

SUMMARY OF AMENDMENTS  
 UNITED STATES DISTRICT COURT  
 FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
 LOCAL CIVIL RULES OF PROCEDURE

Effective December 1, 2015

Affected Local Civil Rule	Change in Rule
5.1	Added “in text searchable format” to subsection (a)(1).
6.1	Added subsection (b), which provides:  “Except as ordered by the court, designated secured leave under Rule 26 of the General Rules of Practice for the Superior and District Courts of the State of North Carolina shall not be the sole basis for an extension of time or continuance.”
7.1	Subsection(c) is retitled “Discovery Motions.”  Added 7.1(c)(1), which defines “discovery motion” as follows:  “For purposes of these Local Civil Rules, a discovery motion is any motion or other request to the court that seeks to enforce, use, regulate, extend, modify, nullify, or limit any of the procedures in any of Rules 26 through 37 of the Federal Rules of Civil Procedure or in any of Local Civil Rules 26.1, 30.1, 33.1, 34.1, or 36.1. A motion or other request to the court that seeks to enforce, use, regulate, extend, modify, quash, or limit any pretrial civil subpoena is likewise a discovery motion.”  Modified 7.1(c)(2) to use the term “discovery motion.”
7.2	Modified 7.2(e) to use the term “discovery motion.”

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16.1	<p>Added 16.1(b)(3):</p> <p>“If a party has a need for any type of courtroom technology for a hearing or trial, including but not limited to any audio equipment, video equipment, document presentation system, and jury evidentiary recording system, counsel must notify the case manager and request training from the court’s information technology staff for the person or persons who will be operating the courtroom technology. Unless excepted by the clerk, no later than 7 days before the scheduled proceeding, counsel must file a certification provided by the court’s technology staff that training has been completed.”</p>
56.1	<p>Retitled “Motions for Summary Judgment.”</p> <p>Deleted:                      A memorandum in support of or in opposition to a motion for summary judgment shall comply with Fed. R. Civ. P. 56 and Local Civil Rule 7.2.</p> <p>Added:</p> <p>“(a) Statement of Material Facts on Motion for Summary Judgment.                      (1) Movant’s Statement. Any motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 shall be supported by a separate statement, in numbered paragraphs, of the material facts as to which the moving party contends there is no genuine dispute.                      (2) Opposing Statement. The memorandum opposing a motion for summary judgment shall be supported by a separate statement including a response to each numbered paragraph in the moving party’s statement, in correspondingly numbered paragraphs, and if necessary, additional paragraphs containing a statement of additional material facts as to which the opposing party contends there is a genuine dispute. Each numbered paragraph in the moving party’s statement of material facts will be deemed admitted for purposes of the motion unless it is specifically controverted by a correspondingly numbered paragraph in the opposing statement.</p>

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56.1 (cont'd)	<p>(3) Citations. Each statement by the movant or opponent pursuant to this Local Civil Rule must be followed by citation to evidence that would be admissible, as required by Federal Rule of Civil Procedure 56(c). Citations shall identify with specificity the relevant page and paragraph or line number of the evidence cited.</p> <p>(4) Appendix. All evidence cited in moving or opposing statements, such as affidavits, relevant deposition testimony, responses to discovery requests, or other documents shall be filed as an appendix to the statement of facts prescribed by subsections (1) or (2) and denominated "Plaintiff's/Defendant's Appendix to Local Civil Rule 56.1 Statement of Material Facts."</p> <p>(b) Exceptional Cases. Where a party believes that compliance with this Local Civil Rule will be exceptionally burdensome or is otherwise inappropriate, the party may include a request for modification or exemption from its requirements as part of the Rule 26(f) report to the court.</p> <p>(c) Cross-referencing. Memoranda in support of or in opposition to a motion for summary judgment as required by Local Civil Rule 7.1 or 7.2 may cross-reference or cite to the statement and appendix prescribed by this Local Civil Rule without repeating the contents thereof."</p>
72.4	Added "unless otherwise ordered by the court" to both subsections (a) and (b).
73.1	Deleted entire rule.
79.2(a)	Added: "First-time filers are strongly encouraged to call the CM/ECF Help Desk at 866-855-8894."
83.1	Added additional sub-paragraphs for organizational purposes and made stylistic changes to subsection (c).

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83.1 (cont'd)	<p>Deleted reference to “District” in subsection (e)(1).</p> <p>Added 83.1(e)(5):</p> <p>“A special appearance is not a substitute for an admission to the bar of this court, but rather is intended to facilitate occasional appearances only. Unless otherwise ordered for good cause shown, no attorney may be admitted pursuant to Local Civil Rule 83.1 in more than three unrelated cases in any 12 month period, nor may any attorney be admitted pursuant to Local Civil Rule 83.1 in more than three active unrelated cases at any one time.”</p> <p>Added 83.1(l), Electronic Devices in Courtroom Facilities:</p> <p>“(1) Attorneys are subject to the Standing Order on Prohibition of Wireless Communication Devices in Courtroom Facilities dated August 15, 2005, 05-PLR-7. To be exempted from the Order, attorneys will be required to present a bar card to the court security officer to retain a cellular phone, smartphone, laptop, tablet, or other electronic device. If an attorney fails to present a bar card, the attorney will be prohibited from bringing any such item into the courthouse.</p> <p>(2) By bringing an electronic device into the courthouse, an attorney agrees to the following:</p> <p>(A) The electronic device will not be used to record, broadcast, nor transmit any video images or audio sounds.</p> <p>(B) While in the courtroom, the attorney will ensure that no sounds are emitted from the device.</p> <p>(C) Upon entering the United States District Courthouse in the Eastern District of North Carolina, the electronic device will be screened by the Court Security Officers using visual observation, x-ray scanning, chemical detection devices or other screening methods.</p> <p>(D) The attorney will maintain custody over the electronic device and will not allow it to be used by anyone else unless the attorney has been given Court permission.</p> <p>(E) Failure to comply with these provisions may result in the attorney’s loss of the right to use an electronic device in the United States District Courthouses in the Eastern District of North Carolina, confiscation of</p>

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83.1 (cont'd)	the device or other court sanctions, including, but not limited to, contempt of court. (3) Persons using wireless communication devices for evidence presentation or for other similar purposes must notify the court prior to the commencement of any proceeding that such a device is in their possession. (4) Judges may permit additional exceptions to or impose additional limitations on the use of wireless electronic devices within courtroom facilities at their discretion.”
83.7g	Deleted “shall” and added “may” to subsection (c).  Amended subsection (d) to add that advanced cost deposits submitted in connection with petitions for reinstatement must be made payable to the Clerk, in the amount of the current attorney admission fee, and that the court may later impose costs related to the reinstatement proceeding.
7.1, 7.2, 16.1, 26.1, 52.1, 54.1, 72.4, 79.1, 79.2, 83.1, 83.2, 83.3, 83.7b, 83.7e, 83.7j, 101.1e	Modified to use only numerals, as opposed to spelling out numbers.