

**Redline of Changes to Central District Local Rules
Proposed to Become Effective December 1, 2015**

**CHAPTER I
LOCAL CIVIL RULES**

L.R. 5-3 Serving Documents. Unless service is governed by F.R.Civ.P. 4, documents must be served as follows:

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L.R. 5-3.2 Service of Documents Filed Electronically.

L.R. 5-3.2.1 Service. Upon the electronic filing of a document, a “Notice of Electronic Filing” (“NEF”) will be automatically generated by the CM/ECF System and sent by e-mail to: (1) all ~~CM/ECF Users~~attorneys who have appeared in the case in this Court and who have consented to receive service through the CM/ECF System, and (2) all pro se parties who have been granted leave to file documents electronically in the case pursuant to L.R. 5-4.1.1 or who have appeared in the case and ~~who~~ are registered to receive service through the CM/ECF System pursuant to~~(see L.R. 5-3.2.24.1.3)~~. Unless service is governed by F.R.Civ.P. 4 or L.R. 79-5.3, service with this electronic NEF will constitute service pursuant to the Federal Rules of Civil and Criminal Procedure, and the NEF itself will constitute proof of service for individuals so served.

Individuals who have not appeared in the case in this Court, who are not registered for the CM/ECF System, or who have not consented to receive service through the CM/ECF System, must be served in accordance with F.R.Civ.P. 5, and proof of service on such individuals must be made by declaration in the form required by L.R. 5-3.1.2.

L.R. 5-3.2.2 Electronic Service for Pro Se Litigants. A non-incarcerated pro se litigant who has not been granted leave to file documents electronically in a particular case pursuant to L.R. 5-4.1.1 may nevertheless register to receive electronic service of documents through the Court’s CM/ECF System.

L.R. 5-3.2.32 Consent to Electronic Service. An attorney who registers ~~as a CM/ECF User~~ to file documents electronically through the CM/ECF System will be deemed to consent, for purposes of F.R.Civ.P. 5(b)(2)(E), to receive electronic service of documents through the CM/ECF System, unless the attorney submits a completed Central District Electronic Service Exemption Form, which may be obtained from the Court's website.

A pro se litigant who registers to file documents electronically through the CM/ECF System pursuant to L.R. 5-4.1.1 or who registers to receive service of documents through the CM/ECF System pursuant to L.R. 5-3.2.2 will be deemed to consent, for purposes of F.R.Civ.P. 5(b)(2)(E), to receive electronic service of documents through the CM/ECF System.

L.R. 5-4 Filing Documents.

L.R. 5-4.1 Mandatory-Electronic Filing in Civil Cases. Except as provided in L.R. 5-4.2, all documents filed in civil cases ~~must~~ shall be filed electronically using the Court's CM/ECF System. Sending a document by e-mail does not constitute an electronic filing. To file documents using the CM/ECF System, an attorney must register to do so through the Court's website. Upon registering, the attorney will receive a CM/ECF login and password that will allow him or her to file documents through the CM/ECF System.

L.R. 5-4.1.1 Pro Se Litigants. After entering an appearance in a civil case, any non-incarcerated pro se litigant may seek leave of Court to use the CM/ECF System to file documents electronically in that particular case. Leave to file electronically must be sought by motion, which must demonstrate that the pro se litigant has access to the equipment and software necessary to prepare documents for filing in PDF format and to connect to the Court's CM/ECF System.

If granted leave to file electronically, the pro se litigant must register to use the Court's CM/ECF System within five days of being served with the order granting leave. Registration may be completed online through the Court's website. Upon registering, the litigant will receive a CM/ECF login and password that will allow him or her to file documents electronically only in the case in which leave to do so was granted. Leave to file electronically must be separately sought and granted in each case in which the pro se litigant wishes to file electronically.

Any pro se litigant granted leave to file electronically who does not already have a PACER account must establish one within the same five-day period.

L.R. 5-4.1.21 Authorization of Electronic Filing. The Clerk will accept, ~~from any filer not exempted under L.R. 5-4.2(a)(1),~~ documents filed, signed, or verified by electronic means in compliance with ~~this~~these Local Rules. Any such document constitutes a written document for the purposes of applying these Local Rules and the Federal Rules of Civil Procedure.

L.R. 5-4.1.32 Applicability of Other Rules. Except as otherwise ordered in accordance with applicable statutes and rules, all Federal Rules of Civil Procedure and Local Rules shall continue to apply to cases that are subject to electronic filing.

L.R. 5-4.1.43 Definitions.

(1) “CM/ECF System” refers to the automated Case Management/Electronic Case Filing system implemented by the Court. The CM/ECF System is available at <https://ecf.cacd.uscourts.gov> or at such other web address as may be specified by the Clerk on the Court's website.

