REPORT OF THE ADVISORY COMMITTEE TO THE NORTHERN DISTRICT OF ILLINOIS ON MANDATORY INITIAL DISCOVERY PILOT PROJECT: SURVEY RESULTS

May 18, 2018

INTRODUCTION TO THE INITIAL REPORT OF THE ADVISORY COMMITTEE ON THE MIDP

On April 27, 2017, Chief Judge Ruben Castillo of the Northern District of Illinois issued General Order 17-0005, establishing a three-year pilot program, the Mandatory Initial Discovery Pilot Program ("MIDP"), for all cases filed on or after June 1, 2017 and assigned to participating judges. The MIDP is designed to study "whether requiring parties in civil cases to respond to a series of standard streamline discovery requests before undertaking other discovery will reduce the cost and delay of civil litigation." The Court also has issued a Standing Order setting forth the specific discovery required and the time frame applicable to production. Both the General Order and the Standing Order are on the court's website, at https://www.ilnd.uscourts.gov. The website also contains a variety of resources for navigating the MIDP, including a User's Manual and a training video, as well as a video of a training session presented by the Federal Bar Association on May 22, 2017. Judge Amy St. Eve, Judge Robert Dow and Magistrate Judge Maria Valdez serve as chairs of the Pilot Program.

In his 2016 Year-End Report, Chief Justice Roberts discussed two measures aimed at improving the efficacy of civil discovery: the 2015 amendments to the Federal Rules of Civil Procedure and the 2017 pilot projects authorized by the Judicial Conference of the United States. Chief Justice John G. Roberts, 2016 Year-End Report on the Federal Judiciary (2016) https://www.supremecourt.gov/publicinfo/year-end/2016year-endreport.pdf.

Justice Roberts' reference to the 2017 pilot projects refers to the MIDP and Expedited Procedures Project. For a history and discussion of reforms to civil discovery, including the two pilot projects, *see* Jeffrey S. Sutton & Derek K. Webb, *Bold and Persistent Reform*, 101 Judicature 12 (2017).

The Judicial Conference of the United States Committee on Rules of Practice and Procedure developed the MIDP, adopted by the Northern District of Illinois and the District of Arizona. *See* Federal Judicial Center website, www.fjc.gov. The Federal Judicial Center will use its data capabilities to evaluate the efficiency, fairness and acceptance of the MIDP, both in the Northern District of Illinois and the District of Arizona. The Arizona state court system, which has operated under rules similar to the MIDP for approximately twenty-five years, also provides a point of comparison; surveys show that civil litigators in Arizona prefer the state courts to the federal courts. *Bold and Persistent Reform* at 18. An opportunity to hear from an Arizona practitioner is noted at the end of this introduction.

In addition to the evaluation by the FJC, the judges in charge of this program for the Northern District of Illinois appointed an Advisory Committee to the Court for the MIDP, to facilitate communications regarding the program between practitioners and the Court, and to assist in evaluating the program. The Advisory Committee represents a cross-section of federal practitioners from the Northern District of Illinois, including in-house counsel. A graduate student from the University of Chicago, Harris School of Public Policy, who is familiar with surveys and statistics, assists the Advisory Committee.

During the first year, members of the Advisory Committee obtained background on the MIDP by meeting with the judges in charge of the NDIL MIDP Program, and by attending training sessions on the MIDP and other related issues. The Committee members also made an effort to talk to their fellow practitioners about the program, and to relay to the Court any specific issues that had arisen. The Committee also met with the Seventh Circuit Electronic Discovery Pilot Program Committee, formed in 2009, which focuses on electronic discovery, and whose input has been invaluable.

In addition to the General Order and the Standing Order, the NDIL judges in charge of this program have adopted the following helpful mantra about the MIDP, which they have stressed in each of the training sessions and meetings:

1. It is a PILOT program.

2. All judges retain their discretion. Some practitioners attending training programs expressed concern that the Standing Order does not reflect the flexibility provided by a judge's exercise of discretion. The judges in charge of the program have explained that all judges participating in the program can move dates and that the ability to exercise discretion has been communicated to all judges participating in the program.

3. All other rules still apply.

According to the judges, the idea behind the MIDP is "to institute a cultural change and to do your best and to do justice."

To address its mission beyond background information, the committee drafted an electronic google survey to collect information from participants in the MIDP. On February 12, 2018, Chief Judge Ruben Castillo sent the survey to all participants listed in ECF who have appeared on a case assigned to the MIDP. On March 1, 2018, we closed the survey, after receiving 513 responses. All responses remain anonymous.

The Initial Report of the Advisory Committee on the MIDP summarizes the survey results. We expect to send a survey at the conclusion of each of the three years that the MIDP (Pilot Program) is in effect and report how, if at all, experience with the MIDP changes over time.

Note on upcoming training session: The Federal Bar Association, the Seventh Circuit Committee for ESI and this Advisory Committee presents the second in a series of training programs for the MIDP on June 13, 2018 at the federal courthouse. Speakers include Judge Dow, Judge St. Eve and practitioners from both the Northern District of Illinois and from Arizona. Information can be found at www.fedbarchicago.org.

The Committee:

Sheri H. Mecklenburg, Chair, U.S. Attorney's Office

Noelle Brennan, Noelle Brennan and Associates

Francis A. Citera, Greenberg Traurig LLP

Stacey Dixon, Takeda Pharmaceuticals

Steffanie N. Garrett, City of Chicago Department of Law

Morgan R. Hirst, Jones Day

Timothy A. Hudson, Tabet DiVito & Rothstein LLC

Barry E. Fields, Kirkland and Ellis LLP

Christopher Wilmes, Hughes Socol Piers Resnick Dym, Ltd.

Sarah Mixon, University of Chicago Harris School of Public Policy MPP Candidate

If you have any questions or comments or suggestions for the Committee, please contact the chair or any committee member. At your request, we will keep your communications anonymous from the Court.

The Committee wishes to thank the following for their invaluable input, support and guidance during our first year:

Chief Judge Ruben Castillo, U.S. District Court, NDIL

Honorable Robert M. Dow, Jr., U.S. District Court, NDIL

Honorable Amy St. Eve, U.S. District Court, NDIL

Honorable Maria Valdez, U.S. District Court, NDIL

Julie Hodeck, Public Information Officer, U.S. District Court, NDIL

Thomas G. Bruton, Clerk of the Court, U.S. District Court, NDIL

Seventh Circuit Electronic Discovery Pilot Program Committee, www.discoverypilot.com

The Federal Bar Association Chicago Chapter (www.fedbarchicago.org)

SURVEY RESULTS

I. THE SURVEY AS PRESENTED ON GOOGLE SURVEY PLATFORM

N.D. Ill. Mandatory Discovery Disclosures Survey

1. Which party did you represent in the civil lawsuit(s) you have handled that are subject to the Northern District of Illinois's Standing Order regarding Mandatory Initial Discovery?

2. How many cases have you handled that were covered by the MID Standing Order?

2a. Please list the different types of cases (employment discrimination, FLSA, antitrust, etc.) you have handled under the Standing Order, and describe how your experiences have differed among these cases.

3. Did your client provide mandatory initial discovery responses within the original time frame – within 30 days of either first pleading in response to its complaint or responsive pleading is filed – required by the standing order?

3a. If no, please elaborate.

4. Did either party seek to settle the case during mandatory initial discovery?

4a. If yes, was mandatory initial discovery deferred by the court to allow the parties to settle within 30 days?

4b. If yes, was the case resolved within 30 days?

5. Did the parties produce their Electronically Stored Information within 40 days of serving their initial discovery response?

6. What stage of the litigation process has your case reached?

7. Did you serve the opposing party with interrogatories and requests for production following the completion of mandatory initial discovery?

7a. If yes, did the MID help you to target your discovery requests?

7b. Did your opponent serve interrogatories and requests for production following the completion of MID?

8. Do you believe the benefits of the Court's Standing Order outweigh the costs and burdens imposed on the parties and counsel?

8a. Please elaborate on your response.

9. Do you believe the Court's Standing Order facilitated early settlement?

9a. Please elaborate on your response.

10. Do you believe the Court's Standing Order increased or reduced client costs?

11. Do you believe the Court's Standing Order had any positive or negative effects on your relationship with your client? Please explain to the extent that you are able without breaching client confidences.

12. To the extent it has not been covered in your above responses, what impact did the Court's Standing Order have on the case(s) you have handled?

13. On a scale of 1-10 (with 1 being the least favorable and 10 being the most favorable) what is your opinion of the Court's Standing Order?

II. SURVEY SUMMARY RESULTS

1. Which party did you represent in the civil lawsuit(s) you have handled that are subject to the Northern District of Illinois's Standing Order regarding Mandatory Initial Discovery?

Plaintiff	212
Defendant	285
Other	16
Total	513

2. How many cases did you have that were covered by the MID Standing Order?

Number of Cases	Number of Responses
1	229
2	115
3	55
4	38
5	29

2a. Please list the different types of cases (employment discrimination, FLSA, antitrust, etc.) you have handled under the Standing Order, and describe how your experiences have differed among these cases.

employment discrimination	45
flsa	10
fdcpa	8
erisa	8
civil rights	13
employment	12
tcpa	4
section 1983	3
rico	2
breach of contract	4
antitrust	4
insurance coverage	2
contract	2
ip	2
trademark infringement	4
tort	2

3. Did your client provide mandatory initial discovery responses within the original time frame – within 30 days of either first pleading in response to its complaint or responsive pleading is filed – required by the standing order?

Yes	340
No	107
Other	66

3a. If no, please elaborate.

The following is a summary of the most commonly stated reasons as to why mandatory discovery responses were not provided within the time frame set by the Standing Order, but does not include all responses (responses are below):

Reason provided for delay	**Approx. Number of responses**
Settlement discussions suspended discovery	24
Extension/Stay granted	23
Motions delayed/suspended initial discovery	21
Delay by parties' agreement or mutual delay	11
Motion for Relief from MIDP	2
Transfer	2

Actual Responses are set forth in next section.

4. Did either party seek to settle the case during mandatory initial discovery?

Yes	161
No	306
Other	46

4a. If yes, was mandatory initial discovery deferred by the Court to allow the parties to settle within 30 days?

Yes	67
No	140

*More responses to No. 4a than "Yes" responses to No. 4.

4b. If yes, was the case resolved within 30 days?

Yes	23
No	66
Other	43

Actual Responses are set forth in next section.

5. Did the parties produce their Electronically Stored Information within 40 days of serving their initial discovery response?

Yes	115
No	218

6. What stage of the litigation process has your case reached?

Pleadings only	140
Some discovery exchanged	294
Summary judgment	0
Trial	0

7. Did you serve the opposing party with interrogatories and requests for production following the completion of mandatory initial discovery?

Yes	260
No	150
Other	103

7a. If yes, did the MID help you to target your discovery requests?

Yes	77
No	105

7b. Did your opponent serve interrogatories and requests for production following the completion of MID?

Yes	226
No	187

8. Do you believe the benefits of the Court's Standing Order outweigh the costs and burdens imposed on the parties and counsel?

Yes	182
No	331

8a. Please elaborate on your response.

Actual Responses are set forth in next section.

9. Do you believe the Court's Standing Order facilitated early settlement?

Yes	79
No	434

9a. Please elaborate on your response.

Actual Responses are set forth in next section.

10. Do you believe the Court's Standing Order increased or reduced client costs?

Increased	269
Reduced	52
Neither	192

11. Do you believe the Court's Standing Order had any positive or negative effects on your relationship with your client? Please explain to the extent that you are able without breaching client confidences.

Positive Responses	22
Negative Responses	65
Neither	146

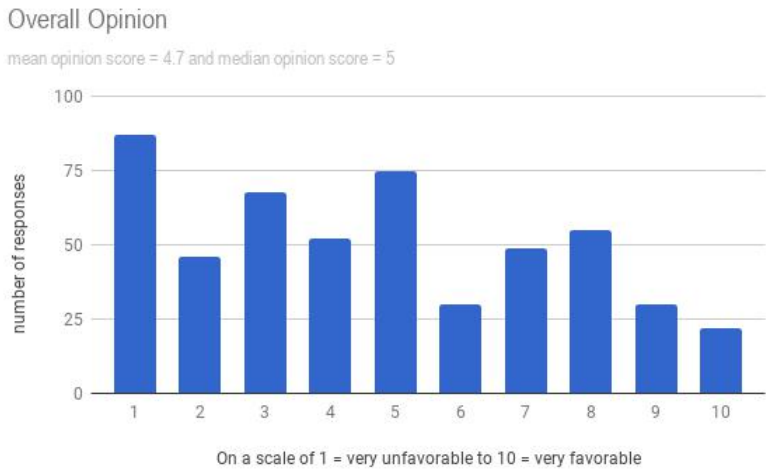
Actual Responses are set forth in next section.

12. To the extent it has not been covered in your above responses, what impact did the Court's Standing Order have on the case(s) you have handled?

Actual Responses are set forth in next section.

13. On a scale of 1-10, what is your opinion of the Court's Standing Order (With 1 being the least favorable and 10 being the most favorable)?

Least Favorable 1	87
2	46
3	68
4	52
5	75
6	30
7	49
8	55
9	30
Most Favorable 10	22



III. SURVEY SUMMARY RESULTS WITH COMMENTS

Note: Comments are actual comments, unedited for grammar or otherwise

1. Which party did you represent in the civil lawsuit(s) you have handled that are subject to the Northern District of Illinois's Standing Order regarding Mandatory Initial Discovery?

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3a. If no, please elaborate.

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Actual Responses

A modified discovery order was already in place, and no disclosures were provided.
Additional time was needed given case complexity and scope
All defendants moved to dismiss on a dispositive legal issues; the court ordered the mandatory initial responses suspended pending its ruling on these motions
All information was provided by plaintiffs pre-suit with a demand.
Amendment pushed back deadline
As explained above, we filed a motion for relief from the MID.
Because of the statutory stay of discovery while a motion to dismiss was pending, the obligation to submit initial discovery responses was suspended.
Because the defendants were not prepared to do an exchange, no exchange took place.
Both sides were delayed
Case is still in the initial stages
case settled
Case settled without having to respond, although we requested and were granted the minimal extension.
Case was settled via pretrial conference
Cases were either resolved before defendant's response was due or defendant failed to answer complaint

Cases were voluntarily dismissed
Client filed a motion to dimiss based on personal jurisdiction and venue. Sought additional time for response
Clients that have cases in various jurisdictions tend to respond consistently across jurisdictions, regardless of the peculiarities of a particular jurisdiction such as this (and yes, I used "peculiar" advisedly).
Default or settled before answer was filed
Defendant filed a motion to dismiss and requested additional time to file an answer, which was granted. The parties are engaging in settlement discussions and the court has granted additional extensions to allow the discussion to play out.
Defendant found the requirements so burdensome that they moved to transfer
Defendant produced requested dox settlement close
Defendants of course obtained an extension of time to plead, thus extending the time to do anything else, so we have no disclosures
Deferred for settlement
Discovery was stayed due to defendant invoking PSLRA
Discovery was stayed pending a settlement conference.
Due to settlement negotiations, extensions of time, etc., none of the cases have reached the point of disclosures yet
Exempted
Expedited discovery schedule put in place for preliminary injunction
Extensions due to settlement efforts
Filed a motion to dismiss based on lack of jurisdiction
for those pro ses who have not, it seems to be because they do not know how to respond; for the one who has not yet answered, we have provided her with a draft outline of a response
I acted solely as local counsel in a case that was in the program but my client was excused based on early settlement talks.
I came into the case after a while and we are dealing with vacating a default and contesting a preliminary injunction before dealing with any discovery issues.
I filed a motion to dismiss for lack of jurisdiction, which the court granted
I work for the City and attempting to get information from every client department involved within 30 days is also incredibly difficult and burdensome, particularly when several departments are involved. Most offices have some protocol for collecting documents and records and with limited tech staff for the entire law department the ESI component is borderline impossible.
In all but one case, the answer is yes. In the one case, client lives out of state and we requested additional time. Judge XXXX denied the request despite our written explanation of the reasons. He later granted a similar request by the defendants based on an oral request with no explanation for why more time was needed.
In all cases, either by motion or informal agreement among counsel we extended the applicable deadlines.

