

**Redline of Changes to Central District Local Rules
Proposed to Become Effective December 1, 2024**

**CHAPTER I
LOCAL CIVIL RULES**

L.R. 5-4.8.1 Obligation to Maintain Personal Contact Information. Attorneys and pro se parties registered to file or receive service of documents through the CM/ECF System are required to maintain and update their personal contact account information through PACER, including name, law firm or other affiliation, business address, telephone number, ~~facsimile number,~~ and email address. Attorneys and pro se parties with pending cases must also separately file and serve notice of the change in contact information as required by L.R. 83-2.4.

L.R. 11-3.8 Title Page. On the first page of all documents:

- (a) The name, California bar number, office address (or residence address if no office is maintained), the telephone ~~and facsimile numbers,~~ and the e-mail address of the attorney or a party appearing pro se presenting the document ~~shall~~must be placed commencing with line 1 at the left margin. The e-mail address ~~shall~~must be placed immediately beneath the name of the attorney. Immediately beneath, the party on whose behalf the document is presented ~~shall~~must be identified. All this information ~~must~~shall be single spaced. When a document is presented, the information set forth in this paragraph ~~must~~shall be supplied for each attorney or party appearing pro se who joins in the presentation of that document.

L.R. 79-5.2 Procedures. Unless otherwise indicated in this L.R. 79-5.2, no case or document may be filed under seal without first obtaining approval by the Court.

All documents to be filed under seal and all Applications for Leave to File Under Seal must be filed electronically using the Court's CM/ECF System, unless otherwise indicated in this rule or exempted from electronic filing pursuant to L.R. 5-4.2. Before electronically filing any under-seal documents or any Applications for Leave to File Under Seal, filers must familiarize themselves with the Court's Guide to Electronically Filing Under-Seal Documents in Civil Cases, available on the Court's website at www.cacd.uscourts.gov. Failure to comply with the instructions in this Guide may result in the disclosure of confidential information.

Where this rule directs that documents must be presented for filing in paper format, the original ~~and the judge's copy~~ of all such documents must be submitted for filing in separate sealed envelopes, with a copy of the title page attached to the front of each envelope, and must be accompanied by a PDF version of the documents on a CD or flash drive, unless otherwise ordered by the judge.

F.R.Civ.P. 73. MAGISTRATE JUDGES: TRIAL BY CONSENT; APPEAL

L.R. 73-1 Authorization. Any full-time Magistrate Judge may exercise the authority provided by Title 28, U.S.C. § 636(c), and may conduct ~~any or~~ all proceedings, including a jury or non-jury trial, in a civil case.

L.R. 73-2 Direct Assignment of Cases to Magistrate Judges.

L.R. 73-2.1 Notice. When a case is assigned initially ~~only~~ to a ~~m~~Magistrate ~~j~~Judge, the Clerk shall provide a Notice of Assignment to a U.S. Magistrate Judge (“Notice”) and a Declination of Consent Form (“Form”) to the initiating party ~~advising the parties that they may consent to have the assigned magistrate judge conduct all further proceedings in the case, including the entry of final judgment. The Notice shall advise the parties that they may consent to proceed only before the assigned magistrate judge.~~ The initiating party must serve the Notice and ~~Consent~~ Form on each newly served party or party added to the case (e.g., intervention) at the time of service of the summons and complaint or other initiating document (e.g., Notice of Removal) initial pleading. The Notice will advise each party that: (1) the case has been assigned to a Magistrate Judge for all purposes, including trial and entry of judgment; and (2) any party may decline to consent to have the Magistrate Judge preside over the case by signing and returning the Form within fourteen (14) calendar days for cases initiated in the Central District and seven (7) calendar days for cases removed or transferred to the Central District. Incarcerated plaintiffs who are proceeding pro se may decline to consent to having the Magistrate Judge preside over the case by signing and returning the Form within twenty-one (21) calendar days from the date of service of the Notice. The period to decline consent shall begin upon service of the Notice and Declination of Consent Form, either by issuance from the Clerk's Office or when served with the Notice and Form by the initiating party.

