

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
539 THEODORE LEVIN UNITED STATES COURTHOUSE
231 W. LAFAYETTE BOULEVARD
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NOTICE OF PROPOSED AMENDMENTS TO LOCAL RULES

At their regular meeting on November 5, 2018, the Judges of the United States District Court for the Eastern District of Michigan approved for publication and comment amendments to the following local rules:

- LR 5.1 Filing of Papers
- LR 5.1.1 Filing and Service by Electronic Means
- LR 5.2 Service of Non-Dispositive and Dispositive Orders:
Stipulations and Orders
- LCrR 49.1 Filing and Service by Electronic Means

These proposed amendments relate to updates to the Federal Rules which take effect on December 1, 2018.

In order to be assured consideration, comments in writing, which may include recommended changes to the proposed amendments, should be received by the Court not later than December 21, 2018. Comments may be sent to Local_Rules@mied.uscourts.gov or to Local Rules, 539 Theodore Levin United States Courthouse, 231 W. Lafayette Boulevard, Detroit, Michigan 48226.

[Additions are indicated by underline, and deletions by strikethrough.]

LR 5.1 Filing of Papers

(a) ~~Papers Presented for Filing. Under LR 5.1.1, unless specified otherwise in the ECF Policies and Procedures (Appendix ECF to these rules) or by court order, all papers must be filed electronically.~~ All papers presented for filing must comply with the following:

LR 5.1.1 Filing and Service by Electronic Means

~~(b) **Service.** Papers may be served through the Court's electronic transmission facilities as authorized by the Court's ECF Policies and Procedures. Transmission of the Notice of Electronic Filing is service on each party in the case registered as a filing user. Service of papers on other parties must be according to the local rules, the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure. (Reserved)~~

LR 5.2 Service of Non-Dispositive and Dispositive Orders; Stipulations and Orders (Reserved)

~~This rule has been deleted. See Fed. R. Civ. P. 5(b)(2)(E).~~

~~(a) **Electronic Filing.** The ECF Policies and Procedures (Appendix ECF to these rules) govern the filing and service of orders and proposed orders electronically.~~

~~(b) **Service of Non-Dispositive Orders.** Unless the court directs otherwise, the clerk will send the movant seeking a non-dispositive order a copy of the signed order. Within 14 days of the date of the order, unless the judge directs otherwise, the movant must serve, in accordance with Fed. R. Civ. P. 5, copies of the order on all other parties and other persons entitled to service of the order and promptly file a proof of service.~~

~~(c) **Stipulations and Orders; Service of Orders.** The person initiating a stipulation and proposing an order must submit a self-addressed stamped envelope and serve copies of the order on all other parties and other persons entitled to service of the order within 14 days of the date of the order, unless the judge directs otherwise. No proof of service is required.~~

~~(d) **Service of Dispositive Orders.** The preparer of a dispositive order, other than a stipulated order, must submit the proposed order to the court with an original, a copy for the court, and sufficient copies and addressed, stamped envelopes for all parties and other persons entitled to service of the order. The clerk will mail the order and provide a proof of service for the record.~~

~~(e) — Definition of Dispositive Order. For purposes of this Rule, "dispositive order" means an order disposing of a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or quash an indictment or information made by a defendant, to suppress evidence in a criminal case, to certify or decertify a class, to dismiss for failure to state a claim upon which relief can be granted, and to involuntarily dismiss an action, whether the order grants or denies the motion in whole or in part.~~

~~COMMENT: In (b), the movant is responsible for service even if the movant does not prevail, in whole or in part.~~

~~In (c), the initiating person carries the same burden as the movant in (b). No proof of service is necessary because the order follows a stipulation.~~

~~In (d), the preparer includes the court. If the court prepares the dispositive order, then the court provides all documents, envelopes and postage for service. If the court directs a person to prepare the final order, then that person provides copies of the order, envelopes and postage for the court to complete service after the judicial officer signs the order.~~

LCrR 49.1 Filing and Service by Electronic Means (Reserved)

This rule has been deleted. See Fed. R. Crim. P. 49.

LR 5.1.1 governs filing and service by electronic means.

~~COMMENT: The Court will maintain electronic case files for all criminal cases.~~

November 15, 2018