

1 **Rule 34. Production of documents and things and entry upon land for**
2 **inspection and other purposes.**

3 (a) **Scope.** ~~Any party may serve on any other party a request~~

4 (a)(1) Any party may serve on any other party a request to produce and permit the
5 requesting party ~~party making the request, or someone acting on his behalf,~~ to inspect,
6 copy, test or sample any designated discoverable documents, ~~or~~ electronically stored
7 information or tangible things (including writings, drawings, graphs, charts, photographs,
8 sound recordings, images, and other data or data compilations stored in any medium
9 from which information can be obtained, translated, if necessary, by the respondent into
10 reasonably usable form)), ~~or to inspect, copy, test or sample any designated tangible~~
11 ~~things which constitute or contain matters within the scope of Rule 26(b) and which are~~
12 in the possession, ~~custody~~ or control of the responding party, ~~upon whom the request is~~
13 ~~served; or~~

14 (a)(2) Any party may serve on any other party a request to permit entry upon
15 designated ~~land or other~~ property in the possession or control of the responding party
16 ~~upon whom the request is served~~ for the purpose of inspecting, inspection and
17 measuring, surveying, photographing, testing, or sampling the property or any
18 designated discoverable object or operation on the property, thereon, within the scope of
19 ~~Rule 26(b).~~

20 (b) **Procedure and limitations.**

21 (b)(1) The request shall identify set forth the items to be inspected ~~either~~ by individual
22 item or by category, and describe each item and category with reasonable particularity.
23 The request shall specify a reasonable date, time, place, and manner of making the
24 inspection and performing the related acts. The request may specify the form or forms
25 in which electronically stored information is to be produced. ~~Without leave of court or~~
26 ~~written stipulation, a request may not be served before the time specified in Rule 26(d).~~

27 (b)(2) The responding party ~~upon whom the request is served~~ shall serve a written
28 response within 2830 days after ~~the~~ service of the request. The responding party shall
29 restate each request before responding ~~A shorter or longer time may be directed by the~~
30 ~~court or, in the absence of such an order, agreed to in writing by the parties, subject to~~
31 Rule 29. The response shall state, with respect to each item or category, that inspection

32 and related ~~acts~~activities will be permitted as requested, ~~or that~~unless the request is
33 objected to. ~~If the party objects to a request, the party must state, including an objection~~
34 ~~to the requested form or forms for producing electronically stored information, stating~~
35 the reasons for the objection. ~~Any reason not stated~~If objection is ~~waived unless~~
36 ~~excused by~~made to part of an item or category, the ~~court~~ for good cause. The party/part
37 shall ~~identify~~be specified and ~~permit~~ inspection ~~of any part of a request that is not~~
38 ~~objectionable~~.permitted of the remaining parts. If ~~the party object~~objection is made to
39 the requested form or forms for producing electronically stored information -- or if no
40 form was specified in the request -- the responding party must state the form or forms it
41 intends to use. ~~The party submitting the request may move for an order under Rule~~
42 ~~37(a) with respect to any objection to or other failure to respond to the request or any~~
43 ~~part thereof, or any failure to permit inspection as requested.~~

44 **(c) Form of documents and electronically stored information.**

45 ~~(c)(1) (b)(3) Unless the parties otherwise agree or the court otherwise orders:~~

46 ~~(b)(3)(A)~~a party who produces documents for inspection shall produce them as they
47 are kept in the usual course of business or shall organize and label them to correspond
48 with the categories in the request.;

49 ~~(c)(2) If~~(b)(3)(B) if a request does not specify the form or forms for producing
50 electronically stored information, a responding party must produce the information in a
51 form or forms in which it is ordinarily maintained or in a form or forms that are
52 reasonably usable.;

53 ~~(c)(3) A~~(C) a party need not produce the same electronically stored information in
54 more than one form.

55 ~~(c) Persons not parties. This rule does not preclude an independent action against a~~
56 ~~person not a party for production of documents and things and permission to enter upon~~
57 ~~land.~~

58 Advisory Committee Notes

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