

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
1:07mc23**

FILED
ASHEVILLE, N.C.
AUG 15 2007
U.S. DISTRICT COURT
W. DIST. OF N.C.

STANDING CIVIL ORDER)	
GOVERNING CASES ASSIGNED)	
TO LACY H. THORNBURG, UNITED)	AMENDED
STATES DISTRICT JUDGE, AND)	STANDING
DENNIS L. HOWELL, UNITED STATES)	CIVIL ORDER
MAGISTRATE JUDGE.)	
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THIS MATTER is before the court for entry of a Standing Civil Order to expedite the disposition of **all civil cases** that are assigned to Honorable Lacy H. Thornburg, United States District Judge, or Honorable Dennis L. Howell, United States Magistrate Judge:

IT IS, THEREFORE, ORDERED that

I. Joinder of Issues. Local Civil Rule 16.1(D) is modified to provide that “Joinder of Issues” does not occur until: (1) any briefed motion under Rule 12, Federal Rules of Civil Procedure, is disposed of by final Order; and (2) the Complaint is fully Answered and/or the time for filing a responsive pleading has run. Rule 12 motions contained in an Answer, but not supported by a brief, act as placeholders and do not prevent joinder of the issues.

II. Removed or Transferred Cases.

(A) New IAC and CIAC Required. In a removed or transferred case in which issues joined prior to removal or transfer, the parties shall conduct an Initial Attorneys Conference (“IAC”) in this district and file the Certificate

of Initial Attorneys Conference (“CIAC”) within the time provided by Local Civil Rule 16.1. Where issues did not join prior to removal of transfer, the provisions of Section I, supra, and Local Civil Rule 16.1 apply.

(B) Commencement of Discovery. Where a case is removed or transferred to this district, outstanding discovery requests and any previously entered pretrial orders are null and void, with discovery not commencing or recommencing until such time as a Scheduling Order is entered. The admissibility and use of evidentiary material produced prior to transfer or removal is not, however, diminished by this provision.

III. Page Limits. No brief may exceed 25 pages without leave of court and leave will not be granted absent a showing of exceptional circumstances. The font size required herein is not an exceptional circumstance.

IV. Font Size. All motions and briefs shall have a minimum 15 point font size, text shall be double spaced, and the pages shall be numbered. Factual assertions contained in briefs must reference the exhibit number and page which supports such assertion.

V. Depositions. While the entire deposition transcript need not be filed, a sufficient portion of the transcript must be filed to provide context. Where any transcript or portion thereof is filed, the court prefers standard size pages.

VI. Method of Filing. Because text cannot be extracted from “scanned” or “e-copied” documents, the court prefers that parties file their memoranda of law in PDF format.

VII. Trial. Except in exceptional circumstances, cases will be resolved by trial or other means not later than 12 months from joinder of issues.

VIII. Service of This Order. Plaintiffs and third-party plaintiffs shall be responsible for serving a copy of this Order on the defendants along with the pleading and summons. In removed or transferred actions, the removing party or the party who sought transfer shall be responsible for service of this Order within five calendar days of case opening or receipt of an ECF notification that this Order has been entered.

The Clerk of this court is respectfully instructed to enter a copy of this Standing Civil Order in each civil matter that is now pending and hereinafter upon case opening, except Social Security and Asbestos cases,.

This the 15th day of August, 2007.



LACY H. THORNBURG
UNITED STATES DISTRICT JUDGE



DENNIS L. HOWELL
UNITED STATES MAGISTRATE JUDGE