

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

TROY JOHNSON

PLAINTIFF

v.

NO. 3:07-CV-00004 GTE

HANJIN SHIPPING COMPANY, LTD.,

DEFENDANT

ORDER DENYING MOTION TO COMPEL

Before the Court is Defendant Hanjin Shipping Company, Ltd.'s ("Hanjin's") Motion to Compel, filed September 18, 2008. Plaintiff Troy Johnson has not responded to the motion. Defendant Hanjin seeks responses to written discovery propounded on August 10, 2007 and May 28, 2008 respectively. Defendant's motion lacks the statement required by Local Rule 7.2(g) that the parties have conferred in good faith but were unable to resolve their discovery dispute without court intervention.

From the information in Defendant's motion, it appears that Defendant has come to the Court prematurely. Defendant's counsel wrote to Plaintiff's counsel on August 15, 2008, to discuss alleged deficiencies regarding the discovery responses. (Exh. C to Def.'s motion). Plaintiff's counsel responded to this letter on September 10, 2008, providing additional information and responses to the discovery requests identified by defense counsel as needing supplementation. (Exh. B to Def.'s motion). Eight days later, on September 18, 2008, Defendant filed the present motion. There is nothing in the record to indicate that Defendant's counsel

spoke with Plaintiff's counsel after receiving the September 10th letter and prior to filing the instant motion.

Local Rule 7.2(g) requires a party asking the Court to resolve a discovery dispute to include in his initial motion a statement that he has conferred in good faith with opposing counsel on the specific issue in question prior to involving the Court. *See* Rule 7.2(g) of the United States District Court for the Eastern and Western District of Arkansas. To ensure that the rule is followed, Local Rule 7.2(g) provides for the summary dismissal of all discovery motions lacking the required statement. Local Rule 7.2(g) serves the very practical purpose of not interjecting the Court unnecessarily or prematurely into discovery battles.

Because it does not appear that Defendant took adequate steps to attempt to resolve the present discovery dispute without court intervention,

IT IS HEREBY ORDERED THAT Defendant Hanjin Shipping Company's Motion to Compel (Docket No.32) be, and it is hereby, DENIED without prejudice to renew the motion following compliance with the Local Rule and only after consultation with Plaintiff's counsel.

IT IS SO ORDERED this 16th day of October, 2008.

/s/Garnett Thomas Eisele
UNITED STATES DISTRICT JUDGE