In all cases, the disclosure itself was able to be drafted and produced on time. Often, however, verifications from the clients had to be produced later. This has also been my experience with regard to receiving responses from Plaintiffs.
In both cases, the assigned judges set a different disclosure date.
In both instances an extension was granted by both parties and approved by the court due to ongoing settlement discussions. I do worry about a scenario where Plaintiff is unreasonable and I would have to make a contested request for an extension. However I have not experienced this yet.
In each case, we sought relief from production from the court.
In individual case we received one extension for purposes of discussing settlement.
In Monell cases, where motions to dismiss and motions to bifurcate have been filed, the Court has been willing to stay mandatory initial disclosures. Where Plaintiff's claim against individual officers hardly stated a claim, let alone an injury, to overcome a motion to dismiss pursuant to 12(b)(6) and 12(b)(1), the Court has also stayed mandatory initial disclosures.
In one case we provided within 30 days, but the other side did not. In the second case the parties agreed to a short mutual extension.
In one case we were given an extension of time to answer or otherwise plead, which extended the time for mandatory initial discovery.
in one case, judge stayed compliance with MIDP to allow parties to work on settlement; in another responses were produced within short time thereafter the thirty days, then settled; other cases were defaults or settled
in one case, MID stayed pending decision on motion to dismiss for sov immunity
In one case, the defendant served them late and claimed that no documents were due for 60 days thereafter. In another case, the defendant served them within 30 days but I don't think they will supply any documents unless we file a motion to compel.
In one matter, case was stayed pending MDL decision. In other, Court has stayed discovery while MTD is briefed
In two of the cases, the parties agreed to an extension of time to provide the initial discovery responses. Both were 14 days extensions.
Inter-pleader for Erisa Plan benefits settled promptly before 30 days.
It seemed obvious that the case was going to be dismissed quickly on procedural grounds so we did not embark on any discovery.
It was extended by agreement of the parties
It was our first time engaging in the process and it slipped our attention. However, we provided initial responses within 60 days.
It's very difficult for street clients to understand the importance of time frames. They also haven't been involved with something so demanding of their time at the beginning of the case. Most clients are of a high school education making it more time spent helping them understand the requirements.
Judge stayed disclosures due to claimed immunity
Mandatory initial discovery was stayed because lack of personal jurisdiction was raised as a defense in motion to dismiss.
Many defendants settled early

Many times the responses were incomplete because they were rushing to comply
Motion to dismiss filed; issue not raised
Mutually agreeable extension because the case was removed.
My client is spread across multiple offices in cities throughout the State of Illinois. Thirty days is unrealistic for cases against large defendants.
N/A there is no discovery in these cases typically, however, we did file the Status Reports as required.
Neither party really wanted to push the issue.
No; the court provided us a stay on discovery.
obviously my client had issues with providing discovery when a motion to dismiss was pending, especially a dispositive motion
One case was dismissed by the judge before our responses were due. In the other case we were assigned a judge who did not participate in the program.
one case was subject to a motion to remand; the other was subject to an arbitration provision so a motion to compel was filed along with a motion to extend to the time to make the disclosures under the program
One case went to mediation; the other case is ongoing.
One was transferred to an MDL; Participation in the pilot program was deferred in the other case pending resolution of motions to dismiss.
Other proceedings took precedence.
Parties agreed to postpone full disclosures, which were inappropriate, premature, and unduly expensive given a pending motion to dismiss the underlying case, coverage of which was the subject of the declaratory judgment.
Plaintiff took voluntary dismissal before due date.
Postponed to schedule settlement conference; second case is subject to motion to dismiss and time period to disclose has not occurred yet
Preliminary Injunction sought by Plaintiff in trade secret case required expedited discovery
Responses were delayed by motion to disqualify opposing counsel.
Sometimes clients' access to technology prevents expedient responses. Also, clients are not always sophisticated enough to answer discovery without extreme degrees of assistance from counsel.
Stayed by early motion in one case and stayed for settlement in another
TCPA Class Action: the time to do so has not expired and we intend to seek an extension of time pending ruling on anticipated Motion to Dismiss. Franchise Litigation: by agreement of the Parties, we sought and obtained extension of time as the Parties negotiated settlement. When settlement failed, we provided the mandatory initial discovery responses.
The case was too complicated with too many documents to acquire within the time frame. There was also multiple dispositive motions pending which made the burden of complying with discovery before the pleadings resolved very expensive and time consuming with minimal benefit.
The cases were resolved prior to the first status dates

the client was unable to provide them due to other pressing matters and internal personnel issues.
The compilation time to acquire the documents takes longer especially when medical records are involved. Furthermore, requiring the client to sign the mandatory disclosure often times requires numerous requests to the client and explanations of what is being requested before discovery is entered into.
The court decided to delay compliance with the mandatory initial discovery requirements until it resolved Defendants' motion to dismiss.
The court granted a short stay to give the plaintiff time to amend its voluminous pleading.
The court has agreed to stay the requirements pending resolution of the motion to dismiss.
The defendant has not yet filed the answer to the complaint.
The defendant requested, and the court granted over plaintiffs' objection, a stay of discovery pending a decision on FRCP 12(b)(1) and 12(b)(6) motion to dismiss .
The defendants filed a motion to dismiss. If the motion disposes of the case, the court felt discovery could be postponed pending the ruling. If the motion is granted then discovery would not be necessary
the Defendants submitted an offer in judgment.
The judge stayed discovery.
The matter was resolved before discovery responses were necessary.
The parties agreed not to complete "service" so that the deadlines were not invoked
The parties and court all agreed on a brief extension of about 10 days.
The parties requested and received additional time.
The plaintiff filed a motion to remand
The response deadline was moved back until after a settlement conference in the underlying litigation because settlement in the underlying litigation was expected to moot the insurance coverage dispute between the parties to the action subject to the standing order
there was a brief extension allowed by the court.
There was a stay on discovery because of the plaintiff's criminal case. We have since made our disclosures.
There was an extension for several reasons, including how to address the massive amount of documents that all parties had from previous litigation.
Too many documents, needed extension
Took more time for the to gather responsive information
transferred
unable to meet with client within the time required
we got a bit of relief from the date since the plaintiff had failed to identify its alleged trade secret
We needed some additional time to clarify the responses with the clients
We obtained an extension because the original deadline was totally unreasonable given the volume of information to be reviewed and produced.

We raised a very strong personal jurisdiction defense.
We received a 30 day extension on the mandatory discovery timeline due to the complexity of the case.
We received an extension from the district judge, and provided the responses at that point.
We requested a waiver based upon the lacking nature of the complaint filed against our client. The court declined to waive but gave an additional 30 day to comply.
We settled the cases before any disclosures were made, but still had to prepare them just in case.
we sought, and were granted, a stay on discovery for 90 days pending the resolution of a criminal investigation
We tried to stay the MIDP program
We were exempt in the second because of a challenge to jurisdiction.
We were granted an extension of time
Will comply within the time period provided under the order
Yes, but producing the documents can be problematic due to Motions to Dismiss and Amended pleadings. It forces the parties to do unnecessary work if claims are dismissed on a Motion to Dismiss.

4. Did either party seek to settle the case during mandatory initial discovery?

Yes	161
No	306
Other	46

4a. If yes, was mandatory initial discovery deferred by the Court to allow the parties to settle within 30 days?

Yes	67
No	140

*More responses to No. 4a than “Yes” responses to No. 4.

4b. If yes, was the case resolved within 30 days?

Yes	23
No	66
Other	43

Other Reponses

no; but, it was resolved in approximately 60 days after able to schedule settlement conference with magistrate
It was dismissed without prejudice while settlement is finalized but may be reinstated if there is a problem with settlement documentation or payment.
N/A (Still in 30-day period)
Sometimes yes and sometimes no
No, but the paperwork took a little more time.
In one case, discovery was deferred at first, then required, this case will settle soon. In another case, the court ordered the defendant to answer and that case is now settling - about two months after the answer was filed.
no, but it was eventually resolved
No, but likely will be resolved and the court extended the stay.
No, see previous answer to this Q. I want it and the defendant has agreed, but has not signed the Settlement Agreement drafted by me.
Yes
No, we could not come to terms on a settlement.
Case not resolved; it was refiled in state court.
settlement discussions still pending
In two cases, we did settle after deferring the deadline.
Case settled but not within 30 days due to outstanding extracontractual issues among defendants.
time has not yet passed
does not apply
Yes, two cases were settled within 30 days, and another was settled within 90 days after the court granted us two extensions.
No but still working towards settlement
Still ongoing.
Within 60 days
The case has resolved but not because of the rule.
This was dependent on the Judge assigned to the case. The MIDP order provided little wiggle room to allow the parties to explore settlement. If the judge followed the order to the letter, then he or she would not allow more than 30 days to explore settlement. This is not practical, especially when it can take as much as 4 months to even get in front of a magistrate. Also, the MIDP order practically states that the parties have to certify that they are nearly sure that settlement is imminent. Who could reasonably certify such a thing going into a settlement conference? What is the point of even having a settlement conference if the parties are that close? For settlement, the MIDP program is terrible.
No, but it was settled
sometimes yes, sometimes no
It was not. Plaintiff's deposition was required..
90% of the case was resolved, an audit and liquidated damages remain open
Both cases are still pending.
Not yet , very close

Not yet but making progress
close to 30 days but we had to fill out the initial disclosures etc.
No, took a little longer.

5. Did the parties produce their Electronically Stored Information within 40 days of serving their initial discovery response?

Yes	115
No	218

6. What stage of the litigation process has your case reached?

Pleadings only	140
Some discovery exchanged	294
Summary judgment	0
Trial	0

7. Did you serve the opposing party with interrogatories and requests for production following the completion of mandatory initial discovery?

Yes	260
No	150
Other	103

7a. If yes, did the MID help you to target your discovery requests?

Yes	77
No	105

7b. Did your opponent serve interrogatories and requests for production following the completion of MID?

Yes	226
No	187

8. Do you believe the benefits of the Court's Standing Order outweigh the costs and burdens imposed on the parties and counsel?

Yes	182
No	331

8a. Please elaborate on your response.

Responses

I believe that the MIDP program missed the mark and I am not sure what "problem" the MIDP program was aimed at solving. The real issue in litigation, I have found, is that parties are objecting needlessly to discovery requests. Defendants constantly refer plaintiffs to documents in their answers to interrogatories that do not sufficiently answer the interrogatory. For instance, in response to the interrogatory, "Identify any other employees working under the management of Joe Blow have were disciplined, including written and oral discipline, between 2012 and 2014 for tardiness. For each employee, state their race, national origin, date of hire, and the manager who approved the discipline.", Defendants will often time just answer by referring to documents that do not necessarily include oral discipline and do not include any of the additional information. ALSO, when a party objects, which almost all defendants do to each and every interrogatory, they should be required to explicitly indicate whether they are providing all of the information or documents requested over the objection, or whether they are withholding any information or documents. It is usually vague whether they are providing all or only some of the information and documents. I think there should be greater restrictions on objecting to discovery.
Many of these types of cases are resolved without any discovery being exchanged so forcing the parties to initiate the process may have resulted in unnecessary work
Absolutely not. This system is highly prejudicial to defendants, as they are required to file motions to dismiss, answer the complaint, AND produce all documents within a short period of time. It permits a plaintiff to hold a defendant hostage and demand higher amounts, which makes settlement even less likely.
Accelerates the discovery process
Again, the requirements seem to help motivate the parties to move forward in a more timely manner with discovery as compared to other jurisdictions where such requirements do not exist.
All information should be disclosed as soon as possible to save costs
Although exchanging discovery documents earlier in the process has its benefits, the pace of the case doesn't seem to have changed overall. There's just more pressure to rush through the process.
Although I answered "yes," I can't really answer this.
Although my case was just recently filed, it prospectively, seems like it will help to facilitate settlements with less costs and burdens overall.
Although not followed in this case, good idea to make mandatory
Answering the complaint when filing a motion to dismiss was burdensome and did not seem to move the case along at all. The stringent deadlines for producing written responses and ESI do not seem appropriate for class action treatment.
Any attempts to curtail or streamline discovery always seem to inure to the benefit of corporate defendants and to the detriment of plaintiffs. This is no exception.
Anything to speed up litigation is helpful to all parties

As a defendant, the MID seems to force us into early settlement discussions without even having the chance to first look into the facts of the case or challenge the sufficiency of the pleading because we must engage in discovery so early on.
As a government attorney, I can say that the mandatory initial discovery does not help resolve cases any sooner, nor does it require the parties to exchange enough useful information to make regular discovery more efficient. I find it creates more work on a faster timeline than is necessary and does not appreciably advance litigation for the effort it takes to comply with the Standing Order.
As a member of the Plaintiffs' bar I believe the MIDP provides a useful kick start to discovery and speeds up the discovery process. Hopefully, when we receive the ESI that is forthcoming the defendants will comply with the requirement to produce both favorable and unfavorable information.
As a plaintiff, I believe it encourages prompt case evaluation
As a plaintiff's lawyer, among the most frustrating parts about the practice of litigation are the games played to delay and draw out discovery to produce documents as late as possible and withhold relevant documents until forced to produce them. I have yet to see how this plays out in more complex and higher value cases, but in the FLSA context, it focuses the parties on the costs and benefits of settling v/s litigating to judgment.
As explained in our motion, MID is not appropriate in a FOIA case and requiring it would only make the case more burdensome.
As I indicated it is a bigger burden to work with the client to make them understand the requirements
As long as there are adequate exceptions, such as in our case in which mandatory initial disclosure was stayed pending motion to dismiss on personal jurisdiction grounds, then the benefits probably outweigh the costs.
As Plaintiff it is difficult to divine which documents are relevant to the Defendant's defense without the benefit of document requests, although it is helpful to have an Answer and Affirmative Defenses along with Defendant's Motion to Dismiss
As plaintiff, I produced everything immediately. Defendant did not believe they were obligated to produce their documents without a Rule 34 request. This resulted in delay and frustration. Your formulation of the policy needs to be clearer that both parties MUST mutually exchange whatever they have immediately.
As the Defendant, and particularly representing the City as a Defendant in cases that involve constitutional challenges and not just a specific event or incident, this program is incredibly burdensome. I have to represent multiple departments at the same time with several defendants and custodians as well as defend the constitutionality of ordinances. To be try and begin document collection and review while also briefing a valid motion to dismiss (because many of the claims were simply facial challenges that did not require any discovery for the court to rule on) while also drafting an answer has been an incredible burden and required me to get multiple extensions in nearly every other case that I am working on. It also does not leave time for us as the defendant to consider our possible affirmative defenses. I believe some kind of exception should be made for municipalities, at a minimum in constitutional challenge cases such as those under the first amendment or due process where discovery is often never required and many issues are dealt with on a

motion to dismiss. Also, Plaintiffs are at an extreme advantage under the program, as they have time to collect and prepare any MIDP documents before they even file the case, and then the Defendants are somehow supposed to simultaneously consider bases for dismissal, their affirmative defenses, and interview the client and custodians while also reviewing any documents INCLUDING ESI, essentially all within two months. This has tripled if not quadrupled my work load on the single MIDP case that I have and I cannot emphasize enough how burdensome this program has made federal cases.
As with any new process, it feels as though there are many requirements which cause the parties to expend extra time that could be better spent elsewhere. Additionally, the MID also closely related to 26(a)(1) disclosures.
Based on the program, we were required to produce a larger number of documents requiring an great amount of time and manpower before we even had a viable complaint on file.
Because the MIDP discovery did not meaningfully replace or obviate the need for other discovery, it did not provide significant benefits. It did, however, provide additional costs because it required parties to provide MIDP discovery and then to respond to full sets of discovery requests, essentially requiring additional time and an extra set of discovery responses to reach the same result as traditional Rule 26 discovery.
Beginning discovery prior to court ruling on the pleadings is a waste of time and money
Both sides dedicated substantial time and resources to providing the documents. In our cases, we had multiple Plaintiffs and Opt-In Plaintiffs and spend at least 50 hours working with our clients to gather their relevant documents, ESI, and information. Defendants likely spent much more time on their gathering of discovery materials. I think a better approach is a mandatory mediation. For example, it would be great if the Court assigned a magistrate or allowed the parties to select a private mediator. In FLSA cases, I think placing pressure on the parties to settle is key. 95% or more of these cases settle at some point and that should be the focus early on.
But only if parties are forced to turn over documents in a timely manner.
Can't move to dismiss with more time and expense
Cases under $ 75,000. need a small claims Rules which limit discovery
Collection and review of email communications and documents for production within 70 days of filing a complaint is time intensive and expensive. the Court's Standing Order seems to invite open season with regard to requesting "relevant" electronically stored documents. Responding to Interrogatories and Document Requests could help frame the issues and determine what electronic documents are actually required to be collected and reviewed for the case.
Completion of the MIDP has provided Plaintiffs with critical information early on in the case, which makes it easier to narrow discovery requests and prepare settlement demands.
Costs are prohibitive.
Costs of defense are increased at the outset and the parties are unduly pressured to produce discovery early. ESI is already a lengthy and time consuming proposition

that is more of a burden to the defense in employment cases. Shortening the time to produce ESI has not been possible.
Counsel involved have been worked on similar files in the past
Creates inequity that actually drags out some cases longer
Deadlines always help move cases faster.
Deadlines are tight but having clear requirements for production eliminates unnecessary gamesmanship in requests and answers.
Defendant interpreted the Standing Order to provide an automatic stay of discovery with the filing of any 12(b)(1) motion, which plaintiffs believe is inappropriate.
Defendants are required to file answers even when they file motions to dismiss and are required to engage in costly discovery including ESI discovery on cases that may ultimately be dismissed.
Defendants complied, Plaintiffs did not comply. Plaintiffs have not complied with R 26(a)(1) initial disclosures in the past, or not fully complied. The Pilot Program made the R 26 disclosure requirements broader and more rigorous, but Plaintiffs still did not comply. I don't think the solution for failure to comply with R26 is basically to make the disclosure requirements broader and more immediate. Parties that have not complied with R26 still don't comply with the Pilot Program. Non-compliance has been met with a big "yawn" by litigants and judges alike, in my view. I have made one Plaintiff amend, but all counsel did was copy my disclosures. This also has increased litigation costs for my clients, with no upside benefit whatsoever, though I have been forced to try to explain why legal costs are higher due to the Pilot Program.
Defendants fail to fully respond to MIDPs
Depends on case but helpful in injury case
Depends on the case
Despite my client seeking to dismiss on personal jurisdiction grounds, the Court ordered us to complete a Rule 26(f) conference and report. Since the court arguably lacked jurisdiction, requiring discovery-related activity without addressing jurisdictional questions seems problematic. As does the requirement that a party file an answer along with its motion to dismiss, or affirmatively seek leave from that requirement. This imposes unnecessary expense on a defendant, especially if jurisdiction is lacking. Jurisdictional issues should be considered at the outset whenever possible.
Despite the requirements, I do not believe that it helps to resolve factual disputes, but only to identify categories of damages early on that may help to assess the case in the determination of damages. However, from the standpoint of factual disputes, more often than not, significant discovery still determines the parties settlement postures.
Didn't find the expense and cost to do the initial disclosures facilitated early settlement.
Disclosures should await having the pleadings set; the early disclosure involves needless legal expense
Discovery is immediate so each side can decide whether to settle

Discovery is the most time consuming and frustrating part of the litigation process. Anything that encourages the parties to be transparent factually can only help.
Discovery should be simple. Disclose names of witnesses and documents related to event. if there is no game playing then the case will proceed smoothly
Does not seem to help
Earlier disclosure by the plaintiff and the cost of disclosures in the defendants tends to encourage defendants to more realistically opt for settlement at an earlier stage before formal discovery is started.
Early bilateral mandatory disclosures help even the exchange of information, preventing one side from taking advantage of delay or early action.
Early discovery can definitely be helpful in certain cases -- while we did not need to exchange discovery given the posture of the case, it would have been helpful if we needed it.
Efficiency is always preferred and it reduces the conflict between the parties.
Efficient case analysis and progression without delay.
Eliminates a lot of duplicative work
Encouraged settlement discussions early on
ESI Burden is huge on defendants, particularly in employment cases
Especially in cases such as this, which may not present issues ripe for adjudication, the expense overwhelmingly outweighs the benefit.
Everyone does twice as much discovery now.
Exchanging information at this stage only creates more work for the parties and the lawyers - the parties are rushed to exchange it and it only duplicates discovery or requires more work at discovery to parse out what's already been produced. The early production is also somewhat bare-bones.
Exchanging more information up front is helpful.
Expedites the entire process so it relieves costly discovery expenses down the road
Extremely burdensome. Had to produce 8000 pp. of documents in 30 days.
Facilitated early settlement
felt like busy work; still had to do same discovery afterward
Felt that parties were merely rushing to comply with MID order and not necessarily as careful as they would be if responding to traditional discovery responses. It just added another layer of discovery onto the process without, in my view, any increased efficiencies or benefits.
For cases with dispositive motions on the pleadings, this created a lot more work and expenses than needed
For complex cases, with asymmetric discovery, I do not think the program works.
For ERISA collection actions, this additional step does not seem necessary.
For ERISA delinquency matters, MID will increase the amount of attorneys' fees which may make resolution more difficult if the matter progresses beyond the early stages
For some reason plaintiffs, who have filed the lawsuit are reluctant to comply with mandatory discovery or even initial disclosures.

