

# Implementation of Selected Amendments to Federal Rule of Civil Procedure 26 by United States Bankruptcy Courts

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On December 1, 1993, amendments to the Federal Rules of Civil Procedure went into effect. Among these, amended Fed. R. Civ. P. 26(a) requires the disclosure of certain information without awaiting a formal discovery request and amended Fed. R. Civ. P. 26(d) and (f) provide for the deferral of formal discovery until parties have met to discuss and plan discovery and to make or arrange for the exchange of discloseable information. By virtue of Fed. R. Bankr. P. 7026 and 9014, Fed. R. Civ. P. 26 is applicable to adversary proceedings and contested matters.

A significant feature of amended Civil Rule 26 is the option given to courts to exempt all cases or categories of cases from some or all of the rule's requirements. In March 1994, the Federal Judicial Center prepared a summary of the United States District Courts' implementation of these amendments. The district court summary showed great variation in district courts' responses to Civil Rule 26. To determine how United States Bankruptcy Courts have responded to the Rule 26 amendments, the Center asked bankruptcy court clerks in June 1994 to send copies of all local rules or general orders adopted in response to the revised discovery rule and any additional materials that describe local practices.

The attached chart summarizes the information collected from the United States Bankruptcy Courts by identifying districts that have:

- “opted out” of some or all of the provisions of the amended rule;
- deferred final decision on implementation pending further study;
- implemented the amended rule provisions differently for adversary proceedings and contested matters;
- issued a court order on the amendments.

It also summarizes other discovery-related requirements in effect in the districts to the extent we were provided that information. Below we briefly describe selected amendments to Rule 26.<sup>1</sup> Then we explain how to use the attached chart and describe some of the patterns in the courts' responses to the amendments.

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<sup>1</sup> The description of the amendments was adapted from Donna Stienstra's report on the U.S. District Courts' implementation of Fed. R. Civ. P. 26.

## **Description of Selected Amendments to Federal Rule of Civil Procedure 26**

**Rule 26(a)(1), Initial Disclosure.** Except as otherwise stipulated or as directed by order or local rule, a party must provide, without awaiting a discovery request, the following information at or within ten days of the meeting of counsel required by Rule 26(f):

- name, address, and telephone number of all persons likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, with identification of the subjects of the information;
- a copy or description by category and location of all documents, data compilations, and tangible things in the party's possession, custody, or control that are relevant to disputed facts alleged with particularity in the pleadings;
- computation of damages claimed, with supporting documentation to be available for copying or inspection; and
- insurance policies that may satisfy the judgment, to be available for inspection or copying.

**Rule 26(a)(2), Expert Disclosure.** Parties must disclose the identity of persons who may testify as experts at trial [(a)(2)(A)] and, except as otherwise stipulated or as directed by the court, must provide a written report prepared and signed by the expert [(a)(2)(B)] containing:

- a complete statement of all opinions to be expressed by the expert and the basis for them;
- the data or other information considered by the expert in forming the opinions;
- exhibits to be used to summarize or support the opinions;
- qualifications of the expert;
- compensation to be paid the expert; and
- a list of cases in which the expert has testified at trial or by deposition in the last four years.

In the absence of other directions by the court, disclosure of experts must be made at least 90 days before the case is to be ready for trial or within 30 days of another party's disclosure when intended only to contradict or rebut that disclosure.

**Rule 26(a)(3), Pretrial Disclosure.** A party must provide the following information about the evidence it may present at trial other than solely for impeachment purposes:

- name, address, and telephone number of each witness, separately identifying those the party expects to call and those it may call if necessary;
- list of witnesses whose testimony is expected to be presented by deposition and, if the deposition was not taken stenographically, a transcript of the pertinent portions; and
- a list or categorization of documents or other exhibits, including summaries of evidence, separately identifying those the party expects to offer and those it may offer if necessary.

Unless otherwise directed by the court, these disclosures must be made at least 30 days before trial. Within 14 days of this disclosure, certain objections [specified in the rule] must be made and if not made are waived unless excused by the court for good cause shown.

**Rule 26(d), Timing and Sequence of Discovery.** The first sentence of Rule 26(d) states that, except as authorized under the federal rules or by local rule, order, or agreement of the parties, a party may not seek discovery from any source before the parties have met and conferred as required by Rule 26(f). The remainder of the rule is unchanged—formal discovery may proceed as under the old rule.

**Rule 26(f), Meeting of Counsel, Written Discovery Plan.** Except in actions exempted by local rule or when otherwise ordered, parties must meet at least 14 days before a Rule 16(b) scheduling conference is held or a scheduling order is due to:

- discuss the nature and basis of their claims and defenses and the possibility of settlement;
- make or arrange to make the disclosures required by Rule 26(a)(1); and
- develop a written discovery plan, which must be submitted to the court within 10 days of the meeting.

## **Using the Attached Chart to Understand Bankruptcy Courts' Responses to Federal Rule of Civil Procedure 26**

In June 1994, we asked all bankruptcy clerks of court to forward copies of general orders or local rules issued or adopted in response to the revised rule. The clerks, court staff, and in a few instances, the chief judge for 93 of the 94 districts responded to our request for information.

The attached chart summarizes the bankruptcy courts' responses to Rule 26(a)(1–3), 26(d), and 26(f). The chart is arranged by circuit, and within the circuit, alphabetically by district. If the responding court made a distinction between adversary proceedings and contested matters, that distinction is

made in the chart. Column 1 shows which parts of Rule 26(a)(1–3) are in effect, either because the court explicitly adopted the provision or because the court did not explicitly reject the provision. Column 2 shows which courts have clearly opted out of parts or all of these provisions. Columns 3 and 4 contain information about the courts' requirements for timing and sequence of discovery and their treatment of the 26(f) requirements of a meeting prior to initiation of formal discovery. Enforcement of 26(d) is dependent on 26(f), so these columns should be read together. Column 5 notes other discovery-related requirements in effect in the districts to the extent we were provided that information. Column 6 provides the number of the local rule adopted or court order issued in response to amended Rule 26, if any, and Column 7 indicates which courts reported that they had not yet made a decision regarding the amendments or had made only a provisional decision.

Some technicalities and nuances may have been lost in our summary of the information. Thus, the chart is best used as an *overview* of the bankruptcy courts' responses to amended Rule 26 and their disclosure requirements. Users who need to know specific requirements—for example, attorneys handling cases in bankruptcy court—should not rely on these tables nor cite them as legal authority.

### **A Summary Description of the Courts' Responses to Amended to Federal Rule of Civil Procedure 26**

Unlike the previous study of district courts that was initiated very shortly after amended Rule 26 went into effect, many bankruptcy courts had had an opportunity to issue a court order or adopt a local rule in response to the amended rule before our survey began. As shown in Column 6 of the attached chart, by September 1994, 70 bankruptcy courts had issued a general order or adopted a local rule addressing the Rule 26 amendments.

Twenty-four courts responded that the matter was still under study. Eleven of these courts nevertheless had issued a general order opting out or deferring the implementation of the amended rule provisions. See, for example, the entries in the attached chart for the District of New Hampshire and the Southern District of New York. Another five of the courts still studying the matter reported that, although no general order had been issued, the court was *not* enforcing the rule provisions or was enforcing them only on an ad hoc basis. See, for example, the entries in the attached chart for the Eastern District of New York and the District of New Jersey, the Western District of North Carolina, and the Middle District of Georgia. Four courts reported that the amendments were in effect while undergoing study. See, for example, the entries in the attached chart for the Western District of Virginia and the Eastern and Western Districts of Arkansas. Finally, four courts studying the matter were silent as to the current practice in their district. See,

for example, the entries in the attached chart for the District of the Virgin Islands and the Southern District of West Virginia.

