filed within seven (7) days of the filing of the response brief. Reply briefs are limited to five (5) pages. Absent extraordinary circumstances, motions to exceed page limits for reply briefs will not be entertained. Reply briefs shall not be used to reargue the points and authorities included in the opening brief.

(E) Proposed Order. A moving party must submit a proposed order for all nondispositive motions. The proposed order must be separate from the motion, bear a separate caption, and clearly set out the order's basis and terms. Proposed orders should also be provided in Word or WordPerfect format to the judge's chambers' email, along with a copy to counsel for all parties. The attorney information block and file path shall not be included on proposed orders.

(2) Dispositive and Preliminary Injunction Motions.

(A) Briefs. A party who files a dispositive motion shall file with the motion a written brief containing a short, concise statement of the arguments and authorities in support of the motion. Affidavits and other supporting documents shall be filed with the motion and brief. Each party opposing the motion shall have fourteen (14) days from the filing of the motion to file a written brief containing a short, concise statement of the argument and authorities in opposition to the motion. In all motions for summary judgment, the parties shall include in their respective briefs all claimed undisputed and disputed material facts, together with a short statement of evidence and any other basis which supports a claim that a material fact is disputed or undisputed. The Court may, in its discretion, consider the failure of a responding party to file a response within the fourteen (14) day time limit, or such other time limit as the Court may direct, as a confession of the motion.

(B) Page Limitation. Briefs in support of and in opposition to all dispositive motions are limited to twenty-five (25) pages. Motions seeking permission to file briefs containing more than twenty-five (25) pages will be granted only when complex or numerous legal issues justify such relief. The motion shall state how many pages the proposed brief will contain. A proposed order shall be submitted with the motion to exceed page limits.

(C) Reply Briefs. Parties shall not file reply briefs for any motion previously set for hearing. Parties may file a reply brief for motions not previously set for hearing if the reply brief is filed within seven (7) days of the filing of the response brief. Reply briefs are limited to ten (10) pages. Absent extraordinary circumstances, motions to exceed page limits for reply briefs will not be entertained. Reply briefs shall not be used to reargue the points and authorities included in the opening brief.

(D) Proposed Findings and Conclusions. Unless otherwise ordered, parties shall not be required to submit proposed findings of fact and conclusion of law and proposed orders.

(E) Deadlines. The time requirements and sequence of filing by counsel of dispositive motions and briefs may be determined by the Court at the initial pretrial conference. Unless the Court otherwise orders, no party may file any supplemental documents, exhibits and/or affidavits less than three (3) working days prior to any hearing.

(c) Attendance at Hearings.

Any party who does not intend to actively urge or oppose a motion shall immediately notify all counsel of record, the Clerk of Court and the judicial assistant of the judge that they are

not urging or opposing the motion, in order that the judge and counsel are not required to devote unnecessary attention to the matter. Unless excused by the Court, counsel's failure to attend any hearing properly noticed for any motion, may be deemed either a waiver of the motion, if absent counsel represents the moving party, or a confession of the motion, if absent counsel represents the responding party.

(d) Telephonic and/or Video Appearance.

Absent prior Court approval, all hearings shall be attended in person by counsel. Telephonic and/or video attendance must be approved in advance by the judge's chambers.

Rule 8.2. EXCLUSION OF CERTAIN PERSONAL DATA FROM FILINGS

In compliance with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, and in order to promote the electronic access to case files while protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall redact, where inclusion is necessary, the following personal data identifiers from their filings, including exhibits thereto, unless otherwise ordered by the Court.

- Social Security Numbers. If an individual's social security number must be included, only the last four digits of that number should be used.

- Taxpayer Identification Numbers. If a taxpayer identification number must be included, only the last four digits of that number should be used.

- Names of Minor Children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.

- Dates of Birth. If an individual's date of birth must be included, only the year of birth should be used.

- Financial Account Numbers. If a financial account number is relevant, only the last four digits of such numbers should be used.

The responsibility for redacting these personal data identifiers rests solely with counsel and persons filing the documents with the Court. The Clerk of Court will not review submissions for compliance with this rule.

Rule 10.1 FORM OF PLEADINGS, MOTIONS AND OTHER FILINGS

(a) Filing Format.

Filings shall be typed, double spaced, single-sided, and on eight and one-half (8½) x eleven (11) inch paper, of standard weight, with a one (1) inch margin on all sides. Except in pro se cases, all submissions shall be typewritten using black ink and not less than 12 point font. All signatures, papers, exhibits and attachments must be clearly legible and marked.

(b) Identification of Counsel in Pleadings.

The caption of every filing shall conform with Fed. R. Civ. P. 10(a) and contain an attorney information block on the front page, upper left hand corner, consisting of the filing attorney's name, bar number (if any), firm name (if any), address, telephone number, and email address. The attorney information block shall not be included on proposed orders submitted to the Court.

Rule 15.1 MOTIONS TO AMEND

Motions to Amend Pleadings. Motions to amend pleadings pursuant to Fed. R. Civ. P. 15(a) shall be accompanied by the proposed amended complaint as an attachment and include a representation that the movant conferred with the opposing party and whether or not the opposing party objects to the motion. If the motion states the opposing party has no objection, the movant shall furnish the Court with a proposed order which the Court may sign. If the motion indicates there is an objection, the Court will consider the objection after a response is filed and may decide the matter on the submissions or upon hearing.

Rule 16.1 PRETRIAL CONFERENCES

The Court will fully implement Fed. R. Civ. P. 16 in scheduling and managing all complex and non-complex cases, except appeals from the bankruptcy court, appeals from decisions of administrative agencies, and other cases where the action of the Court is limited to review of a previously prepared record, habeas corpus proceedings and pro se prisoner cases. Scheduling orders shall comply with Fed. R. Civ. P. 16(b).

(a) Rule 26(f) Conference and Pretrial Scheduling Conference in Non-Complex Cases.

The Court, in its discretion and upon its own initiative, shall set a pretrial scheduling conference with the attorneys for the parties. Pretrial scheduling conferences may be before a magistrate judge or a district judge of the Court.

(1) The Court will set an initial pretrial conference in accordance with Fed. R. Civ. P. 16. Counsel shall be prepared to discuss those issues identified in Fed. R. Civ. P. 16(c)(2) and Appendix A to these Local Rules.

(2) Counsel shall comply with Fed. R. Civ. P. 26(a)(1) and shall submit a written or oral discovery plan at the initial pretrial conference.

(b) Initial Pretrial Conference Preparation.

Counsel shall be prepared to present and discuss the following matters at the initial pretrial conference:

(1) The results of the Fed. R. Civ. P. 26(f) conference in accordance with Local Rule 26.1(c)(2).

(2) Their respective factual and legal contentions which they believe are material to the case.

(3) The exchange of initial disclosures (self-executing routine discovery) in accordance with Fed. R. Civ. P. 26(a).

(4) The names of all witnesses then known to be called to testify at trial, to the extent that counsel at that stage of the case are able to do so. Additional witnesses and summaries of testimony shall be submitted by each party to the opposing party as their names and addresses are ascertained, and at the final pretrial conference.

(5) A proposed plan and schedule for discovery, including dates for completion of discovery, depositions, the service of interrogatories and answers thereto, and the production and inspection of documents.

(6) Proposals for stipulations and agreement upon facts to avoid discovery.

(7) A schedule for taking expert depositions. (See Local Rule 26.1(e)).

(8) A date for a final pretrial conference and a date for trial of the case.

(c) Cases Exempt from Scheduling Conferences.

The following categories or proceedings are exempt from scheduling conferences:

(1) Bankruptcy appeals and withdrawals;

(2) Deportation actions;

(3) Equal access to justice actions;

(4) Food stamp denials;

(5) Forfeiture and statutory penalty actions;

(6) IRS third party and customer actions;

(7) Prisoner actions for violation of civil rights, to vacate sentence, for habeas corpus, or for mandamus;

(8) Selective service actions;

(9) Social Security reviews; and

(10) Summons/subpoenas--proceedings to enforce/contest government summons and private party depositions.

(d) Additional Pretrial Conferences.

Sua sponte or upon request of any party at any time, the Court may schedule one or more additional scheduling conferences in any case in which it is necessary to expedite the case, to assist the Court in identifying the issues or to prevent unnecessary delay or costs.

(e) Treatment of Complex Cases.

When the Court determines that a case is complex, the case shall be placed on the calendar for complex cases. Trials shall be set in complex cases after consultation with the parties, allowing sufficient time for pretrial discovery, presentation of legal issues and such scheduling conferences as may be reasonably required to allow time for adequate development of the case for presentation at trial. The Court may establish any of the following procedures which in the discretion of the Court may be necessary to allow proper management of the case:

(1) multiple scheduling conferences;

(2) phased discovery;

(3) joint discovery;

(4) bifurcation of legal or factual issues;

(5) early alternative dispute resolution efforts, including a settlement conference, or other methods as may be agreed upon by the parties;

(6) involvement of the trial judge assigned to the case; and/or

(7) use of the Manual for Complex Litigation.

When, upon motion of a party, or at the discretion of the Court, it is determined that the case no longer need be treated as a complex case, the case shall be moved to the non-complex calendar and assigned the earliest available trial date, in accordance with Local Rule 40.1.

(f) Magistrate Judge.

The District Court may designate a full time Magistrate Judge to hold scheduling or discovery conferences or any pretrial conference, but the District Court will conduct the final pretrial conference in all contested cases, unless unforeseen circumstances prevent it from doing so.

Rule 16.2 FINAL PRETRIAL CONFERENCE

(a) Final Pretrial Conference.

A final pretrial conference shall be held at a time set by the Court. Counsel who will try the case shall attend, unless excused by the Court. Counsel shall comply with provisions in the Initial Pretrial Order for each judge regarding the preparation for the final pretrial conference.

(b) Final Pretrial Conference Preparation.

Counsel for the parties shall:

(1) be prepared to specify which of the listed witnesses may be called, and which witnesses will definitely be present for the trial. The opposing party shall not be required to subpoena witnesses who will be produced by an opponent.

Absent good cause shown, no witness will be permitted to testify unless the witness's name and address appear on the witness list, together with a complete and specific statement of the anticipated testimony intended to be elicited from the witness. If depositions have been taken of a witness listed, counsel may simply refer to the deposition rather than to repeat a summary of that witness's anticipated testimony.

(2) prior to the conference, exchange, list and mark each exhibit, including any known demonstrative exhibits, intended to be offered or displayed. Counsel for the plaintiff(s) shall list and mark each exhibit with numerals and the number of the case, and counsel for the defendant(s) shall list and mark each exhibit intended to be offered with letters and the number of the case, e.g., Civil No. _____, Plaintiff's Exhibit 1; Civil No. _____, Defendant's Exhibit A. In the event there are multiple parties, plaintiff or defendant, the surname or abbreviated names of the parties shall precede the word "Exhibit," e.g., Defendant Jones Exhibit A, Defendant Smith Exhibit A, etc. In cases where defendant's exhibits are numerous, the defendant may use a combination of letters and numerals to designate such exhibits. Although exhibits are marked and numbered at a pretrial conference, they shall be offered in the course of the trial.

In all cases to be tried before a jury, the Court, during the final pretrial conference, will determine the number of jurors to be empaneled and the number of peremptory challenges the Court will allow.

(c) Telephone Conference Calls.

It is expected that all counsel will appear in person for final pretrial conferences. However, if necessary, counsel may seek permission from the Court to appear by phone. If Counsel appears by phone, counsel shall deliver to the Court and opposing counsel any documents required to be presented at such conference, e.g., the pretrial conference memorandum, photocopies of exhibits, briefs, instructions, etc. It is the responsibility of the attorneys to coordinate with one another and arrange for a telephone conference call to the Court and to place the call at the time set for hearing. (See Local Rule No. 83.5)

Rule 16.3 ALTERNATIVE DISPUTE RESOLUTION

(a) Voluntary Dispute Resolution.

The Court urges the parties to strongly consider voluntary alternative dispute resolution (ADR) in all non-exempt civil cases as a means of expeditiously resolving a dispute prior to trial. ADR procedures include settlement conferences and other dispute resolution techniques conducted by a Judicial Officer (District or Magistrate Judge) or private mediator (hereinafter "neutrals") pursuant to Court order.

(1) Stipulated Agreement and Motion for Referral to ADR by a Judicial Officer. If the parties seek ADR by a Judicial Officer, they shall file a Stipulated Agreement and Motion for Referral to ADR before a Judicial Officer. The Clerk of Court shall forward a copy of the Stipulated Motion and Agreement for Referral to the presiding judge and the requested Judicial Officer to serve as the neutral. The Clerk of Court shall forward a copy of the order approving ADR to the Judicial Officer serving as the neutral.

(b) Mandatory Dispute Resolution.

In addition to stipulated agreement, the Court may schedule a settlement conference whenever the Court concludes that the nature of the case, the amount in controversy, or the status of the case indicates a settlement conference might be beneficial. Upon the request of any party, which may be made *ex parte* and at any stage of the proceedings, the Court will consider scheduling a settlement conference.

(c) ADR Requirements.

Unless otherwise ordered or provided by the neutral, the parties shall comply with the following requirements in all ADR conducted pursuant to Court order:

(1) Attendance and Authority to Settle.

