General Matters: Discovery

A. MEET & CONFER REQUIREMENT

The Federal Rules of Civil Procedure are designed to place discovery in the hands of counsel. As a result, the Court expects the parties and counsel to conduct discovery cooperatively and fairly. The Court also believes there should be few discovery disputes requiring its intervention, and attorneys are expected to undertake good-faith efforts to resolve discovery matters among themselves without unduly taxing Court resources. The Court further encourages counsel to attempt to resolve all discovery matters before a motion is filed. *See* E.D. Mich. L.R. 7.1.

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. Rather, the Court requires **actual voice contact with opposing counsel**. When 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 motion that fails to meet these requirements **will be struck** from the record. Further, any party refusing to appear for the conference or confer as the Court directs may be subject to costs and/or sanctions.

Similarly, if a motion addresses discovery issues and a hearing is scheduled, counsel for each of the parties or a party without counsel shall also meet and confer in accordance with E.D. Mich. L.R. 37.1. The parties are therefore directed to meet and confer **face-to-face or video conference** if feasible, before the hearing.

B. INFORMAL DISCOVERY CONFERENCE

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 if all relevant parties agree that a discovery conference could be helpful.

To request an informal discovery conference, the movant must email the Court at efile_ivy@mied.uscourts.gov within seven days seeking an informal discovery conference with the Court via Zoom. The email must include the following:

i. Three separate proposed dates and times mutually agreed upon by the parties for the conference;
ii. The date(s) of the parties' meet-and-confer effort(s);
iii. The discovery cut-off date;
iv. A joint neutral statement of each issue in dispute and the specific relief requested; and
v. A summary of each party's position on the dispute(s). Each party's description should be no more than three sentences per dispute and may include citations to pertinent authority.

The movant must copy opposing counsel on the email.

After its review of the email request, the Court will schedule the discovery conference, if appropriate, or advise the parties to proceed by motion under Local Rule 37.2.

Tentative rulings may be issued as appropriate and could be issued prior to or during the discovery conference.

C. DISCOVERY MOTION HEARING

In a particular case, when there are multiple discovery disputes or when 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.

If the discovery matter is scheduled for a hearing, counsel **must** conduct a new meet-and-confer conference and file notice of any resolved issues no later than 5 business days prior to the date of hearing.

D. RESPONDING TO DISCOVERY REQUESTS

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. & Rsch. 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 support 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).