

United States Bankruptcy Court

_____ District Of _____

In re _____,
Debtor

Case No. _____

Chapter _____

[Caption as in Form 16A, 16B, or 16D, as appropriate]

NOTICE OF APPEAL

_____, the plaintiff *[or defendant or other party]* appeals under 28 U.S.C. § 158(a) or (b) from the judgment, order, or decree of the bankruptcy judge (describe) entered in this adversary proceeding *[or other proceeding, describe type]* on the _____ day of _____, _____.
(month) (year)

The names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Dated: _____

Signed: _____
Attorney for Appellant (or Appellant, if not represented by an Attorney)

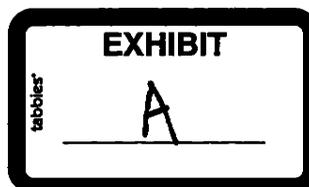
Attorney Name: _____

Address: _____

Telephone No: _____

If a Bankruptcy Appellate Panel Service is authorized to hear this appeal, each party has a right to have the appeal heard by the district court. The appellant may exercise this right only by filing a separate statement of election at the time of the filing of this notice of appeal. Any other party may elect, within the time provided in 28 U.S.C. § 158(c), to have the appeal heard by the district court.

If a child support creditor or its representative is the appellant, and if the child support creditor or its representative files the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.



NOTICE OF APPEAL

A party in a bankruptcy case who thinks the judge has decided a matter incorrectly has a right to appeal any final judgment, order, or decree of the judge. When a matter is appealed, another judge, or a group of three judges, will review the original judge's ruling. The first step in exercising this right to have the original decision reexamined is the filing of a notice of appeal.

I. APPLICABLE LAW AND RULES

Appeals in bankruptcy cases are governed by section 158 of title 28, United States Code (the Judicial Code), and by Part VIII of the Federal Rules of Bankruptcy Procedure (referred to as "Bankruptcy Rules" or "Fed. R. Bankr. P."). Section 158 of title 28 establishes two paths for appeal in bankruptcy cases. If the federal judicial circuit in which the bankruptcy court is located has established a bankruptcy appellate panel (BAP), an appeal may be considered and ruled on by a BAP composed of three bankruptcy judges from districts other than the one in which the appeal originated. 28 U.S.C. § 158(b). If the circuit has no BAP, an appeal will go to a federal district court judge in the district in which the bankruptcy court is located. 28 U.S.C. § 158(a).

If there is a BAP, but the appellant (the party filing the appeal) or any other party wants the appeal decided by a United States district court judge, the party has the right to have the appeal heard by a district judge, rather than the BAP. 28 U.S.C. § 158(c). The appellant can exercise this right only by filing a separate statement of election at the time of filing the notice of appeal. Fed. R. Bankr. P. 8001(e), 28 U.S.C. § 158(c)(1)(A). Any other party can exercise the right to elect district court consideration of the appeal by filing a separate statement of election within 30 days after service of the notice of appeal. 28 U.S.C. § 158(c)(1)(B).

There is a right to appeal only a "final" judgment, order, or decree. 28 U.S.C. § 158(a)(1). This is a legal concept that means a judgment, order, or decree finally disposing of the matter before the court. All other orders and decrees in the case are called "interlocutory." Most orders in a bankruptcy case are interlocutory. If a party wants to appeal an interlocutory order, the party must first obtain permission from the appellate court. 28 U.S.C. § 158(a)(3). To request this permission, the party must file a notice of appeal together with a motion for leave to appeal explaining why the appeal should be considered at the current stage in the case rather than waiting until there is a "final" order. Fed. R. Bankr. P. 8001(b), 8003(a).

One kind of interlocutory order, however, is immediately appealable. Under 28 U.S.C. § 158(a)(2), which was enacted in 1994, there is a right to immediate appeal of any order issued in a chapter 11 case extending or reducing the time period during which only the debtor has a right to file a plan of reorganization – often referred to as an "exclusivity order."

The notice of appeal must be filed within 14 days of the date of the entry on the docket of the judgment, order, or decree appealed from. Fed. R. Bankr. P. 8002(a). The docket is the

official record maintained by the clerk of documents filed, actions taken, and judgments and orders signed in the case. Fed. R. Bankr. P. 5003(a). After the judge has signed an order, it is entered on the docket. Fed. R. Bankr. P. 9021. Bankruptcy Rule 5003(a) also specifies that the docket must contain a notation of the date of entry of every judgment or order. Bankruptcy Rule 9022 requires the clerk to give notice to the parties of the entry of a judgment or order; however, the 14-day period for filing a notice of appeal will run from the date of entry, even if the clerk fails to perform this noticing duty. Under some circumstances the court may grant an extension of the time for filing a notice of appeal. Fed. R. Bankr. P. 8002(c).

After the court has issued a judgment or order in a proceeding, a party may file a motion requesting the judge to alter or amend the ruling. Filing such a motion stops the running of the 14-day period for filing an appeal. A new 14-day period for filing an appeal begins for all parties when the order disposing of the last such motion is entered on the docket. Fed. R. Bankr. P. 8002(b). In order to challenge an amendment or alteration of the judgment, a party must file a notice of appeal within 14 days of the entry of the order altering or amending the judgment. If a party has filed a notice of appeal prior to disposition of a motion to amend or alter the judgment, the party must amend the previously filed notice of appeal in order to challenge the amendment or alteration of the judgment. Fed. R. Bankr. P. 8002(b).

A notice of appeal may have been filed before any motion was filed and may be filed during the pendency of a motion to alter or amend the judgment. Such a notice of appeal, however, does not become effective until the entry of the order disposing of the last outstanding motion, at which time the notice of appeal is deemed filed after such entry and on the same day. Fed. R. Bankr. P. 8002(a) and (b).

The filing of a notice of appeal does not stay the effect of the original order or judgment. A stay must be requested by a separate motion. Fed. R. Bankr. P. 7062, 8005. Certain judgments, however, cannot be enforced for 14 days. Fed. R. Bankr. P. 7062.

In certain circumstances, a party may request a direct appeal to the court of appeals, bypassing the BAP or the district court. 28 U.S.C. § 158(d)(2). The party must file with the bankruptcy court a notice of appeal, in addition to either a certification of the direct appeal or a request for the certification. Fed. R. Bankr. P. 8001(f)(1). The grounds for the required certification, which may be made by the parties or by the judge, are set out in section 158(d)(2) of the Judicial Code. 28 U.S.C. § 158(d)(2), Fed. R. Bankr. P. 8001(f). Certification also may be sought from the BAP or district court as long as it is requested not later than 60 days after entry of the judgment, order, or decree. 28 U.S.C. §§ 158(d)(2)(B),(E). Unless the court in which the original appeal is pending issues a stay, neither the request for certification nor the certification itself stops the original appeal to the BAP or the district court and the parties must continue to file papers in that court. § 158(d)(2)(D). The court of appeals has discretion in deciding whether to accept the direct appeal, and therefore a petition for permission to appeal, accompanied by the certification, must be filed with the court of appeals not later than 14 days

after the certification is entered on the docket of the bankruptcy court. 28 U.S.C. § 158(d)(2), Federal Rule of Appellate Procedure 5(a).

The clerk is required to charge a \$5 fee¹ for filing a notice of appeal. 28 U.S.C. § 1930(c). There also is a \$250 appeal docketing fee which is collected at the time the notice of appeal is filed. Item No. 14, Bankruptcy Court Miscellaneous Fee Schedule. (The Bankruptcy Court Miscellaneous Fee Schedule is prescribed by the Judicial Conference of the United States under authority granted in 28 U.S.C. § 1930(b).)

II. DIRECTIONS

1. The Official Form should be used with alterations as may be appropriate. Fed. R. Bankr. P. 9009. The form will require retyping in order to insert all the required information. The form may be adapted for use by multiple parties who file a joint notice of appeal.

2. The caption should be placed at the top of the page. The caption shown is Official Form 16B, Caption (Short Title). The party intending to file the notice of appeal, however, should choose the form of caption that is appropriate to the action, either an adversary proceeding (Caption Form 16D) or a matter that arose in the main bankruptcy case (Caption Forms 16A or 16B).

3. The party intending to file the notice of appeal is referred to below as the “appellant.”

4. The appellant's name should be inserted in the first blank space in the body of the notice.

5. Immediately following the comma after the appellant's name, the appellant should state the appellant's role in the case (for example, “plaintiff,” “defendant,” “debtor,” “creditor,” etc.).

6. Immediately following the phrase “bankruptcy judge,” the appellant should provide a brief description of the bankruptcy court order being appealed (for example, “Order Declaring Debt to Debtor's Former Spouse Nondischargeable”).

