
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

IN THE MATTER OF ADOPTION OF
AMENDED LOCAL RULES OF
PRACTICE FOR THE DISTRICT
COURT

**GENERAL ORDER
22-021**

Under 28 U.S.C. § 2071 and Fed. R. Civ. P. 83, proposed changes to the local rules of practice were published for public comment in August and September, 2022. The court has considered the proposed rule changes, along with the public comments that were received. The judges convened in September and October and approved these rule changes:

CIVIL RULES

DUCivR 7-4	An Action Seeking Judicial Review of a Decision From an Administrative Agency (Amend) Amended to address the upcoming changes to Fed. R. Civ. P. 7.1 and forthcoming addition of the Supplemental Rules for Social Security Review Actions Under 42 U.S.C. § 405(g). Additionally, clarified language in section (b) to streamline the briefing process.
DUCivR 7-6	Amicus Curiae Participation (New) This rule established procedures and specifications for amicus briefs in the district. Incorporated many of the requirements of Fed. R. App. P. 29(a), but the government must file a motion for leave. The rule allows no more than 25 pages or 7,750 words and clarifies that an amicus may only argue for relief that a party is seeking.

DUCivR 26-1	<p>Discovery Requests and Documents (Amend) General stylistic clean up to improve clarity and readability. Updated the title to mirror the proposed amendments to the content. The section related to expert disclosures was revised to clarify that the reason the list of disclosed experts is required is to allow the court to complete a conflict check so case reassignment, if needed, may occur promptly.</p>
DUCivR 26-2	<p>Standard Protective Order and Stay of Depositions (Amend) Removed the introductory narrative about the policy reasons for implementing the standard protective order. Relocated section (b) – Motion for Protective Order and Stay of Deposition – to DUCivR 30-1. General stylistic clean up to improve clarity and readability. Updated the title of the Rule to reflect the deletion of section (b) which was moved to DUCivR 30-1(d).</p>
DUCivR 29-1	<p>Agreements Regarding Extension of Discovery Response Deadlines (Amend) General stylistic clean up to improve clarity and readability. Clarified when a court order is required before discovery deadlines will be extended. The title of the rule has been updated to mirror the proposed amendments to the content.</p>
DUCivR 30-1	<p>Deposition Objections (Amend) General stylistic clean up to improve clarity and readability. Removed “asked and answered” from the list of possible form objections because they serve no purpose in the context of a deposition. Added section (d) that identifies when a deposition is stayed, which this concept was previously housed in DUCivR 26-2. Updated the title of the Rule to reflect the addition of section (d).</p>
DUCivR 41-1	<p>Sanctions: Failure to Notify Court When Settlement is Reached Before a Scheduled Jury Trial (Amend) General stylistic clean up to improve clarity and readability. Clarified when the court may assess jury costs against a party who has failed to timely notify the court about a dismissal or settlement. Clarified parties should notify chambers that the case is settled no later than 10:00 a.m. the last business day before the scheduled jury trial. The title of the rule has been updated to mirror the proposed amendments to the content.</p>
DUCivR 41-2	<p>Dismissal for Failure to Prosecute (Amend) General stylistic clean up to improve clarity and readability. Clarified that a magistrate judge presiding by consent may enter an order of dismissal.</p>

