

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

In the matter of,

PROPOSED LOCAL RULE CHANGES,

General Order No. *682*

Good cause appearing, and following a public comment period, the Court amends the following Local Rule as follows:

**Civil Local Rule 5.1.b.**

. . . Case types are as follows: civil = cv, criminal = cr, magistrate judge = ~~mg mj~~, miscellaneous = mc. ~~The clerk's office can provide a macro in WordPerfect format upon request.~~

**Civil Local Rule 5.2.**

Proof of service of all papers required or permitted to be served, other than those for which a particular method of proof is prescribed in the Fed. R. Civ. P., must be filed in the clerk's office promptly and in any event before action is to be taken thereon by the court or the parties. No proof of service is required when a paper is served by filing it with the court's Electronic Filing System. Where required, ~~the~~ proof must show . . .

**Civil Local Rule 5.4.c.**

. . . Parties who are not Filing Users must be served with a copy of any pleading or other document filed electronically in accordance with the Federal Rules of Civil Procedure and these Local Rules. A certificate of service is not required when a party electronically files a document with the court's Electronic Filing System, ~~and must state the manner in which service of notice was accomplished on each party.~~

## Civil Local Rule 40.2.

Any non-governmental corporate party to an action in this court must file a ~~statement~~ “Corporate Disclosure Statement” identifying all its parent corporations and listing any publicly held company that owns 10% or more of the party’s stock. A party will file a separate statement entitled “Notice of Party with Financial Interest” with its initial appearance in the court and will supplement the statement within a reasonable time of any change in the information.

## Civil Local Rule 54.1.b.6.c.

- c. Procedure regarding copy and electronic conversion costs:  
The party seeking recovery must present documentary evidence in the form of affidavits describing the documents copied or converted, to whom they were provided, the number of pages copied or converted, and the costs per page or per hour, and the use of or intended purpose for the items copied or converted. If documents were provided only to the party seeking recovery, that party must specify the purpose of acquisition and photocopying or for conversion of the documents served. In the absence of a specific showing, recovery must be denied.

## Civil Local Rule 54.1.b.12.

12. Appeals. Costs incurred on appeal as allowed by the Federal Rules of Appellate Procedure.

## Civil Local Rule 65.1.2.f.

### f. ~~Supersedeas Bonds.~~ Bonds or Other Security.

1. **Approval, Filing and Service.** If eligible under Civil Local Rule 65.1.2, the bond or other security may be approved and filed by the clerk. A copy of the bond or other security plus notice of filing must be served on all affected parties promptly.
2. **Objections.** The Court must determine objections to the form of the bond or other security of sufficiency of the surety.
3. **Execution.** Except where otherwise provided by Fed. R. Civ. P. 62, or order of the Court, execution may issue after ~~fourteen (14)~~ thirty

(30) days from entry of judgment unless a supersedeas bond or other security has been approved by the Clerk.

### **Civil Local Rule 79.1.**

- a. Presentation of Evidence. Unless otherwise ordered, where possible evidence must be presented in electronic format through use of the presentation technology available in the courtroom to display evidence to the jury and the Court. Requirements for courtroom technology and the format of exhibits can be found on the district court's website at [www.casd.uscourts.gov](http://www.casd.uscourts.gov).
- b. Custody with Clerk of Court. Unless otherwise directed by the Court, or except as provided in Section c, all trial exhibits admitted into evidence in criminal and civil actions will be placed in the custody of the Clerk of Court.
- c. Custody with the Offering Party. All exhibits received in evidence that are in the nature of narcotic drugs, legal or counterfeit money, firearms, sensitive materials or contraband of any kind will be entrusted to the custody of the arresting or investigative agency of the Government pending disposition of the action and for any appeal period thereafter.
- d. Disposition of Exhibits, Sealed Documents, and Filed Depositions by Clerk of Court. Unless otherwise ordered by the Court, every exhibit marked for identification or introduced in evidence and all depositions and transcripts must be returned to the party who produced them at the conclusion of the trial or hearing. It will be counsel's responsibility to produce any and all exhibits for the court of appeals, when requested by that court, if an appeal is taken, or to this court when requested.
- e. Courts Discretion to provide Supplemental Copies. Nothing in this rule limits the discretion of the court to provide supplemental hard copies of the exhibits to the jury to facilitate their review.

### Civil Local rule 83.3.c.1.b.

Each applicant for admission must present to the clerk a written petition for admission, on the form supplied by the court, stating the applicant's residence and/or office addresses the applicant's email address, and California State Bar Number, and by what courts the applicant has been admitted to practice and the respective dates of admission to those courts.