(A) Attendance by Counsel. Except with leave of court, counsel who will try the case shall be present at the settlement conference. Absent prior approval by the neutral, a person possessing full settlement authority shall also be present.

(B) Attendance of Parties. The parties to the litigation shall be present in person or through an authorized corporate/governmental representative.

(C) Plaintiff's Authority to Settle. A plaintiff, or authorized representative, absent prior approval by the neutral conducting the mediation, shall have full and final authority to authorize dismissal of the case with prejudice, or to accept a settlement amount down to the amount of the defendant's last offer. The purpose of these requirements is to have parties or representatives present who can settle the case during the course of the conference without consulting anyone who is not in attendance.

(D) Defendant's Authority to Settle. A defendant, or authorized

representative, absent prior approval by the neutral conducting the mediation, shall have full and final settlement authority to pay a settlement amount up to the amount of the plaintiff's prayer (excluding punitive damage prayers) or up to the plaintiff's last demand, whichever is lower. The purpose of these requirements is to have parties or representatives present who can settle the case during the course of the conference without consulting anyone who is not in attendance.

(E) Government Entity/Board/Committee Approval. If a governmental entity/board/committee approval may be required to authorize settlement, absent prior approval by the neutral conducting the mediation, the approval of the government entity/board/committee, to the extent authorized by law, must be obtained in advance of the conference, and the attendance of at least one representative of the governmental entity/board/committee having the authority of the governmental entity/board/committee to settle is required.

(F) Failure to Appear. Absent prior approval by the neutral conducting the mediation, counsel appearing without their clients (whether or not counsel has been given settlement authority) will cause the conference to be canceled and rescheduled. The noncomplying party, attorney, or both may be assessed the costs and expenses incurred by other parties and the Court, as a result of such cancellation. Additional sanctions may be imposed as deemed appropriate by the judge to whom the case is assigned.

(G) Insurance Representatives. Any insurance company that may be a party or is contractually required to defend or to pay damages, if any, must have an authorized settlement representative present at the conference. Absent prior approval by the neutral conducting the mediation, the representative shall have final settlement authority to commit the company to pay, in the representative's discretion the lesser of, any amount up to the policy limits or an amount equal to the plaintiff’s last demand. The purpose of this requirement is to have an insurance representative present who can settle the outstanding claim or claims during the course of the conference without consulting a superior who is not in attendance. Failure to fully comply with this requirement may result in the imposition of appropriate sanctions by the presiding judge assigned to the case.

(H) Attendance by Telephone. Absent prior approval by the neutral conducting the mediation, no participant shall appear and participate by telephone. Participation by telephone will be allowed only when exigent circumstances exist.

(2) Confidentiality.

(A) Confidential Settlement Conference Memoranda. The parties are required to submit to the neutral memoranda or position papers prior to the settlement conference. The parties will be advised by the neutral of the information to be included in the memoranda and when it is to be submitted. The memoranda shall be submitted directly to the neutral and not filed with the Court. The neutral will treat settlement conference memoranda as strictly confidential and will destroy all settlement conference memoranda after the conclusion of the conference.

(B) Confidentiality of Settlement Conference. All communications, representations, evidence, recordings and transcripts regarding negotiations and agreements made during a settlement conference shall be held to be strictly confidential and are not subject to disclosure, pursuant to Rule 408 of the Federal Rules of Evidence or as otherwise provided by law. Disputes between parties concerning the terms or enforcement of the terms of a settlement agreement may be excepted from above.

(3) Reporting of Settlement Conference Negotiations. No transcript or recording shall be made of any settlement conference negotiations.

(4) Reporting of Settlement Conference Agreement. A neutral may require, at the conclusion of a settlement conference, that a record be made, by electronic recording or by a court reporter, the outcome of the conference and the terms of any settlement reached by the parties. No transcript of the recording or court reporter's notes shall be made without the prior written permission of the presiding judge.

(d) Referral to Arbitration.

A district court may allow referral to arbitration of any civil action, including any adversary proceeding in bankruptcy, when the parties consent, except in cases alleging violation of a constitutional right, when jurisdiction is based in whole or part on 28 U.S.C. § 1343, or when the relief sought consists of money damages greater than $150,000.

(e) Cases Exempt from ADR.

Unless otherwise ordered, the following cases are hereby exempt from ADR proceedings.

(1) Pro se cases;
(2) Preliminary injunctions/TROs;
(3) Cases challenging the constitutionality of a statute;
(4) Social Security cases;
(5) Freedom of Information Act cases;
(6) Privacy Act cases;
(7) Immigration cases;
(8) Prisoner cases

(f) Private ADR.

Parties are free to engage in private ADR proceedings.

(g) Notice to Court of Private ADR.

The parties shall notify the Court chambers, telephonically or via email, of an agreement to engage in private ADR proceedings, the date upon which those proceedings are to occur, and whether a resolution was reached in order to assist the Court in managing its docket.

Rule 16.4 COMPLEX CASES

(a) Notification of Complex Cases.

If a case meets the definition of "complex" under Local Rule 16.4(b), counsel for the party shall notify the Court, on a form provided by the Clerk of Court at the time of the filing of the first pleading.

(b) Criteria for Determination of Complex Cases.

In determining whether a case is complex, the Court may consider, but is not limited to, the following criteria:

(1) difficult and unsettled factual or legal issues;

(2) more than thirty (30) witnesses;

(3) more than one hundred and fifty (150) exhibits;

(4) a large number of parties;

(5) trial time will exceed three (3) weeks.

(c) Determination of Complexity.

The judge who conducts the initial pretrial conference shall make the determination of complexity based upon both the pleadings and the information provided by counsel for the parties, and shall notify the parties of his/her determination.

(d) Appeal of Determination.

If a Magistrate Judge makes the initial determination of complexity, any party who believes the Magistrate Judge has mistakenly classified a case as complex or non-complex may appeal that determination, in accordance with Local Rule 74.1(a).

IV. PARTIES

Rule 24.1 CLAIM OF UNCONSTITUTIONALITY

(a) Act of Congress.

A party questioning the constitutionality of an Act of Congress in an action where neither the United States nor any of its agencies, officers, or employees is a party shall file with the Court written notice stating the case title, identifying each questioned statute, and describing the grounds on which unconstitutionality is asserted. The party raising such question shall serve a copy of this written notice on the United States Attorney General and the United States Attorney by certified mail, return receipt requested, and file proof of service with the Court.

(b) State Statute.

A party questioning the constitutionality of a state statute in an action where neither that state nor any of its agencies, officers, or employees is a party shall file with the Court written notice stating the case title, identifying each questioned statute, and describing the grounds on which unconstitutionality is asserted. The party raising such question shall serve a copy of this written notice on the attorney general of the state involved by certified mail, return receipt requested, and file proof of service with the Court.

(c) Certification.

On receipt of a notice of unconstitutionality, the Court shall comply with the certification provisions of 28 U.S.C. § 2403.

V. DISCOVERY

Rule 26.1 DISCOVERY

(a) Stay of Discovery.

Except as authorized under Fed. R. Civ. P. 26(d), formal discovery, including oral depositions, service of interrogatories, requests for production of documents and things, and requests for admissions, shall not commence until the parties have complied with Fed. R. Civ. P. 26(a)(1).

A party shall not commence discovery under Fed. R. Civ. P. 27 through 36 until that party has complied with Fed. R. Civ. P. 26(a)(1), and the time for compliance of self-executing discovery has passed.

(b) Initial Disclosure (Self-Executing Routine Discovery Exchange).

It is the policy of this District that discovery shall be open, full and complete within the parameters of the Federal Rules of Civil Procedure. Unless otherwise ordered, the filing of a dispositive motion or motion for protective order, prior to the filing of all responsive pleadings, shall stay the requirement to exchange initial disclosures as required by Fed. R. Civ. P. 26(a)(1) until a ruling on the motion has been made.

(c) Discovery of Electronically Stored Information.

Prior to a Fed. R. Civ. P. 26(f) conference, counsel should confer with their clients and become knowledgeable about their client's electronically stored data system(s), including its operation, storage, retrieval and ability to search. Counsel shall review the client's electronically stored data/information to identify, preserve and disclose (as required under the Rules of Discovery) any contents and format which may be used to support claims or defenses.

(1) Duty to Notify. A party seeking discovery of electronically stored data/information shall notify the opposing party immediately, but no later than the Fed. R. Civ. P. 26(f) conference, and identify as clearly as possible the categories of data/information which may be sought.

(2) Duty to Meet and Confer. The parties shall meet and confer regarding the following matters during the Fed. R. Civ. P. 26(f) conference (see also Appendix A):

(A) Electronically stored data/information (in general). Counsel shall attempt to agree on steps the parties will take to segregate and preserve electronically stored data/information;

(B) Email information. Counsel shall attempt to agree as to the scope of email discovery and attempt to agree upon an email search protocol. This should include an agreement regarding inadvertent production of privileged email messages;

(C) Deleted information. Counsel shall confer and attempt to agree whether or not restoration of deleted information may be necessary, the extent to which restoration of deleted information is needed, and who will bear the costs of restoration; and

(D) Back-up data. Counsel shall attempt to agree whether or not back-up data may be necessary, the extent to which back-up data is needed, and who will bear the cost of obtaining back-up data.

(d) Filing of Discovery Disclosures, Requests and Responses.

(1) Initial disclosures (self-executing routine discovery exchange) pursuant to Fed. R. Civ. P. 26(a)(1), interrogatories under Fed. R. Civ. P. 33 and answers thereto, requests for production or inspection under Fed. R. Civ. P. 34, requests for admissions under Fed. R. Civ. P. 36, and responses thereto, shall be served upon other counsel or parties, but shall not be filed. Certificates or notices of compliance are not required and shall not be filed. If relief is sought under Fed. R. Civ. P. 26(c) or 37 concerning any interrogatories, requests for production or inspection, requests for admissions, answers to interrogatories or responses to requests for admissions, copies of the portions of the interrogatories, requests, answers or responses in dispute shall be filed contemporaneously with any such motion.

(2) Parties may agree to produce any or all documents electronically, rather than by other means.

(e) Discovery of Expert Testimony

(1) All expert designations shall be filed with the Court.

(2) The parties are limited to the designation of one expert witness to testify for each particular field of expertise, absent a showing that complex issues necessitate expert witnesses with narrow, specialized areas of expertise within a larger general field.

(3) A party may depose any person who has been identified and designated as an expert witness pursuant to Fed. R. Civ. P. 26(a)(2).

(4) At the time of the initial pretrial conference, the presiding judicial officer shall, unless good cause appears to the contrary:

(A) establish deadlines by which any party shall designate expert witnesses under Fed. R. Civ. P. 26(a)(2); and

(B) require the expert witness designation(s) to indicate in reasonable detail the areas and fields of expertise and the qualifications of the witness as an expert in said areas and fields.

(5) The disclosure of expert witness testimony shall comply with Fed. R. Civ. P. 26(a)(2). In addition, the party designating the expert witness shall set forth all special

conditions or requirements which the designating party or the expert witness will insist upon with respect to the taking of his or her deposition, including the amount of compensation the expert witness will require and the rate per unit of time at which said compensation will be payable. In the event counsel is unable to obtain such information to include in the designation, the efforts to obtain the same and the inability to obtain such information shall be set forth in the designation.

(A) In the event a designation of an expert witness fails to set forth the compensation to be paid by a party for the deposition of the expert, or fails to set forth the efforts to obtain such information for designation, any adverse party shall be entitled to depose such witness at the fee provided by the Federal Rules of Civil Procedure.

(B) In the event the amount and rate of the compensation is designated for the expert witness, and the deposition of that expert witness is taken without further action, discussion or agreement between counsel, then the amount described in the designation shall be paid by the party or parties taking the deposition.

(C) Nothing shall prevent the parties involved from agreeing to other terms and conditions and amount of compensation following the designation.

(D) In all cases where there is a dispute as to the proper compensation or other conditions relative to the taking of an expert discovery deposition, or an inability to obtain information concerning compensation, a party may file a motion with the Court pursuant to Fed. R. Civ. P. 26(b)(4) and (c) or Fed. R. Civ. P. 45(c). The Court will, thereafter, issue its order setting forth the terms, conditions, protections, limitations and amounts of compensation to be paid by the party taking the deposition.

Rule 30.1 DEPOSITIONS

(a) Reasonable Notice.

Unless otherwise ordered by the Court, "reasonable notice" for the taking of depositions under Fed. R. Civ. P. 30(b)(1) shall be not less than fourteen (14) days.

(b) Depositions of Witnesses Who Have No Knowledge of the Facts.

Where an officer, director or managing agent of a corporation or a government official is served with a notice of deposition or subpoena regarding a matter about which he has no knowledge, he or she shall submit, reasonably before the date noticed for the deposition, an affidavit so stating and identifying a person within the corporation or government entity having knowledge of the subject matter involved in the pending action.

The noticing party may, notwithstanding such affidavit of the noticed witness, proceed with the deposition, subject to the witness's right to seek a protective order.

(c) Directions Not to Answer.

A witness may only be directed not to answer in accordance with Fed R. Civ. P. 30(c)(2).

Where a direction not to answer such a question is given and honored by the witness, unless all parties agree to the validity of the objection, the parties shall seek an immediate ruling from the Magistrate Judge, or the presiding District Judge if the Magistrate Judge is unavailable, as to the validity of such direction. If the witness refuses to answer questions not covered by Rule 30(c)(2), and the attorney giving such direction does not withdraw such direction, the Court may require the attorney to pay all costs associated with retaking the deposition.

