

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NORTH CAROLINA

POST OFFICE BOX 2143

WILMINGTON, NORTH CAROLINA 28402

JAMES C. FOX

SENIOR JUDGE

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November 5, 2008

08-CV-064

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

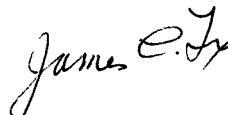
Re: Proposed Amendment to Fed. R. Civ. P. 56

Dear Mr. McCabe:

I write to express my agreement with Alaska Chief District Judge John W. Sedwick's views on the matter of the proposed amendment of Federal Rule of Civil Procedure 56, as stated in his letter to you dated October 15, 2008,

For the reasons cogently set forth in Judge Sedwick's letter, I also urge you to reject addition of Proposed Rule 56(c)

Sincerely yours,



James C. Fox

JCF/ejj