

ORDER REGARDING DISCOVERY MATTERS

At Wilmington this ____ day of _____, 20__.

An Order dated _____, 20__ having been entered by The Honorable _____,
referring this matter to Magistrate Judge Fallon,

IT IS ORDERED that discovery matters shall be addressed as follows:

Should counsel find they are unable to resolve a discovery matter or those other matters covered by this paragraph,¹ the parties involved shall contact chambers at (302) 573-4551 to schedule a telephone conference. After the parties have contacted chambers and have scheduled a telephone discovery conference, the moving party or parties should file a “[Joint] Motion for Teleconference To Resolve [Protective Order or Discovery] Dispute.” The suggested text for this motion can be found on the Court’s website in the “Forms” tab, under the heading “Discovery Matters–Motion to Resolve Discovery Disputes.”

Not less than seventy-two (72) hours prior to the conference, excluding weekends and holidays, the party seeking relief shall file with the Court a letter, not to exceed four (4) pages, in no less than 12 point font, outlining the issues in dispute and its position on those issues. **Not less than forty-eight (48) hours prior to the conference**, excluding weekends and holidays, any party opposing the application for relief may file a letter, not to exceed four (4) pages, in no less than 12 point font, outlining that party’s reason for its opposition. Courtesy copies of the letters are to be **hand delivered** to the Clerk’s Office **within one hour of e-filing**. Should the Court find further briefing necessary upon conclusion of the telephone conference, the Court will order it.

¹Counsel are expected to first *verbally* discuss the issues/concerns before seeking the Court’s intervention.

Disputes or issues regarding protective orders, or motions for extension of time for briefing case dispositive motions which are related to discovery matters are, in the first instance, to be addressed in accordance with this Order.

No motions to compel or motions for protective order shall be filed absent approval of the court. Absent express approval of the court following a discovery conference, no motions pursuant to Fed. R. Civ. P. 37 shall be filed.

Local counsel are reminded of their obligations to inform out-of-state counsel of this Order. To avoid the imposition of sanctions, counsel shall advise the Court immediately of any problems regarding compliance with this Order.

/s/ Sherry R. Fallon
The Honorable Sherry R. Fallon
UNITED STATES MAGISTRATE JUDGE