

Amendments to Rule 37

Rule 37 is amended as follows:

RULE 37. Failure To Make Disclosure or Cooperate in Discovery; Sanctions

(a) Motion for Order Compelling Disclosure or Discovery. * * *

(b) Failure To Comply With Order: Sanctions. * * *

(c) Failure to Disclose; False or Misleading Disclosure; Refusal to Admit. * * *

(d) Failure of Party To Attend at Own Deposition or Serve Answers to Interrogatories or Respond to Request for Inspection. * * *

(e) [Abrogated]

(f) **Electronically Stored Information. Absent exceptional circumstances, the court may not impose sanctions under these rules on a party for failing to provide electronically stored information lost as a result of the routine, good-faith operation of an electronic information system.**

~~(f)~~**(g)** Failure to Participate in the Framing of a Discovery Plan. If a party or a party's attorney fails to participate in good faith in the development and submission of a proposed discovery plan as required by Rule 26(f), the court may, after opportunity for hearing, require such party or attorney to pay to any other party the reasonable expenses, including attorney's fees, caused by the failure.

(As amended Oct. 3, 1984, eff. Jan. 1, 1985; July 28, 1988, eff. Nov. 1, 1988; Aug. 29, 2000, eff. Jan. 1, 2001; Dec. 18, 2001, eff. Apr. 1, 2002; **Nov. 27, 2007; eff. Jan. 1, 2008.**)