Rule 40 - 2.08 Assignments of Actions and Matters.

(A) Assignment of Civil Actions.

Unless otherwise ordered by the Court, the Clerk will assign each civil action to a district judge or a magistrate judge by automated random selection, except that when preliminary injunctive relief is requested by motion, the Clerk will assign the action to a district judge. In the event the action is assigned to a magistrate judge, each party must execute and file within 21 days of its appearance either a written consent to the exercise of authority by a magistrate judge under 28 U.S.C. § 636(c), or a written election to have the action reassigned to a district judge. Each party must indicate its consent or election on a form provided by the Court, which must be submitted in the manner directed by the Court. Consent to a magistrate judge's authority does not constitute a waiver of any jurisdictional defense unrelated to the grant of authority under 28 U.S.C. § 636(c).

(B) Assignment of Criminal Actions.

Unless otherwise ordered by the Court, the Clerk will assign each grand jury indictment and each felony information to a district judge by automated random selection. Each case proceeding by felony indictment will be referred to a magistrate judge by automated random selection for a ruling or recommendation on all pretrial motions. Unless otherwise ordered by the Court, the Clerk initially will assign each misdemeanor information to a magistrate judge by automated random selection.

(C) Assignment of Miscellaneous Matters.

Unless otherwise ordered by the Court, miscellaneous matters will be assigned to a district judge or a magistrate judge by automated random selection, except that, as appropriate, miscellaneous matters brought by the government for expedited ex parte consideration will be presented to the district judge or magistrate judge to whom miscellaneous duty is then assigned.

(D) Judge's Initials to Appear in Cause Number.

The cause number for each case will include the initials of the assigned judge. In the event a case is reassigned to a different judge, the cause number will be modified to include the new judge's initials.

(E) Clerk to Enter Magistrate Judge Referrals and Designations on the Record.

In each civil action, criminal action, miscellaneous matter or other matter assigned to any magistrate judge pursuant to this rule, the Clerk is directed to enter on the public record of the action, case, or matter a designation by the Court stating that the assigned or referred magistrate judge and any other magistrate judge to whom the civil action, criminal action, miscellaneous matter, or other matter may be transferred or reassigned, is authorized to exercise, as appropriate, full authority under 28 U.S.C. § 636 and 18 U.S.C. § 3401.

(Amended July 10, 2006, effective August 28, 2006; Amended November 21, 2008 by adding paragraph (E), effective January 1, 2009; Amended September 8, 2009, effective December 1, 2009; Amended September 7, 2016, effective December 1, 2016)

Rule 16 - 6.03 Neutrals.

(A) Certification of Neutrals.

(1) The Court will certify those persons who are eligible to serve as neutrals (mediators or evaluators) in such numbers as the Court deems appropriate. The Court will have the authority to establish qualifications for and monitor the performance of neutrals, and to withdraw the certification of any neutral. A list of certified neutrals will be maintained by the Clerk, and will be made available to counsel, litigants, and the public for inspection upon request.

(2) To be eligible for certification under this rule a person must:

(a) file an application for certification on a form provided by the Clerk;

(b) be admitted to practice law in the highest court of any state or the District of Columbia for at least five (5) years;

(c) be a member in good standing in each jurisdiction where admitted to practice law at the time of application for certification;

(d) complete at least thirty-two (32) hours of approved professional training in mediation;

(e) observe as a non-participant at least two (2) mediations conducted by a mediator who has completed at least twenty-five (25) mediations and is either certified under this rule or qualified under Missouri Supreme Court Rule 17;

(f) agree to serve for reduced or no compensation from a party who has qualified pursuant to paragraph (C)(2) of this rule for appointment of a pro bono neutral;

(g) complete four (4) hours of accredited continuing legal education in alternative dispute resolution on or before January 31 of each odd numbered year beginning with an initial reporting period in 2019 for the two preceding years; and

(h) after having completed twenty-five (25) mediations, agree to be observed for two (2) mediations each year by interested individuals who would otherwise be qualified for certification under this rule.

