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Comments:

I write to comment in favor of the proposed Rule 32.1. I fully support both the intent and result of the proposed rule change. In my view, it is inconsistent with the principles of stare decisis, open courts, and predictability for courts to be able to designate decisions as non-precedential and, therefore, non-binding on future courts.

The criticisms I have read of the proposed rule change are unconvincing. For example, the idea that parties will be disadvantaged because appellate courts will write shorter opinions is not persuasive. If the issues presented on appeal cannot be disposed of by simple citation to existing case law or other authority, then there should be a published opinion. The current rule employed in the 9th Circuit has led to a situation where, far too often, the only circuit authority on point lies in an unpublished opinion. For example, there does not appear to be any 9th Circuit authority for the proposition that, for purposes of jurisdiction, a limited liability company is a citizen of each state of which its members are citizen other than *Provident v. Bullington*, 77 Fed. Appx. 427 (9th Cir. 2003).

For the foregoing reasons, I support Proposed Rule 32.1 and congratulate the committee on considering this important issue.

Best
regards,
Jim Morse Jr.

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