

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

PROPOSED AMENDMENTS TO LOCAL RULES

PUBLIC COMMENT PERIOD OCTOBER 11 TO NOVEMBER 12, 2017

ALL WRITTEN COMMENTS DUE BY NOVEMBER 12, 2017

Pursuant to 28 U.S.C. § 2071(b), Fed. R. Civ. P. 83(a)(1) and Fed. R. Crim. P. 57(a)(1), the United States District Court for the District of New Hampshire gives notice that the proposed amendments to the Local Rules published below are being considered for adoption to be effective 12/1/17. New matter is underlined; matter to be stricken is crossed out. The ***** denotes omitted text before and/or after the pertinent rule section.

Input from the public and the bar is encouraged. All comments, including suggestions or other correspondence, should reference the specific rule/subsection and may be submitted electronically to pamela_phelan@nhd.uscourts.gov or in writing directed to the Chief Deputy Clerk, U.S. District Court, Warren B. Rudman U.S. Courthouse, 55 Pleasant Street, Room 110, Concord, NH 03301-3941.

CIVIL RULES

1.1 General Rules

(b) Effective Date. ***** 2017~~5~~.

5.1 Format and Service of Filings

(b) Identification of Attorney. The attorney's name, address, primary telephone number, e-mail address and New Hampshire bar number, or its equivalent in cases where the attorney is not a member of the New Hampshire bar, shall appear on all filings. The bar number shall immediately follow the attorney's typed name in the signature section of all filings.

(e) Facsimile and Email Filings. The clerk's office shall not accept filings by facsimile or email without an oral or written court order authorizing such filings.

7.1 Motions

(e) Reply or Surreply Memorandum.

(1) **Dispositive Motions.** Within ~~seven~~ fourteen (14) days of the service of an objection or opposition to a dispositive motion, the party filing the dispositive motion may file a reply memorandum not to exceed ten (10) pages restricted to rebuttal of factual and legal arguments raised in the objection or opposition memorandum. ~~Written or oral notice of an intention to file a reply memorandum shall be provided to the court and opposing counsel within three (3) days of the service of the objection or opposition to the dispositive motion. Absent notice, the dispositive motion shall be deemed ripe when the objection or opposition to the dispositive motion is filed.~~

(2) **Nondispositive Motions.** A memorandum in reply to an objection or opposition to a nondispositive motion shall not be permitted without prior leave of court. Any motion for leave to file such a reply shall be filed within ~~seven~~ fourteen (14) days of the service of the objection or opposition to which the reply would respond and shall attach the proposed reply, which will be limited to five (5) pages, as an exhibit. ~~Written or oral notice of an intention to move for leave to file a reply memorandum shall be provided to the court and opposing counsel within three (3) days of the service of the objection or opposition to the nondispositive motion. Absent notice, the nondispositive motion shall be deemed ripe when the objection or opposition to the nondispositive motion is filed.~~

(3) **Surreply Memorandum.** If a reply has been filed either as of right pursuant to LR 7.1(e)(1) or by court order under LR 7.1(e)(2), a surreply may be filed within five (5) days of the date the reply was filed. Surreplies shall be limited to five (5) pages. Parties should note that surreplies are not encouraged and should be filed only in exceptional circumstances. ~~A surreply memorandum shall not be permitted without prior leave of court. Any motion for leave to file a surreply shall be filed within fourteen (14) days of the service of the reply memorandum to which the surreply would respond and shall attach the proposed surreply, which will be limited to five (5) pages, as an exhibit. Written or oral notice of an intention to move for leave to file a surreply memorandum shall be provided to the court and opposing counsel within three (3) days of the service of the reply to the objection. Absent notice, the motion shall be deemed ripe when the reply to the objection is filed. Motions for leave to file a surreply will only be granted under extraordinary circumstances.~~

7.2 Specified Motions

(ba) Motions to Extend Time.

