

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Admin. No. 85-17

IN RE: GENERAL LOCAL RULES, :
AS AMENDED. :
_____ :

O R D E R

Pursuant to recommendations received by this Court from the Local Rules Subcommittee to the Federal Court Committee, Dade County Bar Association, and the Federal Court Committee thereof, this Court held an advertised Public Hearing en banc wherein comment was received with regard to those changes proposed by that entity.

For good cause shown, it is thereupon

ORDERED and ADJUDGED that the following Local Rules, United States District Court, Southern District of Florida be, and the same are hereby MODIFIED, CHANGED and/or AMENDED by the additions or changes thereto of the following sections effective MAR 25, 1985, to-wit:

RULE 5.3 EMERGENCY MATTERS

A. Any emergency matter arising in a case pending before a Judge who is physically absent from the Southern District of Florida or who is unavailable due to illness, or is on vacation, may, upon written certification as to each matter from the Judge's office setting forth such grounds therefor, be referred to the Clerk for reassignment under a blind rotary assignment procedure. Such assignment, when effected, shall be of temporary duration limited only to the immediate relief sought, and the case for all other purposes or proceedings, shall remain on the docket of the Judge to whom it was originally assigned.

B. [No change]

**RULE 7. FILING, COPIES, CERTIFICATION,
PROCESS, PUBLICATION**

A. FORM. All civil and criminal pleadings, motions, and other papers tendered for filing in the United States District Court, Southern District of Florida, shall:

1. [No change]
2. [No change]
3. [No change]
4. [No change]
5. [No change]
6. [No change]
7. State in the title the name and designation of the party (as plaintiff or defendant or the like) in whose behalf the paper is submitted.

**RULE 10. MOTIONS, INTERROGATORIES,
DEPOSITIONS AND ORDERS**

A. FILING

1. Every motion when filed shall be accompanied by a memorandum of law citing supporting authorities, except that the following motions need not be accompanied by a memorandum:
 - a. petition for writ of habeas corpus ad testificandum or ad prosequendum;
 - b. motion for out-of-state process;
 - c. motion for order of publication for process;
 - d. application for default;
 - e. motion for judgment upon default;
 - f. motion to withdraw or substitute counsel;
 - g. motion for continuance, provided the good cause supporting it is set forth in the motion and affidavit required by Rule 11;
 - h. motion for confirmation of sale;

- i. motion to withdraw or substitute exhibits;
 - j. motion for extension of time in which to complete discovery providing the good cause supporting it is set forth in the motion;
 - k. motion for refund of bond, provided cause for granting the motion is set forth in the motion; and
 - l. application for leave to proceed in forma pauperis.
2. Every motion when filed shall also be accompanied by stamped addressed envelopes for each party entitled to notice of the Order when issued by the Judge.

B. HEARINGS. No hearings will be held on motions unless set by the Court. Hearings shall be set by the Court under the following circumstances:

1. A party who desires oral argument or a hearing of any motion shall request it in writing by separate request accompanying the motion or opposing memorandum. The request shall set forth in detail the reasons why a hearing is desired and would be helpful to the Court and shall estimate the time required for argument. The Court in its discretion may grant or deny a hearing as requested, upon consideration of both the request and any response thereto by an opposing party.
2. Discovery motions may be referred to and heard by a United States Magistrate.
3. With respect to any motion or any other matter which has been pending and fully briefed with no hearing set thereon for a period of 90 days or longer, the Court shall set a hearing thereon upon written notice of the fact given by any party. At the expiration of 60 days during which a motion has been pending and fully briefed, counsel must file a notice of the motion's pendency for that time as a prerequisite to obtaining a hearing upon notice at the end of 90 days.

C. MEMORANDA OF LAW. Each party opposing a motion shall serve and file an opposing memorandum of law not later than ten days after service of the motion as computed in the Federal Rules of Civil Procedure. Failure to do so may be deemed sufficient cause for granting the motion by default.

The movant may within five days after service of an opposing memorandum of law as computed in the Federal Rules of Civil Procedure serve and file a reply memorandum in support of the motion, which reply memorandum shall be strictly limited to rebuttal of matters raised in the memorandum in opposition without reargument of matters covered in the movant's initial memorandum of law. No further or additional memoranda of law shall be filed without prior leave of Court.

