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REVISED NOTICE

The Local Rules Committee of the Northern and Southern Districts of Mississippi has approved the certain technical amendments to the LOCAL UNIFORM CIVIL RULES FOR THE NORTHERN AND SOUTHERN DISTRICTS OF MISSISSIPPI which are set forth immediately below. In accordance with Rule 83 (a) of the FEDERAL RULES OF CIVIL PROCEDURE, the Committee will present these changes to the Boards of Judges of the Northern and Southern Districts of Mississippi for adoption at a joint meeting to be held on July 11, 2019, in conjunction with the 2019 Annual Meeting of the Mississippi Bar.

Attorneys and members of the public are invited to submit any comments to Gina Kilgore, Chief Deputy Clerk, by email to Gina_Kilgore@msnd.uscourts.gov or by U. S. Mail to 911 Jackson Avenue, Suite 369, Oxford, Mississippi 38655. Comments will be received until the close of business June 1, 2019.

Posted this the 29th day of April, 2019.

DAVID CREWS, CLERK
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

PROPOSED CHANGES DEC. 1, 2019

Rule 5. ORIGINAL FILINGS AND REMOVALS

- (b) **Removals: Required Filing of the Entire State Court Record and Unresolved Motions; Removals to Bankruptcy Court.** In addition to the requirements for removal set forth in 28 U.S.C. § 1446, a defendant or defendants desiring to remove any civil action or criminal prosecution from a state court must file ~~as an exhibit to its notice of removal~~ a copy of the entire state court record ~~in the format required by the Administrative Procedures for Electronic Case Filing for the district to which it is removed.~~ If the removing defendant or defendants cannot practicably obtain a copy of the entire state court record by the date of removal, ~~then—and only then—the removing defendant or defendants must obtain and electronically file the complete copy in the format required by the Administrative Procedures for Electronic Case Filing for that district~~ no later than 14 days from the date of removal. Further, within 14 days after the Case Management Conference, the parties must file as separate docket items any unresolved motions that were filed in state court and ~~which~~ **that** they wish to advance.

When a party to a state court action intends to remove the case to Bankruptcy Court, the procedure for doing so in both the Northern and Southern Districts of Mississippi will be as follows:

- (1) A Notice of Removal to the U.S. District Court – citing bankruptcy as a jurisdictional basis – will be filed in the U.S. District Court Clerk’s office in the appropriate district and division; and
- (2) In order to have the District Court take up the issue of transferring the case to the Bankruptcy Court, a motion seeking such transfer must be filed promptly after the notice of removal is filed. When docketing the motion to transfer, counsel will be directed to do so under an event entry on CM/ECF that will generate an immediate notice to the Bankruptcy Court that such a motion has been filed in the District Court. If the movant desires that the motion to transfer be heard immediately, it shall style the motion “URGENT AND NECESSITOUS” and immediately contact the District Judge’s chambers to obtain a date for hearing if one is desired. If the motion is not urgent and necessitous, it shall be treated by the District Judge in keeping with his or her regular motion practice.

Rule 16. PRETRIAL CONFERENCES

- (a) **Court Order.** The court will issue an Initial Order setting the deadline for the attorney conference required by FED. R. CIV. P. 26(f) and a date for a case management conference [CMC] with the magistrate judge. The court will strive to set the case management conference within 60 days of the filing of the first responsive pleading.

(b) Exceptions:

(1) Removed Civil Actions.

(A) In removed civil actions in which no motion to remand or motion to refer the action to the bankruptcy court is filed, the attorneys and unrepresented parties must confer as outlined in L.U.CIV.R. 26(e)f within 40 days, and all other deadlines will be determined accordingly.

(B) A motion to remand or a motion to refer an action to the bankruptcy court will stay the attorney conference and disclosure requirements and all discovery not relevant to the remand or referral issue and will stay the parties' obligation to make disclosures pending the court's ruling on the motions. At the time the remand motion or referral motion is filed, the movant must submit to the magistrate judge an order granting the stay but permitting discovery concerning only the remand or referral issue. The parties must promptly notify the magistrate judge of any order denying a motion to remand or motion to refer and must promptly submit an order lifting the stay.

