



## NEWS FROM U.S. DISTRICT COURT

April 14, 2023

**New Civil Local Rules.** Last month we highlighted some of the changes to the [Criminal Local Rules of Practice](#) that recently went into effect. This month we focus on changes to the Civil Local Rules.

D.S.D. Civ. LR 43.1 has been amended to clarify that counsel has a responsibility to retain and preserve all physical exhibits, not just those offered at trial or in a hearing. Similar changes were made to D.S.D. Crim. LR 57.3. Civ. LR 83.9 was also amended consistent with the Supplemental Rules for Social Security.

D.S.D. Civ. LR 7.1.1 is a new rule prompted by changes to Fed. R. Civ. P. 7.1. It requires all non-governmental organizational parties or intervenors in civil cases to file within 14 days of the party's first pleading or entry of appearance either a corporate disclosure statement or a certificate that Fed. R. Civ. P. 7.1 is not applicable. Two new events have been added to CM/ECF in response to this rule change. If a corporate disclosure statement is not applicable in a case, counsel will need to file the new **text-only** (no document is attached) event within the required 14-day period. This event is located under **Civil → Other Filings → Other Documents → Certificate of Non-Applicability re D.S.D. Civ. L.R. 7.1.1**. The attorney's final docket entry will read as follows:

**I have reviewed Rule 7.1 of the Federal Rules of Civil Procedure requiring nongovernmental corporate parties or nongovernmental corporations that seek to intervene to file a disclosure statement that identifies any parent corporation and any publicly held corporation owning 10 percent or more of its stock and certify that it does not apply to [Party Name].**

If an attorney misses the 14-day deadline, the clerk's office will docket the second new event created in CM/ECF entitled "Notice of Noncompliance." After this event is docketed, the attorney will receive an NEF advising as follows:

**NOTICE OF NONCOMPLIANCE (Corporate Disclosure Statement not filed). D.S.D. Civ. L.R. 7.1.1 requires non-governmental organizational parties or intervenors to file either a Corporate Disclosure Statement or a Certificate that Fed. R. Civ. P. 7.1 is not applicable within 14 days of the party or intervenors first pleading or entry of appearance. The deadline has passed and **PARTY NAME** has not complied. **Said party has three business days to comply.** Compliance may be achieved by docketing the statement or certificate in CM/ECF using the Corporate Disclosure Statement or Certificate of Non-Applicability event.**

Identical events have also been added pursuant to D.S.D. Crim. L.R. 12.4.

**New Event for Diversity Cases.** The January newsletter outlined all of the changes to Rule 7.1 of the Federal Rules of Civil Procedure not just those addressed by D.S.D. Civ. LR 7.1.1. We have added a new event in CM/ECF for parties or intervenors in diversity cases consistent with Fed. R. Civ. P. 7.1(a)(2). This event is located under **Civil → Other Filings → Other Documents → Citizenship Disclosure Statement in Diversity Cases re Fed. R. Civ. P. 7.1.**