IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

In re: AMENDMENT OF THE LOCAL RULES OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN MARIANA ISLANDS	General Order No. 17-00004 **ORDER AMENDING LOCAL RULES**

Pursuant to 28 U.S.C. § 2071 and Rule 83 of the Federal Rules of Civil Procedure, public notice and an opportunity for comment having been given, the Local Rules of the District Court for the Northern Mariana Islands are hereby amended, as attached to this Order. The amended Local Rules shall take effect November 1, 2017, and shall supersede all previous version of the Local Rules.

The Clerk is directed to furnish copies of the amended Local Rules to the Judicial Council of the Ninth Circuit and to the Director of the Administrative Office of the United States Courts, and to make them available to the public.

SO ORDERED this 6th day of October, 2017.

RAMONA V. MANGLONA
Chief Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

LOCAL RULES

Effective November 1, 2017

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PREFACE

STANDARDS OF PROFESSIONAL CONDUCT*

The following standards of practice are to be observed by attorneys appearing in this Court:

In fulfilling his or her primary duty to the client, a lawyer must be ever conscious of the broader duty to the judicial system that serves both attorney and client.

A lawyer owes to the judiciary candor, diligence and utmost respect.

A lawyer owes to opposing counsel a duty of courtesy and cooperation, the observance of which is necessary for the efficient administration of our system of justice and the respect of the public it serves.

A lawyer unquestionably owes to the administration of justice the fundamental duties of personal dignity and professional integrity.

Lawyers should treat each other, the opposing party, the Court, and members of the Court staff with courtesy and civility and conduct themselves in a professional manner at all times.

A client has no right to demand that counsel abuse the opposite party or indulge in offensive conduct. A lawyer will always treat adverse witnesses and suitors with fairness and due consideration.

In adversary proceedings, clients are litigants and though ill feeling may exist between clients, such ill feeling should not influence a lawyer's conduct, attitude, or demeanor towards opposing lawyers.

Lawyers will be punctual in communications with others and in honoring scheduled appearances, and will recognize that neglect and tardiness are demeaning to the lawyer and to the judicial system.

If a fellow member of the Bar makes a just request for cooperation, or seeks scheduling accommodation, a lawyer will not arbitrarily or unreasonably withhold consent.

Effective advocacy does not require antagonistic or obnoxious behavior and members of the Bar will adhere to the higher standard of conduct that judges, lawyers, clients, and the public may rightfully expect.

* These standards are incorporated into LR 1.5.

I. Scope of Rules

LR 1.1 - Scope of the Rules

a. Title and Citation. These are the Local Rules of the United States District Court for the Northern Mariana Islands. They should be cited as "LR ____."

b. Effective Date. These Rules become effective November 1, 2017.

c. Scope of the Rules. These Rules apply in all actions and proceedings in this Court. They supplement the Federal Rules of Civil Procedure and will be construed to be consistent with those rules and to promote the just, efficient, and economical determination of every action and proceeding. If any local rule is or becomes in conflict with a federal rule or statute, the federal rule or statute applies. These Rules apply in all actions and proceedings, including criminal, admiralty and bankruptcy actions, except if inconsistent with rules or provisions of law specifically applicable thereto.

d. Relationship to Prior Rules; Actions Pending on Effective Date. These Rules supersede all previous Rules promulgated by this Court or any judge of this Court. When justice requires, a judge may order that an action or proceeding pending before the Court prior to the effective date be governed by the prior practice of the Court.

e. Rule of Construction and Definitions.

1. United States Code, Title 1, Chapter 1, will, as far as applicable, govern the construction of these rules.

2. The following definitions will apply:

A. The word "court" refers to the United States District Court for the Northern Mariana Islands, and not to any particular judge of the Court.

B. The word "judge" refers to any United States district judge, or to a designated judge assigned pursuant to 48 U.S.C. § 1821(b)(2), or to a part-time or full-time United States magistrate judge who exercises jurisdiction in a particular proceeding.

C. The word "clerk" means the clerk of court or a deputy clerk of court for the United States District Court for the Northern Mariana Islands.

D. "CM/ECF" means "Case Management/Electronic Case Files" and refers to the electronic case management and filing system developed by the Administrative Office of the United States Courts and implemented by this Court in the District for the Northern Mariana Islands. Any references in these rules to an electronic filing system mean the Court's CM/ECF system.

LR 1.2 - Availability of the Local Rules

These Rules are available for public viewing and downloading free of charge from the Court's web site, www.nmid.uscourts.gov. Hardcopy of the rules may be purchased from the clerk during regular business hours.

When amendments to these rules are proposed, notice of such proposals and of the period for the public to comment will be posted in the Clerk's Office and on the Court's public website, and will be given to the CNMI Bar Association.

When amendments to these rules are adopted, notice of such amendments will be posted in the Clerk's Office and on the Court's public website, and will be given to the CNMI Bar Association.

LR 1.3 - Sanctions

Failure of counsel or of a party to comply with any of these rules or with any order of the Court may be grounds for the Court to impose any and all sanctions authorized by statute or rule or within the inherent power of the Court.

LR 1.4 - Calendaring Conflicts

a. Counsel's Duty to Notify Court. Within 48 hours of learning of a scheduling conflict between this Court and any other court, counsel must notify the presiding judge or a clerk of this Court. The judge may confer with judges of the other court in an effort to resolve the conflict. While neither this Court nor any other court has priority in scheduling, the judge may consider the following factors in resolving the conflict:

1. whether a case is criminal, with attendant speedy trial concerns, or civil;

2. whether off-island witnesses, parties, or counsel are scheduled to attend a hearing;

3. the age of the case;

4. which matter was set first; and,

5. any other factor that weighs in favor of one court or case over the other.

LR 1.5 - Standards of Professional Conduct

Every member of this Court's bar and any attorney permitted to practice in this Court will be governed by and must observe the Model Rules of Professional Conduct of the American Bar Association as adopted in 1983 and as thereafter amended or judicially construed, these Local Rules, and this Court's "Standards of Professional Conduct," *supra.*

II. Commencement of Action; Electronic Filing; Service of Process; Pleadings, Motions, and Orders

LR 3.1 - Civil Cover Sheet

Every complaint or other document initiating a civil action must be accompanied by a completed civil cover sheet, on a form JS 44 available from the clerk and on the Court's website. This requirement is solely for administrative purposes; information appearing only on the civil cover sheet has no legal effect in the action.

If the complaint or other document is filed without a civil cover sheet or with an incomplete civil cover sheet, the clerk will mark the complaint or other document as to the date received and promptly give notice of the deficiency to the filing party. When the deficiency has been corrected, the clerk will file the complaint or other document *nunc pro tunc* as of the date of the original receipt.

LR 5.1 - Electronic Filing

The Court will accept for filing all documents submitted, signed or verified by electronic means that comply with procedures established by the Court.

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court, and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically, a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the Court.

All bar members of the Court must register to use the Court's electronic filing system and must submit documents by electronic means in accordance with procedures established by the Court, as described in Appendix A, "Administrative Procedures for Electronic Filing and Electronic Service."

LR 5.2 - General Format of Documents Presented for Filing

a. General Requirements. All pleadings, motions, and other documents presented for filing must be on 8.5 x 11 inch white paper or plain background, with double-spaced numbering running the length of the left margin, and must be plainly typewritten, printed, or prepared by a clearly legible duplication process. Block quotations, footnotes, and headings may be single-spaced; all other text must be double-spaced. All text must be in 12-point type or larger and in a serif font. Pages must be one-sided and numbered consecutively.

Three inches of the upper right-hand corner of the first page of all documents must be left blank for the clerk's use.

Unless otherwise required by this Rule, each page must have a margin of not less than 1.5 inches on the top, one inch on the bottom, one-half inch on the right hand margin, and one inch on the left hand side of the page.

The text of all documents filed in CM/ECF must be searchable, in conformity with Appendix A.3 of these Rules.

This rule does not apply to: (1) exhibits submitted for filing, except that pages from depositions, trial transcripts, or any other sources may not be reduced in size so as to fit more than one page of transcription or other material on to one page of an

exhibit; (2) documents filed in removed actions prior to removal from the Commonwealth courts; and (3) forms furnished by the Court.

b. Citations to Authority. All citations to legal authority must be in a generally recognized form that enables both the Court and all parties to locate the cited work. If a cited case or other authority is not available on LexisNexis or Westlaw, the citing party must attach a copy of the authority to the pleading as an exhibit.

c. Counsel Identification. The name, mailing address, e-mail address, and telephone number of counsel (or, if proceeding without counsel, of the party), and the specific identification of each party represented by name and interest in the litigation (i.e., plaintiff, defendant, etc.), must appear in the upper left-hand corner of the first page of each paper presented for filing, except that in multiparty proceedings reference may be made to the signature page for the complete list of parties represented.

d. Caption and Title.

1. "IN THE UNITED STATES DISTRICT COURT / FOR THE NORTHERN MARIANA ISLANDS" must appear on two lines, single-spaced and centered, on the first page of all documents, at least 1.5 inches from the top of the page.

2. The title of the proceeding must appear on the first page of all documents below the title of the Court and to the left of the center of the page. In a complaint, the title of the proceeding must contain the names of all parties. In all documents other than a complaint, the title of the proceeding may be appropriately abbreviated.

3. The file number of the proceeding, a designation of the proceeding (i.e., as civil, criminal, bankruptcy, etc.), and a title describing the paper(s) presented for filing must appear on the first page of all documents below the title of the Court and to the right of the title of the proceeding.

4. Every pleading must be specifically and particularly identified (e.g., "Plaintiff's Opposition to Defendant's Motion for Partial Summary Judgment").

e. Hearing Date and Time. The first page of every motion, opposition, reply, or other filing directed to a matter for which a hearing will be held must indicate the date and time of the hearing (e.g., "Defendant's Opposition to Plaintiff's Motion for Summary Judgment" and, below that, "Hearing: June 29, 2017 / Time: 9:00 a.m.").

f. Information to be Redacted. All parties must strictly observe the privacy protection for filings made with the Court as set forth in Rule 5.2 of the Federal Rules of Civil Procedure and Appendix A.14 of these Local Rules. Failure to redact information as required by Fed. R. Civ. P. 5.2 and Appendix A.14 may result in the striking of a filing from the record and the imposition of other sanctions. A party wishing to file a document containing such personal information may file an unredacted copy under seal. This document will be retained by the Court as part of the record. The Court may, however, still require the party to file a redacted copy for the public file.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk's Office will not review each pleading for compliance with this Rule.

g. Deficiency Notice. The clerk may notify a party of any format nonconformity and require the party to submit a conforming document. Failure to correct a nonconformity within two business days after notification by the clerk is grounds for the Court, in its discretion, to strike the nonconforming document.