~~(2) “CM/ECF User” is an attorney who is registered with this Court to file documents electronically through the CM/ECF System. Registration may be completed online through the CM/ECF Website; upon completion of registration, a CM/ECF login and password are provided to the CM/ECF User. Registration as a CM/ECF User will constitute consent, for purposes of F.R.Civ.P. 5(b)(2)(E), to receive electronic service of documents through the CM/ECF System, unless the attorney submits a completed Central District Electronic Service Exemption Form, which may be obtained from the Court’s website.~~

~~Non-incarcerated litigants who are not represented by an attorney may register to receive service of documents through the CM/ECF System, but may not use the CM/ECF System to file documents. Such registration will constitute consent, for purposes of F.R.Civ.P. 5(b)(2)(E), to receive electronic service of documents through the CM/ECF System.~~

- (23) “CM/ECF Website” refers to the CM/ECF Website operated by this Court to provide information regarding the CM/ECF System, including procedures and instructions for using the system. The CM/ECF Website is available at www.cacd.uscourts.gov/cmecf or at such other web address as may be specified by the Clerk on the Court's website.
- (34) “Notice of CM/ECF Unavailability” refers to a Public Notice from the Clerk regarding scheduled maintenance that will make the CM/ECF System unavailable ~~to CM/ECF Users~~. Such Notices are placed on the CM/ECF Website. In the event of an unscheduled system outage not preceded by a Notice of CM/ECF Unavailability, refer to L.R. 5-4.6.2.
- (45) The “Notice of Electronic Filing” (“NEF”) generated pursuant to L.R. 5-3.2 for each electronically filed document will include the time of filing, the name of the parties and attorney(s) filing the document, the type of document, the text of the docket entry, the name of parties and/or attorney(s) receiving the NEF, a hyperlink to the filed document that allows recipients to retrieve the document automatically, and the names of any attorneys or parties who have appeared in the case but who are not registered to receive service through the CM/ECF System.
- (56) “PDF” refers to Portable Document Format, a specific computer file format that is the only format in which a document may be electronically filed.

L.R. 5-4.2 Exceptions to Electronic Filing in Civil Cases. Documents exempted from electronic filing pursuant to one of the subsections listed below shall be presented to the Clerk for filing or lodging in paper format, and shall 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 ([see L.R. 5-4.1.1](#)), pro se litigants shall continue to present all documents to the Clerk for filing in paper format. Documents 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 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 an attorney who is not registered ~~as a CM/ECF User~~ to file documents through the CM/ECF System. Any such exemption will not exceed one calendar year, but may be renewed upon good cause shown. If an attorney granted such an exemption thereafter registers ~~as a CM/ECF User~~ to file documents through the CM/ECF System, that registration will abrogate any exemption granted under this rule. Documents received by the Clerk from an attorney granted an exemption pursuant this rule will be scanned by the Clerk into the CM/ECF System. Once scanned, the original documents will be destroyed.

(b) *Documents Excluded from Electronic Filing.* The following documents are excluded from the electronic filing requirement of L.R. 5-4.1:

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(3) *Under-Seal and ~~In-Camera Documents, and Other Documents Excluded from the Public Case File.~~* ~~Applications and proposed orders to~~ Documents filed under 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 shall be filed in accordance with L.R. 79-5.~~ ~~Other documents~~ otherwise excluded from the public case file (such as documents filed pursuant to L.R. 5.2-2.2) shall ~~not~~ be filed electronically, ~~but if required by L.R. 79-5.~~ Otherwise, such documents shall be filed, ~~if appropriate, as otherwise provided in the Local Rules of this Court, and in paper form,~~ in accordance with the Federal Rules of Civil and Criminal Procedure and the Local Rules of this Court.

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L.R. 5-4.3 Format of Electronically Filed Documents. . . .

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L.R. 5-4.3.4 Signatures.

- (a) *Signatures on Electronically Filed Documents.* An electronically filed document shall be signed in accordance with one of the following methods:
- (1) *Documents Requiring the Signature of a Single Registered CM/ECF ~~User~~Filer.* In the case of a document in which there is only one signatory, who is a registered CM/ECF ~~User~~filer, the document shall be filed using that signatory's CM/ECF login and password, which shall function as the signatory's signature. Electronically filed documents must also include a signature block as provided in L.R. 11-1, and the signature shall be represented on the signature line with either an “/s/” or a digitized personalized signature.
 - (2) *Documents Requiring the Signatures of Multiple Registered CM/ECF ~~Users~~Filers.* In the case of a single document (such as a stipulation) in which there are multiple signatories, all of whom are registered CM/ECF ~~Users~~filers, the document shall be filed using the CM/ECF login and password of one of those signatories, and shall include signature blocks for each required signatory, with the signatures indicated on each signature line pursuant to one of the following methods:
 - (i) the signatures of all signatories may be indicated on the document with an “/s/,” and the filer shall attest on the signature page of the document that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing’s content and have authorized the filing; or
 - (ii) the signatures of all signatories may be indicated using digitized personalized signatures.
 - (3) *Documents Requiring Signatures Other Than Those of CM/ECF ~~Users~~Filers.* In the case of documents requiring

signatures other than those of registered CM/ECF ~~Users~~filers (such as declarations), the filer shall scan the hand-signed signature page(s) of the document in PDF format and electronically file the document in accordance with L.R. 5-4.3.1.

