

## **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.

### **Advisory Committee's Note October 1, 1970**

One objective of the amendments to the discovery rules is to permit the discovery process to operate with a minimum of intervention by the court. In Maine where a judge is in many counties available only infrequently and where in all counties the judges are too busy to be burdened with handling routine and nonessential motions, extrajudicial operation of discovery is even more desirable. Rule 29 permits the parties by stipulation to modify any of the procedures provided by the discovery rules. Any stipulation varying the discovery procedures may be superseded by court order. It is expected that the court will intervene to overrule a stipulation only under extraordinary circumstances.

Among the discovery procedures which may be modified by written stipulation of the parties are the time periods for responding to interrogatories under Rule 33, requests for production or inspection under Rule 30(b) (5) or Rule 34, and requests for admissions under Rule 36. The November, 1967, Preliminary Draft of the proposed amendments to the federal discovery rules contained Rule 29 in the same form as now adopted by Maine. However, the federal Advisory Committee on Civil Rules before the final submission of its recommendations to the Judicial Conference of the United States added the following limited clause: "except that stipulations extending the time provided in Rules 33, 34, and 36 for responses to discovery may be made only with the approval of the court." The Maine Committee does not believe that this limitation on written stipulations by the parties would be desirable in the context of Maine practice and accordingly have not followed the lead of the federal rulemakers in this regard.

### **Reporter's Notes December 1, 1959**

This rule is the same as Federal Rule 29.