

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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In re: Amendments of Local Civil Rules 6.3
(Motions for Reconsideration or Re-argument)
and 56.1 (Statements of Material Facts on Motion
for Summary Judgment)

ADMINISTRATIVE ORDER
2004-03

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WHEREAS the Board of Judges of the Eastern District of New York, at a meeting held on January 6, 2004, adopted the recommendation of the Eastern District/Southern District of New York Joint Committee on Local Rules, approving the amendments to Local Civil Rules 6.3 (Motions for Reconsideration or Re-argument) and 56.1 (Statements of Material Facts on Motion for Summary Judgment); and

WHEREAS the Board of Judges of the Southern District of New York adopted the exact same amendments to Local Civil Rules 6.3 and 56.1 at a meeting held on February 24, 2004; and

WHEREAS the Board of Judges for the Eastern District of New York continues to coordinate Local Rules of Court, to the greatest extent possible, jointly with the Southern District of New York, it is now therefore,

ORDERED that Local Civil Rules 6.3 and 56.1 are hereby amended by the Eastern District of New York, effective March 26, 2004.

The full text of Local Civil Rules 6.3 and 56.1, as amended, is attached.

SO ORDERED.

Dated: Brooklyn, New York
February __, 2004

Edward R. Korman
Chief Judge

Att.

Local Civil Rule 6.3. Motions for Reconsideration or Re-argument

A notice of motion for reconsideration or re-argument of a court order determining a motion shall be served within ten (10) days after the entry of the court's order determining the original motion, or, in the case of a court order resulting in a judgment, within ten (10) days after the entry of the judgment. There shall be served with the notice of motion a memorandum setting forth concisely the matters or controlling decisions which counsel believes the court has overlooked. The time periods for the service of answering and reply memoranda, if any, shall be governed by Local Civil Rule 6.1(1) or (b), as in the case of the original motion. No oral argument shall be heard unless the court directs that the matter shall be reargued orally. No affidavits shall be filed by any party unless directed by the court.

Local Civil Rule 56.1. Statements of Material Facts on Motion for Summary Judgment

(a) Upon any motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, there shall be annexed to the notice of motion a separate, short and concise statement, in numbered paragraphs, of the material facts as to which the moving party contends there is no genuine issue to be tried. Failure to submit such a statement may constitute grounds for denial of the motion.

(b) The papers opposing a motion for summary judgment shall include a correspondingly numbered paragraph responding to each numbered paragraph in the statement of the moving party, and if necessary, additional paragraphs containing a separate, short and concise statement of the material facts as to which it is contended that there exists a genuine issue to be tried.

(c) Each numbered paragraph in the statement of material facts required to be served by the moving party will be deemed to be admitted for purposes of the motion unless specifically controverted by a correspondingly numbered paragraph in the statement required to be served by the opposing party.

(d) Each statement by the movant or opponent pursuant to Rule 56.1(a) and (b), including each statement controverting any statement of material fact, must be followed by citation to evidence which would be admissible, set forth as required by Federal Rule of Civil Procedure 56(e).

Adopted: January 6, 2004

Board of Judges
Eastern District of New York

Effective Date: March 26, 2004