

**SUMMARY OF 2010-2011 LOCAL RULE AMENDMENTS
DISTRICT OF ARIZONA**

Local Rule Amendment	Note/Explanation Regarding Amendment
LRCiv 3.4	COMPLAINTS BY INCARCERATED PERSONS. Part (b) stricken as a result of LRCiv 3.8(e); Stylistic changes.
LRCiv 3.5	WRITS OF HABEAS CORPUS AND MOTIONS PURSUANT TO 28 U.S.C. § 2255. Part (c) stricken as a result of LRCiv 3.8(e); Stylistic changes.
LRCiv 3.7	REMOVAL TO FEDERAL COURT. Housekeeping amendment to header.
LRCiv 3.8	ASSIGNMENT OF CASES; CIVIL. Amendment allows for LRCiv 3.8 to serve as a single rule governing civil case assignment; incorporates GO 09-25 regarding assignment of bankruptcy cases; incorporates previously undocumented assignment practices.
LRCiv 5.4	FILING; COPY FOR JUDGE. Housekeeping amendment.
LRCiv 5.5	ELECTRONIC FILING. Adds new part (i) regarding requests for electronic notice by non-parties in civil and criminal cases; incorporates GO 07-11.
LRCiv 7.1	FORMS OF PAPERS. Part (a)(3) amended to clarify meaning of proper capitalization; Stylistic changes.
LRCiv 7.2	MOTIONS. Part (f) adds language that a motion may be decided without oral argument; Part (m) - Motions to Strike, subpart (2) - Objections to Admission of Evidence on Written Motions amended to address length of separate statement of facts if underlying motion is for summary judgment; Stylistic changes.
LRCiv 7.1.1	CORPORATE DISCLOSURE STATEMENT. Technical correction.
LRCiv 16.1	PROCEDURE IN SOCIAL SECURITY CASES. Part (d) amended to include statement of facts within page limit for briefs and extends page limit to 25; Stylistic changes.
LRCiv 24.1	NOTIFICATION OF CLAIM OF UNCONSTITUTIONALITY. Stricken as redundant of Fed. R. Civ. P. 5.1 as well as 28 USC § 2403.
LRCiv 41.1	DISMISSAL FOR WANT OF PROSECUTION. Amendment provides parties an opportunity to show cause prior to dismissal; allows the court discretion to schedule a status hearing.
LRCiv 41.2	REFILING. Stricken; addressed by LRCiv 3.8(a)(2).

LRCiv 42.1	RELATED CASES; CONSOLIDATION; SERVICE; ASSIGNMENT. Corrects subparagraph (c) regarding motions to consolidate to properly reference subparagraph (b) rather than (a).
LRCiv 43.1	CONDUCT IN COURTROOM AND ENVIRONS. The term "historically significant" stricken from part (a)(2)(B); part (b) amended to clarify that counsel and unrepresented parties may use laptops, PDAs, and pagers.
LRCiv 54.1	COSTS: SECURITY FOR, TAXATION, PAYMENT. Amendment to part (e)(3) clarifies that a deposition necessarily obtained for use in the case is taxable.
LRCiv 56.1	MOTIONS FOR SUMMARY JUDGMENT. Last sentence of part (b) stricken as inconsistent with Fed. R. Civ. P. 56(e); Typographical error corrected in part (c).
LRCiv 58.1	JUDGMENTS. Corrects reference in part (b) to 28 U.S.C. § 1961(a).
LRCiv 65.1 (New), LRCiv 65.1.1 & LRCiv 65.1.2	EX PARTE RESTRAINING ORDERS; SURETY BONDS AND UNDERTAKINGS. Renumbered as LRCiv 65.1 and LRCiv 65.1.1, respectively; Titles updated as appropriate.
LRCiv 67.1	INVESTMENT OF FUNDS ON DEPOSIT IN THE REGISTRY ACCOUNT. Updates procedure for the receipt, deposit and investment of registry funds; upon adoption will supersede General Order 11-08.
LRCiv 71A.1	LAND CONDEMNATION PROCEEDINGS. Technical amendment to renumber local rule as LRCiv 71.1.1.
LRCiv 83.1	ATTORNEYS. Part (a) confirms magistrate judge authority to admit attorneys and upon adoption will supersede General Order 04-21; Part (b)(2) regarding tribal attorneys renumbered as (b)(3) and amended to provide that an attorney who represents a tribal government and who is a member of a federal district court bar may apply to appear pro hac vice under subpart (2) of this rule; Subpart (3) regarding pro hac vice renumbered as subpart (2) and amended to clarify that pro hac vice applicants will comply with the district's Local Rules of Practice; Stylistic changes.
LRCiv 83.2(c)	ATTORNEY DISCIPLINE. Provides for entry of a show cause order prior to taking disciplinary action.
LRCiv 83.3	APPEARANCE BY ATTORNEY OR PARTY; NAME AND ADDRESS CHANGES; CONTROL OF CAUSE. Adds new part (f) to allow terminated parties to waive electronic service of documents

LRCiv 83.4	STUDENT PRACTICE RULE. Stylistic changes to citations for consistency.
LRCiv 83.10	DISPUTE RESOLUTION. Stylistic change to federal rule reference.
LR crim 5.1	ASSIGNMENT OF CASES AND MATTERS; CRIMINAL; JUVENILE. Amendment allows for LR crim 5.1 to serve as a single rule governing criminal and juvenile case assignment. Incorporates LR crim 58.1, with edits; Stylistic changes.
LR crim 5.2	REFILING. Stricken. Addressed by LR crim 5.1.
LR crim 5.3	RELATED CASES; CONSOLIDATION; SERVICE; ASSIGNMENT. Renumbered as LR crim 5.2.
LR crim 12.1	FORMS OF PAPERS AND MOTIONS. Amendments to Rule title and paragraph titles; incorporates several cross-references.
LR crim 12.2	EXCLUDABLE TIME AND MOTIONS - SPEEDY TRIAL ACT. Amends rule to require start and end dates; Additional revisions for clarity.
LR crim 12.3 (New)	MOTIONS/STIPULATIONS TO EXTEND TIME FOR TRIAL. New rule provides that if defendant is not in custody, any motion or stipulation must include a statement to that effect below the title.
LR crim 49.4 (New)	SEALING OF COURT RECORDS IN NON-SEALED CRIMINAL CASES. New rule sets forth procedures for filing sealed documents in a non-sealed criminal case.
LR crim 49.5 (New)	FILING OF COURT RECORDS IN SEALED CRIMINAL CASES. New rule sets forth procedures for filing sealed documents in a sealed criminal case.
LR crim 58.1	ASSIGNMENT OF MISDEMEANORS TO MAGISTRATE JUDGES. Strikes existing language, which was incorporated into LR crim 5.1, with edits. Amended to include a cross reference to LR crim 5.1.

