

FILED
DISTRICT COURT OF GUAM

DEC 01 2009

JEANNEG. QUINATA
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF GUAM

In re: GENERAL ORDER NO. 09-0014

LOCAL RULES OF PRACTICE,
AMENDMENTS
TO CONFORM TO TIME
COMPUTATIONS

To achieve consistency and/or compliance with the recent time computation amendments to the Federal Rules of Bankruptcy Procedure, Civil Procedure, Criminal Procedure and Appellate Procedure, the court hereby AMENDS the following local rules, general orders, and attachment, EFFECTIVE DECEMBER 1, 2009, as shown in the table below.

These amendments shall apply to all cases.

Rule	Title	Previous Time Period	New Time Period
GR 22.12(c)	Duties of the Clerk	ten (10) days	fourteen (14) days
LR 7.1(h)(1)	Motion Practice - (h) Advance Notice of Withdrawal or Non- Opposition; Continuances	five (5) working days	seven (7) days
LR 16.2(a)	Meeting of Counsel and Preparation of Proposed Scheduling Order and Discovery Plan - (a) Meeting of Counsel or Pro Se Litigants.	fifteen (15) days	fourteen (14) days

Rule	Title	Previous Time Period	New Time Period
Attachment LR 16.1B	Scheduling Notice	fifteen (days)	fourteen (14) days
LR 26.1(b)(1)	Discovery Documents - Nonfiling and Disclosure - (b) Discovery Documents - Disclosure	five (5) days	seven (7) days
LR 26.1(b)(2)	Discovery Documents - Nonfiling and Disclosure - (b) Discovery Documents - Disclosure	five (5) days	seven (7) days
LR 54.1(a)	Taxation of Costs - (a) Application to the Clerk	eleven (11) days	fourteen (14) days
		ten (10) days	fourteen (14) days
		eleven (11)	twenty-one (21)
		sixteen (16) days	twenty-eight (28) days
LR 54.1(b)(14)	Taxation of Costs - (b) Items Taxable as Costs - (14) Costs on Appeal	fifteen (15) days	fourteen (14) days
LR 54.1(c)	Taxation of Costs - (c) Objections to Bill of Costs - Response	five (5) days	fourteen (14) days
		three (3) days	seven (7) days
LR 54.1(e)	Taxation of Costs - (e) Review of Clerk's Determination	five (5) days	seven (7) days
LR 65.1(b)	Temporary Restraining Orders and Preliminary Injunctions - (b) Preliminary Injunctions	ten (10) days	fourteen (14) days
LR 65.1.1(a)(1)	Bonds and Sureties - (a) Security for Costs - (1) Nonresidents	ten (10) days	fourteen (14) days
LR 66.1(a)(2)	Receivers - (a) Appointment of Receivers - (2) Permanent Receivers	five (5) days	seven (7) days
		five (5) days	seven (7) days
LR 66.1(e)	Receivers - (e) Reports	ten (10) days	fourteen (14) days
LR 66.1(f)	Receivers - (f) Notice of Hearings	ten (10) days	fourteen (14) days

Rule	Title	Previous Time Period	New Time Period
LR 79.1(b)	Custody and Disposition of Exhibits and Transcripts - (b) Delivery to Person Entitled in Civil Cases	ten (10) days	fourteen (14) days
LR 79.1(c)	Custody and Disposition of Exhibits and Transcripts - (c) Unclaimed Exhibits in Civil Cases	twenty (20) days	twenty-one (21) days
LAR C.2	Actions in Rem; Special Provisions - 2. Intangible Property	ten (10) days	fourteen (14) days
LAR C.3(a)(5)	Actions in Rem; Special Provisions - 3. Notice of Action and Arrest - (a) (5) Publication	ten (10) days	fourteen (14) days
LAR C.3(a)(6)	Actions in Rem; Special Provisions - 3. Notice of Action and Arrest - (a)(6) Publication	twenty (20) days	twenty-one (21) days
LAR D.1	Possessory, Petitory and Partition Actions - 1. Return Date	twenty (20) days	twenty-one (21) days
LAR E.8	Actions in Rem and Quasi in Rem; General Provisions - 8. Security for Costs	five (5) days	seven (7) days
LAR E.9	Actions in Rem and Quasi in Rem; General Provisions - 9. Adversary Hearing	three (3) days	seven (7) days
LAR E.14(a)	Actions in Rem and Quasi in Rem; General Provisions - 14. Sale of Property - (a) Notice	six (6) consecutive days	seven (7) days
LAR E.14(b)	Actions in Rem and Quasi in Rem; General Provisions - 14. Sale of Property - (b) Payment of Bid	three (3) days, exclusive of Saturdays, Sundays and legal holidays	seven (7) days
		ten (10) days	fourteen (14) days

