



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
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(812) 434-6410

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

September 12, 2022

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 12, 2022**, 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:

A. Subparagraph (c) of Local Rule 5-1 - Format of Documents Presented for Filing
- shall be **amended** as follows:

* * *

(c) Electronic Filings. Any document submitted via the court's electronic case filing (ECF) system must be:

- in ~~.pdf~~**PDF** format;
- converted to a ~~.pdf~~**PDF** file directly from a word processing program, unless it exists only in paper format (in which case it may be scanned to create a ~~.pdf~~**PDF** document);
- submitted as one or more ~~.pdf~~**PDF** files that do not exceed 35 megabytes each (consistent with the *CM/ECF Policies and Procedures Manual*); and

* * *

B. Subparagraph (a) of Local Rule 5-6 – Attachments and Exhibits in Cases Filed Electronically - shall be amended as follows:

(a) **General Requirements.** Each electronically filed exhibit to a main document must be:

(1) created as a separate ~~.pdf~~PDF file;

* * *

C. Subparagraphs (a) and (b) of Local Rule 5-7 – Signatures in Cases Filed Electronically - shall be amended as follows

(a) **Form of Electronic Signature.** A document that is converted directly from a word processing application to ~~.pdf~~PDF (as opposed to scanning) must be signed in accordance with Fed. R. Civ. P. 5(d)(3)(C).

(b) **Other Documents.** A signature on a document other than a document filed as provided under subdivision (a) must be an original handwritten signature and must be scanned into ~~.pdf~~PDF format for electronic filing.

* * *

D. Local Rule 5-12 – Social Security Appeals shall be amended as follows:

~~(a) Social Security Appeals – Initial Process. Where a complaint for administrative review is filed pursuant to 42 U.S.C. § 405(g) concerning benefits under the Social Security Act, by agreement with the United States Attorney, no actual service of initial process (i.e., summons and complaint) will be required in any case, unless otherwise ordered. The Social Security Administration will treat notification through the court’s Case Management and Electronic Filing System (CM/ECF) as service under Rule 4 of the Federal Rules of Civil Procedure.~~

~~(b) Response to Complaint. The Social Security Administration must respond to a complaint for administrative review of an agency determination about Social Security benefits within 60 days after notification of the filing of the complaint through the court’s CM/ECF by filing either 1) a motion to dismiss or 2) the certified administrative record. The filing of the certified administrative record will suffice as the Social Security Administration’s answer to the complaint.~~

(a) Applicability of Federal Rules – Effective December 1, 2022, the Federal Supplemental Rules for Social Security Actions Under 42 U.S.C. § 405(g) apply to such actions except to the extent the presiding judge finds application of the Federal Supplemental Rules would not be feasible or would work an injustice. The Federal Supplemental Rules control in the event of any inconsistency with these rules.

(e)(b) Briefing Schedule. The court finds it appropriate in all cases to revise the briefing times in the Federal Supplemental Rules as follows: The plaintiff will have 56 days from the date of the court's scheduling order to file a brief in support of the complaint. The defendant will have 56 days after service of the plaintiff's brief to file a response, and the plaintiff will have 28 days after service of the response brief to file a reply. Motions for extension are disfavored absent compelling circumstances.

Note: Effective December 1, 2022, this rule is revised to recognize and comport with the Supplemental Rules for Social Security Actions Under 42 U.S.C. § 405(g), added to the Federal Rules of Civil Procedure in 2022.

E. Local Rule 81-2 – State Court Record and Pending Motions in Removed Actions - shall be amended as follows:

(a) Attachment and Verification of Complete State Court Record. When removing an action from state court, the removing party must file a copy of the State Court Record as an attachment to the Notice of Removal, and must verify in the Notice of Removal that the attached State Court Record is complete as of the date of removal. The State Court Record must include a copy of the state court docket sheet, all pleadings, motions, orders, and all other filings, organized in chronological order by the state court filing date.

(b) Objection by Non-Removing Parties. A non-removing party must file any objection to the completeness of the State Court Record and must supplement the record accordingly within 7 days of service of a filing pursuant to section (a).

(b)(c) Format and Description of Electronic Attachment. Notwithstanding Local Rule 5-6, if the State Court Record is filed electronically, it should be created and filed as an attachment to the Notice of Removal as a single ~~pdf~~ PDF file. The filing party should describe the attachment as the State Court Record, listing each document filed. (E.g., “State Court Record (Complaint, Appearance, Summons, Motion for Temporary Restraining Order)”).

(e)(d) Attachment of Operative Complaint. In addition to including the operative complaint in the State Court Record (as defined in paragraph (b) above), the removing party must file an additional copy of the operative complaint as a separate attachment to the Notice of Removal.

(d)(e) Pending State Court Motions.

(1) Notice. At the time of removal, the removing party must file a separate notice listing any state court motions that remain pending at the time of removal.

(2) Obligation to Refile. If any motion remains pending in state court at the time of removal, and if the movant wishes the District Court to rule on the motion, the party that initially filed the motion must refile the motion in the

District Court case, and attach any responses thereto, within seven (7) days of the filing party's appearance.

Note: Effective ~~December 1, 2018~~, the rule is added to facilitate the court's receipt of the full state-court record when a case is removed. ~~December 1, 2022~~, this rule is amended to clarify the responsibilities of the parties with respect to submission of the state court record.

Comments concerning the proposed rule amendments are welcome. Comments must be submitted in writing or via email on or before **October 12, 2022**, and should be sent to:

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46 East Ohio Street, Room 105
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or via email: LocalRules@insd.uscourts.gov