

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

VOTING: Chief Judge Roberts, Judges Sullivan, Kollar-Kotelly, Huvelle, Walton, Howell, Wilkins, Boasberg, A.B. Jackson, Contreras, K.B. Jackson, Senior Judges Lamberth, Friedman, Magistrate Judge Robinson.

ORDER

It is this 1st day of October 2013, ordered that effective immediately Local Rules Local Civil Rules 5.1, 5.4(b), 5.4(c)(1), 5.4(d), 5.4(e), 5.4(g), 7(m) and 7(n) were amended as shown below. Local Criminal Rule 49 was created and Local Criminal Rule 49.1 was abrogated this date.

[New language in bold and underlined; old language stricken]

CIVIL

LCvR 5.1

FORM AND FILING OF ~~PLEADINGS AND OTHER PAPERS~~ DOCUMENTS.

(a) ~~PLACE AND MANNER OF FILING.~~

~~All papers relating to a pending action shall be filed with the Clerk unless otherwise directed by the court.~~

(b)(a) CORRESPONDENCE WITH THE COURT.

Except when requested by a judge, correspondence shall not be directed by the parties or their attorneys to a judge, nor shall papers be left with or mailed to a judge for filing.

(c) ~~NUMBER OF COPIES~~

~~The original and one copy of every pleading, motion or other paper shall be filed with the Clerk.~~

(d)(b) ELECTRONIC TRANSMISSION FACSIMILE OR EMAIL.

No ~~pleading, motion or other~~ document shall be transmitted to the Clerk for filing by means of electronic facsimile **or email** transmission except with express leave of Court.

(e)(c) NAME AND ADDRESS OF PARTIES AND ATTORNEYS.

- (1) The first filing by or on behalf of a party shall have in the caption the name and full residence address of the party. Where a person is sued in an official capacity, the person's official address shall be used. If the party is appearing *pro se*, the caption shall also include the party's telephone number. Those filing *pro se in forma pauperis* must provide in the caption the name and full residence address or official address of each party. Failure to provide the address information within 30 days ~~upon~~ **of** filing may result in the dismissal of the case against the defendant. All ~~papers~~ **documents** signed by an attorney shall contain the name, address, telephone number, and D.C. Bar identification number of the attorney if the attorney is a member of the D.C. Bar. All attorneys listed on any ~~pleading or paper document~~ who are members of the D.C. Bar must include their D.C. Bar identification numbers regardless of whether they sign the **pleading document**. Notice of a change of address or telephone number of an attorney or a party not represented by an attorney must be filed within 14 days of the change. Unless changed by notice filed with the Clerk, the address and telephone number of a party or an attorney noted on the first filing shall be conclusively taken as the last known address and telephone number of the party or attorney.
- (2) By signing a ~~pleading or paper document~~ that is presented to the Court, an attorney is certifying that the attorney; and all other attorneys appearing with the attorney on the ~~pleading or paper document~~; are members of or have a pending application for admission to the Bar of this Court, or ~~has~~ **have** complied with LCvR 83.2(c) or (d), or is **are** covered by LCvR 83.2(e) as **an attorney counsel for the United States**, ~~employed by the United States or one of its agencies.~~

(f)(d) FORM OF PAPERS DOCUMENTS.

~~All papers shall be typed (double spaced) or reproduced by any duplicating or copying process that produces a clear black image on opaque white paper 11 inches long and 8-1/2 inches wide, unfolded, without back or cover, fastened to the top. Every paper shall contain a heading under the caption describing the nature of the pleading, motion or other paper. Papers should also be punched at the top with two holes, 2 3/4 inches apart and 3/8 inch from the top, to facilitate insertion in the file jacket. The case number on every paper shall be followed by the initials of the judge to whom the case has been assigned. If the case has been referred to a magistrate judge, the magistrate judge's initials shall also be shown. All exhibits or attachments to papers should reflect the number of the case in which they are filed.~~

Every document shall be typed (double spaced) using a standard 8 ½ by 11 inch word processing format (submitted electronically to the court in PDF format) and shall contain a heading under the caption describing the nature of the document. The case number on every document shall be followed by

the initials of the judge to whom the case has been assigned. If the case has been referred to a magistrate judge, the magistrate judge's initials shall also be shown. Any exhibit or attachment to documents should shall reflect the number of the case in which it is filed. Any document submitted to the Court in paper format shall be submitted unfolded and produced on opaque 8 ½ by 11 inch white paper using a clear black image.

