



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

March 19, 2021

PUBLIC NOTICE REGARDING

LOCAL RULE AMENDMENTS, EFFECTIVE MARCH 19, 2021

The United States District Court for the District of Minnesota has approved amendments to Local Rules 4.2, 16.5, and 54.3. On January 19, 2021, the Court issued for public comment proposed amendments to LR 4.2, 16.5, and 54.3. After reviewing the public comments and the recommendations of the Federal Practice Committee, chaired by attorney Steve Wells, the Court approved the amendments to take effect on March 19, 2021. A summary of the proposed amendments is provided below. To view the amended local rules, please visit the court's website at www.mnd.uscourts.gov.

LR 4.2, Fees

The 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 amendments removed former 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 amendments provide that the Court will follow-up with the plaintiff or petitioner if no payment or paperwork is received. The amendments also remove former subsection (d) as obsolete.

LR 16.5, Alternative Dispute Resolution and Mediated Settlement Conference

The 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 amendments to LR 16.5(c) condense and simplify the subsection to better reflect the court's practice. The amendments also revise the rule to avoid suggesting that a magistrate judge could preside over an arbitration.



The 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. Former LR 16.5(d) required a party to “expressly identif[y]” the communications that it wishes to keep confidential. Under the definitions 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 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 amendments contain certain stylistic changes to better align the rule with the court’s style guidelines.

LR 54.3, Costs and Attorney’s Fees

The 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. The court will no longer issue a briefing schedule in every case. The 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.