



ATTORNEY HANDBOOK

Effective: September, 2009

INTRODUCTION

This handbook is provided as a supplement to the Local Rules of the United States District Court for the Western District of Pennsylvania. It highlights administrative information and provides guidelines for specific procedural areas that have proven to be troublesome for many attorneys. We hope this information will minimize any problems or delays when filing documents, as it is the policy of this Court for Clerk's Office personnel to return any pleadings or other papers by Order of Court that do not comply with the appropriate rules. If there is a potential conflict between this supplement and our Local Rules or the Federal Rules of Civil Procedure, the rules govern.

In our continuous efforts to provide better service and information to the public, we welcome any comments or suggestions for improving this guide. Please view the Court's website at www.pawd.uscourts.gov and send your comments to me at: U.S. District Court, Box 1805, U.S. Post Office & Courthouse, Pittsburgh, PA 15230.

**ROBERT V. BARTH, JR.
CLERK OF COURT**

INDEX

PAGE NO.

ADMISSION TO PRACTICE.	3
APPEALS FROM U.S. MAGISTRATE JUDGES' DECISIONS..	17
APPEALS FROM BANKRUPTCY JUDGES' DECISIONS.	18
APPEALS FROM U.S. DISTRICT JUDGES' DECISIONS.	17
APPLICATION FOR WRIT OF EXECUTION.	9
BANKRUPTCY MATTERS REMOVED FROM STATE COURT.	11
BANKRUPTCY MATTERS BEFORE THE DISTRICT COURT.	9
BILL OF COSTS.	19
CHANGE OF ADDRESS.	3
CONTINUANCES	21
COMMENCEMENT OF A CIVIL ACTION.	5
DEFAULT AND DEFAULT JUDGMENTS.	12
DISCOVERY.	16
ENFORCEMENT OF A JUDGMENT.	18
FEEES OF THE U.S. DISTRICT COURT, WESTERN DISTRICT OF PA.	4
OFFICE OF THE CLERK - LOCATIONS AND OFFICE HOURS.	1
NOTICE OF REMOVAL.	8
REPRODUCTION OF DOCUMENTS..	4
SPECIFIC TYPES OF COMPLAINTS.	7
SUBSEQUENT FILINGS.	14
SUMMONS.	5
WITHDRAWAL OF REFERENCE.	11
WRIT OF EXECUTION.	18

I. OFFICE OF THE CLERK - LOCATIONS AND OFFICE HOURS

- A. All Court-related inquiries or questions are to be directed to the Clerk's Office within the appropriate division.
- B. The Western District of Pennsylvania has two divisional offices. Listed below are the locations and the counties they serve.
1. JOHNSTOWN DIVISION: Serves the counties of Bedford, Blair, Cambria, Clearfield and Somerset.
 - a. 208 Penn Traffic Building (814) 533-4504
319 Washington Street
Johnstown, PA 19501
 2. ERIE DIVISION: Serves the counties of Crawford, Elk, Erie, Forest, McKean, Venango, and Warren.
 - a. U.S. Courthouse (814) 464-9600
17 South Park Row
Erie, Pennsylvania 16501
 3. PITTSBURGH DIVISION (HEADQUARTERS FOR THE DISTRICT): Serves the counties of Allegheny, Armstrong, Beaver, Butler, Clarion, Fayette, Greene, Indiana, Jefferson, Lawrence, Mercer, Washington and Westmoreland.
 - a. CLERK OF COURT (412) 208-7500
Room 3100 U.S. Post Office & Courthouse
Pittsburgh, Pennsylvania 15219
 - b. CHIEF DEPUTY (412) 208-7518
Room 3110 U.S. Post Office & Courthouse
Pittsburgh, Pennsylvania 15219
 - c. JURY SECTION SUPERVISOR (412) 208-7540
Room 3300 U.S. Post Office & Courthouse
Pittsburgh, Pennsylvania 15219
-

- d. CIVIL DOCKET SECTION & CIVIL APPEALS
CRIMINAL SECTION & CRIMINAL APPEALS
Room 3110
To check on:
 - Cases ending in 1 or 2 (412) 208-7502
 - Cases ending in 3 or 4 (412) 208-7504
 - Cases ending in 5 or 6 (412) 208-7506
 - Cases ending in 7 or 8 (412) 208-7508
 - Cases ending in 9 or 0 (412) 208-7503

- e. INTAKE SECTION (Filing of Documents & Photocopying)
Room 3110 (412) 208-7500

- f. NATURALIZATION
Room 3110 (412) 208-7500

- g. RECORDS SECTION
Room 3110 (412) 208-7507

C. Hours

All offices are open from 8:30 A.M. to 4:30 P.M.

