

**RULES OF
PRACTICE AND PROCEDURE**

of the

**UNITED STATES
DISTRICT COURT
FOR THE MIDDLE DISTRICT
OF NORTH CAROLINA**

Effective ~~October 1, 2023~~ **April 3, 2024**

- (i) Any pleading or document in a criminal case containing the signature of a defendant, such as appearance bonds, Orders Setting Conditions of Release, a waiver of indictment or plea agreement, letters from a defendant requesting specific relief.

(2) An attorney may for good cause apply to the assigned Judge for permission to file documents conventionally. Even if the assigned Judge initially grants an attorney permission to file documents conventionally, the assigned Judge may withdraw that permission at any time during the pendency of a case and require the attorney to file documents electronically using the System.

(b) Significance of Electronic Filing. Any document electronically filed or converted by the Clerk's Office to electronic format is the official record of the Court.

(c) Registration for Electronic Filing.

(1) Attorneys admitted to the bar of this Court and those making a special appearance pursuant to LR 83.1(d), shall register as filing users of the Court's CM/ECF system prior to filing any pleadings. ~~Registration shall be submitted on an Attorney Registration Form, a copy of which is on the Court's web page (www.ncmd.uscourts.gov).~~ The registration process is performed online through PACER.gov. -To be properly included on a case's docket sheet as an electronic filer, attorneys should electronically file a notice of appearance or a pleading. Any attorney making a special appearance shall file a Notice of Special Appearance and pay any appearance fee required by this Court.

(2) Upon the approval of the assigned Judge, a party to a case who is not represented by an attorney may register as a CM/ECF Filing User in the CM/ECF System solely for the purpose of the action.

(3) Registration constitutes consent to service of all documents by electronic means as provided in these procedures.

(4) Within ten days after receiving their initial password, attorneys must select a new password of their own choosing. Filing Users agree to protect the security of their passwords, and, if an attorney believes the security of an existing password has been compromised, the attorney must change their password immediately.

(d) Filing and Service of Civil Case Opening Documents

(1) Except for cases requesting to be placed under seal, cases shall be filed electronically using CM/ECF with filing fees being paid online using a credit card.

(2) Counsel should complete the summons form in Adobe interactive format, which is located on the Court's website, and e-mail it to newcases@ncmd.uscourts.gov for issuance.

materials are essential. The Court may order any pleading or paper stricken if filed in violation of this rule.

(d) Civil Rights Actions by Prisoners, 42 U.S.C. §§ 1983. All *pro se* complaints filed by state prisoners seeking relief under 42 U.S.C. §§ 1983 shall be filed with the clerk in compliance with the instructions of the clerk and on appropriate forms which are available without charge in the clerk's office

LR 7.2 BRIEFS

- (a) Contents.** Opening briefs filed with the Court shall contain:
- (1) A statement of the nature of the matter before the Court.
 - (2) A concise statement of the facts. Each statement of fact should be supported by reference to a part of the official record in the case.
 - (3) A statement of the question or questions presented.
 - (4) The argument, which shall refer to all statutes, rules and authorities relied upon.

Response briefs filed with the court shall contain items (2) and (4) above. There shall be no need to include items (1) or (3), but those items can be included at the election of respondent to any extent respondent desires to include those items and/or believes respondent's statement of those items would be helpful to the court.

Reply briefs filed with the court shall contain item (4) above and may contain item (2) to the limited extent of responding to factual matters newly raised in the response. There shall be no need to include items (1) or (3) and those items ordinarily should not be included.

(b) Citation of Published Decisions. For purposes of these rules, published decisions include decisions published in widely used reports and electronic databases, specifically including Westlaw and LEXIS. The preferred form of citation is in accordance with The Bluebook, a Uniform System of Citation.

(c) Citation of Unpublished Decisions. Unpublished decisions may be cited only if the unpublished decision is furnished to the Court and to opposing parties or their counsel when the brief is filed. Unpublished decisions should be cited as follows: *Wise v. Richardson*, No. C-70-191-S (M.D.N.C., Aug. 11, 1971).

(d) Citation of Decisions Not Appearing in Certain Published Reports. Decisions published only in reports other than the West Federal Reporter System, Westlaw, LEXIS, the official North Carolina reports and the official United States Supreme Court reports (e.g., C.C.H. Reports, Labor Reports, U.S.P.Q., reported decisions of other states or other specialized reporting services) may be cited only if the decision is furnished to the Court and to opposing parties or their counsel when the brief is filed.

