

*We are all servants of the laws to the end
that it may be possible for us to be free.
Cicero, Pro Cluentio, 66 B.C.*

PRACTICE STANDARDS CIVIL ACTIONS

TO: Counsel and Parties
FROM: Judge Marcia S. Krieger, United States District Judge
RE: Practice Standards (Civil Actions)

I. INTRODUCTION

A. Purpose and Authority

1. Consistent with FED.R.CIV.P. 1, these revised practice standards are adopted to secure the just, speedy, and inexpensive determination of every civil action. These revised practice standards shall apply to all motions and petitions filed on or after **March 1, 2004**, and to all hearings and trials conducted on or after **March 1, 2004**. They may be revised without notice and may be modified by orders entered in specific cases.

B. Relation to Local Rules

1. These practice standards supplement, not supplant or supersede, the Local Rules of Practice of the United States District Court for the District of Colorado effective April 15, 2002.

C. Access to Local Rules & Practice Standards

1. Copies of the local rules are available at <http://www.cod.uscourts.gov> under “United States District Court” at “Local Rules” and from the Clerk of Court in **Room A105**.

2. Copies of these practice standards are available at <http://www.cod.uscourts.gov> under “United States District Court” at “Judicial Officers’ Procedures” and from the Clerk of Court in **Room A105**.

II. GENERAL PROCEDURES

A. Applicable Rules

1. Those appearing in the District Court must know and follow:
 - a. The Federal Rules of Civil Procedure;
 - b. The Federal Rules of Evidence; and
 - c. The Local Rules of Practice of the United States District Court for the District of Colorado effective April 15, 2002.

B. Communications with Chambers

1. All pleadings must be filed in the Clerk's office (**Room A105**). However, if the pleading will require a hearing to be conducted within the following five business days or will require prompt action or consideration by the Court, please mark the copy given to the Clerk for "immediate delivery to chambers" and call chambers to confirm delivery. You may also use the e-mail address to transmit a PDF version of the pleading noting the date and time it was filed.

2. For information about the status of a motion or document, please contact the assigned civil docketing clerk, **Eileen Van Alphen**, at **303-335-2045** or utilize the **PACER** system available at <http://www.cod.uscourts.gov> under "United States District Court" at "PACER".

3. For information about courtroom technology, trial preparation, or submission of trial exhibits, please contact the courtroom deputy clerk, **Nik Zender**, at **303-335-2185**.

4. For other information or assistance, please contact **Janine Aguero** at **303-335-2289**. Please do not contact the law clerks about procedural or scheduling matters. They may speak to counsel only pursuant to the Court's specific instructions.

C. Service by Facsimile or Electronic Means

1. Parties are encouraged to consent to service by facsimile or electronic means pursuant to FED.R.CIV.P. 5(b)(2)(D) and D.C.COLO.LCivR 5.2. If both parties elect the same service by electronic means, the Court will endeavor to serve orders and notices in this matter by the means selected. Because electronic service accelerates receipt of orders and notices, I urge your election to an agreed upon form of service. If both parties do not elect the same service by electronic means, orders and notices will be served by U.S. mail.

2. You may be directed, from time to time, to transmit proposed orders or other documents by facsimile to (303) 335-2283 or by electronic mail to: krieger_chambers@cod.uscourts.gov. If e-mail is used, the proposed order or document should be submitted as an attachment in WordPerfect format (preferably Word Perfect 9, Times New Roman 12 point). The e-mail message should identify the case number and document attached. If a pleading that has been or will be filed in the court file is submitted by electronic mail, it should be in PDF format.

D. Citations

1. Citations shall be made pursuant to the most current edition of THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (currently the 17th ed. 2000).

2. General references to cases, pleadings, depositions, or documents are insufficient if the document is more than one page in length. Whenever possible, specific references in the form of pinpoint citations shall be used to identify relevant excerpts from a document.

3. These Practice Standards should be cited as MSK Civ. Practice Standard, Part, Section, Subsection, Paragraph, and Subparagraph (e.g., MSK Civ. Practice Standard V.F.1.a.).

E. Continuances of Hearings and Trials

1. Motions to continue (including motions to vacate or reset) hearings and trials shall be determined pursuant to D.C.COLO.LCivR 6.1 and 7.1 and shall be granted only for good cause. (*See* MSK Civ. Practice Standard V.B.) Oral motions to continue made at the time of a hearing or trial are unacceptable. Stipulations for continuance shall not be effective unless and until approved by the Court. When a motion to continue is granted, all parties will be notified as soon as practicable.