For the case types we have handled it created unnecessary burdens and expenses as we were generally able to resolve these cases through motion practice.
Forces disclosure of witnesses
forces parties to begin both settlement and discovery earlier
Forces the parties to take a deeper look at the issue present in the case early on
Forcing all parties to promptly provide basis for their claims and related evidence helps focus the case early on. No one can avoid looking at the file until near the close of discovery.
From the defense perspective I see no benefits. Either Plaintiff's counsel is lax in complying with the program or is overzealous and uses it as a sword to exploit the burden it puts upon defense counsel and their clients (particularly in employment cases).
From the defense perspective, the MDIP encompasses greater information on the front end that standard discovery.
Generally, Defendants tend to withhold information as long as possible. The MID requires them to produce information sooner which facilitates early settlement. I expect that if we get to actual discovery it will allow Plaintiffs to focus their discovery requests.
Get it done
Get it done forces immediate focus to resolve or face facts
Gets parties to consider all facts early.
Given the amounts at issue being under $150,000, and an issue of personal jurisdiction being in question, the short time frame for responding to mandatory initial discovery, and the costs involved, negatively impact the ability for settlement of the claims.
had no impact
Having to respond to discovery while briefing motions to dismiss does not promote efficient practice
helps both sides to focus on essential issues in case
helps focus discovery
helps focus issues
helps streamline the process and assist judges w/ caseload
However, the requirement of party signatures is unnecessary and delays and makes the process more cumbersome
I am a relatively new attorney so my answer here should be taken with a grain of salt.
I appreciate the initial bulk of discovery being completed without needless objection, etc. However, the order is very unclear and I don't believe the parties know how to proceed after the initial discovery is tendered. In our case, we did an initial joint status with the District Judge, a partial MTD was filed and was fully briefed a week after the initial discovery was exchanged. Since that time, Defendants have not agreed to speak about other discovery Plaintiff seeks and now we are stuck waiting for the magistrate to grant us permission to move forward which he won't do until a ruling on the motion. Therefore, we are at a standstill. I am not sure if we even have subpoena power or if we have had a rule 16 conference as required by the rules. In

the meantime, our discovery clock is running down. Adding more confusion, though it seems the parties are open to mediation, we cannot get on the calendar for another 3 and a half months. I'm not sure what discovery will be/can be completed in that time, or if we are supposed to be doing anything considering the whole point of the pilot is to facilitate early settlement.
I believe it adds another layer of discovery. I also am uncomfortable certifying production responses for institutional clients.
I believe it eliminates unnecessary conflict at the early stages of discovery
I believe it may facilitate earlier resolution of cases.
I believe it places a burden on municipalities to produce documents in an unreasonably short period of time, thereby placing a greater burden on counsel to get protective orders in place, review, redact and bates stamp documents in an unreasonably short period of time.
I believe it will help parties to review both the positives and negatives of their case and aid in disposing of matters during discovery.
I believe that in a majority of the cases, the Standing Order requirements can help short-circuit much of the discovery process.
I believe that it does but I am still participating in the process for the first time
I believe the benefits of the Standing Order are limited or non-existent. The Standing Order does not eliminate the need for case-specific discovery that will be necessary in virtually every case, yet it does enact somewhat burdensome discovery requirements that are not actually necessary to litigation of the case. Further, the requirement that the defendant comply with the mandatory discovery requirements and answer a complaint even in (most) circumstances where a motion to dismiss will be filed is a waste of the parties' resources. I frequently defend arguably frivolous cases where dismissal is virtually assured, and yet the Standing Order requires burdensome collection and production of documents and other information even though the case is very clearly going nowhere. In sum, the costs and burdens imposed by the Standing Order significantly outweigh any benefit it may provide.
I believe the Court's Standing Order will promote early resolution, thereby decreasing costs of litigation.
I believe the discovery procedures are the same with or without the initial disclosures - most litigants do not trust that the other side will reveal documents or information that are not helpful, so you still have to search.
I believe the extra upfront costs are worth it given that meaningful discovery information is exchanged early on which better frames the case facts and issues.
I believe the Federal Rules are sufficient
I believe the program adds considerable expense to litigation and creates a huge advantage for plaintiffs in complex cases.
I believe there was little new cost or burden, and in fact the MID Standing Order should go further to affirmatively require automatic document production.
I believe traditional discovery is better for all. Mandatory disclosures at times require expense, investigation and drafting of information that may not even be sought by the other side.

I can only respond as to ERISA litigation matters. The goal of typical ERISA cases is for a quick, streamlined, and efficient litigation process with the Court almost always relying on the administrative record. The MIDP imposes unnecessary costs, delays, and issues that were not issues prior to the MIDP. Thus, most ERISA litigation attorneys I have talked to believe that there should be a further directive to exempt ERISA cases from the MIDP.
I did not find that either the answer or MIDP compliance advanced the cases or prepared parties for more concise discovery.
I did not get any more information - the stress of moving so quickly did not help the case
I did not see any benefits of the MIDP program. The rules of pleading and initial discovery under FRCP 26 are sufficient to apprise parties of the information gleaned in the MIDP responses. Further, I believe the absence of a clear enforcement procedure (similar to a motion to compel discover under Rule 26, 33, or 34) creates little incentive for parties to provide full answers in their MIDP discovery.
I didn't find that these steps really changed the initial dynamic of discovery. Plus, we had to do Rule 26 Initial Discloses, too, which I found quite duplicative.
I do believe parties are addressing the merits of the case sooner, but the ESI production deadlines are burdensome.
I do believe that it speeds up resolution of a case.
I do not believe it made any difference from the prior practice of self-executing disclosures.
I do not believe the court mandate is necessary to facilitate discovery and can, at times, add to the difficulty of handling these suits by setting such early deadlines.
I do not see any substantial difference between MID and Initial Disclosures.
I do not think it is a beneficial process. We filed a motion to dismiss three months ago and have not received a ruling from the Court. Because of the new MID we have been engaging in a lot of discovery and responses to requests and now scheduling of depositions without even knowing if the matter, or portions of the matter, will survive the motion to dismiss. If the case is dismissed, this will have been a huge waste of time and a huge cost to the parties which could have been avoided if the discovery process would have just waited until after the Court had issued its ruling on the motion to dismiss.
I do think the Standing Order is clear, and tells parties which types of cases will be under the MIDP, and the types of information that the parties will have to produce. For plaintiffs, this means they will have to be more forthcoming or upfront with information right away, even before filing the complaint.
I don't believe the Standing Order is burdensome.
I don't believe the Standing Order is sufficiently flexible to deal with all the ESI issues.
i don't feel that this was necessary for a personal injury case
I don't have sufficient experience to comment
I don't know yet but it requires additional burdens

I don't object to responding to the questions, but I think the ESI section is far too burdensome at the initial stage. An employer could spend an enormous amount of time of energy on an ESI search that's not truly relevant.
I don't see any benefit to a preliminary process that cannot, by its nature be complete and needs to be supplemented anyways.
I don't see the benefits from the defense perspective.
I don’t like this new discovery rule because it drives up litigation costs for clients who defend merit less cases. We filed a motion to dismiss plaintiff’s complaint in its entirety. Yet, we had to spend a lot of hours answering a 60 page complaint before the judge ruled on the motion.
I feel as though the court's order is appropriate in some cases but not others
I find that parties are just as guarded/cagey with the MID as they are with ordinary discovery. Also, since attorneys know that judges strongly disfavor motions to compel, parties' initial discovery responses (and in this case MID responses) are generally not helpful. I personally would be reluctant to pursue a motion to compel when I know I still need to serve discovery responses, and I fear a judge's reaction to me filing multiple motions to compel.
I found that this imposed a much greater expense on the parties, and the Court failed to supervise the process. In fact, we still haven't had an initial status hearing in the case filed last June.
I found the Standing order to be helpful
I had no issues doing the MID.
I have not seen any benefits to the process. From the plaintiff's perspective, we still receive little information without substantial prodding. Until we request documents through formal discovery, the defendants have mostly stonewalled. I don't sense that the defendants in my two cases are taking seriously there obligation to search through possible relevant documents and identify or produce what is out there. In other words, I feel that the MDIP simply delays plaintiffs' ability to make discovery requests, with very little upside.
I like getting documents early in the case. However, some defense counsel are under the impression that they do not have to PRODUCE documents - only "describe" them. This needs to be clarified in the MIDP procedures.
I need more than one case to judge but this is just a reshuffling of the deck chairs. Federal Court unnecessarily overcomplicates written discovery by not putting sufficient restrictions on it. While judges always reference litigation costs, they fail to look at themselves as one of the causes.
I only had one case settle; others we continued to litigate and expense and time investment was significant.
I only have this single instance, but I don't immediately see the benefit other than getting discovery started and completed. I am afraid I am missing the import of the process or the benefit, but maybe its just me, and the fact I've only been involved in one single case.
I prefer the traditional approach. Parties need more time to conduct their fact investigation before making these types of disclosures.

I represent plaintiffs in ERISA LTD claims, and the prior process is adequate for these matters. If required, the MID would just create additional work for the parties without much benefit.
I served discovery requests anyway, and those requests would have encompassed what was covered by the MIDP. Additionally, responses to MIDP requirements are not complete, and it takes time, effort and expense to follow up in any event, no different than under normal discovery situations.
I think civil rights cases are unique for plaintiffs, often requiring unique written discovery requests. More often than not, Defendants lie in proper civil rights cases, and mandatory discovery requires disclosure of information without a corresponding ability to lock the defendants into responses that can be impeached. Finally, the timeframe is too tight and obliges premature responses by both parties.
I think for certain case types, the benefits would outweigh the burden, especially simple cases. My experience however is in FCRA cases where the Plaintiff is an individual, for whom collecting the requested data is very simple, whereas the Defendant is a corporation that faces hundreds of these cases a year, and whose internal process is not designed to be this nimble. In those types of cases I think this rule gives an unfair advantage to the Plaintiff, who can make a frivolous claim that the defendant nonetheless will have to spend money on to make an initial production. This may lead defendant to have to settle at a higher value than the actual merits of the case warrant. I do not think this is a fair or desired result.
i think in the end the cost will be less.
I think it creates so much more of a burden and expense on the parties. Especially, the rule that you have to answer when you file a Rule 12 motion. That wholly undermines Rule 12 and makes no sense. Furthermore, there is nothing in the order that requires the judge to speed up their timeline for ruling on the Rule 12. So, then the parties are lead to conduct discovery on a case which could be entirely meritless. Finally, this standing order should not apply to class actions. Those are in a world of their own and make compliance with the order virtually impossible.
i think it depends on the case (multiple responses)
I think it depends on the case, but the burden of requiring parties to draft mandatory initial disclosures and produce documents and ESI so early in the case seems to outweigh any potential benefits in employment cases, especially given that oftentimes in such cases, the parties have already engaged in settlement discussions before the filing of the lawsuit.
I think it is costing the parties additional time and resources and increasing fees
I think it is difficult in a complex case to collect all the items on the tight schedule currently set.
I think it was helpful to get the case off on the right foot.
I think it would if the court and parties would require compliance
I think it's a great program. Requires counsel to get their house in order early and understand their case.
I think that many cases have large defense firms trying to stall w motion practice
I think the discovery process already has sufficient rules and this does not streamline the process.

I think the judges have done a good job of pushing the parties to meet deadlines but I do not believe the litigants have changed the way they approach litigation. While documents are produced pursuant to the MIDP, the only real benefit is that I have received documents earlier than I otherwise would but I still get the same standard discovery requests.
I think the program increases costs unnecessarily and does not have a benefit
I think the program needs to be adjusted in order to either exempt more complex cases from the program or to extend the deadlines set forth in the program for more complex cases. I also fail to see how moving to dismiss and filing an answer benefits anyone. It adds a significant amount of work up front for no clear reason.
I think the rule requiring the parties file both its answer and, if they chose s a dispositive motion simultaneously is inefficient and not cost effective. If the court grants the MTD, then why is it also necessary to file an answer? This is more a convenience for the courts than it is for the litigants. Also, parties are using admissions in the Answer as argument in their responses to MTD. If the courts are not even supposed to consider the answer until after ruling on a MTD, then why file the answer contemporaneously with the MTD? If the courts cant consider the answer before ruling on a MTD, then certainly opposing counsel should not be permitted to rely on defendants answer as a basis to defeat a MTD.
I think two key requirements are onerous and unfair to defendants with substantial e-discovery (the ESI production timing that allows only 70ish days to produce e-discovery as well as the requirement of answering simultaneous with MTD--often MTDs are filed because complaint is so defective it makes answering almost impossible)
I thought it got the case moving quicker and narrowed the issues rather than broad, overly burdensome and costly initial discovery.
I'm not sure as the standing order has not had much of an impact on this case yet.
If all parties comply, it certainly makes sense (and is beneficial) that each side will have an earlier understanding of the strengths/weaknesses and information needed.
If anything it puts more pressure on defendant corporations to spit out documents and gather facts sooner than they would, which is burdensome to the associates running the cases. Plaintiffs produce little to nothing as is, and clients don't give you documents any faster, so it just puts added stress on the associates rather than moving the case along. At most we're able to gather only a few documents so it just breaks up productions but nothing is easier or faster or more convenient.
If there is compliance with the Order, then it will result in cost savings when drafting written discovery requests.
if there was a "sometimes" option, i would have picked that. The FLSA cases (my exclusive forte in the ND) are fairly unique, I think, in that the focus is virtually always on payroll and time records no matter whether the claim is a simple overtime/minimum or a more complicated misclassification claim. Thus, the design of the MID (being that practitioners can more quickly identify salient/pertinent subject areas) is mitigated a bit because the discovery targets in FLSA cases are largely identifiable as a matter of course.
If this program moves cases forward in a timely manner, then it's worth it. It also provides a meaningful way for me to have tough conversations up front with my

clients about their case and the necessary information the court requires and when it's required as a result of this program.
If this was such a good idea, it would be a national rule. It is more work and more of an opportunity to play "gotcha," and so far, both sides seem to view it as just another burden to be endured that was imposed on litigants because someone thought it might help.
In a general sense, it should get parties together to talk about resolution sooner but so far in my case that has not happened.
In both cases, my client fully complied but my opponent's response did not seem to be a good faith disclosure.
In cases where a dispositive motion is filed at the outset of the case and which will resolve all claims, it is unreasonable to expect defendants to incur the costs of discovery. This is particularly so with some judges who take longer to rule upon their motions and where the parties could conceivably get through fact discovery without a ruling on the motion. At a minimum, I would like to see a modification excepting cases where a dispositive motion would dispose of all claims.
In cases with substantial ESI where 40 days is impractical, the new rules seem to just create additional busy work that does not actually advance the ball.
In class actions, the burdens appear to far outweigh the benefits with respect to the ESI production. It unfairly burdens the defendant and tips the entire litigation in favor of the plaintiffs.
In complex cases of this type, time is needed to thoughtfully and completely respond to discovery. Mandatory deadlines of this type arbitrarily accelerate the deliberative process without consideration of the nature and type of discovery to be conducted.
In complex cases, it can help focus issues for subsequent discovery. For less complex cases, it will reduce the need for additional discovery.
In consumer cases, these will settle early without MDIP - the added cost at the outset actually hampers settlement discussions and can lessen authority to settle cases.
In each case, the complaint was frivolous. The matters will ultimately be dismissed yet we are forced to incur thousands of dollars in discovery expenses.
In employment discrimination cases we feel that that MIDS place additional burdens on Defendants who possess most of the relevant documentation. Deadlines are earlier and the scope of production is broader.
In litigation involving small and medium sized companies, this program seems like it would help. But, as companies get larger, the burden the MID program imposes increases exponentially.
In most cases, there is no need for the initial discovery due to early settlement or resolution through motion practice.
In my case, the production burden imposed by the Standing Order was virtually none and costs remained relatively similar to my pre-Standing Order files of a similar nature. The time burden on counsel was difficult and resulted in additional time commitments on counsel - specifically additional work hours dedicated to this matter and delay of work on other matters. The benefit of producing evidence earlier was minimal, as the same evidence would have been produced under Rule 26(a) in an entirely reasonable amount of time under the pre-Standing Order system. Weighing the limited benefits and the moderate costs and burdens, counsel's opinion is that the

Standing Order was not necessary in that his or cases in which the primary relief is a declaratory judgment on a question of law.
In my cases, the burden is 100% on the defendant. We have very little time to investigate the case, determine what information must be produced and produce it. All of this must be explained to a client and it means other work needs to be put on the side to comply with the rule.
In my experience, defense counsel did not thoroughly answer the MID, so I had to issue written discovery which I would normally have requested to get what was needed. Further, defendant's written discovery requests essentially mimicked the MID, so I did double the work to the same result.
In my experience, the timetable for production is so compressed, especially as a defendant who does not have the ability to get their documents and witnesses together in anticipation of suit, that the meeting the deadlines is costly and requires significant up front work. On the other hand, I have no personally seen any benefits of the Standing Order. Plaintiff's production was minimal, delayed, and told me nothing I did not already know from the documents my clients had.
In my one experience with this, the benefit was minimal. The information produced would have been produced anyway through the usual written discovery methods. Having some of the information quicker did not make the discovery more focused and did not nudge any party toward settlement.
In my opinion, the MID simply requires the Rule 26 disclosures to be submitted sooner. The MID's purpose can be sufficiently handled by the judge's joint initial status report, if the judge requires disclosure of documents encompassed under the MID.
In my particular case, the cost of discovery was significant for the defendant (employer). The plaintiff alleged all sorts of conduct which made collection and production onerous. The cost for the plaintiff was minimal. The plaintiff also issued traditional discovery after MIDP responses and essentially forced the defendant to itemize all of the material produced through MIDP.
in my personal injury case our discovery is more targeted and does not require the mandatory MID
In my view, the Standing Order has just made extra work. The existing discovery structure works fine, particularly since we already have Rule 26(a)(1). The inflexibility of the deadlines in the Standing Order has also been a problem with some judges, with the result that the work product is even less useful.
In our case, standard automobile personal injury written discovery will need to be done anyway. This will end up being duplicative.
In our case, we filed a 12(b)(6) motion to dismiss but still had to answer and submit initial disclosures. Plaintiff then asked for leave to amend the complaint; we are now required to answer *again* while filing a second motion to dismiss. The Court has also requested that the parties return with a plan for discovery, and may or may not require us to conduct discovery while the second 12(b)(6) is still pending. In fact, because this is a class action case, we may be forced to undergo *classwide discovery* for a case in which the court ultimately determines the Plaintiff has not even stated a claim.

