

# ADOPTED December 2, 2013

## UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT AMENDMENT TO LOCAL RULE 28(f)

PLEASE TAKE NOTICE that the Court intends to amend Local Rule 28(f), Statement of Facts, to conform to amendments to Fed. R. App. P. 28.

Effective December 1, 2013, amendments to Fed. R. App. P. 28(a)(6) and (7) eliminate the statement of facts as a separate section of the brief. Subdivisions (a)(6) (statement of case) and (a)(7) (statement of facts) are consolidated into a new subdivision (a)(6) that requires a "concise statement of the case setting out the facts relevant to the issues submitted for review, describing the relevant procedural history, and identifying the rulings presented for review, with appropriate references to the record."

Local Rule 28(f) is amended to conform to Fed. R. App. P. 28 by eliminating reference to the statement of facts and by describing the factual statement to be included by counsel in the statement of the case.

To maintain consistency with the federal rules, the proposed amendment takes effect immediately, subject to amendment in light of comments received. Interested parties may submit comments on or before January 15, 2014, to:

Patricia S. Connor, Clerk  
U.S. Court of Appeals for the Fourth Circuit  
1100 E. Main Street, Suite 501  
Richmond, Virginia 23219

or via email to:  
[rulecomments@ca4.uscourts.gov](mailto:rulecomments@ca4.uscourts.gov)

The Fourth Circuit Rulebook is available [here](#)

December 2, 2013  
Date

s/Patricia S. Connor  
Clerk

**Local Rule 28(f). Statement of Facts Case.**

Every opening brief filed by appellants in this Court shall include a separate section, the title of which is ~~STATEMENT OF FACTS~~. In this section the attorneys will prepare ~~The statement of the case required by FRAP 28(a)(6) must include~~ a narrative statement of all of the facts necessary for the Court to reach the conclusion which the brief desires, ~~with references to the specific pages in the appendix that support each of the facts stated.~~ The said ~~STATEMENT OF FACTS~~ will include ~~exhibit, record, transcript, or appendix~~ references showing the source of the facts stated. An appellee's brief shall also include a ~~STATEMENT OF FACTS~~ so prepared unless appellee is satisfied with appellant's statement of facts.