

Rule 7026-1. Discovery.

(A) Affirmative Disclosure Requirements. Except as otherwise ordered by the court, the provisions of rules 26(a), (d), and (f) of the Federal Rules of Civil Procedure shall apply to cases and proceedings in this court only to the extent set forth in the Local Form “Order Setting Filing and Disclosure Requirements for Pretrial and Trial”.

(B) Service and Filing of Discovery Material. The following discovery requests and responses:

- transcripts of deposition upon oral examination;
- depositions upon written questions;
- responses or objections to depositions upon written questions;
- written interrogatories;
- answers or objections to written interrogatories;
- requests for production of documents or to inspect any tangible thing;
- objections to requests for the production of documents or to inspect any tangible thing;
- written requests for admission; and
- answers or objections to written requests for admission;

shall be served upon other counsel and parties but shall not be filed with the court, nor shall proof of service be filed, unless upon order of the court or as provided in subdivision (C). The party responsible for service of the discovery material shall retain the original and become the custodian. The original of all depositions upon oral examination shall be retained by the party taking the depositions.

(C) Filing of Discovery Materials Permitted in Certain Circumstances. If depositions, interrogatories, requests for documents, requests for admission, answers or responses are to be used at an evidentiary hearing or trial or are necessary to a pretrial or post-trial motion, the portions to be used shall be filed with the clerk at the outset of the evidentiary hearing or trial or at the filing of the motion insofar as their use can be reasonably anticipated by the parties having custody of the materials. When documentation of discovery not previously in the record is needed for appeal purposes, upon order of the court or by written stipulation of counsel, the necessary discovery papers may be filed with the clerk.