

Implementation of the Disclosure Provisions in Federal Rule Civil Procedure 26 by the United States Bankruptcy Courts

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Fed. R. Civ. P. 26(a), as amended December 1, 1993, required the disclosure of certain information without awaiting a formal discovery request and amended Fed. R. Civ. P. 26(d) and (f) provided 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. (See the attached description of the amendments.) Fed. R. Bankr. P. 7026 made Fed. R. Civ. P. 26 applicable to adversary proceedings and by virtue of Fed. R. Bankr. P. 9014, it is applicable to contested matters unless the courts otherwise direct.

A significant feature of Civil Rule 26, as amended in 1993, was the option given to courts to exempt all cases or categories of cases from some or all of the rule's requirements. In 1994-95, the Federal Judicial Center summarized whether United States Bankruptcy Courts had opted out of the provisions and presented that information to the Advisory Committee on Bankruptcy Rules.

Findings of the 1994-1995 FJC Study

We found that many courts had modified the national discovery rules for bankruptcy practice in their districts and that other courts were likely to do so in the future. Specifically, at the time of our 1995 report, we found that 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 were not enforcing 26(a)(1), 26(a)(2)-(3), and 26(f) although they had not formally opted out of the provisions. Also, a number of courts had opted out of only subparts of the provisions.

In addition, and not surprisingly, even more courts had opted out of the amended rule provisions for contested matters. 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 with adversary proceedings, other courts were not enforcing 26(a)(1), 26(a)(2)-(3), and 26(f) for contested matters although they had not formally opted out of the provisions. And again, a number of courts had opted out of only subparts of the provisions.

The 2000 Amendments

A number of amendments to the 1993 disclosure requirements took effect on December 1, 2000. The amendments narrow the scope of the initial disclosure

obligation under 26(a)(1) to cover only information that the disclosing party may use to support its position. They also remove the authority to “opt out” of or modify this requirement by local rule or standing order. At the same time, they exclude specified categories of proceedings from the initial disclosure requirements, and permit any party to object that disclosure is not appropriate for the action and thereby submit to the court the question of whether disclosure should occur. The changes also provide for disclosure by added parties and make a slight change in the timing of initial disclosures. In addition, the amendments remove the present authority to exempt cases by local rule from the moratorium on discovery before the Rule 26(f) conference, but exempt from that moratorium the categories of proceedings exempt from initial disclosure.

During the public comment period, Bankruptcy Judge Louise De Carl Adler noted that many bankruptcy courts have opted out of the disclosure provisions. She questioned whether the elimination of the opt-out authority would now make bankruptcy court litigation subject to the disclosure requirements, and whether bankruptcy court litigation fell within the exempt category of “a proceeding ancillary to proceedings in other courts.” In response, the Civil Rules Advisory Committee added language to the Note accompanying the amendments indicating that bankruptcy proceedings do not fall within that exemption and that “application of the Civil Rules to bankruptcy proceedings is determined by the Bankruptcy Rules.”

At issue is whether the status quo in the bankruptcy courts can be maintained without amendments to the Federal Rules of Bankruptcy Procedure. Currently, Bankruptcy Rule 7026 makes Civil Rule 26 applicable without modification to adversary proceedings, and Bankruptcy Rule 9014 makes it applicable to contested matters, unless otherwise ordered. Bankruptcy Rule 9032 states that civil rules which are incorporated by reference shall be the civil rules “in effect on the effective date of these rules and as thereafter amended, unless otherwise provided by such amendment or by these rules.” The current version of Civil Rule 26 is thus the rule incorporated by reference into the Bankruptcy Rules, and it no longer allows district-wide opt-out. Bankruptcy courts can still order under Bankruptcy Rule 9014 that Civil Rule 26 (and presumably parts thereof) does not apply to contested matters, but they can not now opt out of the disclosure and meeting provisions for adversary proceedings.

Update of the FJC Study

To help assess the effect this change will have for the bankruptcy courts, we collected updated information from the courts during the summer of 2000.¹ This information is set out in the attached chart, which identifies districts that have:

¹ We asked each bankruptcy clerk to review for accuracy the information for his or her district that we had on file from the 94-95 study, and to send us update local rules and general orders. Nearly all districts complied; for others we relied on published local rules.

- “opted out” of some or all of the disclosure provisions;
- implemented the disclosure provisions differently for adversary proceedings and contested matters;
- issued a court order or adopted a local rule on the disclosure provisions.

