

### **Rule 3.1 Assignment of Cases; Related Cases, Refiled, Dismissed and Remanded Cases**

**(a) Assignment.** Subject to the latter provisions of this Rule, upon filing, each civil case shall be assigned by random draw to a District Judge. He or she shall continue in the case or matter until its final disposition. Any case received from the random draw may be transferred, with the concurrence of the receiving District Judge and the approval of the Chief Judge.

A motion to file a new civil case or complaint under seal shall be randomly assigned to a District Judge who will continue to preside over the case.

With regard to all civil proceedings in the Eastern Division of the Court, after each case is assigned by random draw to a District Judge, the Clerk shall immediately assign a Magistrate Judge to the case in accordance with orders of the Court.

**(b) Reassignment.** Cases shall be assigned other than by random draw only in the instances set forth in this paragraph. Such assignments shall be made by the Clerk in accordance with these Rules. When an additional assignment is thus made to a District Judge under any of the following sub-paragraphs, an electronic card for said District Judge shall be removed from the deck from the same category from which the case would have been drawn.

(1) Disqualification. Should a District Judge be disqualified from hearing a case assigned to him or her, the case shall be reassigned by random draw in the respective division. If the case had been on the docket of the disqualified judge more than three months, the newly assigned district judge may, within one month, transfer a case of the same general age and complexity to the disqualified judge in lieu of having an electronic case assignment card removed from the deck.

(2) Subsequent Proceedings. Subsequent proceedings in civil cases shall be assigned to the District Judge who heard the original case.

(3) Related Cases. A case may be re-assigned as related to an earlier assigned case with the concurrence of both the transferee and the transferor ~~District Judges~~Judicial Officers, with or without a motion/notice by counsel. There is a presumption of the Court not to re-assign a case when the earlier case is closed.

(4) Refiled, Dismissed and Remanded Cases. If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State Court, and subsequently refiled, it shall be assigned to the same District Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such case to the attention of the Court by responding to the questions included on the Civil Cover Sheet.

When it becomes apparent to the District Judge to whom a case is assigned that the case was previously filed in this Court and assigned to another District Judge and was discontinued, dismissed without prejudice or remanded to a State Court, the two District Judges shall sign an order reassigning the case to the District Judge who had been assigned the earlier case.

(5) Transfer of Civil Actions. Any case received from the random draw may be transferred, with the concurrence of the receiving District Judge and the approval of the Chief Judge.

| (See LCrR 57.9)

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