

5.02 | REQUESTS FOR PRODUCTION (RULE 34)

In a request for production of documents, you can ask the opposing party for documents, including electronically stored information (like e-mails) which you need to make or defend your case. You may seek documents that you reasonably believe the other side has and contains information relevant to the lawsuit.

If the person who has the documents you want is a party to the lawsuit, you must follow Rules 34(a) and (b). Under Rule 34(a), any party can serve another party: (1) a request for production of documents; (2) a request for production of tangible things; or (3) a request for inspection of property. Each request for document production should be numbered separately and signed in accordance with Rule 26(g)(1). There is no limit to the number of requests, as long as they are not unreasonable or unduly burdensome.

If you have been served with a request for production of documents, you must give a response within 30 days (unless you obtain an extension from the opposing party or the Court). If you object to a request, you must state the reason for the objection.

Rules 34(c) and 45 cover obtaining documents from persons not party to the lawsuit. Under Rule 34(c), you can ask the Court to compel a person who is not a party to the lawsuit to produce documents and items or submit to an inspection.

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Honorable Mention: USNYND, USCAND)

