

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

AMENDMENT TO LOCAL RULE 5.2

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:


STANDING ORDER No. 04-4

ORDER

WHEREAS, certain provisions of the E-Government Act of 2002 (Pub. L. No. 107-347), as amended August 2, 2004 are inconsistent with the Local Rules of this Court regarding the redaction of personal identifying information; and, whereas, November 1, 2004 has been set as the date for district courts to implement the new Judicial Conference Policy on Privacy and Public Access to Electronic Criminal Case Files;

IT IS HEREBY ORDERED THAT:

- 1) Local Rule 5.2 is amended as attached.
- 2) Appendix A to the Local Rules is amended as attached.
- 3) In accordance with 28 U.S.C. § 2071(e), the Clerk shall promptly provide the public with a notice of the amendments and provide an opportunity for comment.



THOMAS I. VANASKIE, Chief Judge
Middle District of Pennsylvania

Dated: October 4, 2004

CHAPTER III

SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

LR 5.1 Size and Other Physical Characteristics of Papers and Other Documents.

Papers or other documents filed in this court, except original or true copies of exhibits, shall be on paper approximating eight and one-half (8½) inches by eleven (11) inches in size. Any paper or other document filed shall be sufficient as to format and other physical characteristics if it substantially complies with the following requirements:

(a) Prepared on white paper (except for covers, dividers, and similar sheets) of good quality with typed or printed matter six and one-half (6½) inches by nine and one-half (9½) inches.

(b) The first sheet shall contain a three (3) inch space from the top of the paper for all court stampings, filing notices, etc.

(c) The lettering or typeface shall be clearly legible and shall not be smaller than 14 point word processing font or, if typewritten, shall not be smaller than pica. The text must be double-spaced, but quotations more than two lines long may be indented and single-spaced. Headings and footnotes may be single-spaced. The font type and size used in footnotes shall be the same as that used in the body of the brief. 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.

(d) The lettering or typeface shall be on only one (1) side of a page.

(e) All papers and other documents filed in this court shall be securely fastened with a paper clip, binder clip or rubber band. The use of plastic strips, staples or other such fasteners is prohibited, with the exception that administrative and judicial records may be firmly bound.

(f) Exhibits to a brief or motion shall accompany the brief or motion, but shall not be attached to or bound with the brief or motion. Exhibits shall be secured separately, using either lettered or numbered separator pages to separate and identify each exhibit. Each exhibit also shall be identified by letter or number on the top right hand corner of the first page of the exhibit. Exhibits in support of a pleading or other paper shall accompany the pleading or other paper but shall not be physically bound thereto. In all instances where more than one exhibit is part of the same filing, there shall be a table of contents for the exhibits.

(g) A proposed order shall accompany each motion or other request for relief, but shall not be fastened together.

(h) Each motion and each brief shall be a separate document.

(i) Exceptions to the provisions of this rule may be made only upon motion and for good cause or in the case of papers filed in litigation commenced *in forma pauperis*.

LR 5.2 Documents to be Filed with the Clerk.

(a) As to any document required or permitted to be filed with the court in paper form, only the original shall be filed with the clerk except that parties shall file an original and one copy of any document in excess of 200 pages.

(b) Any document signed by an attorney for filing shall contain under the signature line the name, address, telephone number, fax number, e-mail address (if applicable) and Pennsylvania or other state bar identification number. When listing the bar identification number, the state's postal abbreviation shall be used as a prefix (e.g., PA 12345, NY 246810).

(c) Documents shall not be faxed to a judge without prior leave of court. Documents shall

not be faxed to the clerk's office, except in the event of a technical failure with the court's Electronic Case Filing ("ECF") system. Technical Failure is defined as a malfunction of court owned/leased hardware, software, and/or telecommunications facility which results in the inability of a Filing User to submit a filing electronically. Technical failure does not include malfunctioning of a Filing User's equipment.

(d) A filed document in a case (other than a social security case) shall not contain any of the personal data identifiers listed in this rule unless permitted by an order of the court or unless redacted in conformity with this rule. The personal data identifiers covered by this rule and the required redactions are as follows:

1. **Social Security Numbers.** If an individual's Social Security Number must be included in a document, only the last four digits of that number shall be used;
2. **Names of minor children.** If the involvement of a minor child must be mentioned, only that child's initials shall be used;
3. **Dates of birth.** If an individual's date of birth must be included, only the year shall be used;
4. **Financial account numbers.** If financial account numbers must be included, only the last four digits shall be used.

Additional personal data identifier in a criminal case document only:

5. **Home addresses.** If a home address must be included, only the city and state shall be listed.

(e) A party wishing to file a document containing the personal data identifiers listed above may file in addition to the required redacted document:

1. a sealed and otherwise identical document containing the unredacted personal data identifiers, or
2. a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its(their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right.

The sealed unredacted version of the document or the sealed reference list shall be retained by the court as a part of the record.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The clerk will not review each document for redaction.

LR 5.3 Assigned Judge's Name on First Page of Documents.

