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had to be some filing possibility. Note, the Council has mitigated the problem by providing for filing only when a party requests it.

RULE 39 G.(3)

There are situations where having the original of an exhibit is vitally important and one party does not trust the other to keep it. Donnelly's suggestion that the producing party always keep the original does not cover this.

On the question of fees, the matter is one which should be covered outside the rules.

RULE 43 B.

The telephone request for a change which was reported was to modify the second full sentence on Page 129 as follows:

"A defendant shall not be required to provide or allow inspection or other related acts before the expiration of 45 days after summons, and in any case before 30 days from the date of the request, unless a court specifies a shorter time."

I assume the intent was to require that the notice specify 30 days or more to respond. The suggested approach would, however, apply this only to defendants. Any such limitation should apply to all parties. A new sentence could be added after the first full sentence on Page 129 as follows:

"The time specified in the request shall be not less than 30 days after the date of service of the request, unless the court specifies a shorter time."

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I did not include this as a change because it is too rigid. In most cases the request would be reasonable, usually at a time agreeable to the parties. In the unusual case, a cover order under 36 C. is easily available as the issue is fairly simple.

Rule 43

*A. Scope. Any party may serve on any other party a request: (1) to produce and permit the party making the request, or someone acting on behalf of the party making the request, to inspect and copy, any designated documents (including writings, drawings, graphs, charts, photographs, phono-records, and other data compilations from which information can be obtained, and translated, if necessary, by the respondent through detection devices into reasonably usable form), or to inspect and copy, test, or sample any tangible things which constitute or contain matters within the scope of Rule 36 B. and which are in the possession, custody, or control of the party upon whom the request is served; or (2) to permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspection and measuring, surveying, photographing, testing, or sampling the property or any designated object or operation thereon, within the scope of Rule 36 B.