45.2. Witnesses in Cases Proceeding In Forma Pauperis

(a) **In General.** If a party who has been authorized to proceed in forma pauperis desires the attendance of any witness or the production of any documents or evidence by subpoena or writ, that party shall file a motion containing the name, address, and, if applicable, the inmate number, and brief statement of the expected testimony, or of the documents or other evidence to be produced from each witness not later than twenty-one (21) days before the trial, hearing, or deposition where the witness is expected to testify or produce the requested evidence. If a witness's stated testimony, or the requested evidence, is not material to the claims or defenses at issue in the case, is repetitive, or unduly burdensome, the court may, in its discretion, decline to order, or otherwise limit the production of the witness or of the requested evidence.

(b) Subpoena Costs.

(i) IFP 28 U.S.C. §§ 2254 and 2255 and Indigent Criminal Cases.

In in forma pauperis cases brought pursuant to 28 U.S.C. §§ 2254 and 2255, and in indigent criminal cases, witness fees, service fees, and expenses for the subpoena of all witnesses shall be paid for by the Marshal.

(ii) All Other IFP Cases.

In all other in forma pauperis cases, if requested by the party by motion, the service fees for the subpoena shall be paid for by the Marshal. All other witness and service fees and service and expenses shall not be paid by the United States and are the responsibility of the party. Witnesses shall be subpoenaed as provided by Fed. R. Civ. P. 45(b) and fees tendered accordingly. If no tender is made as required by Rule 45(b) when the subpoena is served, the witness shall not be penalized for failure to attend. However, if the witness honors the subpoena and the subpoenaing party recovers its costs, the witness shall be entitled to payment of fees from the recovered costs on application to the court.

45.4 ~~Witnesses in Cases With Pro Se Litigants~~

~~The provisions of LR 45.2(a) regarding court approval of witness lists shall apply to pro se parties.~~

67.2 Deposit of Registry Funds Into Interest-Bearing Account

Generally replaced with the following to incorporate interim amendments made in 2016 and 2017:

(a) Receipt of Funds.

(1) Unless an applicable statute requires the deposit of funds without leave of court, no funds governed by Fed. R. Civ. P. 67 shall be tendered to the court or the clerk's office for deposit into the court's registry absent a court order signed by a judge.

(2) Unless otherwise provided for elsewhere herein, all funds received by the court or the clerk's office for any case pending or in the process of adjudication shall 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. Such deposits shall be made through depositories designated by the Treasury to accept such deposits on its behalf.

(3) Except as provided in subsection (b)(2) below, the party making the deposit or transferring funds to the court's registry shall electronically serve the order permitting the deposit or transfer on the clerk of court or, in the clerk's absence, upon the chief deputy clerk or financial administrator.

(b) Investment of Registry Funds.

(1) Court Registry Investment System.

(A) Unless otherwise ordered, the Court Registry Investment System (CRIS), administered through the Administrative Office of the United States Courts, shall be the investment mechanism authorized.

(B) Interpleader funds deposited under 28 U.S.C. § 1335 meet the IRS definition of a Disputed Ownership Fund (DOF), a taxable entity that requires tax administration. Unless otherwise ordered by the court, interpleader funds shall be deposited in the DOF established within the CRIS and administered by the Administrative Office of the United States Courts, which shall be responsible for meeting all DOF tax administration requirements.

(C) The Director of Administrative Office of the United States Courts is designated as custodian for all CRIS funds. The Director or the Director's designee shall perform the duties of custodian. Funds held in the CRIS remain subject to the control and jurisdiction of the Court.

(D) Under CRIS, monies deposited in each case will be "pooled" together with those on deposit with the Treasury to the credit of other courts in CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt, which will be held at the Treasury in an account in the name and to the credit of the Director of Administrative Office of the United States Courts, hereby designated custodian for CRIS. The pooled funds will be invested in accordance with the principles of the CRIS Investment Policy as approved by the Registry Monitoring Group.

(i) For non-DOF case funds, an account will be established in the CRIS Liquidity Fund titled in the name of the case giving rise to the deposit invested in the fund.

