



## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF LOUISIANA DEFICIENCY CHECKLIST FOR ATTORNEYS

### **GENERAL REQUIREMENTS:**

- Proper caption/heading (including case number and judges names) (FRCP 7(a), 10(a), & LR 10.1)
- Filed on letter size paper and double spaced. (LR 10.1)
- Original signature of party or admitted attorney. (FRCP 11, LR 11.1)
- Signed by a member of bar of this court. (LR 11.1)
- Signed by the attorney/law firm enrolled and representing this party. (LR 83.2.12)
- A company/corporation-entity must be represented by counsel (not by an officer); only an authorized attorney may sign on behalf of a company/corporation. (FRCP 11)
- Individual who is not an attorney may not sign on behalf of others. (FRCP 11)
- Certificate of Service attached. (FRCP 5(d) & LR 5.2)
- Certificate of Service signed. (FRCP 11 & FRCP 5(d) & LR 5.3)
- Ex parte motions and discovery motions contain proposed order or proposed judgment on a separate page with a caption. (LR 7.4.1 & LR 58.1)

### **MOTIONS:**

#### **MOTIONS REQUIRING STATEMENT OF CONSENT OR OPPOSITION:**

- Motion to Add Additional Parties (LR7.4.1)
- Motion to Amend Pleadings (LR7.4.1 and 7.6)
- Motion to Appoint Next Friend or Guardian Ad Litem (LR7.4.1)
- Motion to Consolidate (LR7.4.1)
- Motion to Continue (LR 7.4.1 and 7.9)
- Motion to Dismiss (Joint) (LR7.4.1)
- Motion for Extension of Time (LR 7.4.1 and 7.9)
- Motion to File Supplemental Pleadings (LR7.4.1)
- Motion to Intervene (LR7.4.1 and 7.6)
- Motion for Leave of Court to File Third Party Demand/Complaint (LR7.6)
- Motion for Substitution of Parties (LR7.4.1)
- Motion to Stay (only for Judge Minaldi cases by Standing Order)
- Motion to Withdraw as Attorney (LR7.4.1)

#### **MEMORANDA IN SUPPORT REQUIRED (LR 7.4.1) ON ALL MOTIONS EXCEPT:**

- Motion to Add Additional Parties
- Motion to Amend Pleadings
- Motion to Appoint Next Friend or Guardian Ad Litem
- Motion to Consolidate
- Motion to Continue
- Motion to Dismiss (Joint)
- Motion for Extension of Time
- Motion to File Supplemental Pleadings
- Motion to Intervene
- Motion for Substitution of Parties
- Motion to Withdraw as Counsel

**BRIEFS CHECKLIST (INCLUDING MEMORANDA IN SUPPORT/OPPOSITION):**

All page limitations are *exclusive* of table of authorities and contents, signature block, and certificate of service.

- Over 25 pages in length, requires leave of court. (LR7.8)
- Any Brief over 10 pages requires: (1) a table of contents with page references, (2) a table of cases (arranged alphabetically), statutes and other authorities cited, with references to pages of the brief where they are cited. (LR 7.8)
- Reply Brief over 10 pages, requires leave of court. (LR 7.8)
- Reply Brief filed in Judge Walter, Judge Haik, Judge Doherty, Judge Melançon, Magistrate Judge Hayes, or Magistrate Judge Hill matter, requires leave of court. Reply briefs in cases assigned to Judge James require leave for motions referred to chambers. (COURT PROCEDURE)
- Reply Brief filed in Judge Drell or Magistrate Judge Kirk case limited to 7 pages. (COURT PROCEDURE)

**PLEADINGS REQUIRING LEAVE OF COURT:**

- Petition of Intervention. (FRCP 24(c))
- Third party complaint after 14 days of service of original answer. (FRCP 14(a)(1))
- Counterclaim/Crossclaim filed alone. (FRCP 15a)
- Amended pleadings after response/answer filed or past 21 days after service. (FRCP 15a)
- Any supplemental pleading. (FRCP 15d)

