

6.07 | PRODUCTION FOR INSPECTION OF DOCUMENTS (FEDERAL RULE OF CIVIL PROCEDURE 34)

A request for the production of tangible items for inspection may be served on any other party. The request should designate the tangible item sought, usually a document or videotape, and specify a time, place, and manner of making the inspection. Generally, the things requested (eg. documents) are mailed to the party making the request.

The party on whom the request is served is required to respond, either agreeing to the request and producing the document or item or stating the reasons for objection to production. The requesting party may seek a court order requiring production.

Document discovery is limited to parties and to items in their possession or control. The requesting party's legal right to obtain possession is the central inquiry, and the requested party may not avoid discovery simply by divesting himself of possession. Moreover, documents in the possession of nonparties may only be discovered by serving a subpoena on the non-party. See Request for Subpoenas, P. 21. A subpoena for the testimony of a deponent (witness) may also include a request for the deponent to produce documents at the deposition. Note: subpoenas are discussed later, including subpoenas to non-parties regarding documents when the non-parties are not to be deposed.

Local Rule 34 limits the number of document requests to 25.

*(US District Court, New York, Western District // Buffalo, NY 14202
Pro Se Litigation Guidelines)*