Absent prior permission of the Court, no party shall file any brief or legal memorandum exceeding twenty (20) pages in length, with the exception of a reply memorandum which shall not exceed ten (10) pages in length.

D. [No change]

E. [No change]

F. [No change]

G. [No change]

H. [No change]

I. DISCOVERY AND DISCOVERY DOCUMENTS

1. [No change]

2. [No change]

3. [No change]

4. [No change]

5. [No change]

6. MOTIONS TO COMPEL. Except for motions grounded upon complete failure to respond to the discovery sought to be compelled or upon assertion of general or blanket objections to discovery, motions to compel discovery in accordance with Rule 33, 34, 36 and 37 Fed.R.Civ.P., shall quote verbatim each interrogatory, request for admission or request for production and the response to which objection is taken followed by (a) the specific objections, (b) the grounds assigned for the objection (if not apparent from the objection), and (c) the reasons assigned as supporting the motion, all of which shall be written in immediate succession to one another. Such objections and grounds shall be addressed to the specific interrogatory or request and may not be made generally.

7. [No change]

8. REASONABLE NOTICE FOR TAKING DEPOSITIONS. Unless otherwise stipulated by all interested parties, pursuant to Rule 29, F.R.Civ.P. and excepting the circumstances governed by Rule 30(a), F.R.Civ.P., a party desiring to take the deposition within this State of any person upon oral examination shall give at least five (5) working days' notice in writing to every other party to the action and to the deponent (if the deposition is not a party), and a party desiring to take the deposition in another State of any person upon oral examination shall give at least ten (10) working days' notice in writing to every other party to the action.

Failure by the party taking the oral deposition to comply with this rule obviates the need for a protective order.

J. [No change]

K. [No change]

L. [No change]

M. CORRESPONDENCE TO THE COURT. Unless invited or directed by the presiding Judge, attorneys, and any party represented by an attorney, shall not (a) address or present to the Court in the form of a letter or the like any application requesting relief in any form, citing authorities, or presenting argument; and (b) shall not furnish the Court with copies of correspondence between or amongst counsel, or any party represented by an attorney.

RULE 11. CONTINUANCES AND EXTENSIONS OF TIME

A continuance of any trial, pretrial conference, or other hearing will be granted only on exceptional circumstances. No such continuance will be granted on stipulation of counsel alone. However, upon written notice served and filed at the earliest practical date prior to the trial, pretrial conference, or other hearing, and supported by affidavit setting forth a full showing of good cause, a continuance may be granted by the Court.

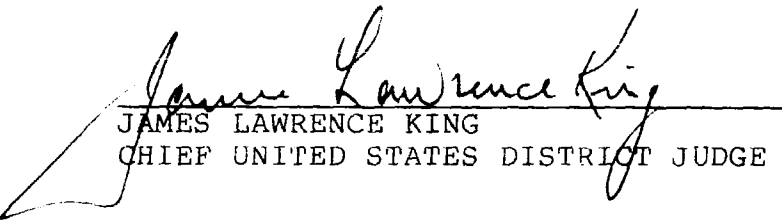
**RULE 14. PRETRIAL PROCEDURE IN
CIVIL ACTIONS**

A. SCHEDULING CONFERENCE AND ORDER.

1. [No change]
2. [No change]
3. [No change]
4. [No change]
5. [No change]
6. [No change]
7. [No change]
8. [No change]
9. [No change]
10. **COMPLIANCE WITH PRETRIAL ORDERS.** Notwithstanding the failure of the parties to conduct the scheduling conference required under this Rule or to submit a proposed scheduling order, or the absence of such a scheduling order entered by the Court, the parties are required to comply with any pretrial orders entered by the Court and the requirements of parts C through K of this Rule, including but not limited to orders setting pretrial conferences and establishing deadlines by which the parties' counsel must meet, prepare and submit pretrial stipulations, complete discovery, exchange reports of expert witnesses, and submit memoranda of law and proposed jury instructions.

DONE and ORDERED at Miami, Southern District of Florida,
this 25 day of March, A.D., 1985.

FOR THE COURT:



JAMES LAWRENCE KING
CHIEF UNITED STATES DISTRICT JUDGE