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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Susan M. Snyder, a married woman, as her
sole and separate property,

No. CV-12-16-PHX-LOA

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Plaintiff,

ORDER

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vs.

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HSBC Bank, USA, N.A., a foreign
corporation and Ocwen Loan Servicing,
LLC, a foreign limited liability company,
et al.,

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Defendants.

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The Court is in receipt of the former Defendant, Les Zieve’s, Declaration seeking a Request for Reasonable Attorney’s Fees and Cost [sic], doc. 43. The Declaration violates the District of Arizona’s Local Rules because it was not properly filed in text-searchable format per Local Rule (“LRCiv”) 7.1(c), 5.5(b) and the definition of “.pdf.” in the District Court’s ECF Administrative Policies and Procedures Manual, at I(A), p. 2. Additionally, the Declaration violates LRCiv 7.1(a)(1) because there is no email address for the attorney appearing in the matter. The Court will strike the non-conforming filing without prejudice. LRCiv 7.1(d)(5). The Court only desires compliance with the Local Rules, not imposing punitive measures.

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The Ninth Circuit has “explain[ed], yet again, the importance of following a district court’s local rules. ‘District courts have broad discretion in interpreting and applying their

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1 local rules.” *Simmons v. Navajo County*, 609 F.3d 1011, 1017 (9th Cir. 2010) (quoting
2 *Miranda v. South Pac. Transp. Co.*, 710 F.2d 516, 521 (9th Cir. 1983)). Local rules have
3 “the force of law.” *Hollingsworth v. Perry*, ___ U.S. ___, 130 S.Ct. 705, 710 (2010)
4 (quoting *Weil v. Neary*, 278 U.S. 160, 169 (1929)). They “are binding upon the parties and
5 upon the court, and a departure from local rules that affects substantial rights requires
6 reversal.” *Professional Programs Group v. Department of Commerce*, 29 F.3d 1349, 1353
7 (9th Cir. 1994) (internal quotation marks omitted).

8 LRCiv 7.1(c) mandates that “[d]ocuments submitted for filing in the ECF System
9 shall be in a portable document format (.pdf). Documents which exist only in paper format
10 shall be scanned into .pdf for electronic filing. All other documents shall be converted to
11 .pdf directly from a word processing program (e.g., Microsoft Word® and Corel
12 WordPerfect®), rather than created from the scanned image of a paper document.” LRCiv
13 5.5(a) and (b) authorize the Clerk “to develop, publish and implement an Electronic Case
14 Filing Administrative Policies and Procedures Manual for the District of Arizona
15 (Administrative Manual)” and establish the “filing of documents electronically in
16 compliance with these rules and the Administrative Manual will constitute [proper] filing....”

17 On the Court’s own motion,

18 **IT IS ORDERED** that former Defendant Les Zieve’s Declaration re: Defendant’s
19 Request for Reasonable Attorney’s Fees and Cost [sic], doc. 43, is **STRICKEN** without
20 prejudice. If former Defendant Les Zieve timely and fully complies with this Order, his re-
21 filed Declaration re: Defendant’s Request for Reasonable Attorney’s Fees and Cost [sic]
22 shall relate back to its initial filing date pursuant to Rule 15(c), Fed.R.Civ.P.

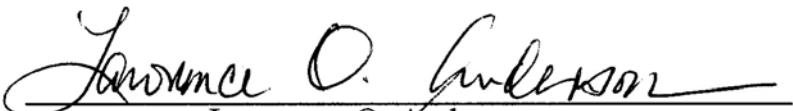
23 **IT IS FURTHER ORDERED** that former Defendant may re-file his Declaration re:
24 Defendant’s Request for Reasonable Attorney’s Fees and Cost [sic] on or before **Monday**
25 **July 23, 2012** which, if re-filed, shall be substantively identical to the June 25, 2012 filing,
26 except he shall comply in all respects with this Order and the Local Rules or the Court may
27 deny *ab initio* his request for fees.

28 **IT IS FURTHER ORDERED** that, except as set forth herein, all counsels’

1 pleadings, motions, memoranda, or other filings in this case shall be created via personal
2 computed with a word processing application, e.g., Microsoft Word® or Corel
3 WordPerfect®, then converted to portable document format (.pdf). See LRCiv 7.1(c) and
4 definition of “.pdf,” ECF Manual at 1(A), p. 2. (“[E]lectronic documents must be converted
5 to .pdf directly from a word processing program (e.g., Microsoft Word® or Corel
6 WordPerfect® and must be text searchable.”). Such filings shall not be printed to paper then
7 scanned and saved as portable document format (.pdf). Documents which exist only in paper
8 form, like exhibits or certain attachments to pleadings may, however, be scanned from a
9 paper copy and saved in a portable document format (.pdf).

10 **IT IS FURTHER ORDERED** that counsel shall comply with the District Court’s
11 civil Local Rules, including LRCiv 7.1(a) (1) which mandates that the email address of the
12 attorney appearing for the party be included in the upper left hand corner.

13 Dated this 13th day of July, 2012.

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16 Lawrence O. Anderson
17 United States Magistrate Judge
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