

Discovery Disputes

Judge John C. Hinderaker

The parties shall not file written discovery motions without the Court's permission.

Except during a deposition, if a discovery dispute arises and cannot be resolved despite sincere efforts to resolve the matter through personal consultation (in person or by telephone), the parties shall jointly file a brief written summary of the dispute, not to exceed one page per side, with an explanation of the position taken by each side; and a joint written certification that counsel or the parties have attempted to resolve the matter through personal consultation and sincere effort as required by Local Rule of Civil Procedure (LRCiv) 7.2(j) and have reached an impasse. Be sure to fully exhaust the meet and confer process because this is particularly important to the Court.

If the opposing party has refused to personally consult in a timely fashion, the party seeking relief shall describe the efforts made to obtain personal consultation.

Upon review of the filed written summary of the dispute, the Court may set a telephonic conference, order written briefing, or decide the dispute without conference or briefing.

Any briefing ordered by the Court shall also comply with LRCiv 7.2(j).

If a discovery dispute arises in the course of a deposition and requires an immediate ruling—a circumstance that should be exceedingly rare—the parties shall jointly contact the Court telephonically. Any hearing is subject to the Court's availability as all hearings are done on the record with a Courtroom Deputy and Court Reporter on hand.

The Court will not entertain discovery disputes after the close of discovery absent truly extraordinary circumstances.