

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
OFFICE OF THE DISTRICT COURT EXECUTIVE
THE DANIEL PATRICK MOYNIHAN UNITED STATES COURTHOUSE
500 PEARL STREET, ROOM 820
NEW YORK, N.Y. 10007-1312

EDWARD A. FRIEDLAND
District Court Executive

Voice: (212) 805-0500
Fax: (212) 805-0383

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CONTACT
Edward A. Friedland 212-805-0500
Douglas Palmer 718-613-2270

**EASTERN AND SOUTHERN DISTRICTS OF NEW YORK AMENDMENTS TO
JOINT LOCAL CIVIL RULES 7.1(c), 23.1. & 23.1.1 AND 26.5**

The United States Districts Court for the Eastern and Southern District of New York have adopted amendments to Local Civil Rules 7.1(c), 23.1. & 23.1.1 and 26.5. These amendments to the rules will become effective September 26, 2016.

Below is the summary of the amendments.

The first amendment is to conform Local Rule 7.1(c) to the Federal Rules of Bankruptcy Procedure. The second amendment is to add the words “class action” to existing Local Rule 23.1.1 and renumber Local Rule 23.1 as a result of a recent Second Circuit decision. The third amendment is to conform Local Rule 26.5 to the December, 2015 amendments to the Federal Rules of Civil Procedure.

1. Local Rule 7.1(c)

Unless otherwise ordered by the District Judge to whom the appeal is assigned, appellate briefs on bankruptcy appeals shall comply with the briefing format and length specifications set forth in Federal Rules of Bankruptcy Procedures 8015 to 8017.

This replaced the prior guidelines of appellate briefs on bankruptcy appeals not exceeding 25 pages and 10 pages for reply briefs.

2. Local Rule 23.1 & 23.1.1

The proposal is to add the words “class action” to existing Local Rule 23.1.1 and renumber it as LR 23.1

The Second Circuit’s recent decision in *Bernstein v. Bernstein Litowitz Berger & Grossman LLP*, 814F. 3d 132, 137 n.2 (2d Cir. 2016), stated that the prior Local Rule is not redundant with Fed. R. Civ. P. 23(h) regarding fee sharing arrangements. The

committee therefore recommends reinstating Local Rule 23.1 and combining it with Local Rule 23.1.1 to cover both class actions and derivative actions.

3. Local Rule 26.5

Attorneys using form discovery requests shall review them to ascertain that they are consistent with the scope of discovery under Fed. R. Civ.P. 26(b) (1) Non-compliant request shall not be used.

This replaces the previous guideline stating attorneys using form discovery requests shall review them to ascertain that they are relevant to the subject matter involved in the particular case and that those not relevant to the subject matter shall not be used.

EAF/dm