



United States District Court NORTHERN DISTRICT OF ILLINOIS

Discovery

All parties must comply with Rule 26 of the Federal Rules of Civil Procedure and Local Rule 26.1 of the Northern District of Illinois.

The Court believes that parties can and should work out most discovery disputes and discourages the filing of discovery motions. The Court will not hear or consider any discovery motion unless the movant has complied with the "meet and confer" requirement of Local Rule 37.2. The motion must state with specificity when and how the movant complied with Local Rule 37.2. Parties are reminded that compliance with Local Rule 37.2 requires a good faith effort to resolve discovery disputes and communication that takes place face to face or by telephone. The exchange of correspondence will not normally be sufficient to comply with Local Rule 37.2.

All parties should be fully prepared to argue any discovery motion on the date that it is presented. The Court most often will rule on discovery motions after hearing argument at the motion call and without briefing. If after hearing argument, the Court believes that the motion requires briefing, the Court normally will set an expedited briefing schedule so that the matter can be resolved promptly.

Parties are reminded that there is no "order" in which discovery must occur, and that one party's failure or inability to respond to discovery will not excuse any other party's prompt compliance. Parties also are reminded that the pendency of a motion, such as a motion to dismiss, does not operate as a stay of discovery.

Electronic discovery disputes If the parties have reached an impasse regarding the discovery of voluminous records from a database, server, computer, service provider or similar electronic storage facility (ESF), *before filing a motion to compel*, the parties are required to meet and confer with an IT representative of the ESF to be searched in order to determine the most effective way to retrieve the requested material. The party seeking the discovery must also bring its IT specialist to this meeting in order to discuss the proper format for the retrieval of the records. This electronic discovery conference must take place in person and both sides should be prepared to discuss specifically the parameters of both the search and the ESF.

Note: The court does not control nor can it guarantee the accuracy, relevance, timeliness, or completeness of this information. Neither is it intended to endorse any view expressed nor reflect its importance by inclusion in this site.

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