F. Testimony by Telephone

1. Together with FED.R.CIV.P. 43(a) for trials and 43(e) for motions, this practice standard governs requesting and taking testimony by telephone.

a. A party may request that testimony be presented by telephone or video phone at a trial or hearing. A request for presentation of testimony by telephone shall be made by written motion or stipulation filed at least twenty-one (21) days before the trial or hearing at which testimony is proposed to be taken by telephone. The motion shall include:

(1) The reason(s) such testimony should be taken by telephone;

(2) A detailed description of all testimony which is proposed to be taken by telephone; and

(3) Copies of all documents or reports which will be used or referred to in such testimony.

b. If any party objects to the taking of testimony by telephone, the party shall file within seven (7) days following service of the motion a written objection stating the basis of the objection. If no objection is filed, the motion may be deemed confessed.

c. Determination. The Court shall determine whether in the interest of justice the testimony may be taken by telephone. The factors to be considered by the Court in determining whether to permit testimony by telephone shall include but not be limited to the following:

- (1) Whether there is a statutory right to testimony by telephone;
- (2) The cost savings to the parties of having the testimony presented by telephone versus the cost of the witness appearing in person;
- (3) The availability of appropriate equipment to permit the presentation of testimony by telephone;
- (4) The availability of the witness to appear personally in court;
- (5) The relative importance of the issue or issues for which the witness is offered to testify;
- (6) Whether credibility of the witness is a material issue;
- (7) Whether the case is to be tried to the Court or to a jury; and
- (8) Whether the presentation of testimony by telephone would unreasonably inhibit the ability to cross examine the witness.

d. If the Court orders testimony to be taken by telephone, the proponent of the testimony shall have a notary or other authorized person present at the location of the witness to ascertain the witness' identity. The Court may issue such further orders as are appropriate to protect the integrity of the proceedings.

G. Partial Case Settlement/Dismissal

1. If fewer than all claims, defenses or parties are resolved by a settlement, the motion requesting approval of same shall specify what claims, defenses or parties will be affected by the settlement/dismissal and which will remain. The proposed order shall set out a revised caption, deleting parties whose claims have been resolved, to be used on all subsequent pleadings.

III. COURTROOM PROCEDURES

A. Court Appearances

1. Court time is valuable to litigants, counsel, and court staff. Please be prompt and prepared. If a scheduled matter is called for hearing and a party or a party's counsel is not present, the matter may be moved to the end of the docket, reset for hearing, a default entered, sanctions imposed, or other orders entered as appropriate. If a party is not prepared as required by the order setting the hearing, the matter may be reset without deference to the parties' needs; the request for relief, defense(s), or objection(s) may be denied; or other sanctions imposed. Unless otherwise directed, all matters will be heard in Courtroom 12 located on the ninth floor. Matters heard by a Magistrate Judge will be in the courtroom assigned to that Magistrate Judge.

2. Counsel are professionals who are expected to set a tone of dignity and decorum at all times. Disruptive tactics, appeals to prejudice, or personal attacks against other counsel, parties, or witnesses are not acceptable. Colloquy between counsel on the record is not permitted. All remarks should be addressed to the bench, jury or witness. Because all persons are equal before the law, parties and counsel are to be addressed by surname preceded by Mr. or Ms. Counsel should not introduce themselves to a witness when beginning examination. Counsel may describe the evidence they believe will be admitted in an opening statement, but may not use anticipated exhibits. In closing argument, counsel may not express personal opinions, ask jurors to place themselves in the position of a party, or refer to evidence that was not presented. Normally, the jury will be instructed before closing arguments.

B. Courtroom Organization and Protocol

1. Plaintiff's table is closest to the jury box. There is one lectern in the courtroom at which all counsel and *pro se* parties shall stand to make any statement or objection.

2. In jury trials, bench conferences are strongly discouraged and will be minimized. Matters should be raised either before or after the trial day.

3. Please remember that the administration of an oath or affirmation is a solemn and integral part of a proceeding. Your complete attention and that of everyone in the courtroom is expected and required.

4. Please observe traditional courtroom decorum: please rise to address the Court, and please request permission to approach the bench and any witness.

5. If you have a question about courtroom protocol, contact the courtroom deputy clerk, **Nik Zender**, at **303-335-2185**.

C. Recording of Proceedings

1. The official record of all trials and proceedings will be taken by a realtime reporter. Prior to the beginning of any proceeding, please provide the court reporter with your business card.

