

**SUGGESTED AMENDMENT TO
CIVIL RULES FOR COURTS OF LIMITED JURISDICTION
(CRLJ)**

CRLJ 26 - DISCOVERY

(a) - (g) [Unchanged]

(h) Discovery Conference.

(1) *Timing of Initial Discovery Conference.* Upon the filing of each case governed by these rules, and unless exempted by these rules, the court shall issue an Initial Case Schedule requiring the parties to conduct an initial discovery conference within the earlier of 14 days of service of the last pleading responsive to the complaint or 45 days of service of the last notice of appearance. Each party or each party's attorney shall reasonably cooperate in scheduling and conducting the initial discovery conference.

(2) *Subjects To Be Discussed at Initial Discovery Conference.* At the initial discovery conference, the parties shall consider the following subjects:

- (A) A statement of the issues as they then appear;
- (B) A proposed discovery plan, including a schedule for discovery in accordance with these rules;
- (C) Any proposed order with respect to limitations to be placed on discovery, in addition to those limits already contained within these rules;
- (D) Any proposed order with respect to additional discovery in conformity with these rules;
- (E) Any proposed order to amend the Initial Case Schedule;
- (F) Other ways to facilitate the just, speedy, and inexpensive disposition of the action.

(3) *Joint Status Report.* Not later than 14 days after the initial discovery conference, the plaintiff shall file and serve a joint status report, stating the parties' positions and proposals on the subjects set forth in CRLJ 26(g)(2). The joint status report shall be signed by all parties or

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their counsel and shall certify that the parties reasonably cooperated to reach agreement on the matters set forth in the joint status report.

(4) *Other Discovery Conference.* Any party proposing a discovery plan under this rule shall serve the proposed discovery plan on all parties within 90 days of service of the summons and complaint, or counterclaim, or cross complaint, whichever is longer. Any such proposed discovery plan shall be deemed approved by the Court if no objection or counter proposal is served and filed within 14 days after the proposed discovery plan is filed and served. If an objection or other proposed discovery plan is filed and served within 14 days of the filing and service of a proposed discovery plan, the court shall schedule a discovery conference.

(5) *Duty to Cooperate.* Each party and each party's attorney shall reasonably cooperate at a discovery conference and in framing a discovery plan if a plan is proposed by an attorney for any party. If a party or a party's attorney fails to do so, the court may, after opportunity for hearing, require such party or such party's attorney to pay to any other party the reasonable expenses, including attorney fees, caused by the failure.

(6) *Additional Discovery.* Nothing in this rule shall restrict a party from seeking or the court from ordering additional discovery pursuant to CRLJ 26(e).

(7) *No Ex Parte Fee.* No ex parte fee will be charged with respect to any joint status report or any discovery plan.