Income generated from fund investments will be distributed to each case based on the ratio each account's principal and earnings has to the aggregate principal and income total in the fund after the CRIS fee has been applied.

(ii) For DOF case funds, an account shall be established in the CRIS Disputed Ownership Fund, titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case based on the ratio each account's principal and earnings has to the aggregate principal and income after the DOF fee has been applied and tax withholdings have been deducted from the fund. On appointment of an administrator authorized to incur expenses on behalf of the DOF in a case, the case DOF funds should be transferred to the CRIS Liquidity Fund or another investment account as directed by court order.

(E) Reports showing the interest earned and the principal amounts contributed in each case will be available through the FedInvest/CMS application and will be made available to litigants and/or their counsel.

(2) Other Investments and Instruments. Upon motion, the court in its discretion may approve an investment mechanism other than CRIS. Prior to filing the motion, the party requesting approval of an alternate investment mechanism shall first personally deliver the proposed order to the clerk, chief deputy or financial administrator, who shall review the proposed order to confirm it fulfills investment requirements.

A motion to approve an alternate investment mechanism must, at a minimum, address the following:

(A) the amount to be invested;

(B) a designation of the type of account or instrument in which the funds shall be invested;

(C) the name of the depository, which must be approved by the Treasurer of the United States as a depository in which funds may be held;

(D) the form of additional collateral to cover the entire amount of invested funds without regard to FDIC insurance;

(E) a direction to the clerk to deduct from the income earned on the investment a fee not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office of the United States Courts as published in the Federal Register; and

(F) such other appropriate information that may be deemed applicable under the facts and circumstances of the particular case.

Upon court order to deposit and invest registry funds locally, the clerk shall serve as custodian of the account or financial instrument and shall keep such account, certificate of deposit, or financial instrument in a secure and safe place subject to further order of the court.

(c) Investment Fees and Taxes.

(1) The custodian is authorized and directed to deduct the CRIS fee of an annualized 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 the CRIS. According to the Court's Miscellaneous Fee Schedule, the CRIS fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases.

(2) The custodian is authorized and directed to deduct the DOF fee of an annualized 20 basis points on assets on deposit in the DOF for management of investments and tax administration. According to the Court's Miscellaneous Fee Schedule, the DOF fee is assessed from interest earnings to the pool before a pro rata distribution of earnings is made to court cases. The custodian is further authorized and directed by this rule to withhold and pay federal taxes due on behalf of the DOF.

(3) In cases in which funds are ultimately disbursed to the United States or to agencies or officials thereof, the clerk shall provide to those agencies or officials any relief from the CRIS fees approved by the Director of the Administrative Office on application filed by the United States Attorney or any other government counsel

(d) **Cash Bail.** If cash bail in an amount in excess of \$10,000 is deposited with the court, it may be placed in an interest-bearing account upon motion of the submitting party. The deposit shall comply in all respects with the requirements of this rule except that there shall be no administration fee assessed.

67.3 Disbursal of Registry Funds

*** The authorized custodian shall disburse all registry principal and income, if applicable, less the registry fee assessment and/or taxes, pursuant to the court's order. Any such order shall distinctly set forth the funds in question and name the payee. Should the named payee be other than the depositor of the funds, that fact shall be reflected in the order. ~~The party presenting such order shall comply with LR 67.2(a)(3).~~ ***

77.1 Clerk's Office

(b) Telephone Hours. The main telephone switchboard will be open between ~~9 a.m.~~ 8:30 a.m. and ~~4 p.m.~~ 4:30 p.m. on the days that the clerk's office is open.

77.4 Bankruptcy

(d) Appeals.

(5) **Statement Regarding Interested Parties.** Any party filing a brief, other than governmental parties, shall file a statement, attached to the last page of its brief and substantially in the form of Civil Form 7, indicating whether the party knows of any interested party who is not listed in the notice of appeal. The filing is excluded from the brief length limitations.