- (b) *Maintenance of Original Hand-signed Documents.* With respect to any electronically filed document containing a scanned copy of a hand-signed page, the filer shall maintain the original, signed document, for subsequent production to the assigned judge if so ordered for inspection upon request by a party or the judge's own motion, until one year after final resolution of the action (including the appeal, if any).
- (c) *Effect of Signatures on Electronically Filed Documents.* Any filing in accordance with this L.R. 5-4.3.4 shall bind the signatories as if the document were physically signed and filed, whether for purposes of Rule 11 of the Federal Rules of Civil Procedure, to attest to the truthfulness of an affidavit or declaration, or for any other purpose.
- (d) *Responsibility for Use of Login and Password.* A ~~CM/ECF User~~person registered to file documents through the CM/ECF System may authorize another to file a document using his or her login and password if the document is filed on behalf of a party represented by the person registered to file. ~~However, ¶The CM/ECF User~~person registered shall be responsible for any document so filed. If, at any time, a ~~CM/ECF User~~registered CM/ECF filer believes that the security of his or her password has been compromised, ~~the CM/ECF User shall~~he or she must immediately notify the Court's CM/ECF Help Desk by e-mail or telephone as posted on the CM/ECF Website. It is the responsibility of the ~~CM/ECF User~~registered filer to change his or her login and/or password, as instructed on the Court's CM/ECF Website.
- (e) *Prohibition Against Filing on Behalf of Party Not Represented by the Registered CM/ECF Filer.* Unless otherwise ordered by the Court, a registered CM/ECF filer's login and password may not be used to file a document on behalf of a party not represented by that registered CM/ECF filer.

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L.R. 5-4.6.2 Technical Failures. If a registered CM/ECF filer needs to file a document electronically, but is unable to do so electronically file a document, the filer must immediately contact the CM/ECF Help Desk by email or telephone as posted on the CM/ECF Website, unless a “Notice of CM/ECF Unavailability” covering that time period has been posted on the Court’s CM/ECF Website. If no Notice of CM/ECF Unavailability has been posted, the filer shall attempt to file the document electronically at least two times, separated by at least one hour. If, after at least two attempts, the CM/ECF User filer cannot electronically file the document, the document will be accepted for filing by the Clerk in paper format that same day, if time permits. If a filer has complied with this section, and the delay of being unable to file a document electronically causes the document to be untimely, the filing shall be accompanied by a declaration or affidavit setting forth the facts of the CM/ECF User filer’s failed attempts to file electronically, together with an appropriate application for leave to file the document. Nothing in this Local Rule authorizes the Court to extend a deadline that, by statute or rule, may not be extended.

A history of technical failures lasting longer than one hour will be posted on the CM/ECF Website.

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L.R. 5-4.8 Maintenance of Personal Contact Information.

L.R. 5-4.8.1 Obligation to Maintain Personal Contact Information.

CM/ECF Users Attorneys and pro se parties registered to file or receive service of documents through the CM/ECF System are required to maintain and update, in the Court’s CM/ECF System, their personal contact account information, including name, law firm or other affiliation, business address, telephone number, facsimile number, and e-mail address, and are required to notify the Clerk and parties to any pending cases of any change in this information in accordance with L.R. 83-2.4.

L.R. 5-4.8.2 Obligation to Maintain Electronic Post Office Box. ~~Each CM/ECF User~~ Every attorney and pro se party registered to file or receive service of documents through the CM/ECF System will be responsible for maintaining an “electronic post office box,” or storage area in the ~~attorney’s CM/ECF User’s~~ or party’s computer system, that is adequate to handle all documents that will be sent electronically; for making certain that the e-mail service provider used does not limit the size of attachments; and for ensuring that the Court’s NEF transmissions (see L.R. 5-3.2.1) are not blocked.

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L.R. 77-1 Procedures for Emergency Matters. ~~If an emergency arises after normal business hours and requires judicial action~~ When court action is required prior to the next business day, ~~counsel shall call the emergency telephone number of the U.S. Marshal, (213) 894-2485. The Marshal shall notify the Clerk, who shall contact counsel promptly concerning further proceedings. Any action commenced as an emergency under this rule shall be assigned as provided in L.R. 83-1. Failure to follow these emergency procedures or abuse thereof may result in sanctions.~~ relief should be sought by filing, during normal business hours, a written application for a temporary restraining order (“TRO”) pursuant to F.R.Civ.P. 65 and L.R. 65-1, unless otherwise provided by federal statute, federal or local rule, or court order. After filing an application for a TRO, the filer must immediately notify the courtroom deputy for the assigned judge by telephone. If it is anticipated that an application for a TRO will be filed outside normal business hours, the filer must notify the courtroom deputy for the assigned judge in advance, during normal business hours. If an application for a TRO is or will be filed before a judge is assigned to the case, the filer should contact the Civil Intake Department in the Clerk’s Office for the division in which the case is pending: Western Division (213) 894-3434, Eastern Division (951) 328-4470, or Southern Division (714) 338-4786. Failure to notify the court as directed may delay judicial action.