(g)(e) ATTACHMENTS TO PLEADINGS.

No complaint, amended complaint, counterclaim, cross claim, or third party complaint shall have appended thereto any document that is not essential to determination of the action. Whenever any such pleading is sought to be filed with an attached document, the Clerk shall bring this Rule to the attention of the person filing the pleading.

(h)(f) VERIFICATION.

Whenever any matter is required or permitted by law or by rule to be supported by the sworn written statement of a person (other than a deposition, oath of office, or oath required to be taken before a specified official other than a notary public), the matter may, with the same force and effect, be supported by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed as true under penalty of perjury, and dated, in substantially the following form:

- (1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date).

(Signature)".

- (2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date)".

(Signature)".

(i)(g) NONCONFORMING PAPERS DOCUMENTS.

A **paper document** that does not conform to the requirements of this Rule and Rule 10(a) of the Federal Rules of Civil Procedure shall not be accepted for filing.

(j)(h) SEALED OR CONFIDENTIAL DOCUMENTS.

- (1) Absent statutory authority, no cases or documents may be sealed without

an order from the Court. Any pleading **document** filed with the intention of it being sealed **in an otherwise public case must be filed by electronic means in a manner authorized by the Clerk** and shall be accompanied by a motion to seal. The document will be treated as sealed, pending the outcome of the ruling on the motion. Failure to file a motion to seal will result in the pleading **document** being placed on the public record.

- (2) ~~Unless otherwise ordered or otherwise specifically provided in these Local Rules, all documents submitted for a confidential *in camera* inspection by the Court, which are the subject of a Protective Order, which are subject to an existing order that they be sealed, or which are the subject of a motion for such orders, shall be submitted to the Clerk securely sealed in an envelope/box needed to accommodate the documents. The envelope/box containing such documents shall contain a conspicuous notation that carries “DOCUMENT UNDER SEAL” or “DOCUMENTS SUBJECT TO PROTECTIVE ORDER,” or the equivalent.~~
- (2) **When it is necessary to file a sealed document in paper form, the document must be submitted to the Clerk’s Office with an electronic copy in a format deemed by the Clerk’s Office to be compatible with CM/ECF filing. The document shall be submitted to the Clerk securely sealed in an envelope/box. The envelope/box containing such a document shall contain a conspicuous notation that carries states “DOCUMENT UNDER SEAL” or “DOCUMENT SUBJECT TO PROTECTIVE ORDER,” or the equivalent. The face of the envelope/box shall also contain the title of the Court, the case caption, the case number, and a descriptive title of the document, unless such information is to be or has been included among the information ordered to be sealed. The face of the envelope/box shall also contain the date of any order or the reference to any statute permitting the item to be sealed.**
- (3) ~~The face of the envelope/box shall also contain the case number, the title of the Court, a descriptive title of the document and the case caption unless such information is to be, or has been included among the information ordered sealed. The face of the envelope/box shall also contain the date of any order, or the reference to any statute permitting the item sealed.~~
- (4) (3) **Filings of a sealed document materials in a totally sealed case, or filing a sealed document in paper format in an otherwise public case where electronic filing cannot be effected,** must be made in the Clerk’s Office during the business hours of 9:00 a.m. and 4:00 p.m. daily except Saturdays, Sundays, and legal holidays. Filings **a sealed document** at the

security desk ~~are~~ **is** prohibited because the Security Officers are not authorized to accept this material.