LRCiv 3.4

COMPLAINTS BY INCARCERATED PERSONS

~~(a) **Filing Requirements.**~~ All complaints and applications to proceed *in forma pauperis* by incarcerated persons ~~shall~~ must be signed and legibly written or typewritten on forms approved by the Court and in accordance with the instructions provided with the forms unless the assigned District Judge or Magistrate Judge, in his or her discretion, finds that the complaint or application is understandable and that it conforms with federal and local requirements for actions filed by incarcerated persons. Copies of the forms and instructions ~~shall~~ will be provided by the Clerk upon request. The assigned District Judge or Magistrate Judge may strike or dismiss complaints or applications which do not conform substantively or procedurally with federal and local requirements for actions filed by incarcerated persons.

~~(b) **Assignment of Judicial Officer.**~~ ~~Once a complaint by an incarcerated person is assigned to a District Judge or Magistrate Judge, any future pleadings lodged or filed by the incarcerated person shall be assigned to the same District Judge or Magistrate Judge to whom the earlier case was assigned, unless otherwise ordered by the Court.~~

LRCiv 3.5

WRITS OF HABEAS CORPUS

AND MOTIONS PURSUANT TO 28 U.S.C. § 2255

(a) **Filing Requirements.** Petitions for writs of habeas corpus pursuant to 28 U.S.C. § 2254 and 28 U.S.C. § 2241, motions to vacate sentence pursuant to 28 U.S.C. § 2255, and applications to proceed *in forma pauperis* ~~shall~~ must be signed and legibly written or typewritten on forms approved by the Court and in accordance with the instructions provided with the forms unless the assigned District Judge or Magistrate Judge, in his or her discretion, finds that the petition or motion is understandable and that it conforms with federal and local requirements for such actions. Copies of the forms and instructions ~~shall~~ will be provided by the Clerk upon request. The original and two (2) copies of the petition or motion ~~shall~~ must be sent or delivered to the Clerk. The assigned District Judge or Magistrate Judge may strike or dismiss petitions, motions or applications which do not conform substantively or procedurally with federal and local requirements for such actions.

(b) ***In Forma Pauperis* Certification.** If a habeas corpus petitioner desires to prosecute the petition *in forma pauperis*, the petitioner ~~shall~~ must file an application to proceed *in forma pauperis* on a form approved by the Court, accompanied by a certification of the warden or other appropriate officer of the institution in which the petitioner is confined as to the amount of money or securities on deposit to the petitioner's credit. If the petitioner has in excess of twenty-five dollars (\$25) on deposit, leave to proceed *in forma pauperis* will be denied and the petitioner must pay the filing fee.

~~(c) **Assignment of Judicial Officer.** Once a petition for a writ of habeas corpus is assigned to a District Judge or Magistrate Judge, any future pleadings lodged or filed by the prisoner shall be assigned to the same District Judge or Magistrate Judge to whom the earlier case was assigned, unless otherwise ordered by the Court. Motions pursuant to 28 U.S.C. § 2255 will be assigned as provided for in Rule 4(a) of the Rules Governing Section 2255 Proceedings for the United States District Courts.~~

(NO LRCiv 3.6)

LRCiv 3.7

REMOVAL TO FEDERAL COURT

LRCiv 3.8

ASSIGNMENT OF CASES; CIVIL

(a) Assignment of Civil Cases.

(1) Generally. Unless otherwise provided in these Rules or ordered by the Court, ~~Within each division, the civil cases, when filed, the Clerk must shall be assigned civil cases to among the Judges of the within each division by the Clerk (or by a deputy designated by the Clerk) by automated random selection and in a manner so that neither the Clerk nor any parties or their attorneys shall will be able to make a deliberate choice of a particular Judge for a particular case.~~ The cases so assigned ~~shall will~~ remain with the Judge to whom assigned unless otherwise ordered by the Court. Unless otherwise ordered by the Court or set forth in these Rules, the Clerk ~~shall must~~ assign each civil case to a District Judge or a Magistrate Judge by automated random selection, except that when preliminary injunctive relief is requested ~~by in a separate motion that is filed separately from the complaint~~ the Clerk ~~shall must~~ assign the case to a District Judge.

(2) Refiling. If a civil action is voluntarily dismissed and a related civil action is later filed in this District, the filing party must file a separate notice with the party's complaint identifying the dismissed action by its complete case number, including the initials of the assigned Judge. The Clerk will assign the newly filed action to the Judge who was last assigned to the dismissed action. If that Judge is not available for assignment, the Clerk will randomly assign the newly filed action pursuant to this Rule. For the purposes of this Rule, a newly filed action is "related" to a dismissed action if both involve the same or similar claims and if both involve at least some of the same plaintiffs and at least some of the same defendants.

(b) Random Assignment to Magistrate Judges. ~~In the event~~ When an action is assigned to a Magistrate Judge, each party ~~shall~~ must execute and file within fourteen (14) days of its appearance either a written consent to the exercise of authority by the Magistrate Judge under 28 U.S.C. § 636(c), or a written election to have the action reassigned to a District Judge. Each party ~~shall~~ must indicate his or her consent or election on the form provided by the Clerk. Prior to the completed consent or election forms being received by the Clerk of the Court, the assigned Magistrate Judge ~~shall~~ may act pursuant to 28 U.S.C. § 636(b)(1)(A). Any dispositive motion submitted by a party before that party has filed an consent or election form may be stricken or deferred by the Court. ~~In the event~~ If one or more parties elect to have a case heard by a District Judge, the Clerk must ~~case shall be~~ reassigned it to a District Judge. After one or more consents to a Magistrate Judge have been filed with the Clerk and until such time as an election is made by any party for assignment to a District Judge, the Magistrate Judge ~~shall~~ may continue to act pursuant to 28 U.S.C. § 636(c)(1) even though all parties have not been served or have not filed their appearances. Consent to a Magistrate Judge's authority does not constitute a waiver of any jurisdictional defense unrelated to the grant of authority under 28 U.S.C. § 636(c).

