

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

,		§	
	Plaintiff,	§	
		§	
v.		§	Civil Case No.:
		§	
,		§	
	Defendant.	§	
		§	
		§	

DISCOVERY ORDER

After review of the pleaded claims and defenses in this action and in furtherance of the management of the Court’s docket under Fed. R. Civ. P. 16, the Court enters the following Discovery Order:

1. **Discovery Limitations.** Discovery is limited to the disclosures set forth in the Court’s Order Governing Proceedings, together with twenty-five (25) interrogatories and twenty-five (25) requests for admissions per party. Also permitted are the depositions of the parties, depositions on written questions of custodians of business records for third parties, and depositions of each party’s expert witnesses. However, the total number of depositions for all witnesses, not including 30(b)(6) depositions, is limited to ten (10) per side. “Side” means a party or a group of parties with a common interest. Any party may move to modify these limitations for good cause. Any deposition shall be limited to one (1) day and a maximum of seven (7) hours. 30(b)(6) depositions are limited to a total of thirty-five (35) hours, with no limitation as to the number of witnesses or the topics covered.

2. **Additional Disclosures.** To the extent not already disclosed under this Order, the Court’s Order Governing Proceedings, or as required by the Federal Rules of Civil Procedure, and without awaiting a discovery request, each party shall provide to every other party a copy of all documents, data compilations, and tangible things in the possession, custody, or control of the party that are relevant to all pleaded claims or defenses involved in this action. Parties shall refer to Local Rule CV-26(d) in compliance with these disclosures.

3. **Ongoing Duty to Supplement.** After disclosure is made pursuant to this Order or the Court’s Order Governing Proceedings, each party is under a duty to

supplement or correct its disclosures immediately if the party obtains information on the basis of which it knows that the information disclosed was either incomplete or incorrect when made, or is no longer complete or true.

4. **Electronically Stored Information (“ESI”).** The parties agree that alternative forms of disclosure may be provided in lieu of paper copies. For example, the parties may exchange images of documents electronically or by means of computer disk; or the parties may agree to review and copy disclosure materials at the offices of the attorneys representing the parties instead of requiring each side to furnish paper copies of the disclosure materials. Electronic discovery shall be produced to the requesting party in a commercially reasonable manner or in the manner kept in the regular course of business, whichever is less burdensome and economical for the producing party. If a party requests documents that are stored in an electronic format, the disclosing party may provide the requesting party printed copies of the documents or may provide the requesting party electronic copies of the documents in a reasonably usable form on CD, DVD, hard drive, by e-mail, or by other electronic means.
5. **Discovery Disputes.** In the event the parties encounter a discovery dispute, no motions to compel may be filed absent leave of the Court. If the parties are unable to resolve the dispute without court intervention, the parties must then call the Court’s chambers to schedule a telephone conference regarding the subject matter of the dispute prior to filing any motion to compel. After reviewing the dispute, the Court will resolve the dispute or order the parties to file an appropriate motion.
6. **Privileged Information.** There is no duty to disclose privileged documents or information. However, the parties are directed to meet and confer concerning privileged documents or information after the Scheduling Conference. Within sixty (60) days after the Scheduling Conference, the parties shall exchange privilege logs identifying the documents or information and the basis for any disputed claim of privilege in a manner that, without revealing information itself privileged or protected, will enable the other parties to assess the applicability of the privilege or protection.

Any party seeking production of any documents or information identified on any other party’s privilege log may serve upon the party asserting privilege a written statement, in letter form or otherwise, of any reason why the asserted privilege should be challenged. The written statement shall list, by category, the items the party seeking production contends should be produced. The parties shall promptly meet and confer. If the parties are unable to resolve their dispute, then within fourteen (14) days after service of the written statement by the party seeking production, the parties shall file a joint notice with the Court briefly summarizing

their respective arguments, along with any proof in the form of declarations or affidavits to support the assertions of privilege and the documents over which privilege is asserted for *in camera* inspection, after which the Court will set the matter for a conference.

If the parties have no disputes concerning privileged documents or information, then the parties shall inform the court of that fact within sixty (60) days after the Scheduling Conference. If a party inadvertently produces information that is subject to a claim of privilege, the parties agree to follow the procedure set forth in Federal Rule of Civil Procedure 26(b)(5)(B).

It is SO ORDERED.