2. The realtime reporter assigned to the Court is **Paul Zuckerman, 303-335-2109**. Transcripts of proceedings may be ordered from Mr. Zuckerman. Requests for realtime, daily, or hourly copy must be made at least thirty (30) days before the trial or hearing. Further details can be obtained from Mr. Zuckerman.

D. Exhibits

1. The parties shall submit a single, joint list of exhibits, utilizing the form exhibit list posted at www.cod.uscourts.gov. Exhibits as to which the parties have stipulated admissibility shall be listed first, with the “stipulated” box checked. The remaining exhibits shall be listed numerically, with a designation of the witness through which the exhibit will be offered and any objection to be raised in the “comments” box. If authenticity or relevance of a proposed exhibit is conceded, the “comments” box should so reflect. The list shall not contain duplicates. It is not necessary to designate exhibits as “Plaintiff’s Exhibit ___” or “Defendant’s Exhibit ___”.

E. Settlement

1. Settlement discussions are encouraged at all phases of the litigation process, especially early on; however, hearings, trials and pretrial deadlines will not be continued or vacated to facilitate settlement negotiations or alternative dispute resolution.

2. Requests for continuance or vacation of hearings or trials, based on settlement or otherwise, must be made by motion and filed at least two court days before the scheduled matter, along with a proposed order and a courtesy copy of the motion either hand-delivered or transmitted by e-mail. (*See* MSK Civ. Practice Standard II.B.1 and V.B.2.).

F. Witnesses

1. Rather than handing a witness an exhibit, counsel or a *pro se* party should direct the witness to the appropriate exhibit already available at the witness stand or request the courtroom deputy clerk to present the exhibit to the witness.

G. Depositions

1. Together with FED.R.CIV.P. 32, this practice standard governs the use of depositions in court proceedings:

a. Disputes as to a proposed deposition shall be raised by motion and determined pursuant to D.C.COLO.LCivR 7.1 and MSK Civ. Practice Standard V.A.1. The Court will attempt to resolve objections before trial to facilitate appropriate redaction.

b. For jury trials, parties shall provide a person to read the deposition answers.

c. For bench trials, depositions will not be read in open court. Instead, the Court will read them in chambers in any requested sequence. At the beginning of the trial, the offering party shall provide the courtroom deputy clerk with two (2) copies of the relevant deposition transcript marked as an exhibit with plaintiff's designated portions highlighted in yellow, the defendant's in blue, and any other party's in green.

H. Videotape Depositions

1. Together with FED.R.CIV.P. 32, this practice standard governs the use of videotape depositions in court proceedings:

a. Objections to any portion of a videotaped deposition shall be filed and determined pursuant to D.C.COLO.LCivR 7.1 and MSK Civ. Practice Standard V.A.1. The Court will attempt to resolve objections before trial to facilitate appropriate redaction.

I. Special Equipment (Audio/Video)

1. The Court has audio, video, audio-visual, and other special equipment that may be used by the parties. Notify the courtroom deputy clerk, **Nik Zender, 303-335-2185**, no later than fourteen (14) days before a hearing or trial of the date and time you need such equipment or need your own equipment to be brought through security for use in the courtroom.

IV. TRIALS

A. Pre-trial Scheduling

1. After a jurisdictional review, most civil cases are referred to a magistrate judge for pretrial preparation. Counsel should be familiar with the scope referral which will help guide counsel in determining whether a matter will be handled by the Magistrate

Judge or by the District Judge. Do not assume that matters handled by one judge will be known to the other. Indeed, because the Magistrate Judge may assist in settlement, certain matters will not be disclosed by the Magistrate Judge to the District Judge.

At or shortly after the Rule 16 conference, a pretrial scheduling order will be issued setting pretrial deadlines. Magistrate Judges have been directed not to set a dispositive motion deadline less than 120 days before the trial date. Counsel should be aware that if they move to extend the dispositive motion date or request extensions of time to respond or reply to the dispositive motion, such requests may be denied due to the anticipated trial preparation conference or trial date, or, if granted, such extensions may prevent the Court from ruling on the motion prior to trial. Trials will not be continued due to pending dispositive motions.

