

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND



ADOPTED AMENDMENTS TO THE  
LOCAL RULES

*EFFECTIVE JULY 1, 2016*

**ADOPTED AMENDMENTS TO THE LOCAL RULES**

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## **RULE 101. COUNSEL**

### **REDLINED VERSION**

1. Who May Appear as Counsel; Who May Appear Without Counsel

b) Pro Hac Vice

i) Generally. **[Except as provided in subsection (v) of this Rule, the]**~~The~~ Court may permit any attorney ~~(except any attorney who is a member of the Maryland Bar or maintains any law office in Maryland)~~ who is a **[n active]** member in good standing of the bar of any other United States court or of the highest court of any state to appear and participate as counsel in a particular civil case. Such permission shall not constitute formal admission to the Bar of this Court. However, an attorney admitted pro hac vice is subject to the disciplinary jurisdiction of this Court. Any party represented by an attorney who has been admitted pro hac vice must also be represented by an attorney who ~~has been formally admitted to the~~**[is, and continuously remains, an active member in good standing of the]** Bar of this Court who shall sign all documents and, unless excused by the presiding judge, be present at any court proceedings.

\* \* \*

**[v) Limitation on Maryland Attorneys. An attorney, who is an active member of the Maryland Bar or maintains any law office in Maryland, is ineligible for admission pro hac vice. For the purposes of this subsection, an attorney shall be deemed to maintain an office in Maryland if a Maryland address is used by that attorney on any document filed in this Court for purposes of satisfying L.R. 102.1.b. However, if an attorney is a member of a law firm having offices in multiple jurisdictions, an attorney who is a member of such a firm shall not be deemed to maintain a law office in Maryland if that attorney does not maintain a regular physical presence in the Maryland office of the firm. Failure of an attorney to satisfy this continuing requirement may result in the revocation of the attorney's pro hac vice admission.]**

2. Withdrawal of Appearance

**[c) Automatic Termination of Appearance**

**When no appeal has been taken from a final judgment, and upon the resolution of any post-judgment motion or matter under L.R. 109, the appearance of an attorney is automatically deemed terminated upon the expiration of the appeal period, unless otherwise ordered by the court. If an appeal is taken, the appearance of the attorney is automatically deemed terminated ninety (90) days after the issuance of a mandate of the court of appeals.]**

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<b>RULE 101. COUNSEL (CONTINUED)</b>
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**REVISED VERSION**

1. Who May Appear as Counsel; Who May Appear Without Counsel

b) Pro Hac Vice

i) Generally. Except as provided in subsection (v) of this Rule, the Court may permit any attorney who is an active member in good standing of the bar of any other United States court or of the highest court of any state to appear and participate as counsel in a particular civil case. Such permission shall not constitute formal admission to the Bar of this Court. However, an attorney admitted pro hac vice is subject to the disciplinary jurisdiction of this Court. Any party represented by an attorney who has been admitted pro hac vice must also be represented by an attorney who is, and continuously remains, an active member in good standing of the Bar of this Court who shall sign all documents and, unless excused by the presiding judge, be present at any court proceedings.

\* \* \*

v) Limitation on Maryland Attorneys. An attorney, who is an active member of the Maryland Bar or maintains any law office in Maryland, is ineligible for admission pro hac vice. For the purposes of this subsection, an attorney shall be deemed to maintain an office in Maryland if a Maryland address is used by that attorney on any document filed in this Court for purposes of satisfying L.R. 102.1.b. However, if an attorney is a member of a law firm having offices in multiple jurisdictions, an attorney who is a member of such a firm shall not be deemed to maintain a law office in Maryland if that attorney does not maintain a regular physical presence in the Maryland office of the firm. Failure of an attorney to satisfy this continuing requirement may result in the revocation of the attorney's pro hac vice admission.

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# RULE 102. GENERAL FILING AND SERVICE REQUIREMENTS

## REDLINED VERSION

1. Signatures, Identifying Information and Proof of Service

a) Signatures

ii) Parties Appearing Without Counsel. When a party is appearing without counsel, the Clerk will accept for filing only documents signed by that party. Attorneys who have prepared any documents which are submitted for filing by a self-represented litigant must be members of the Bar of this Court and must sign the document, state their name, address, telephone number and their bar number assigned by this Court. **[ Upon inquiry, all parties appearing without counsel must disclose the identity of any individual who has prepared, or assisted in preparing, any documents filed in this Court.]**

\* \* \*

d) Electronic Transmission

Electronic filing of documents is **[only]** permitted in accordance with the policies and procedures established by the Court. **[ Electronic filing includes submission by email or by portable electronic media (e.g., disk, flash drive).]**

2. Format of Court Documents

b) Margins, Spacing and Numbering ~~and 2-Hole Punched~~

All documents filed with the Court shall not exceed 8 1/2" x 11", with **[a one inch margin on all sides]** ~~a top margin of at least 1 1/2" and left hand margin of 1" and a right-hand margin of 1/2"~~. Lines of text **[ for all documents, including correspondence,]** shall be double-spaced except for quotations and footnotes. Pages shall be numbered at the bottom of every page after the first page. Typed, printed or written material shall appear only on the front side of any page **[ in at least 12-point font size]**. ~~All documents submitted in paper format shall be two-hole punched on the top of each page.~~

\* \* \*

3. Issuance of Subpoenas in Self-Represented, ~~In Forma Pauperis~~ Cases

The Clerk shall not issue any subpoena under Fed. R. Civ. P. 45(a)(3) to any self-represented litigant ~~proceeding in forma pauperis~~ without first obtaining an order from the Court authorizing the issuance of the subpoena. Before entering any such order the Court may require the litigant to state the reasons why the subpoena would be issued, and the

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Court may refuse to authorize issuance of the subpoena if it concludes that the subpoena imposes undue burden or expense on the person subject to the subpoena or upon the U.S. Marshal or other court officer who would be required to serve it under 28 U.S.C. § 1915 **[, or is otherwise inconsistent with the requirements of Fed. R. Civ. P. 26 and 45(d)].**

4. Interdivisional Filing

Unless otherwise ordered by the Court, if a case designated to one division under ~~the Court's standing order~~ **[L.R. 501]** is assigned to a judge in the other division, any pleadings, motions, memoranda or other documents may be filed in the designated division and, if such filing is made within any applicable deadline, shall be deemed to be timely.

**[5. Electronic Orders and Documents**

**a) Entry**

**The electronic filing by a judge or the Clerk of any order, decree, judgment, proceeding, or other documents shall constitute entry of that document on the docket maintained by the Clerk as well as notice to and service upon registered parties in the case under the federal rules of procedure. Pursuant to Fed. R. Civ. P. 79 and Fed. R. Crim. P. 55, documents filed under this method are deemed to be the official court record maintained by the Clerk.**

**b) Signatures**

**Orders and documents issued by either a judge or the Clerk may be signed either with an original signature or an electronic signature as defined by the policies and procedures established by the Court for electronic filing. Any order or document filed electronically without the original signature of the judge or the Clerk has the same force and effect as if the judge or the Clerk had signed a paper copy of the order or document.**

**c) Paperless Orders**

**At the discretion of the presiding judge or the Clerk, an order may be entered by having a text-only entry made on the docket. Such orders shall have the same force and effect as any other order.]**

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<b>RULE 102. GENERAL FILING AND SERVICE REQUIREMENTS (CONTINUED)</b>
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**REVISED VERSION**

1. Signatures, Identifying Information and Proof of Service

a) Signatures

ii) Parties Appearing Without Counsel. When a party is appearing without counsel, the Clerk will accept for filing only documents signed by that party. Attorneys who have prepared any documents which are submitted for filing by a self-represented litigant must be members of the Bar of this Court and must sign the document, state their name, address, telephone number and their bar number assigned by this Court. Upon inquiry, all parties appearing without counsel must disclose the identity of any individual who has prepared, or assisted in preparing, any documents filed in this Court.

\* \* \*

d) Electronic Transmission

Electronic filing of documents is only permitted in accordance with the policies and procedures established by the Court. Electronic filing includes submission by email or by portable electronic media (e.g., disk, flash drive).

2. Format of Court Documents

b) Margins, Spacing and Numbering

All documents filed with the Court shall not exceed 8 1/2" x 11", with a one inch margin on all sides. Lines of text for all documents, including correspondence, shall be double-spaced except for quotations and footnotes. Pages shall be numbered at the bottom of every page after the first page. Typed, printed or written material shall appear only on the front side of any page in at least 12-point font size.

\* \* \*

3. Issuance of Subpoenas in Self-Represented Cases

The Clerk shall not issue any subpoena under Fed. R. Civ. P. 45(a)(3) to any self-represented litigant without first obtaining an order from the Court authorizing the issuance of the subpoena. Before entering any such order the Court may require the litigant to state the reasons why the subpoena would be issued, and the Court may refuse to authorize issuance of the subpoena if it concludes that the subpoena imposes undue burden or

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expense on the person subject to the subpoena or upon the U.S. Marshal or other court officer who would be required to serve it under 28 U.S.C. § 1915, or is otherwise inconsistent with the requirements of Fed. R. Civ. P. 26 and 45(d).

4. Interdivisional Filing

Unless otherwise ordered by the Court, if a case designated to one division under L.R. 501 is assigned to a judge in the other division, any pleadings, motions, memoranda or other documents may be filed in the designated division and, if such filing is made within any applicable deadline, shall be deemed to be timely.

5. Electronic Orders and Documents

a) Entry

The electronic filing by a judge or the Clerk of any order, decree, judgment, proceeding, or other documents shall constitute entry of that document on the docket maintained by the Clerk as well as notice to and service upon registered parties in the case under the federal rules of procedure. Pursuant to Fed. R. Civ. P. 79 and Fed. R. Crim. P. 55, documents filed under this method are deemed to be the official court record maintained by the Clerk.

b) Signatures

Orders and documents issued by either a judge or the Clerk may be signed either with an original signature or an electronic signature as defined by the policies and procedures established by the Court for electronic filing. Any order or document filed electronically without the original signature of the judge or the Clerk has the same force and effect as if the judge or the Clerk had signed a paper copy of the order or document.

c) Paperless Orders

At the discretion of the presiding judge or the Clerk, an order may be entered by having a text-only entry made on the docket. Such orders shall have the same force and effect as any other order.