LCvR 5.4(b)

(b) OBTAINING AND USING ELECTRONIC FILING PASSWORD; SIGNATURE; CONSENT TO SERVICE BY ELECTRONIC MEANS.

- (1) An attorney must obtain a CM/ECF **user name and** password from the Clerk in order to ~~file documents with the Court or to receive copies of opinions and orders of the Court.~~ **enter an appearance electronically, to file documents electronically with the Court, or to receive documents filed electronically by other parties or matters entered electronically on the docket by the Court.**
- (2) A pro se party may obtain a CM/ECF **user name and** password from the Clerk with leave of Court. Whether leave of Court should be granted is within the discretion of the judge to whom the case is assigned. To obtain leave of Court, the pro se party must file a written motion entitled “Motion for CM/ECF **User Name and** Password,” describing the party’s access to the internet, ~~and confirming the capacity to file documents and receive the filings of other parties electronically on a regular basis, If leave of Court is granted, the pro se party must complete the CM/ECF training provided by the Clerk to all electronic filers before the Clerk issues a CM/ECF password~~ **and certifying that he or she either has successfully completed the entire Clerk’s Office on-line tutorial or has been permitted to file electronically in other federal courts.**
- (5) ~~The e~~**Electronically** filing of a document that contains a ~~sworn~~ declaration, verification, certificate, **sworn** statement, oath, or affidavit certifies that the original signed document is in the possession of the attorney or pro se party responsible for the filing and that it is available for review upon request by a party or by the Court.

LCvR 5.4(c)(1)

(c) FILING BY ELECTRONIC MEANS.

- (1) ~~The~~ **Filing of any a** document electronically following procedures set forth in this Rule **5.4** constitutes filing for all purposes under the Federal Rules of Civil Procedure and the Local Rules of this Court.

LCvR 5.4(d)

(d) SERVICE.

- (1) Electronically filing ~~of any a~~ document operates to effect service of the document on ~~counsel or~~ pro se parties who have obtained CM/ECF passwords **and on all counsel.** ~~Counsel or~~ **Pro se** parties who have not yet obtained CM/ECF passwords must serve and be served as otherwise provided in F.R.Civ.P. 5(b).
- (2) The requirement of a certificate **of service** or other proof of service is satisfied by the automatic notice of filing sent by the CM/ECF software to ~~counsel or~~ pro se parties who have obtained CM/ECF passwords **and to counsel.** A separate certificate **of service** or other proof of service showing that a paper copy was served on a party ~~or counsel~~ is required when that party ~~or counsel~~ does not receive electronic notification of filings.

LCvR 5.4(e)(1)

(e) EXCEPTIONS TO REQUIREMENT OF ELECTRONIC FILING.

- (1) Every unsealed document Exhibits or attachments that (A) exceed 500 pages (including **an** administrative records **and or a** records of state court proceedings) **must be filed electronically. Every document filed under seal in a totally sealed case shall be filed in paper form accompanied by an electronic copy in a format deemed compatible by the Clerk's Office with CM/ECF filing in conformity with the requirements of LCvR 5.1. Any document, exhibit, or attachment, including sealed material that (A) is not in a format that readily permits electronic filing, such as a map, chart, or DVD, or (B) are not in a format that readily permits electronic filing, such as large maps, charts, video tapes, and similar materials; is illegible when scanned into electronic format, is to be maintained in the possession of the attorney or pro se party responsible for the filing. Such a filing is to shall be made available for a party or the Court and must be identified in a Notice of Filing filed with the Court. or (c) are illegible when scanned into electronic format; or (D) are filed under seal, may be filed in paper form. Documents or things filed pursuant to this subsection (e)(1), and in compliance with LCvR 5.1, must be served by mail or by hand delivery, unless counsel have otherwise agreed, and must be identified in an electronically filed notice of filing. **A document or item filed pursuant to this subsection shall be served, if it is necessary to serve it, by mail or by hand delivery, unless the parties have otherwise agreed.****
- (2) A motion pursuant to LCvR 5.1(j) for leave to file a document under seal shall be filed by electronic means, but sealed documents accompanying such a motion shall be filed in paper form together with a notice of filing required by subsection (e)(1).

