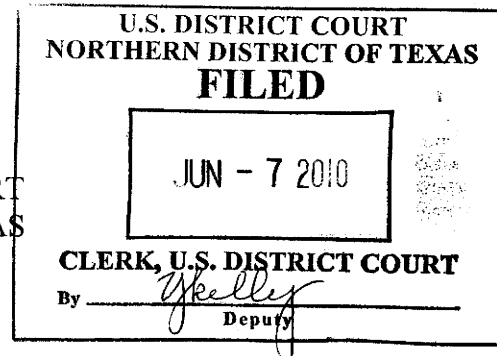


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

Special Order No. 2-75

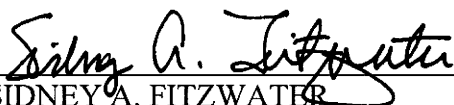


1. By Special Order No. 2-74, the District Judges of this Court adopted new local civil rule LR 3.3 and amended LR 81.1.
2. Following receipt of public comment, the Court has determined to adopt new local civil rule LR 3.3 and amend LR 81.1 as set forth in the attachment to Special Order No. 2-74.
3. New local civil rule LR 3.3 and amended LR 81.1 take effect on September 1, 2010 and apply to all proceedings in civil actions thereafter commenced and, insofar as just and practicable, all proceedings in civil actions then pending.
4. The Clerk of Court is directed to make the necessary distribution.

SO ORDERED.

June 7, 2010.

FOR THE COURT:



SIDNEY A. FITZWATER
CHIEF JUDGE

**2010 PROPOSED
LOCAL CIVIL RULES AMENDMENTS**

A new rule is identified by the bracketed statement “[New rule].” New material in an existing rule is **redlined**, and deleted material is ~~stricken out~~.

[New Rule]

LR 3.3 Filing Complaint in Related Case; Notice of Related Case.

- (a) **Notice Requirement.** When a plaintiff files a complaint and there is a related case, as defined by LR 3.3(b)(1), (b)(2), or (b)(3), the complaint must be accompanied by a notice of related case. The notice must state the style and civil action number of the related case, the name of the presiding judge, whether the case is pending, and, if the case has been dismissed or remanded, the date of the final judgment or order remanding the case.
- (b) **Related Case Defined.** A “related case” is any civil action
- (1) that the plaintiff dismissed with the intent or for the purpose of obtaining a different assigned presiding judge and that is being refiled through the complaint;
 - (2) that the plaintiff dismissed under Fed. R. Civ. P. 41(a)(1) by notice of dismissal, and that is being refiled through the complaint without changing the parties, or after adding or omitting one or more parties;
 - (3) that—to the best of the plaintiff’s or removing party’s knowledge, information, and belief, formed after an inquiry reasonable under the circumstances—arises from a common nucleus of operative fact with the case being filed or removed, regardless whether the related case is a pending case; or
 - (4) that was remanded and, regardless whether one or more parties or one or more claims or defenses have changed, is being removed again.
- (c) **Effect of Failure to File Notice of Related Case.** A plaintiff who does not file a notice of related case under LR 3.3(a), and a removing party who does not file a notice of related case under LR 81.1(a)(3), certifies that there is no related case, as defined in LR 3.3(b), to the case being filed or removed.

LR 81.1 Required Form of Documents to be Filed Upon Removal.

(a) The party or parties that remove a civil action from state court must provide the following to the clerk for filing:

- (1) a completed civil cover sheet;
- (2) a supplemental civil cover sheet; ~~and~~
- (3) if there is a “related case,” as defined by LR 3.3(b)(3) or (b)(4), a notice of related case that complies with LR 3.3(a); and
- ~~(3)~~(4) a notice of removal with a copy of each of the following attached to both the original and the judge’s copy—
 - (A) an index of all documents that clearly identifies each document and indicates the date the document was filed in state court;
 - (B) a copy of the docket sheet in the state court action;
 - (C) each document filed in the state court action, except discovery material; (if filed on paper, each document must be individually tabbed and arranged in chronological order according to the state court file date; if filed by electronic means, each document must be filed as a separate attachment); and
 - (D) a separately signed certificate of interested persons that complies with LR 3.1(c) or 3.2(e).

(b) If the documents listed in subsection (a) of this rule are filed on paper, they must be two-hole punched at the top, and either stapled in the upper, left-hand corner or secured at the top with durable fasteners if too thick to staple. If these documents are too voluminous to be filed as a single unit, each unit must be secured in the manner required by this subsection (b) and must contain a cover sheet that identifies the case by its caption and by the civil action number assigned by the clerk.