Rule	Title	Previous Time Period	New Time Period
LAR E.14(c)	Actions in Rem and Quasi in Rem; General Provisions - 14. Sale of Property - (c) Report and Confirmation	three (3) days, exclusive of Saturdays, Sundays and legal holidays	seven (7) days
		three-day period	seven (7) days
LAR E.14(f)	Actions in Rem and Quasi in Rem; General Provisions - 14. Sale of Property - (f) Opposition to Sale	five (5) days	seven (7) days
LAR G.1(b)	Miscellaneous - 1. Deserting Seamen Cases - (b) Time to Plead	twenty (20) days	twenty-one (21) days
LTR 7(c)	Stipulations for Trial - (c) Filing	five (5) working days	seven (7) days
LTR 7(f)(2)	Stipulations for Trial - (f) Noncompliance by a Party - (2) Procedure	twenty (20) days	twenty-one (21) days
G.O. 04-00016	Assignment of Duties to Magistrate Judge	ten (10) days	fourteen (14) days
		ten (10) days	fourteen (14) days
		ten (10) days	fourteen (14) days
		ten (10) day	fourteen (14) day
		twenty (20) days	twenty-one (21) days
		ten (10) days	fourteen (14) days
		ten (10) days	fourteen (14) days
		ten (10) day	fourteen (14) day
		ten (10) days	fourteen (14) days
		ten (10) days	fourteen (14) days
ten (10) day	fourteen (14) day		
G.O. 08-00006	Electronic Availability of Transcripts and Adoption of Transcript Redaction Policy	seven (7) business days	seven (7) days

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibits A and B attached hereto are redlined versions of the affected local rules, general orders and attachments.

SO ORDERED this 1st day of December, 2009.


FRANCES M. TYDINGCO-GATEWOOD
Chief Judge, District Court of Guam.

1 EXHIBIT A

2 **GR 22.12 Duties of the Clerk.**

3 (c) Whenever it appears that any person convicted of any crime or disbarred or
4 suspended or censured, or suspended or disbarred on consent, by this Court is admitted to
5 practice law in any other jurisdiction or before any other court, the clerk of this Court shall,
6 within ~~ten (10)~~ fourteen (14) days of that conviction, disbarment, suspension, censure, or
7 suspension or disbarment on consent, transmit to the disciplinary authority in such other
8 jurisdiction, or for such other court, a certificate of the conviction or a certified exemplified
9 copy of the judgment or order of disbarment, suspension, censure, or suspension or disbarment
10 on consent, as well as the last known office and residence addresses of the defendant or
11 respondent.

12
13 **LR 7.1 Motion Practice.**

14 (h) **Advance Notice of Withdrawal or Non-Opposition; Continuances.**

15 (1) Any moving party who does not intend to press the motion or who
16 intends to withdraw before the hearing date, any opposing party who does not intend to
17 oppose the motion, and any party who intends to move for a continuance of the hearing
18 of a motion shall, not later than ~~five (5) working~~ seven (7) days preceding the oral
19 argument date, notify opposing counsel and the court clerk in writing.
20

21
22 **LR 16.2 Meeting of Counsel and Preparation of Proposed Scheduling Order and**
23 **Discovery Plan.**

24 (a) **Meeting of Counsel or Pro Se Litigants.** Within ~~fifteen (15)~~ fourteen (14) days
25 after the receipt of the clerk's Scheduling Notice, but no later than sixty (60) days after the filing
26 of the complaint, counsel of record and all pro se litigants shall meet in person for the purposes
27 set forth below:
28

1 **LR 26.1 Discovery Documents - Nonfiling and Disclosure.**

2 **(b) Discovery Documents - Disclosure.** During the pendency of any civil
3
4 proceeding, any person may, after written notice is served on all parties to the action, obtain a
5 copy of any deposition or discovery document not on file with the Court upon payment of the
6 expense of the copy and upon

7 **(1)** approval by the clerk, if no objection is filed with the clerk by any party
8 to the action within ~~five (5)~~ seven (7) days after service of such written notice, or

