

c) Filing of Certificate of Conference and Motions and Memoranda

i) Cases Subject to Electronic Filing

If counsel fail to resolve their differences during their conference, the party seeking to compel discovery shall file the certificate required by L.R. 104.7, and shall append thereto a copy of the motion and memoranda previously served by the parties under L.R. 104.8.a.

ii) Cases Exempt from Electronic Filing

If counsel fail to resolve their differences during their conference, the party seeking to compel discovery shall file (i) the certificate required by L.R. 104.7, and (ii) the original and two (2) copies of its motion and memorandum concerning the motion to compel and three (3) copies of all other memoranda concerning the motion.

9. Smoking During Depositions Prohibited

Unless all persons present otherwise agree, smoking is prohibited in the room in which a deposition is being taken.

10. Actions and Witnesses Exempted from Provisions of Fed. R. Civ. P. 26(a)(2)(B)

Unless otherwise ordered by the Court a party must provide the disclosures required by Fed. R. Civ. P. 26(a)(2)(B) only as to experts retained or specially employed by a party to provide expert testimony. The disclosures need not be provided as to hybrid fact/expert witnesses such as treating physicians. The party must disclose the existence of any hybrid fact/expert witness pursuant to Fed. R. Civ. P. 26(a)(2)(A), and disclose the subject matter on which the witness is expected to present evidence under Fed. R. Evid. 702, 703, or 705, as well as a summary of the facts and opinions to which the hybrid fact/expert witness is expected to testify, pursuant to Fed. R. Civ. P. 26(a)(2)(C). In addition, an adverse party may obtain the opinions of such witnesses (to the extent appropriate) through interrogatories, document production requests, and depositions.

11. Fees and Costs

a) Interpretation of Fed. R. Civ. P. 26(b)(4)~~(C)~~**[(E)]**

Unless otherwise ordered by the Court, any reasonable fee charged by an expert for the time spent in a discovery deposition and in traveling to and from the deposition shall be paid by the party taking the deposition. The fee charged by the expert for time spent preparing for the deposition shall be paid by the party designating the expert. The expert may not charge an opposing party for a discovery deposition a