

PUBLIC NOTICE OF PROPOSED AMENDMENTS TO LOCAL RULES

The Court hereby gives public notice that it is considering amending certain of its local rules. Pursuant to Federal Rule of Civil Procedure 83(a), the Court will afford an opportunity for comment on these proposed amendments prior to their adoption. Please ensure that any comments are received by the Clerk no later than July 27, 2012.

The proposed amendments are as follows:

Old Rule:

LR 2.2 Division Filings. All pleadings and papers in all civil and criminal cases in the Dublin and Augusta Division shall be filed with the Clerk of the Court in Augusta, Georgia; all pleadings and papers in all civil and criminal cases in the Savannah, Statesboro, and Waycross Divisions shall be filed with the Clerk of Court in Savannah, Georgia; and all pleadings and papers in all civil and criminal cases in the Brunswick Division shall be filed with the Clerk of the Court in Brunswick, Georgia. Good cause being shown, pleadings and papers in all civil and criminal cases pending within this district may be filed in any divisional Clerk's office within this district; and, in such event, the Clerk of the Court shall receive and mark the pleadings and papers filed and promptly forward such pleadings and papers to the divisional office in which the case is pending.

New Rule:

LR 2.2 Division Filings. Although all paper filings in civil and criminal cases should ordinarily be filed in the divisional office for the division where the case is assigned, such papers may be filed in any staffed divisional Clerk's office within this district. In such event, the Clerk of the Court shall receive and mark the papers filed and promptly forward such pleadings and papers to the divisional office in which the case file is maintained.

Old Rule:

LR 2.4 Assignment. Effective upon the appointment of the next United States District Judge for this district, the official duty stations of the three active Judges of this Court shall be as follows: One active District Judge shall have as the official station, Augusta, and the official station of the other two active Judges shall be Savannah. The question of assignment of business between all judicial officers in the district will be addressed from time to time by separate order of this Court

New Rule:

LR 2.4 Assignment. The official duty stations of the three active Judges of this Court are as follows: One active District Judge in Augusta, one active District Judge in Savannah, and one active District Judge in Brunswick. The question of assignment of business between all judicial officers in the district will be addressed from time to time by separate order of this Court.

Old Rule:

LR 3.1 Refiled Cases. Whenever an action or proceeding terminated by entry of a notice or order of dismissal is refiled without a substantial change in issues or parties, it shall be assigned or transferred to the Judge to whom the original action or proceeding was assigned, unless otherwise ordered by the Chief Judge. Whenever an action is filed which relates to property included in, involves the same issues appearing in, or grows out of the same transaction appearing in a case already pending in any court, the Clerk of Court should be so informed. At the time of filing of the complaint, counsel shall file a certificate in which counsel certifies that the action or proceeding is one which has been refiled without a substantial change in issues or parties, or one that is related to a case already pending in any court. A specimen of the form to be used to comply with the provisions of this rule is in the Appendix of Forms to this section of these Local Rules.

New Rule (simply retitled):

LR 3.1 Refiled or Related Cases. Whenever an action or proceeding terminated by entry of a notice or order of dismissal is refiled without a substantial change in issues or parties, it shall be assigned or transferred to the Judge to whom the original action or proceeding was assigned, unless otherwise ordered by the Chief Judge. Whenever an action is filed which relates to property included in, involves the same issues appearing in, or grows out of the same transaction appearing in a case already pending in any court, the Clerk of Court should be so informed. At the time of filing of the complaint, counsel shall file a certificate in which counsel certifies that the action or proceeding is one which has been refiled without a substantial change in issues or parties, or one that is related to a case already pending in any court. A specimen of the form to be used to comply with the provisions of this rule is in the Appendix of Forms to this section of these Local Rules.

Old Rule:

LR 3.2 Certificate of Interested Person. A certificate will be furnished by counsel for all private (non-government) parties, both plaintiffs and defendants, which shall be incorporated on the first page of each complaint and answer and which shall certify a full and complete list of all parties, officers, directors, or trustees of parties; and all other persons associations of persons, firms, partnerships, subsidiary or parent corporations, or organizations which have a financial interest in, or another interest which could be substantially affected by the outcome of the particular case. Should a merger or acquisition occur during the pendency of litigation, counsel shall so notify the Court thereof in writing. The form to be used to comply with the provisions of this rule is in Appendix of Forms to this section of these Local Rules.

