

**EASTERN DISTRICT OF NORTH CAROLINA
LOCAL CIVIL RULE CHANGES
EFFECTIVE DECEMBER 1, 2009**

Rule	Existing Time Computation	Modification
	Motions	
7.1(e)(1)	Response to non-discovery motion due twenty days after service of the motion	Changed 20 days to 21 days
7.1(e)(2)	Response to discovery motion due ten days after service of the motion	Changed 10 days to 14 days
7.1(f)(1)	Reply to response to non-discovery motion due ten days after service of the response	Changed 10 days to 14 days
10.1(h)	Substitution of signature page with original signature from out of state counsel within two business days after the original filing	Changed 2 days to 7 days
26.1(d)(2)	Responses to discovery motions due ten days after service of the motion	Changed 10 days to 14 days
	Trial	
16.1(b)(1)	Pre-trial disclosures per FRCP 26(a)(3) due twenty-five days before pre-trial conference	Changed 25 days to 28 days
16.1(b)(1)	Objections to pre-trial disclosures per FRCP 26(a)(3) due seventeen days before pretrial conference	Changed 17 days to 21 days
16.1(b)(1)	Pre-Trial Order to be submitted five days before the pre-trial conference	Changed 5 days to 7 days
39.1(a)	Brief on evidentiary questions and motions relating to the admissibility of evidence due five business days before the first day of the trial session	Changed 5 days to 7 days
47.1(b)	Proposed voir dire questions due five business days before the first day of the trial session	Changed 5 days to 7 days
51.1	Requests for jury instructions due five business days before the first day of the trial session	Changed 5 days to 7 days
52.1	Proposed findings of fact and conclusions of law due five business days before the first day of the trial session	Changed 5 days to 7 days
101.3a(c)(2)	Voir dire questions, jury instructions and briefs due three days before date set for summary jury trial	Changed 3 days to 7 days
54.2(a)	Notice of settlement in asbestos-related litigation to be given five full business days before date set for trial to avoid assessment of juror costs	Changed 5 days to 7 days

	After Trial Or Magistrate Judge Ruling	
54.1	Objection to application for costs due ten days after service of the application for costs	Changed 10 days to 14 days
72.4(a)	Appeal of Magistrate Judge's non-dispositive ruling within ten days after service of the order	Changed 10 days to 14 days
72.4(b)	Objection to Magistrate Judge's proposed findings, recommendation or report in case-dispositive matter or prisoner litigation due within ten days after service of ruling, and response within ten days after service of the objection	Changed 10 days to 14 days
79.1	Clerk may destroy trial exhibits upon ten days notice by mail to counsel	Changed 10 days to 14 days
79.2	Court may order sealed trial exhibits to be unsealed upon ten days notice by mail to counsel	Changed 10 days to 14 days
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79.2	Court may order sealed trial exhibits to be unsealed upon ten days notice by mail to counsel	Changed 10 days to 14 days
	Special Appearance Attorneys, Disciplinary Action	
83.1(e)(4)	Objection to document filed by special appearance attorney which does not comply with Local Rule 83.1 standards due five days after issuance of the notice of electronic filing for the document	Changed 5 days to 7 days
83.1(j)	Counsel to advise clerk within ten days of disciplinary action taken against them resulting in suspension or disbarment	Changed 10 days to 14 days
83.3	Attorneys and pro se parties to advise the court within ten days of a change of address	Changed 10 days to 14 days
83.7j(c)	Clerk to advise other courts and jurisdictions of conviction, disbarment, etc. of any person within ten days of such action	Changed 10 days to 14 days
83.8	File and serve brief in bankruptcy appeal fifteen days after clerk gives notice of docketing of appeal	Changed 15 days to 21 days

