

Exhibit 1

RULE 5.1
FORM OF PLEADINGS AND PAPERS

(a) **Form.** Pleadings, motions, briefs, and other papers submitted for filing shall be typewritten or printed on letter size paper. The pages shall be fastened at the upper left corner without manuscript cover. Typewritten documents shall be double-spaced. Documents filed electronically shall comply with this rule to the extent practicable.

(b) **Signing of Pleadings.** The original of every pleading, motion or other paper filed by an attorney shall bear the genuine signature of at least one attorney of record. The original of every pleading, motion or other paper filed by a party not represented by an attorney shall bear the genuine signature of such *pro se* party. Stamped or facsimile signatures on original pleadings, motions or other papers filed by *pro se* parties or by attorneys are not acceptable. D. Kan. Rule 5.4.8 governs signatures on documents filed electronically.

(c) **Contact Information and Bar Registration Numbers.** Parties or attorneys signing papers submitted for filing shall include their addresses, telephone numbers, facsimile numbers, and e-mail addresses. Attorneys shall include their state supreme court registration numbers or, in cases where the attorney is not admitted to practice in Kansas, their equivalents. Attorneys admitted from the Western District of Missouri, by reciprocal admission, shall include their Kansas District Court registration number. Each attorney or party appearing *pro se* is under a continuing duty to notify the clerk in writing of any change of address or telephone number. Any notice mailed to the last address of record of an attorney or a party appearing *pro se* shall be sufficient notice.

Subsections (d)-(g) of Rule 5.1 remain unchanged by this General Order.

RULE 5.3
COPIES REQUIRED FOR A THREE-JUDGE COURT

In any action or proceeding required by act of Congress to be heard and determined by a district court of three judges, all pleadings, papers and documents filed subsequent to the designation of the court, as provided in 28 U.S.C. § 2284(a), shall be filed with the clerk in quadruplicate, an original and three copies, only if the pleading, paper or document is filed in conventional paper format. The clerk shall make timely distribution of documents to the designated judges.

However, if the pleading, paper or document is filed electronically, additional copies shall not be provided to the court in conventional paper format. *See* D. Kan. Rule 7.1(d).

RULE 5.4.1
SCOPE OF ELECTRONIC FILING

As authorized by Fed. R. Civ. P. 5(e), the court will accept for filing all documents submitted, signed, or verified by electronic means that comply with procedures established by the court.

All civil cases pending, filed on, or filed after March 20, 2003, shall be assigned to the Electronic Filing System unless otherwise ordered by the court. All petitions, motions, memoranda of law, or other pleadings and documents filed with the court on or after March 20, 2003, in connection with a case assigned to the Electronic Filing System must be filed electronically unless otherwise permitted in these rules or the administrative procedures guide or unless otherwise authorized by the assigned judge. The filing of the initial papers, including the complaint and the issuance and service of the summons, will be accomplished as set forth in the administrative procedures guide which is authorized by D. Kan. Rule 5.4.13.

For all civil cases pending as of March 20, 2003, it will not be feasible to transfer the existing files to the court's Electronic Filing System retroactively. Therefore, those cases will have a two-part file that consists of: (1) a conventional paper file containing documents filed before March 20, 2003; and (2) an electronic file containing documents filed on or after March 20, 2003. Parties shall not provide the clerk with electronic copies of documents that were filed in paper form prior to March 20, 2003. Rather, the clerk shall continue to retain all documents filed prior to March 20, 2003, in conventional paper format.

RULE 5.4.2
ELIGIBILITY, REGISTRATION, PASSWORDS

Attorneys admitted to the bar of this court, including those admitted pro hac vice, may register as Filing Users of the court's Electronic Filing System. Registration is in a form prescribed by the clerk and requires the Filing User's name, address, telephone number, Internet e-mail address, and a declaration that the attorney is either admitted to the bar of this court or has been admitted pro hac vice.

Attorneys who are admitted pro hac vice and who register as Filing Users shall have access to the court's Electronic Filing System through PACER and shall receive the notices of electronic filing that are automatically generated by the court's Electronic Filing System. However, this court's rules require meaningful participation by local counsel and, to that end, require local counsel to sign all pleadings and other papers filed with the court. *See* D. Kan. Rule 83.5.4(c). Consistent with this rule, attorneys who are admitted pro hac vice may not file documents electronically.

A party to a pending civil action who is not represented by an attorney may not register as a Filing User in the Electronic Filing System unless permitted to do so by the court. If so permitted,

registration is in a form prescribed by the clerk and requires identification of the action as well as the name, address, telephone number, and Internet e-mail address of the party. If, during the course of the action, the party retains an attorney who appears on the party's behalf, the attorney must advise the clerk to terminate the party's registration as a Filing User upon the attorney's appearance.