D. Legal Holidays

New Year's Day
Martin Luther King's Birthday
Presidents' Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veterans Day
Thanksgiving Day
Christmas Day

Whenever one of these legal holidays falls on Saturday or Sunday, the office is closed on the Friday immediately preceding or the Monday immediately following, respectively.

II. GENERAL PROCEDURES

A. Admission to Practice

1. Procedure [See LCvR 83.2.A.3]
 - a. Admissions are by personal appearance on oral motion by another member in good standing. [Call (412) 208-7500 for arrangements]
 - b. Fee of \$160.00 payable to "Clerk, U.S. District Court".
 - c. A pro hac vice admission can be filed on a case by case basis by motion. [See LCvR 83.2.B] The motion shall include an affidavit listing all courts where the movant is admitted to practice, and it must certify that the movant is a registered user of ECF and has read, knows and understands the Local Rules. [See id.] A fee of \$40.00, payable through www.pay.gov is required for each motion.
2. Requirements for Admission [See LCvR 83.2.A.2]
 - a. Eligibility for admission to the Pennsylvania Supreme Court; Membership in good standing of the Pennsylvania Supreme Court, the United States Supreme Court, or any other United States District Court.
3. Certificate of Good Standing
 - a. An attorney may request a Certificate of Good Standing from the Clerk's Office to verify that he/she is a member in good standing with the Court.
 - b. Fee of \$15.00 payable to "Clerk, U.S. District Court".
4. Change of Address
 - a. Any time an attorney changes his or her address, he/she must file a notice of the change in each case they appear. This notice can be filed electronically. Counsel must update their email information in the CM/ECF system.

B. Fees of the U.S. District Court, Western District of Pennsylvania

1. All checks are to be made payable to "Clerk, U.S. District Court."
2. For fees charged by the U.S. District Court, see www.pawd.uscourts.gov/Pages/fee.htm.

C. Request for Reproduction of Documents

1. A request for copy work should be directed to (412) 208-7507.
2. If copies are reproduced through the Clerk's Office, the fee is 50 cents per page for hard copies, 10 cents per page for electronic copies. In some cases, you may have to wait or return for your copies. Fees must be paid in advance.
3. All divisions will accept copy requests until 4:30 P.M.
4. The fee for certified copies will include a \$9.00 fee for each certification plus copy work.
5. Requests for all depositions and trial transcripts are made through the court reporter. Information concerning the identity of the court reporter is contained within the docket entry for the event to be transcribed.
6. Case files remain in the Clerk's Office for a time period prescribed by court space needs. At the present time, the period is five years. In most cases, if a case has been closed for more than five years, copies are obtained after we request the return of the record from the Philadelphia Records Center which takes about two weeks. The staff at the Records Center requests that you telephone them ahead of time to make an appointment to review any records in their custody. A retrieval fee of \$45.00 is charged for each case.

The address and telephone number of the Records Center is as follows:

Federal Records Center
14700 Townsend Road
Philadelphia, PA 19154
(215) 305-2020

III. COMMENCEMENT OF A CIVIL ACTION

The Clerk has no discretion in the assignment of a civil case; the judges are assigned by computerized random draw.

- A. All pleadings must be filed electronically via the Court's CM/ECF system. For additional information on CM/ECF, including the policies and procedures for electronic filing, please visit the court's website at www.pawd.uscourts.gov.
- B. Requirements for all new civil cases:
1. Civil Cover Sheet (JS 44) (downloadable at www.pawd.uscourts.gov/Pages/forms.htm)
 2. The filing fee for a new civil case is \$350.00. Exception: habeas corpus, \$5.00.
 3. Summons listing each defendant (downloadable at www.pawd.uscourts.gov/Pages/forms.htm)
 - a. Complete the summons with the following information:
 - (1) Western District of Pennsylvania
 - (2) First Plaintiff
 - (3) First Defendant
 - (4) Name and address of each defendant being served
 - (5) Name and address of plaintiff's attorney or pro se litigant
 - (6) Number of days in which to answer summons. (See F.R.Civ.P. Rule 12)
 - b. Summons will be issued and returned to the attorney for service.

