

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

GENERAL ORDER AMENDING LOCAL RULES

It is hereby ORDERED that the following amendments to the local rules, having been approved by the judges of this court, are adopted for immediate implementation:¹

1. LOCAL RULE CV-5 Service and Filing of Pleadings and Other Papers

- (a) **Electronic Filing Required.** Except as expressly provided or in exceptional circumstances preventing a Filing User from filing electronically, all documents filed with the court shall be electronically filed in compliance with the following procedures.

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- (7) **Sealed Documents.**

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- (C) Documents requested or authorized to be filed under seal shall be filed in electronic form. Documents requested or authorized to be filed ex parte shall be filed with the clerk in .pdf format on a CD-ROM disk. The content of the CD-ROM disk will not be uploaded to the court's CM/ECF system. The CD-ROM disk will be forwarded to the presiding judge for his or her review. ~~Attorneys must contact the clerk's office to obtain permission to file documents under seal using the court's CM/ECF system.~~ All sealed or ex parte documents filed with the court must comply with the file size and other form requirements of Local Rules CV-5(a) and CV-7. Counsel is responsible for serving documents under seal to opposing counsel, and may do so in electronic form, and for complying with Local Rule CV-5(a)(9) regarding courtesy copies of filings. When a sealed order is entered by the court, the clerk will send a sealed copy of the order only to the lead attorney for each

¹New language appears in underlined text; deleted language appears in ~~strikeout~~ text.

party (see Local Rule CV-11), who is responsible for distributing the order to all other counsel of record for that party.

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Comment: A recently installed CM/ECF software upgrade now permits the clerk's office to automatically allow attorneys to file documents under seal without having to contact the court. Therefore, the language requiring counsel to ask permission to electronically file documents under seal has been deleted.

2. LOCAL RULE CV-12 Filing of Answers and Defenses

An attorney may, by motion, request that the deadline be extended for a defendant to answer the complaint or file a motion under Fed. R. Civ. P. 12(b). Unless otherwise ordered by the court, where the requested extension (1) is not opposed; and (2) is not more than 30 days and does not result in an overall extension of the defendant's deadline exceeding 45 days, the request shall be by application to the clerk, not motion. The application shall be acted upon with dispatch by the clerk on the court's behalf, and the deadline to answer or otherwise respond is stayed pending action by the clerk.

Comment: The purpose of this new rule is to provide a streamlined, effective procedure for processing unopposed requests for extension. Such motions can be acted upon clerically subject to the caveat that the request be for not more than 30 days, and does not result in an overall extension of the defendant's deadline of more than 45 days.

3. APPENDIX M LOCAL PATENT RULES

The first sentence to the comment to the amendments to Patent Rules 2-1 and 3-1 contained in General Order 07-9 is changed to read as follows: "[t]he amendments to P.R. 2-1 and 3-1 make it clear that the Initial Case Management Conference referred to is that with the court under Rule 16, and not the Rule 26(f) conference between the parties." The references to Rules 16 and 26(f) were erroneously inverted in the original version of the comment.

It is hereby ORDERED that the effective date of these rule changes, and the ones contained

in General Order 07-9, is Monday, January 14, 2008.

Signed this 10 day of January, 2008.

FOR THE COURT:


THAD HEARTFIELD
Chief Judge