An “interested party” includes all persons, associations, firms, partnerships, corporations, guarantors, insurers, affiliates, or other legal entities that are financially interested in the outcome of the appeal. When a corporation is a party to an appeal, the Statement of Interested Parties shall identify any parent corporation and any publicly held corporation that owns 10% or more of its stock or state that there is no such corporation. An individual listing is not necessary if a large group of persons or firms can be specified by a generic description. The Statement of Interested Parties shall include the names of attorneys who have previously appeared for a party in the case or proceeding below but who have not entered an appearance with the court on appeal.

81.1 Removed Actions

~~(b) Refiling Motions. A motion filed in state court will not be considered unless it is refiled in this court in accordance with these rules. If a motion is pending and undecided in the state court at the time of removal, it will not be considered unless and until the moving party refiles the motion with this court. Each motion must be filed separately on this court’s docket. Any objection or other response must be filed by the nonmoving party separate from other pleadings and in accordance with Rule 7.1.~~

83.2 Practice by Persons Not Members of the Bar of this Court

(b) Pro Hac Vice Admissions. ***

(1) Supporting Affidavit. ***

(B) a listing of court(s) to which the attorney has been admitted to practice and the ~~date(s)~~ year(s) of admission.

(c) Appearance in Court by Law Students and Graduates. A second or third year student at, or a graduate of, an accredited United States law school, who is certified under N.H. Supreme Court Rule 36 and whose supervising attorney under said rule is a member of the bar of this court, may appear before the court on behalf of any indigent person(s), the State of New Hampshire, a State agency, or a State subdivision ~~upon referral by an approved legal aid society, federally funded legal services program, or public defender program in the State of New Hampshire, provided that the student's or graduate's conduct of the case is under the general supervision of a member of the bar of this court~~ such supervising attorney. The presence of the supervising attorney in court shall be required in all cases, and the supervising attorney shall be required to review, sign and file pleadings in all cases. An "approved" legal aid society, legal services program, or public defender program is an established program which operates with the sanction and approval of the Supreme Court of the State of New Hampshire or this court. The expression "general supervision" does not require the attendance in court of the supervising member of the bar.

CRIMINAL RULES

11.3 Disclosure of Medications. In all cases in which the defendant intends to enter a plea of guilty, the defendant shall be prepared at the plea hearing to identify for the Court all medications the defendant has been prescribed and/or is currently taking. The defendant may submit this information orally at the hearing or in writing. If a written list is provided to the court, it will not be retained by the court or docketed, but returned to counsel at the conclusion of the hearing.

32.2 Conditions of Probation and Supervised Release

Generally replaced with the following to incorporate interim amendment made in 2016:

The following are the standard conditions of probation and supervised release in this district:

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.

10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).

11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.

12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.

13. You must follow the instructions of the probation officer related to the conditions of supervision.

SUPPLEMENTAL RULES FOR ELECTRONIC CASE FILING

2.7 Signatures on Electronically Filed Documents

(a) Attorneys.

(2) Form of Signatures. All electronically filed documents must include a signature block and must set forth the Filing User's name, bar registration number, address, primary telephone number, and e-mail address. ***

6.2 Registration

(e) Obligation to Update Information. A Filing User has an obligation to notify the clerk's office of any change in the following information associated with their ECF filing account: name; mailing address; firm name or affiliation; or primary telephone number. ***

CIVIL FORMS

Civil Form 2, Discovery Plan

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Plaintiff(s)

v.

Civil Case No. _____

Defendant(s)

DISCOVERY PLAN
Fed. R. Civ. P. 26(f)

DATE/PLACE OF CONFERENCE:

COUNSEL PRESENT/REPRESENTING:

CASE SUMMARY

THEORY OF LIABILITY: THEORY

OF DEFENSE: DAMAGES:

DEMAND: due date [NOTE: need not be filed with the court.]

OFFER: due date [NOTE: need not be filed with the court.]