7. Immediately following the phrase “entered in this,” the appellant should state the type of proceeding in which the judgment, order, or decree appealed from was entered. For example, the proceeding may be an adversary proceeding, an objection to confirmation of a plan

¹ The fees cited in this Instruction are current as of May 1, 2009. You should check the court's website, the Judiciary website at www.uscourts.gov, or the Miscellaneous Fee Schedule, which is published as an appendix after section 1930 of the Judicial Code (28 U.S.C. § 1930), for the current fees.

of reorganization, or an application for compensation.

8. The appellant should insert the day, month, and year the judgment, order, or decree was entered in the blanks provided (for example, the "14th day of December, 1998").

9. The appellant must list all parties to the appeal, including the appellant, with the names of their respective attorneys in the space provided.

10. The date the notice of appeal is signed should be inserted in the space provided.

11. The appellant's attorney must sign the notice of appeal in the space provided. If the appellant is not represented by an attorney, the appellant must sign and should identify the signature as that of the appellant.

12. The name and address of the person who signs of the notice of appeal, either the appellant's attorney or the appellant, as appropriate, should be inserted in the space provided. The person's telephone number must be included in the space indicated.

13. If a bankruptcy appellate panel (BAP) is authorized to hear appeals in the district and the appellant wants to elect to appeal to the district court instead, the appellant must file a separate, written statement of election with the notice of appeal.

1991 COMMITTEE NOTE

This form is derived from former Official Form No. 35. The form has been amended to indicate that a final order may be entered other than in an adversary proceeding.

1995 COMMITTEE NOTE

The form is amended to reflect the amendments to 28 U.S.C. § 158 concerning bankruptcy appellate panels made by the Bankruptcy Reform Act of 1994. Section 158(d) requires an appellant who elects to appeal to a district court rather than a bankruptcy appellate panel to do so "at the time of filing the appeal."

The 1994 Act also amended 28 U.S.C. § 158(a) to permit immediate appeal of interlocutory orders increasing or reducing a chapter 11 debtor's exclusive period to file a plan under section 1121 of the Code. The form is amended to provide appropriate flexibility.

1997 COMMITTEE NOTE

The form has been amended to conform to Rule 8001(a), which requires the notice to contain the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their respective attorneys. A party filing a notice of appeal pro se should provide equivalent information.

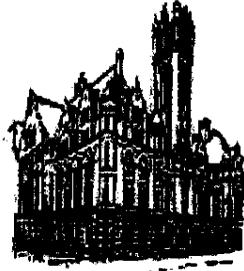
2002 COMMITTEE NOTE

The form is amended to give notice that no filing fee is required if a child support creditor or its representative is the appellant, and if the child support creditor or its representative files a form detailing the child support debt, its status, and other characteristics, as specified in § 304(g) of the Bankruptcy Reform Act of 1994, Pub. L. No. 103-396, 108 Stat. 4106 (Oct. 22, 1994).

2004 COMMITTEE NOTE

The form is amended to reflect the 2003 abrogation of Form 16C.

Wayne Blackwelder
Clerk of Court



126 U.S. Courthouse
517 East Wisconsin Ave.
Milwaukee, WI 53202-4581
414-297-3291
FAX 414-297-4040
www.wieb.uscourts.gov

United States Bankruptcy Court
Eastern District of Wisconsin
Office of the Clerk

To:

IN RE:

Case No.

NOTICE OF FEE DUE AND OWING

The law requires that a party filing an appeal from a final judgment pay a fee of **\$255.00**.¹

On **February 8, 2010**, you filed a Notice of Appeal, and we processed that Notice. Accordingly, you owe the **\$255.00** fee.

If you filed your Notice electronically through CM/ECF: Please pay the fee through Pay.gov within 24 hours of receiving this Notice.

If you filed your Notice of Appeal on paper: Please return this letter, along with the **\$255.00** fee, to the address listed at the top of this notice. Make checks or money orders payable to **Clerk, U.S. Bankruptcy Court**. Please note: The Clerk's Office cannot accept personal checks drawn on debtors' accounts.

Dated: February 8, 2010

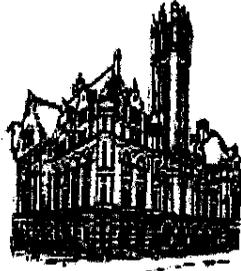
WAYNE BLACKWELDER
Clerk of Court

By: Jennifer M.
Deputy Clerk

¹ Refer to the Appendix to the Local Rules.



*Wayne Blackwelder
Clerk of Court*



*126 U.S. Courthouse
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Milwaukee, WI 53202-4581
414-297-3291
FAX 414-297-4040
www.wieb.uscourts.gov*

*United States Bankruptcy Court
Eastern District of Wisconsin
Office of the Clerk*

To:

IN RE:

Case No.

Pursuant to Federal Rule of Bankruptcy Procedure 8004: enclosed is a copy of a Notice of Appeal filed on February 8, 2010, of the Memorandum Decision and The Resulting Order For Nondischargeable Judgment of Honorable Margaret D. McGarity, United States Bankruptcy Judge, and entered on the docket, January 29, 2010.

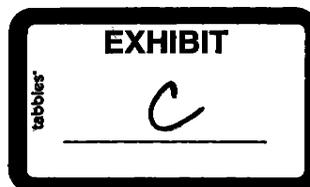
Enclosed is a transcript request form, for you to complete if needed, to request a transcript for the Record on Appeal. Pursuant to Fed. R. Bankr. P. 8006, "[i]f the record designated by any party includes a transcript of any proceeding or a part thereof, the party shall, immediately after filing the designation, deliver to the reporter and file with the clerk a written request for the transcript and make satisfactory arrangements for payment of its cost. "

enc.
cc:

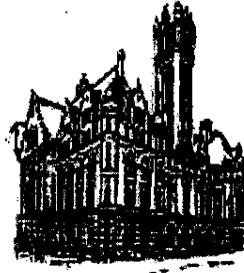
Dated: February 8, 2010

WAYNE BLACKWELDER
Clerk of Court

By: Jennifer M.
Deputy Clerk



Wayne Blackwelder
Clerk of Court



126 U.S. Courthouse
517 East Wisconsin Ave.
Milwaukee, WI 53202-4581
414-297-3291
FAX 414-297-4040
www.wieb.uscourts.gov

United States Bankruptcy Court
Eastern District of Wisconsin
Office of the Clerk

To:

In Re:

Case No.:

Chapter:

Dear Court Reporter:

A Notice of Appeal has been filed in the above mentioned case. Attached you will find a request for a transcript.

Pursuant to the Federal Rule of Bankruptcy Procedure 8007(a): On receipt of a request for a transcript, the reporter shall acknowledge on the request the date it was received and the date on which the reporter expects to have the transcript completed and shall transmit the request, so endorsed, to the clerk of the bankruptcy court. On completion of the transcript the reporter shall file it with the clerk. If the transcript cannot be completed within 30 days of receipt of the request, the reporter shall seek an extension of time from the clerk and the action of the clerk shall be entered in the docket and the parties notified. If the reporter does not file the transcript within the time allowed, the clerk shall notify the bankruptcy judge.

Date: _____

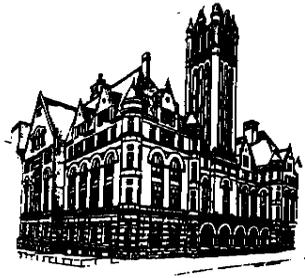
I acknowledge receipt of this request for a transcript on _____.

By: _____
Court Reporter

The request transcript will be completed on _____.

Court Reporter, please return this letter to the address listed above.

*Wayne Blackwelder
Clerk*



*126 U.S. Courthouse
517 E. Wisconsin Ave.
Milwaukee, WI 53202-4581
414-297-3291
FAX 414-297-4040
www.wieb.uscourts.gov*

*United States Bankruptcy Court
Eastern District of Wisconsin
Office of the Clerk*

ORDERING TRANSCRIPTS

“Upon the request of any party to any proceeding which has been so recorded who has agreed to pay the fee therefor, or of a judge of the court, the reporter or other individual designated to produce the record shall promptly transcribe the original records of the requested parts of the proceedings and attach to the transcript his official certificate, and deliver the same to the party or judge making the request.” (28 U.S.C. § 753(b))

The Eastern District of Wisconsin Bankruptcy Court employs two methods of recording proceedings: court reporters and electronic sound recording. Below are instructions for obtaining transcripts based on the method use to record the proceeding. For either method you will need to supply the case number, case name, proceeding date, and name of the judge. If at any time you have questions concerning obtaining a transcript, please contact the Clerk’s Office through our website by selecting the “contact us” tab and sending an email inquiry or by telephone at (414) 297-3291, x3200.

Transcripts are not available for a section 341 meeting of creditors, but recordings of the hearings are available from the U.S. Trustee’s Office. Please contact the U.S. Trustee’s Office at 414-297-4499, if you would like a copy of a section 341 meeting of creditors recording.