<p>DUCivR 45-1</p>	<p>Prior Notice of Subpoena and Copy of DUCivR 37-1 Required for Nonparty (Amend) General stylistic clean up to improve clarity and readability. Removed the language about “[a]ny motion to quash, motion for protective order, or motion to compel...” because it was inconsistent with the requirements of DUCivR 37-1. Modified the time to serve a subpoena on a nonparty from 4 days to 5 days. The title of the rule has been updated to mirror the proposed amendments to the content.</p>
<p>DUCivR 69-1</p>	<p>Supplemental Proceedings (Eliminate) Eliminated this rule because it was modeled after a State Court rule that was repealed. The magistrate judge’s authority to assist with post-judgment collection issues has been relocated to DUCivR 72-2.</p>
<p>DUCivR 72-2</p>	<p>Magistrate Judge Functions and Duties in Civil Matters (Amend) Some general stylistic clean up to improve clarity and readability. Clarified the functions a magistrate judge may perform to assist with post-judgment collection matters. Deleted sections (d) and (e) because they were superfluous or not in use in the district. Deleted section (g) because it will be superfluous after DUCivR 72-4 is enacted.</p>
<p>DUCivR 72-4</p>	<p>Consent to the Jurisdiction of the Magistrate Judge (New) Standardizes the procedures contained in various General Orders to notify a party about the opportunity to have a magistrate judge preside over certain civil cases, consistent with 28 U.S.C. § 636. Identified the case types that a magistrate judge may and may not be directly assigned at case opening. States that the magistrate judge originally assigned to the case, through either direct assignment or referral, will remain on the case even when the parties do not consent. A case may be reassigned to a different magistrate judge if there is a conflict. The rule standardized the time to 21 days in which parties must return the consent form to the consent clerk.</p>
<p>DUCivR 81-2</p>	<p>Removed Actions (Amend) Clarified that the court will not upload the State Court record (is consistent with 28 U.S.C. § 1447) and specified that the state court record documents must be filed as attachments to the Notice of Removal. Stylistic changes were made to improve the readability of section (a)(2). Clarified, in section (c), that a motion that was pending in State Court at the time of removal and still requires a decision must be refiled and identify if expedited treatment is needed.</p>

DUCivR 83-2	<p>Assignment and Transfer of Civil Cases (Amend) Added section (h) to clarify how case assignment of motions for post judgment collection proceedings are assigned to a magistrate judge.</p>
DUCivR 83-3	<p>Cameras, Recording Devices, and Broadcasts (Amend) General stylistic clean up to improve clarity and readability. Clarified that restrictions on the use of cameras and recording devices and broadcasting of hearings apply at any court location. Updated the title to mirror the proposed amendments to the content.</p>
DUCivR 83-4	<p>Court Security (Eliminate and Reserve Number) This rule is eliminated because most of the information is contained in court policies that are published on the court's website.</p>
DUCivR 83-7.1	<p>Bankruptcy – Order of Reference of Bankruptcy Matters to Bankruptcy Judges (Amend) No separate order is entered in CM/ECF to refer a bankruptcy case. DUCivR 83-7.1 is meant to constitute the District Court's reference of the matters set forth in 28 U.S.C. § 157(a) to the bankruptcy judges under the General Orders from the 1980s and replace those General Orders as the source of the reference. The proposed amendments follow the language of 28 U.S.C. § 157(a) closely while eliminating redundancy. The phrase "unless a rule or order of this court expressly provides otherwise" is removed as extraneous. It is understood that if a court order provides otherwise the order will control.</p>
DUCivR 83-7.2	<p>Bankruptcy – Removal of Claims or Actions Related to Bankruptcy Cases (Amend) General stylistic clean up to improve clarity and readability.</p>
DUCivR 83-7.3	<p>Bankruptcy – Transfer of Personal Injury Tort and Wrongful Death Claims to the District Court (Eliminate and Reserve Number) Eliminated DUCivR 83-7.3 because it is duplicative of 28 U.S.C. § 157(b)(5). Also, the references in DUCivR 83-7.4(a)(1)(A) to personal injury tort and wrongful death claims are sufficient to satisfy the requirements of 28 U.S.C. § 157(b)(5).</p>
DUCivR 83-7.4	<p>Bankruptcy – Withdrawal of the Reference of Bankruptcy Cases, Proceedings and Contested Matters (Amend) Substantially amended to streamline the process for addressing a motion to withdraw a reference. Revised to eliminate redundancy with statutory provisions. Eliminated provisions related to internal court procedures and clarified the time periods to file a withdrawal motion in a bankruptcy case, adversary proceeding, or contested matter.</p>

DUCivR 83-7.5	Bankruptcy – Determination of Proceedings as “Non-Core” (Eliminate and Reserve Number) Eliminated this rule because it is redundant of certain provisions contained in 28 U.S.C. § 157 and Fed. R. Bankr. P. 9033.
DUCivR 83-7.6	Bankruptcy – Local Bankruptcy Rules of Practice (Amend) General stylistic clean up to improve clarity and readability.
DUCivR 83-7.7	Bankruptcy – Jury Trials in Bankruptcy Court (Amend) Amended to eliminate redundancy with statutory provisions. Removed the reference to Fed. R. Civ. P. 47-51, which allows the Bankruptcy Judge to direct what Rules of Civil Procedure apply on the rare occasion of a jury trial before the Bankruptcy Court.
DUCivR 83-7.8	Bankruptcy – Indirect Criminal Contempt of Bankruptcy Court (Amend) General stylistic clean up to improve clarity and readability. Updated the title to mirror the proposed amendments to the content.
DUCivR 83-7.9	Bankruptcy – Appeals to the District Court From the Bankruptcy Court Under 28 U.S.C. § 158 (Amend) Significant deletions were made to eliminate confusion among practitioners regarding the rule provisions (District Court, BAP, or Fed. R. Bankr. P.) that govern on appeal to the District Court from the Bankruptcy Court.

