

# Discovery

## A. EXCLUSIONS

These discovery guidelines do not apply to the following: ERISA or other actions for review on an administrative record, petitions for habeas corpus, prisoner civil cases where the prisoner is unrepresented, actions to enforce or quash an administrative summons or subpoena, actions by the United States to recover benefit payments or student loans, and actions 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 case summary no later than four (4) business days prior to the Case Management Status and Scheduling Conference. It is expected that all parties and all counsel will conduct discovery in a cooperative manner, consistent with Rule 1 of the Federal Rules of Civil Procedure: "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 Court advises that it is generally liberal regarding discovery issues.

## C. EXTENSIONS OF TIME

With the exception noted below, the parties may stipulate to extend discovery. If such an agreement is reached, the parties should submit a stipulated order, signed by the parties or counsel and with a signature line for the Court, via the utilities function of CM/ECF. Any agreement by the parties to the request should be indicated. If one or more stipulations already have been entered extending deadlines more than 90-days beyond the deadlines in the initial Scheduling Order, any request to extend scheduling order dates must be requested by motion.

## D. DISPUTES CONCERNING DISCOVERY, CONFIDENTIAL INFORMATION, AND ELECTRONIC MATERIALS

[Local Rule 37.1](#) requires the parties to attempt to narrow their discovery disagreements. The Court expects the parties to make every effort to comply with this Local Rule, to confer with one another and resolve discovery matters themselves. However, if the parties have conferred and made every effort to reach an agreement but have been unsuccessful, the Court will be available to conduct a telephone conference on short notice to resolve discovery disputes expeditiously and without the need for motions. **No discovery motion may be filed before the Court is contacted.** The parties should contact the Court's Case Manager to schedule a conference call at (313) 234-5525.

When the process described above does not resolve a discovery dispute, the Court generally will decide the related motion; however, the Court may refer the motion to the magistrate judge assigned to the case. Where a motion has been referred, all communication regarding the motion must be directed to the magistrate judge's chambers. Improper delays or uncooperativeness in discovery will result in assessments of costs.

This process also applies to disputes concerning the designation of information as confidential, whether or not pursuant to a protective order, and electronic discovery materials.

## E. PROTECTIVE ORDERS

Protective orders shall not be entered routinely. The requirements for protective orders are set forth in [Local Rules 5.3](#) and [26.4](#), which are to be strictly followed. Pursuant to these rules, only the portion of a pleading, paper, exhibit(s), or document(s) subject to the protective order may be filed

under seal.

## **F. ELECTRONIC DISCOVERY**

The Judges of the United States District Court for the Eastern District of Michigan have approved, on a pilot period basis, the use of a Model Electronically Stored Information (ESI) Discovery Order and Rule 26(f) checklist in appropriate cases. See [ESI Order Checklist](#). In cases where substantial ESI discovery is expected, the Court encourages the parties to review the order and Rule 26(f) checklist, use the Rule 26(f) checklist when preparing their Rule 26 plan, and to be prepared to inform the Court at the Case Management Status and Scheduling Conference whether an order incorporating all or portions of the model order would be useful.