

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

PROPOSED AMENDMENTS TO LOCAL RULES

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PUBLIC COMMENT PERIOD OCTOBER 26 TO NOVEMBER 27, 2022

ALL WRITTEN COMMENTS DUE BY NOVEMBER 27, 2022

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Pursuant to 28 U.S.C. § 2071(b), and Fed. R. Civ. P. 83(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 12/1/22. New matter is underlined/red; matter to be stricken is crossed out/red. 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 [daniel\\_lynch@nhd.uscourts.gov](mailto:daniel_lynch@nhd.uscourts.gov) or in writing directed to the Clerk of Court, U.S. District Court, Warren B. Rudman U.S. Courthouse, 55 Pleasant Street, Room 110, Concord, NH 03301-3941.

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**CIVIL RULES**

**1.1 General Rules**

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(b) **Effective Date.** Effective January 1, 1996, as amended December 1, 2019~~22~~.

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**7.1.1 Disclosure Statement**

(a) **Form of Filing.** The disclosure statement for nongovernmental corporate parties and intervenors referenced in required by Fed. R. Civ. P. 7.1(a)(1) and this rule shall substantially conform to Civil Form 4, Nongovernmental Corporate Party Disclosure Statement. In cases in which jurisdiction is based on diversity of citizenship, the disclosure statement for parties and intervenors required by Fed. R. Civ. P. 7.1(a)(2) and this rule shall substantially conform to Civil Form 4.1, Diversity Disclosure Statement. These disclosure statements must be filed as separate documents and may not be combined into one document.

**(b) Additional Information.** The disclosure statement shall also identify any publicly held corporation with which a merger agreement exists.

**(c) Partnerships and Limited Liability Companies.** When a partnership or a limited liability company (LLC) is a party or intervenor to an action or proceeding, the partnership/LLC shall file a disclosure statement providing the information required in Fed. R. Civ. P. 7.1 and § (b) of this rule or shall state that there is no such corporate entity that holds such an interest in the partnership/LLC.

**(d) Time for Filing in Removal Actions.** In removal actions, a nongovernmental plaintiff or intervenor that is a corporation, partnership or LLC, ~~corporate plaintiff, partnership plaintiff, LLC plaintiff, or a party or intervenor in a diversity case,~~ must file a disclosure statement within twenty-one (21) days from the date the notice of removal is filed or with the its first appearance, pleading, petition, motion, response, objection, or request, whichever is filed sooner.

(Formerly LR 83.6(a)(4), renumbered to 7.5 and amended 1/1/01; retitled, § (a) retitled and amended, § (b) retitled, relettered to (d) and amended, and new §§ (b) and (c) added 1/1/03; §§ (c) and (d) amended 12/1/09; § (d) amended 12/1/11; formerly LR 7.5 renumbered to 7.1.1, § (a) amended 12/1/13; §§ (a), (c) and (d) amended 12/1/22)

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## 9.1 Social Security Cases

The following procedures shall govern all actions challenging a final decision of the Commissioner of the Social Security Administration filed pursuant to § 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

~~(a)(1) The Commissioner of the Social Security Administration, and the United States Attorney for the District of New Hampshire (hereafter collectively referred to as “the government”), agree to accept the summons and complaint in this action by electronic means through the court’s Electronic Case Filing System (ECF) and the government agrees not to contest the adequacy of service when the summons and complaint are transmitted by this means.~~

(a)(2) To allow the Social Security Administration to promptly identify and collect the administrative record relating to the claim, when the complaint is filed, the plaintiff shall separately provide the United States Attorney’s Office with the claimant’s full social security number. This information should not be filed with the court.

(b) The government shall serve and file a certified copy of the administrative record within sixty (60) days after service on the Commissioner, which shall be deemed an answer and general denial for the purposes of the Federal Rules of Civil Procedure. No separate answer need be filed. If a closed case is reopened, the government shall serve and file a certified copy of the administrative record within sixty (60) days after the order reopening the case is issued.

