

April 29, 2024

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 29, 2024, the adoption and revision of certain Joint Local Rules of Civil Practice and Joint Local Rules of Criminal Practice. Unless otherwise indicated, as seen in this Notice, underlined text is added and ~~struck~~ text is deleted in rules to be amended. The proposed new rules and revisions are as follows:

- A. LR 81.1 Removal Procedures; Supplemental Filing of State Court Record and Procedure for Pending State Court Motions** – will be adopted as follows in order to provide local rules governing removal procedures, supplementing the requirement under 28 U.S.C. § 1446(a) (requiring the filing of “all process, pleadings and orders served upon” the removing party), and under the authority of 28 U.S.C. § 1447(b) (authorizing the district court to “require the removing party to file with its clerk copies of all records and proceedings” from the state court):

LR 81.1 Removal Procedures; Supplemental Filing of State Court Record and Procedure for Pending State Court Motions

(a) Supplemental Filing of State Court Record. When removing an action from state court, within 30 days following the filing of a Notice of Removal, the removing party must electronically file any portion of the state court record it considers relevant to the removed action that the removing party did not file at the time of removal pursuant to 28 U.S.C. § 1446(a). When filing any additional portions of the state court record, the removing party shall organize them in chronological order by state court filing date, shall include a clear and concise description of each attachment in the description field of each attachment, and shall also file the state court docket sheet.

(b) Obligation to Refile Pending State Court Motions. If any motion remains pending in state court at the time of removal, and if the movant wishes the District Court to rule on the motion, the party that initially filed the motion must refile the motion in the District Court case within 14 days after removal. Unless already fully briefed, Responses and Replies shall be filed in accordance with LR 7.1.

- B. LR 7.1.1 Disclosure Statement** – will be adopted as follows in order to require citizenship information for certain entities in diversity actions:

LR 7.1.1 Disclosure Statement

(a) Additional Parties Who Must File Disclosure Statements. In diversity actions, any party, intervenor, or proposed intervenor that is a limited liability company (LLC), a limited liability partnership (LLP), a limited partnership (LP), or a partnership must, in the disclosure statement required by Fed. R. Civ. P. 7.1, list those states from which the owners/members/partners of the LLC, LLP, LP, or partnership are citizens. If any owner/member/partner of the LLC, LLP, LP, or partnership is another LLC, LLP, LP, or partnership, then the disclosure statement must also list those states from which the owners/members/partners of the LLC, LLP, LP, or partnership are citizens.

- C. LR 83.2(a) and LCrR 57.2(a) Pro Hac Vice fees** – will be amended as follows in order to address the recent addition of renewal fees in the Western District of Kentucky:

(a) Procedure. An attorney who has not been admitted to the Bar of the Court may represent parties before the Court if the attorney has paid the prescribed *pro hac vice* admission fee to the Clerk of the Court, has and been granted leave by the Court to appear *pro hac vice* in a particular case, and pays any applicable renewal fee. A separate motion for each attorney requesting *pro hac vice* admission must include the following information:

- D. LR 16.2 – Confidentiality of Settlement Conference** – will be amended as follows to confirm, expressly, that the ADR process is confidential:

LR 16.2 Alternative Dispute Resolution

Upon motion of any party, or *sua sponte*, any judicial officer may require parties in civil cases to consider some form of alternative dispute resolution process (“ADR”), including but not limited to, mediation, early neutral evaluation, minitrial, or arbitration, as follows:

- (a)** Mediation may be conducted under the auspices of a private professional mediator or a judicial officer.
- (b)** All communications in ADR proceedings are confidential, they are not subject to discovery, and such communications may not be disclosed to anyone other than the parties and ADR participants.
- (c)** Positions taken and statements or concessions made during the mediation process shall not be admissible as evidence during any court proceedings.

(d) The mediator shall not be called or listed as a witness in, nor compelled to produce documents related to, any matter in which such mediator shall have served.

(e) Each District Court may, by separate General Order, designate a person to implement, administer, oversee, and evaluate alternative dispute resolution in such District.

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Comments concerning the proposed rule amendments are welcome. Comments must be submitted in writing or via email on or before July 29, 2024, and should be sent to:

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