

# Discovery

The Federal Rules of Civil Procedure are designed to place discovery in the hands of counsel. The Court expects the parties and counsel to conduct discovery cooperatively and fairly. Therefore, the Court believes there should be few discovery disputes requiring its intervention, and attorneys are expected to undertake good-faith efforts to resolve discovery matters amongst themselves without unduly taxing Court resources. The Court further encourages counsel to attempt to resolve all discovery matters before a motion is filed. If a motion addresses discovery issues, counsel shall meet and confer in accordance with **E.D. Mich. L.R. 37.1**. Accordingly, the parties are directed to meet and confer **face-to-face**, if feasible, in advance of the hearing.

This meet-and-confer requirement is not satisfied by an email exchange or message left unanswered, or by mere compliance with L.R. 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 participate in a conference with the opposing party. Any party refusing to appear for the conference or confer as the Court directs may be subject to costs and/or sanctions.

If the discovery matter is scheduled for a hearing, counsel must file notice of any resolved issues no later than 5 business days prior to the date of hearing.

When the district judge has expressly referred all discovery disputes to the magistrate judge, the Court is available to conduct an informal discovery conference to resolve pressing discovery disputes.

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.

In responding to discovery requests, **form or boilerplate objections shall not be used** and, if used, may subject the party and/or its counsel to sanctions. Objections must be specific and state an adequate individualized basis. See *Wesley Corp. v. Zoom T.V. Products, LLC*, No. 17-10021, 2018 WL 372700, at \*4 (E.D. Mich. Jan. 11, 2018) (Cleland, J.); *Siser N. Am., Inc. v. Herika G. Inc.*, 325 F.R.D. 200, 209-10 (E.D. Mich. 2018) ("Boilerplate objections are legally meaningless and amount to a waiver of an objection."); *accord Strategic Mktg. & Research Team, Inc. v. Auto Data Sols., Inc.*, No. 2:15-CV-12695, 2017 WL 1196361, at \*2 (E.D. Mich. Mar. 31, 2017) ("Boilerplate or generalized objections are tantamount to no objection at all and will not be considered by the Court."); *Auburn Sales, Inc. v. Cypros Trading & Shipping, Inc*

Finally, a party objecting to a request for production of documents as unduly burdensome must submit affidavits or other evidence to substantiate its objections. *In re Heparin Prods. Liab. Litig.*, 273 F.R.D. 399, 410-11 (N.D. Ohio 2011); *Sallah v. Worldwide Clearing, LLC*, 855 F. Supp. 2d 1364, 1376 (S.D. Fla. 2012); *Convertino v. U.S. Dep't of Justice*, 565 F. Supp. 2d 10, 14 (D.D.C. 2008).