IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

IN THE MATTER OF:) }	95	H	
The Amendments of Local Rules of Civil Practice and Procedure of the United))	ISTRIC	<u>.</u> 31	- 192191
States District Court for the District)		ယ	
of Delaware)	- 12 7,4	$\mathcal{E}_{\mathfrak{U}}$	
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ORDER

This Wh day of Weenley, 1994, a draft of the amendments to the Local Rules of Civil Practice and Procedure for this Court having been submitted by the District Court Advisory Committee appointed by this Court, and the Court having published notice of the amendments and having provided an opportunity for comment, and all the judges of this Court having considered the same,

IT IS ORDERED:

- 1. Pursuant to the authority vested in this Court by Rule 83, Fed. R. Civ. P., the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware be and they are hereby amended as is set out in the copy of the Local Rules attached hereto. In accordance with Rule 1.1 (b), these amendments shall take effect on January 1, 1995.
- 2. The Clerk shall have the attached Local Rules printed in appropriate form and shall make copies of them available for sale

to all interested parties at a price approximately equivalent to their cost as fixed by the Court.

- 3. As required by Rule 83, Fed. R. Civ. P., the Clerk shall forward a copy of this Order and the attached Local Rules to the Judicial Council of the United States Court of Appeals for the Third Circuit and the Director of the Administrative Office of the United States Courts.
- 4. The Clerk shall also forward a copy of this Order and these Rules to West Publishing Company and publish notice of the amendments as provided in Rule 1.2.

chief Judge Joseph J. Longobardi

Judge Joseph J. Farnan, Jr.

Judge Sue L. Robinson

Judge Roderick R. McKelvie

Judge James L. Latchum

Judge Murray M Schwartz

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

In the Matter of the Amendments to Rules 26(a)(1), (d) and (f) of the Federal Rules of Civil Procedure

ORDER

At Wilmington this 1st day of December, 1993,

amendments to Rules 26(a)(1), (d) and (f) of the Federal Rules of Civil Procedure, as adopted by the United States Supreme Court by Order dated April 22, 1993, are deferred until further Order of this Court.

Chief Judge

Judge

Judge

Judge

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Standing Order re:

1993 Amendments to Federal Rules of Civil Procedure

STANDING ORDER

And NOW, this 1st day of December 1993, the Judges of this Court having Determined that:

Some of the new provisions in the Pederal Rules of Civil Procedure included in the amendments that became effective on December 1, 1993, authorize each United Sates district court, by order, to direct that the provisions shall not be followed in the district;

Some of the new provisions are inconsistent with this Court's Civil Justice Expense and Delay Reduction Plan (referred to in this Standing Order as "the Plan"), adopted in accordance with the Civil Justice Reform Act of 1990, 28 U.S.C. §§471-482;

determination of civil litigation mandated by Rule 1 of the Federal Rules of Civil Procedure requires the Court to allow adequate time for its Judges, its Civil Justice Reform Act Advisory Group, the Federal Courts Committee of the Philadelphia Bar Association, the Local Civil Rules Advisory Committee, other interested groups and members of its bar in general to evaluate the new provisions in light of the Plan and other aspects of established practice in the Court; and

After its evaluation, the Court will decide which of the optional provisions, if any, will be followed in this district and what changes, if any, will be made in the Local Rules of Civil Procedure.

NOW, THEREFORE, in accordance with the resolution approved by the Judges of this Court on November 8, 1993, it is

ORDERED as follows:

- 1. Until further action by this Court, the following provisions in the Federal Rules of Civil Procedure will not be in effect in this district:
- (a) The requirement in Rule 26(a)(1) for Initial Disclosures.

 The provisions for Self-Executing Disclosure in Section 4:01 of the Plan will continue to be in effect.
- (b) The requirement in Rule 26(a)(4) that disclosures be filed.

 Demands for disclosure under the Plan, disclosures under the Plan,
 disclosures under Rules 26(a)(2) and (3) of the Federal Rules of Civil Procedure and
 stipulations under Rule 29 of those rules that do not require court approval will be subject to
 all of the provisions in paragraphs (a) through (e) in Local Rule of Civil Procedure 24.
- (c) The limitations in Rules 30(a)(2) and 31(a)(2) on the number of depositions and in Rule 33(a) on the number of interrogatories.
- (d) The requirements in Rule 26(f) for a meeting of the parties, the development of a proposed discovery plan and a written report to the court and the prohibition in the first sentence of Rule 26(d) against seeking discovery before the occurrence of a 26(f) meeting.