If a prompt ruling cannot be obtained, the direction not to answer made on any ground set forth under Rule 30(c)(2) may stand pending a ruling and the deposition shall continue until (1) a ruling is obtained or (2) the problem resolves itself. A direction not to answer on any ground other than under Rule 30(c)(2) shall not stand and the witness shall answer.

(d) Suggestive Deposition Objections.

Objections in the presence of the witness used to suggest an answer to the witness are improper. If an objection to a deposition question is one that can be obviated or removed if presented at the deposition, the proper objection is "objection to the form of the question," and the problem with the form shall be identified. If the objection is on a ground set forth in Rule 30(c)(2), the basis for the objection shall be stated and established.

(e) Assertion of a Privilege from Discovery.

An attorney asserting a claim of privilege from discovery shall identify, during the deposition, the nature of the privilege which is being claimed.

(f) Establishment of Privilege from Discovery.

After a claim of privilege from discovery has been asserted, the attorney seeking disclosure shall have reasonable latitude during the deposition to question the witness to establish other relevant information concerning the assertion of the privilege, including:

(1) the applicability of the particular privilege being asserted;

(2) circumstances which may constitute an exception to the assertion of the privilege;

(3) circumstances which may result in the privilege having been waived; and

(4) circumstances which may overcome a claim of privilege from discovery.

(g) Filing of Depositions.

Deposition transcripts shall not be filed with the Court until such time as they are published during a hearing or trial or offered in support of a motion or opposition thereto.

(h) Return of Deposition.

All depositions in the custody of the Clerk of Court at the conclusion of trial shall be retained for sixty (60) days. At that time, the party who introduced them into evidence shall be notified they are available for retrieval. A receipt identifying the depositions returned will be filed in the case. The parties will be responsible for producing the depositions as directed by the 10th Circuit Court of Appeals.

Rule 33.1 FORMAT AND SERVICE OF DISCOVERY REQUESTS

The party serving interrogatories, pursuant to Fed. R. Civ. P. 33, serving request or production of documents or things, pursuant to Fed. R. Civ. P. 34, or serving requests for admission, pursuant to Fed. R. Civ. P. 36, shall provide a copy of the discovery request(s) to the responding party in an electronic form sufficient to avoid the necessity of re-typing each interrogatory or request. The party answering, responding or objecting to written interrogatories, requests for production of documents or things, or requests for admission shall quote each such interrogatory or request in full immediately preceding the statement of any answer, response or objection thereto. The parties shall also number each interrogatory, request, answer, response or objection sequentially, regardless of the number of sets of interrogatories or requests.

The requirement to submit in an electronic form shall not apply to pro se litigants.

Rule 34.1 PRODUCTION OF DOCUMENTS AND THINGS

(a) Service of Requests for Documents.

Attorneys requesting documents pursuant to Fed. R. Civ. P. 34 and 45 shall have reviewed the request or subpoena to ascertain that it is specifically applicable to the facts and contentions of the particular case. A form request or subpoena which is not specifically directed to the facts and contentions of the particular case is prohibited. A subpoena duces tecum shall specify clearly and concisely the documents required to be produced.

(b) Reasonable Request.

A request for production or subpoena duces tecum shall be read reasonably, recognizing that the attorney serving it generally does not have knowledge of the documents being sought and the attorney receiving the request or subpoena generally has such knowledge or can obtain it from the client.

(c) Claiming Privilege or Protecting Trial Preparation Materials.

In addition to those requirements under Fed. R. Civ. P. 26(b)(5)(A), a party asserting a privilege or protection from the production of a document shall furnish all parties the following information:

(1) the type of document, e.g., letter or memorandum;

(2) the general subject matter of the document;

(3) the date of the document;

(4) the author, addressee and all other recipients of the document, their titles, positions and specific job-related duties, and the relationship of the author and all recipients to one another;

(5) the specific objection or privilege asserted and an explanation of how it applies;

(6) such other information sufficient to identify the document for a subpoena duces tecum.

(d) Oral Communications.

A party asserting a privilege or qualified immunity to the disclosure of oral communications shall furnish the following information:

(1) the name of the person making the communication; the name of all persons present when the communication was made, their titles, positions and specific job-related duties, and the relationship of all people present to one another;

(2) the date and place of communication; and

(3) the general subject matter of the communication.

Rule 37.1 FAILURE TO MAKE OR COOPERATE IN DISCOVERY

(a) Privilege Asserted in Response to Written Discovery Requests.

When a claim of privilege or qualified immunity from discovery is asserted in response to written discovery requests, including interrogatories, requests for documents and requests for admissions, the attorney asserting the privilege or qualified immunity from discovery shall specifically identify the nature of the privilege or qualified immunity which is being claimed and indicate the rule being invoked. Counsel shall further disclose the information set forth in Local Rule 34.1(c), as the case may warrant.

(b) Duty of Counsel to Confer.

Except as otherwise ordered, the Court will not entertain any motions relating to discovery disputes unless counsel for the moving party has first conferred orally, in person or by telephone, and has made reasonable good faith efforts to resolve the dispute with opposing counsel. In the event that the parties cannot settle the discovery dispute on their own, then counsel shall jointly contact the appropriate judge's chambers for approval prior to filing any written discovery motion. The Court will attempt to resolve as many disputes as possible in this informal manner. If the Court determines that the issue requires the formal filing of a motion and briefing, the Court will permit the parties to file a written motion.

(c) Discovery Hearing Before Magistrate Judge.

Motions to compel discovery under Fed. R. Civ. P. 37(a) shall be referred to the Magistrate Judge for disposition. The Magistrate Judge shall have full authority to enter appropriate orders granting such motions and compelling discovery. In addition, the Magistrate Judge may make such protective order as the Court would have been empowered to make on any motion pursuant to Fed. R. Civ. P. 26(c). The Magistrate Judge shall not, however, enter any order which is dispositive of a substantive issue in the case. The Magistrate Judge may award the expense of a motion pursuant to Fed. R. Civ. P. 37(a). (The provisions of 28 U.S.C. § 636(b)(1)(A) cover review of Magistrate Judges' orders.)

(d) Failure to Make Self-Executing Discovery Exchange.

If a party fails to make a disclosure required by Fed. R. Civ. P. 26(a)(1), any other party may move to compel disclosure and for appropriate sanctions.

Rule 37.2 DISCOVERY MOTIONS

(a) Motion to Quash Deposition Notice and Motion for Protective Order.

Pending resolution of any motion under Fed. R. Civ. P. 26(c), 30(d), or 45(c), neither the objecting party, witness nor any attorney is required to appear at the deposition to which a motion to quash is directed until the motion is ruled upon. The filing of a motion under any of these referenced Federal Rules of Civil Procedure shall stay the discovery to which the motion is directed pending further order of the Court. Any motion for relief under Fed. R. Civ. P. 26(c) directed to a deposition must be filed and served as soon as practicable after receipt of the deposition notice, but in no event less than five (5) days prior to the scheduled depositions. Counsel seeking such relief shall request the Court for a ruling or a hearing thereon promptly after the filing of such motion, so that discovery shall not be unnecessarily delayed in the event the motion is denied.

(b) Motions to Compel.

Motions under Fed. R. Civ. P. 26(c) or 37(a), directed at interrogatories or requests under Fed. R. Civ. P. 33 or 34, or at the responses thereto, shall identify and set forth the specific interrogatory, request or response constituting the subject matter of the motion.

VI. TRIALS

Rule 40.1 ASSIGNMENT OF CASES FOR TRIAL

(a) Trial Settings.

(1) If more than one civil case is set for trial on the same date (multiple settings), each case set for that date may be listed in the order in which the District Court intends for them to proceed to trial, however trial counsel should consult with chambers as to their current setting and likelihood to proceed to trial on that date. Criminal trials take precedence over civil trial settings.

(2) The Clerk of Court shall maintain and make available on request the trial schedule of each judge.

(3) When a case set for trial and not removed from the trial docket settles after noon on the last day prior to trial, the parties may be assessed costs in accordance with Local Rule 54.4. The last day before trial shall be calculated in accordance with Fed. R. Civ. P. 6(a)(1).

(b) Continuances.

Cases shall not be continued upon stipulation of counsel unless approved by order of the Court. No continuances shall be allowed absent a showing of good cause.

(c) Calendars.

Effort will be made to avoid conflicts of counsel with earlier firm trial court settings made known to the judge. In the absence of compelling circumstances, trailing calendars or uncertain settings by this Court will not be permitted to interfere with firm settings in other courts. Firm trial dates in this Court will not be vacated to defer to trailing calendars or uncertain settings in other trial courts. When a firm trial date of this Court conflicts with a firm trial date of another court, the trial date first set shall prevail.

Rule 40.2 ASSIGNMENT OF CASES

(a) Assignment of Cases.

It is the policy of this Court to provide for the assignment of cases among the judges of this District by random selection through the electronic case assignment system. It is the further policy of the Court to provide for parity of work among the active judges of this District. In order to implement these policies, the following procedures shall apply:

(1) Filing and Assignment of Civil Cases.

(A) In compliance with Local Rule 3.1, a civil cover sheet shall be submitted at the commencement of each civil action (excluding pro se litigants). The civil cover sheet shall indicate whether the case is related to any other action pending or terminated within the previous twelve (12) months and the nature of the relationship. If no relationship is indicated, the case shall be assigned as provided in paragraph (i) below. If a relationship is indicated, the case shall be assigned as provided in paragraph (ii) below.

(i) The Clerk of Court shall maintain a computerized case assignment system for the random selection and assignment of civil cases to district judges in an equal apportionment for each judge, except as may be determined by the Chief Judge.

(ii) If a relationship is indicated to a pending case or one terminated within the previous twelve (12) months, the Clerk of Court shall notify the judge assigned to the earlier related case or cases. That judge shall promptly review the relationship and notify the Clerk of Court for random assignment, if there is no relationship. If the judge determines a relationship exists, the case shall be assigned to that judge and the Clerk of Court shall remove one of that judge's electronic cards from the case assignment system.

(2) Filing and Assignment of Appeals. Appeals from decisions of magistrate judges and bankruptcy judges, in previously unassigned cases, shall be assigned to district judges, in accordance with these procedures.

(3) Emergency Case Filings. In cases of an emergency nature requiring immediate action by a judge, the Clerk of Court shall determine the availability of a judge to act. Once a judge has acted, he or she shall promptly return the case to the Clerk of Court for assignment or advise the Clerk of Court that he or she intends to keep the case. If the judge keeps the case, the Clerk of Court shall remove one of that judge's cards from the case assignment system.

(4) Recusal and Disqualification of a Judge. Recusal and disqualification of a judge shall be by formal order. Upon recusal or disqualification, the Chief Judge shall order the case reassigned. After the reassignment, the case assignment system shall add an additional card for the recused or disqualified judge.

(5) It shall be the responsibility of the Chief Judge to review, at least annually, the pending caseloads of the judges in service and to suggest reassignment when it is determined

that there is an imbalance which is adversely affecting litigants. In considering the question of such reassignment, this Court will consider the categories of cases for which Congress has mandated priorities. All reassignments or transfers of cases from one judge to another shall be made only with the approval of the Chief Judge.

(b) Case Assignment Reports.

At the end of each month, the Clerk of Court shall prepare a report showing the number of cases assigned to and pending before each judge, and such other information as the Chief Judge may direct.

Rule 41.1 DISMISSAL OF CASES

(a) Dismissal of Settled Cases.

Upon notice to the presiding judge's chambers or to the Clerk of Court that an action has been settled, counsel shall file within thirty (30) days, unless otherwise permitted or directed, such filings necessary to terminate the action. Upon failure to do so, the Court may order the action to be placed on the Court's calendar and set for trial.

(b) Dismissal for Lack of Prosecution.

Unless otherwise ordered by the Court, if after ninety (90) days, no action has been taken in any case or the case is not at issue, the Clerk of Court shall notify counsel of record, or pro se parties by certified mail return receipt requested, that the case may be dismissed for lack of prosecution thirty (30) days from the date of the notice. If no action is taken within thirty (30) days after notice has been given, the Court may enter the order of dismissal. The order shall be served on counsel and pro se parties by the Clerk of Court.

Rule 42.1 DETERMINATION OF MOTIONS TO CONSOLIDATE

Whenever a motion to consolidate is filed, the decision to grant or deny the motion shall be made by the judge to whom the oldest case involved in the requested consolidation is assigned.

Rule 43.1 COURTROOM DECORUM

(a) Conduct of Counsel.

Counsel shall conduct themselves in the courtroom with dignity and propriety. All statements and communications to the Court shall be clearly and audibly made from the counsel table or, if the Court is equipped with an attorney's lectern, from a standing position behind the lectern facing the Court. Counsel shall not approach the bench unless requested to do so by the Court or unless permission is granted upon the request of counsel. Counsel should anticipate the necessity for rulings and discuss them when the jury is not seated.

(b) Examination of Witnesses.

Examination of witnesses shall be conducted from the lectern in the courtroom, except when it shall be necessary to approach the witness, Clerk of Court or reporter's table for the purpose of presenting or examining exhibits. Counsel shall hand to the courtroom deputy, not the judge or reporter, all things for examination by the judge.

(c) Number of Participating Counsel.

