

GENERAL ORDER 09-7

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

**GENERAL ORDER AMENDING LOCAL RULES**

Based on public commentary received regarding General Order 09-6 and the recommendations of the Local Rules Advisory Committee, the Local Rules are amended as follows<sup>1</sup>:

1. **LOCAL RULE CV-7        Motions Practice**

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(f) **Reply Briefs.** Unless otherwise directed by the presiding judge, a party who has filed an opposed motion may serve and file a reply brief responding to issues raised in the response within 5 days from the date the response is served. See Local Rule CV-6 (three days added to the prescribed period). A surreply responding to issues raised in the reply may be served and filed within 5 days from the date the reply is served. See Local Rule CV-6 (three days added to the prescribed period). The court need not wait for the reply or sur-reply before ruling on the motion. Absent leave of court, no further submissions on the motion are allowed..

2. **LOCAL RULE CV-30        Depositions Upon Oral Examination**

In cases where there is a neutral non-party witness or a witness whom all parties must examine, the time limit shall be divided equally among plaintiffs and defendants. Depositions may be taken after 5:00 p.m., on weekends, or holidays with approval of a judge or by agreement of counsel. Unless permitted by Fed.R.Civ.P. ~~30(d)(1)~~ 30(c)(2), a party may not instruct a deponent not to answer a question. Objections to questions during the oral deposition are limited to “Objection, leading” and “Objection, form.” Objections to testimony during the oral deposition are limited to “Objection, nonresponsive.” These objections are waived if not stated as phrased during the oral deposition. All other objections need not be made or recorded during the oral deposition to

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<sup>1</sup>New language appears in underlined text; deleted language appears in ~~strikeout~~ text.

be later raised with the court. The objecting party must give a clear and concise explanation of an objection if requested by the party taking the oral deposition, or the objection is waived.

3. **LOCAL RULE CV-63 Inability of a Judge to Proceed; Reassignment of Actions after Recusal or Disqualification**

The amendments to Local Rule CV-63(b) specified in General Order 09-6 have been withdrawn by the court.

The public notice and comment period for General Order 09-6 has expired. Therefore, the local rule amendments contained in General Order 09-6<sup>2</sup> and this general order are effective as of the date of this order.

Signed this 26 day of March, 2009.



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DAVID FOLSOM  
Chief Judge

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<sup>2</sup>As mentioned above, the approved amendments in General Order 09-6 do not include any changes to Local Rule CV-63(b).