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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Gary Austin,

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No. CV-12-02233-PHX-FJM

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Plaintiff,

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ORDER

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vs.

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Horizon Human Services. Inc.,

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Defendant.

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The court has before it plaintiff’s motion to compel discovery (doc. 33) and defendant’s response (doc. 36). Plaintiff did not file a reply and the time for doing so has expired. See LRCiv 7.2(d).

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Plaintiff filed a motion to compel discovery on August 13, 2013. Any motion to compel “must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.” Fed. R. Civ. P. 37(a)(1). No discovery motion will be considered or decided unless the movant attaches to his motion a certification that “after personal consultation and sincere efforts to do so,” the parties have been unable to satisfactorily resolve the matter. LRCiv 7.2(j); Hart v. Agnos, 2008 WL 2008966, *7 (D. Ariz. 2008).

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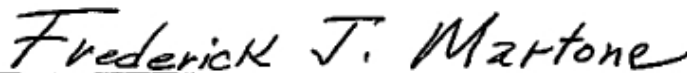
Plaintiff provides no affidavit, declaration, or certification signed under penalty of

1 perjury, detailing his good faith attempts to resolve the discovery dispute with opposing
2 counsel prior to seeking a judicial resolution of the issue. Instead, the motion contains one
3 sentence stating that the “Plaintiff has engaged in good-faith efforts to resolve this situation
4 with the Defendant and has reached an impasse.” Motion at 1. This is not sufficient under
5 the Rules. Because plaintiff did not file a reply, he does not dispute defendant’s argument
6 that the motion to compel does not comply with either the federal or local rules.

7 Therefore, **IT IS ORDERED DENYING** plaintiff’s motion to compel (doc. 33).

8 Because it is difficult for a party to successfully manage the complexities of a lawsuit
9 unaided by a lawyer, we urge plaintiff to seek the advice of counsel. If he does not have a
10 lawyer, he may wish to call the Lawyer Referral Service of the Maricopa County Bar
11 Association at 602-257-4434.

12 DATED this 10th day of September, 2013.

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15 Frederick J. Martone
16 Senior United States District Judge
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