The provisions in Sections 3:01 and 7:01 of the Plan, requiring the parties to confer, and the provision in Section 4:01(b) on Timing and Sequence of Discovery will continue to be in effect except that, notwithstanding the provision in Section 4:01(b), a party may take a deposition before the time specified in that section if the notice contains a certification in accordance with Rule 30(a)(2)(C) of the Federal Rules of Civil Procedure.

- 2. Nothing in this Standing Order should be construed to limit the discretion of any judicial officer to take whatever steps he or she decides are appropriate in the interest of just and speedy disposition of a case assigned to him or her, including steps identical with or similar to provisions in rules that this Standing Order provides are not in effect in this district.
- 3. References in this Standing Order to specific provisions of the Plan as continuing to be in effect are solely for clarification. The Plan in its entirety, except as expressly stated in paragraph 1(d) of this Standing Order, continues to be in effect.
- 4. The requirements and limitations in the Federal Rules of Civil Procedure identified in paragraphs 1(a), (b), (c) and (d) of this Standing Order as not being in effect in this district shall not be in effect in the United States Bankruptcy Court for the Eastern District of Pennsylvania.
- 5. Suggestions for consideration by the Court in its evaluation of the new provisions in the Federal Rules of Civil Procedure should be submitted in writing to the Clerk of Court, 2609 United States Courthouse, Philadelphia, Pennsylvania 19106-1797, on or before January 31, 1994.

For the Court:

Edward N. Cahn

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Chief Judge

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STANDING ORDER RE:

1993 AMENDMENTS TO FEDERAL RULES OF CIVIL PROCEDURE

STANDING ORDER

Under the provisions of Paragraph 2 of the Standing Order of the United States District Court for the Eastern District of Pennsylvania, dated this day and signed by Chief Judge Cahn, this judicial officer has respectfully concluded that the amended (effective today) Federal Rules of Civil Procedure 30(a)(2) and 31(a)(2), imposing limitations on the number of depositions, and Rule 33(a), imposing limitations on the number of interrogatories, do serve the interest of a just and speedy disposition of a case.

Accordingly, it is ORDERED that those Federal Rules shall be in effect for all cases assigned to this judge. Those Rules shall apply to all cases on my docket, filed from today forward. Absent special order otherwise, these new Rules shall not apply to my extant cases, previously pending.

Robert S. Gawthrop, III United States District Judge

Dated: 1 December 1993

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STANDING ORDER RE:

1993 AMENDMENTS TO FEDERAL RULES OF CIVIL PROCEDURE

STANDING ORDER

Under the provisions of Paragraph 2 of the Standing Order of the United States District Court for the Eastern District of Pennsylvania, dated this day and signed by Chief Judge Cahn, this judicial officer has respectfully concluded that the amended (effective today) Federal Rules of Civil Procedure 30(a)(2) and 31(a)(2), imposing limitations on the number of depositions, and Rule 33(a), imposing limitations on the number of interrogatories, do serve the interest of a just and speedy disposition of a case.

Accordingly, it is ORDERED that those Federal Rules shall be in effect for all cases assigned to this judge. Those Rules shall apply to all cases on my docket, filed from today forward. Absent special order otherwise, these new Rules shall not apply to my extant cases, previously pending.

John R/ Padova

United States District Judge

Dated:

12/1/93

SCHEDULING INFORMATION REPORT (To be completed and returned to Judge Padova's Chambers (Room 20316) at least three (3) days before the date of the initial pretrial conference)

Caption:	
Civil Action No.	
Jury Trial Non-jury t	rial Arbitration
Plaintiff's Counsel:	
Phone: Office	FAX
NGGI	FAX
Phone: Office	
Has self-executing disclosur	e been completed? If not, why?
Discovery completed Yes	If not, when? (date)
state reasons:	
Ready for trial by(date Is a settlement conference	**************************************
Tarly (ye	es/No) After Discovery(Yes/No)
Do you expect to file a cas	se-dispositive motion?(Yes/No)
If so, by what date?	
Trial time estimate: Time to present your continue for entire trial	ase
DateS	ignature of counsel preparing the form
<u> </u>	Typed or printed name

NOTICE TO COUNSEL:

This notice will set forth my policy on discovery, my guidelines for communication with the Court and my Chambers staff and a brief overview of the manner in which this case will generally progress in my Court. I expect that counsel will obtain and become familiar with my practices and procedures as set forth in the Handbook of Pretrial and Trial Practices and Procedures of Individual Judges and Magistrates of the United States District Court for the Eastern District of Pennsylvania ("Handbook"), published by the Philadelphia Bar Association.