4. Complaint

- a. Each document filed with the Clerk must be on letter-size paper (8½" x 11") with the exception of exhibits to pleadings. (See LCvR 5.1.A)
- b. The correct heading for a new complaint should be as follows:

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA		
PLAINTIFF(S))	
)	
vs.)	CIVIL ACTION NO. _____
)	
DEFENDANT(S))	
)	
COMPLAINT		

- c. All parties must be listed in the style of the case. Do not use "et al." on the original complaint.
- d. The civil action is assigned a case number and a judge is chosen by random draw.
- e. Each attorney's or pro se litigant's name must be typed and signed on the last page of the complaint, with:
 - (1) his/her address
 - (2) telephone number
 - (3) if a Pennsylvania attorney, his/her Pennsylvania Attorney ID Number
- f. To file a complaint, the attorney must have an electronic signature on the complaint and must have an electronic signature on all pleadings he/she files with the complaint. If a Pennsylvania attorney, his/her Pennsylvania Attorney ID Number must also appear on the complaint and pleadings.

5. Jury Demand

- a. The jury demand must be filed as a separate pleading or requested in the complaint and included in the title of the complaint. (See F.R.Civ.P. 38)

- b. Designating a jury demand on the civil cover sheet only will not constitute a request. Jury demanded must appear within the complaint.

C. Specific Types of Complaints

1. United States as a Defendant

In regard to the Federal Rules of Civil Procedure, 4(i) and 12(a), and in suits against the United States or any government agency or official, please refer to the list of requirements below:

a. Summons

The clerk's office should receive the summons at the time the complaint is filed.

- (1) The summons will be signed by a deputy clerk and then returned to the attorney.
- (2) A copy of the complaint should be attached to each summons being served. This copy of the complaint will not be provided by the Clerk's office.
- (3) The United States or any government agency or official shall have 60 days to answer the complaint.

b. Service of Summons

(1) General

- (a) The Marshal no longer serves summonses except:

- For the United States
- On Order of the Court
- Seaman suits

- (b) Anyone 18 years of age or older and not a party to the suit may personally serve the summons and complaint. (See F.R.Civ.P. Rule 4)

- (c) F.R.Civ.P. Rule 4 also provides for a waiver of service of a summons to avoid the unnecessary costs of serving a summons. In using this method, the plaintiff must send by first class mail two copies of the waiver forms and a postage prepaid envelope for returning the waiver. (downloadable at www.pawd.uscourts.gov/Pages/forms.htm)

- (2) United States

As stated earlier, Federal Rules of Civil Procedure Rule 4 states that the United States Attorney's Office may be personally served or sent by registered or certified mail.

- (3) Foreign Country or a Party in a Foreign Country [See F.R.Civ.P. Rule 4 (f)]

- (a) For instructions regarding foreign service, refer to the Secretary of State, Washington, D.C. (www.travel.state.gov/law/info/judicial/judicial_680.html)

- (4) Publication

On Order of the Court, the Marshal will serve summons by publication.

- c. Filing Fee

\$350.00 payable through www.pay.gov at time of filing.

- 2. Notice of Removal

[See F.R.Civ.P. Rule 81(c) and 28 U.S.C. §§1441-1453]

When removing a civil case from State Court, the following guidelines should be followed:

- a. The style of the Notice of Removal should be the same as the style of the original petition filed in State Court.
- b. Copies of all State Court papers should be attached to the Notice of Removal.

- c. A Certificate of Service or a copy of the Notice of Removal should accompany the Notice of Removal. Service should be made upon the Prothonotary and all opposing counsel.
- d. When an application for removal is filed pertaining to a Bankruptcy proceeding refer to Section 4(c) of this section.