9 **(2)** leave of Court, if an objection is filed with the clerk by any party to the
10 action within ~~five (5)~~ seven (7) days after service of such written notice.
11

12
13 **LR 54.1 Taxation of Costs.**

14 **(a) Application to the Clerk.** Within ~~eleven (11)~~ fourteen (14) days after the entry
15 of a judgment allowing costs the prevailing party shall serve on the attorney for the adverse
16 party and file with the clerk an application for the taxation of costs. The application shall be on a
17 Bill of Costs form prescribed by the Court which shall be furnished by the clerk upon request. If
18 an application for costs is received which is not on the appropriate form, the clerk shall
19 promptly notify the party seeking costs, shall forward the correct form, and shall extend the time
20 for filing the amended claim for a period not to exceed ~~ten (10)~~ fourteen (14) days. The
21 application shall contain an itemized schedule of the costs in a sworn statement signed by the
22 attorney for the applicant that the schedule is correct, that the costs were necessarily incurred in
23 the case, and that the services for which fees have been charged were actually and necessarily
24 performed. The application shall be heard by the Clerk not less than ~~eleven (11)~~ twenty-one (21)
25 nor more than ~~sixteen (16)~~ twenty-eight (28) days after it is served, and written notice of the
26 time of hearing shall be given to all parties by the Clerk of Court.

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(b) **Items Taxable As Costs.**

(14) **Costs on Appeal** - Costs on appeal taxable in the District Court shall be governed by FRAP 39(e). Such costs bill is to be filed within ~~fifteen (15)~~ fourteen (14) days of the filing and spreading of the mandate of the Court of Appeals in the district court.

(c) **Objections to Bill of Costs - Response.** Any party may file and serve written objections to any item specified in a Bill of Costs. The grounds for objections shall be specifically stated. The objections shall be served and filed no later than ~~five (5)~~ fourteen (14) days before the date noticed for the hearing. A written response may be served and filed no later than ~~three (3)~~ seven (7) days before the date noticed for the hearing.

(e) **Review of Clerk's Determination.** A dissatisfied party may appeal to this Court upon written motion served within ~~five (5)~~ seven (7) days of the Clerk's decision, as provided in Federal Rule of Civil Procedure 54(d). The motion shall specify all objections to the Clerk's decision and the reasons for the objections. Appeals shall be heard upon the same papers and evidence submitted to the Clerk.

LR 65.1 Temporary Restraining Orders and Preliminary Injunctions.

(b) **Preliminary Injunctions.** When a temporary restraining order ("TRO") is not sought, an application for a preliminary injunction shall be made by motion and not by order to show cause. When a TRO is sought, application for a preliminary injunction shall be made by order to show cause. If the TRO is granted, the hearing on the order to show cause will be set within ~~ten (10)~~ fourteen (14) days after the entry of the TRO unless otherwise agreed by the parties. If the TRO is denied, the Court may set the hearing on the order to show cause re: preliminary injunction without regard to the requirements of Local Rule 7.1.

///

1 **LR 65.1.1** **Bonds and Sureties.**

2 (a) **Security for Costs.**

3
4 (1) **Nonresidents.** Every nonresident filing a complaint shall, within ~~ten (10)~~
5 fourteen (14) days after demand of an adverse party, file with the complaint a bond for
6 costs in the sum of \$500.00, unless for good cause, on motion, which may be made ex
7 parte, the Court dispenses with the bond or fixes a different amount. The bond shall have
8 sufficient surety and shall be conditioned to secure the payment of all costs of the action
9 which the party may ultimately be required to pay to any other party. After the bond is
10 filed, any opposing party may raise objections to its form or to the sufficiency of the
11 surety for determination by the Clerk. If the bond is found to be insufficient, the Court
12 may order the filing of a sufficient bond within a specified time. If the order is not
13 complied with, the Clerk shall enter dismissal of the action as in the case of dismissal for
14 want of prosecution.

15 **LR 66.1** **Receivers.**

16 (a) **Appointment of Receivers.** Application for the appointment of a receiver may
17 be made after the complaint has been filed and the summons issued.