(c) Assignment of Bankruptcy Matters. The Clerk of Court must randomly assign bankruptcy appeals and motions to withdraw the reference to a District Judge unless a matter arising out of the same or administratively consolidated bankruptcy case has been previously filed with the Court, in which case the matter must be assigned to the District Judge who presided over the related matter.

(d) Assignment of Capital Habeas Corpus Cases. The Clerk of Court must randomly assign capital habeas corpus cases to

a District Judge.

(e) **Assignment of Complaints Filed by Incarcerated Persons and Habeas Corpus Petitions.** The Clerk of Court must randomly assign complaints filed by incarcerated persons and habeas corpus petitions to a District Judge and randomly refer them to a Magistrate Judge. Any future pleadings filed by the incarcerated person or habeas corpus petitioner must be directly assigned and referred to the same District Judge and Magistrate Judge to whom the earlier case was assigned and referred, unless otherwise ordered by the Court.

(f) **Assignment of Miscellaneous Matters.** The Clerk of Court must randomly assign civil miscellaneous matters to a District Judge. If contested, the Clerk of Court must assign the matter a regular civil case number and directly assign the case to the District Judge to whom the miscellaneous matter was assigned.

(g) **Temporary Reassignment of Cases.** A case assigned to a particular District Judge may be temporarily reassigned to another District Judge, if the District Judge to whom the case is assigned is unavailable and an exigency exists which requires prompt action by the Court. ~~The case will be reassigned by the Clerk of Court must randomly make the reassignment (or by a deputy designated by the Clerk) to an available District Judge by automated random selection among the District Judges then assigned to service in the District of Arizona,~~ for the limited purpose of hearing or determining the matter that is the subject of the exigency.

LRCiv 5.4

FILING; COPY FOR JUDGE

A clear, legible copy of a pleading or other document filed shall accompany each original pleading or other document filed with the Clerk for use by the District Judge or Magistrate Judge to whom the case is assigned and additional copies for each Judge in three-judge cases. This requirement applies to unrepresented parties and applies to electronic filings made pursuant to ~~LRCiv~~Rule 5.5 of the Local Rules of Civil Procedure, except as prescribed by the Court's Administrative Policies and Procedures Manual.

LRCiv 5.5

ELECTRONIC FILING

(i) Request for Electronic Notice by Nonparties. A Registered User may subscribe to receive Notices of Electronic Filing in an unsealed case in which the Registered User is not a party or counsel of record by filing a text-only Notice of Request for E-Notice event on the electronic docket. The subscriber must notify any unrepresented parties in the case of the subscription by letter. United States Attorney Victim Witness Personnel who are authorized subscription rights by the Court are exempt from the notice requirements of this rule. The Court may sanction any Registered User who subscribes to receive Notices of Electronic Filing without notifying the Court and the parties by filing and serving a Notice of Request for E-Notice.

III. Pleadings and Motions

F.R.Civ.P. 7. Pleadings Allowed; Form of Motions and Other Papers

LRCiv 7.1

FORMS OF PAPERS

(a) **Title Page.** The following information ~~shall~~ must be stated upon the first page of every document and may be presented for filing single-spaced²:

(1) The name, address, e-mail address, State Bar Attorney number, telephone number, and optionally the fax number, of the attorney appearing for the party in the action or proceeding and whether the attorney appears for the plaintiff, defendant, or other party - in propria persona - ~~shall~~ must be typewritten or printed in the space to the left of the center of the page and beginning at line one (1) on the first page. The space to the right of the center ~~shall~~ must be reserved for the filing marks of the Clerk.

(2) The title of the Court ~~shall commence~~ must begin on or below line six (6) of the first page.

(3) The title of the action or proceeding must be inserted ~~B~~below the title of the Court, ~~there shall be inserted~~ in the space to the left of the center of the paper ~~the title of the action or proceeding.~~ Party names must be capitalized using proper upper and lower case type³. If the parties are too numerous for all to be named on the first page, the names of the parties only may be continued on the second or successive pages. All parties named in the case caption ~~shall~~ must be separated by semicolons on any initial or amended complaint, petition, crossclaim, counterclaim, or

² A sample form is provided in Appendix C.

³ A sample of proper capitalization is provided in Appendix C.

third-party complaint. If the initial or amended complaint, petition, crossclaim, counterclaim, or third-party complaint applies to a consolidated action, the affected case number(s) must appear below the number of the established "lead", or lowest-numbered case. For all other papers filed in civil or criminal cases, it is sufficient to state the name of the first party on each side with an appropriate indication of the other parties, as provided by Rule 10(a), Federal Rules of Civil Procedure. ~~All counsel/litigants are required to use proper capitalization and spacing to denote the correct spelling of the party names.~~ In the space to the right of the center there ~~shall~~ must be inserted (A) the number of the action or proceeding; (B) a brief description of the nature of the document, including demand for trial by jury if made in the document; and (C) mention of any notice of motion or affidavits or memorandum in support.

LRCiv 7.2

MOTIONS³⁴

(a) **Motions Shall be in Writing.** ~~Motions Shall be in Writing.~~ All motions, unless made during a hearing or trial, shall be in writing and shall be made sufficiently in advance of trial to comply with the time periods set forth in this Local Rule and any Court order and to avoid any delays in the trial.

(e) **Length of Motions, Memoranda and Objections.**

(1) Unless otherwise permitted by the Court, a motion including its supporting memorandum, and the response including its supporting memorandum, ~~each may shall~~ not exceed seventeen (17) pages, exclusive of attachments and any required statement of facts.

(2) Unless otherwise permitted by the Court, a reply including its supporting memorandum ~~may shall~~ not exceed eleven (11) pages, exclusive of attachments.

(3) Unless otherwise permitted by the Court, an objection to a Report and Recommendation issued by a Magistrate Judge shall not exceed ten (10) pages.

(f) **Oral Arguments.** Unless otherwise directed by the Court, a party desiring oral argument ~~must shall~~ request it by placing "Oral Argument Requested" immediately below the title of ~~a such~~ motion or the response to ~~a such~~ motion. The Court may decide motions without oral argument. If oral argument is granted, notice ~~will shall~~ be given in a manner directed by the Court.

³⁴ The time periods prescribed in the Local Rules are to be computed in accordance with Rule 6, Federal Rules of Civil Procedure.