Only one attorney for each party may examine or cross-examine a witness. Not more than two (2) attorneys for each party may argue the merits of the action unless the Court otherwise permits.

(d) Courtroom Standards.

To maintain decorum in the courtroom when Court is in session, counsel shall abide strictly by the following rules:

(1) counsel shall be punctual and appear in appropriate professional attire;

(2) counsel shall stand when the judge or jury enters or leaves the courtroom;

(3) counsel shall stand when addressing, or when addressed by, the Court and when examining and cross-examining witnesses;

(4) counsel shall address others only by their titles and surnames, including lawyers, witnesses, and court personnel;

(5) counsel shall speak only to the Court, except for questioning witnesses and, in opening and closing, addressing the jury;

(6) counsel shall not address questions or remarks to opposing counsel without first obtaining permission from the Court to do so. Appropriate and quiet informal consultations among counsel off the record are not precluded so long as this does not delay or disrupt the progress of the proceedings;

(7) in making an objection, counsel shall state plainly and briefly the specific legal ground of objection and shall not engage in argument, unless requested or permitted by the Court to do so;

(8) only one attorney for each party shall make objections to the testimony of a witness when being questioned by an opposing party. The objection shall be made by the attorney who has conducted or is to conduct the examination of the witness;

(9) counsel shall not conduct an experiment or demonstration without Court permission;

(10) contact with law clerks is *ex parte* contact with the Court. Contact with the Court should be through the judicial assistant or the Clerk of Court;

(11) counsel should not participate in a trial as an attorney if he or she may be called as a material witness;

(12) counsel are responsible for advising their clients, witnesses, and associate counsel about proper courtroom behavior.

Rule 43.2 TRIAL MANAGEMENT

To the extent not previously established, the presiding judge may set forth at the final pretrial conference guidelines governing trial matters such as opening statements, closing arguments, marking and listing of exhibits, listing of witnesses, and submission of proposed voir dire and jury instructions. Absent Court permission to the contrary, the following rules shall apply:

(a) Opening Statements.

Opening statements to the Court or a jury shall not exceed thirty (30) minutes to a side. Opening statements shall consist of brief, concise statements of the facts to be proved at trial by the party.

(b) Closing Arguments.

Closing arguments shall not exceed thirty (30) minutes for a side. The party having the primary burden of proof shall open and close the final arguments and may reserve a designated portion of the total allotted time for rebuttal.

Rule 47.1 VOIR DIRE EXAMINATION

(a) Conducting.

Subject to the provisions of Fed. R. Civ. P. 47, examination of prospective jurors shall be primarily by the Court and by counsel as may be permitted by the Court. Insofar as counsel can reasonably anticipate a need for specific questions, such questions shall be submitted to the Court in writing prior to the commencement of the trial in accordance with the time limits set by the presiding judge.

(b) Limits on Voir Dire.

The purpose of the voir dire examination is to select a panel of jurors who will fairly and impartially hear the evidence and render a just verdict according to the law as instructed. The Court will not permit counsel to attempt to precondition prospective jurors to a particular result, comment on the personal lives and families of the parties or their attorneys, or question jurors concerning the pleadings, the law, the meaning of words, or the comfort of jurors. Absent follow up to a particular juror's response, counsel shall avoid asking questions of an individual juror that can be asked of the panel or a group of jurors collectively.

Rule 47.2 COMMUNICATIONS WITH TRIAL JURORS

(a) Before or During Trial.

Except in the course of in-court proceedings, no party, or any party's attorney, or their agents or employees, shall communicate with or cause another to communicate with a juror, a prospective juror, or his/her family before or during trial.

(b) After Trial.

No juror has any obligation to speak to any person about any case and may refuse all interviews and comments. No person may make repeated requests for interviews or comments after a juror has expressed a desire not to be interviewed or questioned. If any person violates this prohibition against repeated requests of a juror for interviews or comments after the juror's refusal, the juror or jurors involved shall promptly advise the Court of the facts and circumstances. The Court shall take action as it deems appropriate, which may include a contempt citation to the offending party or parties.

(c) Voluntary Interviews or Comments.

If any juror consents to be interviewed after trial, under no circumstances shall such juror disclose or be asked to disclose any information with respect to the specific vote of any juror, other than the juror being interviewed, or with respect to the deliberations of the jury.

(d) Conduct of Counsel.

Following the rendition of a verdict by a jury, counsel in the case shall not thank the jury for its verdict.

(e) Court's Advice to Jurors.

At the time that a jury is discharged or excused from further consideration of a case, the Court shall advise all jurors of the provision of this Rule.

Rule 48.1 IMPANELING A JURY

Unless the Court otherwise specifically directs, jurors in a civil case shall be impaneled in the following manner:

(a) fourteen (14) jurors shall be called to the jury box for voir dire examination;

(b) if any juror is excused for cause, another juror will be called;

(c) after the panel of fourteen (14) jurors is accepted for cause, counsel for each party, starting with the Plaintiff, shall alternately write on a form provided by the Clerk of Court their peremptory challenges. If each side exercises all of its peremptory challenges, the remaining eight (8) jurors shall constitute the jury. If no peremptory challenges are exercised or if both parties consecutively pass on a peremptory challenge, the first eight (8) jurors called shall constitute the jury.

Rule 48.2 RETURN OF VERDICTS

Presence of Parties and Attorneys Upon Receiving Verdict. In all jury trials, parties and attorneys shall be present in Court when the jury is ready to return its verdict or when the jury requests further instructions. Parties and attorneys shall be notified of such circumstance, but the return of the verdict or the giving of supplemental instructions will not be delayed in excess of thirty (30) minutes because of their absence. The inability to locate a party or attorney, or his or her absence from the courtroom, will be deemed a waiver of that person's presence upon the return of the verdict or the giving of further instructions.

Rule 52.1 PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

In an action tried without a jury or with an advisory jury, counsel for each party shall submit to the Court, at a time and in a format ordered by the Court, proposed findings of fact and conclusions of law. Proposed findings should be concise and direct, should recite ultimate rather than mere evidentiary facts, and should be suitable in form and substance for adoption by the Court should it approve the contentions of the particular party. After the trial, the Court may direct counsel to prepare and submit for consideration additional proposed findings of fact, conclusions of law and judgment.

VII. JUDGMENT

Rule 54.1 PREPARATION OF ORDERS AND JUDGMENTS

(a) Orders in Open Court.

Unless otherwise determined by the Court, orders announced in open Court will be prepared and entered by the Court.

(b) Orders and Judgments.

Unless otherwise determined by the Court, all orders and judgments shall be prepared and entered by the Court.

(c) Notice of Entry of Orders and Judgments.

Service of orders and judgments will be made by the Clerk of Court in accordance with Fed. R. Civ. P. 77(d). The date of service shall be indicated by the Clerk of Court on the appropriate docket sheet.

(d) Proposed Judgments and Orders Prepared by Counsel.

When required by the Court, counsel shall prepare and file proposed judgments and orders for signature and submit in Word or WordPerfect format to the judge's chamber's email. Appendix B.

Rule 54.2 TAXATION OF COSTS

(a) Filing Bill of Costs.

Within fourteen (14) days from entry of a final judgment for which costs are allowed to the prevailing party, the party shall prepare and file a bill of costs (other than attorney's fees) on AO form 133 (see attached appendix D). Bills of cost shall include an itemized schedule of costs incurred, documentation for all costs claimed, and a statement that such schedule is correct and that the charges were actually and necessarily incurred.

(b) Objections to Bill of Costs.

If no objections are filed within fourteen (14) days after service of the bill of costs, the Clerk of Court shall tax the costs which appear properly claimed. If objections are timely filed, the Clerk of Court shall consider the objections and may tax costs subject to review by the Court, as provided by Fed. R. Civ. P. 54(d).

(c) Witnesses and Experts.

Witnesses, both fact and expert, shall be entitled to fees as provided by statute to be taxed as costs in the case. Requests for witness fees must include:

(1) the name of the witness;

(2) the location of residence or business;

(3) the dates the witness actually testified in Court; and

(4) the number of days the witness traveled to and from the place of trial or hearings, the exact number of miles traveled and the actual cost of any common carrier transportation incurred.

(d) Clerk of Court Taxing Witness Fees.

The Clerk of Court shall tax the witness fees after the bill of costs is filed, provided the information contained therein corresponds with the official records of the Court. If there is a discrepancy between the bill of costs and the official court records, the Clerk of Court shall tax the witness fees in accordance with the official court records.

(e) Costs in Removed Cases.

In cases removed from state courts, the costs incurred in the state courts by the prevailing party shall be taxed upon filing a bill of costs with the Clerk of Court.

(f) Items Taxable as Costs.

It shall be the policy of the Court to allow certain items of costs and disallow other items, as specified in any order of the Court:

(1) Fees of the Clerk of Court and United States Marshal. The filing fees paid to the Clerk of Court shall be taxable.

Fees of the United States Marshal, as set forth in 28 U.S.C. § 1921, shall be taxable. The costs for service by a sheriff or other authorized person shall be taxable, except that counsel have the duty to mitigate costs by having process served by a person located as closely as possible to the person to be served, in order to minimize mileage fees.

(2) Fees of Court Reporter.

(A) Transcripts of trial proceedings obtained for the purposes of preparing proposed findings of fact and conclusions of law, when directed by the Court in trials to the Court, shall be taxable to the prevailing party.

(B) Daily transcripts of trial proceedings obtained for the convenience of counsel are not taxable as costs unless advance authority has been sought and obtained from the Court.

(C) Costs of depositions are taxable if the depositions or portions thereof were read into evidence at trial in lieu of the appearance of the deponent, if the deposition is used at trial to impeach a witness with his/her prior testimony, is necessarily used to refresh a witness's recollection from his/her deposition testimony, or is used in support of or in opposition to any dispositive motion. Costs of the taxing party's copies of depositions taken by the opponent and utilized or read into evidence at trial in lieu of the appearance of a witness are taxable. This Court has entered an order setting the transcript rates which are allowed for official transcripts in this Court. Those fees are hereby adopted as the maximum taxable transcription fees notwithstanding what fee may have been charged to the party by the court reporter. A copy of the order setting the transcription rates may be obtained from the Clerk of Court.

The attendance fee of the court reporter is taxable. Extra fees charged by court reporters for mileage, per diem, expeditious handling, etc., shall not be taxable unless advance authorization was sought and received from the Court.

Costs for videotaping a deposition shall not be taxable unless advance authorization was sought and received from the court.

(3) Witness Fees. Unless otherwise ordered, witness fees are allowed for each day of testimony and necessary attendance at trial. Counsel shall be expected to justify the witness fee for any days which the courtroom minutes do not reveal that a particular witness testified. In addition, a subsistence fee may be allowed for each day that the witness is so far removed from his or her residence as to prohibit return thereto from day-to-day. Such subsistence shall be determined pursuant to the governmental rate in effect at the time. Witness fees are taxable whether or not a subpoena was issued.

(A) Witnesses attending in this Court, if within the jurisdiction of this Court, are entitled to a mileage fee for going to and from their place of residence. The mileage fee shall be the same as that which federal government employees would be entitled.

(B) Witnesses attending from outside the jurisdiction of this Court shall be allowed the same mileage fee as set forth in (3)(A) above, up to the maximum amount of seven hundred fifty (750) miles, one way, which is the maximum mileage which may be assessed within the jurisdiction.

(C) Provided, however, that witnesses shall be allowed the lesser amount of the cost of common carrier transportation or mileage as set forth above.

(D) Parties and party representatives are not entitled to witness fees.

(4) Exemplification and Copies of Materials. Fees for exemplification and the costs of making copies of any materials necessarily obtained for use in the case shall be limited to those documents or records used and admitted at trial or made part of the administrative record in cases involving review of agency action. The Bill of Costs must reference the exhibit number(s). The costs of copies of materials are taxable when copies are admitted into evidence in lieu of originals that are not available for introduction into evidence. The cost(s) for certification or proof of nonexistence of a document is taxable.

(5) Maps, Charts, Models, Photographs. The cost of photographs, eight (8) x ten (10) inches in size or less, is taxable, if the photographs are admitted into evidence. Enlargements greater than eight (8) x ten (10) inches are not taxable except by order of the Court. Costs of maps, charts, and models are not taxable except by order of the Court. The bill of costs must reference the exhibit number(s).

(6) Docket Fees to Attorneys. Attorney's docket fees are taxable in accordance with 28 U.S.C. § 1923.

(7) Fees to Masters, Receivers and Commissioners. Fees to masters, receivers and commissioners are taxable as costs, unless otherwise ordered by the Court.

(g) Costs Not Expressly Authorized.

When costs are sought for items not authorized by this rule, the parties must seek written approval in advance of trial.

(h) Costs Taxed by Court of Appeals [Fed. R. App. P. 39(d)].

Any costs taxed in the mandate of the Court of Appeals shall be entered by the Clerk of Court.

(i) Costs on Appeal in District Court [Fed. R. App. P. 39(e)].

All costs taxable under Fed. R. App. P. 39(e) shall be deemed waived unless the party entitled thereto files a bill of costs in accordance with paragraph (a) of this Local Rule, within fourteen (14) days of the issuance of the mandate by the Court of Appeals.

Rule 54.3 ATTORNEY'S FEES

(a) Statement of Consultation.

