

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
Office of the Clerk
Post Office Box 25670
Raleigh, North Carolina 27611**

DAVID W. DANIEL
Clerk of Court

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MEMORANDUM

TO: Counsel of Record

FROM: David W. Daniel, Clerk

DATE: December 1, 2002

RE: Amendments to Federal Rules of Civil Procedure and Local Rules, E.D.N.C.
Effective December 1, 2002

On December 1, 2002, amendments to the Federal Rules of Civil Procedure will take effect. All of the amendments are contained in the 2002 Revised Federal Rules of Civil Procedure.

Please note the following changes:

Rule 7.1 Disclosure Statement

Under Rule 7.1, all nongovernmental corporate parties must file two copies of a statement that identifies any parent corporation and any publicly held corporation that owns 10% of its stock or states that there is no such corporation. Disclosures under this rule must be made with the first pleading or appearance by the party and must be supplemented if the information changes.

I have attached a copy of the form to be used by the parties under this rule.

Rule 54(d): Judgments; Costs; Attorneys' Fees

Under Rule 54(d), the clerk's office is no longer required to prepare a separate judgment on a motion for attorneys' fees. This is a complement to the changes to Rule 58.

Rule 58: Entry of Judgment

Rule 58 no longer requires a separate judgment for an order on the following post-judgment motions:

- for judgment under Rule 50(b);
- to amend or make additional findings of fact under Rule 52(b);
- for attorney's fees under Rule 54;
- for a new trial, or to alter or amend the judgment under Rule 59; or
- for relief under Rule 60.

Judgment is considered "entered":

- if Rule 58 does not require a separate document (see above list of post-judgment motions), when it is entered on the civil docket
- if Rule 58 does require a separate document, when it is entered on the docket and when the earlier of these events occur:
 - when it is set forth on a separate document or
 - when 150 days have run from entry on the civil docket.

This "150 day" amendment addresses the situation where the deputy clerk fails to enter a separate judgment when required. Under this scenario, the motion time periods set by Rules 50, 52, 54, 59 and 60 begin to run after 150 days from entry of the judgment on the civil docket.

Finally, Rule 58 provides that a party may request that judgment be entered on a separate document as required by Rule 58(a)(1) i.e., in those instances where the rule does not require a separate judgment.