

# Discovery

The Court has a standing scheduling order that is entered in each case following the initial scheduling conference, which sets the discovery cut off date. Parties may request an extension of the discovery cutoff date by submitting a proposed stipulated order. [E.D. Mich. LR 37.1](#) is enforced. **If the circumstances warrant, the Court will entertain telephone conferences, if available, to resolve pressing discovery disputes.**

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The initial disclosure requirements of Rule 26(a)(1) will be addressed at the scheduling conference. However, parties are welcome and encouraged to meet and discuss Rule 26(a)(1) prior to the initial scheduling conference. Infrequently, the Court has limited or not permitted expert testimony as a result of a party's failure to comply with Rule 26(a)(2). The Court does not enforce the stay of discovery contemplated by Rule 26(d) pending the conference contemplated by Rule 26(f).

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**It is expected all parties and all counsel will conduct discovery in a cooperative way, consistent with FRCP 1: "To secure the just, speedy, and inexpensive determination of every action."** An annual award for civility has been established.

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Counsel are encouraged to communicate early, often and informally in dealing with discovery problems. If they can't resolve them, don't hesitate to bring them to my attention. While you can always file a motion, I'm also available to conduct an informal discovery conference, either in person or by telephone. To arrange for such a conference, email Mike Lang ([Mike\\_lang@mied.uscourts.gov](mailto:Mike_lang@mied.uscourts.gov)) or in emergency call Mike Lang at (313) 234-5182.

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The questioning attorney at depositions is to be respectful of the witness, to confine questions to subjects that are discoverable under FRCP 26(b) and to spend no more time than is reasonable in questioning the witness. All attorneys are to be polite and professional.

The lawyer defending a witness at a deposition should not impede the legitimate interrogation of that witness. Since all objections, other than as to form or dealing with privilege, are preserved for trial, I expect that objections will be few in number and will not be "speaking objections;" i.e., those calculated to suggest an answer to the witness or impede legitimate questions. See FRCP 30(d)(i) and 32(d)(3).

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If problems arise in a deposition and counsel need immediate guidance from the Court, you may call me at (313) 234-5180, fax (313) 234-5492.

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Document requests and interrogatories should be reasonable in scope. Responses should be complete and, in fact, responsive. If there are doubts as to definitions or scope, they should be raised promptly with the requesting party.

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Documents withheld on the basis of privilege should be listed on a privilege log with sufficient information to enable the requesting party to understand the nature of the documents and the basis of the privilege claim.