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Comments:

To Whom It May Concern:

I am a civil litigator whose practice focuses on large, complex commercial disputes. I strongly oppose the proposed amendment to Fed. R. Civ. P. 26(b)(2). The proposed language, if adopted, will provide attorneys who lack good faith with yet another excuse to block or interminably delay legitimate discovery requests. The proposed change also will place an increasing volume of relevant evidence beyond the scope of the standard discovery process as greater amounts of data are stored electronically. For this reason, the length of the step backward that would result from adoption of the proposed change to Rule 26(b)(2) will only increase over time.

Thank you for your consideration.

Brian A. Davis
CHOATE, HALL & STEWART LLP

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