(m) **Motions to Strike.**

(2) Objections to Admission of Evidence on Written Motions. An objection to (and any argument regarding) the admissionability of evidence offered in support of or in opposition to a motion must be presented in the objecting party's responsive or reply memorandum ~~(or, if the underlying motion is a motion for summary judgment, in the party's response to another party's separate statement of material facts)~~ and not in a separate motion to strike or other separate filing. If the underlying motion is a motion for summary judgment, an objection may be included in a party's response to another party's separate statement of material facts in lieu of (or in addition to) including it in the party's responsive memorandum, but any objection in the party's response to the separate statement of material facts must be stated summarily without argument. Any response to an ~~the~~ objection must be included in the responding party's reply memorandum for the underlying motion and may not be presented in a separate responsive memorandum.

F.R.Civ.P. 7.1. Disclosure Statement

LRCiv 7.1.1

CORPORATE DISCLOSURE STATEMENT

The disclosure statement required by Rule 7.1 of the Federal Rules of Civil Procedure and Rules ~~12.4(a)(1) and (2)~~ of the Federal Rules of Criminal Procedure must be made on a form provided by the Clerk and must be supplemented if new information is obtained.

LRCiv 16.1

PROCEDURE IN SOCIAL SECURITY CASES

(d) **Length of Briefs.** Unless otherwise ordered by the Court, ~~the~~ opening and answering briefs may not exceed twenty-five (25) ~~seventeen (17)~~ pages, ~~exclusive of including~~ any statement of facts, with the reply brief limited to eleven (11) pages, ~~except as approved by the Court on motion.~~ The case will be deemed submitted as of the date on which Plaintiff's reply brief is filed or due.

(e) **Oral Argument.** If either party desires oral argument, it must be requested in the manner prescribed by ~~LRCiv~~Rule 7.2(f) of the Local Rules of Civil Procedure upon the filing of the opening or answering brief. Whether to allow oral argument is at the discretion of the Court.

F.R.Civ.P. 24. Intervention

(NO LOCAL RULE)

LR Civ 24.1

~~NOTIFICATION OF CLAIM OF UNCONSTITUTIONALITY~~

~~A party drawing in question the constitutionality of an act of Congress or of any state affecting the public interest shall forthwith, upon the filing of any pleading or other document which raises the question, notify in writing the District Judge or Magistrate Judge to whom the case has been assigned of the pendency of the question in any action, suit or proceeding in the district court in which the United States or a state or any agency, officer or employee thereof is not a party. If the case has not been assigned, the written notice shall be given to the Chief Judge. The notice shall state the title of the cause, a reference to the questioned statute sufficient for its identification, and the respect(s) in which it is claimed that the statute is unconstitutional. The purpose of the notice is to enable the Court to comply with the requirements of 28 U.S.C. § 2403. This Local Rule does not affect any constitutional right timely asserted by a party.~~

F.R.Civ.P. 41. Dismissal of Actions

LRCiv 41.1

DISMISSAL FOR WANT OF PROSECUTION

Unless otherwise ordered by the Court, cases which have had ~~no~~ neither proceedings nor pleadings, notices, or other documents filed for six (6) or more months may be dismissed by the Court for want of prosecution. Notice must ~~shall~~ be given to the parties that such action is contemplated, and the parties must be given the opportunity to show cause why such action should not be taken. The Court may schedule a status hearing on the issue ~~shall be scheduled where the parties may show good cause why such action should not be taken.~~

~~LRCiv 41.2~~

~~REFILING~~

~~— Cases refiled after dismissal may, upon motion of any party, be reassigned to the District Judge to whom the case was previously assigned. Motions for reassignment shall be heard by the Chief Judge or designee.~~

F.R.Civ.P. 42. Consolidation; Separate Trials

LRCiv 42.1

RELATED CASES; CONSOLIDATION; SERVICE; ASSIGNMENT

(c) **Service.** Service of any motion to transfer filed under subparagraph(a) or service of any motion to consolidate filed under subparagraph (a) shall be made upon all parties and assigned Judges in such cases.

F.R.Civ.P. 43. Taking Testimony

LRCiv 43.1

CONDUCT IN COURTROOM AND ENVIRONS

(a) Audio/video Recording.

(1) Prohibited Activities. All forms, means, and manner of capturing, recording, broadcasting, transmitting, and/or storing of anything by use of electronic, photographic, audio and/or visual means or devices are prohibited in all courtrooms and environs thereto during the course of, or in connection with, any judicial proceedings whether the Court is actually in session or not.

(2) Exceptions. A District, Magistrate, or Bankruptcy Judge may permit:

(A) the use of electronic or photographic devices for the presentation of evidence or the perpetuation of the record;

(B) the broadcasting, televising, recording or photographing of investitive, ceremonial, or naturalization, ~~or historically significant~~ proceedings; and

(C) subject to the prohibitions contained in paragraph (a)(1) above, the use of an unobtrusive hand-held dictating device by counsel or unrepresented parties for use in dictating notes or reminders during trial. It is not to be used to record any part of the proceedings.

(b) Computers, Cellular Phones, and Other Equipment.

Unless otherwise ordered by the Court, counsel and unrepresented parties and their legal assistants may use laptop computers, personal digital assistants (PDAs), and pagers ~~may be used~~ in the courtroom provided they emit no sound, and are not disruptive to the proceedings. Unless

otherwise ordered by the Court, Internet access is permitted. Cellular phones are prohibited from use in the courtroom. However, unless otherwise ordered by the Court, cellular phones may be utilized in the hallways, lobbies, and other areas of the environs. Any device which has the potential to emit sound or be disruptive to Court proceedings must be turned off or set on silent mode in the courtroom. The use of this equipment is permissible within a judge's chambers at the discretion of the judge. The use of any device described in this section or any other device for the purposes described in this Local Rule subsection (a)(1) is strictly prohibited.

VII. Judgments

F.R.Civ.P. 54. Judgment; Costs

LRCiv 54.1

COSTS: SECURITY FOR, TAXATION, PAYMENT

(e) Taxable items.

(3) Deposition Costs. The reporter's charge for an the original ~~deposition~~ and copy of a deposition necessarily obtained for use in the case is taxable whether or not the deposition is same ~~be~~ actually received into evidence, or whether or not it is taken solely for discovery. The cost of obtaining a copy of a deposition by parties in the case other than the one taking the deposition is also taxable. The reasonable expenses of the deposition reporter and a notary presiding at the taking of the depositions are taxable, including travel and subsistence. Counsel's fees, and other expenses incurred in arranging for and attending ~~the taking of~~ a deposition are not taxable. Fees for the witness at the taking of a deposition are taxable at the same rate as for attendance at trial. The witness need not be under subpoena. A reasonable fee for a necessary interpreter at the taking of a deposition is taxable.