	Mediation	
101.1a(c)	File statement identifying agreed-upon mediator within twenty days after entry of court order making discretionary selection of case for mediation	Changed 20 days to 21 days
101.1c(a)	File statement identifying agreed-upon mediator within twenty days of the initial pre-trial order	Changed 20 days to 21 days
101.1c(c)	Motion to disqualify mediator for bias or prejudice to be filed not later than 20 days before scheduled mediated settlement conference	Changed 20 days to 21 days
101.1d(c)	Confidential position papers due to mediator five business days before the scheduled mediated settlement conference	Changed 5 days to 7 days
	Admiralty Cases	
201.00(b)	Return of process pursuant to Supplemental Rules C&D of the FRCP to be made within ten days after execution of process and by answer within twenty days, or in the event the property is not released within ten days after execution of process, by filing a claim and serving an answer within twenty days of publication	Changed 10 days to 14 days and 20 days to 21 days
201.00(c)	Return of process pursuant to FRCP 9(h), other than per FRCP Supplemental Rules B, C, D, and F, returnable on or before twenty days following service	Changed 20 days to 21 days
202.00(a)(1)	Summons per FRCP Supplemental Rule C(3) shall direct the person having control of the funds or other intangible property to show cause why it should not be delivered to the Court to abide the judgment no later than ten days after service	Changed 10 days to 14 days
202.00(a)(3)	Claimant of property may show cause why the property should not be delivered to the Court by serving a claim as provided in FRCP Supplemental Rule C(6) within the time allowed to show cause and by serving an answer to the complaint within twenty days thereafter	Changed 20 days to 21 days

204.00(b)	If property arrested is not released within ten days after execution of process, publication required by FRCP Supplemental Rule (C)(4) shall be made within seventeen days after execution of process	Changed 10 days to 14 days and 17 days to 21 days
205.00(c)	Party seeking arrest, attachment, or garnishment per FRCP Supplemental Rule E shall deposit sum sufficient to pay fees an expensive of such action for at least ten days	Changed 10 days to 14 days
209.00(b)	Party may not seek to intervene when a vessel has been arrested, attached, or garnished without first obtaining leave of court if intervention is sought less than fifteen days prior to the date for which a sale of the vessel or property has been set by the court	Changed 15 days to 21 days
209.00(f)	Responses to complaint in intervention due within twenty days of service	Changed 20 days to 21 days
217.00	No execution of judgment or release of seized property per judgment or order of the court until ten days after entry, and a further stay for a thirty day period in the event a motion for new trial or an appeal is filed during the ten day period	Changed 10 days to 14 days
	Patent Cases	
302.2	Disclosure of identify and job functions of designated in-house attorney five days before disclosure of confidential documents or information can be made if a protective order has not yet been entered by the Court	Changed 5 days to 7 days
303.5	Where is there is no claim of infringement in the answer to a declaratory judgment action seeking determination of non-infringement, invalidity, or unenforceability, ten days after the service of the answer or after the Initial Schedule Conference, which is later, party seeking declaratory judgment must serve its Preliminary Invalidity Contentions per Local Rule 303.3, and the parties must meet and confer within ten days after service to determine the date on which Final Invalidity Contentions will be filed	Changed 10 days to 14 days
303.8	Substance of advice of counsel in defense to a charge of willful infringement not discoverable until the earlier of five days after a ruling on summary judgment determining a triable issue of fact to which willfulness would be relevant, or thirty days prior to the close of fact discovery under the Scheduling Order	Changed 5 days to 7 days

304.1	List of claim terms, phrases, or clauses that a party contends should be construed by the Court should be exchanged not later than fifteen days after service of the Preliminary Non-Infringement and Invalidity Contentions	Changed 15 days to 21 days
304.2	Parties should exchange preliminary proposed claim construction not later than twenty days after exchange of Proposed Term and Claim Elements for Construction	Changed 20 days to 21 days
304.5	Response due to claim construction brief not later than twenty days after service	Changed 20 days to 21 days
305.1	Rebuttal expert witness disclosures to be made not later than ten days after the second round of expert witness disclosures	Changed 10 days to 14 days