B. Trial Settings

1. Immediately subsequent to the scheduling conference (See D.C.COLO.LCivR 16.1), counsel and *pro se* parties shall report to chambers (Room A941 located on the ninth floor) to set the case for trial and for a final trial preparation conference. Every effort will be made to schedule trials at the earliest firm date possible with deference to the calendars of counsel, parties and witnesses. Trial dates will not be routinely continued, however, trials in civil cases scheduled on a trailing docket or subject to a criminal trial may have to be continued. In such event, the oldest set case has priority for the trial date. The next matter may be held “on deck” until thirteen days before the trial date. If a trial is continued, the continued case will receive priority in resetting.

To determine the appropriate amount of time necessary for trial, counsel should consider the number of hours required to present testimony and the time necessary for administrative matters.

2. Jury Trials

One week jury trials run Monday through Friday, but *voir dire* does not usually begin until late morning or early afternoon on Monday. This means that presentation of evidence usually often does not begin until Tuesday morning. If a jury trial requires more than one week, the second week will begin in the afternoon on Monday or on Tuesday morning.

In a jury trial, the process of *voir dire* (conducted by the judge), preliminary instructions and opening statements (generally limited to 15 minutes per side) usually requires at least two to three hours. Charging instructions to the jury and closing arguments (limited to 30 minutes per side in most cases) usually require at least two hours. Trial days begin between 8:30 and 9:00 a.m. and end between 4:00 and 4:30 p.m. They are punctuated with a mid-morning break, mid-afternoon break and a lunch break of one to one and one-half hours. This means that there is approximately six to six and one-half hours per day for presentation of evidence and argument by counsel. Thus, counsel

can expect that in a one week jury trial there will be approximately 22 to 23 hours available for presentation of evidence and argument, and the case will be submitted to the jury on Friday afternoon.

3. Bench Trials

a. Bench trials generally run Tuesday through Friday and trial days run as in jury trials, above.

b. For a trial to the Court, a resume or *curriculum vitae*, marked and offered as an exhibit, will suffice generally for the qualification of an expert witness. Expert reports will not be received if the expert testifies.

C. Final Pretrial Conference

1. A final pretrial conference shall be held as prescribed by FED.R.CIV.P. 16(d) and D.C.COLO.LCiv 16.3. The form of Final Pretrial Order [D.C.COLO.LCivR 16.2 (Appendix G at paragraph 12)].

D. Final Trial Preparation Conference

1. Once trial has been set, the Court will issue a Trial Preparation Order that will confirm the trial date, confirm the Final Trial Preparation Conference date, and specify the tasks to be completed by and during the Final Trial Preparation Conference. The Final Trial Preparation Conference will be held four to six weeks before trial.

E. Jury Trials

1. The jury shall consist of twelve (12) jurors. Pursuant to FED.R.CIV.P. 47(b) and 28 U.S.C. § 1870, each side shall have three (3) peremptory challenges. Counsel and *pro se* parties shall be present thirty (30) minutes prior to the scheduled trial time to discuss trial preparation matters with the courtroom deputy clerk. The Court will conduct the *voir dire*.

2. The Trial Preparation Order will govern submission of proposed *voir dire* questions, jury instructions, verdict forms, witness and exhibit lists, trial briefs and glossary.

3. Jurors will be permitted to take notes during the trial. The jury will be instructed before closing argument. Each juror will be given copies of the written jury instructions (but not verdict forms) for their use and consideration during deliberations. These will be destroyed with the juror's notes after the jury is discharged.

V. MOTION PRACTICE

A. Page Limitations

1. Except for dispositive motions (*See* MSK Civ. Practice Standard V.I.4.), motions, responses, and concomitant briefs shall not exceed fifteen (15) pages. Replies shall not exceed ten (10) pages. These page limitations shall include the cover page, jurisdictional statement, statement of facts, procedural history, argument, closing, and all other matters.

B. Untimely Motions, Responses, or Replies

1. Untimely motions or those without a certification pursuant to D.C.COLO.LCivR 7.1A will be denied without prejudice *sua sponte*. Untimely responses or replies will be stricken or ignored.

2. Motions for extensions of time require a showing of good cause. Mere agreement among counsel does not constitute good cause. Furthermore, unless the circumstances are unanticipated and unavoidable, the following will not be considered good cause: inconvenience to counsel; press of other business; or schedule conflicts (especially when more than one attorney has entered an appearance for a party).

C. Requests for Hearing or Argument

1. Every motion must designate whether the movant requests an evidentiary hearing or oral argument. Oral argument will not be held if the briefing is sufficient to address all issues.

