

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

January 2022¹

Affected Local Civil Rule	Proposed Change in Rule
1.2	Add new Rule 1.2 setting forth definitions of terms used throughout the rules.
5.1	Amend 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	Amend subsection (a) to require consultation with a non-incarcerated party or nonparty whose interests may be affected by a motion for extension of time. The current rule requires consultation with opposing counsel only and as a result many parties do not consult opposing pro se parties.
16.1	Move the provisions of current subsection (d)(3) to subsection (e) and substitute the word “sanction” for “fine.”
54.1	Amend 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	Amend to (1) provide that costs may be imposed against the parties, the attorneys, or both; (2) provide a governing standard and the

¹ This summary was prepared by the Clerk’s Office as a guide to the proposed changes to the Local Civil Rules and should not substitute for reading the full text of the proposed amendments. 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.

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	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	Amend to use the term “district judge” to clarify when actions are taken by district judges, add a provision regarding a magistrate judge’s ability exercise contempt authority, update references to the Federal Boat Safety Act, and strike the reference to the Narcotic Addict Rehabilitation Act.
81.2	Amend 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.