UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
OFFICE OF THE CLERK

Felicia C. Cannon, Clerk of Court
Jarrett B. Perlow, Chief Deputy
Elizabeth B. Snowden, Chief Deputy

Reply to Northern Division Address

December 1, 2015

N O T I C E

On December 1, 2015, significant changes to the Federal Rules of Civil Procedure went into effect, including the following items:

1. The time for service of process under Rule 4(m) is shortened from 120 days to 90 days.

2. The scope of discovery in Rule 26(b)(1) has been amended.

3. Rule 37(e) has been rewritten to address actions a court may take in response to the loss of electronically stored information.

4. Rule 1 has been amended to state that parties as well as courts have an obligation to secure the just, speedy, and inexpensive determination of every action.

The new rule amendments, as well as the committee notes that explain them, are available at http://www.mdd.uscourts.gov/publications/forms/FRCPAmendments2015.pdf. Additionally, a chart summarizing these amendments is available at http://www.mdd.uscourts.gov/publications/forms/Rules%20Comparison%20Chart.pdf.

In light of the amendment to Rule 4(m), this Court has adopted an emergency, conforming amendment to Local Rule 103.8. The order adopting the emergency amendment is attached, along with a copy of Local Rule 103.8 noting the change and a clean copy incorporating the change. A revised electronic version of the Local Rules is available at http://www.mdd.uscourts.gov/publications/forms/LocalRules.pdf.

This amendment will be posted for public notice and comment as part of our Court's next local rule amendment cycle. Questions and inquiries may be directed in writing to the Clerk's Office, Attention: Local Rules and Forms Committee, or to MDD_LocalRules@mdd.uscourts.gov.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

IN RE:	*	
EMERGENCY AMENDMENT TO		MISC. NO. 00-308
LOCAL RULE 103.8	*	MISC. NO. 10-642

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STANDING ORDER 2015-07

Pursuant to Local Rule 605.2 and for good cause shown, the full bench considered and approved the following emergency amendment to Local Rule 103.8:[1]

a. Failure to Effect Service

If a party demanding affirmative relief has not effected service of process within ~~120~~**[90]** days of filing the pleading seeking the affirmative relief, the Court may enter an order asking the party to show cause why the claim should not be dismissed. If the party fails to show good cause within fourteen (14) days of the entry of the order or such other time as may be set by the Court, the claim shall be dismissed without prejudice.

According, it is hereby ORDERED that:

1. The above emergency amendment to Local Rule 103.8 is approved, effective December 1, 2015;

2. This amendment applies to all cases filed on or after December 1, 2015, to the extent practicable, unless otherwise ordered by the presiding judge; and

3. The Clerk is directed to provide prompt public notice of this amendment, to publish amended Local Rules, and to submit this amendment for public consideration under Local Rule 605.1 during the next regular amendment cycle.

Dec. 1, 2015
Date

Catherine C. Blake, Chief Judge
United States District Court

[1] The new language appears in bold between the brackets. Deleted language is crossed out.

b) Service

Unless otherwise ordered by the Court, a third party plaintiff shall serve upon a third party defendant copies of all documents (other than notices of previously held depositions) which the parties have previously served upon one another and shall make all previously-conducted discovery materials available for review by the third party defendant.

8. Dismissal for Want of Prosecution

a) Failure to Effect Service

If a party demanding affirmative relief has not effected service of process within ~~120~~ **[90]** days of filing the pleading seeking the affirmative relief, the Court may enter an order asking the party to show cause why the claim should not be dismissed. If the party fails to show good cause within fourteen (14) days of the entry of the order or such other time as may be set by the Court, the claim shall be dismissed without prejudice.

b) Dormancy of Action for Nine Months

If no document has been filed in court in any action for more than nine (9) months, the Court may enter an order asking the parties to show cause why the case should not be dismissed. If good cause is not shown within fourteen (14) days of the entry of the show cause order or such other time as may be set by the Court, the case shall be dismissed without prejudice.

9. Scheduling Orders

a) Categories of Actions Generally Exempted from Fed. R. Civ. P. 16(b)

All categories of actions in which ordinarily discovery is not conducted and additional parties are not added are exempted from Fed. R. Civ. P. 16(b). These categories of actions include petitions filed under 28 U.S.C. § 2254, motions filed under 28 U.S.C. § 2255, social security appeals, bankruptcy appeals, appeals on the record from administrative agencies, motions to enforce arbitration awards, forfeiture actions, actions seeking enforcement of judgments, and mortgage or deed of trust foreclosures. In all actions in which a scheduling order is not entered under Fed. R. Civ. P. 16(b), the presiding judge will enter such orders as are necessary to assure the prompt and expeditious resolution of the litigation.

b) Actions Exempted from the Consultation Requirement of Fed. R. Civ. P. 16(b)

All actions except ones which the presiding judge notifies the parties that he or she designates to be complex, e.g., antitrust, mass tort, patent infringement, RICO and securities fraud actions in which all parties are represented by counsel, are exempted from the requirement of Fed. R. Civ. P. 16(b) that the Court consult with counsel (or unrepresented parties) or await a report from the parties under Fed. R. Civ. P. 26(f) before entering a

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