

April 23, 2018

**NOTICE**

**TO: THE PUBLIC AND MEMBERS OF THE PRACTICING BAR FOR THE EASTERN AND WESTERN DISTRICTS OF KENTUCKY**

Pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 57 of the Federal Rules of Criminal Procedure, the United States District Courts for the Eastern and Western Districts of Kentucky hereby give public notice of the following:

The Joint Local Rules Commission for the Eastern and Western Districts of Kentucky has recommended, and the District Court has authorized for release for a period of public comment through July 31, 2018, the revision of certain Joint Local Rules of Civil Practice and Joint Local Rules of Criminal Practice. The proposed amendments are as follows:

- A. LR 5.1(b) and LCrR 49.1(b) – Form of Pleadings** – will be amended as follows in order to provide restrictions on paper size, line spacing, margins, typeface, and type styles:

**LR 5.1. FORM OF PLEADINGS**

...

(b) ~~Paper-Size~~**Format.** All pleadings, motions, and other papers filed with the Court must be filed in size on paper that is “8½ x 11”-inch page format with margins of at least one inch on all sides, with text double spaced (except for appropriate block quotes, headings, and footnotes), in at least 12-point proportionately-spaced font.

**LCrR 49.1. FORM OF PLEADINGS**

...

(b) ~~Paper-Size~~**Format.** All pleadings, motions, and other papers filed with the Court must be filed in size on paper that is “8½ x 11”-inch page format with margins of at least one inch on all sides, with text double spaced (except for appropriate block quotes, headings, and footnotes), in at least 12-point proportionately-spaced font.

- B. LR 7.1(d) – Motions** – will be amended as follows in order to reduce the permissible length of motions and responses from 40 pages to 25 pages, absent leave of court.

#### **LR 7.1 MOTIONS**

...

**(d) Page Limitations.** Motions and responses may not exceed ~~40~~25 pages without leave of Court. Replies may not exceed 15 pages without leave of Court.

- C. LR 83.11 – Social Security Cases** – will be amended as follows in order to correct references from “plaintiff” to “claimant” consistent with the statutory language and to recognize other grounds to seek recovery of attorney’s fees.

#### **LR 83.11 SOCIAL SECURITY CASES**

...

**(b) Commissioner’s Time to Respond.** Within ~~sixty (60)~~ days of service of the complaint, the Commissioner of Social Security must file an answer and transcript of the administrative proceedings. An initial extension of up to ~~sixty (60)~~ days may be granted, for good cause, upon motion of the Commissioner. If the responsible Social Security Administration official files an affidavit detailing the circumstances that require additional time, a second extension of time to respond may be granted. No other extension will be granted.

**(c) Judicial Review.** At the discretion of the judge to whom the case is assigned, judicial review may occur on written motion or oral argument. Unless otherwise ordered motion practice will occur as follows:

(1) ~~Plaintiff~~ Claimant must move for summary judgment or judgment on the pleadings within ~~sixty (60)~~ days of the filing of the answer and administrative transcript.

(2) The Commissioner must file a countermotion or a response to the ~~plaintiff’s~~ claimant’s motion within ~~thirty (30)~~ days of service of the ~~Plaintiff’s~~ claimant’s motion.

(3) The Clerk must submit the case to the judicial officer immediately following the filing of the Commissioner’s countermotion or response.

(4) Extensions of time may be granted only if good cause is shown or there is no objection from any party.

(d) **Attorney's Fees** ~~Petitions Under Social Security Act in Social Security Cases.~~ Plaintiff's Claimant's counsel may petition for attorneys's fees, awardable under § 206(b) of the Social Security Act, 42 U.S.C. § 406(b), and any other applicable statute permitting an award of attorney's fees in such cases, within ~~thirty~~(30) days of a final favorable decision for ~~plaintiff~~ claimant.

(1) *Petition.* The attorneys's fee petition must include an itemization of the services provided in both the administrative and the judicial proceedings. ~~Plaintiff's~~ Claimant's counsel must serve a copy of the fee petition on the claimant and the United States Attorney.

(2) *Responses*~~by the Claimant.~~ The United States Attorney must respond to the attorneys's fee petition within ~~thirty~~(30) days of the petition's filing. The government's response must include a statement of accrued benefits and must advise the Court whether the government considers the fee to be reasonable. The government must serve a copy of the response on the claimant and the petitioning attorney. The claimant may respond to the attorney's fee petition within ~~thirty~~(30) days of the petition's filing.

**D. LR 65.1.1(h) and LCrR 46.1(h) – Lis Pendens Notice and Fees** – will be amended as follows in order to reflect the actual practice and procedure of the clerk's office.

#### **LR 65.1.1 BOND AND SURETY REQUIREMENTS**

...

**(h) Lis Pendens Notice and Fees.** The Clerk must file a lis pendens notice against the property in the County Clerk's Office in the county where the property is located. The required fee for filing the notice ~~and release~~ of lis pendens is required upon the execution of the bond.

#### **LCrR 46.1 RELEASE FROM CUSTODY—WHEN SURETY IS REQUIREMED**

...

**(h) Lis Pendens Notice and Fees.** The Clerk must file a lis pendens notice against the property in the County Clerk's Office in the county where the property is located. The required fee for filing the notice ~~and release~~ of lis pendens is required upon the execution of the bond.

\* \* \* \* \*

Comments concerning the proposed rule amendments are welcome. Comments must be submitted in writing or via email on or before July 31, 2018 and should be sent to:

Brian F. Haara  
Chair, Joint Local Rules Commission  
Tachau Meek PLC  
101 South Fifth Street, Suite 3600  
Louisville, Kentucky 40202  
[bhaara@tachaulaw.com](mailto:bhaara@tachaulaw.com)