

**NOTICE OF AMENDMENT OF
LOCAL RULES OF PRACTICE OF
THE UNITED STATES DISTRICT COURT**

The United States District Court for the District of Kansas gives notice of the amendment of local rule 77.1 and new rule 23-A. Interested persons, whether or not members of the bar, may submit comments on the amendment to the Clerk at any of the record offices or by email at ksd_clerks_kansascity@ksd.uscourts.gov . All comments must be in writing and, to receive consideration by the Court, must be received by the Clerk on or before 5:00 p.m., December 18, 2015.

RULE 23-A
NOTICE OF MULTI-DISTRICT LITIGATION RELATED CASE

(a) Notice of Related Case. If any party to a Multi-District Litigation (MDL) is named in a civil action pending in this District which concerns the same subject matter as the cases in the MDL, it shall file a Notice of Related Case in the individual docket and the MDL docket, stating if the case should or should not be assigned to the judge coordinating the MDL in accordance with the rules governing centralization found in 28 U.S.C. § 1407(a). The Notice of Related Case shall be limited to five pages.

(b) Responses and Replies to Notice of Related Case. Any response to the Notice of Related Case, which need only be filed by any objecting parties, shall be filed within seven days and shall be limited to five pages. Replies shall be filed within five days thereafter and limited to five pages.

(d) Failure to Respond or No Objection. If no response is filed or a response indicating no objection is filed, the case shall be assigned to the MDL judge for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407(a).

(e) Objection. If an objection is filed, the court will decide if the case should or should not be assigned to the MDL judge in accordance with the rules governing centralization found in 28 U.S.C. § 1407(a).

(f) Failure to Object. Failure by any party in the MDL to object as set forth herein shall constitute a waiver of any objection to assignment of the case to the MDL judge.

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Adopted 1/1/16.

RULE 77.1
RECORD OFFICES; FILING OF PLEADINGS
AND PAPERS

(a) Record Offices. The record offices of the court are located in Topeka, Wichita, and Kansas City, Kansas. In cases of emergency or other exigent circumstances, a judge may order the closing of the record office of the court at such judge's duty station, with provision being made for the filing of pleadings and papers.

(b) Filing of Pleadings and Papers. Pleadings and other papers must be filed at one of the record offices or via the court's Electronic Filing System. Under extraordinary circumstances, pleadings and other papers may be filed with a judge or magistrate judge under Fed. R. Civ. P. 5(d)(2)(B).

(c) FAX Filing.

(1) *Represented Parties.* Where compelling circumstances exist, the clerk may accept for filing papers transmitted by facsimile transmission equipment.

(A) *Form, Format, Service, and Signature.* Such papers, when placed in the transmission equipment, must comply with all provisions of these rules and the Federal Rules of Civil Procedure regarding the form, format, service, and signature of pleadings and papers.

(B) *Certificate of Counsel.* A part of such facsimile transmission must be a certificate of counsel setting forth the facts constituting the compelling circumstance.

(C) *Notice.* A copy of the papers transmitted to the clerk must also be immediately transmitted by facsimile transmission to all parties who have the capability of receiving facsimile transmissions. The filer must immediately notify parties not having such capability of the facsimile filing by telephone.

(D) *Court's Review.* Should the court later determine the certificate or affidavit does not describe compelling circumstances, or the allegations are untrue, the court will strike the papers filed by facsimile transmission and may impose other appropriate sanctions.

(2) *Unrepresented Parties.* Pro se filers may file papers by facsimile transmission equipment under any circumstance and do not need to provide an affidavit setting forth the facts constituting compelling circumstances.

(d) E-mail Filing.

(1) Unrepresented Parties. Only pro se filers may file papers in civil matters as an attachment to an e-mail sent to the clerk's office.

(A) Form, Format, Service, and Signature. Such papers, when transmitted through e-mail, must comply with all provisions of these rules and the Federal Rule of Civil Procedure regarding the form, format, service, and signature of pleadings and papers.

(B) Notice. A copy of the papers transmitted to the clerk must also be immediately transmitted to all parties who have the capability of receiving e-mail transmissions. The filer must immediately notify parties not having such capability of the e-mail filing by telephone.

(C) Court's Review. Pro se filers may file papers by e-mail under any circumstance and do not need to provide an affidavit setting forth the facts constituting compelling circumstances.

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As amended [3/17/16](#), 3/17/10, 3/17/08 (incorporates former D.Kan.S.O. 07-04).