

Notice of Additional Proposed Revisions to Local Rules.

ACTION REQUESTED BY JULY 24, 2023.

Pursuant to 28 U.S.C. § 2071(b), the United States District Court for the Southern District of Illinois is providing public notice of proposed revisions to its Local Rules for comment.

The Court recently provided public notice of extensive substantive and stylistic revisions to its Local Rules as a product of the Local Rules Committee's comprehensive review. The comment period for the entirety of the proposed revisions closed on May 1, 2023. As a result of the comments received, the Court now provides public notice of additional proposed revisions. Only comments as to the specific additional revisions noted below in red will be reviewed.

The additional proposed revisions include:

I. SDIL-LR 15.1(b)(2), Documents that Require Leave of Court for Filing

(b)(2) All new or amended material in a proposed amended pleading must be underlined or submitted in redlined form. It is sufficient to simply underline the names of new parties the first place they appear in amended pleadings. Similarly, when new claims or defenses are raised by an amendment, it is sufficient that the number of the designated count or paragraph identifying the amendment be underlined. Minor spelling and stylistic changes need not be underlined. If leave is granted, a clean version of the operative pleading must be filed on the docket. This provision does not apply to appointed counsel appearing on behalf of a previously unrepresented party.

II. SDIL-LR 26.1(c)(3), Initial Disclosure Prior to Discovery; Filing of Disclosure and Discovery; Cooperative Discovery; Discovery Disputes; Form of Written Discovery

(c)(3) To curtail undue delay and expense in the administration of justice, this Court shall hereafter refuse to hear any and all motions for discovery and production of documents under Rules 26 through 37 of the Federal Rules of Civil Procedure, unless the motion includes a certification that: (1) after consultation in person or by telephone or videoconference and good faith attempts to resolve differences, they are unable to reach an accord, or (2) counsel's attempts to engage in such consultation were unsuccessful due to no fault of counsel's. Where the consultation occurred, this statement shall recite, in addition, the date, time, and place of such conference, and the names of all parties participating therein. Where counsel was unsuccessful in engaging in such consultation, the statement shall recite the efforts made by counsel to engage in consultation. This provision does not apply to pro se prisoner cases.

III. SDIL-LR 56.1(b) and (d), Summary Judgment

(b) Briefs in opposition to a motion for summary judgment must contain a Response to the Statement of Material Facts. The response shall contain corresponding paragraphs to the Statement of Material Facts that state whether the fact is: (1) admitted; (2) disputed; ~~or~~ (3) admitted in part and disputed in part (specifying which part is admitted and which part is disputed); or (4) not supported by the record citation. The disputed facts, or parts of facts, shall contain specific citation(s) to the record, including page number(s), upon which the opposing party relies, where available.

(d) The moving party may file a Reply to Statement of Additional Material Facts. The reply shall contain corresponding paragraphs to the Statement of Additional Material Facts that state whether the fact is: (1) admitted; (2) disputed; ~~or~~ (3) admitted in part and disputed in part (specifying which part is admitted and which part is disputed); or (4) not supported by the record citation. The disputed facts, or parts of facts, shall contain specific citation(s) to the record, including page number(s), upon which the moving party relies, where available. The reply may contain additional argument (limited to five pages), *see* SDIL-LR 7.1(a)(4), but should not contain any rebuttal to the movant's initial Statement of Material Facts.

IV. SDIL-LR 83.11(a)(3)(A), Relief from Assignment

~~(3) The party is proceeding for purpose of harassment or malicious injury, or the party's claims or defenses are not warranted under existing law and cannot be supported by good faith argument for extension, modification, or reversal of existing law.~~

~~(A) Any application under this subparagraph shall be accompanied by a brief referring to anything in the record that might arguably support the represented party's position. A copy of counsel's brief should be furnished to the represented party, and time shall be allowed for the represented party to raise any points that they choose.~~

V. SDIL-LR 83.13(b), Expenses

(b) Expenses incurred by counsel assigned under the *pro bono* program or the firm with which counsel is affiliated, not otherwise recoverable, may be reimbursed from the District Court Fund in accordance with Section 2.6 of the Plan for the

Administration of the District Court Fund (available on the Court’s website), as funds are available, up to the amount allowed for by the Plan. Absent extraordinary circumstances, motions for reimbursement out of the District Court Fund shall be made within 30 days after (1) entry of final judgment, ~~or~~ (2) conclusion of the action, or (3) an order granting assigned counsel relief from assignment in the district court, or reimbursement is waived.

Comments, limited to the additional revisions noted in red above, from the public and bar are requested by **July 24, 2023**. A link to a “clean” copy of the entirety of the proposed Local Rules, including the revisions above, can be found [here](#). Comments may be sent electronically to LocalRulesSDIL@ilsd.uscourts.gov.