

complaint in accordance with Rule 3. At the same time, the clerk shall forward a copy of each such notice to the Attorney General.

(2) *Procedure After Notice.* After the service of notice upon the interested person or persons, all further proceedings for the disposition of the case shall be in accordance with the rules prescribed herein for other cases.

(3) *Failure of Party To Appear.* If no interested plaintiff appears and files his complaint within the time specified in the notice served by the clerk, the case shall be submitted to the court upon the papers filed and upon such evidence, if any, as may be produced by the Attorney General.

Rule 85. Title

These rules may be known as the Rules of the United States Court of Federal Claims.

(As amended Dec. 4, 1992.)

Rule 86. Effective Date

These rules as revised are effective on March 15, 1992.

APPENDIX A

INSTRUCTIONS TO REPORTERS; FORMS

Reference is made to Rules 39(b) and 80(b) for reporting arrangements, including the requirement for the recording of proceedings, the control of the reporter, and the return of the transcript and exhibits.

The following instructions and forms are intended to guide reporters in preparing the transcripts of testimony taken and proceedings had before the judges of the United States Court of Federal Claims.

1. Caption Page. There shall be stated on the caption page: (a) the style of the cause in which the testimony is taken; (b) the place and date of its taking; (c) the identity of the party by whom each witness is called; (d) the name of the judge; and (e) the appearances of counsel. See Form A.

2. Testimony. It shall appear in the transcript of the proceedings and testimony by whom each witness was examined and cross-examined. At the top of each page shall appear the name of the witness and the nature of his examination, such as Roe-direct, Roe-cross, Roe-redirect.

3. Preparation of Transcript. The reporter shall transcribe all testimony on nontransparent white paper, either 8½ inches wide by 11 inches long, or 8 inches wide by 10½ inches long, bound on the left margin. The pages shall be numbered consecutively, with a minimum of 25 lines per page.

It is not necessary for the witnesses to sign the transcripts of their testimony.

4. Exhibits. All exhibits offered by either of the parties shall bear the caption and number of the case, the exhibit numbers, in figures, whether for plaintiff or defendant unless the court provides for the offering parties to otherwise designate their exhibits, and the number of sheets in each exhibit. All exhibits admitted in evidence or designated to accompany the transcript shall accompany and be filed with the transcript of the testimony, but shall not be affixed thereto.

5. Certificate of Reporter. The reporter shall append to the transcript of the testimony a certificate similar to Form B. The certificate shall be signed by the reporter.

6. Index. At the beginning of each volume of the transcript of testimony, there shall be an index containing: (a) the names of the witnesses examined, citing the pages of the transcript where direct, cross-, redirect, or recross-examination of the respective witnesses began; and (b) the exhibits in the case, first for the plaintiff and then for the defendant, with a brief statement of the nature of each of the exhibits and with references to the pages of the transcript where said respective exhibits were (1) offered and (2) received in evidence. In addition, upon the preparation of the final transcript, where the number of pages exceeds 500, a master index containing the same information shall be prepared and bound separately.

FORM A

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

No. _____

John Doe, Plaintiff

v.

The United States, Defendant

Chicago, Illinois,

Monday, _____, 19____, 10 a.m.

Testimony for Plaintiff (or Defendant)

The parties met, pursuant to notice of the court, at the time above stated, in Room 1614, United States Courthouse and Federal Building, Chicago, Illinois.

Present: Hon. A. B. See, Judge; John A. Jones, Esq., counsel for plaintiff; and William B. Smith, Esq., counsel for defendant.

Testimony on behalf of the plaintiff (or defendant) was taken as follows:

Richard Roe, a witness produced on behalf of the plaintiff (or defendant), having first been duly sworn by said court, was examined, and in answer to interrogatories testified as follows:

Q. State your name, etc.

A. _____.

Q. Have you, etc.?

A. _____.

FORM B

Certificate of Reporter

I, X. Y. Zee, reporter, hereby certify that at the time and place aforesaid, I did cause to be taken down and transcribed the proceedings in this case, including the questions propounded to and the answers given by said witnesses so called by plaintiff (or defendant), and that the foregoing record is a correct transcript of the proceedings and testimony so had therein.

In witness whereof I have hereunto set my hand this _____ day of _____, 19____.

(Signed) X. Y. ZEE,

Reporter, 200 Equitable Building, Chicago, Ill.

(As amended Dec. 4, 1992.)

APPENDIX B

PROCEDURES FOR PROCESSING COMPLAINTS OF JUDICIAL MISCONDUCT PURSUANT TO 28 U.S.C. § 372(c)

The procedures for processing complaints of judicial misconduct pursuant to 28 U.S.C. § 372(c), previously set forth in this Appendix B, have been revised and updated and now appear in a separate booklet. A copy of these procedures is available, upon request, from the Office of the Clerk.