LR 5.3 - Filing by E-mail

The Clerk's Office will accept filings by e-mail from pro se parties except for the filing of the initial documents, including the complaint and the service of summons. See Section 1 of Appendix A. Any party who wishes to e-mail filings must review Appendix A and submit a "*User Agreement for E-mail Filing.*" E-mail filings from attorneys will only be accepted when an attorney is prohibited from CM/ECF access such as a sealed matter, or with prior approval from the Court when good cause is shown. E-mailed filings will be deemed filed on the day and time received by the Clerk's Office. E-mail filings must be sent to prosefiling@nmid.uscourts.gov and specify in the subject line "For Docketing in Case No. _____ and _____ (Title of the motion or document for filing. For example, "Motion to Dismiss and Exhibits A-D").

LR 6.1 - Time Computation

Rule 6(a) of the Federal Rules of Civil Procedure will govern computation of time under these Local Rules.

III. Pleadings and Motions

LR 7.1 - Motion Practice

a. Oral Argument.

1. Motion day will be Thursday of each week. Unless the judge orders otherwise, the clerk will calendar motions in accordance with this Rule.

2. Oral argument is at the discretion of the Court but will normally be heard unless the Court enters an order indicating otherwise or the motion is a non-hearing motion.

3. The following motions will be non-hearing motions to be decided on the documents:

A. motions to alter, amend, or reconsider a judgment or order;
B. motions for judgment as a matter of law or for a new trial;
C. motions for clarification of a judgment or order;
D. motions to proceed in forma pauperis;
E. motions for appointment of counsel;
F. motions to appear by telephone or video teleconference;
G. motions to exceed page limits;
H. motions to extend or shorten time;
I. stipulated motions;
J. motions for certification of finality under Fed. R. Civ. P. 54(b);
K. appeals from a magistrate judge's decision or order; and
L. objections to a magistrate judge's report and recommendation.

The Court, in its discretion, may set any of the foregoing motions for hearing *sua sponte* or upon application by a party.

b. Notice and Supporting Documents.

1. All motions, except for non-hearing motions, applications for a temporary restraining order and motions made during a trial or hearing, must be noticed in writing on the motion calendar for hearing not less than thirty-four (34) days after filing.

2. Each notice of motion must be accompanied, where appropriate, by affidavits or declarations under penalty of perjury (in conformity with 28 U.S.C. § 1746) sufficient to support any material factual contentions, and by an appropriate legal memorandum or brief, including, where appropriate, citations to these Rules.

3. An exhibit in a foreign language, when offered in support of or opposition to a motion, must be accompanied by a translation that complies with LR 16.5(a)(4).

4. Proposed orders must be e-mailed to usdcnmi@nmid.uscourts.gov in a word processing format (e.g., Microsoft Office Word® or Corel WordPerfect®) and copied or otherwise served on each party that has appeared in the action.

c. Hearing Date; Opposition, and Reply.

1. Hearing Date. Unless the parties arrange with the docket clerk for a different hearing date, a motion will be heard on the first Thursday not less than thirty-four (34) days after the motion is filed.

2. Opposition. The opposing party must file an opposition (or statement of non-opposition) to a motion no later than fourteen (14) days after the motion is served. An opposition that is untimely filed may be disregarded by the Court and stricken from the record. Failure to timely file an opposition may be deemed an admission that the motion is meritorious.

3. Reply. The movant must serve and file any reply to the opposition no later than seven (7) days after the opposition is served. A reply that is untimely filed may be disregarded by the Court and stricken from the record.

4. No Further Filings Allowed. No further filings or replies will be accepted without leave having first been obtained from the Court. Any filing made in violation of this rule will be stricken.

d. Briefs and Memoranda: General Requirements and Sanctions.

1. Length. Briefs and memoranda supporting or opposing a motion must not exceed twenty-five (25) pages in length. Reply memoranda must not exceed ten (10) pages in length. Briefs or memoranda exceeding ten (10) pages must have a table of contents and a table of authorities cited. A party wishing to exceed the page limit must first move to do so, without attaching the brief or memorandum. If the motion is granted, the party will then file its brief or memorandum. Any pages in excess of the number allowed by local rule or court order will be stricken.

2. Format. All briefs and memoranda supporting or opposing a motion must conform to the requirements of LR 5.2.

e. Continuance of Scheduled Motion Hearings.

In accordance with the procedure set forth in LR 7.1(f) for extending time, a party or parties may move, in writing, to continue a motion hearing at any time prior to the scheduled hearing for good cause.

f. Extending or Shortening Time and Emergency Motions.

1. *Caption*. The caption to any motion under this section must include, in capital letters and boldface type:

A. **MOTION TO EXTEND (OR SHORTEN) TIME UNDER LOCAL RULE 7.1(f),** or

B. **EMERGENCY MOTION UNDER LOCAL RULE 7.1(f)**

2. *Extending Time*. A motion for relief from a deadline should, whenever possible, be filed by stipulation sufficiently in advance of the deadline to allow the Court to rule on the motion prior to the deadline. Parties should not assume that the motion will be granted and must comply with the existing deadline unless the Court orders otherwise.

3. *Motion Content*. Every stipulation or duly noticed motion to extend or shorten time or for court resolution of any emergency dispute must:

A. Inform the Court of any previous extensions granted if an extension is requested;

B. State the reasons and any legal basis for the request;

C. Indicate the effect, if any, on any deadlines previously set;

D. Include a request to continue the hearing if a request for an extension to file a brief would leave less than 7 days between the last filing date and the hearing date; and

E. In the absence of a stipulation, the moving party must include a statement certifying that, after participation in a meet-and-confer process to resolve the dispute, the movant has been unable to resolve the matter without court action. The statement also must state when and how the other affected people or entities were notified of the motion or, if not notified, why it was not practicable to do so.

4. *Emergencies*.

A. When a motion requests immediate court action (within forty-eight (48) hours or less), the movant must provide notice to the opposing parties (unless filed ex parte) and the Clerk's Office by telephone and e-mail.

B. An emergency motion may be granted upon a satisfactory showing why the requested action could not be obtained by stipulation or duly noticed motion.

g. Ex Parte Motions.

1. A motion or application that is permitted to be filed ex parte by statute, rule, or other legal authority must cite to that authority in the caption.

2. The caption to any ex parte motion must include, in capital letters and boldface type, the phrase **EX PARTE MOTION PURSUANT TO_____.**

h. Failure to Comply. The Court may not consider motions, oppositions to motions, or briefs or memoranda that do not comply with the requirements set forth in these Rules.

LR 7.2 - Stipulations

A stipulation, other than one made by the parties in open court, must be in writing and signed by all affected parties or their counsel.

LR 15.1 - Form of a Motion to Amend and Its Supporting Documents

A party who moves to amend a pleading must attach the amendment to the motion. Any amendment to a pleading, whether filed as a matter of course or upon a motion to amend, must, except by leave of court, reproduce the entire pleading as amended, and may not incorporate any prior pleading by reference. A failure to comply with this rule is not grounds for denial of the motion but may be grounds for imposition of sanctions.

LR 16.1 - Case Management and Track Assignment

a. Case Management.

This Court follows a system of differentiated case management which provides for the management of cases based on case characteristics to ensure an appropriate level of judicial, staff, and attorney attention. This system requires the Court and attorneys for the parties to assess the complexity of the case and necessary discovery and assign a track as set forth in LR 16.1(b). Each track employs a case management plan tailored to the general requirements of similarly situated cases and allows for the adjustment of the initial track assignment, if needed.

b. Tracks, Evaluation, and Assignment of Cases.

1. *Types of Tracks.*

A. "Expedited" - Cases on the Expedited Track are expected to be completed within six (6) months or less after CMC, and will have a discovery cut-off no later than sixty (60) days prior to trial. Discovery guidelines for this track include interrogatories limited to fifteen (15) single-part questions; fifteen (15) requests for admission; depositions of the parties; depositions on written questions of

custodians of business records for non-parties; no more than one (1) fact witness deposition per party without prior approval of the Court; and such other discovery, if any, as may be provided for in the Case Management Scheduling Order.

B. "Standard" - Cases on the Standard Track are expected to be completed within twelve (12) months or less after CMC, and will have a discovery cut-off no later than sixty (60) days prior to trial. Discovery guidelines for this track include interrogatories limited to thirty (30) single-part questions; thirty (30) requests for admission; depositions of the parties; depositions on written questions of custodians of business records for non-parties; no more than three (3) fact witness depositions per party without prior approval of the Court; and such other discovery, if any, as may be provided for in the Case Management Scheduling Order.

C. "Complex" - Cases on the Complex Track will have the discovery cut-off established in the Case Management Scheduling Order and are expected to be completed within eighteen (18) months. Discovery guidelines for this track include interrogatories limited to fifty (50) single-part questions; fifty (50) requests for admission; depositions of the parties; depositions on written questions of custodians of business records for non-parties; and such additional depositions and discovery to be set at the case management conference.

2. *Evaluation and Assignment of Cases; Criteria.* The Court will consider and apply the following factors in assigning cases to a particular track:

A. Expedited Track:

i. Legal Issues: Few and clear

ii. Required Discovery: Limited

iii. Number of Real Parties in Interest: Few

iv. Number of Fact Witnesses: Up to five (5)

v. Expert Witnesses: None

vi. Likely Trial Days: Less than five (5)

vii. Suitability for ADR: High

viii. Character and Nature of Damage Claims: Usually a fixed amount.

B. Standard Track:

i. Legal Issues: More than a few, some unsettled

ii. Required Discovery: Routine

iii. Number of Real Parties in Interest: Up to five (5)

iv. Number of Fact Witnesses: Up to ten (10)

v. Expert Witnesses: Two (2) or three (3)

vi. Likely Trial Days: Five (5) to ten (10)

vii. Suitability for ADR: Moderate to high

viii. Character and Nature of Damage Claims: Routine

C. Complex Track:

i. Legal Issues: Numerous, complicated, and possibly unique

ii. Required Discovery: Extensive

iii. Number of Real Parties in Interest: More than five (5)

iv. Number of Fact Witnesses: More than ten (10)

v. Expert Witnesses: More than three (3)

vi. Likely Trial Days: More than ten (10)

vii. Suitability for ADR: Moderate

viii. Character and Nature of Damage Claims: Usually requiring expert testimony.

c. Assertive Judicial Management.

The judge will manage the pretrial activity of the case through direct involvement in the establishment, supervision, and enforcement of a Case Management Scheduling Order and by setting status conferences as deemed necessary. See LR 16.3. The judge will:

1. Timely convene and conduct a case management conference (CMC). See LR 16.2. During the conference, the Court will address motion deadlines, conference dates, track assignment, alternative dispute resolution ("ADR") and discovery.

2. Following the CMC, the Court will issue a Case Management Scheduling Order, which establishes the trial date, conference dates, track assignments and deadlines. See LR 16.3.

