

Proposed Amendments to Rule 82

Rule 82 is amended as follows:

Rule 82. Clerk's Office **Hours; Clerk's** [~~and~~] Orders [~~by the Clerk~~]

(a) [~~Business~~ **Clerk's Office** Hours [~~and Address.~~]; **Clerk's Orders.** The **clerk's** office [~~of the~~] – **with a clerk or deputy on duty** – [~~shall~~] **must** be open between 8:30 a.m. and 5:00 p.m. on all days except Saturdays, Sundays, and legal holidays[,*] **as set forth in Rule 6**, at:

Office of the Clerk of the Court
United States Court of International Trade
One Federal Plaza
New York, New York 10278-0001
(212) 264-2800

(b) Motions, Orders and Judgments. [~~The~~] **Subject to the court's power to suspend, alter, or rescind the clerk's action for good cause, the** clerk may dispose of the following [~~types of~~] motions and sign the following [~~types of~~] orders and judgments without submission to the court [~~, but the clerk's action may be suspended, altered or rescinded by the court for good cause shown~~]:

(1) Motions on consent in unassigned cases extending the time within which to plead, move or respond.

(2) Motions on consent in unassigned cases for the discontinuance or dismissal of the [~~action~~] **case.**

(3) Orders of dismissal [~~up~~] on notice as prescribed by Rules 41(a)(1) and 41(b)(3).

(4) Orders of dismissal for lack of prosecution as prescribed by Rules 83(c) and 85(d).

(5) Consent motions to intervene as of right made within the 30-day period provided in Rule 24(a).

(6) Orders of dismissal for failure to file a complaint as prescribed by Rule 13(i)(4).

(7) Orders of dismissal for failure to file a complaint as prescribed by Rule 41(b)(2).

(8) Disciplinary orders to show cause as prescribed by Rule 74(e)(3)(A)(ii) and (4)(B)(ii).

(9) Orders on Bill of Costs as prescribed by Rule 54(d)(1).

(c) Clerk--Definition. The words "clerk" or "clerk of the court" as used in these rules include a deputy clerk designated by the clerk to perform services of the kind provided for in these rules.

(As amended Nov. 4, 1981, eff. Jan. 1, 1982; Oct. 3, 1984, eff. Jan. 1, 1985; June 19, 1985, eff. Oct. 1, 1985; July 28, 1988, eff. Nov. 1, 1988; Sept. 25, 1992, eff. Jan. 1, 1993; Oct. 5, 1994, eff. Jan 1, 1995; Nov. 29, 1995, eff. March 31, 1996; Nov. 14, 1997, eff. Jan. 1, 1998; Aug. 29, 2000, eff. Jan. 1, 2001; Dec. 18, 2001, eff. April 1, 2002; Sept. 30, 2003, eff. Jan. 1, 2004; May 25, 2004, eff. Sept. 1, 2004; _____, 2008; eff. _____, 2009.)

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~~[*As used in these rules, "legal holidays" include: New Year's Day, January 1; Martin Luther King, Jr.'s Birthday, third Monday in January; Washington's Birthday, third Monday in February; Memorial Day, last Monday in May; Independence Day, July 4; Labor Day, first Monday in September; Columbus Day, second Monday in October; Veterans Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; and any other day designated as a holiday by the President or the Congress of the United States.]~~

Advisory Committee Note

The language of Rule 82 has been amended as part of the general restyling of these rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only. Also, the reference listing legal holidays has been deleted, since that information is now set forth in amended Rule 6, a cross-reference to which has been added.