

Extraordinary discovery — Reaching the limits of standard discovery.

Question: What does "reaching the limits of standard discovery" mean? If a party has reached the limits of one method of discovery — depositions, for example — but not of another method, must the party make use of the other method before requesting more deposition time?

Answer: The parties should not have to make meaningless requests for discovery, and the court should not have to deal with serial stipulations or motions for additional discovery. The intent is to require a party to exhaust all permitted and desired discovery before asking for more. If the party has used all of the permitted discovery by one or more methods and does not intend any further discovery by other methods, then a stipulation or motion for extraordinary discovery is appropriate. But if the party is still engaged in discovery by methods other than the one (or more) that has been exhausted, the party should wait before filing a stipulation or motion for more.