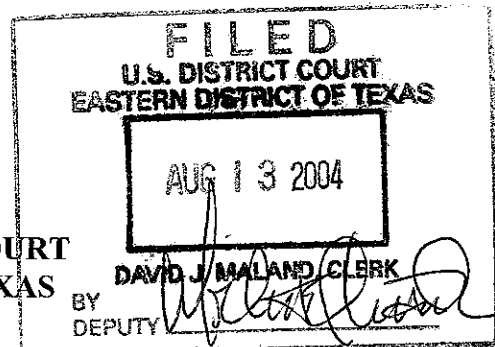


- General Order 04-17

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

GENERAL ORDER AMENDING LOCAL RULE CV-5



It is hereby ORDERED that the following amendment to Local Rule CV-7, having been approved by the judges of this court, is adopted for immediate implementation.¹ This amendment shall be posted forthwith on the court's Internet web site, found at www.txed.uscourts.gov.

LOCAL RULE CV-7 Motions Practice

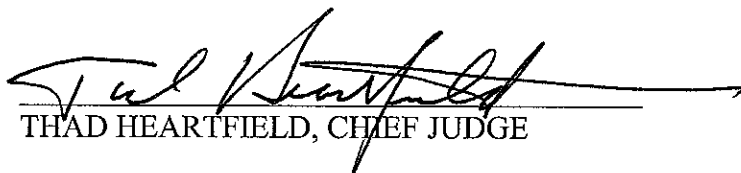
* * * * *

- (e) **Time to File Response.** A party opposing a motion has 12 +5 days from the date the motion was served in which to serve and file a response and any supporting documents, after which the court will consider the submitted motion for decision. Except for motions served under Fed.R.Civ.P. 5(b)(2)(A), three days shall be added to the prescribed time period pursuant to See Fed.R.Civ.P. 6(e). Any party may separately move for an order of this court lengthening or shortening the period within which a response may be filed.

Comment: The court's reading of Fed.R.Civ.P. 6(e) is that it applies to a response to a motion, irrespective of whether the motion was served via regular mail, facsimile or electronic service via the court's CM/ECF system, so long as it is not served under Fed.R.Civ.P. 5(b)(2)(A). To conform to the court's wish to calculate responses as due within fifteen days, the rule has been re-written to make responses due in twelve days plus, when applicable, the three days required to be provided by Rule 6(e).

Signed this _____ day of August, 2004.

FOR THE COURT:


THAD HEARTFIELD, CHIEF JUDGE

¹New language appears in underlined text; deleted language appears in ~~strikeout~~ text.