

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

Voting: Chief Judge Hogan, Judges Kessler, Friedman, Urbina, Sullivan, Kollar-Kotelly, Roberts, Huvelle, Walton, Bates and Collyer.

It is the 12th day of October 2006, ordered by the Court that effective immediately Local Rules LCvR 7(h), LCvR 7(m), LCvR 56.1 and LCrR 17.2(c) were amended as follows:

[New language underlined; old language stricken.]

LCvR 7

MOTIONS

(m) **DUTY OF COUNSEL TO CONFER ON NONDISPOSITIVE MOTIONS**

Before filing any nondispositive motion in a civil action, counsel shall discuss the anticipated motion with opposing counsel, either in person or by telephone, in a good faith effort to determine whether there is any opposition to the relief sought and, if there is opposition, to narrow the areas of disagreement. The duty to confer also applies to non-incarcerated parties appearing pro se. A party shall include in its motion a statement that the required discussion occurred, and a statement as to whether the motion is opposed.

COMMENT TO LCvR 7(m): The changes to this rule are designed to bring non-incarcerated pro se litigants within the scope of the duty to confer on nondispositive motions, so as to extend the benefits of the rule to cases in which such litigants are parties

(h) **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 the parts of the records 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)~~sections (a) and (c) of this Rule~~. 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.

COMMENT TO LCvR 7(h): The changes to this rule correct a referencing error.

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 the parts of the records 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 sections (a) and (c) of this Rule 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 file in opposition to the motion.

COMMENT TO LCvR 56.1: The changes to this rule correct a referencing error.

LCrR 17.2

CLOSURE OF PRETRIAL PROCEEDINGS

(c) OPPOSITION BY NON-PARTIES

Any news organization or other interested person may be heard orally or in writing in opposition to a closure motion by a party. When any papers are filed by a non-party opposing closure, the matter shall be assigned a Miscellaneous docket number and shall be governed by LCrR 57.6 ~~56.6 of these Rules~~. A non-party seeking to appeal from an order of closure shall be responsible for filing in the Miscellaneous proceeding the order from which the appeal is taken, and such other parts of the records of the criminal case as may be necessary to determination of the appeal.

COMMENT TO LCrR 17.2(c): The changes to this rule correct a referencing error.

FOR THE COURT:

Thomas F. Hogan
Chief Judge