- ~~(3)~~(2) A party appearing pro se shall file ~~documents in paper form~~ with the Clerk and ~~serve~~ must be served with documents in paper form and must be served with documents in paper form, unless the pro se party has obtained a CM/ECF password.

LCvR 5.4(g)

(g) INCORRECT FILINGS AND TECHNICAL DIFFICULTIES.

- (1) The Clerk may direct ~~an attorney or pro se party~~ a party or non-party to re-file a document that has been incorrectly filed; or to correct an erroneous or inaccurate docket entry.
- (2) If ~~an attorney or a~~ pro se party who has been given leave to file electronically or an attorney presents a an unsealed document for filing in paper form, the Clerk may direct the ~~attorney or pro se party~~ or attorney to file the document electronically or present it in a format deemed by the Clerk's Office to be compatible with CM/ECF filing. The document will be deemed filed on the date it was first presented for filing if, ~~electronically filed or presented in proper electronic format~~ no later than the next business day, the pro se party or attorney files the document electronically or presents it in a format deemed by the Clerk's Office to be compatible with CM/ECF filing.
- (3) The inability to complete an electronic filing because of technical problems may constitute "cause" for an order enlarging time or "excusable neglect" for the failure to act within the specified time, within the meaning of ~~the~~ F.R.Civ.P. 6(b). ~~Counsel or parties~~ A filer encountering technical problems with ~~a~~ CM/ECF filing shall immediately notify ~~a~~ the Clerk's Office ~~employee~~ of the problem ~~by telephone and immediately send written confirmation of that notification to the Office of the Clerk~~ either by email or by telephone, immediately followed promptly by written confirmation. This Rule does not provide authority to extend statutory and jurisdictional time limits.

LCvR 7

MOTIONS

(m) DUTY TO CONFER ON NONDISPOSITIVE MOTIONS.

Before filing any nondispositive motion in a civil action, counsel shall discuss the anticipated motion with opposing counsel ~~either in person or by telephone~~ in a good faith effort to determine whether there is any opposition to the relief sought and, if there is, to narrow the areas of disagreement. The duty to confer also applies to non-incarcerated parties appearing pro se. A party shall include in its motion a statement that the required

discussion occurred, and a statement as to whether the motion is opposed.

(n) **MOTIONS INVOLVING JUDICIAL REVIEW OF ADMINISTRATIVE AGENCY ACTIONS.**

- (1) In cases involving the judicial review of administrative agency actions, **unless otherwise ordered by the Court, the agency must file a certified list of the contents of the administrative record with the Court within 30 days following service of the answer to the complaint or simultaneously with the filing of a dispositive motion, whichever occurs first.** **Thereafter,** counsel shall provide the Court with an appendix containing copies of those portions of the administrative record that are cited or otherwise relied upon in any memorandum in support of or in opposition to any dispositive motion. Counsel shall not burden the appendix with excess material from the administrative record that does not relate to the issues raised in the motion or opposition. **Unless so requested by the Court, the entire administrative record shall not be filed with the Court.**
- (2) The appendix shall be prepared jointly by the parties and filed within 14 days following the final memorandum on the subject motion. The parties are encouraged to agree on the contents of the appendix, which shall be filed by plaintiff. In the absence of an agreement, the plaintiff must serve on all other parties an initial designation and provide all other parties the opportunity to designate additional portions of the administrative record. Plaintiff shall include all parts of the record designated by all parties in the appendix.
- (3) In appropriate cases, the parties may request the option to submit separate appendices to be filed with any memorandum in support of, or in opposition to, the dispositive motion.