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<b>RULE 103. INSTITUTION OF SUIT AND PLEADINGS</b>
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**REDLINED VERSION**

3. Disclosure of Affiliations and Financial Interest

When filing an initial pleading[, **including the removal of a state action,**] or promptly after learning of the information to be disclosed, counsel shall file a statement (separate from any pleading) containing the following information:

a) Corporate Affiliation

The identity of any parents or other affiliate of a corporate party and the description of the relationship between the party and such affiliates. [ **The identity of all members of any party that is a business entity established under state law, other than a corporation; and in cases based on diversity jurisdiction, the state of citizenship of each member.**]

\* \* \*

8. Dismissal for Want of Prosecution

a) Failure to Effect Service

If a party demanding affirmative relief has not effected service of process within ~~120~~**[90]** days of filing the pleading seeking the affirmative relief, the Court may enter an order asking the party to show cause why the claim should not be dismissed. If the party fails to show good cause within fourteen (14) days of the entry of the order or such other time as may be set by the Court, the claim shall be dismissed without prejudice.

*(This emergency amendment was made in the December 2015 Local Rules Supplement.)*

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<b>RULE 103. INSTITUTION OF SUIT AND PLEADINGS (CONTINUED)</b>
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**REVISED VERSION**

3. Disclosure of Affiliations and Financial Interest

When filing an initial pleading, including the removal of a state action, or promptly after learning of the information to be disclosed, counsel shall file a statement (separate from any pleading) containing the following information:

a) Corporate Affiliation

The identity of any parents or other affiliate of a corporate party and the description of the relationship between the party and such affiliates. The identity of all members of any party that is a business entity established under state law, other than a corporation; and in cases based on diversity jurisdiction, the state of citizenship of each member.

\* \* \*

8. Dismissal for Want of Prosecution

a) Failure to Effect Service

If a party demanding affirmative relief has not effected service of process within 90 days of filing the pleading seeking the affirmative relief, the Court may enter an order asking the party to show cause why the claim should not be dismissed. If the party fails to show good cause within fourteen (14) days of the entry of the order or such other time as may be set by the Court, the claim shall be dismissed without prejudice.

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<b>RULE 105. MOTIONS, BRIEFS AND MEMORANDA</b>
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**REDLINED VERSION**

3. Limitations on Length

Unless otherwise ordered by the Court, memoranda in support of a motion or in opposition thereto and trial briefs shall not exceed ~~fifty (50)~~ **[thirty-five (35)]** pages, and reply memoranda shall not exceed ~~twenty-five (25)~~ **[twenty (20)]** pages, exclusive of (a) affidavits and exhibits, (b) tables of contents and citations, and (c) addenda containing statutes, rules, regulations and similar material.

**REVISED VERSION**

3. Limitations on Length

Unless otherwise ordered by the Court, memoranda in support of a motion or in opposition thereto and trial briefs shall not exceed thirty-five (35) pages, and reply memoranda shall not exceed twenty (20) pages, exclusive of (a) affidavits and exhibits, (b) tables of contents and citations, and (c) addenda containing statutes, rules, regulations and similar material.

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<b>RULE 201. COUNSEL</b>
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**REDLINED VERSION**

3. Withdrawal of Appearance

Counsel for a defendant may withdraw their appearance only with leave of court [**except as provided by L.R. 101.2.c**].

**REVISED VERSION**

3. Withdrawal of Appearance

Counsel for a defendant may withdraw their appearance only with leave of court except as provided by L.R. 101.2.c.

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## RULE 404. APPEALS TO THE DISTRICT COURT

### REDLINED VERSION

2. Dismissal for Non-Compliance with Bankruptcy Rule ~~8006~~**[8009]**

Whenever the appellant fails to designate the contents of the record on appeal or to file a statement of the issues to be presented on appeal within the time required by Bankruptcy Rule ~~8006~~**[8009]**, the Bankruptcy Clerk shall transmit forthwith to the Clerk of the District Court a partial record consisting of a copy of the order or judgment appealed from, the notice of appeal, a copy of the docket entries and such other documents as the Bankruptcy Clerk deems relevant to the appeal. (The District Court may, thereafter, order the Bankruptcy Clerk to transmit any other relevant documents to the Clerk of the District Court.) When the partial record has been filed in the District Court, the Court may, upon motion of the appellee (which is to be filed in the District Court) or upon its own initiative, dismiss the appeal for non-compliance with Bankruptcy Rule ~~8006~~**[8009]** after giving the appellant an opportunity to explain the non-compliance and upon considering whether the non-compliance had prejudicial effect on the other parties.

3. Dismissal for Non-compliance with Bankruptcy Rule ~~8009~~**[8018]**

Whenever the appellant fails to serve and file a brief within the time required by Bankruptcy Rule ~~8009~~**[8018]**, the District Court may, upon motion of the appellee (to be filed in the District Court) or upon its own initiative, dismiss the appeal after giving the appellant an opportunity to explain the non-compliance and upon considering whether the non-compliance had prejudicial effect on the other parties.

4. Procedure Regarding Motion to Stay Pending Appeal

After seeking appropriate relief under Bankruptcy Rule ~~8005~~**[8007]**, an appellant seeking a stay pending appeal by the District Court of an order entered by the Bankruptcy Court shall file with the Clerk of the District Court a motion to stay and copies of all documents in the record of the Bankruptcy Court relevant to the appeal. Upon the filing of these documents, the Clerk of the District Court shall immediately open a civil file and the District Court shall give immediate consideration to the motion to stay. If the underlying appeal is ultimately perfected, it will be assigned the same civil action number as was assigned to the motion to stay.

*(This emergency amendment was made in the March 2015 Local Rules Supplement.)*

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<b>RULE 404. APPEALS TO THE DISTRICT COURT (CONTINUED)</b>
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**REVISED VERSION**

1. Dismissal for Non-Compliance with Bankruptcy Rule 8009

Whenever the appellant fails to designate the contents of the record on appeal or to file a statement of the issues to be presented on appeal within the time required by Bankruptcy Rule 8009, the Bankruptcy Clerk shall transmit forthwith to the Clerk of the District Court a partial record consisting of a copy of the order or judgment appealed from, the notice of appeal, a copy of the docket entries and such other documents as the Bankruptcy Clerk deems relevant to the appeal. (The District Court may, thereafter, order the Bankruptcy Clerk to transmit any other relevant documents to the Clerk of the District Court.) When the partial record has been filed in the District Court, the Court may, upon motion of the appellee (which is to be filed in the District Court) or upon its own initiative, dismiss the appeal for non-compliance with Bankruptcy Rule 8009 after giving the appellant an opportunity to explain the non-compliance and upon considering whether the non-compliance had prejudicial effect on the other parties.

3. Dismissal for Non-compliance with Bankruptcy Rule 8018

Whenever the appellant fails to serve and file a brief within the time required by Bankruptcy Rule 8018, the District Court may, upon motion of the appellee (to be filed in the District Court) or upon its own initiative, dismiss the appeal after giving the appellant an opportunity to explain the non-compliance and upon considering whether the non-compliance had prejudicial effect on the other parties.

4. Procedure Regarding Motion to Stay Pending Appeal

After seeking appropriate relief under Bankruptcy Rule 8007, an appellant seeking a stay pending appeal by the District Court of an order entered by the Bankruptcy Court shall file with the Clerk of the District Court a motion to stay and copies of all documents in the record of the Bankruptcy Court relevant to the appeal. Upon the filing of these documents, the Clerk of the District Court shall immediately open a civil file and the District Court shall give immediate consideration to the motion to stay. If the underlying appeal is ultimately perfected, it will be assigned the same civil action number as was assigned to the motion to stay.

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<b>RULE 605. AMENDMENT OF RULES</b>
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**REDLINED VERSION**

2. ~~Emergency~~**[Expedited]** Procedure

~~The Court may adopt a rule necessary to meet any condition of emergency~~**[When the Court determines that there is an immediate need to implement either a new rule or an amendment to an existing rule, including a technical, clarifying, or conforming amendment, the Court may adopt the rule or amendment]** without complying with the procedure set forth in L.R. 605.1. If such a ~~an emergency~~ rule **[ or amendment]** is adopted, public notice of it shall be given promptly after its adoption, and it shall be submitted for public consideration in accordance with L.R. 605.1 during the next regular amendment cycle.

**REVISED VERSION**

2. Expedited Procedure

When the Court determines that there is an immediate need to implement either a new rule or an amendment to an existing rule, including a technical, clarifying, or conforming amendment, the Court may adopt the rule or amendment without complying with the procedure set forth in L.R. 605.1. If such a rule or amendment is adopted, public notice of it shall be given promptly after its adoption, and it shall be submitted for public consideration in accordance with L.R. 605.1 during the next regular amendment cycle.

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## RULE 701. ADMISSION

### REDLINED VERSION

1. Qualifications

d) Non-Maryland Lawyers Maintaining Any Law Office in Maryland

An attorney who is not a member of the Maryland Bar is not qualified for admission to the Bar of this District if the attorney maintains any law office in Maryland. **[ For the purposes of this subsection, an attorney shall be deemed to maintain an office in Maryland if a Maryland address is used by that attorney on any document filed in this Court for purposes of satisfying L.R. 102.1.b. However, if an attorney is a member of a law firm having offices in multiple jurisdictions, an attorney who is a member of such a firm shall not be deemed to maintain a law office in Maryland if that attorney does not maintain a regular physical presence in the Maryland office of the firm. Failure of an attorney to satisfy this continuing requirement may result in the attorney either being moved to ineligible status or subjected to expedited remedial action as provided for in L.R. 705.1.i.]**

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4. Confidentiality of ~~Admission and Renewal Applications~~ **[Attorney Records]**

No information contained in any bar admission **[application, ]** ~~or~~ renewal application **[, or an attorney's administrative or disciplinary record may]** ~~shall~~ be released by the Clerk of this Court ~~without~~ **[except by]** the order of the Chair of the Disciplinary and Admissions Committee of the Court or the presiding judge in a pending case, ~~and only after~~ **[in]** consultation ~~by~~ **[with]** the Committee Chair **[for requests for administrative records and in consultation with the full bench in cases of disciplinary files. However, the Clerk of Court may provide an attorney with a copy of that attorney's previously submitted bar admission or renewal application upon request, including confirming the contents of these documents.]** ~~or the presiding judge with the full bench.~~



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<b>RULE 701. ADMISSION (CONTINUED)</b>
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**REVISED VERSION**

1. Qualifications

d) Non-Maryland Lawyers Maintaining Any Law Office in Maryland

An attorney who is not a member of the Maryland Bar is not qualified for admission to the Bar of this District if the attorney maintains any law office in Maryland. For the purposes of this subsection, an attorney shall be deemed to maintain an office in Maryland if a Maryland address is used by that attorney on any document filed in this Court for purposes of satisfying L.R. 102.1.b. However, if an attorney is a member of a law firm having offices in multiple jurisdictions, an attorney who is a member of such a firm shall not be deemed to maintain a law office in Maryland if that attorney does not maintain a regular physical presence in the Maryland office of the firm. Failure of an attorney to satisfy this continuing requirement may result in the attorney either being moved to ineligible status or subjected to expedited remedial action as provided for in L.R. 705.1.i.