The responses of 67 bankruptcy courts to the Rule 26 amendments were the same for contested matters as for adversary proceedings. See, for example, the entries in the attached chart for the following districts:

- District of Massachusetts -- the court opted out of 26(a)(1)-(3), (d), and (f) for both adversary proceedings and contested matters
- District of Connecticut -- the court opted out of 26(a)(1)-(3) but not 26(d) and (f) for both adversary proceedings and contested matters
- Western District of Michigan -- the court opted out of 26(a)(1), (d), and (f) but not 26(a)(2) and (3) for both adversary proceedings and contested matters
- Eastern District of New York -- the court reported that the amended provisions were not in effect, without differentiating between adversary proceedings and contested matters
- Western District of Virginia -- the court reported that the amended provisions were in effect, without differentiating between adversary proceedings and contested matters

Conversely, the responses of 26 courts to the amended rules were different for contested matters than for adversary proceedings. See, for example, the entries in the attached chart for the following districts:

- District for the District of Columbia -- the court opted out of 26(a)(1)-(3), and (f) for contested matters but only 26(a)(1)-(3) for adversary proceedings (i.e., 26(f) is in effect for adversary proceedings but not for contested matters)
- District of Vermont -- the court opted out of 26(a)(1)-(3), (d), and (f) for contested matters but not for adversary proceedings
- Middle District of North Carolina -- the court opted out of 26(a)(1) for contested matters but not for adversary proceedings.

At least one court opted out of some or all of the provisions for adversary proceedings by general order or local rule but did not do so for contested matters. It seems unlikely, however, that the provisions would be enforced for contested matters and not adversary proceedings.

Table 1 on the next page summarizes whether or not the provisions of amended Rule 26 are in effect in the bankruptcy courts. As evidenced by the above discussion, it was often difficult to determine whether the rule provisions were actually being enforced by the court. When a court did not opt out of a provision, we counted the provision as being in effect only if the court affirmatively indicated that this was so; otherwise, we categorized the response as "no explicit rejection" or as "other," depending on the information provided to us (see the column headings in Table 1). Table 2 on page 8 breaks down the rather extensive "other" category that appears in Table 1.

For adversary proceedings, 50 courts opted out of 26(a)(1), 26 opted out of 26(a)(2-3), and 43 courts opted out of 26(f). Other courts currently are not enforcing 26(a)(1), 26(a)(2)-(3), and 26(f) although they have not formally opted out of these provisions (see rows 1, 2, and 3 of Table 2). In addition, a number of court have opted out of only subparts of the provisions (see row 6 of Table 2).

Conversely, about twenty bankruptcy courts affirmatively stated that the amended rule or parts of the amended rule were in effect for adversary proceedings (see Table 1). Although we cannot say with complete assurance, additional courts may have the rule or parts of the rule in effect -- as seen in Table 1, seven courts did not explicitly accept or reject 26(a)(1); 23 did not explicitly accept or reject 26(a)(2-3); and twelve did not explicitly accept or reject 26(f). Also see rows 4 and 5 in Table 2, which suggest that the amended rule provisions are in effect in yet additional courts.

Not surprisingly, more courts opted out of the amended rule provisions for contested matters than for adversary matters (see Table 1). Sixty-seven courts opted out of 26(a)(1), 42 opted out of 26(a)(2-3), and 59 courts opted out of 26(f). As for adversary proceedings, other courts currently are not enforcing for contested matters 26(a)(1), 26(a)(2)-(3), and 26(f) although they have not formally opted out of the provisions (see rows 1, 2, and 3 of Table 2). And again, a number of courts have opted out of only subparts of the provisions (see row 6 of Table 2).

In conclusion, it appears that many courts have considered and modified the national discovery rules for bankruptcy practice in their districts and that other courts will likely do the same in the near future.

Table 1

Bankruptcy Courts' Responses to Amended Rule 26  
for Adversary Proceedings and Contested Matters

	Adversary Proceedings			Contested Matters		
	26(a)(1)	26(a)(2-3)	26(f)	26(a)(1)	26(a)(2-3)	26(f)
Opted out	50	26	43	67	42	59
No explicit rejection of this provision.	7	23	12	2	19	11
Affirmatively in effect	18	21	21	8	9	8
Other (see Table 2 for a breakdown of this category)	18	23	17	16	23	15
<b>Total</b>	<b>93</b>	<b>93</b>	<b>93</b>	<b>93</b>	<b>93</b>	<b>93</b>

Table 2

Breakdown of the "Other" Category in Table 1

	Adversary Proceedings			Contested Matters		
	26(a)(1)	26(a)(2-3)	26(f)	26(a)(1)	26(a)(2-3)	26(f)
1. Rule provision is under study -- although no general order has been issued, the court is <i>not</i> enforcing the rule provision or is enforcing it only on an ad hoc basis	5	5	5	5	5	5
2. Rule provision is under study -- general order deferring application of the provision has been issued	1	1	0	1	1	0
3. Court reports that rule provision is not in effect, but has not issue a general order or adopted a local rule to that effect	1	1	1	1	1	1
4. Rule provision is under study -- no explicit information about current applicability of rule	3	3	4	3	3	4
5. Court has taken no action on the rule provision (unclear whether it is being enforced)	4	4	4	4	4	4
6. Court opted out of only part of the provision	1	7	0	1	8	0
7. Court opted out of provision only for certain types of adversary proceedings	1	0	1	n/a	n/a	n/a
8. Response to provision differs among divisions in the district	2	2	2	1	1	1
<b>Total</b>	18	23	17	16	23	15

**FEDERAL BANKRUPTCY COURT IMPLEMENTATION OF  
1993 AMENDMENTS TO FED. R. CIV. P. 26**

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Circuit	District	1 Provisions of FRCP 26(a)(1)-(3) that are in effect	2 Provisions of FRCP 26(a)(1)-(3) that are not in effect	3 FRCP 26(d) (Timing and Sequence of Discovery)	4 FRCP 26(f) (Meeting of Parties)	5 Other related requirements in effect	6 Bankruptcy or District Court Order or Local Rule, if any	7 Court has not yet made decision or has made only a provisional decision
00DC <sup>1</sup>	D. D.C.		Opted out of <sup>2</sup> 26(a)(1)-(3) for contested matters and adversary proceedings, unless otherwise ordered.	No explicit rejection of 26(d) for adversary proceedings. Rule inoperative due to non- implementation of 26(f) for contested matters.	26(f) applicable for adversary proceedings. Unless otherwise ordered, 26(f) not applicable to contested matters.	Administrative Order of Feb. 17, 1994 specifies procedures governing discovery of facts known and opinions held by experts.	Bankruptcy Court Administrative Order of Feb. 17, 1994	
01	D. Mass.		Opted out of 26(a)(1)-(3) for adversary proceedings and contested matters unless otherwise ordered in a particular case.	Opted out of 26(d) for adversary proceedings and contested matters unless otherwise ordered in a particular case.	Opted out of 26(f) for adversary proceedings and contested matters unless otherwise ordered in a particular case.		Bankruptcy Court Joint Procedural Order of Jan. 28, 1994	
01	D. Me.	No explicit rejection of 26(a)(1)-(3) for contested matters.	Opted out of 26(a)(1) for adversary proceedings. Scope, sequence and timing of disclosures called for by 26(a)(2) & (3) are determined on a proceeding-by- proceeding basis.	No explicit rejection of 26(d) for contested matters or adversary proceedings. Inoperative for adversary proceedings due to non- implementation of 26(f).	26(f) not in effect for adversary proceedings. No explicit rejection for contested matters.	Discovery governed by the pretrial scheduling order pursuant to LBR 7016(d). Prior to filing discovery motions, counsel shall meet to resolve disputes. See LBR 7026 (b)(1).	Local Bankruptcy Rule 7026	
01	D. N.H.	26(a)(2) & (3) in effect with the exception of any references contained therein to paragraphs (a)(1) and (f) of the amended rule.	Opted out of 26(a)(1).	Inoperative due to non- implementation of 26(f). Pursuant to Administrative Order No. 1105, '(A) party may, without leave of this court, seek discovery from any source after service of the summons and complaint commencing the action.'	Opted out of 26(f).	Applies FRCP 26(a)(1) and 26(f) that were in effect immediately prior to the amendments of Dec. 1993.	Bankruptcy Court Administrative Order No. 1105	Any implementation of amendments is only as an interim measure. If pending efforts in Congress to repeal the changes to Rule 26 fail, the court will request input from the Bar on implementation of the amended Rule before the changes are made applicable to practice before the Court.
01	D. P.R.		Opted out of 26(a)(1)-(3) for adversary proceedings and contested matters, unless otherwise ordered in a particular case.	Opted out of 26(d) for adversary proceedings and contested matters, unless otherwise ordered in a particular case.	Opted out of 26(f) for adversary proceedings and contested matters, unless otherwise ordered in a particular case.		Bankruptcy Court Joint Procedural Order No. 94-3	
01	D. R.I.		Opted out of 26(a)(1)-(3) for adversary proceedings and contested matters unless otherwise ordered in a particular case.	Opted out of 26(d) for adversary proceedings and contested matters unless otherwise ordered in a particular case.	Opted out of 26(f) for adversary proceedings and contested matters unless otherwise ordered in a particular case.		Bankruptcy Court Temporary Procedural Order of Feb. 8, 1994	