(3) The training requirement established in paragraph (A)(2)(d) above is satisfied by the completion of accredited continuing legal education course work which includes the following:

(a) conflict resolution and mediation theory, including causes and dynamics of conflict, interest-based versus positional bargaining, negotiating theory, and models of conflict resolution;

(b) mediation and co-mediation skills and techniques, including information gathering skills, conflict management skills, listening skills, negotiations techniques, power issues, caucusing, management of joint session, cultural and gender issues, and modeling with self-represented as well as represented individuals;

(c) mediator conduct, including conflicts of interest, confidentiality, impartiality, ethics and standards of practice; and

(d) mediation simulations or role play activities.

(4) An attorney certified under this rule who is not admitted to practice law in this Court is bound by the Rules of Professional Conduct as approved and amended from time to time by the Supreme Court of Missouri and this Court's Rules of Disciplinary Enforcement, in

accordance with Local Rule 12.02, to the same extent and under the same conditions as a member of the bar authorized to practice before this Court.

(5) Any member of the bar of this Court who is certified as a neutral will not for that reason be disqualified from appearing as counsel in any other case pending before the Court.

(6) After January 31 of each odd-numbered year beginning in 2019, the Clerk will examine the list of certified neutrals to determine which neutrals did not receive appointments during the previous two years and which neutrals did not complete the continuing legal education required in paragraph (A)(2)(g) above. The Clerk will determine the neutral's interest in continuing to be carried on the Court's list of certified neutrals. If the neutral desires to remain on the list, the neutral will submit by April 1 information demonstrating completion of the continuing legal education requirement during the previous two years as well as information demonstrating the neutral's continued interest in mediation. If such information is not provided, the Clerk will recommend to the Court that the neutral be removed from the list. A person applying for certification as a neutral after having been removed pursuant to this rule must satisfy the requirements for certification in effect at the time of the new application.

(B) Appointment of Neutrals.

(1) Within the time prescribed by the Order Referring Case to Alternative Dispute Resolution, the parties must notify the Clerk in writing of the parties' choice of a neutral. If the parties fail timely to select a neutral, the Clerk will select a neutral from the list and notify the parties.

(2) Notwithstanding subsection (B)(1), the Court, in consultation with the parties, may appoint a neutral who has special subject matter expertise germane to a particular

case, whether or not such individual is on the list of certified neutrals. Parties must file a motion for leave to designate a neutral not on the list of certified neutrals maintained by the Court. The motion must include the reason for the selection of the neutral.

(3) The Clerk will send a Notice of Appointment of Neutral to the parties and to the individual designated by the parties, after lead counsel has confirmed that individual's availability. Upon receipt of the Notice of Appointment, lead counsel must send to the neutral a copy of the Order referring the case to Alternative Dispute Resolution. The appointment will be effective until the neutral notifies the Court in writing that the referral has been concluded.

(C) Compensation of Neutral.

(1) Unless otherwise agreed by all parties or ordered by the Court, one-half the cost of the neutral's services will be borne by the plaintiff(s) and one-half by the defendant(s) at the rate contained in the neutral's fee schedule filed with the Court. In a case with third-party defendants, the cost will be divided into three equal shares. Except as provided in subsection (C)(2), a neutral may not charge or accept in connection with a particular case a fee or thing of value from any source other than the parties. The Court may review the reasonableness of the fee and enter any order modifying the fee. Compensation will be paid directly to the neutral. Failure to pay the neutral will be brought to the Court's attention.

(2) A party who demonstrates a financial inability to pay all or part of that party's pro rata share of the neutral's fee may file a motion asking the Court to appoint a neutral who will serve pro bono. The Court may waive all or part of that party's share of the fee. A neutral appointed to serve pro bono may apply to the Court for payment of that share of the neutral's fee waived for an indigent party, consistent with regulations approved by the Court. When so ordered by the Court, payment to the neutral will be made by the Clerk from the

Attorney Admission Fee Non-Appropriated Fund. Other parties to the case who are able to pay the fee will bear their pro rata portions of the fee.

(D) Disqualification of Neutral.

