

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA**

**ORDER AMENDING LOCAL RULES**

Pursuant to rule 83, Federal Rules of Civil Procedure, and by vote of the district judges following public notice and an opportunity for comment, the Local Rules of the United States District Court for the Middle District of Georgia are hereby amended as follows:

**Amendment**

**LOCAL RULE 7 MOTIONS**

**7.1 FILING.**

Unless the assigned judge prescribes otherwise, every motion filed in a civil proceeding shall be accompanied by a memorandum of law citing supporting authorities. Civil motions that include allegations of fact must be supported by a statement of fact. This rule does not apply to motions for enlargement of time. Where possible, multiple motions filed at the same time, in the same case, shall be consolidated into one motion with multiple, clearly labeled parts and subparts.

**7.2 RESPONSE.**

~~Respondent's counsel~~ A party desiring to submit a response, brief, or affidavits shall serve the same within twenty-one (21) days after service of movant's motion and brief.

**7.3 REPLY.**

~~Movant's counsel~~ A party shall serve any desired reply brief, argument, or affidavit within fourteen (14) days after service of respondent's response, brief, or affidavit.

Deletion

**~~LOCAL RULE 33.3: RICO INTERROGATORIES~~**

~~For the purpose of aiding the court and the RICO defendants in ascertaining the validity and scope of RICO claims, all RICO claimants shall set forth detailed responses to the interrogatories contained in this rule. The text of the interrogatories shall precede each response and the responses shall be filed simultaneously with the complaint.~~

~~**INTERROGATORY 1.** Whether the alleged unlawful conduct is a violation of 18 U.S.C. § 1962(a), (b), (c), (d), or a combination thereof. As to each RICO defendant ("defendant") in respect to which the RICO claim applies, set forth in separate paragraphs headed by the affected defendant's name the facts that make up the alleged misconduct and basis of liability for that defendant.~~

~~**INTERROGATORY 2.** List in separately numbered paragraphs under the name of each alleged victim, the nature and extent of the injury or damage.~~

~~**INTERROGATORY 3.** As to each RICO claim, describe the alleged enterprise, which description should include the following information:~~

~~(a) — The name, title or designation of the enterprise.~~

~~(b) — The names and last known addresses of the individuals, partnerships, corporations, associations, or other business or legal entities that at any time allegedly were part of the enterprise.~~

~~(c) — State, by name, which defendants are or were employees, officers, or directors of each enterprise, or if not, in what manner a defendant is or was associated with each enterprise.~~

(d) — State whether it is expected to be proven that the defendants or some of them are individuals or entities separate from the alleged enterprise, except for the conduct for which damages or relief is being sought.

**INTERROGATORY 4.** Set forth the facts upon which the required allegations of a pattern of racketeering activity, or collection of unlawful debts, has been made in respect to each RICO claim.

This description shall include the following information:

(a) — The facts making up the alleged predicate acts, separately stated; the dates upon which each is claimed to have occurred and the specific statutes that were allegedly violated as to each predicate act.

(b) — If a RICO claim is based on the predicate offenses of wire fraud, mail fraud, or fraud in the sale of securities, the facts constituting the fraud or mistake shall be stated with particularity in accordance with Federal Rule of Civil Procedure 9(b), and specifically the date, content, and parties to each alleged misrepresentation.

(c) — The basis upon which it is alleged that the predicate acts are related, or connected and thereby, form a “pattern of racketeering activity.”

**INTERROGATORY 5.** Set forth the facts upon which it is alleged that the activities of the enterprise included in each RICO claim affect interstate or foreign commerce.

**INTERROGATORY 6.** If the complaint alleges a violation of 18 § U.S.C. 1962(a), set forth the facts in respect to the following:

(a) — The identification of each party who received income derived from the pattern of racketeering activity, or through the collection of an unlawful debt.

~~(b) — A description of the use or investment of any such income.~~

~~**INTERROGATORY 7.** If the complaint alleges a violation of 18 § U.S.C. 1962(b), set forth the fact that support the claim of the acquisition or maintenance of an interest in, or control of, the alleged enterprise.~~

~~**INTERROGATORY 8.** If the complaint alleges a violation of 18 § U.S.C. 1962(e), set forth the facts that will provide the following information:~~

~~(a) — The name of the person or persons who were employed by or associated with the enterprise.~~

~~(b) — Whether or not the same entity is both the liable “person” and the “enterprise” under 1962(e).~~

~~**INTERROGATORY 9.** If the complaint alleges a violation of 18 § U.S.C. 1962(e), set forth the facts that support the allegations of the conspiracy, including the dates of the course of the conspiracy, the names of the conspirators, and the objects of the conspiracy.~~

~~**INTERROGATORY 10.** Set forth the facts that support any allegations that there is a causal relationship between the alleged injury and the violation of the RICO statute.~~

~~**INTERROGATORY 11.** State any facts, including court term and number, and the names of the parties to any criminal conviction or civil judgment for violations of any of the predicate acts.~~

~~INTERROGATORY 12. Set forth any additional facts that you believe would be pertinent to the RICO claim. Failure to timely and completely furnish all the information called for in this rule may result in dismissal of the RICO claim and/or other appropriate sanctions.~~

**Amendment**

**LOCAL RULE 79: FILES AND EXHIBITS AND REMOVAL THEREOF**

**79.1 REMOVAL OF ORIGINAL PAPERS.**

Original papers in the custody of the clerk shall not be removed except by permission of the clerk and then, only after a receipt provided by the clerk has been signed by the removing party.

**79.2 EXHIBITS AND DOCUMENTS.**

Unless otherwise directed by the presiding judge, all exhibits received into evidence at any trial or hearing shall be provided to the clerk in electronic format as specified in the court's administrative procedures guide. A photograph of physical or demonstrative exhibits received into evidence shall be provided in electronic format as specified in the court's administrative procedures guide. Electronic exhibits shall become part of the electronic record. Before jury deliberations begin, counsel must ensure that electronic exhibits are identical to exhibits admitted at trial.

Sensitive exhibits received in evidence, which shall include but are not limited to, drugs, articles of high monetary value, weapons or contraband of any kind may, at the discretion of the presiding judge, be entrusted to the custody of the United States Attorney or to the arresting or investigative agency of the government, who will maintain the integrity of these exhibits pending disposition of the case and for any appeal period thereafter.

**So Ordered**, this 13<sup>th</sup> day of December, 2019.

S/Clay D. Land

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CLAY D. LAND  
CHIEF UNITED STATES DISTRICT JUDGE

**TO BE EFFECTIVE:** January 1, 2020