JURISDICTIONAL QUESTIONS:

QUESTIONS OF LAW:

TYPE OF TRIAL: jury or bench

SCHEDULE

TRACK ASSIGNMENT: _____ EXPEDITED--6 MONTHS
_____ STANDARD--12 MONTHS
_____ COMPLEX--24 MONTHS

TRIAL DATE: The parties shall set out an agreed trial date--adhering to time periods as mandated by the chosen track assignment--using a preset jury selection day as provided on the court's web site (www.nhd.uscourts.gov). If the parties cannot agree on a date, they shall set out their respective proposed dates.

DISCLOSURE OF CLAIMS AGAINST UNNAMED PARTIES: If defendant(s) claim that unnamed parties are at fault on a state law claim (see DeBenedetto v. CLD Consulting Engineers, Inc., 153 N.H. 793 (2006)), defendant(s) shall disclose the identity of every such party and the basis of the allegation of fault no later than [no later than 30 days before the Joinder of Additional Parties deadline and 45 days before the Plaintiff's Expert Disclosure deadline]. Plaintiff shall then have 30 days from the date of disclosure to amend the complaint.

AMENDMENT OF PLEADINGS:

Plaintiff: due date Defendant: due date

JOINDER OF ADDITIONAL PARTIES:

Plaintiff: due date Defendant: due date

THIRD-PARTY ACTIONS: due date

MOTIONS TO DISMISS: due date [NOTE: no later than 90 days after preliminary pretrial.]

DATES OF DISCLOSURE OF EXPERTS AND EXPERTS' WRITTEN REPORTS AND SUPPLEMENTATIONS:

Plaintiff: due date Defendant: due date

Supplementations under Rule 26(e) due: -time(s) or interval(s).

[Advise the court whether the parties have stipulated to a different form of expert report than that specified in Fed. R. Civ. P. 26(a)(2).]

COMPLETION OF DISCOVERY:

(1) Date all discovery complete [NOTE: approximately no later than 60 days prior to trial date.- according to track]

(2) If there are issues for early discovery, date for completion of discovery on those issues Date for completion of discovery on issues for early discovery, if any.

MOTIONS FOR SUMMARY JUDGMENT: due date [NOTE: no later than 120 days prior to trial date according to track. the fact that the discovery deadline may postdate the summary judgment deadline is not a sufficient basis to request a continuance of the summary judgment deadline.]

CHALLENGES TO EXPERT TESTIMONY: due date: [NOTE: no later than 45 days prior to trial.]

DISCOVERY

~~TRACK ASSIGNMENT: EXPEDITED - 6 MONTHS~~
~~STANDARD - 12 MONTHS~~
~~COMPLEX - 24 MONTHS~~

DISCOVERY NEEDED:

Give brief description of subjects on which discovery will be needed.

MANDATORY DISCLOSURES (Fed. R. Civ. P. 26(a)(1)):

Advise the court whether the parties have stipulated to a different method of disclosure than is required by Fed. R. Civ. P. 26(a)(1) or have agreed not to require any Rule 26(a)(1) disclosures.

INTERROGATORIES:

A maximum of (number) [PRESUMPTIVE LIMIT 25] interrogatories by each party to any other party. Responses due 30 days after service unless otherwise agreed to pursuant to Fed. R. Civ. P. 29.

REQUESTS FOR ADMISSION:

A maximum of (number) requests for admission by each party to any other party. Responses due 30 days after service unless otherwise agreed to pursuant to Fed. R. Civ. P. 29.

DEPOSITIONS:

A maximum of (number) [PRESUMPTIVE LIMIT 10] depositions by plaintiff(s) and (number) [PRESUMPTIVE LIMIT 10] by defendant(s). Each deposition (other than of /name\) limited to a maximum of (number) [PRESUMPTIVE LIMIT 7] hours unless extended by agreement of the parties.

