

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**NOTICE**

On February 27, 2012, pursuant to 28 U.S.C. §2071(e), the judges of the United States District Court, determining that there is an immediate need, approved a Resolution amending Local Rule of Civil Procedure 7.1 (c) *Motion Practice*, to comply with changes made to the Federal Rules of Civil Procedure relating to deadlines in seven-day multiples, and also amending Local Rule of Civil Procedure 7.4(b)(2), *Notices; Stipulations*, to comply with changes made to the Federal Rules of Civil Procedure relating to extensions of time to respond to a Complaint to read as follows:

**Rule 7.1 Motion Practice**

- (a) Every motion shall be accompanied by a form of order which, if approved by the court, would grant the relief sought by the motion. Every response in opposition to a motion shall be accompanied by a form of order, which, if approved by the court, will deny or amend the relief sought by the motion.
- (b) Every uncontested motion shall be accompanied by a certificate of counsel that such motion is uncontested.
- (c) Every motion not certified as uncontested, or not governed by Local Civil Rule 26.1(g), shall be accompanied by a brief containing a concise statement of the legal contentions and authorities relied upon in support of the motion. ~~Unless the parties have agreed upon a different schedule and such agreement is approved under Local Civil Rule 7.4 and is set forth in the motion, or unless the Court directs otherwise, any party opposing the motion shall serve a brief in opposition, together with such answer or other response which may be appropriate, within fourteen (14) days after service of the motion and supporting brief, except that in the case of a motion under Fed. R. Civ. P. 12(b) or 56, the opposing party shall respond within twenty-one(21) days. In the absence of timely response, the motion may be granted as uncontested except that a summary judgment motion, to which there has been no timely response, will be governed by Fed.R.Civ.P. 56(c). The court may require or permit further briefs or submissions if the Court deems it appropriate, except that a movant has a right to file a reply under Fed. R. Civ. P. 56(c)(1)(C), though the Court in its discretion may alter the time for reply. Unless the Court directs otherwise, any party opposing the motion shall serve a brief in opposition together with such answer or other response that~~

**may be appropriate, within fourteen (14) days after service of the motion and supporting brief. In the absence of timely response, the motion may be granted as uncontested except as provided under Fed. R. Civ. P. 56. The Court may require or permit briefs or submissions if the Court deems them necessary.**

Rule 7.4 Notices; Stipulations

(a) All notices by parties or counsel shall be in writing.

(b) Stipulations of Counsel

(1) Stipulations of counsel relating to the business of the court, except such stipulations at bar as are noted by the Clerk upon the minutes or by the court reporter's notes, shall be written and signed by counsel of record. Upon receipt of a stipulation, the Clerk shall stamp the date it is received and forward it to the Court for consideration.

~~2) When the parties file with the Clerk a written stipulation for an extension of time to answer, plead or otherwise move, and no such prior extension has been granted (which shall affirmatively appear in the stipulation), the Clerk shall grant the stipulated extension for a period not exceeding thirty (30) days by endorsement upon the stipulation.~~

~~(3) Except as provided in paragraph (2) and except as permitted by Federal Rule of Civil Procedure 29, no stipulation between the parties relating to extension of time shall be effective until approved by the court.~~

**(2) In accordance with Fed. R. Civ. P.6(b), no stipulation between the parties relating to extension of time shall be effective until approved by the Court.**

As the above changes merely conform our Local Rules with the Federal Rules of Civil Procedure, an Order of the Court was entered on February 27, 2012, making these amendments effective on February 27, 2012, with a period to follow of forty-five days afforded for purposes of Notice to the Bar and Public and Solicitation of Comment, pursuant to 28 U.S.C. §2071(e).

Those wishing to obtain submit comments on these amendments may do so by submitting said comments to the attention of Michael E. Kunz, Clerk of Court, United States Courthouse, 601 Market St., Room 2609, Philadelphia, PA, 19106, or by fax at 215-597-6390 or 215-580-2167, before the close of business, Monday, April 16, 2012.

Copies of the amended Local Rules may be obtained by submitting a request at the address listed above, or by obtaining them in person at the Clerk's Office, or at the court's Website, [www.paed.uscourts.gov](http://www.paed.uscourts.gov).

J. Curtis Joyner, Chief Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: LOCAL RULE OF CIVIL PROCEDURE 7.4(b)(2);  
LOCAL RULE OF CIVIL PROCEDURE 7.1(c)

ORDER

AND NOW, this <sup>th</sup> 27 day of February, 2012, it appearing that this Court is vested with authority, pursuant to 28 U.S.C. §§2071(e), 2077 and Federal Rule of Civil Procedure 83, to promulgate Local Civil Rules not inconsistent with the Federal Rules of Civil Procedure and applicable statutes,

AND, in accordance with the unanimous resolution of the Judges of the Court on this date, this court has determined that there is a need to immediately amend Local Rules of Civil Procedure 7.1(c) and 7.4(b)(2) to comply with the Federal Rules of Civil Procedure, and that, in accordance with 28 U.S.C. §2071(e), there shall be a forty-five day period commencing on that date for purposes of Notice to the Bar and Public and Solicitation of Comment, it is hereby

**ORDERED** that the rules set forth below as amended and approved are adopted, effective February 27, 2012. It is

**FURTHER ORDERED** that the Clerk of Court transmit a copy of Local Rules of Civil Procedure 7.1(c) and 7.4(b)(2), as amended, to the Director of the Administrative Office of the United States Courts and the Judicial Council of the Third Circuit Court of Appeals and make said Rule available to the bar and public.

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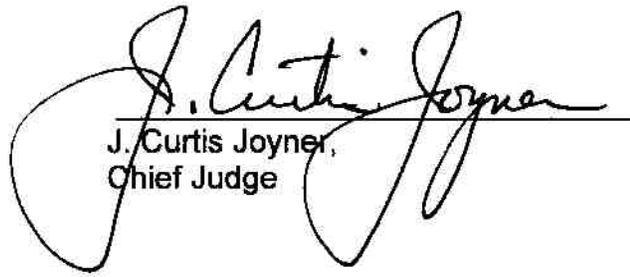
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FOR THE COURT:

  
J. Curtis Joyner,  
Chief Judge