I. Discovery

I am of the view that the discovery rules are not intended to create strategic advantages for any party and should never be used to play games. The Civil Justice Expense and Delay Reduction Plan for the United States District Court for the Eastern District of Pennsylvania (the "Plan") calls for voluntary, cooperative discovery in a timely manner. Section 4:01 of the Plan imposes a duty of self-executing disclosure of certain types of information. Compliance with the Plan is mandatory. I expect that counsel will act not only in accordance with the letter of the Plan but also its spirit. Discovery disputes should be presented to the Court in the manner provided for in the Handbook.

II. Communications with Chambers

with regard to communication with the Court, please do not write letters directly to the Court or send or designate copies of correspondence among and between counsel for the Court except:

- (1) When letters of transmittal accompany documents required to be sent or filed with the Court or in another official office in the Courthouse; or
- (2) When counsel are specifically requested by the Court to communicate some information to the Court by letter; or
- expected to be affected by a personal matter concerning counsel, a party, a witness, or counsel's immediate family, such as a medical problem, vacation plans, or other similarly personal problems or questions; or
- (4) To confirm or advise the Court that a case has been settled, dismissed, or otherwise finally disposed.

All other written communications with the Court concerning any case assigned to my calendar should be by the filing of a pleading, motion, application, brief, legal memorandum, busy slip, or other similar filing provided for in the Federal Rules of Civil or Criminal Procedure or our Local Rules of Civil or Criminal Procedure. Do not write letters to the Court which are properly the subject of these filings.

When a written communication concerning a case cannot timely address a problem, necessary telephone communications with my Chambers, regarding such things as scheduling of any conference or proceeding, including pretrial and trial conferences; attendance of witnesses; exhibit handling; conferences; attendance of witnesses; exhibit handling; arrangements for video replay, arranging telephone conferences; arrangements for video replay, arranging telephone conferences; and requests for absolutely necessary extensions of time to file any response, reply, brief, memorandum of law, or the like, should be directed to my deputy Lisa Brady at (215) 597-1178.

Those rare communications with the law clerks on matters already in the decision-making process should ordinarily be only when requested by the Court or the clerks themselves and when urgency requires. At no time are my law clerks permitted to render legal advice of any kind or grant extensions; please do render legal advice of any kind or grant extensions; please do not ask them. Telephone communications with the clerks should be not ask them to my deputy Lisa Brady at (215) 597-1178, who will direct the call as appropriate.

III. Pretrial Procedures

My secretary typically sends counsel notification of the scheduling of a pretrial conference to be held within 40 days after all defendants have answered. A Scheduling Information Report form is included which must be completed and returned by counsel. Topics which are frequently addressed in an initial pretrial conference include those listed in Local Rule of Civil procedure 21(b), Federal Rule of Civil Procedure 16(b) and (c) and the progress of self-executing disclosure under section 4:01 of the Plan. A Rule 16 Scheduling Order is issued at the conclusion of the conference containing either a specific trial date or pool listing and dates and form of pretrial memoranda.

which usually takes place sometime during the month before trial is scheduled, no other conferences are normally scheduled unless requested by counsel. Settlement conferences are encouraged, provided counsel believe they will be useful.

Your cooperation is expected and appreciated.

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Standing Order re:

:

1993 Amendments to Federal Rules of Civil Procedure

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STANDING ORDER

And NOW, this 1st day of December 1993, the Judges of this Court having Determined that:

Some of the new provisions in the Federal Rules of Civil Procedure included in the amendments that became effective on December 1, 1993, authorize each United States district court, by order, to direct that the provisions shall not be followed in the district;

Some of the new provisions are inconsistent with this Court's Civil Justice Expense and Delay Reduction Plan (referred to in this Standing Order as "the Plan"), adopted in accordance with the Civil Justice Reform Act of 1990, 28 U.S.C. §§471-482;

Efficient judicial administration to secure the just, speedy and inexpensive determination of civil litigation mandated by Rule 1 of the Federal Rules of Civil Procedure requires the Court to allow adequate time for its Judges, its Civil Justice Reform Act Advisory Group, the Federal Courts Committee of the Philadelphia Bar Association, the Local Civil Rules Advisory Committee, other interested groups and members of its bar in general to evaluate the new provisions in light of the Plan and other aspects of established practice in the Court; and

After its evaluation, the Court will decide which of the optional provisions, if any, will be followed in this district and what changes, if any, will be made in the Local Rules of Civil Procedure.

