

1 **WO**

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Jeremy Pinson,

10 Plaintiff,

11 v.

12 United States,

13 Defendant.
14

No. CV-19-00422-TUC-RM

ORDER

15 On July 12, 2022, Plaintiff Jeremy Pinson, through counsel, filed a Motion to
16 Determine Sufficiency of Objection to Request for Admission or to Order the Matter
17 Deemed Admitted. (Doc. 94.) In the Motion, Plaintiff challenges Defendant United
18 States of America's response to Plaintiff's Request for Production No. 4. (*Id.*)

19 On July 26, 2022, Defendant filed a Consent Motion to Extend Deadline for
20 Response to Plaintiff's Motion to Determine Sufficiency of Objection to Request for
21 Admission. (Doc. 97.) In the Consent Motion, Defendant states that the parties' counsel
22 are working to resolve the matters raised in Plaintiff's Motion, which would eliminate the
23 need for briefing and decision on the Motion. (*Id.*) Accordingly, Defendant requests,
24 with the consent of Plaintiff's counsel, that the deadline for responding to the Motion be
25 extended to August 5, 2022. (*Id.*)

26 The Court's Scheduling Order prohibits the parties from filing written discovery
27 motions without leave of Court. (Doc. 41 at 2.) In the event of a discovery dispute, the
28 parties must engage in personal consultation in a sincere effort to resolve the conflict

1 expeditiously. (*Id.*) If a discovery dispute cannot be resolved despite the parties' sincere
2 efforts, "either party may file a request for a telephonic conference or for permission to
3 file a written discovery motion." (*Id.* at 3.) Any such request "must specify the results of
4 the parties' personal consultation and the matter(s) remaining in dispute." (*Id.*)

5 Plaintiff did not obtain leave of Court before filing her Motion to Determine
6 Sufficiency of Objection to Request for Admission. Furthermore, it appears that the
7 Motion was filed prematurely, as further personal consultation between the parties may
8 resolve the matters raised in the Motion without Court intervention.


9 Accordingly, the Court will deny Plaintiff's Motion without prejudice and with
10 leave to file a request to re-file the Motion, in accordance with the provisions of the
11 Court's Scheduling Order, if the parties are unable to resolve the matters raised in the
12 Motion through further personal consultation. The Court will deny Defendant's Consent
13 Motion to Extend Deadline as moot.

14 **IT IS ORDERED** that Plaintiff's Motion to Determine Sufficiency of Objection
15 to Request for Admission or to Order the Matter Deemed Admitted (Doc. 94) is **denied**
16 **without prejudice** and with leave to file a request to re-file the Motion, in accordance
17 with the provisions of the Court's Scheduling Order.

18 **IT IS FURTHER ORDERED** that Defendant's Consent Motion to Extend
19 Deadline for Response (Doc. 97) is **denied as moot**.

20 Dated this 29th day of July, 2022.

21
22
23
24
25
26
27
28



Honorable Rosemary Márquez
United States District Judge