

## **DISCOVERY MATTERS**

Should counsel find they are unable to resolve a discovery matter or other matters covered by this paragraph,<sup>1</sup> the parties shall 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 Dispute.”

The following procedures shall apply:

**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 (including footnotes), outlining the issues in dispute and its position on those issues. The moving submission should include a proposed order, attached as an exhibit, setting out in detail the nature of the relief requested, including the date by which the requested relief is to be completed. The party seeking relief shall file each exhibit associated with the letter submission as a separate, individual attachment within the docket entry for the letter submission.

**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 (including footnotes), outlining that party’s reason for its opposition. The party opposing the application for relief shall file each exhibit associated with the letter submission as a separate, individual attachment within the docket entry for the letter.

Courtesy copies of the letters are to be **hand delivered** to the Clerk’s Office **within one hour of**

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

**e-filing.** Should the Court find further briefing necessary upon conclusion of the telephone conference, the Court will order it.

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.

Absent express approval of the court following a discovery conference, no motions pursuant to Fed. R. Civ. P. 37 shall be filed. Discovery disputes regarding requests for sanctions pursuant to Fed. R. Civ. P. 37 shall not be filed in accordance with the discovery dispute procedures outlined above. Instead, the parties shall address these issues in the form of a motion filed in accordance with the Local Rules. Discovery disputes regarding issues of privilege or requests for Rule 37 sanctions may be decided in the form of a written order.

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  
UNITED STATES MAGISTRATE JUDGE