LR 7.3 MOTION PRACTICE

- (a) Form.** All motions, unless made during a hearing or at trial, shall be in

writing and shall be accompanied by a brief except as provided in section (j) of this rule. Each motion shall be set out in a separate document.

(b) Content. All motions shall state with particularity the grounds therefor, shall cite any statute or rule of procedure relied upon, and shall set forth the relief or order sought.

(c) Decided on Motion Papers and Briefs.

(1) Motions shall be considered and decided by the Court on the pleadings, admissible evidence in the official court file, motion papers and briefs, without hearing or oral argument, unless otherwise ordered by the Court. Special considerations thought by counsel sufficient to warrant a hearing or oral argument may be brought to the Court's attention in the motion or briefs.

(2) The clerk shall give at least seven days' notice of the date and place of oral argument. The Court, however, for good cause shown may shorten the seven-day notice period.

(d) Limitations on Length of Briefs.

(1) Except with the Court's prior permission, briefs prepared on a computer in support of motions and responsive briefs shall not exceed 6,250 words and reply briefs shall not exceed 3,125 words. The word count shall include the body of the brief, headings and footnotes. The caption, signature lines, certificate of service, and any cover page or index are not included. Each brief shall include a certificate of word count, signed by counsel or a pro se party, which includes a certification that the brief complies with this rule. The filing party may rely on word count feature of word processing software in making this certification.

(2) Briefs prepared on a typewriter or by hand in support of motions and responsive briefs shall not exceed 20 pages, and reply briefs are limited to 10 pages.

(3) A party may not incorporate by reference arguments made in another brief or file multiple motions to circumvent these limits.

(4) In the absence of a court order, all parties that are represented by the same legal counsel must join together in a single brief. That single brief may not exceed the length limits in this rule. Absent leave of court, and for good cause shown, all issues raised on summary judgment under Fed. R. Civ. P. 56 must be raised by a party in a single motion supported by a single brief. When the alignment of the parties or other circumstances would warrant a different approach, the parties may address that matter in their Rule 26(f) report and/or by separate motion(s) setting out an alternative proposal to the Court.

(e) Movant's Supporting Documents. When allegations of facts not appearing of record are relied upon to support a motion, affidavits, parts of depositions, and other pertinent documents then available shall accompany the motion or related brief. If supporting documents are not then available, the party may move for an extension of time in accordance with section (g) of this rule.

(f) Response to Motion. A respondent, if opposing a motion, shall file a response brief, within 21 days after service of the motion (30 days if the motion is for summary judgment; see LR 56.1(d)) (14 days if the motion relates to discovery; see LR 26.2 and LR 37.1). If supporting documents are not then available, the respondent may move for an extension of time in accordance with section (g) of this rule. For good cause appearing therefor, a respondent may be required to file any response brief and supporting documents within such shorter period of time as the Court may specify.

(g) Lead Plaintiff Briefing in PSLRA Cases.~~Deleted~~ In matters to which the Private Securities Litigation Reform Act (“PSLRA”) applies, briefs in response to motions to serve as lead plaintiff shall be filed within seven (7) calendar days of the filing of the motion. No reply briefs shall be permitted.

(h) Reply Brief. A reply brief may be filed within 14 days after service of the response. A reply brief is limited to discussion of matters newly raised in the response. (7 days if the reply is related to a discovery motion; see LR 26.2 and LR 37.1).

(i) Suggestion of Subsequently Decided Authority. As an addendum to a brief, response brief, or reply brief - or after oral argument but before decision - a suggestion of subsequent pertinent and significant authorities may be filed at any time prior to the Court's ruling and shall contain only the citation to the case relied upon, if published, or a copy of the opinion if the case is unpublished.