<sup>1</sup> The information in the table is derived from orders and local rules issued or adopted by district or bankruptcy courts subsequent to or in anticipation of the federal rule amendments and from discussions with bankruptcy and district court clerks and other court staff. The table should not be cited as legal authority or substituted for a careful examination of federal or local rules and court orders. A draft report was presented to the Advisory Committee on Bankruptcy Rules at its meeting on September 21, 1994. This chart has not been systematically updated since then. However, additional information from the Southern District of Georgia, the Eastern District of North Carolina, and the Eastern District of Washington has been incorporated and entries for some other districts have been revised for accuracy or clarity.

Column 1 shows which parts of Rule 26(a)(1)-(3) are in effect, either because the court explicitly adopted the provision or because the court did not explicitly reject the provision. Column 2 shows which courts have clearly opted out of parts or all of these provisions. Columns 3 and 4 contain information about the courts' requirements for timing and sequence of discovery and their adoption of 26(f) requirements of a meeting prior to initiation of formal discovery. Enforcement of 26(d) is dependent on 26(f), so these columns should be read together. Column 5 notes other discovery-related requirements in effect in the districts to the extent we were provided that information. Column 6 specifies the local rule adopted or court order issued in response to amended Rule 26, if any, and Column 7 indicates which courts reported that they had not yet made a decision regarding the amendments or had made only a provisional decision.

<sup>2</sup> Some clerks reported that their court has taken no action on the amendments. Although failure to opt out implies that the rule is in effect, nevertheless, some courts report that the amendments are not in effect. In these situations, the rule may be enforced on an *ad hoc* basis. Districts where this occurred are noted.

Circuit	District	1 Provisions of FRCP 26(a)(1)-(3) that are in effect	2 Provisions of FRCP 26(a)(1)-(3) that are not in effect	3 FRCP 26(d) (Timing and Sequence of Discovery)	4 FRCP 26(f) (Meeting of Parties)	5 Other related requirements in effect	6 Bankruptcy or District Court Order or Local Rule, if any	7 Court has not yet made decision or has made only a provisional decision
02	D. Conn.		Opted out of 26(a)(1)-(3).	No explicit rejection of 26(d).	No explicit rejection of 26(f).		District Court Order of Dec. 6, 1993	The Court and Bar will further study the amendments to the federal rules and consider related amendments to the local rules.
02	E.D. N.Y.		Not in effect at this time.	Not in effect at this time.	Not in effect at this time.		none	Clerk reports that disclosure rules require further study by the District Court. Amendments not yet addressed formally by the Bankruptcy Court.
02	N.D. N.Y.		Opted out of 26(a)(1)-(3) unless otherwise ordered in a given proceeding.	Opted out of 26(d) unless otherwise ordered in a given proceeding.	Opted out of 26(f) unless otherwise ordered by the court.		Local Rule 726.1	
02	S.D. N.Y.		26(a)(1)-(3) inoperative for adversary proceedings and contested matters, without further local rule.	No explicit rejection of 26(d).	No explicit rejection of 26(f).		Bankruptcy Court Order of Dec. 1, 1993; Amended by Order of Dec. 10, 1993	Court will study the matter further.
02	W.D. N.Y.		Opted out of 26(a)(1)-(3) for adversary proceedings and contested matters.	Opted out of 26(d) for adversary proceedings and contested matters.	Opted out of 26(f) for adversary proceedings and contested matters.	By Administrative Order of Aug. 4, 1994, an individual Bankruptcy Judge will determine at the initial Rule 16 scheduling conference, the extent, if any, that the requirements apply to a particular action.	Bankruptcy Court Administrative Order of Aug. 4, 1994	
02	D. Vt.	No explicit rejection of 26(a)(1)-(3) for adversary proceedings.	Opted out of 26(a)(1)-(3) for contested matters unless specifically ordered by the court.	Opted out of 26(d) for contested matters unless specifically ordered by the court. No explicit rejection of rule for adversary proceedings.	Opted out of 26(f) for contested matters unless specifically ordered by the court. No explicit rejection of rule for adversary proceedings.		Bankruptcy Court General Order 93-6	
03	D. Del.	No explicit deferment of 26(a)(2) & (3).	Implementation of 26(a)(1) deferred until further Order of the Court.	Implementation of 26(d) deferred until further Order of the Court.	Implementation of 26(f) deferred until further Order of the Court.		Bankruptcy Court follows District Court Order of Dec. 1, 1993	Implementation deferred until further Order of the Court.
03	D. N.J.	Judges are applying 26(a)(1)-(3) on an ad hoc basis (i.e. by pretrial order) in some adversary proceedings and contested matters.		Judges are enforcing 26(d) on an ad hoc basis for some adversary proceedings and contested matters.	Judges are enforcing 26(f) on an ad hoc basis (i.e. by court order) for some adversary proceedings and contested matters.		none	Final decision awaits Lawyers Advisory Committee's draft version of a local rule dealing with implementation of the federal rule, and the Court's consideration thereof.
03	E.D. Pa.	26(a)(2) & (3) are in effect.	Opted out of 26(a)(1).	Opted out of 26(d).	Opted out of 26(f).	District Court CJRA plan requires initial disclosure and for parties to confer, but the plan is not in effect in the Bankruptcy Court.	District Court Standing Order of Dec. 1, 1993 limits applicability of amended rule in the Bankruptcy Court	Court will further examine which of the optional provisions, if any, will be followed and what changes, if any, will be made in the Local Rules of Civil Procedure.
03	M.D. Pa.	Wilkes Barre Division: No explicit rejection of 26(a)(1)-(3) for adversary proceedings.	Wilkes Barre Division: Opted out of 26(a)(1)-(3) for contested matters. Harrisburg Division: Opted out of 26(a)(1)-(3) pending further order of the court.	Wilkes Barre Division: Opted out of 26(d) for contested matters. No explicit rejection of 26(d) for adversary proceedings. Harrisburg Division: Opted out of 26(d) pending further order of the court.	Wilkes Barre Division: Opted out of 26(f) for contested matters. No explicit rejection of 26(f) for adversary proceedings. Harrisburg Division: Opted out of 26(f) pending further order of the court.	Disclosure and discovery practice in Harrisburg Division governed by FRCP procedures in effect prior to the amendments.	(Wilkes Barre Division) Bankruptcy Court Order-Misc. No. 94-01(WB); (Harrisburg Division) Bankruptcy Court Order-Misc. No. 94-01(HBG.)	