18
19 (2) **Permanent Receivers.** A permanent receiver may be appointed after
20 notice and hearing upon an order to show cause. This order shall be issued by a judge
21 upon appointment of a temporary receiver or upon application of the plaintiff and shall
22 be served on all parties. The defendant shall provide the temporary receiver (or, if there
23 is no temporary receiver, the plaintiff) within ~~five (5)~~ seven (7) days, with a list of the
24 defendant's creditors, and their addresses. Not less than ~~five (5)~~ seven (7) days before the
25 hearing, the temporary receiver (or, if none, the plaintiff) shall mail to the creditors
26 listed, a notice of hearing, and file a proof of mailing.

27 ///

28

1 (e) **Reports.** Within thirty (30) days of appointment, a permanent receiver shall file
2 with the Court a verified report and petition for instructions. The petition shall be heard on ~~ten~~
3 ~~(10)~~ fourteen (14) days notice to all known creditors and parties. The report shall contain a
4 summary of the operations of the receiver, an inventory of the assets and their appraised value, a
5 schedule of all receipts and disbursements, and a list of all creditors, their addresses and the
6 amounts of their claims. The petition shall contain the receiver's recommendation as to the
7 continuance of the receivership and reason for the recommendations. At the hearing, the judge
8 shall determine whether the receivership shall be continued and, if so, the judge shall fix the
9 time for future reports of the receiver.

10 (f) **Notice of Hearings.** The receiver shall give all interested parties at least ~~ten (10)~~
11 fourteen (14) days notice of the time and place of hearings concerning:

12 **LR 79.1 Custody and Disposition of Exhibits and Transcripts.**

13 (b) **Delivery to Person Entitled in Civil Cases.** In all civil cases in which final
14 judgment has been entered and the time has expired for filing a motion for new trial, a motion
15 for rehearing or a notice of appeal, any party or person may withdraw any exhibit, deposition, or
16 transcript of testimony originally produced by him, without court order, upon ~~ten (10)~~ fourteen
17 (14) days written notice to all parties, unless within that time another party or person files notice
18 of claim thereto with the clerk. In the event of competing claims, the Court shall determine the
19 person entitled and order delivery accordingly. For good cause shown, the Court may allow
20 withdrawal or determine competing claims in advance of the time above specified.

21 (c) **Unclaimed Exhibits in Civil Cases.** If exhibits, depositions or transcripts of
22 testimony in civil cases are not withdrawn within ~~twenty (20)~~ twenty-one (21) days after the
23 time when notice may first be given under subdivision (b) of this Rule, the clerk shall give
24 notice to the parties to claim the same. If such exhibits, depositions and transcripts of testimony
25 are not withdrawn by the parties within forty (40) days after notice by the clerk to claim the
26 same, the clerk may destroy them or make other disposition as he sees fit.
27
28

1 **LAR C. Actions in Rem; Special Provisions.**

2 **2. Intangible Property.** The summons issued pursuant to Supplemental Rule C(3)
3 ~~shall direct the person having control of intangible property to show cause no later than ten (10)~~
4 fourteen (14) days after service why the intangible property should not be delivered to the Court
5 to abide the judgment. A judicial officer for good cause shown may lengthen or shorten the
6 time. Service of the summons has the effect of an arrest of the intangible property and brings it
7 within the control of the Court. The person who is served may deliver or pay over to the marshal
8 the intangible property proceeded against to the extent sufficient to satisfy the plaintiff's claim.
9 If such delivery or payment is made, the person served is excused from the duty to show cause.
10 Claimants of the property may show cause as provided in Supplemental Rule C(6) why the
11 property should not be delivered to or retained by the Court.

12 **3. Notice of Action and Arrest.**

13 **(a) Publication.** The notice required by Supplemental Rule C(4) shall be published
14 once in the newspaper named in General Rule 1.1(d)(4) and plaintiff's attorney shall file a copy
15 of the notice as it was published with the clerk. The notice shall contain:

16
17 **(5)** A statement that the claim of a person who is entitled to possession or
18 who claims an interest pursuant to Supplemental Rule C(6) must be filed with the clerk
19 and served on the attorney for plaintiff within ~~ten (10)~~ fourteen (14) days after
20 publication;

21 **(6)** A statement that an answer to the complaint must be filed and served
22 within ~~twenty (20)~~ twenty-one (21) days after publication, and that otherwise, default
23 may be entered and condemnation ordered;

