

## 2021 PROPOSED CHANGES TO CIVIL RULES

### Rule 5 ORIGINAL FILINGS AND REMOVALS

#### (b) Removals:

**(1) *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 a copy of the entire state court record 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 that they wish to advance.

**(2) *Removals to Bankruptcy Court.*** When removing a state court action to Bankruptcy Court, the Notice of Removal, citing bankruptcy as a jurisdictional basis, must be filed with the United States District Court Clerk's Office in the appropriate district and division. A motion to transfer the case from District Court to Bankruptcy Court must also be promptly filed. When docketing the motion to transfer, counsel will be directed to docket the motion 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, the movant must style the motion "URGENT AND NECESSITOUS" and immediately contact the District Judge's chambers in accordance with L.U.Civ.R. 7(b)(8).

### 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 . . . .*

(E) Motions *in limine* other than motions challenging another party's expert must be filed no later than ~~fourteen~~ **twenty-one** calendar days before the pretrial conference, and all responses must be filed no later than ~~seven~~ **fourteen** calendar days before the pretrial conference.

(8) *Urgent or Necessitous Matters.* When the motion relates to an urgent or necessitous matter, counsel for the movant must contact the courtroom deputy, or other staff member designated by the judge, and arrange a definite time and place for the motion to be heard. In such cases, counsel for movant must file a written notice to all other parties of the time and

place fixed by the court for the hearing and must serve all documents upon other parties. **A motion filed under this rule must be styled as an “URGENT AND NECESSITOUS MOTION.”** Upon receipt of the motion, the court in its discretion may direct counsel to submit memorandum briefs for the court’s consideration.

Unless a party files a motion for a protective order to limit the scope or quash the taking of a deposition within seven days of the date of the notice of deposition, the motion will not be considered urgent or necessitous.

Rule 83.1 ATTORNEYS: ADMISSION AND CONDUCT

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(d) Pro Hac Vice Admission of Attorneys:

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- (5) Application Fee. Simultaneously with the filing of the verified application, the applicant must pay a non-refundable fee in an amount set by the court by general order. An applicant will not be required to pay the fee established by L.R.CIV.R 83.1(d)(5) if the applicant will not charge an attorney fee to the client(s) and is:
- (A) employed or associated with a pro bono project or nonprofit legal services organization in a civil case involving the client(s) of such programs; or
  - (B) applying to appear in a habeas corpus proceeding **or criminal case** for an indigent defendant;~~and~~
  - ~~(C) not compensated by the Court under the Criminal Justice Act.~~