***COMMENT TO LCvR 7(n):** This rule is intended to assist the Court in cases involving a voluminous record (e.g., environmental impact statements) by providing the Court with copies of relevant portions of the record relied upon in any dispositive motion. This rule is patterned after **Local Rule 17 and Local Rule 30 of the D.C. Circuit and Rule 30 of the Federal Rules of Appellate Procedure.** ~~The rule does not relieve any party from any obligation to file the complete record with the Clerk of Court.~~ Pages **in the appendix** should retain the original pagination from the administrative record.*

CRIMINAL

LCrR 49(a)

(a) DOCUMENTS TO BE FILED BY ELECTRONIC MEANS.

Except as otherwise provided in Rule 49, all documents to be filed with the Court must be filed by electronic means in a manner authorized by the Clerk.

LCrR 49(b)

(b) OBTAINING AND USING ELECTRONIC FILING PASSWORD; SIGNATURE; CONSENT TO SERVICE BY ELECTRONIC MEANS.

- (1) An attorney must obtain a CM/ECF user name and password from the Clerk in order to enter an appearance electronically, to file documents electronically with the Court, or to receive documents filed electronically by other parties or matters entered electronically on the docket by the Court.**
- (2) A pro se party may obtain a CM/ECF user name and password from the Clerk with leave of Court. Whether leave of Court should be granted is within the discretion of the judge to whom the case is assigned. To obtain leave of Court, the pro se party must file a written motion entitled "Motion for CM/ECF User Name and Password," describing the party's access to the internet, confirming the capacity to file documents and receive filings electronically on a regular basis, and confirming that he or she either has viewed the Clerk's Office on-line tutorial or has been permitted to file electronically in other federal courts.**
- (3) A CM/ECF password may be used only by the person to whom it is assigned, or, in the case of an attorney, by that attorney or an authorized employee or agent of that attorney's law office or organization.**

- (4) The use of a CM/ECF password to log in and submit documents creates an electronic record that serves as the signature of the person to whom the password is assigned for all purposes under the Federal Rules of Criminal Procedure and the Local Rules of this Court.

- (5) Electronically filing a document that contains a declaration, verification, certificate, sworn statement, oath, or affidavit certifies that the original signed document is in the possession of the attorney or pro se party responsible for the filing and that it is available for review upon request by a party or by the Court.

- (6) An attorney or pro se party who obtains a CM/ECF password consents to electronic service of all documents that are filed by electronic means. Such counsel and pro se parties are responsible for monitoring their email accounts and, upon receipt of notice of an electronic filing, for retrieving the noticed filing.

LCrR 49(c)

(c) FILING BY ELECTRONIC MEANS.

- (1) Filing a document electronically following procedures set forth in this Rule 49 constitutes filing for all purposes under the Federal Rules of Criminal Procedure and the Local Rules of this Court.

- (2) A person filing a document by electronic means is responsible for insuring the accuracy of the official docket entry generated by the CM/ECF software.

- (3) Any document, order, or notice filed or docketed electronically by the Court or by the Clerk shall have the same binding authority as one filed in paper form.

LCrR 49(d)

(d) SERVICE.

- (1) Electronically filing a document operates to effect service of the document on pro se parties who have obtained CM/ECF passwords and on all counsel. Pro se parties who have not obtained CM/ECF passwords must serve and be served as otherwise provided in Federal Rules of Criminal Procedure 49.

- (2) The requirement of a certificate of service or other proof of service is satisfied by the automatic notice of filing sent by the CM/ECF software to pro se parties who have obtained CM/ECF passwords and to counsel. A separate certificate of service or other proof of service showing that a paper copy was served on a party is required when the party does not receive electronic notification of filings.

LCrR 49(e)

(e) EXCEPTIONS TO REQUIREMENT OF ELECTRONIC FILING.

- (1) Every unsealed document must be filed electronically. Every document filed under seal in a totally sealed case shall be filed in paper form (original plus one) accompanied by an electronic copy in a format deemed by the Clerk's Office to be compatible with CM/ECF filing in conformity with the requirements of LCrR 49(f). Any document, exhibit, or attachment, including sealed material, that (A) is not in a format that readily permits electronic filing, such as a map, chart, or DVD, or (B) is illegible when scanned into electronic format, is to be maintained in the possession of the attorney or pro se party responsible for the filing. Such a filing shall be made available for a party or the Court and must be identified in a Notice of Filing filed with the Court. A document or item filed pursuant to this subsection shall be served, if it is necessary to serve it, by mail or by hand delivery, unless the parties have otherwise agreed.