(j) Motions Not Requiring Briefs. No brief is required by either movant or respondent, unless otherwise directed by the Court, with respect to the following motions: (1) discovery motions in which the parties have agreed to the expedited procedures described in LR 37.1(b); (2) for extension of time for the performance of an act required or allowed to be done, provided request therefor is made before the expiration of the period originally prescribed or as extended by previous orders; (3) to continue a pretrial conference, hearing, or the trial of an action; (4) to add parties; (5) to amend the pleadings; (6) to file supplemental pleadings; (7) to appoint a next friend or guardian ad litem; (8) for substitution of parties; (9) to stay proceedings to enforce judgment; and (10) for relief sought to which all parties to the action consent. The above motions, while not required to be accompanied by a brief, must state good cause therefor and cite any applicable rule, statute, or other authority justifying the relief sought. These motions must be accompanied by a proposed order.

(k) Failure to File and Serve Motion Papers. The failure to file a brief or response within the time specified in this rule shall constitute a waiver of the right thereafter to file such brief or response, except upon a showing of excusable neglect. A motion unaccompanied by a required brief may, in the discretion of the Court, be summarily denied. If no response brief is filed within the time required by this rule, the motion will be considered and decided as an uncontested motion, and ordinarily will be granted without further notice.

Commentary

“Single” as used in this rule and specifically in Rule 7.3(d)(4) is to prevent multiple motions filed contemporaneously and briefed separately. The Court recognizes that, in some rare circumstances, a summary judgment motion could be appropriate on a discrete matter prior to the close of discovery. In such an instance, a later summary judgment motion filed after the close of discovery would not be precluded by the rule.

LR 7.4 DELETED

LR 7.5 BRIEF OF AN AMICUS CURIAE

(a) When permitted. A brief may be filed by an amicus curiae only upon order of the Court after the submission of a motion for leave to file.

(b) Motion for Leave to File. A motion for leave to file an amicus brief shall concisely state the nature of the movant’s interest, identify the party or parties supported, and set forth the reason why an amicus brief is desirable and why the matters asserted are relevant to the disposition of the case. The motion shall be accompanied by a proposed order. The brief shall be conditionally filed with the motion for leave. Any party may file a response opposing a motion for leave to file an amicus brief, concisely stating the reasons for opposition, within 21 days after service of the motion. The determination of the motion for leave shall be in the discretion of the Court.

(c) Time for Filing. The amicus brief shall only be filed if presented for submission, accompanied by a motion for leave to file, within the time allowed for the filing of the brief of the party supported, or within such time as the Court may allow in its order permitting the amicus brief.

(d) Contents and Form. A brief filed by an amicus curiae shall conform to Local Rules 7.1 to 7.3 and shall be accompanied by proof of service. In addition, unless the amicus curiae is the United States or its officer or agency or a state, the amicus brief shall also contain a statement that indicates whether: (1) a party’s counsel authored the brief in whole or in part; (2) a party or a party’s counsel contributed money that was intended to fund preparing or submitting the brief; and (3) a person – other than the amicus curiae, its members, or its counsel - contributed money that was intended to fund preparing or submitting the brief, and if so, identifies each such person.

(e) Disclosure Statement. If the movant is a corporation, a disclosure statement like that required of parties by Fed. R. Civ. P. 7.1 shall also be filed.

(f) Oral Argument. Amicus curiae shall not be permitted oral argument unless leave is granted by the Court.

disclosure statement under seal and must contemporaneously file a Motion to Seal setting out the basis for the request in compliance with Local Rule 5.4.

LR 11.1 PERSONS APPEARING *PRO SE* IN CIVIL AND CRIMINAL CASES

(a) Rules Governing Appearance. Any individual who is representing himself or herself without an attorney (*pro se*) must appear personally when required and may not delegate that duty to any other individual, including husband or wife, or any other *pro se* party. Any individual representing himself or herself without an attorney is bound by the Federal Rules of Civil or Criminal Procedure, this Court's Local Rules, and all other applicable law. All obligations placed on "counsel" by this Court's Local Rules apply to individuals appearing *pro se*. Failure to comply may be grounds for dismissal, judgment by default, or any other appropriate sanction. A corporation or other entity may appear only through an attorney.

(b) Address Changes. A party appearing *pro se* shall keep the Court and opposing parties advised as to his or her current address. If mail directed to a *pro se* plaintiff from the Clerk is returned by the U.S. Postal Service, and if such plaintiff fails to notify the Court and opposing parties within sixty-three (63) days thereafter of a current address, the Court may dismiss the action without prejudice for failure to prosecute.

