



NOTICE OF LOCAL RULE REVISIONS

Adequate public notice for commentary having been provided, and all commentary having been reviewed and considered, the District of Vermont's Local Rules 16.1 (Early Neutral Evaluation) and 26 (Discovery) are hereby amended and superseded effective March 1, 2017. The purpose of the revisions is as follows:

Rule 16.1 – Early Neutral Evaluation

The amendment intends to clarify parties' responsibilities when rescheduling ENE sessions under § (f)(2) and when seeking excusal under § (g)(3). The amendment also includes the addition of § (k) Supplemental Evaluator's Report.

Rule 26 - Discovery

The amendment conforms Local Rule 26 with the revised Federal Rule of Civil Procedure 26. In addition, the rule includes the following changes:

(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; and

(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 to Rule 26, the court has posted a revised Stipulated Discovery Schedule/Order form to the court's website pursuant to Local Rule 84.

A copy of the revised rules, as well as a complete set of the Local Rules of Procedure, can be viewed on the court's website at www.vtd.uscourts.gov.

**JEFFREY S. EATON
CLERK OF COURT**