

UNITED STATES DISTRICT COURT
FOR THE
EASTERN AND WESTERN DISTRICTS OF KENTUCKY

FILED
January 19, 2017

JOINT GENERAL ORDER No. 17-01

IN RE: AMENDMENTS TO JOINT LOCAL RULES

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Pursuant to LR 83.14 and LCrR 57.7 of the Joint Local Rules of the Eastern and Western Districts of Kentucky, and pursuant to the authority granted by Rule 83 of the Federal Rules of Civil Procedure and Rule 57 of the Federal Rules of Criminal Procedure, upon recommendation of the Joint Local Rules Commission, and in consideration of multiple comments received, the Judges of the Eastern and Western Districts hereby ORDER that the following amendments be made to the Joint Local Rules:

A. LR 7.1 – Motions – is amended as follows in order to modernize the rule, to simplify the procedure for requesting hearings, and to merge motions and memoranda in support:

(a) **Generally.** Except for routine motions – such as motions for an extension of time – a motion must state with particularity the grounds for the motion, the relief sought, and the legal argument necessary to support it.

(b) **Motions for an Extension of Time.** Subject to any deadlines established by the Court, parties may extend time limits by agreed order. Absent an agreed order, the party seeking the extension must file a motion setting forth the reasons for the extension and whether other parties consent. A response opposing the motion must be filed within 7 days of service of the motion.

(c) **Time for Filing Responses and Replies.** Unless otherwise ordered by the Court, a party opposing a motion must file a response within 21 days of service of the motion. Failure to timely respond to a motion may be grounds for granting the motion. A party may file a reply within 14 days of service of the response.

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

(e) **Proposed Order.** A party filing a motion must also file a separate proposed order. Any proposed order imposing sanctions must be provided separately from a proposed order pertaining to any other matter.

(f) **Hearing or Oral Arguments on Motions.** A party may request a hearing or oral argument in a motion, response, or reply.

(g) **Submission to the Court.** A motion is submitted to the Court for decision after completion of the hearing or oral argument – or if none – after the reply is filed, or the time for filing the response or reply has expired.

(h) **Copies of Cited Authority.** If a motion, response, or reply contains a citation to any authority not available electronically, a copy of the authority must be attached.

B. LR 41.1 – Dismissal for Failure to Prosecute – is amended as follows to reduce the period of inactivity from one year to nine months before the court may issue a show cause order, in order to encourage speedier resolution of civil cases:

If no action has been taken on a case for nine months, the Court may issue an order requiring the plaintiff to show cause why the case should not be dismissed for lack of prosecution.

C. LR 83.2(b) – Permission to Practice in a Particular Case – is amended as follows in order to clarify the existing practice of waiving the *pro hac vice* admission procedures for attorneys appointed pursuant to the Criminal Justice Act, including any such attorney appointed by an appellate court:

(b) The Attorney General or any other bar member of the Department of Justice, or of any federal agency, including federal public defenders or panel attorneys that cross district lines, or any attorney appointed pursuant to the Criminal Justice Act, need not seek admission *pro hac vice* under this rule.

D. LCrR 12.1 – Motions – is amended as follows in order to modernize the rule, to simplify the procedure for requesting hearings, and to merge motions and memoranda in support:

(a) **Generally.** Except for routine motions – such as motions for an extension of time – a motion must state with particularity the grounds for the motion, the relief sought, and the legal argument necessary to support it.

(b) **Motions for an Extension of Time.** Extensions of time in criminal actions will be granted only if the party seeking the extension files a motion demonstrating good cause. Extensions of time by agreement of the parties are not valid in criminal cases. A response opposing a motion for an extension of time must be filed within 7 days of service of the motion.

(c) **Time for Filing Motions.** Unless a different time is fixed by statute or the Federal Rules of Criminal Procedure, motions must be filed within the time period ordered by the Court.

(d) **Time for Filing Responses and Replies.** Unless otherwise ordered by the Court, a party opposing a motion must file a response within 14 days of service of the motion. Failure to timely respond to a motion may be grounds for granting the motion. A party may file a reply within 14 days of service of the response.

(e) **Page Limitations.** Motions and responses may not exceed 25 pages without leave of Court. Replies may not exceed 10 pages without leave of Court.

(f) **Proposed Order.** A party filing a motion must also file a separate proposed order. Any proposed order imposing sanctions must be provided separately from a proposed order pertaining to any other matter.

(g) **Hearings or Oral Arguments on Motions.** A party may request a hearing or oral argument in a motion, response, or reply.

(h) **Submission to the Court.** A motion is submitted to the Court for decision after the completion of the hearing or oral argument – or if none – after the reply is filed, or the time for filing the response or reply has expired.

(i) **Copies of Cited Authority.** If a motion, response, or reply contains a citation to any authority not available electronically, a copy of the authority must be attached.

E. LCrR 57.2(b) – Permission to Practice in a Particular Case – is amended as follows in order to clarify the existing practice of waiving the *pro hac vice* admission procedures for attorneys appointed pursuant to the Criminal Justice Act, including any such attorney appointed by an appellate court:

(b) The Attorney General or any other bar member of the Department of Justice, or of any federal agency, including federal public defenders or panel attorneys that cross district lines, or any attorney appointed pursuant to the Criminal Justice Act, need not seek admission *pro hac vice* under this rule.

The amendments reflected in this Joint General Order shall be incorporated into the Courts' Joint Local Rules published on the Courts' respective websites. Copies of this Order shall be made available to the public on the Courts' respective websites and made available to the various publishing companies that publish the Joint Local Rules of the Eastern and Western

Districts of Kentucky. The amendments noted in this Order shall take effect upon entry of this Order.

Finally, it is FURTHER ORDERED that, with regard to LR 7.1(b), parties are not required to seek consent of other parties before filing a motion for an extension of time, but rather, absent an agreement, a motion for an extension of time must set forth the reasons for the extension and include a statement addressing whether or not the other parties have consented.

IT IS SO ORDERED:

s/Karen K. Caldwell
Hon. Karen K. Caldwell
Chief Judge, United States District
Court, Eastern District of Kentucky

s/ Joseph H. McKinley, Jr.
Hon. Joseph H. McKinley, Jr.
Chief Judge, United States District
Court, Western District of Kentucky