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L.R. 79-5 Confidential Court Records – Under Seal

~~**L.R. 79-5.1 Filing Under Seal or In Camera Procedures.** Except when authorized by statute or federal rule, or the Judicial Conference of the United States, no case or document shall be filed under seal or in camera without prior approval by the Court. Where approval is required, a written application and a proposed order shall be presented to the judge along with the document submitted for filing under seal or in camera. The proposed order shall address the sealing of the application and order itself, if appropriate. The original and judge's copy of the document shall be sealed in separate envelopes with a copy of the title page attached to the front of each envelope. Conformed copies need not be placed in sealed envelopes. Where under seal or in camera filings are authorized by statute or rule, the authority therefor shall appear on the title page of the proposed filing. Applications and proposed orders to seal or file in camera, along with the material to be sealed or submitted in camera, shall not be electronically filed but shall be presented to the Clerk for filing in paper format, in the manner prescribed by Local Rule 79-5. Unless the filer is exempted from electronic filing pursuant to L.R. 5-4.2(a), a Notice of Manual Filing shall first be electronically filed identifying the materials being manually filed. A copy of the Notice of Manual Filing, together with its NEF (see L.R. 5-3.2.1), shall be presented with the documents presented for filing.~~

~~**L.R. 79-5.2 Confidential Court Records – Disclosure.** No sealed or confidential record of the Court maintained by the Clerk shall be disclosed except upon written order of the Court.~~

~~**L.R. 79-5.3 Procedure for Disclosure of Confidential Court Records.** An application for disclosure of sealed or confidential court records shall be made to the Court in writing and filed by the person seeking disclosure. The application shall set forth with particularity the need for specific information in such records. The procedures of L.R. 7-3 et seq. shall govern the hearing of any such application.~~

~~**L.R. 79-5.1 Definition.** A case or document that is “under seal” or “sealed” is one that is closed to inspection by the public. A person seeking to have a case or document sealed must follow the procedures set forth below. Parties should be familiar with the difference between *in camera* review (see L.R. 79-6) and under seal filings.~~

~~**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, unless otherwise ordered by the judge.

L.R. 79-5.2.1 Under-Seal Civil Cases.

(a) Case-Initiating Documents.

(i) If Filing Under Seal Is Already Expressly Authorized.

If a statute, rule, regulation, or prior court order expressly provides that a case is to be filed under seal, the complaint (or other initiating document) and all concurrently filed documents must be presented to the Clerk for filing in paper format, in accordance with the applicable Federal Rules of Civil Procedure and the Local Rules of this Court. The caption must clearly indicate the authority for filing the case under seal by including, immediately under the title of the document: “FILED UNDER SEAL PURSUANT TO _____.” If filing under seal is authorized by a court order, a copy of the order must be provided with the case-initiating document.

(ii) All Other Circumstances. In the absence of prior express authorization to file a case under seal, the filer must present to the Clerk for filing in paper format: (1) the case-initiating document(s); (2) an Application for Leave to File Case Under Seal; (3) a declaration establishing good cause or demonstrating compelling reasons why the strong

presumption of public access in civil cases should be overcome; and (4) a proposed order. While the Application is pending, the Clerk must seal the case and all associated documents. If the Application is denied, the Clerk must, unless otherwise ordered by the Court, immediately unseal the case and all documents filed therein, and may do so without first notifying the filing party.

(b) Subsequent Documents. All documents filed in sealed cases must be presented to the Clerk for filing in paper format. All such documents will be accepted as filed under seal, without the need for a separate Application for Leave to File Under Seal.

L.R. 79-5.2.2 Under-Seal Documents in Non-Sealed Civil Cases. In a non-sealed civil case, no document may be filed under seal without prior approval by the Court. A person seeking to file documents under seal must follow the procedures set forth below in subsection (a), unless someone else has designated these documents as confidential pursuant to a protective order, in which event those involved must follow the procedures set forth in subsection (b). Once the Court has granted leave to file under seal, documents to be filed under seal must be filed in accordance with subsection (c).

(a) Documents Not Designated by Another as Confidential Pursuant to a Protective Order. A person seeking leave of Court to file some or all of a document under seal (the “Filing Party”) must file an Application for Leave to File Under Seal (“Application”). When possible, the Filing Party should file the Application in time to receive a determination before filing the motion or other paper that the proposed sealed document is intended to support. The Application will be open to public inspection. It must, however, describe the nature of the information that the Filing Party asserts should be closed to public inspection, and must be accompanied by:

(i) A declaration (1) establishing good cause or demonstrating compelling reasons why the strong presumption of public access in civil cases should be overcome, with citations to the applicable legal standard, and (2) informing the Court whether anyone opposes the Application. That the

information may have been designated confidential pursuant to a protective order is not sufficient justification for filing under seal; a person seeking to file such documents under seal must comply with L.R. 79-5.2.2(b).

(ii) A proposed order, narrowly tailored to seal only the sealable material, and listing in table form each document or portion thereof to be filed under seal.

(iii) A redacted version of any document(s) of which only a portion is proposed to be filed under seal, conspicuously labeled “REDACTED VERSION OF DOCUMENT PROPOSED TO BE FILED UNDER SEAL.”

(iv) An unredacted version of the document(s) proposed to be filed under seal, conspicuously labeled “UNREDACTED VERSION OF DOCUMENT PROPOSED TO BE FILED UNDER SEAL,” with any proposed redactions highlighted.

The declaration and the unredacted version of any document proposed for sealing will be closed to public inspection, but the redacted versions of those documents, the proposed order, and the docket entry text will be publically viewable.

The Filing Party must provide a mandatory chambers copy of the Application and all associated documents as required by L.R. 5-4.5. The declaration and unredacted versions of documents for which sealing is sought must be provided in sealed envelopes, with a copy of the title page attached to the front of each envelope. The proposed order must be emailed to chambers as required by L.R. 5-4.4.2.

