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OCT 26 1993

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIABY
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RE:)
) **GENERAL ORDER NO. 303**
NOTICE OF INTENT TO)
AMEND LOCAL RULES 250)
AND 251 AND PROMULGATE)
LOCAL RULE 253)
_____)

Various proposed modifications to the Federal Rules of Civil Procedure ("FRCivP") have been submitted to the Congress for review and approval. It is unclear whether all, or some, or none of those proposed modifications will become effective on the scheduled date, December 1, 1993. In the opinion of the Court, certain of the proposed modifications to Rule 26, FRCivP, would be neither desirable nor consistent with the manner of practice within this District.

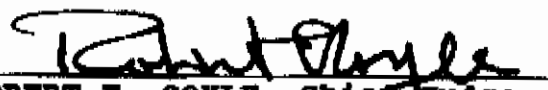
Accordingly, pursuant to the provisions of Rule 26, FRCivP, which provide that the Court, by local rule, may adopt certain discovery procedures which are contrary to those set forth in said Rule 26, the Court does hereby give notice, pursuant to Rule 93, FRCivP, and 28 U.S.C. § 2071, of its intent to amend Local Rules 250 and 251 by adding references to Local Rule 253 therein, and to promulgate the attached Local Rule 253, effective December 1, 1993 if, and only if, the proposed amendments to Rule 26, FRCivP, are not rejected by the Congress

of the United States.

IT IS SO ORDERED.

DATED: October 26, 1993.

FOR THE COURT:



ROBERT B. COYLE, Chief Judge
Eastern District of California

D R A F T

RULE 253

DISCOVERY LIMITATIONS

(a) Pursuant to the provisions of Fed. R. Civ. P. 26(a)(1), the automatic disclosure procedures described therein shall not be required in any action pending in this Court, nor shall any automatic disclosures of any type be required in any action pending in this Court, except as otherwise provided by a scheduling or status order entered in a specific action.

(b) Pursuant to the provisions of Fed. R. Civ. P. 26(a)(2)(B), the expert witness disclosure requirements described therein shall not be required in any action pending in this Court, and all disclosure of matters pertaining to expert witnesses shall be performed in accordance with the provisions of a scheduling or status order entered in a specific action, or pursuant to the provisions of Fed. R. Civ. P. 30, 33 and 34, as applicable.

(c) Pursuant to the provisions of Fed. R. Civ. P. 26(a)(3), the pretrial disclosure requirements described therein shall not be required in any action pending in this Court, and all disclosure of matters of the type described therein shall be performed in accordance with the provisions of L.R. 281 and the Court's final pretrial order as provided for in Fed. R. Civ. P. 16(e) and L.R. 283.

(d) Pursuant to the provisions of Fed. R. Civ. P. 26(b)(2), there shall be no presumptive limitations upon the number of oral or written depositions taken (See Fed. R. Civ. P. 30(a)(2)(A) and 31(a)(2)(A)) or upon the number of interrogatories to parties served (See Fed. R. Civ. P. 33(a)) in any action pending in this Court. If any party believes that any such proposed discovery is burdensome, oppressive or otherwise improper, that party shall have the burden of seeking a protective order against such proposed discovery in accordance with the provisions of Fed. R. Civ. P. 26(c).

(e) Pursuant to the provisions of Fed. R. Civ. P. 26(d) and 26(f), there is no requirement that parties or counsel engage in any meet-and-confer procedure prior to any scheduling conference or prior to seeking discovery in the first instance. The parties and counsel shall comply with L.R. 240, as modified by any scheduling or status order entered in a specific action, and with L.R. 251 concerning discovery disagreements.

Contingent upon the promulgation of Local Rule 253, L.R. 250 is hereby amended by adding thereto a new paragraph (f), reading as follows: "(f) **Cross-Reference to Fed. R. Civ. P. 26.** See L.R. 253."

Contingent upon the promulgation of Local Rule 253, L.R. 251 is hereby amended by adding to the end of paragraph (b) thereof the words "See L.R. 253."