Registration as a Filing User constitutes consent to electronic service of all documents as provided in these rules in accordance with the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 5(b)(2)(D). This consent extends not only to documents filed with the court, but shall also constitute consent to electronic service of disclosure and discovery documents that are required to be served upon other parties but not filed with the court pursuant to D. Kan. Rule 26.3.

Once registration is completed, the Filing User will receive notification of the user log-in and password. Filing Users agree to protect the security of their passwords and immediately notify the clerk if they learn that their password has been compromised. Users may be subject to sanctions for failure to comply with this provision.

RULE 5.4.3 CONSEQUENCES OF ELECTRONIC FILING

Electronic transmission of a document to the Electronic Filing System consistent with these rules, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure and the local rules of this court, and constitutes entry of the document on the docket kept by the clerk under Fed. R. Civ. P. 58 and 79.

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically, a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.

Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight local time where the court is located in order to be considered timely filed that day.

RULE 5.4.4 ENTRY OF COURT ORDERS

All orders, decrees, judgments, and proceedings of the court will be filed in accordance with these rules which will constitute entry on the docket kept by the clerk under Fed. R. Civ. P. 58 and 79. All signed orders will be filed electronically by the court or court personnel. Any order filed

electronically without the original signature of a judge or clerk has the same force and effect as if the judge or clerk, respectively, had signed a paper copy of the order and it had been entered on the docket in a conventional manner.

A Filing User shall not submit a proposed order (whether pursuant to D. Kan. Rule 7.1(b), 77.2, or otherwise) by electronic filing, either as an attachment to a corresponding motion or otherwise. Rather, proposed orders shall be submitted directly to the appropriate judge or clerk in the form and manner set forth in the administrative procedures guide.

RULE 5.4.5 ATTACHMENTS AND EXHIBITS

Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless conventional filing is permitted by the court or the administrative procedures guide. Voluminous exhibits shall be filed as set forth in the administrative procedures guide.

A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane. The court may require parties to file additional excerpts or the complete document.

RULE 5.4.6 SEALED DOCUMENTS

Until the Electronic Filing System has adequate confidentiality procedures for sealed documents, documents ordered to be placed under seal must be filed conventionally and not electronically unless specifically authorized by the court. A motion to file documents under seal may be filed electronically unless prohibited by law. The order of the court authorizing the filing of documents under seal may be filed electronically unless prohibited by law. A paper copy of the order must be attached to the documents to be filed under seal and be delivered to the clerk.

RULE 5.4.7 RETENTION REQUIREMENTS

Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User until 6 years after all time periods

for appeals expire. On request of the court, the Filing User must provide original documents for review.

RULE 5.4.8 SIGNATURES

The user log-in and password required to submit documents to the Electronic Filing System serve as the Filing User's signature on all electronic documents filed with the court. They also serve as a signature for purposes of Fed. R. Civ. P. 11, the Federal Rules of Civil Procedure, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court. Each document filed electronically must, if possible, indicate that it has been electronically filed. Electronically filed documents must include a signature block in compliance with D. Kan. Rule 5.1(c) and must set forth the name, address, telephone number, facsimile number, e-mail address, and the attorney's state supreme court registration number or the equivalent of said number; attorneys admitted from the Western District of Missouri, by reciprocal admission, shall include their Kansas District Court registration number. In addition, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "s/" and typed in the space where the signature would otherwise appear.

No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

Documents requiring signatures of more than one party must be electronically filed by: (1) submitting a scanned document containing all necessary signatures; (2) representing the consent of the other parties on the document as permitted by the administrative procedure governing multiple signatures; (3) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three business days after filing; or (4) in any other manner approved by the court.

RULE 5.4.9 SERVICE OF DOCUMENTS BY ELECTRONIC MEANS

The notice of electronic filing that is automatically generated by the court's Electronic Filing System constitutes service of the filed document on all parties who have consented to electronic service. Parties not deemed to have consented to electronic service are entitled to service of paper copies of the notice of electronic filing and the electronically filed pleading or other document. Service of such paper copies must be made according to the Federal Rules of Civil Procedure and the local rules.

RULE 5.4.10
NOTICE OF COURT ORDERS AND JUDGMENTS

Immediately upon the entry of an order or judgment in an action assigned to the Electronic Filing System, the clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Civ. P. 77(d). The clerk must give notice in paper form to a person who has not consented to electronic service in accordance with the Federal Rules of Civil Procedure.

RULE 5.4.11
TECHNICAL FAILURES

A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court.