New Rule:

LR 7.1. DISCLOSURE STATEMENT

LR 7.1.1 Disclosure Statement. The disclosure statement required by Federal Rule of Civil Procedure 7.1 shall be furnished by counsel for all private (non-government) parties, both plaintiffs and defendants, and shall be filed with the Complaint and Answer. It shall certify a full and complete list of all parties, all officers, directors, or trustees of parties, and all other persons, associations of persons, firms, partnerships, subsidiary or parent corporations, or organizations which have a financial interest in, or another interest which could be substantially affected by, the outcome of the particular case, including any parent or publicly-held corporation that holds ten percent (10%) or more of a party's stock. Should a merger or acquisition occur during the pendency of litigation, counsel shall so notify the Court thereof in writing. The form to be used to comply with the provisions of this rule is in Appendix of Forms to this section of these Local Rules.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
_____ DIVISION

vs. _____ : CASE NO. _____
_____ :

DISCLOSURE STATEMENT
S.D. Ga. LR 7.1.1

The undersigned, counsel of record for _____, certifies that the following is a full and complete list of the parties in this action:

Name Identification & Relationship

The undersigned further certifies that the following is a full and complete list of officers, directors, or trustees of the above-identified parties:

Name Identification & Relationship

The undersigned further certifies that the following is a full and complete list of other persons, firms, partnerships, corporations, or organizations that have a financial interest in, or another interest which could be substantially affected by, the outcome of this case (including a relationship as a parent or holding company or any publicly-held corporation that holds 10% or more of a party's stock):

Name Identification, Relationship & Interests

Old Rule:

LR 5.2 Number of Copies. The parties shall submit the original and one copy of the following filings: all motions and responses to motions, together with the briefs and supporting documents; any required status report; and the proposed pretrial order. All other papers (including pleadings subsequent to the original complaint, expert witness reports, etc.) shall be submitted as an original only. No additional copies of papers filed with the Clerk need be forwarded to the presiding judge.

New Rule:

LR 5.2 Copies Prohibited. Where conventional (paper) filing is allowed or required, only the original document shall be submitted for filing. No copies of the filing shall be presented to the Clerk or to the presiding judge.

Old Rule:

LR 5.5. Documents may be filed, signed, and verified by electronic means to the extent and in the manner permitted or required by the Court’s Standing Order Regarding Electronic Case Filing in Civil and Criminal Cases and accompanying Administrative Procedures (available on the Court’s website at “www.gas.uscourts.gov”).

New Rule:

LR 5.5 Electronic filing. Documents should be filed, signed, and verified by electronic means to the extent and in the manner permitted or required by the Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means in Civil and Criminal Cases in the United States District Court for the Southern District of Georgia (available on the Court’s website at “www.gas.uscourts.gov”).

Old Rule:

LR 7.1 Filing.

(a) Absent prior written permission of the Court, no party shall file any brief or legal memorandum in excess of twenty-five (25) pages in length.

New Rule:

LR 7.1 Filing.

(a) Absent prior permission of the Court, no brief shall exceed twenty-six (26) pages in length, inclusive of the certificate of service required by LR 5.1. Page numbering starts from the first page of a submission, regardless of its nature. *See* LR 10.1. Title pages, tables of contents, tables of cases, and other pages prefatory to the main body of a brief are not necessary but, if used, count toward the 26-page limit.

New Rule:

LR 7.7 Emergency Motions. Upon written motion and for good cause shown, the Court may waive the time requirements of this Rule and grant an immediate hearing on any matter requiring an expedited procedure. The motion shall set forth in detail the necessity for such expedited procedure.

Superseded by Fed. R. Civ. P. 5.2:

LR 8. In compliance with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, as amended, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, any party or person filing pleadings or other documents with the Court shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all such pleadings or documents, including exhibits thereto, whether filed electronically or conventionally in paper form, unless otherwise ordered by the Court:

a. Social Security numbers. If an individual's Social Security number must be included in a pleading or document, only the last four digits of that number should be used.

b. Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.

c. Dates of birth. If an individual's date of birth must be included, only the year should be used.

d. Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.

e. Home addresses. If a home address must be included, only the city and state should be listed.