3. Application for Writ of Execution

In general, follow Pennsylvania State Court Rules (See F.R.Civ.P. 62 and 69)

a. Writ of Execution

Issued only on federal judgments entered in this district or on federal judgments that have been registered in this district.

- b. Action will be initiated by the filing of a petition for Writ of Execution at the civil action number. Must wait until 10 days after entry of judgment before executing (See F.R.Civ.P. 62) (Also see Section VII, Paragraph E of this Handbook)

c. No Filing Fee Required.

4. Bankruptcy Matters before the District Court

- a. For more specific instructions regarding the Bankruptcy Court, contact the Clerk of the Bankruptcy Court at (412) 644-2700 or refer to their website, www.pawb.uscourts.gov.

b. Appeals

(1) Notices of Appeal

- (a) The Notice of Appeal of a ruling of a Bankruptcy Judge must be filed in the Bankruptcy Court along with the filing fee payable to the Bankruptcy Clerk. The Bankruptcy Office will transmit the record to the District Court where it will be assigned a case number and a District Judge will be chosen by random draw. (Also see Section VII, Paragraph C of this Handbook)

(2) Voluntary Motions to Dismiss Appeals

(a) Before Docketing

If an Appeal has not been docketed in the District Court, it may be dismissed by the Bankruptcy Judge upon the filing of a stipulation for dismissal, or on motion and notice by the appellant.

(b) After Docketing

Once an Appeal has been docketed in the District Court, it can only be dismissed by District Court.

(3) Involuntary Motions to Dismiss Appeals

(a) All Involuntary Motions to Dismiss, either before or after docketing in the District Court, must be presented to a District Judge. The Motion should be filed with the Clerk of the Bankruptcy Court who will then transmit it to the Clerk of the District Court. The Clerk of the District Court will then assign it a civil action number, if one has not already been assigned, and a District Judge will be chosen by random draw. (Also see Section VII, Paragraph C of this Handbook)

(4) Motions for Stay Pending Appeal

(a) Motions for Stay Pending Appeal taken from Orders of the Bankruptcy Court shall receive a civil action number whether they are transmitted from the Bankruptcy Court or filed directly with this Court. When the Appeal is transmitted from the Bankruptcy Court, it shall be assigned the same civil action number as the Motion for Stay Pending Appeal.

(5) Motions for Leave to Appeal

- (a) Motions for Leave to Appeal an Order of the Bankruptcy Court shall receive a civil action number, whether they are transmitted from the Bankruptcy Court or filed directly with this Court. When the Appeal is transmitted from the Bankruptcy Court it should be assigned the same civil action number as the Motion for Leave to Appeal.

c. Bankruptcy Matters Removed from State Court

- (1) A party removing any State Court action related to a Bankruptcy may do so by filing a Notice of Removal in the Bankruptcy Court, pursuant to the procedures outlined in Bankruptcy Rule 9027(a).

d. Withdrawal of Reference

- (1) In matters in which the statute provides for disposition, including trial, by a District Judge, counsel may request that their case be heard in District Court by filing a Motion for Withdrawal of Reference. The following procedures should be followed when a Motion for Withdrawal of the Reference is filed:
 - (a) File the application or motion with the Bankruptcy Court, together with the appropriate filing fee. The Bankruptcy Court will then transmit the motion and all other necessary documents to the District Court.
 - (b) A case number will be assigned and a District Judge will be chosen by random draw to rule on the application.
 - (c) If the presiding Judge grants the motion to withdraw reference, the case will be heard in District Court in the usual manner.

IV. **DEFAULT AND DEFAULT JUDGMENTS**

[See F.R.Civ.P. 55(a) & b]]

Default judgment is a two-step process and may be done simultaneously:

"Entry" of default [See F.R.Civ.P. 55 (a)] and

"Judgment" by default [See F.R.Civ.P. 55(b)]

A. **ENTRY of Default**

1. A default may be entered when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend within 20 days (60 days for the United States) following service. By waiving service of a summons, a defendant gets 60 days from the date the notice was sent to answer or otherwise respond. Proof of service or waiver of service must be on file with the Clerk.
2. Request for entry of default must be filed with the Clerk. A request to enter default with proposed order and affidavit in support are required. (See Attachment I for an example)
3. Default cannot be entered until the expiration of the following:
 - a. Twenty (20) calendar days from service of summons and complaint or 60 days from the date notice was sent if service by summons has been waived. (See F.R.Civ.P. 12)
 - (1) Sixty (60) days for the United States
 - (2) If a motion is filed, time is extended until 10 days after notice of the Court's action on the motion (or when a more definite statement is allowed, within 10 days of service of the more definite statement)

