

FILED
April 03, 2017
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**


IN RE:)
)
ADOPTION OF AMENDED LOCAL)
RULE 150 (Fed. R. Civ. P. 67))
_____)

GENERAL ORDER NO. 577

IT IS HEREBY ORDERED that the Judges of the Eastern District of California, after the notice and comment period provided by 28 U.S.C. §2071(b), adopt the attached Amended Local Rule 150 (Fed. R. Civ. P. 67), Deposits of Registry Funds. This amended local rule shall take effect April 1, 2017.

DATED: March 31, 2017

FOR THE COURT:



Lawrence J. O'Neill, Chief Judge
United States District Court

RULE 150 (Fed. R. Civ. P. 67)

DEPOSITS OF REGISTRY FUNDS

(a) Deposits. Specific leave of court is required before making a deposit into the registry of the Court. Leave of court may be requested by stipulation of all parties who have appeared or by motion set on the regular calendar of the assigned Magistrate Judge not less than seven (7) days from the date of filing and service. A copy of a proposed order shall be delivered promptly to the Court's financial unit for inspection pursuant to (d). See L.R. 302(c)(6).

(b) Placement of Deposit. In any instance in which money is deposited into the registry of the Court, the deposit shall be placed in an interest-bearing account at such financial institutions as the Court may, by General Order, have designated as qualifying for the making of such deposits of registry funds. All matters relating to the creation and administration of such account or accounts shall be governed by General Order.

(c) Placement of Interpleader Deposit. Interpleader funds deposited under 28 U.S.C. § 1335 meet the IRS definition of a "Disputed Ownership Fund" (DOF), a taxable entity that requires tax administration. Unless otherwise ordered by the Court, interpleader funds shall be deposited in the DOF established at such financial institution as the Court may, by General Order, have designated as qualifying for the making of such deposits and shall be deposited into one account. All matters relating to the creation and administration of such DOF account or accounts shall be governed by General Order.

(d) Order for Deposit or Disbursement - Interest-Bearing Account. Whenever a party seeks a court order for money to be deposited in, or disbursed from, an interest-bearing account, the party shall email a copy of the proposed order to the Court's financial unit, at financial@caed.uscourts.gov, which will inspect the proposed order for proper form and content and compliance with the Rule before signature by the Court.

(e) Order for Disbursement of Registry Funds. At such time as registry funds are to be disbursed, an order directing the Clerk, which must be clearly entitled "Order to Disburse Funds," shall be presented to the presiding judge before whom the action is pending for approval and signature. The order must indicate which parties are entitled to principal and any accrued interest. It must also contain the name and mailing address of the party entitled to said funds, unless forbidden elsewhere in this Court's local rules, in which case the information may be redacted and/or provided directly to the Court's financial office. Funds will only be disbursed after the time for appeal has expired, or upon written stipulation by all parties approved by the court. A copy of the proposed disbursement order shall be delivered promptly to the Court's financial unit for inspection pursuant to (d).

(f) Registry Fund Fees. All funds invested in the court's registry will be assessed a registry fee. All matters relating to fees and taxes shall be governed by General Order.