

An Excerpt from:  
*A Practical Guide to  
Achieving Proportionality  
Under New Federal Rule  
Of Civil Procedure 26*  
LaPorte & Redgrave  
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### Proportionality Matrix

FACTOR	FACTOR ASSESSMENT (not applicable, +, -, or neutral)	DETAILED EXPLANATION (explain why the factor is not applicable, weighs in favor of or against the proposed discovery, or is neutral)
<i>Importance of the issues at stake in the action</i>		
<i>Amount in controversy</i>		
<i>Parties' relative access to relevant information</i>		
<i>Parties' resources</i>		
<i>Importance of the discovery at issue in resolving the issues</i>		
<i>Whether the burden and/or expense associated with the discovery sought outweighs its likely benefit</i>		
<i>Whether the discovery sought is unreasonably cumulative or duplicative</i>		
<i>Whether the discovery sought can be obtained from some other source that is more convenient, less burdensome or less expensive</i>		
<i>Whether the party seeking discovery had ample opportunity to obtain the information by discovery in the action</i>		

<i>Whether the discovery sought can be staged and/or tiered to reduce the burden and then proceed further incrementally only as needed</i>		
<i>Whether the discovery is directed to non-parties</i>		
<i>Whether the discovery sought affects the rights of non-parties (e.g. privacy, trade secrets, etc.)</i>		