Circuit	District	1 Provisions of FRCP 26(a)(1)-(3) that are in effect	2 Provisions of FRCP 26(a)(1)-(3) that are not in effect	3 FRCP 26(d) (Timing and Sequence of Discovery)	4 FRCP 26(f) (Meeting of Parties)	5 Other related requirements in effect	6 Bankruptcy or District Court Order or Local Rule, if any	7 Court has not yet made decision or has made only a provisional decision
03	W.D. Pa.	No explicit rejection of 26(a)(2) and (3).	Opted out of 26(a)(1).	Opted out of 26(d).	Opted out of 26(f).		Bankruptcy Court Memorandum Order of Dec. 20, 1993 (consistent with District Court Memorandum Order of Dec. 10, 1993)	
03	D. V.I.						none	A study committee appointed by the Chief Judge is reviewing amendments to make recommendations for implementation and proposed local rule changes to the court.
04	D. Md.	No explicit rejection of 26(a)(2) and 26(a)(3) for adversary proceedings and contested matters. No explicit rejection of 26(a)(1) for certain adversary proceedings.	Opted out of 26(a)(1) for all contested matters, and for adversary proceedings seeking to revoke an Order of Confirmation of a Chapt. 11, 12, or 13 plan.	26(d) in effect only where meeting of the parties is required; not for adversary proceedings seeking to revoke an Order of Confirmation of a Chapt. 11, 12, or 13 plan, and not for contested matters.	Opted out of 26(f) for all contested matters, and for adversary proceedings seeking to revoke an Order of Confirmation of a Chapt. 11, 12, or 13 plan.		Bankruptcy Court Administrative Order of July 1, 1994	
04	E.D. N.C.	For adversary proceedings, unless counsel agree to an earlier date, disclosures required by 26(a) to be made at time and under circumstances as directed in scheduling order. Moreover, requirements of 26(a)(3) superseded by requirements in Bankruptcy Local Rule 7016.2.	Opted out of 26(a)(1)-(3) for contested matters.	No explicit rejection of 26(d).	No explicit rejection of 26(f).	For adversary proceedings, unless counsel agree to an earlier date, disclosures required by 26(a) to be made at time and under circumstances as directed in scheduling order. Moreover, requirements of 26(a)(3) superseded by requirements in Bankruptcy Local Rule 7016.2.	L.B.R. 7016.1, 7016.2 and 9014.1	
04	M.D. N.C.	No explicit rejection of 26(a)(1)-(3) for adversary proceedings. No explicit rejection of 26(a)(2) & (3) for contested matters.	Opted out of 26(a)(1) for contested matters, unless the court otherwise directs.	No explicit rejection of 26(d).	No explicit rejection of 26(f).		Bankruptcy Court Order of April 6, 1994	Court is considering amendments to the Court's local rules on this subject.
04	W.D. N.C.		Clerk reports rule not in effect at this time.	Clerk reports rule not in effect at this time.	Clerk reports rule not in effect at this time.		none	Court planned to make final decision by Oct. 1994.
04	D. S.C.	No explicit rejection of 26(a)(2)(A) or 26(a)(3) for adversary matters.	Opted out of 26(a)(1)-(3) for contested matters, unless otherwise ordered by the court. Opted out of 26(a)(1) and 26(a)(2)(B)&(C) for adversary proceedings, unless otherwise ordered by the court.	No explicit rejection. Inoperative due to non-implementation of 26(f).	Opted out of 26(f) for contested matters and adversary proceedings, unless otherwise ordered by the court.		Bankruptcy Court Operating Order 94-1 of Feb. 7, 1994 which becomes Local Rule 7026.1 on Aug. 1, 1994	
04	E.D. Va.	No explicit rejection of 26(a)(2) & (3).	Opted out of 26(a)(1).	Opted out of 26(d).	Opted out of 26(f).	Bankruptcy Court Standing Order No. 94-1 and Draft L.B.R. 405 applies District Court Local Rule 11.1 to discovery matters.	Bankruptcy Court Standing Order No. 94-1; Draft LBR 405	
04	W.D. Va.	Clerk reports provisions are in effect.		Clerk reports provision is in effect.	Clerk reports provision is in effect.		none	Court planned to make final decision on Sept. 30, 1994.

Circuit	District	1 Provisions of FRCP 26(a)(1)–(3) that are in effect	2 Provisions of FRCP 26(a)(1)–(3) that are not in effect	3 FRCP 26(d) (Timing and Sequence of Discovery)	4 FRCP 26(f) (Meeting of Parties)	5 Other related requirements in effect	6 Bankruptcy or District Court Order or Local Rule, if any	7 Court has not yet made decision or has made only a provisional decision
04	N.D. W. Va.		Opted out.	Opted out.	Opted out.	Bankruptcy Court follows District Court CJRA plan which incorporates the objectives of amendments in revised local court rules.	Bankruptcy Court follows District Court Order Misc. No. 94-01-E; District Court Order of Feb. 5, 1994	
04	S.D. W. Va.	No explicit rejection or modification of 26(a)(3) in District Court Local Rules.	District Court LR Civ P 3.01 incorporates 26(a)(1) & (2): Initial disclosure timing requirements are revised to 30 days after 26(f) meeting; local rule also details sequence and timing of disclosures regarding experts.	District Court LR Civ P 2.01(b) incorporates 26(d) requirements, but no explicit deferral provision included.	District Court LR Civ P 2.01(b) incorporates 26(f) requirements.	District Court LR Civ P 3.01, effective Aug. 1, 1994 incorporates control of discovery for district courts. District Court LR Civ P 2.01 (b) requires parties to meet at least 21 days before the scheduling conference to report on all 26(f) matters. At the meeting, parties consider complexity of the case and appropriateness of case-management monitoring, trial by a magistrate judge, and use of ADR.	none	Court is in the process of determining what bankruptcy proceedings and matters will be subject to district court local rules described in columns 1–5 of this chart.
05	E.D. La.		Pursuant to District Court Local Rule 6.06E, opted out of 26(a)(1) except as otherwise ordered by a judge in a particular case. Scope and timing of disclosures under 26(a)(2) and (3) are as directed by the court pursuant to the district court's CJRA plan.	26(d) in effect subject to Local Rule 6.07E allowing commencement of formal discovery without a meeting if agreed by the parties.	26(f) in effect subject to Local Rule 6.07E allowing parties to agree not to hold a meeting.	Bankruptcy Court has informally adopted the District Court's local rules. Local Rule 6.06E and district court's CJRA plan govern scope and timing of voluntary disclosure.	District Court Local Rule 6.06E and CJRA plan	
05	M.D. La.	In effect.		In effect.	In effect.		none	
05	W.D. La.	26(a)(1) applicable for adversary proceedings and contested matters. 26(a)(2) & (3) applicable for adversary proceedings.	Opted out of 26(a)(2) & (3) for contested matters, unless ordered by the court or agreed to by stipulation of parties.	Rule inoperative due to non-implementation of 26(f) for contested matters, but applicable for adversary proceedings.	Opted out of 26(f) for contested matters, unless ordered by the court or agreed to by stipulation of parties. Applicable for adversary proceedings.		Local Bankruptcy Court Rule 1.2; Local District Court Rules 6.09W and 22M & W	
05	N.D. Miss.		Opted out of 26(a)(1)-(3) subject to further Order of the Court or specific order in a particular case or proceeding.	No explicit rejection of 26(d). Inoperative due to non-implementation of 26(f).	Opted out of 26(f) subject to further Order of the Court or specific order in a particular case or proceeding.		Bankruptcy Court Internal Operating Order of Jan. 10, 1994	
05	S.D. Miss.		Opted out of 26(a)(1)-(3) subject to further Order of the Court or a specific order of a Bankruptcy Judge in a particular case or proceeding.	No explicit rejection of 26(d). Inoperative due to non-implementation of 26(f).	Opted out of 26(f) subject to further Order of the Court or a specific order of a Bankruptcy Judge in a particular case or proceeding.		Bankruptcy Court Internal Operating Order of Jan. 10, 1994	
05	E.D. Tex.						none	Rule 26 amendments currently under consideration by Bankruptcy Court. No action taken as of 8/16/94.