NOW, THEREFORE, in accordance with the resolution approved by the Judges of this Court on November 8, 1993, it is

ORDERED as follows:

- 1. Until further action by this Court, the following provisions in the Federal Rules of Civil Procedure will not be in effect in this district:
- (a) The requirement in Rule 26(a)(1) for Initial Disclosures.

 The provisions for Self-Executing Disclosure in Section 4:01 of the Plan will continue to be in effect.
- (b) The requirement in Rule 26(a)(4) that disclosures be filed.

 Demands for disclosure under the Plan, disclosures under the Plan,
 disclosures under Rules 26(a)(2) and (3) of the Federal Rules of Civil Procedure and
 stipulations under Rule 29 of those rules that do not require court approval will be subject to
 all of the provisions in paragraphs (a) through (e) in Local Rule of Civil Procedure 24.
- (c) The limitations in Rules 30(a)(2) and 31(a)(2) on the number of depositions and in Rule 33(a) on the number of interrogatories.
- (d) The requirements in Rule 26(f) for a meeting of the parties, the development of a proposed discovery plan and a written report to the court and the prohibition in the first sentence of Rule 26(d) against seeking discovery before the occurrence of a 26(f) meeting.

The provisions in Sections 3:01 and 7:01 of the Plan, requiring the parties to confer, and the provision in Section 4:01(b) on Timing and Sequence of Discovery will continue to be in effect except that, notwithstanding the provision in Section 4:01(b), a party may take a deposition before the time specified in that section if the notice contains a certification in accordance with Rule 30(a)(2)(C) of the Federal Rules of Civil Procedure.

- 2. Nothing in this Standing Order should be construed to limit the discretion of any judicial officer to take whatever steps he or she decides are appropriate in the interest of just and speedy disposition of a case assigned to him or her, including steps identical with or similar to provisions in rules that this Standing Order provides are not in effect in this district.
- 3. References in this Standing Order to specific provisions of the Plan as continuing to be in effect are solely for clarification. The Plan in its entirety, except as expressly stated in paragraph 1(d) of this Standing Order, continues to be in effect.
- 4. The requirements and limitations in the Federal Rules of Civil Procedure identified in paragraphs 1(a), (b), (c) and (d) of this Standing Order as not being in effect in this district shall not be in effect in the United States Bankruptcy Court for the Eastern District of Pennsylvania.
- 5. Suggestions for consideration by the Court in its evaluation of the new provisions in the Federal Rules of Civil Procedure should be submitted in writing to the Clerk of Court, 2609 United States Courthouse, Philadelphia, Pennsylvania 19106-1797, on or before January 31, 1994.

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For the Court:

Edward N. Cahn

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Chief Judge

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: 1993 Amendments to Federal Rules of Civil Procedure

MEMORANDUM ORDER OF COURT

AND NOW, this ______ day of December 1993, the Board of Judges of this Court has determined that:

- 1. The local rules of this Court have been revised and renumbered effective January 1, 1994 in accordance with the Local Rules Project of the Judicial Conference of the United States and the recommendations of the Civil Justice Advisory Group;
- 2. The 1993 amendments to the Federal Rules of Civil procedure will govern all proceedings commenced on or after December 1, 1993, and "insofar as just and practicable" all proceedings then pending;
- 3. The House of Representatives passed H.R. 2814 entitled the "Civil Rules Amendments Act of 1993" that would have deleted the amendments to Fed.R.Civ.P. 26(a)(1) and 30(b)(3), however, the Senate did not approve the bill under the unanimous consent procedures before adjournment;
- 4. The Congress will likely reconsider the "Civil Rules Amendments Act of 1993" in the next session;

- 5. In the event that the amendments to the Federal Rules of Civil Procedure are not amended by adoption of the "Civil Rules Amendments Act of 1993," the Rules Committee of this Court and the Civil Justice Advisory Group will be required to reevaluate the local rules of this Court;
- 6. Federal Rule of Civil Procedure 26(a)(1), as amended, provides that all disclosure obligations can be suspended by stipulation, court order or local rule; and
- 7. Efficient judicial administration to secure the just, speedy and inexpensive determination of all civil actions requires that the Court allow adequate time for Congress, the Rules Committee, the Civil Justice Advisory Committee, and the bench and bar to evaluate the new provisions and pending amendments, and determine the appropriate course of action.