LR 16.2 - Case Management Conference

a. Order Setting Case Management Conference ("CMC").
Except for cases listed in subsection (e) of this rule or when there is good cause for delay, the Court will issue an order, within fourteen (14) days, after any defendant has appeared, setting a CMC which will take place approximately thirty-five (35) days after the order is issued. When appropriate, the order setting the CMC will include the Court's tentative track assignment.

b. Pre-CMC Requirements.
In accordance with Fed. R. Civ. P. 26(f), the parties must confer at least 21 days before the CMC and must file a joint case management statement not less than seven (7) days prior to the date set for the Case Management Conference.

c. Joint Case Management Statement; Content.
Counsel for all parties will be required to file a joint written statement that specifically addresses all matters critical to the development of a realistic and efficient case management plan, including:

1. whether any issue exists regarding venue or jurisdiction over the subject matter or the person;

2. whether all parties have been properly designated and served;

3. whether any party expects to add additional parties or claims or otherwise amend the pleadings;

4. whether any question exists concerning appointment of a guardian ad litem, next friend, administrator, executor, receiver, or trustee;

5. the parties' discovery plan, specifically all subjects listed in Fed R. Civ. P. 26(f)(3);

6. the advisability of the use of a court-appointed expert or master to aid in the administration of the case;

7. the status of settlement negotiations, including the prospect of disposition without trial through any process, and the advisability of formal mediation or an early dispute resolution conference (see LR 16.4(a)-(b));

8. whether a trial by jury has been demanded in a timely fashion;

9. any other matter which may be conducive to the just, efficient, and economical determination of the proceedings, including the definition or limitation of the issues.

d. Representation at CMC by Attorney with Authority to Bind. Pursuant to Fed. R. Civ. P. 16(c), the attorney for a party participating in a Case Management Conference or any other pretrial conference must have authority to enter into stipulations and to make admissions for the efficient administration of the case including all matters listed in Fed. R. Civ. P. 16(c)(2).

e. Exemptions from Case Management Conference and Scheduling Orders
At the discretion of the judge assigned to the case, case management conferences generally will not be set and scheduling orders will not issue for the following categories of cases:

1. Habeas corpus petitions;

2. Cases reviewing administrative rulings;

3. Social security cases;

4. Default proceedings;

5. Actions to enforce judgments;

6. Cases in which a number of defendants have not yet appeared; and

7. Cases in which there is a pending motion and the Court determines that a CMC will not promote expeditious and economical litigation (good cause) until the Court rules on the motion.

LR 16.3 - <u>Case Management Scheduling Order</u>

Following the CMC, the Court will issue a Case Management Scheduling Order, consistent with the requirements in Fed. R. Civ. P. 16(b), that will assign a track, establish deadlines and set conference and hearing dates. Specifically, the order will set:

1. Deadlines for joining other parties and amending pleadings.

2. Status conferences. At least one status conference will be scheduled approximately midway between the date of the CMC and the discovery cut-off date.

3. Discovery cutoff. This is the date by which all responses to written discovery will be due and by which all depositions will be concluded.

   A. Counsel must initiate discovery requests and notice or subpoena depositions sufficiently in advance of the discovery cut-off date to meet the cutoff.

   B. Discovery requests that seek responses or schedule depositions after the discovery cut-off are not enforceable except by order of the Court for good cause shown.

4. Discovery motions deadlines, including expert discovery deadlines, if applicable.

5. Dates for early dispute resolution and/or settlement conference(s).

6. Dispositive motions deadlines. A dispositive motion is a motion to dismiss pursuant to Fed. R. Civ. P. 12(b), a motion for judgment on the pleadings pursuant to Fed. R. Civ. P. 12(c), a motion for summary judgment pursuant to Fed. R. Civ. P. 56, or any other motion which, if granted, would result in the entry of judgment or dismissal, would dispose of any claims or defenses, or would terminate the litigation.

7. *Daubert*-type motions deadlines, if applicable.

8. Proposed pretrial order deadline.

9. Final Pretrial Conference.

10. Trial date.

LR 16.4 - Alternate Dispute Resolution

The district court encourages the use of alternative dispute resolution (ADR), including early dispute resolution, arbitration, mediation, settlement conference and other ADR processes, to reduce the expense and the stress of litigation. The parties must actively discuss alternate dispute resolution before the CMC and inform the Court of settlement prospects during the CMC.

a. Mediation.
The parties may agree to mediate and select a private mediator to assist with the resolution of their dispute(s). During the CMC, the parties will inform the Court if a mediator has been selected and mediation scheduled.

b. Judicial Participation in Dispute Resolution.

1. *Judge Assignment*. If mediation is not scheduled by the CMC, the Court will schedule a settlement conference before a judge to facilitate communication and negotiation between the parties in order to reach a resolution of their dispute(s). As a general rule, the judge assigned to try the matter will not participate in dispute resolution with the parties. Upon written stipulation of all parties, however, the assigned judge in the exercise of his or her discretion, may preside over an early dispute resolution or settlement conference.

2. *Early Dispute Resolution (EDR) Conference*. Upon request of the parties or by order of the Court, an early dispute resolution conference before a judge will be scheduled shortly after the CMC. This conference, which takes place early in the discovery process, will allow each party to present a summary of legal theories and evidence in an effort to negotiate a prompt cost-savings resolution. The EDR judge may require the presence of the parties and counsel or allow attendance by telephone or video-teleconference.

3. *Settlement Conference.*

A. The Court will routinely set at least one settlement conference in its Case Management Scheduling Order to take place after substantial discovery has taken place. However, the parties may agree at any time to private mediation or any party may request an earlier settlement conference.

B. Unless specifically excused by the settlement judge for good cause, each party and counsel will be required to attend the settlement conference, either personally or through a representative with full authority to participate in settlement negotiations.

C. By order, the settlement judge may require the submission and/or exchange of settlement offers and statements, which will not be made part of the case file. Such statements should address undisputed and disputed factual and legal issues, remedy sought and any other matter that may further a just, speedy, and inexpensive resolution of the case, including estimated fees and expenses likely to be incurred if the matter proceeds to trial.

LR 16.5 - <u>Pretrial Preparation; Duty of Parties</u>

a. Unless the judge otherwise orders, not less than fourteen (14) days before the scheduled trial date each party must:

1. Serve and file briefs on all significant disputed issues of law, including foreseeable procedural and evidentiary issues, setting forth briefly the party's position and supporting authorities;

2. For jury trials, plaintiff shall file and serve proposed voir dire questions and jury instructions; and defendant shall file and serve any additional or different proposed jury instructions seven (7) days after;

3. Exchange copies of all exhibits to be offered and all schedules, summaries, diagrams, and charts to be used at trial other than for impeachment or rebuttal. Each proposed exhibit must be pre-marked for identification in a manner clearly distinguishing plaintiff's exhibits from defendant's exhibits.

Upon request, a party must make the original of any exhibit available for inspection and copying.

4. Foreign language documents.

A. An exhibit in a language other than English must be accompanied by an English translation certified by a qualified translator as true and correct.

B. *Submitting a Translation.* At least 28 days before trial commences, the proponent of a foreign language document must serve on all parties:

i. the translation and the underlying foreign language document, and
ii. an affidavit setting forth the translator's qualifications and certifying the accuracy of the translation.

C. *Objecting to a Translation.* At least 14 days before trial commences, a party must serve on all other parties, in writing, any objections to the accuracy of the translation. Objections must specify the alleged inaccuracies and offer an alternative translation.

D. *Effect of Failure to Comply.*

i. A proponent's failure to comply with subsections (A) and (B), absent a showing of good cause, renders the foreign language document and the English translation inadmissible.
ii. A party's failure to comply with subsection (C), absent a showing of good cause, waives objection to the accuracy of the translation.

5. Objections to Proposed Testimony and Exhibits. Promptly after receiving statements and exhibits pursuant to this rule, any party objecting to the admission in evidence of any proposed testimony or exhibit will advise the opposing party of the objection. The parties will meet and confer in advance of trial with respect to any objections and attempt to resolve them. They must advise the Court of any unresolved objections and make reasonable efforts to present the matters to the Court in advance of trial for ruling.

6. For bench trials, the parties may file and serve proposed findings of fact and conclusions of law in addition to the material required by subsection (a) of this Rule. The Court may also direct that findings and conclusions be filed.

LR 16.6 - Final Pretrial Conference and Order

a. Final Pretrial Conference. Pursuant to Fed. R. Civ. P. 16(e), a final pretrial conference will be held not later than seven (7) days before the scheduled trial date, unless deemed unnecessary by the Court and counsel.

1. *Individuals Attending.* Unless excused by the judge, each unrepresented party must be present at the final pretrial conference and a party with counsel must be represented by at least one attorney who will conduct the trial. Counsel must have full authority from their clients with respect to settlement and will be prepared to advise the judge as to the prospects of settlement.

b. Final Pretrial Order. The following issues will be discussed at the final pretrial conference and will be included in the final pretrial order, which order will be prepared jointly by the parties for the signature of the judge:

1. The firm trial date;

2. Stipulated and uncontroverted facts;

3. List of issues to be tried;

4. Disclosure of all witnesses;

5. Listing and exchange of copies of all exhibits;

6. Pretrial rulings, where possible, on objections to evidence;

7. Disposition of all outstanding motions;

8. Elimination of unnecessary or redundant proof, including limitations on expert witnesses;

9. Itemized statements of all damages by all parties;

10. Bifurcation of the trial;

11. Limits on the length of trial;

12. Jury selection issues; and

13. Any issue that in the judge's opinion may facilitate and expedite the trial, for example the feasibility of presenting testimony by a summary written statement.

LR 16.7 - Final Pretrial Conference and Order

An established trial date will not be vacated unless there exists a compelling reason necessitating a continuance. When the presiding judge is unable to convene trial as scheduled, the Court will, as soon as practicable, take the following action:

a. Determine if another judge would be available to preside over the trial on the date scheduled; or
b. Convene a status conference for the purpose of advising counsel and the parties of the necessity to consider vacating the trial date; or
c. Establish a new trial date, which will not unnecessarily inconvenience either counsel or the parties.

LR 16.8 - Presence During Trial Days

On every day during a trial, the attorneys, their clients, and any interpreter or translator must be present in the courtroom or the immediate environs of the District Court at least fifteen (15) minutes before the time the trial is scheduled to begin.

IV. Parties

LR 17.1 - Infants and Incompetent Persons

a. Guardians Ad Litem. The judge will have broad discretion to appoint a guardian ad litem pursuant to Fed. R. Civ. P. 17(c)(2).

1. *Appointment Procedure.* Guardians ad litem may be appointed ex parte, at any time upon the presentation to the judge of a sworn petition showing good cause for the appointment. An appointment order will be submitted with the petition.

2. *Person Ineligible to be a Guardian Ad Litem.* Except in the discretion of the judge, no person will be appointed guardian ad litem if the person has an interest adverse to that of the minor or incompetent; or if the person is connected in business with an adverse party or with the attorney of the adverse party; or if the person has insufficient pecuniary ability to answer to the minor or incompetent for any injury which the minor or incompetent may sustain as a result of the person's negligence or misconduct.