The Court will only consider a motion to award attorney's fees when the moving party advises the Court in writing that, after consultation, the parties are unable to reach an agreement with regard to the fee award. The statement of consultation shall state the date of the consultation, the names of the participating attorneys and the specific results achieved.

(b) Agreed-Upon Award.

If the parties reach an agreement, they shall file an appropriate stipulation and proposed order.

(c) Motion for Award.

If the parties are unable to agree then, within fourteen (14) days of entry of the final judgment, the moving party shall file the statement of consultation along with a motion setting forth the statutory or contractual authority for the fee request and the factual basis for each criterion which the Court is asked to consider in making an award. The motion shall be supported by detailed and contemporaneous time records, affidavits and other evidence showing the amount of time spent on the case, the hourly fee claimed by the attorney and the hourly fee usually charged by the attorney, if this differs from the amount claimed in the case. The motion shall also be supported by a memorandum brief supporting the party's entitlement to attorney's fees. Discovery shall not be conducted in connection with motions for award of attorney's fees unless permitted by the Court upon motion and for good cause shown.

(d) Objections to Award.

The opposing party shall file objections to the fee request, supported by affidavits or other evidence, within fourteen (14) days after the filing of the claim for attorney's fees. The opposing party shall also submit a memorandum brief supporting the objections.

(e) Waiver.

Failure to timely file a motion for or an objection to an award of attorney's fees shall constitute a waiver thereof unless the Court grants relief from the waiver upon good cause shown.

(f) Motion for Interim Award.

A party claiming to be entitled to an award of interim attorney's fees shall submit a motion as set forth above. Objections, if any, should be filed as set forth above.

Rule 54.4 JURY COST ASSESSMENT

Whenever any civil action scheduled for jury trial is settled or otherwise resolved after noon on the last working day prior to trial, jury costs may be assessed against any of the parties and/or counsel. Likewise, when any civil action is settled during jury trial before verdict, jury costs may be assessed against any of the parties and/or counsel.

Rule 55.1 JUDGMENT BY DEFAULT

Upon a party's application for default judgment, the Clerk of Court shall make and file an entry of default as to any party in default in those instances where a separate request for entry of default has not been made prior to the application for default judgment.

Judgments by default will be entered in accordance with Fed. R. Civ. P. 55(b)(1) and/or Fed. R. Civ. P. 55(b)(2).

VIII. PROVISIONAL AND FINAL REMEDIES

Rule 65.1 BONDS

An attorney, party, or the spouse of a party in a civil case shall not be accepted as a personal surety on any bond filed in that case.

Where the surety on a bond is a surety company approved by the United States Department of the Treasury, a power of attorney showing the authority of the agent signing the bond shall be on file with the Clerk of Court.

No person, partnership, corporation, or other association or entity may act as his, her, or its own surety in a civil case.

Rule 67.1 DEPOSITS AND WITHDRAWALS IN THE REGISTRY OF THE COURT

(a) Court Ordered Investments.

Parties depositing money into the Court registry shall file and serve upon the Clerk of Court or the designated Financial Deputy a signed court order. The order shall specify the amount to be invested and the type of investment to be made. The Clerk of Court shall deposit the funds only in an interest-bearing account, or accounts, as designated in the order. The institution where the money is deposited must be listed on U.S. Treasury Circular 176.

(b) Registry Fee.

The order shall also contain language which directs the Clerk of Court to deduct from the income earned on the investment a fee not to exceed that authorized by 28 U.S.C. § 1914(b) and any regulations promulgated thereunder by the Judicial Conference of the United States.

(c) Maturity of Investments.

When investments mature, it shall be the responsibility of the parties to advise the Clerk of Court by serving written notice on the Clerk or the designated Financial Deputy at least three (3) days in advance of maturity. The notice should give complete instructions for the reinvestment or disbursement of such funds. If the parties fail to advise the Clerk of Court, the funds shall be deposited by the Clerk of Court in the Civil Registry checking account and interest shall accrue on behalf of the United States.

(d) Withdrawals.

Withdrawal of funds which have been deposited in the registry of the Court pursuant to Fed. R. Civ. P. 67 shall be allowed only upon an order of the Court (28 U.S.C. § 2042). Any registry funds which were deposited into an interest-bearing account or instrument, as required by Fed. R. Civ. P. 67, may be withdrawn only after the party seeking the funds provides a separate document (W-9) which sets forth the Social Security number or tax identification number of the ultimate recipient(s) of the funds along with the address where the funds are to be sent. All motions and proposed orders for withdrawal shall include the amount to be paid out, to whom it should be paid and the deduction of the registry fee. Once signed by the Court, the order shall be forwarded by the Clerk of Court directly to the institution holding the funds.

(e) Non-Interest Bearing Deposits.

Criminal cash bail, cost bonds and other cash bonds such as admiralty cost bonds, injunction cost bonds, civil garnishments, etc., are not governed by the Federal Rules of Civil Procedure and, therefore, are not required to be deposited in interest-bearing accounts.

IX. SPECIAL PROCEEDINGS

Rule 72.1 DUTIES OF MAGISTRATE JUDGES

(a) Duties Under 28 U.S.C. § 636.

Each United States Magistrate Judge of this Court is authorized to perform the duties prescribed by 28 U.S.C. § 636, as well as exercise all the powers and duties conferred or imposed upon Magistrate Judges by statute and rules.

(b) Determination of Non-Dispositive Pretrial Matters [28 U.S.C. § 636 (b)(1)(A)].

A Magistrate Judge may hear and determine non-dispositive matters, including final pretrial conferences, when requested by a District Judge.

(c) Assignment of Pretrial Dispositive Motions by the Court [28 U.S.C. § 636 (b)(1)(B)].

A District Judge may designate a Magistrate Judge to conduct hearings. A Magistrate Judge shall submit to a District Judge findings of fact and recommendations for the final disposition of the following matters:

(1) motions for injunctive relief, including temporary restraining orders and preliminary and permanent injunctions;

(2) motions for judgment on the pleadings;

(3) motions for summary judgment;

(4) motions to dismiss or permit the maintenance of a class action;

(5) motions to dismiss for failure to state a claim upon which relief may be granted;

(6) motions to involuntarily dismiss an action;

(7) motions for review of default judgment; and

(8) any additional duties consistent with the laws of the United States.

(d) Automatic References.

The Clerk of Court shall automatically refer to a Magistrate Judge those matters as designated by the District Judge upon filing.

(e) Referral of Civil Cases to Magistrate Judge.

Each District Judge of this Court may refer civil cases to the full-time Magistrate Judges pursuant to 28 U.S.C. § 636 and Local Rule 73.1.

(f) Additional Duties.

A Magistrate Judge shall have authority to:

(1) accept petit jury verdicts in the absence of a District Judge;

(2) issue subpoenas, writs of habeas corpus ad testificandum or habeas corpus ad prosequendum or other orders necessary to obtain the presence of parties, witnesses or evidence needed for court proceedings;

(3) order the exoneration or forfeiture of bonds;

(4) conduct proceedings for the collection of civil penalties of not more than two hundred dollars ($200.00) assessed in accordance with 46 U.S.C. § 4311(d) and § 12309(c);

(5) conduct examinations of judgment debtors in accordance with Fed. R. Civ. P. 69;

(6) consider and rule upon applications for administrative inspection warrants and orders permitting entry upon a taxpayer's premises to effect levies in satisfaction of unpaid tax deficits; and

(7) other proceedings upon special designation of a District Judge or pursuant to an order of the Court not inconsistent with the Federal Rules of Civil Procedure, applicable statutes, or other laws of the United States.

Rule 72.2 PRISONER PETITIONS FOR POST-TRIAL RELIEF INCLUDING RELIEF UNDER 28 U.S.C. § 2241, § 2254 AND § 2255.

(a) Magistrate Duties.

A Magistrate Judge may perform any or all of the duties imposed upon a District Judge in proceedings involving petitions for post-trial relief made by individuals convicted of criminal offenses. However, an order disposing of the petition may be made only by a District Judge. A Magistrate Judge may issue preliminary orders and conduct evidentiary hearings or other proceedings, and may submit to a District Judge findings of fact and recommendations for final disposition of the petition.

(b) Review of Post-Trial Petition.

The District Judge shall conduct an initial review of the post-trial petition to determine if the petition is frivolous on its face. If the petition does not appear to be frivolous, the District Judge may either retain the case or refer it to a Magistrate Judge. If the petition is not frivolous on its face, the Court shall enter an order directing the Clerk of Court to immediately serve the petition on the named respondent(s) in accordance with Fed R. Civ. P. 5. The respondent(s) shall respond in accordance with Fed. R. Civ. P. 12. In the event the respondent(s) files a motion to dismiss, a brief in support of the motion shall be filed at the same time.

(c) Evidentiary Hearing.

A District Judge or Magistrate Judge may set and conduct an evidentiary hearing after an answer or motion to dismiss is filed. The petitioner and out-of-town witnesses shall appear at hearings by telephone, unless otherwise ordered by the Court . The parties may be required to submit proposed findings of fact and conclusions of law.

(d) Filing Fees.

Except for petitions under 28 U.S.C. § 2255, before a petition is reviewed by the District Judge or Magistrate Judge, the prisoner must pay the appropriate filing fee or file a motion for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. No filing fee is required for petitions under 28 U.S.C. § 2255. If the Court grants the motion for leave to proceed in forma pauperis, the prisoner shall be required to pay the filing fee in the manner set forth in 28 U.S.C. § 1915.

(e) Forms.

Upon request, the Clerk of Court shall provide forms for petitions for a writ of habeas corpus under 28 U.S.C. § 2254, motions to vacate, set aside or correct a sentence under 28 U.S.C. § 2255, and motions for leave to proceed in forma pauperis.

Rule 72.3 PRISONER CASES CHALLENGING CONDITIONS OF CONFINEMENT, INCLUDING CASES UNDER 42 U.S.C. § 1983

(a) Magistrate Duties.

A Magistrate Judge may perform any or all of the duties imposed upon a District Judge in proceedings involving challenges by a prisoner to conditions of confinement. However, an order disposing of the petition may be made only by a District Judge. A Magistrate Judge may issue preliminary orders and conduct evidentiary hearings or other proceedings, and may submit to a District Judge findings of fact and recommendations for final disposition of the action.

(b) Civil Rights Review.

The District Judge shall conduct an initial review of the complaint to determine if the complaint is frivolous on its face. If the complaint appears to state a claim for relief, the District Judge may either retain the case or refer it to a Magistrate Judge. If the complaint is not frivolous on its face, the Court shall enter an order directing the Clerk of Court to immediately serve the complaint and a waiver of service or a summons on the named defendant(s). The defendant(s) shall respond in accordance with Fed. R. Civ. P. 4(d) and 12. In the event the defendant(s) files a motion to dismiss, a brief in support of the motion shall be filed at the same time.

(c) Evidentiary Hearing.

A District Judge or Magistrate Judge may set and conduct an evidentiary hearing after an answer or motion to dismiss is filed. The plaintiff and out-of-town witnesses shall appear at hearings by telephone, unless otherwise ordered by the Court. The parties may be required to submit proposed findings of fact and conclusions of law.

(d) Filing Fees.

Before an action challenging conditions of confinement is reviewed by the District Judge or Magistrate Judge, the prisoner must pay the appropriate filing fee or file a motion for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. If the Court grants the motion for leave to proceed in forma pauperis, the prisoner shall be required to pay the filing fee in the manner set forth in 28 U.S.C. § 1915.

(e) Forms.

Upon request, the Clerk of Court shall provide forms for civil rights complaints under 42 U.S.C. § 1983 and motions for leave to proceed in forma pauperis.

Rule 73.1 CONSENT TO TRIAL AND DISPOSITION OF CIVIL CASE BEFORE MAGISTRATE JUDGES

(a) Consent.

Upon written consent of the parties, a full time Magistrate Judge for the District of Wyoming may conduct any or all proceedings in any civil case which is filed in this Court [28 U.S.C. § 636]. A form of consent is available on the Court's website: http://www.wyd.uscourts.gov/htmlpages/forms.html

(b) Automatic Referral.

A District Judge may automatically refer to a full-time Magistrate Judge civil cases for disposition, including the entry of final judgment in the case. The parties to a case which has been automatically referred to the full-time Magistrate Judge shall advise the District Judge in writing, within five (5) days after notification of referral, of their consent or objection to the jurisdiction of the full-time Magistrate Judge.

Rule 74.1 RECONSIDERATION OF MAGISTRATE JUDGE'S ACTION

(a) Reconsideration of Non-Dispositive Matters [28 U.S.C. § 636(b)(1)(A)].

A party may seek reconsideration of a Magistrate Judge's order determining a non-dispositive matter within fourteen (14) days after service of the Magistrate Judge's order. The request for reconsideration shall specifically designate the order, or part thereof, objected to and the basis for any objection. Any response thereto shall be filed within fourteen (14) days after service of the request for reconsideration. The District Judge assigned to the case will reconsider the matter and set aside any portion of the Magistrate Judge's order found to be clearly erroneous or contrary to law. A request for reconsideration, response thereto and reply, if any, shall be subject to the page limitations imposed on non-dispositive matters under Local Rule 7.1(b)(1)(C) and (D).

(b) Review of Proposed Findings and Recommendations [28 U.S.C § 636(b)(1)(B)].

