

~~3-14. Transfer of Action to Another District~~

~~An order transferring an action to another district shall become effective 14 days after it is filed, unless the order specifies a specific effective date.~~

3-145. Disqualification of Assigned Judge

Whenever an affidavit of bias or prejudice directed at a Judge of this Court is filed pursuant to 28 U.S.C. § 144, and the Judge has determined not to recuse him or herself and found that the affidavit is neither legally insufficient nor interposed for delay, the Judge shall refer the request for disqualification to the Clerk for random assignment to another Judge.

Commentary

Recusal under 28 U.S.C. § 455 is normally undertaken by a Judge *sua sponte*. However, counsel may bring the issue to a Judge's attention by formal motion or raise it informally at a Case Management Conference or by a letter to the Judge, with a copy to the other parties in the case. This rule does not preclude a Judge from referring matters arising under 28 U.S.C. § 455 to the Clerk so that another Judge can determine disqualification. See also Civil L.R. 3-~~1615~~.

3-156. Disclosure of Non-party Interested Entities or Persons

- (a) **Policy.** So that Judges of this Court may evaluate any need for disqualification or recusal early in the course of any case, each party to any civil proceeding must file a "Certification of Interested Entities or Persons" pursuant to this Rule. The Rule does not apply to any governmental entity or its agencies.
- (b) **Certification.** Upon making a first appearance in any proceeding in this Court, a party must file with the Clerk a "Certification of Interested Entities or Persons."
 - (1) The Certification must disclose any persons, associations of persons, firms, partnerships, corporations (including parent corporations), or other entities other than the parties themselves known by the party to have either: (i) a financial interest (of any kind) in the subject matter in controversy or in a party to the proceeding; or (ii) any other kind of interest that could be substantially affected by the outcome of the proceeding.
 - (2) For purposes of this Rule, the terms "proceeding" and "financial interest" shall have the meaning assigned by 28 U.S.C. §§455 (d)(1), (3) and (4), respectively.
 - (3) If a party has no disclosure to make pursuant to subparagraph (b)(1), that party must make a certification stating that no such interest is known other than that of the named parties to the action.
- (c) **Form of Certification.** The Certification of Interested Entities or Persons must take the following form, as is appropriate to the proceeding:
 - (1) If there is an interest to be certified: "Pursuant to Civil L.R. 3-~~1615~~, the undersigned certifies that the following listed persons, associations of persons, firms, partnerships, corporations (including parent corporations) or other entities (i) have a financial interest in the subject matter in controversy or in a party to the proceeding, or (ii) have a non-financial interest in that subject matter or in a party that could be substantially affected by the outcome of this proceeding: (List names and identify their connection and interest). Signature, Attorney of Record."
 - (2) If there is no interest to be certified: "Pursuant to Civil L.R. 3-~~1615~~, the undersigned certifies that as of this date, other than the named parties, there is no such interest to report. Signature, Attorney of Record."
 - (3) Certification, pursuant to this subsection, must be filed as a separate document.

3. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

5-1. Electronic Case Filing

[...]

(f) **Manual Filing.**

~~(1) — **Generally.** An ECF user may be excused from filing a particular document electronically if (1) it is not available in electronic format; (2) it must therefore be scanned to PDF; and (3) the file size of the scanned document exceeds the limit specified on the ECF website. Some types of documents shall only be filed manually and not electronically unless specifically authorized by the Court. A list of such documents may be found on the ECF website.~~ Such documents ~~instead~~ shall be manually filed with the Clerk of Court and served upon the parties in accordance with the applicable Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure and Local Rules for filing and service of paper documents. Parties manually filing a document shall file electronically a Manual Filing Notification ~~setting forth the reason why the document cannot be filed electronically.~~

~~(2) — **Exclusions.** Some types of documents shall only be filed manually and not electronically unless specifically authorized by the Court. A list of documents that are required to be filed manually may be found on the ECF website.~~

83. AMENDMENT OF THE LOCAL RULES

83-1. Method of Amendment

The local rules of this Court may be modified or amended by a majority vote of the ~~active J~~ judges of the Court in accordance with the procedures set forth in this rule. New rules may be proposed or existing rules may be amended at the suggestion of any judge or member of the public, and will generally be vetted by the Local Rules Committee, which will make a recommendation to the Court before a vote is taken. Attorney Advisory Committees will be appointed to advise and assist the Court when called upon to do so by the Local Rules Committee. Any proposed substantive modification or amendment of these local rules must be submitted to a Local Rules Advisory Committee for its review, except that amendments for form, style, grammar or consistency may be made without submission to an Advisory Committee.

