

89-R-99001

IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI

FILED  
SEP 06 2019  
OFFICE OF THE CLERK  
SUPREME COURT  
COURT OF APPEALS

IN RE: AMENDMENT OF M.R.C.P. 29

MOTION TO AMEND M.R.C.P. 29

Comes now the Supreme Court Advisory Committee on Rules, pursuant to M.R.A.P. 27(f), and moves the Mississippi Supreme Court to amend M.R.C.P. 29 as discussed below. The amendment removes the requirement for court approval of extensions of discovery time periods and allows the parties to stipulate to such time periods unless the extension would interfere with a court-ordered discovery deadline, a hearing date, or a trial, in which case court approval is required.

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**Rule 29. Stipulations Regarding Discovery Procedure**

Unless the court orders otherwise, the parties may by written stipulation (1) provide that depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used like other depositions, and (2) modify the procedures provided by these rules for other methods of discovery, except that stipulations extending the time for any form of discovery must have court approval if extension would interfere with the time set for completing discovery, for hearing a motion, or for trial provided in Rules 33, 34 and 36 for responses to discovery may be made only with the approval of the court.

[Amended effective \_\_\_\_\_.]

*Advisory Committee Historical Note*

Effective \_\_\_\_\_, M.R.C.P. 29 was amended so as to authorize the parties to stipulate to extensions of time for any form of discovery without court approval unless such extension would interfere with a court-ordered discovery deadline, a hearing date, or trial.

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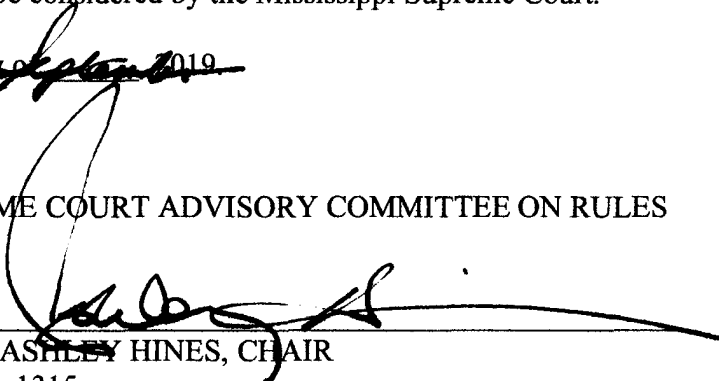
MOTION# 2019-3481

The Committee believes this amendment will reduce unnecessary court involvement. The amendment is consistent with F.R.C.P. 29(a). The motion to amend M.R.C.P. 29 was unanimously approved by the Committee on November 2, 2018.

The Supreme Court Advisory Committee on Rules therefore moves that the above proposed amendment to M.R.C.P. 29 be considered by the Mississippi Supreme Court.

SO MOVED, this the 6<sup>th</sup> day of September, 2019.

SUPREME COURT ADVISORY COMMITTEE ON RULES



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