

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

3 **(a) Scope.**

4 (a)(1) Any party may serve on any other party a request to produce and permit the requesting  
5 party to inspect, copy, test or sample any designated discoverable documents, electronically stored  
6 information or tangible things (including writings, drawings, graphs, charts, photographs, sound  
7 recordings, images, and other data or data compilations stored in any medium from which information  
8 can be obtained, translated, if necessary, by the respondent into reasonably usable form) in the  
9 possession or control of the responding party.

10 (a)(2) Any party may serve on any other party a request to permit entry upon designated property  
11 in the possession or control of the responding party for the purpose of inspecting, measuring,  
12 surveying, photographing, testing, or sampling the property or any designated discoverable object or  
13 operation on the property.

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

15 (b)(1) The request ~~shall~~must identify the items to be inspected by individual item or by category,  
16 and describe each item and category with reasonable particularity. The request ~~shall~~must specify a  
17 reasonable date, time, place, and manner of making the inspection and performing the related acts.  
18 The request may specify the form or forms in which electronically stored information is to be  
19 produced.

20 (b)(2) The responding party ~~shall~~must serve a written response within 28 days after service of the  
21 request. The responding party ~~shall~~must restate each request before responding to it. The response  
22 ~~shall~~must state, with respect to each item or category, that inspection and related acts will be  
23 permitted as requested, or that the request is objected to. If the party objects to a request, the party  
24 must state the reasons for the objection with specificity. Any reason not stated is waived unless  
25 excused by the court for good cause. An objection must state by individual item or by category  
26 whether any responsive items are being withheld on the basis of that objection. An objection that  
27 states the terms that have controlled a search for responsive items qualifies as a statement that items  
28 outside of the search terms may have been withheld. The party ~~shall~~must identify and permit  
29 inspection of items responsive to any part of a request that is not objectionable. If the party objects to  
30 the requested form or forms for producing electronically stored information—or if no form was  
31 specified in the request—the responding party must state the form or forms it intends to use.

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

33 (c)(1) A party who produces documents for inspection ~~shall~~must produce them as they are kept  
34 in the usual course of business or ~~shall~~must organize and label them to correspond with the  
35 categories in the request.

36 (c)(2) If a request does not specify the form or forms for producing electronically stored  
37 information, a responding party must produce the information in a form or forms in which it is  
38 ordinarily maintained or in a form or forms that are reasonably usable.

39 (c)(3) A party need not produce the same electronically stored information in more than one form.

40 Advisory Committee Notes

41 The 2017 amendments to paragraph (b)(2) adopt 1) the specificity requirement in the 2015  
42 amendments to Federal Rule of Civil Procedure 34(b)(2)(B), 2) a portion of Federal Rule 34(b)(2)(C)  
43 dealing with the basis for an objection to production, and 3) some clarifying language from the federal  
44 note.