Circuit	District	1 Provisions of FRCP 26(a)(1)-(3) that are in effect	2 Provisions of FRCP 26(a)(1)-(3) that are not in effect	3 FRCP 26(d) (Timing and Sequence of Discovery)	4 FRCP 26(f) (Meeting of Parties)	5 Other related requirements in effect	6 Bankruptcy or District Court Order or Local Rule, if any	7 Court has not yet made decision or has made only a provisional decision
05	N.D. Tex.	No explicit rejection of 26(a)(2)(A) & (B) and 26 (a)(3) for adversary proceedings in Dallas, Fort Worth, and Wichita Falls Divisions.	Opted out of 26(a) for contested matters. For adversary proceedings, Dallas, Fort Worth, and Wichita Falls Divisions opted out of 26(a)(1); and modified 26(a)(2)(C) to require expert witness disclosures be made at least 45 days before trial.	Opted out of 26(d) for contested matters. For adversary proceedings, in Dallas, Fort Worth, and Wichita Falls Divisions opted out of 26(d).	Opted out of 26(f) for contested matters. For adversary proceedings, Dallas, Fort Worth, and Wichita Falls Divisions opted out of 26(f).		Bankruptcy Court Standing Order No. 94-2 (covers contested matters in all divisions and adversary proceedings in Dallas, Fort Worth and Wichita Falls Divisions)	Applicability of amendments to adversary proceedings in Lubbock, Amarillo, Abilene, and San Angelo Divisions to be determined and addressed in a separate order.
05	S.D. Tex.	No explicit rejection of 26(a)(1)-(3) for adversary proceedings. No explicit rejection of 26(a)(2)(A) & (C) and 26(a)(3) for contested matters.	Opted out of 26(a)(1) & 26(a)(2)(B) for contested matters, unless otherwise ordered sua sponte or upon motion.	For contested matters, (1) opted out of first sentence of Rule 26(d) (deferral of disclosure until 26(f) conference); second sentence of Rule 26(d) (methods of discovery may be used in any sequence) is in effect. For adversary proceedings, no explicit rejection of 26(d).	Opted out of 26(f) for contested matters. For adversary proceedings, 26(f) in effect with qualification. The discovery plan report required by Rule 26(f) shall be filed with the court no later than the initial scheduling conference.		Bankruptcy Court Standing Order No. 94-8	
05	W.D. Tex.		Opted out.	Opted out.	Opted out.	Bankruptcy Court applies District Court Local Rule regarding the amendments with two noted exceptions: (1) Bankruptcy Local Rule 7016 and related order of Oct. 1993 specifying discovery limitations in adversary proceedings, and (2) Bankruptcy Local Rule 9014 covering response time limits in contested matters.	District Court Local Rule	
06	E.D. Ky.		Rule 26 amendments considered by judges to be inapplicable to bankruptcy proceedings and have, therefore, not been implemented.	Rule 26 amendments considered by judges to be inapplicable to bankruptcy proceedings and have, therefore, not been implemented.	Rule 26 amendments considered by judges to be inapplicable to bankruptcy proceedings and have, therefore, not been implemented.		none	
06	W.D. Ky.	26(a)(1)-(3) in effect for adversary proceedings unless otherwise ordered by the Court.	Opted out of Rule 26(a)(1)-(3) for contested matters unless otherwise ordered by the Court.	Opted out of 26(d) for contested matters unless otherwise ordered by the Court. 26(d) in effect for adversary proceedings unless otherwise ordered by the Court.	Opted out of 26(f) for contested matters unless otherwise ordered by the Court. 26(f) in effect for adversary proceedings unless otherwise ordered by the Court.		Bankruptcy Court General Order No. 94-2	
06	E.D. Mich.		Opted out of 26(a)(1)-(3) for adversary proceedings and contested matters, except by order of a judge.	No explicit rejection of 26(d). Inoperative due to non-implementation of 26(f).	Opted out of 26(f) for adversary proceedings and contested matters, except by order of a judge.		Bankruptcy Court Administrative Order No. 94-03	
06	W.D. Mich.	No explicit rejection of 26(a)(2) & (3) for contested matters and adversary proceedings.	Opted out of 26(a)(1) for contested matters and adversary proceedings unless made applicable to a specific case by court order.	Opted out of 26(d) for contested matters and adversary proceedings unless made applicable to a specific case by court order.	Opted out of 26(f) for contested matters and adversary proceedings unless made applicable to a specific case by court order.		Bankruptcy Court General Order 6	
06	N.D. Ohio	In effect.		In effect.	In effect.		none	

Circuit	District	1 Provisions of FRCP 26(a)(1)-(3) that are in effect	2 Provisions of FRCP 26(a)(1)-(3) that are not in effect	3 FRCP 26(d) (Timing and Sequence of Discovery)	4 FRCP 26(f) (Meeting of Parties)	5 Other related requirements in effect	6 Bankruptcy or District Court Order or Local Rule, if any	7 Court has not yet made decision or has made only a provisional decision
06	S.D. Ohio	No explicit rejection of 26(a)(2) & (3).	Opted out of 26(a)(1) except as agreed by parties or ordered by a judge in a specific case.	Opted out of 26(d) unless otherwise ordered or agreed by the parties. Discovery may begin at any time.	Opted out of 26(f).	Bankruptcy Court General Order No. 20 provides that '(p)arties are encouraged, but not obligated except as ordered by a Judge of this Court, to meet and confer and prepare a joint discovery plan as prescribed by Rule 26(f)...'	Bankruptcy Court General Order No. 20	
06	E.D. Tenn.	No explicit rejection of 26(a)(1)-(3) for adversary proceedings.	Opted out of 26(a)(1)-(3) for contested matters and proceedings under Bankruptcy Rule 1018, unless otherwise ordered.	No explicit rejection of rule for adversary proceedings. Rule inoperative due to non-implementation of 26(f) for contested matters and proceedings under Bankruptcy Rule 1018.	Opted out of 26(f) for contested matters and proceedings under Bankruptcy Rule 1018, unless otherwise ordered; no explicit rejection of rule for adversary proceedings.		Bankruptcy Court Standing Order No. 93-2	
06	M.D. Tenn.	No explicit rejection of 26(a)(2) & (3).	Opted out of 26(a)(1).	No explicit rejection of 26(d).	No explicit rejection of 26(f).	Uniform pretrial procedures in the Bankruptcy Court provide for prompt discovery; there is therefore no need to implement FRCP 26(a)(1).	District Court Administrative Order No. 127-2 adopted Local Rules 1.32(c) and 5.04	
06	W.D. Tenn.		Opted out of 26(a)(1)-(3), pending further study.	No explicit rejection. Inoperative due to non-implementation of 26(f).	Opted out of 26(f), pending further study.		Bankruptcy Court Misc. No. 93-2	Final decision pending completion of a study by a Local Rules and Forms Revision Committee.
07	C.D. Ill.		Opted out.	Opted out.	Opted out.		District Court Order, Misc. No. S-94-2; See also LR 2.10(A)	
07	N.D. Ill.	No explicit rejection of 26(a)(1)(C) & (D), 26(a)(2) & (3).	Opted out of 26(a)(1)(A) & (B) unless otherwise ordered.	No explicit rejection of 26(d). Inoperative due to non-implementation of 26(f).	Opted out of 26(f) unless otherwise ordered.		Bankruptcy Court General Order of April 8, 1994	
07	S.D. Ill.		Opted out.	Opted out.	Opted out.		Bankruptcy Court Order No. 1-94	
07	N.D. Ind.	In effect.		In effect.	In effect.		none	Court is studying the matter further. Some judges may be modifying the provisions of Rule 26 on a case-by-case basis due to the accelerated time line in bankruptcy matters.
07	S.D. Ind.						none	Clerk reports no action taken as of June 27, 1994.
07	E.D. Wis.		Not in effect at this time.	Not in effect at this time.	Not in effect at this time.		none	Court will study the matter further.
07	W.D. Wis.	No explicit rejection of 26(a)(2) & (3).	Opted out of 26(a)(1), unless otherwise ordered by the court.	No explicit rejection. Inoperative due to non-implementation of 26(f).	Opted out of 26(f), unless otherwise ordered by the court.		District Court General Order of Dec. 6, 1993	
08	E.D. Ark.	In effect.		In effect.	In effect.		none	Bankruptcy judges had not reached a decision regarding the Dec. 1993 amendments as of Aug. 1, 1994.
08	W.D. Ark.	In effect.		In effect.	In effect.		none	Bankruptcy judges had not reached a decision regarding the Dec. 1993 amendments as of Aug. 1, 1994.