(1) The term "conflict of interest" as used in this rule means any direct or indirect financial or personal interest in the outcome of a dispute, or any existing or prior financial, business, professional, family or social relationship with any participant in an ADR process which is likely to affect the neutral's impartiality or which may reasonably create an appearance of partiality or bias.

(2) A neutral must avoid a conflict of interest or the appearance of a conflict of interest during and after a mediation or early neutral evaluation. A neutral must make a reasonable inquiry to determine whether there are any facts that would cause a reasonable person to believe that an actual or potential conflict of interest exists for the neutral in connection with service in a particular case referred to ADR by the Court.

(3) A neutral must disclose to participants, as soon as practicable, all facts and information relevant to any actual and potential conflicts of interest that are reasonably known to the neutral. If, after accepting a designation by the parties, a neutral learns any previously undisclosed information that could reasonably suggest a conflict of interest, the neutral must promptly disclose the information to the participants. After the neutral's disclosure, the ADR may proceed if all parties agree to service by the neutral.

(4) Notwithstanding the agreement of the parties to waive a conflict of interest, a neutral must withdraw from or decline a designation in a case if the neutral determines that an actual or potential conflict of interest may undermine the integrity of the mediation or early neutral evaluation.

(5) Any party who believes that an assigned neutral has a conflict of interest may request the neutral to recuse. If the neutral declines, the party may file a motion for disqualification of the neutral. Failure to file a motion will waive the objection.

(E) Unavailability of Neutral. A neutral who cannot serve within the period of referral must notify lead counsel who will arrange for selection of a different neutral by agreement of the parties or by the Clerk.

(Amended October 1, 2001, effective November 1, 2001; Amended February 10, 2004, effective March 12, 2004; Amended July 10, 2006, effective August 28, 2006; Amended April 6, 2009, effective May 11, 2009; Amended July 9, 2010, effective August 16, 2010; Rule 6.03(A) Amended September 5, 2013, effective January 1, 2014; Amended November 5, 2014, effective December 15, 2014; Amended September 7, 2016, effective December 1, 2016.)

Rule 54 - 8.03 Bill of Costs.

(A) District Court Costs.

(1) A party seeking an award of costs must file a verified bill of costs, in the form prescribed by the Clerk, no later than twenty-one (21) days after either:

(a) entry of final judgment pursuant to Fed.R.Civ.P. 58; or

(b) issuance of the mandate by the Court of Appeals or other Order terminating the action on the District Court case on appeal.

(2) Failure to file a bill of costs within the time provided may constitute a waiver of taxable costs.

(3) Each party objecting to a bill of costs must file, within fourteen (14) days of being served, a memorandum stating specific objections. Within seven (7) days after being served with the memorandum, the moving party may file a reply memorandum. The Clerk will tax costs as claimed in the bill if no timely objection is filed.

(4) Costs will be paid directly to counsel of record and execution may be had therefor.

(5) The filing of a bill of costs in no way affects the finality and appealability of the final judgment previously entered.

(6) If an appeal is filed, the taxing of costs will be suspended until the issuance of the mandate or other order terminating the action by the Court of Appeals as described in subsection (B) below.

(B) Costs on Appeal Taxable in the District Court. Costs allowable pursuant to Fed.R.App.P. 39(e) will be taxed in accordance with section (A) of this rule, provided a bill of costs is filed within twenty-one (21) days of the issuance of the mandate or other order terminating the action by the Court of Appeals.

(Amended July 10, 2006; effective August 28, 2006; Amended September 8, 2009, effective December 1, 2009; Amended October 5, 2016, effective December 1, 2016)

XII. ATTORNEYS

Rule 83 - 12.01 Attorney Admission.

(A) Roll of Attorneys.

The bar of this Court consists of those attorneys who have been granted admission upon satisfaction of the requirements for admission to practice before this Court prescribed by the rules in force at the time of their application for admission. Except as otherwise provided in this rule, only attorneys enrolled pursuant to the rules of this Court or duly admitted pro hac vice may file pleadings, appear, or practice in this Court.