It also summarizes other discovery-related requirements in effect in the districts to the extent we were provided that information. Appendix A to this document describes the disclosure provisions of Fed. R. Civ. P. 26, prior to its December 1, 2000 amendment, and Appendix B explains how to use the attached chart to understand bankruptcy courts’ responses to the disclosure requirements of prior Fed. R. Civ. P. 26.

Some technicalities and nuances may have been lost in compilation of the chart. Thus, it 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 the chart nor cite it as legal authority.**

Summary of Findings of the Updated Study

Nearly all bankruptcy courts have adopted a local rule (67 courts), issued a general order (23 courts), or both adopted a rule and issued an order (two courts) modifying the national disclosure provisions in effect prior to December 1, 2000.

The majority of courts (62) reacted to the disclosure provisions in the same way for adversary proceedings and for contested matters. For example, the:

- District of Massachusetts opted out of 26(a)(1)-(3), (d), and (f) for both adversary proceedings and contested matters.
- District of Connecticut opted out of 26(a)(1)-(3) but not 26(d) and (f) for both adversary proceedings and contested matters.
- Northern District of Ohio reported that the amended provisions were in effect, without differentiating between adversary proceedings and contested matters.

Conversely, the responses of 30 courts to the amended rules were different for contested matters than for adversary proceedings. For example, the:

- District of District of Columbia opted out of 26(a)(1-3) for contested matters but only 26(a)(1) for adversary proceedings.
- District of Vermont opted out of 26(a)(1)-(3), (d), and (f) for contested

matters but not for adversary proceedings.

Tables 1 and 2 summarize whether or not the disclosure provisions of amended Rule 26 were in effect in the bankruptcy courts as of November 30, 2000.

For adversary proceedings, Rule 26(a)(1) was not in effect in over two-thirds of the districts — 62 courts had opted out of 26(a)(1) for adversary proceedings by general order or local rule, 2 had opted out in part, and another 2 reported the provision was not in effect but had no related order or local rule (see rows 1, 2, and 3 of Table 1). Conversely, 26(a)(1) was clearly in effect for adversary proceedings in only 20 districts, although two additional opt-out courts had adopted disclosure provisions by local rule, and four other courts had changed the national provisions somewhat but retained their basics (see rows 4, 5, and 6 of Table 1).

Rule 26(a)(1) was in effect for contested matters in even fewer districts — just seven (or nine, if districts that had opted out and adopted similar provisions by local rule are included). Seventy-five courts had opted out of 26(a)(1) for contested matters by general order or local rule, 1 had opted out in part, and 2 reported the provision was not in effect but had no related order or local rule. Another five courts 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. Because it seems unlikely that the provisions would be enforced for contested matters and not for adversary proceedings, we counted these districts among those that had opted out.

The districts' pattern of response to Rule 26(f) for adversary proceedings and contested matters was similar to that for Rule 26(a)(1) but somewhat fewer districts opted out of the provision. (See the third column of Tables 1 and 2).

Comparatively more districts embraced the disclosure provisions of 26(a)(2)-(3). These provisions were in effect for adversary proceedings in 40 districts (or 55 districts if one includes opt-court courts that had adopted similar disclosure provisions by local rule, and courts that had changed the national provisions somewhat but retained their basics). They were in effect for contested matters in fewer districts — 26 (or 35 if one includes opt-court courts that had adopted similar disclosure provisions by local rule, and courts that had changed the national provisions somewhat but retained their basics).

These results clearly demonstrate that courts have opted out of and otherwise modified the disclosure provisions of Rule 26 for adversary proceedings and, to a lesser degree, for contested matters. If the amendments effective December 1, 2000 rendered the opt-outs for adversary proceedings void, bankruptcy practice across the country may change in significant ways.

