

## Pretrial Matters in Adversary Proceedings

### 1. *Requirement for an Extension of Deadlines in 26(f) Report*

If an extension of any of the deadlines established in a Report of Rule 26(f) Conference (a “Report”) that has been approved by the Court is requested, the party seeking the extension shall file a motion to amend the Report. The motion should include all proposed deadline extensions, including the new proposed deadlines for filing dispositive motions and the submission of a pretrial order, as well as a statement indicating whether or not the Court has granted previous extension requests and describing those extensions.

All requests for extensions of the discovery period shall include a basic description of discovery conducted thus far, the requested deadline extension, a general description of schedule for the outstanding discovery to be completed during the requested extension, and an explanation regarding why the deadline needs to be extended. The moving party shall attempt to present such request with the consent of the non-moving party.

### 2. *Discovery Must Be Completed by Close of Discovery*

All written discovery requests must be served early enough so that the responses are due on or before the last day of the discovery period. The Court typically will not enforce private agreements between the parties and/or their counsel to conduct discovery beyond the end of the discovery period, nor will the Court ordinarily compel responses to discovery requests that were not served in time for responses to be made before the discovery period expires.

### 3. *Document Requests Should Be Specific.*

Document requests should be tailored to describe the specific documents or types of documents sought by the requesting party. Requests for “any and all documents in any way related to” a specific topic are not acceptable, particularly where “related to” is then defined as having anything whatsoever to do with the topic.

### 4. *Rules Governing Discovery Responses.*

Boilerplate objections in responses to discovery requests are prohibited. Parties may not automatically invoke standard objections, *e.g.* attorney-client privilege, work product doctrine, overly broad/unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, etc. as being applicable to all the requests. The Court may disregard some or all such boilerplate objections. Similarly, parties shall not simply state in response that “the document speaks for itself,” but shall provide a statement of the party’s interpretation or understanding of the document in question if it differs from the statement to which a response is being provided.

General objections are also prohibited. In other words, a party shall not include in its written discovery response a section of “general objections” stating that the party objects to each discovery request “to the extent” that it violates some rule pertaining to discovery, e.g. attorney-client privilege, work product doctrine, overly broad/unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, etc. The Court may disregard some or all such general objections.

Instead of the foregoing, each individual discovery request must be met with a specific objection thereto, and such objection shall include only objections applicable to that request. This will permit the Court and the parties to evaluate the request and the response should a dispute over the request, the response or the related production later arise.

A party that objects to a discovery request but then responds to it (i.e. “Subject to these objections and without waiving them, the response is as follows”) must indicate in the response whether additional information or documents would have been provided but for the objection(s). The party must also indicate in the response (i) for interrogatories, the nature of the information withheld to the extent it can be described without waiving the objection, and (ii) for document requests, the type and approximate number of documents that were not produced as a result of each objection. This latter information may be provided by supplemental response but shall be provided as soon as it is reasonably available and in no event later than thirty (30) days prior to the end of the discovery period. Nothing in the foregoing reduces, excuses or eliminates any obligation to provide a privilege log or other list of withheld documents.

##### 5. *Production of Documents Promised in Depositions*

When during a deposition a person being deposed (or their counsel) indicates that a document will be produced, such document shall be considered to have been the subject of a document request that was not objected to and will be produced as promptly as is practicable without further request. Failure to produce such a document after a subsequent written request therefore will subject the appropriate person or entity to sanctions for failure to comply with discovery.