

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
OFFICE OF THE CLERK**

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PATRICIA L. McNUTT
Clerk of the Court

JOHN L. MEDEARIS
Chief Deputy Clerk

November 2, 2009

NOTICE

Pursuant to 28 U.S.C. § 2071, the Clerk of the Court hereby gives notice of and an opportunity for comment regarding the Court's pending amendments to the Local Rules of the United States District Court for the Eastern District of Tennessee.

The primary reason for the present amendments is to conform the Local Rules to the amendments to the Federal Rules of Civil and Criminal Procedure, effective December 1, 2009, which change the way time is computed. In particular, under the new rules, weekends and holidays will no longer be excluded for time periods of less than 11 days. Because this change has the effect of shortening current periods of less than 11 days, most short periods in the proposed federal rules are being lengthened to offset the change in the computation method, *i.e.*, 5-day periods will become 7-day periods and 10-day periods will become 14-day periods. Periods shorter than 30 days are being revised to be multiples of 7 days to reduce the likelihood of ending on weekends. Similar changes to time periods are being made to the District Court's Local Rules.

In addition, a number of non-substantive changes are being made in the amendments, including grammatical, punctuation, and spelling corrections; changes to statutory citations to reflect recodifications to the U.S. Code; and changes to bring the rules into conformity with electronic filing processes.

Rule 7.2 is being amended to remove the current provisions setting forth a separate practice for the disposition of motions in the Southern (Chattanooga) division.

The proposed changes to the rules can be viewed on the court's web site. There is a "Proposed Amendments to Local Rules" document with additions highlighted and deletions struck through. There is also a "Local Rules with Amendments" document in which the amendments are incorporated.

Notice is also being given regarding pending amendments to the Court's *Guidelines on Preparing Bills of Costs*. Many of the changes are stylistic and organizational. The changes also clarify and revise provisions on issues that commonly are raised in Bills of Costs, such as fees for attorney admission (non taxable); costs for private process server (taxable where costs do not exceed Marshal's fee); transcripts of pre-trial hearing if obtained for use in case (taxable); costs of depositions used in successful summary judgment motions (taxable); costs of deposition transcripts that do not set forth the number of pages or rate per page (not taxable); condensed transcripts, ASCII disks, postage, deposition exhibits (not taxable); fees of mediators/arbitrators (not taxable); and the effect of an appeal on a bill of costs (held in abeyance).

The proposed changes to the Guidelines can be viewed on the court's web site. There is a "Proposed Amendments to Guidelines on Preparing Bills of Costs" document with additions highlighted and deletions struck through. There is also a "Guidelines on Preparing Bills of Costs with Amendments" document in which the amendments are incorporated.

The proposed amendments will be effective December 1, 2009.

Comments should be directed, in writing, to Patricia L. McNutt, Clerk of Court, at the above address.