F.R.Civ.P. 56. Summary Judgment

LRCiv 56.1

MOTIONS FOR SUMMARY JUDGMENT

(b) **Controverting Statement of Facts.** Any party opposing a motion for summary judgment must file a statement, separate from that party's memorandum of law, setting forth: (1) for each paragraph of the moving party's separate statement of facts, a correspondingly numbered paragraph indicating whether the party disputes the statement of fact set forth in that paragraph and a reference to the specific admissible portion of the record supporting the party's position if the fact is disputed; and (2) any additional facts that establish a genuine issue of material fact or otherwise preclude judgment in favor of the moving party. Each additional fact must be set forth in a separately numbered paragraph and must refer to a specific admissible portion of the record where the fact finds support. ~~Each numbered paragraph of the statement of facts set forth in the moving party's separate statement of facts must, unless otherwise ordered, be deemed admitted for purposes of the motion for summary judgment if not specifically controverted by a correspondingly numbered paragraph in the opposing party's separate statement of facts.~~

(c) **Alternative Procedure.** As an alternative to ~~filing~~ filing a statement of facts and controverting statement of facts, the movant and the party opposing the motion may jointly file a stipulation signed by the parties setting forth a statement of the stipulated facts if the parties agree there is no genuine issue of any material fact. As to any stipulated facts, the parties so stipulating may state that their stipulations are entered into only for the purposes of

the motion for summary judgment and are not intended to be otherwise binding.

F.R.Civ.P. 58. Entering Judgment

LRCiv 58.1

JUDGMENTS

(b) **Interest on Award of Money.** When a judgment provides for an award of money, the form of judgment prepared must provide a space wherein the rate of interest can be entered by the Court on the date of entry at the rate then authorized pursuant to 28 U.S.C. § 1961 (~~1a~~). If a rate of interest other than provided for by 28 U.S.C. § 1961 (a) is required by contractual agreement, other statutory requirement, or by stipulation of the parties, the amount will be affirmatively stated in the judgment.

F.R.Civ.P. 65. Injunctions and Restraining Orders

~~(NO LOCAL RULE)~~

LRCiv 65.1

EX PARTE RESTRAINING ORDERS

Ex parte restraining orders shall only issue in accordance with Rule 65, Federal Rules of Civil Procedure.

F.R.Civ.P. 65.1. Proceedings Against a Surety

~~LR Civ 65.1.1~~

~~**EX PARTE RESTRAINING ORDERS**~~

~~Ex parte restraining orders shall only issue in accordance with Rule 65, Federal Rules of Civil Procedure.~~

~~LR Civ 65.1.21~~

SURETY BONDS AND UNDERTAKINGS

F.R.Civ.P. 67. Deposit Into Court

LRCiv 67.1

INVESTMENT OF FUNDS ON DEPOSIT IN THE REGISTRY ACCOUNT

The following procedure shall govern the receipt,
~~deposits and investment of registry funds: into the registry~~
~~of the Court in all civil actions.~~

(a) Receipt of Funds.

(1) Unless the statute requires the deposit of funds without leave of Court, no monies shall be sent to the Court or its officers for deposit into the Court's registry without a Court order signed by the presiding Judge in the case or proceeding.

(2) Unless provided for elsewhere in this Local Rule, all monies ordered to be paid into the Court or received by its officers in any case pending or adjudicated shall be deposited with the Treasurer of the United States in the name and to the credit of this Court pursuant to 28 U.S.C. § 2041 through depositories designated by the Treasury to accept such deposit on its behalf.

(3) The party making the deposit or transferring funds to the Court's registry shall serve the order permitting the deposit or transfer on the Clerk or the Chief Deputy Clerk, and upon the Financial Deputy.

(4) Upon making the deposit, a "Notice of Deposit" must be filed with the Clerk.

(b) Investment of Registry Funds.

(1) All funds deposited into the registry of the Court will be placed in some form of interest bearing account. Unless otherwise ordered, the Court Registry Investment System (CRIS), administered by the Administrative Office of the United States Courts ~~through the United States District Court for the Southern District of Texas~~, shall be the only

investment mechanism authorized.

(2) Under the CRIS, monies deposited in each case under (a)(1) will be "pooled" together with those on deposit with the Treasury to the credit of other courts in the Court Registry Investment System and used to purchase Government Account Series securities through the Bureau of Public debt, Treasury Securities which will be held at the Treasury, Federal Reserve Bank of the Dallas/Houston Branch, in an a Safekeeping account in the name and to the credit of the Clerk, United States District Court for the Southern District of Texas, Director of Administrative Office of the United States Courts, hereby designated custodian for the Court Registry Investment System.

(3) An account for each case will be established in the CRIS titled in the name of the case giving rise to the investment in the system. Income received from fund investments will be distributed to each case based on the ratio each account's principal and income total has to the aggregate principal and income total in the fund each week. Weekly reports showing the income earned and the principal amounts contributed in each case will be prepared and distributed to each court participating in the CRIS and made available to litigants and/or their counsel.

(c) **Registry Investment Fee. Deductions of Fees.**

(1) ~~Pursuant to the miscellaneous fee schedule established by the Judicial conference of the United States and as set forth in 28 U.S.C. § 1914, the Clerk will assess and deduct registry fees according to the formula promulgated by the Director of the Administrative Office of the United States Courts.~~ The custodian is authorized and directed by this Local Rule to deduct the registry fee for maintaining accounts in CRIS and the investment services fee for the management of investments. The proper registry fee is to be

determined on the basis of the rates published by the Director of the Administrative Office of the United States Courts as approved by the Judicial Conference. The investment services fee is assessed from interest earning according to the Court's Miscellaneous Fee Schedule.

(2) ~~No additional fee shall be assessed with respect to investments for which a fee has already been deducted prior to the establishment of the CRIS in this district. If registry fees were assessed against the case under the old 45-day requirement prior to deposit in CRIS, no additional registry fee will be assessed.~~

IX. Special Proceedings

F.R.Civ.P. 71.1. Condemning Real or Personal Property

LRCiv 71A.1.1

LAND CONDEMNATION PROCEEDINGS

* * *

F.R.Civ.P. 83. Rules by District Courts; Judge's Directives

LRCiv 83.1

ATTORNEYS

(a) **Admission to the Bar of this Court.** Admission to and continuing membership in the bar of this Court is limited to attorneys who are active members in good standing of the State Bar of Arizona.

Attorneys may be admitted to practice in this District upon application and motion made in their behalf by a member of the bar of this Court.