In product liability cases, discovery burdens fall more heavily on defendants. Because the MID forces immediate expansive discovery before a motion to dismiss can be heard, the program not consistent with the Supreme Court's decisions in Iqbal and Twombly that require plaintiffs to assert plausible claims before the doors to civil discovery are unlocked.
In the 3 cases I have in the pilot, I haven't seen a benefit.
In the cases I have handled, the information exchanged in the MID process would have been the same as the information exchanged in initial Rule 26(a)(1) disclosures.
In the FMLA case that settled, my client was required to undertake an extensive investigation at great cost, very early on in the litigation. The plaintiff was not required to spend that much time, since my client, not the plaintiff, had all the information. An added difficulty is that, like many employment discrimination cases, the defendant here had insurance. Insurance carriers generally will not consider settlement until they are in possession of an exhaustive analysis of the case from defense counsel. Because the MID deadlines are so short, it is nearly impossible to complete an internal investigation and present a cogent analysis to the insurance carrier and to the defendant until after the MID responses are due. For this reason, it will be very unlikely that cases involving an insurance carrier can be settled within 30 days of the date that the responsive pleading is filed, and requests for this extension under the Order are therefore unlikely. And, by the time that the discovery responses have been provided, the defendant has likely exhausted its deductible, which serves to entrench the defendant in its position and make settlement more challenging. In fee shifting cases, forcing the parties to expend significant resources upfront may serve to impede, rather than to motivate, settlement discussions. Additionally, defense fees spent within the first 90 days of the litigation deplete resources that the defendant may otherwise be willing to spend on settling the case.
In the particular case, it was a pro-se complaint and subject to dismissal due to the nature of how it was pled. The discovery preparation and requirement to answer as a part of the discovery process was time-consuming and wasteful given the nature of the litigant and quality of the pleading.
In the usual Erisa section 502(a)(1)(B) benefits case, review is only on the administrative record so discovery beyond the administrative record is not proper.
In theory, when both parties fully comply then the MIDP should work, however, when one of the parties is not as forthcoming than it all falls apart quickly.
In these two cases, MID wasn't too burdensome.
Inevitably there are documents and information not provided in the initial disclosures. While a tremendous amount of effort was undertaken to create what are essentially extremely thorough 26(a)(1) disclosures, it didn't change the course of discovery.
Initial disclosures do not reveal much, if anything, that is not in the pleadings already. Since they are based on what is known, and do not demand new investigation, they cannot really do more. And that is fine. The discovery process works well.
Initial disclosures largely ask for the same things as initial R26 disclosures, except there is less flexibility if the parties need time to negotiate terms of a settlement. There is some added incentive to settle quickly, but that is outweighed by the waste

of time and money resulting from preparing and serving disclosures in a case that could be resolved without any discovery.
Initial discovery answers were not very substantive but the parties knew they wanted to settle so issues not raised.
It allows for the parties to exchange information more fluidly.
It allows you to see what documents the other side has i believe cases will settle faster i believe if not there will be more motions for summary judgment sooner in the process and in general it will speed up the cases as a lawyer it is harder to get ready but it makes you evaluate the case sooner prepare better
It can become impossible in cases where third parties have to provide discovery to either party. It does not trigger settlement.
It certainly helped to get the parties to discussing settlement faster on the other hand it cost a lot in legal fees.
It created additional work, but there was still a need to issue my standard written discovery due to the municipality's obfuscation.
It creates unnecessary work and improperly circumvents Rule 12.
It did nothing but incur additional expense
It does not seem that regular discovery was more tailored or efficient given the mandatory initial disclosures. In both cases, the plaintiff often did not have any documents to turn over, and the burden of production rested entirely on the defendant.
It forces the parties to address the ins and outs of the case, and to consider settling earlier.
It forces the parties to start working up the case from the start as opposed to letting things linger.
It gives the mandatory disclosures more substance and moves case forward.
It gives you initial insight into what information the other party has in its possession that is helpful/harmful to your case before propounding written discovery. I think it will help streamline discovery and hopefully resolve unnecessary discovery disputes/games.
It has made the common information more obtainable early in the case, but there still remains issues that need to be addressed through interrogatories and requests for production of documents that result because one party believes something is important that the other party does not.
It has not seemed to expedite settlement discussions in any of my cases.
It helped establish a dialogue
It helps facilitate early settlement.
It helps get the majority of written discovery completed so parties have an easier time understanding what the focus of the discovery process needs to be.
It helps the case move along more efficiently.
it helps to focus less complicated cases on issues that facilitate resolution
It helps to front load the burdensome work of discovery and has helped streamline our office's ordering procedures.
It increases attorney fees which is counter to settlement.

It is a huge burden on defendants since they have to answer and otherwise plead. In all of my cases, plaintiffs keep amending, which means the defendants answer multiple times.
It is a significant burden to produce early. This will force settlement on parties with less resources. Allowing discovery costs to be spent over time is easier on parties with less resources.
It is arbitrary and repetitive and does not really streamline anything that carefully crafted interrogatories and requests for production can't already do. Plus, the early determination of cut-off dates and deadlines is just unrealistic for both sides. And I was doing this in a case with a cooperative opposing counsel. For those that like to wield discovery like a sword, being forced to work together on every little step makes it all the more difficult and time-consuming to have to find time to figure out all of these things together. It is one of the worst features of the federal system, which culminates in the brutal joint pretrial order.
it is beneficial towards spurring settlement
It is better to have the information sooner.
It is difficult to apply a single standard to every case
It is not a high burden and eventually you need to do this anyway.
It is similar to responding to discovery requests, so I don't believe there is an increased burden on the parties. This assumes the discovery requests issued thereafter are not duplicative of what was previously produced.
It is very difficult for a defendant to get all the esi information in the time allotted.
It is yet another overburdensome layer imposed by Federal Court. This doesn't accomplish anything that Rule 26 does not accomplish.
It isn't that much of an added step.
It made the early part of the case very time intensive and I don't see that it short cut the need to do discovery later on or inspired the parties to discuss settlement at an earlier stage.
It makes both sides more responsible for initiating or fighting the litigation early on. Discovery takes a lot of time and work - I think people are likely to settle more when faced with the burden of going through discovery early on.
It narrowed issues and we are close to settlement
It only interferes with the course of the case. Unnecessarily creates more work. Doesn't work. Don't like.
It pushes large bureaucracies (e.g., the City) to respond quickly in a large action
It required earlier production of materials that would have to be produced and allowed more focused follow-up discovery
It seems an unnecessary hurdle too soon in the case.
It seems merely duplicative of discovery that would be issued anyway
It seems to add an unnecessary step and not facilitate quicker discovery
It seems to create more substantial obligations and burdens for defendants. In one case, plaintiff used alleged deficiencies in the disclosures to file motions to compel even before any discovery requests had been exchanged, seeking documents not reasonably called for by the MIDP. Nevertheless, the Magistrate required the parties

to justify their positions in detailed memoranda. The end result seems to be that the MIDP offers plaintiffs an opportunity to circumvent formal discovery and the rules and standards for resolving discovery disputes. It seems to effectively created a rebuttal presumption in favor of plaintiff that the disclosures were inadequate.
It seems to help with interrogatories, since some of the mandatory requests would answer those I would typically put in interrogatories.
It simply adds to counsel's initial workload, which can be heavy at the outset of a case (analyzing jurisdiction, motion to dismiss, answer, investigation, etc.)
It streams lines everything and makes a standard that every party can be prepared to address.
It was a bad experience. We complied, the defendants did not and the court let them get away with it. The lesson is we shouldn’t comply either since it left our client at a disadvantage.
It was beneficial to exchange the information to help facilitate settlement
It was not much different than the original disclosures; since discovery couldn't be initiated before it was exchanged, our client felt behind and forced to wait.
It was very helpful to have substantive information right at the outset of the litigation.
It would be more cost effective to have produced the mandatory disclosures contemporaneously with the written discovery to be produced
It's a bit too early to have a yes or no answer on that, need more time to see the benefits and burdens tbh.
It's a solution looking for a problem that hasn't been uniformly applied and hasn't made discovery any easier.
It's a waste of time and money. The parties will still send out regular requests so all this does is add in another layer of discovery to answer.
It's an unnecessary step in light of Rule 26 disclosures
It's extremely expensive and impractical to have to produce all ESI while a meritorious motion to dismiss is pending.
It's hard to generalize on the basis of only a few cases, but it seems to me that the MIDP obligation probably increases the total amount of time I spend on cases. I have issued additional written discovery and received additional written discovery from opposing counsel in my MIDP cases. I think that will continue to be the case.
It's just one more burden to comply with at a stage when you're trying to evaluate the sufficiency of the complaint, defenses, strategy, etc.
It's still too early to tell, but so far, I do think it's generally a good idea, as long as the judges are willing to be flexible about enforcement, which they have been.
It's too early to tell. it was a lot of work to comply with, so generally I think it is good to have a reason to ensure a thorough investigation is conducted at the beginning of the case.
Led to settlement by showing merits of the Plaintiffs and weakness of the defendant
Limited experience, but so far, there has been no real benefit
Made our life much easier to know at the outset the documents that actually existed.
Makes both parties do more work on the front end which avoids filing what turns out to be weak cases

Makes clear and streamlines discovery and avoids delay due to initial motion practice.
Many of our opponents attempt to push their attorneys' fees as high as possible so as to increase their settlement offers. We attempt to avoid discovery at all costs, but the MID gives them another reason to "run the meter."
Maybe in general, but not for my case
MDIP appears to impose unnecessary add'l and confusing burdens and costs on the parties; stick w/ the FRCPs we already have
MID does not seem to apply well to Monell cases. Many of these cases start with boilerplate/kitchen-sink pleadings, which makes the scope of MID-related documents enormously overwhelming. Likewise, many times these cases are ripe for bifurcation, which should happen before documents are exchanged to save on cost, time, and resources. Additionally, in cases where Monell is not bifurcate, the onus should be on Plaintiff to prosecute his case and seek targeted requests for production to build upon specific claims.
MID is extremely burdensome for conscientious parties to correctly and completely prepare and continuously update. At the same time, the MID provides non-responsive parties additional avenues to avoid, obstruct, and delay discovery with no significant consequences and the ability to create additional burden and expense for their opponents. Parties also frequently disagree on what "may be relevant" to the other side's claims or defenses, leading to incomplete MID responses and/or disputes over completeness.
MID's have been largely useless and seem to be needless make-work.
MIDP just seems to be an extra, unnecessary step in the discovery process.
Monell cases and section 1983 cases have so many documents it is nearly impossible to obtain and review all of them before producing on time.
More costly
More difficult for pro se plaintiff's to understand
More money is spent on discovery then issues in case.
more time and paperwork with no productive benefit
more work; could be irrelevant if case gets dismissed
Most parties do not provide any additional information other than what is already known, or what R26a1's would provide. Producing documents early often forces cases into discovery where they could be resolved on a rule 12 motion. Most plaintiff's counsel do not treat it seriously and it is just additional hoopla and costs. It does not prevent us or plaintiff's counsel from serving discovery. The other issue is that half or so, or at least a large portion of judges have opted out of the program.
motivates both sides to grasp the scope and cost of its respective case/defense
My client (a municipality) had to spend $15,000 to get an IT specialist in to preserve electronic data that could not be stored by in-house folks within 30 days. There was nothing even relevant in ESI so it was a waste of money and done only for fear of not meeting the arbitrary 30 day deadline. Also, the plaintiff bears the burden of proof. Requiring the defendant to guess at what the plaintiff's evidence is and produce it's evidence simultaneously and before any depositions is unjust. The plaintiff has about

two years before filing suit to gather its evidence. The defense has 60 days. That puts the defense at an unfair disadvantage.
My opponent duplicated the same questions in their subsequent discovery requests.
No, at least not for employment discrimination, harassment or wrongful discharge cases (especially single plaintiff cases). In employment cases, the discovery burden on defendants already is far greater than on plaintiffs. This compressed discovery time frame means much of the cost of the case for defendants will be shifted to the earlier part of the case. Once defendants already have incurred high costs (including the significant cost of ESI), it may became even less likely (depending on the facts, of course) that the defendant will opt to consider settling the case.
No. The parties would be better served if they just proceeded with targeted discovery from the inception.Given the time constraints of the standing order the materials exchanged in a personal injury case would be limited and subject to being supplemented at a later date.
Not as helpful as contemplated and seems to drive up costs for defendants (by accelerating the case at the outset)
Not at this time - perhaps later if we can eliminate sending of interrogatories in lieu of the mandatory initial discovery.
Not enforced by the Court
Not even close. A well-crafted and research 12(b)(6) motion MUST delay all discovery and answering of a pleading. This was an enormous waste of my clients' resources and my time. It is shocking that a plan like this would be implemented.
not helpful
Not in our particular case. We had a very strong 12(b)(6) motion on legal grounds and ultimately prevailed on it. The discovery was not relevant to the legal grounds, so it was more of a burden than a benefit.
Not in these large and complex cases, maybe in smaller sized actions
Not much of a burden because - to me - it was just doing discovery a bit quicker
Not much of a difference was noted between initial disclosures and this program.
Not sure at this time whether the initial burdens will yield the intended benefits
not sure that it helps this process
Not until the pleadings are finalized.
Nothing accomplished that could not have been with standard written discovery
Once the parties are led to do work, more realistic views of the merits are often elicited.
Opposing parties have not narrowed their discovery requests based upon the MIDP responses. It appears that discovery requests were drafted without reviewing our MIDP responses in both relevant cases.
Opposing party did not timely produce, claiming untold docs to be reviewed
Our case is a good fit for this type of approach
Our matter involved a claim that was untimely and we believed that a favorable ruling on our motion to dismiss would have helped to limit discovery. Having to file an answer to the remaining counts and provide the extensive amount of disclosures as part of the mandatory initial disclosures and exchange of ESI resulted in a large

amount of costs that we believe could have been either avoided or addressed later in the case.
Our opponent in one case provided objections and then failed to produce documents along with its disclosures. When we called them on it, they said that our remedy was to issue discovery requests. We think that this is wrong; however, the rules are unclear about this. We are about to file a motion to compel and test the this.
Our opponent refused to produce documents and we had battles over ESI. We tried to serve written discovery but were not allowed. ESI is still not completed. The entire process has been delayed.
Our propounding and answering discovery didn't change.
Overall -- it is working to get some of the discovery out of the way, but need to educate more attorneys to know what the obligations are under the order, which seems to be clear, but you have to read it.
Overall I think that the disclosure process speeds up discovery, forces attorneys to consider their legal theories early and thereby promotes settlement and more streamlined cases.
Particularly for defendants, who have not had the benefit to prepare for the matter for (in some cases) years, the front-loaded discovery presents a significant challenge and disproportionate burden. That is on top of the already disproporationate burden that product liability defendants - with significant caches of information that are potentially discoverable - have in such actions, which are typically brought by individual plaintiffs with little to no discoverable information.
Perhaps it's too early to tell, but I still receive the same type of written discovery I received before MIDPP. In the cases I defended, defendants typically have the most documents. We produced them but except in the most simple of case, there will be issues of who is a proper comparator and that issue does not lend itself to MID. Also, the ESI issue is not working well under the program because opposing counsel has been floundering finding search terms yielding results that can be managed. So, the pattern we are in is running the plaintiff's searches, telling them they resulted in tens of thousands of documents, having the plaintiff try to narrow and on and on and on. This cannot be accomplished by either side within 40 days, and the parties have been working in good faith and diligently.
plaintiff has no burden - they don't have any documents anyway and just spit out what's in the complaint. It is much more burdensome on the defendant.
Probably true but not certain.
Puts a tremendous burden on counsel representing large corporations and municipalities while not nearly as burdensome on those representing individual plaintiffs.
Puts all parties on equal footing in order to evaluate the case
Requirement that answer required at time motion to dismiss was filed by defendant resulted in extra legal fees for client that would not have been incurred as plaintiff withdrew case voluntarily.
Rule 26(a) is sufficient. In fact, some judges require Rule 26(a) disclosures in addition to mandatory disclosures under Standing Order. The latter was supposed to supersede the former.

Section 1983 litigation, especially concerning reversed convictions, is complex and document-intensive and usually covers 1-2 decades and includes Monell claims, all of which makes complying with the MID extremey difficult without any demonstrable corresponding benefits
Seems to be duplicative
So far, have not been able to see any benefit
Sometimes, opposing counsel attempts to be "cute" in their responses to discovery, and this helps cut down on that. The theory of civil litigation isn't hiding and deception, but instead, to get all of the facts out into the open and see which side has the facts and law on their side. This program will help parties tell how strong each side's case is on the earlier side, which should help facilitate settlement by cutting down on attorney's fees, etc.
Sped up the process considerably.
Speeds things up - get to the same point anyway.
Speeds things up!
Standing order is rigid and not adapted to nuances of each dispute. Judges are unwilling to depart from the use of the one-size-fits-all standing order.
Stops delay minded defendants from hiding key evidence---a very good thing.
Streamlined the process and required complete answers
The burden imposed on the parties delays settlement while they attempt to comply with the program. The program does not allow time for both settlement discussions and compliance to occur. It also makes settlement more difficult as it requires costs to be sunk into the case by Defendants in the form of attorneys fees at an uncontrolled rate early on in litigation, while Defense counsel complies with the discovery rules.
The burden in collecting documents before dispositive motions have been ruled on is difficult to explain to clients and makes document gathering much more difficult.
The burden is minimal. Because responses are mandatory, the Standard Order helps the parties cut through the unproductive discovery back and forth. As a result, litigation is much more efficient and productive.
The burden of gathering ESI and other information so quickly outweighs the benefit, particularly when the defendant is going to file a motion to dismiss. Similarly, it's burdensome and inefficient to be required to file an answer alongside a motion to dismiss.
The burden up front does not assist in accelerating resolution.
The burden was not substantial.
The burdens fall disproportionately on litigants who cooperate in good faith. In one of our cases, opposing counsel only produced material that was helpful to his client's case, so we have shown our hand but he has not showed his hand.
The burdens fall very firmly on defendants and further incentivize plaintiffs to bring -- and defendants to settle -- meritless cases. This is especially true in the employment space.
The burdens of discovery in the Standing Order should not apply or should be altered for class actions.

The case moved faster toward resolution
The cases I have handled under the Standing Order involve incidents that occurred decades ago and Monell claims which result in the early imposition of costs, expenses, and burdens on the parties counsel that outweigh the benefits of resolving the litigation at an early stage.
The cases would have settled early regardless, so it added an unnecessary expense.
The cost and effort to identify discovery and produce it within a shortened time frame is significant.
The costs and burden are minimal after familiarizing yourself with the rules. In some cases, I can see how the deadlines might be too ambitious.
The costs in terms of fees are too high relative to the value.
The costs on defendants are at least accelerated (including the need to file an answer with a motion to dismiss pending and initial disclosures which appear broader that Rule 26(a)1) and may even be increased depending on a given case.
The costs were minimal but the benefits were also minimal
The court has shown a practical flexibility in applying the standard order, holding the mandatory discovery in abeyance while motions to dismiss are being briefed
The Court's Standing Order forces the disclosure of a high volume of relevant information, rather than relying on the parties to know precisely what documents to ask for or to issue broad, vague, or otherwise indefinite discovery requests that don't always yield disclosure of the intended documents.
The Court's Standing Order is a boon for plaintiffs, but a scourge for defendants--particularly on cases with little merit. The costs imposed on defendants who file meaningful motions to dismiss are punitive.
The Court's Standing Order is helpful in forcing the parties the "lay their cards on the table," and it either prevents or minimizes the feeling that a defendant is being "shaken down" by a plaintiff when that plaintiff is forced to produce documents that either support or refute its claims.
The defendants in my cases do not diligently comply with the standing order. And, at this juncture, there have been no consequences for parties who fail to comply with MID.
The disclosures are pretty burdensome, in that it takes a lot of time to comb through all the documents in our cases (which are fairly large), and we represent multiple officers that have to sign off on documents, stating they are true, when they have no idea. A lot of the time, Plaintiff's counsel has not complied with the MID. It makes for a lot of work in the beginning of the case.
the disclosures only added more work, did not provide any benefit and delayed significantly getting answers to basic question and production of basic documents
The disclosures require immediate involvement from opposing counsel which can make sure that the case will not be ignored until the first status hearing.
The discovery cuts to the chase when dealing with dilatory defendants.
The discovery steps I have always followed in litigation in the federal courthouse are very much similar to the mandatory initial discovery the court has initiated in this program. If anything it has made me a little more cautious to make sure I follow the timelines set forth in the new program.

