Summary of the Proposed Amendments to the Local Rules of Civil Procedure of the Western District of New York to be Effective January 1, 2018

1. L.R. Civ. P. 5.1(h) (filing of letters) - The proposed amendment allows letters to be filed, where permitted by the individual judge.

2. L.R. Civ. P. 5.2(e) (case assignment) - The proposed amendment clarifies that all cases brought by a *pro se* litigant shall be assigned to the same district judge and magistrate judge.

3. L.R. Civ. P. 7(d)(3) (motion for reconsideration or reargument) - The proposed amendment eliminates this rule which can be interpreted as being inconsistent with the Court's inherent power to reconsider and modify interlocutory orders prior to the entry of judgment.

4. L.R. Civ. P. 16(b)(3)(F) (consent) - The proposed amendment is intended to clarify that unless there is unanimous consent among the parties to proceed before a magistrate judge, no party shall discuss its position concerning consent with the Court.

5. L.R. Civ. P. 26(a) (discovery conference) - The proposed amendment corrects an erroneous local rule reference.

6. L.R. Civ. P. 56(a)(1) (statement of material facts) - The proposed amendment is intended to account for the fact that a motion for summary judgment may be supported by either admissible evidence or evidence that may be presented in admissible form at trial. *See* Delaney v. Bank of America Corp., 766 F.3d 163, 169, 170 (2d Cir. 2014).

7. L.R. Civ. P. 56(b) (notice to *pro se* litigants) - The proposed amendment clarifies that the failure to accompany a motion for summary judgment directed at a *pro se* litigant with the notice required by Irby v. New York City Transit Authority, 262 F.3d 412 (2d Cir. 2001), does not require the motion to be denied in all instances.

8. L.R. Civ. P. 83.1(j) (withdrawal from admission to other courts) - The proposed amendment limits the requirement that attorneys notify the Clerk's Office of non-disciplinary changes in their admission status to other courts, to those instances that affect their qualification to practice in this Court.

9. L.R. Civ. P. 83.3(d) (reciprocal discipline) - The proposed amendment clarifies that this Court will reciprocate discipline imposed by circuit courts and other district courts.