

United States District Court

Eastern District of Virginia
Norfolk, Virginia 23510

Chambers of
Robert G. Doumar
Senior United States District Judge

Walter T. Hoffman U.S. Courthouse
600 Granby Street, Room 420
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November 4, 2008

08-CV-042

Via Facsimile and U.S. Mail

Peter G. McCabe, Secretary
Committee on Rules of Practice and Procedure
Administrative Office of the United States Courts
Washington, D.C. 20544

Re: Proposed Amendment to Fed. R. Civ. P. 56

Dear Mr. McCabe:

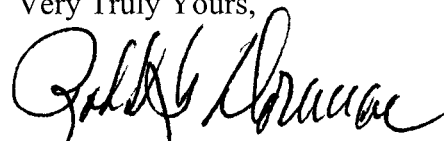
In regard to Proposed Rule 56(c), I would hope that it not be adopted. When I tried my first case in federal court some fifty years ago the usual price for a trial was \$500 and a Coca-Cola was \$.05. The Coca-Cola has gone up in price to \$1.00, or twenty times its cost. A trial has gone up to \$50,000, or one hundred times its cost.

As I watched the rules be amended, the cost of litigation increased to an extent that small businesses of the United States cannot afford to ever be in federal court.

Fed. R. Civ. P. 56(c) is unnecessary and approaches changes for the benefits of billable hours of large law firms. The rules have taken litigation to such an extent that 80% of the lawyers in this area refuse to come to federal court because of the complexity of litigation by virtue of the many rules.

I beg the Committee that my more than a half of a century as a lawyer and judge in the Federal System to require me to inform you that it promotes less benefit then it costs. Please don't adopt it.

Very Truly Yours,



Robert G. Doumar