**Proposed Changes to the Federal Rules for Consideration**

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| **Rule** | **Proposed Change** | **Comments** |
| **Rule 26(b):**  Proportionality  and Scope of  Discovery | **(b) Discovery Scope and Limits.**  **(1) *Scope in General.*** Unless otherwise limited by court order, the scope of discovery is as follows: Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case considering the amount in controversy, the importance of the issues at stake in the action, the parties’ resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. Information within this scope of discovery need not be admissible in evidence to be discoverable. ~~including the existence, description, nature, custody, condition, and location of any documents or other tangible things and the identity and location of persons who know of any discoverable matter. For good cause, the court may order discovery of any matter relevant to the subject matter involved in the action. Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C).~~ \* \* \*  **(2) *Limitations on Frequency and Extent.***  **(A) *When Permitted.***By order, the court may alter the limits in these rules on the number of depositions, ~~and~~ interrogatories, and requests for admissions, or on the length of depositions under Rule 30. ~~By order or local rule, the court may also limit the number of requests under Rule 36.~~  **(C) *When Required.***On motion or on its own, the court must limit the frequency or extent of discovery ~~otherwise allowed by these rules or by local rule~~ if it determines that: \* \* \*  **(iii)** the ~~burden or expense of the~~ proposed discovery is outside the scope permitted by Rule 26(b)(1). ~~outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties’ resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.~~ | This Rule change is meant to explicitly define proportionality in the rules. When deciding whether proportionality is adequate, the court would consider five factors:  (1) Amount in controversy;  (2) Importance of the issue at stake in the action;  (3) The parties’ resources;  (4) Importance of discovery to resolve the issue; and  (5) Expense versus benefit analysis. |
| **Rule 30:**  Oral Depositions | **(a) When a Deposition May Be Taken.** \* \* \*  **(2)** ***With Leave***. A party must obtain leave of court, and the court must  grant leave to the extent consistent with Rule 26(b)(1) and (2):  **(A)** if the parties have not stipulated to the deposition and:  **(i)** the deposition would result in more than ~~10~~ 5 depositions being  taken under this rule or Rule 31 by the plaintiffs, or by the  defendants, or by the third-party defendants;  \* \* \*  **(d) Duration; Sanction; Motion to Terminate or Limit.**  (1) ***Duration***. Unless otherwise stipulated or ordered by the court, a  deposition is limited to one day of  ~~7~~ 6 hours. The court must allow  additional time consistent with Rule 26(b)(1) and (2) if needed to fairly  examine the deponent or if the deponent, another person, or any other  circumstance impedes or delays the examination. | The Rule change reduces the presumptive number of depositions from 10 to 5 and shortens the presumptive deposition length from 7 hours to 6 hours. |
| **Rule 31:**  Written Depositions | **(a) When a Deposition May Be Taken.** \* \* \*  **(2) *With Leave*.** A party must obtain leave of court, and the court must  grant leave to the extent consistent with Rule 26(b)(1) and (2):  **(A)** if the parties have not stipulated to the deposition and:  **(i)** the deposition would result in more than ~~10~~ 5 depositions being  taken under this rule or Rule 30 by the plaintiffs, or by the  defendants, or by the third-party defendants; \* \* \* | This Rule change reduces the presumptive number of written depositions from 10 to 5. |
| **Rule 33:** Interrogatories | **(a) In General.**  **(1) *Number*.** Unless otherwise stipulated or ordered by the court, a party  may serve on another party no more than ~~25~~ 15 interrogatories, including  all discrete subparts. Leave to serve additional interrogatories may be  granted to the extent consistent with Rule 26(b)(1) and (2). | This Rule change reduces the number of interrogatories from 25 to 15. |
| **Rule 36:**  Requests for Admissions | **(a) Scope and Procedure.**  **(1) *Scope.***A party may serve on any other party a written request to admit,  for purposes of the pending action only, the truth of any matters within the  scope of Rule 26(b)(1) relating to:   1. (A) facts, the application of law to fact, or opinions about either; and 2. (B) the genuineness of any described document.   **(2) *Number.***Unless otherwise stipulated or ordered by the court, a party  may serve no more than 25 requests to admit under Rule 36(a)(1)(A) on  any other party, including all discrete subparts. The court may grant leave  to serve additional requests to the extent consistent with Rule 26(b)(1)  and (2).\* \* \* | The Rule sets a limit on the number of Requests for Admission. |
| **Rule 4:**  Time Limit for Service | **(m) Time Limit for Service.** If a defendant is not served within ~~120~~ 60 days after the complaint is filed, the court \* \* \* must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause \* \* \* | This Rule change shortens the time for service from 120 to 60 days. |