B. **JUDGMENT by Default**

1. Judgment by the Clerk [See F.R.Civ.P. 55(b)(1)]
 - a. May be entered when claim "is for a sum certain or for a sum which can, by computation, be made certain" (e.g., suit on a note, on open account, etc.) A request for default judgment, affidavit and proposed judgment order are required. (See Attachment II for an example)

- b. Proof required
 - (1) Affidavit containing:
 - (a) A verification of the amount due;
 - (b) Showing that defendant is not an infant or incompetent person. [See F.R.Civ.P. 55(b)(1)]
 - (c) Showing the defendant is not in active service of the armed forces. (See 50 U.S.C. App. 520)
 - (2) Other proof according to the nature of the claim
- 2. Judgment by the Court [See F.R.Civ.P. 55(b)(2)]
 - a. All claims other than those which can be entered by the Clerk.
 - b. A request for entry of default must be electronically filed, accompanied by the affidavit, and default will be entered by the Clerk as described in Paragraph A-1 of this section concerning the ENTRY of Default.
 - c. A motion for Default Judgment and proposed order should be electronically filed by the plaintiff requesting the Court to set the matter down for hearing or jury trial for determination of damages. The motion must also contain an affidavit showing that the defendant is not a minor, incompetent, or in the military service.
- 3. Setting Aside Default & Default Judgment
 - a. In order to have a default or default judgment set aside, the moving party would have to file a petition with the Court together with a proposed order of court and a certificate of service.
- 4. Judgment Against The United States
 - a. A Judgment can only be entered against the United States upon evidence satisfactory to the Court.

V. SUBSEQUENT FILINGS

- A. All subsequent pleadings are electronically filed with the Clerk of the Court via the Court's CM/ECF system, and not with the individual judge to whom the case is assigned.
- B. Each pleading must have the correct case style as indicated in the example that follows. It should have the parties' names listed. It is sufficient to list the first party followed by "et. al." or similar on any pleading except:
1. original complaint
 2. amended complaint
 3. any third-party action, or
 4. any pleading adding a party

The style for subsequent filings should be as follows:

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PLAINTIFF, <i>et. al.</i> ,)	
)	
Plaintiff(s),)	Civil Action No. _____
)	
vs.)	[District Judge Name]
)	[Magistrate Judge Name, as appropriate]
DEFENDANT, <i>et al.</i> ,)	
)	
Defendant(s).)	

TITLE OF PLEADING

- C. Each document filed with the Clerk must be on lettersize paper (8½" x 11").
(See LCvR 5.1.A)

- D. Every pleading must be signed by the attorney or the pro se litigant with:
1. his/her name
 2. address
 3. telephone number, and
 4. If a Pennsylvania attorney, his/her PA attorney I.D. number
- E. Summary of General Requirements
1. correct court
 2. names of parties
 3. correct case number
 4. title of pleading
 5. electronically signature of attorney with name, firm address, telephone number and Pennsylvania Attorney ID Number, if a Pennsylvania attorney (See F.R.Civ.P. 11)
- F. In addition to the general requirements, certain motions must also be accompanied by: (See LCvR 7)
1. All motions should be accompanied with a proposed order granting the motion. The proposed order should be filed as a separate attachment from the motion and should have a place for the judge to sign if the motion is granted. [See LCvR7.D]
 2. All discovery motions require a certificate of conference. (See F.R.Civ.P. 37(a)(1))
 3. Additional information regarding Motions Practice and Brief Writing for Attorneys appearing in the Western District of Pennsylvania can be found at www.pawd.uscourts.gov/Pages/forms.htm.

