

U.S. DISTRICT COURT  
N.D. OF N.Y.  
FILED  
May 4, 2011

LAWRENCE K. BAERMAN, CLERK

## **GENERAL ORDER #43**



**Amendment to Local Rule 67.1  
Regarding the Deposit and Investment of Registry Funds.**

The Court, having determined that it is necessary to amend Local Rule 67.1 to reflect the transition of accountability and administration of the Court Registry Investment System (“CRIS”) from the United States District Court for the Southern District of Texas to the Administrative Office of the United States Courts, as well as ensure the continued uniformity in the deposit and investment of funds in the Court’s Registry,

**IT IS ORDERED** that the following shall govern the receipt, deposit and investment of registry funds:

**67.1 Deposits in Court**

(a) No money shall be sent to the Court or to the Clerk of the Court for deposit into the Court's registry without a court order signed by the presiding Judge. Unless provided for elsewhere in this Rule, all money ordered to be paid into the Court or received by the Clerk of the Court in any case pending or adjudicated shall be deposited with the Treasury of the United States in the name and to the credit of this Court pursuant to 28 U.S.C. § 2041 through institutions that the Treasury has designated to accept such deposit on its behalf. The party making the deposit or transferring funds to the Court's registry shall serve the Clerk of the Court with the Order permitting the deposit or transfer.

**(b) Order Directing the Investment of Funds**

The Clerk of the Court shall place the funds on deposit with the Court in some form of interest bearing account using the Court's Registry Investment System ("CRIS"). Any Order directing the Clerk of the Court to invest funds deposited with the Court's CRIS pursuant to 28 U.S.C. § 2041 shall specify the amount to be invested. The Clerk of the Court shall take all reasonable steps to invest the funds within fourteen (14) days of the filing date of the Order.

**(c) Investment of Registry Funds**

- 1) Where, by order of the Court, funds on deposit with the Court are to be placed in some form of interest-bearing account, CRIS, administered by the Administrative Office of the United States Courts, shall be the only investment mechanism authorized.
- 2) Money from each case deposited in CRIS shall be “pooled” together with those on deposit with Treasury to the credit of other courts in CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt, which will be held at Treasury, in an account in the name and to the credit of the Director of Administrative Office of the United States Courts, hereby designated as custodian for CRIS.

- 3) An account for each case will be established in CRIS titled in the name of the case giving rise to the investment in the fund. Income generated from fund investments will be distributed to each case based on the ratio each account's principal and earnings has to the aggregate principal and income total in the fund. Reports showing the interest earned and the principal amounts contributed in each case will be prepared and distributed to each court participating in CRIS and made available to litigants and/or their counsel.

**(d) Supersedeas Bonds:**

A supersedeas bond, where the judgment is for a sum of money only, shall be in the amount of the judgment plus 11% to cover interest and any damage for delay as may be awarded, plus \$250 to cover costs. When a stay shall be effected solely by the giving of the supersedeas bond, but the judgment or order is not solely for a sum of money, the Court, on notice, shall fix the amount of the bond. In all other cases, the Court shall, on notice, grant a stay on the terms it deems proper. On approval, a party shall file the supersedeas bond with the Clerk and shall promptly serve a copy thereof, with notice of filing, upon all parties affected thereby. If a party raises objections to the form of the bond or to the sufficiency of the surety, the Court shall provide prompt notice of a hearing to consider such objections.

**(e) Registry Investment Fee**

The custodian is authorized and directed by this Order to deduct, for maintaining accounts in CRIS, the registry fee. The proper registry fee is to be determined on the basis of the rates published by the Director of the Administrative Office of United States Courts as approved by the Judicial Conference. If registry fees were assessed against the case under the old 45-day requirement prior to deposit in CRIS, no additional registry fee will be assessed.

**(e) Transition From Former Investment Procedure**

This Order shall become effective **May 19, 2011**, and supercedes and abrogates all prior Local Rules of this Court regarding the deposit and investment of registry funds.

Dated this 4<sup>th</sup> day of May, 2011

at Syracuse, New York

  
Norman A. Mordue  
Chief United States District Court Judge