Table 1**Bankruptcy Courts' Responses to Rule 26
Disclosure Provisions for Adversary Proceedings**

| | 26(a)(1) | 26(a)(2-3) | 26(f) |
|--|-----------|------------|-----------|
| Opted out by general order or local rule | 62 | 29 | 50 |
| Reported provision was not in effect but did not adopt local rule or issue general order to that effect | 2 | 2 | 2 |
| Opted out in part by general order or local rule (e.g., opt in or out only for certain proceedings; opt out only of part of provision) | 2 | 6 | 2 |
| Opted out but adopted similar provision by local rule | 2 | 2 | 3 |
| In Effect | 20 | 40 | 31 |
| In effect but provisions somewhat changed by general order or local rule | 4 | 13 | 4 |
| Under study | 1 | 1 | 1 |
| Missing information | 1 | 1 | 1 |
| Total Districts | 94 | 94 | 94 |

Table 2**Bankruptcy Courts' Responses to Rule 26
Disclosure Provisions for Contested Matters**

| | 26(a)(1) | 26(a)(2-3) | 26(f) |
|--|-----------|------------|-----------|
| Opted out by general order or local rule | 75 | 46 | 63 |
| Reported provision was not in effect but did not adopt local rule or issue general order to that effect | 2 | 2 | 2 |
| Opted out in part by general order or local rule (e.g., opt in or out only for certain proceedings; opt out only of part of provision) | 1 | 7 | 1 |
| Opted out but adopted similar provision by local rule | 2 | 2 | 3 |
| Did not opt out for contested matters by general order or rule but did opt out for adversary proceeding | 5 | 2 | 4 |
| In effect/no explicit rejection | 7 | 26 | 18 |
| In effect but provisions somewhat changed by general order or local | 0 | 7 | 1 |
| Under study | 1 | 1 | 1 |
| Missing information | 1 | 1 | 1 |
| Total Districts | 94 | 94 | 94 |

Appendix A

Description of Disclosure Provisions in Fed. R. Civ. P. 26 in its pre-Dec. 1, 2000 version

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.

Appendix B

Using the Attached Chart to Understand Bankruptcy Courts' Responses to the Disclosure Provisions of Prior Federal Rule of Civil Procedure 26

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.

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

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REVISED TABLE

| 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 ¹ | D. D.C. | 26(a)(2) & (3) are in effect for adversary proceedings. | Opted out of 26(a)(1) for adversary proceedings, and 26(a)(1)-(3) for contested matters, unless otherwise ordered. | Opted out of 26(d) for adversary proceedings and contested matters, unless otherwise ordered. | In effect. | | Local Bankruptcy Court Rule 7026-1. | |

¹ 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 1993 federal rule amendments and from discussions with bankruptcy and district court clerks and other court staff. It reports practices of the courts prior to the December 1, 2000 amendments to Fed. Civ. R. 26. The table should not be cited as legal authority or substituted for a careful examination of federal or local rules and court orders. This table is a revision of the one presented to the Advisory Committee on Bankruptcy Rules at its meeting on September 21, 1994. Naomi Medvin and F. James Kearney helped prepare that table and the accompanying report.

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 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.

| 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 |
|---------|----------|---|--|---|---|---|--|--|
| 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. | L.B.R. 7026-1(b) requires automatic disclosure similar to 26(a)(1)(A), & (B) within 30 days of filing an answer or denial of a motion to dismiss a complaint or after the Court orders the application of Part VII off the FRBP in a contested matter. Disclosure of expert testimony follows 26(a)(2)(B) except that experts only need to list cases in the past two years in which they have testified. | Local Bankruptcy Court Rule 7026-1. | |

| 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 |
|---------|----------|--|---|--|--|--|--|--|
| 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 Court Rule 7026-1. | |
| 01 | D. N.H. | 26(a)(2)(A) & (B) when ordered by the court or if the court has not established the time for disclosure at the time set by 26(a)(3). 26(a)(3) in effect when such disclosure is mandated by 7016-2 | Opted out of 26(a)(1), unless otherwise ordered. | 26(d) in effect. | 26(f) in effect except parties should meet “as soon as practical” (rather than “at least 14 days”) before the preliminary pretrial conference. 26(f) not in effect for pro se cases. | | Local Bankruptcy Court Rule 7026-1. | |

| 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 |
|---------|-----------|---|---|--|--|---|--|---|
| 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. | 26(a)(2) & (3) in adversary proceedings shall be made in the joint pre-trial order filed pursuant to 7016-1. No explicit rejection for contested matters. | Opted out of 26(a)(1) for adversary proceedings. No explicit rejection for contested matters. | No explicit rejection of 26(d). Inoperative in adversary proceedings due to non-implementation of 26(f). | Opted out for adversary proceedings. No explicit rejection for contested matters. | | Local Bankruptcy Court Rule 7026-1. | |
| 02 | D. Conn. | 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). | | Local Civil Rule 37. | |
| 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. |

| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---------|-----------|--|---|---|---|--------------------------------------|--|---|
| Circuit | District | Provisions of FRCP 26(a)(1)-(3) that are in effect | Provisions of FRCP 26(a)(1)-(3) that are not in effect | FRCP 26(d) (Timing and Sequence of Discovery) | FRCP 26(f) (Meeting of Parties) | Other related requirements in effect | Bankruptcy or District Court Order or Local Rule, if any | Court has not yet made decision or has made only a provisional decision |
| 02 | N.D. N.Y. | | Opted out of 26(a)(1)-(3) for adversary proceedings and contested matters unless otherwise ordered in a given proceeding. | Opted out of 26(d) for adversary proceedings and contested matters unless otherwise ordered in a given proceeding. | Opted out of 26(f) for adversary proceedings and contested matters unless otherwise ordered by the court. | | Local Bankruptcy Court Rule 7026-1. | |
| 02 | S.D. N.Y. | No explicit rejection of 26(a)(2) & (3). | Opted out of 26(a)(1) for bankruptcy cases and proceedings. | Opted out of deferral of disclosure requirement for bankruptcy cases and proceedings. Inoperative due to non-implementation of 26(f). | Opted out for bankruptcy cases and proceedings. | | Local Bankruptcy Court Rule 7026-2 and Civil Rule 26.4. | |

| 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 | 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. | Local Bankruptcy Court Rule 7026. | |
| 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. | 26(a)(1) - (3) appear to be in effect. | | 26(d) appears to be in effect. | 26(f) appears to be in effect. | | Local District Court Rules 5.4 and 16.2. | |
| 03 | D. N.J. | 26(a)(1)-(3) are in effect, in the discretion of the court. | | No explicit rejection of 26(d). | In effect, in the discretion of the court. | | Local Bankruptcy Court Rule 7026-1 & Civil Rule 26.1 | |

| 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 |
|---------|----------|--|---|--|---|---|--|--|
| 03 | E.D. Pa. | | 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. | | Local Bankruptcy Court Rule 7026-1. | |
| 03 | M.D. Pa. | No explicit rejection of 26(a)(1)-(3) for contested matters. | Opted out of 26(a)(1)-(3) for adversary proceedings, unless requested by counsel. | No explicit rejection of 26(d). Inoperative for adversary proceedings due to non- implementation of 26(f). | Opted out of 26(f) for adversary proceedings. No explicit rejection of 26(f) for contested matters. | | Local Bankruptcy Rule 7026. | |
| 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) | |

| 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 | D. V.I. | | | | | | | A study committee appointed by the Chief Judge is reviewing amendments to make recommendations for implementation and proposed local rule changes to the court. We were unable to update this information in 2000. |
| 04 | D. Md. | No explicit rejection of 26(a)(2) and 26(a)(3) for adversary proceedings and contested matters. 26(a)(1) in effect 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. | | Local Bankruptcy Court Rule 7026-1. | |

| 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 |
|---------|-----------|--|--|---|--|--|--|--|
| 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)(2) & (3) for adversarial proceedings and contested matters. | Opted out of 26(a)(1) for adversarial proceedings and contested matters. | No explicit rejection of 26(d). | No explicit rejection of 26(f). | | Local Bankruptcy Court Rule 7026-1. | |

| 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 |
|---------|-----------|---|--|---|--|--|--|--|
| 04 | W.D. N.C. | 26(a)(1)-(3) in effect for adversarial proceedings to recover money or property having a value greater than \$75,000. | 26(a)(1)-(3) does not apply to contested matters, unless otherwise ordered. | 26(d) applicable if 26(f) applies. | 26(f) applicable for any adversary proceeding to recover money or property having a value greater than \$75,000. 26(f) not applicable for contested matters, unless otherwise ordered. | | Local Bankruptcy Court Rule 7026-1. | |
| 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 of 26(d). 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. | Requirements of 26(a)(3) deemed met if the parties provide that information in the Joint Pretrial Order. | Local Bankruptcy Court Rule 7026-1. | |

