

Summary of Proposed Amendments to the Local Rules of the Western District of New York

This year's proposed amendments to the Local Rules of Civil and Criminal Procedure are intended to remove redundancies, incorporate Standing Orders that are more appropriately characterized as Local Rules, and conform the Local Rules to the current Federal Rules and the Court's current case management practices. These proposed amendments primarily consist of the following:

Local Rules of Civil Procedure

- **LR Civ. P. 4 (Summons)** - This Rule incorporates the content of Standing Order No. 46 (General Order for the Service of Civil Process).
- **LR Civ. P. 5.2(f) (Filing of discovery in *pro se* cases)** - The amendment limits the requirement that discovery be filed to cases involving incarcerated *pro se* litigants. It also identifies the types of discovery required to be filed and provides for the sealing of these materials.
- **LR Civ. P. 16(b)(2)(A) (Pretrial Conferences - Electronically Stored Information)** - To be consistent with the amendments to Fed. R. Civ. P. 16(b)(3) set to take effect on December 1, 2015, the amendment requires that the parties confer in advance of the preliminary pretrial conference about the preservation of electronically stored information.
- **LR Civ. P. 23(g) (Class Action - Amendments)** - The amendment limits the requirement of court approval for the withdrawal or amendment of class action allegations to only certified classes.
- **LR Civ. P. 26(b) (Timing and Sequence of Discovery)** - The amendment eliminates this Rule as duplicative of Fed. R. Civ. P. 26(d)(1).
- **LR Civ. P. 41(b) (Involuntary Dismissals)** - When no action has been taken by the parties in six months, the amendment makes it discretionary as to whether the Court issues an order to show cause why the case should not be dismissed.
- **LR Civ. P. 55 (Default Judgments)** - The amendment clarifies the procedure for obtaining a default judgment for a sum certain.
- **LR Civ. P. 56 (Motions for Summary Judgment)** - To be consistent with Fed. R. Civ.

P. 56(e), the amendment makes it discretionary as to whether a fact will be deemed admitted if not properly contested.

- **LR Civ. P. 76 (Bankruptcy Appeals; Dismissal for Failure to Perfect)** - The amendment renumbers this Rule to correspond with the Federal Rule numbering and clarifies that the Rule applies where an appellant fails to designate the record in the manner prescribed by Federal Rule of Bankruptcy Procedure 8009.
- **LR Civ. P. 83.1(b)(1)(A) (Attorney Admission)** - The amendment provides notice that applications for admission left on file with the Clerk's Office for more than one year will be destroyed and also alerts attorneys that the admissions procedures are available on the Court's website.
- **LR Civ. P. 83.1(i) (Fees for Admission)** - The amendment addresses the maintenance of the District Court Fund.
- **LR Civ. P. 83.3(b), (e) (Discipline of Attorneys)** - The amendments remove sanctions from those forms of discipline that require approval of a majority of the District Judges and require attorneys seeking reinstatement to practice before this Court to move for that relief.

Local Rules of Criminal Procedure

- **LR Crim. P. 59(b) (Matters Assigned to Magistrate Judge)** - The amendment confers authority on magistrate judges to address extradition requests as permitted by 18 U.S.C. §3184.