

**SUMMARY OF AMENDMENTS TO
LOCAL CIVIL RULE 7(F)(1) AND LOCAL CRIMINAL RULE 47(F)(1)**

Given the upcoming amendments to Federal Rule of Civil Procedure 6(d) and Federal Rule of Criminal Procedure 45(c) eliminating service by electronic means from the modes of service that allow three (3) added days to act after being served, the Court has determined that it would be appropriate to amend Local Civil Rule 7(F)(1) and Local Criminal Rule 47(F)(1) to increase the number of days for filing a responsive brief and a reply brief by (3) three days. The amended rules will provide that unless otherwise directed by the Court, an opposing party shall file a response brief within fourteen (14) days after service and the moving party may file a reply within six (6) days after service of the opposing party's response brief. These amendments also state that the amended versions of Federal Rule of Civil Procedure 6(d) and Federal Rule of Criminal Procedure 45(c) providing for additional time after certain kinds of service shall not be applied to enlarge the briefing schedule and that the fourteen (14) and six (6) day time periods will apply to the briefing of all motions without regard to the manner of service.

The language in the amended rules has also been clarified to specify that the opposing party's brief is called a response brief and the moving party may then file a reply brief.

Pursuant to 28 U.S.C. § 2071(e) the Court has determined that there is an immediate need for these amendments and they will become effective on December 1, 2016, the date the amendments to Federal Rule of Civil Procedure 6(d) and Federal Rule of Criminal Procedure 45(c) become effective. The Court will consider any comments to these amendments and make any further changes deemed appropriate.

Local Civil Rule 7 (F) (1)

BE AMENDED TO READ:

(F) Briefs Required:

(1) All motions, unless otherwise directed by the Court and except as noted herein below in subsection 7(F)(2), shall be accompanied by a written brief setting forth a concise statement of the facts and supporting reasons, along with a citation of the authorities upon which the movant relies. Unless otherwise directed by the Court, the opposing party shall file a responsive response brief and such supporting documents as are appropriate, within eleven (11) fourteen (14) calendar days after service and the moving party may file a rebuttal reply brief within three (3) six (6) calendar days after the service of the opposing party's reply response brief. The fourteen (14) and six (6) calendar day periods for response and reply briefs shall apply without regard to, and are not expanded by, the mode of service used for those briefs, notwithstanding the provisions of Fed. R. Civ. P. 6 (d). No further briefs or written communications may be filed without first obtaining leave of Court.

EFFECTIVE DECEMBER 1, 2016:

(F) Briefs Required:

(1) All motions, unless otherwise directed by the Court and except as noted herein below in subsection 7(F)(2), shall be accompanied by a written brief setting forth a concise statement of the facts and supporting reasons, along with a citation of the authorities upon which the movant relies. Unless otherwise directed by the Court, the opposing party shall file a response brief and such supporting documents as are appropriate, within fourteen (14) calendar days after service and the moving party may file a reply brief within six (6) calendar days after the service of the opposing party's response brief. The fourteen (14) and six (6) calendar day periods for response and reply briefs shall apply without regard to, and are not expanded by, the mode of service used for those briefs, notwithstanding the provisions of Fed. R. Civ. P. 6 (d). No further briefs or written communications may be filed without first obtaining leave of Court.

Local Criminal Rule 47 (F) (1)

BE AMENDED TO READ:

(F) Briefs Required:

(1) All motions, unless otherwise directed by the Court and except as noted herein below in Local Criminal Rule 47(F)(2), shall be accompanied by a written brief setting forth a concise statement of the facts and supporting reasons, along with a citation of the authorities upon which the movant relies. Unless otherwise directed by the Court, the opposing party shall file a responsive response brief and such supporting documents as are appropriate, within eleven (11) fourteen (14) calendar days after service and the moving party may file a rebuttal reply brief within three (3) six (6) calendar days after the service of the opposing party's reply response brief. The fourteen (14) and six (6) calendar day periods for response and reply briefs shall apply without regard to, and are not expanded by, the mode of service used for those briefs, notwithstanding the provisions of Fed. R. Crim. P. 45 (c). No further briefs or written communications may be filed without first obtaining leave of Court.

EFFECTIVE DECEMBER 1, 2016:

(F) Briefs Required:

(1) All motions, unless otherwise directed by the Court and except as noted herein below in Local Criminal Rule 47(F)(2), shall be accompanied by a written brief setting forth a concise statement of the facts and supporting reasons, along with a citation of the authorities upon which the movant relies. Unless otherwise directed by the Court, the opposing party shall file a response brief and such supporting documents as are appropriate, within fourteen (14) calendar days after service and the moving party may file a reply brief within six (6) calendar days after the service of the opposing party's response brief. The fourteen (14) and six (6) calendar day periods for response and reply briefs shall apply without regard to, and are not expanded by, the mode of service used for those briefs, notwithstanding the provisions of Fed. R. Crim. P. 45 (c). No further briefs or written communications may be filed without first obtaining leave of Court.