

United States District Court
Eastern District of Kentucky
Office of the Clerk

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NOTICE

Effective April 1, 2005, the Joint Local Rules of the Eastern and Western Districts amended certain requirements relating to the filing of discovery:

LR 26.1 (b) **Custodian of Discovery Document.** The party responsible for service of a discovery document not filed of record pursuant to F.R. Civ. P. 5(d), including disclosures, notices, interrogatories, requests and answers or responses thereto, shall be the custodian and **must retain the original document.** The custodian must provide access to all parties of record during the pendency of the action. *Emphasis added.*

Federal Rules of Civil Procedure 5(d) states:

Filing; Certificate of Service. All papers after the complaint required to be served upon a party, together with a certificate of service, must be filed with the court within a reasonable time after service, but disclosures under Rule 26(a)(1) or (2) and the following discovery requests and responses **must not be filed** until they are used in the proceeding or the court orders filing: (i) depositions, (ii) interrogatories, (iii) requests for documents or to permit entry upon land, and (iv) requests for admission. *Emphasis added.*

The official record of all cases filed on or after March 17, 2003 is maintained as an electronic file. The Clerk does not maintain original documents in a paper file on electronic case files. The Electronic Case Filing Administrative Policies and Procedures for the Eastern and Western District set forth retention requirements:

10(b) The clerk's office may choose to discard certain documents brought to the clerk's office for filing in paper form after those documents are scanned and uploaded to the System. Therefore, counsel shall provide the court with a copy of the original documents with intrinsic value for scanning and maintain the original signature in accordance with 10(a).