The effect of the order is that parties exchange ill prepared disclosures with incomplete records and answers are filed that neither admit nor deny because the party did not have time to adequately research the allegations. The rush to disclose does not produce a better exchange nor does it foster any positive relationship between counsel
The exchange of information is expedited
The extent of the MID requires a substantial initial cost on the parties and discourages informal discussions of settlement, as the parties immediately become entrenched in their positions.
The fact that an answer by the defendant is required even if a motion to dismiss is filed prevents the streamlining of issues at the initial stages.
The front-end heavy nature of this process can sometimes impede early settlement due to the time-sensitive nature of the mandatory discovery.
The inconsistency between judges and the lack of clarity regarding what is required to be produced when is counter-productive.
The initial crush of documents that needed to be produced does not facilitate early settlement because costs have already been incurred.
The local rules provide little to no flexibility in complex cases, like those involving foreign defendants or transfer issues.
The looming deadline for mandatory disclosures encouraged early settlement discussions.
The mandatory disclosures cure an information asymmetry which help promotes early resolution and ensure fairer adjudication of employment claims. Those benefits for our judicial system as a whole far outweigh costs to individual parties, particularly given that those benefits help fulfill express statutory purposes under many employment laws (e.g., Title VII's purposes of early investigation and conciliation; FLSA's purpose of ensuring minimum wages paid).
The mandatory disclosures helped both sides see the weaknesses in their case and I believe lead to an earlier resolution.
The mandatory discovery significantly increases costs early in the case, negating the value in an early settlement.
The MID did not increase costs since the materials would have been requested and produced in regular discovery
The MID is incredibly burdensome and inflexible. It is very difficult for clients with limited resources to comply with
The MID needs to be strictly enforced. Otherwise it is subject to being gamed like initial disclosures under Rule 26
The MID requires parties who might otherwise not conduct a thorough investigation of their case or defenses, to quickly and thoroughly conduct an investigation.
The MID, and in particular the ESI production, cost the parties tens of thousands of dollars.
The MIDP is disproportionately burdensome on defendants in my practice area -- defending employment, wage and hour, and whistleblower cases. It discourages clients from defending against weak or meritless claims solely to avoid litigation costs, or unnecessarily drives up litigation costs for defendants while plaintiffs still have a very low burden in discovery.

The MIDP places an incredible burden on the parties and does not serve any real purpose.
The MIDP process was extremely costly to my clients, adding unnecessary additional expense in both fees and costs to our defense for extensive discovery production including ESI and answering an 80 page pro se complaint, particularly where our case has motions to dismiss pending which could resolve the case in its entirety.
The MIDP provides for the free exchange of information outside of motion practice (with recognized exceptions) and promotes efficiency. My experience is that because of this, settlement dialogue began much more promptly and honestly. My MIDP class action case is now proceeding toward settlement.
The MIDP requires defendants to incur significant unnecessary costs for initial disclosures and filing an answer even in the face of a clearly deficient claim. Initial disclosures require a substantial investment of attorney and client time to be done appropriately and with a full understanding of the case, and answers require drafting legal research. Of course, requiring electronic discovery at the outset of the case before the defendant has been able to test the complaint is particularly burdensome, especially for relatively small clients.
The MIDP seemingly requires the parties to set up an ESI protocol early on in the case that may be more elaborate than what the case actually requires. Having the opportunity to set up the ESI protocol later in the case may help prevent each party from incurring unnecessary costs.
The MIDP, in many ways, merely accelerates the typical written discovery done in civil rights cases. The same documents still have to be produced (by both sides). In this way, it does not reduce the burden typically associated with a case. Also, parties are typically loathe to discuss settlement before deposition discovery, which is unaffected by the MIDP.
The MIDPP is onerous and burdensome, and in no way speeds the discovery or settlement process. It only adds to the requirements applicable to parties, particularly by requiring both an MTD and answer, a totally inefficient and nonsensical requirement.
The MIDPP obligations add layers of pleading and costs. While helpful, the obligations could be more streamlined and should not kick in until the first status and discussion with Court. It is also unclear if we are to follow the MIDPP status report guidelines or the Court's initial status report guidelines. Clerks do not seem to know precisely either. Also, having to seek relief from filing an Answer when jurisdiction is an issue should not be on the parties.
The more basic information that is disclosed early on in the case the quicker the case can be resolved by either settlement or trial
The more early disclosure the better. It is a very good change in the rules.
The more facts disclosed up front, the more likely the parties will either reach a settlement or move the case forward faster. Although federal courts have a notice pleading requirement, I believe a fact pleading, detailing the specific facts that give rise to the claim, can also help settle cases or move them forward faster.
The notion that an answer needs to be filed prior to or commensurate to a dispositive motion creates a significant burden on defendants, particularly in answering a lengthy complaint.

The only effect of the program in my case was to drive up discovery costs -- hundreds of thousands of dollars. And normally, those costs would not have been incurred because a very strong motion to dismiss (at least as to some claims) was available. The program did nothing to aid settlement -- except that it puts financial pressure on the defendant, precisely what the recent discovery rule amendments were supposed to alleviate to some degree.
The Order is unduly restrictive -- with no extensions to answer or move to otherwise plead. For example, if a corporation is served with a complaint in a significant case (large potential exposure, class action etc.) where the plaintiff has had months to prepare the case, get discovery ready etc., the corporation has only 20 days -- with no extensions -- to interview and hire counsel, research the issues legally and factually, including determining jurisdiction and merits defenses and whether a 12(b)(6) motion is appropriate, and then prepare a motion or answer. Not allowing any extensions -- even 14 days -- can compromise the ability to fairly defend a case. Also not allowing the possibility to staying discovery if a valid motion to dismiss is brought in such a case places significant burdens and cost pressure on defendants. While stays are never automatic, there are cases that warrant consideration where a valid 12(b)(6) motion is on file that would likely result in dismissal with prejudice. The way the Order is drafted it is too one-sided in favor of plaintiffs in asymmetrical cases.
The parties are perfectly capable of engaging in discovery in due course, and the prior initial disclosures were sufficient to get the parties started. The mandatory disclosure process makes federal litigation more expensive earlier than it needs to be. It does not save time or effort, because the parties thereafter served duplicative requests. The mandatory request for evidentiary support for case allegations merely duplicates the recently exchanged pleadings and does not significantly advance knowledge of either party.
The parties are still going to want to pursue their own discovery. Awaiting service of discovery until 30 days after responding to the complaint unnecessarily delays proceedings.
The parties still think they r right
The Pilot Program forces the Parties to present general information that can identify the glaring issues presented by the Parties' respective positions. Ideally, this result streamlines the Parties' focus during discovery and facilitates early resolution in some cases.
The problem is that the disclosure timeline is not parallel for both parties; plaintiff should have to do their disclosures within 30 days of the filing of the complaint--not defendant's answer. Plaintiff should be able to supplement their disclosures 30 days after defendant's answer if needed based on counterclaims/affirmative defenses, but our plaintiff failed to even review the most basic information (medical records) in a wrongful death case, and there's no reason for plaintiff to hold off on producing this information.
The process is flawed in a number of respects. The most obvious is that while the Court is encouraged to step in and expedite initial discovery, there is a requirement that the parties file a joint request for the court to resolve issues. An intransigent party can easily circumvent this requirement. What is needed is if one party is not

complying, the other should be able to quickly notice up a hearing to bring the issues to the court's attention.
The production goes far beyond initial disclosures without serving any real purpose.
The program frontloads all costs from the defense standpoint impacting strategy and budgeting. It means borderline frivolous claims that are subject to appropriate motions to dismiss now must be evaluated on a cost of defense basis as corporate defendants must incur the costs of a motion to dismiss, answer, and ESI production before the merits of the case are tested.
The program is implemented differently among judges. The lack of consistency causes more discovery disputes amongst parties.
The program's burden, especially on large defendants in large cases, is astronomical. If it causes early settlements, it is only because the program unfairly forces the hand of large defendants in large cases.
the requirement that party sign the discovery response is unduly burdensome.
The requirement tnat an answer be filed even though a motion to dismiss has been filed is onerous, burdensome and absolutely ridiculous.
The requirement to disclose all potentially relevant info at the outset has generally been beneficial. However, I do not believe some of my opponents have understood or correctly followed this requirement, and in those cases, the MDP program has not been beneficial because it has served to be just an additional rung in the discovery ladder.
The rules moved the process along.
The same essential burdens will exist in conventional discovery anyway, and MID may help with early settlement.
The short term costs and burdens will benefit the entire system in the long term. Some sacrifice for the community is necessary.
The standing order does not add any benefits; the apparent goal of the order is already achieved through Rule 26(a)(1) disclosures and normal discovery.
The Standing Order is intensive in this type of consumer case, which is often resolved with informal production that is less onerous that the requirements under the Standing Order.
The standing order is very burdensome in complex, large scale cases, as it essentially requires the parties to provide all relevant evidence within 70 days of the complaint. This creates an asymmetrical burden that falls much more heavily on defendants, who are more likely to have more documents. It's particularly unfair when defendants have valid motions to dismiss, as the whole point of a motion to dismiss is to avoid the burdens of discovery. While the standing order theoretically makes a lot of sense in less complex cases, it does not fit well with larger cases involving lengthy, historical allegations. If kept, the exceptions should be broadened substantially.
The standing order makes it more burdensome on the parties and is unreasonable in time and scope as to simply ratchet up costs on the parties at the beginning of the litigation.
The standing order makes sense in cases of certain size and complexity. In the two case I have had are complex class actions and strict compliance with the order in

one case provided very burdensome and costly and may be unnecessary when a ruling on the motion to dismiss is ruled upon.
The standing order may be helpful in less complex matters or cases where the potential damages are not significant. It is difficult to proceed quickly in the initial phase when the damages are significant or there are numerous factual and/or legal issues.
The Standing Order needs to be clear that any non-ESI document production is due within 30 of the 1st responsive pleading. Otherwise, the document production was very helpful for the purposes of drafting further requests. The MIDP requests for information were not as much. Parties have every opportunity to provide responses that are very evasive.
The Standing Order requires the parties to produce materials earlier in the case, and become more familiar with the strengths/weaknesses of their case.
The Standing Order serves to force heavy-handed discovery on defense counsel, which is a burdensome and expensive undertaking. It did not at all change the trajectory of the case or the ability to settle. It just gave the plaintiff more ammunition to say "we want it all" and "we want it sooner." What a pain.
The standing order tracks what I would do in all my litigation cases, so I am very comfortable following the outline of the MIDP. I am an engineer by undergraduate training (B.S.M.E. Univ. of Illinois, Reg. P.E.), and engineers tend to be organized I think in problem solving. I really have no problem in complying with the MIDP, since I approach my cases in that procedural manner.
The time constraints are unrealistic and it doesn't carry the same level of accountability for trial purposes. So, traditional written discovery is still required to keep a clean evidentiary trail. I'm not clear on what problem early production was trying to fix. Cutting down on routine, boilerplate objections has been a huge improvement and I would prefer to let that play out without the added distractions of MID.
The time frame of the Court's standing order is unrealistic and does not allow the attorneys the ability to work together to establish workable time frames for litigation and their schedules. It does not take into consideration that there are different size firms and not all have large staffs. Furthermore, the judge's harsh stance and inflexibility on the deadlines for MID (and its requirements) add stress to an already stressful occupation.
The traditional approach is better for lawyers than clients because it allows lawyers to have more flexibility with their time. The new approach is better for clients, but it is harder on lawyers because litigation engagements will now be more intense. I’m designed to prioritize my client’s interests, so I support the new order, but I worry about the next generation of litigators.
The universal application to all cases is unworkable. There should be exceptions like when a dispute is subject to arbitration.
There are defendants sued in our case that have no basis being sued, and who have filed a motion to dismiss. The standing order is unfair to them as it allows the plaintiff to file a complaint with little detail and then secure discovery from a defendant on that basis alone. It is one-sided at best and inconsistent with the federal rules of civil procedure.

There is a great deal of expensive mandatory work to do when many of the cases we get were disposed of on Rule 12(b)(6) Motions to Dismiss
there is no benefit but added work and expense
There seems to be confusion about what should be produced during MID. If all relevant documents should be produced, there should be no need for further RFPs. Instead, the parties should meet and confer about what should or should not be included.
There was a duplication of some efforts
There was little benefit, while the expense and time in producing documents with little relevance was onerous.
There was no added burden that stood out to me.
There was no change in the processing of discovery. The MID did not make discovery easier, it simply added an additional step.
There was no discernible benefit in our case, although there likely is in most cases. The standing order or new rules should explicitly provide the judge with more discretion to tailor the process in unique cases.
They are oblivious to the costs needlessly created in insubstantial cases, and result in an incredible amount of waste in particular cases.
They are similar to the previous initial disclosures.
This approach helps to define the issues which in turn helps ensure a more targeted discovery process. This approach will likely reduce litigation expenses over the total life of the case.
This doesn't seem to move the case any faster than the mandatory disclosure requirements of Rule 26.
This has let us to discuss this case with counsel early and have discussions on what each side is looking for as far as documents, evidence and witnesses. Both sides have been reasonable and attentive, so this process has worked well. I could see this process being very difficult if opposing counsel was not reasonable and attentive.
This helps to get cases moving early.
This is a good program In theory for cases with multiple defendants, or voluminous motions that will be filed, not basic personal injury cases
This is a redundant and unnecessary process. It is more of a waste of time than anything else.
This is good in theory. In my limited sample size of one case, it does not work in a large case because the Defendants will claim they are investigating and cannot identify anything. Thus, we identified over 50 witnesses, Defendants identify less than 10 collectively and claim they are still investigating and will learn more once they have completed ESI. The result is that the disclosures reflect that the Plaintiffs know far more about the case than the Defendants (including the identity of Defendants' witnesses), which cannot match the reality; the Defendants are simply holding back, and there are no consequences for doing so because they will supplement their disclosures before we ever get any relief from the Court.
This is yet another example of people putting on extra requirements or putting artificial limits on things during the discovery period making it harder and harder to litigate without making it less costly - actually increasing costs, while decreasing the

ability of parties to learn the facts; the rules committee should stop adding all these requirements and restrictions and go back to the way things were before they started monkeying around with things over the last 15-20 years
This just creates more work for attorneys without any real benefit. It is like Rule 26a1 disclosures on steroids, but now the rules become pitfalls for the unwary.
This might make sense for smaller cases but forcing discovery burdens on parties before cases are at issue poses unnecessary cost on the parties
This order seems to have been created by people who never practiced law. It is unworkable
This process places too much of a burden and cost on the defendant - particularly if the defendant is moving to dismiss.
This program forces parties to take on discovery costs, sometimes substantial costs, earlier in the litigation than normal. It places a burden on the parties and their attorneys to forego pleadings practice and move straight to discovery, before the issues are refined through the pleadings process. Moreover, as the parties are taking on discovery costs very early in the litigation, this has frustrated the settlement prospects, as the parties have more significant sunk costs earlier in the litigation than usual. This prevents a meaningful discussion on settlement. The 30-day suspension option to allow for settlement under the MID offers virtually no help at all, because the required certification to be made by the parties is only going to be made in situations where the case is highly likely to settle anyway, regardless of the MID program.
This program is very unfair to defendants, particularly in cases where defendant files a motion to dismiss.
This program seems to benefit plaintiffs and place a large burden on defendants.
Timelines are way too aggressive, especially regarding ESI. Having to spend time/money to answer a complaint when you have a viable MTD as to some or all the claims in the complaint is frustrating to say the least.
To be effective, the mandatory requests/questions should be much broader
To date, the MIDP responses have not affected the nature and scope of discovery requests nor discovery's progress
Too expensive
Too formulaic
Too much expense in context of potentially dispositive pending Motions.
Too much of a time crunch to collect documents, and both parties later served the same discovery requests they would have in the absence of the Standing Order.
Too much too soon
Too restricted.
Ultimately, the MID likely delayed moving this case forward towards an early MSJ. If the MID had not been in place, we likely would have filed an early MSJ on a count that raised an issue of law within 30 days of the Defendant's Answer. Instead, we had to participate in the MID and then we were quickly involved in a dispute about the scope of what needed to be produced which ultimately led to formal discovery being issued and the early MSJ not being filed.

Unknown regarding case with pending settlement conference; costs of initial disclosure in case with motion to dismiss pending far exceed any benefit.
Useful in demonstrating to clients nature of the litigation
Was stayed in our case, but in general I think the benefits outweigh
We are not in a position to assess given that a motion to remand is pending.
We did make the initial disclosures within the time frame. Although I would like to point out, that I was out for parental leave during the initial deadline, and the parties stipulated to an extension for a mere 30 days. The Court denied our stipulated and agreed extension, making it mandatory to stick to the MID deadlines. I find that an unnecessary burden and a real lack of civility to our practitioners. If people have life events, the Court should have no problem accommodating modest extensions, especially when all parties and counsel agree to it.
We ended up spending money on discovery that would not otherwise have been spent while opposing counsel simply avoided producing anything to save costs.
We had a straightforward contract dispute where all we needed was for the court to interpret the contract. We filed a motion to dismiss early on in the case, but still had to go through with the mandatory disclosure process. This was frustrating to us and the client.
We had to file an unnecessary motion to preserve a position as well as prepare an answer to a complaint that also was subject to a Rule 12(b) motion.
We had to prepare and file pleadings that were and/or will prove to be unnecessary.
We have had two cases in this program. The first case involved a fee-shifting statute (the FDCPA) with relatively low actual damages for the plaintiff. Thus, opposing counsel had no incentive to work towards an early settlement, as unnecessary litigation would increase his attorney fees without affecting his client's potential recovery. The second case was brought by a pro se plaintiff, with several claims that could have, and should have, been dispensed with on a motion to dismiss (i.e. claims that were barred by the statute of limitations, and claims for which the plaintiff lacked standing). Biased though i may be, this program is particularly ill-suited for: (1) fee shifting cases involving a low amount of statutory damages; and (2) pro se cases.
We need to do it any way and it starts things moving
We really did not use it.
We see great potential benefit to pro ses from the MID, however there's quite a learning curve and still a bit of confusion about what is required and when
We spent significant time and expense trying to gather things that we thought might be potentially relevant to the other side's defenses, and then ended up disputing about how we gave too much ESI. In responding to the subsequent document requests, we had to retread the searches and past production to try to pinpoint what the other side was specifically looking for. Would have been much easier if we had heard first from the other side what they wanted.
We were required to begin the discovery process while the case was in the responsive pleading stage. A motion to dismiss was pending, yet the court asked that the defendant still file an answer to the complaint.

