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U.S. BANKRUPTCY COURT
SO. DIST. OF N.Y.

UNITED STATES BANKRUPTCY COURT
SOUTHER DISTRICT OF NEW YORK

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IN THE MATTER OF AMENDMENTS :
TO LOCAL BANKRUPTCY RULES :

ORDER

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LIFLAND, Chief Judge:

The Board of Judges, at its meeting of November 4, 1987, having approved an amendment to local bankruptcy rule 14 to provide for uniform definitions in discovery requests,

IT IS HEREBY ORDERED that Rule 14 is amended to provide in its entirety as follows:

RULE 14 : DISCOVERY

14.1 Uniform Definitions in Discovery Requests

(a) The full text of the definitions and rules of construction set forth in paragraphs (c) and (d) is deemed incorporated by reference into all discovery requests, but shall not preclude (i) the definition of other terms specific to the particular litigation, (ii) the use of abbreviations or (iii) a more narrow definition of a term defined in paragraph (c).

(b) This Rule is not intended to broaden or narrow the scope of discovery permitted by the Federal Rules of Bankruptcy Procedure for the United States Bankruptcy Courts and the Federal Rules of Civil Procedure for the United States District Courts to the extent that the latter apply in bankruptcy.

(c) The following definitions apply to all discovery requests:

(1) Communication. The term 'communication' means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

(2) Document. The term 'document' is defined

to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a), made applicable to bankruptcy by virtue of Federal Rules of Bankruptcy Procedure 7034 and 9014. A draft or non-identical copy is a separate document within the meaning of this term.

(3) Identify (With Respect to Persons). When referring to a person, 'to identify' means to give, to the extent known, 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. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

(4) Identify (With respect to Documents). When referring to documents, 'to identify' means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of document; and (iv) author(s), addressee(s) and recipient(s).

(5) Parties. The terms 'plaintiff' and 'defendant' as well as a party's full or abbreviated name or a pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

(6) Person. The term 'person' is defined as any natural person or any business, legal or governmental entity or association.

(7) Concerning. The term 'concerning' means relating to, referring to, describing, evidencing or constituting.

(d) The following rules of construction apply to all discovery requests:

(1) All/Each. The terms 'all' and 'each' shall be construed as all and each.

(2) And/Or. The connectives 'and' and 'or' shall be construed either disjunctively or

conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

(3) Number. The use of the singular form of any word includes the plural and vice versa.

14.2 Interrogatories

(a) Restrictions. At the commencement of discovery, interrogatories will be restricted to those seeking names of witnesses with knowledge or information relevant to the subject matter of the action, the computation of each category of damage alleged, and the existence, custodian, location and general description of relevant documents, including pertinent insurance agreements, and other physical evidence, or information of a similar nature.

(b) Method of Obtaining Information. During discovery, interrogatories other than those seeking information described in subdivision (a) above, may only be served if they are a more practical method of obtaining the information sought than a request for production or a deposition.

(c) What May Be Served. Unless the court orders otherwise, at the conclusion of each party's discovery, and prior to the discovery cut-off date, interrogatories seeking the claims and contentions of the opposing party may be served. If not previously obtained, questions seeking the names of expert witnesses and the substance of their opinions may also be served.

(d) No Interrogatories to be Unanswered. No part of an interrogatory shall be left unanswered merely because an objection is interposed to another part of the interrogatory.

(e) Objections.

(1) Where an objection is made to any interrogatory or sub-part thereof or to any document request under Bankruptcy Rule 7034, the objection shall state with specificity all grounds. Any ground not stated in an objection

within the time provided by the Bankruptcy Rules, or any extensions thereof, shall be waived.

(2) Where a claim of privilege is asserted in objecting to any interrogatory or document demand, or sub-part thereof, and an answer is not provided on the basis of such assertion,

(i) the attorney asserting the privilege shall in the objection to the interrogatory or document demand, or sub-part thereof, identify the nature of the privilege which is being claimed and if the privilege is being asserted in connection with a claim or defense governed by state law, indicate the state's privilege rule being invoked; and

(ii) the following information shall be provided in the objection, unless divulgence of such information would cause disclosure of the allegedly privileged information:

(A) for documents; (1) the type of documents; (2) general subject matter of the documents; (3) the date of the documents; and (4) such other information as is sufficient to identify the document for a subpoena duces tecum, including, where appropriate, the author of the document, the addressee of the document, and, where not apparent, the relationship of the author to the addressee;

(B) for oral communications: (1) the name of the person making the communication and the names of persons present while the communication was made and, where not apparent, the relationship of the persons present to the person making the communication; (2) the date and place of communication; and (3) the general subject matter of the communication.

(f) Reference to Records. Whenever a party answers any interrogatory by reference to records from which the answer may be derived or ascertained, as permitted in Bankruptcy Rule 7033:

(1) The specification of documents to be produced shall be in sufficient detail to permit the interrogating party to locate and identify the records and to ascertain the answer as readily as could the party from whom discovery is sought.

(2) The producing party shall make available any computerized information or summaries thereof that it either has, or can adduce by a relatively simple procedure, unless these materials are privileged or otherwise protected from discovery.

(3) The producing party shall provide any relevant compilations, abstracts or summaries in its custody or readily obtainable by it, unless these materials are privileged or otherwise protected from discovery.

(4) The documents shall be made available for inspection and copying within ten days after service of the answers to interrogatories or at a date agreed upon by the parties.

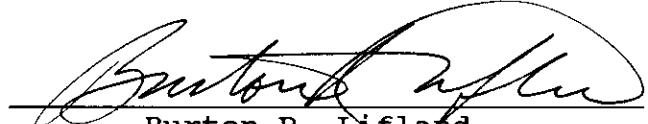
The above amendment shall be effective November 30, 1987.

COMMENT

This rule is an adaptation of Civil Rules 46 and 47 of the District Rules.

SO ORDERED.

Dated: November 13, 1987
New York, New York



Burton R. Lifland
Chief Judge