~~***L.R. 73-2.2 Declination of Consent Form.*** If a party submits a timely Declination of Consent Form, the case will be randomly assigned to a District Judge to preside over the case for all purposes and randomly assigned to a new Magistrate Judge to preside over discovery. However, if a party fails to submit a Declination of Consent Form within the specified time, it will be deemed as the party's consent to proceed for all purposes before the assigned Magistrate Judge. ***Proof of Service.*** In any case in which only a magistrate judge is initially assigned, plaintiff must file a proof of service within 10 days of service of the summons and complaint.~~

~~***L.R. 73-2.3 Exceptions to Direct Assignment of Cases to Magistrate Judges.*** The following categories of cases shall not be assigned to Magistrate Judges: (1) bankruptcy appeals and motions to withdraw the reference; (2) death penalty habeas petitions; and (3) initiating complaints that are accompanied by an application for a temporary restraining order.***Execution of Statement of Consent.*** If the parties agree to the exercise of jurisdiction by the magistrate judge, all counsel and any party appearing pro se shall jointly or separately execute and file a statement of consent setting forth such election.~~

~~***L.R. 73-2.4 Filing of Statement of Consent.*** If all parties execute and file a statement of consent, the magistrate judge will preside over the case for all purposes, including trial and entry of final judgment as provided by 28 U.S.C. § 636(e) and Federal Rule of Civil Procedure 73(b). Appeal from a final judgment entered at a magistrate judge's direction may be taken to the court of appeals as would any other appeal from a district court judgment.~~

~~***L.R. 73-2.4.1 Cases Originally Filed in District Court.*** Except as provided in L.R. 73-2.4.1.1, a case originally filed in District Court and initially assigned only to a magistrate judge shall be randomly reassigned to a district judge if any defendant has not filed a statement of consent within 42 days after service of the summons and complaint upon that defendant, if the plaintiff has not filed a statement of consent within 42 days after service upon the first served defendant, if any party applies for a temporary restraining order, or if any party makes a motion that the magistrate judge concludes cannot be decided by the~~

magistrate judge and must be addressed before the period for consent expires.

~~***L.R. 73-2.4.1.1 Exception for United States, its Agencies, Officers and Employees.***~~ If the United States, an agency of the United States, or an officer or employee of the United States is a defendant, a case originally filed in District Court and initially assigned only to a magistrate judge shall be randomly reassigned to a district judge if the government defendant has not filed a statement of consent within 60 days after service of the summons and complaint upon that defendant, if any party applies for a temporary restraining order, or if any party makes a motion that the magistrate judge concludes cannot be decided by the magistrate judge and must be addressed before the period for consent expires.

~~***L.R. 73-2.4.2 Cases Removed from State Court.***~~ A case initially assigned only to a magistrate judge following removal under 28 U.S.C. § 1441 *et seq.* shall be randomly reassigned to a district judge if, within 14 days after the notice of removal is filed, plaintiff(s) and all defendants upon whom service has been effected have not filed a statement of consent, if any party applies for a temporary restraining order, or if any party makes a motion that the magistrate judge concludes cannot be decided by the magistrate judge and must be addressed before the period for consent expires.

~~***L.R. 73-2.5 Party Added After Election to Proceed Before Magistrate Judge.***~~ If a party is added to the case after all previous parties have elected to proceed before a magistrate judge, the newly added party may file a statement of consent within 42 days after the order allowing intervention, or after service of the summons and appropriate pleading. If the newly added party does not file a statement of consent within this period, the case shall be randomly reassigned to a district judge for further proceedings.

~~***L.R. 73-2.6 Discovery Assignment.***~~ For any case which is originally assigned only to a magistrate judge and then later reassigned to a

~~district judge, a magistrate judge shall be randomly assigned to hear all referred discovery matters.~~

L.R. 83-2.4 Notification of Change of Name, Address, Firm Association, Telephone Number, ~~Facsimile Number~~ or E-Mail Address. An attorney who is a member of the bar of this Court or who has been authorized to appear in a case in this Court, and any party who has appeared pro se in a case pending before the Court, and who changes his or her name, office address (or residence address, if no office is maintained), law firm association (if any), telephone number, ~~facsimile number~~, or e-mail address must, within five (5) days of the change, notify the Clerk of Court in writing. If any actions are currently pending, the attorney or party must file and serve a copy of the notice upon all parties.