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4. Confidentiality of Attorney Records

No information contained in any bar admission application, renewal application, or an attorney's administrative or disciplinary record may be released by the Clerk of this Court except by the order of the Chair of the Disciplinary and Admissions Committee of the Court or the presiding judge in a pending case, in consultation with the Committee Chair for requests for administrative records and in consultation with the full bench in cases of disciplinary files. However, the Clerk of Court may provide an attorney with a copy of that attorney's previously submitted bar admission or renewal application upon request, including confirming the contents of these documents.

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## RULE 705. DISCIPLINARY PROCEEDINGS

### REDLINED VERSION

1. ~~Allegations of~~**[Attorney]** Misconduct

a) ~~Referral for Investigation~~**[Allegations of Misconduct]**

If allegations of misconduct which, if substantiated, would warrant discipline of an attorney, come to the attention of a judge of this Court, the judge may refer the matter to the Court's Disciplinary and Admissions Committee. **[Upon referral, the Disciplinary and Admissions Committee may either (1) conduct its own investigation or (2)]**~~If the Disciplinary and Admissions Committee determines that further investigation is necessary,~~ it may decline to take action and instead refer the matter to **[ either]** the Maryland Attorney Grievance Commission, or the state bar authority serving as the basis for the attorney-respondent's membership in this Court's Bar. **[If after its initial review, the Disciplinary and Admissions Committee finds that further investigation is necessary, it may recommend to the Court the appointment of an attorney-investigator as provided for in L.R. 705.1.b. If the Disciplinary and Admissions Committee finds no reasonable basis for additional investigation, it may recommend to the Court either (1) the initiation of formal proceedings under L.R. 705.1.c or (2) the imposition of a warning, conditional diversion agreement, or additional conditions as permitted by L.R. 705.1.h. If the Disciplinary and Admissions Committee finds no basis for discipline, it may dismiss the matter and advise the attorney-respondent by letter.]** ~~Alternatively, the Court, upon the recommendation of the Disciplinary and Admissions Committee, may appoint one or more members of the Bar of the Court as attorney-investigators to conduct the investigation. Notice of any such appointment shall be given to the attorney-respondent, and the attorney-respondent may move to disqualify any appointed attorney-investigator within fourteen (14) days of mailing the notice of appointment to the attorney-respondent's address on file with the Clerk's Office.~~

b) ~~Recommendation by~~**[Appointment of]** Attorney-Investigator

**[The Court, upon the recommendation of the Disciplinary and Admissions Committee, may appoint one or more members of the Bar of the Court as attorney-investigators to conduct the investigation. Notice of any such appointment shall be given to the attorney-respondent, and the attorney-respondent may move to disqualify any appointed attorney-investigator within fourteen (14) days of mailing the notice of appointment to the attorney-respondent's address on file with the Clerk's Office. ]**After the conclusion of the investigation, the attorney-investigator(s) shall submit to the Disciplinary and Admissions Committee a report and recommendation that a formal proceeding be held or that the matter be disposed of by dismissal, warning, deferral, or otherwise. Upon review of the attorney-investigator's report and recommendation, the

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Disciplinary and Admissions Committee shall recommend to the Court whether to (1) initiate formal proceedings **[ under L.R. 705.1.c]** ~~or (2) impose a warning, with or without conditions, in lieu of sanction as permitted under L.R. 705.1.h.;~~ **(2) impose a warning, conditional diversion agreement, or additional conditions as permitted by L.R. 705.1.h.; or (3) dismiss the matter and advise the attorney-respondent and attorney-investigator by letter.]**

- \* \* \*  
d) Disciplinary Hearing

If the attorney-respondent's answer to the show cause order raises any issue of material fact to which the attorney-respondent wishes to be heard or if the attorney-respondent wishes to be heard in mitigation, a disciplinary hearing shall be held and, insofar as possible **[ and necessary]**, the attorney-investigator ~~shall~~**[may]** be assigned to prosecute the case. **[ If no attorney-investigator has been previously appointed in this matter, and an attorney-investigator is necessary in this case, the Court will appoint an attorney-investigator as provided by L.R. 705.1.b.]**

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2. Criminal Convictions

a) Serious Crimes

i) Definition. For purposes of this Rule, the term "serious crime" shall include any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the **[ finding of guilt or]** judgment was entered, involved false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit any of the above.

ii) Suspension. Upon receipt of a **[ finding of guilt or]** certified copy of a judgment of conviction demonstrating that any attorney admitted to practice before the Court has been **[ found guilty or]** convicted of a serious crime in any court of the United States, or the District of Columbia, or of any state, territory, commonwealth or possession of the United States, the Court shall enter an order immediately suspending the attorney, whether the **[ finding of guilt or]** conviction resulted from a plea of guilty or nolo contendere or from a verdict after trial or otherwise, and regardless of the pendency of any appeal. Such order shall direct the attorney-respondent to show cause within thirty (30) days why disbarment or some lesser punishment should not be imposed. A copy of such order shall immediately be served upon the attorney-respondent.

iii) Imposition of Discipline. After the show cause period has ended, the Court's Disciplinary and Admissions Committee will review the **[ finding of guilt or]**

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conviction, as well as any response. If the attorney-respondent's response includes a request for a hearing, the matter shall be assigned for a prompt hearing as provided for in L.R. 705.1.d. Absent such a request, the Disciplinary and Admissions Committee may (a) appoint an attorney-investigator pursuant to L.R. 705.1.a**[b]**; (b) conduct a disciplinary hearing pursuant to L.R. 705.1.d; or (c) recommend final action to the full bench, which may include any disciplinary sanction or condition available under L.R. 705.1.h.

iv) Lifting of Discipline. In the event that an attorney-respondent<sup>[P]</sup>s<sup>2</sup>- underlying **[finding of guilt or]** conviction is reversed or vacated and that attorney-respondent has had imposed disciplinary sanction or condition imposed under the provisions of this Rule, the attorney-respondent will not be reinstated immediately but must apply for reinstatement under L.R. 705.4.

**[v) Attorney's Duty to Disclose. Upon a finding of guilt or conviction of a serious crime in any court of the United States or the District of Columbia, or in a court of any state, territory, commonwealth, or possession of the United States, any attorney admitted to practice before this Court shall promptly inform the Clerk of such finding of guilt or conviction and provide a copy of the finding, conviction, or order within thirty (30) days after the entry thereof.]**

3. Discipline Imposed by Other Courts

a) Attorney's Duty to Disclose

~~Any attorney admitted to practice before this Court, shall, upon being subjected to public discipline or being enjoined from the practice of law by any other court of the United States or the District of Columbia, or by a court of any state, territory, commonwealth, or possession of the United States, promptly inform the Clerk of such action.~~ **[ Upon being subjected to public discipline or being enjoined from the practice of law by any other court of the United States or the District of Columbia, or by a court of any state, territory, commonwealth, or possession of the United States, any attorney admitted to practice before this Court shall promptly inform the Clerk of such action and provide a copy of the order or document imposing discipline within thirty days (30) after the imposition of discipline.]**

\* \* \*  
4. Reinstatement

d) Appointment of Attorney-Investigator

The Court may, pursuant to L.R. 705.1.a**[b]**, appoint an attorney-investigator to investigate whether the petition for reinstatement should be granted and to participate in the reinstatement hearing.

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<b>RULE 705. DISCIPLINARY PROCEEDINGS (CONTINUED)</b>
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**REVISED VERSION**

1. Attorney Misconduct

a) Allegations of Misconduct

If allegations of misconduct which, if substantiated, would warrant discipline of an attorney, come to the attention of a judge of this Court, the judge may refer the matter to the Court's Disciplinary and Admissions Committee. Upon referral, the Disciplinary and Admissions Committee may either (1) conduct its own investigation or (2) it may decline to take action and instead refer the matter to either the Maryland Attorney Grievance Commission; or the state bar authority serving as the basis for the attorney-respondent's membership in this Court's Bar. If after its initial review, the Disciplinary and Admissions Committee finds that further investigation is necessary, it may recommend to the Court the appointment of an attorney-investigator as provided for in L.R. 705.1.b. If the Disciplinary and Admissions Committee finds no reasonable basis for additional investigation, it may recommend to the Court either (1) the initiation of formal proceedings under L.R. 705.1.c or (2) the imposition of a warning, conditional diversion agreement, or additional conditions as permitted by L.R. 705.1.h. If the Disciplinary and Admissions Committee finds no basis for discipline, it may dismiss the matter and advise the attorney-respondent by letter.

b) Appointment of Attorney-Investigator

The Court, upon the recommendation of the Disciplinary and Admissions Committee, may appoint one or more members of the Bar of the Court as attorney-investigators to conduct the investigation. Notice of any such appointment shall be given to the attorney-respondent, and the attorney-respondent may move to disqualify any appointed attorney-investigator within fourteen (14) days of mailing the notice of appointment to the attorney-respondent's address on file with the Clerk's Office. After the conclusion of the investigation, the attorney-investigator(s) shall submit to the Disciplinary and Admissions Committee a report and recommendation that a formal proceeding be held or that the matter be disposed of by dismissal, warning, deferral, or otherwise. Upon review of the attorney-investigator's report and recommendation, the Disciplinary and Admissions Committee shall recommend to the Court whether to (1) initiate formal proceedings under L.R. 705.1.c; (2) impose a warning, conditional diversion agreement, or additional conditions as permitted by L.R. 705.1.h.; or (3) dismiss the matter and advise the attorney-respondent and attorney-investigator by letter.