(c) Pro Se Party Exceptions to Electronic Filing. *Pro se* parties are exempted from the requirement of filing documents electronically. *Pro se* parties must file documents in person at the Clerk's Office or by mail, and any person appearing *pro se* may use electronic filing only with the permission of the assigned Judge. See LR 5.3(c)(2).

LR 15.1 AMENDED PLEADINGS

If a party is required by the Rules to file a motion in order to seek leave to amend a pleading, the moving party shall attach the proposed amended pleading to the motion.

LR 16.1 INITIAL PRETRIAL PROCEEDINGS

(a) Requirement for Initial Pretrial Order. There shall be an initial pretrial order entered pursuant to the provisions of Fed.R.Civ.P. 16(b) and 26(f) in every civil case, except in:

- (1) Social Security cases and other actions for review of administrative decisions;
- (2) Prisoner petitions;
- (3) Summons or subpoena enforcement proceedings;
- (4) Bankruptcy appeals;
- (5) Government collection cases and forfeiture proceedings; and

- (6) Cases brought by *pro se* plaintiffs or in which all defendants are appearing *pro se*.

The above categories of cases are exempted from the timing-and-sequence-of-discovery provisions of Rule 26(d), and the meeting of parties described in Rule 26(f). Category (1), (2), (3), and (4) cases require no pretrial management and are ready for adjudication on the pleadings of the parties, unless the Court orders otherwise. Category (5) cases (government collections and forfeitures) shall be governed by a 90-day period of discovery from the filing of answer or other response, with dispositive motions due in accordance with LR 56.1. Category (6) cases (*pro se* parties) shall be governed by a scheduling order entered by the Court after an initial pretrial conference unless the Court determines, in its discretion, that no conference is necessary; discovery shall not commence until entry of the scheduling order.

(b) Meeting of the Parties. Unless a case is exempt or the timing is altered by paragraph 16.1(a) above or otherwise, within the time set by Fed.R.Civ.P. Rule 16(b), the clerk shall schedule an initial pretrial conference and give at least thirty (30) days notice thereof. In cases that are exempt under paragraph 16.1(a) from the meeting of the parties described in Rule 26(f) because they involve *pro se* parties, parties in such cases may file proposed Rule 26(f) report(s) within the time allowed and as otherwise provided by this rule whether or not there is a meeting of the parties. The parties must hold their Fed.R.Civ.P. 26(f) meeting at least 14 days before the scheduled initial pretrial conference and submit to the Court their report within 10 days thereafter. The parties may not stipulate out of the Rule 26(f) meeting but must meet to discuss a proposed discovery plan. At the Rule 26(f) meeting, the parties shall discuss:

- (1) All matters identified in Rules 16(b) and (c) and 26(f),
- (2) The possibility of settlement,
- (3) The proper management track for the case under LR 26.1,
- (4) The timing of any mediated settlement conference under LR 16.4 and LR 83.9a-g, and the identity of any agreed-upon mediator,
- (5) The nature of the documents and information believed necessary for the case and whether a LR 5.5 Order should be entered,
- (6) Issues of burden and relevance and the discoverability of different types of documents,
- (7) A preliminary schedule for depositions, to be updated at reasonable intervals upon communication between the parties,
- (8) The decision of each party whether or not to consent to the trial jurisdiction of a Magistrate Judge; and
- (9) Confirmation of the basis for federal subject matter jurisdiction, with review of Federal Rule 7.1 and Local Rule 7.7 disclosures in diversity cases, including citizenship of all members of an LLC and partners of a partnership
- (10) In cases when a party contends as part of their damages that they have obtained medical or mental health care treatment, the parties should discuss the scope of the records to be produced and which party will obtain and

produce the medical or mental health care records. When the parties agree that the party defending such a claim may request the records from one or more of the health care providers, then the party seeking such damages will provide the opposing party with a HIPAA compliant release or authorization that has been properly executed for each such provider within 14 days after the Rule 26(f) conference. Production may be subject to any confidentiality protection agreed by the parties.

The parties shall jointly prepare a Rule 26(f) Report (LR 16.2) if they are in agreement concerning a discovery plan for the case. If they do not agree, each shall file a separate Rule 26(f) Report (LR 16.3), setting forth its position on disputed matters. The Reports must be filed with the Court within 10 days of the Rule 26(f) meeting.

