

STYLISTIC AMENDMENTS

Approved by the Rules Committee on February 12, 2008.

Published for Comment on February 13, 2008.

Reporter's Note. The following rules amendments are the result of a stylistic review of the local rules and cleaning up of cross references and other language which is no longer applicable. DUCivR 4-1 is redundant since anyone over eighteen who is not a party may serve process under F.R. Civ. P. 4.

In DUCivR 5-1, the language which forbids sending originals of orders to the district judge is inconsistent with the Administrative Procedures for CM/ECF which require emailing Word or WordPerfect proposed orders to the judge's chambers email box. The reference to DUCivR 26-1 for filing of discovery and disclosures was deleted because that rule forbids such filing.

DUCivR 10-1 is amended to use a current district court judge's initials to illustrate a properly captioned case number.

DUCivR 4-1 SERVICE OF PROCESS

~~Under Fed. R. Civ. P. 4(c), district judges, magistrate judges, and the clerk of court are authorized to designate persons other than the United States marshal to make service of process.~~

DUCivR 5-1 FILING OF PAPERS

(a) Electronic Filing Permitted.

Papers may be filed, signed, and verified by electronic means consistent with the administrative procedures (ECF Procedures) adopted by the court to govern the court's electronic case filing system. A paper filed by electronic means in compliance with the ECF Procedures constitutes a written paper for the purpose of applying these rules.

(b) Filing of Pleadings and Papers.

Barring extraordinary circumstances, all pleadings and other case-related papers required to be filed with the court must be filed with the clerk at the office of record in Salt Lake City (i) in person during the business hours set forth in [DUCivR 77-1](#), (ii) in the twenty-four (24) hour filing box located on the south porch of the courthouse, (iii) by mail, or (iv) through the court's electronic filing system.. At the time of filing of a document pursuant to subparagraphs (i), (ii), and (iii), the clerk will require:

- (1) the original of all proposed orders, certificates of service, and returns of service;
- (2) the original and *one* (1) copy of all pleadings, motions, and other papers; and,
- (3) the original and *two* (2) copies of all pleadings, motions, and other papers pertaining to a matter that has been referred to a magistrate judge.

~~Attorneys or parties to any action must not forward originals of pleadings, memoranda, or proposed orders directly to a judge. When court is in session elsewhere in the district, pleadings, motions, proposed orders, and other pertinent papers may be filed with the clerk or with the court at the place where court is being held.~~

*The ECF Procedures governing electronic filing are available for review, downloading, and printing at <http://www.utd.uscourts.gov>

(c) Filing Time Requirements.

Unless otherwise directed by the court, all documents pertaining to a court proceeding must be filed with the clerk a minimum of **two (2) business days** before the scheduled proceeding.

~~**(d) Filing of Discovery and Disclosures.**~~

~~Discovery and disclosure documents, including depositions, must be filed in accordance with [DUCivR 26-1\(b\)](#) and [\(c\)](#).~~

DUCivR 10-1 GENERAL FORMAT OF PAPERS

(a) Form of Pleadings and Other Papers.

Except as otherwise permitted by the court or a magistrate judge for institutionalized persons, all pleadings, motions, and other papers:

- (1) presented for filing in person or by mail must be on 8 ½ x 11 inch white paper of good quality, with a top margin of not less than 1½ inch, all other margins of not less than 1 inch, and impression only on one side of the paper. Such originals must be flat and unfolded; or
- (2) transmitted for filing through the court's electronic filing system must conform to the ECF Procedures.

Where required, copies of all originals must be prepared by using a clearly legible duplication process; copies produced via facsimile transmission are not acceptable for filing with the court. Text must be typewritten or plainly printed and double-spaced except for quoted material and footnotes. Exhibits attached to the original of any pleading, motion, or paper shall not be separately tabbed with dividers, but an 8 1/2 x 11-inch sheet shall be inserted to separate and identify each exhibit. Judges' copies of pleadings and exhibits may include tabbed dividers for the convenience of chambers. Each page must be numbered consecutively. The top of the first page of each paper filed with the court must contain the following:

Counsel Submitting, e-mail address, and Utah State Bar Number²
Attorney For
Address
Telephone

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, _____ DIVISION**

Name of Case Case No. w/ District Judge Initials

Title of Document

Magistrate Judge's Name (When Applicable)

Proposed orders submitted to the court must comply with [DUCivR 54-1](#). Such orders must be prepared and submitted as separate documents, not attached to or included in motions or pleadings. All documents served or filed after the commencement of a case must include the properly captioned case number. For example:

Central Division Civil Cases 2:07CV0001PG€ DB

Northern Division Civil Cases 1:07CV0001PG€ DB

Central Division Criminal Cases 2:07CR0001PG€ DB

Northern Division Criminal Cases 1:07CR0001PG€ DB

Legend: 2 = Central Division

1 = Northern Division

07 = Calendar Year

CV = Civil Case

CR = Criminal Case

0001 = Consecutive Case Number

PG€ DB= Assigned Judge

The title of each document must indicate its nature and on whose behalf it is filed. Where jury trial is demanded in or by endorsement upon a pleading as permitted by the Federal Rules of Civil Procedure, the words "JURY DEMANDED" must be placed in capital letters on the first page immediately below the title of the pleading. Where a matter has been referred to a magistrate judge, the caption for all motions, pleadings, and related documents in the matter must include the name of the magistrate judge below the title of the document.

(b) Examination by the Clerk.

The clerk of court will examine all pleadings and other papers filed and may require counsel to properly revise or provide required copies of pleadings or other papers not conforming to the requirements set forth in these rules.