

GENERAL ORDER 06-17

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

GENERAL ORDER AMENDING LOCAL RULES

It is hereby ORDERED that the following amendments to the local rules, having been approved by the judges of this court, are adopted for immediate implementation:¹

1. LOCAL RULE CV-42 Consolidation; Separate Trials

Consolidation of Actions.

(a) **Duty to Notify Court of Collateral Proceedings and Re-filed Cases.** Whenever a civil matter, commenced in or removed to the court, involves subject matter that either comprises all or a material part of the subject matter or operative facts of another action, whether civil or criminal, then pending before this or another court or administrative agency, or previously dismissed or decided by this court, counsel for the filing party shall identify the collateral proceedings and/or re-filed case(s) on the civil cover sheet filed in this court. The duty to notify the court and opposing counsel of any collateral proceeding continues throughout the time the action is before this court.

(b) **Consolidation - Single Judge Involved.** When two or more actions are pending before a judge which involve either (1) a common question of law or fact; or (2) the same parties and issues; or (3) different or additional parties and issues all of which arise out of the same transaction or occurrence, that judge may order that all or part of the actions be consolidated.

(c) **Consolidation in Multi-Judge Division - Multiple Judges Involved.** When actions that may be consolidated under (b) above have been filed ~~in a division wherein the caseload is divided between~~ with two or more judges, the actions, upon consolidation, shall be assigned to the judge who was assigned the initial action or actions. The judge assigned the initial action or actions has the prerogative of declining the transfer and assignment of the additional action or actions.

Comment: The language of section (c) has been adjusted to make the consolidation procedure

¹New language appears in underlined text; deleted language appears in ~~strikeout~~ text.

more broadly applicable.

2. LOCAL RULE CR-6 The Grand Jury

- (a) **Selection of Grand Jurors.** Grand jurors shall be selected at random in accordance with a plan adopted by this court pursuant to applicable federal statute and rule. See Appendix E.
- (b) **Grand Jury Subpoenas.** Sealed grand jury subpoenas shall be kept by the clerk for three (3) years from the date the witness is ordered to appear. After that time, the clerk may destroy the subpoenas
- (c) **Signature of the Grand Jury Foreperson.** The grand jury foreperson shall sign the indictment with initials rather than his or her whole name. The foreperson will continue to sign the concurrence of the grand jury using his or her whole name.

Comment: An Internet privacy policy promulgated by the Judicial Conference of the United States directs federal courts to avoid disclosing juror names via the Internet. Since unsealed indictments are typically scanned into the court's CM/ECF database, the rule avoids publishing the grand jury foreperson's full name on the Internet.

Signed this 4 day of December, 2006.

FOR THE COURT:


THAD HEARTFIELD
Chief Judge