



ORDER

OPTIONS FOR FILING THE APPENDIX

This order is issued pursuant to L.A.R. Misc. 113.14: “The clerk may make changes to the procedures for electronic filing to adapt to changes in technology or to facilitate electronic filing. Any changes to procedures will be posted on the court’s internet website.”

Counsel must file an appendix to the brief. The appendix consists of the docket entries, relevant portions of the pleadings, charge, findings or opinion, and any “other parts of the record to which the parties wish to direct the court’s attention.” F.R.A.P. 30(a)(1). Pursuant to L.A.R. Misc. 113 counsel must file all documents electronically. In order to facilitate electronic filing, counsel may choose one of the following options when filing the appendix with the court.

OPTION A

File all volumes of the appendix in electronic form. Counsel must also send four paper copies of the appendix to the court. Service on filing users (those registered with PACER and using electronic filing) is by the notice of docket activity sent by cm/ecf. Counsel must serve non-filing users with paper copies of the appendix. Counsel must attach a certificate of service even if all opposing parties are served via cm/ecf.

OPTION B

Counsel may file four paper copies of the appendix without also filing an electronic version if

(1) when citing a document in the brief, counsel cites to the appendix page and provides parallel citations to the district court document number. (For example: District Court opinion, App. p. 27; DDE # 57 at p. 5)¹

¹In agency cases, parallel citations are only required if the agency record is available in electronic form.

and

(2) counsel serves a paper copy of all volumes of the appendix on all opposing parties and includes a certificate of service.

Counsel choosing option B may file a brief that exceeds the word limit in Rule 32, F.R.A.P. by no more than 75 words without filing a motion to exceed the page limit.

For the Court,

A handwritten signature in black ink that reads "Marcia M. Waldron". The signature is written in a cursive, flowing style.

Marcia M. Waldron, Clerk

Dated: March 17, 2009