Circuit	District	1 Provisions of FRCP 26(a)(1)-(3) that are in effect	2 Provisions of FRCP 26(a)(1)-(3) that are not in effect	3 FRCP 26(d) (Timing and Sequence of Discovery)	4 FRCP 26(f) (Meeting of Parties)	5 Other related requirements in effect	6 Bankruptcy or District Court Order or Local Rule, if any	7 Court has not yet made decision or has made only a provisional decision
08	N.D. Iowa	For adversary proceedings, Rules 26(a)(1)-(3) are in effect for cases where scheduling conferences are held after date of Bankruptcy Administrative Order 116 (Apr. 16, 1994). Timing of all Rule 26 disclosures determined by separate orders in each case. For contested matters, no explicit rejection of Rule 26(a)(2)(C).	Opted out of 26(a)(1) and 26(a)(2)(B) for contested matters.	Timing of all Rule 26 disclosures determined by separate orders in each case. Except as limited by FRCP 30(a), the parties may engage in discovery before the scheduling conference.	Opted out of 26(f) for contested matters. 26(f) in effect for adversary proceedings where scheduling conferences are held after date of Bankruptcy Administrative Order 116 (Apr. 14, 1994).	In contested matter proceedings, disclosure of identity of experts (Rule 26(a)(2)(A)) and pretrial disclosures (Rule 26(a)(3)) are made at the time of the exchange of exhibits as provided in Local Rule 12-D.	Bankruptcy Administrative Order 116	
08	S.D. Iowa	26(a)(2)(A) and 26(a)(3) in effect unless otherwise ordered in individual cases.	Opted out of 26(a)(1), 26(a)(2)(B) & (C) unless otherwise ordered in individual cases.	Opted out of 26(d).	26(f) in effect.	Court is amending local bankruptcy rules and does not adopt recent amendments to District Court rules dealing with discovery.	Bankruptcy Court Order of July 1, 1994; District Court Order-Misc. No. M1-33; District Court Order -Misc. No. M1-33(A)	Court will continue to apply current local bankruptcy rules until the local bankruptcy rules are amended.
08	D. Minn.		Opted out of 26(a)(1)-(3) for adversary and contested matters pursuant to amended Local Rule 1207.	Opted out of 29(d) for adversary and contested matters pursuant to amended Local Rule 1207.	Opted out of 26(f) for adversary and contested matters pursuant to amended Local Rule 1207.		Bankruptcy Court Order Misc. 94-401; amended Local Rule 1207	
08	E.D. Mo.	No explicit rejection of 26(a)(2) & (3).	Opted out of 26(a)(1) for adversary proceedings and contested matters, except to the extent stipulated to by the parties or as otherwise ordered by a judge.	No explicit rejection of 26(d).	No explicit rejection of 26(f).	Bankruptcy Court follows the District Court's CJRA plan, which opts out of 26(a)(1) thereby retaining the ability to decide the appropriate amount of disclosure and discovery on a case-by-case basis.	Bankruptcy Court Administrative Order of Dec. 7, 1993	
08	W.D. Mo.		Opted out of 26(a)(1)-(3) for adversary proceedings and contested matters, unless otherwise ordered in a particular action.	Opted out of 26(d) for adversary proceedings and contested matters, unless otherwise ordered in a particular action.	Opted out 26(f) for adversary proceedings and contested matters, unless otherwise ordered in a particular action.	L.B.R. 7.026 and 7.030.	Bankruptcy Local Rule 7.026	
08	D. N.D.	No explicit rejection of 26(a)(2)(A) & (B); further, no explicit rejection of provisions of 26(a)(2)(C) & 26(a)(3) dealing with matters other than timing.	Opted out of 26(a)(1) for adversary proceedings and contested matters and the timing requirements under 26(a)(2)(C) and 26(a)(3), except as otherwise provided by court order.	Opted out of 26(d).	Opted out of 26(f).		Bankruptcy Court Standing Order of March 17, 1994	
08	D. Neb.	26(a)(1)-(3) in effect for adversary matters commenced after March 1, 1994, unless otherwise ordered by the court.	Opted out of 26(a)(1)-(3) for contested matters, unless otherwise ordered by the court.	Opted out of 26(d) for contested matters and adversary proceedings, unless otherwise ordered by the court.	Opted out of 26(f) for contested matters and adversary proceedings, unless otherwise ordered by the court.	General Order 94-1 specifies that the disclosure required by 26(a)(1) shall be made within 45 days after the Answer is filed.	Bankruptcy Court General Order No. 94-1	
08	D. S.D.						none	Clerk reports no local rules, general orders, or standing orders as of Aug. 2, 1994.
09	D. Alaska	26(a)(1)-(3) in effect for adversary proceedings.	Implementation of 26(a)(1)-(3) delayed for contested matters until further order of the court; provisions may be implemented on a case-by-case basis.	26(d) in effect for adversary proceedings. Implementation of 26(d) on case-by-case basis for contested matters.	26(f) in effect for adversary proceedings. Implementation of 26(f) on case-by-case basis for contested matters.		Bankruptcy Court General Order 94-001	