A party may object to a Magistrate Judge's proposed findings and recommendations on any matter referred pursuant to 28 U.S.C. § 636(b)(1)(B) within fourteen (14) days after service of the Magistrate Judge’s proposed findings and recommendations. Any objections shall specifically identify the portions of the proposed findings and recommendations to which objections are made and the basis for such objections. The District Judge assigned to the case will conduct a de novo review of the objections in accordance with 28 U.S.C. § 636(b)(1). Any objections, response thereto and reply, if any, shall be subject to the page limitations imposed on dispositive matters under Local Rule 7.1(b)(2)(B) and (C).

(c) Special Master Reports [28 U.S.C § 636(b)(2)].

Any party may seek review of, or action on, a special master report filed by a Magistrate Judge, in accordance with the provisions of Fed. R. Civ. P. 53(f). Any request for review or action, response thereto and reply, if any, shall be subject to the page limitations imposed on dispositive matters under Local Rule 7.1(b)(2)(B) and (C).

X. DISTRICT COURTS AND CLERKS

Rule 77.1 BUSINESS HOURS AND DAYS OF BUSINESS

Unless otherwise ordered by the Court, the Office of the Clerk of Court shall be open to the public during business hours on all days except Saturdays, Sundays, and legal holidays. Business hours and days of business are posted on the Court's website: http://www.wyd.uscourts.gov/htmlpages/courtinfo.html

Rule 79.1 RECORDS OF THE COURT

(a) Access to Public Court Records.

Cases filed after June 1, 2006, are available for review electronically via the Court's website at http://www.wyd.uscourts.gov/htmlpages/cmecf.html. To access an electronic case file, users must first register for Public Access to Court Electronic Records (PACER) at http://pacer.psc.uscourts.gov/register.html. Lengthy exhibits and other supporting materials that cannot be converted to electronic format are accessible in the Clerk's Office. Paper files of cases prior to June 1, 2006 may be ordered from the National Archives and Records Administration (through the Clerk's Office), upon payment of the prescribed fees, and may be checked out from the Clerk's Office by members of the bar or the public, with permission of the Clerk of Court. Public records not electronically available may be made available through the Clerk of Court.

(b) Sealed Records.

Submissions or documents ordered sealed by the Court are not public records.

Rule 79.2 EXHIBITS

(a) Custody of Exhibits.

The Clerk of Court or courtroom deputy clerk shall mark and have safekeeping responsibility for all exhibits admitted at trial or hearing.

(b) Return of Exhibits.

Unless otherwise ordered, exhibits in the custody of the Clerk of Court at the conclusion of trial shall be retained until the time to appeal has expired or any appeal taken has concluded. Exhibits will be returned to the party who introduced them into evidence. If counsel fails to make arrangements to retrieve the exhibits within fourteen (14) days after being notified that the exhibits are ready to be retrieved, the Clerk of Court shall destroy or otherwise dispose of said exhibits. A signed receipt identifying the exhibits returned and/or destroyed is to be filed in the case.

(c) Sensitive and Bulky Exhibits.

Sensitive exhibits such as money, drugs and firearms shall remain in the custody of the attorney or the case law enforcement agent, as ordered by the Court. A receipt identifying the exhibits in their custody will be filed in the case. The attorney/agent shall permit inspection of the exhibits by any party for the purpose of preparing the record on appeal, and shall be charged with the responsibility for their safekeeping and transportation to the 10th Circuit Court of Appeals.

Rule 81.1 REMOVAL

A party seeking removal of a civil action shall file with this Court a notice of removal, in accordance with 28 U.S.C. § 1446 and contemporaneously notify the state court judge of the removal.

Within fourteen (14) days of entry of the Order on Removal, the removing party shall file with the Clerk of this Court a copy of the entire state court record and proceedings, including the docket sheet.

A copy of the notice of removal shall be filed with the clerk of the state court. The case shall be deemed removed from state court to this Court upon the filing of the notice with the state court.

The Clerk of this Court shall issue an Order of Removal immediately following the filing of the notice of removal. The Order shall state that this Court obtained jurisdiction over both the parties and the subject matter of the state court action at the time the notice of removal was filed with the clerk of the state court and that the state court should proceed no further, unless the case is later remanded.

In the event a hearing is pending when the notice of removal is filed with the clerk of the state court, the Order on Removal shall require the removing party to notify the state court clerk of the removal of the action.

Rule 83.1 SESSIONS OF COURT

The Court shall be in continuous session for transacting business in accordance with 28 U.S.C. § 139. The Court may consider holding sessions of Court in other Wyoming cities for the convenience of litigants and their witnesses, provided suitable arrangements for a courtroom are made.

Rule 83.2 POWERS OF THE COURT

Nothing contained in these Rules shall be construed to deny to this Court such powers as are necessary for the Court to maintain control over proceedings conducted before it, such as proceedings for contempt under Title 18 U.S.C. §§ 401 et seq. or Fed. R. Crim. P. 42, entitled "Criminal Contempt."

Rule 83.3 CAMERAS AND RECORDING DEVICES

(a) Wireless Communication Devices.

Unless otherwise ordered, electronic devices, including, but not limited to, a cellular telephone, a smart phone, a laptop computer, or a personal data assistant (PDA), regardless of the technology used or the name by which the device is marketed, may **only** be brought into any public area in the United States Courthouse or any location in which court business and proceedings are conducted in accordance with this Court's General Order Regarding Wireless Communication Devices (Administrative General Order 2011-04).

(b) Impermissible Uses of Permissible Devices.

No person shall use a permissible device allowed pursuant to Administrative General Order 2011-04 to take photographs or to make audio or video recordings in any public area in the United States Courthouse or any other location in which court business and proceedings are conducted. No person shall use a permissible device to take photographs or to make audio or video recordings in any courtroom or chambers except as authorized by the judicial officer having direct control of that space.

Rule 83.4 SECURITY

(a) Procedures.

All persons entering a building where court is being held shall be subject to security procedures provided for that building. All briefcases, purses, parcels, bags, backpacks, and other items shall be passed through X-ray scanners and shall be subject to search. This rule shall apply at such other places as a judicial officer may direct. Failure to obey this rule shall be grounds for refusing admission to the buildings where court is being held, and may subject the offender to detention, arrest, and prosecution as provided by law, or to a contempt proceeding.

(b) Identification or Information.

On request of a United States marshal, court security officer, federal protective service officer, or court official, anyone within or seeking entry to any court facility shall produce identification and state the nature of his or her business at court. Failure to provide identification or information shall be grounds for removal or exclusion from the facility.

(c) Purpose.

This rule and these procedures are necessary in the interest of public safety and to maintain orderly court procedures.

Rule 83.5 TELEPHONE HEARINGS AND CONFERENCES

(a) Request for Telephone Conference.

With permission of the Court, counsel for a party in a civil proceeding may appear at a hearing upon a motion, an initial pretrial scheduling conference, or a final or supplemental pretrial conference by a telephone conference call. The attorneys shall coordinate with each other to arrange for a telephone conference call to the court and shall place the call at the time set for hearing. Counsel shall advise the Court of the arrangements that have been made for the telephone conference call in advance of the hearing.

(b) Use of Exhibits.

If written documents are necessary at a telephone hearing counsel shall, in advance, provide copies of such documents to the Court and all counsel.

Rule 83.6 REVIEW OF ACTION OF ADMINISTRATIVE AGENCIES, BOARDS, COMMISSIONS, AND OFFICERS (INCLUDING SOCIAL SECURITY APPEALS)

(a) Review of Agency Action--How Obtained.

(1) Petition for review of agency action. Review of an action taken or withheld by an administrative agency, board, commission, or officer must be obtained in the following manner:

(A) by filing a petition for review or, if specified by the applicable statute, a notice of appeal;

(B) within the time prescribed by law;

(C) in the form indicated by the applicable statute (Form 3 in the Appendix to the Federal Rules of Appellate Procedure is a suggested form of petition or notice);

(D) with a caption naming each petitioner seeking review;

(E) naming the respondent designated in the applicable statute;

(F) identifying the final agency action or part thereof to be reviewed; and

(G) containing a citation of the statute by which jurisdiction is claimed.

If two or more persons are entitled to seek judicial review of the same order and their interests are such as to make joinder proper, they may file a joint pleading. As used in this rule, the term "agency" includes any federal agency, board, commission, or officer.

(2) Service of process. Service of process shall be in the manner provided by Fed. R. Civ. P. 4, unless a different manner of service is prescribed by an applicable statute.

(b) Agency Response.

The respondent need not file an answer to the petition or notice of appeal.

(1) Composition of the record. Unless the applicable statute provides otherwise, the record on review in proceedings to review or enforce an agency order is comprised of:

(A) the final agency action sought to be reviewed or enforced;

(B) the findings or report on which it is based (including all documents and materials directly or indirectly considered by agency decision-makers; and, if existing,

(C) the pleadings, evidence, and proceedings before the agency.

(2) Lodging of the record. Unless a different time is provided by statute or as otherwise ordered by the Court, the agency shall lodge the record with the Clerk of Court within ninety (90) days of proper service of the petition or notice (sixty (60) days for Social Security appeal). The record shall be consecutively numbered and contain an index including date and description of the document(s). To the extent practicable, the record shall be provided to the Court in text searchable format and the agency shall provide a log describing any document(s) withheld under a claim of privilege, including a claim that the document(s) reflect the deliberative process of the agency.

(3) Supplementation of the record. To the extent a party believes the record does not contain all document(s) which were considered by the agency, a party may seek leave of Court to complete the record or may oppose a party's request for such completion. Extra-record evidence which was not considered by the agency will not be permitted except in extraordinary circumstances. Any request for completion of the record, or for consideration of extra-record evidence, must be filed within fourteen (14) days after the record was lodged with the Clerk of Court. Local Rule 7.1(b), which pertains to briefing of non-dispositive motions, shall apply.

(c) Briefing Schedule.

Unless otherwise ordered by the Court, the party seeking review must serve and file a brief within forty-five (45) days after the date on which the record is lodged. If there is a motion filed under (b)(3) of this rule, petitioner must serve and file a brief within forty-five (45) days after the date either (1) an amended record is filed; or (2) the motions is denied. The responding party must serve and file a brief within thirty (30) days after service of the brief of the party seeking review. The party seeking review may serve and file a reply brief within fourteen (14) days after service of the brief of the respondent. Unless otherwise ordered, by the Court, briefs shall be filed in accordance with Fed. R. App. P. 32(a)(4) through (a)(7). The Court may render a decision upon the briefs and the record, without oral argument, unless the Court grants a request for oral argument.

(d) Amicus Briefs.

Unless otherwise ordered by the Court, motions for leave to file and the filing of amicus briefs shall be governed by Fed. R. App. P. 29.

(e) Motions to Intervene.

Unless a statute provides another method, intervention of parties shall be governed by Fed. R. Civ. P. 24. If there is more than one intervening party, joint briefing shall be governed by 10th Cir. R. 31.3.

(f) Injunctions and Restraining Orders.

Requests for injunctive relief in proceedings under this rule shall be governed by Fed. R. Civ. P. 65 and 65.1.

(g) Serving and Filing Pleadings and Other Papers**.**

The parties to any proceedings governed by this rule shall give the same notice of the filing of pleadings, records and other documents as is required by Fed. R. Civ. P. 5.

Rule 83.7 MULTIDISTRICT LITIGATION

Pursuant to 28 U.S.C. § 1407, an attorney filing a complaint, answer or other pleading involving a case which may be subject to pretrial proceedings before the judicial panel on multidistrict litigation, shall submit to the Clerk of Court, at the time of filing, a written description of the nature of the case and list of the case names and numbers of all related cases filed in any jurisdiction.

XI. ATTORNEYS

Rule 84.1 ATTORNEYS

The District of Wyoming, in accordance with its inherent power to supervise the conduct of attorneys who are admitted to practice before it, or admitted pro hac vice, promulgates the following Rules of Conduct and Disciplinary Enforcement.

(a) Standards of Attorney Conduct.

In addition to the Wyoming Rules of Professional Conduct and Fed. R. Civ. P. 11, the following standards of conduct shall be observed by all attorneys participating in civil actions in this District.

(1) Attorneys shall at all times exercise professional integrity, candor, diligence and utmost respect to the legal system, judiciary, litigants and other attorneys.

(2) Attorneys shall extend to opposing counsel cooperation and courteous behavior at all times and shall not arbitrarily or unreasonably withhold consent to opposing counsel's reasonable requests for cooperation or scheduling accommodations.

(3) Attorneys shall treat each other, the opposing party, the Court and members of the court staff with courtesy and civility, and conduct themselves in a professional manner at all times.

(4) A client has no right to demand that attorneys abuse the opposite party or indulge in offensive conduct. An attorney shall always treat adverse witnesses and suitors with professionalism, fairness and due consideration.

(5) Attorneys shall be punctual in communications and in honoring scheduled appearances (including court appearances).

(b) Sanctions.

Attorneys whose conduct does not comport with these rules may be subject to discipline by the Court, including open court reprimands, compulsory legal education, monetary sanctions or other punitive measures appropriate to the circumstances.

Rule 84.2 ADMISSION TO PRACTICE

(a) General Admissions.

