Discovery

The Court expects parties and counsel to conduct discovery cooperatively and fairly, consistent with Federal Rule of Civil Procedure 1: "To secure the just, speedy, and inexpensive determination of every action." The Court expects counsel to resolve discovery matters themselves.

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.

Unless otherwise decided at the initial scheduling conference, the Court may issue a blanket referral of all discovery matters to the assigned Magistrate Judge. This includes motions to compel, motions for protective orders, motions to quash, and motions for sanctions related to discovery. Before moving for an order relating to discovery, in a case where discovery matters are assigned to a Magistrate Judge, the movant should consult with the assigned Magistrate Judge's chambers on its discovery motion procedures.

For any discovery motions before Judge Grey, 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 in person or by videoconference or teleconference 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 five 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 may be subject to costs and/or sanctions.

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.").

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).

DISCOVERY DEADLINES AND EXTENSIONS OF TIME

The general timeline for discovery will be four to six months and experts are to be disclosed one to two months prior to close of discovery.

The Court's Case Management Order sets the discovery cutoff date, and Judge Grey will set a discovery cutoff date that is a firm deadline. Discovery must be served sufficiently in advance of the discovery cutoff to allow the opposing party enough time to respond under the Federal Rules of Civil Procedure prior to the discovery deadline. All discovery motions must be filed prior to the discovery deadline. The only discovery that may be conducted after the discovery cutoff date without leave of the Court is discovery ordered by the Magistrate Judge for which a timely-filed motion was pending before the discovery cutoff date. Scheduling issues concerning the discovery cutoff date remain before Judge Grey.

Stipulated discovery periods or extensions of the discovery deadline which affect other dates or are longer than necessary without a showing of good cause are not permitted. Filing a motion does not change discovery deadlines. This Court will consider extensions or adjournments of all other dates in limited circumstances for good cause shown upon the timely filing of a written motion.