Court Reporter

If a court reporter was used to record the proceeding, contact the court reporting firm to order the transcript. All financial arrangements should be made directly with the court reporting firm. Below is the contact information for the two court reporting firms utilized by the Eastern District of Wisconsin Bankruptcy Court.

For hearings held on or after July 1, 2007:

Halma-Jilek Reporting, Inc.
207 East Michigan Street
Suite 404
Milwaukee, WI 53202
(414) 271-4466



For hearings held prior to July 1, 2007:
Eastwood Stein Deposition Management
***Please contact the Bankruptcy Court directly
for assistance with obtaining transcripts for
hearings held prior to July 1, 2007. The
number for the Clerk's Office is
(414) 297-3291, x3200.***

Electronic Sound Recording

If electronic sound recording was used to record the hearing, contact the transcription service to order the transcript. You can place your order via their website or by telephone. Financial arrangements should be made directly with the transcription service. Upon receipt of your order, the transcription service will contact the Clerk's Office to obtain the appropriate audio files. Below is the contact information for the transcription service.

Audio Edge Transcription, LLC
425 Eagle Rock Avenue
Suite 201
Roseland, New Jersey 07068
(800) 532-6878 or (973) 618-2310
Website for ordering: www.AudioEdgeTranscription.com



United States Bankruptcy Court Eastern District of Wisconsin

CM/ECF Hardware

Between Friday, October 15, 2010, at 8:00 pm and Sunday October 17, 2010, CM/ECF will be down to conduct CM/ECF Hardware Maintenance to the live database. The new CM/ECF product will be ready for use on Monday, October 18, 2010.

- Home
- Office Closings
- General Orders
- Bankruptcy Forms
- Calendars
- CM/ECF
- Decisions
- Filing a Proof of Claim
- Filing without an Attorney
- General Information
- Links
- Local Rules
- Lou Jones Breakfast Club
- PACER
- Procedures
- Seminars Disclosure
- Statistics
- Transcripts
- Trustees
- Voice Case Info System
- Contact Us
- Job Openings

[Transcripts](#)

[Audio CD Request Form](#)

[Audio Files](#)

[Audio Recording Request Form](#)

[Electronic Availability of Transcripts](#)

[Ordering Transcripts *Updated September 2009*](#)

[Redaction of Electronic Transcripts](#)

[Transcript Rates Effective 10-1-2007](#)

Last Updated (Thursday, 22 July 2010)

search website...

USBC Location

[\[Back \]](#)

U.S. Bankruptcy Court
 126 U.S. Courthouse
 517 East Wisconsin Ave.
 Milwaukee, Wisconsin
 53202-4581

Office Hours:
 8:30 a.m. to 4:30 p.m, M-F

Main Office Phone Number:
 (414) 297-3291

CM/ECF Help Desk:
 (866) 582-3156 ext. 3200

Voice Case Information:
 (877) 781-7277 or
 (414) 297-3582

PACER Registration:
 (800) 676-6856

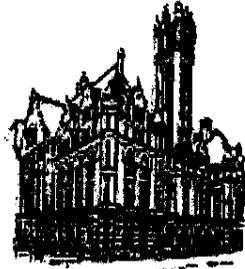
[Map to the Courthouse](#)

Directions from:
[Green Bay](#)
[Madison](#)
[Chicago](#)

This site is protected under Title 18, USC, Sec. 1030 and as such it is a federal crime to alter, tamper, damage or destroy any information contained therein. The United States Secret Service and the Federal Bureau of Investigation have jurisdiction regarding such offenses. Terms of Use and Privacy Policy for US Bankruptcy Court Eastern District of Wisconsin. You are also, with or without prior authority, subject to having all of your activities monitored and /or recorded.

Contact webteam wieb@wieb.uscourts.gov if you have questions or comments regarding this site.

Wayne Blackwelder
Clerk of Court



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United States Bankruptcy Court
Eastern District of Wisconsin
Office of the Clerk

To: U.S. District Court
517 East Wisconsin Avenue
Room 362
Milwaukee, WI 53202

IN RE:

Case No.

Transmittal Sheet to the U.S. District Court
Regarding Notice of Appeal

1. Complaint filed on 2/27/2009.
2. Plaintiff's Exhibit and Witness List filed on 9/17/2009
3. Plaintiff's Pretrial Brief filed on 9/24/2009.
4. Deposition Transcript of Dennis House filed on 10/2/2009.
5. Deposition Transcript of Alok Sharma filed on 1/4/2010.
6. Transcript of Trial
7. Memorandum Decision entered on 2/3/2010.
8. Order for Judgment entered on 2/3/2010.
9. Judgment on Decision entered on 2/4/2010.
10. Motion to Amend or to Make Additional Findings of Fact filed on 2/15/2010.
11. Order Denying Motion to Amend entered on 2/16/2010.
12. Notice of Appeal filed on 3/1/2010.
13. Answer to Complaint filed on 4/8/2009.
14. Final Pretrial Order filed 5/18/2009.
15. Exhibits and Summary filed 9/16/2009.
16. Exhibits filed 9/16/2009.
17. Defendants/Debtors' Witness List filed 9/16/2009.
18. Defendants/Debtors' Post-Trial Memorandum filed 11/2/2009.
19. Appellant Designation and Statement of Issues.
20. Appellee's Designation and Statement of Issues.
21. Certificate of Service filed by Appellee.
22. Docket Sheet

Fee Paid: \$255.00

Date appeal filed: 03/01/2010

Record on Appeal was delivered to the Clerk, U.S. District Court on 03/26/2010

Dated: March 25, 2010

Case 2:



WAYNE BLACKWELDER
Clerk of Court

ed 03/26/10 Page 1 of 2 Document 1-28

EASTERN DISTRICT OF WISCONSIN

Counties: Brown, Calumet, Dodge, Door, Florence, Fond du Lac, Forest, Green Lake, Kenosha, Kewaunee, Langlade, Manitowoc, Marinette, Marquette, Menominee (Indian Reservation), Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Shawano, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, and Winnebago



EXHIBIT
F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
OFFICE OF THE CLERK

362 U.S. COURTHOUSE
517 E. WISCONSIN AVE
MILWAUKEE, WI 53202

JON W. SANFILIPPO
CLERK

TEL: 414-297-3372
FAX: 414-297-3203
www.wied.uscourts.gov

March 12, 2010

Re:

Dear Counsel:

The Notice of Appeal in the above captioned matter was filed in this Court on March 11, 2010, and has been assigned to the Honorable J. P. Stadtmueller.

The time limits set forth in Bankruptcy Rule 8009 will apply beginning with the date of this letter. You will receive no further notice from this office regarding the time limits for the filing of briefs.

Very truly yours,

Jon W. Sanfilippo,
Clerk of Court

s/ V. Kelly Barton Terry
By: V. Kelly Barton Terry
Deputy Clerk



(3) The Court may by general order require the Clerk of Court to refer certain categories of the district judges' cases to the magistrate judges for pretrial processing as specified in the order.

(b) **Criminal Cases.** Upon the return of an indictment or the filing of an information, all felony criminal cases will be assigned by a method of random allocation to a district judge and a magistrate judge of this Court.

II. FILING PLEADINGS, MOTIONS, AND ORDERS

General L. R. 5. Serving and Filing Pleadings and Other Papers.

(a) General Format of Papers Presented for Filing.

(1) All pleadings and other papers must be filed by electronic means unless exempted or otherwise ordered by the Court, which may make reasonable exemptions from the electronic filing requirement.

(2) The original and a copy of all papers must be filed, unless the paper is filed electronically. In the following matters only the original paper need be filed: pro se litigation, habeas corpus proceedings, bankruptcy appeals, social security reviews, and United States collection cases.

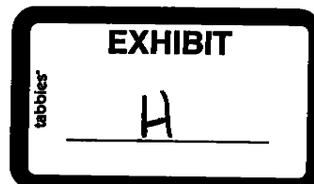
(3) A pro se party must include an address and telephone number at which the Court can contact the party.

(4) Pleadings and other papers must be formatted for reproduction on 8 ½ by 11 inch paper. The text must be double-spaced, but quotations more than two lines long may be indented and single-spaced. Headings and footnotes may be single-spaced. Margins must be at least one inch on all four sides. Page numbers may be placed in the margins, but no text may appear there.

(5) Either a proportionally spaced or a monospaced face may be used.

(A) A proportionally spaced face must include serifs, but sans-serif type may be used in headings and captions. A proportionally spaced face must be 12-point or larger.

(B) A monospaced face may not contain more than 10½ characters per inch.



(6) All pleadings and other papers must use a plain, roman style font, although italics or boldface may be used for emphasis. Case names must be italicized or underlined.

(b) Place of Filing. All papers filed by non-electronic means must be filed with the Clerk of Court and not in the judge's chambers. The Clerk of Court must retain the original of the paper filed, except the original of an order submitted for signature, and must transmit the copy to the judge.

III. DISCLOSURES AND DISCOVERY

General L. R. 26. Sequential Numbering of Exhibits.