Circuit	District	1 Provisions of FRCP 26(a)(1)-(3) that are in effect	2 Provisions of FRCP 26(a)(1)-(3) that are not in effect	3 FRCP 26(d) (Timing and Sequence of Discovery)	4 FRCP 26(f) (Meeting of Parties)	5 Other related requirements in effect	6 Bankruptcy or District Court Order or Local Rule, if any	7 Court has not yet made decision or has made only a provisional decision
09	D. Ariz.						none	Clerk reports no local rules, general orders, or standing orders as of June 24, 1994.
09	C.D. Cal.	No explicit deferment of 26(a)(2)(A) & (B).	Implementation of 26(a)(1), 26(a)(2)(C) & 26(a)(3) is deferred until Sept. 1, 1994, pending further study.	Implementation is deferred until Sept. 1, 1994, pending further study.	No explicit deferment of 26(f).		Bankruptcy Court General Order No. 94-02; District Court General Orders 339 and 339-A	District and Bankruptcy Courts and their Rules Committee will study the matter further.
09	E.D. Cal.	No explicit rejection of 26(a)(2)(A) & (C).	Opted out of 26(a)(1), 26(a)(2)(B) and 26(a)(3) unless otherwise ordered by the court in the specific adversary proceeding or contested matter.	Opted out of 26(d) unless otherwise ordered by the court in the specific adversary proceeding or contested matter.	Opted out of 26(f) unless otherwise ordered by the court in the specific adversary proceeding or contested matter.	Expert witness disclosure requirements performed in accordance with court order or FRCP 30, 33, & 34. Pre-trial disclosures pursuant to LBR 917 or court order.	Local Bankruptcy Rule 726	
09	N.D. Cal.		Opted out of 26(a)(1)-(3), unless otherwise ordered.	Opted out of 26(d), unless otherwise ordered.	Opted out of 26(f), unless otherwise ordered.		District Court General Order No. 39	
09	S.D. Cal.		Opted out of 26(a)(1)-(3) for contested matters and adversary proceedings.	Opted out of 26(d) for contested matters and adversary proceedings.	Opted out of 26(f) for contested matters and adversary proceedings.		District Court General Order No. 157	General Order will be superseded when revised local rules become effective.
09	D. Guam							
09	D. Haw.						none	Clerk reports no action taken by the court.
09	D. Idaho		Opted out of 26(a)(1)-(3) unless specifically ordered by Court. Local District Court Rule 26.2 regarding disclosure not applicable in contested matters or adversary proceedings unless specifically ordered by the Court.	No explicit rejection of 26(d). Inoperative due to non-implementation of 26(f). Local District Court Rule 26.2 regarding disclosure not applicable in contested matters or adversary proceedings unless specifically ordered by the Court.	Opted out of 26(f) unless specifically ordered by Court. Local District Court Rule 26.2 disclosure not applicable in contested matters or adversary proceedings unless specifically ordered by the Court.		Bankruptcy Court General Order No. 101	
09	D. N. Mar. I.		In effect.	In effect.	In effect.	All amendments to Rule 26 adopted in District Court's Local Rules and CJRA plan. Plan requires initial, expert, and pretrial disclosure similar to that required by amendments to the federal rule.	none	
09	D. Mont.	No explicit rejection of 26(a)(2) and (3).	Opted out of 26(a)(1) for contested matters and adversary proceedings.	Opted out of 26(d) for contested matters and adversary proceedings.	Opted out of 26(f) for contested matters and adversary proceedings.	Goals of Rule 26 amendments met by local rules. District Court CJRA plan permits pre-discovery disclosure under LBR 2(b) for adversary proceedings upon application of a party. The Court may order a pretrial conference under LBR 2(c) for complex cases.	Bankruptcy Court General Order 94-1	

Circuit	District	1 Provisions of FRCP 26(a)(1)-(3) that are in effect	2 Provisions of FRCP 26(a)(1)-(3) that are not in effect	3 FRCP 26(d) (Timing and Sequence of Discovery)	4 FRCP 26(f) (Meeting of Parties)	5 Other related requirements in effect	6 Bankruptcy or District Court Order or Local Rule, if any	7 Court has not yet made decision or has made only a provisional decision
09	D. Nev.	No explicit rejection of 26(a)(2)(A) & (C) and 26(a)(3)(A) & (C).	Opted out of 26(a)(1) and 26(a)(2)(B). 26(a)(3)(B) depositions modified.	No explicit rejection of 26(d). Inoperative due to non-implementation of 26(f).	Opted out of 26(f).	Discovery conducted in accordance with FRCP and local rules in effect before Dec. 1, 1993. Court order requires all deposition testimony to be recorded and offered in stenographic form.	Bankruptcy Court Administrative Order 93-1	Purpose of Administrative Order 93-1 is to establish interim procedures while Court analyzes December 1, 1993 FRCP amendments. Updated local rules of procedure were expected to be adopted by mid-Sept. 1994.
09	D. Or.	Application of 26(a)(1)-(3) for adversary proceedings determined by court at the initial pretrial conference.	Opted out of 26(a)(1)-(3) for contested matters.	Presumptive stay provided by 26(d) not applicable for contested matters; discovery may begin at any time. For adversary proceedings, no discovery before the pretrial conference; discovery may begin at time of determination by Court that 26(f) doesn't apply. If Court determines that 26(f) does apply, discovery begins after the parties have met and conferred.	Opted out of 26(f) for contested matters. For adversary proceedings, court determines applicability of 26(f) at the pretrial conference.	Disclosure of experts required for contested matters. See General Order No. 94-2, Section 1.1 (Disclosures/Contested Matters).	Bankruptcy Court General Order No. 94-2	
09	E.D. Wash.	26(a)(1)-(3) in effect for adversary proceedings filed on or after Nov. 1, 1994; in effect for any adversary proceedings filed before Nov. 1, 1994 and to any contested matter if specifically ordered by the judge.		26(d) in effect for adversary proceedings filed on or after Nov. 1, 1994; in effect for any adversary proceedings filed before Nov. 1, 1994 and to any contested matter if specifically ordered by the judge.	26(f) in effect for adversary proceedings filed on or after Nov. 1, 1994; in effect for any adversary proceedings filed before Nov. 1, 1994 and to any contested matter if specifically ordered by the judge.		District Court General Order of Dec. 11, 1993; Bankruptcy Court General Order No. 2 of Feb. 10, 1994 (effective date of Rules 26(a)(1)-(3), 26(d), and 26(f) delayed to allow court to further consider effect of amended rules); Bankruptcy Court Order dated Oct. 31, 1994	
09	W.D. Wash.	26(a)(3) in effect for all adversary proceedings and contested matters, unless otherwise ordered by presiding judge in the case, except 26(a)(3) disclosure schedule superseded by alternate schedule found in Local Rule CR 16(h) and (i); 26(a)(2)(A) & (C) in effect.	Opted out of 26(a)(1) and 26(a)(2)(B) for adversary proceedings and contested matters, unless otherwise ordered by presiding judge in the case.	Opted out of 26(d), unless otherwise ordered by presiding judge in the case.	District Court General Order provides that 'The parties, may, but are not required to, conduct a preliminary meeting as described in Fed. R. Civ. P. 26(f).'	26(a)(3) disclosure schedule superseded by alternate schedule found in Local Rule CR 16(h) and (i).	Bankruptcy Court General Order 94-01	Final decision awaits approval of proposed local rules.
10	D. Colo.	No explicit rejection of 26(a)(1)-(3) for adversary proceedings.	Opted out of 26(a)(1)-(3) for contested matters, except as otherwise ordered.	Opted out of 26(d) for contested matters, except as otherwise ordered. No explicit rejection of provision for adversary proceedings.	Opted out of 26(f) for contested matters, except as otherwise ordered. No explicit rejection of provision for adversary proceedings.		Bankruptcy Court General Procedural Order No. 1994-2	

Circuit	District	1 Provisions of FRCP 26(a)(1)-(3) that are in effect	2 Provisions of FRCP 26(a)(1)-(3) that are not in effect	3 FRCP 26(d) (Timing and Sequence of Discovery)	4 FRCP 26(f) (Meeting of Parties)	5 Other related requirements in effect	6 Bankruptcy or District Court Order or Local Rule, if any	7 Court has not yet made decision or has made only a provisional decision
10	D. Kan.	No explicit rejection of 26(a)(1)-(3) for adversary proceedings.	Opted out of 26(a)(1)-(3) for contested matters, except as specifically ordered by the judge presiding over a particular matter.	Opted out of 26(d) for contested matters, except as specifically ordered by the judge presiding over a particular matter. No explicit rejection of rule for adversary proceedings.	Opted out of 26(f) for contested matters, except as specifically ordered by the judge presiding over a particular matter. For adversary proceedings, see Attachment to Bankruptcy Court's Standing Order No. 94-2 (relative to Topeka) specifying a requirement that counsel confer not later than 14 days before the date of the pretrial scheduling conference.		Bankruptcy Court Standing Order No. 94-2	
10	D. N.M.		Opted out of 26(a)(1) for contested matters and adversary proceedings unless ordered otherwise by the judge in a particular case. Opted out of 26(a)(2) & (3) for contested matters. 26(a)(2) & (3) timing requirements established by court order in each adversary proceeding.	Opted out of discovery deferment in 26(d) for contested and adversary matters unless ordered by a judge. No rejection of provision regarding sequence of discovery.	Opted out of 26(f) for contested and adversary matters unless ordered by presiding judge.		Local Bankruptcy Rule 6.1	
10	E.D. Okla.	No explicit rejection of 26(a)(2) & (3).	Opted out of 26(a)(1).	No explicit rejection of 26(d). Inoperative due to non-implementation of 26(f).	Opted out of 26(f).	Local rules and procedures, rather than Rule 26 disclosure provisions, govern adversary proceedings (BR 7001) and contested matters (BR 9014).	Bankruptcy Court MISC-18	
10	N.D. Okla.		26(a)(1)-(3) not operative in adversary proceedings or contested matters in cases pending under the Bankruptcy Code.	No explicit rejection of 26(d).	No explicit rejection of 26(f).		Bankruptcy Court Misc. Order No. 72	Court plans to amend Misc. Order No. 72.
10	W.D. Okla.	No explicit rejection of 26(a)(2) & (3).	Opted out of 26(a)(1).	Opted out of 26(d).	Opted out of 26(f).	Local Rule 20(a)-(c) authorizes court to manage discovery matters in scheduling order. Local Rule 20(c) requires meeting of the parties prior to scheduling conference.	Local Bankruptcy Rule 20	

