



UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
HOLLINGS JUDICIAL CENTER
POST OFFICE BOX 835
CHARLESTON, SOUTH CAROLINA 29402

08-CV-043

DAVID C. NORTON
CHIEF JUDGE

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November 3, 2008

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 Federal Rule of Civil Procedure 56

Dear Mr. McCabe:

This letter is submitted for the Committee's consideration as it evaluates the proposed amendments to Federal Rule of Civil Procedure 56. Proposed Rule 56(c) is my focus.

I am not in favor of the adoption of Proposed Rule 56. It appears to me that the proposed change would make our jobs more difficult, not less difficult. Also, it would raise, not lower, the cost of litigation.

I urge you to reject addition of Proposed Rule 56(c) to the Federal Rule of Civil Procedure. This would also require a revision to Proposed Rule 56(e), which includes a reference to Rule 56(c), and jettison Proposed Rule 56(g) in its entirety, for it would be inoperable without Rule 56(c),

With kind personal regards, I am

Sincerely yours,

David C. Norton

DCN:dph