Documents identified as exhibits during the course of depositions, other pretrial proceedings, and at trial should be numbered sequentially. When practicable, only one exhibit number should be assigned to a document or physical object throughout the course of the action. By way of example, numbers 1-999 can be reserved for plaintiff's/prosecution's exhibits, and numbers 1000-1999 can be reserved for defendant's exhibits. If more than two parties appear in the litigation, successive blocks of 1000 can be reserved for each additional party starting with 2000-2999.

IV. TRIAL

General L. R. 40. Inquiries.

Inquiries about docket entries must be directed to the Clerk of Court. All other inquiries concerning a pending action may be directed to the judge's chambers.

General L. R. 43. Examining Witnesses.

Unless otherwise ordered, only one attorney for each party may examine or cross-examine a witness.

General L. R. 47. Selecting Jurors.

(a) Voir Dire of Prospective Jurors. Unless otherwise ordered, the voir dire examination of prospective jurors will be conducted by the Court. Counsel may submit written proposed questions for voir dire. Counsel may request additional questions in light of prospective jurors' responses to the Court's examination.

(b) Juror Questionnaires. Jury qualification questionnaires must be available for inspection in the Clerk of Court's office after the jury panel has been notified to appear.

drawn in question by means other than a party's pleading, written motion, or other paper.

Moving the notice and certification provisions from Rule 24(c) to a new rule is designed to attract the parties' attention to these provisions by locating them in the vicinity of the rules that require notice by service and pleading.

Rule 5.1 goes beyond the requirements of § 2403 and the former Rule 24(c) provisions by requiring notice and certification of a constitutional challenge to any federal or state statute, not only those "affecting the public interest." It is better to assure, through notice, that the attorney general is able to determine whether to seek intervention on the ground that the act or statute affects a public interest. Rule 5.1 refers to a "federal statute," rather than the § 2403 reference to an "Act of Congress," to maintain consistency in the Civil Rules vocabulary. In Rule 5.1 "statute" means any congressional enactment that would qualify as an "Act of Congress."

Unless the court sets a later time, the 60-day period for intervention runs from the time a party files a notice of constitutional question or from the time the court certifies a constitutional challenge, whichever is earlier. Rule 5.1(a) directs that a party promptly serve the notice of constitutional question. The court may extend the 60-period [So in original. Probably should read "60-day period".] on its own or on motion. One occasion for extension may arise if the court certifies a challenge under § 2403 after a party files a notice of constitutional question. Pretrial activities may continue without interruption during the intervention period, and the court retains authority to grant interlocutory relief. The court may reject a constitutional challenge to a statute at any time. But the court may not enter a final judgment holding a statute unconstitutional before the attorney general has responded or the intervention period has expired without response. This rule does not displace any of the statutory or rule procedures that permit dismissal of all or part of an action — including a constitutional challenge — at any time, even before service.

The language of the general restyling is intended to be understood and throughout the rules. These changes are intended to be stylistic only.

Rule 5.2. Privacy Protection For Filings Made with the Court

(a) **Redacted Filings.** Unless the court orders otherwise, in an electronic or paper filing with the court that contains an individual's social-security number, taxpayer-identification number, or birth date, the name of an individual known to be a minor, or a financial-account number, a party or nonparty making the filing may include only:

- (1) the last four digits of the social-security number and taxpayer-identification number;
- (2) the year of the individual's birth;
- (3) the minor's initials; and

(4) the last four digits of the financial-account number.

(b) **Exemptions from the Redaction Requirement.** The redaction requirement does not apply to the following:

- (1) a financial-account number that identifies the property allegedly subject to forfeiture in a forfeiture proceeding;
- (2) the record of an administrative or agency proceeding;
- (3) the official record of a state-court proceeding;
- (4) the record of a court or tribunal, if that record was not subject to the redaction requirement when originally filed;
- (5) a filing covered by Rule 5.2(c) or (d); and
- (6) a pro se filing in an action brought under 28 U.S.C. §§ 2241, 2254, or 2255.

(c) **Limitations on Remote Access to Electronic Files; Social-Security Appeals and Immigration Cases.** Unless the court orders otherwise, in an action for benefits under the Social Security Act, and in an action or proceeding relating to an order of removal, to relief from removal, or to immigration benefits or detention, access to an electronic file is authorized as follows:

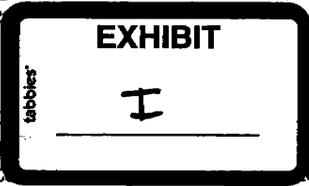
- (1) the parties and their attorneys may have remote electronic access to any part of the case file, including the administrative record;
- (2) any other person may have electronic access to the full record at the courthouse, but may have remote electronic access only to:
 - (A) the docket maintained by the court; and
 - (B) an opinion, order, judgment, or other disposition of the court, but not any other part of the case file or the administrative record.

(d) **Filings Made Under Seal.** The court may order that a filing be made under seal without redaction. The court may later unseal the filing or order the person who made the filing to file a redacted version for the public record.

(e) **Protective Orders.** For good cause, the court may by order in a case:

- (1) require redaction of additional information; or
- (2) limit or prohibit a nonparty's remote electronic access to a document filed with the court.

(f) **Option for Additional Unredacted Filing Under Seal.** A person making a redacted filing may also file an unredacted copy under seal. The court must retain the unredacted copy as part of the record.



- (g) **Option for Filing a Reference List.** A filing that contains redacted information may be filed together with a reference list that identifies each item of redacted information and specifies an appropriate identifier that uniquely corresponds to each item listed. The list must be filed under seal and may be amended as of right. Any reference in the case to a listed identifier will be construed to refer to the corresponding item of information.
- (h) **Waiver of Protection of Identifiers.** A person waives the protection of Rule 5.2(a) as to the person's own information by filing it without redaction and not under seal.

(Adopted April 30, 2007, effective December 1, 2007.)

2007 Adoption

The rule is adopted in compliance with section 205(c)(3) of the E-Government Act of 2002, Public Law 107-347. Section 205(c)(3) requires the Supreme Court to prescribe rules "to protect privacy and security concerns relating to electronic filing of documents and the public availability . . . of documents filed electronically." The rule goes further than the E-Government Act in regulating paper filings even when they are not converted to electronic form. But the number of filings that remain in paper form is certain to diminish over time. Most districts scan paper filings into the electronic case file, where they become available to the public in the same way as documents initially filed in electronic form. It is electronic availability, not the form of the initial filing, that raises the privacy and security concerns addressed in the E-Government Act.

The rule is derived from and implements the policy adopted by the Judicial Conference in September 2001 to address the privacy concerns resulting from public access to electronic case files. See <http://www.privacy.uscourts.gov/Policy.htm>. The Judicial Conference policy is that documents in case files generally should be made available electronically to the same extent they are available at the courthouse, provided that certain "personal data identifiers" are not included in the public file.

While providing for the public filing of some information, such as the last four digits of an account number, the rule does not intend to establish a presumption that this information never could or should be protected. For example, it may well be necessary in individual cases to prevent remote access by nonparties to any part of an account number or social security number. It may also be necessary to protect information not covered by the redaction requirement—such as driver's license numbers and alien registration numbers—in a particular case. In such cases, protection may be sought under subdivision (d) or (e). Moreover, the Rule does not affect the protection available under other rules, such as Civil Rules 16 and 26(c), or under other sources of protective authority.

Parties must remember that any personal information not otherwise protected by sealing or redaction will be made available over the internet. Counsel should notify clients of this fact so that an informed decision may be made on what

information is to be included in a document filed with the court.

The clerk is not required to review documents filed with the court for compliance with this rule. The responsibility to redact filings rests with counsel and the party or non-party making the filing.

Subdivision (c) provides for limited public access in Social Security cases and immigration cases. Those actions are entitled to special treatment due to the prevalence of sensitive information and the volume of filings. Remote electronic access by nonparties is limited to the docket and the written dispositions of the court unless the court orders otherwise. The rule contemplates, however, that nonparties can obtain full access to the case file at the courthouse, including access through the court's public computer terminal.

Subdivision (d) reflects the interplay between redaction and filing under seal. It does not limit or expand the judicially developed rules that govern sealing. But it does reflect the possibility that redaction may provide an alternative to sealing.

Subdivision (e) provides that the court can by order in a particular case for good cause require more extensive redaction than otherwise required by the Rule. Nothing in this subdivision is intended to affect the limitations on sealing that are otherwise applicable to the court.

Subdivision (f) allows a person who makes a redacted filing to file an unredacted document under seal. This provision is derived from section 205(c)(3)(iv) of the E-Government Act.

Subdivision (g) allows the option to file a register of redacted information. This provision is derived from section 205(c)(3)(v) of the E-Government Act, as amended in 2004. In accordance with the E-Government Act, subdivision (g) refers to "redacted" information. The term "redacted" is intended to govern a filing that is prepared with abbreviated identifiers in the first instance, as well as a filing in which a personal identifier is edited after its preparation.