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d) Disciplinary Hearing

If the attorney-respondent's answer to the show cause order raises any issue of material fact to which the attorney-respondent wishes to be heard or if the attorney-respondent wishes to be heard in mitigation, a disciplinary hearing shall be held and, insofar as possible and necessary, the attorney-investigator may be assigned to prosecute the case. If no attorney-investigator has been previously appointed in this matter, and an attorney-investigator is necessary in this case, the Court will appoint an attorney-investigator as provided by L.R. 705.1.b.

\* \* \*

2. Criminal Convictions

a) Serious Crimes

i) Definition. For purposes of this Rule, the term "serious crime" shall include any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the finding of guilt or judgment was entered, involved false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit any of the above.

ii) Suspension. Upon receipt of a finding of guilt or certified copy of a judgment of conviction demonstrating that any attorney admitted to practice before the Court has been found guilty or convicted of a serious crime in any court of the United States, or the District of Columbia, or of any state, territory, commonwealth or possession of the United States, the Court shall enter an order immediately suspending the attorney, whether the finding of guilt or conviction resulted from a plea of guilty or nolo contendere or from a verdict after trial or otherwise, and regardless of the pendency of any appeal. Such order shall direct the attorney-respondent to show cause within thirty (30) days why disbarment or some lesser punishment should not be imposed. A copy of such order shall immediately be served upon the attorney-respondent.

iii) Imposition of Discipline. After the show cause period has ended, the Court's Disciplinary and Admissions Committee will review the finding of guilt or conviction, as well as any response. If the attorney-respondent's response includes a request for a hearing, the matter shall be assigned for a prompt hearing as provided for in L.R. 705.1.d. Absent such a request, the Disciplinary and Admissions Committee may (a) appoint an attorney-investigator pursuant to L.R. 705.1.b; (b) conduct a disciplinary hearing pursuant to L.R. 705.1.d; or (c) recommend final

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action to the full bench, which may include any disciplinary sanction or condition available under L.R. 705.1.h.

iv) *Lifting of Discipline.* In the event that an attorney-respondent's underlying finding of guilt or conviction is reversed or vacated and that attorney-respondent has had imposed disciplinary sanction or condition imposed under the provisions of this Rule, the attorney-respondent will not be reinstated immediately but must apply for reinstatement under L.R. 705.4.

v) *Attorney's Duty to Disclose.* Upon a finding of guilt or conviction of a serious crime in any court of the United States or the District of Columbia, or in a court of any state, territory, commonwealth, or possession of the United States, any attorney admitted to practice before this Court shall promptly inform the Clerk of such finding of guilt or conviction and provide a copy of the finding, conviction, or order within thirty (30) days after the entry thereof.

3. *Discipline Imposed by Other Courts*

a) *Attorney's Duty to Disclose*

Upon being subjected to public discipline or being enjoined from the practice of law by any other court of the United States or the District of Columbia, or by a court of any state, territory, commonwealth, or possession of the United States, any attorney admitted to practice before this Court shall promptly inform the Clerk of such action and provide a copy of the order or document imposing discipline within thirty days (30) after the imposition of discipline.

\* \* \*

4. *Reinstatement*

d) *Appointment of Attorney-Investigator*

The Court may, pursuant to L.R. 705.1.b, appoint an attorney-investigator to investigate whether the petition for reinstatement should be granted and to participate in the reinstatement hearing.

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## **RULE 802. SCHEDULING CONFERENCE**

### **REDLINED VERSION**

Within seven (7) days after an Answer has been filed or, with respect to a case that has been transferred to this District, within seven (7) days after the case has been docketed, Plaintiffs counsel shall contact all counsel and Chambers to arrange a telephone conference between counsel for the parties and Chambers for the purpose of scheduling a Scheduling Conference. Counsel should be prepared to address the following issues during the Scheduling Conference:

- a. Revised modification of the obligations or deadlines set forth in Section VIII of the Local Rules;
- b. The scope and timing of discovery, including expert witness disclosures, and expert witness depositions, and limits on the total number of hours of fact witness depositions;
- c. The scope and timing of dispositive motions;
- d. Limits on the number of patent claims that can be construed by each party;
- e. The format of the Claim Construction Hearing, including whether the Court will hear live testimony, the order of presentation, and the estimated length of the hearing;
- f. How the parties intend to educate the Court on the patent(s) at issue;
- g. The need for any Confidentiality Order in accordance with L.R. 104.13;
- h. Whether any party intends to seek discovery of electronically stored information and whether the parties have reached an agreement on such discovery. (The Court will expect that counsel will have reviewed the ~~Suggested Protocol for Discovery of Electronically Stored Information~~**[Principles for the Discovery of Electronically Stored Information in Civil Cases]**, published on the Court's website.);
- i. Whether the parties unanimously consent to proceed before a United States Magistrate Judge; and
- j. Whether the parties jointly request an early settlement or ADR conference.
- k. The applicability and propriety of the form of Stipulated Order referenced in L.R. 104.13.



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Unless justice requires otherwise, the Court will approve reasonable adjustments to the deadlines set forth in Section VIII of the Local Rules when (1) all parties agree to the adjustments; (2) a case involves particularly complex technologies or a large number of patents; (3) the parties include non-U.S. entities or individuals; or (4) a substantial portion of the testimonial or documentary evidence will require translation to English.

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<b>RULE 802. SCHEDULING CONFERENCE (CONTINUED)</b>
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**REVISED VERSION**

Within seven (7) days after an Answer has been filed or, with respect to a case that has been transferred to this District, within seven (7) days after the case has been docketed, Plaintiffs counsel shall contact all counsel and Chambers to arrange a telephone conference between counsel for the parties and Chambers for the purpose of scheduling a Scheduling Conference. Counsel should be prepared to address the following issues during the Scheduling Conference:

- a. Revised modification of the obligations or deadlines set forth in Section VIII of the Local Rules;
- b. The scope and timing of discovery, including expert witness disclosures, and expert witness depositions, and limits on the total number of hours of fact witness depositions;
- c. The scope and timing of dispositive motions;
- d. Limits on the number of patent claims that can be construed by each party;
- e. The format of the Claim Construction Hearing, including whether the Court will hear live testimony, the order of presentation, and the estimated length of the hearing;
- f. How the parties intend to educate the Court on the patent(s) at issue;
- g. The need for any Confidentiality Order in accordance with L.R. 104.13;
- h. Whether any party intends to seek discovery of electronically stored information and whether the parties have reached an agreement on such discovery. (The Court will expect that counsel will have reviewed the Principles for the Discovery of Electronically Stored Information in Civil Cases, published on the Court's website.);
- i. Whether the parties unanimously consent to proceed before a United States Magistrate Judge; and
- j. Whether the parties jointly request an early settlement or ADR conference.
- k. The applicability and propriety of the form of Stipulated Order referenced in L.R. 104.13.

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Unless justice requires otherwise, the Court will approve reasonable adjustments to the deadlines set forth in Section VIII of the Local Rules when (1) all parties agree to the adjustments; (2) a case involves particularly complex technologies or a large number of patents; (3) the parties include non-U.S. entities or individuals; or (4) a substantial portion of the testimonial or documentary evidence will require translation to English.

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## APPENDIX A. DISCOVERY GUIDELINES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

### REDLINED VERSION

#### Guideline 1: Conduct of Discovery

c. Counsel are expected to have read the Federal Rules of Civil Procedure, Local Rules of the Court, these Guidelines, and, with respect to discovery of electronically stored information (“ESI”), ~~the Suggested Protocol for Discovery of ESI~~, **the Principles for the Discovery of Electronically Stored Information in Civil Cases**], posted on the Court’s website, www.mdd.uscourts.gov. Compliance with these Guidelines will be considered by the Court in resolving discovery disputes, including whether sanctions should be awarded pursuant to Fed. R. Civ. P. 37, or the Court’s inherent powers.

\* \* \*

#### Guideline 2: Stipulations Setting Discovery Deadlines

Subject to approval by the Court, attorneys are encouraged to enter into written discovery stipulations to supplement the Court’s scheduling order. During the scheduling process, the Court will consider requests to impose milestone dates for motions, such as spoliation motions, and motions in limine (including *Daubert* motions) that do not normally otherwise have automatically-imposed deadlines. The Court encourages parties to submit to the Court for approval joint suggestions made pursuant to the ~~Suggested Protocol for Discovery of ESI~~ **Principles for the Discovery of Electronically Stored Information in Civil Cases**].

\* \* \*

#### Guideline 4: Scheduling Depositions

d. If an attorney making a good faith effort to coordinate deposition dates under Guideline 4.a anticipates requesting that the deponent produce ~~ESI~~ **electronically stored information**] at the deposition, that anticipated request should be disclosed to the opposing counsel, parties, and non-party deponents at the time of the Guideline 4.a coordination effort, or as soon thereafter as it becomes anticipated. At a minimum, the discovering/requesting party should describe the scope and form of ~~ESI~~ **electronically stored information**] that will be requested. Counsel are encouraged to review and, if applicable, comply with the ~~Suggested Protocol for Discovery of ESI~~ **Principles for the Discovery of Electronically Stored Information in Civil Cases**].

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e. Upon reasonable request, and where reasonably practicable, in order to expedite the deposition questioning, a deponent should produce documents including ~~ESI~~**[electronically stored information]**, properly requested in a notice of deposition and accompanying subpoena, if any, a reasonable time prior to the deposition. Noncompliance with a reasonable and timely request for production of such documents prior to a deposition may be considered by the Court in a motion or request made pursuant to Fed. R. Civ. P. 30(d)(1) to determine whether additional time is needed to fairly examine the deponent or if the deponent, another person, or any other circumstance has impeded or delayed the examination.

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<p><b>APPENDIX A. DISCOVERY GUIDELINES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND (CONTINUED)</b></p>
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**REVISED VERSION**

Guideline 1: Conduct of Discovery

c. Counsel are expected to have read the Federal Rules of Civil Procedure, Local Rules of the Court, these Guidelines, and, with respect to discovery of electronically stored information, the Principles for the Discovery of Electronically Stored Information in Civil Cases, posted on the Court’s website, [www.mdd.uscourts.gov](http://www.mdd.uscourts.gov). Compliance with these Guidelines will be considered by the Court in resolving discovery disputes, including whether sanctions should be awarded pursuant to Fed. R. Civ. P. 37, or the Court’s inherent powers.