Proposed New Local Civil Rule:

L.R. 4-6 Proof of Service. The plaintiff must file a proof of service within 14 days of service of the summons and complaint or receipt of a notice and acknowledgment of service. Failure to file a proof of service timely may result in the imposition of sanctions against the plaintiff, including but not limited to the dismissal of the defendant that was the subject of the proof of service.

CHAPTER III LOCAL CRIMINAL RULES

L.Cr.R. 7-1 Indictment or Superseding Indictment Information—~~Copies~~. The United States Attorney must submit grand jury indictments and superseding indictments in court to the duty Magistrate Judge. Superseding indictments will be assigned the same case number as the original indictment, followed by the letter (A) for the first superseding indictment, (B) for the second, etc. shall deliver to the Clerk sufficient copies of the indictment or information so that a copy may be delivered to each defendant and the judge or magistrate judge assigned to the case.

L.Cr.R. 7-2 Information or Superseding Indictment or Information. An information or superseding indictment or information must shall be submitted to the Clerk for filing. Superseding informations will be filed promptly with the Clerk in paper format and assigned the same case number as the original indictment or information, followed by the letter (A) for the first superseding indictment or information, (B) for the second, etc.

L.Cr.R. 17-4 Subpoena - Confidentiality. An order permitting issuance of a Rule 17(c) subpoena may be obtained by filing either a motion pursuant to F.R.Crim.P. 47 or, for good cause, an ex parte application (and proposed order) may be filed under seal without advance notice to the opposing party. If the Court grants the ex parte application to issue and seal the subpoena, the Marshal must not disclose the issuance or service of the subpoena to anyone except as authorized by the Court. If a subpoena is issued pursuant to an application under seal, the issuance or service of the subpoena shall not be disclosed to anyone, except as necessary to the Marshal's service, or upon order of the Court.

L.Cr.R. 49-1.2 Exceptions to Electronic Filing in Criminal Cases. Documents exempted from electronic filing pursuant to one of the subsections listed below ~~must~~ be presented to the Clerk for filing or lodging in paper format or submitted electronically by e-mail as indicated below, and ~~must~~ comply with the requirements of L.R. 11 and all other applicable Local and Federal Rules.

(a) *Exemptions for Particular Filers.* The following filers are exempt from the requirement to file documents electronically:

- (1) *Pro Se Litigants.* Unless otherwise ordered by the Court, pro se litigants ~~may~~ shall continue to present ~~all~~ documents to the Clerk for filing either in paper format or through the Court's Electronic Document Submission System as set forth in Local Rule 5-4.1.1. Documents in paper format received by the Clerk from pro se litigants under this rule will be scanned by the Clerk into the CM/ECF System. Once scanned, the original paper documents will be destroyed.
- (2) *Other Exceptional Cases Involving Unregistered Filers.* For good cause shown, the Court may grant an exemption from the obligation to file electronically to a filer who is not registered with the Court's CM/ECF. Any such exemption ~~must~~ not exceed one calendar year, but may be renewed upon good cause shown. If any filer granted such an exemption thereafter registers for the Court's CM/ECF System, that registration ~~must~~ abrogate any exemption granted under this rule. Documents presented for filing by an attorney granted an exemption under this rule must be presented to the Clerk for filing in paper format. Such dDocuments received ~~by the Clerk under this rule~~ will be scanned by the Clerk into the CM/ECF System. Once scanned, the original paper documents will be destroyed.

(b) *Documents Excluded from Electronic Filing.* The following documents are excluded from the electronic filing requirement of Local Criminal Rule 49-1.1:

(1) *Nonpaper and Oversized Paper Exhibits.* Nonpaper physical exhibits may not be filed at any time in any format. Such exhibits must either be lodged with the Clerk under L.R. 11-5.1 (if submitted as an exhibit to a document) or submitted under L.R. 79-3 or 79-4 at the time of a trial or hearing. Any exhibit on a sheet of paper too large or irregularly shaped to be scanned into PDF format may not be filed. It must either be lodged with the Clerk in paper format under L.R. 11-5.4 (if submitted as an exhibit to a document) or submitted under L.R. 79-3 or 79-4 at the time of a trial or hearing.

