

2. An order from the U.S. District Court for the District of Maryland finding that the Defendants’ boilerplate objections to discovery requests were insufficiently particularized to preserve their objections but permitting Defendants to supplement their objections rather than finding the objections waived.

In *Doma Title Insurance, Inc. v. Avance Title, LLC*, 2022 WL 2668530 (D. Md. July 11, 2022), U.S. Magistrate Judge Ajmel A. Quereshi found that Defendants’ boilerplate objections to discovery requests were insufficient to preserve their objections but declined to find that Defendants waived their objections and permitted Defendants to supplement their objections rather than finding the objections waived.

In discovery, Plaintiff requested from Defendant all documents and communications between Defendants and any party that “concern the allegations in the Complaint.” *Id.* at *5. Defendants responded that the requests were overly broad and disproportionate to the needs of the case but did not provide any further detail regarding the burden the requests imposed. Likewise, the interrogatories in dispute requested descriptions of all communications Defendants had with any party concerning the allegations in the complaint. Defendants responded with the same objections regarding burden and scope given in response to document requests.

Magistrate Judge Quereshi explained that Rule 33(b)(4), which pertains to interrogatories, requires that all grounds for objections to interrogatories be stated with specificity and that any ground not so stated in a timely objection is waived unless excused by the court for good cause. Although there is no similar provision in Rule 34 governing requests for the production of documents, the rule has been interpreted similarly. Citing to *Hall v. Sullivan*, 231 F.R.D. 468, 474 (D. Md. 2005), Magistrate Judge Quereshi explained that “implicit within Rule 34 is the requirement that objections to document production requests must be stated with particularity in a timely answer, and that a failure to do so may constitute a waiver of grounds not properly raised, including privilege or work product immunity, unless the court excuses this failure for good cause shown.”

Quoting further from *Hall v. Sullivan*, Magistrate Judge Quereshi went on to explain that “there are strong policy reasons favoring a requirement that a party raise all existing objections to document production requests with particularity and at the time of answering the request, so that counsel may meet and confer once to try to resolve the objections and, if unsuccessful, present the dispute to the court for prompt resolution. No benefit is achieved by allowing piecemeal objections to producing requested discovery, as this adds unnecessary expense to the parties and unjustified burden on the court.”

Magistrate Judge Quereshi concluded that “failure to state an objection with particularity in response to an interrogatory or a request for production of documents may result in a waiver of that objection.” He found that the Defendants’ objections in this case were “boilerplate” because Defendants objected to the contested document requests and interrogatories by simply stating that the requests were overly broad and not proportionally tailored to the needs of the case. *Id.* at *6.

Magistrate Judge Quereshi next addressed whether to excuse the failure to state an objection with particularity, if doing so would be supported by “good cause.” He explained that whether good cause exists may depend on (1) the length of the delay or failure to particularize, (2) the reason for the delay or failure to particularize, (3) whether there was any dilatory or bad faith action on the part of the party that failed to raise the objection properly, (4) whether the party seeking discovery has been prejudiced by the failure, (5) whether the document production request was properly framed and not excessively burdensome, and (6) whether waiver would impose an excessively harsh result on the defaulting party.

Magistrate Judge Quereshi concluded that Defendants had not waived the opportunity to object to the contested requests for two reasons. First, he noted that the parties had agreed to an extension of the period for fact discovery, and, therefore, ample time remained for Defendants to file amended objections and produce additional documents. Second, the wide scope of the requests was arguably apparent from the face of the requests. Plaintiff demanded information related to “all allegations in the Complaint” without any effort to either limit the individuals to which the request applies, identify the specific subject matters at issue, or provide search terms Defendants could use to collect relevant communications. Magistrate Judge Quereshi therefore found good cause existed to allow Defendants to supplement their objections