



United States District Court
DISTRICT OF MINNESOTA

LR 37.1 FORM OF DISCOVERY MOTIONS

A motion under Federal Rule of Civil Procedure 36(a)(6) or 37 must contain, either in the motion itself or in the accompanying memorandum—

- (a) any certification required by a federal or local rule that the movant has in good faith conferred or attempted to confer with the party failing to act;
- (b) a specification of the disclosure or discovery in dispute;
- (c) the text (which may appear in an exhibit to which the motion or memorandum refers) of any interrogatory, request, question, or notice in dispute, together with each answer, response, or objection to any such interrogatory, request, question, or notice;
- (d) a concise statement of why the disclosure, answer, response, production, or objection is insufficient, evasive, incomplete, or otherwise improper;
- (e) if the motion concerns a failure to preserve electronically stored information, a showing that the information—
 - (1) should have been preserved in the anticipation or conduct of litigation,
 - (2) was lost because a party failed to take reasonable steps to preserve it, and
 - (3) cannot be restored or replaced through additional discovery; and
- (f) the remedy sought, together with an argument for why the requested remedy is authorized and justified.

[Adopted effective February 1, 1991 as LR 37.2; amended and renumbered as LR 37.1 on July 23, 2012; amended December 1, 2015]

[Former LR 37.1 adopted effective November 1, 1996; amended September 24, 2009; abrogated July 23, 2012]

2015 Advisory Committee's Note to LR 37.1

Local Rule 37.1 has been amended to incorporate the amendments made to Fed. R. Civ. P. 37, particularly the changes in Fed. R. Civ. P. 37(e) regarding failure to preserve electronically stored information. The rule has also been reorganized to make the rule easier to read and understand.

2012 Advisory Committee's Note to LR 37.1

The language of new LR 37.1 (former LR 37.2) has been amended in accordance with the restyling process described in the 2012 Advisory Committee's Preface on Stylistic Amendments.

In 2012, LR 7.1 was amended to require parties to meet and confer before filing any motion, and to file a meet-and-confer statement with the motion. This change, along with other changes to LR 16.2 through 26.1, rendered former Rule 37.1 superfluous. Accordingly, former LR 37.1 was abrogated, and former LR 37.2 was renumbered as LR 37.1.

1996 Advisory Committee's Note to LR 37.1

The language of LR 37.1 supplements provisions of the National Rules that require certification of good faith efforts to resolve discovery disputes. See, e.g., Fed. R. Civ. P. 26(c) and Fed. R. Civ. P. 37(a)(2)(A), 37(a)(2)(B), 37(a)(4)(A), and 37(d).