



UNITED STATES DISTRICT COURT

Eastern District of Wisconsin

William C. Griesbach, Chief Judge • Stephen C. Dries, Clerk of Court



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U. S. District Court for Eastern District of Wisconsin Local Rules
General, Civil, and Criminal

Effective February 1, 2010 (As amended September 28, 2015)

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Link to Federal Rules

Amendment to Rules of Civil Practice and Procedure

Effective December 1, 2016: [FedCivRuleAmendmentP6\(d\).pdf](#)

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**UNITED STATES DISTRICT
COURT FOR THE EASTERN
DISTRICT OF WISCONSIN**

LOCAL RULES

GENERAL, CIVIL, AND

CRIMINAL

Effective February 1, 2010.

(d) Social Security Disability Appeals. Appeals from a decision of the Commissioner of Social Security may be administered by special procedures ordered by the judges of this District. These procedures may be found on the official website of the United States District Court for the Eastern District of Wisconsin.

Committee Comment: As amended, this rule eliminates the former exemption from the Civil Cover sheet requirement for persons filing civil cases, who were at the time of such filing in the custody of civil, state, or federal institutions, and persons filing pro se civil actions. Former Civil L. R. 3(c) has been designated as Civil L. R. 3, and re-worded. The statement from the former rules: “Civil cases cannot be related to criminal cases” has been eliminated as unnecessary.

Civil L.R. 3(d) is a new provision alerting all practitioners that, apart from the procedures set forth in the formal rules as codified here, the judges of the United States District Court for the Eastern District of Wisconsin have adopted and routinely follow discrete practices, including requirements about filing deadlines, with respect to the litigation of the Social Security Disability Appeals docket.

Civil L. R. 4. Service of Process Upon the State of Wisconsin or Its Employees When Sued by a State Prisoner Pursuant to 42 U.S.C. § 1983.

When service of process upon the State of Wisconsin or its employees is made in an action brought by a state prisoner pursuant to 42 U.S.C. § 1983, the process server, in addition to serving the named defendant or defendants, must serve a copy of the summons and complaint upon the Secretary of the Wisconsin Department of Corrections and the Administrator of the Legal Services Division of the Wisconsin Department of Justice as provided in Fed. R. Civ. P. 4(j).

Civil L. R. 5. Service of Papers Through the Court’s Electronic Transmission Facilities.

A separate certificate of service is not required for papers served electronically if all parties were served through the Court’s Electronic Case Filing (ECF) system.

Committee Comment: The ECF notification will be deemed “the certificate of service” for purposes of Fed. R. Civ. P. 5(d)(1).

III. PLEADINGS AND MOTIONS

Civil L. R. 7. Form of Motions and Other Papers

(a) Form of Motion and Moving Party’s Supporting Papers. Every motion must state the statute or rule pursuant to which it is made and, except for

those brought under Civil L. R. 7(h) (Expedited Non-Dispositive Motion Practice), must be accompanied by:

(1) a supporting memorandum and, when necessary, affidavits, declarations, or other papers; or

(2) a certificate stating that no memorandum or other supporting papers will be filed.

(b) Non-Moving Party's Response. For all motions other than those for summary judgment or those brought under Civil L. R. 7(h) (Expedited Non-Dispositive Motion Practice), any memorandum and other papers in opposition must be filed within 21 days of service of the motion.

(c) Reply. For all motions other than those for summary judgment or those brought under Civil L. R. 7(h) (Expedited Non-Dispositive Motion Practice), the moving party may serve a reply memorandum and other papers within 14 days from service of the response memorandum.

(d) Sanction for Noncompliance. Failure to file either a supporting memorandum or other papers, or a certificate of counsel stating that no memorandum or other supporting papers will be filed, is sufficient cause for the Court to deny the motion. Failure to file a memorandum in opposition to a motion is sufficient cause for the Court to grant the motion. The Court also may impose sanctions under General L. R. 83(f).

(e) Oral Argument. The Court will hear oral argument at its discretion.

(f) Length of Memoranda. Subject to the limitations of Civil L. R. 7(h) (Expedited Non-Dispositive Motion Practice) and Civil L. R. 56 (Summary Judgment Motion Practice), the principal memorandum in support of, or in opposition to, any motion must not exceed 30 pages and reply briefs must not exceed 15 pages (excluding any caption, cover page, table of contents, table of authorities, and signature block). No memorandum exceeding the page limitations may be filed unless the Court has previously granted leave to file an oversized memorandum.

(g) Modification of Provisions in Particular Cases. The Court may provide by order or other notice to the parties that different or additional provisions regarding motion practice apply.

(h) Expedited Non-Dispositive Motion Practice.

(1) Parties in civil actions may seek non-dispositive relief by expedited motion. The motion must be designated as a "Civil L. R. 7(h) Expedited Non-Dispositive Motion." The Court may schedule the motion for hearing or may