(c) Within thirty (30) days after the administrative record is filed, the plaintiff shall serve and file a Motion for Order Reversing Decision of the Commissioner. The motion shall be accompanied by a (1) statement of material facts not to exceed 15 pages; and (2) memorandum of law not to exceed 25 pages. Each fact identified in the statement of facts and memorandum shall be supported by citation to the page(s) in the administrative record where evidence supporting that fact is located.

(d) Within thirty (30) days after the plaintiff's Motion for Order Reversing Decision is filed, the government shall serve and file a Motion for Order Affirming Decision of the Commissioner or for Other Relief. The motion shall be accompanied by a memorandum of law not to exceed 25 pages, which and shall respond to the specific issues raised in the plaintiff's motion. The government's motion may be accompanied by a statement of facts **only** to the extent the government determines material facts were omitted from the plaintiff's statement and it shall not exceed 15 pages. Each fact identified in the statement of facts and memorandum shall be supported by citation to the page(s) in the administrative record where evidence supporting that fact is located.

(e) Within ~~seven (7)~~ fourteen (14) days of the filing of the government's Motion for Order Affirming Decision of Commissioner, the plaintiff may file a response not to exceed ten (10) pages. Further filings are not encouraged and should be submitted only in exceptional circumstances.

(f) "Material facts" shall be limited to only those facts that are material to one or more issues presented in the motions. All references to material facts shall be supported by specific and accurate citations to the page(s) in the administrative record where such facts are located.

(g) Motions to strike all or any portion of a statement of material facts are not permitted.

(§ (a) amended 1/1/05; § (c) amended 12/1/09; § (d) amended 12/1/11; § (b) amended, § (c) added, former §§ (c) and (d) relettered, 12/1/13; § (b) amended, former §§ (c) through (e) omitted, new §§ (c) through (f) added 5/7/18; § (d) amended 12/1/18; new §§ (a)(1) and (a)(2) added, §§ (b), (d), and (e) amended, former §§ (a) through (f) relettered 12/1/19; § (e) amended 12/1/21; § (a)(1) omitted, § (a)(2) relettered, § (e) amended 12/1/22).

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Civil Form 4, **Nongovernmental Corporate Party** Disclosure Statement

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

*Plaintiff(s)*

v.

Civil No. Case #/Judge Initials

*Defendant(s)*

**NONGOVERNMENTAL CORPORATE PARTY/INTERVENOR**  
**DISCLOSURE STATEMENT**  
**LOCAL RULE 7.1.1**

[This form is to be completed and filed only by parties **and intervenors** that are nongovernmental corporations, partnerships, or limited liability companies. Check the appropriate box(es).]

The filing party, a nongovernmental corporation, identifies the following parent corporation and any publicly held corporation that owns 10% or more of its stock:

- O R -

The filing party, a partnership, identifies the following parent corporation and any publicly held corporation that owns 10% or more of the corporate partner's stock:

- O R -

The filing party, a limited liability company (LLC), identifies the following parent corporation and any publicly held corporation that owns a 10% or more membership or stock interest in the LLC:

- AND/O R -

The filing party identifies the following publicly held corporations with which a merger agreement exists:

- O R -

The filing party has none of the above.

(Added 1/1/01; amended 1/1/03, 12/1/09, 12/1/13, **12/1/22**)

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Civil Form 4.1, Diversity Disclosure Statement

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

*Plaintiff(s)*

v.

Civil No. Case #/Judge Initials

*Defendant(s)*

**DIVERSITY DISCLOSURE STATEMENT**  
**LOCAL RULE 7.1.1**

[This form is to be completed and filed only by parties and intervenors in actions in which jurisdiction is based on diversity of citizenship under 28 U.S.C. § 1332(a)]

PARTY OR INTERVENOR NAME

CITIZENSHIP

[Complete Below Only if Applicable]

NAME OF ALL INDIVIDUALS  
OR ENTITIES ATTRIBUTED TO  
TO PARTY OR INTERVENOR

RELATIONSHIP TO  
PARTY OR INTERVENOR

CITIZENSHIP

(Added 12/1/22)

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