(c) Initial Pretrial Order by Conference. If the parties are unable to reach agreement on a discovery plan and therefore submit separate Rule 26(f) Reports (LR 16.3), they shall appear for the scheduled initial pretrial conference. Each party shall personally appear or be represented by an attorney who has full authority to bind the party on the matters for discussion at the conference. After hearing from the parties, the Court will enter an initial pretrial order that will control the conduct of the litigation.

(d) Initial Pretrial Order Upon the Joint Rule 26(f) Report. If the parties reach agreement on a discovery plan and submit a joint Rule 26(f) Report, the Court will enter an order on the basis of the proposed plan as submitted or as modified by the Court. The Court may, on its own motion, modify the plan if it finds in its discretion that the plan provides for an excessive amount of discovery or the parties' selection of a case management track under LR 26.1 is unreasonable. The scheduled initial pretrial conference is automatically canceled upon the submission to the Court of the joint Rule 26(f) Report.

(e) Discovery with Respect to Expert Witnesses. The initial pretrial order, whether based upon a joint Rule 26(f) Report or a conference following the filing of separate reports, shall provide that discovery with respect to experts be conducted within the discovery period established in the case. The order shall set the date on which disclosure of expert information under Fed.R.Civ.P. 26(a)(2) must be made.

(f) Meeting on the Scope of Retention of Potentially Relevant Documents. At any time prior to the meeting of parties required by LR 16.1(b), the parties by consent may schedule a meeting relating to the scope of retention of potentially relevant documents, including but not limited to documents stored electronically and the need to suspend any automatic deletion or electronic documents or overwriting of backup material tapes which may contain potentially relevant information. If any party requests a meeting pursuant to LR 16.1(f) and does not obtain consent to such a meeting, the party may file a motion with the Court asking for the entry of an Order requiring a LR 16.1(f) meeting. If such a meeting occurs, by consent or by order, and no retention agreement can be reached, a party may file a motion within 10 days of the Rule 16.1(f) conference with the Court seeking an order on retention. A party's use of, or failure to use, the procedures contained herein, and any negotiations between the parties pursuant to this

amount of the settlement; that the Court has conducted a hearing on the matter; that the Court has found that the proposed compromise settlement is fair, reasonable, and in the best interest of the minor or incompetent; and that the Court has approved the compromise settlement agreement.

(f) Payment of Judgment. The amount of the judgment shall be paid into the office of the Clerk of Court, and the Clerk shall make such disbursements from the proceeds as provided by the judgment of the Court. The balance of the proceeds of the judgment shall be paid to the legal guardian of the minor or incompetent, if within this state. If there is no such guardian, the balance of the proceeds shall be paid to the clerk of superior court of the county in this state in which the minor or incompetent resides. If the minor or incompetent does not reside within this state, the balance shall be paid to a legal guardian approved by the Court.

LR 23.1 CLASS ACTIONS

(a) Class Action Complaint. The complaint shall bear next to its caption the legend, "Complaint -- Class Action." The complaint shall contain under a separate heading, styled "Class Action Allegations":

(1) A reference to the portion or portions of Rule 23, Fed.R.Civ.P., under which it is claimed that the suit is properly maintainable as a class action.

(2) Appropriate allegations claimed to justify class treatment, including, but not necessarily limited to:

- (i) the size and definition of the alleged class,
- (ii) the basis upon which the plaintiff claims
 - (A) to be an adequate representative of the class, or
 - (B) if the class is comprised of defendants, that those named as parties are adequate representatives of the class,
- (iii) the alleged questions of law or fact claimed to be common to the class, and
- (iv) for actions sought to be maintained under Rule 23(b)(3), Fed.R.Civ.P., allegations thought to support the findings required by that subdivision.

(b) Motion for Class Action Determination. Within 90 days after the ~~filing of a complaint in a class action~~ entry of an initial pretrial order pursuant to the provisions of Fed.R.Civ.P. 16(b) and 26(f), unless this period is extended by court order, the plaintiff shall file a separate motion for a determination under Rule 23(c)(1), Fed.R.Civ.P., as to whether the case may be maintained as a class action. **The parties should specifically address the class action determination as part of the Rule 16 conference and Rule 26(f) report.** If a party wishes to present oral testimony to support or oppose the class action motion, the party must so inform the Court in its motion or opposition. In ruling upon such a motion, the Court may allow the action to be so maintained, may disallow and strike the class action allegations, or may order postponement of the determination

pending discovery or such other preliminary procedures as appear to be appropriate and necessary in the circumstances. Whenever possible, where it is held that the determination should be postponed, a date will be fixed by the Court for renewal of the motion.