If the Application is granted, the Filing Party must thereafter file the sealed document pursuant to L.R. 79-5.2.2(c). The Clerk will not convert the PROPOSED sealed document submitted with the Application into a new filing.

If the Application is denied in its entirety, the document(s) proposed to be filed under seal will not be considered by the Court in connection with any pending motion, unless the Filing Party files an

unredacted version of the document(s) within 3 days after the Application is denied.

If the Application is denied in part, the document(s) proposed to be filed under seal will not be considered by the Court in connection with any pending motion unless the Filing Party files a revised redacted version of the document(s) that comports with the Court's order within 3 days after the Application is denied.

(b) Documents Designated by Another as Confidential Pursuant to a Protective Order. At least 3 days before seeking to file under seal a document containing information previously designated as confidential by another pursuant to a protective order, the Filing Party must confer with the person that designated the material confidential (the "Designating Party") in an attempt to eliminate or minimize the need for filing under seal by means of redaction. If the document cannot be suitably redacted by agreement, the Filing Party may file an Application pursuant to subsection (a), but the supporting declaration must identify the material previously designated as confidential, as well as the Designating Party, and must describe in detail the efforts made to resolve the issue. The declaration must be served on the Designating Party on the same day it is filed, and proof of this service must be filed with the declaration. Subsequently:

(i) Within 4 days of the filing of the Application, the Designating Party must file a declaration establishing that all or part of the designated material is sealable, by showing good cause or demonstrating compelling reasons why the strong presumption of public access in civil cases should be overcome, with citations to the applicable legal standard. If the Designating Party maintains that only part of the designated material is sealable, the Designating Party must file with its declaration a copy of the relevant material with proposed redactions highlighted. The declaration and, if applicable, the document highlighting proposed redactions will be closed to public inspection. Failure to file a declaration or other required document may be deemed sufficient grounds for denying the Application.

(ii) If the Application is denied, the Filing Party may file the document in the public case file (i.e., unsealed) no earlier than 4 days, and no later than 10 days, after the Application is denied, unless the Court orders otherwise.

(c) After Leave of Court Has Been Granted. Once the Court has granted leave to file a document under seal, the Filing Party must thereafter file the document with whatever motion or other document the under-seal filing is intended to support. **The Clerk will not convert the PROPOSED sealed document submitted with the Application into a new filing.** The caption of the under-seal document must clearly indicate the authority for filing the document under seal by including, immediately under the title of the document: “FILED UNDER SEAL PURSUANT TO ORDER OF THE COURT DATED _____”; if filed electronically, the under-seal document must also be linked, during the filing process, to the order authorizing its filing. Any document filed pursuant to this L.R. 79-5.2.2(c) that misstates the basis for filing under seal may be subject to public disclosure, and may subject the filer to sanctions.

L.R. 79-5.3 Service of Documents Filed Under Seal. Filing a document under seal does not exempt the filer from the service requirements imposed by federal statutes, rules, or regulations, or by the Local Rules of this Court. Because documents filed under seal (even those filed electronically) are visible on CM/ECF or PACER only to Court personnel and the person who filed the document, a person electronically filing a document under seal may not rely on the Court’s CM/ECF System to effect service as provided in L.R. 5-3.2.1. Service of such documents must be made in accordance with F.R.Civ.P. 5. At the time of filing, the documents must be accompanied either by a Proof of Service in the form required by L.R. 5-3.1.2 or by a declaration explaining why service is not required.

L.R. 79-6 Confidential Court Records – In Camera Review

L.R. 79-6.1 In Camera Review. A document accepted by the Court for review *in camera* will not, while under review, be made part of the Court’s official case file, or be made available for inspection by the public or any party, and need not be served on any party when presented to the Court for review.

L.R. 79-6.2 Prior Court Approval Required. No document may be presented for review *in camera* without prior approval of the Court. A person seeking *in camera* review of a document must describe its general nature and establish why it should be reviewed *in camera*, citing the applicable legal standard.

L.R. 79-6.3 After Review. After reviewing a document *in camera*, the Court may order it to be filed publicly or under seal, with or without service, or otherwise disclosed to other parties. Unless the Court orders it to be filed, or unless otherwise ordered by the Court, a document reviewed *in camera* must afterward be retained by the counsel or party that presented it until final disposition of an appeal, entry of a stipulation waiving or abandoning the right to appeal, expiration of the time for appeal (where no appeal is taken), or order of the Court, whichever occurs first.

L.R. 79-7 Confidential Court Records – Disclosure

L.R. 79-7.1 Non-Disclosure of Confidential Court Records. Except upon written order of the Court, or as otherwise provided in this L.R. 79-7.1, the Clerk shall not disclose to the public, including attorneys and parties appearing in the case, a document that has been filed under seal or, for a case that has been sealed, the docket of that case. A document filed under seal in a civil case pending on or after the effective date of this L.R. 79-7.1 will, upon request, be open to inspection by the public and the parties to the case without further action by the Court 10 years from the date the case is closed. However, the party that filed the document in question or a party that designated the document as confidential pursuant to a protective order may, upon showing good cause prior to that date, seek an order to extend non-disclosure to a specific date beyond the 10 years provided by this rule. Nothing in this rule is intended to affect the normal records disposition policy or schedule of the United States Courts.