Nothing in these rules is intended to prohibit any individual from appearing personally on his or her own behalf. An attorney admitted to practice in another Federal District Court or licensed by any state to practice law may appear and represent the United States or the State of Missouri, or any of their respective departments or agencies, without general admission to the bar of this Court. Admission to the bar of this Court is not required in order to file or appear in a miscellaneous case, to appear in a case transferred to this Court pursuant to 28 U.S.C. § 1407 on an order of the Judicial Panel on Multidistrict Litigation, or in any other case transferred from another District Court on an order of that District Court.

(B) Qualifications for Admission.

An attorney of good moral character who holds a license to practice law from, and who is a member in good standing of the bar of, the highest court of any state or the District of Columbia may apply for admission to the bar of this Court.

(C) Procedure for Admission.

A candidate for admission to the bar must file electronically a verified application for admission on a form provided by the Clerk of the Court. In addition to the completed form, the applicant must submit: (1) a current certificate of good standing from the highest court of the state of the applicant’s primary practice; and (2) the prescribed application fee. Applicants who attend this Court's biannual admission ceremony in Jefferson City who are admitted to the

Missouri Bar on the same day as this Court's ceremony are not required to submit a current certificate of good standing from the Supreme Court of Missouri. If the Court determines that an investigation of an applicant's character and fitness is necessary, a member of the bar of the Eastern District of Missouri may be appointed by the Chief Judge to conduct an examination of the applicant's background and report written findings to the Court. An attorney appointed for this purpose will be compensated from the Attorney Admission Fee Non-Appropriated Fund at a reasonable hourly rate, provided that total compensation may not exceed $2,500.00 plus actual expenses. Each completed application will be examined by the Clerk of Court for satisfactory evidence of compliance with these rules. The Clerk is authorized to approve an application for admission that satisfies these requirements. Upon approval of an application for admission, the attorney must take an oath or affirmation administered by a district, magistrate or bankruptcy judge of this Court. For good cause, the oath may be administered via telephone, videoconference or other electronic means. Admission to the bar of any division will constitute admission to practice in all divisions of the Court, including the Bankruptcy Court.

(D) Admission of Government Attorneys.

An attorney representing the United States, the State of Missouri or another State, or any of their respective departments, officials or agencies may apply for special Government Counsel limited admission to the bar of this Court. The applicant must be a member in good standing of the bar of the highest Court of any State or the District of Columbia. A candidate for limited admission under this rule must file electronically a verified application on a form provided by the Clerk of Court. The application must include a letter written on the employing government agency's letterhead containing a statement signed by the agency executive indicating the applicant's name, title and current employment status.

(E) Renewal of Membership.

The roll of attorneys admitted to practice before this Court will be renewed quadrennially commencing after 1999. A renewal registration on a form provided by the Court must be filed with the Clerk by every member of the bar on or before the thirty-first day of January of each renewal year. Each renewal registration must be accompanied by a fee in an amount set by order of the Court at least ninety days prior to each registration period. The Clerk will publish notice or otherwise inform the bar of the renewal requirement and the fee at least sixty days before the deadline for filing such renewal registration forms.

The Clerk will deposit the renewal registration fees collected pursuant to this rule into the fund created by Local Rule 12.03, to be used for the purposes specified in that rule, and to defray the expenses of maintaining a current register of members of the bar of this Court.

An attorney who fails to file the required renewal registration and pay the renewal fee will be provisionally removed from the roll of members in good standing, and the attorney's privilege to file pleadings, appear and practice in any division of the Eastern District of Missouri will be suspended. If no renewal registration is filed within three months of the delinquency, the name of the attorney will be permanently removed from the roll by order of the Court, without prejudice to a subsequent application for admission.

(F) Admission Pro Hac Vice.