Attorneys who are admitted and licensed to practice before the Supreme Court of Wyoming may be admitted to practice in the United States District Court for the District of Wyoming upon motion made by an attorney admitted to this Court. This motion shall contain a satisfactory showing of the applicant's qualifications and good moral character and the moving attorney shall vouch for him or her. After the motion is granted the applicant shall take the oath administered by the Court. After signing the roll of attorneys in the Clerk of Court's office and paying the appropriate fee to the Clerk of Court, a certificate of admission shall be furnished to each admitted attorney. See Appendix C.

(b) Admission Pro Hac Vice.

All attorneys who have not been admitted to practice in the courts of the State of Wyoming must seek admission pro hac vice based upon a written motion made by a member of the Bars of the State of Wyoming and of this Court (hereinafter "local counsel"). This motion shall contain the following:

- Firm name (if any), office address, email address and telephone number of attorney moving for admission pro hac vice;
- Representation by local counsel that he or she is a member in good standing of the Bar of the State of Wyoming and the Bar of this Court;
- A statement by local counsel vouching, to the best of their knowledge and belief, for the good moral character and veracity of the pro hac vice attorney;
- A statement that local counsel shall be fully prepared to represent the client at any time, in any capacity.

The motion for admission pro hac vice shall include an affidavit completed by counsel seeking to be admitted pro hac vice (hereinafter "applicant"). The affidavit shall contain the following:

- Name, firm name, address, telephone number, and email address of the applicant;
- When and where admitted (each court/bar);
- List of all pending disciplinary proceedings and all past public sanctions of the applicant, if any;
- Affirmation that the applicant will comply with and be bound by the Local Rules of the United States District Court for the District of Wyoming;
- Acknowledgment by the applicant that local counsel is required to be fully prepared to represent the client at any time, in any capacity;

- Acknowledgment that the applicant submits to and is subject to the disciplinary jurisdiction of the Court for any alleged misconduct arising in the course of preparation and representation in the proceedings.

Unless otherwise ordered by this Court, a motion to appear pro hac vice shall be granted only if the applicant associates with local counsel who shall participate in the preparation and trial of the case to the extent required by the Court. The applicant must also be a current member in good standing of the bar of another state in order to be eligible for pro hac vice admission before this Court.

Prior to the filing of any pleadings or other documents, including a motion seeking pro hac vice admission, local counsel shall file an entry of appearance. Local counsel shall be present in Court during all proceedings in connection with the case, unless excused by the Court, and shall have full authority to act for and on behalf of the client in all matters including pretrial conferences, as well as trial or any other hearings. Any notice, pleading or other paper shall be served on all counsel of record including local counsel.

For good cause, the Court may direct the Clerk of Court to accept for filing a complaint signed only by an attorney not admitted to this Court upon the condition that he or she shall associate with local counsel within fourteen (14) days after the filing of the complaint.

(c) Pro Se Representation.

Any party proceeding on his or her own behalf without an attorney shall be expected to read and be familiar with the Local Rules of this Court, the Federal Rules of Civil Procedure, the Federal Rules of Evidence, or Federal Rules of Appellate Procedure, whichever may be applicable to the case, and shall proceed in accordance therewith. Copies of these Rules are available at the Office of the Clerk of Court or the Court's website, www.wyd.uscourts.gov.

(d) Government Attorneys.

Any attorney representing the United States Government, or any agency thereof, and who has been admitted to practice in the highest court of any state, but who is not otherwise qualified under this Rule to practice in this Court, may appear and participate in a case in his or her official capacity, as hereinafter provided. If the Government attorney is not a member of the Bar of this Court, the United States Attorney or an Assistant United States Attorney for the District of Wyoming shall move for the admission of the non-resident Government attorney, shall sign all pleadings before their filing and shall be present in Court during all proceedings in connection with the case, unless excused by the Court.

(e) Law Students.

Any law student, upon proof of compliance with the terms and conditions of Rule 12, Rules of the Supreme Court of Wyoming Providing for the Organization and Government of the Bar Association and Attorneys at Law of the State of Wyoming, may be permitted to participate in any case before this Court upon a motion pursuant to subsection (a) of this Local Rule.

Rule 84.3 APPEARANCES AND WITHDRAWALS

(a) Appearances.

In each case, every attorney appearing before this Court shall file a notice of appearance clearly reflecting the firm name (if any), office and mailing address, email address and bar number of the attorney entering an appearance, and telephone number of the attorney, and each party for whom appearance is made.

(b) Withdrawal of Appearance.

An attorney who has filed a notice of appearance in any case may, with Court permission, withdraw for good cause. An attorney seeking withdrawal shall be relieved of duties to the Court, the client and opposing counsel, only upon completion of the following:

(1) filing of a motion seeking leave to withdraw, specifying the reasons therefor, unless to do so would violate the Code of Professional Responsibility, and whether opposing counsel objects, and service of a notice of withdrawal on his client and other counsel. Notice to the attorney's client must contain the admonition that the client is personally responsible for complying with all deadlines and orders of this Court and time limitations of the Local Rules and Federal Rules of Civil Procedure; and

(2) the filing of a notice of withdrawal, proof of service to the client and the written consent of the client to the withdrawal; or the filing of an entry of appearance on behalf of the client by a substitute attorney and a representation that the client consents. If the client has not consented to withdrawal, the motion shall be set for hearing before the Court.

Upon completion of these requirements the Court may enter an order authorizing withdrawal. Until such order is entered, counsel shall have continuing duties of representation to the Court, client and opposing counsel.

(c) Withdrawal of Appearance - Multiple Attorneys.

In those cases in which an attorney seeks to withdraw from representation of a client who is represented by another attorney, who has previously filed a notice of appearance on behalf of the client, then the withdrawing attorney may simply file a notice of withdrawal which shall confirm the client’s consent and identify by name and address the remaining counsel who continue to represent the client.

Rule 84.4 ATTORNEY MISCONDUCT AND DISCIPLINARY PROCEEDINGS

(a) Disciplinary Action for Misconduct.

For misconduct defined in these Rules, and for good cause shown, and after notice and opportunity to be heard, any attorney admitted to practice before this Court may be disbarred, suspended from practice before this Court, reprimanded or subjected to such other disciplinary action as the circumstances may warrant.

(b) Definition of Misconduct.

Acts or omissions by an attorney admitted to practice before this Court, individually or in concert with any other person or persons, which violate the Rules of Professional Conduct adopted by this Court shall constitute misconduct and shall be grounds for discipline. This Court shall apply the Rules of Professional Conduct for Attorneys at Law, as they have been adopted by the Wyoming Supreme Court.

(c) Definition of Serious Crime**.**

As used under Rule 84.4-81.13, 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 definitions of such crime in the jurisdiction where the judgment was entered, involved false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt, or a conspiracy or solicitation of another to commit a "serious crime."

(d) Definition of Disciplinary Counsel.

The term “disciplinary counsel” as used under Rule 84.4-84.13, or whenever “disciplinary counsel” is to be appointed to investigate allegations of misconduct or prosecute disciplinary proceedings, or in conjunction with a reinstatement petition filed by a disciplined attorney, shall refer to disciplinary counsel for the Wyoming State Bar or the designee of the Wyoming State Bar assigned to conduct disciplinary actions on its behalf. If counsel for the Wyoming State Bar declines or refuses to serve as disciplinary counsel or such appointment is clearly inappropriate, this Court shall appoint as disciplinary counsel one or more members of the Bar of this Court to investigate allegations of misconduct or to prosecute disciplinary proceedings under these Rules. The respondent-attorney may move to disqualify disciplinary counsel if he or she is engaged as an adversary of the respondent-attorney in any matter. Disciplinary counsel, once appointed, may not resign unless permission to do so is given by this Court.

(e) Confidentiality.

Proceedings under Rule 84.4-84.13 shall be confidential, except that any opinion and order entered by the Court disbarring, suspending, or imposing other discipline upon an attorney shall be placed on the public record unless otherwise ordered by the Court.

Rule 84.5 ALLEGATIONS OF MISCONDUCT

(a) Referral to Disciplinary Counsel for Investigation.

When misconduct or allegations of misconduct, if substantiated, would warrant discipline of an attorney admitted to practice before this Court and no procedure is otherwise mandated by these Rules, the judge involved shall refer the matter to disciplinary counsel for investigation and prosecution of a formal disciplinary proceeding or the formulation of other appropriate recommendation.

(b) Formal Disciplinary Proceeding Not Initiated.

If disciplinary counsel concludes, after investigation and review, that a formal disciplinary proceeding should not be initiated against the respondent-attorney because sufficient evidence is not present, or because there is pending another proceeding against the respondent-attorney, the disposition of which should be awaited before further action by this Court is considered, or for any other valid reason, disciplinary counsel shall file with the Court a recommendation for disposition of the matter whether by dismissal, admonition, deferral or otherwise, setting forth the reasons therefor. A copy of this recommendation shall be served upon respondent-attorney.

(c) Formal Disciplinary Proceedings.

To initiate formal disciplinary proceedings, disciplinary counsel shall seek an order of this Court requiring the respondent-attorney to show cause, within thirty (30) days after service thereof, on that attorney, why he or she should not be disciplined. The Order to Show Cause shall include the form for certification as set forth in Appendix C.

(d) Answer to Order to Show Cause.

Upon the respondent-attorney's answer to the Order to Show Cause, if any issue of fact is raised or the respondent-attorney wishes to be heard in mitigation, the issuing judge shall set the matter for prompt hearing before one or more judges of this Court. If the disciplinary proceeding is predicated upon the complaint of a judge of this Court, the hearing shall be conducted before another judge (active or senior active) appointed by the Chief Judge, or, if the Chief Judge is the complainant, then by another active judge of this Court. Unless the Chief Judge is the complainant, he or she is not precluded by these Rules from appointing himself or herself to conduct the mitigation hearing. The respondent-attorney shall execute and file with the answer the certification as forth in Appendix C.

Rule 84.6 CRIMINAL CONVICTIONS

(a) Order of Suspension.

Upon the filing with the Court of a certified copy of a judgment establishing that any attorney admitted to practice before the Court has been convicted of a serious crime as defined in Rules 84.4-84.13 in any Court of the United States, or the District of Columbia, or of any state, territory, commonwealth or possession of the United States, the Court may enter an order immediately suspending, or otherwise limiting the practice of that attorney, whether the conviction resulted from a plea of guilty or nolo contendere or from a verdict after trial, and regardless of the pendency of any appeal. Such order shall direct the attorney to show cause within thirty (30) days why disbarment before this Court or some lesser punishment should not be imposed. A copy of the order shall immediately be served upon the attorney.

(b) Copy of Judgment to be Conclusive Evidence.

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.

(c) Referral for Disciplinary Proceeding.

In the event the Court suspends an attorney in accordance with the provisions of subsection (a), the Court shall refer the matter to disciplinary counsel for the institution of a disciplinary proceeding before the Court in which the sole issue to be determined is the extent of the final discipline to be imposed, provided that a disciplinary proceeding will not be brought to final hearing until all appeals from the conviction are concluded.

(d) Referral by Court to Disciplinary Counsel.

Upon the filing of a certified copy of a judgment of conviction of an attorney for a crime not constituting a "serious crime," the Court may refer the matter to disciplinary counsel for whatever action disciplinary counsel may deem warranted, including the institution of a disciplinary proceeding before the Court. However the Court may, in its discretion, take no action with respect to convictions for minor offenses.

(e) Reinstatement.

An attorney suspended, or otherwise limited in his or her practice, under the provisions of this Rule shall be reinstated immediately upon the filing of a certificate demonstrating that the underlying conviction of a serious crime has been reversed. The reinstatement shall not terminate any disciplinary proceeding then pending against the attorney, the disposition of which shall be determined by the Court on the basis of all available evidence pertaining to both guilt and the extent of discipline to be imposed.

Rule 84.7 DISCIPLINE IMPOSED BY OTHER COURTS

(a) Duty to Disclose.

Any attorney admitted to practice before this Court shall, upon being subjected to public discipline by any other Court of the United States or the District of Columbia, or by a court of any state, territory, commonwealth or possession of the United States, promptly inform the Clerk of this Court of such action.

(b) Notification of Attorney.

Upon the filing of a judgment or order demonstrating that an attorney admitted to practice before this Court has been disciplined by another court, this Court may forthwith issue a notice directed to the attorney containing:

(1) a copy of the judgment or order from the other court;

(2) an order immediately suspending the attorney, in the event the discipline imposed by the other court consists of suspension or disbarment, or an order enjoining the attorney from the practice before this Court, in the event the attorney has been enjoined from the practice of law; and

(3) an order directing the attorney to show cause within thirty (30) days after service of that order why identical action by this Court would be unwarranted.

(c) Discipline in Other Jurisdiction Stayed.

In the event the discipline imposed in the other jurisdiction has been stayed there, any reciprocal discipline imposed in this Court shall be deferred until such stay expires.

(d) Imposition of Identical Discipline.

Upon the expiration of the thirty (30) days from service of the notice issued above, this Court may impose the identical discipline unless the respondent-attorney demonstrates, or this Court finds based on the record upon which the discipline in another jurisdiction is predicated, that it clearly appears:

(1) the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;

(2) there was such an infirmity of proof establishing the misconduct as to give rise to the firm conviction that this Court could not, consistent with its duty, accept as final the conclusion on that subject;

(3) the imposition of the same discipline by this Court would result in grave injustice; or

(4) the misconduct established is deemed by this Court to warrant substantially different discipline or injunctive action.

