

**DOCKETED**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

**FILED**

OCT 11 2011

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY AB DEPUTY

IN RE: ASSIGNMENT OF CASES AND )  
TRANSFER OF RELATED OR COMPANION CASES ) G.O. 11-1

CIVIL

(A) The assignment of civil cases, bankruptcy court appeals and miscellaneous matters that must be filed as a civil case for statistical purposes shall be divided by lot when filed with the District Court Clerk so that no person will know the assigned judge until after the case, appeal or miscellaneous matter is assigned a case number and filed with the Clerk.

(B) Assignment by electronic means shall be made by the Clerk under the supervision of the Court in such a manner that each judge of the Court over a period of time shall be assigned a number of cases proportionate to his or her assignment to the Western District of Oklahoma.

(C) Attorneys for the plaintiff and defendant or *pro se* litigants shall advise the Court if they are aware, after reasonable inquiry, of any related or companion case(s) as defined by this Order and shall advise the name of the court, the judge, and the case number(s) of the related or companion case(s). Notice of related or companion case(s) must be filed with the initial pleading or in no event more than 30 days thereafter unless good cause be shown.

(D) With respect to civil cases, the term "related or companion case" means any case that may properly be consolidated and shall also include

- (1) a case refiled after dismissal;
- (2) a case involving the identical legal issue in the same or similar factual setting as one previously dismissed though now brought by different counsel with different parties;

- (3) a case filed to enforce a settlement agreement entered into in a prior case;
- (4) cases arising out of the same property, accident, incident, or transaction involving the same or similar proof;
- (5) cases involving similar facts and legal issues such that a substantial saving of judicial resources is likely to result from assigning both cases to the same district judge;
- (6) cases involving the validity or infringement of the same patent, copyright, or trademark;
- (7) a case filed for recovery of judgment after an earlier case brought to perpetuate testimony;
- (8) a case transferred to or refiled in this district following enforcement of a foreign subpoena in the case within this district;
- (9) an appeal arising out of the same bankruptcy proceeding; or
- (10) civil litigation arising out of a criminal activity where the criminal case has already been tried (including civil False Claims Act cases and motions filed pursuant to 28 U.S.C. § 2255).

(E) When related or companion cases are filed, the case may be transferred by the assigned district judge in accordance with sections (F)-(H) to the district judge receiving the lowest case number if the case through the draw did not fall to the district judge with the lowest case number.

(F) If the transferee judge approves the transfer, the case shall be transferred to the docket of the transferee judge. If the transferee judge and the transferor judge cannot agree, or in the case

of doubt as to whether the subsequent case is related or companion to the earlier one, the matter may be referred to the Related Case Committee.

(G) Post-conviction cases, either federal habeas corpus or state habeas corpus under 28 U.S.C. § 2254, shall be transferred by the assigned district judge to the district judge of this Court who had the petitioner in the last prior habeas corpus case or who had the petitioner in a federal criminal case to which the habeas corpus being filed is directed.

(H) A complaint filed under the Civil Rights Act by a prisoner or former prisoner shall be transferred by the assigned judge to the judge of this Court who had the plaintiff in the last prior civil rights complaint.

(I) The district judge to whom any particular action or proceeding is assigned will have full charge of such case until terminated except that the matter may be transferred (1) by order of the transferor judge upon agreement of acceptance by the transferee judge, (2) by order of the Chief Judge, with the consent of the transferor and transferee judges, or (3) by direction of the Related Case Committee.

### CRIMINAL

(J) The assignment of criminal indictments, informations, magistrate judge appeals to the Court, and cases wherein the defendant objects to a trial before a magistrate judge shall be divided by lot when filed with the District Court Clerk so that no person will know the assigned judge until after the criminal case is assigned a case number and filed with the Clerk.

(K) Assignment by electronic means shall be made by the Clerk under the supervision of the Court in such a manner that each judge of the Court over a period of time shall be assigned a number of cases proportionate to his or her assignment to the Western District of Oklahoma.

(L) Cases where the status of one or more of the defendants is fugitive shall, as regards the fugitive or fugitives, remain with the district judge to whom it is originally assigned.

(M) The district judge to whom any particular action or proceeding is assigned will have full charge of such case until terminated except that the matter may be transferred (1) by order of the transferor judge upon agreement of acceptance by the transferee judge, (2) by order of the Chief Judge, with the consent of the transferor and transferee judges, or (3) by direction of the Related Case Committee.

(N) With respect to criminal matters, a “related or companion case” occurs where an information or indictment is filed concerning a defendant and

(1) that information or indictment arises out of the same conspiracy, common scheme, transaction or series of transactions involved in a presently pending information or indictment in this district;

(2) that information or indictment involves the same defendant who has a presently pending information or indictment in this district;

(3) an information or indictment originating in another district is transferred to this Court pursuant to Rule 20, Federal Rules of Criminal Procedure, involving a defendant proceeded against by indictment or information in this District;

(4) an indictment is returned in this District against a defendant who has a Rule 20 plea pending;

(5) the new indictment or information was filed after dismissal of a prior indictment or information before trial and involves the same transaction or series of transactions as the dismissed indictment or information; or

(6) for other reasons would entail substantial duplication of labor if heard by a different district judge.

(O) The United States Attorney shall notify the Clerk in writing at the time a related or companion case is filed using the form approved by the Court. Upon receipt of such notice of related or companion criminal cases, the Clerk shall immediately notify the district judges, if there be more than one, to whom the cases have been assigned of such notice of related or companion cases. Thereafter, the affected judges will determine whether the pending cases should be transferred. If the judges cannot agree or in the case of doubt as to whether the cases constitute related or companion cases, the matter may be referred to the Related Case Committee.

(P) Any superseding information to an indictment already filed shall be assigned the number of the original case in which the indictment was filed and will be assigned to the district judge drawing the case in which the indictment was filed.

#### **RELATED CASE COMMITTEE**

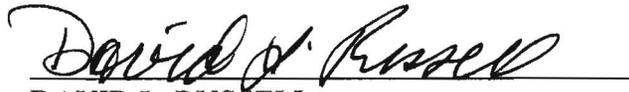
(Q) There is hereby established a standing committee, to be known as the Related Case Committee, which shall resolve all issues regarding whether cases are related or companion within the meaning of this Order. The Related Case Committee shall consist of the Chief Judge and two

other judges appointed by the Chief Judge. If any issue before the Committee should involve one or more of the judges on the Committee, the remaining judge or judges shall appoint a substitute judge or judges to adjudicate the matter at issue. The decision reached by a majority of the Committee shall be final.

This Order supersedes General Order 09-04 filed June 23, 2009.

DATED this 11th day of October, 2011.

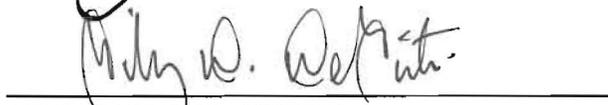
  
VICKI MILES-LaGRANGE  
CHIEF UNITED STATES DISTRICT JUDGE

  
DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE

  
ROBIN J. CAUTHRON  
UNITED STATES DISTRICT JUDGE

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

  
JOE HEATON  
UNITED STATES DISTRICT JUDGE

  
TIMOTHY D. DeGIUSTI  
UNITED STATES DISTRICT JUDGE