ELECTRONIC INFORMATION DISCLOSURES (Fed. R. Civ. P. 26(f)):

~~The parties should p~~Provide (a) a brief description of ~~their the parties'~~ proposals regarding the disclosure or discovery of electronically stored information ("ESI") (and/or attach a proposed order and/or (b) identify any disputes regarding the same. The potential issues the parties should consider include, but are not limited to: (1) Preservation. Counsel should attempt to agree on steps the parties will take to segregate and preserve ESI in order to avoid accusations of spoliation; (2) E-mail Information. Counsel should attempt to agree on the scope of e-mail discovery and e-mail search protocol; (3) Back-up and Archival Data. Counsel should attempt to agree on whether responsive back-up and archival data exists, the extent to which back-up and archival data is reasonably accessible, and who will bear the cost of obtaining such data; (4) Format and Media. Counsel should attempt to agree on the format and media to be used in the production of ESI, and whether production of some or all ESI in paper form is agreeable in lieu of production in electronic format; (5) Reasonably Accessible Information and Costs. Counsel should attempt to determine if any responsive ESI is not reasonably accessible, i.e., is accessible only by incurring undue burdens or costs; (6) Privileged or Trial Preparation Materials. Counsel also should attempt to reach agreement regarding what will happen in the event privileged or trial preparation materials are inadvertently disclosed. See Fed. R. Evid. 502.

STIPULATION REGARDING CLAIMS OF PRIVILEGE/PROTECTION OF TRIAL PREPARATION MATERIALS (Fed. R. Civ. P. 26(f)):

~~The parties should p~~Provide a brief description of the provisions of any proposed order governing claims of privilege or of protection as trial preparation material after production (and/or attach a proposed order).

~~COMPLETION OF DISCOVERY:~~

~~(1) Date all discovery complete [APPROXIMATELY 60 DAYS PRIOR TO TRIAL DATE ACCORDING TO TRACK]~~

~~(2)(1) If there are issues for early discovery, date for completion of discovery on those issues~~

~~INTERROGATORIES:~~

~~A maximum of (number) [PRESUMPTIVE LIMIT 25] interrogatories by each party to any other party. Responses due 30 days after service unless otherwise agreed to pursuant to Fed. R. Civ. P. 29.~~

~~REQUESTS FOR ADMISSION:~~

~~A maximum of (number) requests for admission by each party to any other party. Responses due 30 days after service unless otherwise agreed to pursuant to Fed. R. Civ. P. 29.~~

~~DEPOSITIONS:~~

~~A maximum of (number) [PRESUMPTIVE LIMIT 10] depositions by plaintiff(s) and (number) [PRESUMPTIVE LIMIT 10] by defendant(s).~~

~~Each deposition (other than of /name\) limited to a maximum of (number) [PRESUMPTIVE LIMIT 7] hours unless extended by agreement of the parties.~~

~~DATES OF DISCLOSURE OF EXPERTS AND EXPERTS' WRITTEN REPORTS AND SUPPLEMENTATIONS:~~

Plaintiff: ~~due date~~ Defendant: ~~due date~~
Supplementations under Rule 26(c) ~~due time(s) or interval(s)~~

~~Advise the court whether the parties have stipulated to a different form of expert report than that specified in Fed. R. Civ. P. 26(a)(2).~~

~~CHALLENGES TO EXPERT TESTIMONY:~~

~~due date: [no later than 45 days prior to trial]~~

OTHER ITEMS

~~**DISCLOSURE OF CLAIMS AGAINST UNNAMED PARTIES:** If defendant(s) claim that unnamed parties are at fault on a state law claim (see *DeBenedetto v. CLD Consulting Engineers, Inc.*, 153 N.H. 793 (2006)), defendant(s) shall disclose the identity of every such party and the basis of the allegation of fault no later than [no later than 30 days before the Joinder of Additional Parties deadline and 45 days before the Plaintiff's Expert Disclosure deadline]. Plaintiff shall then have 30 days from the date of disclosure to amend the complaint.~~