We would have served discovery requests early regardless of the Standing Order but I think it puts more pressure on both sides to seek an early resolution if that's possible.
What burden? Defts have produced nothing. Why not make the disclosures dependent upon service of the Complaint - 51 days later, say - instead of dependent upon the responsive pleading?
Where the defendant has filed a motion to dismiss, the standing order has sometimes complicated efforts to settle because many defendants will not discuss settlement until the motion is ruled on, and in the meantime, both parties are wasting time and money on a case that could and should be settled. But more than the standing order, it is delays on ruling on motions to dismiss that are the real burden and hindrance to settlement. Some judges are taking an inordinate amount of time to rule on motions, which wreaks havoc on a case and precludes early resolution.
While admittedly, our participation has been limited, I have not found that the plaintiffs' answers have been particularly illuminating as to the evidence supporting their claims, or even the nature of theories.
While I do think the MIDP does curb the filing of some frivolous lawsuits, overall I think it imposes a far higher and more expensive burden on the parties -- especially defendants -- early in the case, both because of the discovery requirement and because the order requires defendants to file an answer and affirmative defenses even if filing a motion to dismiss.
While the concept is laudable, the structure imposed does not facilitate early case resolution
While there is value in early exchange of information, the scope of information / ESI required for production at the early stage makes the costs vastly outweigh the benefits of the process.
While we represent the plaintiff in the aforementioned case, I believe requiring defendants to conduct mandatory discovery after filing a motion to dismiss is burdensome and will often result in unnecessary costs to defendants.
With the pending motion to dismiss, which would be dispositive on some issues, providing discovery at this stage seems an unnecessary expense of client resources.
yes - put earlier pressure on plaintiff.
Yes as to cost reduction
Yes, benefits of the court's standings outweigh the cost and burden
Yes, but, not sure it assisted any more than doing initial FRCP 26 disclosures

9. Do you believe the Court's Standing Order facilitated early settlement?

Yes	79
No	434

9a. Please elaborate on your response.

Responses

Actually it is still too early to tell because Defendants have filed repeated pleadings some of which require repeated motions to dismiss. Defendants counsel did contact me about early on about settlement but then proceeded to offer simplyy cost of litigation.
Again, ERISA cases tend to settle early on their own
Again, I think the FLSA cases are a little unique in regard to the degree the MID can help.
all clients think they r right
All the Order does is increase the pace of discovery and front load costs on the parties, actually decreasing the chance of settlement because costs are incurred early and then the client has more incentive to continue litigating to recover attorneys' fees later.
allows for early evaluation
As explained elsewhere, the case has been treated as probably would have been before the Standing Order issued.
As noted, the requirements under the Standing Order are somewhat intensive, which took effort away from informal resolution.
As noted, this makes the parties look realistically at the merits of their case.
As stated above, the parties tried to resolve early to keep litigation costs down.
As stated the SO creates more work, which does not fit in FLSA Collective cases, and delays significantly getting initial discovery issues done. In the case most advanced, (out of my 9 SO cases) issuing interrogs and doc requests AFTER the mandated disclosures (which provided no real information by Deft) and ESI, (which I am still waiting for) means that rather than issuing rogs/docs in short order, and getting those out of the way in approx 45 days, now I have to wait till the SO runs, (30 days for disclosures and 40 days for ESI), 70 days to just issue discovery, then wait the 30 days for answers with the normal foot dragging by defts, resulting in no answers or docs for 3-4 months, rather than 45 days.
Attorneys are using the early disclosures to conduct excess discovery.
Because we would have called anyway.
Believe those cases would settle regardless, largely TCPA nuisance cases.
Both parties felt confident in their positions and ultimately because the Defendant's responses were deficient the MID did not really impact that.
Both parties were of the opinion that a decision on the merits of the legal question - is there insurance coverage for the loss? - was necessary and that no settlement as to

that question could be crafted to satisfy the parties' interests. This one just had to be submitted to the judge.
Case settled after an extension to serve initial discovery and before expiration of extension.
Case that settled did so because of small amount in dispute and simple need for our client to gather and understand the facts of the dispute.
cases can't settle if they are subject to a 12(b)(6)
Cases move along too quickly and the costs pile up way to fast. Thus, it seemed easier to settle.
Civil rights cases simply do not settle this early in litigation.
Defendant did not want to produce documents and settled the case much quicker than I think they otherwise would have.
Defendant has no interest in attempting settlement
defendant has not expressed any interest
Defendant has withheld critical discovery
Defendants are not interested in settling an employment case until at least the Plaintiff's deposition has been taken.
Defendants did not seem to feel any pressure to comply or to consider settlement. I suppose it could have nothing to do with the MIDP, but instead with their analysis of the documents that we produced.
Defendants in our case were looking to settle the matter to avoid the legal fees, not based on the merit of the case. I think judges should rule on dispositive motions before requiring any pleadings or discovery be filed.
Defendants made extra efforts to settle to avoid having to comply with the MID.
Defense counsel avoided compliance; need strict rules/sanctions
Defense counsel did not thoroughly disclose information and documents in the MID. If they had, we would have been in a better position to mediate early on. Without good faith efforts by the parties and a means for the court to monitor compliance, there is no way to get buy in from some parties.
Depends
Did not require any more than under the mandatory discovery under Rule 26.
Discourages defendant delay tactics
Drove up costs
Due to the complex nature of these related cases, the parties will require extensive motion practice before settlement is possible.
Early and more complete disclosure of facts benefits efficient litigation and settlment.
Early settlement is unlikely in any event.
Early settlement is usually best accomplished by the leverage of keeping defense costs low, and mandatory initial discovery increases costs and makes settlement less appealing.
Early settlement was not the result of discovery obtained through the process
Early settlement would have been more likely if the client didn't have to expend resources of such extensive discovery so early.

Encouraged settlement
Facilitates good communications between the parties
Focuses parties attention to the instant matter, eliminates distractions
Forced the parties to an early case assessment and avoided protracted and expensive initial motion practice.
Forced to face the facts
Forces earlier evaluation of strengths and weaknesses.
Government entities do not settle cases quickly and decision makers cannot weight the risks and expenses of liability in time.
Had parties motivated to settle in both cases that settled. Both wanted to settle before any litigation costs increased.
Helps identify strongest and weakest areas of case
Hopefully, as it helped force me to conduct very thorough investigation at the outset.
Huge initial investment required to comply can throw off the economics of a potential settlement
I believe it had no effect and needlessly increased costs
I believe the MIDP Order likely facilitates settlement in certain types of cases, but not others. The case-types for which the MIDP rules lead to early resolution should be identified, and similar initial discovery requests should be required only in those types of cases. Moreover, I believe in most cases where the parties are interested in settling early, the type of information disclosed by MIDP discovery would be exchanged voluntarily.
I cannot answer because we are potentially still going to settle the case soon.
I could not discuss settlement because the Court had not ruled on the motion to dismiss - this dramatically affected the value of the case, and neither party wanted to move from their positions until the scope of the case became clear to everyone.
I do not think it makes a difference for settlement purposes
I don't believe the disclosures have resulted in any meaningful settlement discussions.
I don't the written discovery is elaborate enough and the information produced not burdensome enough to compel parties to settle early on.
I filed the Plaintiff's version of the MIDP, requested input from the Defendant, editing, change, or whatever, and the case was reported settlement in principle.
I have not encountered a situation where a party is more likely to settle this early in the case simply because of document collection burdens.
I have not had any cases settled under the MID
I have not seen MIDP obligations result in or push settlements.
I have not settled any cases any faster with the new rule. One smaller case is going on seventh months of existence and nearing settlement, something that would have occurred regardless of the early discovery exchange. the other is six months old and no where near settlement. I expect it to settle in the next 8 months or so, which is the same expectation I would have without the program.
I have seen no facilitation of early settlement. It would be better to have a program the tries to facilitate settlement closer to summary judgment.

i liked that we could put pressure on plaintiff sooner than normal.
I only have experience with one case, and the MIDP order has not facilitated an early settlement. I can, however, see how it would force defendants to settle early (even in non-meritorious cases) instead of incurring the expenses associated with the initial discovery responses or the expenses associated with having to file both a motion to dismiss and an answer.
I see why it should have, but the work needed for the MID is such that it consumes the parties and they get distracted from settlement discussions, at least meaningful ones.
I suppose it could, and maybe it should have in this case, but it did not.
I think it could have clarified a few types of discovery, or provided more sample forms that counsel could use.
I think it definitely helps force the parties start to discuss settlement earlier in the process, which is good.
I think it encouraged more document production and document production requests and muddied class certification in favor of the Plaintiff.
I think it had no impact.
I think it made no difference.
I think it will in my case.
I think that the cases that are going to settle usually do and the ones that are not, don't regardless of whether parties are forced to do MIDP Responses.
I will not settle the case until I understand the theory of defense and I have had an opportunity to assess the extent of damages to which I believe my client is entitled. I cannot believe that anyone would settle federal litigation within 30 days of having filed the complaint. It appears to me that an attorney doing so without knowledge of the true value of the case is probably not servicing the court system or the clients well.
If anything, because the costs of initial defense have risen, clients are less inclined to settle. Furthermore, employers feel the court's process is bullying them into settling and many have dug their heels in as a result.
If anything, it diverted the parties from considering settlement
If anything, the increased burdens on defendants to produce significant discovery up front increases defense costs to the point that there are fewer dollars available for settlement.
If anything, the opposite--once you decide to gather documents, you're litigating, so might as well keep litigating.
If it causes early settlements, it is only because the program unfairly forces the hand of large defendants in large cases.
if MDIP is an effort to force early settlement, then it's misplaced, and counter-productive
In a FOIA case, there is generally no discovery. Requiring such discovery would lead to unnecessary disputes between the parties
In a great liability case this new program brought an early settlement, in part due to the size of the plaintiff's claim and in part due to the pressure on the defense to identify key evidence.

In at least one case, it focused everyone on the issues more quickly and crystalized what was coming in the case.
In employment cases, the IPRRA requests already is used to produce relevant documents prior to lawsuit.
In most cases, where discovery did not produce "hot" documents that supported an adverse party's claim, that party would not engage in meaningful settlement talks until after having the chance to conduct Rule 26 discovery, even after receiving representations (later shown to be true) that the MIDP disclosures accurately reflected all of the relevant facts and circumstances. Because of that, in these cases the MIDP actually delayed settlement significantly.
In my experience MIDP did not have an effect on settlement discussions.
In my experience my client is always trying to settle the case early. This change did not effect that.
In my limited experience, I have not noticed defendants being more eager to settle because of the MIDP obligations. Also, if the parties are interested in having an early settlement conference with a magistrate judge, the MIDP responses will be due before they can get a date for the conference, even if they agree to extend the responses by 30 days.
In no case where MIDP disclosures have been exchanged did opposing counsel even submit a settlement demand
In one case we have a motion to dismiss pending so settlement is not applicable; In the second case, we are still discussing settlement, so it's too early to tell.
In our case filed 9/1/17, the matter has not settled, nor has the Order yet to facilitate an early settlement.
In our case it did not as the plaintiff is still receiving medical treatment and the full extent of her injuries cannot yet be accounted for.
In our particular case, it did not aid in settlement. However, I could see it doing so if information contained in the mandatory initial disclosures strongly supported liability.
In our specific case, I do not believe that the Court's Standing Order facilitated early settlement.
in pleadings stage
In some case, I think it has pushed defense counsel to settle or withdraw earlier than without it.
In the case that is in settlement discussions, I think those avenues would be explored anyway.
In the case that settled the parties were motivated to resolve the case independent of the disclosures.
In the inter-pleader case lawyers from out of town did not want to deal with the Standing Order.
In the one case that settled, it had nothing to do with the pilot program. It would have settled anyway, but it took a little time beyond the 30 days and the court was not too understanding. To comply with MID would have thwarted the settlement, but the parties just kind of ignored it knowing they would settle fairly early (and did).
In the one case that settled, it was only after the Complaint was filed that the employer became more serious about settling.

In the one matter that went to settlement 1st, parties wanted to save the time and money that would otherwise have been spent on pleadings and MIDP
In the pro se context, settlement is typically not an option.
In this case before the court there is impending surgery and until the results are known it is impossible for either the plaintiff or defendant to evaluate the case.
In this particular case the parties disagreed on the legal interpretation of a contract, so the legal issue was the determinative issue.
It actually impairs my relationship with the client
It did not change my client's position in either case.
It did not in our case because the other party's disclosures were inadequate. And the deficiencies are not worth a motion to compel because courts so rarely award Rule 37 fees.
it did not in our case, but certainly could be useful
It did nothing other than impose more work on counsel, with no tangible results.
It did nothing to change the course of discovery, it just accelerated it to an unreasonable pace in a very complex case
It didn't have a bearing on
It didn't have any impact on majority of cases.
It does not have an effect on whether a client will be willing to settle or not.
It does not help in a smaller case. We were not going to be able to settle within 30 days, so there was no point in asking for the extension, so we had to go through the exercise of collecting and reviewing copious amounts of ESI, which drove up our costs. If we could have deferred for 60-90 days that might have made a difference.
It does not promote early settlement. Instead, it promotes the filing of more lawsuits that have little or no merit.
It facilitated discussion, but the parties are too firm in their respective positions that early in an employment case. Employment cases generally do not settle until after summary judgment.
It facilitated discussions, but settlement not concluded
It facilitated the early disclosure of documents, but that did not lead to settlement here.
It forced some of the issues sooner will see
It had no effect at all
It had no effect either way
It had no impact as the materials did not alter any position
It had no impact in this case, but it could have helped if enforced. But case was transferred.
It had no impact whatsoever on settlement.
It had no impact.
It has actually impeded it.
It has had no effect in any of my cases.
It has had no effect on settlement.
It has had no impact.

It has instead encouraged certain gamesmanship to avoid the ND Ill.
It has not fostered any settlement discussion
It has not seemed to expedite settlement discussions in any of my cases.
It has not yet achieved settlement in any of the four cases. However, I think that they must be strictly interpreted and enforced in order to promote settlement. If they are simply going to be ignored or manipulated like discovery responses, then they simply add a layer of expense to the litigation.
It hasn't facilitated settlement in any case in which I've been involved.
It helped settlement pressure.
It increases attorney fees which is counter to settlement.
it is a waste of time - if people are not inclined to settle making them do more work and spend more money makes them even more resentful and less likely to resolve - you are making them spend settlement money doing make work tasks
It is not cost effective to require parties to engage in mandatory disclosures when they are filing a dispositive motion out of the gate. The information is not remarkable different than the normal Rule 26 disclosures and provide no incremental benefit.
It just wasn't a factor for us. A good plaintiffs' lawyer can promptly serve his or her own discovery and move the case along without the Standing Order. If you want to speed things up, let plaintiffs serve discovery within X days after service or X days after the first responsive pleading, without having to wait for any discovery conference.
It made us agree to voluntarily dismiss the case so we could explore damages information and other discovery in a way that was not allowed by the standing order.
It puts pressure on defendants who have a likely dispositive motion to pay Plaintiff for a frivolous claim just to avoid the costs of discovery. In any context where the settlement would go beyond nuisance value/costs of defense, it would not be productive.
It puts pressure on litigants to settle.
It requires the government to contact our office much earlier for settlement purposes.
It runs up legal fees fast and that is an impediment to settlement
it was not a factor in this particular case
It was too early to get the parties to a point where they could meaningfully discuss settlement
It's a meritless case
it's really more busy work for lawyers and drives up the cost of litigation
Limited experience--none of my cases have involved early settlement discussions
Many actions cannot settle until after there is motion practice to clear out some of the issues. Early discovery does not assist with that, but just creates more burdens.
Matters outside of court led to the settlement. While the federal action against my client was pending, we prevailed at trial in the state court collection case from which the federal lawsuit was derived. This was the leverage that led to settlement.
MIDP has no bearing on whether to settle.
More work up front equates to more attorneys' fees and thus higher demands.

Most cases require some depositions and written discovery before being able to appreciate the arguments and limitations to discuss settlement.
Most clients are unwilling to settle a case until more discovery is undertaken.
My case is a class action, so there was no possibility of early settlement.
My case was styled as a putative class action, and there was no realistic possibility of settlement on a class basis, and therefore the Standing Order did not facilitate early settlement.
My cases do not tend to be the type where written discovery is sufficient for the parties to reach a meeting of the minds with respect to settlement. And even in such a case, the Standing Order does nothing more than (and in fact does less than) prompt written discovery under Rules 26, 33, and 34.
My client and I view the case we have in the Pilot Program as a frivolous, zero-liability case. There is really no room to settle it at this point.
My client sees no benefit in settlement discussions prior to deposing the plaintiff in a lawsuit, regardless of the amount of work it may take to gather MIDP responses.
my client wanted to dispose of the case early
My client was offended by it and viewed it is a heavy-handed approach to forcing settlement irrespective of the merits and imposed heavy costs without any opportunity to first offer a defense.
My opponent did not follow the spirit of the Order, withheld the majority of documents within its possession, and only produced three documents total.
My opponent failed to live up to its obligations, and did not review the documents exchanged. However, the cost it imposes may stimulate settlement once lawyers have more data on that to share with clients.
Narrowing the issues at the start of the case gives the parties a better understanding of what undertaking the litigation entails. This can help facilitate discovery for both sides.
Needed discovery
Neither case has settled and by their nature, complex civil rights class actions, only increase attorneys fees for plaintiffs making a settlement more difficult in the future.
Neither case has settled and settlement was only discussed after Plaintiff's deposition
No because sometimes a deposition and additional requests are needed to obtain the facts necessary for settlement
No cases under the Court's standing order have settled sooner than cases that are not under the standing order.
No interest in settlement expressed by opposition
No interest in settling
No offers have been tendered and settlement was not discussed by defendant.
No parties broached early settlement. Most cases require that legal issues be resolved and or further factual issues resolved before parties can evaluate a case.
No settlements have been reached in any of the cases subject to MIDP. Plaintiff's counsel did provide settlement demands that were made pre-suit, however.
No settlements have been reached in the case. Ultimately the party disclosing information is still only disclosing what they want to disclose and anything more

substantive or questionable still needs to be addressed through normal discovery practices.
No, actually delays resolution
No, because the documents that really prove the case (if any) aren't the ones produced immediately (to the extent any are) so it just causes more hassle.
Not enough time to get settlement done, especially if you need magistrate intervention. District Judge not willing to defer for a settlement conference.
Not in class actions.
Not in most of the cases. But in one case, it definitely did facilitate early discovery in that it prompted my client to offer significant money very early on in order to not have to disclose certain information that would have had to be disclosed under MIDP.
Not in my cases, because of the procedural posture of them.
Not in my cases. Although the judges encouraged those discussions, it simply did not happen.
Not in these cases due to the complexity of the issues. More time is needed.
Not in this case, but I believe it will in other cases
Not likely to consider settlement at such an early stage.
NOTE: haven't settled any yet, but I believe it could.
Nothing has changed. Absolutely nothing, at least in my experience, on the settlement front. Plaintiffs do not want to settle so soon, because they believe they will have greater leverage later in the litigation and get a better settlement.
Nothing was disclosed that was not previously known
Oftentimes settlement will not occur until depositions are taken.
Once the parties have been forced to spend all this money on early discovery, what’s the incentive to settle?
One case has a MTD pending and the other case would have gone to a settlement conference notwithstanding the MIDP.
Only slowed down the process
Our area of law is different but generally the parties know what documents are out there and have a pretty idea of what the case is worth without additional documents.
Our case is awaiting ruling on a motion to dismiss, and I think requiring discovery is premature.
Our case might settle, but the case will require additional investigation before we reach settlement. The one-size-fits-all mandatory discovery does not adjust for the nature of a particular case. The joint status report provides a sufficient early indication of the opportunities for settlement. It would be more efficient and useful for the Court to order tailored short set of mandatory discovery requests on key issues to parties based on the initial status report and some light questions in open court at the first status hearing.
Our case was unique in some ways, but I can see how the Standing Order would help early resolution in some cases.
Our cases don't settle at the pleading stage. And even if they could, I don't see there being sufficient time to consider settlement when you're busy trying to meet the pilot program deadlines.

