



UNITED STATES DISTRICT COURT

Southern District of Indiana

Roger A. G. Sharpe, Clerk
Alison M. Chestovich, Chief Deputy Clerk

Birch Bayh Federal Building
& U.S. Courthouse
46 East Ohio Street, Room 105
Indianapolis, IN 46204
(317) 229-3700

104 U.S. Courthouse
921 Ohio Street
Terre Haute, IN 47807
(812) 231-1840

304 U. S. Courthouse
101 NW Martin Luther King Blvd.
Evansville, IN 47708
(812) 434-6410

Lee H. Hamilton Federal Building
& U.S. Courthouse
121 West Spring Street
New Albany, IN 47150
(812) 542-4510

September 21, 2020

NOTICE

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

Pursuant to 28 U.S.C. 2071, Rule 83 of the Federal Rules of Civil Procedure, and Rule 57 of the Federal Rules of Criminal Procedure, the United States District Court for the Southern District of Indiana hereby gives public notice of the following:

The Local Rules Advisory Committee for the Southern District of Indiana has recommended, and the District Court has authorized release for a period of **public comment through October 20, 2020**, the revision of certain Local Rules of the United States District Court for the Southern District of Indiana. Unless otherwise indicated, as seen in this Notice **redline** text is added and ~~struck~~ text is deleted. The proposed revisions are as follows:

Local Rule 6-1 – Extensions of Time

~~(b)~~ **(a) Automatic Initial Extension.** ~~The deadline for filing a response to a pleading or to any written request for discovery or admissions will automatically be extended upon filing a notice of the extension with the court that states:~~

- ~~(1) the deadline has not been previously extended;~~
- ~~(2) the extension is for 28 or fewer days;~~
- ~~(3) the extension does not interfere with the Case Management Plan, scheduled hearings, or other case deadlines;~~
- ~~(4) the original deadline and extended deadline;~~

~~(5) that all opposing counsel the filing attorney could reach agreed to the extension; or that the filing attorney could not reach any opposing counsel, and providing the dates, times and manner of all attempts to reach opposing counsel.~~

Except as provided in subsection (b) of this rule, all initial extensions of the following deadlines must be accomplished by a Notice of Extension of Time (without a proposed order), rather than by motion, unless a party affirmatively objects to extending the deadline:

- the deadline for filing a response to a pleading as defined by Fed. R. Civ. P. 7(a);
- the deadline for responding to any written request for discovery or admissions; and
- the deadline for filing a brief in a bankruptcy appeal.

No initial extension of these deadlines may exceed 28 days. The party to whom the deadline applies must file a Notice of Extension of Time that:

(1) confirms that the deadline has not been previously extended;

(2) sets forth the original deadline and the new deadline and confirms that the extension is for 28 or fewer days;

(3) confirms that the extension does not interfere with the Case Management Plan, scheduled hearings or trials, or other deadlines set by court order; and

(4) as to each other party who has appeared in the case, state either that (1) the party's counsel has agreed to the extension; or (2) the filing attorney attempted to reach the party's counsel (or the party if pro se) but was unable to do so, providing the dates, times and manner of all attempts to reach opposing counsel.

~~(e) (b) Pro Se Parties. The automatic initial extension rule set forth above does not apply to pro se parties.~~ Filing of a Notice of Extension of Time pursuant to subsection (a) of this rule is optional in any case in which there is a pro se party who is not in default. A party opting not to file a Notice of Extension of Time must file a motion for any extension of a deadline in such cases.

~~(a) (c) Motion Ordinarily Required. Ordinarily, Unless subsection (a) of this rule applies,~~ a request for an extension of time not made in open court or at a conference must:

(1) be made by written motion;

(2) state the original deadline and the requested deadline;

(3) ~~provide~~state the reasons why an for the requested extension and explain why those reasons constitute good cause (or excusable neglect if the motion is made

after the deadline has expired) as required by Federal Rule of Civil Procedure 6(b) is requested; and

(4) if all parties are represented by counsel, either:

(A) state that there is no objection to the extension; or

(B) describe all attempts made to obtain an agreement to the extension and state whether opposing counsel objects to it.

~~(5) be filed at least three business days prior to the deadline absent extraordinary circumstances, or summary denial may result.~~

~~Note: Amended December 1, 2018, to add a requirement that motions for extensions of time must be filed at least three business days prior to a filing deadline absent extraordinary circumstances, or summary denial may result.~~

Comments concerning the proposed rule amendments are welcome. Comments must be submitted in writing or via email on or before **October 20, 2020**, and should be sent to:

Roger A. G. Sharpe, Clerk of Court
United States District Court
Birch Bayh Federal Building and U.S. Courthouse
46 East Ohio Street, Room 105
Indianapolis, IN 46204
or via email: LocalRules@insd.uscourts.gov