



UNITED STATES DISTRICT COURT

Southern District of Indiana

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November 21, 2016

NOTICE

TO: THE PUBLIC AND MEMBERS OF THE PRACTICING BAR FOR THE
SOUTHERN DISTRICT OF INDIANA

The Court has considered the recommendation of the Local Rules Advisory Committee that the revision of certain Local Rules of the United States District Court for the Southern District of Indiana be adopted, and the Clerk issued a Public Notice on October 20, 2016, regarding the proposed amendments. The Court has considered the proposed amendments and the comments received.

Therefore, pursuant to 28 U.S.C. § 2071 and Rule 83 of the Federal Rules of Civil Procedure, the United States District Court for the Southern District of Indiana hereby gives public notice that the following amendments to the Local Rules of this Court are adopted, effective **December 1, 2016**. Unless otherwise indicated, as seen in this Notice ~~redline~~ text is added and ~~struck~~ text is deleted. The proposed amendments are as follows:

A. Subparagraphs (c)(2)(A) and (B) of Local Rule 7-1 - Motion Practice will be amended as follows:

(c) Response and Reply Deadlines.

(1) Summary Judgment Motions. Summary judgment motions are subject to the deadlines in S.D. Ind. L.R. 56-1:

(2) Other Motions.

(A) Responses. ~~Any response is~~ ~~Responsive briefs are~~ due within 14 days after service of the ~~motions~~supporting brief.

(B) Replies. Any reply ~~is~~briefs are due within 7 days after service of the response ~~brief~~.

(3) *Extensions.* The court may extend response and reply deadlines, but only for good cause.

(4) *Summary Ruling on Failure to Respond.* The court may summarily rule on a motion if an opposing party does not file a response within the deadline.

B. Local Rule 16-1 - Pretrial Procedures will be amended as follows:

(a) Initial Pretrial Conference. In all cases not exempted under subsection (f) of this rule, the court may order the parties to appear for an initial pretrial conference.

~~(a)~~(b) Actions with Unrepresented Parties. In actions where a party is unrepresented, the court may issue a scheduling order after consulting with the parties' attorneys and the unrepresented parties at a scheduling conference or by telephone, or other means.

~~(b)~~(c) Case Management Plan. Unless otherwise ordered or exempted under (f) of this rule, the parties in a civil case must confer, prepare, and file a joint case management plan:

(1) within 90 days after the case was either filed or removed to the court; and

(2) according to the instructions and form available on the court's website (<http://www.insd.uscourts.gov/case-management-plans>).

~~(e)~~(d) Parties' Responsibilities for Case Management Plan. The plaintiff must initiate and coordinate the efforts to confer about, prepare, and file the case management plan. If the plaintiff fails to do so, the defendant must appear at the initial pretrial conference with a proposed case-management plan.

If the parties cannot agree on all provisions of the case management plan the parties must file a joint plan that contains their respective positions in the disputed portions of the case management plan. The court will enter a case management plan that the court deems most appropriate with or without additional input from the parties.

~~(d)~~(e) Additional Conferences. The court may set additional pretrial conferences. The parties must confer before each conference and must be prepared to address case-management plan issues, settlement, trial readiness, and any other matters specifically directed by the court.

~~(e)~~**(f)** **Deadlines.** Absent court order, deadlines established in any order or pretrial entry under this rule may not be altered unless the parties and the court agree, or for good cause shown.

~~(f)~~**(g)** **Exempted Cases.** Unless otherwise ordered by the court, the following types of cases will be exempted from the scheduling and planning requirements of Fed. R. Civ. P. Rule 16(b):

- (1) an action for review of an administrative record;
 - (2) a petition for habeas corpus or other proceeding to challenge a criminal conviction or sentence;
 - (3) an action brought by a person in custody of the United States, a State or a State subdivision;
 - (4) an action to enforce or quash an administrative summons or subpoena;
 - (5) an action by the United States to recover benefit payments;
 - (6) an action by the United States to collect on a student loan guaranteed by the United States;
 - (7) a proceeding ancillary to proceedings in another court;
 - (8) an action to enforce, vacate or modify an arbitration award;
 - (9) mortgage foreclosures in which the United States is a party;
- and
- (10) civil forfeiture cases.

C. Subparagraph (a) of Local Rule 69-4 - Body Attachments; Hearings will be amended as follows:

(a) Failure to Appear. If a judgment debtor fails to appear for a hearing despite service and actual notice, the magistrate judge may ~~recommend that the district judge~~ issue a body attachment.