

UNITED STATES DISTRICT & BANKRUPTCY COURT  
DISTRICT OF IDAHO

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April 21, 2014

## NOTICE FOR PUBLIC COMMENT

The United States District Court's Local Rules Committee invites the public to review and provide comment on the amendments to the District Court's Local Rules of Civil Procedures 37.1 and 37.2. A copy of the amended rules are attached to this notice.

There will also be a paper copy provided for reference at the United States Courthouses in Boise, Coeur d'Alene, Moscow and Pocatello. If you are unable to access the website, or not able to travel to a courthouse location, please call Kirsten Wilkinson, Chief Deputy of Operations at (208)334.9464.

**All public comments are due by May 12, 2014 at 5 p.m. (MST).** Please send your comments by email to [local\\_rulesDC@id.uscourts.gov](mailto:local_rulesDC@id.uscourts.gov), or by mail at the following address:

United States District Court, District of Idaho  
Attn: Kirsten Wilkinson, Chief Deputy of Operations  
550 West Fort Street  
Boise, ID 83724

If you have any question, you can send your question to [local\\_rulesDC@id.uscourts.gov](mailto:local_rulesDC@id.uscourts.gov), or please call (208)334.9464. Thank you.

## CIVIL RULE 37.1

### ~~DISCOVERY DISPUTES -- MEET AND DEFINITION OF CONFER REQUIREMENT~~

~~Unless otherwise ordered, the Court will not entertain any discovery motion, except those brought pursuant to Federal Rule of Civil Procedure 26(e) by a person who is not a party, unless the moving party through counsel or the self represented litigant, files with the Court, at the time of filing the motion, a statement showing that the party making the motion has made a reasonable effort to reach agreement with opposing attorneys or self represented litigant on the matters set forth in the motion.~~

To confer means to speak directly with opposing counsel or a self-represented litigant in person or by telephone, to identify and discuss disputed issues and to make a reasonable effort to resolve the disputed issues. The sending of an electronic or voice-mail communication does not satisfy the requirement to “confer.”

#### RELATED AUTHORITY

Fed. R. Civ. P. 26(f), 37(a)(~~B~~)1

## CIVIL RULE 37.2

### FORM OF DISCOVERY MOTIONS CONTENT OF MEMORANDA IN SUPPORT OF DISCOVERY MOTIONS

~~a) — Any discovery motion filed pursuant to Federal Rule of Civil Procedure 26 and 37 must include a verbatim recitation of each interrogatory, request, answer, response, and objection which is the subject of the motion.~~

~~b) — The party filing the motion must specify separately and with particularity each issue that remains to be determined at the hearing, and the contentions and points and authorities of each party as to each issue. The supporting memorandum must be set forth in one document and contain all such issues in dispute and the contentions and points and authorities of each party.~~

~~— Depending on the number of discovery matters at issue, the moving party has the option of reproducing them in the memorandum or attaching them as an addendum to the memorandum.~~

The memorandum in support of a Rule 26 and 37 discovery motion must provide verbatim each disputed interrogatory, request, answer, response, or objection that underlies the motion. Generally those items should be set forth within the memorandum. If they are too numerous, however, the moving party may attach only the disputed items as an addendum to the memorandum.

The memorandum must also describe each issue in dispute and include a brief description of each party's arguments and authorities.

#### RELATED AUTHORITY

Fed. R. Civ. P. 26(c), 37(a), ~~78~~  
~~ECF Procedures 5.F~~

## CIVIL RULE 37.1

### **DEFINITION OF CONFER**

To confer means to speak directly with opposing counsel or a self-represented litigant in person or by telephone, to identify and discuss disputed issues and to make a reasonable effort to resolve the disputed issues. The sending of an electronic or voice-mail communication does not satisfy the requirement to “confer.”

### **Related authority**

Fed. R. Civ. P. 26(f), 37(a)(1)

## CIVIL RULE 37.2

### **CONTENT OF MEMORANDA IN SUPPORT OF DISCOVERY MOTIONS**

The memorandum in support of a Rule 26 and 37 discovery motion must provide verbatim each disputed interrogatory, request, answer, response, or objection that underlies the motion. Generally those items should be set forth within the memorandum. If they are too numerous, however, the moving party may attach only the disputed items as an addendum to the memorandum.

The memorandum must also describe each issue in dispute and include a brief description of each party's arguments and authorities.

#### **Related authority**

Fed. R. Civ. P. 26(c), 37(a)