AMENDMENTS TO RULE 29

RULE 29 is amended as follows:

RULE 29. Stipulations Regarding Discovery Procedure

Unless **otherwise directed by** the Court[~~ orders otherwise~~], the parties may by written stipulation (1) provide that depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used like other depositions, and (2) modify the procedures [~~provided by these rules for other methods of discovery~~]**governing or limitations placed upon discovery**, except that stipulations extending the time provided in Rules 33, 34 and 36 for responses to discovery may**, if they would interfere with any time set for completion of discovery, for hearing of a motion, or for trial**, be made only with the approval of the court.

(As amended Oct. 3, 1984, eff. Jan. 1, 1985**; ____, 2000, eff. ____, 2000**.)

ADVISORY COMMITTEE NOTE

The federal rule (clause (2)) permits stipulations to modify the "procedures governing or limitations placed upon" discovery. The current CIT rule (clause 2), however, limits the stipulated modifications to the procedures for taking (but not limiting) discovery. Also, the CIT rule requires that stipulations extending the time for responses to discovery covered by Rules 33 [Interrogatories], 34 [Production of Documents and Things], and 36 [Requests for Admission] may be made only with court approval, whereas the Fed. R. Civ. P. requires court approval only if the extension would interfere with the time set for completion of discovery, for hearing a motion, or for trial. The Committee recommends that the CIT rule be brought into conformity with the federal rule because it would simplify and make less costly and time consuming practice before the court by eliminating the need for motions on most discovery-related extension requests.[1] As noted in the Advisory Committee Notes to the federal rules, the 1993 revision of Fed. R. Civ. P. 29 was intended:

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[1]Earlier editions of this court's rules permitted extensions to discovery by stipulation, but in 1985 the court amended its rules to require that extension requests be made by motion as a means of more tightly controlling the pace of litigation. In view of current Rule 16 and other rules that aid the court in controlling litigation, the Committee believes return to the earlier practice is appropriate.

> to give greater opportunity for litigants to agree upon modifications to the procedures governing discovery or to limitations upon discovery. Counsel are encouraged to agree on less expensive and time-consuming methods to obtain information, as through voluntary exchange of documents, use of interviews in lieu of depositions, etc. Likewise, when more depositions or interrogatories are needed than allowed under these rules or when more time is needed to complete a deposition than allowed under a local rule, they can, by agreeing to the additional discovery, eliminate the need for a special motion addressed to the court.
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> Under the revised rule, the litigants ordinarily are not required to obtain the court's approval of these stipulations. By order or local rule, the court can, however, direct that its approval be obtained for particular types of stipulations; and, in any event, approval must be obtained if a stipulation to extend the 30-day period for responding to interrogatories, requests for production, or requests for admissions would interfere with dates set by the court for completing discovery, for hearing of a motion, or for trial.

Fed. R. Civ. P. 29, advisory committee note (1993 Amendments).