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 seven 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

Unless otherwise decided at the initial scheduling conference, the Court will issue a global 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, the movant should consult with the assigned Magistrate Judge's chambers on its discovery motion procedures.

For discovery matters addressed by Judge Behm, the Court expects counsel to make every effort to comply with Local Rule 37.1 to confer with one another, and to resolve discovery matters themselves. Before moving for an order relating to discovery, a movant must first confer with opposing counsel and then file a request for a conference with the Court, stating that a conference was held with opposing counsel, and outlining the nature of the unresolved dispute. Sanctions may be imposed against any party who unreasonably refuses to resolve a discovery dispute.

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. 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 Behm. 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.