Subdivision (h) allows a person to waive the protections of the rule as to that person's own personal information by filing it unsealed and in unredacted form. One may wish to waive the protection if it is determined that the costs of redaction outweigh the benefits to privacy. If a person files an unredacted identifier by mistake, that person may seek relief from the court.

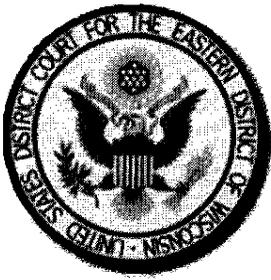
Trial exhibits are subject to the redaction requirements of Rule 5.2 to the extent they are filed with the court. Trial exhibits that are not initially filed with the court must be redacted in accordance with the rule if and when they are filed as part of an appeal or for other reasons.

Rule 6. Computing and Extending Time; Time for Motion Papers

- (a) **Computing Time.** The following rules apply in computing any time period specified in these rules, in any local rule or court order, or in any statute that does not specify a method of computing time.

(1) **Period Stated in Days or a Longer Unit.**

When the period is stated in days or a longer unit of time:



Milwaukee Division
(414) 297-3372
362 United States Courthouse
517 East Wisconsin Avenue
Milwaukee, WI 53202

Green Bay Division
(920) 884-3720
Jefferson Court Building
125 S. Jefferson St., Rm. 102
Green Bay, WI 54301-4541

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| Judicial Misconduct - Disability Complaints |
| Jury Information |
| Local Rules |
| Links |
| Public Announcements |
| Seminar Disclosure |
| Site Map |
| Terms and Conditions |
| MDL |

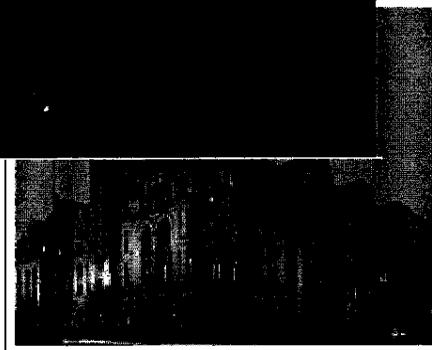
Website Announcements

The Court of the Eastern District of Wisconsin is pleased to announce the selection of Nancy Joseph as United States Magistrate Judge. She will replace United States Magistrate Judge Aaron E. Goodstein, who retired June 30, 2010. Judge Goodstein will continue to handle a full caseload as a Recall Magistrate Judge. This appointment is subject to a complete and full background investigation.
+ Full Story

Eastern District of Wisconsin's Web



Judge Charles N. Clevert
Court Jon W. Sanfilippo

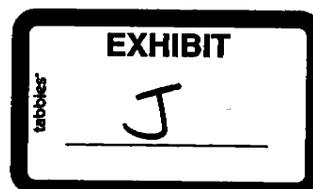


Milwaukee Division
(414) 297-3372

Green Bay Division
(920) 884-3720

ECF Help Desk
(866) 438-5410

If you click [here](#), you will see the territory for Eastern District of Wisconsin - Milwaukee Division and Green Bay Division.



Charles N. Clevert, Jr. Procedures



Procedures for Litigants appearing before

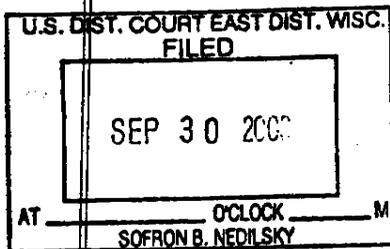
Judge C.N. Clevert, Jr.

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| Form of Pleadings | All pleadings, motions, responses to motions, briefs, stipulations, affidavits, and proposed orders must be double spaced and in not less than 12 point type. |
| Scheduling Orders | After all parties have answered, the court sets a date for the filing of a joint planning report. The parties must confer and file the joint planning report as required by Fed. R. Civ. P.26(f). |
| Extensions of Time | <p>A party seeking the extension of any deadline should confer with all other parties in the case to determine whether the extension is contested.</p> <p>If all parties agree to the extension, a joint or agreed motion or a stipulation should be filed with a proposed order. The deadline is not extended until the court enters an order regardless of the stipulation.</p> <p>Any request for an extension of time, including a stipulation, should set forth the reasons for the extension, such that the court can determine whether good cause exists under Fed.R. Civ. P. 6(b).</p> |
| Separate Order Required | <p>The court does not enter margin orders or sign at the end of stipulations. A proposed order should be submitted as a separate document. The caption should reflect the subject of the motion or request, for example "Order Granting Plaintiff's Motion for Extension of Time" rather than "Order."</p> <p>Proposed orders should be e-mailed to ClevertPO@wied.uscourts.gov in Word Perfect format. In a non-e-file case, e-mailing does not replace submission of a hard copy as well.</p> |
| Nondispositive Motion Practice | <p>Parties may file expedited motions on nondispositive matters following the procedures in Civil L.R. 7.4. The court will contact the parties if it determines that a telephonic conference is necessary.</p> <p>Note that the parties must confer prior to filing a motion regarding a discovery dispute. See Fed. R. Civ. P. 37(a); Civil L.R. 37.1. The court encourages the parties to work out discovery disputes and discourages discovery motions.</p> |
| E-Filing and CourtesyCopies | <p>In e-file cases, chambers' staff does not receive immediate notification of filings. Therefore, a hard copy of any document seeking expedited relief or filed within 48 hours of a hearing must be delivered to chambers promptly. Alternatively, parties may telephone chambers to alert staff of the filing.</p> <p>Any e-filed document exceeding 10 pages (including attachments) or relating to summary judgment must be provided in hard copy as well. The parties should e-file the documents and deliver a hard copy of</p> |

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| | <p>every such document directly to chambers promptly, with a notation on the first page of each document indicating the date on which the document was e-filed and the document's docket number, if available.</p> <p>Where lengthy or multiple exhibits are attached, such exhibits must be tabbed and securely bound (for instance by three ring binder or large clip) for ease of use and to prevent inadvertent loss of pages. The court may require parties to resubmit any documents not properly tabbed or bound.</p> |
| Temporary Restraining Orders | The court prefers that any request for a TRO or preliminary injunction be served upon the opposing party or counsel before the motion is heard and decided. |
| Protective Orders and Documents Filed under Seal | Proposed protective orders should not contain language giving the parties advance permission to file documents under seal. No document treated as confidential under a protective order may be filed under seal unless the court, on separate motion for good cause shown, grants leave to file under seal. Any request for filing under seal should be limited to the smallest portion of the document that requires sealing. In other words, the confidentiality of matters in one exhibit or on a few pages of a lengthy brief will not justify the sealing of other exhibits or the entire brief. |
| Summary Judgment Motions | <p>As noted above, all documents relating to a summary judgment motion must be provided in hard copy.</p> <p>Parties must comply with Civil L.R. 7.1 and with Civil L.R. 56.1 and 56.2 as applicable. Parties are encouraged to file stipulated facts under Civil L.R. 56.2 to the extent possible. Stipulated facts or proposed findings of fact should be emailed to ClevertPO@wied.uscourts.gov in Word Perfect format.</p> |
| Oral Argument | Most motions are decided on briefs. The parties may request oral argument, but whether oral argument will be set is a matter within the court's discretion. |
| Motions in Limine | Motions in limine in civil cases are generally due one month before a final pretrial conference so the decision can be issued at or before the final pretrial conference. Parties should refer to the scheduling orders issued in their cases for exact dates. Responsive briefs shall be filed in accordance with Civil L.R. 7.1(b) if no briefing schedule is otherwise set by the court. |
| Voir Dire and Jury Instructions | <p>The court uses standard voir dire questions to elicit the background and possible biases of the jurors.</p> <p>The court has standard jury instructions regarding the evidence to be considered, the burden of proof, and the jury's procedures while deliberating. The court's standard civil jury instructions are available on the Eastern District's website.</p> <p>Parties must confer prior to the final pretrial conference in an attempt to prepare a joint set of jury instructions on the substantive issues. Instructions proposed by the parties should be e-mailed to ClevertPO@wied.uscourts.gov in Word Perfect Format.</p> |

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| Exhibits and Exhibit Lists | <p>Parties should confer prior to the final pretrial conference to seek stipulations regarding the admission of as many exhibits as possible. Exhibits shall be numbered in accordance with General L.R. 26.1. Parties should not designate "plaintiff" or "defendant" on the exhibits.</p> <p>Parties should submit to the court prior to the start of trial an exhibit list in hard copy and in an electronic format. The preferred format is found on the Eastern District's website under the "Form Repository" tab.</p> |
| Courtroom Decorum | <p>Counsel are expected to address clients, witnesses and all parties by their surnames.</p> <p>In making an objection, counsel shall briefly state the grounds for objecting. During jury trials, the court will call a side-bar if further argument is necessary.</p> <p>One attorney should speak on behalf of a client as to any issue under consideration during a trial or hearing.</p> <p>Counsel should address the court rather than each other during the course of hearings or trials.</p> |
| Courtroom Equipment | <p>The courtroom is equipped with an ELMO, VCR, cassette player, and video monitors, and counsel may use personal laptop computers. If counsel are unfamiliar with this equipment but wish to use it, contact court staff in advance of the hearing or trial.</p> |
| Transcripts | <p>Transcripts are ordered through the court reporter rather than the court. Parties should request the name of the court reporter before or at a hearing if a transcript will be ordered. Parties requesting daily copy or real time reporting during a trial should contact the court reporter well in advance of trial.</p> |
| Pro Hac Vice Admissions | <p>The court does not grant permission to appear in this district pro hac vice. Any attorney appearing in this court must apply for regular admission to practice in the district. Contact the clerk's office for information on admission to practice in the district.</p> |

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

**STANDING ORDER REGARDING PROVIDING PAPER COPIES OF ELECTRONICALLY
FILED DOCUMENTS TO CHAMBERS**

IT IS HEREBY ORDERED that parties must contemporaneously mail or otherwise provide to my chambers paper copies of all documents filed electronically.

