

## **Discovery-Related Motions**

The Court encourages the parties to take full advantage of the meet and confer process and to work together to narrow discovery-related disputes. In the discovery conference, the parties are expected to explore options by which the requesting party can obtain what it needs while taking account of the reasons for the responding parties' objections. It is not uncommon for one party to not foresee why its request will trigger far more materials than it actually needs or wants; and conversely, it is not uncommon for the responding party to be in a better position to craft a more narrowly-tailored request that still provides that needed materials. The parties should be open to compromises that leave the door open for expanded requests if the initial responses do not sufficiently address the requesting party's articulated needs.

The Court reminds the parties of Federal Rule of Civil Procedure 37(a)(5), which requires the Court to award the winning side fees and costs unless the losing party's position was substantially justified or awarding fees and costs would be unjust.

Discovery cutoff dates generally will not be reset except by good cause shown. All discovery disputes requiring Court intervention should be brought to the Court's attention well before the relevant discovery cutoff. Parties raising a discovery dispute after the cutoff must demonstrate that the dispute could not have been raised before the deadline. If the parties informally agree to conduct discovery after the discovery cutoff but do not move for an extension, any discovery disputes raised after the cutoff will be viewed as presumptively waived.

Discovery motions should not be noticed for presentment in accordance with Local Rule 5.3(b). The Court will review the motion and determine whether a hearing is necessary. Response briefs should not be filed absent order of the Court. If the Court determines a hearing is necessary, it will be scheduled by chambers and will either be in person, videoconference, or telephone depending on the circumstances. All parties must be fully prepared to argue the motion on the date of the hearing. The Court ordinarily will decide discovery motions on the date of the hearing and without briefing.