Rule 7026-1
Discovery – General

(a) Discovery Requirements. The disclosure requirements contained in Fed. R. Bankr. P. 7026 apply to all adversary proceedings pending in this district, unless otherwise ordered.

(b) Rule 7026(f) Conference. The parties must meet and confer pursuant to Fed. R. Bankr. P. 7026(f) within twenty-one (21) days before the initial pretrial conference.

(c) Discovery Plan. Pursuant to Fed. R. Bankr. P. 7026(f), the parties must submit a discovery plan within fourteen (14) days of the conference prescribed in subsection (b) of this LBR. The discovery plan must substantially conform with LBF K, and must contain the information required by Fed. R. Civ. P. 26(f)(1)-(4), including the deadline for the close of discovery, as well as the following additional information:

(1) a proposed deadline to join other parties or amend the pleadings;

(2) a proposed deadline for filing dispositive and pretrial motions; and

(3) a statement whether the parties believe that referral of the dispute for mediation would be helpful and whether or not both parties agree to such a referral.

(d) Affidavit of Noncompliance. If either party fails to perform as required in this LBR, the aggrieved party may file an affidavit stating the facts which constitute the failure to cooperate. Upon consideration of an affidavit of noncompliance and any response thereto, the court may order that the adversary proceeding continue as a defaulted matter as follows:

(1) If the plaintiff is in default regarding the holding of the Rule 7026(f) conference, the filing of the discovery plan, or any of the requirements specified in Rule 7026(f) and this LBR, the court may dismiss the matter for want of diligent prosecution. The party in default may have the matter reinstated only upon the filing of a motion showing special circumstances within ten (10) days of dismissal.

(2) If the defendant is in default regarding the holding of the Rule 7026(f) conference, the filing of the discovery plan, or any of the requirements specified in Rule 7026(f) and this LBR, the defendant will not be allowed to present its defense at trial, except by leave of court, for cause shown.

(e) Limits on Depositions and Interrogatories. The presumptive limits on the number of depositions and interrogatories contained in Fed. R. Civ. P. 30(a), 31(a) and 33(a) apply to adversary proceedings pending in this district, except:

(1) as otherwise stipulated by the parties in writing; or

(2) if no stipulation can be reached between the parties regarding limits on discovery at the Rule 7026(f) meeting, parties may request exemptions to discovery limits at the preliminary pretrial hearing.

(f) Discovery Materials Must Not Be Filed With the Court. *See*, LBR 5005-1(a).

(g) Objections In Writing. If the parties are unable to resolve a discovery dispute, all objections to interrogatories, depositions, requests, or applications under Fed. R. Bankr. P. 7026 through 7037, as well as motions and replies thereto concerning discovery matters, shall be in writing. If time does not permit the filing of a written motion, the Court may waive this requirement.

(h) Sanctions. Should any party or the party's counsel fail to comply with any of the provisions of this LBR, or otherwise fail or refuse to meet and confer in good faith in an effort to narrow the areas of disagreement concerning discovery, sanctions provided by Fed. R. Bankr. P. 7037, may be imposed.