**MOTIONS REQUIRING PROPOSED PLEADING:**

- Motions for Leave to Amend Complaint. (COURT PROCEDURE)
- Motions for Leave to File (any pleading). (COURT PROCEDURE)

**MOTION TO APPEAR PRO HAC VICE:**

- \$25.00 filing fee per attorney per case (if consolidated case, just do for one case). (LR 83.2.6)
- Certificate of good standing from highest court. (LR 83.2.6)
- Shall state under oath whether disciplinary proceedings or criminal charges have been instituted and disclose (LR83.2.6)
- Signature of local counsel, cannot solely be signed by visiting attorney. (LR83.2.6)

**MOTION FOR SUMMARY JUDGMENT:**

- Memorandum/Brief in Support. (LR 7.4)
- Separate Statement of Material Facts. (LR 56.1)

**MOTIONS TO SUBSTITUTE COUNSEL OF RECORD:**

- Original signatures of both the attorney withdrawing and of the attorney enrolling. (FRCP 11, LR83.2.11)
- Attorney substituting must be admitted to practice before this court. (LR 83.2.2, 83.2.11)

**MOTION TO WITHDRAW AS COUNSEL OF RECORD:**

- Must be signed by attorney who is withdrawing. (FRCP 11, LR 83.2.11)
- If party is left unrepresented, requires party address and telephone number information. (LR 83.2.11)
- Requires statement that the client by certified mail has been notified of all pending deadlines and pending court appearances. (LR 83.2.11)

**MOTIONS FOR DISBURSEMENT OF FUNDS:**

- A motion with a proposed order for disbursement of registry funds setting forth the principal sum initially deposited, the amount of principal funds to be disbursed, to whom the disbursement is to be made, complete mailing instructions and specific instructions regarding distribution of accrued interest. (LR 67.3)

**MOTIONS FOR DISCOVERY:**

- Require Memorandum/Brief in Support (LR 7.4)
- Motion to Quash and/or to Compel Discovery must include requests or responses that are the subject of this motion. (LR 26.6)
- Certificate or Statement within motion regarding efforts to resolve (LR37.1)

- Requires proposed order (LR 37.1)

### **RESPONSE/OPOSITION:**

#### **OPPOSITION TO MOTION FOR SUMMARY JUDGMENT:**

- Separate Statement of Material Facts. (LR 56.2)

### **SOCIAL SECURITY CASES:**

#### **BRIEFS**

- Appellant's brief not over 10 pages. (SO 1.72)
- Appellee's brief not over 5 pages (SO 1.72)

#### **OBJECTION TO DISCOVERY (Objections to Interrogatories/Answers):**

- Must restate request/interrogatory/answer to which objection is being made. (LR 33.2 & LR 36.1)

#### **DISCOVERY PLEADINGS:**

- Notice of Deposition does not support issuance of a deposition subpoena. (FRCP 30(b)(1))
- Service of a Deposition Subpoena is allowed. (FRCP 45(b)(2))
- Notice of Telephone Deposition, must be accompanied by a motion and order or written consent/stipulation. (FRCP 30(b)(4))
- Notice of Deposition of Prisoner, requires leave of court. (FRCP 30(a)(2))
- Interrogatories, Request for Production, Request for Admission, Answers to Interrogatories, Responses to Request for Production, Depositions, Requests for Documents or to permit entry upon land are not filed (unless ordered by the Court) (LR 26.5)
- Initial Disclosures pursuant to FRCP 26(a)(1) or (2) are not filed unless pleading indicates it is submitted for a specific purpose (i.e., in response to court order) and/or it contains lists of exhibits and/or witnesses (LR 26.5)

### **PLEADING-SPECIFIC REQUIREMENTS:**

- Filing fee with **complaint** or Application to proceed in forma pauperis. (28 USC 1914(a))
- Answer** filed on behalf of a party in default-only permissible pleading is a motion to set aside the default. (FRCP 55(c) and 60(b))
- Case **closed**. After dismissal for failure to prosecute, only motion to reinstate allowed. (LR 41.3)

- **Returns of Service served by certified mail**, requires original green card return receipts or commercial courier confirmation (manual filings only). (La. R. S. 13:3205)

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