D. Unopposed Motions

1. An unopposed motion shall be designated as required by D.C.COLO.LCivR 7.1B. A proposed order shall be submitted. Without a proposed order, the motion may be denied without prejudice *sua sponte* as abandoned.

E. Responses and Replies

1. A response shall clearly and completely identify by title and docket number or date filed the antecedent motion or petition to which response is made. Similarly, a reply shall clearly and completely identify by title and docket number or date filed the antecedent response to which reply is made.

F. Forthwith Hearings on Motions for Temporary Restraining Order

1. A “forthwith hearing” is a hearing that cannot be handled in the normal course of notice and setting due to a need for immediate judicial intervention. A request for

forthwith hearing must be made by separate motion 1) stating the reason(s) warranting immediate action; and 2) whether notice was given to all parties or contain a statement explaining why such notice could not be given. A courtesy call to **Janine Agüero** at **303-335-2289**, advising that such a motion is being filed is appreciated and will help facilitate prompt consideration (*See* MSK Civ. Practice Standard II, B, 1). Unless required by statute or rule of procedure, after reviewing the request for forthwith hearing, the Court may 1) order that the matter be heard as soon as possible on a forthwith basis; 2) require that notice and opportunity to respond be given to any opposing party; or 3) deny the request for forthwith hearing and require that the matter be set using normal setting procedures. If the Court determines that forthwith hearing is necessary, it shall not occur without notice to all parties of record in the manner and form directed by the Court.

2. As a general rule, *ex parte* Motions for Issuance of Temporary Restraining Orders will be granted only in the most extraordinary circumstances, and only upon strict compliance with FED.R.CIV.P. 65(b) and (c). In most cases, when faced with an *ex parte* application for a Temporary Restraining Order, the Court will issue an Order to Show Cause, directing the person to be enjoined to appear at a hearing to show cause why the Temporary Restraining Order should not be granted. Subject to the Court's schedule, the Order to Show Cause will typically be returnable with 24-72 hours, and will require the movant to serve the Order and all underlying papers on the person to be enjoined in accordance with FED.R.CIV.P. 4 within a time specified in the Order. A continuance of the scheduled return date on the Order to Show Cause will ordinarily not be granted absent stipulation by the parties.

To minimize delays, the Court strongly encourages counsel seeking a Temporary Restraining Order to confer, in advance, with the opposing party's counsel (or, if not yet known to be represented, with the party itself), and to contact chambers for a date when both counsel can appear to be heard on the motion.

On the return date of the Order to Show Cause (the hearing when counsel for both sides appear), the Court will conduct a brief, non-evidentiary hearing. Counsel for both sides should be prepared to put forth, by proffer, their evidence with respect to the requested Temporary Restraining Order, as well as any legal argument that is appropriate. At the conclusion of this hearing, the Court will rule on the request for a Temporary Restraining Order under Rule 65(b). If appropriate, a preliminary injunction hearing will be set.

The preliminary injunction hearing will be an evidentiary hearing. Both parties must be prepared to put on, through competent witnesses and exhibits, their evidence regarding the request for a preliminary injunction.

G. Motions *in Limine*

1. Submission will be controlled by the Trial Preparation Order.

H. Hearings

1. Motions may be determined without a hearing, set for a specified evidentiary/oral argument hearing, or set for a law and motion hearing. At a law and motion hearing, the matters will be set for no more than 15 minutes. The purpose of such hearing is either to set appropriate preparation deadlines for an evidentiary hearing or to hear brief oral argument. Please confer with opposing counsel prior to the law and motion hearing to determine whether an evidentiary hearing is required and, if so, of what duration. If only oral argument is made, it will be limited to 15 minutes total, per side.

I. Dispositive Motions

1. Motions seeking relief pursuant to FED.R.CIV.P. 12 or 56 are governed by D.C.COLO.LCivR. 7.1.C and 56.1. Deadlines will be strictly applied. Given pre-trial scheduling, if extensions for filing a response or reply to Rule 56 motions, such motions may not be determined prior to trial. Counsel are required to use the following formats for motions and responses. Failure to do so will result in denial:

a. FED.R.CIV.P. 12(b)(1-5)

Motions brought pursuant to these provisions shall identify the grounds for dismissal, which party has the burden of proof, the facts material to issue and whether materials outside the pleadings should be considered. If matters outside the pleadings are pertinent, the motion may be set for evidentiary hearing or treated as one brought pursuant to Rule 56.

b. FED. R. CIV. P. 12(b)(6)

