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IRFLP 406 Production of Documents, Electronically Stored Information, and Tangible Things; Entering onto Land for Inspection and Other Purposes.

Idaho Rules of Family Law Procedure Rule 406. Production of Documents, Electronically Stored Information, and Tangible Things; Entering onto Land for Inspection and Other Purposes.

(a) In General.

(1) **Number.** Unless the parties stipulate or the court finds good cause to allow a specific number of requests for production, a party may serve on any other party no more than 40 requests for production.

(2) Scope.

(A) **Production of Documents, Electronically Stored Information, and Tangible Things.** Any party may serve on any other party a request to produce and permit the requesting party or its representative to inspect, copy, test, or sample the following items in the responding party's possession, custody, or control:

(i) any designated documents or electronically stored information, including writings, drawings, graphs, charts, photographs, sound records, images, and other data or data compilations, stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form; or

(ii) any designated tangible things.

(B) **Entry onto Land for Inspection and Other Purposes.** Any party may serve on any other party a request to permit entry on 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 or operation on it.



(3) **When May be Served.** Requests for production may be served pursuant to Rule 402.

(b) **Procedure.**

(1) **Contents of the Request.** The request:

(A) must describe with reasonable particularity each item or category of items to be inspected;

(B) must specify a reasonable time, place, and manner for the inspection and for performing the related acts; and

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

(2) **Response and Objections.**

(A) **Time to Respond.** The party receiving the request must serve a written response within 30 days after the service of the request. A shorter or longer time may be stipulated to or be ordered by the court.

(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 an objection to the request, including the reasons. The response must first set forth each request asked, followed by the response or objection.

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

(D) **Responding to a Request for Production of 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 requested form, or if no form was specified by the request, the party must state the form it intends to use.

(E) **Producing the Documents or Electronically Stored Information.** Unless otherwise stipulated



or ordered by the court, these procedures apply to producing documents or electronically stored information:

(i) a party must produce documents as they are kept in the usual course of business or must organize and label them to correspond to 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 in which it is ordinarily maintained or in a reasonably usable form or forms;

(iii) a party need not produce the same electronically stored information in more than one form; and

(iv) if the court orders the responding party to comply with the request, the court may also order that the requesting party pay the reasonable expenses of any extraordinary steps required to retrieve and produce the information.

(F) As provided in these rules, a nonparty may be compelled to produce documents and tangible things or to permit an inspection.

(3) **Not Filed with Court.** Neither the requests nor the responses are to be filed with the court. The propounding party must maintain the original requests and the original responses, along with the original proof of service for one year following the final disposition of the action and expiration of any period for appeal, unless the court orders that they be retained for a longer period.

(4) **Notice of Service.** The party serving requests or responses to requests must file a notice with the court of when and on whom they were served.

(Adopted March 29, 2021, effective July 1, 2021.)

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