

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

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

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

13 (a)(2) to permit entry upon designated land or other property in the possession or  
14 control of the party upon whom the request is served for the purpose of inspection and  
15 measuring, surveying, photographing, testing, or sampling the property or any  
16 designated object or operation thereon, within the scope of Rule 26(b).

17 (b) Procedure.

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

24 (b)(2) The party upon whom the request is served shall serve a written response  
25 within 30 days after the service of the request. A shorter or longer time may be directed  
26 by the court or, in the absence of such an order, agreed to in writing by the parties,  
27 subject to Rule 29. The response shall state, with respect to each item or category, that  
28 inspection and related activities will be permitted as requested, unless the request is  
29 objected to, ~~in which event including an objection to the requested form or forms for~~  
30 producing electronically stored information, stating the reasons for the objection ~~shall be~~  
31 stated. If objection is made to part of an item or category, the part shall be specified and

32 inspection permitted of the remaining parts. If objection is made to the requested form  
33 or forms for producing electronically stored information -- or if no form was specified in  
34 the request -- the responding party must state the form or forms it intends to use. The  
35 party submitting the request may move for an order under Rule 37(a) with respect to  
36 any objection to or other failure to respond to the request or any part thereof, or any  
37 failure to permit inspection as requested.

38 (b)(3) Unless the parties otherwise agree or the court otherwise orders:

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

42 (b)(3)(B) if a request does not specify the form or forms for producing electronically  
43 stored information, a responding party must produce the information in a form or forms  
44 in which it is ordinarily maintained or in a form or forms that are reasonably usable; and

45 (b)(3)(C) a party need not produce the same electronically stored information in  
46 more than one form.

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

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