

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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U.S. DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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**In the Matter of Deposits of Money  
Into the Registry of the Court**

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**GENERAL ORDER**

In accord with action taken by the Judicial Conference of the United States under authority of 28 U.S.C. § 1913, 1914, and 1930, as published at 55 Fed. Reg. 56356 (1991), it is hereby **ORDERED** as follows:

All funds, including cash bail, held by the Clerk in an interest-bearing account shall be assessed a fee of 10% of all income earned while such funds are held, such fee to be paid to the Treasury of the United States in accordance with law. In civil cases, such fee is awardable to a prevailing party and against a non-prevailing party as an element of costs.

Whenever a party or other person proposes an order of this Court for money to be deposited by the Clerk in an interest-bearing account, the party shall deliver the order to the person of the Clerk, the Chief Deputy Clerk or the Financial Deputy who will inspect the proposed order for proper form and content and for compliance with this Order, prior to signature by the Judge or Magistrate Judge for whom the order is prepared, and

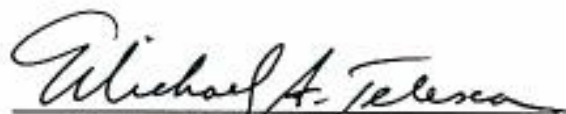
Any party or other person seeking an order directing the Clerk to accept and invest funds (other than bail) in an interest-bearing account or instrument pursuant to 28 U.S.C. § 2041 and Federal Rule of Civil Procedure 67 shall specify in the request and in any proposed order the following:

- a. The amount to be invested;
- b. The name of the depository approved by the Treasurer of the United States as a depository in which funds may be deposited;
- c. A designation of the type of account or instrument in which the funds shall be invested;
- d. A direction to the Clerk to deduct from the income earned on the investment a fee not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office of the United States Courts, which fee is equal to 10% of the amount of income earned on the investment, said deduction to occur without further order of the Court and at the time such income becomes available for deduction or at the time of final distribution.

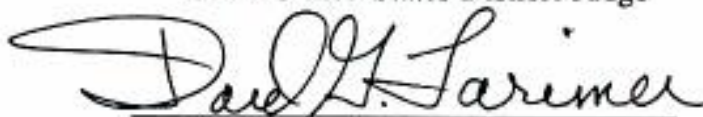
In the absence of any such order, the Clerk shall deposit such funds pursuant to the General Order of the Court filed November 18, 1983, as amended, and pursuant to this Order.

**PLEASE TAKE NOTICE** that parties or other persons considering the deposit of monies with the Clerk are encouraged to first consider alternatives such as escrow accounts and joint signature accounts maintained in the names of counsel, letters of credit, surety bonds and other security devices. Such alternatives avoid the imposition of the above fee and may provide greater flexibility to maximize yield on the investment.

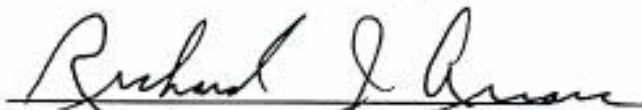
**ALL OF THE ABOVE IS SO ORDERED.**



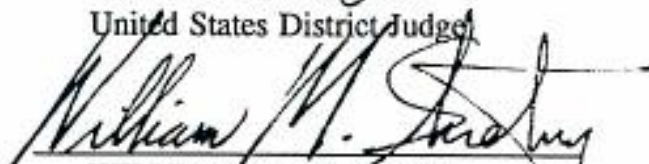
MICHAEL A. TELESKA  
Chief United States District Judge



DAVID G. LARIMER  
United States District Judge



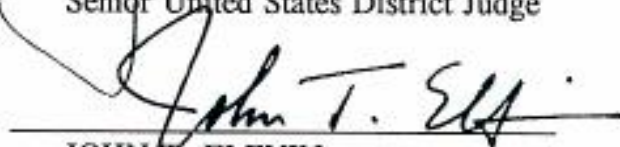
RICHARD J. ARCARA  
United States District Judge



WILLIAM M. SKRETNY  
United States District Judge



JOHN T. CURTIN  
Senior United States District Judge



JOHN T. ELFVIN  
Senior United States District Court Judge

Dated: August 31, 1994