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; or 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 five 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 Federal Rule of Civil Procedure 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. **DISCOVERY DISPUTES**

PLEASE NOTE: Parties may not file discovery motions until they have complied with the following discovery dispute protocol:

Step 1: *Meet and Confer*. The parties must mee and confer in person in a good-faith effort to resolve their differences without Court intervention. An email exchange is not sufficient. The failure of a part to make itself available for this conference may result in sanctions.

Step 2: *Contact the Court*. If Step 1 fails, the moving party must schedule a status conference with the Court prior to filing any motion. These status conferences will be conducted in person in Flint. To request a conference, counsel must email the Court's paralegal with (i) the conference request, (ii) a concise summary of the dispute, and (iii) a certification that Step 1 was completed. Counsel must collaborate with each other and submit to the Court through CM/ECF Utilities a joint letter detailing the disputed issues at least five (5) business days prior to the conference. Failure to submit the joint letter will result in the cancellation of the conference and/or sanctions. If the Court is able to resolve the issues with the parties during the conference, counsel shall submit a stipulated order memorializing the resolution.

Step 3: *File a Motion*. If the conference does not resolve the dispute, the Court will either entertain a motion or refer it to the assigned magistrate judge. The motion must include a complete copy of the discovery requests and responses in dispute. If the motion involves a deposition that has already taken place, the motion must attach a complete transcript (<u>not</u> a manuscript). Judge's copies are not required unless specifically requested by the Court. If the Court sets the motion for oral argument, counsel must file a joint statement of all unresolved issues 48 hours prior to the hearing.

Failure to comply with these steps may results in an award of costs and reasonable attorney fees against the non-complying party.

D. **DISCOVERY DEADLINES AND EXTENSIONS OF TIME**

The Court's Case Management Order sets the discovery cutoff date. 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. 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 upon the timely filing of a written motion for good cause shown.