(1) Rule 12(b)(6) motions are discouraged if the defect is correctable by the filing of an amended pleading. Counsel should confer prior to the filing of the motion if the deficiency can be corrected by amendment (e.g., failure to plead fraud with specificity) and should exercise their best efforts to stipulate to appropriate amendments. For Rule 12(b)(6) motions, the following format should be used:

i. For each claim for relief that the movant seeks to have dismissed, clearly enumerate each element *that movant contends must be alleged, but was not*.

ii. The respondent should utilize the same format for each challenged claim. If the respondent disputes that a particular element must

be alleged, the element should be identified as “**DISPUTED**” and addressed in an accompanying brief. If the respondent contends that a proper and sufficient factual allegation has been made in the complaint, the respondent should identify the page and paragraph containing the required factual allegation.

iii. If matters outside the pleadings are submitted in support of or opposition to a Rule 12(b)(6) motion, an order to show cause why the motion should not be treated as a Rule 56 motion may be issued, or the parol submissions may be disregarded.

c. FED. R. CIV. P. 56

(1) Absent prior leave of Court, pending motions, opening briefs, and response briefs are limited to twenty (20) pages. Reply briefs shall not exceed ten (10) pages. If a party elects to file more than one Rule 56 motion, the page limits apply collectively to all motions (20 pages), opening briefs (20 pages) and response (20 pages).

(2) For Rule 56 motions, the following format shall be used:

i. For each claim for relief or defense (*as to which judgment is requested*) the movant shall state:

(a) the party having the burden of proof;

(b) separate identification of each element (*that must be proved*);

(c) for each identified element, the material, undisputed or admitted facts (that prove *such element*) and their pinpoint location in the record; or

(d) if the respondent has the burden of proof, those elements which it cannot prove (*with reference to the record where appropriate*).

This requirement is not satisfied by a chronological recitation of the facts.

ii. The respondent should utilize the same format for each claim/defense. If the respondent disputes the burden of proof or an identified element, the element should be identified as “**DISPUTED**” and briefed. If there is no dispute about the burden of proof or about an element proved, with regard to each element the respondent should identify the material facts in dispute (or the facts which satisfy its burden of proof) and the pinpoint location where such facts are found in the record.

Motions for partial summary judgment on some, but not all, legal theories arising from a single factual scenario are not favored unless,

(a) if granted, the resulting judgment can be certified in accordance with Rule 54(b); or

(b) if granted, the scope of evidence to be presented at trial will be significantly reduced.

All motions for partial summary judgment shall state whether these circumstances are applicable.

For clarification or further information see the examples posted on the Court's website and *In re Ribozyme*, 209 F. Supp. 2d 1106 (D.C.Colo. 2002).

J. Default Judgments

1. A default judgment can only be entered after or in conjunction with entry of default. Under FED.R.CIV.P. 55(b), the following documents, in addition to the motion for default judgment, are necessary:

a. The original summons showing valid service on the particular defendant in accordance with FED.R.CIV.P. 4;

b. An affidavit or affidavits establishing that the particular defendant is not an infant, an incompetent person, an officer or agency of the United States, the State of Colorado, or in the military service;

c. An affidavit or exhibit establishing the amount of damages and interest, if any, for which judgment is being sought;

d. If attorney fees are requested, an affidavit that the defendant agreed to pay attorney fees, or that they are provided by statute; that they have been paid or incurred; and that they are reasonable;

e. If the action is on a promissory note, the original note shall be presented to the Court in order that the Court may make a notation of the judgment on the face of the note; if the note is to be withdrawn, a photocopy shall be substituted;

f. A proposed form of judgment that shall recite in the body of the judgment:

(1) The name of the party or parties to whom the judgment is to be granted;

(2) The name of the party or the parties against whom judgment is being entered;

(3) The specific basis of the Court's jurisdiction;

(4) When there are multiple parties against whom judgment is entered, whether the relief is intended to be joint and several; and

(5) The principal amount, interest, and attorney fees, if applicable, and costs which shall be stated separately.

2. If further documentation, proof, or hearing is required, the Court shall notify the moving party.

3. If the party against whom default judgment is sought is in the military service, or his status cannot be shown, the Court shall require such additional evidence or proceedings as will protect the interests of such party in accordance with 50 U.S.C. § 520, including the appointment of an attorney when necessary. The appointment of an attorney shall be made upon application of the moving party, and expense of such appointment shall be borne by the moving party, but taxable as costs awarded to the moving party as part of the judgment.