

# EXHIBIT A

From: "Kansas Federal District Court" <comments@ksd.uscourts.gov>  
To:  
Date: 02/05/2010 10:36 AM  
Subject: District-Wide Draw for Civil Cases e-mail

Dear Colleagues:

As many of you may have heard, the United States District Court for the District of Kansas is preparing to implement a district-wide draw for civil cases on March 1, 2010. Essentially, this means that no matter where a civil case is filed, it will be randomly assigned to a district judge and a magistrate judge in Kansas City, Wichita or Topeka, without regard to the judge's duty station. In making this change, the Court is returning to the case assignment procedure which it employed until the 1980s, when it adopted the current practice of randomly assigning cases among judges who sit in particular courthouses. We have reached this decision after extended study, deliberation and debate, and we believe that it is necessary to more appropriately align our judicial resources with our civil case loads so that we may improve our ability to achieve a just, speedy and inexpensive determination in every civil case. Rule 1, Fed. R. Civ. P.

This change in the random judge-assignment process will not occasion any change in local Rule 40.2, which governs the place of *trial*. Rule 40.2, which has been in effect since 1990, outlines how the place of trial is determined. It provides as follows:

#### **DETERMINATION OF PLACE OF TRIAL**

**(a) In General.** At the time the complaint is filed, the plaintiff must file a request stating the name of the city where the plaintiff desires the trial to be held. Unless the court orders otherwise, the plaintiff's request governs where the case is filed, docketed, and maintained. If a case is conventionally filed, the plaintiff must file a sufficient number of copies of the request to enable service to be made upon all parties.

**(b) Request for Location Without Record Office.** If the plaintiff requests trial in a location where there is no record office of the court, the case will be docketed and maintained at the record office of the court where the case is filed, unless the court orders otherwise.

**(c) Removed Actions.** A removing party, at the time of filing the notice of removal as set forth in D. Kan. Rule 81.1, must also file a designation of place of trial.

**(d) Responding Party's Request.** The following parties must file a request stating the name of the city where they desire the trial to be held and, unless the court orders otherwise, serve the request upon each party affected thereby:

(1) each defendant, at the time it files its first

pleading; and

(2) the plaintiff in a removed action, within 14 days after notice of the removal.

**(e) Court Not Bound.** The court is not bound by the requests for place of trial. It may determine the place of trial upon motion or in its discretion.

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As amended 12/01/09, 11/16/90.

We have a well developed body of case law which discusses the discretionary factors that our judges consider in deciding the place of trial in individual cases, and our change to the random judge-assignment process does not reflect any intent to change that substantive case law. Generally, the assigned judge will travel to the place of trial which the parties have designated or to another place of trial which the judge has determined to be appropriate under Rule 40.2 and existing case law. In other words, the judges are willing and committed to travel to conduct trials and other in-court proceedings so that litigants throughout the District have equal opportunities for their cases to be resolved speedily, justly and inexpensively.

The Court's Strategic Planning Committee initiated this change, and the Court's Bench Bar Committee has approved it after spirited discussion and input from many segments of the practicing bar.

Kathryn H. Vratil  
Chief Judge