### Criminal Local Rule 49.1

- a. ~~**Consequences of Electronic Filing.** Electronic transmission of a document to the Electronic Filing System in the manner prescribed by the Court's Administrative Policies and Procedures Manual, together with the transmission of an NEF from the Court, constitutes filing of the document for all purposes of the Federal Rules of Criminal Procedure, including Fed. R. Crim. P. 49(d), and constitutes entry of document on the docket kept by the Clerk in accordance with Fed. R. Crim. P. 55.~~
- b. ~~**Service of Papers.** The NEF that is automatically generated by the Court's Electronic Filing System constitutes service of the filed document on Filing Users. Parties who are not Filing Users must be served with a copy of any pleading or other document filed electronically in accordance with the Federal Rules of Civil Procedure and these Local Rules. A certificate of service is required when a party electronically files a document, and must state the manner in which service or notice was accomplished on each party.~~
- e. ~~**Notice of Court Orders.** All orders, decrees, judgments, and proceedings of the Court will be filed in the Electronic Filing System, which will constitute entry on the docket kept by the clerk under the Fed. R. Crim. P. 49(e) and 55. Any order or other court issued document filed electronically without the original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner.~~

The period for public comment will be until November 5, 2018. Absent further order of this Court, the effective date of the Rule amendments is December 1, 2018. Any comments should be submitted to the Clerk, U.S. District Court, at 333 West Broadway, San Diego, California 92101.

IT IS SO ORDERED.

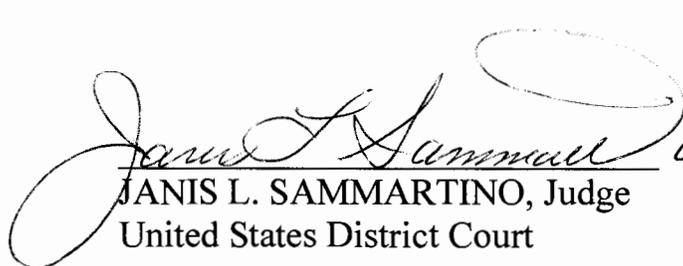
Dated: October 18, 2018

  
BARRYTED MOSKOWITZ,  
Chief Judge  
United States District Court

see attached  
LARRY A. BURNS, Judge  
United States District Court

  
DANA M. SABRAW, Judge  
United States District Court

see attached  
WILLIAM Q. HAYES, Judge  
United States District Court

  
JANIS L. SAMMARTINO, Judge  
United States District Court

  
MICHAEL M. ANELLO, Judge  
United States District Court

  
ANTHONY J. BATTAGLIA,  
Judge United States District Court

  
CATHY ANN BENCIVENGO,  
Judge United States District Court



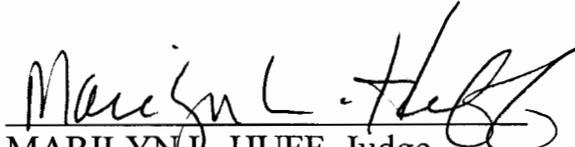
GONZALO P. CURIEL, Judge  
United States District Court



CYNTHIA BASHANT, Judge  
United States District Court



WILLIAM B. ENRIGHT, Judge  
United States District Court



MARILYN L. HUFF, Judge  
United States District Court



JEFFREY T. MILLER, Judge  
United States District Court



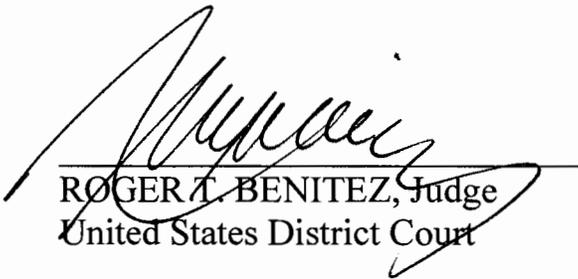
THOMAS J. WHELAN, Judge  
United States District Court

*see attached*

M. JAMES LORENZ, Judge  
United States District Court



JOHN A. HOUSTON, Judge  
United States District Court



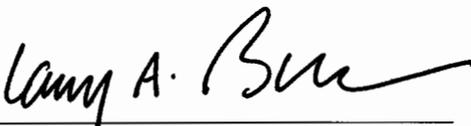
ROGER T. BENITEZ, Judge  
United States District Court

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IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
BARRY TED MOSKOWITZ,  
Chief Judge  
United States District Court

  
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LARRY A. BURNS, Judge  
United States District Court

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DANA M. SABRAW, Judge  
United States District Court

  
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WILLIAM Q. HAYES, Judge  
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ROGER T. BENITEZ, Judge  
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