24 **LAR D. Possessory, Petitory and Partition Actions.**

25 **1. Return Date.** In an action under Supplemental Rule D, a judicial officer may
26 order that the claim and answer be filed on a date earlier than ~~twenty (20)~~ twenty-one (21) days
27 after arrest. The order may also set a date for expedited hearing of the action.
28

1 **LAR E. Actions in Rem and Quasi in Rem; General Provisions.**

2 **8. Security for Costs.** In an action under the Supplemental Rules, a party may
3 move upon notice to all parties for an order to compel an adverse party to post security for costs
4 with the clerk pursuant to Supplemental Rule E(2)(b). Unless otherwise ordered, the amount of
5 security shall be \$500.00. The party so ordered shall post the security within ~~five (5)~~ seven (7)
6 days after the order is entered. A party who fails to post security when due may not participate
7 further in the proceedings. A party may move for an order increasing the amount of security for
8 costs.

9 **9. Adversary Hearing.** The adversary hearing following arrest or attachment or
10 ~~garnishment that is called for in Supplemental Rule E(4)(f) shall be conducted upon three (3)~~
11 seven (7) days written notice to plaintiff, unless otherwise ordered. This Rule shall have no
12 application to suits for seamen's wages when process is issued upon a certification of sufficient
13 cause filed pursuant to 46 U.S.C. § 603 and 604 or to actions by the United States for
14 forfeitures.

15 **14. Sale of Property.**

16
17 **(a) Notice.** Notice of sale of arrested or attached property shall be published in one
18 or more newspapers to be specified in the order for sale. Unless otherwise ordered by a judge
19 upon a showing of urgency or impracticality, or unless otherwise provided by law, such notice
20 shall be published for at least ~~six (6) consecutive~~ seven (7) days before the date of sale.

21
22 **(b) Payment of Bid.** Unless otherwise provided in the order, in all public auction
23 sales by the marshal under orders of sale in admiralty and maritime claims, the marshal shall
24 require of the last and highest bidder at the sale a minimum deposit in cash, certified check or
25 cashier's check, of the full purchase price if it does not exceed \$500.00, and otherwise \$500 or
26 ten (10) percent of the bid, whichever is greater. The balance, if any, of the purchase price shall
27 ~~be paid in cash, certified check or cashier's check before confirmation of the sale or within three~~
28 ~~(3) seven (7) days of the dismissal of any opposition which may have been filed, exclusive of~~

1 ~~Saturdays, Sundays and legal holidays~~. Notwithstanding the above, a plaintiff or intervening
2 plaintiff foreclosing a properly recorded and endorsed preferred mortgage on, or other valid
3 security interest in the vessel may bid, without payment of cash, certified check or cashier's
4 check, up to the total amount of the secured indebtedness as established by affidavit filed and
5 served by that party on all other parties no later than ~~ten (10)~~ fourteen (14) days prior to the date
6 of sale.

7 (c) **Report and Confirmation.** At the conclusion of the sale, the marshal shall
8 forthwith file a written report to the court of the fact of sale, the price obtained and the name and
9 address of the buyer. The clerk of the court shall endorse upon such report the time and date of
10 its filing. If within ~~three (3)~~ seven (7) days, ~~exclusive of Saturdays, Sundays, and legal holidays~~,
11 no written objection is filed, the sale shall stand confirmed as of course, without the necessity of
12 any affirmative action thereon by the court and the clerk upon request shall so state to the
13 marshal in writing; except that no sale shall stand confirmed until the buyer has complied fully
14 with the terms of his purchase. If no opposition to the sale is filed, the expenses of keeping the
15 property pending confirmation of sale shall be charged against the party bearing expenses before
16 the sale (subject to taxation as costs), except that if confirmation is delayed by the purchaser's
17 failure to pay any balance which is due on the price, the cost of keeping the property subsequent
18 to the ~~three-day~~ seven-day period hereinabove specified shall be borne by the purchaser.

19 (f) **Opposition to Sale.** A party filing an opposition to the sale, whether seeking the
20 reception of a higher bid or a new public sale by the marshal, shall give prompt notice to all
21 other parties and to the purchaser. Such party shall also, prior to filing an opposition, secure the
22 marshal's endorsement upon it acknowledging deposit with the marshal of the necessary expense
23 of keeping the property for at least ~~five (5)~~ seven (7) days. Pending the court's determination of
24 the opposition, such party shall also advance any further expense at such times and in such
25 amounts as the marshal shall request, or as the Court orders upon application of the marshal or
26 the opposing party. Such expense may later be subject to taxation as costs. In the event of failure
27 to make such advance, the opposition shall fail without necessity for affirmative action thereon
28

1 by the court. If the opposition fails, the expense of keeping the property during its pendency
2 shall be borne by the party filing the opposition.

