

GENERAL ORDER NO. 96- 5

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

APR 2 1996

DAVID J. MALAND, CLERK

BY
DEPUTY

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

**ORDER ADOPTING NEW LOCAL RULE 19 REGARDING REMOVAL
PROCEDURES**

It is hereby ORDERED that the following new Local Rule 19, having been approved by the Court, is adopted for immediate implementation (see 28 U.S.C. §2071(e)):

RULE 19

ACTIONS REMOVED FROM STATE COURT

Parties removing cases from state court to federal court shall comply with the following:

- (a) File with the Clerk a notice of removal which reflects the style of the case exactly as it was styled in state court;
- (b) If a jury was requested in state court, the removed action will be placed on the jury docket of this court; however, the removing party or parties shall include the word "jury" at the top of the notice for removal, immediately below the case number (see Local Rule 4(c));
- (c) The removing party or parties shall furnish to the Clerk the following information at the time of removal:

- (1) a list of all parties in the case, their party type (plaintiff, defendant, intervenor, receiver, etc.) and current status of the removed case (pending, dismissed).
- (2) a civil cover sheet and certified copy of the state court docket sheet; a copy of all pleadings that assert causes of action (e.g., complaints, amended complaints, supplemental complaints, petitions, counter-claims, cross-actions, third party actions, interventions, etc.); all answers to such pleadings and a copy of all process and orders served upon the party removing the case to this court, as required by 28 U.S.C. § 1446(a);
- (3) a complete list of attorneys involved in the action being removed, including each attorney's bar number, address, telephone number and party or parties represented by him/her;
- (4) a record of which parties have requested trial by jury (this information is in addition to placing the word "jury" at the top of the Notice of Removal immediately below the case number).

(d) Any motions pending in state court made by any party will be considered moot at the time of removal unless they are re-urged in this court. Failure to comply with any of the requirements set forth in this rule may result in dismissal of the case. [end of rule text]

It is further ORDERED that General Orders 90-5 and 92-27 concerning

removed cases are hereby RESCINDED.

Signed this 27th day of March, 1996.

FOR THE COURT:

Richard A. Schell

RICHARD A. SCHELL

Chief Judge