After a case is assigned to a judge, all documents filed must include that judge's name in parenthesis directly below the case number.

LR 5.4 Service and Filing of Discovery Material.

(a) The parties in *pro se* cases, Health and Human Services cases (Social Security Appeals), and U.S. Government loan cases shall not be obligated to meet and confer prior to instituting discovery. Discovery shall commence no later than thirty (30) days from the date the complaint is served upon the defendant(s).

(b) Interrogatories, requests for disclosures, requests for documents, requests for admissions, and answers and responses thereto shall be served upon other counsel and parties but shall not be filed with the court except as authorized by a provision of the Federal Rules of Civil Procedure or upon an order of the court. The party responsible for serving a discovery request shall retain and become the custodian of the original response. Proof of service or certificates of service of discovery material shall not be filed separately with the clerk. The original of all depositions upon oral examination shall be retained by the party taking such deposition.

(c) If relief is sought under any of the Federal Rules of Civil Procedure, a copy of the discovery matters in dispute shall be filed with the court contemporaneously with any motion filed under these rules by the party seeking to invoke the court's relief.

(d) When documentation of discovery not previously in the record is needed for appeal purposes, upon an application and order of the court or by stipulation of counsel, the necessary discovery papers shall be filed with the clerk.

LR 5.5 Form of Service of Interrogatories.

For local rule on form of service of interrogatories, see LR 33.1.

LR 5.6 Filing of Documents by Electronic Means.

Documents may be filed, signed and verified by electronic means to the extent and in the manner authorized by the court's Standing Order regarding Electronic Case Filing Policies and Procedures and the ECF User Manual. A document filed by electronic means in compliance with this Local Rule constitutes a written document for the purposes of applying these Local Rules, the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.

LR 5.7 Service of Documents by Electronic Means.

Documents may be served through the court's transmission facilities by electronic means to the extent and in the manner authorized by the Standing Order regarding Electronic Case Filing Policies and Procedures and the ECF User Manual. Transmission of the Notice of Electronic Filing constitutes service of the filed document upon each party in the case who is registered as a Filing User. Any other party or parties shall be served documents according to these Local Rules, the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.

APPENDIX A

Attorneys for Plaintiff

Attorneys for Defendant

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

) CASE NO.
)
)
)
)
) JUDGE _____
)
)
)
)

JOINT CASE MANAGEMENT PLAN

Instructions: In many cases there will be more parties in the action than there are spaces provided in this form. Each party shall provide all requested information. If the space on this form is not sufficient, the form should be retyped or additional pages attached.

No party may submit a separate Case Management Plan. Disagreements among parties with respect to any of the matters below shall be set forth in the appropriate section.

Having complied with the meet and confer requirements set forth in the LOCAL RULES, or with any orders specifically modifying their application in the above-captioned matter, the parties hereby submit the following Joint Case Management Plan.

(Revised 10/04)

1. Principal Issues

1.10 Separately for each party, please give a statement summarizing this case:

By plaintiff(s):

By defendant(s):

The principal factual issues that the parties
dispute are:

1.11

1.12

1.13

agree upon are:

1.20

1.21

1.22

1.30 The principal legal issues that the parties

dispute are:

1.31

1.32

1.33

agree upon are:

1.40

1.41

1.42

1.50 Identify any unresolved issues as to service of process, personal jurisdiction, subject matter jurisdiction, or venue:

1.60 Identify any named parties that have not yet been served:

1.70 Identify any additional parties that:

plaintiff(s) intends to join:

defendant(s) intends to join:

1.80 Identify any additional claims that:

plaintiff(s) intends to add:

defendant(s) intends to add:

2.0 Alternative Dispute Resolution ("ADR")

2.10 Identify any ADR procedure to which this case already has been assigned or which the parties have agreed to use.

ADR procedure _____

Date ADR to be commenced _____

Date ADR to be completed _____

2.20 If the parties have been unable to agree on an ADR procedure, but one or more parties believes that the case is appropriate for such a procedure, identify the party or parties that recommend ADR and the specific ADR process recommended:

2.30 If all parties share the view that no ADR procedure should be used in this case, set forth the basis for that view:

3.0 Consent to Jurisdiction by a Magistrate Judge

Indicate whether all parties agree, pursuant to 28 U.S.C. § 636(c)(1), to have a magistrate judge preside as the judge of the case with appeal lying to the United States Court of Appeals for the Third Circuit:

All parties agree to jurisdiction by a magistrate judge of this court: Y N.

