

SUMMARY OF AMENDMENTS
 UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF NORTH CAROLINA
 LOCAL CIVIL RULES
 OF
 PRACTICE AND PROCEDURE¹

December 1, 2016

Affected Local Civil Rule	Change in Rule
1.1	<p>Amend Rule 1.1. to provide that in admiralty cases, where a local civil rule is inconsistent with a local admiralty rule, the local admiralty rule applies. Similarly, in patent cases, where a local civil rule is inconsistent with a local patent rule, the local patent rule applies.</p> <p>Also amend Rule 1.1 to reflect the 2015 amendments to the Federal Rules of Civil Procedure.</p>
5.1	<p>Add subsection (g), entitled “Personal Identifiers,” which provides:</p> <p>“The responsibility for redacting personal identifiers rests solely with counsel and the parties. The clerk will not review each filed document and any attachments for compliance with Fed. R. Civ. P. 5.2.”</p>
5.2	<p>Modify subsection (a) to provide that the signature block in a notice of appearance must comply with Local Civil Rule 10.1.</p> <p>Add subsections (b)-(e), which (1) require a party who is proceeding <i>pro se</i> to file a notice of self-representation, (2) provide for substitution of counsel in an action; (3) provide a mechanism for government attorneys to file notice of substitution of counsel in an action; and (4) delineates the requirements for a motion to withdraw as counsel</p>

¹ This summary was prepared by the Clerk’s Office as a guide to the changes to the Local Civil Rules and should not substitute for reading the full text of those rules. This summary is not intended to serve as legal advice or commentary on the proposed changes to the Local Civil Rules. The summary does not include minor stylistic changes or technical amendments.

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5.3	Add Rule 5.3 to specify the procedures applicable to cases removed from state court.
7.1	Amend Rule 7.1(b) to provide that if a moving party is aware that an opposing party consents or does not object to a motion, the motion shall so state, and that if a party moving for non-dispositive relief is aware that the motion is unopposed, the party must file a proposed order. Amend Rule 7.1(d) to provide a deadline for filing motions for attorney's fees under 42 U.S.C. §§ 406(b) or 1383(d)(2).
7.2	Amend Rule 7.2(c) to provide that any authority that is not available on LexisNexis or Westlaw may be cited if a copy of the authority is filed as an exhibit to the motion or memorandum in which it is cited. Add a new subsection (e) to require a moving party to furnish any authority that is not reasonably available to an opposing party, upon the opposing party's request.
15.1	Add Rule 15.1 to govern the procedure for motions to amend a pleading.
26.1	Add 26.1(a)(2): (2) Final Pretrial Disclosures. A party shall satisfy the requirement to file disclosures and objections thereto under Fed. R. Civ. P. 26(a)(3) solely by including such information as required by Local Civil Rule 16.1(b)(1) in the proposed final pretrial order

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40.3	Add Rule 40.3 to define related cases and to require a party to file a notice of related case under specified circumstances.
47.1	Amend subsection (a) to require the clerk to notify the presiding judge and the opposing party of any request by a <i>pro se</i> party for a jury list.
55.1	Add Rule 55.1 to delineate the requirements for seeking entry of default by the clerk, a default judgment by the clerk, and a default judgment by the court.
56.1	Amend subsection (b) to allow a party to file a motion to request a modification or exemption from the local requirements for filing a motion for summary judgment.
77.2	Add “Entries of default” to subsection (g).
83.1	Delete subsection governing withdrawal of appearance in accordance with the proposed changes to Local Civil Rule 5.2.
83.8	Amend to reflect the 2014 amendments to the Federal Rules of Bankruptcy Procedure.