



## **NOTICE OF PROPOSED LOCAL RULE REVISION AND OPPORTUNITY FOR PUBLIC COMMENT**

In accordance with 28 U.S.C. § 2071(b), the United States District Court for the District of Vermont announces a proposed amendment to Local Rule 26 governing civil discovery.

The purpose of the proposed revision is to conform Local Rule 26 with the revised Federal Rule of Civil Procedure 26. In addition, the proposed rule includes the following:

(1) A new provision stating that discovery, including the obligation to submit a proposed Discovery Schedule, shall not be stayed during the pendency of a Fed. R. Civ. P. 12(b) or (c) motion. A party may, however, request a stay or phased discovery until the motion is adjudicated if it will help to secure the just, speedy, and inexpensive determination of the action.

(2) A revised section regarding the timing of the Discovery Schedule to align with Fed. R. Civ. P. 16(b)(2) so that the court receives a stipulated Discovery Schedule by a date certain and, if not, the case will be set for a default scheduling conference.

Additionally, as a result of the aforementioned revisions, the court is proposing a revised Stipulated Discovery Schedule/Order form for posting to the court's website pursuant to Local Rule 84.

The proposed revision and Stipulated Discovery Schedule/Order form are available for public view on the court's website, or by clicking on the following hyperlink:

<http://www.vtd.uscourts.gov/court-info/local-rules-and-orders>

The open comment period is from December 12, 2016 through January 13, 2017. Comments on the proposed amendment to Local Rule 26 may be submitted to one of the addresses listed below:

In letter form to:

**Jeffrey S. Eaton, Clerk of Court**  
**Attn: Local Rules**  
**U.S. District Court**  
**P.O. Box 945**  
**Burlington, VT 05402-0945**

Via e-mail to:

**Jeff\_Eaton@vtd.uscourts.gov**