

PROPOSED CHANGES TO LOCAL UNIFORM CIVIL RULES
TO BECOME EFFECTIVE DECEMBER 1, 2014

Rule 7 . MOTIONS AND OTHER PAPERS

- (b) **Motion Practice.** Any written communication with the court that is intended to be an application for relief or other action by the court must be presented by a motion in the form prescribed by this Rule.
- (2) **Filing, Deadlines, Proposed Orders.** Any motion, response, rebuttal and supporting exhibits, including memorandum briefs in support, must be filed. All affidavits, **28 U.S.C. § 1746 declarations**, and other supporting documents and exhibits, excluding the memorandum brief, must be filed as exhibits to the motion, response or rebuttal to which they relate. The memorandum brief must be filed as a separate docket item from the motion or response and the exhibits. All supporting exhibits must be denominated in the court's electronic filing system by both an exhibit letter or number *and* a meaningful description. Further, all supporting exhibits not already of record and cited in the motion, response or rebuttal by docket entry, must normally be filed under the same docket entry and denominated separately in the court's electronic filing system as exhibits to the motion, response or rebuttal to which they relate, unless doing so is not practicable, in which case supporting exhibits may be filed as separate docket item attachments, associated by the docket number of the motion, response or rebuttal to which they relate. Counsel must file a memorandum brief as a separate docket item from the motion or response to which it relates and *must not make the memorandum brief an exhibit to a motion or response*, except in the case of a motion for leave to submit the referenced memorandum brief. **A proposed amended pleading must be an exhibit to a motion for leave to file such pleading.**
- (5) **Length and Form of Memorandum Briefs.** Movant's original and rebuttal memorandum briefs together may not exceed a total of thirty-five pages, and respondent's memorandum brief may not exceed thirty-five pages.
- (A) Paper Size, Line Spacing, and Margins.** All memorandum briefs must be on 8½ by 11 inch paper. The text must be double-spaced, but quotations may be indented and single-spaced. Headings and footnotes may be single-spaced. Margins must be at least one inch on all four sides. Page numbers may be placed in the margins, but no text may appear there.

(B) Typeface. Either a proportionally spaced or a monospaced face may be used. A proportionally spaced face must include serifs, but sans-serif type may be used in headings and captions. Text must be 12-point or larger, except that footnotes may be 11-point or larger.

(C) Type Styles. All memorandum briefs must be set in a plain, roman style, although italics, highlighting or boldface may be used for emphasis. Case names must be italicized or underlined.

Rule 15. MOTIONS FOR LEAVE TO SUBMIT AMENDED AND SUPPLEMENTAL PLEADINGS

- (a) **A proposed amended pleading must be an exhibit to a motion for leave to file such pleading.**

Rule 26. DISCOVERY CONTROL

- (a) **Pre-Discovery Disclosures of Core Information/Other Cooperative Discovery Devices**
- (2) **Expert Witnesses.** A party must make full and complete disclosure as required by FED.R.CIV.P. 26(a)(2) and L.U.CIV.R. 26(a)(2)(D) no later than the time specified in the case management order **by serving the disclosure on all counsel of record and concomitantly filing a Notice of Service of Expert Disclosure with the court.** Absent a finding of just cause, failure to make full expert disclosures by the expert designation deadline is grounds for prohibiting introduction of that evidence at trial.

Rule 45. SUBPOENA

- (b) **Witnesses' Attendance and Mileage Fees.** Tender of the witness fee and mileage is required even if the party requesting the subpoena (~~except in habeas corpus cases and proceedings under 28 U.S.C. § 2255~~) has been granted leave to proceed in forma pauperis under 28 U.S.C. § 1915, ~~because, with those exceptions, no public funds are available for that purpose,~~ **except in habeas corpus cases and proceedings under 28 U.S.C. § 2255.**

Rule 72. MAGISTRATE JUDGES

- (a) **Procedures before a Magistrate Judge**
- (1) **Appeal of Magistrate Judge's Decision**
- (A) A party aggrieved by a magistrate judge's ruling may appeal the

ruling to the assigned district judge. The appeal is perfected by serving and filing objections to the ruling within fourteen days after being served with a copy of the ruling, specifying the grounds of error. Objections must be filed and served upon the other party or parties and will be promptly transmitted to the assigned district judge and to the magistrate judge. The opposing party or parties must either file a response to the objection or notify the district judge that they do not intend to respond within fourteen days of service of the objections

Rule 83.1 ATTORNEYS: ADMISSION AND CONDUCT

(a) General Admission of Attorneys

(1) Any attorney who is a member of the Mississippi Bar must satisfy the following requirements for admission to this court:

(A) the attorney must produce a photocopy of the certification of admission to practice **in Mississippi either from before the Mississippi Bar or the Mississippi Supreme Court, dated no later than sixty days prior to its submission;**

Rule 83.4. PHOTOGRAPHS AND BROADCASTING CAMERAS AND ELECTRONIC DEVICES

THIS FORM WILL APPEAR ON THE WEBSITE IN A FILLABLE PDF FORMAT

**UNITED STATES DISTRICT COURT
(CHOOSE DISTRICT) DISTRICT OF MISSISSIPPI
(CHOOSE DIVISION)**

Enter Plaintiff(s) here:

CIVIL ACTION NO.