Copies of this order shall be distributed to all parties filing actions assigned to this court, and such parties must serve one copy of this order on all other parties.

Dated at Milwaukee, Wisconsin, this 30 day of September, 2003.



LYNN ADELMAN
District Judge

William C. Griesbach Procedures



Preferred Procedures and General Information for Litigants appearing before
Judge William C. Griesbach

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| Form of Pleadings | Pleadings, affidavits, stipulations, briefs and proposed orders should be in the format set forth in General L.R. 5(a). The Court prefers Times New Roman font in not less than 12-point type. |
| Scheduling Conferences | After all parties have appeared in an action, they will receive notice from the Court as to the date set for a Rule 16(b) scheduling conference. See Fed. R. Civ. P. 16(b). The Notice will indicate whether counsel are to appear in person or by telephone. Counsel having knowledge of the case are expected to attend the scheduling conference and be prepared to discuss the value of the claims asserted by them, the expected discovery, possible defenses, threshold issues and a schedule of the case. Where the Notice is for an in-person Scheduling Conference, requests to appear by telephone will be considered, but unless good reasons to appear by telephone are present, attendance by knowledgeable counsel is strongly preferred so as to make the conference more productive. The Notice will also contain the due date for filing of the proposed discovery plan developed at the Rule 26(f) conference. A scheduling order will be entered by the Court after the Rule 16 conference is held. |
| Requests for Extensions of Time, Leave to File Amended Pleadings, etc. | <p>When reasonably able to do so, a party seeking an extension of any deadline, leave to file an amended pleading or enlarged brief, or similar relief should confer with all other parties in the case to determine whether any party objects. A motion seeking such relief should, where possible, indicate whether the motion is opposed.</p> <p>Most requests for these kinds of relief will be addressed promptly when no party objects or all parties stipulate. Any request for an extension of time, including a stipulation, should set forth the reasons for the extension, such that the Court can determine whether good cause exists under Fed. R. Civ. P. 6(b).</p> |
| Proposed Order Mailbox | <p>Proposed orders, when appropriate, shall be e-mailed in word processing format (not PDF). The subject line of the e-mail should contain the case number and the type of relief requested (e.g., 08-C-999 Order Extending Time). The preferred word processing format for proposed orders is <u>WordPerfect</u> format. Proposed orders may be e-mailed to: GriesbachPO@wied.uscourts.gov.</p> <p>Proposed orders are to be e-filed in PDF format as an attachment to the motion or stipulation seeking relief from the Court. Do not file a proposed order combined with the motion or stipulation as a single document. Do not file a proposed order as a separate docket entry from the motion or stipulation. (see http://www.wied.uscourts.gov/ECF/EcfCvProc.pdf - Page 13, Sec. II.</p> |

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| | <p>F, ¶¶ 1, 2)</p> <p>The Court may enter "Text Only Orders" (formerly, "margin orders") on the docket as it deems appropriate. It is not necessary to prepare proposed orders on Motions for Summary Judgment, Contested Motions to Dismiss, or similar motions where it is reasonably anticipated that the Court will issue a decision.</p> |
| Temporary Restraining Orders and Expedited Motion Practice | <p>Parties requesting relief of an immediate or emergency nature should contact the deputy clerk directly or chambers. Unless immediate ex parte relief is warranted, the Court will generally set the matter on for at least a telephone status conference the same day. Non-dispositive matters that require expedited attention may be addressed through an expedited motion following the procedures in Civil L.R. 7(h). The Court will contact the parties if it determines that a telephonic conference is necessary.</p> |
| Discovery Disputes | <p>Note that all parties <i>must</i> confer prior to filing a motion regarding a discovery dispute. See Fed. R. Civ. P. 37(a) and Civil L.R. 37. If available, the Court will promptly hold a telephone conference to address a discovery dispute that arises in anticipation, or in the course, of a deposition. The parties are also invited to request a telephone conference with the Court in advance of filing a discovery motion if they have been unable to resolve the matter in a Rule 37 conference. Generally, discovery disputes that are factually or legally complex should be presented by written motion. Such disputes are either decided on briefs or following a hearing, depending on the issues raised and whether the Court has additional questions. Requests for a hearing are frequently granted, especially if further difficulty is anticipated and additional guidance is sought to avoid further difficulties.</p> |
| Motions to Strike | <p>Objections to another party's submission should normally be raised in the objecting party's merits brief, rather than in a separate motion to strike.</p> |
| Courtesy Copies | <p>A copy of every e-filed brief which exceeds ten pages in length, should be delivered (regular mail is sufficient) to the Green Bay Divisional Office of the Clerk promptly. The copy should indicate, on its face in the lower right-hand corner, the date the document was e-filed and the document's docket number. Courtesy copies of key documents that exceed ten pages, or the relevant portions thereof, are also appreciated.</p> <p>All courtesy copies should be fastened by either (1) a staple at the upper-left-hand corner of the document, or (2) an Acco-fastener inserted at the top of the document.</p> <p>Where courtesy copies of affidavits with lengthy or multiple exhibits are attached, exhibit tabs should be used to delineate each exhibit.</p> |
| E-Filing | <p>Documents should be extracted from your original document in text searchable format. The Court prefers that filings be converted to PDF format from word processing, rather than scanned. If scanning is</p> |

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| | <p>absolutely necessary, it should be in the lowest clearly readable resolution (300 X 300 in black and white mode, unless higher resolution is necessitated by graphics. Avoid color and grayscale scanning whenever possible.). See requirements outlining three different methods at:</p> <p>http://www.wied.uscourts.gov/dmdocuments/appendixd.pdf</p> <p>When e-filing motions and briefs, care should be taken to:</p> <ol style="list-style-type: none"> 1) Properly name attachments. Instead of Attachments 1, 2 and 3, list the name of each document – Ex A - Initial Contract, Ex B - Doe Deposition, Ex C - 2006 Sales Figures. 2) Link responses and replies to the original motion, and link affidavits and declarations to the supporting brief. In most cases, CM/ECF offers the opportunity to create a link to the motion. In the absence of such an opportunity, a link can be created by referencing the docket number of the original motion and/or brief in added text – i.e. Response to [15] Motion to Dismiss. <i>Brackets, with the docket number placed between them, create the link in CM/ECF.</i> |
| Summary Judgment Motions | <p>Courtesy copies of all summary judgment briefs must be delivered to the Green Bay Divisional Office of the Clerk promptly. Each copy should indicate, on its face and in the lower right-hand corner, the date the document was e-filed and the document's docket number.</p> <p>In most cases, parties should comply with Civil L.R. 7 and with Civil L.R. 56 as applicable. Parties are encouraged to file stipulated facts under Civil L.R. 56(b)(5) to the extent possible.</p> <p>As an alternative to the more formal procedure required under the Civil L.R. 56, which is generally used after all or almost all discovery has been completed, a party may elect to use a more streamlined procedure, hereinafter referred to as the Fast Track Summary Judgment ("FTSJ") Procedure. FTSJ may be used in cases in which an issue counsel believes is wholly or partially dispositive is narrow, discrete, and capable of early resolution without need for extensive discovery. Upon request of counsel and when appropriate, the Court (1) may stay unrelated discovery and other proceedings in the case in order to avoid unnecessary expense to the parties, or (2) extend the time for responsive briefing to permit related discovery and other proceedings in the case as contemplated by Fed. R. Civ. P. 56(f). A party using this procedure must follow the general rules governing summary judgment motion practice set forth in Civil L.R. 7, except that no more than three affidavits not exceeding five pages in length, excluding exhibits and attachments, may be filed in support of the motion absent leave of the Court. The party opposing a FTSJ motion is likewise limited to three affidavits not exceeding five pages, excluding exhibits and attachments, absent leave of the Court. Unless otherwise ordered, the briefing schedule set forth in Civil L.R. 7 shall apply in such cases. Parties who file such motions must clearly indicate they are using the FTSJ Procedure described in the Procedures for Litigants Appearing Before Judge Griesbach. If the opposing party is pro se, the moving party must comply with Civil L.R. 56, except that the text to Civil L.R. 56 should not be included as part</p> |

