UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

NOTICE OF PROPOSED AMENDMENTS TO LOCAL RULES

Pursuant to Rule 83 of the Federal Rules of Civil Procedure, public notice is hereby given of proposed amendments to **Local Rules 11.1 and 41.3** for the United States District Court, Western District of Louisiana. The original wording that is proposed to be amended in these rules is shown as stricken below and will be replaced by the underlined wording as follows:

LR11.1 Signing of Pleadings, Motions and Other Papers

A. Every pleading, written motion, or other paper shall, in accordance with the Federal Rules of Civil Procedure, be signed personally by counsel admitted to practice before the court or admitted pro hac vice for the case in the attorney's individual name. If the document is submitted by a pro hac vice attorney, the document must also be signed by local counsel associated with such pro hac vice attorney in accordance with LR83.2.6. In addition, counsel's name, address, telephone number and Attorney Identification Number shall be typed or printed under the attorney's signature. If the attorney is admitted to the bar by the Supreme Court of Louisiana, the Attorney Identification Number shall be the same as the number assigned by the Supreme Court of Louisiana. Otherwise, the Attorney Identification Number shall be the number assigned by this court.

Documents filed by a party not represented by counsel shall be signed by the party and shall include name, address and telephone number.

Each attorney and pro se litigant has a continuing obligation to ~~apprise~~ promptly notify the court in writing of any address change.

B. In any action, civil or criminal, by presenting to the court (whether by signing, filing, submitting, or advocating) a pleading, oral or written motion, or other paper, an attorney or unrepresented party is certifying to the best of that person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances

(1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(2) the claims, defenses, and other legal contentions therein are warranted

by existing law or by a nonfrivolous argument for the extension, modification or reversal of existing law or the establishment of new law;

(3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery;

(4) the denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief; and

(5) all pleadings and written motions have been personally read and approved by all persons whose signature appears on the document.

Sanctions may be imposed for violations of this rule in accordance with the procedures and provisions of Federal Rule of Civil Procedure 11(c).

LR41.3 Dismissal for Failure to Prosecute

A civil action may be dismissed by the clerk of court or any judge of this court for lack of prosecution as follows:

A. Where no service of process has been made within 120 days after filing of the complaint;

B. Where no responsive pleadings have been filed or default has been entered within 60 days after service of process; or

C. Where a cause has been pending six months without proceedings being taken within such period. This provision shall not apply if the cause is awaiting action by the court.

Prior to issuance of a dismissal, notice shall be sent to the plaintiff, and plaintiff shall be allowed 14 calendar days from mailing of the notice within which to file evidence of good cause for plaintiff's failure to act. If no response is received within the allotted time, the clerk may dismiss the civil action. If a timely response is filed, a district judge or magistrate judge may order additional time within which to take action, dismiss the civil action without prejudice or make any other appropriate order.

Dismissal under this rule shall be without prejudice unless delay has resulted in prejudice to an opposing party. The Order of Dismissal shall allow for reinstatement of the civil action

within 30 days for good cause shown.

The failure of an attorney or pro se litigant to ~~keep~~ promptly notify the court ~~apprised~~ in writing of an address change may be considered cause for dismissal for failure to prosecute when a notice is returned to the court for the reason of an incorrect address and no correction is made to the address for a period of 30 days.

Comments on these amendments to the Local Rules may be made in writing addressed to the Clerk of Court, Tony R. Moore, 800 Lafayette Street, Suite 2100, Lafayette, LA 70501, before **March 1, 2014.** You may access this notice at the court's website **(www.lawd.uscourts.gov).**

Lafayette, Louisiana, this 15th day of January, 2014.

Tony R. Moore

TONY R. MOORE
CLERK OF COURT