\* \* \*

Guideline 2: Stipulations Setting Discovery Deadlines

Subject to approval by the Court, attorneys are encouraged to enter into written discovery stipulations to supplement the Court’s scheduling order. During the scheduling process, the Court will consider requests to impose milestone dates for motions, such as spoliation motions, and motions in limine (including *Daubert* motions) that do not normally otherwise have automatically-imposed deadlines. The Court encourages parties to submit to the Court for approval joint suggestions made pursuant to the Principles for the Discovery of Electronically Stored Information in Civil Cases.

\* \* \*

Guideline 4: Scheduling Depositions

d. If an attorney making a good faith effort to coordinate deposition dates under Guideline 4.a anticipates requesting that the deponent produce electronically stored information at the deposition, that anticipated request should be disclosed to the opposing counsel, parties, and non-party deponents at the time of the Guideline 4.a coordination effort, or as soon thereafter as it becomes anticipated. At a minimum, the discovering/requesting party should describe the scope and form of electronically stored information that will be requested. Counsel are encouraged to review and, if applicable, comply with the Principles for the Discovery of Electronically Stored Information in Civil Cases.

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e. Upon reasonable request, and where reasonably practicable, in order to expedite the deposition questioning, a deponent should produce documents including electronically stored information, properly requested in a notice of deposition and accompanying subpoena, if any, a reasonable time prior to the deposition. Noncompliance with a reasonable and timely request for production of such documents prior to a deposition may be considered by the Court in a motion or request made pursuant to Fed. R. Civ. P. 30(d)(1) to determine whether additional time is needed to fairly examine the deponent or if the deponent, another person, or any other circumstance has impeded or delayed the examination.

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**APPENDIX C: REGULATIONS GOVERNING THE  
REIMBURSEMENT OF EXPENSES IN PRO BONO CASES IN  
THE UNITED STATES DISTRICT COURT FOR THE DISTRICT  
OF MARYLAND**

**REDLINED VERSION**

I. Eligibility for Reimbursement

When an attorney has been appointed to represent an indigent party in a civil case before this Court, that attorney shall be allowed to petition the Court for reimbursement of certain expenses, incurred in the preparation and presentation of the case, subject to these regulations. The limit applicable to such expenses, unless otherwise requested by counsel and approved by the Court's Attorney Admissions **[Fund]** Committee, is ten thousand dollars (\$10,000.00). **[During the representation, the Court may request that counsel prepare and propose for approval a budget of anticipated expenses. Counsel shall prepare and propose for approval a budget of anticipated expenses whenever counsel reasonably expects that total expenses will exceed \$10,000.00.]**

\* \* \*

IV. Reimbursable Expenses

7. Other Expenses

Expenses other than those in sections one through six, above, may be approved by the judge. ~~For anticipated expenses over five hundred dollars (\$500.00), counsel should seek ex parte approval from the presiding judge prior to making the expenditure.~~ When requesting reimbursement under this section, a detailed description of the expenses should be attached to the petition filed with the judge.



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**APPENDIX C: REGULATIONS GOVERNING THE  
REIMBURSEMENT OF EXPENSES IN PRO BONO CASES IN  
THE UNITED STATES DISTRICT COURT FOR THE DISTRICT  
OF MARYLAND (CONTINUED)**

**REVISED VERSION**

I. Eligibility for Reimbursement

When an attorney has been appointed to represent an indigent party in a civil case before this Court, that attorney shall be allowed to petition the Court for reimbursement of certain expenses, incurred in the preparation and presentation of the case, subject to these regulations. The limit applicable to such expenses, unless otherwise requested by counsel and approved by the Court's Attorney Admissions Fund Committee, is ten thousand dollars (\$10,000.00). During the representation, the Court may request that counsel prepare and propose for approval a budget of anticipated expenses. Counsel shall prepare and propose for approval a budget of anticipated expenses whenever counsel reasonably expects that total expenses will exceed \$10,000.00.

\* \* \*

IV. Reimbursable Expenses

7. Other Expenses

Expenses other than those in sections one through six, above, may be approved by the judge. When requesting reimbursement under this section, a detailed description of the expenses should be attached to the petition filed with the judge.

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## APPENDIX D: STANDARD FORMS

### REDLINED VERSION

#### Guidelines for Uniform Instructions and Definitions for Use in Discovery Requests

These Guidelines set forth the full text of instructions and definitions for Interrogatories and Requests for Production of Documents. Parties may use any instructions, definitions, or rules of construction that are consistent with the Federal Rules of Civil Procedure. This Court has stated that the use of reasonable definitions may be helpful. *Diversified Products Corp. v. Sports Center Co.*, 42 F.R.D. 3, 4 (D. Md. 1967). This Court has also stated that unreasonable definitions may render interrogatories so burdensome that objections to the entire series should be sustained, with sanctions. *Id.* **“[L]awyers customarily serve requests that are far broader, more redundant and burdensome than necessary to obtain sufficient facts to enable them to resolve the case through motion, settlement or trial.”** *Mancia v. Mayflower Textile Servs. Co.*, 253 F.R.D. 354, 358 (D. Md. 2008).]

The purpose of the Guidelines is to provide a presumptively proper “safe harbor.” The Guidelines are appropriate for many cases and their use is encouraged. The Guidelines may not be appropriate in certain cases **[ and Rule 26(g) requires the exercise of independent professional judgment in propounding discovery ]**. Their use **[of these forms ]** is purely and wholly optional. If they are used, the Court will likely consider them presumptively proper and a party objecting to them will have the burden of demonstrating that they are not proper. Compliance with the Guidelines will be considered by the Court in resolving discovery disputes, including whether sanctions should be awarded pursuant to Fed. R. Civ. P. 37.

The Guidelines are not intended to broaden or narrow the scope of discovery permitted by the Federal Rules of Civil Procedure.

The Instructions and Definitions of the Guidelines may be incorporated into a party’s Interrogatories or Request for Production of Documents by the following statement: “The Uniform Instructions and Definitions **F[f]** or Use in Discovery Requests are incorporated herein.” If this statement, or a substantially similar statement, is placed in the party’s Interrogatories or Request for Production of Documents, the Court will deem the Instructions and Definitions of these Guidelines to be incorporated by reference therein. If a specific discovery request is incorporated **[without modification ]** into a party’s Interrogatories or Request for Production of Documents, the request should state “(Standard Interrogatory No. \_\_)” or “(Standard Document Request No. \_\_).”

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**Standard Interrogatories**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

\_\_\_\_\_, \*  
Plaintiff \*  
v. \* Civil Action No.: \_\_\_\_\_  
\_\_\_\_\_, \*  
Defendant \*

\* \* \* \* \*

**INTERROGATORIES**

Pursuant to Fed. R. Civ. P. 33, ~~and~~ L.R. 104, **[and Appendix A to the Local Rules (Discovery Guidelines)]**, \_\_\_\_\_, by its undersigned attorneys, propounds these Interrogatories, to which \_\_\_\_\_ shall respond separately and fully, in writing and under oath, within the time prescribed by the Federal Rules of Civil Procedure, in accordance with the Instructions and Definitions set forth hereinafter.

**INSTRUCTIONS**

1. These instructions and definitions should be construed to require answers based upon the knowledge of, and information available to, the responding party as well as its agents, representatives, and, unless privileged, attorneys. It is intended that the following discovery requests will not solicit any **material[information]** protected either by the attorney/client privilege or work product doctrine which was created ~~by~~ or developed by, counsel for the responding party after the date on which this litigation was commenced. If any inquiry is susceptible of a construction which calls for the production of such **material[information]**, that material need not be provided and no

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privilege log pursuant to Fed. R. Civ. P. 26(b)(5) or Discovery Guideline ~~9(a)~~**[10(d)]** will be required as to such ~~material~~**[information]**.

2. These Interrogatories are continuing in character, so as to require that supplemental answers be filed seasonably if further or different information is obtained with respect to any interrogatory.

3. Pursuant to Discovery Guideline ~~9~~**[10]**(b), no part of an interrogatory should be left unanswered merely because an objection is interposed to another part of the interrogatory. Pursuant to Discovery Guideline ~~9~~**[10]**(a), if a partial or incomplete answer is provided, the responding party shall state that the answer is partial or incomplete.

4. Pursuant to Discovery Guideline ~~9(e)~~**[10(d)]**, in accordance with Fed. R. Civ. P. 26(b)(5), where a claim of privilege is asserted in objecting to any interrogatory or part thereof, and information is not provided on the basis of such assertion:

- A. In asserting the privilege, the responding party shall, in the objection to the interrogatory, or part thereof, identify with specificity the nature of the privilege (including work product) that is being claimed.
- B. The following information should be provided in the objection, if known or reasonably available, unless divulging such information would cause disclosure of the allegedly privileged information:
  - (1) For oral communications:
    - a. the name of the person making the communication and the names of persons present while the communication was made; and, where

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not apparent, the relationship of the persons present to the person making the communication;

- b. the date and place of the communication; and
- c. the general subject matter of the communication.

(2) For documents:

- a. the type of document,
- b. the general subject matter of the document,
- c. the date of the document, and
- d. such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian, and any other recipient of the document; and [b] where not apparent, the relationship of the author, addressee, custodian, and any other recipient to each other.

5. If the responding party elects to specify and produce business records in answer to any interrogatory, the specification shall be in sufficient detail to permit the interrogating party to locate and identify, as readily as the responding party can, the business records from which the answer may be ascertained **[ or, if produced electronically, produced in a manner consistent with Guideline 2.04 of the ESI Principles ]**.

6. If, in answering these Interrogatories, the responding party encounters any ambiguities when construing a question, instruction, or definition, the responding party's answer shall set forth the matter deemed ambiguous and the construction used in answering.

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## DEFINITIONS

Notwithstanding any definition below, each word, term, or phrase used in these Interrogatories is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure.

1. *Concerning:* The term “concerning” means relating to, referring to, describing, evidencing, or constituting.
  
2. *Communication:* The term “communication” means the transmittal of information by any means.
  
