

Guidelines for Discovery Disputes

1. The moving party should, in its letter brief, clearly state the relief it is seeking as to each dispute.
2. The moving party should attach a proposed order to its letter brief as an exhibit. In that proposed order, the moving party should also clearly set out the nature of the requested relief as to each dispute.
3. With regard to other types of exhibits the parties attach to their letter briefs, the parties should highlight in yellow those portions of the exhibits that are particularly important and that they want the Court to focus on.
4. If a party is attaching an exhibit to its letter brief, and the exhibit is large (i.e., more than 20 pages), the party should simply include the cover page/first page of the exhibit and then only those other portions of the exhibit that are relevant to the discovery dispute. So, for example, if a party is attaching as an exhibit a 100-page expert report, but only 10 pages of the report are truly relevant to the dispute, then the party should only include the cover page and the 10 relevant pages of the report.
5. If the discovery dispute relates to certain discovery requests (e.g., interrogatories or requests for production of documents), then the moving party should attach those discovery requests and any relevant responses as exhibits to its letter brief. The responding party should include as exhibits to its letter brief any discovery requests and/or responses that it believes are relevant and that the moving party did not already submit.
6. If the date when a certain discovery request/report was filed/served is relevant to the dispute, and if a party is attaching that request/report as an exhibit to its letter brief, then the party should also include the page of the exhibit that indicates on what date the request/report was filed/served.
7. If the discovery dispute involves disputed, material factual issues (e.g., whether obtaining certain discovery would be unduly costly or burdensome), then the party with the burden should strongly consider attaching as an exhibit to its letter brief a sworn declaration or affidavit regarding that disputed issue.