3. *Bond of Guardian Ad Litem.* Ordinarily, no bond will be necessary from a guardian ad litem; provided, that no guardian will receive any money or other property of the minor or incompetent until the guardian has filed with the clerk a bond in an amount fixed by the judge, conditioned for the faithful performance of the guardian's duties. If the guardian does not desire to receive any money or property of the minor or incompetent, the money or property will be paid or delivered to the clerk or to a person directed by the Court. Under these circumstances, the payment or delivery of the money or property to the clerk will have the same effect as if the money or property had been paid or delivered to the guardian.

4. *Order of Judgment Required.* No action by or on behalf of a minor or incompetent will be dismissed, discontinued, or terminated without the Court's approval. When required by Commonwealth law, court approval must also be obtained from the appropriate Commonwealth court having jurisdiction over the matter for any settlement or other disposition of litigation involving a minor or incompetent.

LR 23.1 - Designation of "Class" in the Caption.

In any case sought to be maintained as a class action, the complaint or other pleading asserting a class action must include next to its caption, the legend "Class Action."

V. Depositions and Discovery

LR 26.1 - General Provisions

[RESERVED]

LR 26.2 - Discovery Disputes

a. Procedures for Minor Disputes. The procedures described in the following subsections are intended to assist the parties in resolving minor discovery disputes. While they do not replace regular motion practice which addresses significant and substantial discovery disputes, parties are encouraged to use the procedures in subsections (1)-(4) to resolve most discovery disputes.

1. *Meet and Confer.* A party with a discovery dispute must first meet and confer with the opposing party in a good-faith effort to resolve by agreement the issues in dispute. Whenever possible, counsel will meet in person. If meeting in person is not possible then counsel will confer by telephone. Under no circumstances may counsel satisfy the obligation to meet and confer by e-mail or other written correspondence.

2. *Conference with Court.* At the option of the moving party or the Court, a discovery dispute may be resolved by conference with the Court. If the meet and confer is unsuccessful, the parties may promptly contact chambers and request a telephone conference with a judicial officer. The request carries with it a professional representation by the lawyer that a meet and confer has taken place. The recording of telephone conferences with the Court is prohibited, except with prior permission of the Court. The lawyers or unrepresented parties will supply the judicial officer with the particular discovery materials (such as objectionable answers to interrogatories) that are needed to understand the dispute.

3. *Disputes Arising During Depositions.* If the dispute arises during a deposition regarding an issue of privilege, enforcement of a court-ordered limitation on evidence, or pursuant to Fed. R. Civ. P. 30(d), counsel may contact chambers. If the judge is unavailable, counsel will mark the deposition at the point of the dispute and continue with the deposition. Thereafter, counsel will meet and confer regarding all disputed issues. If counsel have

not resolved their disputes through the meet and confer process, they may proceed in accordance with LR 26.2(a)(4) or 26.2(b).

4. *Written Motion.*

A. At the option of the moving party or the Court, discovery disputes may be decided on oral motion, or on the basis of memoranda not to exceed two typewritten, double-spaced pages. The Court will act promptly upon a motion so made. Such action may include a ruling upon the motion, or such other orders as may be appropriate, including but not limited to an order requiring the parties to file additional briefs and granting additional time to respond. The moving party is responsible for coordinating the date and time of the hearing with the Court and opposing parties. The Court will, upon oral or written motion, resolve any disputes regarding the date and time of the hearing.

B. Written discovery motions must include a statement by the propounding party as to why the discovery is within the scope of Fed.R.Civ.Pro. 26(b)(1), and must quote in full each interrogatory, question at deposition, request for admission or request for production to which the motion is addressed, or otherwise identify specifically and succinctly the discovery to which objection is taken or from which a protective order is sought; and the response or objection and grounds therefor, if any, as stated by the opposing party. Unless otherwise ordered by the Court, the complete transcripts or discovery documents need not be filed with the Court unless the motion cannot be fairly decided without reference to the complete original.

b. Significant Discovery Disputes. In the event of a significant and substantial discovery dispute that cannot be adequately addressed by the subsections above, the procedures set forth in LR 7.1 will be followed.

VI. Trials

LR 41.1 - Dismissal of Actions

In addition to dismissals pursuant to Fed. R. Civ. P. 41, if a proceeding has been pending for more than six (6) months without any action taken by the parties during that period, the Court may order the parties to show cause why the proceeding should not be dismissed for lack of prosecution.

VII. Judgment

LR 54.2 - Jury Cost Assessment; Settlement Immediately Prior to Trial

Pursuant to the Court's authority under 28 U.S.C. § 2071 and Fed. R. Civ. P. 83, whenever any civil action scheduled for jury trial is settled or otherwise disposed of in advance of the date set for trial, then, except for good cause shown, juror costs, including marshal's fees, mileage, air fare, per diem, and other related costs will be assessed equally against the parties or otherwise assessed as directed by the Court, unless the Clerk's Office has been notified in writing at least fourteen (14) days prior to the day on which the action is scheduled for trial, in time to advise the jurors that it will not be necessary for them to attend. Failure to notify the Clerk's Office may subject counsel, in addition to the costs set forth above, to such sanctions as may be deemed appropriate by the Court under the circumstances.

LR 62.1 - Supersedeas Bonds.

a. Nonresidents. Every nonresident filing a complaint must within ten (10) days after demand of an adverse party file with the complaint a bond for costs in the sum of $500 unless for good cause, on motion (which may be made ex parte), the Court dispenses with the bond or fixes a different amount. The bond must have sufficient surety and will be conditioned to secure the payment of all costs of the action which the party ultimately may be required to pay to any other party. After the bond is filed, any opposing party may raise objections to its form or to the sufficiency of the surety for determination by the clerk. If the bond is found to be insufficient, the Court may order the filing of a sufficient bond within a specified

time. If the order is not complied with, the clerk will enter dismissal of the action as in a case of dismissal for want of prosecution.

b. Other Parties. On its own motion or a party's motion, the Court may order any party to file a bond for costs in an amount and under conditions designated by the Court.

c. Qualifications of Surety. Every bond for costs under these Rules must have as surety either (1) a cash deposit equal to the amount of the bond, or (2) a corporation authorized by the Secretary of the Treasury of the United States to act as surety on official bonds, or (3) two individual residents of the Northern Mariana Islands, each of whom owns real or personal property within the Northern Mariana Islands sufficient in value above encumbrances to justify the full amount of the suretyship, or (4) any insurance, surety, or bonding company licensed to do business in the Northern Mariana Islands.

d. Suits by Indigent Persons. At the time application is made, under laws allowing indigent persons leave to commence civil proceedings without pre-paying fees and costs or giving security for them, the applicant must file a written consent that any recovery in the proceeding will, as the Court may direct, be paid to the clerk, who may pay unpaid fees and costs taxed against the plaintiff and, to plaintiff's attorney, the amount which the Court allows or approves as compensation for the attorney's services.

VIII. Provisional and Final Remedies and Special Proceedings

LR 63.1 - Receiverships

a. Appointment of Receivers. Application for the appointment of a receiver may be made after the complaint has been filed and the summons issued.

1. *Emergency Receivers.* An emergency receiver may be appointed without notice to the party sought to be subjected to a receivership. As soon thereafter as may be practicable, the party who obtained the emergency receivership must seek appointment of a permanent receiver.

2. *Permanent Receivers.* A permanent receiver may be appointed after notice and hearing upon an order to show cause. This order will be issued by a judge

upon appointment of a temporary receiver or upon application of the plaintiff and will be served on all parties. The defendant must provide to the temporary receiver (or, if there is no temporary receiver, the plaintiff) within seven (7) days after being served with the order a list of defendant's creditors and their addresses. Not less than five (5) days before the hearing, the temporary receiver (or, if none, the plaintiff) must mail to the creditors listed a notice of hearing, and file proof of mailing.

b. Bond. A judge may require any receiver appointed to furnish a bond in an amount which the judge deems reasonable.

c. Employment of Experts. The receiver must not employ an attorney, accountant, or investigator without an order of a judge. The compensation of all such persons will be fixed by the judge.

d. Application for Receiver's Fees. An application for receiver's fees must be made by a petition setting forth in reasonable detail the nature of the services rendered. Proceedings on fee applications will be heard in open court, unless all parties waive their appearance in writing.

e. Deposit of Funds. A receiver must deposit all funds received in a depository designated by the judge, entitling the account with the name and number of the action. At the end of each month, the receiver must deliver to the clerk a statement of account and the canceled checks.

f. Reports by Receiver. Within twenty-eight (28) days of appointment, a permanent receiver must file with the Court a verified report and petition for instructions. The petition will be heard on seven (7) days' notice to all known creditors and parties. The report must contain a summary of the operations of the receiver, an inventory of the assets and their appraised value, a schedule of all receipts and disbursements, and a list of all creditors, their addresses, and the amount of their claims. The petition must contain the receiver's recommendation as to the continuance of the receivership and reason for the recommendations. At the hearing, the judge will determine whether the receivership will be continued and, if so, the judge will fix the time for future reports of the receiver.

g. Notice of Hearings. The receiver must give all interested parties at least ten (10) days' notice of the time and place of hearings concerning:

1. Petitions for the payment of dividends to creditors;

2. Petitions for confirmation of sales of property;

3. Reports of the receiver;

4. Applications for fees of the receiver or of any attorney, accountant or investigator, with a statement of services performed and the fee sought; and

5. Applications for discharge of the receiver.

IX. Proceedings before Magistrate Judges

LR 72.1 - Authority of United States Magistrate Judges

a. Duties Under 28 U.S.C. § 636(a)**.** A United States magistrate judge of this Court is authorized to perform the duties prescribed by 28 U.S.C. § 636(a), and may:

1. Conduct scheduling, settlement and pretrial conferences, and related pretrial proceedings in civil cases;

2. Issue summonses, warrants, and search warrants; appoint attorneys; conduct proceedings under Fed. R. Crim. P. 5 and 32.1 and under 18 U.S.C. § 3141 *et seq*., including initial appearances, detention hearings and arraignments;

3. Issue subpoenas or other orders necessary to obtain the presence of parties, witnesses, or evidence needed for court proceedings;

4. Receive grand jury returns in accordance with Fed. R. Crim. P. 6(f);

5. Accept waivers of indictments pursuant to Fed. R. Crim. P. 7(b);

6. Conduct voir dire and select petit and grand juries for the Court;

7. Accept petit jury verdicts when the district judge is unavailable, in a manner consistent with the Constitution and laws of the United States;

8. Take a felony guilty plea when the defendant consents;

9. Order the exoneration or forfeiture of bonds;

10. Conduct naturalization ceremonies;

11. Conduct extradition proceedings in accordance with 18 U.S.C. § 3184;

12. Conduct proceedings for the collection of civil penalties of not more than $200 assessed under the Federal Boat Safety Act of 1971 in accordance with 46 U.S.C. § 12309(c);

13. Conduct examinations of judgment debtors in accordance with Fed. R. Civ. P. 69;

14. Perform the functions specified in 18 U.S.C. §§ 4107, 4108, and 4109 regarding proceedings for verification of appointment of counsel therein;

15. Conduct hearings to modify, revoke, or terminate supervised release, including evidentiary hearings, and to submit to the district judge proposed findings of fact and recommendations for such modification, revocation, or termination by the district judge, including, in the case of revocation, a recommended disposition under section 18 U.S.C. § 3583(e); and

16. Perform any additional duty not inconsistent with the Constitution and Laws of the United States.

b. Disposition of Misdemeanor Cases.

