

Local Rule 81-2 – State Court Record and Pending Motions in Removed Actions

(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).

(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 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)”).

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

(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, 2022, this rule is amended to clarify the responsibilities of the parties with respect to submission of the state court record.