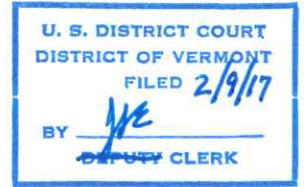


UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT



In the Matter of: )  
 )  
Revisions to Local Rules of Procedure )  
16.1 - Early Neutral Evaluation and )  
26 - Discovery )

**GENERAL ORDER # 76**

Adequate public notice for commentary having been provided, the District of Vermont's Local Rules 16.1 (Early Neutral Evaluation) and 26 (Discovery) are hereby amended and superseded effective March 1, 2017. The purpose of the revisions is as follows:

**Rule 16.1 – Early Neutral Evaluation**

The amendment intends to clarify parties' responsibilities when rescheduling ENE sessions under § (f)(2) and when seeking excusal under § (g)(3). The amendment also includes the addition of § (k) Supplemental Evaluator's Report.

**Rule 26 - Discovery**

The amendment conforms Local Rule 26 with the revised Federal Rule of Civil Procedure 26. In addition, the rule includes the following changes:

(1) A new provision stating that discovery, including the obligation to submit a proposed Discovery Schedule, shall not be stayed during the pendency of a Fed. R. Civ. P. 12(b) or (c) motion. A party may, however, request a stay or phased discovery until the motion is adjudicated if it will help to secure the just, speedy, and inexpensive determination of the action; and

(2) A revised section regarding the timing of the Discovery Schedule to align with Fed. R. Civ. P. 16(b)(2) so that the court receives a stipulated Discovery Schedule by a date certain and, if not, the case will be set for a default scheduling conference.

The Clerk of Court shall furnish copies of the revised rules to the Judicial Council for the Second Circuit, to the Administrative Office of the United States Courts, and to the public.

These amendments to the Local Rules shall be effective March 1, 2017 and shall be incorporated into this district's Local Rules of Procedure as hereby revised.

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 9<sup>th</sup> day of February, 2017.



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Christina Reiss  
Chief Judge