

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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In Re Adoption of Changes to Local Rule of Criminal  
Procedure 49.8, Filing by Facsimile or Electronic  
Means and Local Rule of Criminal Procedure  
49.1(j), Service and Filing of Papers

ORDER

2003 DEC 19 AM 11:22

FILED  
U.S. DISTRICT COURT  
W.D.N.Y. BUFFALO

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The following Local Rules of Criminal Procedure are hereby adopted by  
this Court, to take effect on December 15, 2003:

**LOCAL RULE OF CRIMINAL PROCEDURE 49.8**

**FILING BY FACSIMILE OR ELECTRONIC MEANS**

- a. The Clerk's Office will not accept any facsimile transmission unless ordered by the Court.
- b. Pursuant to Federal Rule of Civil Procedure 5(e), the Clerk's Office will accept papers filed, signed, or verified by electronic means that are consistent with technical standards, if any, that the Judicial Conference of the United States establishes. All electronic filings shall be governed by the Court's General Order Governing Electronic Filing.
- c. Service by electronic means is addressed in Local Rule of Criminal Procedure 49.1(j).

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**LOCAL RULE OF CRIMINAL PROCEDURE 49.1(j)**

**SERVICE AND FILING OF PAPERS**

- (j) No papers shall be served by electronic means unless, in accordance with Federal Rule of Civil Procedure 5(b)(2)(D), the party or parties being served has


In Re Adoption of Changes to Local Rule of Criminal Procedure 49.8, Filing by Facsimile or Electronic Means, and Local Rule of Criminal Procedure 49.1(j), Service and Filing of Papers

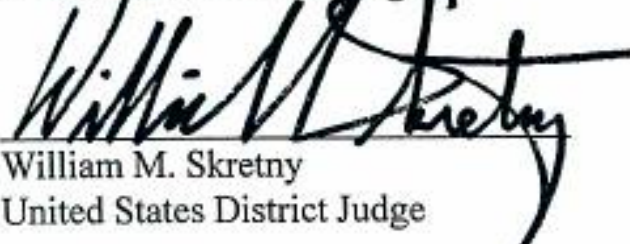
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filed a written consent to accept service by this means. An attorney's registration as a user of the Court's Electronic Case Filing System constitutes consent to accept service electronically. When a document is filed electronically, the Court's system will generate a Notice of Electronic Filing, which will be transmitted by the Court via e-mail to the filer and all parties who have consented to electronic service. The Notice of Electronic Filing, which serves as the Court's date-stamp and proof of service, will contain a hyperlink to the filed document. Transmission of the Notice of Electronic Filing to the registered e-mail address constitutes service of a pleading, document, order or notice upon any attorney in the case who has consented to electronic service. For cases which are a part of the Court's Electronic Case Filing System, only service of the Notice of Electronic Filing by the Court's system is sufficient to constitute electronic service. Those parties or attorneys within the case who have not consented to electronic service must be provided notice of the filing in paper form in accordance with the Federal Rules of Civil Procedure.

Dated: December 15, 2003  
Buffalo, New York

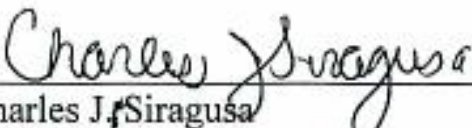
  
Richard J. Arcara  
Chief United States District Judge

  
David G. Larimer  
United States District Judge

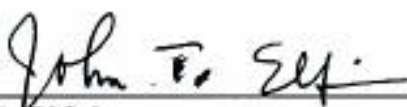
  
William M. Skretny  
United States District Judge

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Procedure 49.8, Filing by Facsimile or Electronic Means,  
and Local Rule of Criminal Procedure 49.1(j), Service and  
Filing of Papers

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Charles J. Siragusa  
United States District Judge

  
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John T. Curtin  
Senior United States District Judge

  
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John T. Elfvin  
Senior United States District Judge

  
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Michael A. Telesca  
Senior United States District Judge