Circuit	District	1 Provisions of FRCP 26(a)(1)-(3) that are in effect	2 Provisions of FRCP 26(a)(1)-(3) that are not in effect	3 FRCP 26(d) (Timing and Sequence of Discovery)	4 FRCP 26(f) (Meeting of Parties)	5 Other related requirements in effect	6 Bankruptcy or District Court Order or Local Rule, if any	7 Court has not yet made decision or has made only a provisional decision
10	D. Utah	26(a)(1)-(3) in effect for adversary proceedings filed after Apr. 4, 1994.	Opted out of 26(a)(1)-(3) for contested matters unless requested by a party or ordered by the court on a case-by-case basis.	Opted out of 26(d) for contested matters unless requested by a party or ordered by the court on a case-by-case basis. 26(d) in effect for adversary proceedings. Rule 26(d) time requirements varied as follows: pursuant to Fed.R.Civ.P. 26(f) and Federal Rule of Bankruptcy Procedure 7026, the parties shall meet and confer at least 14 days prior to the initial pretrial conference and shall file with the court 10 days thereafter, a report of parties' planning meeting.	Opted out of 26(f) for contested matters unless requested by a party or ordered by the court on a case-by-case basis. 26(f) in effect for adversary proceedings.		Bankruptcy Court Standing Order No. 5	
10	D. Wyo.	Pursuant to Local Bankruptcy Rule 726, Rule 26(a)(1)-(3) in effect for adversary proceedings.	Opted out of 26(a) for contested matters, except as may be otherwise ordered by the court.	Opted out of 26(d) for contested matters. Pursuant to Local Bankruptcy Rule 726, Rule 26(d) in effect for adversary proceedings.	Opted out of 26(f) for contested matters. Pursuant to Local Bankruptcy Rule 726, Rule 26(f) in effect for adversary proceedings.	L.B.R. 726 and 726.1.	General Order 11	
11	M.D. Ala.	Pursuant to Bankruptcy Rule 7026, judges enter orders in each adversary proceeding directing applicability of Rule 26 discovery provision for that particular case.		Pursuant to Bankruptcy Rule 7026, judges enter orders in each adversary proceeding directing applicability of Rule 26 discovery provision for that particular case.	Pursuant to Bankruptcy Rule 7026, judges enter orders in each adversary proceeding directing applicability of Rule 26 discovery provision for that particular case.		none	
11	N.D. Ala.	Pursuant to Local Rules 102 and LR 26.1, 26(a)(3) in effect but time limits in FRCP 26(a)(3) are shortened. Disclosure time frame shortened from 30 to 7 days before trial. Time frame for objections filed thereafter shortened from 14 to 3 days.	Opted out of 26(a)(1) unless in a particular case a Bankruptcy Court Judge so directs, or upon written stipulation of the parties. Time limits in Local District Court Rule 26(a)(1) are shortened from '20 days' to '10 days', and from '30 days' to '10 days', respectively. Opted out of 26(a)(2) unless in a particular case, a Bankruptcy Court Judge so directs, or upon written stipulation of the parties, then the time limits in District Court Rule 26(a)(2) are shortened from '90 days' to 30 days', respectively, and from '30 days' to '10 days', respectively.	Not in effect unless in a particular case, a Bankruptcy Court Judge so directs, or upon written stipulation of the parties. If LR 26(d) is adopted in a particular case, then the times in LR 26(d)(2) are shortened from '45 days' to '15 days', respectively, and '14 days' to '3 days', respectively.	In effect. (Adopted District Court local rules and there is no explicit rejection by the District Court.)		none	
11	S.D. Ala.	No explicit rejection of 26(a)(2) & (3).	Opted out of 26(a)(1) for cases filed under Part VII, FRBP, unless the court orders otherwise upon its own motion or on a motion filed by a party.	No explicit rejection of 26(d).	No explicit rejection of 26(f).		Bankruptcy Court Local General Order No. 2	

Circuit	District	1 Provisions of FRCP 26(a)(1)-(3) that are in effect	2 Provisions of FRCP 26(a)(1)-(3) that are not in effect	3 FRCP 26(d) (Timing and Sequence of Discovery)	4 FRCP 26(f) (Meeting of Parties)	5 Other related requirements in effect	6 Bankruptcy or District Court Order or Local Rule, if any	7 Court has not yet made decision or has made only a provisional decision
11	M.D. Fla.		Opted out of 26(a)(1)-(3), unless ordered by the judge in the case or by further order of the court.	No explicit rejection of 26(d). Inoperative due to non-implementation of 26(f).	Opted out of 26(f), unless ordered by the judge in the case or by further order of the court.		Bankruptcy Court General Order No. 94-003-MIS-TPA	Court and local rules advisory committee will study the matter further.
11	N.D. Fla.	No explicit rejection of 26(a)(1)-(3) for adversary procedures.	Opted out of 26(a)(1)-(3) for contested matters unless specifically ordered by the court.	Opted out for contested matters unless specifically ordered by the court. No explicit rejection of 26(d) for adversary proceedings.	Opted out of 26(f) for contested matters unless specifically ordered by the court. No explicit rejection of 26(f) for adversary proceedings.		Bankruptcy Court Standing Order No. 7	
11	S.D. Fla.		Pursuant to Local Rule 726 (Discovery), FRCP 26(a) applicable only to the extent set forth in the pretrial order.	26(d) applicable only to the extent set forth in the pretrial order.	26(f) applicable only to the extent set forth in the pretrial order.		none	
11	M.D. Ga.		26(a)(1)-(3) in effect to the extent that the court enforces a party's motion.	26(d) in effect to the extent that the court enforces a party's motion.	26(f) in effect only to the extent that the court enforces a party's motion.		none	Bankruptcy Court will study the matter further.
11	N.D. Ga.	No explicit rejection of 26(a)(2) & (3) for adversary proceedings or contested matters.	Opted out of 26(a)(1) except as may be agreed by the parties or as ordered by the judge in a specific adversary proceeding or contested matter.	Opted out of 26(d) except as may be agreed by the parties or as ordered by the judge in a specific adversary proceeding or contested matter.	Opted out of 26(f) except as ordered by the judge. 26(f) conference encouraged but not obligatory.		Bankruptcy Court General Order of May 13, 1994	
11	S.D. Ga.	No explicit rejection of 26(a)(2) & (3).	Opted out of 26(a)(1).	Opted out.	Opted out.		Local Bankruptcy Rule 401 incorporating Local District Court Rule 26.1	