

Proposed Standing Order 1-16
Limited Discovery and Advancement of Cases for Trial

1. Notwithstanding any time periods set forth in Standing Order 1-04, or any other Standing Order of the Land Court, the court may, on its own motion, for good reasons and as the interests of justice require, limit the scope and timing of discovery in any case consistent with Mass. R. Civ. P. 26, as it may be amended from time to time, or advance any case for trial.

2. In addition to the matters set forth in Standing Order 1-04.F, the question of whether the scope and timing of discovery should be limited and whether the case should be advanced for trial shall be discussed at the Case Management Conference. If the court sets discovery or other deadlines for an individual case, the specific deadlines shall supersede the case's presumptive tracking order deadlines under Standing Order 1-04.

3. In addition to the matters set forth in Standing Order 1-04.F, the question of whether the parties should be required to make initial mandatory disclosures shall be discussed at the Case Management Conference. At the case management conference, the court may, on its own motion, for good reasons and as the interests of justice require, order the parties to make initial mandatory disclosures as follows:

- a. ***Initial Disclosures.*** Except as exempted by Mass. R. Civ. P. 26(b), or as otherwise stipulated by the parties or ordered by the court, a party must, without awaiting a discovery request, provide to the other parties:
 - i. the name and, if known, the postal and e mail addresses, and telephone number of each individual having personal knowledge of any matter alleged in the pleadings and the substance of that knowledge that the disclosing party expects to use to support its claims or defenses, unless the use would be solely for impeachment;
 - ii. a copy or description by category and location of all documents, instruments, electronically stored information, photographs, and tangible things that the disclosing party expects to use to support its claims or defenses, unless the use would be solely for impeachment;
 - iii. a copy or a description by category and location of all plans, sketches or maps, whether recorded, registered, unrecorded, or unregistered, that the disclosing party expects to use to support its claims or defenses, unless the use would be solely for impeachment; and
 - iv. a copy of any municipal bylaw, ordinance, rule or regulation relevant to a party's claims or defenses.
- b. ***Time for Initial Disclosures.*** The parties must make the initial disclosures within 30 days after the Case Management Conference Statement, unless another deadline is set by the court. A party that is first served or otherwise joined after the Case Management Conference Statement must make the initial disclosures

within 30 days after being served or joined, unless a different time is set by stipulation, approved by the court or by court order.

- c. ***Supplementation.*** If, after making the initial disclosures, a party receives information within the categories set forth in paragraphs 1. a-d above, the party shall supplement its initial disclosures within 30 days.
- d. ***Procedure and Enforcement.*** Failure to comply with these provisions for initial disclosures shall be enforceable by motion pursuant to Mass. R. Civ. P. 37 and Land Court Rule 8. Every complaint, counterclaim, cross-claim, third- party complaint and answer shall automatically be deemed to constitute a discovery request served under Mass. R. Civ. P. 33 and 34.