

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

VOTING: Chief Judge Lamberth, Judges Sullivan, Robertson, Kollar-Kotelly, Kennedy, Roberts, Walton, Bates, Leon, Collyer, Senior Judges Hogan and Kessler.

**ORDER**

It is this 2nd day of September, 2008 ordered that effective immediately Local Rules **LcvR 7** and **LCvR 56.1**, were amended as follows:

**LCvR 7**

**MOTIONS**

**(h) MOTIONS FOR SUMMARY JUDGMENT**

(1) Each motion for summary judgment shall be accompanied by a statement of material facts as to which the moving party contends there is no genuine issue, which shall include references to the parts of the record relied on to support the statement. An opposition to such a motion shall be accompanied by a separate concise statement of genuine issues setting forth all material facts as to which it is contended there exists a genuine issue necessary to be litigated, which shall include references to the parts of the record relied on to support the statement. Each such motion and opposition must also contain or be accompanied by a memorandum of points and authorities and proposed order as required by LCvR 7(a), (b) and (c). In determining a motion for summary judgment, the court may assume that facts identified by the moving party in its statement of material facts are admitted, unless such a fact is controverted in the statement of genuine issues filed in opposition to the motion.

(2) Paragraph (1) shall not apply to cases in which judicial review is based solely on the administrative record. In such cases, motions for summary judgment and oppositions thereto shall include a statement of facts with references to the administrative record.

*COMMENT TO LCvR 7(h): This provision recognizes that in cases where review is based on an administrative record the court is not called upon to determine whether there is a genuine issue of material fact, but rather to test the agency action against the administrative record. As a result the normal summary judgment procedures requiring the filing of an statement of undisputed material facts is not applicable.*

## LCvR 56.1

### MOTIONS FOR SUMMARY JUDGMENT

~~Each motion for summary judgment shall be accompanied by a statement of material facts as to which the moving party contends there is no genuine issue, which shall include references to parts of the record relied on to support the statement. An opposition to such a motion shall be accompanied by a separate concise statement of genuine issues setting forth all material facts as to which it is contended there exists a genuine issue necessary to be litigated, which shall include references to the parts of the record relied on to support the statement. Each such motion and opposition must also contain or be accompanied by a memorandum of points and authorities required by sections (a) and (c) of this Rule. In determining a motion summary judgment, the court may assume the facts identified by the moving party in its statement of material facts are admitted, unless such a fact is controverted in the statement of genuine issues file in opposition to the motion.~~

*Comment: This rule is being deleted as it repeats verbatim current LCvR 7(h) (to be redesignated as LCvR 7(h)(1)).*

FOR THE COURT:

/s/ Royce C. Lamberth

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Chief Judge