Where this Court determines any of said elements exist, it shall enter such order as it deems appropriate.

(e) Final Adjudication in Another Court.

In all other respects, a final adjudication in another court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in this Court.

Rule 84.8 DISBARMENT ON CONSENT OR RESIGNATION IN OTHER COURTS

(a) Disbarment in Other Courts.

An attorney admitted to practice before this Court who resigns or is disbarred on consent from the bar of any other Court of the United States or the District of Columbia, or from any state, territory, commonwealth or possession of the United States, while an investigation into allegations of misconduct is pending, may, upon the filing with this Court of the judgment or order accepting such disbarment on consent or resignation, cease to be permitted to practice before this Court.

(b) Notification of Clerk of Court.

An attorney admitted to practice before this Court shall, upon being disbarred on consent or resigning from the bar of any Court of the United States or the District of Columbia, or from any state, territory, commonwealth or possession of the United States while an investigation into allegations of misconduct is pending, within fourteen (14) days inform the Clerk of this Court of such disbarment on consent or resignation.

Rule 84.9 DISBARMENT ON CONSENT WHILE UNDER DISCIPLINARY INVESTIGATION OR PROSECUTION

(a) Consent to Disbarment.

A respondent-attorney admitted to practice before this Court who is the subject of an investigation into, or a pending proceeding involving allegations of misconduct before this Court, may consent to disbarment by delivering to this Court an affidavit stating the attorney desires to consent to disbarment and that:

(1) the attorney's consent is freely and voluntarily rendered;

(2) the attorney is not being subjected to coercion or duress;

(3) the attorney is fully aware of the implications of consenting;

(4) the attorney is aware of a presently pending investigation or proceeding involving allegations that constitute grounds for the attorney's discipline, the nature of which the attorney shall specifically set forth;

(5) the attorney acknowledges the material facts alleged are true, unless such acknowledgment involves the admission of a crime; and

(6) the attorney consents because the attorney knows he or she could not successfully defend himself or herself against the charge(s).

(b) Receipt of Affidavit.

Upon receipt of the required affidavit, this Court shall enter an order disbarring the attorney.

(c) Order Disbarring Attorney.

The order disbarring the attorney on consent shall be a matter of public record. However, the affidavit required under the provisions of this Rule shall not be publicly disclosed or made available for use in any other proceeding, except upon order of this Court.

Rule 84.10 REINSTATEMENT

(a) When Court Order Required.

An attorney suspended for three (3) months or less shall be automatically reinstated at the end of the period of suspension upon filing with the Court an affidavit of compliance with the provisions of the order. An attorney suspended for more than three (3) months or disbarred may not resume practice until reinstated by order of this Court.

(b) Time of Petition Following Disbarment.

A person who has been disbarred after hearing or by consent may not petition for reinstatement until the expiration of the term of at least five (5) years from the effective date of the disbarment.

(c) Hearing on Petition.

A petition for reinstatement by a disbarred or suspended attorney under this Rule shall be filed with the Chief Judge of this Court. Upon receipt of the petition, the Chief Judge may promptly refer it to disciplinary counsel and shall assign the matter for prompt hearing before one or more judges of this Court provided that, if the disciplinary proceeding was predicated upon the complaint of a judge of this Court, the hearing shall be conducted by a judge of this Court (active or senior active) to be selected, in accordance with the procedure set forth in Local Rule 84.4(d). The judge assigned shall, within thirty (30) days after referral, 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 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 subversive of the public interest.

(d) Duty of Disciplinary Counsel.

In all proceedings upon a petition for reinstatement, disciplinary counsel is responsible for cross-examination of the petitioner, his or her witnesses and the submission of evidence, if any, in opposition to the petition.

(e) Deposit for Cost of Proceeding.

A petition for reinstatement under this Rule shall be accompanied by an advance cost deposit in an amount determined by the Court to cover anticipated costs of the reinstatement proceeding.

(f) Conditions of Reinstatement.

If the Court finds petitioner unfit to resume the practice of law, the petition shall be dismissed. If the Court finds the petitioner fit to resume the practice of law, the Court shall reinstate him or her, provided the Court may make reinstatement conditional on such terms and conditions the Court deems appropriate.

(g) Successive Petitions.

No petition for reinstatement under this Rule shall be filed within one (1) year following an adverse judgment upon a petition for reinstatement.

Rule 84.11 SERVICE OF PAPERS AND OTHER NOTICES

Service of an Order to Show Cause instituting a formal disciplinary proceeding shall be made by personal service or by registered or certified mail addressed to the attorney at the most current address on record with the Clerk of Court. Service of any other papers or notices required by these Rules shall be deemed to have been made, if such paper or notice is addressed to the attorney at the most current address on record in the Clerk of Court's office.

Rule 84.12 PAYMENT OF FEES AND COSTS

This Court shall make provisions as appropriate for the payment of fees and costs incurred in the course of a disciplinary investigation or prosecution on a case-by-case basis.

Rule 84.13 DUTIES OF THE CLERK OF COURT

(a) Obtaining Certified Copy of Judgment or Order of Conviction.

Upon being informed that an attorney admitted to practice before this Court has been convicted of any crime, the Clerk of Court shall obtain a certified copy of the judgment or order of conviction and file it with this Court.

(b) Obtaining a Certified Copy of Judgment or Order.

Upon being informed that an attorney admitted to practice before this Court has been subjected to discipline by another court, the Clerk of Court shall obtain a certified copy of the disciplinary judgment or order and file it with this Court.

(c) Notify National Discipline Data Bank.

The Clerk of Court shall promptly notify the National Discipline Data Bank, operated by the American Bar Association, of any order by this Court imposing public discipline upon any attorney admitted to practice before this Court.

Rule 85 BANKRUPTCY MATTERS

(a) Automatic Referral.

All cases under Title 11, United States Code, and all proceedings arising under Title 11 or arising in or related to cases under Title 11, shall be automatically referred to the Bankruptcy Judge of this District pursuant to 28 U.S.C. § 157 without further order. All papers in those cases shall be filed directly in the bankruptcy court, and the Bankruptcy Judge of this District shall exercise the jurisdiction of this Court in bankruptcy matters as provided in 28 U.S.C. § 157(b).

(b) Personal Injury or Wrongful Death Claims.

Any claim arising in or related to a case under Title 11 involving claims of personal injury or wrongful death shall be tried in the district court of the district in which the bankruptcy case is pending, or in the district court of the district in which the claim arose, as may be determined by the District Judge assigned pursuant to Local Rule 40.2.

(c) Withdrawal of Reference.

The automatic referral to Bankruptcy Judge provided in Section (a) of this rule may be withdrawn by a District Judge.

(1) Motion. A motion for withdrawal of reference shall be filed with the Clerk of the Bankruptcy Court in accordance with Fed. R. Bankr. P. 5011 and Local Bankruptcy Rule 5011-1.

(2) Response. Within fourteen (14) days after being served with a copy of a motion for withdrawal of reference, a party may file with the Clerk of the Bankruptcy Court and serve on affected parties an objection to the motion and a designation of any additional portions of the record necessary for the District Court's determination of the motion.

(3) Supplementation of Record. The record may be supplemented by additional portions of the record as determined by the Bankruptcy Judge.

(4) Order of Referral to District Court. The Bankruptcy Judge shall enter an order directing the Clerk of the Bankruptcy Court to refer the motion and/or matter to the District Court.

(5) Assignment. The Clerk of the District Court shall assign the matter to a District Court Judge pursuant to Local Rule 40.2.

(d) Proceeding Under 28 U.S.C. § 157(c)(1).

When a Bankruptcy Judge hears a proceeding under 28 U.S.C. § 157(c)(1) that is not a "core proceeding" as defined by 28 U.S.C. § 157(b)(2), the Bankruptcy Judge shall submit the proposed findings of fact and conclusions of law to the District Judge assigned pursuant to Local Rule 40.2 . Copies of those recommendations shall be mailed by the Bankruptcy Court to all parties, who shall have fourteen (14) days after the date of mailing of the recommendations (or such further time not to exceed thirty (30) days as the Bankruptcy Judge may order) to file written objections. Objections lacking specificity as to factual findings or legal conclusions the

objecting party claims to have been erroneously made and objections not timely filed may be summarily overruled. If no objection is filed, or if the parties consent in writing, the recommendations of the Bankruptcy Judge may be accepted by the District Judge, and appropriate orders may be entered without further notice. Procedure for determining objections shall be as set forth in 28 U.S.C. § 157, the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules for the District of Wyoming.

(e) Filings.

The Clerk of the Bankruptcy Court shall take in all pleadings in bankruptcy cases and related proceedings. Bankruptcy papers shall be filed with the Bankruptcy Court in accordance with the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules for the District of Wyoming. Any bankruptcy papers filed with the Clerk of the District Court shall be transferred to the Bankruptcy Court.

(f) Post-judgment Matters.

The Bankruptcy Judge shall exercise jurisdiction over all post-judgment matters arising from a judgment or order entered by Bankruptcy Judge.

Rule 86 REALTIME TRANSCRIPTS

The realtime rough draft or any portion thereof is not the official transcript of any Court proceedings. Only certified transcripts may be quoted from or filed with the Court. Absent prior Court authorization, counsel shall not quote from or display unedited real time transcripts during proceedings or attach them to any briefs or exhibits filed with the Court.

APPENDIX A

RULE 26(f) CONFERENCE CHECKLIST

Counsel shall be fully prepared to discuss in detail all aspects of discovery during the mandatory Rule 26(f) Conference. The subject matters to be discussed during the Rule 26(f) Conference shall include, but are not limited to, the following:

1. Jurisdiction;
2. Venue;
3. Service of process;
4. Consent to Magistrate Judge pursuant to Local Rule 73.1;
5. Initial disclosures (self-executing routine discovery) pursuant to Local Rule 26.1(c);
6. Formal written discovery - interrogatories, requests for production, requests for admission;
7. Electronically stored data and information pursuant to Local Rule 26.1(d)(3);
8. Need for any claw back agreement or Order under Fed. R. Evid. 502.
9. Identity and number of potential fact depositions;
10. Identity and number of potential trial depositions;
11. Location of depositions, deposition schedules, deposition costs;
12. Identify the number and types of expert witnesses to be called to present testimony during trial (including the identity of treating physicians);
13. Discovery issues and potential disputes;
14. Protective orders;
15. Potential dispositive motions;
16. Length of trial;
17. Settlement possibilities and a settlement discussion schedule.

APPENDIX B

wyojudgendf@wyd.uscourts.gov – Chief Judge Nancy D. Freudenthal
wyojudgeabj@wyd.uscourts.gov – Judge Alan B. Johnson
wyojudgesws@wyd.uscourts.gov – Judge Scott W. Skavdahl
wyojudgekhr@wyd.uscourts.gov – Chief Magistrate Judge Kelly H. Rankin
wyojudgemlc@wyd.uscourts.gov – Magistrate Judge Mark L. Carman

APPENDIX C

CERTIFICATION OF ADMISSIONS TO PRACTICE

In Re _____ Disciplinary No._____

I, _____, am the attorney who has been served with an order to show cause why disciplinary action should not be taken in the above captioned matter.

I am a member of the bar of this Court.

I have been admitted to practice before the following state and federal courts, in the years, and under the license record numbers shown below:

I certify under penalty of perjury that the foregoing is true and correct.

Executed on this ____ day of _____, 2_____.

_____
(Signature)

_____
(Full name, typed or printed)

_____

_____
(Address of Record)

This certification must be signed and delivered to the Court with the attorney's answer to the order to show cause or any waiver of an answer. Failure to return this certification may subject an attorney to further disciplinary action. Under 28 U.S.C. § 1746, this certification under penalty of perjury has the same force and effect as a sworn declaration made under oath.

APPENDIX D

AO 133 (Rev. 06/09) Bill of Costs

UNITED STATES DISTRICT COURT

for the

District of

)
)
v.) Case
)
)

BILL OF COSTS

Judgment having been entered in the above _____ against _____ ,
Date

the Clerk is requested to tax the following as costs:

Fees of the Clerk	$
Fees for service of summons and subpoena	
Fees for printed or electronically recorded transcripts necessarily obtained for use	
Fees and disbursements for printing	
Fees for witnesses (itemize on page two)	0.00
Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case	
Docket fees under 28 U.S.C. 1923	
Costs as shown on Mandate of Court of Appeals	
Compensation of court-appointed experts	
Compensation of interpreters and costs of special interpretation services under	
Other costs (please itemize)	
TOTAL	$ 0.00

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

Declaration

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:

☐ Electronic service ☐ First class mail, postage prepaid

☐ Other: _____

s/ Attorney: _____

Name of _____

For: _____ Date: _____
Name of Claiming Party

Taxation of Costs

Costs are taxed in the _____ and included in the

_____ By _____ _____
Clerk of Court Deputy Clerk Date

AO 133 (Rev. 06/09) Bill of Costs

UNITED STATES DISTRICT COURT

Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)							
NAME , CITY AND STATE OF RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
					TOTAL		

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

RULE 54(d)(1)

Costs Other than Attorneys' Fees.

Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney's fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 1 day's notice. On motion served within the next 5 days, the court may review the clerk's action

RULE 6

(d) Additional Time After Certain Kinds of Service.

When a party may or must act within a specified time after service and service is made under Rule5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

RULE 58(e)

Cost or Fee Awards:

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.