

MASSACHUSETTS RULES OF CIVIL PROCEDURE

RULE 34

**PRODUCING DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND
TANGIBLE THINGS, OR ENTERING ONTO LAND, FOR INSPECTION AND OTHER
PURPOSES**

Reporter's Notes--2016

Rule 34 was amended in 2016 to recognize the common practice of producing copies of documents rather than permitting inspection of the originals (Rule 34(b)(2)(C)(ii)). The amended language provides that upon request, the producing party shall provide “all parties a fair opportunity to verify the copies by comparison with the originals.” This amendment reflects a similar amendment to the Federal Rules of Civil Procedure effective in 2015.

Rule 34(c) was also amended to add a cross-reference to Rule 45 (Rule 34(c)(2)). Rule 45 had been amended in 2015 to allow a “documents only” subpoena against a nonparty (Rule 45(d)).