

## **RULE CV-26. GENERAL PROVISIONS GOVERNING DISCOVERY**

(a) **Relief.** If relief is sought under Federal Rules of Civil Procedure 26(c) or 37, concerning any interrogatories, requests for production or inspection, requests for admissions, answers to interrogatories, or responses to requests for admissions, copies of the portions of the interrogatories, requests, answers, or responses in dispute shall be attached to the motion.

(b) **Definitions and Rules of Construction.** The full text of the definitions and rules of construction set forth in this paragraph is deemed incorporated by reference into all discovery requests, but shall not preclude (i) the definition of other terms specific to the particular litigation, (ii) the use of abbreviations, or (iii) a more narrow definition of a term defined in this paragraph. This rule is not intended to broaden or narrow the scope of discovery permitted by the Federal Rules of Civil Procedure. The following definitions apply to all discovery requests:

(1) **Communication.** The term “communication” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).

(2) **Document.** The term “document” means any document or electronically stored information as described in Federal Rule of Civil Procedure 34(a). A draft of a nonidentical copy is a separate document within the meaning of this term.

(3) **Identify (With Respect to Persons).** When referring to a person, to “identify” means to give, to the extent known, the person’s full name, present or last known address, e-mail address, and telephone number, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this paragraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

(4) **Identify (With Respect to Documents).** When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s), and recipient(s).

(5) **Parties.** The terms “plaintiff” and “defendant” as well as a party’s full or abbreviated name or pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

(6) **Person.** The term “person” means any natural person or business, legal, or governmental entity or association.

(7) **Concerning.** The term “concerning” means relating to, referring to, describing, evidencing, or constituting.

(c) **Protective Orders.** Upon motion by any party demonstrating good cause, the court may enter a protective order in the form set out in Appendix H-1, or, in more complex cases, in Appendix H-2, or any other appropriate form. In cases where the parties agree to a protective order, the forms set out in Appendix H-1 and Appendix H-2 are approved.

**(d) Authentication of Documents.**

(1) Generally. Unless the party timely objects, a party's production of a document in response to written discovery authenticates the document for use against the party in any pretrial proceeding or at trial.

(2) Time for Objection. Once the producing party has actual notice that the document will be used, the party must object to the document's authenticity within the time period ordered by the court or specified by Rule CV-16. If neither the court nor Rule CV-16 specifies a time period, the party must object within 14 days.

(3) Manner of Objection. A party may object to the authenticity of the document, or any part of it, and must state the specific basis for the objection. An objection must be made either on the record or in writing and must have a good faith factual and legal basis. An objection made to the authenticity of only part of a document does not affect the authenticity of the remainder.

(4) Response. If the producing party objects to a document's authenticity, the party attempting to use the document should be given a reasonable opportunity to establish its authenticity.