

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Johannes Gerber v. Randall Blau, et al.

Gerber · No. 20-12118 · Decided January 8, 2026

SUMMARY

This order directs the parties to meet and confer regarding defendants’ motion to compel discovery responses. It requires the parties to file a joint list of unresolved discovery issues by January 27, 2026, and schedules a hearing for February 3, 2026. The order also provides guidance concerning proportionality, specificity of discovery requests and objections, privilege logs, and compliance with the meet-and-confer requirement.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Southern Division
WRITING FOR THE COURT	Elizabeth A. Stafford
DECIDED	January 8, 2026
DOCKET	20-12118
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to compel responses to requests for production. The motion was referred to Magistrate Judge Elizabeth A. Stafford for hearing and determination under 28 U.S.C. § 636(b)(1)(A). Rather than immediately deciding the merits, the court ordered the parties to meet and confer and submit a joint list of unresolved discovery issues before the scheduled hearing.
STANDARD OF REVIEW	Objections to the magistrate judge's ruling on the nondispositive motion are reviewed by the district judge under the clearly erroneous or contrary-to-law standard pursuant to Federal Rule of Civil Procedure 72(a) and 28 U.S.C. § 636.
PRECEDENTIAL VALUE	Unknown; district court discovery order

TOPICS

- discovery dispute
- civil procedure

PRACTICE AREAS

civil procedure

discovery

QUESTIONS PRESENTED

1. Whether the parties should be required to meet and confer in good faith before the court hears defendants' motion to compel.
2. What information the parties must provide concerning each unresolved discovery request so that the court can evaluate relevance, proportionality, specificity, burden, objections, and privilege.

HOLDINGS

1. The parties must meet and confer in person or by video in good faith as required by E.D. Mich. LR 37.1 and must file a compliant joint list of unresolved discovery issues before the hearing.
2. Discovery requests must describe the requested documents with reasonable particularity, and objections must be stated specifically. A burden objection must be supported by affidavits, other evidence, or sufficient information to permit a common-sense assessment of the burden.
3. A party claiming privilege in response to discovery must provide a privilege log as required by Federal Rule of Civil Procedure 26(b)(5)(A)(ii).

KEY QUOTATIONS

“The parties must meet and confer in good faith in person or by video as required by E.D. Mich. LR 37.1.”

“A party either objects to production or produces. If it produces, the objections are generally deemed waived.”

FACTUAL BACKGROUND

Defendants sought an order compelling Plaintiff to respond to requests for production. The court had not yet resolved the substance of the discovery dispute and instead required the parties to confer regarding each disputed request, the original response or objection, relevance to a specific claim or defense, and proportionality under Federal Rule of Civil Procedure 26(b)(1).

PROCEDURAL HISTORY

Defendants filed a motion to compel discovery responses, and District Judge Denise Page Hood referred the motion to Magistrate Judge Stafford. The magistrate judge ordered an in-person or video meet-and-confer under E.D. Mich. LR 37.1, required a detailed joint list of unresolved issues by January 27, 2026, and scheduled a hearing for February 3, 2026. The order advised the parties of their right to object under Federal Rule of Civil Procedure 72(a).

DISPOSITION

other

CASES CITED

- Helena Agri-Enterprises, LLC v. Great Lakes Grain, LLC, 988 F.3d 260, 273 (6th Cir. 2021)
- Weidman v. Ford Motor Company, No. CV 18-12719, 2021 WL 2349400, at *3 (E.D. Mich. June 9, 2021)
- Cratty v. City of Wyandotte, 296 F. Supp. 3d 854, 858 (E.D. Mich. Nov. 8, 2017)
- United States v. Quicken Loans, Inc., No. 16-CV-14050, 2018 WL 7351682, at *1 (E.D. Mich. June 5, 2018)
- Cheney v. U.S. Dist. Court for D.C., 542 U.S. 367, 387-388 (2004)
- Effyis, Inc. v. Kelly, No. 18-13391, 2020 WL 4915559, at *2 (E.D. Mich. Aug. 21, 2020)
- In re Heparin Products Liab. Litig., 273 F.R.D. 399, 410-11 (N.D. Ohio 2011)
- Vallejo v. Amgen, Inc., 903 F.3d 733, 743-44 (8th Cir. 2018)
- Siser N. Am., Inc. v. Herika G. Inc., 325 F.R.D. 200, 209-10 (E.D. Mich. 2018)
- Aprile Horse Transp., Inc. v. Prestige Delivery Sys., Inc., No. 5:13-CV-15-GNS-LLK, 2015 WL 4068457, at *3 (W.D. Ky. July 2, 2015)
- Riley v. NewPenn Kilt, LLC, No. 518CV00014TBRHBB, 2020 WL 59838, at *2 n.1 (W.D. Ky. Jan. 6, 2020)
- Lucas v. Protective Life Ins. Co., No. CIV.A.4:08CV00059-JH, 2010 WL 569743, at *3 (W.D. Ky. Feb. 11, 2010)
- Johnson v. Serenity Transp., Inc., No. 15-CV-02004-JSC, 2016 WL 6393521, at *2 (N.D. Cal. Oct. 28, 2016)