- (2) A party appearing pro se shall file with the Clerk (original plus one) and serve documents in paper form and must be served with documents in paper form, unless the pro se party has obtained a CM/ECF password.
- (3) Every criminal indictment, information, complaint, search warrant, seizure warrant, arrest warrant, accompanying affidavit, return of warrant, and motion for order of return pursuant to D.C. Code Section 24-501(i) shall be filed in paper form (original plus one), accompanied by an electronic copy in a format deemed by the Clerk's Office to be compatible with CM/ECF filing, with appropriate redactions as required by the Federal Rules of Criminal Procedure.
- (4) Every document filed prior to the initial appearance of a criminal defendant, including but not limited to a filing related to a grand jury matter, a pen register application, an application for interception of wire or electronic communications, an application for stored electronic information or evidence, an application for tax return information, and an application for disclosure of electronically stored evidence shall be filed in paper form (original plus one) accompanied by an electronic copy in a format deemed by the Clerk's Office to be compatible with CM/ECF filing. Except for documents specifically identified in LCrR 49(e)(3), every such document is not subject to the limitations set forth in Federal Rule of Criminal Procedure 49.1, and the filing of every such document under seal shall not require a motion to seal. If service is required, service of such a document in a criminal matter filed prior to a defendant's initial appearance shall be in paper form and shall be accomplished as otherwise provided in the Federal Rules of Criminal Procedure.

LCrR 49(f)

(f) FORM AND FILING OF DOCUMENTS.

(1) CORRESPONDENCE WITH THE COURT.

Except when requested by a judge, correspondence shall not be directed by the parties or their attorneys to a judge, nor shall papers be left with or mailed to a judge for filing.

(2) FACSIMILE OR EMAIL.

No document shall be transmitted to the Clerk for filing by means of electronic facsimile or email transmission except with express leave of Court.

(3) NAME AND ADDRESS OF PARTIES AND ATTORNEYS.

(i) All documents signed by an attorney shall contain the name, address, telephone number, and D.C. Bar identification number of the attorney if the attorney is a member of the D.C. Bar. All attorneys listed on any document who are members of the D.C. Bar must include their D.C. Bar identification numbers regardless of whether they sign the document. Notice of a change in address or telephone number of an attorney or a party not represented by an attorney must be filed within 14 days of the change. Unless changed by notice filed with the Clerk, the address and telephone number of a party or an attorney noted on the first filing shall be conclusively taken as the last known address and telephone number of the party or attorney.

(ii) By signing a document that is presented to the Court, an attorney is certifying that the attorney and all other attorneys appearing with the attorney on the document are members of or have a pending application for admission to the Bar of this Court, or have complied with LCrR 44.1 (c) or (d), or are covered by LCrR 44.1(e) as counsel for the United States.

(4) FORM OF DOCUMENTS.

Every document shall be typed (double spaced) using a standard 8 ½ by 11 inch word processing format (submitted electronically to the court in PDF format) and shall contain a heading under the caption describing the nature of the document. The case number on every document shall be followed by the initials of the judge to whom the case has been assigned. If the case has been referred to a magistrate judge, the magistrate judge's initials shall also be shown. Any exhibit or attachment to documents shall reflect the number of the case in which it is filed. Any document submitted to the Court in paper format shall be submitted unfolded and produced on opaque 8 ½ by 11 inch white paper using a clear black image.

(5) VERIFICATION.

Whenever any matter is required or permitted by law or by rule to be supported by the sworn written statement of a person (other than a deposition, oath of office, or oath required to be taken before a specified official other than a notary public), the matter may, with the same force and effect, be supported by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed as true under penalty of perjury, and dated, in substantially the following form:

- (i) If executed without the United States: “I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date).**

(Signature)”.