3 **LAR G. Miscellaneous.**

4 **1. Deserting Seamen Cases.**

5 **(b) Time to Plead.** The United States has ~~twenty (20)~~ twenty-one (21) days
6 after receipt of a copy of the petition by the United States Attorney in which to file its
7 responsive pleading and claim.
8

9
10 **LTR 7 Stipulations for Trial.**

11 **(c) Filing.** Executed stipulations prepared pursuant to this Rule, and related
12 exhibits, shall be filed by the parties at least ~~five (5) working~~ seven (7) days before the
13 scheduled pretrial conference, unless the Court in the particular case shall otherwise
14 specify. A stipulation when filed need not be offered formally to be considered in
15 evidence.

16 **(f) Noncompliance by a Party.**

17 **(2) Procedure** - Upon the filing of such a motion, an order to show cause as
18 moved shall be issued forthwith, unless the Court shall direct otherwise. The order to
19 show cause will be served by the clerk of the Court, with a copy thereof sent to the
20 moving party. Within ~~twenty (20)~~ twenty-one (21) days of the service of the order to
21 show cause, the party to whom the order is directed shall file a response with the Court,
22 with proof of service of a copy thereof on opposing counsel or the other parties, showing
23 why the matter set forth in the motion papers should not be deemed admitted for
24 purposes of the pending case. The responses shall list each matter involved on which
25 there is no dispute, referring specifically to the numbered paragraphs in the motion to
26 which the admissions relate. Where a matter is disputed only in part, the response shall
27 show the part admitted and the part disputed. Where the responding party is willing to
28

1 stipulate in whole or in part with respect to any matter in the motion by varying or
2 qualifying a matter in the proposed stipulation, the response shall set forth the variance
3 or qualification and the admission which the responding party is willing to make. Where
4 the response claims that there is a dispute as to any matter in part or in whole, or where
5 the response presents a variance or qualification with respect to any matter in the motion,
6 the response shall show the sources, reasons and basis on which the responding party
7 relies for that purpose. The Court, where it is found appropriate, may set the order to
8 show cause for a hearing or conference at such time as the Court shall determine.
9

10 **General Order No. 04-00016 (Assignment of Duties to Magistrate Judge)**

11 **Page 5, Lines 4-11:**

- 12 • In felony cases, the Magistrate Judge is authorized to take a defendant's guilty
13 plea with the written consent of the defendant, the defendant's attorney, and the
14 Assistant U.S. Attorney. The Magistrate Judge shall administer the allocution
15 pursuant to Rule 11 of the Federal Rules of Criminal Procedure. The Magistrate
16 Judge shall make written findings as to each of the subjects set forth in
17 Fed.R.Crim.P. 11, the voluntariness of the guilty plea, and the sufficiency of the
18 factual basis establishing each of the essential elements of the offense. The
19 Magistrate Judge shall also make a written recommendation to the District Judge
20 as to whether or not the District Judge's should accept the defendant's plea of
21 guilty. A copy of the Magistrate's written findings and recommendation shall be
22 served on all parties. Objections to the Magistrate Judge's findings and
23 recommendation shall be filed within ~~ten (10)~~ fourteen (14) days after having
24 been served with a copy thereof. The District Judge will conduct a *de novo*
25 review of the Magistrate Judge's findings and recommendations if, but only if,
26 one or both parties file objections to the findings and recommendations. The
27 District Judge shall schedule the sentencing hearing if he accepts the defendant's
28 guilty plea.

1 **Page 5, lines 21-26:**

- 2
- 3 • Any party may appeal from any pretrial non-dispositive matter assigned to a
- 4 Magistrate Judge or file an objection to any portion of the Magistrate Judge's
- 5 proposed findings and recommendations on dispositive pretrial matters. Such
- 6 appeal or objection shall be filed within ~~ten (10)~~ fourteen (14) days after the
- 7 filing of the Magistrate Judge's written order or after being served with a copy of
- 8 the proposed findings and recommendations. A memorandum of points and
- 9 authorities or supporting memorandum must accompany the filing of the appeal
- 10 or objection, unless the District Judge, in his discretion, permits a later filing of
- 11 such memorandum. Any party in interest may file a response to the appeal or
- 12 objection within ~~ten (10)~~ fourteen (14) days after being served with a copy
- 13 thereof. Each of the above ~~ten (10)~~ fourteen (14) day periods may be altered by
- 14 the District Judge. Oral argument will not be scheduled unless ordered by the
- 15 District Judge.

