

that reflects the corresponding deletion of such authority from the court's basic rules) and the deletion, as unnecessary, of former ¶6, titled "Captions."

Revisions effective September 15, 2003, reorganize ¶8 (former ¶9) into five subparagraphs. Subparagraph (c) clarifies the review panel's responsibility in the absence of exceptions to a hearing officer's report and identifies the procedures required where modification of such a report is being considered by the review panel. Subparagraph (d) sets out standards for review applicable whether or not exceptions have been taken, including language formerly appearing in ¶7. The restriction on the role of the chief judge in the appeal and review process has been relocated to the end of ¶9.

REFERENCES IN TEXT

The Federal Courts Improvement Act of 1982, referred to in par. (1), is Pub. L. 97-164, Apr. 2, 1982, 96 Stat. 25. For complete classification of this Act to the Code, see Short Title of 1982 Amendments note set out under section 1 of this title and Tables.

APPENDIX E

PROCEDURE IN CARRIER CASES

Rule 1. Carrier's Request For Admission of Facts

(a) Time for Filing Request. In every suit filed by a 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.

(b) Form and Content of Request. The request shall conform to the following requirements:

(1) 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 legible and that the words and figures shown therein shall be large enough type to be read without difficulty.

(2) Copies; Filing; Service. If the request accompanies the complaint, copies and service of such request shall be as provided in RCFC 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 RCFC 5, and 83, except that 5 copies shall be served on the defendant in lieu of a copy.

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

(4) 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.

(5) 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 subdivisions (b)(7) and (b)(8), 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.

(6) 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 Services Administration (GSA) 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 overpayments determined as to the shipments in dispute have been deducted from the amount of the carrier's bills covering such subsequent shipments. In order to show the nature of the dispute there shall be attached to or included in plaintiff's request a statement of the issues which, with respect to each group of the carrier's bills involving the same issue, shall consist of a brief narrative statement of such issue with a reference to (A) court decisions involving the same issue, or (B) the tariffs, contract terms or other authority relied upon by plaintiff, and the tariffs or other authority which plaintiff believes defendant relied upon in making deductions for claimed overpayments to the carrier or in refusing to pay the carrier's supplemental bills for claimed undercharges.

(7) Schedule: Claim for Transportation of Property. Where the claim is for the recovery of charges for the transportation of property for the government, there shall be attached to the request a detailed schedule, prepared by or under the supervision of the general auditor, comptroller, or other principal accounting officer of the carrier. The schedule shall contain the following factual information:

(A) List of Carrier's Bills in Dispute. The number of each of the carrier's bills for the shipments in dispute, as distinguished from the number of a subsequent bill from which GSA made a deduction following its determination of an overpayment on the bill in dispute.

(B) Detail for Each Bill of Lading. For each bill of lading in dispute, covered by each bill referred to in paragraph (A), the following facts:

- (i) the number and symbol of each bill of lading;
- (ii) the date of the shipment;
- (iii) the origin and the destination of the shipment;
- (iv) a description of the commodity or commodities shipped, including a description of the packing where this affects the rate;
- (v) car number and initial;
- (vi) the weight of the shipment, including the minimum carload weight when greater than the actual weight;
- (vii) when the shipment in dispute consists of one or more carloads of mixed commodities, a description of the different commodities, and the respective weight thereof loaded in each car, including mini-