

26.1 DISCOVERY SCHEDULING

- (a) **Meeting of the Parties; Initial Disclosures.** The parties must hold their Fed. R. Civ. P. 26(f) conference as soon as practicable, but not earlier than 30 days before the Court's scheduling order is due under Fed. R. Civ. P. 16(b). The parties are encouraged to make their Fed. R. Civ. P. 26(a)(1) initial disclosures at this conference, but in any event must make them no later than 14 days after the conference. If the attorneys fail to investigate their actions or fail to make initial disclosures as provided by these Rules, the Court may impose sanctions on them.
- (b) **Filing of Motions Does Not Automatically Stay Discovery or Disclosure Requirements.** Unless the Court orders otherwise, the filing of any motion—including a motion to dismiss, a discovery motion, or a motion for summary judgment—does not stay the action or excuse the parties from complying with any discovery rule or scheduling order.
- (c) **Content of Discovery Plan.** The proposed scheduling order required by Rule 16.1 includes a discovery plan. In creating the discovery plan, the parties should consider proposing dates prior to the close of discovery for the completion of specific phases of discovery. The attorneys should keep in mind the general principles governing discovery, as set forth in the Federal Rules of Civil Procedure. Specifically, the discovery plan must:
1. Conform with Fed. R. Civ. P. 26(f)(3);
 2. Propose a date by which all discovery must be completed, and state the facts, such as the complexity of the issues, which the attorneys considered in arriving at the proposed deadline for the completion of all discovery. If the parties propose more than 180 days to complete discovery, then they must provide an explanation sufficiently detailed to inform the Court why the period of time proposed for completing discovery is necessary. The longer the time proposed for discovery, the greater detail the attorneys must furnish in support of the request; and
 3. State the status of all discovery completed to date, including the date by which Fed. R. Civ. P. 26(a)(1) initial disclosures were made or will be made.
- (d) **Preliminary Discovery Plan.** If the parties believe that it is impossible to propose a realistic deadline under Rule 26.1(c) by the deadline of Rule 16.1(b), they must file a preliminary discovery plan. The Court may accept this preliminary plan only in special situations and upon a showing of good cause. The preliminary discovery plan must:
1. Explain in detail why a deadline for completion of all discovery cannot be proposed;
 2. Suggest a date for completing all discovery; and

3. Suggest a date by which the parties must file a plan fully complying with Rule 26.1(c).

(e) **Limits on Stipulations.** Parties may not eliminate by stipulation any of the disclosures required by Fed. R. Civ. P. 26, this Rule, or any Court order. Parties who want to eliminate a particular disclosure requirement must file a joint written motion setting forth the proposed change and showing good cause for the change.