



Federal Pro Se Clinic

CENTRAL DISTRICT OF CALIFORNIA: WESTERN DIVISION

Guide to Discovery:

Request for Production

What is a Request for Production?

A Request for Production (RFP) is a discovery tool that permits you to request documents or electronically stored information in the opposing side's "possession, custody or control." An RFP can also allow you to inspect, copy, test, or sample "tangible things" in the opposing side's "possession, custody or control." RFPs are governed by Federal Rule of Civil Procedure 34(a) and the corresponding Local Rules of the Central District of California.

Prepare to write your RFPs by carefully reading the entire complaint and the answer in your case. Make a discovery plan by creating a chart. List the legal elements of your claim or defense in the first column. In the second column, list the facts you think prove each element. In the third column, list what physical things you need to prove each element. The items in the last column will help you decide what to include in your RFPs. A template of this chart is included with this guide.

Content of Requests for Production

1. State that you are requesting documents or things under Federal Rule of Civil Procedure 34(a). State that the production of documents is due within 30 days after you serve the requests.
2. Request a reasonable, yet specific, time, place, and manner of production and inspection. The following phrase contains sample wording:

"Defendant is required to produce the following documents for inspection or copying at 9:00 a.m. on the 7th of July, 2004, at 211 North Madison Avenue, Los Angeles, CA 90021. In lieu of making a personal appearance on the production date, Defendant may append copies of the requested documents to its response to Plaintiff's Request for Production of Documents."

	8.5"		1"
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	<p>John Doe JDoe@mail.com 3425 X Street Los Angeles, CA 90024 (213) 000-0000 Plaintiff in Pro Per</p> <p style="text-align: center;">United States District Court Central District of California</p> <p>John Doe,) Case No: CV11-00-MA Plaintiff,) vs.) REQUESTS FOR Jane Smith,) PRODUCTION Defendant.) (F.R.C.P. 34(a))</p> <p>PROPOUNDING PARTY: PLAINTIFF JOHN DOE RESPONDING PARTY: DEFENDANT JANE SMITH SET NO.: ONE (1)</p> <p>Pursuant to Federal Rule of Civil Procedure 34(a), Plaintiff John Doe requests that Defendant Jane Smith respond to Plaintiff's Request for Production within thirty days. These Requests shall be answered in writing within thirty days from the date of serve and produce and permit inspection and copying of the documents</p> <p style="text-align: center;">REQUESTS FOR PRODUCTION 1</p>	11"	1"

3. Define the terms you will use in your request. Title this section "Definitions." Terms like "document," "contract," and "deed of trust" should be defined as they relate to your case. For example, if you are asking for a police report of an incident, make sure to define the word "incident":

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“Incident” includes the circumstances and events surrounding the alleged wrongful conduct, injury, or other occurrences giving rise to this lawsuit as alleged in the complaint filed on January 19, 2013.

4. Next, state your Requests for Production. Title this section “Requests for Production.” Each request should be in a separate paragraph and numbered sequentially. (Note: if you send more than one set of RFPs to a party, number each request sequentially without repeating the numbers you used on any prior set of RFPs.)
5. Request the production of documents and things with clarity. Provide enough description of the document or thing so the opposing party will know what you are requesting and in what form it should be produced. The more you can be specific with your request, the less likely the other side will object to it.
6. Although there are no limits on how many documents or things you may request in your RFPs, limit the content of your RFPs to documents or things that pertain to the claims or defenses in your case. The following are some kinds of documents and things you can ask for in your RFPs:
 - Administrative records
 - Employment records
 - Business contracts
 - Police reports
 - Audio or video recordings
7. If you are requesting electronically stored information, you can specify the form of production. For example, you can ask the other party to produce the information in Word and/or PDF format.
8. Lastly, sign and date the last page of your RFPs.

Serving Requests for Production

Do not file the RFPs with the Court; send a copy to opposing counsel (or your unrepresented opponent) with a certificate of service and keep the original for yourself. Remember to send the RFPs long before your discovery cut-off date to give the other party the full 30 days to respond. In fact, consider sending your RFPs at least 60 days before your discovery deadline in case the other side fails to respond adequately to your discovery request and you need additional time to file a motion to compel.



What if the opposing party gives you too much information?

In rare instances, a party may respond to an RFP by producing a large amount of un-reviewed or unsorted documents. This violates Federal Rule of Civil Procedure 34(b), which requires the producing party to sort or label documents to correspond with your request, or to produce them as they are maintained in the party’s usual course of business. If the producing party violates this rule, you may make a motion to compel discovery under Federal Rule of Civil Procedure 37(d) and the corresponding Local Rules of the Central District of California.

5. There are some circumstances under which you may not be able to produce a document or thing. For example, the item may not exist. Or, the item may have been destroyed or stolen. Or, the item may no longer be in your possession, custody, or control. You may use the following formula to respond to an RFP in these situations, as long as you have made a diligent effort to locate the item:

“A diligent search and reasonable inquiry has been made in an effort to locate the item requested. _____ is unable to comply with this
Plaintiff or Defendant
discovery request because _____.”
explain why you are not able to comply with the request

6. If you believe the other side is abusing the discovery process or if you need to preserve the confidentiality of some of your documents, you may file a motion for a protective order. Refer to Federal Rule of Civil Procedure 26(c) for more information about when and under what conditions you may seek a protective order.
7. Don't forget to sign and date the last page of your response to the RFPs. **Do not** file your response with the Court; send a copy to opposing counsel (or your unrepresented opponent) with a certificate of service and keep a copy for yourself.

Do you need more time to respond to an RFP?

If you need more time to answer or object to an RFP, first contact the opposing counsel (or your unrepresented opponent) and ask him or her to agree to an extension of time. Make sure you receive some form of written confirmation of the extension, even if it is just in an email. If the other side refuses, you may file a “Request for Extension of Time to Respond to a Request for Production” with the Court.

What can happen if you fail to respond to an RFP?

If you do not respond to an RFP in a timely manner you will waive any objections to it, including objections based on relevance and privilege. If you do not respond to an RFP in an adequate manner, the requesting party may file a “motion to compel” your response and the Court may impose sanctions on you, which may include having to pay the requesting party's attorney's fees and costs incurred in bringing the motion.



Guide to Discovery: Discovery Worksheet

Claim or Defense:

State each <u>element</u> of your claim or defense	State each of the <u>facts</u> that will prove this element	List the <u>evidence</u> you will need to support the facts that prove this element	Formulate your discovery request (RFP, RFA, or Interrogatory)

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