An attorney who is not regularly admitted to the bar of this Court, but who is a member in good standing of the bar of the highest court of any state or the District of Columbia, may be admitted pro hac vice for the limited purpose of appearing in a specific pending action. Unless allowed by a judge for good cause, an attorney may not be granted admission pro hac vice if the applicant resides in the Eastern District of Missouri, is regularly employed in the Eastern District

of Missouri, or is regularly engaged in the practice of law in the Eastern District of Missouri. A motion requesting admission pro hac vice must be verified and must include the name of the movant attorney, the address and telephone number of the movant, the name of the firm under which the movant practices, the name of the law school attended and the date of graduation, the movant's dates and places of admission to practice law; and a statement that the movant is in good standing in all bars in which he or she is a member, and that the movant does not reside in the Eastern District of Missouri, is not regularly employed in this district, and is not regularly engaged in the practice of law in this district. The movant attorney must include as an attachment to the motion for admission pro hac vice a current certificate of good standing from the highest court of the state in which the attorney resides or is regularly employed as an attorney, or other proof of good standing satisfactory to the Court. The motion must be filed with the Clerk of the District Court or with the Clerk of the Bankruptcy Court, as appropriate, where the action is pending, with payment of the prescribed fee. If the attorney has not previously been issued an electronic filing login and password for the CM/ECF System, the attorney must request a login and password through the online attorney registration system, AttorneyReg. Once the login and password has been issued by the Court, all subsequent documents submitted to the Court by that attorney must be filed electronically, including the motion for pro hac vice admission and any subsequent motion for pro hac vice admission. Attorneys not admitted to this Court who appear in a miscellaneous case, in a case transferred to this Court pursuant to 28 U.S.C. § 1407 on an order of the Judicial Panel on Multidistrict Litigation, or in any other case transferred from another District Court on an order of that District Court, must request a login and password through the online attorney registration in the same manner as described above for attorneys seeking admission pro hac vice.

(G) Duty to Report Contact Information.

Attorneys admitted to practice under this rule have a continuing duty to promptly notify the Clerk of any change of name, business address, telephone number, or e-mail address.

(H) Registration Number.

Each attorney granted regular admission to the bar of this Court will be issued a registration number which must be included with the attorney's signature block on every filing in this Court.

(I) Court Appointed Representation.

Attorneys who are members in good standing of the bar of this Court will be required to represent without compensation indigent parties in civil matters when so ordered by a judge of this Court, and to accept appointments by a judge to represent indigent criminal defendants under the Criminal Justice Act unless exempt by rule or statute, except when such representation would create a conflict of interest. Statutory fees and expenses may be awarded as provided by law to an attorney appointed under this rule.

(Amendment to Paragraph (D) adopted October 2, 1999, effective December 1, 2000; Amendment to Paragraph (C) adopted July 9, 2004, effective August 16, 2004; Amended July 10, 2006, effective August 28, 2006; Amendment to Paragraph (A) adopted April 9, 2007, effective May 14, 2007; Amendment to Paragraph (E) adopted November 21, 2008, effective January 1, 2009; Amendment to Paragraph (D) adopted May 7, 2010, effective June 15, 2010; Amended June 15, 2012, effective August 1, 2012; Amended November 5, 2014, effective December 15, 2014; Amended November 4, 2015, effective January 1, 2016; Amended September 7, 2016, effective December 1, 2016.)

Rule 83 - 13.03 Bonds and Other Sureties.

(A) General Requirements.

Every bond, recognizance or other undertaking required by law or Court order in any proceeding must be executed by the principal obligor or by one or more sureties qualified as provided in this rule.

(B) Unacceptable Sureties.

Employees of the Court, employees of the United States Marshals Service, any member of the bar of this Court and any employee of such member will not be accepted as surety on a cost bond, bail bond, appeal bond, or any other bond filed in this Court, except as authorized by a Judge.

(C) Corporate Surety.

A corporate surety must be approved by the United States Department of the Treasury (Circular 570) and the Missouri Department of Insurance. The Court will verify that the surety has a current active license with the Fidelity and Surety Business Authority prior to acceptance, and will not accept the surety if the license is not current and active. In all cases, a valid power of attorney showing the authority of the agent signing the bond must either be on file with the Court or attached to the bond with a tender of the required fee.

(D) Real Property Bonds.