| 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 |
|---------|-------------|---|--|---|--|---|---|--|
| 04 | E.D. Va. | 26(a)(2) in effect for adversary proceedings and contested matters, but timing is controlled by local rule. 26(a)(3) in effect. | Opted out of 26(a)(1). | Opted out of 26(d). | Opted out of 26(f). | | Local Bankruptcy Court Rule 7026-1. | |
| 04 | W.D. Va. | No explicit rejection of 26(a)(2)-(3). | Opted out of 26(a)(1). | Opted out of 26(d). | No explicit rejection of 26(f). | | Local Bankruptcy Court Rule 7026-1. | |
| 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 | |

| 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 | 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. | 26(a)(2) & (3) in effect; timing shall be as directed by the court. | Opted out of 26(a)(1). | Opted out. | Opted out. | | Local Bankruptcy Court Rule 7026-1. | |

| 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 |
|---------|------------|---|--|---|--|---|--|--|
| 05 | M.D. La. | 26(a)(2) & (3) in effect; timing shall be as directed by the court. | Opted out of 26(a)(1). | In effect. | In effect. | | Local Civil Rule 26. | |
| 05 | W.D. La. | 26(a)(2) & (3) in effect for adversary proceedings. | Opted out of 26(a)(1) for adversary proceedings and 26(a)(1)-(3) for contested matters, unless ordered by the court or agreed to by stipulation of parties . | Inoperative in contested matters due to non-implementation of 26(f). In effect for adversary proceedings. | Opted out of 26(f), unless ordered by the court or agreed to by stipulation of parties for contested matters. 26(f) in effect for adversary proceedings. | | Bankruptcy Court Local Rule 5003-2 & 9013-1. Local District Court Rules 26 & 83.4. | |
| 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. | Also opted out of 26(a)(4). | 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. | Also opted out of 26(a)(4). | Bankruptcy Court Internal Operating Order of Jan. 10, 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 |
|---------|-----------|--|--|---|---|---|--|--|
| 05 | E.D. Tex. | | Opted out of 26(a)(1)-(3), unless otherwise ordered by the court. | No explicit rejection of 26(d). | No explicit rejection of 26(f). | | Local Bankruptcy Court Rule 7026 | |
| 05 | N.D. Tex. | No explicit rejection of 26(a)(2)(A) & (B) and 26(a)(3) for adversary proceedings. | Opted out of 26(a) for contested matters. For adversary proceedings 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 and adversary proceedings. | Opted out of 26(f) for contested matters and adversary proceedings. | | Bankruptcy Court Standing Order No. 94-2. | |

| 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 |
|---------|-----------|--|--|---|--|---|--|--|
| 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. | 26(a)(1)-(3) in effect for adversary proceedings; disclosures must be within 10 days after entry of scheduling order. | 26(a)(1)-(3) are not in effect for contested matters. | 26(d) in effect for adversary proceedings, although 26(f) can be waived; local rules says parties can't seek discovery until a scheduling order is entered. | 26(f) in effect for adversary proceedings, unless parties agree to waive. Not in effect for contested matters. | | District Court Local Rules and Bank. Local Rules 7016 and 7026. | The local rules have not been published yet, but expect them to be incorporated into the revised District Court Local Rules. |

| 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 | E.D. Ky. | | Opted out of 26(a)(1)-(3) for adversary proceedings and contested matters unless otherwise ordered by the court. | No explicit rejection of 26(d) but rule inoperative due to non-implementation of 26(f). | Opted out of 26(f) for adversary proceedings and contested matters unless otherwise ordered by the court. | | Local Bankruptcy Court Rule 7026-1. | |
| 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. | | Local Bankruptcy Court Rule 7026-1. | |

| 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 |
|---------|------------|--|---|--|---|---|--|--|
| 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. | | Local Bankruptcy Court Rule 7026. | |
| 06 | N.D. Ohio | In effect. | | In effect. | In effect. | | Local Bankruptcy Rule 7026-1. | |
| 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. | Local Bankruptcy Court Rule 7026-1 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)'. | | Local Bankruptcy Court Rule 7026-1. | |

| 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 |
|---------|------------|--|---|--|---|--|--|--|
| 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. | | Local Bankruptcy Court Rule 7026-1 | |
| 06 | M.D. Tenn. | | Opted out of 26(a)(1)-(3) for adversary proceedings and contested matters. | Opted out for adversary proceedings and contested matters. | Opted out for adversary proceedings and contested matters. | Uniform pretrial procedures in the Bankruptcy Court provide for prompt discovery; there is therefore no need to implement FRCP 26(a)(1). | Local Bankruptcy Rule 5.01. | |