3. *Document:* The terms “document” and “documents” are defined to be synonymous in meaning and equal in scope to ~~the usage of~~ the term “~~documents~~**[items]**” in Fed. R. Civ. P. 34(a)**[(1)]** and include(s)**[, but is not limited to, electronically stored information.]**~~—the term “writing.” Unless the producing party demonstrates undue burden or other grounds sufficient to meet the requirements of Fed. R. Civ. P. 26(e), electronic mail is included within the definition of the term “document.”~~ The terms “writings,” “recordings,” and “photographs” are defined to be synonymous in meaning and equal in scope to the usage of those terms in Fed. R. Evid. 1001. A draft or non-identical copy is a separate document within the meaning of the term “document.”
  
4. *Identify (with respect to persons):* When referring to a person, to “identify” means to state the person’s full name, present or last known address, and, when referring to a natural person, ~~additionally,~~ the present or last known place of employment. If the business and home telephone numbers are known to the answering party, and if the person is not a party or present employee of a party, said telephone numbers shall be provided. Once a person has been identified in accordance

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with this subparagraph, only the name of the person need be listed in response to subsequent discovery requesting the identification of that person.

5. *Identify (with respect to documents)*: When referring to documents, to “identify” means to state the: (i) type of document; (ii) general subject matter; (iii) date of the document; and; (iv) author(s), addressee(s), and recipient(s) or, alternatively, to produce the document.

6. *Occurrence/Transaction*: The terms “occurrence” and “transaction” mean the events described in the Complaint and other pleadings, as the word “pleadings” is defined in Fed. R. Civ. P. 7(a).

7. *Parties*: The terms “plaintiff” and “defendant” (including, without limitation, third-party plaintiff, third-party defendant, counter claimant, cross-claimant, counter-defendant, and cross-defendant), as well as a party’s full or abbreviated name or a pronoun referring to a party, mean that party and, where applicable, its officers, directors, and employees. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation or to limit the Court’s jurisdiction to enter any appropriate order.

8. *Person*: The term “person” is defined as any natural person or any business, legal or governmental entity or association.

9. *You/Your*: The terms “you” or “your” include the person(s) to whom these requests are addressed, and all of that person’s agents, representatives and attorneys.

10. The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. “All” means “any and all;” “any” means “any and all.” “Including” means “including but not limited to.” “And” and “or” encompass both “and” and “or.” Words in the masculine, feminine or neuter form shall include each of the other genders.

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STANDARD INTERROGATORIES TO A PLAINTIFF

STANDARD INTERROGATORY NO. 1: Identify all persons who are likely to have personal knowledge of any fact alleged in the **complaint[pleadings]**, and state the subject matter of the personal knowledge possessed by each such person.

STANDARD INTERROGATORY NO. 2: Identify all persons who have a subrogation interest in any claim set forth in the complaint, and state the basis and extent of such interest.

STANDARD INTERROGATORY NO. 3: Itemize and show how you calculate any damages claimed by you in this action, whether economic, non-economic, punitive or other.

STANDARD INTERROGATORIES TO A DEFENDANT

STANDARD INTERROGATORY NO. 4: If you contend that the Defendant is improperly identified, state Defendant's correct identification.

STANDARD INTERROGATORY NO. 5: Identify any persons or entities whom Defendant contends are persons needed for just adjudication within the meaning of Fed. R. Civ. P. 19, but who have not been named by Plaintiff.

STANDARD INTERROGATORY NO. 6: Identify all persons who are likely to have personal knowledge of any fact alleged in the complaint or in your answer to the complaint, and state the subject matter of the personal knowledge possessed by each such person.

STANDARD INTERROGATORY NO. 7: If you have knowledge of any person carrying on an insurance business that might be liable to satisfy part or all of a judgment that might be entered in this action or to indemnify or reimburse the payments made to satisfy the judgment, identify that



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person and state the applicable policy limits of any insurance agreement under which the person might be liable.

STANDARD INTERROGATORIES TO ANY PARTY

STANDARD INTERROGATORY NO. 8: For each witness identified by you in connection with the disclosures required by Fed. R. Civ. P. 26(a)(2)(A), provide a complete statement of the opinions to be expressed and basis and reasons therefore.

STANDARD INTERROGATORY NO. 9: For each witness you have retained or specially employed to provide expert testimony in this case, or employed by you whose duties regularly involve giving expert testimony and whom you expect to testify at trial, provide a complete statement of the opinions to be expressed and the basis and reasons therefore.

STANDARD INTERROGATORY NO. 10: State the facts concerning the matters alleged in [paragraph \_\_\_\_ of your Complaint] [paragraph \_\_\_\_ of your Answer to the Complaint] [your affirmative defense no. \_\_\_\_].

STANDARD INTERROGATORY NO. 11: If you contend that \_\_\_\_\_, state the facts concerning such contention.

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**Standard Requests for Production of Documents**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

\_\_\_\_\_,  
Plaintiff  
v.  
\_\_\_\_\_,  
Defendant

\*  
\*  
\* Civil Action No.: \_\_\_\_\_  
\*  
\*

\* \* \* \* \*

**REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Fed. R. Civ. P. 34, ~~and~~ L.R. 104, **[and Appendix A to the Local Rules (Discovery Guidelines), ]** \_\_\_\_\_, by its undersigned attorneys, requests that \_\_\_\_\_ respond to this Request within the time prescribed by the Federal Rules of Civil Procedure, and produce **[or make available for inspection and copying ]** the following documents **[and electronically stored information (“ESI”)]** ~~for inspection and copying~~ on the \_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_ o’clock, a.m., and continuing from day to day thereafter, until completed, at the offices of \_\_\_\_\_ (name and address), or at such time and place as may be agreed upon by all counsel.

**INSTRUCTIONS**

- [Pursuant to Rule 34(b)(2)(B), if you object to a request, the grounds for each objection must be stated with specificity. Also pursuant to that Rule, if you intended to produce copies of documents or of ESI instead of permitting inspection, you must so state.]**

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**[2. ]** If, in responding to this Request for Production, the responding party encounters any ambiguities when construing a request or definition, the response shall set forth the matter deemed ambiguous and the construction used in responding.

**[3. Pursuant to Rule 34(b)(2)(C), an objection must state whether any responsive materials are being withheld on the basis of that objection.]**

**2[4.]** Whenever in this Request you are asked to identify or produce a document which is deemed by you to be properly withheld from production for inspection or copying:

- A. If you are withholding the document under claim of privilege (including, but not limited to, the work product doctrine), please provide the information set forth in Fed. R. Civ. P. 26(b)(5) and Discovery Guideline ~~9(e)(ii)(b)~~ **[10(d)(ii)(b).]**, ~~including the type of document, the general subject matter of the document, the date of the document, and such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian, and any other recipient of the document, and where not apparent, the relationship of the author, addressee, custodian, and any other recipient to each other, in a manner that, without revealing the information claimed to be protected, will enable this party to assess the applicability of the privilege or protection claimed by you;~~

**[For electronically stored information, a privilege log (in searchable and sortable form, such as a spreadsheet, matrix, or table) generated by litigation review software, containing metadata fields that generally correspond to the above paragraph is permissible, provided that it also discloses whether**

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**transmitting, attached or subsidiary (“parent-child”) documents exist and whether those documents have been produced or withheld.<sup>1]</sup>**

- B. If you are withholding the document for any reason other than an objection that it is beyond the scope of discovery ~~or that a request is unduly burdensome~~, identify as to each document and, in addition to the information requested in paragraph 2[4].A, above, please state the reason for withholding the document. **[ If you are withholding production on the basis that ESI is not reasonably accessible because of undue burden or cost, provide the information required by Discovery Guideline 10(e).]**

3[4]. When a document contains both privileged and non-privileged material, the non-privileged material must be disclosed to the fullest extent possible without thereby disclosing the privileged material. If a privilege is asserted with regard to part of the material contained in a document, the party claiming the privilege must clearly indicate the portions as to which the privilege is claimed. When a document has been redacted or altered in any fashion, identify as to each document the reason for the redaction or alteration, the date of the redaction or alteration, and the person performing the redaction or alteration. Any redaction must be clearly visible on the redacted document.

4[5]. It is intended that this Request will not solicit any material protected either by the attorney/client privilege or by the work product doctrine which was created by, or developed by,

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**[1 Comment: Many commercial “litigation review software” platforms are capable of generating a privilege log. Nothing in this Appendix compels the use of such platforms in general or for privilege logs. A requesting party may choose to include this optional paragraph, which may be appropriate or inappropriate, depending on the needs of the case.]**

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counsel for the responding party after the date on which this litigation was commenced. If any Request is susceptible of a construction which calls for the production of such material, that material need not be provided and no privilege log pursuant to Fed. R. Civ. P. 26(b)(5) or Discovery Guideline 9(a)[10(d)] will be required as to such material.

~~5. — If production of any requested document(s) is objected to on the grounds that production is unduly burdensome, describe the burden or expense of the Revised discovery.~~

### DEFINITIONS

Notwithstanding any definition set forth below, each word, term, or phrase used in this Request is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure. As used in this Request, the following terms are to be interpreted in accordance with these definitions:

1. *Communication*: The term “communication” means the transmittal of information by any means.
2. *Concerning*: The term “concerning” means relating to, referring to, describing, evidencing, or constituting.
3. *Document*: The terms “document” and “documents” are defined to be synonymous in meaning and equal in scope to the usage of the term “~~documents~~[**items**]” in Fed. R. Civ. P. 34(a)[**(1)**] and include(s)[**, but is not limited to electronically stored information.**] ~~the term “writing.” Unless the producing party demonstrates undue burden or other grounds sufficient to meet the requirements of Fed. R. Civ. P. 26(e), electronic mail is included within the definition of the term “document.”~~ The terms “writings,” “recordings,” and “photographs” are defined to be

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synonymous in meaning and equal in scope to the usage of those terms in Fed. R. Evid. 1001. A draft or non-identical copy is a separate document within the meaning of the term “document.”

4. **[*Form or Forms: If documents are produced as electronically stored information, they shall be produced in the following form or forms: [to be determined by the requesting party consistent with Guideline 2.04 of the ESI Principles].*<sup>2</sup>]**

**[5. ]***Occurrence/Transaction:* The terms “occurrence” and “transaction” mean the events described in the Complaint and other pleadings, as the word “pleadings” is defined in Fed. R. Civ. P. 7(a).

