

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 ~~party making the request, or someone acting on his behalf, requesting party~~ 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 inspection and inspecting,
17 measuring, surveying, photographing, testing, or sampling the property or any
18 designated discoverable object or operation ~~thereon, within the scope of Rule 26(b) on~~
19 the property.

20 (b) Procedure and limitations.

21 (b)(1) The request shall set forth identify 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 3028 days after ~~the~~ service of the request. ~~A shorter or longer time may~~
29 ~~be directed by the court or, in the absence of such an order, agreed~~ The responding
30 party shall restate each request before responding to ~~in writing by the parties, subject to~~
31 Rule 29j. The response shall state, with respect to each item or category, that

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

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

45 ~~(b)(3)(c) Form of documents and electronically stored information.~~

46 ~~(c)(1) 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; ~~and.~~

49 ~~(b)(3)(B) if~~(c)(2) 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; ~~and.~~

53 ~~(bc)(3)(C) a~~ 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

59