A party or person wishing to file a document containing the personal data identifiers listed above may:

a. file an unredacted version of the document under seal, or

b. file 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 unredacted version of the document or the reference list shall be retained by the Court as part of the record. A party or person filing under seal an unredacted document containing personal data identifiers shall file simultaneously a redacted copy of the document for the public file.

The responsibility for redacting these personal identifiers rests solely with counsel and the filing party or person. The Clerk will not review each pleading or document for compliance with this rule.

Old Rule:

LR 9.1 Special Pleadings. All pleadings which allege violations of the Truth-in-Lending Act, Regulation Z, RICO, and other similar statutes, whether federal or state, shall specifically state each alleged violation. If the pleading fails to comply with this Rule, upon motion duly made by any party to the proceeding, such pleading shall be dismissed without prejudice by the Court; provided, however, the party alleging such violation shall have fourteen (14) days from the date of the order in which to amend the pleading to conform with this Rule, or to inform the Court by written response to the motion why it should not be granted. For the purposes of this Rule, it shall not be necessary for the movant to file a brief supporting the motion, but it shall be sufficient if the moving party points out the non-compliance with this Rule. In all actions asserting a claim under RICO, the party filing the RICO claim must, upon filing, also file a RICO statement in compliance with this Court's Standing Order of October 2, 1989. The RICO STATEMENT is included in the Appendix of Forms to this section of these Local Rules.

New Rule:

LR 9.1 Special Pleadings. All pleadings, including those in removed and transferred actions, which allege violations of the Truth-in-Lending Act, Regulation Z, RICO, and other similar statutes, whether federal or state, shall specifically state each alleged violation. If the pleading fails to comply with this Rule, upon motion duly made by any party to the proceeding, such pleading shall be dismissed without prejudice by the Court; provided, however, the party failing to comply with the Rule shall have fourteen (14) days from the date of the order in which to amend the pleading to conform with this Rule, or to inform the Court by written response to the motion why it should not be granted. For the purposes of this Rule, it shall not be necessary for the movant to file a brief supporting the motion, but it shall be sufficient if the moving party points out the non-compliance with this Rule. In all actions asserting a claim under RICO, the party asserting the RICO claim must, upon filing, or within fourteen (14) days of removal or transfer, also file a RICO statement summarizing the basis of the claim. The RICO statement is included in the Appendix of Forms to this section of these Local Rules.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
_____ DIVISION

vs. _____ : CASE NO. _____
_____ :

RICO STATEMENT
S.D. Ga. LR 9.1

This statement includes the facts the plaintiff is relying upon to initiate this RICO Complaint as a result of the "reasonable inquiry" required by Federal Rule of Civil Procedure 11.

Old Rule:

LR 10.1 Pleadings. All pleadings, notices, orders, and other papers in all cases shall, when offered for filing, be plainly and fairly written or printed without erasures or interlineations materially defacing them, be double-spaced, be numbered on each page, and contain an appropriate appearance as provided in Rule LR 83.6.

New Rule:

LR 10.1 Pleadings. All pleadings, notices, orders, and other papers in all cases shall, when offered for filing, be plainly and fairly written or printed without erasures or interlineations materially defacing them, be double-spaced, be numbered on each page, and contain an appropriate appearance as provided in LR 83.6. Page numbering shall begin on the first page of a submission, including any title page, cover sheet, table of cases, or other page prefatory to the main body of the filing.

Old Rule:

LR 11.1 Counsel Identification. Every pleading, motion, or other paper presented for filing shall, pursuant to Federal Rule of Civil Procedure 11, be signed by at least one attorney of record in the attorney's individual name, and shall contain counsel's name, complete address (including post office box or drawer number and street address), telephone number, and State Bar Number. Each attorney and *pro se* litigant has a continuing obligation to apprise the Court of any address change. Lead counsel shall be identified on the complaint and the responsive pleading of each party, and the Clerk shall be advised of any change in lead counsel.

New Rule:

LR 11.1 Counsel Identification. Every pleading, motion, or other paper presented for filing shall, pursuant to Federal Rule of Civil Procedure 11, be signed by at least one attorney of record in the attorney's individual name, and shall contain counsel's name, complete address (including post office box or drawer number and street address), telephone number, and State Bar Number. Each attorney and *pro se* litigant has a continuing obligation to apprise the Court of any address change. Lead counsel shall be identified on the complaint and the responsive pleading of each party, and the Clerk shall be advised of any change in lead counsel. In the absence of such designation, the first name appearing on the pleading shall be deemed lead counsel.