(2) *Criminal Case-Initiating Documents.* Grand jury indictments and superseding indictments must be submitted in court to the duty Magistrate Judge. All other criminal case-initiating documents, e.g., cComplaints, indietments, informations, and superseding informations other case initiating documents in criminal cases ("Criminal Case-Initiating Documents") shall ~~must be submitted for filing~~ filed with the Clerk by e-mail to the criminal intake e-mail inbox for in paper format rather than electronically, in accordance with the applicable Federal Rules of Criminal Procedure and the Local Criminal Rules of this Court. All Criminal Case-Initiating Documents shall be submitted to the division of the Court to which the case is assigned. All Criminal Case-Initiating Documents shall also be submitted in electronic form (PDF format only) by close of business the following business day. Submission of these documents must be made by e-mail to the eriminal intake e-mail box for the division to which the case is assigned. The intake e-mail inbox address for each division is indicated on the Court's CM/ECF Wwebsite. ~~Attorneys who fail to timely e-mail PDF copies of these documents shall be subject to such sanctions as may be imposed by the Court.~~

(3) *Under-Seal and In-Camera Documents, and Other Documents Excluded from the Public Case File.* Applications and proposed orders to seal or file in camera, along with the document for which protection is sought, and any documents for which under-seal or in-camera filing is authorized by statute, rule, or prior court order must be presented

for filing in paper form, unless the filer is permitted to submit the documents through the Court's Electronic Document Submission System under L.R. 5-4.2(a)(1). If the title of a document to be filed under seal contains confidential information that should not be reflected on the public docket, the document should be submitted with a cover sheet that uses a generic title like "SEALED APPLICATION," "SEALED MOTION," "SEALED PROPOSED ORDER," or "SEALED DOCUMENT" rather than the actual title of the document. Unless the documents are subject to L.Cr.R. 49-1.2(b)(4), or the Court orders otherwise, the original ~~and the judge's copy of the~~ documents must be submitted for filing in separate sealed envelopes, with a copy of the title page attached to the front of each envelope, and must be accompanied by a PDF version of the documents on a CD or flash drive.

Other documents excluded from the public case file pursuant to L.Cr.R. 49.1-2 ~~must shall~~ not be filed electronically, but ~~must shall~~ be filed, if appropriate, as otherwise provided in the Local Rules of this Court, and in accordance with the Federal Rules of Civil and Criminal Procedure.

(4) *Criminal Duty Matters*. Unless otherwise authorized, ~~t~~The following documents ~~filed in criminal duty matters, before a case is assigned to a district judge, shall~~must be filed with the Clerk in paper form, accompanied by a PDF version of the documents on a CD or flash drive rather than electronically:

(a) Applications for Pen Registers, Search Warrants, Seizure Warrants, Arrest Warrants, Wire Taps, Cell Site Information, Tracking Services, and other such documents;

(b) Real Property Bond-Related Documents; ~~and~~

~~(b)~~(c) Collateral Bonds (Cash or Negotiable Securities); and

~~(e)~~(d) Under-Seal and In-Camera Documents.

Except as to real property bond-related documents and collateral bonds (cash or negotiable securities), all other bond-related documents must be submitted for filing with the Clerk by e-mail to the

~~criminal intake e-mail inbox for the division of the Court to which the case is assigned. The intake e-mail inbox address for each division is indicated on the Court's website. Bond-related documents containing personal identifying information must be submitted for filing in redacted and unredacted format, as required in Local Rule 5.2-1. All such documents shall also be submitted in electronic form (PDF format only) by close of business the following business day. Submission of these documents must be made by e-mail to the criminal intake e-mail box for the division to which the case is assigned. The intake e-mail box address for each division is indicated on the Court's CM/ECF Website. Attorneys who fail to timely e-mail PDF copies of these documents shall be subject to such sanctions as may be imposed by the Court.~~

- (5) *Other Exceptions.* For good cause shown, the Court may permit a particular document or exhibit to be filed or lodged in paper format, rather than electronically. If permission to file or lodge a document or exhibit in paper format is obtained, the document or exhibit shall be filed or lodged in compliance with L.R. 11-4. Unless the filer is exempted from electronic filing pursuant to Local Criminal Rule 49-1.2(a), the filer shall first file electronically a Notice of Manual Filing or Lodging describing the document or exhibit being filed or lodged in paper format, and present a copy of the Notice of Manual Filing or Lodging, together with its NEF (see L.R. 5-3.2.1), with the document to be filed or lodged.