L.R. 79-7.2 Procedure for Disclosure of Confidential Court Records. An application for disclosure of cases or documents filed under seal must be made to the Court in writing and must be filed by the person seeking disclosure. The application shall set forth with particularity the need for specific information in such records. The procedures of L.R. 7-3 *et seq.* shall govern the hearing of any such application. A nonparty seeking access to a sealed document may intervene in a case for the purpose of filing an application for disclosure of the document.

CHAPTER III LOCAL CRIMINAL RULES

F.R.Crim.P. 49. SERVING AND FILING PAPERS

L.Cr.R. 49-1 Serving and Filing Documents.

L.Cr.R. 49-1.1 Mandatory Electronic Filing in Criminal Cases. Except as provided in L.Cr.R. 49-1.2, all documents filed in criminal cases ~~must~~shall be filed electronically using the Court's CM/ECF System. Sending a document by e-mail does not constitute an electronic filing. To file documents using the CM/ECF System, an attorney must register to do so through the Court's website. Upon registering, the attorney will receive a CM/ECF login and password that will allow him or her to file documents through the CM/ECF System.

L.Cr.R. 49-1.1.1 Authorization of Electronic Filing. The Clerk will accept, ~~from any filer not exempted under L.Cr.R. 49-1.2(a)(1),~~ documents filed, signed, or verified by electronic means in compliance with ~~these~~these Local Rules. Any such document constitutes a written document for the purposes of applying these Local Rules and the Federal Rules of Criminal Procedure.

L.Cr.R. 49-1.1.2 Applicability of Other Rules. Except as otherwise ordered in accordance with applicable statutes and rules, all Federal Rules of Criminal Procedure and Local Criminal Rules shall continue to apply to criminal cases that are subject to electronic filing.

L.Cr.R. 49-1.1.3 Definitions. The definitions set forth in Local Rule 5-4.1.3 shall apply to this Local Criminal Rule 49-1 and to any cross-reference to Local Rule 5-4 contained in this Local Rule.

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 shall be presented to the Clerk for filing or lodging in paper format, and shall comply with the requirements of L.R. 11 and all other applicable Local and Federal Rules.

...

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

...

- (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 ~~shall be filed in accordance with L.R. 79-5 (unless subject to L.Cr.R. 49-1.2(b)(4))~~ must be presented for filing in paper form. 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.

Other documents excluded from the public case file pursuant to L.Cr.R. 49.1-2 shall not be filed electronically, but 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.* The following documents filed in criminal duty matters, before a case is assigned to a district judge, shall be filed with the Clerk in paper form ~~at~~ 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) Bond-Related Documents; and

(c) Under-Seal and In-Camera Documents.

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.

...

L.Cr.R. 49-1.3 General Applicability of Civil Electronic Filing Rules; Exceptions and Supplemental Rules for Criminal Cases.

L.Cr.R. 49-1.3.1 General Applicability of Civil Electronic Filing Rules. Except as provided in Local Criminal Rule 49-1.3.2, any electronically filed document shall comply with the provisions of Local Civil Rule 5-4.3, 5-4.4, 5-4.5, and 5-4.6. ~~All CM/ECF Users shall~~ Attorneys registered to file documents through the CM/ECF System must comply with Local Civil Rule 5-4.8.

L.Cr.R. 49-1.3.2 Special Rules for Criminal Cases.

- (a) *Redaction.* It is the responsibility of the filer to ensure full compliance with the redaction requirements of Federal Rule of Criminal Procedure 49.1 and L.Cr.R. 49.1-1.
- (b) *Service.* Where service is required by the Federal Rules of Criminal Procedure, service shall be ~~accomplished as set forth~~ in accordance with Local Civil Rule 5-3.
- (c) *Proposed Orders.* An electronically lodged proposed order shall comply with the requirements of Local Civil Rule 5-4.4, except that, for criminal cases, the subject line of the e-mail transmitting the word-processing version of the proposed order required by Local Civil Rule 5-4.4.2 shall include the defendant's last name and initial of first name as the filer (e.g., for Los Angeles: LA08CR00123-6-ABC-Doe J; for

Santa Ana: SA08CR00124-8-DEF-Smith A; for Riverside:
ED08CR00125-10-GHI-Jones B).

**CHAPTER IV
LOCAL RULES GOVERNING
BANKRUPTCY APPEALS, CASES, AND PROCEEDINGS¹**

I. APPEALS

RULE 1 (8001-4). SCOPE OF RULES

~~—In conformity with the Federal Rules of Bankruptcy Procedure, these rules govern procedure in appeals, withdrawals of reference and other matters referred from the United States Bankruptcy Court to the United States District Court, Central District of California. When these rules provide for the making of a motion or application in the bankruptcy court, the procedure for making such motion or application shall be in accordance with the practice of the bankruptcy court.~~

This Chapter of the Local Rules governs bankruptcy appeals, motions to withdraw the reference, and other bankruptcy related matters that are presented to the District Court. An extensively revised and reorganized version of the national appellate bankruptcy rules, which appear in Part VIII of the Federal Rules of Bankruptcy Procedure, Rule 8001 *et seq.*, became effective on December 1, 2014. This Chapter of the Local Rules was thereafter revised to conform to those national appellate bankruptcy rules. Attorneys and litigants are advised to consult the Local Bankruptcy Rules of the United States Bankruptcy Court for the Central District of California, Rule 8000-1 *et seq.*, and the Federal Rules of Bankruptcy Procedure, Rule 8001 *et seq.*, as well as the official Advisory Committee Notes appended to each individual rule.