New Rule:

LR 11.3 Pro Se Filings. A party represented by counsel may not file any motion, brief, or other paper *pro se* absent prior leave of court. In a criminal case, a defendant represented by counsel may file *pro se* a motion for the appointment of new counsel or a motion to proceed *pro se*. See LCrR 44.2.

Relocated Rule (formerly Rule 16.4):

LR 16.4.1 Pretrial Order. Unless the assigned Judge prescribes otherwise, the parties shall submit a consolidated pretrial order at the time and in the form prescribed by the assigned Judge. When entered by or at the direction of the assigned Judge, the pretrial order shall supersede all prior pleadings, shall control the trial of the case, and shall be amended only by order of the Court and only upon showing of good cause.

Relocated Rule (formerly LR 30.1):

LR 16.4.2 Objections to Depositions. The specific portions of depositions that are expected to be used by any party at trial shall be identified by page and line number in the proposed pretrial order. Any objections by any party to any deposition or portion thereof shall be submitted in writing at the time of the pretrial conference, stating the page and line number objected to and the reason for the objection.

Old Rule:

LR 23.2 Certification. Within ninety (90) days after the filing of a complaint in a class action, unless this period is extended on motion and for good cause shown, the plaintiff shall move for certification of the class action under subdivision (c)(1) of Rule 23 of the Federal Rules of Civil Procedure. The Court may allow the case to be maintained tentatively as a class action, may disallow and strike the class action allegations, or may order postponement of the determination pending discovery or other preliminary procedures as appear to be appropriate and necessary under the circumstances. Whenever possible, where it is held that the determination should be postponed, a date will be fixed by the Court for the renewal of the motion.

New Rule:

LR 23.2 Certification. Within ninety (90) days after the filing of a complaint in a class action, unless this period is extended on motion and for good cause shown, the plaintiff shall move for certification of the class action under subdivision (c)(1) of Rule 23 of the Federal Rules of Civil Procedure. In cases removed from state court or transferred from another district, the ninety day period shall run from the date the removal notice is filed or the transferred case is docketed, whichever is later. The Court may disallow and strike the class action allegations, or may order postponement of the determination pending discovery or other preliminary procedures as appear to be appropriate and necessary under the circumstances. Whenever possible, where it is held that the determination should be postponed, a date will be fixed by the Court for the renewal of the motion.

Relocated Rule (formerly Rule 30.2):

LR 32. USING DEPOSITIONS IN COURT PROCEEDINGS

LR 32 Minuscript Depositions. Absent an objection for good cause, a party may file a "manuscript" deposition or portion thereof in connection with any motion or response to a motion. Should it be necessary to use a deposition at trial, the entire original deposition shall be filed with the Clerk prior to trial.

Old Rule:

LR 54.1 Time Limit. A bill of costs - other than attorney's fees - must be filed by the prevailing party within thirty (30) days after the entry of the judgment or other final order or decree.

New Rule:

LR 54.1 Time Limit. A bill of costs must be filed by the prevailing party within thirty (30) days after the entry of the judgment or other final order from which an appeal may be taken. A bill to recover costs on appeal that are taxable in the district court under Federal Rule of Appellate Procedure 39(e) must be filed within fourteen (14) days of the filing of the appellate court's mandate in this Court.

Old Rule:

LR 56.1 Motions for Summary Judgment. Upon any motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, in addition to the brief, there shall be annexed to the motion a separate, short, and concise statement of the material facts as to which it is contended there exists no genuine issue to be tried as well as any conclusions of law thereof. Each statement of material fact shall be supported by a citation to the record. All material facts set forth in the statement required to be served by the moving party will be deemed to be admitted unless controverted by a statement served by the opposing party. Response to a motion for summary judgment shall be made within twenty-one (21) days of service of the motion. See LR 7.5.

New Rule:

LR 56.1 Motions for Summary Judgment. Upon any motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, in addition to the brief, there shall be annexed to the motion a separate, short, and concise statement of the material facts as to which it is contended there exists no genuine dispute to be tried as well as any conclusions of law thereof. Each statement of material fact shall be supported by a citation to the record. All material facts set forth in the statement required to be served by the moving party will be deemed to be admitted unless controverted by a statement served by the opposing party. Response to a motion for summary judgment shall be made within twenty-one (21) days of service of the motion. *See* LR 7.5.

