

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA



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In re:)
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AMENDMENT OF LR 7026) ADMINISTRATIVE ORDER 2016-07
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_____)

Pursuant to LR 1001(c), the bankruptcy judges of the District of Nevada hereby amend LR 7026 to read as follows:

LR 7026. DISCOVERY - GENERAL.

(a) Disclosures. Unless the court orders otherwise, the disclosures required by Fed. R. Civ. P. 26(a)(2), as adopted by Fed. R. Bankr. P. 7026, must be made no later than thirty (30) days before the close of discovery by the party bearing the burden of proof on the issue in question and no later than fourteen (14) days before the close of discovery by the opposing party. Written reports by experts, unless otherwise stipulated by the parties or ordered by the court, are due no later than the time the identity of experts is to be disclosed.

(b) Exemptions from the provisions of Fed. R. Civ. P. 26(f).

(a) Exemption of an action from Fed. R. Civ. P. 26(f), not otherwise exempted by Fed. R. Civ. P. 26(a)(1)(B), may be obtained by court order after a motion noticed to all parties to the action or by stipulation of all parties before the date any meeting under this rule is to be held. The parties obtaining an exemption under this subsection do not have to file a discovery plan.

(b) LR 7016 and 7026(c) govern the requirements for discovery plans. The parties to an action not exempted by Fed. R. Civ. P. 26(a)(1)(B) or by order obtained under subsection (b)(1) of this rule may seek a limited exemption from Fed. R. Civ. P. 26(f) insofar as the rule requires filing the standard discovery plan. In cases in which the parties certify that no formal discovery is required, they may request a waiver of the requirement for the standard discovery plan. Trial may proceed one hundred twenty (120) days from the date the standard discovery plan would have been due. The parties may request the waiver by so indicating on the standard discovery plan form, found on the court's website, and which contains the standard deadlines, and by completing all information requested on that form.

(c) Discovery conference and plan.

(1) Unless exempted, the parties must meet and confer no later than thirty (30) days after the first defendant has answered or otherwise appeared.

(2) No later than fourteen (14) days after the meeting, the parties must submit the discovery plan or request for waiver and order. If the parties fail to submit a discovery plan, they may be subject to sanctions. In addition, if they have not requested and been granted a waiver from the requirement to file a discovery plan, the deadlines set forth in the standard form will apply, even if the parties have not submitted a plan.

(3) The court may conduct a scheduling conference to consider the submitted discovery plan and to issue an order regarding pretrial and trial.

(4) The court may alter the standard form, including the deadlines it contains. Attorneys must use the format then in use, and the deadlines set forth in the standard form will apply unless the court orders different deadlines.

(5) If the parties agree to different deadlines, or cannot agree on deadlines, they must so indicate on the face of the standard discovery plan, and they must attach their proposed plan.

(d) Discovery limitations.

(1) Unless the court orders otherwise, in cases in which a discovery plan is required, all discovery must begin in time to be completed by one hundred twenty (120) days after the answer or first appearance by the first defendant.

(2) Unless the court orders otherwise, the parties to an action exempted by Fed. R. Civ. P. 26(a)(1)(B) or by order obtained under subsection (b)(1) of this rule may begin discovery on the commencement of the action.

(3) The court will approve, disapprove, or modify the discovery plan and enter other orders as appropriate after the first scheduling conference. At any time, on request of a party or on its own, the court may order a conference of all the parties to discuss the provisions of the discovery plan or scheduling order.

(c) Extension of discovery deadline.

(1) Unless the court orders otherwise, an extension of a discovery completion deadline will not be allowed without a showing of good cause as to why all discovery was not completed within the time allotted. The parties must file all motions or stipulations to extend discovery at least twenty-one (21) days before the date fixed for completion of discovery, or at least twenty-one (21) days before the expiration of any extension that the court may have approved. The motion or stipulation to extend time or to reopen discovery must include:

(A) A statement of the discovery that the parties have completed as of the date of the motion or stipulation;

(B) A specific description of the discovery remaining to be completed;

(C) The reasons why the remaining discovery was not completed within the time limit of the existing discovery completion deadline; and,

(D) A proposed schedule for completing all remaining discovery.

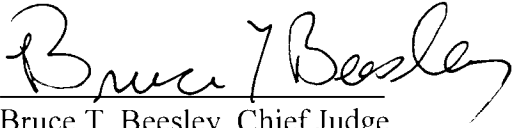
(2) Attorneys must ensure that all discovery is initiated so it can be completed by the end of the period set out in the discovery completion deadline. No additional discovery will be permitted after the discovery completion deadline, except as provided above.

(c) Demand for prior discovery. Whenever a party makes a written demand for discovery that took place before that person or entity became a party to the action, each party who has previously responded to a request for admission or production or answered interrogatories must furnish to the demanding party: (1) the documents containing the discovery responses in question for inspecting and copying; (2) a list identifying each document by title; or (3) on further demand, at the expense of the demanding party, a copy of any discovery response specified in the demand. If there are requests for production, a party must make available for inspection by the demanding party all documents and things previously produced. Further, each party who has taken a deposition must make a copy of the transcript available to the demanding party for copying at the demanding party's expense.

(d) Filing discovery papers. Notices of deposition, depositions, interrogatories, requests for production or inspection, requests for documents, requests for admissions, answers and responses, and proof of service should not be filed with the court unless the court orders otherwise. Originals of responses to requests for admissions or production and answers to interrogatories must be served on the party who made the request or propounded the interrogatories, and that party must make the original responses available at the time of any pretrial hearing or at trial for use by any party. Likewise, the deposing party must make the original transcript of a deposition available at the time of any pretrial hearing or at trial for use by any party or filing with the court if so ordered.

(e) Contested matters under Fed. R. Bankr. P. 9014. Unless the court orders otherwise, Fed. R. Bankr. P. 7026 and LR 7026 do not apply to contested matters filed under Fed. R. Bankr. P. 9014.

IT IS SO ORDERED.


Bruce T. Beesley, Chief Judge
United States Bankruptcy Court
District of Nevada