CRIMINAL RULES

DUCrimR 16-1	Discovery (Amend) General stylistic clean up to improve clarity and readability. Substantially amended to eliminate redundancy with statutory provisions and incorporate the upcoming changes to Fed. R. Crim. P. 16 requiring courts to identify the scope and timing of expert discovery.
DUCrimR 16-2	Discovery – Search Warrants (Eliminate) Eliminated DUCrimR 16-2 because it is duplicative of Fed. R. Crim. P. 16.
DUCrimR 40-1	Removal Proceedings (Eliminate) Eliminated DUCrimR 40-1 because it is out-of-step with current practice and duplicative of Fed. R. Crim. P. 5 and 40.
DUCrimR 41-1	Sealing of Fed. R. Crim. P. 41 Cases and Documents (New) This rule eliminates the practice of indefinite seals of Fed. R. Crim. P. 41 cases and documents without a court order. The rule is designed to protect the public’s presumptive right to access court records.

DUCrimR 49.1-1	Redacting Personal Identifiers (Amend) General stylistic clean up to improve clarity and readability. Amended to conform the rule, where possible, to the redaction requirements in Fed. R. Crim. P. 49.1, judicial policy (e.g., adding sentencing proceedings to section (b)(a)), and DUCivR 5.2-1. Section (a)(2) is included to clarify the timing for filing a motion to extend the seal as it relates to section (d) of Fed. R. Crim. P. 49.1. Updated the title to mirror the proposed amendments to the content.
DUCrimR 56-1	Office of Record; Court Library; Hours and Days of Business (Eliminate) Eliminated DUCrimR 56-1 as it unnecessary. The information contained in the rule is available on the court's website.
DUCrimR 57-1	General Format of Papers (Amend) General stylistic clean up to improve clarity and readability. Updated the title to mirror the proposed amendments to the content.
DUCrimR 57-2	Assignment of Criminal Cases (Amend) General stylistic clean up to improve clarity and readability.
DUCrimR 57-6	Special Orders in Widely Publicized Criminal Matters (Eliminate and Reserve Number) Eliminated this rule because of the available case law on gag orders and judges' ability to regulate the courtroom without the rule.
DUCrimR 57-11	Stipulations (Amend) General stylistic clean up to improve clarity and readability. Updated the title to mirror the proposed amendments to the content.
DUCrimR 57-12	Attorneys (Amend) General stylistic clean up to improve clarity and readability. Updated the title to mirror the proposed amendments to the content.
DUCrimR 57-13	Cameras, Recording Devices, and Broadcasts (Amend) General stylistic clean up to improve clarity and readability. Updated the title to mirror the proposed amendments to the content.
DUCrimR 57-14	Court Security (Eliminate and Reserve Number) Eliminate this rule because DUCivR 83-4 was eliminated.

A clean and redline copy of the rule changes are located on the court's [website](#).

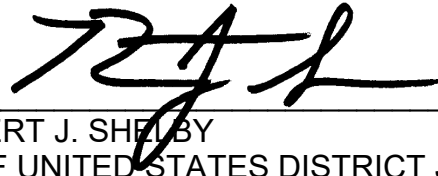
IT IS HEREBY ORDERED that the changes to the local rules are adopted;

IT IS FURTHER ORDERED that these rule amendments are effective on
December 1, 2022; and

IT IS FURTHER ORDERED that the Clerk of Court will publish the updated rules
to the Federal Bar for the District of Utah and post a copy on the court's [website](#) by
December 1, 2022.

SO ORDERED this 4th day of November 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'RJS', is written over a horizontal line.

ROBERT J. SHELBY
CHIEF UNITED STATES DISTRICT JUDGE