I. DISCOVERY PROCEDURES

A. Pre-Hearing Communication

1. If a discovery dispute arises, Counsel must confer (in person or via telephone) and engage in a genuine effort to resolve the discovery dispute before seeking Court intervention. The Court expects all parties to engage in reasonable compromise to facilitate the resolution of discovery disputes.

2. The Court may impose sanctions, monetary or otherwise, if the Court determines discovery is being improperly sought or is being withheld in bad faith or without substantial justification. *See* Fed. R. Civ. P. 37.

3. Discovery disputes must be raised timely as required by S.D. Fla. L.R. 26.1(g)(1). The Court strictly enforces S.D. Fla. L.R. 26.1(g)(1), and interprets the thirty-day window as the opportunity during which good faith resolution efforts must be made (subject to the seven-day extension permitted by the Rule). Unapproved extensions agreed to by the parties shall not be recognized. The Court also enforces S.D. Fla. L.R. 26.1(d) requiring that all discovery, including resolution of discovery disputes, be fully completed prior to the expiration of the discovery cutoff. Under S.D. Fla. L.R. 26.1(d), no Court intervention or remedy will be available to either party after the cutoff date.

B. Hearing Procedures

1. **No Written Motions**: Except as provided below, discovery disputes shall not be raised by filing discovery motions under Fed. R. Civ. P. 37. No written discovery motions, including motions to compel and motions for protective order, shall be filed unless requested by Magistrate Judge Becerra.

2. **Discovery Calendar**: In lieu of traditional motion practice, a regular discovery calendar shall be held every Friday, from 10:00 a.m. to 1:00 p.m., at the James Lawrence King Federal Justice Building, 99 NE 4th Street, Tenth Floor, Courtroom 6, Miami, Florida 33132. The party seeking to enforce a discovery obligation or obtain protection from such an obligation ("the moving party") shall utilize the discovery calendar process. After conferring with the opposing party to confirm available dates, the moving party shall contact Magistrate Judge Becerra's Chambers at (305) 523-5930 and place the matter on the next available discovery calendar. The moving party must contact Chambers no later than noon on the Monday preceding the discovery calendar to schedule a time on that week's calendar. Ordinarily, no more than fifteen minutes of argument per side is permitted.

3. **Notice of Hearing**: On the same day that the Court confirms an available time on the discovery calendar, the moving party shall file a Notice of Hearing that briefly sets forth the substance of the discovery matters to be heard (i.e., "the parties dispute the appropriate time frame for Plaintiff's Interrogatory Nos. 1, 4-7 and 1-0") and the status of the parties' pre-filing efforts as to the disputed discovery issues. The Notice of Hearing shall include a certificate of conferral that fully complies with S.D. Fla. L.R. 7.1(a)(3).

4. **Source Materials**: The moving party shall provide Magistrate Judge Becerra with a copy of all source materials relevant to the discovery dispute, via hand-delivery or through a single PDF document that is emailed to the CM/ECF mailbox (becerra@flsd.uscourts.gov), no later than noon on the Tuesday preceding the noticed hearing. For example, if the dispute concerns interrogatories, the interrogatories at issue and the response thereto shall be provided to Chambers. Source material is the actual discovery at issue, it is not memoranda, letters or other materials intended to be a de facto legal brief.

5. **Submission of Legal Authorities**: In the event that the discovery dispute is not routine, the parties may submit a Notice of Authorities listing the authorities that the parties will rely upon during the hearing. This Notice of Authorities may not contain argument. The Court will strike any non-compliant Notice of Authorities.

6. **Submission of Proposed Orders**: A proposed Order on the issues raised shall also be submitted together with the source materials. The proposed Order shall set forth the specific relief requested. The proposed Order shall also be emailed in word format to the CM/ECF mailbox (becerra@flsd.uscourts.gov), no later than noon on the Tuesday preceding the noticed hearing.

7. **Cancellation of Hearing**: The parties shall notify Chambers as soon as practicable if they resolve some or all of the issues in dispute. If all the issues cited in the Notice of Hearing have been resolved, the parties must contact Chambers and file a Notice of Cancellation. If only some of the issues have been resolved, the parties may amend the Notice of Hearing and/or call Chambers to advise which issues have been resolved.