**5[6].** *Parties:* The terms “plaintiff” and “defendant” (including, without limitation, third-party plaintiff, third-party defendant, counter claimant, cross-claimant, counter-defendant, and cross-defendant), as well as a party’s full or abbreviated name or a pronoun referring to a party, mean that party and, where applicable, its officers, directors, and employees. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation or to limit the Court’s jurisdiction to enter any appropriate order.

**6[7].** *Person:* The term “person” is defined as any natural person or any business, legal or governmental entity, or association.

**7[8].** *You/Your:* The terms “you” or “your” include the person(s) to whom this Request is addressed, and all of that person’s agents, representatives and attorneys.

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**[2 Comment: Pursuant to Fed. R. Civ. P. 34(b)(1)(C), a requesting party “may specify the form or forms in which electronically stored information is to be produced.” A requesting party may choose to include this optional paragraph, which may be appropriate or inappropriate, depending on the needs of the case.]**

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**8[9].** The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. “All” means “any and all;” “any” means “any and all.” “Including” means “including but not limited to.” “And” and “or” encompass both “and” and “or.” Words in the masculine, feminine or neuter form shall include each of the other genders.

**9[10].** If the requested documents are maintained in a file, the file folder is included in the request for production of those documents.

### STANDARD DOCUMENT REQUESTS

1. **A#[The]** documents referred to in your Answers to Interrogatories.
2. All statements (as that term is used in Fed. R. Civ. P. 26(b)(3)(C)) which were previously made by this party and any of its present or former directors, officers, or employees, concerning the action or its subject matter.
3. **A#[The]** documents (including, but not limited to, correspondence, notes, memoranda, and journal entries) which relate to, describe, summarize, or memorialize any communication between you and [Name], or anyone known or believed by you to have been acting under the authority of [Name], concerning the occurrence.
4. All documents (including, but not limited to, fee agreements, reports, and correspondence) provided to, received from, or prepared by each witness identified by you in connection with the disclosures required by Fed. R. Civ. P. 26(a)(2)(A) or in connection with any witness identified in your Answer to Standard Interrogatory No. 8 or 9.
5. All contracts or agreements entered into between plaintiff and defendant concerning the occurrence or transaction.

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6. ~~All~~**[The]** documents concerning your claim for damages or the methods used to calculate such alleged damages.

7. All documents concerning any release, settlement, or other agreement, formal or informal, pursuant to which the liability of any person or any entity for damage arising out of the occurrence which is the subject matter of this lawsuit has been limited, reduced, or released in any manner. This request includes all agreements by one party or person to indemnify another party or person for claims asserted in this litigation.

8. All insurance policies under which a person carrying on an insurance business might be liable to pay to you or on your behalf all or part of the damages sought in this action.

9. All documents received from or provided to any other party to this action **[or received from any third-party ]** since the filing of the Complaint, whether provided informally or in response to a formal request.

**[10. ]**All documents referred to in the Complaint and other pleadings, as the word “pleadings” is defined in Fed. R. Civ. P. 7(a).



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## APPENDIX D: STANDARD FORMS (CONTINUED)

### REVISED VERSION

#### **Guidelines for Uniform Instructions and Definitions for Use in Discovery Requests**

These Guidelines set forth the full text of instructions and definitions for Interrogatories and Requests for Production of Documents. Parties may use any instructions, definitions, or rules of construction that are consistent with the Federal Rules of Civil Procedure. This Court has stated that the use of reasonable definitions may be helpful. *Diversified Products Corp. v. Sports Center Co.*, 42 F.R.D. 3, 4 (D. Md. 1967). This Court has also stated that unreasonable definitions may render interrogatories so burdensome that objections to the entire series should be sustained, with sanctions. *Id.* “[L]awyers customarily serve requests that are far broader, more redundant and burdensome than necessary to obtain sufficient facts to enable them to resolve the case through motion, settlement or trial.” *Mancia v. Mayflower Textile Servs. Co.*, 253 F.R.D. 354, 358 (D. Md. 2008).

The purpose of the Guidelines is to provide a presumptively proper “safe harbor.” The Guidelines are appropriate for many cases and their use is encouraged. The Guidelines may not be appropriate in certain cases and Rule 26(g) requires the exercise of independent professional judgment in propounding discovery. The use of these forms is purely and wholly optional. If they are used, the Court will likely consider them presumptively proper and a party objecting to them will have the burden of demonstrating that they are not proper. Compliance with the Guidelines will be considered by the Court in resolving discovery disputes, including whether sanctions should be awarded pursuant to Fed. R. Civ. P. 37.

The Guidelines are not intended to broaden or narrow the scope of discovery permitted by the Federal Rules of Civil Procedure.

The Instructions and Definitions of the Guidelines may be incorporated into a party’s Interrogatories or Request for Production of Documents by the following statement: “The Uniform Instructions and Definitions for Use in Discovery Requests are incorporated herein.” If this statement, or a substantially similar statement, is placed in the party’s Interrogatories or Request for Production of Documents, the Court will deem the Instructions and Definitions of these Guidelines to be incorporated by reference therein. If a specific discovery request is incorporated without modification into a party’s Interrogatories or Request for Production of Documents, the request should state “(Standard Interrogatory No. \_\_)” or “(Standard Document Request No. \_\_).”

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**Standard Interrogatories**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

\_\_\_\_\_,  
Plaintiff  
v.  
\_\_\_\_\_,  
Defendant

\*  
\*  
\* Civil Action No.: \_\_\_\_\_  
\*  
\*

\* \* \* \* \*

**INTERROGATORIES**

Pursuant to Fed. R. Civ. P. 33, L.R. 104, and Appendix A to the Local Rules (Discovery Guidelines), \_\_\_\_\_, by its undersigned attorneys, propounds these Interrogatories, to which \_\_\_\_\_ shall respond separately and fully, in writing and under oath, within the time prescribed by the Federal Rules of Civil Procedure, in accordance with the Instructions and Definitions set forth hereinafter.

**INSTRUCTIONS**

1. These instructions and definitions should be construed to require answers based upon the knowledge of, and information available to, the responding party as well as its agents, representatives, and, unless privileged, attorneys. It is intended that the following discovery requests will not solicit any information protected either by the attorney/client privilege or work product doctrine which was created or developed by, counsel for the responding party after the date on which this litigation was commenced. If any inquiry is susceptible of a construction which calls for the production of such information, that material need not be provided and no privilege log

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pursuant to Fed. R. Civ. P. 26(b)(5) or Discovery Guideline 10(d) will be required as to such information.

2. These Interrogatories are continuing in character, so as to require that supplemental answers be filed seasonably if further or different information is obtained with respect to any interrogatory.

3. Pursuant to Discovery Guideline 10(b), no part of an interrogatory should be left unanswered merely because an objection is interposed to another part of the interrogatory. Pursuant to Discovery Guideline 10(a), if a partial or incomplete answer is provided, the responding party shall state that the answer is partial or incomplete.

4. Pursuant to Discovery Guideline 10(d), in accordance with Fed. R. Civ. P. 26(b)(5), where a claim of privilege is asserted in objecting to any interrogatory or part thereof, and information is not provided on the basis of such assertion:

- A. In asserting the privilege, the responding party shall, in the objection to the interrogatory, or part thereof, identify with specificity the nature of the privilege (including work product) that is being claimed.
- B. The following information should be provided in the objection, if known or reasonably available, unless divulging such information would cause disclosure of the allegedly privileged information:
  - (1) For oral communications:
    - a. the name of the person making the communication and the names of persons present while the communication was made and, where

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not apparent, the relationship of the persons present to the person making the communication;

- b. the date and place of the communication; and
- c. the general subject matter of the communication.

(2) For documents:

- a. the type of document,
- b. the general subject matter of the document,
- c. the date of the document, and
- d. such other information as is sufficient to identify the document, including, where appropriate, the author, addressee, custodian, and any other recipient of the document and, where not apparent, the relationship of the author, addressee, custodian, and any other recipient to each other.

5. If the responding party elects to specify and produce business records in answer to any interrogatory, the specification shall be in sufficient detail to permit the interrogating party to locate and identify, as readily as the responding party can, the business records from which the answer may be ascertained or, if produced electronically, produced in a manner consistent with Guideline 2.04 of the ESI Principles.

6. If, in answering these Interrogatories, the responding party encounters any ambiguities when construing a question, instruction, or definition, the responding party's answer shall set forth the matter deemed ambiguous and the construction used in answering.

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## DEFINITIONS

Notwithstanding any definition below, each word, term, or phrase used in these Interrogatories is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure.

1. *Concerning*: The term “concerning” means relating to, referring to, describing, evidencing, or constituting.
  
2. *Communication*: The term “communication” means the transmittal of information by any means.
  
3. *Document*: The terms “document” and “documents” are defined to be synonymous in meaning and equal in scope to the term “items” in Fed. R. Civ. P. 34(a)(1) and include(s), but is not limited to, electronically stored information. The terms “writings,” “recordings,” and “photographs” are defined to be synonymous in meaning and equal in scope to the usage of those terms in Fed. R. Evid. 1001. A draft or non-identical copy is a separate document within the meaning of the term “document.”
  
4. *Identify (with respect to persons)*: When referring to a person, to “identify” means to state the person’s full name, present or last known address, and, when referring to a natural person, the present or last known place of employment. If the business and home telephone numbers are known to the answering party, and if the person is not a party or present employee of a party, said telephone numbers shall be provided. Once a person has been identified in accordance with this subparagraph, only the name of the person need be listed in response to subsequent discovery requesting the identification of that person.

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5. *Identify (with respect to documents):* When referring to documents, to “identify” means to state the: (i) type of document; (ii) general subject matter; (iii) date of the document; and; (iv) author(s), addressee(s), and recipient(s) or, alternatively, to produce the document.

6. *Occurrence/Transaction:* The terms “occurrence” and “transaction” mean the events described in the Complaint and other pleadings, as the word “pleadings” is defined in Fed. R. Civ. P. 7(a).

7. *Parties:* The terms “plaintiff” and “defendant” (including, without limitation, third-party plaintiff, third-party defendant, counter claimant, cross-claimant, counter-defendant, and cross-defendant), as well as a party’s full or abbreviated name or a pronoun referring to a party, mean that party and, where applicable, its officers, directors, and employees. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation or to limit the Court’s jurisdiction to enter any appropriate order.