- (ii) If executed within the United States, its territories, possessions, or commonwealths: “I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date)”.**

(Signature)”.

(6) SEALED OR CONFIDENTIAL DOCUMENTS.

- (i) Absent statutory authority, no case or document may be sealed without an order from the Court. A document filed with the intention of it being sealed in an otherwise public case must be filed by electronic means in a manner authorized by the Clerk and shall be accompanied by a motion to seal. The document will be treated as sealed, pending the outcome of the ruling on the motion. Failure to file a motion to seal will result in the document being placed on the public record.**

- (ii) When it is necessary to file a sealed document in paper form, the document must be submitted to the Clerk's Office with an electronic copy in a format deemed by the Clerk's Office to be compatible with CM/ECF filing. The document shall be submitted to the Clerk securely sealed in an envelope/box. The envelope/box containing such a document shall contain a conspicuous notation that states "DOCUMENT UNDER SEAL" or "DOCUMENT SUBJECT TO PROTECTIVE ORDER," or the equivalent. The face of the envelope/box shall also contain the title of the Court, the case caption, the case number, and a descriptive title of the document, unless such information is to be or has been included in the information ordered sealed. The face of the envelope/box shall also contain the date of any order or the reference to any statute permitting the item to be sealed. A document submitted for confidential *in camera* review also must be submitted to the Clerk's Office securely sealed in an envelope/box marked as described above.
- (iii) Filing a sealed document in a totally sealed case, or filing a sealed document in paper format in an otherwise public case where electronic filing cannot be effected, must be made in the Clerk's Office during the business hours of 9:00 a.m. and 4:00 p.m., daily except Saturdays, Sundays, and legal holidays. Filing a sealed document at the security desk is prohibited because the Security Officers are not authorized to accept this material.

LCrR 49(g)

(g) INCORRECT FILINGS AND TECHNICAL DIFFICULTIES.

- (1) The Clerk may direct a party or non-party to re-file a document that has been incorrectly filed or to correct an erroneous or inaccurate docket entry.
- (2) If a pro se party who has been given leave to file electronically or an attorney presents an unsealed document for filing in paper form, the Clerk may direct the pro se party or attorney to file the document electronically or present it in a format deemed by the Clerk's Office to be compatible with CM/ECF filing. The document will be deemed filed on the date it was first presented for filing if, no later than the next business day, the pro se party or attorney files the document electronically or presents it in a format deemed by the Clerk's

Office to be compatible with CM/ECF filing.

- (3) The inability to complete an electronic filing because of technical problems may constitute “cause” for an order enlarging time or “excusable neglect” for the failure to act within the specified time, within the meaning of Federal Rule of Criminal Procedure 45(b)(1). A filer encountering technical problems with a CM/ECF filing shall immediately notify the Clerk’s Office of the problem either by email or by telephone, followed promptly by written confirmation. This Rule does not provide authority to extend statutory and jurisdictional time limits.**

LCrR 49.1

~~FORM AND FILING OF PLEADINGS AND OTHER PAPERS~~

~~(a) PLACE AND MANNER OF FILING.~~

~~All papers relating to pending action shall be filed with the Clerk unless otherwise directed by the Court.~~

~~(b) CORRESPONDENCE WITH COURT.~~

~~Except when requested by a judge, correspondence shall not be directed by the parties or their attorneys to a judge, nor shall papers be left with or mailed to a judge for filing.~~

~~(c) NUMBER OF COPIES.~~

~~The original and one copy of every pleading, motion or other paper shall be filed with the Clerk.~~

(d) ~~ELECTRONIC TRANSMISSION.~~

~~No pleading, motion or other document shall be transmitted to the Clerk for filing by means of electronic facsimile transmission except with express leave of Court.~~

