

5.06 | DISCOVERY DISPUTES

Sometimes, the parties will disagree about the disclosures, discovery, or objections filed. The Federal Rules require the parties to meet and confer to try to resolve the dispute before filing a motion to compel with the Court. Under Rule 37(a)(2), a motion to compel a party to make disclosures or to respond to discovery must be filed in the Court where the lawsuit is pending. A motion to compel MUST include:

1. A certification that have tried in good faith to resolve the problem without help from the Court; AND
2. An explanation of the problem and what you want the Court to do; AND
3. If the problem involves discovery, the complete text of each disputed discovery request immediately followed by the complete text of the objections or disputed responses to that request; AND
4. An explanation of the facts AND law that make it appropriate for the Court to grant your motion.

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Honorable Mention: USNYND, USCAND)