Every applicant ~~shall~~ must first file with the Clerk a statement on a form provided by the Clerk setting out the applicant's place of birth, principal office address and city and state of principal residence, the courts in which the applicant has been admitted to practice, the respective dates of admissions to those courts, whether the applicant is active and in good standing in each, and whether the applicant has been or is being subjected to any disciplinary proceedings.

Motions for admission will be entertained upon the convening of the Court at the call of the law and motion calendar. The applicant must be personally present at the time and, if the motion is granted, ~~shall~~ will be admitted upon being administered the following oath by the Clerk, Magistrate Judge, or a District Judge:

"I solemnly swear (or affirm) that I will support the Constitution of the United States; that I will bear true faith and allegiance to the Government of the United States; that I will maintain the respect due to the courts of justice and judicial officers; and that I will demean myself as an attorney, counselor, and solicitor of this Court uprightly."

Thereafter, before a certificate of admission issues, the applicant ~~shall~~ must pay an admission fee to the Clerk, U. S.

District Court. The amount of the fee is available on the District Court's website.

(b) **Practice in this Court.** Except as herein otherwise provided, only members of the bar of this Court ~~shall~~ may practice in this District.

~~(2) Tribal Attorneys. Any attorney representing a tribal government entity in a full time official capacity may practice in this District in any matter in which the attorney is employed or retained by the tribal government entity during such period of tribal service provided the attorney is a member of a state bar. The attorney may apply to this district court under paragraph 3, pro hac vice. Attorneys so permitted to practice in this Court are subject to the jurisdiction of this Court to the same extent as members of the bar of this Court.~~

(32) *Pro Hac Vice.* An attorney who is admitted to practice in another U.S. District Court, and who has been retained to appear in this Court may, upon written application and in the discretion of the Court, be permitted to appear and participate in a particular case. Unless authorized by the Constitution of the United States or an Act of Congress, an attorney is not eligible to practice pursuant to this subparagraph (b)(32) if any one or more of the following apply: (i) the attorney resides in Arizona, (ii) the attorney is regularly employed in Arizona, or (iii) the attorney is regularly engaged in the practice of law in Arizona. The pro hac vice application ~~shall~~ must be presented to the Clerk and ~~shall~~ must state under penalty of perjury (i) the attorney's principal office address and city and state of principal residence as well as current telephone number, facsimile number and electronic mailing address, if any, (ii) by what courts the attorney has been admitted to practice and the

dates of admissions, (iii) that the attorney is in good standing and eligible to practice in those courts, (iv) that the attorney is not currently suspended, disbarred or subject to disciplinary proceedings in any court, and (v) if the attorney has concurrently or within the year preceding the current application made any other pro hac vice applications to this Court, the title and number of each action in which such application was made, the date of each application, and whether each application was granted. The pro hac vice application ~~shall~~ must also be accompanied by payment of a pro hac vice fee to the Clerk, U.S. District Court and a current, original certificate of good standing from a federal court. The amount of the fee is available on the District Court's website. If the pro hac vice application is denied, the Court may refund any or all of the fee paid by the attorney. If the application is granted, the attorney is subject to the jurisdiction of the Court to the same extent as a member of the bar of this Court. Attorneys admitted to practice pro hac vice must comply with the Rules of Practice of the United States District Court for the District of Arizona.

(3) Tribal Attorneys. An attorney who represents a tribal government entity in a full time official capacity may apply to appear pro hac vice under subparagraph 2 above in any matter in which the attorney is employed or retained by the tribal government entity during such period of tribal service notwithstanding the attorney's residence in, regular employment in, or regular practice in Arizona.

LRCiv 83.2

ATTORNEY DISCIPLINE

(c) **Discipline in Another Jurisdiction.** If an attorney admitted or otherwise authorized to practice before this Court has been suspended or disbarred from practice by any court of competent jurisdiction, the Court (by the Chief Judge, or his or her designee) may enter an order directing the attorney to show cause as to why the attorney should not be suspended or disbarred from practice before this Court. Unless otherwise ordered by the Court, the attorney must respond in writing to the order that fact will be sufficient ground for the attorney's suspension by this Court, and the attorney will be forthwith suspended from practice before this Court. Unless the attorney shows good cause to the contrary within forty (40) fourteen (14) days after the date on which a notice of the order suspension by this Court is sent to the attorney, at the address shown in the Clerk's records, After considering any response the attorney may submit and undertaking any other inquiry the Court deems appropriate, the Court will decide whether any further action should be taken. If the facts warrant such action, the Court may disbar the attorney from practice in this Court or impose other appropriate limitations or conditions on the attorney, including the suspension of the attorney for a fixed period of time. Notice of such action, and all other notices required under this Rule, will be sent to the attorney at the address shown in the Clerk's records.

LRCiv 83.3

APPEARANCE BY ATTORNEY OR PARTY; NAME AND ADDRESS CHANGES;
CONTROL OF CAUSE

(f) Waiver of Service of Documents. A party who has been terminated from a case by judgment, order, or stipulation of dismissal, and for whom the time to appeal the termination has expired, may waive service of any further documents in the case by filing a Notice of Waiver of Service. An attorney may waive service of documents on associated attorneys by naming them and by certifying that the attorney is authorized to waive service of documents on their behalf. A waiver of service does not effect a withdrawal of an attorney from the case under paragraph (b) of this rule.

LRCiv 83.4

STUDENT PRACTICE RULE

(c) **Program Requirements.** The program:

(5) Must be a program which is either (A) subject to the provisions of ~~A~~Ariz. RRev. SStat. § 41-621 on insurance or self-insurance by the State of Arizona, or (B) has other malpractice coverage satisfactory to the Court.

(f) **Permitted Student Activities.** A certified student may, under the personal supervision of his or her supervisor:

(4) ~~A certified student may e~~Engage in the following acts on behalf of a government agency as a representative of that agency without the personal appearance of the supervising attorney, but only if the supervising attorney or such attorney's designee is available by telephone or otherwise to advise the certified student.

(B) Appear in any proceeding in actions brought solely under 42 U.S.C. ~~Section~~§ 405(g) and ~~Section~~§ 1395ff to review a final decision of the Secretary of Health and Human Services;

LRCiv 83.10

DISPUTE RESOLUTION

As early as the scheduling conference held under Rule 16(b), ~~Fed.R.of the Federal Rules of Civ.P.il Procedure~~, or at any time requested by the parties, the court may offer or parties may request to refer the action to a magistrate judge for the purpose of holding a timely settlement conference (mediation), minitrial, summary jury trial, early neutral evaluation, or other form of dispute resolution. The court may require the parties to participate in alternative dispute resolution only with respect to mediation and early neutral evaluation. 28 U.S.C. § 652(a). Alternative dispute resolution shall not be offered as a reason to delay the processing of the case as established in the Rule 16 scheduling order. This Local Rule is promulgated pursuant to 28 U.S.C. § 651(b) and 28 U.S.C. § 652(a).

