HONORABLE KAREN S. CRAWFORD
U.S. MAGISTRATE JUDGE
GENERAL CONSIDERATIONS FOR WRITTEN DISCOVERY
Updated: February 22, 2024

Counsel should keep the following legal principles in mind when propounding written discovery and when meeting and conferring prior to raising a discovery dispute with the court:

"While the party seeking to compel discovery has the burden of establishing that its request satisfies relevancy requirements, the party opposing discovery bears the burden of showing that discovery should not be allowed, and of clarifying, explaining, and supporting its objections with competent evidence." *Lofton v. Verizon Wireless VAW, LLC*, 308 F.R.D. 276, 281 (N.D. Cal. 2015).

"Boilerplate, generalized objections are inadequate and tantamount to not making any objection at all." *Walker v. Lakewood Condo. Owners Ass'n*, 186 F.R.D. 584, 587 (C.D. Cal. 1999). Accordingly, boilerplate objections, such as "overly burdensome" and "disproportionate to the needs of the case," will not be considered in resolving the dispute unless the reasons for the objections are obvious or have been explained and expanded in the Joint Motion or in a supporting declaration.

This Court does not tolerate "general objections" to discovery. *See Springer v. Gen. Atomics Aeronautical Sys.*, 16-cv-2331-BTM-KSC, 2018 WL 490745 (S.D. Cal. Jan. 18, 2018). Accordingly, no discovery responses served in matters pending before this Court should contain **any** such objections, whether as a preface to discovery responses or repeated verbatim in multiple responses.

An objection that discovery is not "reasonably calculated to lead to the discovery of admissible evidence" should under no circumstances appear on any party's discovery responses. *In re Bard IVC Filters Prods. Liab. Litig.*, 317 F.R.D. 562, 563-4 (D. Ariz. 2016).

Since a party claiming a privilege must "expressly make the claim" and provide enough information to "enable other parties to assess the claim" (*see* Fed. R. Civ. P. 26(b)(5)(A)(i)&(ii)), the Court will not consider an unsupported privilege objection. Likewise, bare, unsupported objections referring to contractual privacy obligations will not be considered without some proof of the obligations, such as a supporting declaration.

Discovery requests that are not limited by time and scope are generally objectionable as overly broad. When a responding party contends that a discovery request is overly broad, the Court expects the propounding party to attempt to narrow the scope of the request during meet and confer efforts. The Court will not "rewrite a party's discovery request to obtain the optimum result for that party. That is counsel's job." *Bartolome v. City and County of Honolulu*, WL 2736016, at 14 (D. Hawaii 2008).

Responses to Rule 26 (d)(2) requests must either be accompanied by a simultaneous production of responsive documents or state a reasonable but certain date on which all responsive documents will be produced. *See* Fed. R. Civ. P. 34(b)(2)(B). Parties may accordingly specify future dates to complete large productions, and "rolling" productions are not per se improper. *See In re NC Swine Farm Nuisance Litig.*, 2016 U.S. Dist. LEXIS 87491, at 147-50 (E.D.N.C. July 1, 2016). Uncertain dates for complete production, however, are improper. *See Evox Prods. v. Kayak Software Corp.*, 2016 WL 10586303, at 4 (C.D. Cal. June 14, 2016); *Beavers-Gabriel v. Medtronic, Inc.*, 2015 U.S. Dist. LEXIS 184705, at 23-4 (D. Haw. Mar. 24, 2015); *see also Novelty, Inc. v. Mt. View Mktg.*, 265 F.R.D. 370, 376 (S.D. Ind. 2009) ("Unilaterally deciding to conduct a cursory initial search to be followed by 'rolling' productions from subsequent, more thorough, searches is not an acceptable option."). Accordingly, no party should serve responses to Rule 34 requests that does not indicate a reasonable date for full production of responsive documents.