Persons competent to convey real estate in the State of Missouri of an unencumbered value of at least the stated penalty of a bond ordered by the Court may be considered for qualification as surety by providing proof deemed sufficient by a judge showing: (1) the legal description of the real estate in a General Warranty Deed or Deed of Trust showing current ownership of the property; (2) a list of all encumbrances and liens, and balances owed; (3) a

current appraisal or other document verifying current value of the property; (4) a waiver of inchoate rights of any character and certification that the real estate is not exempt from execution; and (5) proof of payment of property taxes. If all documents are approved by the Court, the sureties on the bond must include all record owners of the real property.

(E) Cash Bonds.

Cash bonds may be deposited into the registry of the Court, but only in connection with the execution and filing of a written bond sufficient as to form and setting forth the conditions for the bond as ordered by the Court. Unless otherwise ordered by a judge, every deposit of cash bond in a criminal case must be accompanied by an affidavit of ownership, in the form required by the Court, which when filed will establish conclusively the identity of the owner of the cash to be posted as security. Bond funds will be disbursed only to the surety of record listed on the affidavit of ownership. The Court will not accept assignment of the bond to anyone other than the listed owner.

(F) Costs Bonds.

The Court on motion or on its own initiative may order any party to file an original bond for costs or additional security for costs in such an amount and so conditioned as the Court by its order may designate.

(G) Insufficiency--Remedy.

Any opposing party may raise objections to a bond's form or timeliness or the sufficiency of the surety. If the bond is found to be insufficient, the judge may order that a sufficient bond be filed within a stated time, and if the order is not complied with, the case may be dismissed for want of prosecution or the judge may take other appropriate action.

(Amended December 21, 2001, effective February 1, 2002; Amended July 10, 2006, effective August 28, 2006; Amended November 4, 2015, effective January 1, 2016; Amended September 7, 2016, effective December 1, 2016.)

Rule 67 - 13.04 Deposit of Funds with the Court.

(A) Receipt of Funds.

An order of Court is required for the deposit of funds into the registry of the Court. The instrument to be deposited in the registry must be made payable to Clerk, U.S. District Court. No third-party checks will be accepted. All monies ordered to be paid to the Court or received by its officers in any case pending or adjudicated will be deposited with the Treasurer of the United States in the name and to the credit of this Court pursuant to 28 U.S.C. § 2041.

(B) Investment of Funds.

(1) In any case in which the deposit of funds is governed by Fed.R.Civ.P. 67, the depositor must, before presenting to the Clerk the funds for deposit, obtain from the Court an order directing the Clerk to invest the funds in an interest-bearing account or instrument. The Clerk will deposit all such funds into the Court Registry Investment System (CRIS) as administered by the Administrative Office of the United States Courts (AOUSC) pursuant to 28 U.S.C. § 2045. The CRIS may consist of various funds as directed by the AOUSC. The Court may, by administrative order, adopt further guidance for deposit into various funds of CRIS, or such other directions for management of deposit of funds into CRIS as are necessary to enforce this rule.

(2) All interpleader funds deposited by this Court pursuant to 28 U.S.C. § 1335 will be considered Disputed Ownership Funds (DOF) for the purposes of Internal Revenue Service (IRS) tax administration. Unless otherwise ordered by the Court, all interpleader funds will be deposited in the DOF established within the CRIS and administered by the AOUSC, and the AOUSC will be responsible for meeting all DOF tax administration requirements.

(3) Funds deposited and held in the CRIS by this Court remain subject to the control and jurisdiction of this Court. Such funds will be pooled with like funds from other entities within the Federal Judiciary, and will be invested and administered pursuant to the CRIS investment policy as administered by the AOUSC.

(4) Per the direction of the AOUSC the Court will deduct a CRIS administrative fee for deposits in the CRIS fund, as follows:

(a) A CRIS fee of 10 basis points on assets on deposit for all CRIS funds, excluding the case funds held in the DOF, for the management of investments in CRIS;

(b) A CRIS fee of 20 basis points on assets on deposit in the DOF for management of investments and tax administration.