F.R.Crim.P. 5. Initial Appearance

LR crim 5.1

ASSIGNMENT OF CASES AND MATTERS; CRIMINAL; JUVENILE

(a) Assignment of Criminal Cases.

~~————— (1) In General. — Unless otherwise provided in these Rules or ordered by the Court, within each division, the criminal cases, when filed, the Clerk must shall be assigned criminal cases to among the District Judges of the within each division by the Clerk (or by a deputy designated by the Clerk) by automated random selection and in a manner so that neither the Clerk nor any parties or their attorneys shall will be able to make a deliberate choice of a particular Judge for a particular case. At the conclusion of the preliminary hearing and detention hearing in Tucson, or at the conclusion of the grand jury return in Phoenix, the Clerk shall must randomly refer the criminal case to a Magistrate Judge. The cases so assigned or referred shall will remain with the Judges to whom assigned or referred unless otherwise ordered by the Court. With the exception of defense counsel, any officer of the Court who determines that a new charge has been filed against a defendant who is under federal Court supervision shall must immediately notify the presiding judge before whom the new case is pending.~~

~~(2) In Cases Where Defendant is on Supervised Release or Probation New Cases in Which the Defendant is on Supervised Release or Probation.~~

~~————— (A) Except as provided in subsections (B), (C), and (D) below, The Clerk of Court must directly assign new cases in which the defendant is already on probation or supervised release shall be assigned to the judge to whom the probation or supervised release case is assigned, except as provided in subsections (A), (B), and (C) below.~~

~~(B) If the judge to whom the probation or~~

supervised release case is assigned is on Senior Status and does not want both cases, the Clerk of Court must randomly assign both the new case and the petition to revoke probation or supervised release ~~shall be assigned~~ to a ~~d~~District ~~j~~Judge by ~~automated random selection, subject to,~~ except as provided in subsections (B) and (C)~~and (D)~~ below.

~~(B)~~ Where If the new case and the probation or supervised release case are in different divisions, the new case ~~shall~~ will remain in its division, and the petition to revoke probation or supervised release ~~shall~~ must be reassigned to that division's judge, unless the judge to whom the probation or supervised release case is assigned wants to keep the petition.

~~(C)~~ In the case of a consolidated plea agreement which resolves both a new felony illegal reentry after deportation, and a probation or supervised release violation for illegal reentry, alien smuggling, or drug trafficking, the judge to whom the new offense is assigned ~~shall~~ must also decide the request for unsuccessful termination of supervision, unless the judge to whom the supervised release violation is assigned objects, in which case both the new case and the supervised release case ~~shall~~ must be assigned to the objecting judge. In all such cases, defense counsel ~~shall~~ must be assigned to handle the entire consolidated proceeding, the sentencing and disposition ~~shall~~ must be consolidated, and the clerk ~~shall~~ must file the minutes in both cases.

(2) Inter-District Probation and Supervised Release Transfer Cases. The Clerk of Court must randomly assign probation or supervised release cases transferred from another district to a District Judge in accordance with these rules, except that if a criminal case involving the same defendant has been filed in this district, the transferred case must be

assigned to the same District Judge.

(b) **Assignment of Juvenile Matters and Related Cases.**

Except as provided in subsection section (c1) below, the Clerk of Court must assign within each division, the juvenile matters, when filed, shall be assigned among to the District Judges of the within each division by the Clerk (or by a deputy designated by the Clerk) by automated random selection and in a manner so that neither the Clerk nor any parties or their attorneys ~~shall~~ will be able to make a deliberate choice of a particular Judge ~~for a particular case~~. The cases so assigned ~~shall~~ will remain with the Judge to whom assigned unless otherwise ordered by the Court.

~~—(c)—~~(1) Upon filing an indictment against an adult or an information against a juvenile(s) for conduct that arises from substantially the same event as a case already pending against a juvenile or an adult, the United States Attorney ~~shall~~ must file a Notice of Related Case in all affected cases. The judicial officer to whom the lowest numbered case is assigned will make a determination as to reassignment of these cases based on the factors set forth in LRCiv 42.1(a) and (d) and, if ~~deemed~~ appropriate, direct the Clerk to ~~make reassignment~~ the cases accordingly.

(2) If there are multiple juveniles charged with conduct that arises from substantially the same event, the United States Attorney ~~shall~~ must file a Notice of Related Case with each juvenile information. The judicial officer to whom the lowest numbered case is assigned will make a determination as to reassignment of these cases based on the factors set forth in LRCiv 42.1(a) and (d) and, if ~~deemed~~ appropriate, direct the Clerk to ~~make reassignment~~ the cases accordingly.

(3) If the government moves to transfer a juvenile to adult status and the motion to transfer is granted, the

Clerk of Court must reassign the case and any related cases shall be re-assigned by automated random selection to one District Judge upon return of an indictment by the grand jury.

(c) **Assignment of Misdemeanor Cases.** All misdemeanor cases filed by indictment, complaint, or information must be assigned to a Magistrate Judge who will proceed in accordance with 18 U.S.C. § 3401 and Rule 58 of the Federal Rules of Criminal Procedure. Class A misdemeanor cases filed by indictment or information must be assigned to a Magistrate Judge by automated random selection, with the exception of cases brought before the Magistrate Judges sitting in Flagstaff and in Yuma, which must be directly assigned such cases. In the Phoenix Division, Class B and C misdemeanors must be assigned to the Magistrate Judge who signed the complaint. In the Tucson Division, misdemeanors initiated by complaint must be assigned to the Magistrate Judge who signed the complaint but may be heard by any Magistrate Judge designated to try misdemeanors. Any Magistrate Judge may act in the absence or unavailability of the assigned Magistrate Judge. In the case of a Class A misdemeanor, if the defendant does not waive trial, judgment, and sentencing before a District Judge of the District Court and does not consent to those proceedings before the Magistrate Judge, the case will be promptly referred to the Clerk of Court for assignment to a District Judge and the defendant will be directed to appear before the assigned District Judge.

