

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

NOV 30 2017

BY D. MARK JONES, CLERK  
DEPUTY CLERK

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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IN THE MATTER OF ADOPTION OF  
AMENDED LOCAL RULES OF PRACTICE

GENERAL ORDER  
No. 17-006

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Proposed amendments to the local rules of practice were published for comment and the comment period has expired. The court has reviewed the proposals and the comments.

**IT IS HEREBY ORDERED** that the following local rules be amended in accordance with the copy attached:

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|------------|---|
| DUCivR 5-1 | <b>Filing of Papers</b><br>Updates the rule to make clear that e-filing is now required for registered attorneys. Eliminates the requirement to file two courtesy copies of motions and memoranda when the document is conventionally filed.  |
| DUCivR 5-2 | <b>Filing Cases Under Court Seal</b><br>For clarity, this rule now sets forth the procedure for filing <i>cases</i> under court seal. The procedure for filing <i>documents</i> under court seal is now addressed in DUCivR 5-3.  |
| DUCivR 5-3 | <b>Filing Documents Under Court Seal</b><br>This rule was formerly contained in DUCivR 5-2. The amendment discourages sealed filings and clarifies the procedure for filing documents or portions of documents under court seal. The amendment anticipates the upcoming change to allow attorneys to electronically file sealed documents in civil cases. |

- DUCivR 5-4**                    **Habeas Corpus Petitions and Civil Rights Complaints**  
This rule has been renumbered from 5-3 to 5-4.
- DUCivR 7-1**                    **Motions and Memoranda**  
This rule has been updated to reflect the changes made to DUCivR 56-1. There is now a word-count option so that parties can choose between a page limitation or a word-count limitation. The rule also clarifies the sections of a motion and memorandum that are excluded from these limitations. Eliminated reference to DUCiv 5-1, which previously required courtesy copies to be delivered to the court. Added hyperlink to ECF Administrative Procedures manual regarding courtesy copies.
- DUCivR 7-4**                    **Filings in All Actions Seeking Judicial Review of a Decision from an Administrative Agency**  
This rule has been reorganized, combining sections (a) and (b) into one section so that the filing requirements for Social Security cases are similar to the filing requirements for other appeals from administrative agencies.
- DUCivR 10-1**                    **General Format of Papers**  
This rule now includes a statement that the use of 14-point font is encouraged.
- DUCivR 15-1**                    **Amended Complaints**  
Eliminates reference in this rule to FRCP 15-1 because there is no such federal rule.
- DUCivR 26-1**                    **Discovery Requests and Documents**  
Adds the category of Expert Disclosures to the list of documents that must not be filed with the court but sets forth an alternative requirement to provide expert names and subjects of expertise.
- DUCivR 26-2**                    **Standard Protective Order and Stays of Depositions**  
Clarifies the requirement to file a motion or stipulated motion when seeking protective order other than the standard form protective order.

- DUCivR 30-1**                    **Deposition Objections**  
This is a new rule requiring counsel to specifically identify the basis for an objection to the form of a question. Also clarifies that the objection is waived if not timely made at the time of the question.
- DUCivR 54-1**                    **Judgments: Preparation of Orders, Judgments, Findings of Fact and Conclusions of Law**  
Removes subsection (d), which required a written order for the entry of voluntary dismissal under Fed. R. Civ. P. 41(a)(1). The rule now comports with Tenth Circuit law.
- DUCivR 56-1**                    **Summary Judgment; Motions and Supporting Memoranda**  
This rules has been significantly revised. Modifies the requirements for briefing and providing supporting evidence. Revises the page limits for all briefs.
- DUCivR 72-2**                    **Magistrate Judge Functions and Duties in Civil Matters**  
Corrects a previous oversight in the list of a magistrate judge's inherent authority to issue subpoenas and writs of habeas corpus ad testificandum.
- DUCivR 79-1**                    **Access to Court Records**  
This rule has been updated to reflect the changes made in DUCivR 5-2 and 5-3 and to make clear that the clerk's office cannot provide sealed documents to any person without a court order.
- DUCivR 83-1.1**                    **Attorneys—Admission to Practice Law**  
Clarifies the instructions for non-resident attorneys appearing on behalf of the Department of Justice to file a notice of appearance and receive a CM/ECF login. Amends the rule to apply to all non-resident attorneys appearing on behalf of the United States and on behalf of an Office of the Federal Public Defender outside of this district to be admitted pro hac vice by filing a notice of appearance consistent with the procedures for non-resident attorneys appearing on behalf of the United States.

- DUCivR 83-3**                    **Cameras, Recording Devices, and Broadcasts**  
Updates the rule to reflect the current policies regarding the appropriate use of electronic devices with wireless communication capability in the new courthouse. Clarifies the procedure and requirements for the use of electronic devices in courtrooms by credentialed members of the media.
- Form**                            **Proposed Scheduling Order Form**  
Adds a separate deadline for expert disclosures and expert reports.
- LPR 2.1**                        **Accused Instrumentality Disclosures**  
Removes reference to “or other response” to clarify that within seven (7) days after the defendant files its answer, the party claiming infringement must disclose a list identifying each accused instrumentality.
- LPR 2.2**                        **Initial Disclosures**  
Removes references to “or other response” to clarify that the filing of the answer triggers the time frame in which initial disclosures are to be provided.
- DUCrimR 17-1**                **Sealing of Ex Parte Motions and Orders in Criminal Justice Act Cases Relating to Trial Subpoenas and Appointment of Counsel**  
Removes the requirement that ex parte motions must be filed in CJA cases for the appointment of experts, travel authorization, and other extraordinary expenses, as these types of expenses are now submitted through the court’s e-Voucher system.
- DUCrimR 49-2**                **Filing Criminal Cases and Documents Under Court Seal**  
Removes portion of rule requiring that DUCivR 5-2 (governing the procedure for filing documents under seal) applies in criminal cases.

IT IS FURTHER ORDERED that the amended local rules as attached hereto shall be adopted and become effective on December 1, 2017; and

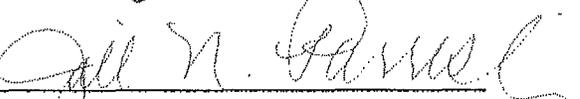
IT IS FURTHER ORDERED that the Clerk of Court shall cause notice of the attached amendments to the local rules to be published to the Bar and the public.

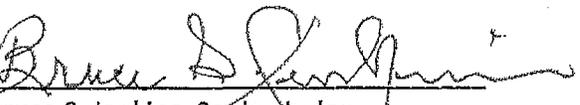
Dated this 30<sup>th</sup> day of November, 2017.

  
David Nuffer, Chief Judge

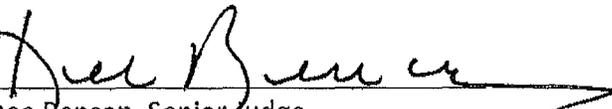
  
Clark Waddoups, District Judge

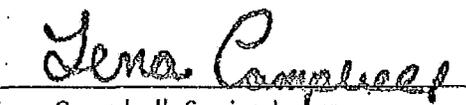
  
Robert J. Shelby, District Judge

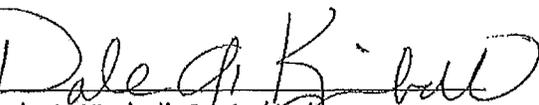
  
Jill N. Parrish, District Judge

  
Bruce S. Jenkins, Senior Judge

  
David Sam, Senior Judge

  
Dee Benson, Senior Judge

  
Tena Campbell, Senior Judge

  
Dale A. Kimball, Senior Judge

  
Ted Stewart, Senior Judge