

RECEIVED
1/21/05

04-CV-134



Nobody
<nobody@uscbgov.ao.dcn>
01/21/2005 11:57 AM

To Rules_Support@ao.uscourts.gov
cc
bcc
Subject Submission from <http://www.uscourts.gov/rules/submit.html>

Salutation: Mrs.
First: Sheri Ann
MI:
Last: Pochat
Org: The Law Office of Tom Stickel
MailingAddress1: 910 Grand Concourse, Suite 1K
MailingAddress2:
City: Bronx
State: New_York
ZIP: 10950
EmailAddress: sherip1@optonline.net
Phone: (718) 293-4800
Fax: (718) 588-8085
CivilRules: Yes
Evidence: Yes
Miscellaneous: Yes
Comments:

The proposed amendments for the rules of the Federal Courts concerning discovery issues will lead to drastic irreparable harm to the person requesting the discovery; will lead to more unnecessary motion practice with the verbiage that is currently being proposed; will cause the Federal Court to become overburdened with discovery motions, i.e., define "reasonably accessible," and provide limitations of time for moving for relief, unless there is a "special circumstance;" and, the privilege rule as the amendment is proposed needs to have language that makes the issue of "privilege" more clear, especially in light of the fact that such amendment includes documents previously exchanged. The Courts will be subjected to more unnecessary motion practice for spoliation or "routine" purging of documents. The rules should be amended to include a proviso that, upon service of a Summons and Verified Complaint, all "relevant", "germain" and "material" documentation shall be preserved with an electronic date stamp of date of preservation, etc., and provide time limits for the party to exchange such discovery and/or destroy it.

The amendments, as currently proposed will cause more litigation and make the Federal Courts as busy, if not busier, than at the State Court level. The amendments, as proposed, do not supply enough details about the issues to be changed. There are too many loop holes as proposed and should be withdrawn so that proper proposals with appropriate language can be presented.

submit2: Submit Comment

HTTP Referer: <http://www.uscourts.gov/rules/submit.html>