Our cases were not ripe for settlement at the time of the disclosures.
Parties do not wish to settle before receiving MID responses.
Parties have always known if their cases are appropriate for early settlement. The MIDPP in no way aids this process.
Parties too far apart
Plaintiff has yet to file responses in a case that should be more readily disposed of.
Plaintiff will not make a demand.
Plaintiffs haven't answered Counterclaim
Positions have not changed. Only costs have increased.
Pressured the parties to not have to complete substantive work early on.
Pressures of timeline promote early exchange of substantive information, which makes settlement discussion more productive and settlement more likely.
Pro se Plaintiff didn't comply and the court moved on to ordinary written discovery.
Regardless of discovery produced, Plaintiff refuses to acknowledge weaknesses in its case
Regardless of the Court's Standing Order, the parties are only going to settle if both have reason to settle. The parties know going in whether they have the facts necessary to encourage a reasonable and productive settlement discussion.
Required parties to commit attention to settlement process
See response to No. 8; until a meaningful production by plaintiff, it was impossible for defendant to evaluate the case. A parallel production requirement--making plaintiffs produce within 30 days of their allegations--would help defendants with their early assessments of cases.
Seemed only to add rigidity to the process. Forces both sides to spend unnecessary amounts on initial disclosures if the case will ultimately settle without discovery but an agreement is not reached prior to the MID deadline, particularly given the very limited ability to extend the deadline.
Seems to have had no effect.
Settlement achieved based on parties economic circumstances
Settlement discussion began prior to filing of suit, but the parties still have not reached an agreement despite complying with the mandatory initial discovery requirements.
settlement discussions continue
Settlement discussions were after the period, unrelated and unsuccessful.
Settlement has not been discussed or achieved in the cases I have handled under the Standing Order.
Settlement is usually dependent on the facts of the case, or at the onset, the allegations in the complaint. Nothing the parties exchanged during the Standing Order has helped facilitate settlement in my case, nor do I believe it would in other cases I handle.
Settlement negotiations were not contemplated at the motion to dismiss stage
Settlement was not broached because of pending motions to dismiss.
Settlement was reached through mediation as a result of the parties' efforts.

Settlements occur when the time is right. Not by artificially making someone produce what the court believes should be exchanged.
Simply not applicable to why case resolved.
Some clients have been motivated to settle in cases with low settlement value instead of incurring the time and costs of complying with the MIDP. But information relayed in MIDP responses has had no effect on early settlement in my cases.
sought to avoid discovery by settlement
Strength of our case was apparent
That will always come down to the facts and the parties, streamlining the process won't speed that up, and defense attorneys that bill hourly will still try to prolong cases.
The answers filed along with Motions to Dismiss empowered and emboldened the plaintiffs even thought their complaint had little to no merit
The burden of motion practice and discovery in general is driving settlement in both cases. All the MIDPP has done is add a layer of costs.
The burdens and costs of the MIDP work in the plaintiffs favor so a company can avoid some of these costs.
The case did not settle. Pro se plaintiffs are crazy.
The case didn't settle. However, I believe the standing order did facilitate an early agreement to transfer venue.
The case has not yet settled, but I do believe the Standing Order will assist in the resolution of the matter via early settlement.
The case is proceeding as though the Standing Order did not exist.
The case settled after the MID and ESI production, so the costs had to be incurred and did not impact the timing of the settlement. Participation in the Lanham Act Mediation Program, however, did help facilitate early settlement.
The case that settled had nothing to do with early disclosures.
The case was dismissed on the pleadings.
The cases that settled were close to settling prior to the filing of the lawsuit. Pending cases have not yet settled.
The cases we have filed have continued as normal and have not reached settlement.
The cases would have settled early regardless, so it added an unnecessary expense.
The client was unhappy with the costs associated with the discovery
The costs associated with the initial disclosures forced both parties to the table earlier.
The costs involved in responding to initial discovery detracts from the funds available for settlement.
The court adheres to a strict schedule following the mandatory initial discovery responses. Thus, settlement discussions and actions must occur by a certain deadline
The court standing orders should faculite early settlement due to reasonable timing.
The defendant had no intention of settling. This program would have absolutely no effect on that. And the plaintiff is at the mercy of the decision of a defendant on whether settlement can be entertained or not.

The Defendant still was not interested in talking settlement. Once again, we were told that the Defendant wanted to wait until after depositions to consider discussing settlement.
The documents produced in response to the MIDP did little to sway the settlement positions of the parties, though it did create a burden.
The early settlement was facilitated by 2 experienced attorneys who specialized in the area of law involved.
The extent of the MID requires a substantial initial cost on the parties and discourages informal discussions of settlement, as the parties immediately become entrenched in their positions.
The information exchanged obviated the need to engage in protracted phase of discovery
The initial disclosures did not foster settlement in any of the subject cases.
The initial disclosures did not reveal anything important, to either side, that was not known. That is because they are initial, i.e., very early, and they require no new investigation, i.e., the parties need not share anything new beyond the pleadings, which they don't have yet anyway.
The initial discovery did not change the settlement discussions in any meaningful way. I would assume the same discussions would have taken place either way.
The insurance industry controls when cases are settled.
The leverage that plaintiffs have in this system makes settlement more difficult.
The mandatory disclosures served us both as blueprints for our settlement demand / response exchanges. We were able to develop brief like responses based on the facts contained in the disclosures and it felt like a mini MSJ which in turn lead to successful resolution.
The mandatory settlement was a hindrance in settlement in every case because it increased the costs of the case before we could settle.
The matter would have likely settled anyway because the case was not meritorious.
The MIDP does not seem to fare any better or worse than non-MIDP cases at facilitating early settlement.
The MIDP has no effect on settlement
The MIDP places a huge burden on municipal defendants and their counsel in civil rights matters requiring them to implement protective orders and review and produce potentially thousands of pages of documents in an unreasonably short period of time. This places an incredible burden on the municipal employees, who may not have sufficient manpower, as well as on their counsel.
The one case that settled after serving MID responses settled for reasons other than the information disclosed in the MID responses.
The opposite. The MIDP order provided little wiggle room to allow the parties to explore settlement. If the judge followed the order to the letter, then he or she would not allow more than 30 days to explore settlement. This is not practical, especially when it can take as much as 4 months to even get in front of a magistrate. Also, the MIDP order practically states that the parties have to certify that they are nearly sure that settlement is imminent. Who could reasonably certify such a thing going into a

settlement conference? What is the point of even having a settlement conference if the parties are that close? For settlement, the MIDP program is terrible.
The order just required additional work and motion practice that did not facilitate any settlement discussions.
The order simply forces the parties to litigate in different courts. Now, parties are trying to avoid the Northern District. That just means more expense and burden on the parties to consent to jurisdictions outside of their home states to avoid this. Forcing settlement of cases does not seem to meet the requirements of a "just determination" set forth by Rule 1.
The other side used it as a means to prolong the case.
the parties are able to focus on issues that are relevant without unnecessary discovey
The parties exchanges multiple resolution proposals.
The parties focused on discovery instead of settlement
The Parties had failed settlement discussions prior to filing the case.
The parties have not discussed settlement as the case does require some depositions to enhance/clarify information found in early disclosures.
The parties moved into written discovery and settlement talks stalled
The parties settled the case prior to the disclosure date (after one extension).
The parties were unable to get a full picture of the actual value of the plaintiff's claims before feeling compelled to engage in settlement talks
The peculiarity of our case was that it was settled before the case was filed, so the Standing Order had no impact either way.
The plaintiff's case was a shakedown. On principle, my client was willing to go to trial. Ultimately, the plaintiff accepted an amount which my client could not ignore.
The standing order had no impact on settlement
The standing order is no different than the prior disclosures under Rule 26
The Standing Order makes it easier to figure out which facts the parties agree upon and which are in dispute. In FLSA cases, the disputed facts often revolve around hours worked and payment made rather than facts around basic liability. By requiring plaintiffs to calculate a demand (as much as is possible) early in the case, it allows defendants to figure out the costs of defending the case and fighting over the case's value and having fees shifted to it, and to compare it with plaintiffs' settlement demands. Because demands are sometimes made with imperfect or incomplete information, a defendant can also ascertain the time it might take to accurately compute damages and the attorney hours spent reviewing documents (on both sides) as well as the cost this might add.
The types of cases I handle are almost certain not to settle before depositions, so compressed document production is not likely to effect settlement.
The upfront investment in discovery actually decreased the willingness of our client to settle because the cost of defense mark was passed during the MIDP stage, leaving our client "all in".
The usual time for ERISA LTD claims to settle would be the same with or without the rule.

There are usually legit questions on liability/damages that need further investigation discovery
There is simply not enough time to get a handle on a case and review discovery in such a short timeframe.
There was no need for discovery
there was not sufficient information exchanged to facilitate settlement discussions
There were no settlement discussions based on MID
There were no unnecessary extensions.
These are complex cases and the mere exchange of discovery is not likely to impact settlement in any meaningful manner.
These cases do not tend to settle early regardless of discovery issues and mechanisms.
They don't want to settle yet.
This case would have settled anyway but the standing order required the discussion earlier
This doesn't help cases where there is a clear impasse as to the issues at hand that won't be resolved without extensive discovery.
This has not been my experience in the 3 cases I have in the pilot.
This isn't considered "real" discovery.
This order does nothing but promote panic.
This was not a particularly discovery intensive case, so the MIDP didn't reveal new facts.
Those that are willing to exchange discovery in a fee-shifting matter generally are not willing to settle anyway, as discovery is expensive. If they were willing to settle early, it would be pre-answer.
Though my case is still being litigated, I believe that the Standing Order put the parties in a position to know their respective positions on settlement earlier, and to tailor discovery moving forward accordingly.
time will tell
To be fair, "no" is not my answer, if there was an option to select "not applicable," that is what I would select here.
To settle a case, generally more time and some depositions are needed.
Too early in the process for the size and complexity of the action
took time and money away from efforts
Upon analysis of documents, sums were paid.
was not relevant to settlement
We are not turning over anything more than we did in the 26(a) disclosures
We believe the complaint is without merit
We did not settle early, even though the plaintiff has virtually no evidence of injury or causation (even objectively, the case is meritless).
We did not settle our case, an insurance coverage dispute. Another insurer funded the underlying settlement, and the two insurers will now litigate the coverage dispute without the policyholder.

We did not settle, but it certainly made settlement more possible by allowing the efficient exchange of key information.
We don't have a settlement yet, but serious talks are ongoing
We had a straight-forward contract dispute where the outcome turned on the language of the contract. Our client was not willing to entertain settlement unless and until the Court had a chance to weigh in on the contract.
We have a settlement conference scheduled
We have not begun to exchange discovery, but I dont see yet how the Standing Order will facilitate a settlement any faster than something like a Rule 68-OJ?
We have not discussed settlement as a result of the program
We have not had a case settle as a result of the MIDP yet.
We have not settled and it doesn't appear likely in this case.
We have not settled and the case is ongoing
We have not settled these matters, but I do not believe MIDR would affect that either way.
We have still needed plaintiff's testimony to determine settlement value.
We have yet to receive or exchange material that wouldn't be covered by Rule 26 disclosures or in the first round of discovery.
we haven't settled yet, but it moved up the process
We settle most cases anyway, so I really do think that the MID extended the time it took to settle because opposing counsels wait until after the MID so they can bill for it, and then settle for a higher amount.
We settled at about the same time.
We settled so quickly that it's tough to attribute it to that.
We sought early settlement, but not because of standing order. Defendants were not motivated to settle.
We still had to complete many of the preliminary stages of discovery which only makes my income go down for sure
We still needed to complete standard discovery.
We were already in settlement talks.
We were not successful but we did have an early settlement conference.
We were required to talk so we did.
We will not settle cases that have no merit.
We're not there yet.
When there is a dispute as to facts, the mandatory initial disclosures do not assist the parties in resolving that dispute early.
Where the defendant has filed a motion to dismiss, the standing order has sometimes complicated efforts to settle because many defendants will not discuss settlement until the motion is ruled on, and in the meantime, both parties are wasting time and money on a case that could and should be settled. But more than the standing order, it is delays on ruling on motions to dismiss that are the real burden and hindrance to settlement. Some judges are taking an inordinate amount of time to rule on motions, which wreaks havoc on a case and precludes early resolution.

With ERISA delinquency matters, the defendant is liable for attorneys' fees and costs. The likelihood of additional fees upfront was a contributing factor for resolving before responding to the complaint.
Yes, but I think there would have been an early settlement without it.
Yes, i think the defendant did not want to disclose so started talking settlement right away.

10. Do you believe the Court's Standing Order increased or reduced client costs?

Increased	269
Reduced	52
Neither	192

11. Do you believe the Court's Standing Order had any positive or negative effects on your relationship with your client? Please explain to the extent that you are able without breaching client confidences.

Positive Responses	22
Negative Responses	65
Neither	146

Positive Responses

Earlier resolution enhanced the client relationship and belief that the judicial system can positively resolve disputes.
Generally positive. It has allowed me to, in essence, blame the court for having to disclose certain information early on and thus avoid difficult discussions with clients about whether certain information had to be disclosed or not.
I do not anticipate the Order affecting my relationship with my Client other than in an overwhelmingly positive way if it helps us to obtain a fast and affordable settlement.
I think it has caused us to explain the program in detail to the client. It has had neither a positive or a negative effect on client relationships.
I think the positive is that it forces the parties to clearly articulate its position early on, and to identify / produce evidence. it is negative in that the plaintiff does not have nearly the burden of production, so the employer is frustrated with the process.
My experience has been positive. It got my clients thinking very early on about the strengths and weaknesses in their claims and resulted in document gathering far in advance of what would normally happen.
No change or leaning toward positive. Our clients do hope that the MIDP will lead to faster resolution, which has not yet happened.
Other than the costs associated with responding to such discovery, the requirement for seeking early disclosure of information did provide a positive platform for

discussing pros and cons of the case with the client; although having such frank discussions with clients is standard practice for our firm.
Positive - helped clients trust they would receive information relevant to their case.
Positive as it causes the client to become engaged in the litigation early on
Positive because of settlement posture
Positive effect of working together and trust
Positive effects in that we demonstrated why we had to produce discovery early.
Positive, as I was able to demonstrate my commitment to my client's defense right at the outset of the litigation.
Positive, because it allows the Client to get the facts out quickly without waiting for discovery.
Positive; discussed evidence sooner.
Positive: plaintiffs like their cases to move forward and be active
Positive. Mandatory requests give the client less wiggle room. This makes getting client to buy into providing basic discovery much easier.
Positive. They learn that they have to get themselves organized to pursue the case efficiently.
Positive. The standing order helped me reinforce the need for a swift responses. It also created a perception of efficiency and "speeding up" the litigation process that my corporate client appreciated.
Positive. We are moving quickly
The Court's Standing Order allows me to get significant information up front from my client that historically might have taken considerably longer to receive. As such, I believe it's had a positive effect on my relationship with my clients.

Negative Responses

Client contact more direct at the start of the litigation. However, one negative is that damages are ongoing and it is hard to pull down all of the documents requested.
Generally negative. As indicated above, the rush to disclose only produces incomplete responses and inadequate investigation of the allegations.
Generally negative. Clients do not want to be burdened with additional work especially on something they think that they will have to do eventually already. That being said, they understand it is not our fault and is a court requirement.
I think it is negative as there are so many unknowns
I think the positive is that it forces the parties to clearly articulate its position early on, and to identify / produce evidence. it is negative in that the plaintiff does not have nearly the burden of production, so the employer is frustrated with the process.
I think the Standing Order had negative effects because of the amount of time needed to gather such documents and information in short order. In the normal course of a case, we have plenty of time to gather the relevant documents and information. The Standing Order rushed that process substantially and caused client issues.
If anything, negative because of increased costs, especially for Defendants.

