CIVIL

Pre-Trial Decision

28. **Discovery**

We review a district court's rulings on discovery matters for an abuse of discretion. **Draggin' Y Cattle Co. v. Addink**, 2013 MT 319, ¶ 17, 372 Mont. 334, 312 P.3d 451 (citation omitted).

a. Discovery Sanctions

A trial court has authority to impose discovery sanctions pursuant to Mont. R. Civ. P. 37. The Montana Supreme Court reviews sanctions imposed pursuant to Mont. R. Civ. P. 37 for an abuse of discretion. **Maloney v. Home & Inv. Ctr., Inc.**, 2000 MT 34, ¶ 27, 298 Mont. 213, 994 P.2d 1124. See also **Kraft v. High Country Motors, Inc.**, 2012 MT 83, ¶ 23, 364 Mont. 465, 276 P.3d 908.

The Court's concern with crowded dockets and efficient judicial administration requires "judicial intolerance of discovery abuses". **McKenzie v. Scheeler**, 285 Mont. 500, 506, 949 P.2d 1168, 1171 (1997) (citing **Smith v. Butte-Silver Bow Cnty.**, 276 Mont. 329, 332, 916 P.2d 91, 92–93 (1996)). For this reason, we regard the decision to impose sanctions for failure to comply with discovery procedures favorably. **McKenzie**, 285 Mont. 500 at 506, 949 P.2d at 1172 (citing **Huffine v. Boyland**, 239 Mont. 515, 517, 782 P.2d 77, 78 (1989)).

We generally defer to the trial court's judgment on the decision to impose sanctions for discovery violations because "the trial court is in the best position to know whether parties are disregarding the rights of opposing parties in the course of litigation and which sanctions for such conduct are most appropriate." , 285 Mont. at 506, 949 P.2d at 1172 (citing **Smith**, 276 Mont. at 332, 916 P.2d at 93). See also **Linn v. Whitaker**, 2007 MT 46, ¶ 13, 336 Mont. 131, 152 P.3d 1282.

b. Protective Orders

The standard of review concerning a district court's ruling on a discovery matter, including the grant or denial of a motion for a protective order, is whether the court abused its discretion. See e.g. **In re S.C.**, 2005 MT 241, ¶¶ 16, 18, 328 Mont. 476, 121 P.3d 552.