Unless the Federal Rules of Bankruptcy Procedure or these Local Rules state otherwise, the Federal Rules of Appellate Procedure, the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and the Ninth Circuit Rules shall apply.

¹Citations to these rules should be in the following format: “C.D. Cal. L. Bankr. R. ___.”

RULE 2 ~~(8001-2).~~ NOTICE OF APPEAL; HOW AND WHERE TAKEN

~~2.1 (8003-2.1) Content of the Notice of Appeal.~~ A notice of appeal must designate the judgment, order, or part thereof from which the appeal is taken and attach a copy of the judgment or order, if available.

~~2.2 (8018-2.2) Joint or Consolidated Appeals.~~ If two or more persons are entitled to appeal from a judgment or order of the bankruptcy court and their interests are such as to make joint appeal practicable, they may file a joint notice of appeal, or may join in an appeal after filing separate timely notices of appeal, and they may thereafter proceed on appeal as a single appellant. Appeals may be consolidated by order of the district court upon its own motion, upon motion of a party, or upon stipulation of the parties to the multiple appeals.

~~2.3 (8001-2.3)~~ 2.1 (8012) *Certification of Interested Parties and Notice of Related Cases.* Certification as to interested parties and notice of related cases, as prescribed in Local Civil Rules 7.1-1 and 83-1.3, shall be filed by the appellant with the notice of appeal.

~~2.4 (8004-2.4) Serving the (8002) Premature Notice of Appeal.~~ Within three days after if the filing of appellant files a notice of appeal, before the entry of the clerk of judgment or order being appealed, then the bankruptcy court appellant shall serve upon all parties to the appeal a copy of the notice of appeal. The clerk of the bankruptcy court shall forthwith transmit a copy of the notice, a copy of the order or judgment from which the appeal is taken and a copy of the docket forward to the clerk of the district court. a copy of the judgment or order being appealed immediately upon entry of that judgment or order.

~~2.5 (8001-2.5) Payment of Fees.~~ Upon the filing of any separate or joint notice of appeal from the bankruptcy court, the appellant shall pay to the clerk of the bankruptcy court such fees as are established by statute in addition to the docket fee prescribed by the Judicial Conference of the United States.

RULE 3 ~~(8006).~~ [ABROGATED (Rule 3)]. ~~THE RECORD ON APPEAL~~

~~3.1 (8006-3.1) Certificate of Readiness.~~ Upon the filing of the transcripts in the bankruptcy court, or alternatively, when the bankruptcy court receives notice that no transcripts will be ordered, the clerk of the bankruptcy court shall transmit a Certificate of Readiness to the district court. addressed **The** certificate shall attest that all documents Record on Appeal, which comprise the record are available to parties in the bankruptcy court clerk's office. The district court shall forthwith notify the parties of the date of filing the Certificate of Readiness and this date shall constitute the date of entry on the docket for purposes of F.is now covered by **Fed. R.B. Bankr. P.** 8007 and 8009.

~~3.2 (8010 & 8018-3.2) Retention of the Transcript and Clerk's Record.~~ The transcript and record on appeal shall be retained by the clerk of the bankruptcy court for use by the parties in preparing their briefs until requested by the district court. .)]

~~3.3 (8009-3.3) Excerpts of Record.~~ Excerpts of record shall be filed in accordance with F.R.B.P. 8009(b). A party shall file excerpts of record separately from the briefs. Each mandatory chambers copy shall have a cover styled as described in Rule 32(a) of the Federal Rules of Appellate Procedure.

~~Pursuant to F.R.B.P. Rule 8009(b)(9), the excerpts of record shall include the transcripts necessary for adequate review in light of the standard of review to be applied to the issues before the district court. The court, in its discretion, may consider only those portions of the transcript included in the excerpts of record.~~

~~3.4 (8007-3.4) Transmittal of the Record upon Request.~~ The bankruptcy court shall transmit the record to the district court within ten (10) days of receiving a written request from the clerk of the district court.

RULE 4 (8009-4). BRIEFS

~~4.1 (8009-4.1) Time for Filing, Form and Number of Briefs.~~ Unless otherwise provided in these rules or ordered by the Court, briefs shall be

~~prepared and filed in accordance with F.R.B.P. 8009 and 8010 and Rule 32(a) of the Federal Rules of Appellate Procedure. The appellee's brief shall attach a certification as to interested parties and notice of related cases as prescribed by Local Civil Rules 7.1-1 and 83-1.3.~~

~~—— **4.2 (8010-4.2) Length of Briefs.** Except with permission of the district court, the appellant's and appellee's opening briefs shall not exceed 30 pages, and reply briefs shall not exceed 15 pages, exclusive of pages containing the table of contents, tables of citations, proof of service, the certifications required by this rule, and any addendum containing statutes, rules, regulations or similar material.~~