Old Rule:

LR 79.7 Sealed Documents.

(a) Papers submitted for filing with the Clerk may be placed under seal only where required by operation of law, these rules, or order of a judicial officer.

(b) Any person desiring to have any matter placed under seal shall present a motion stating grounds why a document filed with the Clerk should not be available for public inspection. The Clerk shall: (i) docket the motion as a Motion to Seal; (ii) refrain from labeling the filing as "sealed" or identifying the person seeking the sealing order unless the person consents; (iii) designate any accompanying papers as "sealed matter"; and (iv) maintain the motion and accompanying papers in a secure file pending a ruling on the Motion to Seal.

(c) If the Motion to Seal is denied, any papers which the person sought to have sealed, and which were submitted to the Clerk with the motion, shall be returned to the person, who shall then have the option of filing the papers in the normal course.

(d) Motions to Seal may extend to three layers of information: (1) the name of the movant; (2) the title of the filing sought to be sealed; and (3) the contents of the filing itself. In most cases, only the contents of the filing itself (e.g., proprietary data embodied within an *in limine* motion) will warrant sealing, not the title of the filing (e.g., Motion in Limine) or the identity of the movant (e.g., XYZ Tire Company). Therefore, unless the Court specifies otherwise, the Clerk shall construe all sealing orders to extend only to the contents of the underlying filing. The burden rests upon the moving party to justify all three sealing levels.

New Rule:

79.7 Sealed Documents.

(a) Except as required or allowed by statute or rule, no matter may be placed under seal without permission of the Court.

(b) Any person desiring to have any matter placed under seal shall present a motion setting forth the grounds why the matter presented should not be available for public inspection. The Clerk shall: (i) docket the motion as a Motion to Seal; (ii) refrain from labeling the filing as "sealed" or identifying the person seeking the sealing order unless the person consents; (iii) designate any accompanying materials as "sealed matter"; and (iv) maintain the motion and accompanying materials in a secure file pending a ruling on the Motion to Seal.

(c) If the Motion to Seal is denied, any materials which the person sought to have sealed, and which were submitted to the Clerk with the motion, shall be returned to the person, who shall then have the option of filing the materials in the normal course.

(d) Motions to Seal may extend to three layers of information: (1) the name of the movant; (2) the title of the filing sought to be sealed; and (3) the contents of the filing itself. In most cases, only the contents of the filing itself (e.g., proprietary data embodied within an *in limine* motion) will warrant sealing, not the title of the filing (e.g., Motion in Limine) or the identity of the movant (e.g., XYZ Tire Company). Therefore, unless the Court specifies otherwise, the Clerk shall construe all sealing orders to extend only to the contents of the underlying filing. The burden rests upon the moving party to justify all three sealing levels. The party seeking to have any matter placed under seal must rebut the presumption of the openness derived from the First Amendment by showing that closure is essential to preserve some higher interest and is narrowly tailored to serve that interest.

(e) A party who moves to seal any matter submitted to the Court shall indicate whether the matter should be sealed permanently or until: (1) the conclusion of the trial, (2) the entry of final judgment, (3) the conclusion of the direct appeal, or (4) some other specified time. The permanent sealing of a Court record is not preferred and should be sought only where temporary sealing is not adequate to protect the interest at stake. Upon the expiration of any temporary sealing period, the matter shall be unsealed and made a part of the public record.

Old Rule:

LR 83.4 Permission to Practice in a Particular Case.

(a) Georgia bar members who reside in this district or maintain their principal place of business in this district shall not appear before this Court via *pro hac vice* admission, but instead must join this Court's bar, even to represent someone in one (or an occasional) case.

(b) Any attorney not subject to LR 83.4(a), but who is in good standing with the bar of another federal district court, may be permitted to appear and participate in a particular case before this Court, whether civil or criminal, with the prior approval of this Court, subject to the following conditions:

(1) *pro hac vice* counsel must designate, by a writing filed in the case in which appearance is sought, some willing member of this Court's bar upon whom motions and papers may be served. For that designation to be effective, such local counsel must enter a written appearance in the case.

(2) *pro hac vice* counsel also must: (i) certify, in a writing filed with this Court, membership in good standing of a federal district court; and (ii) file with the Clerk of this Court a certificate of good standing from that court.