RULE 5.4.12
PUBLIC ACCESS

A person may review at the clerk's office filings that have not been sealed by the court. A person may also access the Electronic Filing System at the court's Internet site, www.ksd.uscourts.gov, by obtaining a PACER log-in and password. A person who has PACER access may retrieve docket sheets and documents. Unless otherwise specifically permitted by the court, only a Filing User who is an attorney admitted to the bar of this court may file documents electronically. *See* D. Kan. Rule 5.4.2.

RULE 5.4.13
ADMINISTRATIVE PROCEDURES

In order to facilitate implementation of the foregoing rules, the clerk is authorized to develop, adopt, publish, and modify as necessary *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means in Civil Cases* ("administrative procedures guide"), which will include the procedures for registration of attorneys and distribution of passwords to permit electronic filing and notice of pleadings and other papers.

RULE 6.1
TIME

(e) Time for Filing of Responses and Replies. Unless otherwise ordered by the court, the following time periods shall apply to the filing of responses and replies. These time periods

include the additional three-day period allowed under Fed. R. Civ. P. 6(e) and, therefore, apply regardless of the method of service.

(1) **Nondispositive motions.** Responses to nondispositive motions (motions which are not motions to dismiss or for summary judgment) shall be filed and served within 14 days. Replies shall be filed and served within 14 days of the service of the response.

(2) **Dispositive motions.** Responses to motions to dismiss or for summary judgment shall be filed and served within 23 days. Replies shall be filed and served within 23 days of the service of the response.

Subsection (c) of Rule 6.1 is deleted. Accordingly, proposed orders shall not be submitted with motions for extensions of time.

Subsections (a)-(b), and (d) of Rule 6.1 remain unchanged by this General Order.

RULE 6.2 EFFECTIVE DATE OF COURT FILINGS FOR PURPOSES OF CALCULATING LIMITATION PERIODS

Unless specifically provided otherwise, in determining the filing deadlines under both the federal procedural rules and the local rules of this court, the relevant date for calculating a limitation period dependent on the filing of a court order shall be the file-stamp date appearing on the order in the case of an order filed conventionally or, in the case of an order filed electronically, shall be the date stated on the Notice of Electronic Filing that is automatically generated by the court's Electronic Filing System. Neither the date on which the judge signs the order nor the date on which the clerk's office enters the order on the docket has any relevance for purposes of calculating the limitation period.

RULE 7.1 MOTIONS IN CIVIL CASES

(a) **Form and Filing.** All motions, unless made during a hearing or at trial, shall be in writing and shall be filed with the clerk. Except for motions pursuant to D. Kan. Rules 6.1(a) through (d) and 77.2, all motions shall be accompanied by a brief or memorandum unless otherwise provided in these rules. With the approval of the court, parties may be relieved from the requirement of serving and filing written briefs or memoranda in support of motions, responses and replies.

(b) **Joint or Unopposed Motions.** If a motion is joint or unopposed, a statement to this effect shall be contained in the caption and in the body of the motion. Also, a proposed order shall be submitted with the motion. If the motion is filed electronically, the proposed order shall be

submitted directly to the appropriate judge or the clerk as set forth in D. Kan. Rule 5.4.4 and the administrative procedures guide.

(c) Responses and Replies to Motions. Within the time provided in D. Kan. Rule 6.1(e), a party opposing a motion shall file and serve a written response to the motion containing a short, concise statement of its opposition to the motion, and if appropriate, a brief or memorandum in support thereof. The moving party may file and serve a written reply memorandum.

(d) Additional Copies of Documents. Copies of documents filed electronically shall not be provided to the court in conventional paper format unless otherwise required by court order, this court's rules, or the administrative procedures guide, or unless the court specifically requests that a party provide the court with paper copies. However, copies of documents that are filed in conventional paper format shall be filed with the clerk in duplicate, including an original and one copy.

RULE 7.6 BRIEFS AND MEMORANDA

(b) Citation of Unpublished Decisions. An unpublished decision cited in a brief or memorandum shall be attached as an exhibit to the memorandum or brief only if it is unavailable via electronic means (e.g., Westlaw or LEXIS). Unpublished decisions that are available via electronic means shall not be furnished to the court and shall be furnished to opposing parties only on request. Unpublished decisions should be cited as follows: Smith v. Jones, No. 02-1234, 2003 WL 8763523, at *2 (D. Kan. Jan. 7, 2003).

Subsection (c) of Rule 7.6 is deleted. See D. Kan. Rule 7.1(d) above, which addresses the circumstances under which additional copies of documents must be provided to the court.

Subsection (a) of Rule 7.6 remains unchanged by this General Order.