| 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 | 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. | No explicit rejection of 26(d); inoperative due to non- implementation of 26(f). | Opted out. | | Local District Court Rules 26.2 & 16.2. | |
| 07 | N.D. Ill. | No explicit rejection 26(a)(2) & (3) for adversary proceedings and contested matters. | Opted out of 26(a)(1) unless otherwise ordered for adversary proceedings and contested matters. | Opted out of 26(d) unless otherwise ordered for adversary proceedings and contested matters. | Opted out of 26(f) unless otherwise ordered for adversary proceedings and contested matters. | | Local Bankruptcy Court Rule 423. | |
| 07 | S.D. Ill. | | Opted out. | Opted out. | Opted out. | | Bankruptcy Court Order No. 1-94 | |

| 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 |
|---------|-----------|--|--|---|---|---|--|--|
| 07 | N.D. Ind. | 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 or agreed by parties. | No explicit rejection of 26(d) for adversary proceedings. Inoperative due to non-implementation of 26(f) for contested matters. | Opted out of 26(f) for contested matters, except as otherwise ordered or agreed by parties. No explicit rejection of 26(f) for adversary proceedings. | | General Order No. 94-2. | |
| 07 | S.D. Ind. | No explicit rejection of 26(a)(2) & (3). | Opted out 26(a)(1). | Opted out. | Opted out. | | District Local Rule 26.3 | |
| 07 | E.D. Wis. | | Opted out. | Opted out. | Opted out. | | District Court Order of Jan. 7, 1994. | |
| 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. | | 26(a)(1)-(3) are not in effect unless otherwise ordered or agreed to by parties. | Opted out. | Opted out although parties are encouraged to confer. | Also opted out of 26(a)(4). | Local Bankruptcy Court Rule 7026-1 | |

| 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 |
|---------|-----------|---|--|--|--|--|--|--|
| 08 | W.D. Ark. | | 26(a)(1)-(3) are not in effect unless otherwise ordered or agreed to by parties. | Opted out. | Opted out although parties are encouraged to confer. | Also opted out of 26(a)(4). | Local Bankruptcy Court Rule 7026-1 | |
| 08 | N.D. Iowa | For adversary proceedings, Rules 26(a)(1)-(3) are in effect for cases where scheduling conferences are held. Timing of all Rule 26 disclosures determined by separate orders in each case. For contested matters 26(a)(2)(A) & 26(a)(3) in effect with timing controlled by local rule. | 26(a)(1) & 26(a)(2)(B) not in effect 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. | 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 9070 1(d). | Local Bankruptcy Court Rule 7026-1 & 9014-1. | |

| 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 |
|---------|-----------|--|--|---|---|---|--|---|
| 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 proceedings and contested matters. | 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. | Local Rule 7037-1. | Local Bankruptcy Court Rule 7026-1 | |
| 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 | |

| 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 | W.D. Mo. | No explicit rejection of 26(a)(1)-(3) for contested matters. | Opted out of 26(a)(1)-(3) for adversary proceedings, unless otherwise ordered in a particular action. | Opted out. | Opted out 26(f) for adversary proceedings, unless otherwise ordered in a particular action. No explicit rejection of 26(f) for contested matters. | | Bankruptcy Local Rule 7026-1. | |
| 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). | Opted out of 26(d). | Opted out of 26(f). | | Local Bankruptcy Court Rule 7026-1 | |
| 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 | |

| 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 | D. S.D. | Presumably all in effect. | | Presumably in effect. | Presumably in effect. | | none | Clerk reports no local rules, general orders, or standing orders as of Mar. 29, 2000. |
| 09 | D. Alaska | 26(a)(1)-(3) in effect for adversary proceedings. 26(a)(1) & (2) in effect for contested matters involving motions for: relief of stay; sale of estate property; and to assume, reject or assign executory contracts or unexpired leases. 26(a)(3) applicable in trials and hearings pursuant to Local Bankruptcy Rule 9075-1(e). | | 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. | | Local Bankruptcy Rule 7026-1 and 9075-1. | |

