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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Case No. (ADSx)

Plaintiff(s),

v.

Defendant(s).

**STANDING ORDER ON  
DISCOVERY DISPUTES**

The following order shall apply in all cases where the assigned District Judge has referred discovery matters to the undersigned Magistrate Judge, whether automatically or by specific referral. Nothing in this Order is intended to displace or alter any contrary order by the assigned District Judge, nor does this Order change the parties' obligations under the existing federal rules and local rules of the Court. Failure to comply with any part of this Order may result in discovery sanctions, including payment by the non-compliant party and/or its counsel of the opposing party's reasonable attorney's fees.

1 1. The parties shall be familiar with the December 2015 revisions to the Federal  
2 Rules of Civil Procedure, including the advisory committee notes that affect civil  
3 discovery practice. The parties shall not cite to cases that rely on language, principles,  
4 or holdings derived from the pre-December 2015 versions of the Federal Rules of Civil  
5 Procedure that are inconsistent with the text and purposes of the December 2015  
6 revisions.

7 2. Emails and written correspondence may supplement, but shall not replace,  
8 required telephonic and in-person conferences of counsel to resolve discovery disputes.  
9 Pro forma or perfunctory email exchanges shall not be considered adequate pre-filing  
10 conferences of counsel.

11 3. If the parties have a dispute on the scope of discovery, they shall include in their  
12 meet-and-confer discussions the relevance and proportionality factors set forth in Rule  
13 26(b)(1), as amended in December 2015. Relevance in discovery is broader than how  
14 relevance is defined in Federal Rule of Evidence 401, but parties may no longer assert  
15 relevant discovery includes any matter relating to “any issue that is or may be in the  
16 case,” or that discovery is relevant so long as it relates to the subject matter of the  
17 action. Relevance in discovery means it must relate to the legal elements of the parties’  
18 “claims or defenses,” and even then, relevant information may be produced only if it is  
19 proportional to the needs of the case considering the proportionality factors.

20 4. Parties responding to document requests shall not use boilerplate objections  
21 that violate Rule 34(b)(2), as amended in December 2015. Nor shall responding parties  
22 use the concept of “disproportionality” as a synonym for previous boilerplate objections  
23 of irrelevance, overbreadth, undue burden, or the like. Discovery may be proportional  
24 to the needs of a case even if producing it may be burdensome, time-consuming, and

1 costly; and conversely, discovery that is not unduly burdensome to produce does not  
2 mean it is necessarily proportional to the needs of the case. Conclusory objections  
3 based on alleged disproportionality, burden, cost, or overbreadth without any basis in  
4 fact shall be summarily rejected and/or deemed waived.

5 5. Parties shall not agree to or file pro forma discovery plans that do not  
6 substantively and meaningfully discuss the topics laid out in Rule 26(f)(3). Issues,  
7 subjects, or disputes that could have been raised in a substantive, meaningful discovery  
8 plan, but are only raised for the first time in a motion to compel, may be deemed  
9 waived or resolved against the non-compliant parties and/or their counsel.

10 6. Ex parte applications to shorten time for hearing on a motion to compel because  
11 of an impending Discovery Cutoff date ordered by the assigned District Judge are not  
12 permitted and shall be summarily rejected absent a showing of due diligence and good  
13 cause why the disputed motion could not have been raised sufficiently in advance of the  
14 Discovery Cutoff date. If no such diligence and cause can be shown, the parties must  
15 seek and obtain relief from the District Judge's scheduling order first before filing a  
16 motion to compel.

17 7. In any discovery dispute about waiver of attorney-client privilege or work  
18 product protection, especially with respect to electronically stored information, the  
19 parties' failure to have obtained a non-waiver agreement under Fed. R. Evid. 502(e) or  
20 a non-waiver order under Fed. R. Evid. 502(d) may be considered as a factor in the  
21 court's determination of the dispute.

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