RULE 15.1 MOTIONS TO AMEND AND FOR LEAVE TO FILE

In addition to the other requirements of D. Kan. Rules 7.1 through 7.5, a motion to amend or a motion for leave to file a pleading or other document that may not be filed as a matter of right shall set forth a concise statement of the amendment or leave sought to be allowed with the proposed pleading attached. If the court grants the motion, the moving party shall file and serve the pleading within 10 days of the court's order granting the motion.

RULE 26.3
DISCLOSURES AND DISCOVERY NOT TO BE FILED

Disclosures required under Fed. R. Civ. P. 26(a)(1) and (2), interrogatories under Fed. R. Civ. P. 33, requests for production or inspection under Fed. R. Civ. P. 34, and requests for admissions under Fed. R. Civ. P. 36, and the responses thereto, shall be served upon other counsel or parties, if not represented by counsel, but shall not be filed with the clerk.

As stated in D. Kan. Rule 5.4.2, registration as a Filing User constitutes consent to electronic service of these documents. However, a party's original signature verifying answers to interrogatories must be served conventionally. The verification may be served as a separate document if it references the interrogatory answers with adequate specificity (*e.g.*, "plaintiff's answers to defendant's Interrogatory Nos. 1 through 10, which answers were served by e-mail on March 1, 2003").

A party serving such disclosures and discovery shall at the time of service file with the clerk a certificate of service stating the type of disclosure or discovery or response served, the date and type of service, and the party served.

RULE 39.1
JURY TRIALS

(b) Proposed Jury Instructions. Except for isolated instructions whose need could not have been foreseen, all proposed jury instructions must be filed and served prior to trial. Jury instructions are to be submitted in the following format:

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(5) In addition to written format, jury instructions shall be submitted on 3.5" high-density diskette, labeled with case caption, case number and document number. The court utilizes WordPerfect 7.0 and 9.0. Alternatively, Filing Users in cases assigned to the Electronic Filing System shall submit these jury instructions directly to the appropriate judge in the form and manner set forth in the court's administrative procedures guide.

Subsections (a), (b)(1)-(4), and (b)(6)-(9) of Rule 39.1 remain unchanged by this General Order.

RULE 51.1
REQUESTS FOR JURY INSTRUCTIONS

Requested instructions to the jury shall be filed with the clerk, and a copy served upon each party at the opening of the trial, before the taking of evidence, or at such earlier time as may be required by court order or by the trial judge's procedural guidelines. Requested instructions that are

not filed electronically shall be filed with the clerk in duplicate, including an original and one copy. The court may receive additional requests relating to questions arising during the trial at any time prior to the arguments. Each requested instruction shall, as far as possible, embrace a single legal proposition. Each instruction shall be numbered and written on a separate page, together with a citation of authorities supporting the proposition of law stated in the requested instruction. Each requested instruction shall identify the party submitting it.

RULE 67.1
REGISTRY FUNDS

(a) **Orders Pursuant to Fed. R. Civ. P. 67.** It shall be the responsibility of any party seeking an order of the court for the deposit of funds pursuant to Fed. R. Civ. P. 67 to prepare such an order for the signature of the court, and to serve the same upon the clerk of this court. Filing Users in cases assigned to the Electronic Filing System shall submit this proposed order directly to the appropriate judge in the form and manner set forth in the administrative procedures guide. It is suggested that parties utilize forms or proposed motions and orders which are maintained and available at each record office of the court for this purpose.

Subsections (b)-(d) of Rule 67.1 remain unchanged by this General Order.

RULE 77.1
RECORD OFFICES; FILING OF PLEADINGS AND PAPERS

(b) **Filing of Pleadings and Papers.** Pleadings and other papers shall be filed at one of the record offices, via the court's Electronic Filing System, or, under extraordinary circumstances, may be filed with a judge or magistrate judge under the provisions of Fed. R. Civ. P. 5(e). Each record office of the court is to maintain a depository for the filing of pleadings and papers which shall be accessible 24 hours each day.

Subsections (a) and (c) of Rule 77.1 remain unchanged by this General Order.

RULE 83.7
**REVIEW OF ORDERS OF ADMINISTRATIVE AGENCIES, BOARDS,
COMMISSIONS AND OFFICERS
(INCLUDING SOCIAL SECURITY APPEALS)**

(c) **Filing of the record.** In review proceedings, the agency shall file the record with the clerk of this court when it files its answer unless a different time is provided by the statute authorizing review. In enforcement proceedings the record need not be filed unless the respondent

has filed an answer contesting enforcement of the order. If the record is required, the court shall fix the time for its filing. The record shall be filed conventionally, not electronically.

Subsections (a)-(b) and (d)-(e) of Rule 83.7 remain unchanged by this General Order.