(c) Class Action Counterclaims or Cross-Claims. The foregoing provisions shall apply, with appropriate adaptations, to any counterclaim or cross-claim alleged to be brought for or against a class.

(d) Burden of Proof; Notice. The burden shall be upon any party seeking to maintain a case as a class action to present an evidentiary basis to the Court showing that the action is properly maintainable as such. If the Court determines that an action may be maintained as a class action, the party obtaining that determination shall initially bear the expenses of and be responsible for giving such notice as the Court may order to members of the class.

LR 26.1 DIFFERENTIATED CASE MANAGEMENT AND DISCOVERY

(a) Differentiated Case Management and Commencement of Discovery. Every case in which an initial pretrial order is entered pursuant to LR16.1(b)-(d) shall be assigned, by agreement of the parties (if adopted by the Court) or by order of the Court, to one of three case-management tracks. (See LR16.2 and 16.3 for forms of the Fed.R.Civ.P. 26(f) report wherein parties advise the Court regarding case management tracks.) Unless otherwise ordered by the Court, commencement of discovery in each case will be in accordance with the initial pretrial order once entered by the Court. In submitting their reports under LR 26.1, the parties shall address whether there is a reason to delay commencement of discovery or to place limits on the scope of discovery for a period of time.¹ When one or more of the parties advocates for delay in discovery or limitation of discovery, the report shall also set out the party's position on the scope and length of discovery needed absent or following any delay or limitation. Whether or not any party believes that the timing, scope, and/or sequence of discovery should be affected by a pending motion, the parties shall address the appropriate track for the case at whatever point discovery may proceed in the matter. The three tracks are defined as follows:

(1) **Standard.** Discovery (including all discovery with respect to experts) in cases assigned to this track shall be completed within four (4) months from the date of the commencement date established in the initial pretrial order. Presumptively, subject to stipulation of the parties or order of the Court on good cause shown, interrogatories (including subparts) and requests for admission are limited to 15 in number by each party. Depositions are presumptively limited to four (4) depositions (including any experts) by the plaintiffs, by the defendants, and by third-party defendants.

¹ For instance, when a party has filed a dispositive motion, particularly when filed in lieu of an answer, which could dispose of the entire case or significant issues in the case, there may be a good reason to delay the start of discovery or to place limits on discovery while the motion is pending.

juror, member of a petit jury venire or panel which may reasonably have the effect of influencing, or which is intended to influence, the grand juror, potential petit juror, or sitting petit juror.

(2) Attorneys for parties shall inform their clients and witnesses of this rule.

(3) No person shall approach a juror, either directly or through any member of the juror's immediate family, in an effort to secure information concerning the juror's background.

(4) No provision of this rule is intended to prohibit communication with a petit juror after the juror has been dismissed from further service, so long as the communication does not tend to harass, humiliate, or intimidate the juror in any fashion.

(c) Disclosure of Names and Addresses of Prospective Jurors.

(1) The names of prospective jurors for any session of court or for a specific case may not be disclosed prior to their reporting for duty except in compliance with instructions of the Court. The clerk will make available to counsel for the parties, and to any parties appearing *pro se*, a list which sets forth the name, general address, and occupation of each potential juror when court is opened for the session for which the jurors have been summoned.

(2) The names, addresses, and telephone numbers of persons who have served as jurors may not be disclosed by the clerk's office without court permission.

LR 51.1 JURY ARGUMENTS AND INSTRUCTIONS

(a) Jury Arguments. In the trial of civil actions the party having the burden of proof shall have the right to open and close the jury argument, without regard to whether the defendant has offered evidence. If each of the parties has the burden of proof on one or more issues, the Court, in its discretion, shall determine the order of arguments. All arguments shall be subject to such time limitations as may be imposed by the Court.

(b) Instructions to Jury. In all cases tried to a jury, a party who desires the jury to be instructed on a particular point must set it out in writing and furnish it to the Court before jury arguments commence.

LR 54.1 TAXATION OF COSTS

(a) Filing Bill of Costs.