| 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. Ariz. | 26(a)(1)-(3) in effect for adversary proceedings. No explicit rejection of 26(a)(2) & (3) for contested matters. | Opted out of 26(a)(1) for contested matters. | 26(d) in effect for adversary proceedings. 26(d) not in effect for contested matters. | 26(f) in effect for adversary proceedings. 26(f) not in effect for contested matters. | Also opted out of 26(a), 26(d), 26(f) for contested involuntary petitions. | Bankruptcy Court General Order No. 59. | |
| 09 | C.D. Cal. | 26(a)(2)(C) is in effect. No explicit rejection of 26(a)(2)(A) & (B). | Opted out of 26(a)(1) & (3). | Opted out. | Opted out. | | Bankruptcy Court General Order No. 94-05; District Court General Order 339-C | |
| 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 9017 or court order. | Local Bankruptcy Court Rule 7026-1. | |
| 09 | N.D. Cal. | | Opted out of 26(a)(1)-(3) in adversary proceedings and contested matters, unless otherwise ordered. | Opted out of 26(d) in adversary proceedings and contested matters, unless otherwise ordered. | Opted out of 26(f) in adversary proceedings and contested matters, unless otherwise ordered. | | Local Bankruptcy Court Rule 7016-1. | |

| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---------|-----------|---|--|--|---|---|--|---|
| Circuit | District | Provisions of FRCP 26(a)(1)-(3) that are in effect | Provisions of FRCP 26(a)(1)-(3) that are not in effect | FRCP 26(d) (Timing and Sequence of Discovery) | FRCP 26(f) (Meeting of Parties) | Other related requirements in effect | Bankruptcy or District Court Order or Local Rule, if any | Court has not yet made decision or has made only a provisional decision |
| 09 | S.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. | | Local Bankruptcy Court Rule 7026-1. | |
| 09 | D. Guam | In effect. | | No explicit rejection of 26(d). | In effect for adversary proceedings. | Local Rule 16.7 | Local Rule 16.1 & 16.2. | |
| 09 | D. Haw. | 26(a)(2) & (3) in effect, unless otherwise ordered. | Opted out of 26(a)(1) unless otherwise ordered. | 26(d) in effect. | 26(f) in effect, unless otherwise ordered. | Deadlines for 26(a)(3) disclosures shall be established at scheduling conference/final pretrial conference. | Local Bankruptcy Court Rule 7001-1. | |
| 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 | |

| 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. N. Mar. I. | 26(a)(1)-(3) are in effect. | | In effect. | In effect. | All amendments to Rule 26 are 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. | | 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. | 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. | Local Bankruptcy Court Rule 7001-1. | |

| 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. | 26(a)(2)(A) & (3) are in effect, unless otherwise ordered. Timing controlled by local rule. | Opted out of 26(a)(1) and 26(a)(2)(B), unless otherwise ordered. | Opted out of 26(d) as to limitations on commencement of discovery but adopted the other tenets. | Opted out of 26(f) for contested matters and other actions ordered by the court. No rejection of 26(f) for adversary proceedings. | Discovery conducted in accordance with FRCP and local rules in effect. | Local Bankruptcy Rule 7026, 7030, 7031, 7032, & 7036. | |

| 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. Or. | Application of 26(a)(1)-(3) for adversary proceedings determined by court at the initial pretrial conference. 26(a)(2)(A) and (a)(2)(B) in effect for contested matters, but timing is controlled by local rule. | Opted out of 26(a)(1) and 26(a)(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. | | Bankruptcy Court Local Rule 7026-1. | |

| 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 | 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 other 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 other 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 other 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)(2) & (3) are in effect, although the timing and content of disclosure modified by local rule. No explicit rejection of 26(a)(1). | | No explicit rejection of discovery deferment of 26(d). Provision regarding sequence of discovery is in effect. | No explicit rejection of 26(f). | | Bankruptcy Court Local Rule 7026-1 | |

| 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 |
|---------|----------|---|--|---|---|---|---|--|
| 10 | D. Colo. | No rejection of 26(a)(1)-(3) for adversary proceedings. | Opted out of 26(a)(1)-(3) for contested matters, except as otherwise ordered. | No rejection of provision for adversary proceedings. Inoperative due to non-implementation of 26(f) for contested matters. | Opted out of 26(f) for contested matters, except as otherwise ordered. No rejection of provision for adversary proceedings. | | Local Bankruptcy Court Rule 914 and Bankruptcy Court General Procedural Order No. 1994-2. | |
| 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. | Inoperative for contested matters due to non-implementation of 26(f). 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. | | Bankruptcy Court Local Rule 7026-1 | |
| 10 | D. N.M. | 26(a)(2) & (3) timing requirements established by court order in each adversary proceeding. | Opted out of 26(a)(1) for contested matters and adversary proceedings unless otherwise ordered by the judge in a particular case. Opted out of 26(a)(2) & (3) for contested matters. | 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 otherwise ordered by presiding judge. | | Bankruptcy Court Local Rule 7026-1. | |

| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---------|------------|--|--|---|--|--------------------------------------|--|---|
| Circuit | District | Provisions of FRCP 26(a)(1)–(3) that are in effect | Provisions of FRCP 26(a)(1)–(3) that are not in effect | FRCP 26(d) (Timing and Sequence of Discovery) | FRCP 26(f) (Meeting of Parties) | Other related requirements in effect | Bankruptcy or District Court Order or Local Rule, if any | Court has not yet made decision or has made only a provisional decision |
| 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). | | Bankruptcy Court Local Rule 7026-1. | |
| 10 | N.D. Okla. | | Opted out of 26(a)(1)-(3) for adversary proceedings and contested matters. | Opted out of discovery deferment in 26(d) for contested matters and adversary proceedings, unless otherwise ordered by a judge. No explicit rejection of provision regarding sequence of discovery. Inoperative due to non-implementation of 26(f). | Opted out for contested matters and adversary proceedings. | | Bankruptcy Court Local Rule 7026. | |

| 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 | W.D. Okla. | No explicit rejection of 26(a)(2) & (3). | Follow Local Rule 7016(b) in lieu of 26(a)(1). | Opted out. | Follow Local Rule 7016(b) in lieu of 26(f). | Local Rule 7016 authorizes court to manage discovery matters in scheduling order. Local Rule 7016 requires meeting of parties prior to scheduling conference. | Local Bankruptcy Rule 7026 & 7016. | |
| 10 | D. Utah | 26(a)(1)-(3) in effect for adversary proceedings filed with the court on/after April 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. | 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 Local Rule 7026-1. | |

| 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 |
|---------|-----------|--|---|--|--|---|--|--|
| 10 | D. Wyo. | 26(a)(1)-(3) in effect for adversary proceedings. | 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. | Opted out of 26(f) for contested matters. Opted out of 26(f) for adversary proceedings unless the parties, at their discretion, file the report prior to the initial scheduling conference to facilitate scheduling. | | Bankruptcy Court Local Rule 7026-1. | |
| 11 | M.D. Ala. | Pursuant to Bankruptcy Rule 7026 judge enter orders in each adversary proceeding directing applicability of Rule 26 discovery provisions for that particular case. | | Pursuant to Bankruptcy Rule 7026 judge enter orders in each adversary proceeding directing applicability of Rule 26 discovery provisions for that particular case. | Pursuant to Bankruptcy Rule 7026 judge enter orders in each adversary proceeding directing applicability of Rule 26 discovery provisions for that particular case. | | | |

| 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 | N.D. Ala. | | Opted out of 26(a)(1)-(3) for adversary proceedings and contested matters, unless otherwise ordered or stipulated. | Inoperative due to non-implementation of 26(f). | Opted out of 26(f) for adversary proceedings and contested orders, unless otherwise ordered or stipulated. | | Bankruptcy Court Local Rule 7026-1. | |
| 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 Rule 7026-1. | |
| 11 | M.D. Fla. | | 26(a)(1)-(3) not mandatory for adversary proceedings and contested matters unless stipulated by parties or otherwise ordered by the court. | Inoperative unless 26(f) meeting is ordered. | 26(f) not mandatory for adversary proceedings and contested matters unless stipulated by parties or otherwise ordered by the court. | | Local Bankruptcy Rule 7026.1. | |

| 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 |
|---------|-----------|---|---|--|--|---|--|--|
| 11 | N.D. Fla. | 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 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 and Local Rule 7026-1. | |
| 11 | S.D. Fla. | 26(a)(1)-(3) 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. | | Bankruptcy Court Local Rule 7026-1. | |
| 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 Local Rule 7026-1; Bankruptcy Court General Order of 5/13/94. | |

| 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 |
|---------|----------|---|--|--|--|---|--|--|
| 11 | S.D. Ga. | No explicit rejection of 26(a)(2) & (3). | Opted out of 26(a)(1). | No explicit rejection of 26(d). Inoperative due to the non- implementation of 26(f). | Opted out. | | Local District Rule 26.1 | |