

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 the prisoner is self-represented; 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 one business day 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 fourteen 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 approve stipulated extended discovery periods or extensions of cut-off dates which (1) are longer than necessary or (2) are filed without good cause being shown. Filing a motion for an extension does not change discovery deadlines until the motion is approved. Parties are encouraged to contact the Court as soon as they anticipate difficulties with meeting their discovery deadlines.

D. FIRM DISCOVERY CUTOFF

The Court will set the discovery period cutoff date in its Scheduling Order that is entered in each case following the initial scheduling conference. Discovery must be served sufficiently in advance of the discovery cutoff so as to allow the opposing party sufficient time to respond before discovery closes. Unless it has approved an extension for good cause, the Court will not order discovery to take place after the cutoff date. Extensions or adjournments of will only be considered upon the timely filing of a written motion for good cause shown.

E. DISCOVERY DISPUTES

DO NOT FILE ANY DISCOVERY MOTIONS WITHOUT LEAVE OF THE COURT. SUCH MOTIONS WILL BE STRICKEN WITHOUT NOTICE. CALL THE COURT TO SCHEDULE A STATUS CONFERENCE TO DISCUSS ANY DISCOVERY DISPUTE THAT COUNSEL BELIEVES MUST BE RESOLVED BY THE COURT.

[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.

If counsel have conferred and made every effort to reach an agreement but without success, the

Court will make itself available by telephone, on relatively short notice, in order to resolve any 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. Again, discovery motions filed without leave of Court will be stricken.

Discovery disputes unable to be resolved in the manner described above will either be resolved by the Court or will be referred to a Magistrate Judge, possibly with instructions to brief the dispute. 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. Note that represented parties will rarely be granted permission to file discovery motions, including motions to compel, against a self-represented party.

F. DEPOSITIONS

Parties are bound by Fed. R. Civ. P. 30(d)(2) concerning depositions. Objections to deposition questions, other than those that are not preserved for trial if not made at the deposition, 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 the 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 will not be entered routinely unless parties stipulate to their entry. 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 publicly 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.