VI. DISCOVERY

- A. In the United States District Court for the Western District of Pennsylvania, discovery items (depositions, requests for production, interrogatories, etc.) ARE NOT filed unless ordered by the Judge assigned to the case. (See LCvR 5.4.A)
- B. A notice of deposition and the issuance of a deposition subpoena do not need to be accompanied by a Court Order. (See F.R.Civ.P. 30 and 45)
 - 1. The notice of deposition should include:
 - a. name(s) of person(s) being deposed
 - b. time
 - c. date
 - d. location of the deposition, and
 - e. certificate of service containing an original signature
 - 2. The Clerk shall issue a subpoena, signed but otherwise in blank, to a party requesting it, who shall complete it before service. An attorney as officer of the court may also issue and sign a subpoena as stated more fully in F.R.Civ.P. 45 (a).

VII. POST-JUDGMENT INSTRUMENTS

- A. Appeals from U.S. District Judges' Decisions
1. An appeal from any case heard by a United States District Judge shall be taken to the appropriate Appeals Court.
 2. The Notice of Appeal is electronically filed with the Clerk of the District Court and must be accompanied by \$455.00 filing fee, or motion to file in forma pauperis;
 3. In civil proceedings an aggrieved party has 30 days from entry on the docket of the judgment or other appealable disposition to file the Notice of Appeal. (See F.R.App.P. 4) (If the United States is a party, any party has 60 days to file Notice of Appeal)
 4. In criminal proceedings, an appeal must be filed within 10 days after entry on the docket of judgment or the order appealed from.
 5. When a Notice of Appeal is filed, the appellant is responsible for completing a transcript purchase order form and making proper distribution. A writable PDF version of the form is available on the Court's website at www.pawd.uscourts.gov/Pages/forms.htm.
- B. Appeals from U.S. Magistrate Judges' Decisions (See LCvR 72.C.2)
1. When an aggrieved party is appealing a **non-dispositive pretrial** decision of a United States Magistrate Judge to the United States District Court pursuant to 28 U.S.C. § 636, there is no fee and the party does not prepare a transcript order form. The appeal is electronically filed with the District Clerk and should indicate the appeal was taken to the United States District Court.
 2. When an aggrieved party is appealing a **dispositive** decision of a United States Magistrate Judge rendered in a consent case, that decision is appealed directly to the Third Circuit Court of Appeals and the same procedure for appealing a decision of a District Court Judge described above should be followed.

C. Appeals from Bankruptcy Judges' Decisions

When a party is appealing a decision of a Bankruptcy Judge, the appeal is filed with the Clerk of the Bankruptcy Court. The Clerk of the Bankruptcy Court then transmits the appeal to the Clerk of the United States District Court who in turn assigns the appeal a civil action number and assigns a judge by random draw. All future pleadings filed in connection with the appeal are electronically filed with the Clerk of the United States District Court and should bear the civil action number assigned the appeal by the United States District Clerk, the bankruptcy estate case number, and if appropriate, any adversary case number.

D. Enforcement of a Judgment

1. To Certify a Judgment

A Certification for Registration in Another District, (Form AO 451) (downloadable at www.uscourts.gov/forms/uscfirmsCategory.cfm) is prepared upon the written or oral request of any party. A fee of \$9.00, plus applicable copy fees, must be tendered for the Court to reproduce the judgment and issue a Certification for Registration. Upon request, the completed form may be mailed or picked up provided the fees are paid in advance. The party should then contact the district where the judgment is going to be registered to insure they meet the requirements of that district.

2. To register a judgment entered in any other Federal Court with this Court, the party should first request a Certification for Registration in Another District from the Court where the original judgment was entered. When this is done, the certification form (AO 451) is filed with the District Clerk's Office and is assigned a miscellaneous case number. The fee for this is \$39.00.

E. Writ of Execution

Writ of Execution forms are available from the District Clerk's Office and website (downloadable at www.pawd.uscourts.gov/Pages/forms.htm). Once the form is prepared, the requesting party should file it with the District Clerk's Office for issuance. After processing and issuance, the attorney is notified. A Writ of Execution should be accompanied by a United States Marshal's Form 285 for the United States Marshal for the Western District of Pennsylvania to execute. This form can be either obtained from the District Clerk's Office or downloaded from <http://www.usmarshals.gov/process/usm285.htm>. There is no filing fee required by the Clerk for a Writ of Execution. However, the Marshal's Service requires a fee for execution. The Marshal only serves Writs of Execution when an actual levy is to be made.

