

Joint Discovery Dispute Statement

As identified in its standard form scheduling order (normally titled “Minute Order Setting Trial and Pretrial Dates”), the parties are prohibited from filing a discovery related motion until after the court has conducted a status conference to discuss the discovery dispute.

To schedule the discovery dispute status conference, the parties must first file a joint discovery dispute statement outlining the dispute. The joint discovery dispute statement shall be no more than three (3) pages. Preparation of the joint discovery dispute statement is meant to be an issue spotting exercise that assists the court understand the basic issue(s) in dispute. The court and the parties can then discuss the identified issues during the status conference, and hopefully resolve most, if not all, of the issues in dispute.

Once the joint discovery dispute statement is prepared and filed, contact the courtroom deputy to schedule the status hearing.

In preparing the joint discovery dispute statement, the parties should use the following format:

SAMPLE

The parties jointly submit this discovery dispute statement:

1. **Defendant 30(b)(6) Witness topic: The factual basis for any assertion by Defendant that Plaintiff caused or contributed to the injuries he suffered in the incident.**

Plaintiff’s position: topic is relevant, appropriately narrow and defined with reasonable particularity. [Cite case or rule that may apply.]

Defendant’s Position: Request too broad because it seeks to force the Defendant to marshal all its evidence, which makes it an improper topic for 30(b)(6) deposition. [Cite case or rule that may apply.]

2. Defendant's response to request for employment files of witness 1, witness 2 and witness 3 is incomplete.

Plaintiff's position: information is relevant as evidence of any prior disciplinary issue may show Defendant's knowledge of pattern of conduct of its employees. [Cite case or rule that may apply.]

Defendant's position: request raises privacy issue, need to notice employees of this request to allow them to object, and requires entry of protective order. [Cite case or rule that may apply.]

3. Plaintiff refuses to provide medical releases for injury that occurred ten (10) years prior to injury at issue in this litigation.

Plaintiff's position: information is irrelevant as current injury is distinct from any prior injury that occurred ten years prior. [Cite case or rule that may apply.]

Defendant's position: information is relevant. Plaintiff complains of lower lumbar pain in this lawsuit. His medical notes reference an injury to his lower lumbar ten years prior to current injury. [Cite case or rule that may apply.]

4. [For all additional issues, following the same format.]