

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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In Re: AMENDMENTS TO FEDERAL )  
RULES OF CIVIL PROCEDURE )  
EFFECTIVE DECEMBER 1, 1993 )  

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Administrative Order  
No. ~~93-125~~

Congress has designated this district to participate in a demonstration program to experiment with systems of differentiated case management under the Civil Justice Reform Act. Public Law 101-650, § 104(b). In addition, the Judicial Conference of the United States has designated this court as a pilot district court under the Act. In these capacities, this court has adopted a Civil Justice Expense and Delay Reduction Plan ("Civil Justice Plan"), implementing a differentiated case management system as required by the Act. The Civil Justice Plan requires assignment of civil cases to case management tracks at an early case management conference. Each track is governed by explicit rules and contains distinct time frames for the completion of discovery and other pretrial matters and for trial.

On December 1, 1993, amendments to the Federal Rules of Civil Procedure became effective. The court has determined that the automatic operation of certain of these rules could be inconsistent with the Plan and the court's ability to effectively demonstrate differentiated case management. The court has

therefore determined that the operation of these rules should be suspended or modified by order, as expressly allowed by the amendments. Now, therefore, IT IS ORDERED AS FOLLOWS:

A. The planning meeting required by **Fed. R. Civ. P.** 26(f) shall take place in the manner and at the time directed by the order setting the Rule 16 conference. The report filed with the court as a result of the planning meeting shall contain the information required by that order. Cases assigned to the non-DCM track are exempted from the meeting requirement of **Fed. R. Civ. P.** 26(f), unless otherwise ordered by the court.

B. The Rule 16 scheduling conference shall be conducted within the time prescribed by the court's Civil Justice Plan, as modified, notwithstanding the provisions of **Fed. R. Civ. P.** 16(b).

C. No civil case pending in this district shall be subject to the automatic stay of the commencement of discovery imposed by **Fed. R. Civ. P.** 26(d).

D. The provisions of **Fed. R. Civ. P.** 26(a)(1) concerning initial disclosures shall not apply to any case brought in this district, except that the disclosures required therein may be directed by the court by order entered in a particular case.

E. In cases assigned to a track, the provisions of **Fed. R. Civ. P.** 26(a)(2) concerning the disclosure of expert testimony are modified as follows. The names, addresses, and qualifications of expert witnesses expected to testify at trial shall be disclosed

as provided in the case management order. The expert's written report contemplated by **Fed. R. Civ. P. 26(a)(2)**, if required by the court, shall be disclosed at the time provided in the case management order. In cases assigned to the non-DCM track, the exchange of written experts' reports contemplated by **Fed. R. Civ. P. 26(a)(2)** shall not be made, unless specified by the court.

F. The pretrial disclosures required by **Fed. R. Civ. P. 26(a)(3)** shall be made in the final pretrial order. The time for making objections shall be as established by the case management order. All other provisions of **Fed. R. Civ. P. 26(a)(3)** concerning objections and waiver of objections are hereby preserved.

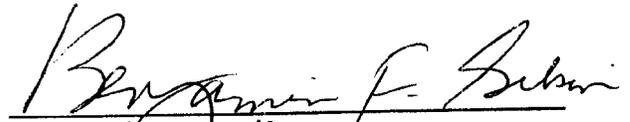
G. The limitations on the number of permissible interrogatories established in **Fed. R. Civ. P. 33(a)** and the number of permissible depositions established in **Fed. R. Civ. P. 30(a)(2)(A)** and **31(a)(2)(A)** are hereby suspended for all cases assigned to a track. In such cases, discovery limitations will be established by the court at the case management conference. The discovery limitations contained in those Rules of Civil Procedure shall not apply to cases assigned to the non-DCM track.

IT IS FURTHER ORDERED that this order shall remain in effect until rescinded, modified or superseded by local rule or further order.

IT IS FURTHER ORDERED that a copy of this order shall be attached to all orders scheduling Rule 16 conferences and to all notices of assignment to the non-DCM track.

FOR THE COURT:

Dated: December 17, 1993

  
Benjamin F. Gibson  
Chief Judge