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| | <p>of the motion. Use of FTSJ will not preclude a later motion from being filed by any party under Civil L.R. 56 where appropriate, except that any ruling by the Court on FTSJ motion becomes the law of the case.</p> |
| Oral Argument | <p>Oral argument is set at the Court's discretion. Most motions are decided on briefs, but the parties should advise the Court if argument is requested.</p> |
| Motions in Limine, Voir Dire, and Jury Instructions | <p>Motions in limine in civil cases are generally due at least 10 days before the final pretrial conference, with responses due 7 days later, so that the decision can be issued at or before the final pretrial conference. Earlier filing of motions in limine raising more complex issues is appreciated.</p> <p>Regarding voir dire and jury instructions, consult Civil L.R. 16(c)(1)(H).</p> |
| Courtroom Decorum and Procedure for Trial | <p>Counsel are expected to address clients, witnesses and all other parties by their surnames.</p> <p>In making an objection, counsel shall briefly state the grounds for the objection. During jury trials, the Court will call a brief sidebar if further discussion is necessary. A full record can be made once the jury is excused.</p> <p>Generally, only one attorney should speak on behalf of a client as to any issue under consideration during a trial or hearing. Exceptions can be granted.</p> <p>Counsel are to address the Court, rather than each other, during the course of any trial or hearing.</p> <p>When the Court is in trial, especially jury trials, all non-essential matters are rescheduled so that interruptions are kept to a minimum. The trial generally starts at 9:00 a.m. (some of our jurors travel long distances), but attorneys are expected to be in court at 8:30 a.m., at least on the first day, to address any housekeeping matters. In addition to a 10-15 minute break mid-morning and mid-afternoon, a one-hour lunch break is taken. The Court usually adjourns the trial at 5:00 p.m., unless additional time is needed to complete the testimony of a witness or there are good reasons to continue. The Court strongly prefers to address matters that are required to be taken up outside the presence of the jury during a regular break, in the morning before trial starts, or after the jury is excused.</p> <p>The Court generally conducts its own voir dire, but incorporates questions proposed by counsel, where appropriate. Attorneys may request the Court to ask follow-up questions. Preliminary instructions concerning the elements of the claim or crime, definition of evidence, the burden of proof, order of trial and role of the jury are given, usually while the attorneys are taking their peremptory strikes. In civil cases, the Court generally seats an eight-person jury.</p> <p>Exhibits should be marked by counsel before trial. Documents identified as exhibits should be numbered sequentially, with only one</p> |

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| | <p>exhibit number assigned to a document or physical object throughout the course of the trial. Exhibits 1-999 are reserved for plaintiff's or prosecution exhibits, and number 1000-1999 are reserved for the defendant's exhibits. If there are more than two parties, successive blocks of 1000 can be reserved for each additional party, and counsel should consult with the clerk regarding which block to use. Parties are to avoid offering duplicate exhibits and are encouraged to stipulate to the admission of exhibits before trial so as to avoid interrupting the testimony. Exhibits are not to be displayed to the jury prior to their admission absent stipulation by the parties. Upon request and when appropriate, jurors may be provided copies of specific or exhibit binders.</p> <p>The Court generally allows jurors to take notes during trial. The Court also frequently provides copies of the verdict to the jurors during closing argument and copies of the instructions are provided during deliberations. Generally, the Court reads all of the instructions to the jury before the attorneys make their closing arguments, except for the brief closing instructions which are read after the arguments.</p> |
| Courtroom Equipment | <p>The Court has an easel, DVD/VCR player, and a single television monitor available for use by counsel. In some cases, including prisoner cases, testimony by video conference is also available. Counsel may use personal laptop computers or contract for other technology at their own expense. Counsel may make arrangements with court staff for access to the courtroom for the purpose of setting up any equipment prior to a trial or hearing.</p> |
| Transcripts or Copies of Digital Recording | <p>All hearings are digitally recorded. Requests for transcripts or CD copies of the digital recording of a hearing must be in writing and are to be submitted to the Green Bay Divisional Office of the Clerk by mail, by fax to (920)884-3724, or by e-mail to wied_clerks_gb@wied.uscourts.gov.</p> |
| Pro Hac Vice Admissions | <p>The Court does not grant permission to appear in this district <i>pro hac vice</i>. Attorneys appearing in this Court must apply for regular admission to practice in the district. Information on admission is available on the court website. Questions may be directed to the Office of the Clerk.</p> |

[Close Window](#)

Tips for Litigating in District Court

By Margo Kirchner

In this new feature, AWL asks judges about best practices and common mistakes in their court.

We begin with the Eastern District of Wisconsin. AWL informally polled District Judges **C. N. Clevert, Jr., Lynn Adelman, and William C. Griesbach**, and Magistrate Judge **Patricia J. Gorence**, who also passed along comments from Magistrate Judges **Aaron E. Goodstein** and **William E. Callahan**. Several judges indicated that on the whole attorneys "are doing a very fine job."

In general:

Know & follow local rules and judge's requirements
The local rules answer many routine and non-routine questions. Knowing them is critical, says Magistrate Judge Gorence.

Judges Clevert and Griesbach have additional procedures for their courts, available at www.wied.uscourts.gov under the "Contact Information" and "Judges" tabs. Judge Clevert's procedures also are attached to notice of the first scheduling conference in each civil case. Especially important for cases before Judge Clevert are his requirements regarding protective orders and preference that the titles of proposed orders reflect their subject matter (rather than simply stating "Order"). Judge Griesbach's special instructions include a "Fast Track Summary Judgment Procedure."

Know and follow CM/ECF requirements

Review CM/ECF requirements before filing any documents. Common mistakes include filing another attorney's signed document, writing misleading

or incomplete docket entries, and incorrectly filing proposed orders and letters. Proposed orders should be e-mailed to the specific judge's proposed order box in WordPerfect (preferred) or Word form so court staff can revise the document.

Pay attention to jurisdiction

In particular, watch out in diversity jurisdiction cases for LLCs, which are treated as partnerships; they are citizens of the states in which their owners are citizens.

Pay attention to disclosure of sensitive information in the court record

Judge Griesbach notes that protective orders or confidentiality agreements between parties do not prevent public disclosure of documents filed in the court record; court proceedings and decisions are presumptively open to public view. Judge Clevert requires a motion to seal, setting forth good cause for sealing, before any document to be filed in court will be withheld from the public.

Nevertheless, note that certain redaction requirements, found under the CM/ECF tab on the court website, must be followed regarding minors' names, social security numbers, dates of birth, financial account information, and home addresses.

Be candid with the court

Judge Griesbach says attorneys should be honest about the weaknesses of their cases (rather than hoping no one notices). Confronting such weaknesses directly adds to "credibility and ensures your argument will be carefully considered."

Per Magistrate Judge Callahan, if you believe no purpose will be served by sending a case to

mediation, speak up rather than going through the motions. If either party does not want to attend mediation, the case likely will not settle. For the mediator to do the job well, "he or she must be able to gauge how far the parties are genuinely willing to go to get the case settled."

Consult opposing counsel before moving for an extension of time or other modification of scheduling orders

Indicate in your motion whether opposing counsel agrees to or opposes your request; unopposed motions can be addressed immediately by the court.

For summary judgment motions:

Follow Civil L.R. 56.2 and provide stipulated facts when possible

This local rule requires either a stipulation of facts, proposed findings of fact or a combination of both. According to Judge Adelman, if the parties agree that there are no material facts in dispute, they should be able to file stipulated facts, which will speed up the court's decision-making process. Magistrate Judge Gorence now asks parties to file joint stipulated facts when possible. She recommends that attorneys think through how best to get the issue and information before the court.

In addition, remember that only material facts – not everything from discovery – should be included in proposed findings. Per Judge Clevert, "boil down your submissions to those that are material." Per Judge Griesbach, proposed findings of fact should be stated directly and in a non-argumentative manner; responses should similarly be direct and non-argumentative.

Create an easy format for responses to proposed

findings and exhibits

Obtain a word-processing copy of your opponent's proposed findings and insert responses directly below each one. Creating one document, with each proposed finding restated and your response immediately below, eliminates the judge having to look between two documents, which is especially problematic when reading documents on-screen in CM/ECF.

Many judges require courtesy hard copies of summary judgment filings. Tab the exhibits in those courtesy copies, especially in large appendices, to ensure that crucial documents can be accessed easily.