Enter Defendant(s) here:

CASE MANAGEMENT ORDER

This Order, including all deadlines, has been established with the participation of all parties and can be modified only by order of the Court on a showing of good cause supported with affidavits, other evidentiary materials, or reference to portions of the record.

IT IS HEREBY ORDERED:

- 1. ESTIMATED DAYS OF TRIAL:** _____
- ESTIMATED TOTAL NUMBER OF WITNESSES:** _____
- EXPERT TESTIMONY EXPECTED: Yes/No NO. OF EXPERTS: _____**

Enter explanation (if necessary) here.

- 2. ALTERNATIVE DISPUTE RESOLUTION [ADR]. (Pick one)**

(Alternative dispute resolution techniques appear helpful and will be used in the civil action as follows:)

(At the time this Case Management Order is offered it does not appear that alternative dispute resolution techniques will be used in this civil action.)

3. CONSENT TO TRIAL BY UNITED STATES MAGISTRATE JUDGE. (Pick one)

(The parties consent to trial by a United States Magistrate Judge.)

(The parties do not consent to trial by a United States Magistrate Judge.)

4. DISCLOSURE. (Pick one)

(The following additional disclosure is needed and hereby ordered:)

(The pre-discovery disclosure requirements of L.U.CIV.R. 26(a)(1) have been complied with fully.)

5. MOTIONS; ISSUE BIFURCATION. (Pick one)

(Staged resolution, or bifurcation of the trial issues will assist in the prompt resolution of this action. Accordingly, the Court orders that:)

(Staged resolution/bifurcation of the trial issues will not assist in the prompt resolution of this action.)

(Pick one)

(Early filing of the following motion(s) might significantly affect the scope of discovery or otherwise expedite the resolution of this action:)

(Statement not applicable.)

6. DISCOVERY PROVISIONS AND LIMITATIONS.

A. Interrogatories are limited to _____ succinct questions.

B. Requests for Production and Requests for Admission are limited to _____ succinct questions.

C. Depositions are limited to the parties, experts, and no more than _____ fact witness depositions per party without additional approval of the Court.

D. The parties have complied with the requirements of L.U.CIV.R. 26(e)(2)(B) regarding discovery

of electronically stored information and have concluded as follows:

E. The Court imposes the following further discovery provisions or limitations: (Pick one)

(There are no further discovery provisions or limitations.)

- ___ **1.** Defendant may have a FED.R.CIV.P. 35(L.U.CIV.R. 35) medical examination of the plaintiff (within subpoena range of the Court) by a physician who has not examined the plaintiff. The examination must be completed in time to comply with expert designation discovery deadlines.
- ___ **2.** Pursuant to FED.R.EVID. 502(d), the attorney-client privilege and the work-product protections are not waived by any disclosure connected within this litigation pending before this Court. Further, the disclosures are not waived in any other federal or state proceeding.
- ___ **3.** Plaintiff must execute ~~a waiver of the medical privilege~~ **an appropriate, HIPAA-compliant medical authorization.**

Additional information:

7. SCHEDULING DEADLINES.

A. Trial. This action is set for (Jury Trial/Non-Jury) during a (term of court/statement not applicable) beginning on: _____, at _____, a.m./p.m., in (Choose city), Mississippi, before United States (District/Magistrate) Judge _____.

THE ESTIMATED NUMBER OF DAYS FOR TRIAL IS _____. ANY CONFLICTS WITH THIS TRIAL DATE MUST BE SUBMITTED IN WRITING TO THE TRIAL JUDGE IMMEDIATELY UPON RECEIPT OF THIS CASE MANAGEMENT ORDER.

B. Pretrial. The pretrial conference is set on: _____, at _____ a.m./p.m., in (choose city) Mississippi, before United States (District/Magistrate) Judge _____.

C. Discovery. All discovery must be completed by: _____.

D. Amendments. Motions for joinder of parties or amendments to the pleadings must be filed by: _____.

E. Experts. The parties' experts must be designated by the following dates:

1. Plaintiff(s): _____.

2. Defendant(s): _____.

8. MOTIONS. All dispositive motions and *Daubert*-type motions challenging another party's expert must be filed by _____. The deadline for motions *in limine* is fourteen days before the pretrial conference; the deadline for responses is seven days before the pretrial conference.

9. SETTLEMENT CONFERENCE. (Pick one)

(No setting at this time.)

(Early Settlement Conference.)

(Early Settlement Conference and additional Settlement Conference.)

(If the parties desire judicial assistance to settle the case after initial discovery, they will contact the Court to request a date for a settlement conference when they have obtained the discovery necessary to make the conference effective.)

10. REPORT REGARDING ADR. On or before (7 days before the pretrial conference) _____, the parties must report to the undersigned all ADR efforts they have undertaken to comply with the Local Rules or provide sufficient facts to support a finding of just cause for failure to comply. *See L.U.CIV.R. 83.7(f)(3).*

SO ORDERED:

DATE

UNITED STATES MAGISTRATE JUDGE