(5) In each fund the CRIS fee will be assessed only from interest earnings to the pool before a pro rata distribution of earnings is made to court cases.

(6) The effective date of the CRIS fee is December 1, 2016. The effective date of deposits to the DOF is April 1, 2017 or as soon thereafter as the fund begins accepting deposits. Deposits to the DOF will not be transferred from any existing CRIS funds. Only new deposits pursuant to 28 U.S.C. § 1335, after the fund begins accepting deposits, will be placed in the CRIS DOF fund.

(C) Disbursement of Funds.

(1) Pursuant to 28 U.S.C. § 2042, no funds deposited in the registry of the Court will be withdrawn except by order of Court. Unless otherwise ordered by the Court**,** withdrawals of registry funds will be made by check only.

(2) Cash bail is refunded when the purpose for which the bond was posted has been fully satisfied. The Court's Financial Deputy will attest that the conditions of the bond

have been satisfied prior to presentation to the Court. Cash deposited as security on a bond in a criminal case will be refunded in accordance with an affidavit of ownership filed pursuant to Local Rule 13.03(E). Instructions and proposed orders for the refund of cash bail are available from the Clerk.

(3) Upon adjudication of entitlement to interest-bearing registry funds, the Court may order the appropriate party to file a proposed order for disbursement of the fund. The proposed order must comply with the redaction requirements of Local Rule 2.17 and must contain the following:

(a) the principal sum initially deposited;

(b) the amount or amounts of principal to be disbursed;

(c) the percentage of accrued interest payable with each principal amount, after the Clerk deducts from the total accrued interest the applicable administrative fee pursuant to the General Order of January 10, 1991;

(d) to whom exactly each disbursement check should be made payable;

(e) full mailing instructions for each disbursement check, including full street address and zip code; and

(f) for funds not held in the DOF, the social security number or tax ID number of each recipient of accrued interest, and known attorney fees, which must be provided to the Finance Department of the Clerk's Office on a completed and signed I.R.S. Form W-9.

(4) Disbursement of funds will not be made until all applicable W-9 forms in a case are received. A copy of I.R.S. Form W-9 is available on the Court's website.The legal tax mailing address of the party must match I.R.S. records or the payee may be subject to backup

withholding of 28%. The Clerk will prepare and file I.R.S. Form 1099-INT with the I.R.S. pursuant to I.R.S. Ruling 76-50.

(Amended December 21, 2001, effective February 1, 2002; Amended July 10, 2006, effective August 28, 2006; Amended November 5, 2014, effective December 15, 2014; Amended October 5, 2016, effective December 1, 2016.)

Rule 83- 13.05 Pleadings and Documents Filed Under Seal.

(A) Pleadings and Documents in Civil Cases.

(1) Upon a showing of good cause the Court may order that documents filed in a civil case be received and maintained by the Clerk under seal. The Clerk of Court will restrict access to such documents so that they are not in the file to which the public has access. Unless the docket reflects prior entry of an order to file under seal or the party offering a pleading or document presents the clerk with an order of the Court authorizing a filing under seal or a motion for such order, all pleadings and documents received in the office of the clerk will be filed in the public record of a civil case, except as otherwise required by law. For instructions on seeking leave to file sealed motions or sealed documents in CM/ECF, see the Sealed and Ex Parte Documents section of the Court's Administrative Procedures for Case Management/Electronic Case Filing at http://www.moed.uscourts.gov/administrative-procedures.

(2) Not less than 30 days after a final order or other disposition has been issued in a civil action in the District Court, or 30 days after the receipt of a mandate from the Court of Appeals in a case in which an appeal has been taken, a motion may be filed with the Court requesting that documents previously filed under seal be unsealed and made part of the public record. Unless otherwise ordered by the Court, all documents previously sealed in a civil action will remain sealed by the Clerk of Court.

(B) Pleadings and Documents in Criminal Cases.

