

Civil L.R. 3. Commencing an Action.

(a) **Civil Cover Sheet.** A Civil Cover Sheet (AO Form JS 44) must accompany each civil action presented for filing.

~~(b) **Assigning Related Actions.** Where the Civil Cover Sheet discloses a pending related civil action, the new civil action will be assigned to the same judge. Factors to be considered in **determining** whether the actions are related include whether the actions: (i) arise from substantially the same transaction or events; (ii) involve substantially the same parties or property; or (iii) involve the same patent, trademark or copyright. The judge to whom the action with the lower case number is assigned will resolve any dispute as to whether the actions are related.~~

(b) **Notification of Related Actions.**

(1) **Definition.** An action is related to another when the actions (i) arise from substantially the same transaction or events; (ii) involve substantially the same parties or property; (iii) involve the same patent, trademark or copyright; or (iv) for other reasons would entail substantial duplication of effort or risk inconsistent or contradictory results if heard by different judges.

(2) **Initial Notice of Related Actions.** When a civil case is filed or removed, or a motion to withdraw the reference of an adversary proceeding from the bankruptcy court is filed, the person filing or removing must list on the Civil Cover Sheet all related actions that are pending in this District. The party must also file a Notice of Related Actions. A copy of the Notice of Related Actions shall be served with the complaint, notice of removal, notice of appeal, or motion. The Notice of Related Actions must include a brief factual statement that explains how the cases in question are related under the foregoing factors. All facts that appear relevant to such a determination must be set forth.

(3) **Notice of Prior Related Actions.** Whenever an action filed in this District is dismissed by a party or by the Court without prejudice and thereafter the same or essentially the same claims, involving the same or essentially the same parties, are alleged in another action, the filing party in the later-filed action must list the earlier-filed action as a related

case on the Civil Cover Sheet and file a Notice of Related Actions pursuant to paragraph (2) of this subsection.

(b4) Assigning Related Actions. Where the Civil Cover Sheet discloses a pending or previously filed related civil action in this District, the new civil action will be assigned to the same judge. ~~Factors to be considered in determining whether the actions are related include whether the actions: (i) arise from substantially the same transaction or events; (ii) involve substantially the same parties or property; or (iii) involve the same patent, trademark or copyright. The judge to whom the action with the lower case number is assigned will resolve any dispute as to whether the actions are related.~~

(5) Continuing Duty. Any party that has appeared in the action must notify the court, by filing and serving a Notice of Related Actions, as soon as the party becomes aware of any related action pending or previously filed in this District that is not listed on the Civil Cover Sheet or any prior Notice of Related Actions. The Notice must be filed as soon thereafter as it reasonably should appear that the action relates to another. The Notice must be served on all parties who have appeared in the case.

(c) Reassignment of Actions.

(1) Conditions for Reassignment. A case may be reassigned to another judge if it is found to be related to a lower-numbered case assigned to that judge and each of the following criteria is met:

(A) both cases are pending in this District;

(B) the handling of both cases by the same judge is likely to result in a substantial saving of judicial resources; and

(C) neither case has progressed to the point where reassigning a case would be likely to substantially delay the proceedings in either case, or the Court finds that the assignment of the cases to the same judge would promote consistency in resolution of the cases or otherwise be in the interest of justice.

A case may be randomly reassigned to a judge pursuant to General L.R. 3(a) if it was initially assigned pursuant to Civil L.R. 3(b)(4) and fails to meet each of the above criteria.

(2) Motion to Reassign.

(A) A motion for reassignment based on relatedness or a lack of relatedness may be filed by any party to a case. In order that all parties to a proceeding be permitted to respond on the questions of relatedness and possible reassignment, such motions should not generally be filed until after the answer or motions in lieu of answer have been filed in each of the proceedings involved.

(B) The motion must be filed with, and will be decided by, the judge to whom the lowest-numbered case of the claimed related set is assigned for trial or other final disposition. Copies of the motion must be served on all parties and on the judges for all of the affected cases.

(C) The motion must:

(i) set forth the points of commonality of the cases in sufficient detail to indicate that the cases are or are not related within the meaning of paragraph (b)(1);

(ii) indicate the extent to which the conditions required by paragraph (c)(1) will or will not be met if the cases are found to be related; and

(iii) be accompanied by a copy of the complaint or other relevant pleading in each of the higher-numbered cases that are the subject of the motion.

(D) Any objection to the motion must be filed within 7 days of the filing of the motion, and served on all parties and on the judges for all of the affected cases.

(3) Order.

(A) The judge to whom the motion is presented may consult with the judge or judges before whom the other case or cases are pending, if any. The judge must enter an order finding whether or not the

cases are related, and, if they are, whether the higher numbered case or cases were properly assigned, or should be reassigned, to that judge.

(B) Where the judge finds that reassignment of a case assigned to a different judge should occur, the Clerk of Court must reassign the higher-numbered case or cases to the judge deciding the motion and to whom the lowest-numbered case is assigned. A copy of any finding on relatedness and whether or not reassignment should take place must be sent to each of the judges before whom any of the higher-numbered cases are pending.

(C) Where the judge finds that reassignment of a case that was initially assigned to that judge should occur, the Clerk of Court must randomly reassign the case pursuant to Gen. L.R. 3(a).

(4) Sua Sponte Judicial Determination of Relatedness.

(A) Whenever a judge believes that a case pending before that judge is related to a lower-numbered case pending in this District, the judge may refer the case to the judge assigned to the lowest-numbered case with a request that the judge assigned to the lowest-numbered case consider whether the cases are related. The referring judge must file and send a copy of the referral to all parties in all affected cases. The parties may file any opposition to or support for reassigning the cases within 7 days of the filing of the referral, a copy of which must be served on all parties and on the judges for all of the affected cases. The judge assigned to the lowest-numbered case must then enter an order finding whether or not the cases are related, and, if they are, whether the higher numbered case or cases should be reassigned to that judge.

(B) Whenever a judge concludes that a higher-numbered case has been assigned to the judge under paragraph (b)(4) based on an incorrect assertion of relatedness, or fails to meet the criteria of paragraph (c)(1), the judge must enter an order directing the Clerk of Court to randomly reassign the case pursuant to Gen. L.R. 3(a).

(d) Bankruptcy Appeals. Appeals to the United States District Court for the Eastern District of Wisconsin from the Bankruptcy Court must be

commenced and administered as prescribed in Part VIII of the Federal Rules of Bankruptcy Procedure 8001-8020.

(e) 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(~~ed~~) ~~is a new provision~~ was added to-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.