A magistrate judge may:

1. Try persons accused of, and sentence persons convicted of, misdemeanors in accordance with 18 U.S.C. § 3401 and Fed. R. Crim. P. 58;

2. Direct the probation office of the Court to conduct a presentence investigation in any misdemeanor case;

3. Conduct jury trials in misdemeanor cases when the defendant consents and is entitled to trial by jury under the Constitution and laws of the United States; and

4. Grant probation and revoke, modify, reinstate or terminate the probation of any person granted probation by a magistrate judge in a misdemeanor case.

c. Conduct of Trials and Disposition of Civil Cases Upon Consent of the Parties. Upon the consent of the parties, a magistrate judge may conduct any or all proceedings in any civil case, including the conduct of a jury or nonjury trial, and may order the entry of a final judgment, in accordance with 28 U.S.C. § 636(c). In the course of conducting such proceedings, a magistrate judge may hear and determine any and all pretrial and post-trial motions that are filed by the parties, including case-dispositive motions.

d. Recommendations Regarding Case-Dispositive Motions. In accordance with 28 U.S.C. § 636(b)(1)(B), a magistrate judge may submit to a district judge a report containing proposed findings of fact and recommendations for disposition by the district judge of the following pretrial motions in civil and criminal cases:

1. Motions for injunctive relief, including temporary restraining orders and preliminary and permanent injunctions;
2. Motions for judgment on the pleadings;
3. Motions for summary judgment;
4. Motions to dismiss or permit the maintenance of a class action;
5. Motions to dismiss for failure to state a claim upon which relief may be granted;
6. Motions to involuntarily dismiss an action;
7. Motions for review of default judgment;
8. Motions to dismiss or quash an indictment or information made by a defendant; and
9. Motions to suppress evidence in a criminal case. A magistrate judge may determine any preliminary matters and conduct any necessary evidentiary hearings or other proceedings arising in the exercise of the authority conferred by this subsection.

e. Prisoner Cases Under 28 U.S.C. §§ 2241, 2254, and 2255. A magistrate judge may perform any or all of the duties imposed upon a judge by the rules governing proceedings in the United States District Courts under 28 U.S.C. §§ 2241, 2254, and 2255. A magistrate judge may issue any preliminary orders and conduct any

necessary evidentiary hearing or other appropriate proceeding and submit to a district judge a report containing proposed findings of fact and recommendations for disposition of the petition by the judge. Upon the consent of the parties, a magistrate judge may conduct any or all proceedings in such cases and may order the entry of a final judgment, in accordance with 28 U.S.C. § 636(c).

f. Prisoner Cases Under 42 U.S.C. § 1983 and *Bivens* Cases. A magistrate judge may issue any preliminary orders and conduct any necessary evidentiary hearing or other appropriate proceeding, and submit to a district judge a report containing proposed findings of fact and recommendations for the disposition of petitions filed by prisoners pursuant to 42 U.S.C. § 1983 and *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 402 U.S. 388, 91 S.Ct. 1999, 29 L. Ed. 2d 619 (1971). Upon the consent of the parties, a magistrate judge may conduct any or all proceedings in such cases, including the conduct of a jury or nonjury trial, and may order the entry of a final judgment, in accordance with 28 U.S.C. § 636(c).

g. Special Master References**.** A magistrate judge may be designated by a district judge to serve as a special master in appropriate civil cases in accordance with 28 U.S.C. § 636(b)(2) and Fed. R. Civ. P. 53.

LR 72.2 - Assignment of Matters to Magistrate Judges

a. Criminal Cases. A district court judge may assign any pre-trial felony case proceeding or misdemeanor case to a magistrate judge consistent with LR 72.1.

b. Civil Cases. A district court judge may assign any civil matter to a magistrate judge consistent with LR 72.1. The Clerk's Office will schedule all settlement conferences and all non-dispositive matters before a magistrate judge in cases assigned to designated judges unless the designated judge directs otherwise. Where the parties consent to the trial and disposition of a case by a magistrate judge, such case will be reassigned to a magistrate judge for the conduct of all further proceedings and the entry of judgment.

c. Reservation of Proceedings by Judges. Nothing in these rules precludes a district judge from reserving any proceeding for conduct by a district judge, rather than by a magistrate judge.

LR 72.3 - Consent to Civil Trial Jurisdiction

a. Consent to Exercise of Civil Trial Jurisdiction.

1. *In General.* Cases will be assigned to the Chief Judge of the District Court. Upon recusal of the Chief Judge or when the Chief Judge is unavailable, parties will be notified of the availability of a magistrate judge to preside over the civil trial as authorized in 28 U.S.C. § 636(c)(1). With consent of the parties, a magistrate judge may conduct any or all proceedings in any civil case, including motions to dismiss, motions for summary judgment, a jury or non-jury trial, and entry of a final judgment. The judgment may then be appealed directly to the United States Court of Appeals like any other judgment of this Court.

2. *Consent.* A magistrate judge may exercise case-dispositive authority only when the parties voluntarily consent. Parties may, without adverse substantive consequences, withhold their consent, but this will prevent the Court's case-dispositive jurisdiction from being exercised by a magistrate judge and the case will be assigned to a designated judge. Parties may consent to have a magistrate judge hear all or any portion of a case and may consent to a trial by a magistrate judge up to the date of trial even though they may have previously declined to stipulate to such a consent.

3. *Confer Requirement and Stipulation.* After receiving notification of the availability of a magistrate judge, parties must confer and jointly complete and file a form stipulation signed by the party or his or her attorney.

4. *Assignment of Magistrate Judge.* When the joint stipulation indicates the consent of the parties to magistrate judge jurisdiction, the Clerk's Office will assign the case to a magistrate judge.

b. Withdrawal of Consent. After a case has been assigned to a magistrate judge, no party may withdraw its consent to the exercise of a magistrate judge's jurisdiction without court approval.

c. Referral. A district court judge may refer matters pursuant to 28 U.S.C §636(a) and (b) to a magistrate judge irrespective of consent.

LR 72.4 - Objections; Appeals; Stay of Magistrate Judge's Orders

a. Objections to Magistrate Judge's Order. The procedure for filing objections to an order of a magistrate judge in a non-dispositive matter follows Fed. R. Civ. P. 72(a).

b. Objections to Magistrate Judge's Recommendation. The procedure for filing objections to the recommendation of a magistrate judge on a dispositive matter follows Fed. R. Civ. P. 72(b).

c. Appeal from Judgment. The procedure for appeal from a judgment in an action tried by consent to a magistrate judge follows Fed. R. Civ. P. 73.

d. Application for Stay of Magistrate Judge's Order. Application for stay of a magistrate judge's order pending review of objections must first be made to the magistrate judge.

e. Application in Criminal Cases. In criminal cases, motions for a judge to review a magistrate judge's order must be filed within 14 days of the date the magistrate judge's order is filed.

X. District Courts and Clerks

LR 77.1 - Location and Hours of Court

The Office of the Clerk of Court is located on the second floor of the Horiguchi Building, Beach Road, Garapan, Saipan. The mailing address is Post Office Box 500687, Saipan, MP 96950. The telephone number is (670) 237-1200; the facsimile number is (670) 237-1201. The Chambers telephone number is (670) 237-1230; the chambers facsimile number is (670) 237-1231.

The regular hours will be from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m. each day except Saturdays, Sundays, legal holidays and other days or times ordered by the Court.

LR 77.2 - Sessions of the Court

The Court will be in continuous session on the island of Saipan, Commonwealth of the Northern Mariana Islands. The Court may order sessions to be held at places within the Commonwealth other than Saipan.

LR 77.3 - Court Library

The Chief Judge's chambers library is primarily for the use of judges and court personnel. Attorneys and pro se litigants may use the library in accordance with such rules and regulations as may be adopted by the Court. No books or other research materials may be removed from the law library.

LR 77.4 - Ex Parte Communication With Judges

The Court will not receive letters or other communications from counsel which do not indicate on their face that copies have been sent to opposing counsel. Ex parte applications for orders are to be made in accordance with LR 7.1(g).

LR 79.1 - Custody of Files and Exhibits

a. Custody of Exhibits During Trial or Evidentiary Hearing. Unless the Court directs otherwise, each exhibit admitted into evidence during a trial or other evidentiary proceeding will be held in the custody of the clerk.

b. Removal of Exhibits Upon Conclusion of Proceeding. At the conclusion of a proceeding in this Court, any exhibit placed in the custody of the clerk pursuant to subsection (a) must be removed by the party that submitted it into evidence. Unless otherwise permitted by the Court, no exhibit may be removed earlier than:

   1. 14 days after expiration of the time for filing a notice of appeal, if no notice of appeal is filed in the proceeding by any party; or

   2. 14 days after a mandate issues from the Court of Appeals, if an appeal was taken by any party to the proceeding.

c. Disposition of Unclaimed Exhibits. Unless otherwise directed by the Court, the clerk may destroy or otherwise dispose of exhibits not reclaimed within 21 days after the time set for removal under this rule.

LR 79.2 - Filing of Documents Under Seal

The following procedures govern documents under seal in civil and criminal cases for all documents filed after the effective date of these rules.

a. Procedures for Filing a Sealed Document.

1. *Format.* Any sealed document must be conspicuously labeled "SEALED."

2. *Motion to Seal.* To obtain a sealing order, a party must file in CM/ECF an unsealed written motion containing: (A) a generic, non-confidential identification of the document to be sealed; (B) the legal bases upon which the party seeks the order, including the reasons why alternatives to sealing are inadequate; and (C) the duration for which sealing is requested. The moving party also must send a proposed unsealed order granting the motion and setting forth the bases for the Court's action to chambers consistent with chambers procedures.

3. *Document Proposed to be Sealed.* The moving party must tender to the Court, in camera, the document proposed to be sealed. The document may be sent to chambers by e-mail consistent with chambers procedures or a hard copy may be filed with the Clerk's Office. The document will be kept under seal pending a decision by the Court on the motion. If a party wishes to file a document under seal in CM/ECF, the party will contact the Clerk's Office for instructions regarding how to file the document, which must be filed separately from the motion. If the motion to seal is denied, the document will be returned by the clerk to the party tendering it, unless the Court orders otherwise. The motion will be decided without a hearing, unless the Court orders otherwise.

4. *Public Notice of Motion to Seal or Sealing Order.* A motion to seal and any order to seal must be docketed according to the administrative procedures of the Court.

5. *Objection to Sealing.* Any person or entity, whether a party or not, may object to a motion to seal a document or may file a motion to unseal a document previously sealed.