(d) **Temporary Reassignment of Cases.** With regard to temporary reassignment of cases above, see Rule 3.8(gb), of the Local Rules of Civil Procedure.

(e) **Cases Refiled After Dismissal.** With regard to cases refiled after dismissal, see Rule 3.8(a)(2) of the Local Rules of Civil Procedure.

~~LR~~Crim 5.2

REFILING

~~— With regard to cases refiled after dismissal, see Rule 41.2, Local Rules of Civil Procedure.~~

LRCrim 5.32

RELATED CASES; CONSOLIDATION; SERVICE; ASSIGNMENT

With regard to transfer of related cases assigned to different Judges to a single judge, consolidation, service, and assignment, see Rule 42.1, Local Rules of Civil Procedure.

**F.R.Crim.P. 12. Pleadings and Pretrial Motions Defenses and
Objections - When and How Presented - By Pleading or Motion
- Motion for Judgment on the Pleadings**

LR crim 12.1

FORMS OF PAPERS AND MOTIONS, MEMORANDA AND OBJECTIONS

(a) Forms of Papers and Motions. With regard to Forms of Papers and Motions and Memoranda, see Rules 7.1 and 7.2 of the Local Rules of Civil Procedure.

(b) Motions/Stipulations for Extensions of Time. With regard to Motions/Stipulations for Extensions of Time, see Rule 7.3 of the Local Rules of Civil Procedure.

(c) Objections to a Magistrate Judge's Report and Recommendation. With regard to Objections to a Report and Recommendation issued by a Magistrate Judge, see Rule 7.2(e)(3) of the Local Rules of Civil Procedure.

LR crim 12.2

EXCLUDABLE TIME AND MOTIONS - SPEEDY TRIAL ACT

(b) **Content of Orders.** Except in a petty offense case,
~~Any proposed or signed written order prepared for signature~~
~~by a United States District Judge or United States Magistrate~~
~~Judge, other than in a petty offense case,~~ must contain a the
following final paragraph or statement ~~as follows:~~

"The Court finds Excludable delay under 18 U.S.C.
§§ 3161(h)___ is found to commence on from ___ for
a total of to ___-days."

LR crim 12.3

MOTIONS/STIPULATIONS TO EXTEND TIME FOR TRIAL

If a defendant is not in custody, any motion or stipulation for an extension of the trial date must include, below the title of the motion or stipulation, the following statement: "Defendant Not In Custody".

LR crim 49.4

SEALING OF COURT RECORDS IN NON-SEALED CRIMINAL CASES

(a) Order Required. No document may be filed under seal in non-sealed criminal cases except pursuant to an order by the Court as set forth in subpart (b) of this Rule and except for a response or reply to a criminal sealed motion or memorandum. For the purposes of this Rule, the term "document" means any filing, including a motion, memorandum, notice, exhibit, record, or other item to be filed under seal with the Court. The motion seeking leave to file a proposed document under seal, however, will automatically be filed under seal without need for a Court order.

(b) Procedure for Obtaining an Order to File a Document Under Seal. Any motion or stipulation seeking leave to file a document under seal must set forth a clear statement of the facts and legal authority justifying the filing of the document under seal and must append (as a separate attachment) a proposed order granting the motion. Any motion seeking leave to file a document under seal or requesting the entire case be sealed, will automatically be filed under seal in criminal cases. The document or documents that are subject of any such motion or stipulation must not be appended to the motion or stipulation, and must be lodged with the Court separately consistent with subpart (c) of this Rule.

(c) Lodging of Documents to Be Filed Under Seal.

(1) Lodging in Electronic Form. Generally, a document to be filed under seal must be lodged with the Court in electronic form. The Electronic Case Filing Administrative Policies and Procedures Manual ("the Administrative Manual") sets for the circumstances in which such documents must be lodged electronically and the instructions for doing so.

(2) Exceptions: Lodging in Paper Form. A party or

counsel who has been exempted from the requirements to file papers electronically must lodge a document to be submitted under seal with the Court in paper form, with a cover sheet prominently displaying the notation "DOCUMENT SUBMITTED UNDER SEAL" and clearly identifying:

(A) the document and the underlying motion to which it pertains;

(B) the number of pages submitted for lodging;

(C) the motion or stipulation seeking to have the document filed under seal; and

(D) the case number and title of the case in which the document is to be filed.

(d) **Denial of Request to File a Document Under Seal.** If a request to file under seal is denied in part or in full, the lodged document will not be filed. If the request is denied in full, the submitting party may, within five (5) days of the entry of the order denying the request, resubmit the document for filing in the public record. If the request is denied in part and granted in part, the party may re-submit the document in a manner that conforms to the Court's order and this Rule.

(e) **Effect of Sealing.** If the Court orders the sealing of any document, the Clerk shall file the order to seal and secure the sealed document from public access.

LR crim 49.5

FILING OF COURT RECORDS IN SEALED CRIMINAL CASES

Every document filed under seal in sealed criminal cases must be submitted to the court in paper form with a cover sheet prominently displaying the notation "DOCUMENT SUBMITTED UNDER SEAL" and clearly identifying the document, the number of pages submitted, and the case number and title of the case in which the document is to be filed. For juvenile case filings, refer to the Court's Administrative Policies and Procedures Manual.

F.R.Crim.P. 58. Petty Offenses and Other Misdemeanors

LR crim 58.1

ASSIGNMENT OF MISDEMEANORS TO MAGISTRATE JUDGES

~~All misdemeanor cases filed by indictment, complaint, or information shall be assigned to a Magistrate Judge who shall proceed in accordance with 18 U.S.C. § 3401 and Rule 58 of the Federal Rules of Criminal Procedure. Misdemeanor cases filed by indictment or information shall be assigned to a Magistrate Judge by automated random selection, with the exception of cases brought before the Magistrate Judges sitting in Flagstaff and in Yuma, which shall be directly assigned such cases. All other misdemeanors shall be assigned to any Magistrate Judge designated by those rules to try misdemeanors. Any Magistrate Judge may act in the absence or unavailability of the assigned Magistrate Judge. In the case of a Class A misdemeanor, if the defendant does not waive trial, judgment, and sentencing before a District Judge of the District Court and does not consent to those proceedings before the Magistrate Judge, the case shall be promptly referred to the Clerk of Court for assignment to a District Judge and the defendant shall be directed to appear before the assigned District Judge.~~

With regard to the assignment of misdemeanor cases to Magistrate Judges, see Rule 5.1 of the Local Rules of Criminal Procedure.