(1) A prevailing party may request the clerk to tax allowable costs in a civil action as a part of a judgment or decree by filing a bill of costs, on a form available in the clerk's office, within 30 days

(i) after the expiration of time allowed for appeal of a final judgment or decree, or

(ii) after receipt by the clerk of an order terminating the action on appeal.

(2) The original of the bill of costs shall be filed with the clerk, with copies served on adverse parties.

(3) The failure of a prevailing party to timely file a bill of costs shall constitute a waiver of any claim for costs.

(b) Objections to Bill of Costs.

(1) If an adverse party objects to the bill of costs or any item claimed by a prevailing party, that party must state objection in a motion for disallowance with a supporting brief within 14 days after the filing of the bill of costs. Within seven days thereafter, the prevailing party may file a response and brief. Unless a hearing is ordered by the clerk, a ruling will be made by the clerk on the record.

(2) A party may request review of the clerk's ruling by filing a motion within seven days after the action of the clerk. The Court's review of the clerk's action will be made on the existing record unless otherwise ordered.

(c) Taxable Costs.

(1) Items normally taxed include, without limitation:

(i) Those items specifically listed on the bill of costs form. The costs incident to the taking of depositions (when allowable as necessarily obtained for use in the litigation) normally include only the reporter's attendance fee and charge for one transcript of the deposition.

(ii) Premiums on required bonds.

(iii) Actual mileage, subsistence, and attendance allowances for necessary witnesses at actual cost, but not to exceed the applicable statutory rates, whether they reside in or out of this district.

(iv) One copy of the trial transcript for each party represented by separate counsel.

(2) Items normally not taxed include, without limitation:

(i) Witness fees, subsistence, and mileage for individual parties, real parties in interest, parties suing in representative capacities, and the officers and directors of corporate parties.

(ii) Daily copy of trial transcripts, unless prior court approval has been obtained.

(iii) **Costs of shipping/ mailing transcripts.**

(iv) **Mediation fees.**

(v) **Costs for service by private process servers.**

(d) Costs in Settlements. The Court will not tax costs in any action terminated by compromise or settlement. Settlement agreements must resolve any issue relating to costs. In the absence of specific agreement, each party will bear its own costs.

(e) Payment of Costs. Costs are to be paid directly to the party entitled to reimbursement, who must file a certificate of satisfaction within 21 days of receipt of payment.

(b) Scheduling. Conferences, hearings, and trials will be scheduled by the Court or by the Clerk at the Court's direction. All sessions of court will commence at 9:30 a.m. unless otherwise announced.

(c) Naturalization. Petitions for naturalization will be considered by the Court at Greensboro, North Carolina, on Fridays after the third Mondays in February, May, August, and on the Friday before Thanksgiving in November. In its discretion, the Court may at other times consider petitions for naturalization when made by members of the armed services, seamen on merchant vessels registered under the laws of the United States, members of the immediate families and dependents of such personnel, or other persons in exceptional circumstances.

LR 77.2 ORDERS AND JUDGMENTS GRANTABLE BY CLERK

(a) Orders and Judgments. The clerk is authorized to grant the following orders and judgments without direction by the Court:

(1) Upon a showing of good cause, consent orders in civil actions for extending for not more than 30 days (plus an additional 30 days in exceptional circumstances) the time within which to answer or otherwise plead.

(2) Upon a showing of good cause, consent orders in social security administrative review cases for extending for not more than 30 days (plus an additional 30 days in exceptional circumstances) the time within which to file ~~dispositive motions~~ **briefs and for extending for not more than 14 days (plus an additional 14 days in exceptional circumstances) the time to file reply briefs..**

(b) Clerk's Action Reviewable. The actions of the clerk may be suspended, altered, or rescinded by the Court upon cause shown.

LR 77.3 COURT LIBRARIES

The court's libraries are maintained for the exclusive use of the Judges and the Clerk.

LR 79.1 ACCESS TO COURT RECORDS

(a) Access. The public records of the Court are available for examination in the clerk's office during normal business hours.

(1) No file, pleading, paper, or index card may be removed from the clerk's office without the approval of a Judge.

(2) When removal of a file or document is authorized, the clerk will set a date for its return and will require a written receipt for its release.

(b) Copies. The clerk will make and furnish copies of official court records upon request and upon payment of prescribed fees. The official court record for