(C) Within 14 days of the order lifting the stay, the parties must confer as outlined in L.U.CIV.R. 26(f) and all other deadlines will be determined accordingly. A scheduling conference will be held within 60 days after the stay is lifted.

(2) Transferred Civil Actions. If the attorneys and unrepresented parties have not already conducted the conference required by FED. R. CIV. P. 26(f) in an action transferred to the district, the parties must do so within 14 days of the action's transfer and all other deadlines will be determined accordingly.

(3) ~~Immunity Defense or Jurisdictional Defense~~ **Motions to Compel Arbitration and Motions Asserting Immunity or Jurisdictional Defense**

(A) A motion to compel arbitration, or a motion asserting an immunity defense or a jurisdictional defense must be raised by a separate motion as expeditiously as practicable after service of process. A motion asserting lack of jurisdiction must be filed at least 7 days before the Case Management Conference or the movant ~~will~~ **may** be deemed to have waived the **automatic** stay provision of subsection (B).

(B) Filing a motion to compel arbitration, or a motion asserting an

immunity defense or jurisdictional defense stays the attorney conference and disclosure requirements and all discovery, pending the court's ruling on the motion, including any appeal. Whether to permit discovery on issues related to the motion and whether to permit any portion of the case to proceed pending resolution of the motion are decisions committed to the discretion of the court, upon a motion by any party seeking relief.

(C) At the time the motion to compel arbitration or the motion asserting an immunity defense or jurisdictional defense is filed, the moving party must submit to the magistrate judge a proposed order granting the stay.

~~(D) In any case that has been removed from state court, the moving party must, within fourteen days after the Case Management Conference, file as separate docket items any motions that were filed in state court. The motions will be filed in accordance with L.U.CIV.R. 7(b).~~

(ED) The plaintiff must promptly notify the magistrate judge of a decision on the motion and must submit a proposed order lifting the stay. Within fourteen days of the order lifting the stay, the parties must confer in accordance with L.U.CIV.R. 26(c), and all other deadlines will be determined accordingly.

(FE) A case management conference will be scheduled within sixty days of the order lifting the stay.

Rule 54. ~~JURY~~ **JUDGMENT**; COSTS

Rule 79. SEALING OF COURT RECORDS

(e) Procedure for Filing Documents Under Seal or Sealing a case.

(1)

(2) Any document not covered by section (e)(2)(1) and filed with the intention of being sealed must be accompanied by a motion to seal. The clerk will provide public notice by docketing the motion in a way that discloses its nature as a motion to seal. The document and any confidential memoranda will be treated as sealed pending the outcome of the ruling on the motion. Any filing unaccompanied by a motion to seal will be treated as a public record.

Rule 83.1 ATTORNEYS: ADMISSION AND CONDUCT

(d) Pro Hac Vice Admission of Attorneys:

- (7) Standards for Admission. The court has discretion whether to grant applications for admission pro hac vice and to set the terms and conditions of admission. An application ordinarily should be granted unless the court finds reasons to believe that:
- (A) admission ~~may~~ **would** be detrimental to the prompt, fair and efficient administration of justice;
 - (B) admission ~~may~~ **would** be detrimental to legitimate interests of parties to the proceedings other than the client(s) the applicant proposes to represent;
 - (C) one or more of the clients the applicant proposes to represent ~~may~~ **would** be at risk of receiving inadequate representation and cannot adequately appreciate the risk;
 - (D) the applicant has engaged in more than 5 separate unrelated cases or other matters before the Northern and Southern Districts of the federal courts of this state within the last 12 months immediately preceding the appearance in question; **or**
 - (E) ~~admission should be denied because~~ the applicant had, before the application, filed or appeared in the federal court without having secured approval under these rules.

Form 1. CASE MANAGEMENT ORDER

6. DISCOVERY PROVISIONS AND LIMITATIONS.

- E. The parties have complied with the requirements of L.U.CIV.R. 26(f)(2)(**B**) and ~~(3)(C)~~ regarding discovery of electronically stored information and have concluded as follows: