RULE CR 34
PRODUCING DOCUMENTS, ELECTRONICALLY STORED INFORMATION,
AND THINGS OR ENTRY ONTO LAND FOR INSPECTION AND OTHER PURPOSES

(a) Scope. Any party may serve on any other party a request within the scope of Rule 26(b):

(1) to produce and permit the requesting party or the party's representative, to inspect, copy, test, photograph, record, measure, or sample the following items in the responding party's possession, custody, or control: any designated documents, electronically stored information, or things including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained, either directly or, if necessary, after translation or conversion by the responding party into a reasonably usable form, or to inspect and copy, test, or sample any things which constitute or contain matters within the scope of rule 26(b) and which are in the possession, custody or control of the responding party; or

(2) to permit entry onto designated land or other property possessed or controlled by the responding party, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object, process or operation on it.

(b) Procedure.

(1) Service. The request may, without leave of court, be served upon the plaintiff after the summons and a copy of the complaint are served upon the defendant, or the complaint is filed, whichever shall first occur, and upon any other party with or after service of the summons and complaint upon that party.

(2) Contents of the Request. The request:

(A) shall set forth the items to be produced either by individual item or by category, and describe each item and category with reasonable particularity;

(B) shall specify a reasonable time, place and manner of making the production and performing the related acts;

(C) may specify the form or forms in which electronically stored information is to be produced.

(3) Responses and Objections.

(A) Time to Respond. The responding party shall serve a written response within 30 days after the service of the request, except that a defendant may serve a response within 40 days after service of the summons and complaint upon that defendant. The parties may stipulate or the court may allow a shorter or longer time.

(B) Responding to Each Item. For each item or category, the response must either state that inspection and related activities will be permitted as requested or state a specific objection to the request, including the reasons.

(C) Objections. An objection to part of a request must specify the part and permit inspection of the rest.

(D) Responding to a Request for Electronically Stored Information. The response may state an objection to a requested form for producing electronically stored information. If the responding party objects to a form or forms-or if no form was specified in the request-the responding party must state the form or forms it intends to use.

(E) Failure to Make Discovery. For any failure to make discovery under this rule, the requesting party may move for an order as provided under rule 37.

(F) Producing the Documents or Electronically Stored Information. Unless otherwise stipulated or ordered by the court:

(i) A party who produces things, electronically stored information, or documents for inspection shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the request;

(ii) If a request does not specify a form for producing electronically stored information, a party must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms; and

(iii) Unless otherwise stipulated or ordered by the court, for good cause shown, a party need not produce the same electronically stored information in more than one form.

(c) Persons Not Parties. This rule does not preclude an independent action or a subpoena issued pursuant to rule 45 against a person not a party for production of documents and things and permission to enter upon land.

[Amended effective July 1, 1972; September 1, 1985; September 1, 1989; September 1, 1997; September 1, 2013.]