~~**JOINDER OF ADDITIONAL PARTIES:**~~

~~Plaintiff: ~~due date~~ Defendant: ~~due date~~~~

~~**THIRD PARTY ACTIONS:** ~~due date~~~~

~~**AMENDMENT OF PLEADINGS:**~~

~~Plaintiff: ~~due date~~ Defendant: ~~due date~~~~

~~**DISPOSITIVE MOTIONS:**~~

~~**To Dismiss:** ~~due date [NO LATER THAN 90 DAYS AFTER PRELIMINARY PRETRIAL]~~
For Summary Judgment: ~~due date [NO LATER THAN 120 DAYS PRIOR TO TRIAL DATE ACCORDING TO TRACK. THE FACT THAT THE DISCOVERY DEADLINE MAY POSTDATE THE SUMMARY JUDGMENT DEADLINE IS NOT A SUFFICIENT BASIS TO REQUEST A CONTINUANCE OF THE SUMMARY JUDGMENT DEADLINE.]~~~~

SETTLEMENT POSSIBILITIES:

- (1) is likely
- (2) is unlikely
- (3) cannot be evaluated prior to (date)
- (4) may be enhanced by ADR: (a) request to the court
(b) outside source

JOINT STATEMENT RE MEDIATION: date by which the parties will notify the court whether mediation will occur and, if so, when.

The parties shall indicate a date by which mediation, if any, will occur.

TRIAL ESTIMATE: number of days

WITNESSES AND EXHIBITS: [NOTE: no dates necessary. Due dates are as follows, and will be set by the clerk's notice of trial assignment.]

- Witness and exhibit lists, included in final pretrial statements, are due 10 days before final pretrial conference but not less than 30 days before trial.

- *Objections are due 14 days after service of final pretrial statements.*

~~[NO DATES NECESSARY; DUE DATES 10 DAYS BEFORE FINAL PRETRIAL CONFERENCE BUT NOT LESS THAN 30 DAYS BEFORE TRIAL FOR LISTS (INCLUDED IN FINAL PRETRIAL STATEMENTS) AND 14 DAYS AFTER SERVICE OF FINAL PRETRIAL STATEMENT FOR OBJECTIONS SET BY CLERK'S NOTICE OF TRIAL ASSIGNMENT.]~~

~~TRIAL ESTIMATE: number of days~~

~~TRIAL DATE: The parties shall set out an agreed trial date adhering to time periods as mandated by the chosen track assignment using a preset jury selection day as provided on the court's web site (www.nhd.uscourts.gov). If the parties cannot agree on a date, they shall set out their respective proposed dates.~~

PRELIMINARY PRETRIAL CONFERENCE: The parties ~~{(request)}~~ ~~{(do not request)}~~ a preliminary pretrial conference with the court before entry of the scheduling order.

~~[NOTE: THE PARTIES SHOULD PLAN TO ATTEND THE PRELIMINARY PRETRIAL CONFERENCE AS SCHEDULED UNLESS OTHERWISE NOTIFIED BY THE COURT.]~~

OTHER MATTERS: *The parties should list here their positions on any other matters which should be brought to the court's attention including other orders that should be entered under Fed. R. Civ. P. 26(c) or 16(b) and (c).*

Civil Form 3 Extending Deadlines Set in Discovery Plan

Delete the duplicate entry "Discovery Completed"

Civil Form 5 Protective Order Form

Change paragraph 4(d) to read:

Unless otherwise agreed or ordered, copies of Reading Room documents shall be produced within thirty days after the request for copies is made. Production may be made by providing electronic copies of the documents so long as copies ~~reasonably as legible~~ are reasonably as legible as the originals ~~from which they are may be~~ produced therefrom.

(New) Civil Form 7 Statement Regarding Interested Parties LR 77.4(d)(5)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

In re: Debtors

Chapter _____
BK Case No. _____

Debtors.

Appellant(s)

v.

Civil Case No. _____

Appellee(s)

**STATEMENT REGARDING INTERESTED PARTIES
L.R. 77.4(d)(5)**

- The undersigned certifies that the following parties have an interest in the outcome of this appeal. These representations are made to enable the court to evaluate possible disqualification or recusal.

[List interested parties.]

- The undersigned certifies that the undersigned knows of no interested party as that term is defined in L.R. 77.4(d)(5).

Dated: _____

Attorney or Pro Se Party
Bar #
Address
Telephone Number
Email/Fax