

Local Rule 11. Exhibits

- (a) The district court may, by rule or order, direct that any or all exhibits need not be filed with the clerk upon their offer or receipt in evidence but may be retained in the custody of the attorney (or of a party not represented by an attorney) who produced them, unless an appeal is taken, in which event the following provisions of this rule shall apply.
- (b) The parties are encouraged to agree with respect to which exhibits are "necessary for the determination of the appeal." See Rule 11(a). In the absence of agreement, the appellant shall, not later than 15 days after the filing of the notice of appeal, serve on the appellee a designation of the exhibits the appellant considers to be necessary. If the appellee considers other exhibits to be necessary, the appellee shall serve a cross-designation upon the appellant within 10 days after service of appellant's designation.
- (c) Except as provided in paragraph (d), it shall be the duty of any attorney or party having possession of an exhibit designated pursuant to paragraph (b) of this rule, promptly to make such exhibit or a true copy thereof available at the office of the clerk of the district court. The clerk of the district court shall transmit all such exhibits to the clerk of the court of appeals as part of the record pursuant to Rule 11(b). Exhibits which have not been designated shall be retained by the clerk of the district court or, if the district court has authorized their retention by an attorney or party pursuant to paragraph (a) of this rule, by such attorney or party, but shall be transmitted to the clerk of the court of appeals on the request of that court acting on the motion of any judge thereof or on the motion of a party showing good cause for failure to include any such exhibit in the attorney's designation.
- (d) Documents of unusual bulk or weight and physical exhibits other than documents shall remain in the custody of the attorney or party who produced them. The attorney or party retaining custody of the documents shall permit inspection of them by any other party and shall be responsible for having them available at the argument in the court of appeals if they have been designated, and for their later production if subsequently requested by the court of appeals as provided in the last sentence of paragraph (c) of this rule.
- (e) This rule does not relieve the parties of their obligation under Rule 30 to reproduce in an appendix to their briefs or in a separate volume, see Rule 30(e), exhibits (other than those described in paragraph (d) of this rule) to which they "wish to direct the particular attention of the court."