

GENERAL ORDER 12-10

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

GENERAL ORDER AMENDING LOCAL RULE CV-5(d)

In response to public commentary received regarding General Order 12-8, it is hereby ORDERED that Local Rule CV-5(d) is amended as follows:

(d) **Service by Facsimile or Electronic Means Authorized.** Parties may serve copies of pleadings and other case related documents to other parties by facsimile or electronic means in compliance with Local Rule CV-5(a) in lieu of service and notice by mail. Such service is deemed complete upon sending. Service after 5:00 p.m. Central Time shall be deemed served on the following ~~business~~ day.

Comment: The word “business” has been removed from Local Rule CV-5(d) because it is inconsistent with the counting scheme contained in Fed. R. Civ. P. 6. Specifically, the 2009 amendments to Rule 6 eliminated any distinction between calendar and business days, opting for a scheme based on the straight counting of calendar days. *See* Fed. R. Civ. P. 6(a)((1)(B). Consequently the local rules must remain free of any reference to business days in order to conform to the national method of time computation.

Signed this 15 day of August, 2012.

FOR THE COURT:

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
Chief Judge