II. DISCOVERY OBJECTIONS

A. **Vague, Overly Broad, and Unduly Burdensome:** Blanket, unsupported objections that a discovery request is "vague, overly broad, or unduly burdensome" are, by themselves, meaningless, and shall be disregarded by the Court. A party objecting on these bases must explain the specific and particular ways in which a request is vague, overly broad, or unduly burdensome. *See* Fed.

R. Civ. P. 33(b)(4). If a party believes that the request is vague, the party shall attempt to obtain clarification prior to objection on this ground. Sworn testimony or evidence may be necessary to show that a particular request is in fact burdensome.

B. **Objections Based on Scope:** If there is an objection based upon an unduly broad scope, such as time frame or geographic location, discovery should be provided as to those matters within the scope that is not disputed. For example, if discovery is sought nationwide for a ten-year period and the responding party objects on the grounds that only a five-year period limited to activities in Florida is appropriate, the responding party shall provide responsive discovery falling within the five-year period of activity in Florida.

C. **Irrelevant and Not Reasonably Calculated to Lead to Admissible Evidence:** An objection that a discovery request is irrelevant or not reasonably calculated to lead to admissible evidence must include a specific explanation describing why the request lacks relevance, and why the information sought will not reasonably lead to admissible evidence.

D. **Formulaic Objections Followed by an Answer:** Parties should avoid reciting a formulaic objection followed by an answer to the request. It has become common practice for a party to object and then state that "notwithstanding the above," the party will respond to the discovery request, subject to or without waiving such objection. Such an objection and answer preserves nothing, and constitutes only a waste of effort and the resources of both the parties and the Court. Further, such practice leaves the requesting party uncertain as to whether the question has actually been fully answered, or only a portion of it has been answered. Federal Rule of Civil Procedure 34(b)(2)(c) specifically requires an objection to state whether any responsive materials are being withheld. As such, Counsel shall include in the Answer a clear statement that all responsive documents/information identified have in fact been produced/provided, or otherwise describe the category of documents/information that have been withheld on the basis of the objection.

E. **Objections Based on Privilege:** Generalized objections asserting attorney-client privilege or work product doctrine do not comply with the Local Rules. *See* S.D. Fla. L.R. 26.1(e)(2)(B). The party with the burden of persuasion on a privilege claim has the obligation to present to the Court, no later than at the time of the hearing, sworn evidence if necessary to satisfy that burden. The failure to present that sworn evidence by the scheduled hearing may be deemed by the Court as a waiver of the privilege absent a showing of good cause.

F. **Objections to Scope of 30(b)(6) Notices for Depositions:** Corporations are not entitled to review anticipatory relevance objections prior to the taking of a corporate representative deposition. Objections to the scope of a deposition notice shall be timely served (not filed) in advance of the deposition. *See King v. Pratt & Whitney*, 161 F.R.D. 475–76 (S.D. Fla. 1995); *New World Network Ltd. v. M/V Norwegian Sea*, 2007 WL 1068124, at *2–3 (S.D. Fla. 2007). Accordingly, any objections to the scope of a Fed. R. Civ. P. 30(b)(6) deposition notice shall only be adjudicated *after* the taking of the deposition.

G. **Written Objections to the Timing of Depositions:** If a motion for protective order is required for a particular dispute under Fed. R. Civ. P. 26(c), Fed. R. Civ. P. 30(d)(3), or S.D. Fla. L.R. 26.1(g)(3), a notice of objection must be served (not filed) on the opposing party no later than five days after receipt of the deposition notice at issue. Such a notice may not be submitted on the eve of the event. The failure to timely preserve an objection may be deemed a waiver. But if a good faith scheduling dispute arises prior to a deposition, the service of the written notice of objections, followed by a good faith conference to resolve the dispute, will be sufficient to preserve the issues involved without fear of waiver prior to the Court resolving the dispute at a discovery conference. *See* S.D. Fla. L.R. 26.1(h). If the parties do not thereafter reach an agreement to resolve the dispute, the objecting party shall schedule the matter at the next available discovery calendar. Federal Rule of Civil Procedure 37, however, continues to apply to such objections; thus if the Court finds that the objections were not substantially justified, the failure to comply with a timely served Fed. R. Civ. P. 30 deposition notice may be sanctioned appropriately.