

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

May 2023¹

Affected Local Civil Rule	Change in Rule
1.2	Added new Rule 1.2 setting forth definitions of terms used throughout the rules.
5.1	Amended to reflect the 2018 amendments to the Fed. R. Civ. P. 5 and this district’s Standing Order 18-SO-5 concerning electronic service of documents filed by unrepresented litigants.
6.1	Amended subsection (a) to require consultation with a non-incarcerated party or nonparty whose interests may be affected by a motion for extension of time. Prior to this amendment, the rule required consultation with opposing counsel only. Now unrepresented parties and nonparties whose interests may be affected by a motion must be consulted.
16.1	Moved the provisions of current subsection (d)(3) to subsection (e) and substitute the word “sanction” for “fine.”
54.1	Amended to (1) change the deadline for filing an application for costs from 14 days after final judgment to 30 days after (a) the expiration of the time allowed for an appeal of a final judgment or order or (b) receipt by the clerk of an order terminating an action on appeal; (2) omit the requirement that a party opposing an application file a motion for disallowance; and (3) make clear that a prevailing party may be awarded costs of a deposition it defended.
54.2	Amended to (1) provide that costs may be imposed against the parties, the attorneys, or both; (2) provide a governing standard and

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 the rules. This summary is not intended to serve as legal advice or commentary on the changes to the Local Civil Rules. The summary does not include minor stylistic changes.

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	the requirement of an opportunity to be heard prior to imposition of costs; and (3) strike the separate deadline for notification of settlement in asbestos litigation.
72.3	Amended to use the term “district judge” to clarify when actions are taken by district judges, added a provision regarding a magistrate judge’s ability exercise contempt authority, updated references to the Federal Boat Safety Act, and removed the reference to the Narcotic Addict Rehabilitation Act.
81.2	Amended to (1) make clear that a respondent is not required to respond to a post-conviction motion unless directed by the court; (2) clarify that Local Civil Rule 7.1 and 7.2 govern motion practice in a post-conviction proceeding; and (3) provide that a petitioner has 21 days to file a reply in a post-conviction proceeding.