

Summary of the Proposed Amendments to the Local Rules of Civil Procedure, Local Rules of Criminal Procedure, and Local Patent Rules of the Western District of New York to be Effective January 1, 2017

A. Local Rules of Civil Procedure

LR Civ. P. 5.1(g) (Service by Overnight Delivery) - The proposed amendment makes the extension for responding to a document served by overnight delivery consistent with the extension provided in the Federal Rules for documents served by mail.

LR Civ. P. 5.3(b) (Sealing of Documents) - The proposed amendment clarifies that that the court is not required to make any showing in order to seal a document *sua sponte*.

LR Civ. P. 26(c)(4)(A) (Uniform Definitions for all Discovery Devices) - The proposed amendment eliminates the definition of “all/each”.

LR Civ. P. 26(d)(4) (Categorical Privilege Log Entries) - The proposed amendment permits a categorical approach to privilege log entries.

LR Civ. P. 26(f) (Non-filing of Discovery Materials) - To be consistent with LR Civ. P. 5.2(f), the proposed amendment limits the requirement of filing discovery to cases involving an incarcerated *pro se* litigant.

LR Civ. P. 72(a) (Review of Magistrate Judge’s Actions - Nondispositive Matters)
The proposed amendment clarifies that filing objections to a nondispositive order does not automatically stay that order.

LR Civ. P. 83.1(j) (Withdrawal from Admission to Other Courts) - The proposed amendment requires an attorney who resigns from the bar of another court for non-disciplinary reasons to confirm that he or she still satisfies this district’s admission requirements.

LR Civ. P. 83.3 (Discipline of Attorneys) - The proposed amendment emphasizes that our reciprocal discipline rule does not apply to non-disciplinary resignations from other courts.

B. Local Rules of Criminal Procedure

LR Crim. P. 12(g) (Adjournments) - The proposed amendment clarifies that motions for adjournments are to be made to the judge, rather than to the courtroom deputy.

LR Crim. P. 59(c)(1) (Review of Magistrate Judge's Actions - Nondispositive Matters) - The proposed amendment clarifies that filing objections to a nondispositive order does not automatically stay that order.

C. Local Patent Rules

L. Patent R. 3.5 (Responses to Invalidity Contentions) - The proposed amendment clarifies that a party is obligated to respond each ground of invalidity asserted, rather than solely to prior art invalidity contentions.