

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2010-151

IN RE: INTERIM AMENDMENTS TO
THE BRIEFING SCHEDULE FOR SUMMARY
JUDGMENT MOTIONS IN THE LOCAL RULES

FILED by JMS D.C.
DEC 15 2010
STEVEN M. LARIMORE
CLERK U. S. DIST. CT.
S. D. of FLA. - MIAMI

THIS MATTER came before the Court on the petition of its Ad Hoc Committee on Rules and Procedures for an Administrative Order concerning the briefing schedule for summary judgment motions under the Local Rules. For the reasons set forth below, the petition is GRANTED.

This Court amends its various local rules on an annual cycle corresponding to the issuance of new rules books for Florida federal practitioners by West Publishing Company, after a period of public comment, notice, and an opportunity to be heard in accordance with Fed. R. Civ. P. 83 and Fed. R. Crim. P. 57.

This year, Federal Rule of Civil Procedure 56 was amended to eliminate the briefing schedule applicable to summary judgment motions. This change became effective on December 1, 2010. The Committee has prepared corresponding amendments to the Local Rules. These, however, will not go into effect until April 15, 2011, subject to the notice and comment procedures described above.

To avoid any discrepancy between the briefing schedule for summary judgment motions under the Federal Rules of Procedure and the Local Rules of this District during the interim period of December 1, 2010, when the amendment to the Federal Rules go into effect, and April 15, 2011, when the corresponding amendments to the Local Rules will go into effect, the Committee has requested that the changes to the summary judgment briefing schedule in the above rules be set forth as an attachment to an Administrative Order, to be in effect during the interim period. The Court has determined that this is appropriate, and it is

ORDERED that the modifications to the Local Rules shown on the attached table shall be effective as of December 1, 2010. This Order shall expire on April 15, 2011. It is further

ORDERED that the Clerk of the Court is directed to post this Order, with the attached table, on the Court's website, and to take such other measures as he deems necessary to advise members of the Bar of the United States District Court for the Southern District of Florida of the forthcoming changes in the briefing schedule for summary judgment motions in the Local Rules.

DONE AND ORDERED in Chambers at Miami, Florida this 14 day of December 2010.



FEDERICO A. MORENO
CHIEF UNITED STATES DISTRICT JUDGE

Copies provided to:

Honorable Joel F, Dubina, Chief Judge, United States Court of Appeals for the Eleventh Circuit
All Southern District and Magistrate Judges
James P. Gerstenlauer, Circuit Executive, Eleventh Circuit
Steven M. Larimore, Court Administrator • Clerk of Court
Kevin Jacobs, Chair, Ad Hoc Committee on Rules and Procedures
All members of the Ad Hoc Committee on Rules and Procedures
Library
Daily Business Review

TABLE OF INTERIM RULES CHANGES
United States District Court for the Southern District of Florida
Effective December 1, 2010 — April 15, 2010

Local Rule	Existing Language	Modification
7.1.C	Memorandum of Law. Except with respect to a response or reply to a motion for summary judgment, the time of which is governed by Federal Rule of Civil Procedure 56 unless otherwise ordered, each party opposing a motion shall serve an opposing memorandum of law no later than fourteen (14) days after service of the motion. . . .	Memorandum of Law. Except with respect to a response or reply to a motion for summary judgment, the time of which is governed by Federal Rule of Civil Procedure 56 unless otherwise ordered, <u>e</u> Each party opposing a motion shall serve an opposing memorandum of law no later than fourteen (14) days after service of the motion. . . .
7.5.E	Briefing Schedule. Unless otherwise specifically ordered by the Court, the briefing schedule in Federal Rule of Civil Procedure 56 shall apply.	Briefing Schedule. Unless otherwise specifically ordered by the Court, the briefing schedule in Federal Rule of Civil Procedure 56 shall apply.