(e) ~~NAME AND ADDRESS OF PARTIES AND ATTORNEYS~~

(1) ~~All papers signed by an attorney shall contain the name, address, telephone number, and D.C. Bar identification number of the attorney if the attorney is a member of the D.C. Bar. All attorneys listed on any pleading or paper who are members of the D.C. Bar must include their D.C. Bar identification numbers regardless of whether they sign the pleading. Notice of a change in address or telephone number of an attorney or a party not represented by an attorney must be filed within 14 days of the change. Unless changed by notice filed with the Clerk, the address and telephone number of a party or an attorney noted on the first filing shall be conclusively taken as the last known address and telephone number of the party or attorney.~~

(2) ~~By signing a pleading or paper that is presented to the Court, an attorney is certifying that the attorney, and all other attorneys appearing with the attorney on the pleading or paper, are members of, or have a pending application for admission to the Bar of this Court, or has complied with LCrR 44.1 (c) or (d), or is covered by LCrR 44.1(e) as counsel for the United States.~~

(f) ~~FORM OF PAPERS.~~

~~All papers shall be typed (double spaced) or reproduced by any duplicating or copying process that produces a clear black image on opaque white paper 11 inches long and 8-1/2 inches wide, unfolded, without back or cover, fastened at the top. Every paper shall contain a heading under the caption describing the nature of the pleading, motion or other paper. Papers should also be punched at the top with two holes, 2 3/4 inches apart and 3/8 inch from the top, to facilitate insertion in the file jacket. The case number on every paper shall be followed by the initials of the judge to~~

~~whom the case has been assigned. If the case has been referred to a magistrate judge, the magistrate judge's initials shall also be shown. All exhibits or attachments to papers should reflect the number of the case in which they are filed.~~

(g) VERIFICATION.

~~Whenever any matter is required or permitted by law or by rule to be supported by the sworn written statement of a person (other than a deposition, oath of office, or oath required to be taken before a specified official other than a notary public), the matter may, with the same force and effect, be supported by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed as true under penalty of perjury, and dated, in substantially the following form:~~

~~(1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date):~~

~~(Signature)".~~

~~(2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date):~~

~~(Signature)".~~

(h) SEALED OR CONFIDENTIAL DOCUMENTS.

~~(1) Absent statutory authority, no cases or documents may be sealed without an order from the Court. Any pleading filed with the intention of being sealed shall be accompanied by a motion to seal. The document will be treated as sealed, pending the outcome of the ruling on the motion. Failure to file a motion to seal will result in the pleading being placed on the public record.~~

- (2) ~~Unless otherwise ordered or otherwise specifically provided in these Local Rules, all documents submitted for a confidential *in camera* inspection by the Court, which are the subject of a Protective Order, which are subject to an existing order that they be sealed, or which are the subject of a motion for such orders, shall be submitted to the Clerk securely sealed in an envelope/box needed to accommodate the documents. The envelope/box containing such documents shall contain a conspicuous notation that carries "DOCUMENTS UNDER SEAL" or "DOCUMENTS SUBJECT TO PROTECTIVE ORDER," or the equivalent.~~
- (3) ~~The face of the envelope/box shall also contain the case number, the title of the Court, a descriptive title of the document and the case caption unless such information is to be, or has been included among the information ordered sealed. The face of the envelope/box shall also contain the date of any order, or the reference to any statute permitting the item sealed.~~
- (4) ~~Filings of sealed materials must be made in the Clerk's Office during the business hours of 9:00 a.m. and 4:00 p.m., daily except Saturdays, Sundays and legal holidays. Filings at the security desk are prohibited because the Security Officers are not authorized to accept this material.~~

~~*COMMENT TO LCrR 49.1(e) (1) and (2): Section (e)(1) was amended to make clear that the reference to the requirement that all papers include "the Bar identification number of the attorney" requires a D.C. Bar identification number. Because members of the Bar of this Court are not assigned bar identification numbers, Section (e)(2) was added to assist the Clerk's Office in verifying the bar membership status of attorneys who appear in this Court.*~~

FOR THE COURT:

Richard W. Roberts
Chief Judge