6. *Extension of Sealing.* No order to seal will be extended except upon a subsequent order of the Court obtained in accordance with this rule.

7. *Sealed Case.* No case may be sealed in its entirety except by order of the Court for cause shown, obtained in accordance with this rule.

b. Exceptions.

1. No motion or order is required to file the following under seal:
   A. An unredacted version of a pleading, paper, exhibit, reference list or other document containing personal data identifiers, in compliance with these rules, the federal rules of procedure, or the E-Government Act;
   B. An ex parte motion or application where sealing is permitted or required by law;
   C. Presentence investigation reports, pretrial services reports, psychiatric or psychological evaluations in criminal cases, including documents incorporating the content of the foregoing documents;
   D. Affidavits submitted in support of a motion for *in forma pauperis* status;
   E. Motions, orders, notices, and other matters occurring before the grand jury, subject to the provisions of Fed. R. Crim. P. 6;
   F. Applications and orders for the disclosure of tax information (26 U.S.C. § 6103);
   G. Motions and orders involving the Classified Information Procedures Act (18 U.S.C. app. 3 §§ 1–16) or Foreign Intelligence Surveillance Act (50 U.S.C. § 1801);
   H. Pleadings and documents involving the Juvenile Delinquency Act;
   I. Requests and orders for authorization of investigative, expert, or other services pursuant to the Criminal Justice Act; or
   J. Other documents required by law to be filed under seal.

2. No publicly filed motion or order under this Rule is required for sealing the following:
   A. Motion by the United States for a downward departure or reduction of sentence in a criminal case, with leave of Court upon

a showing of particular need in an individual case to prevent serious harm; or

B. Search, seizure, and arrest warrants and affidavits.

3. A publicly filed motion and order citing only the statutory authority for sealing is required for the following:

A. Applications and orders for pen/trap devices (18 U.S.C. § 2703); and

B. Applications and orders for wire, oral, or electronic communication interception (18 U.S.C. § 2516).

c. Unsealing. Unless the Court orders otherwise, the clerk will unseal the following sealed documents when indicated:

1. *Search warrant*. After the search is executed and the warrant is returned to the clerk;

2. *Arrest warrant, and in a violation case, any violation report*. After the arrest is made;

3. *Indictment*. Upon the arrest or appearance of a single defendant. In multi-defendant cases, and unless the Court orders otherwise, upon the earliest of any of the following:

A. 10 days following the arrest of any defendant;

B. 30 days after return of the indictment; or

C. when all defendants have been arrested or summoned.

In criminal cases, each defendant must be provided with a copy of the charges against that defendant (with other portions redacted, if necessary), even if the indictment or complaint is otherwise sealed. In multi-defendant cases in which the indictment is to remain sealed, the government is responsible for submitting to the magistrate judge for approval, reasonably in advance of the initial appearance, an appropriately redacted indictment for disclosure to the defendant and to the public.

4. *Criminal Complaint.* 30 days after issuance or when all defendants named are in custody or have been summoned, whichever is the earliest.

5. *Other sealed documents*. All other sealed documents will be unsealed 120 days from the date of entry of the sealing order, unless the sealing order provides otherwise.

LR 79.3 - Use of Jury Electronic Evidence Presentation System (JEEPS)

a. Definition. This Court technology system allows a deliberating jury to review trial exhibits, such as documentary, photographic or video exhibits, on a large monitor using a touch screen kiosk.

b. Production of Exhibits in Electronic Format. In addition to submitting their exhibits in paper, the parties must simultaneously exchange and submit their exhibits in an electronic format. Exhibits will be described using neutral and non-adversarial terms. To the extent practicable, the parties should endeavor to have available at trial an electronic copy of any unlisted exhibit that is used to impeach a witness and is admitted into evidence. Exhibits that cannot practically be reduced to electronic format, such as large physical exhibits, or exhibits that the parties have agreed should not be submitted to the deliberating jury in electronic format need not be submitted electronically.

c. Confirmation of Exhibits Released to Jury for Deliberations. Before the jury begins to deliberate, the parties will confer with the courtroom deputy and will:

1. agree on the exhibits that will be released to the jury,

2. confirm that the exhibits in electronic format are identical to the exhibits admitted into evidence, and

3. agree what restrictions, if any, may apply to each exhibit (e.g. audio only, video only).

Any disagreements will be resolved by the presiding judge.

d. Integrity of Deliberation Process. No court personnel will enter the jury room once deliberations have commenced without the Court's permission. Any request by the jury for technical assistance will have to be made in writing for court to determine whether the matter is administrative or whether it must be presented to the parties for their consideration, before any court staff member will be permitted to provide assistance. In the event court staff must assist with a technical problem, jurors will be escorted to another room while court staff resolves the problem.

XI. General Provisions; Admission to Bar; Appearances

LR 83.1 - Local Rulemaking

These Rules have been promulgated pursuant to the authority granted the Court by 28 U.S.C. § 2071.

LR 83.2 - Cameras and Recording Devices

a. Cameras Generally Prohibited. Unless authorized by a judicial officer, and except as permitted in subparagraph (b), a device whose exclusive or principal use is as a camera or video recorder may not be brought into or used in the courthouse of the District Court for the Northern Mariana Islands. "Courthouse" includes all courtrooms, the grand jury room, and the entire first and second floors of the Horiguchi Building.

b. Exception for Ceremonies. A device whose exclusive or principal use is as a camera or video recorder may be brought into the courthouse and used in the courtrooms during naturalization ceremonies, weddings, and other such events, as authorized by a judicial officer and subject to any restrictions deemed necessary by court security.

c. Permissible Devices. After a person has cleared court security, an electronic device, including but not limited to a cellular telephone, a smartphone, a laptop computer, an electronic tablet, or a personal data assistant (PDA), regardless of the technology used or the name by which the device is marketed, may be brought into the courthouse, including the public areas of the courtrooms.

d. Impermissible Uses of Permissible Devices. A person must not use a permissible device defined in subparagraph (c) to take photographs or to make audio or video recordings in the courthouse, including the public areas of the courtrooms. A person must not use a permissible device defined in subdivision (c) to take photographs or to make audio or video recordings in any courtroom or chambers except as authorized by the judicial officer having direct control of that space.

e. Sanctions for Violations. Violation of this rule may constitute contempt of court punishable by incarceration and the imposition of fines, costs, and attorney fees. The Court authorizes the following agencies and those under contract employment of such agencies to maintain the security of district court spaces:

1. United States Marshals Service;

2. United States Department of Homeland Security Federal Protective Service; and

3. United States General Services Administration.

The authority to maintain security through the enforcement of this rule may involve taking possession of the device, searching the device and its contents, and preserving, copying, transferring, or deleting unauthorized video or audio recordings or photographs of court operations, proceedings, or facility space from electronic devices with or without the cooperation of a person found to be in possession of the device. A judicial officer may take action to enforce this rule or to sanction a violator.

LR 83.3 - Practice in this Court

Except as otherwise provided by these Rules, only members of this Court's bar or an attorney otherwise authorized by these Rules to practice before this Court may appear for a party, sign stipulations, receive payment or enter satisfaction of a judgment, decree or order. Nothing in these Rules will prohibit an individual from appearing on his or her own behalf.

LR 83.4 - Appearances

a. Persons Appearing Without An Attorney (Pro Se).

1. Any person representing himself or herself without an attorney must appear personally for such purpose and may not delegate that duty to any other person, including a spouse. Any person so representing himself or herself is bound by these Rules, and by the Federal Rules of Civil and Criminal Procedure. Failure to comply may be ground for dismissal or judgment by default.

2. Unless the Court orders otherwise, a party who has appeared through counsel in a proceeding may not thereafter appear or act in his or her own behalf in the proceeding unless the Court first enters an order of substitution after notice to the party's attorney and to all other parties. The Court may in its discretion hear a party in open court notwithstanding the fact that the party has appeared or is represented by an attorney.

b. Appearances by phone or video. Upon request (made at least two business days prior to the hearing date) of any attorney who does not reside on the island of Saipan, or who is temporarily absent from Saipan, the Court, in its discretion, may allow an attorney's or a party's appearance by telephone or by video-teleconference (preferred method) for conferences and arguments on motions. Telephone conferencing is encouraged when that practice will save the attorneys, parties, or court time and money.

c. Substitutions. When counsel for any party ceases to act for the party, the party will appear personally or appoint another attorney either: (1) by a written substitution of attorney signed by the party, the attorney ceasing to act, and the newly-appointed attorney; or (2) by a written designation filed with the clerk and served upon the attorney ceasing to act unless counsel of record is deceased, in which event the designation of new counsel must so state. The authority and responsibility of counsel of record will continue for other purposes, until the Court approves the substitution.

d. Withdrawal from Case. An attorney may withdraw from a civil or criminal case only after order of the Court upon motion and for good cause shown, and after serving notice upon his or her client and opposing counsel.

e. Proper Attire. All attorneys appearing in open court must be suitably dressed. Minimum acceptable dress for male practitioners will consist of a jacket, dress shirt, necktie, dress slacks, socks and shoes. Minimum acceptable dress for female practitioners will consist of a dress or suit, slacks or skirt and blouse, and shoes. The Court may refuse to hear attorneys whose appearance does not conform to this Rule.

LR 83.5 - Admission to the Bar of this Court

a. Admission to Practice.
Admission to and continuing membership in the bar of this Court is limited to attorneys of good moral character who are active members in good standing of the Commonwealth Supreme Court Bar or, if admitted temporarily or pro hac vice, of any United States Court or the highest court of any State, Territory, or Commonwealth of the United States.

b. Procedure for Admission.

1. Each applicant for admission must present to the clerk a written petition for admission stating the applicant's full name, residence address, office address, the applicant's law school and date of graduation, the names of the Courts before which the applicant is admitted to practice, and the respective dates of admission to those courts.

2. The application for admission must be accompanied by:

   A. A certificate from the Supreme Court of the Northern Mariana Islands evidencing the fact that the applicant is an active member in good standing,

   B. A certificate from all other states or territories in which the applicant is admitted to practice evidencing the fact that the applicant is in good standing.

3. If the clerk finds that the petition for admission complies with these requirements, a judge or his or her designee will administer the following oath of admission to the applicant:

   > I solemnly swear (or affirm) that I will support and abide by the Constitution and laws of the United States and the Commonwealth of the Northern Mariana Islands; that I will maintain due respect for the United States Courts and Judicial Officers; that I will conduct myself conscientiously as an attorney of this Court, and that I will abide by the Model Rules of Professional Conduct of the American Bar Association.

4. Before the clerk issues a certificate of admission to the applicant and enters the applicant into the roll of attorneys, the applicant must:

   A. sign the prescribed oath;

   B. pay an attorney admission fee fixed by the Judicial Conference of the United States, together with an assessment in an amount to be set by the Court made payable to Clerk, District Court of the Northern Mariana Islands.