8. *Person:* The term “person” is defined as any natural person or any business, legal or governmental entity or association.

9. *You/Your:* The terms “you” or “your” include the person(s) to whom these requests are addressed, and all of that person’s agents, representatives and attorneys.

10. The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. “All” means “any and all;” “any” means “any and all.” “Including” means “including but not limited to.” “And” and “or” encompass both “and” and “or.” Words in the masculine, feminine or neuter form shall include each of the other genders.

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STANDARD INTERROGATORIES TO A PLAINTIFF

STANDARD INTERROGATORY NO. 1: Identify all persons who are likely to have personal knowledge of any fact alleged in the pleadings, and state the subject matter of the personal knowledge possessed by each such person.

STANDARD INTERROGATORY NO. 2: Identify all persons who have a subrogation interest in any claim set forth in the complaint, and state the basis and extent of such interest.

STANDARD INTERROGATORY NO. 3: Itemize and show how you calculate any damages claimed by you in this action, whether economic, non-economic, punitive or other.

STANDARD INTERROGATORIES TO A DEFENDANT

STANDARD INTERROGATORY NO. 4: If you contend that the Defendant is improperly identified, state Defendant's correct identification.

STANDARD INTERROGATORY NO. 5: Identify any persons or entities whom Defendant contends are persons needed for just adjudication within the meaning of Fed. R. Civ. P. 19, but who have not been named by Plaintiff.

STANDARD INTERROGATORY NO. 6: Identify all persons who are likely to have personal knowledge of any fact alleged in the complaint or in your answer to the complaint, and state the subject matter of the personal knowledge possessed by each such person.

STANDARD INTERROGATORY NO. 7: If you have knowledge of any person carrying on an insurance business that might be liable to satisfy part or all of a judgment that might be entered in this action or to indemnify or reimburse the payments made to satisfy the judgment, identify that

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person and state the applicable policy limits of any insurance agreement under which the person might be liable.

STANDARD INTERROGATORIES TO ANY PARTY

STANDARD INTERROGATORY NO. 8: For each witness identified by you in connection with the disclosures required by Fed. R. Civ. P. 26(a)(2)(A), provide a complete statement of the opinions to be expressed and basis and reasons therefore.

STANDARD INTERROGATORY NO. 9: For each witness you have retained or specially employed to provide expert testimony in this case, or employed by you whose duties regularly involve giving expert testimony and whom you expect to testify at trial, provide a complete statement of the opinions to be expressed and the basis and reasons therefore.

STANDARD INTERROGATORY NO. 10: State the facts concerning the matters alleged in [paragraph \_\_\_\_ of your Complaint] [paragraph \_\_\_\_ of your Answer to the Complaint] [your affirmative defense no. \_\_\_\_].

STANDARD INTERROGATORY NO. 11: If you contend that \_\_\_\_\_, state the facts concerning such contention.



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**Standard Requests for Production of Documents**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

\_\_\_\_\_, \*  
Plaintiff \*  
v. \* Civil Action No.: \_\_\_\_\_  
\_\_\_\_\_, \*  
Defendant \*

\* \* \* \* \*

**REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Fed. R. Civ. P. 34, L.R. 104, and Appendix A to the Local Rules (Discovery Guidelines), \_\_\_\_\_, by its undersigned attorneys, requests that \_\_\_\_\_ respond to this Request within the time prescribed by the Federal Rules of Civil Procedure, and produce or make available for inspection and copying the following documents and electronically stored information (“ESI”) on the \_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_ o’clock, a.m., and continuing from day to day thereafter, until completed, at the offices of \_\_\_\_\_(name and address), or at such time and place as may be agreed upon by all counsel.

**INSTRUCTIONS**

1. Pursuant to Rule 34(b)(2)(B), if you object to a request, the grounds for each objection must be stated with specificity. Also pursuant to that Rule, if you intended to produce copies of documents or of ESI instead of permitting inspection, you must so state.

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2. If, in responding to this Request for Production, the responding party encounters any ambiguities when construing a request or definition, the response shall set forth the matter deemed ambiguous and the construction used in responding.

3. Pursuant to Rule 34(b)(2)(C), an objection must state whether any responsive materials are being withheld on the basis of that objection.

4. Whenever in this Request you are asked to identify or produce a document which is deemed by you to be properly withheld from production for inspection or copying:

A. If you are withholding the document under claim of privilege (including, but not limited to, the work product doctrine), please provide the information set forth in Fed. R. Civ. P. 26(b)(5) and Discovery Guideline 10(d)(ii)(b). For electronically stored information, a privilege log (in searchable and sortable form, such as a spreadsheet, matrix, or table) generated by litigation review software, containing metadata fields that generally correspond to the above paragraph is permissible, provided that it also discloses whether transmitting, attached or subsidiary (“parent-child”) documents exist and whether those documents have been produced or withheld.<sup>1</sup>

B. If you are withholding the document for any reason other than an objection that it is beyond the scope of discovery, identify as to each document and, in addition to the information requested in paragraph 4.A, above, please state the reason for withholding the document. If you are withholding production on the basis that ESI

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<sup>1</sup> Comment: Many commercial “litigation review software” platforms are capable of generating a privilege log. Nothing in this Appendix compels the use of such platforms in general or for privilege logs. A requesting party may choose to include this optional paragraph, which may be appropriate or inappropriate, depending on the needs of the case.

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is not reasonably accessible because of undue burden or cost, provide the information required by Discovery Guideline 10(e).

4. When a document contains both privileged and non-privileged material, the non-privileged material must be disclosed to the fullest extent possible without thereby disclosing the privileged material. If a privilege is asserted with regard to part of the material contained in a document, the party claiming the privilege must clearly indicate the portions as to which the privilege is claimed. When a document has been redacted or altered in any fashion, identify as to each document the reason for the redaction or alteration, the date of the redaction or alteration, and the person performing the redaction or alteration. Any redaction must be clearly visible on the redacted document.

5. It is intended that this Request will not solicit any material protected either by the attorney/client privilege or by the work product doctrine which was created by, or developed by, counsel for the responding party after the date on which this litigation was commenced. If any Request is susceptible of a construction which calls for the production of such material, that material need not be provided and no privilege log pursuant to Fed. R. Civ. P. 26(b)(5) or Discovery Guideline 10(d) will be required as to such material.

#### DEFINITIONS

Notwithstanding any definition set forth below, each word, term, or phrase used in this Request is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure. As used in this Request, the following terms are to be interpreted in accordance with these definitions:

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1. *Communication:* The term “communication” means the transmittal of information by any means.

2. *Concerning:* The term “concerning” means relating to, referring to, describing, evidencing, or constituting.

3. *Document:* The terms “document” and “documents” are defined to be synonymous in meaning and equal in scope to the usage of the term “items” in Fed. R. Civ. P. 34(a)(1) and include(s), but is not limited to electronically stored information. The terms “writings,” “recordings,” and “photographs” are defined to be synonymous in meaning and equal in scope to the usage of those terms in Fed. R. Evid. 1001. A draft or non-identical copy is a separate document within the meaning of the term “document.”

4. *Form or Forms:* If documents are produced as electronically stored information, they shall be produced in the following form or forms: [to be determined by the requesting party consistent with Guideline 2.04 of the ESI Principles].<sup>2</sup>

5. *Occurrence/Transaction:* The terms “occurrence” and “transaction” mean the events described in the Complaint and other pleadings, as the word “pleadings” is defined in Fed. R. Civ. P. 7(a).

6. *Parties:* The terms “plaintiff” and “defendant” (including, without limitation, third-party plaintiff, third-party defendant, counter claimant, cross-claimant, counter-defendant, and cross-defendant), as well as a party’s full or abbreviated name or a pronoun referring to a party,

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2 Comment: Pursuant to Fed. R. Civ. P. 34(b)(1)(C), a requesting party “may specify the form or forms in which electronically stored information is to be produced.” A requesting party may choose to include this optional paragraph, which may be appropriate or inappropriate, depending on the needs of the case.

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mean that party and, where applicable, its officers, directors, and employees. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation or to limit the Court's jurisdiction to enter any appropriate order.

7. *Person*: The term "person" is defined as any natural person or any business, legal or governmental entity, or association.

8. *You/Your*: The terms "you" or "your" include the person(s) to whom this Request is addressed, and all of that person's agents, representatives and attorneys.

9. The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. "All" means "any and all;" "any" means "any and all." "Including" means "including but not limited to." "And" and "or" encompass both "and" and "or." Words in the masculine, feminine or neuter form shall include each of the other genders.

10. If the requested documents are maintained in a file, the file folder is included in the request for production of those documents.

#### STANDARD DOCUMENT REQUESTS

1. The documents referred to in your Answers to Interrogatories.
2. All statements (as that term is used in Fed. R. Civ. P. 26(b)(3)(C)) which were previously made by this party and any of its present or former directors, officers, or employees, concerning the action or its subject matter.
3. The documents (including, but not limited to, correspondence, notes, memoranda, and journal entries) which relate to, describe, summarize, or memorialize any communication

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between you and [Name], or anyone known or believed by you to have been acting under the authority of [Name], concerning the occurrence.

4. All documents (including, but not limited to, fee agreements, reports, and correspondence) provided to, received from, or prepared by each witness identified by you in connection with the disclosures required by Fed. R. Civ. P. 26(a)(2)(A) or in connection with any witness identified in your Answer to Standard Interrogatory No. 8 or 9.

5. All contracts or agreements entered into between plaintiff and defendant concerning the occurrence or transaction.

6. The documents concerning your claim for damages or the methods used to calculate such alleged damages.

7. All documents concerning any release, settlement, or other agreement, formal or informal, pursuant to which the liability of any person or any entity for damage arising out of the occurrence which is the subject matter of this lawsuit has been limited, reduced, or released in any manner. This request includes all agreements by one party or person to indemnify another party or person for claims asserted in this litigation.

8. All insurance policies under which a person carrying on an insurance business might be liable to pay to you or on your behalf all or part of the damages sought in this action.

9. All documents received from or provided to any other party to this action or received from any third-party since the filing of the Complaint, whether provided informally or in response to a formal request.

10. All documents referred to in the Complaint and other pleadings, as the word “pleadings” is defined in Fed. R. Civ. P. 7(a).