

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**MAGISTRATE JUDGE GOODMAN'S DISCOVERY PROCEDURES**

The following discovery procedures apply to all civil cases assigned to United States District Judge Alan S. Gold.

**OVERALL STATEMENT**

The procedures are designed to help the Parties and the Court work **together** to timely resolve discovery disputes without undue delay and unnecessary expense.

**MEET AND CONFER**

Counsel **must** actually confer (in person or via telephone) and engage in reasonable compromise in a genuine effort to resolve their discovery disputes **before** filing discovery motions. In other words, there must be **an actual conversation** before a discovery motion is filed. If counsel refuses to participate in a conversation, then the movant shall so state in the required certificate of conference and outline the efforts made to have a conversation.

The Court may impose sanctions, monetary or otherwise, if it determines discovery is being improperly sought, is being withheld in bad faith or if a party fails to confer in good faith. Sending an email or telefax to opposing counsel with a demand that a discovery response or position be provided on the same day will rarely, if ever, be deemed a good faith effort to confer before filing a discovery motion.

**DISCOVERY MOTIONS**

If, after conferring, the parties are unable to resolve their discovery disputes without Court intervention, then the moving party shall file a motion, **no longer than 5 pages** (not counting the signature block and certificate of service).

The 5-page limit does not mean that parties are expected to file a motion of 5 pages. Instead, the parties should be governed by the "less-is-more" philosophy. The purpose of the motion is merely to frame the discovery issues and succinctly explain the dispute.

The moving party may attach as exhibits to the motion materials relevant to the discovery dispute. For example, if the dispute concerns interrogatories, the interrogatory responses (that restate the interrogatories) shall be filed, with some indication of which interrogatories remain in dispute. Because the parties may attach relevant discovery as an exhibit to the motion, compliance with the requirement (in Local Rule 26.1(h) (2) or (3)) to state the specifics of the written discovery requests at issue is **not required**. The movant shall include in the motion a certificate of good faith that complies with S.D. Fla. L. R. 7.1 (A) (3). **Counsel shall also deliver a courtesy hard copy of the motion and tabbed exhibits to Judge Goodman's chambers at the time of filing.**

Once a discovery motion is filed, the Court will review the motion and either order a response, schedule the motion for a discovery conference/hearing or enter a ruling. **No written responses to the motion are permitted absent specific court order.**

The Court will designate one day per week for a discovery calendar and will therefore usually be able to timely schedule a hearing/conference (if one is appropriate).

## **RESPONSES TO MOTIONS**

If the Court decides that a response is appropriate, then the responding party shall file a response to the discovery motion within the time frame ordered by the Court, or, if the Court sets the motion for a discovery conference, no later than the close of business three business days before the discovery conference noticed by the Court. The response shall be limited to **3 pages** (not counting the signature block and certificate of service). The responding party may attach as exhibits materials relevant to the discovery dispute, as referenced above. **Counsel shall also deliver a courtesy hard copy of the response and tabbed exhibits to Judge Goodman's chambers at the time of filing.**

**No reply memoranda are permitted absent specific court order.** The Court anticipates that it will rarely conclude that a reply may be filed.

These procedures do not relieve parties from the requirements of any Federal Rule of Civil Procedure or Local Rule, except as noted above.

**HEARINGS**

Counsel must provide opposing counsel with citations to all cases and other authority which counsel intends to cite at the hearing at least **2 business days before the hearing**. If a hearing/conference is scheduled, then the Court anticipates that it will be able to do so within 7 to 10 days of receiving a hard copy of the motion.

**PRE-HEARING DISCUSSIONS**

The mere fact that the Court has scheduled a discovery hearing/conference does not mean that the parties should no longer try to resolve the dispute. To the contrary, the parties are encouraged to continually pursue settlement of disputed discovery matters. If those efforts are successful, then counsel should **contact Judge Goodman’s chambers** as soon as practicable so that the hearing can be timely canceled. Alternatively, if the parties resolve some, but not all, of their issues before the hearing, then counsel shall also timely **contact chambers** and provide notice about those issues which are no longer in dispute (so that the Court and its staff do not unnecessarily work on matters which became moot).

**EXPENSES, INCLUDING ATTORNEY’S FEES**

The Court reminds the parties and counsel that Fed. R. Civ. Pro. 37 (a) (5) requires the Court to award expenses, including fees, unless an exception (such as the existence of a substantially justified, albeit losing, discovery position) applies to the discovery dispute and ruling.

\*\*\*\*\*