

United States District Court
Eastern District of Virginia
Norfolk, Virginia 23510

08-CV-187

Chambers of
Rebecca Beach Smith
United States District Judge

February 12, 2009

Mr. Peter G. McCabe
Secretary
Committee on Rules of Practice
and Procedure of the Judicial
Conference of the United States
Thurgood Marshall Federal Judicial Building
Washington, D.C. 20544

Dear Mr. McCabe:

I agree with Judge Payne's opinion, as expressed in his letter of January 30, 2009, regarding the proposed amendment to Fed. R. Civ. P. 56(c). I respectfully join in Judge Payne's request that the procedure outlined be deleted and that the matter be left for regulation by local rule and individual judges.

Very truly yours,



Rebecca Beach Smith

RBS/dmt

cc: Chief Judge John W. Sedwick
Judge Graham C. Mullen
Chief Judge David C. Norton
All EDVA Judges