5. Any attorney so admitted and any attorney previously admitted who remains eligible for admission under subsection (a) of this Rule will be deemed to be a local member of this Court's bar while residing in and having an office in the Northern Mariana Islands.

6. Any attorney admitted to practice before this Court, but who does not reside in and have a full-time, staffed office in the Northern Mariana Islands, may practice only by associating local counsel as required by subsection (f) of this Rule, unless the requirement is waived for good cause shown.

c. Biannual Renewal Fee.

Effective 2018,[1] any attorney, other than pro hac vice, admitted the District Court for the NMI, must pay a fee every two years in an amount set by the Court, which will be due on or before February 15 payable to Clerk, District Court for the Northern Mariana Islands. Upon failure to pay the renewal fee, a member will be given thirty (30) days' notice by the Court that the renewal fee has not been received and that a late fee is due. If the attorney fails to pay the fees within thirty (30) days after the notice is sent, a second thirty-day notice will be sent and if the attorney fails to pay within this period, the Court will enter an order removing his or her name from the roll of attorneys admitted to the bar of this Court and the attorney will be required to qualify anew pursuant to subsections (a) and (b) of this Rule before being re-registered as an active member of the bar of this Court.

d. Temporary Admission.

1. Any attorney who is a member in good standing of the bar of the highest court of any state and who is employed by the United States, the Commonwealth government, the Northern Mariana Islands Protection and Advocacy Systems, Inc., or Micronesian Legal Services Corporation will be eligible to practice before this Court within the scope of the attorney's employment while so employed. Every attorney allowed to appear in this Court under this subsection must comply with the requirements of subsection (b), above, except that attorneys employed by the United States need not comply with subsection (b)(2)(A), (b)(4)(B), (b)(5), (b)(6) and (c).

[1] The renewal fee for 2018 will not apply to attorneys admitted between January 1, 2016 and February 15, 2018.

2. Attorneys permitted to practice in this Court under this section are subject to the jurisdiction of the Court with respect to their conduct to the same extent as members of the bar of this Court.

3. Upon termination of employment with any of the entities listed in subsection (d)(1), the attorney so temporarily admitted will notify, in writing, the clerk of such termination within fourteen (14) days. Once notified, the clerk will strike the temporarily admitted government attorney from the roll of attorneys. If the temporarily admitted attorney meets the requirements for full admission while still employed as an attorney for the entities listed in subsection (d)(1), and complies with all of the requirements set forth in subsection (b) herein, the admission fee will be waived.

e. Pro Hac Vice.

1. Upon written application approved in the judge's discretion, an attorney who is a member in good standing of the bar of any United States court or of the highest court of any State, Territory, or Commonwealth of the United States, who is of good moral character, and who has been retained to appear in this Court, may appear and participate in a particular case subject to the conditions of this Rule.

2. Unless otherwise authorized by the United States Constitution or Acts of Congress, an attorney is ineligible to practice under this section if:

   A. The attorney resides in the Northern Mariana Islands;
   B. The attorney is regularly employed in the Northern Mariana Islands; or
   C. The attorney regularly engages in business, professional, or other activities in the Northern Mariana Islands.

3. The pro hac vice application will be presented to the clerk and must state under penalty of perjury:

   A. The attorney's residence and office address;
   B. The attorney's law school and date of graduation;
   C. By what court(s) the attorney has been admitted to practice and the date(s) of admission;

D. That the attorney is in good standing and eligible to practice in all court(s) to which the attorney has been admitted;

E. That the attorney is not currently suspended or disbarred in any court; and

F. If the attorney has concurrently or within the year preceding the current application made any pro hac vice application in this Court, the attorney must state:

i. The title and the number of each matter wherein the attorney made application,

ii. The date of application, and

iii. Whether or not the application was granted.

4. The pro hac vice applicant will file with the application:

A. *Fee.* Applicant must pay a fee fixed by the Judicial Conference of the United States, together with an assessment in an amount to be set by the Court made payable to Clerk, District Court for the Northern Mariana Islands. If the pro hac vice application is denied, the Court may refund any or all of the fee or assessment paid by the attorney. If the application is granted, the attorney is subject to the jurisdiction of the Court with respect to his conduct to the same extent as a member of the bar of this Court.

B. *Designation of Local Counsel.* The applicant must designate local counsel pursuant to section (f) of this rule.

i. The pro hac vice applicant must file the address, telephone number, and a written consent from the attorney's local counsel with the application.

ii. The associated local counsel must at all times meaningfully participate in the preparation and trial of the case with the full authority and responsibility to act as attorney of record for all purposes.

iii. Local counsel must attend all proceedings related to the case for which counsel is associated unless excused by this Court.

iv. Any document required or authorized to be served on counsel by the Federal Rules of Civil or Criminal Procedure, or by these Rules, may be served upon the associated local counsel and such service will be as effective as if served on the off-island counsel. Service upon associated local counsel will be deemed proper and effective service unless excused by the judge.

5. Attorneys permitted to practice in this Court under this section are subject to the jurisdiction of the Court with respect to their conduct to the same extent as members of the bar of this Court.

6. *Notice of Change of Status*. An attorney who is a member of this Court's bar or who practices in this Court under subsection (e) of this Rule must promptly notify the Court of any change or potential for a change in his or her status in another jurisdiction which could make the attorney ineligible either for membership in this Court's bar or to practice in this Court.

f. Local Counsel for Non-Resident Attorneys and Pro Hac Vice Applicants. Due to the remoteness of this district, any attorney admitted to practice before this Court who does not reside in and have a full-time, staffed office in the Northern Mariana Islands, and any attorney seeking admission pro hac vice must associate with an attorney with a local office who is an active member in good standing of this Court's bar. This requirement may be waived for good cause, at the Court's discretion, upon a showing that the attorney has made diligent efforts to associate with local counsel and has been unable to do so.

LR 83.6 - Discipline; Sanctions for Unauthorized Practice

a. Discipline. Disciplinary matters will be conducted in accordance with the Disciplinary Rules of this Court.

b. Prohibition of Unauthorized Practice. A person must neither exercise the privileges of a member of this Court's bar nor otherwise represent entitlement to exercise those privileges if that person:

1. is not admitted to this Court's bar; or
2. has not obtained leave of court to appear in a proceeding; or
3. is disbarred or suspended from practice before this Court.

c. Sanctions. A person who violates subsection (b) of this Rule may be held in contempt of court and appropriately sanctioned.

APPENDIX A

Administrative Procedures for Electronic Filing and Electronic Service for the United States District Court for the Northern Mariana Islands

By signature to the separate documents: "*User Agreement for Electronic Case Filing*" and/or "*User Agreement for Electronic Case Filing (Bankruptcy Division),"* or "*User Agreement for E-mail Filing,"* the User acknowledges and agrees to be bound by the following Administrative Procedures for Electronic Filing and Electronic Service for the United States District Court for the Northern Mariana Islands.[2]

The Federal Rules of Procedure (Civil Rule 5(d)(3), also incorporated into the Federal Rules of Criminal Procedure through Criminal Rule 49(d)), provide that a court may, by local rule, permit filing, signing and verification of documents by electronic means. The Federal Rules of Criminal Procedure also provide that service upon an attorney or upon a party must be made in the manner provided in civil actions (Criminal Rule 49(b), incorporating Civil Rule 5(b)). The Federal Rules of Procedure also authorize each district court to make and amend rules governing its practice (Civil Rule 83(a) and Criminal Rule 57(a)(1)).

The U.S. District Court for the Northern Mariana Islands has authorized filing, signing, verification and service of documents by electronic means through its Local Rule 5.1 and by e-mail filing pursuant to LR 5.3.

The term "Electronic Filing System" refers to this Court's "Case Management / Electronic Case Filing (CM/ECF)" system that receives documents filed in electronic form. The term "Filing User" refers to those who have a court-issued log-in and password to file documents electronically or to e-mail filers where appropriate.

1. Scope of Electronic Filing

Except as prescribed by local rule, order, or other procedure, the Court has designated all Civil, Criminal and Miscellaneous cases to be assigned to the Electronic Filing System. Unless otherwise expressly provided in these procedures, the local rules, or in exceptional circumstances preventing a Filing User from filing electronically, all petitions, motions, memoranda of law, or other

[2] A separate form is required for access to each electronic filing system (i.e one for district and one for bankruptcy).

pleadings and documents required to be filed with the Court by a Filing User in connection with a case assigned to the Electronic Filing System must be electronically filed.

In a civil case, the filing of the initial documents, including the complaint and the service of the summons, will be accomplished in the traditional manner on paper rather than electronically.

In a criminal case, the charging documents, including the complaint, information, indictment and superseding information or indictment, will be filed by Filing Users either in the traditional manner in paper form or as electronic documents that contain an *image* of any legally required signature. In both Civil and Criminal cases, an electronic recording of the initial documents will be the official record of the document in the Electronic Filing System.

2. Eligibility, Registration, Passwords

Attorneys admitted to the bar of this Court, including those admitted pro hac vice and attorneys who have been temporarily admitted pursuant to Local Rule, may register as Filing Users of the Court's Electronic Filing System. Pro se parties and attorneys prohibited from accessing the Court's electronic filing system may register as E-mail Filers. Registration is in a form prescribed by the clerk and requires the Filing User's or E-mail Filer's name, address, telephone number, e-mail address, and a declaration that the attorney is admitted to the bar of this Court or does not have access to the Electronic Filing System

Provided that a Filing User or E-mail Filer has an e-mail address, registration as a Filing User constitutes consent to electronic service of all documents as provided in these procedures in accordance with the Federal Rules of Procedure.

Once registration is completed, the Filing User will receive notification of the user log-in and password. Filing Users and E-mail Filers agree to protect the security of their passwords and immediately notify the clerk if they learn that their password has been compromised. Filing Users and E-mail Filers may be subject to sanctions for failure to comply with this provision.

Filing Users and E-mail Filers may find it desirable to change their court assigned passwords or e-mail account passwords periodically. In the event that a Filing User believes that the security of an existing password has been compromised and that a threat to the System exists, the Filing User must give immediate notice by telephone to the clerk, chief deputy clerk or systems department manager and confirm by e-mail or facsimile in order to prevent access to the system by use of that password.

Once registered, a Filing User or E-mail Filer may withdraw from participation in the Electronic Filing System or E-mail Filing process only by permission of a judge for good cause

shown. The Filing User or E-mail Filer seeking to withdraw must submit a written request to the Court explaining the reason(s) or justification(s) for withdrawal. Upon the judge's approval of the request, the clerk will deactivate the Filing User's access to, and electronic notices from the system, and notify the Filing User of same. It is the Filing User's or E-mail Filer's responsibility to notify opposing counsel in all pending cases that the Filing User has been granted permission to withdraw from the Electronic Filing System and that all future service must therefore be made by conventional means.