If anything, the effect was negative because it made fees higher for both sides. However, I do not think my clients understood that it was the MID which added a few hundred dollars but they recognize that discovery is a cost of litigation.
In an Erisa section 502(a)(1)(B) benefits case it would have a negative effect because substantial unneeded discovery would be required, when only the administrative record presented to the administrator or at the time of the final benefits decision is furnished to the court to determine if the decision can be upheld under the arbitrary and capricious standard.
Increased early costs had a negative impact on client relationship
It had a negative effect on the client's view of the court system.
It has not had any effect on me in this regard. But I could see it having a negative effect, in situations where the client needed to file suit to prevent the statute of limitations from expiring, but preferred to settle the case as opposed to litigating it. As mentioned above, this program significantly impedes the settlement process.
My client has a sophisticated legal department and is well-versed in the new federal court program. As such, the Court's Standing Order requirements had no negative effects on our relationship.
Negative - a bit of a nuisance they will need to answer the same discovery again in all likelihood.
Negative - Clients are used to standard federal and local rules and the more work required for the start of a case throws them off.
Negative - clients do not want to spend time and money collecting documents when they might prevail on a motion to dismiss.
Negative - clients feel rushed.
Negative - costly
Negative - puts exceptional burden on attorneys and clients attempting to comply
Negative - the upfront loaded discovery costs the client money which could be budgeted throughout the case. Also, if a motion to dismiss is pending, the defendant should not have to file an Answer as well.
Negative - we have to charge them for work that should not be necessary.
Negative as had to explain the extra time and cost in responding to an answer when a motion to dismiss was filed and expedite time and cost for initial discovery compliance.
Negative because as a defendant they had no time to prepare their defense before the action began and the Standing Order imposes a strenuously short time frame for a complex organization to collect material documents.
Negative effect because we had to explain the reason why client fees increased.
Negative effect on client relationships - we have had to increase the amount of the initial retainer for new clients because of the increased cost of litigation
Negative effect on my client relationships, due to increased costs, and need to explain this Pilot Program to clients who litigate nationally.
Negative effects - clients do not appreciate the pressure to produce discovery in such unforgiving time periods.
Negative effects, as they drive up early cost for defendants

Negative to the extent that it required them to pay for more discovery and earlier than otherwise to get information and documents.
Negative- the order increased the work that needed to be done to preserve rights while moving to compel arbitration
negative, as forced to incur expenses in a case that may be dismissed on the pleadings
Negative, as it forced the client to pay discovery costs in connection with claims that should not have proceeded passed the pleadings.
Negative, but only to the extent that it made clients less happy to discuss cases.
Negative, my client is extremely under resourced public entity. Having this additional hurdle has not helped have clear and complete discovery.
Negative, they have to produce thousands of documents in a very short time period (days compared to months or even years sometimes).
Negative. Clients are very troubled by the early requirements regarding ESI. It places an unfair burden on defendants in large cases.
Negative. Due to the inconsistency among judges, it is difficult to explain to a client how the new rules will affect their case.
Negative. For Defendants it's a lot more work on the front end, but it does not seem to lessen the burden on the back end because we still received voluminous written discovery requests.
Negative. I put a lot of early pressure to get documents from unsophisticated claimaint
Negative. Increased burden without any benefit. Client was unhappy with additional obligation.
Negative. It requires the filing of an Answer in spite of a filing of motion to dismiss and expedites discovery costs.
Negative. It was very difficult to comply with the ESI required when my client does not have advanced technological capabilities.
Negative. One more burden for client to collect documents, and do so in a speedy manner, in a case they are the defendant to. What if just the plaintiff had to produce materials, and show the basis for their complaint? Presumably, they knew what they were basing it on before filing the suit, and they chose when and where to file suit, while the Defendants have a lot less time to react.
Negative. The client was upset to spend a lot of time on discovery dealing with issues that were barred by the statute of limitations
Negative. Client does not want to do more discovery than it needs to before settlement discussions. Early discovery disrupt this process.
Negative. Clients view the rules as an undue burden.
Negative. In the employment space, many corporate clients are targets of less than fulsome/appropriate claims. Many of the same are not interested in settling claims early/if at all - especially if they are principled. Some of them have defenses that can eliminate some or all of the claims - yet the obligation to produce ESI remains - it is not stayed. The significant effort and cost creates tremendous frustration with the court system and the inability of counsel to seek appropriate reprieve. There also needs to be additional thought given to the potential for early disclosure to force counsel to violate ethical obligations to clients.

Negative. It has placed a significant immediate burden on attorney and client.
Negative. It puts a much greater burden on my client (state agencies) to produce discovery, particularly ESI, in a very small time window. I am therefore blamed for the work they must perform.
Negative. My clients do not understand why it is possible for this district to unilaterally impose additional obligations to the FRCP, on top of the local rules, and it is difficult for me to explain the benefits when I cannot see any myself.
The Standing Order has had negative effects on my relationship with my clients. Clients do not understand the need to spend resources producing documents and discovery in cases that are, in my view, the client's view, and ultimately the court's view, ripe for dismissal under Rule 12(b)(6).
The Standing Order negatively effected my relationship with my client because it required them to invest resources, personally attest to information, etc. without any consideration at all to the nature or facial validity of the claims
The Standing Order, absent further guidance from the Court, could be read to require the counsel to divulge parts of its strategy by requiring it to state the facts and legal theories on which the parties' claims and defenses are based. In that respect, the Standing Order can be said to have a negative effect on the attorney-client relationship.
To the extent that this added an additional layer of litigation to the already arduous discovery process, it did result in a negative experience on the part of my client, who had to expend additional time and money then would have been required had the Order not been issued.
Very negative. Client was very upset at the prospect of having to spend millions in ESI costs over a meritless suit.

Neither Positive nor Negative

No effect, but potential negative effect as client tries to understand the exponential rise in costs created by the Order in insubstantial cases.
No negative effect, other than the expense of drafting and filing an agreed order staying discovery.
No negative effects seen; Helpful in having mandatory order to spur timeliness and validate requests for information
No positive or negative effects. More so getting portions of discovery out of the way that would need to be done sooner or later.
I do not believe the Court's Standing Order had any positive or negative effects on my relationship with my client.
I don't believe it had a negative impact. I believe the client was somewhat confused as to why their assistance was needed to respond to the initial disclosures and then again to the interrogatories, which were somewhat redundant.
I think it has caused us to explain the program in detail to the client. It has had neither a positive or a negative effect on client relationships.

12. To the extent it has not been covered in your above responses, what impact did the Court's Standing Order have on the case(s) you have handled?

Responses

The order has taken away control of the pace of discovery from the attorneys to my cases detriment. It requires that defendants sink costs immediately and without regard for any strategic turnover of documents increasing initial costs in terms of producing documents and attorneys fees for that production. Increasing these initial sunk costs has made settlement more difficult, not less as Defendants are reluctant to pay larger amounts to settle the case because of lost initial sunk costs.
A good impact because you can see the full case immediately.
A huge waste of time.
A little more work up front on my part.
A lot more work early on at great cost to clients that shouldn't occur unless and until a 12(b)(6) Motion is denied - and many if denied are only denied in part and a lot of the case is cut out from the very onset.
A lot of confusion and frustration.
A positive impact.
Absolutely none.
Accomplished far earlier settlement before thousands of dollars in attorneys Time was spent.
added burden, no benefit
Added filings and costs.
Additional burden with no benefit.
Additional pleadings required that may be unneeded.
Again, extremely burdensome and unrealistic.
Although the class action filed was transferred to a judge that opted out of the program, I do not believe the program is applicable for class actions.
As discussed above, it did very little to focus the issues and simply added an extra step. One problem may have been the breadth of the MIDP requests. Though likely necessary to allow the MIDP to apply to a wide variety of cases, they made it very easy for parties to provide obfuscation instead of answers and offered few assurances that document productions were complete. Another major problem is that the MIDP did not provide any really good way for parties to enforce compliance. Though discovery motions practice is always an option, the incentive to go down that path is significantly lower when parties still have the option for Rule 26 discovery that may obviate the issues without requiring the expense of briefing or risks of possibly annoying a judge.
created an unreasonable burden at the beginning of a case, where the defendants are performing their initial investigation
Discovery was received earlier than usual.
Elongated resolution.
Extra work; no additional material disclosures
Facilitated case resolution

Facilitates early settlement discussions but not settlement
Fairness, Trust and Facts
Generally increases the amount of work, number of court appearances (for extensions, etc.).
had no impact to a negative impact in each case
I am not a fan of being forced to do extra work that has the appearance of streamlining a process that wasn't broken and actually makes it all the more burdensome for all involved.
I believe it unfairly prejudiced the Defendants in class certification issues.
I believe made them more expensive
I believe that the order significantly increased the costs of litigation by requiring discovery into meritless claims, while delaying our ability to settle the valid claims that remained.
I think it had a positive effect but the judges need to use all the authority that they have to get documents produced as fast as possible sometimes to much time is allowed to be wasted that is why the pilot program is good you have to have documents that support your case you cannot just file things and go fishing
I think it helped to focus the issues.
I think it is beneficial, since the CSO provides a guide and some organized approach to development of a case, much like preparation for a Mot/SJ.
I'm not sure as Rule 26 disclosures were the most helpful. 1 case was voluntarily dismissed after defendant discovery responses; 1 case set for pretrial in May so informal exchange may have helped here; 1 case is still pending.
Impact varied, for standard single plt cases (Discrim, FMLA, Retaliation) the effect was very negative, delaying the case, via getting docs and rogg answers in 4 months rather than 1-2 months, in some cases the judge does not seem to take that into account, a recent case the judge gave just 5 months of discovery, and I am sure I will not have rogg answers till the case only has one month of discovery left, a very short time to prep and take 5-6 deps. On FLSA collective cases, which often settle quickly, AFTER sending notices to the collective (a 60-120 day process), the SO is an odd fee increasing requirement. Frankly I have had one judge just ignore the SO, as it just does not fit flsa collective cases
In my first case, the plaintiff (still) has not answered the mandatory discovery. We have a motion to dismiss pending. I'm hopeful the case will be dismissed for one or both reasons. It's too early to tell with the second case. While we propounded meaningful answers to plaintiff, what we got back in return was not much more than what was alleged in the complaint.
In my opinion, as an attorney with over 40 years of litigation experience, the earlier an exchange of information occurs, the greater opportunity there is to discuss and potentially resolve some or all issues.
In the case that was dismissed quickly, the only impact was to create uncertainty regarding whether to comply with the standing order. In the other case, it has created some confusion as the plaintiff is pro se.
Increased cost and frustration with no tangible benefit.
Increased costs and prolonged discovery.

Increased costs due to uncertainty, lack of predictability for client.
Increased the early costs of the case.
Increased the initial workload
Increased time and cost
increased work and expense
Initial discovery moved at a faster pace but did not resolve the matter any faster than before the mandatory initial discovery pilot project was implemented
It actually has cause me more concern to be sure that I follow another of the Court Standing Orders
It caused my opponent to obfuscate and delay the case by engaging in protracted discovery disputes at the Order stage, and I'm convinced the strategy of delay and obfuscation will continue into the discovery stage.
It could have been positive, but it was not followed and had no effect.
It created a sense of urgency with my clients to make sure they were moving quickly to get the necessary information required by the Standing Order.
It creates additional discovery work upfront on the case which could be avoided and as a result, increases the costs to the client.
It distracted me from the more substantive issues I had to respond to
It expedited disclosure of certain facts
It forced an earlier exchange of documents, which was helpful.
It front loaded costs for the defendants.
It has assisted us with being more precise in determining what documents to request from our client and what witness interviews to conduct early on.
It has delayed the case and caused early conflict with opposing counsel.
It has driven up costs by forcing cases into litigation that could be decided on a Rule 12 motion.
It has forced the parties into an aggressive litigation posture from the very beginning, and has prevented the possibility of settlement early in litigation, which I believe was the exact opposite of the intended goals for the program.
It has imposed more burden on plaintiff to produce material. Government entities, however, have not taken this standing order seriously.
It has increased costs somewhat because some of my opponents have not tailored their written discovery requests based on my MIDP responses, thus resulting in a duplication of efforts.
It has made litigating much more expensive - with very little, if any, benefit.
It has made my case incredibly challenging, burdensome, and unduly time consuming given the nature of the case.
It has made them more expensive and burdensome to date.
It has required a significant amount of upfront work, and I believe it inhibits early settlements as plaintiff's attorneys (particularly in fee shifting cases) have no motivation to engage in settlement negotiations until receiving the initial discovery responses. Previously, correspondence between counsel and some informal discovery was often enough to obtain an earlier settlement. Additionally, notice pleading makes things more challenging, as it sometimes requires a defendant to

guess what the other side is claiming. Although sometimes the defendant has an idea even before the lawsuit is filed what the plaintiff is alleging, this is often not the case. The balance of what to provide and what not to provide (risking some discovery sanction) is challenging.
It has required considerably more time at the outset of the litigation. It is too early to know whether the Standing Order will yield any benefits.
It helped me better understand what I will need to prove my case.
It helped us get to mediation nearly 8 months faster than my normal cases.
It increased the costs and burdens to the parties and counsel at a very early stage of the litigation.
It is premature to tell but I'm guessing it will be positive.
It is very time consuming for defendants in cases that will be dismissed.
It just created more work and increased fees for clients
It makes life more difficult and provides no appreciable benefit for the costs. And some judges use it as an excuse to be stingy with scheduling requests as if their hands are tied.
It moved the cases quicker and narrowed the issues.
It was somewhat better than the previous system, but should go further to require automatic production of key documents in a set period without further request by the opposing party.
It will probably result in the parties not being able to put on relevant yet as of yet undiscovered evidence because of the arbitrary early deadlines. Oftentimes, relevant information comes out for the first time at the parties depositions because only then will the opposing attorney reveal its strategy and themes in his or her questions.
It's excellent for plaintiffs who often are seeking much more discovery than they have themselves. It requires defendants do produce critical information up front, which helps us better evaluate the case, what we need in discovery, and how best to proceed with settlement discussions.
It's slowed down other discovery.
Judge's have very different approaches to this. Some appear to hold your feet to the fire, others don't. That makes me nervous. Some judge's think that after the MID, there may be no need for further written discovery - that's a joke. Parties will continue to issue written. In some respects, the MID seem like a modified version of the 26(a)(1) disclosures. They can be pointless when the parties talk in broad terms about their claims and defenses.
Just frustrating in that Defendants did not seem to either understand or take it seriously, and there was little we could do about it. to bring a special motion before the Court we know is not desired, and because the status before the court was set far out, there was no way to advise the Court of the impasse or difference in understanding of the Standing Order.
Just wasted valuable time that could have been spent on other things.
Limited since the case was remanded to state court.
Little impact.
Made it more complicated.

Made it much more onerous and expensive. No incentive for them to settle since they had to do the work anyway. Terrible idea.
made my already hectic schedule more hectic, but deadlines are good, make ppl work harder
made the case more expensive, especially when the Standing Order is applied unevenly to plaintiffs (strictly) and governmental defendants (very loosely)
Made them more costly to defend
Made them much more of a burden to litigate.
Made things more expensive at the beginning.
makes more work in a system that is full of work
Makes them more expensive
More work to make sure of compliance with a standing order that is not a paragon of clarity.
Moved matters forward is a quicker and more efficient manner
My one issue is that there was a hearing scheduled before we even answered. That made no sense. I am open minded about project but it may need tweaking.
Needlessly increased costs by 10's of thousands of dollars.
negative impact, but soldiering on
Negative impact. Wasted time/money/resources answering complaint and producing information on claims that were subject to motion to dismiss.
None other than additional unnecessary burdens and expenses
Only impact has been to increase costs to my clients and cause me to have to explain why the Pilot Program was in place.
Only to increase client costs.
Overall it is not a positive experience.
Overall, I am rushing and spending a lot of time rushing others in order to meet the deadline and comply with the standing orders.
Pay more attention to them due to tight time constraints
Positive Impact
Pressure the lawyers to start the case. But
put earlier pressure on plaintiff.
Requires the parties to put up or shut up at an early stage.
rushed things along and required me to seek relief when I normally would not have to
Seems to be moving more quickly
Seems to be working well to bring the parties together
seems to not be coordinated between the court and the parties
Showed court defense evasive. Allowed formal discovery to open.
Simplified some written discovery.
Simpliflied
So far it has added a layer of expense. I think the missing element is strict enforcement.

So far, it has not had a big impact because the judge's have been willing to exempt the cases.
So far, not a big impact. I think the possibility of getting ESI early in the case is, for plaintiffs, a big benefit. However, in my case, the defendant is on its second extension to produce the initial ESI, so we are many months into the case and I have not received a single email. I think the perception among the defense bar is that the deadlines are "optional." This was reinforced by a seminar I attended a few weeks ago in which the judges on the panel confirmed that extensions would be liberally granted.
The case has moved forward much quicker than past cases by forcing a high volume of important disclosures up front. It has also allowed for better and more narrowly tailored interrogatories and requests for production.
The case was just recently filed, so at this point no discernible impact has been made on the case by the Order.
The Court's Standing Order had no impact. If a party has reason to extend or hinder discovery, they can do it regardless of the Court's Standing Order. The court set deadlines for completing oral discovery. Defendant could win by receiving a decision in its favor or by delaying a decision. Oral discovery, therefore, was completed on the last day allowed by the court's discovery schedule.
The impact has been entirely negative. It unnecessarily raises costs and ratchets up litigation.
The MDIP simply delayed the exchange of documents. Instead of receiving documents and interrogatory responses thirty days after a Rule 26(f) conference, I now wait 70 days after the answer is filed.
The MID increased the prevalence of discovery disputes over the extent of the appropriate ESI search terms, custodians, and date ranges.
The MIDP has created much more stress, time and money than is already expended on discovery.
The MIDP has had minimal impact separate and apart form the 26(a) disclosures
The MIDP requests are objectionable in many respects, i.e., overbreadth, proportionality. While I appreciate the benefit of requiring parties to reveal their evidence and arguments early in the case, in particular the ESI timeline is extremely burdensome and in some cases impossible for defendants.
The MIDPP has not had much of an impact on my case, other than it has accelerated the exchange of initial discovery and may shorten the period of time needed for all discovery in the case.
The newness of this order also poses problems for local counsel, who may have little experience with the Standing Order. When hired to act as local counsel, admitting that you have no experience handling this very forum-specific local practice is not good for referral relationships.
The Standing Order had no impact one way or the other.
The Standing Order just added additional requirements and deadlines unnecessarily.
They have made it more difficult to settle cases with fee shifting statutes because the plaintiffs' attorneys fees and defense costs are being pushed up, which eats into the settlement fund for smaller/single plaintiff cases.

They should be waived in pro se cases. the plaintiff doesn't comply because they don't understand. the court does not make a pro se plaintiff do anything anyway, and then defendant is forced to put its whole case out there when it could possibly resolve it.
To be clear, I think the court's flexibility in applying the provisions of the Standing Order has had a positive effect. Specifically, there is a potentially case-dispositive legal issue that is being addressed in motion to dismiss briefing. If the court had followed the Standing Order provisions to the letter, the parties would be spending time and money on discovery and pleading. It is likely that the Court's ruling on motions to dismiss will effectively decide the case. In these circumstances, literal application of the Order would have probably led to inefficiency and unnecessary costs.
Unfortunately, because the Plaintiff has not reciprocated with initial discovery responses, there is little impact on the case other than increasing costs for Defendant. However, making the Defendant's disclosures to Plaintiff may have had the effect of pointing out to Plaintiff's counsel the weakness of Plaintiff's case. If Plaintiff's representation is being pursued on a contingent fee basis, this may explain to some extent the lack of initial discovery responses from Plaintiff.
Unnecessary pleadings.
Very little. We are currently in the middle of seeking various compliance from the other side while we are bogged down in discovery.
While this may be beneficial for certain cases, it added fees and costs well beyond what would have been otherwise expended.
You can't meaningfully review all necessary discovery in such a short timeframe and prepare a proper defense.

13. On a scale of 1-10, what is your opinion of the Court's Standing Order (With 1 being the least favorable and 10 being the most favorable)?

Least Favorable 1	87
2	46
3	68
4	52
5	75
6	30
7	49
8	55
9	30
Most Favorable 10	22