Discovery

The Court expects parties and counsel to conduct discovery cooperatively and fairly. On motions for discovery that have been referred to the magistrate judge, counsel is required to meet and confer in accordance with E.D. Mich. LR 37.1 in an attempt to resolve, or at least narrow, the disputed issues. Accordingly, parties are directed to meet and confer either face-to-face or by telephone in advance of the hearing for **an item-by-item discussion of each issue in dispute**. If unresolved issues remain, the parties shall file a Joint List of Unresolved Issues setting forth the issues that remain unresolved. The Joint List shall not exceed five pages, and should be structured as follows:

Unresolved Issue No. 1: [Recite Issue]

● Movant's position
● Respondent's position (including any proposal made to resolve movant's request)

No exhibits or attachments shall be filed with the Joint List. The list must be e-filed at least two business days prior to the hearing.

This meet-and-confer requirement is not satisfied by an email exchange or messages left unanswered, or by mere compliance with LR 7.1, which requires the moving party to seek concurrence in a motion. Where a conference has not been conducted, the moving party is to submit a written statement to the Court outlining all steps taken to undertake a conference with the opposing party. Any party refusing to appear for the conference or to confer as the Court directs will be subject to sanctions.

When the district judge has expressly referred all pretrial proceedings to the magistrate judge, the Court is available to conduct an informal discovery conference to resolve pressing discovery disputes. However, the parties should still make a good-faith attempt to engage in the LR 37.1 conference ahead of this informal telephone call.

In a particular case, where there are multiple discovery disputes or where many motions are filed, the Court may set the matter for a general discovery conference or direct the parties to conduct a Rule 26(f) conference.