3. Consequences of Electronic Filing

Electronic transmission of a document to the Electronic Filing System consistent with these procedures together with the transmission of a "*Notice of Electronic Filing*" from the Court, or transmission by e-mail to the appropriate e-mail address specified in LR 5.3, constitutes filing of the document for all purposes of the Federal Rules of Procedure and the local rules of this Court, and constitutes entry of the document on the docket kept by the clerk under Fed. R. Civ. P. 58 and 79 and Fed. R. Crim. P. 49 and 55.

Before filing a document, a Filing User or E-mail Filer must verify its legibility, and the electronic document file must be saved or converted into "searchable" Portable Document Format (PDF). A file is considered searchable when it has been either saved directly from a word processor into PDF format, or else a scanned document which has had Optical Character Recognition (OCR) performed on the document before saving in its final PDF format.

When a document has been filed electronically or e-mailed, the official record is the electronic recording of the document as stored by the Court, and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically under Part (1) of these procedures, a document filed electronically is deemed filed at the date and time stated on the "*Notice of Electronic Filing*" from the Electronic Filing System. For E-mail Filers, the document will be filed on the date received by the Clerk's Office at the appropriate e-mail address.

Filing a document electronically or e-mailing a document does not alter the filing deadline for that document. Filing must be completed before midnight local time for the Northern Mariana Islands in order to be considered timely filed that day.

4. Special Filing Requirements and Exceptions

A. The following documents may be filed on paper and will be scanned into the Electronic Filing System by the Clerk's Office or may be submitted on flash drive or e-

mailed to the Clerk's Office pursuant to LR 5.3, at the option of the Filing User or the Court, including the Clerk's Office:

i. Administrative records in social security cases and in other administrative review proceedings.
ii. The state court record and other Rule 5 materials in habeas corpus cases filed in 28 U.S.C. Sections 2254 and 2255 proceedings, but not initial filings. See L.R. 5.3.
iii. All handwritten pleadings.
iv. All pleadings and documents filed by pro se litigants who are not registered Filing Users in the Electronic Filing System.
v. Affidavits for search and arrest warrants and related documents.
vi. Fed. R. Crim. P. 20 and Fed. R. Crim. P. 40 documents received from another court.
vii. Oversize or non-flat items.
viii. Motions to file documents under seal and documents filed under seal.
ix. Ex parte motions and applications.
x. Memoranda, exhibits and attachments to documents which are *otherwise permitted for filing*, but exceed 5 megabytes in size.
xi. Rule 4 executed service of process documents.
xii. The state court record filed in 28 U.S.C. Section 1446 removal proceedings.

B. The following documents may be received by the Clerk's Office in criminal cases, either over the counter or by e-mail, but are not filed electronically or otherwise, unless ordered by the Court:

i. Pretrial service reports.
ii. Appearance bonds.
iii. Psychiatric and psychological reports.
iv. Pre-sentencing reports and other documents submitted prior to sentencing.
v. Letters from defendants, or on their behalf.

5. Proposed Orders

Proposed orders must be transmitted by e-mail to usdcnmi@nmid.uscourts.gov. See L.R. 7.1(b)(4). Proposed orders should not be e-mailed to any other e-mail address or to a particular court employee and should not be filed in the Electronic Filing System.

6. Entry of Court-Issued Documents

All orders, decrees, judgments, and proceedings of the Court will be filed in accordance with these procedures, which will constitute entry on the docket kept by the clerk under Fed. R. Civ. P. 58 and 79. All signed orders will be filed electronically by the Court or court personnel. Any order or other court-issued document filed electronically without the original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner.

By or at the direction of the judge in a case, orders may also be issued as "text-only" entries on the docket, without an attached document. Such orders are official and binding.

The Court may sign, seal (by electronic graphical embossing) and issue a summons electronically. However, summons may not be served electronically. If summons was issued electronically by the Court, the party must print the electronically-embossed summons and effect service in the manner in accordance with Fed. R. Civ. P. 4 and Fed. R. Crim. P. 4(c).

7. Attachments and Exhibits

Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless the Court permits conventional filing of a specific document. Voluminous items may be electronically filed as multiple partial file attachments to avoid system limits on individual file size. The current system limit is 5 megabytes for any individual PDF file.

8. Sealed Documents

Documents ordered to be placed under seal may be filed conventionally or electronically as authorized by the Court. A motion to file documents under seal may be filed electronically unless prohibited by law. The order of the Court authorizing the filing of documents under seal may be filed electronically unless prohibited by law. If filed conventionally, a paper copy of the order must be attached to the documents under seal and delivered to the clerk.

9. Signatures

The user log-in and password required to submit documents to the Electronic Filing System serve as the Filing User's signature on all electronic documents filed with the Court. An e-mail from the E-mail Filer's registered e-mail address will serve as the E-mail User's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of Fed. R. Civ. P. 11, the

Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the local rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court. E-mailed or electronically filed documents must set forth the name, address and telephone number of the attorney or other filer. In the signature block of filed documents, the name of the E-mail Filer or the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "/s/" and typewritten in the space where the signature would otherwise appear.

In a criminal case, the charging documents, including the complaint, information, indictment and superseding information or indictment, will have an original signature on paper, or an *imaged* signature in an electronic document form, as stated in Part 1 of this procedure.

Documents filed electronically by a Filing User or E-mail Filer which contain the signature(s) of non-Filing User(s), other than a defendant in a criminal case, are to be filed electronically with the signature represented by a "/s/" and the name typed in the space where a signature would otherwise appear, or as a scanned image of the original document having such signatures. The original document with actual signatures will be retained by the E-mail Filer or Filing User as per section 10 of these procedures.

A document containing the signature of a defendant in a Criminal case may at the Court's option be filed either: (1) in paper form with an original written signature or (2) in a scanned format that contains an image of the defendant's signature, with the original document retained by the Filing User.

Documents requiring signatures of more than one party must be electronically filed either by: (1) submitting a scanned document containing all necessary signatures; (2) representing the consent of the other parties on the document; (3) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three business days after filing; or (4) in any other manner approved by the Court.

No Filing User, E-mail Filer or other person may knowingly permit or cause to permit a Filing User's CM/ECF password or the E-mail Filer's e-mail account password to be used by anyone other than an authorized agent of the E-mail Filer or Filing User.

10. Document Retention

Documents that are electronically filed and require original signatures other than that of the Filing User or E-mail Filer must be maintained in paper form by the Filing User or E-mail Filer until the expiration of the time for filing a timely appeal, and until 30 days after all appeals have been concluded, and in criminal matters until the length of the defendant's criminal sentence (if any) has

elapsed. On request of the Court, the Filing User or E-mail Filer must provide original documents for review.

Normal case documents which for good reason are filed with the Court on paper, instead of electronically filed, will be scanned and converted into electronic documents by the Clerk's Office staff, and the electronic document will be entered into the Electronic Filing System as the official record of the case. Only a few types of filed paper documents, specified in Section 4 of these procedures, will be retained at the District Court as part of the official case record. Other paper documents will be returned to the filer. Filers who have not been granted CM/ECF Filing User access and are filing paper documents over the counter must wait while their documents are filed, and retrieve any returned paper documents immediately after filing. Unclaimed returned paper documents are subject to disposal, at the option of the Clerk's Office staff.

Flashdrives, disks or e-mails submitted to the District Court for filing by the Clerk's Office staff will be discarded after the electronic documents are filed into the Electronic Filing System, unless the filer makes arrangements to retrieve the item from the Clerk's Office immediately after filing.

Paper case records, which pre-date the implementation of the Electronic Filing System, will be retained by the Court as paper records, subject to normal storage and disposal regulations for paper case records.

11. Service of Documents by Electronic Means

The "*Notice of Electronic Filing*" that is automatically generated by the Court's Electronic Filing System, except as provided below, constitutes service of the filed document on Filing Users. Parties not indicated to have been electronically served on the *Notice of Electronic Filing* must be served by the Filing User with a paper copy of any pleading or other document filed, in accordance with the Federal Rules of Civil Procedure and the local rules.

E-mail Filers must either e-mail the documents to a court-registered e-mail address or execute service in the traditional manner. E-mail Filers must file a certificate with the Court for all service.

Most *sealed* filings do not produce a *Notice of Electronic Filing*, and therefore, service by the filer of any *sealed* document by paper copy is required.

For documents served by paper copy or e-mail, a printed *Notice of Electronic Filing* may be attached to the paper document when served, in lieu of the "Filed" ink-stamp which may alternately be applied to paper documents when filed on paper at the Court.

A certificate of service must be included with all documents filed electronically, indicating that service was accomplished through the *Notice of Electronic Filing* for parties and counsel who are Filing Users and indicating how service was accomplished on any party or counsel who is not a Filing User.

12. Notice of Court Orders and Judgments

Immediately upon the entry of an order or judgment in an action assigned to the Electronic Filing System, the clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. For E-mail Filers, the clerk will transmit a Notice of Electronic Filing and a pdf copy of the order by e-mail. Transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Civ. P. 77(d) and Fed. R. Crim. P. 49(c). The clerk must give notice in paper form to a person who has not consented to electronic or e-mail service in accordance with the Federal Rules of Procedure.

13. Technical Failures

A Filing User or E-mail Filer whose filing is made untimely as the result of a technical failure (e.g., unavailability of the Electronic Filing System, extended local power outage, typhoon, Internet service outage beyond the Filing Party's control), may seek appropriate relief from the Court. The Court has discretion to grant or deny relief in light of the circumstances.

14. Public Access

A. In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, and in order to promote electronic access to documents in the case files while also protecting personal privacy and other legitimate interests, parties must refrain from including, or must partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the Court, including exhibits thereto, whether filed electronically or on paper, unless otherwise ordered by the Court.

i. Social Security numbers. If an individual's Social Security number must be included in a pleading, only the last four digits of that number should be used.

ii. Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.

iii. Dates of birth. If an individual's date of birth must be included in a pleading, only the year should be used.

iv. Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.

v. Home addresses. If a home address must be included, only the city and state should be listed.

B. In compliance with the E-Government Act of 2002, a party filing a document containing the personal data identifiers listed above may:

i. file an unredacted version of the document under seal, or

ii. file a reference list under seal. The reference list will contain the complete personal data identifier(s) and the redacted identifier(s) used in its(their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right.

C. The unredacted version of the document or the reference list will be retained by the Court as part of the record. The Court may, however, still require the party to file a redacted copy for the public file.

D. The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The clerk will not review each pleading for compliance with this procedure.

15. Hyperlinks

A. Electronically filed documents may contain the following types of hyperlinks:

i. Hyperlinks to other portions of the same document; and

ii. Hyperlinks to a location on the Internet that contains a source document for a citation.

B. Hyperlinks to cited authority may not replace standard citation format. Any electronically filed document that contains a hyperlink must also contain the standard citation to the same material. This requirement ensures that anyone working with a

printed version of the document has the necessary citation, and that subsequent failure of a hyperlink will not preclude finding the cited material.

C. Neither a hyperlink, nor any site to which it refers, will be considered part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document.

D. The Court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The Court accepts no responsibility for the availability or functionality of any hyperlink.