

LCvR26 – Duty to Disclose; General Provisions Governing Discovery

LCvR26-1 Compliance with Requirements Under Fed. R. Civ. P. 26.

(a) Initial Disclosures. Parties shall make the initial disclosures required by Fed. R. Civ. P. 26(a)(1) unless all parties stipulate to waive initial disclosures in the Joint Status Report required by LCvR-16-1 ~~they specifically stipulate to waive initial disclosures.~~

(b) Discovery Plan. The discovery plan required by Fed. R. Civ. P. 26(f) shall be included in the Joint Status Report referenced in LCvR16-1.

~~**Implementation.** The Court shall from time to time promulgate such rules as may be necessary to implement the mandatory disclosure requirements in Fed. R. Civ. P. 26(a). These rules will be available in the Court Clerk's office and on the Court's website at www.oknd.uscourts.gov.~~

LCvR26-2 Disclosure of Insurance Agreements.

A party shall, without awaiting a discovery request, provide any insurance agreement to the other parties under which any person carrying on an insurance business may be liable to satisfy all or part ~~of or all of~~ a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy such a judgment. Full and complete copies of such insurance agreements shall be served on all other parties along with the disclosing party's answer, reply, or motion filed pursuant to Fed. R. Civ. P. 12(b).

LCvR26-3 Format and Service of Discovery Requests.

Upon request, which shall not be unreasonably denied, the party serving discovery requests pursuant to Fed. R. Civ. P. 33, 34, or 36, shall provide a copy of the discovery request(s) to the responding party in an electronic format sufficient to avoid the necessity of re-typing each interrogatory or request (e.g., a Word document, a searchable PDF). This requirement does not apply to pro se parties. The party answering, responding, or objecting to written interrogatories or requests shall quote each interrogatory or request in full immediately preceding the statement of any answer, response, or objection thereto.

LCvR26-~~43~~ Discovery Material Not to be Filed.

Discovery material, including but not limited to: initial disclosures; depositions; notices of depositions; interrogatories; requests for documents; requests for admissions; and answers and responses thereto shall not be filed with the Court Clerk unless on order of the Court or unless they are attached to a motion, response thereto, or are needed for use in a trial or hearing.

LCvR26-~~54~~ Privilege Log.

(a) In accordance with Fed. R. Civ. P. 26(b), when a claim of privilege or work product protection is asserted in response to a discovery request for documents, the party asserting the privilege or protection shall provide the following information with respect to each document in the form of a privilege log: the type of document; the general subject matter of the document; the date of the document; the author of the document, whether or not the author is a lawyer; each recipient of the document; and the privilege asserted. This rule shall apply only to document requests.

(b) If information called for by one or more of the foregoing categories is itself privileged, it need not be disclosed. However, the existence of the document and any non-privileged information called for by the other categories must be disclosed. This rule requires preparation of a privilege log with respect to all documents withheld ~~based on the basis of~~ a claim of privilege or work product protection except the following: written communications between a party and its trial counsel after commencement of the action and the work product material created after commencement of the action.

LCvR26-6 Protective Orders.

A party seeking a protective order to allow for the confidential treatment of materials or information produced, or to be produced, during discovery shall file a motion that complies with the Instructions for Seeking Protective Orders available on the Court's website. A non-redlined proposed order shall be submitted with the motion, pursuant to the Instructions for Providing Non-Electronically Filed Documents to the Court, also available on the Court's website.-

SUMMARY OF CHANGES

Some changes are for clarity, style and consistency. Rule 26-1(b) is eliminated as unnecessary; new 26-3 is adopted based on a similar rule from the District of Wyoming; and new 26-6 is adopted to increase visibility of instructions found on the Court's website.