New Rule:

LR 83.4 Permission to Practice in a Particular Case.

(a) Georgia bar members who reside in this district or maintain their principal place of business in this district shall not appear before this Court via *pro hac vice* admission, but instead must join this Court's bar, even to represent someone in one (or an occasional) case.

(b) Any attorney not subject to LR 83.4(a), but who is in good standing with the bar of another federal district court, may be permitted to appear and participate in a particular case before this Court, whether civil or criminal, with the prior approval of this Court, subject to the following conditions:

(1) *pro hac vice* counsel must designate, by a writing filed in the case in which appearance is sought, some willing member of this Court's bar upon whom motions and papers may be served and who shall be responsible for and have full authority to act for and on behalf of the client in all proceedings related to the case including hearings, pretrial conferences, and trials, should the petitioner fail to respond to any court order for appearance or

otherwise. For that designation to be effective, such local counsel must enter a written appearance in the case.

(2) *pro hac vice* counsel also must: (i) certify, in a writing filed with this Court, membership in good standing of a federal district court; (ii) file with the Clerk of this Court a certificate of good standing from that court; and (iii) provide a list of all cases filed in this Court in which petitioner has appeared as counsel.

(c) Any attorneys representing the United States Government, or any agency thereof, may appear and participate in particular actions or proceedings in an official capacity without a petition for admission, provided the attorney is a member of a federal district court's bar. Any such attorney so appearing shall certify to the Court in writing that he or she has read and is familiar with the local rules. Further, unless excused from doing so by the presiding judge, any such attorney shall be accompanied at hearings and trials by an Assistant United States Attorney of this district who shall also review and sign pleadings.

New Rule:

LCrR 1.1 Applicability of Local Civil Rules. These Local Rules for the Administration of Criminal cases are supplemental to the Local Rules for Civil Cases and the Administration of the Court. Those rules must be consulted as to matters of procedure and administration not addressed by these supplemental rules. *See, e.g.*, LR 2.2 (division filings); LR 7.6 (reply briefs); LR 51 (jury instructions); LR 72 (Magistrate Judges); LR 79 (records and sealed documents); LR 83 (attorney admission, discipline, and relations with the jury).

Relocated Rule (formerly Rule 1.1):

LCrR 1.2 Precedence of the Federal Rules of Criminal Procedure. In cases of conflict between these Local Rules and the Federal Rules of Criminal Procedure, except where the Federal Rules of Criminal Procedure permit variations by Local Rule, or in matters not addressed by these Local Rules, the Federal Rules of Criminal Procedure shall govern. Whenever possible, the Local Rules and Federal Rules of Criminal Procedure shall be read consistently.

Old Rule:

LCrR 12.1 Form and Time for Filing Criminal Motions. Unless otherwise ordered by the Court, every motion filed in a criminal proceeding shall be accompanied by a memorandum of law citing supporting authorities. Every factual assertion in a motion, response, or brief shall be supported by a citation to the pertinent page in the existing record or in any affidavit, discovery material, or other evidence filed with the motion. Where allegations of fact are relied upon that are not supported by the existing record, supporting affidavits shall be submitted.

Unless otherwise ordered by the Court, all pretrial motions in criminal cases, pursuant to Rule 12 of the Federal Rules of Criminal Procedure, shall be filed within ten (10) days of arraignment.

New Rule:

LCrR 12.1 Form and Time for Filing Criminal Motions. Unless otherwise ordered by the Court, every motion filed in a criminal proceeding shall be accompanied by a memorandum of law citing supporting authorities. Every factual assertion in a motion, response, or brief shall be supported by a citation to the pertinent page in the existing record or in any affidavit, discovery material, or other evidence filed with the motion. Where allegations of fact are relied upon that are not supported by the existing record, supporting affidavits shall be submitted.

Unless otherwise ordered by the Court, all pretrial motions in criminal cases, pursuant to Rule 12 of the Federal Rules of Criminal Procedure shall be filed within ten (10) days of arraignment. Unless otherwise ordered responses to motions shall be filed within fourteen (14) days after service of the motion.

New Rule:

LCrR 44.2 Pro Se Filings. Absent prior leave of Court, a defendant represented by counsel may not file a motion, brief, or other paper *pro se*, except for a motion for the appointment of new counsel or a motion to proceed *pro se*.