If parties agree to proceed before a magistrate judge, please indicate below which location is desired for the proceedings:

- Scranton
- Wilkes-Barre
- Harrisburg

4.0 Disclosures

4.100 Separately for each party, list by name and title/position each person whose identity has been disclosed.

4.101 Disclosed by _____:

<u>Name</u>	<u>Title/Position</u>
4.102 _____	_____
4.103 _____	_____
4.104 _____	_____
4.105 _____	_____

4.151 Disclosed by _____:

<u>Name</u>	<u>Title/Position</u>
4.152 _____	_____
4.153 _____	_____
4.154 _____	_____
4.155 _____	_____

4.200 Separately for each party, describe by categories the documents that have been disclosed or produced through formal discovery, indicating which categories relate (even if not exclusively) to damages:

4.201 Categories of documents disclosed by _____:

- 4.202 _____
- 4.203 _____
- 4.204 _____
- 4.205 _____

4.251 Categories of documents disclosed by _____:

4.252 _____

4.253 _____

4.254 _____

4.255 _____

4.300 **Additional Documents Disclosures:** Separately for each party, describe each additional category of documents that will be disclosed without imposing on other counsel the burden of serving a formal request for production of documents:

4.301 Additional categories of documents _____ will disclose:
(party)

4.302 _____

4.303 _____

4.304 _____

4.351 Additional categories of documents _____ will disclose:
(party)

4.352 _____

4.353 _____

4.354 _____

4.400 Separately for each party who claims an entitlement to damages or an offset, set forth the computation of the damages or of the offset:

4.401 plaintiff's calculation of damages:

4.402 defendant's calculation of offset:

4.403 counter claimant/third party claimant's calculation of damages:

5.0 Motions

Identify any motion(s) whose early resolution would likely have a significant effect

either on the scope of discovery or other aspects of the litigation:

Nature of Motion

Moving Party

Anticipated Filing Date

6.0 Discovery

6.100 Briefly describe any discovery that has been completed or is in progress:

By plaintiff(s):

By defendant(s):

6.200 Describe any discovery that all parties agree should be conducted, indicating for each discovery undertaking its purpose or what kinds of information will be developed through it (e.g., "plaintiff will depose Mr. Jones, defendant's controller, to learn what defendant's revenue recognition policies were and how they were applied to the kinds of contracts in this case"):

6.300 Describe any discovery that one or more parties want(s) to conduct but to which another party objects, indicating for each such discovery undertaking its purpose or what kinds of information would be developed through it:

6.400 Identify any subject area limitations on discovery that one or more parties would like imposed, at the first stage of or throughout the litigation:

6.500 For each of the following discovery tools, recommend the per-party or per-side limitation (specify a number) that should be fixed, subject to later modification by stipulation or court order on an appropriate showing (where the parties cannot agree, set forth separately the limits recommended by plaintiff(s) and by defendant(s)):

6.501 depositions (excluding experts) to be taken by:

plaintiff(s):____ defendant(s):____

6.502 interrogatories to be served by:

plaintiff(s):____ defendant(s):____

6.503 document production requests to be served by:

plaintiff(s):____ defendant(s):____

6.504 requests for admission to be served by:

plaintiff(s):____ defendant(s):____

6.600 All discovery commenced in time to be completed by:

6.700 Reports from retained experts due:

from plaintiff(s) by _____
from defendant(s) by _____

6.800 Supplementations due _____

7.0 Protective Order

7.1 If entry of a protective order is sought, attach to this statement a copy of the proposed order.

7.2 If there is a dispute about whether a protective order should be entered, or about certain terms of the proposed order, briefly summarize each party's position below:

8.0 Certification of Settlement Authority (All Parties Shall Complete the Certification)

I hereby certify that the following individual(s) have settlement authority.

Name

Title

Address

()__ - __ Daytime Telephone

Name

Title

Address

()__ - __ Daytime Telephone

9.0 Scheduling

9.1 This case may be appropriate for trial in approximately:

___ 240 Days from the filing of the action in this court

___ 365 Days from the filing of the action in this court

___ Days from the filing of the action in this court

9.2 Suggested Date for Trial:

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9.3 Suggested Date for the final Pretrial Conference:

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9.4 Final date for joining additional parties:

_____ Plaintiff(s)

_____ Defendants(s)

9.5 Final date for amending pleadings:

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9.6 All potentially dispositive motions should be filed by:

10.0 Other Matters

Make any other suggestions for the case development process, settlement, or trial that may be useful or necessary to the efficient and just resolution of the dispute.

11.0 Identification of Counsel

Counsel shall be registered users of the court's Electronic Case Files System (ECF) and shall file documents electronically in accordance with the Local Rules of Court and the Standing Order RE: Electronic Case Filing Policies and Procedures. Electronic filing is required unless good cause is shown to the Chief Judge why counsel cannot comply with this policy. Any request for waiver of electronic filing must be filed with the Clerk's Office prior to the case management conference. The Chief Judge may grant or deny such request.

Identify by name, address, and telephone number counsel for each party. Also please indicate ECF User status below.

Dated:

-
- Attorney(s) for Plaintiff(s)
 - ECF User(s)
 - Waiver requested *(as separate document)*

Dated:

-
- Attorney(s) for Defendant(s)
 - ECF User(s)
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Attorneys for Defendant

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MIDDLE DISTRICT OF PENNSYLVANIA**

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-
- Attorney(s) for Plaintiff(s)
 - ECF User(s)
 - Waiver requested *(as separate document)*

Dated:

-
- Attorney(s) for Defendant(s)
 - ECF User(s)
 - Waiver requested *(as separate document)*