~~—— **4.3 (8018-4.3)(b) Briefs in Cases Involving Multiple Appellants or Appellees.** In cases involving more than one appellant or appellee, including cases consolidated for purposes of the appeal, all parties are encouraged to join in a single brief to the greatest extent practicable.~~

~~—— **4.4 (8018-4.4) Consequence of Failure to File Briefs.** If an appellant fails to file a brief within the time provided by these rules, the district court may dismiss the appeal on its own motion or upon motion of the appellee. If an appellee fails to file a brief within the time provided by these rules, the district court may deem it a consent to the granting of the relief sought on appeal.~~

~~—— **4.5 (8009-4.5) Extensions of Time for Filing Briefs.** A motion for an extension of time for filing a brief shall be filed in the district court within the time limits prescribed by F.Fed. R.B. Bankr. P. 8009 8018 and shall be accompanied by a proof of service of the motion reflecting service on the other interested parties. The motion and accompanying declaration shall state the date the brief is due, how many previous extensions have been granted, when the brief was first due, and whether any previous requests for extension of time have been denied. The motion and declaration must also state the reason(s) why such an extension is necessary, the amount of additional time requested, and the position of the opponent(s) as to the proposed extension or why the moving party has been unable to obtain a statement of the opponent's position.~~

RULE 5 ~~(8011-5).~~ MOTIONS

5.1 ~~(8011-5.1)8026(b)~~ Emergency *Motions*. ~~If a movant certifies that to avoid immediate irreparable harm relief is needed on an *Motion; Appendix*. Any emergency basis, the motion shall be governed by F.R.B.P. 8005, if applicable, and F.R.B.P. 8011(d).~~

~~**5.2 ~~(8018-5.2) Appendix~~.** An include an appendix ~~to the emergency motion shall be served and filed with the motion and shall include that provides~~ the following information:~~

5.21.1 ~~(8018-5.2.1) 8026(b)~~ Conformed Copy of Notice of Appeal. A conformed copy of the notice of appeal;

5.1.2.2 ~~(8018-5.2.2) (8026(b))~~ Conformed Copy of Judgment, Order or Decree. A conformed copy of the judgment, order, or decree from which the appeal is taken;

5.21.3 ~~(8018-5.2.3)8026(b)~~ Stay Pending Appeal. If the emergency motion ~~is for~~seeks a stay pending appeal, a copy of the bankruptcy court's order denying the movant a stay pending appeal or an affidavit by the movant stating that a stay had been denied.

5.3 ~~(8018-5.3)2 (8026(b))~~ Withdrawal of the Election to the District Court. Motions to withdraw the election for the bankruptcy appeal to be heard by the district court and to refer the matter to the Bankruptcy Appellate Panel shall be filed in the district court in accordance with Local Civil Rule 7.

RULE 6 ~~(8014-6).~~ COSTS ON APPEAL

~~**_____.** [ABROGATED (Rule 6 addressed Costs for the bankruptcy appeal shall be taxed on Appeal, which is now covered by the clerk of the district court in accordance with F.Fed. R.B. Bankr. P. 8014 and Local Civil Rule 54. 8021.)]~~

RULE 7 ~~(8001).~~ [ABROGATED (Rule 7)]. VOLUNTARY DISMISSALS OF APPEALS

~~7.1 (8001-7.1) Before the Certificate addressed Voluntary Dismissals of Readiness Is Filed in the District Court. When an appeal Appeals, which is dismissed now covered by the bankruptcy court in accordance with F.Fed. R.B. Bankr. P. 8001(c)(1), the appellant shall promptly file a notice of the dismissal in the district court. 8023.)]~~

~~7.2 (8001-7.2) After the Certificate of Readiness Is Filed in the District Court. When an appeal is dismissed by the district court in accordance with F.R.B.P. 8001(c)(2), the appellant shall promptly file a notice of the dismissal in the bankruptcy court.~~

RULE 8 (~~8018-8~~ 8026(b)). PRO HAC VICE APPEARANCES

Attorneys who have been granted permission to appear pro hac vice in a particular case or in a particular proceeding in a case by the bankruptcy court in accordance with Bankruptcy Court Local Rule 2090-1(b) may proceed pro hac vice in that same bankruptcy case or proceeding if it is subsequently filed in or referred to the district court.

II. MOTIONS TO WITHDRAW THE REFERENCE

RULE 9 (~~5011-9~~). MOTIONS TO WITHDRAW THE REFERENCE

A motion to withdraw the reference of a case or proceeding pending in the bankruptcy court shall be filed, with proof of service of the motion reflecting service on the other interested parties, with the clerk of the district court. Such a motion shall be made in accordance with F.R.B.P. 5011. Certification as to interested parties and notice of related cases, as prescribed in Local Civil Rules 7.1-1 and 83-1.3, shall be filed by the moving party with the motion to withdraw. A conformed copy of the motion to withdraw shall be delivered by the moving party to the bankruptcy judge presiding over the case or proceeding.

Opposition and reply papers to the motion to withdraw shall be filed in the district court in accordance with Local Civil Rule 7. Opposition papers shall include a certification as to interested parties and notice of related cases as prescribed in Local Civil Rules 7.1-1 and 83-1.3.