TT IS THEREFORE ORDERED that, until further order of this Court, the following provisions of the Federal Rules of Civil Procedure shall not be in effect in this district: (a) the requirement of Fed.R.Civ.P. 26(a)(1) for initial disclosures; (b) the requirement of Rule 26(a)(4) that disclosures be filed; (c) the requirements of Rule 26(f) for a meeting of the parties, the development of a proposed discovery plan and a written report to the court, and the prohibition in Rule 26(d) against seeking discovery before the occurrence of a Rule 26(f) meeting; and (d) the limitations in Rules 30(a)(2) and 31(a) on the number of depositions and in Rule 33(a) on the number of interrogatories.

IT IS FURTHER ORDERED that nothing in this order shall be construed to limit the discretion of any judicial officer to enter appropriate orders to insure the just, speedy and inexpensive resolution of any civil action.

IT IS FURTHER ORDERED that the Clerk of Court shall provide notice of this order to all interested parties and the bar is invited to direct suggestions for consideration by the Court in writing to the Clerk of Court, Box 1805, United States Post Office and Courthouse, Pittsburgh, Pennsylvania, 15230.

IN THE UNITED STATES DISTRICT COURT

	FOR	THE	DISTRICT	OF	DELAWARE	CLERI DIST	JEC	
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IN RE: Local Appellate 30.3(c)	Rule)))			S. DISTRICT CO T OF DELAWA	3 31 PH	To have
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WHEREAS, Local Appellate Rule 30.3(c) imposes on the appellant the burden of filing the presentence report in a direct criminal appeal, and the clerk of the district court is no longer required to transmit sealed copies of the presentence report to the Court of Appeals;

ORDER

IT IS ORDERED that in every case in which sentence is imposed by the court, the clerk of the court shall return the presentence report, including the recommendation of sentence, to the United States Probation Office.

Chief Judge

Judge

Judge Johnson

Judge Mcker

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

IN RE:

| DISTRICT OF DELAWARE | COURT | CO

ORDER

WHEREAS, Rule 32 of the Federal Rules of Criminal Procedure is amended effective December 1, 1994;

Now, therefore, this day of december, 1994,

IT IS ORDERED that Local Rule 8 of the Time Limits and Procedures For Achieving Prompt Disposition of Criminal Cases, adopted by this court on December 3, 1987, is amended to read as follows:

8. Sentencing

of Criminal Cases

- (a) <u>Date of Sentencing</u>. Unless the court directs that the sentence be imposed on an earlier date, sentencing will occur not less than eighty (80) calendar days following a defendant's plea of guilty or nolo contendere, or upon being found guilty.
- (b) <u>Presentence Investigation and</u>
 Reports.
- (1) A presentence investigation may be commenced prior to a plea of guilty or nolo contendere or a conviction, if a

defendant and defense counsel consent thereto in writing.

- calendar days prior to the date set for sentencing, the probation officer shall disclose the presentence investigation report to the defendant, defendant's counsel, and the attorney for the government. The presentence report shall be deemed to have been disclosed to a party (a) when a copy of the report is hand-delivered to the party's counsel or (b) three days after a copy of the report is mailed to the party's counsel.

 Unless otherwise directed by the court, the probation officer's recommendation for sentence will not be disclosed to the parties or made part of the public record.
- days after receiving the presentence report, counsel for the parties shall communicate in writing to the probation officer, and to each other, any objections as allowed under Fed.R.Crim.P. 32(b)(6)(B). Likewise, counsel shall notify the probation officer in writing within the aforesaid time limits if they have no objections to the presentence report. In

the absence of good cause, any objection not submitted within the time limits herein shall be waived.

- (4) After receiving the objections of counsel, the probation officer may conduct any further investigation and make any revisions to the presentence report as consistent with and authorized by Fed.R.Crim.P. 32(b)(6)(B).
- calendar days before the sentencing hearing, the probation officer shall submit the presentence report to the court. The report shall contain an addendum setting forth any objections made by defendant's counsel or the government that remain unresolved, together with the officer's comments thereon. At the same time, the probation officer shall furnish the revisions of the presentence report and the addendum, excluding any recommendation for sentence, to the defendant, the defendants' counsel, and the attorney for the government.
- (6) Except for the unresolved objections, as reported in the addendum, the

presentence report may be accepted by the court as its findings of fact.

(7) Nothing in this rule permits disclosure of any portions of the presentence report except as authorized by Rule 32 of the Federal Rules of Criminal Procedure. The provisions of Fed.R.Crim.P. 32 shall apply to any matter not covered herein.

Chref Judge

Volume |

Judge

Judge Mcker