

**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 67.2, 5.7.06 and 83.4.3** 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:

LR 67.2 Form of Order

~~A proposed order to invest registry funds shall specify the amount to be invested, the type of investment and that it shall be made at the prevailing rate of interest; it shall name the institution, if other than the court's designated depository; it shall state the length of time the fund is to be invested and whether it is to be automatically rolled over at maturity. The order shall be consented to by all parties who might ultimately be determined to be entitled to the fund and who might be adversely affected by any provision such as a possible penalty for early withdrawal of the fund.~~

All proposed orders pertaining to the investment of registry funds must be first presented to the clerk to assure that the proposed order complies with the U.S. Treasury Regulations governing deposit of registry funds. ~~No such order shall be presented to a judge of this court without the clerk's certificate of compliance. In the Western District of Louisiana the clerk's certificate of compliance may be issued by the clerk, chief deputy, financial administrator, or the deputy-in-charge of a divisional office, after consultation with the financial administrator.~~

All orders signed by a judge directing that registry funds be invested other than in the court's savings account must be delivered by counsel to the clerk of court personally or the chief deputy, or in the absence of both, to the administrative manager, deputy-in-charge of a divisional office, or financial administrator. Delivery to another deputy is not sufficient. Failure to effect such personal delivery shall relieve the clerk of any personal liability relative to compliance with the order. It shall further be the responsibility of the moving party to verify that the provisions of the order are accurate and have been carried out.

Unless otherwise specifically provided by order of a judge of this court, the ultimate beneficiary or beneficiaries of any appreciation resulting from investing in interest-bearing accounts shall be that person or those persons ultimately found to be entitled to receive the principal thereof.

LR 67.2 Form of Order

A proposed order to deposit funds in the court's registry shall specify the amount to be deposited.

If the moving party desires to have the funds placed in a separate investment, a proposed order shall be filed with the court which shall state the type of investment to be made, the prevailing rate of interest, the length of time the funds are to be invested, and, whether the investment is to be automatically renewed at maturity.

Unless otherwise specifically provided by order of the court, any interest earned on registry accounts will accrue to the person or persons ultimately found to be entitled to receive the original principal amount deposited in the court's registry.

LR5.7.06 Sealed Documents

Documents ordered to be placed under seal must may be filed ~~conventionally or electronically,~~ except as may be admitted in open court. ~~If filed conventionally, a paper copy of the order must be attached to the documents under seal and delivered to the Clerk.~~

LR83.4.3 Motion Seeking Relief From a District Judge

Motions filed seeking relief from a district judge, including motions under *28 USC 157(d)* (for withdrawal of reference), *28 USC 157(c)(1)* (objections to proposed findings of fact and conclusions of law) and *Bankruptcy Rule 8005 8007* (for stay pending appeal), shall be governed by the rules set out below.

A. Original Motion

1. *Applicable Rules.* The Local Rules for the district court shall be applicable to all motions filed in bankruptcy cases or proceedings seeking relief from a district judge. In those instances where the Bankruptcy Rules require a report from the bankruptcy judge, *e.g.*, *Bankruptcy Rules 5011(b)* and *9027(e)*, the local Bankruptcy Rules shall apply until such report is issued.
2. *Place of Filing.* All motions described in this section above shall be filed with the clerk of the bankruptcy court.
3. *Contents of Motion.* In addition to the normal requirements of papers filed in the bankruptcy court, motions described in this section above shall include:
 - a. A clear and conspicuous statement opposite the title of the action that "RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE."
 - b. A designation of the portions of the record of the proceedings in the bankruptcy court that will reasonably be necessary or pertinent for consideration of the motion by the district court.
 - c. A list showing each party with an interest in the motion and for each party shown, their attorney along with such attorney's mailing address.
4. *Subsequent Filings.* Any filing in a matter under this section subsequent to the "Original Motion" set forth above shall be filed with the clerk of the district court and shall comply with all rules of such court.
5. *Duties of the Clerk of the Bankruptcy Court.* Upon filing of an original motion, as set forth above, the clerk of the bankruptcy court shall promptly

transmit to the clerk of the district court:

- a. The original motion and all attachments to the motion, and
 - b. The portion of the bankruptcy court record designated in accordance with (3)(b) above.
- B. *No Automatic Stay.* There shall be no automatic stay of bankruptcy court proceedings as a result of the filing of any motion under the above. Any stay of proceedings will result only from an order of the bankruptcy court or the district court.
- C. *Obligation of the Parties.* It shall be the obligation of each and every party and their attorney to apprise the bankruptcy court and the United States District Court of orders entered in either forum which significantly affect matters pending in either forum.

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 **November 13, 2015**. You may access this notice at the court's website (www.lawd.uscourts.gov).

Lafayette, Louisiana, this 8th day of October, 2015.



TONY R. MOORE
CLERK OF COURT