

Discovery Dispute Filing Reference Guide

In accordance with Local Rule 26(b), as amended July 1, 2018, the Court no longer accepts discovery dispute hearing requests via email or telephone.

If an emergency dispute arises, such as a dispute in the middle of a deposition, you can call the Clerk's Office and the Clerk's Office will consult with a judicial officer to see how they want to proceed given the urgency of the situation.

Initial Filing of a Discovery Dispute

Any party requesting a discovery dispute hearing must use the form entitled "Rule 26(b) Request for Hearing re: Discovery Dispute", which can be found in the forms directory on the Court's website.

<http://www.med.uscourts.gov/forms/>

The completed form should be filed electronically using the ECF event "Request for Hearing Regarding a Discovery Dispute", found in the Discovery Documents category of the civil events. Attach any supporting documents necessary for the judge to review.

Note it is very important to use the exact ECF events outlined in this reference guide when filing all discovery dispute related documents. The access to these events is restricted to counsel of record only. If docketed correctly, the documents will not be publicly available.

Response to Discovery Dispute Request for Hearing

Any response to a request for hearing regarding a discovery dispute should be filed using the ECF event "Response to Request for Hearing Regarding a Discovery Dispute", found in the Discovery Documents category of the civil events. Attach any supporting documents necessary for the judge to review.

Discovery Dispute Resolved

If a Request for a Hearing Regarding a Discovery Dispute has been filed and that discovery dispute has been resolved, please notify the court by electronically filing a notice by using the event "Discovery Dispute Resolved". This event can be found under the Discovery Documents category.

Post-Conference Filings

Following the discovery conference, the Magistrate Judge may ask counsel to file additional discovery documents or Letter Briefs.

Any discovery filings made after the initial request for hearing and response should be filed using the ECF events “Additional Discovery Documents per Court Order” or “Discovery Letter/Brief”, found in the Discovery Documents category of the civil events.

Service of Discovery Related Filings on Unregistered Parties

Counsel for the filing party is required to serve, by means other than CM/ECF, any party not registered for electronic case filing. The best practice is to email the documents to unregistered parties to ensure receipt of the documents prior to the discovery conference.

Accessing Discovery Documents Filed on CM/ECF

Because discovery documents are restricted to counsel of record only (not publicly available), the CM/ECF system needs to verify that you are in fact counsel of record before allowing you access to view the document.

From the Notice of Electronic Filing (NEF), click on the document number to access the attached document. After clicking on the document number from the NEF, unless already logged in to PACER, you will be prompted to log into PACER.

Once logged in, you can click View Document to access the attached document(s).

