

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

ORDER AMENDING LOCAL RULES

Appropriate Public Notice and an opportunity to comment having been given pursuant to Rule 83 of the Federal Rules of Civil Procedure, and pursuant to a majority vote of the active judges of this court,

IT IS ORDERED that effective December 1, 2009, Rules 7.9E, 54.3, 54.7E, 64.1E, 16.2E and 23.1(B) of the Uniform Local Rules of the United States District Courts for the Eastern, Middle and Western Districts of Louisiana are amended as follows:

LR7.9E Extension of Time to Plead

Upon certification by a moving party that there has been no previous extension of time to plead and that the opposing party has not filed in the record an objection to an extension of time, then on an ex parte motion and order, the court will allow one extension for a period of 21 days from the time the pleading would otherwise be due. Further extensions will not be granted by stipulation, but only by application to the court and for good cause shown.

LR54.3 Memorandum of Costs

Within 35 days after receiving notice of entry of judgment, unless otherwise ordered by the court, the party in whose favor judgment is rendered and who claims and is allowed costs, shall serve on the attorney for the adverse party and file with the clerk a notice of application to have the costs taxed, together with a memorandum signed by

the attorney of record stating that the items are correct and that the costs have been necessarily incurred.

LR54.7E Settlement Judgments

When a case is disposed of by settlement involving the payment of a monetary amount, the party to whom the settlement requires the payment of money may present to the court and opposing counsel a proposed executory judgment, casting the parties obligated to make payment in accordance with the settlement agreed upon. The judgment shall set forth the agreement with respect to costs. It shall provide for the payment of interest on all amounts due under the judgment at the current legal rate, commencing at the date agreed upon by counsel, to be not less than 21 days from the date of the judgment. If counsel cannot agree upon a date, it shall be 49 days from the date of judgment.

LAR64.1E Publication and Time to Claim and Answer Where Publication Necessary and Under Supplemental Rule C(4)

In all cases where publication is necessary under Admiralty Rule C(4), the time for filing a claim is hereby extended for a period of 21 days from the date of the publication.

The published notice shall contain the title and the number of the suit, the date of the arrest and identity of the property arrested, the name of the marshal, and the name and address of the attorney for the plaintiff. It shall also state that claimants must file their claims pursuant to Rule C(6) with the clerk and serve them on the attorney for plaintiff within 21 days after the date of first publication, or within such further time as may be allowed by the court, and must serve their answers within 21 days after the filing of their claim; that, if they do not, default may be entered and condemnation ordered;

and that application for intervention under FRCvP 24, by persons claiming maritime liens or other interests may be untimely if not filed within the time allowed for claims to possession.

LR16.2E Call of the Docket

To insure compliance with Rule 16(b), FRCvP, the clerk of court shall in each section of court, once a month, or as often as the court deems proper, call all cases before the court that have been pending 120 days or longer after filing of the Complaint, and in which the issue has not been joined. The call shall be for the regular day and time assigned for hearing motions, and the clerk shall give 14 days notice of such call to all counsel of record.

LR23.1(B) Class Action

B. Within 91 days after the filing of a complaint in a class action, unless this period is extended on motion for good cause appearing, the plaintiff shall move for a certification under FRCvP 23(c)(1), as to whether the case is to be maintained as a class action.

New Orleans, Louisiana, this 24th day of June, 2009.



SARAH S. VANCE, CHIEF JUDGE
UNITED STATES DISTRICT COURT