16 **Page 6, lines 26-28; Page 7, lines 1-2**

- 17 • A party added after reference of the case to the Magistrate Judge on consent will
- 18 be given an opportunity to consent to the continued exercise of case-dispositive
- 19 authority by the Magistrate Judge. The Clerk of Court will give the party an
- 20 unexecuted copy of the notice previously provided to the plaintiff. If the party
- 21 chooses to consent, it must, within ~~20~~ twenty-one (21) days of its appearance, file
- 22 with the Clerk of Court the notice denoting its consent, signed by the party or its
- 23 counsel. Unless the notice is properly signed and filed, the case will be
- 24 transferred to the District Judge for final determination and disposition.
- 25
- 26
- 27
- 28

1 **Page 7, lines 14-28; page 8, lines 1-2:**

- 2 • **Review of Non-Dispositive Matters in Civil or Miscellaneous Cases.** Any
3 party may appeal from the Magistrate Judge's order determining a non-
4 dispositive motion or matter within ~~ten (10)~~ fourteen (14) days after issuance of
5 the Magistrate Judge's order. Such party shall file with the Clerk of Court, and
6 serve on the Magistrate Judge and all parties, a written statement of appeal which
7 shall specifically designate the order, or part thereof, appealed from and the basis
8 **for any objection thereto. Any party in interest may file a response within ~~ten~~**
9 **(10) fourteen (14) days after having been served with a copy thereof. Each of the**
10 **above ~~ten (10)~~ fourteen (14) day periods may be altered by the Magistrate Judge**
11 **or District Judge. Oral argument will not be scheduled unless ordered by the**
12 **District Judge. The District Judge shall consider the appeal and shall set aside**
13 **any portion of the Magistrate Judge's order found to be clearly erroneous or**
14 **contrary to law. The District Judge may also reconsider *sua sponte* any matter**
15 **determined by the Magistrate Judge.**
- 16 • **Review of References on Dispositive Matters in Civil or Miscellaneous**
17 **Cases.** Any party may object to the Magistrate Judge's case-dispositive
18 proposed order, findings, or recommendations within ~~ten (10)~~ fourteen (14) days
19 after being served with a copy thereof. Such party shall file with the Clerk of
20 Court, and serve on the Magistrate Judge and all parties, written objections which
21 shall specifically identify the portions of the proposed order, findings, or
22 recommendations to which objection is made and the basis for such objections.
23 Any party may respond to another party's objections within ~~ten (10)~~ fourteen (14)
24 days after being served with a copy thereof. Each of the above ~~ten (10)~~ fourteen
25 (14) day periods may be enlarged by the District Judge. A District Judge shall
26 make a *de novo* determination of those portions of the report or specified
27 proposed findings or recommendations to which objection is made and may
28 accept, reject, or modify, in whole or in part, the findings or recommendations

1 made by the Magistrate Judge. The District Judge, however, shall not conduct a
2 new hearing unless required by law, and may consider the record developed
3 before the Magistrate Judge, making his or her own determination on the basis of
4 that record. The District Judge may exercise discretion to receiver further
5 evidence, recall witnesses or recommit the matter to the Magistrate Judge with
6 instructions.

7
8 **General Order No. 08-00006 (Electronic Availability of Transcripts and Adoption
9 of Transcript Redaction Policy):**

10 **Page 2, Lines 24-26**

11 **Notice of Intent to Redact**

12 Within seven (7) ~~business~~ days of the filing of an official court transcript, each party
13 wishing to redact a transcript shall inform the Court by filing with the Clerk’s Office a “Notice
14 of Intent to Redact.” A sample form is available on the Court’s website and is attached to this
15 policy.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- c) The number and form of interrogatories are governed by Local Rule 33.1.
- d) Discovery documents and certificates of service shall not be filed with the clerk until there is a proceeding in which the document or proof of service is in issue.

~~MARY L. MORAN~~, JEANNE G. QUINATA, Clerk of Court

By: _____
Deputy Clerk