~~83-2. Advisory Committee on Rules~~

- ~~(a) — Appointment.~~ Pursuant to 28 U.S.C. § 2077(b), the Chief Judge shall appoint members of a Local Rules Advisory Committee to serve such terms as the Chief Judge shall designate.
- ~~(b) — Purpose.~~ The Local Rules Advisory Committee shall elect a chair, who shall convene the committee for purposes of making a report and recommendation to the Court with respect to the following matters:
 - ~~(1) — The consistency of the local rules of the Court with the United States Constitution, Acts of Congress, the Federal Rules, General Orders of the Court and Standing Orders of Judges of the Court;~~
 - ~~(1) — Modification of the local rules of the Court;~~
 - ~~(2) — Matters referred by the Chief Judge pursuant to Civil L.R. 83-3; and~~
 - ~~(3) — Means to facilitate understanding of the local rules by the bar and the public.~~
- ~~(c) — Action by the Court.~~ Upon receipt of the report of the Local Rules Advisory Committee, the Court shall consider the report and take such action as the Court deems appropriate.
- ~~(d)~~(a) Submission of Report to Judicial Council. Pursuant to Fed. R. Civ. P. 83, the Chief Judge shall submit any report by the Advisory Committee to the Judicial Council of the Ninth Circuit, together with a report which indicates the Court's disposition of the issues addressed in the report.

83-~~32~~. Procedure for Public Comment on Local Rules

- ~~(a) — Publication.~~ Before becoming effective, any proposed substantive modification of the local rules shall be subject to public comment in accordance with Fed. R. Civ. P. 83.
- (a) Public Submissions. Any person may submit written suggestions for amendments to the local rules. Such suggestions shall be directed to the Chief Judge, who ~~sh~~will refer the matter to the Local Rules ~~Advisory~~ Committee for consideration, unless the circumstances warrant putting the matter immediately before the full Court. Upon such referral, the Local Rules Advisory Committee shall acknowledge receipt of the suggestion to the author and evaluate it in accordance with Civil L.R. 83-2.
- ~~(a)~~(b) Publication. Before becoming effective, any proposed substantive modification of the local rules shall be subject to public comment in accordance with Fed. R. Civ. P. 83, and posted on the Court's website. Proposed amendments for form, style, grammar or consistency need not be submitted for public comment.

Commentary

The 1985 Notes of the Advisory Committee on Rules suggests that in appropriate circumstances, the requirement in Fed. R. Civ. P. 83 that proposed rules be subject to notice and public comment can be “accomplished through the mechanism of an ‘Advisory Committee’ . . .” on Rules for the district.

7-9. Motion for Reconsideration

- (a) **Leave of Court Requirement.** Before the entry of a judgment adjudicating all of the claims and the rights and liabilities of all the parties in a case, any party may make a motion before a Judge requesting that the Judge grant the party leave to file a motion for reconsideration of any interlocutory order ~~made by that Judge~~ on any ground set forth in Civil L.R. 7-9 (b). No party may notice a motion for reconsideration without first obtaining leave of Court to file the motion.

Cross Reference

See Fed. R. Civ. P. 54(b) regarding discretion of Court to reconsider its orders prior to entry of final judgment.

Commentary

This local rule does not apply to motions for reconsideration of a Magistrate Judge's order pursuant to 28 U.S.C. § 636(b)(1)(A). See Civil L.R. 72.

- (b) **Form and Content of Motion for Leave.** A motion for leave to file a motion for reconsideration must be made in accordance with the requirements of Civil L.R. 7-9. The moving party must specifically show reasonable diligence in bringing the motion, and one of the following:
- (1) That at the time of the motion for leave, a material difference in fact or law exists from that which was presented to the Court before entry of the interlocutory order for which reconsideration is sought. The party also must show that in the exercise of reasonable diligence the party applying for reconsideration did not know such fact or law at the time of the interlocutory order; or
 - (2) The emergence of new material facts or a change of law occurring after the time of such order; or
 - (3) A manifest failure by the Court to consider material facts or dispositive legal arguments which were presented to the Court before such interlocutory order.

7-2. Notice and Supporting Papers

- (a) **Time.** Except as otherwise ordered or permitted by the assigned Judge or these Local Rules, and except for motions made during the course of a trial or hearing, all motions must be filed, served and noticed in writing on the motion calendar of the assigned Judge for hearing not less than 35 days after ~~service-filing~~ of the motion. Fed. R. Civ. P. (6)(d) does not apply and thus does not extend this deadline.

11. ATTORNEYS

11-1. The Bar of this Court

- (a) **Members of the Bar.** Except as provided in Civil L.R. 11-2, 11-3, ~~and~~ 11-9, and Fed. R. Civ. P. 45(f) an attorney must be a member of the bar of this Court to practice in this Court and in the Bankruptcy Court of this District.

8-1. Notice of Related Case in a Criminal Action

- (a) **Notice Requirement.** Whenever a party to a criminal action pending in this District knows or learns that the action is related to a civil or criminal action, which is or was pending in this District, that party shall promptly file a “Notice of Related Case in a Criminal Action” with the Judge assigned to the earliest filed action, shall lodge a copy of the notice with the chambers of each Judge assigned to each related case and shall serve all known parties with a copy of the notice.

Commentary

A Judge's involvement in any pre-indictment miscellaneous proceeding (e.g., issuance of search warrant) is not a basis for assignment of any resulting criminal action to that Judge as a related case.

- (b) **Definition of Related Case for Criminal Action.** Any pending criminal action is related to another pending civil or criminal action when:
- (1) Both actions concern one or more of the same defendants and the same alleged events, occurrences, transactions or property; or
 - (2) Both actions appear likely to entail substantial duplication of labor if heard by different Judges or might create conflicts and unnecessary expenses if conducted before different Judges.