(1) All applications for pen registers, trap and trace devices, wire taps, records of electronic communications, and IRS search warrants and tax return orders will be filed and maintained by the Clerk under seal unless otherwise ordered by the Court. Documents, pleadings, and other materials filed under seal pursuant to this paragraph will be maintained by

the Clerk in original form for not less than five (5) years from the date of filing. All such original sealed documents will be scanned into electronic digital images, indexed, and permanently stored under seal in such electronic format in lieu of maintaining the original paper copies after the required period of five (5) years. When an electronic digital image or copy of any original document, pleading, or other material filed with the Court under seal is created pursuant to this paragraph, the electronic version will be the permanent and official court record. From time to time, the Clerk may petition the Court for leave to destroy original documents and materials filed under seal pursuant to this paragraph for which electronic digital images have been made.

(2) All presentence investigation reports and such other materials regarding any guilty plea or sentencing which the Court orders filed under seal, including but not limited to any plea agreement supplement, sentencing statement, plea transcript supplement, or sentencing transcript supplement, will be filed and maintained by the Clerk under seal. The U.S. Attorney's Office must file a sealed statement in all criminal cases in which a defendant enters a guilty plea that will either explain the terms of a defendant’s cooperation or state that a defendant did not cooperate with the government. Nothing in the Court’s public record will allow anyone to be able to determine whether a defendant did or did not cooperate with the government. The Court may issue administrative orders and procedures further specifying processes necessary to preserve the confidentiality of the documents and proceedings described in this paragraph.

(3) Applications for search warrants, warrants and similar orders issued pursuant to Rule 41 upon application of the government for the acquisition of information or evidence in connection with a criminal investigation, and returns made pursuant to Fed.R.Crim.P. 41(f), will each be received by the Court under temporary seal. Within fourteen (14) days from the date of receipt by the Court of any such document, the government or any

other person or entity having a sufficient privacy interest in the search warrant information, or the property or evidence that is the object of acquisition by the government, may file an ex parte motion seeking an order to file under seal. The motion to seal will set out the date on which the sealing order will expire without further order of the court. The moving party will have the burden of establishing a compelling interest necessitating a restriction on public access. When such a motion is pending, the subject material will remain sealed but the Court must rule on the motion promptly. If the motion is granted, the Court will direct the Clerk to file the relevant documents under seal. The maximum period of time for which the motion may be granted is six (6) months. If, after six months, a party seeks continued sealing of the file, the party must submit a motion to that effect demonstrating a continuing compelling interest necessitating restriction on public access. If the motion to seal or for continued sealing is denied in whole or in part, or if no motion is timely filed, the Court will order the Clerk to unseal and file unrestricted material in the public record unless the Court determines otherwise.

(4) Except as otherwise provided in this paragraph, any written communication regarding any defendant by persons other than court-related personnel working on the case, the defendant, or counsel, submitted at any point before the defendant has been sentenced, will be made available for viewing at the public terminal in the clerk's office. Any written communication received in paper form will be scanned and filed electronically in the appropriate case. Any party may file a motion, either at or after the time any written communication is submitted, stating the particular reasons as to why it should not be made available at the public terminal. A judge, either on the judge's own motion or on the motion of any party, may order all or any portion of any written communication to be removed from the public terminal at any time. Any written communication that has been redacted will be filed

under seal in a non-redacted form. The clerk's office will publish a notice to the bar and include a permanent notice on its website restating this paragraph. This notice will also state the types of personally identifying information that must not be included on any written communication submitted to this Court, consistent with Fed. R. Crim. P 49.1 and any order of this Court regarding prohibited information on any such written communication.

(5) All pleadings and documents relating to grand jury proceedings will be filed and maintained by the Clerk under seal.

(6) Any other material or item ordered sealed by the Court will be filed and maintained by the Clerk under seal.

(New rule added April 3, 1998, effective July 1, 1998; Paragraph B amended February 4, 2000, effective March 8, 2000; Paragraph B amended April 5, 2002, effective June 1, 2002; Amended July 10, 2006, effective August 28, 2006; Amended January 9, 2009, effective February 16, 2009; Amended September 8, 2009, effective December 1, 2009; Amended November 4, 2015, effective January 1, 2016; Amended September 7, 2016, effective December 1, 2016.)