



United States District Court

District of Minnesota

John R. Tunheim, Chief Judge

Kate Fogarty, Clerk of Court

612-664-5000

Warren E. Burger Federal
Building and U.S.
Courthouse
316 North Robert Street
Suite 100
St. Paul, MN 55101

Edward J. Devitt U.S.
Courthouse and Federal
Building
118 South Mill Street
Suite 212
Fergus Falls, MN 56537

Gerald W. Heaney
Federal Building and U.S.
Courthouse and
Customhouse
515 West First Street
Suite 417
Duluth, MN 55802

Diana E. Murphy United
States Courthouse
300 South Fourth Street
Suite 202
Minneapolis, MN 55415

January 19, 2021

PUBLIC NOTICE REGARDING

PROPOSED LOCAL RULE AMENDMENTS

The United States District Court for the District of Minnesota is issuing proposed amendments to Local Rules 4.2, 16.5, and 54.3. The Court's Federal Practice Committee, chaired by Steve Wells, recommended that public comment be solicited on these proposed amendments. The proposed amendments are posted by the Court for public review and comment through February 12, 2021.

A summary of the proposed amendments is provided below. To view the proposed amendments in redline and final form, please visit the court's website at www.mnd.uscourts.gov.

LR 4.2, Fees

The proposed amendments to Local Rule 4.2 are intended to reflect the current process the Clerk's Office follows when receiving a new complaint or petition. The proposed amendments remove subsection (c) because the clerk no longer refuses to file new complaints or petitions if they are filed without the required payment or paperwork. The proposed amendments provide that the Court will follow-up with the plaintiff or petitioner if no payment or paperwork is received. The proposed amendments also remove subsection (d) because the language no longer applies to the current service process employed by the U.S. Marshals Service.

LR 16.5, Alternative Dispute Resolution and Mediated Settlement Conference

The proposed amendments to LR 16.5(b) provide that a mediated settlement conference before a magistrate judge is not required, absent an order of the court, where the parties have participated in a private mediation. The proposed amendments to LR 16.5(c) condense and simplify the subsection to better reflect the court's practice. The proposed amendments also revise the rule to avoid suggesting that a magistrate judge could preside over an arbitration.



The proposed amendments to LR 16.5(d) establish a default rule of confidentiality for virtually all communications made in connection with a settlement conference or court-ordered alternative dispute resolution process. Current LR 16.5(d) requires a party to “expressly identif[y]” the communications that it wishes to keep confidential. Under the definitions in the proposed amendments in subsection (d)(1), the only communications that fall outside of the default rule of confidentiality are those that are made exclusively among a party and its representatives, provided they do not implicate inter-party communications.

The proposed amendments to LR 16.5(d)(2) provide a mechanism for the parties to seek, by means of a letter, court authorization to disclose a confidential dispute resolution communication. In addition, the proposed amendments contain certain stylistic changes better align the rule with the court’s style guidelines.

LR 54.3, Costs and Attorney’s Fees

The proposed amendments to LR 54.3(c) specify a 14-day response period on a motion for attorney’s fees or related nontaxable expenses, including motions under the EAJA. Under the proposed amendments, the court will no longer issue a briefing schedule in every case. The proposed amendments also revise subsection (c) to be consistent with Fed. R. Civ. P. 54(d)(1) by changing the time to file a motion to review the clerk’s action, and to file a response to that motion, from 14 days to 7 days.

Public Comment Instructions

Comments should be submitted by email to MnFedRules@mnd.uscourts.gov. The court will consider adoption of the proposed amendments after reviewing any comments or suggestions submitted on or before February 19, 2021. Please note that all public comments received by the court will be made available to the public.