

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

## GENERAL ORDER

The full Court met in executive session on Tuesday, 21 December 1993, approved a proposal to amend local General Rule 5.00 by adding a new section as section C and changing the title of the rule accordingly (additions shown ~~thus~~, deletions shown ~~thus~~):

**RULE 5.00 STANDING ORDER ON PRETRIAL PROCEDURES IN  
CIVIL CASES; CLASSES OF CASES EXEMPT FROM  
ORDER; APPLICATION OF F.R.Civ.P. 26(a)(1)**

**C. Application of F.R.Civ.P. 26(a)(1)**

~~Except as otherwise ordered by the court, the automatic disclosure provisions set out in F.R.Civ.P. 26 (a)(1) shall not apply.~~

**COMMENT:** In its *Final Report* the C.J.R.A. Advisory Group recommended that in the event that F.R.Civ.P. 26 (a)(1) was adopted, the Court should adopt a local rule “exempting all cases from automatic pre-discovery disclosure” required by that rule. In its *C.J.R.A. Delay & Expense Reduction Plan* adopted on 15 November 1993, the Court indicated that it agreed with the Group’s recommendation and would amend General Rule 5.00 to include such a provision. As explained in the *Plan*, this amendment would both “allow the assigned judge to determine [usually at the preliminary pretrial conference] if any of the provisions are to be followed” and “permit those judges who wish to have some or all of the provisions followed and to have them followed *prior* to the preliminary pretrial conference.”

Usually, the Court publishes proposed changes to the local Rules for comment. However, as the comment and review procedure takes time and as there is likely to be

confusion as to the extent of the applicability of F.R.Civ.P. 26 (a)(1) until the Court acts. Accordingly, the Court finds that there is an immediate need for this rule change and adopts pursuant to 28 U.S.C. § 2071 (e), i.e., subject to later review of comments.

\* \* \* \* \*

IT IS HEREBY ORDERED That Rule 5.00 is amended in by adding section C and changing the title as indicated above.

IT IS FURTHER ORDERED That the amendment will become effective with the entry of the order and apply to all civil cases pending on and filed subsequent to that date.

IT IS FURTHER ORDERED That pursuant to 28 U.S.C. § 2071(e) regarding appropriate public notice and opportunity for comment, the Clerk is directed (a) to cause the amendment to local General Rule 5.00 to be posted in the Courthouses at Chicago and Rockford, (b) to cause notice of the proposal and requests for comment to be published in the *Chicago Daily Law Bulletin*, (c) to indicate in such notice a final date for receipt of comments, which date shall be sixty days from the first date of publication in the *Law Bulletin*, (d) to collect and distribute among the members of the Advisory Committee for Local Rules all comments received, and (e) following receipt of a copy of the report and recommendations of the advisory committee, to distribute copies of the comments together with copies of the report and recommendation among the members of the Court for consideration at a regular meeting of the full Court.

ENTER:  
FOR THE COURT

  
Chief Judge

Dated at Chicago, Illinois, this 21<sup>st</sup> day of December, 1993.