

UNITED STATES BANKRUPTCY COURT

Eastern and Western Districts of Arkansas

LOCAL RULE 7026-1

Discovery Rules

After considering the Amendments to the Federal Rules of Civil Procedure effective December 1, 1993, as made applicable to proceedings in Bankruptcy Court pursuant to Bankruptcy Rules of Procedure 7016, 7026, 7030, 7031, 7033, and 9014, the Court has concluded that the requirements and mandates of several of such amendment are unduly burdensome. Therefore, pursuant to the applicable provisions of Federal Rule of Civil Procedure 26 and Bankruptcy Rule of Procedure 9029, the Bankruptcy court for the Eastern and Western Districts of Arkansas "opts out" of certain provisions of such amendments as follows:

Rule 26(a) - Initial Disclosures.

Unless otherwise directed by a Judge of this court or mutually agreed to by the parties, parties or their attorneys are not required to comply with the provisions of Rule 26(a)(1) through 26(a)(4). Parties will continue to comply with the provisions of pretrial orders and other orders entered by the trial judge to whom a case is assigned in respect to disclosure of witnesses, including expert witnesses, and other disclosures and production that would otherwise be required by the provisions of Rule 26(a)(2) and (3).

Rules 26(d) and 26(f) - Commencement of Discovery and Meeting of the Parties.

Parties and counsel will not be required to comply with the provisions of Rule 26(d) prohibiting the parties from seeking discovery until after the parties have met and conferred as required by Rule 26(f). The Court encourages attorneys to confer in good faith in respect to discovery and expects that discovery and other trial preparation necessary to prepare a case for trial shall be completed as expeditiously and inexpensively as possible, with intervention of the Court being sought only after compliance with the provisions of Federal Rules of Civil Procedure 26(c) and 37(a)(2)(A) as made applicable to proceedings in bankruptcy by Bankruptcy Rules of Procedure 7026 and 7037, respectively. However, the Court will not require the formal conference and paper work required by Rule 26(f) and also "opts out" of that provision. Parties and counsel shall comply with all other provisions of Rule 26(d).

Rule 26(b)(2) - Limits on Formal Discovery.

As permitted by Rule 26(b)(2), the Court will not, except on a case by case basis, limit

the number of depositions or interrogatories

(adopted 1/26/95)