

Discovery

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

The parties are required to conduct their Rule 26(f) discovery conference and submit a discovery plan and/or case summary no later than four 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."** Consequently, the parties should cooperate with each other to ensure that discovery progresses as rapidly and efficiently as is practical.

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) generally will be established at the case management and scheduling conference.

C. EXTENSIONS OF TIME

The court will not accede to stipulated discovery periods or extensions of cut-off dates, which affect other dates, or that are longer than necessary or without good cause being shown. Filing a motion does not change discovery deadlines.

D. 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. Discovery must be served sufficiently in advance of the discovery cutoff so as to allow the opposing party sufficient time to respond under the Federal Rules of Civil Procedure prior to the discovery cutoff. The Court will not order discovery to take place after the cutoff date.

The discovery deadline may be extended by filing a stipulation with the court 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.

E. 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. Email correspondence alone is insufficient--counsel must speak to one another, either in person or via telephone.

Once counsel have conferred and made every effort to reach an agreement, the Court will make itself available by telephone, on short notice, in order to resolve any remaining discovery disputes expeditiously and without the need for motion practice.

In order to facilitate this process, parties are REQUIRED to contact the Court prior to filing any discovery motions. Discovery motions filed without leave of Court will be stricken.

Discovery motions unable to be resolved in the manner described above will generally be referred to a Magistrate Judge. Once a motion has been referred, all communication regarding that motion should be directed to the Magistrate Judge's chambers. Improper delays or uncooperativeness in discovery will result in assessments of costs. The inability of a Magistrate Judge to resolve a discovery dispute, and the need for the court to involve itself in such, will be regarded as an indication of impropriety or uncooperativeness on the part of counsel.

F. DEPOSITIONS

Parties are bound by Fed.R.Civ.P. 30(d)(2) concerning depositions. Objections to deposition questions, other than those which if not made at the deposition are not preserved for trial, should be made very concisely, or omitted entirely, until trial. The questioning attorney should be respectful of the witness, confine questions to subjects that are discoverable under FRCP 26(b), and spend no more time than is reasonable in questioning the witness. All attorneys are expected to conduct themselves in a polite and professional manner. The lawyer defending a witness at a deposition should not impede legitimate questioning of that witness. Since all objections, other than as to form or dealing with privilege, are preserved for trial, objections should be few in number and not be argumentative, suggestive of an answer, or intended to frustrate the fair examination of deponent. See Fed.R.Civ.P. 30(d)(i) and 32(d)(3). Sufficient time must be given to complete depositions prior to the discovery cutoff date.

G. PROTECTIVE ORDERS

Protective orders shall not be entered routinely. In addition to the requirements under [E.D. Mich. LR 5.3](#), which are to be strictly followed, a protective order including a provision for filing a pleading, paper or exhibit, etc. under seal shall be subject to the following limitations: The entire pleading, paper, exhibit, etc. may not be filed under seal. Only the portion of the document(s) which are not to be publically disclosed may be filed under seal. In such instances, the portion to be filed under seal requires an endorsement by the Court on a cover page. A party's presentment to the Court for the endorsement shall be accompanied by an explanation why the portion of the document(s) is confidential

H. DOCUMENT REQUESTS AND INTERROGATORIES

Parties are bound by Fed.R.Civ.P. 33(a) limiting the number of interrogatories. Document requests and interrogatories should be reasonable in scope. Responses should be complete and responsive. If there are doubts as to definitions or scope, they should be raised promptly with the requesting party. Sufficient time must be given to answer interrogatories and document requests prior to the discovery cutoff date.

I. CLAIMS OF PRIVILEGE

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; for claims of privilege over Electronically Stored Information (ESI), such information should include standard metadata fields.