- F. Writs of Execution and interrogatories to garnishees where no property is ordered seized shall be served by a person designated by the Court for such service.
1. Rule 3252 of the Pennsylvania Rules of Civil Procedure provides that the Clerk shall be furnished by the party applying for a Writ of Execution with copies of the notice to the defendant, a summary of major exemptions and a claim for exemptions. In the absence of furnishing such documents, the Clerk shall withhold issuance of the Writ of Execution until such documents are filed.
- G. Bill of Costs [See F.R.Civ.P. 54(d); 28 U.S.C. §§1920, 1924; LCvR 54.B]
1. A Bill of Costs (Form AO 133) (downloadable at www.uscourts.gov/forms/uscformsCategory.cfm) is prepared by the prevailing party in a civil case. The bill of costs should reflect all costs incurred by the party, including the \$350.00 filing fee if the plaintiff is the prevailing party.
 - a. Costs can only be taxed by the Clerk when there is a judgment. Costs cannot be taxed in a settled case. The costs would have to be a part of the settlement.
 - b. Fees for trial transcripts are generally not taxed unless they were requested by the Court or were needed for an appeal. When allowed, only the costs of the original is usually permitted. Expedited copies or daily copies are not taxed unless requested by the Court.
 - c. Fees for printing and exemplification of copies are generally not taxable unless offered into evidence.
 - d. Witness fees are for those witnesses who actually appeared and testified. Expert witness fees are not taxed unless permitted by the Court. Expert fees are generally taxed at the same rates and mileage as a regular witness.
 - e. Taxable depositions would be depositions read into the record, used for cross examination or in support of dispositive motions. Discovery depositions taken just for discovery are not taxable.
 - f. Do not put Court of Appeals costs on the District Court Bill of Costs. These costs are taxed by the Court of Appeals. (See F.R.App.P. 39)

- g. When a Bill of Costs is filed, the Clerk will notify all parties of the procedures that will be used in taxing the costs.

VIII. CONTINUANCES

It is the practice of this court to permit the continuance of a case for good cause. While judicial action regarding a request for continuance lies within the sound discretion of the court to which the request is made, the court is to be guided by its determination of the requirements of justice under the circumstances. In furtherance of this goal, it shall be the policy of the court to reasonably accommodate trial counsel who present compelling personal reasons for a continuance. Compelling personal reasons shall include but not be limited to: childbirth; physical inability to be present at trial due to illness, injury or other temporary disability; and the serious illness or death of a close relative.

Requests for continuances on the basis of compelling personal reasons shall be made via a signed pleading.

ATTACHMENTS

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

)
)
)
) CIVIL ACTION NO.
)
)
)

REQUEST TO ENTER DEFAULT

To the Clerk of the U.S. District Court for the Western District of Pennsylvania

You will please enter the default of the defendant for failure to plead or otherwise defend as provided by the Federal Rules of Civil Procedure as appears from the affidavit of

_____ hereto attached.
(counsel)

(counsel)

AND NOW, THIS ___ DAY OF _____, 20 __ pursuant to request to enter default and affidavits filed, default is hereby entered against Defendant for failure to plead or otherwise defend.

Clerk

ATTACHMENT I

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

)
)
)
) CIVIL ACTION NO.
)
)
)

REQUEST FOR DEFAULT JUDGMENT

To the Clerk of the United States District Court
for the Western District of Pennsylvania

Upon the affidavit attached hereto, you will please enter judgment by default against
_____, Defendant in the above entitled action for \$_____, plus costs.

(counsel)

ATTACHMENT II

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF PENNSYLVANIA

)
)
)
) CIVIL ACTION NO. _____
)
)
)

J U D G M E N T

Defendant _____ (NAME) _____, having failed to plead or otherwise defend in this
action, and default having been entered,

NOW, upon application of the Plaintiff and upon affidavit that Defendant is indebted to
the Plaintiff in the sum of \$ _____, that Defendant is not an infant or incompetent
person and not in the military service of the United States, it is hereby

ORDERED, ADJUDGED AND DECREED, that Plaintiff(s) recover of Defendant the
sum of
\$ _____ plus costs of this suit.

CLERK

Dated: _____