

# Discovery in Civil Cases

## A. EXCLUSIONS

These discovery rules do not apply to the following types of actions: ERISA or other action for review on an administrative record; petition for habeas corpus; prisoner civil case where prisoner is unrepresented; an action to enforce or quash an administrative summons or subpoena; an action by the United States to recover benefit payments or student loans; and, an action to enforce an arbitration award.

## B. EFFICIENT DISCOVERY

Parties are required to conduct a Rule 26(f) discovery conference and file their joint Rule 26 discovery plan on the docket via the CM/ECF system no later than three business days prior to the initial scheduling conference. It is expected that all parties and all counsel will conduct discovery in a cooperative way, consistent with Fed. R. Civ. P. 1: "To secure the just, speedy, and inexpensive determination of every action."

The disclosure requirements of Rule 26(a)(1) generally will be required by the Court 14 days after the case management and scheduling conference. Dates for disclosure of expert information contemplated by Rule 26(a)(2) will be established at the case management and scheduling conference.

## C. FIRM DISCOVERY CUTOFF

The Court has a standing Scheduling Order that is entered in each case following the initial scheduling conference, which sets the discovery cutoff date. Sufficient time must be given to answer interrogatories and complete depositions and all other discovery by the discovery cutoff. Counsel may agree, in writing, to hold depositions or accept responses to written discovery after the discovery cutoff without involvement of the Court.

The discovery deadline may be extended only by filing a motion or by submitting a stipulation through the Utilities function in CM/ECF, and then only if the extension of time does not change the motion cutoff, final pretrial conference, or trial dates. Extensions or adjournments of all other dates will only be considered upon the timely filing of a written motion for good cause shown. Filing a motion does not change discovery deadlines.

## D. DISCOVERY DISPUTES

[Local Rule 37.1](#) requires the parties to attempt to narrow their disagreements in regard to discovery. The Court expects counsel to make every effort to comply with this Local Rule, to confer with one another and to resolve discovery matters themselves.

**Discovery motions filed without leave of Court will be stricken.**

**For discovery disputes to be addressed by Judge Levy, counsel must follow the protocol set forth below.**

First, counsel must confer and make every effort to reach an agreement. If the discovery dispute cannot be resolved, the parties shall e-mail Judge Levy's case manager William Barkholz at [william\\_barkholz@mied.uscourts.gov](mailto:william_barkholz@mied.uscourts.gov). The email must provide a short five-sentence maximum description of the nature of the parties' dispute. The Court will then schedule a conference with the parties.

If the dispute is unable to be resolved via conference with Judge Levy, a briefing schedule may be ordered and the motion may be referred to a Magistrate Judge. Once a motion has been referred, all communication regarding that motion should be directed to the Magistrate Judge.

Improper delays or uncooperativeness in discovery may result in assessments of costs.