APPENDIX C

PROCEDURE IN COMMON CARRIER CASES

CONTENTS

I. CARRIER'S REQUEST FOR ADMISSION OF FACTS

1. Time for Filing Request.
2. Form and Content of Request:
 - (A) Duplication.
 - (B) Copies; Filing; Service.
 - (C) Signature of Attorney.
 - (D) Numbered Paragraphs; Material Facts.
 - (E) Attachments.
 - (F) Nature of Dispute; Statement of Issues.
 - (G) Schedule: Claim for Transportation of Property:
 - (1) List of Carrier's Bills in Dispute.
 - (2) Detail for Each Bill of Lading.
 - (3) Computation for Typical Bill of Lading.
 - (H) Certification and Signature of Carrier: Property.
 - (I) Schedule: Claim for Transportation of Passengers:
 - (1) List of Carrier's Bills in Dispute.
 - (2) Detail: Each Transportation Request or Warrant.
 - (J) Certification and Signature of Carrier: Passengers.
3. Plaintiff's Noncompliance: Consequences.

II. DEFENDANT'S RESPONSE

4. Time for Filing; Order.
5. Copies; Service; Signature.
6. Agreement; Modification; Denial.
7. Defendant's Statement of Issues.
8. Verification of Carrier's Computations.
9. Schedule: Defendant's Basis for Applicable Charges.
10. Failure To Deny or Respond Within Specified Time: Consequences.
11. Qualified Denial of Facts Available to Defendant: Consequences.
12. Relation to Pleadings; Time for Filing Answer or Counterclaim.

III. ACCEPTANCE OF RESPONSE; PRETRIAL; JUDGMENT

13. Plaintiff's Acceptance of Response.
14. Pretrial Conference; Fixing Amount of Recovery.
15. Entry of Judgment.

IV. CASES WITHIN PRIMARY JURISDICTION OF INTERSTATE COMMERCE COMMISSION

16. Referral to Interstate Commerce Commission: Defendant's Motion for.
17. Plaintiff's Response to Defendant's Motion for Referral.

18. Referral to Interstate Commerce Commission: Plaintiff's Motion for.
19. Defendant's Response to Plaintiff's Motion for Referral.
20. Effect of Filing Referral Motion.
21. Failure To File Referral Motion in Specified Time: Consequences.

I. CARRIER'S REQUEST FOR ADMISSION OF FACTS

1. Time for Filing Request. In every suit filed by a common carrier for the recovery of freight and/or passenger transportation charges, the carrier shall, at the time the complaint is filed or within 30 days thereafter, file with the clerk a request for admission by the defendant of the genuineness of any relevant documents described in and exhibited with the request and of the truth of the material matters of fact relied on by the carrier for recovery in the action.

2. Form and Content of Request. The request shall conform to the following requirements:

(A) Duplication. The request, with accompanying schedules and documents, may be typewritten, or may be printed, or otherwise mechanically reproduced from a typewritten original, provided that all copies filed with the clerk shall be clearly legible and that the words and figures shown therein shall be in large enough type to be read without difficulty.

(B) Copies; Filing; Service. If the request accompanies the complaint, copies and service of such request shall be as provided in Rules 3(c) and 4. If the request is filed subsequent to the filing of the complaint, copies and service of such request shall be as provided in Rules 5, and 83, except that 5 copies shall be served on the defendant in lieu of a copy.

(C) Signature of Attorney. The request shall be signed by the attorney of record for the plaintiff.

(D) Numbered Paragraphs; Material Facts. The statements contained therein shall be properly separated and numbered and shall consist of specific statements of material facts which the plaintiff expects to prove as opposed to general allegations of the kind used in pleadings.

(E) Attachments. There shall be attached to the request copies of any contracts, letters, or other documents, excluding tariffs and other documents referred to in the schedules required by ¶¶2(G) and 2(I), which plaintiff proposes to offer in evidence, in order that the genuineness of such documents may be admitted by the defendant and the necessity of calling a witness to identify the same may be avoided.

(F) Nature of Dispute; Statement of Issues. The statement in the request shall be sufficiently explicit to show the nature of the dispute and the specific reason or reasons why the plaintiff believes it is entitled to recover higher rates or charges than those allowed by the Government. The word "dispute" as used in the preceding sentence, means the shipment or shipments with respect to which the General Accounting Office or other agency of the Government determined that the carrier's charges had been overpaid or refused to pay the carrier's supplemental bills covering such shipments, rather than subsequent shipments which are not in dispute except for the fact that the overpay-