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Advisory Committee on Civil Rules
Attn: 30(b)(6) Subcommittee

SUBMITTED VIA E-MAIL ONLY
Rules_Comments@ao.uscourts.gov

RE: COMMENT ON CONSIDERATION OF CHANGES TO RULE 30(b)(6)

Dear Subcommittee:

Thank you for this opportunity to provide comment to you regarding your review of Civil Rule 30 (b) (6).

Our law firm has represented plaintiffs in personal injury cases for over 30 years. As this committee is no doubt aware, the number one challenge before plaintiff's attorneys in litigation against a company or organization is to efficiently obtain information from our adversaries through discovery. Namely, we are often faced with a game of "hide the ball."

Banding is an unfortunate but prevalent issue that we deal with whenever we attempt to obtain information from organizations or companies during litigation. Rule 30(b)(6), as written and when enforced, creates an efficient solution to this problem for victims of injury through the duty of preparation it places on the corporate defendant. As a result, judicial efficiency and economical exchange of information between adversaries can prevail. We are very concerned that proposals to reduce an organization's duty to prepare under rule 30(b)(6) will effectively gut the effectiveness of rule 30(b)(6), rendering it ineffective for its original purpose: promoting exchange of information from corporate defendants that plaintiffs are entitled to obtain through litigation.

Another positive way the rule 30(b)(6), as written, promotes judicial efficiency, is that it does a great job in narrowing the real issues in dispute early on, keeping each party focused on "the ball" and keeping "the ball" moving.

Finally, we understand that there have been discussions about eliminating the stage discovery piece of rule 30(b)(6). It is our opinion that stage discovery, the way that 30(b)(6) is currently drafted, is the most economical way to utilize the rule. Switching to a requirement that all issues must be outlined in one 30(b)(6) notice will be ineffective as it is too burdensome to require all issues in a case to be outlined in a single 30(b)(6) at such an early time in

litigation. Multiple 30(b)(6) depositions that do not duplicate issues, the way that 30(b)(6) is currently drafted, are extraordinarily efficient from a discovery standpoint.

Rule 30(b)(6) as written, and when properly utilized and enforced, is an effective and efficient discovery tool for both parties. Not only does it promote judicial efficiency, but it effectively minimizes defendant organization bandying, ensuring the fair and lawful exchange of information between parties during litigation.

Thank you for considering our comment as you proceed in your assessment of Rule 30(b)(6).

Kind regards,

A handwritten signature in cursive script that reads "Priscilla A. Lord".

Priscilla A. Lord, Esq.

A handwritten signature in cursive script that reads "Melissa M. Heinlein".

Melissa M. Heinlein, Esq.