

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
GENERAL ORDER 17 - 0017**

The full Court met in executive session on Thursday, October 19, 2017 and approved a technical amendment to Local Rule 40.5 Remands, Procedures for following Appeals. This technical amendment did not require publication for comment.

The Court's Rules Committee considered the rule at its meeting on October 12, 2017. It recommended that the full Court adopt the proposed technical amendment to Local Rule 40.5.

The full Court considered the recommendation of the Rules Committee at its meeting on October 19, 2017 and agreed to modify Local Rule 40.5. Therefore,

By direction of the full Court, which met in executive session on Thursday, October 19, 2017,

IT IS HEREBY ORDERED that Local Rule 40.5 Remands, Procedures for following Appeals, be technically amended as follows (additions shown thus, deletions shown ~~thus~~.

LR40.5. Remands, Procedures for Following Appeals

(a) General. This rule shall not apply to remands resulting from appeals of summary judgments or interlocutory orders unless the mandate or order remanding the case indicates that it is to be reassigned to a judge other than the judge to whom the case was previously assigned ("prior judge"). Whenever a mandate from the Court of Appeals for the Federal Circuit or the Seventh Circuit is filed with the clerk indicating that the case appealed is remanded for a new trial, the case shall be assigned to the Executive Committee, except

(1) if the mandate or accompanying opinion indicates that the case is to be retried by the prior judge, then the case shall remain on that judge's calendar, or

(2) where the prior judge is no longer sitting and the case is an Eastern Division case, it will be reassigned by lot, or

(3) where the prior judge is no longer sitting and the case is a Western Division case, it will be assigned to ~~the~~ a Western Division judge.

(b) Notice by Clerk. When a case is reassigned to the Executive Committee pursuant to section (a), the clerk shall forthwith notify all parties of record by mail that the mandate has been filed and that unless a stipulation is filed by all parties within 14 days

after the date of the notice indicating that all parties wish the case returned to the prior judge, the case will be reassigned to another judge.

(c) Reassignment. When a stipulation is filed indicating that the parties wish the case assigned to the prior judge, the Executive Committee shall reassign the case to that judge. When no such stipulation is filed, the Executive Committee shall direct that the case be reassigned to a judge other than the prior judge. A case reassigned pursuant to this rule shall be treated for assignment purposes as a new case. The judge receiving the case is not authorized to transfer a similar case to the Executive Committee for reassignment to the prior judge.

ENTER:

FOR THE COURT



Chief Judge

Dated at Chicago, Illinois this 23rd day of October, 2017