For trial:

Don't run out of witnesses

The court has set aside time to try the case, and all the attorneys, clients, and jurors are in attendance; don't waste their time by not having your next witness available, causing the day to end early.

Minimize trial interruptions regarding evidence

Premark exhibits. Provide a trial exhibit binder for the judge and be sure opposing counsel has seen the exhibit before it is tendered to a witness or offered into evidence. Don't waste in-court time marking exhibits and distributing them.

Anticipate evidentiary issues and alert the court to them in advance through a motion in limine or at a pretrial conference so they can be addressed without causing delays for the jury.

Make it easy for the jury to follow along

Show documentary evidence to the jury and let them follow along. Provide a trial exhibit binder for the jury or take advantage of computer screens in Judges Clevert's and Randa's courtrooms (or supply your own in other courtrooms)

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School Supplies Needed at Annual Meeting

The AWL Community Involvement Committee will be collecting school supplies at the Annual Meeting to benefit fourth grade teachers and students at Kluge Elementary School, an MPS school with a 90% poverty rate. Many of these students do not even have pencils or paper on which to do their homework.

Please bring any of the following items to the September 23rd Annual Meeting, or contact Jennine Sonntag at jsonntag@hannanlegal.com or Nancy Shue at nshue@sbm-law.com if you

would like to donate but are unable to attend the meeting.

- Red pens
- Highlighters
- Markers
- Pencil sharpeners (individual ones with caps for shavings, electric)
- Filler paper for binders (wide-ruled)
- Copy paper (white)
- 1" binders, with tabs
- Notebooks and journals
- Pencil pouches

Thanks for your participation and generosity!

September is Jury Appreciation Month

Wisconsin Supreme Court Chief Justice Shirley S. Abrahamson has invited attorneys to extend thanks to those who have reported for jury duty. State Bar President Diane Diel says the State Bar is joining Justice Abrahamson and others in the Wisconsin court system in seeking simple ways to publicly acknowledge the critical contributions that jurors make to ensure that every Wisconsin citizen has the right to trial by jury.

Says Diel, "Jurors certainly deserve more public recognition for the sacrifices they (and their

employers) make when they take time away from work, family, school and other priorities to report for jury duty. Please join us in publicly thanking them for their service and in reminding all Wisconsin residents that 'jurors serve justice and justice serves us all.'"

Visit wisbar.org for additional information or contact your local court administrator to learn about planned activities and to access promotional materials prepared by the court system. The ABA also provides juror appreciation materials.

Dues Notices Coming

Watch for your AWL renewal notice in the mail during the next few weeks. Renew right away to ensure that you do not miss any member benefits, your contact details are up-to-date and that we don't have to bother you with a reminder!

If your address or email have changed, if you have questions about your member benefits, or if you would like an application for membership sent to a colleague, contact AWL Administrator Dana Kader Robb at dana@barefoot-marketing.com.

New AWL All-Star Program

To reward AWL members who assist the organization in recruiting new members or motivating those whose memberships have lapsed, AWL is launching the AWL-STAR program. More details will be featured in the October newsletter and in your membership renewal letter.

Now is the time to start making a list of new hires at your firm

who may not yet be AWL members; colleagues you've met at seminars, other bar functions or in court; and friends from law school who have returned to the area. The networking (and other) events of AWL are wonderful not only for making new contacts, but also for staying in touch with our "old" friends!

Leadership Opportunities Available

One of the benefits of your AWL membership is participation in our Discussion Groups, each intended to meet periodically to discuss a specific topic or common area of interest. AWL Discussion Groups provide an opportunity to meet other women lawyers who share common concerns.

Currently, the Health Law Discussion Group, Labor &

Employment Discussion Group and Solo Practitioner Discussion Group each need one or more leaders (co-chairing is encouraged!). If you are willing to assist with facilitating any of these groups, or if you're interested in becoming more involved in AWL in any other way, please contact President-Elect Cathy Grogan at groganc@mtmary.edu or 414.258.4810 ext. 442.

District Court, cont.

to display evidence and highlight key phrases. Use demonstrative evidence on the screens in opening statements and closing arguments.

In cases with many witnesses, provide photographs of the witnesses in the jurors' trial binder, on the computer screen, or otherwise so that during closing

arguments the jury can match names to faces.

Read the ABA's Principles for Juries and Jury Trials, which can be found at www.abanet.org/juryprojectstandards/principles.pdf. Judge Clevert has been working on the ABA's jury project and has implemented some of its ideas.

Tips for Practicing in Bankruptcy Court

This month we received practice tips from U.S. Bankruptcy Judges Margaret Dee McGarity, James Shapiro, Susan Kelley and Pamela Pepper.

Improve Telephone Hearing Procedures

Three of the four judges noted difficulty in scheduling or conducting telephonic hearings. For instance, Judge Kelley's hearing notices spell out clearly whether an attorney can appear by phone and the procedure to set up such an appearance, yet many attorneys fail to follow the procedure. Then, when a hearing is set to be conducted by phone, screening devices or poor telephone etiquette make it a challenge to reach the attorney. Often, no one answers the telephone, court staff reaches a "press 1" recording, or when the staff does answer no one knows where the attorney is.

The judges advise:

- Read the hearing notice carefully and follow any required procedure for setting a telephone hearing.
- "If you have a direct line, secret code, or some way to make it easier" to reach you

quickly, or if you will be at a different office or on a cell phone, please let court staff know well in advance of the hearing.

Improve Communications with Opposing Counsel and Court in Advance

The judges and their staff spend a considerable amount of time preparing for hearings. One judge often finds that matters raised at a hearing could have been settled by the parties if counsel had simply talked prior to the hearing. Another judge notes that attorneys may not realize that chambers' e-filing notifications are not instantaneous when something is docketed: "We would be buried (symbolically) in e-mails if we were notified of everything docketed in any of our cases!" Sometimes, the docket is not consulted until right before a hearing, or it was consulted before the attorneys filed a last-minute document resolving the matter.

The judges advise:

- Contact opposing counsel before a hearing to see if the matter can be resolved without court involvement.

- When the matter has resolved – such as by amendment of a claim, withdrawal of an objection or filing of a stipulation – and the hearing is unnecessary, call. "We love electronics, but telephones still work."
- Note that e-filing a document does not automatically mean the judge has received it if you filed it shortly before a hearing.

Provide More Complete Information for Quicker Action and Better Hearings

If a motion or objection is based on a legal argument, "telegraph that in your moving papers." The judge will be better prepared to conduct a reasoned hearing if he or she is aware in advance of legal issues that may require research. One judge suggests noting in your moving papers the legal authority you have supporting your position.

If you ask for an extension of a deadline, give a short, specific explanation of the reason, such as "certain documents are in storage and are difficult to find," rather than a general phrase, such as "we need more time to complete discovery."

The bankruptcy court is required to review reaffirmation agreements in greater numbers than in the past but they are often incomplete, which can be frustrating. A complete and correct Part D – which discloses the debtor's income, expenses without the debt reaffirmed, and the amount left over to pay the reaffirmed debt – saves the court time looking up the information on the schedules, which adds up.

The judges advise:

- Communicate to the court the factual basis for extension requests.
- Communicate to the court in advance any legal issues that will arise during a hearing.
- Be sure that Part D for a reaffirmation agreement is filled out completely and correctly.

Be Courteous and Mindful of the Impression You Make

Being courteous and candid goes a long way. Rudeness to any chambers or office staff member is likely to get back to the judge. "Judges understand that mistakes happen, and often are very understanding" when the lawyer candidly admits the error. It is when the lawyer makes a mistake and does not appear to be concerned that judges start to get frustrated – not at the client, but at you." You don't want the judge remembering rudeness to court staff or a lack of concern or contrition "at a moment when he or she has to determine whether you are being reasonable or fair in your arguments."

The judges advise:

- Don't be late; it is disruptive and makes other parties and the court wait.
- Treat court staff politely. Saying "please" or "thank you" is simple, but appreciated.
- If you make a mistake, own up to it.

Scholarship Recipient Adds Her Thanks

At our Annual Meeting in September, four female law students – two each from UW-Madison Law School and Marquette University Law School – received AWL Foundation scholarships of \$2,500. Last month we printed two notes of thanks that we received. This month, we heard from another recipient.

"I am writing to express sincere gratitude for the AWLF Pomeroy Scholarship. It was an honor

and a great financial help to receive the award.

I was especially moved by the scholarship's history and the inspiring legacy of Virginia Pomeroy. I was also impressed by the strength of the AWL community, your commitment to public service, and the support that you lend each other as women in the profession."

Melanie P. Black

In addition to the scholarship money, each recipient was given a one-year membership in AWL. We hope to see all four at upcoming meetings and events.

Donations to the AWL Foundation to help fund future scholarships are tax-deductible and can be sent c/o:

Diane Diel
Diane S. Diel, SC
731 N. Jackson Street, Ste 505
Milwaukee, WI 53202