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2 NOT FOR PUBLICATION

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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Samir Mahmud Arikat,
10 Plaintiff,

11 v.

12 Scottsdale Ferrari LLC, et al.,
13 Defendants.
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No. CV-18-00438-PHX-DJH

ORDER

15 Pending before the Court is Defendant Maserati North America, Inc.'s
16 ("Defendant") Motion for Sanctions Against Plaintiff Samir Arikat ("Plaintiff") (Doc. 27)
17 wherein Defendant seeks relief for Plaintiff's alleged inadequate initial discovery
18 disclosures. Plaintiff filed a Response (Doc. 32) and Defendant filed a Reply (Doc. 33).
19 The Court finds that in bringing this motion, Defendant failed to follow the discovery
20 dispute protocol detailed in the parties' Rule 16 Scheduling Order (Doc. 25). Specifically,
21 this Court's discovery dispute procedure prohibits the parties from filing written discovery
22 motions, such as this one, without leave of Court. The procedure provides as follows:

23 Discovery Disputes. The parties shall not file written
24 discovery motions without leave of Court. If a discovery
25 dispute arises and cannot be resolved despite sincere efforts to
26 resolve the matter through personal consultation (in person or
27 by telephone), the parties shall **jointly file** (1) a brief written
28 summary of the dispute, not to exceed two pages, with
explanation of the position taken by each party and (2) a joint
written certification that the counsel or the parties have
attempted to resolve the matter through personal consultation
and sincere effort as required by LRCiv 7.2(j) and have reached
an impasse. If the opposing party has refused to personally
consult, the party seeking relief shall describe the efforts made


1 to obtain personal consultation. Upon review of the filed
2 written summary of the dispute, the Court may set an in-court
3 hearing or telephonic conference, order written briefing, or
4 decide the dispute without conference or briefing. If the Court
5 desires supplemental briefing prior to a hearing, counsel will
6 be notified by order of the Court. Any briefing ordered by the
7 Court shall also comply with LRCiv 7.2(j).

8 (Doc. 25 at 5). Thus, the Court will strike Defendant's Motion for Sanctions for failure to
9 comply with the discovery dispute procedure. Notwithstanding the February 4, 2019
10 Completion of Fact Discovery Deadline, the Court will allow Defendant to bring the
11 discovery dispute to the Court's attention in compliance with this Court's discovery dispute
12 procedure.

13 Accordingly,

14 **IT IS ORDERED** that Defendant's Motion for Sanctions Against Plaintiff
15 (Doc. 27) is **STRICKEN**.

16 Dated this 5th day of February, 2019.

17 
18 Honorable Diane J. Humetewa
19 United States District Judge
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