

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

**CALVIN THOMPSON**

**PLAINTIFF**

**v.**

**Case No. 5:13-cv-00186-KGB**

**PLANTERS COTTON OIL MILL**

**DEFENDANT**

**ORDER**

Before the Court is plaintiff Calvin Thompson's motion to compel discovery (Dkt. No. 10). Defendant Planters Cotton Oil Mill ("Planters") has responded (Dkt. No. 11). The Court denies without prejudice Mr. Thompson's motion to compel.

Mr. Thompson's motion to compel does not contain any statement that he in good faith conferred or attempted to confer with Planters in an effort to resolve the discovery dispute between the parties without Court intervention as required by Rule 37(a)(1) of the Federal Rules of Civil Procedure and Local Rule 7.2(g). Local Rule 7.2(g) provides that any motion to compel discovery that lacks such a statement may be dismissed summarily for failure to comply with that rule.

According to Planters's response to Mr. Thompson's motion to compel, before filing this motion, Mr. Thompson's counsel sent a letter enclosing the proposed motion to compel, requesting responses to certain discovery requests, and representing that Mr. Thompson would file the proposed motion to compel unless Planters provided the requested supplemental discovery responses within 10 days (Dkt. No. 11-1). Planters's counsel responded by letter the next day and resent that day a compact disc containing documents Planters claimed it previously provided to Mr. Thompson in discovery (Dkt. No. 11-2). Nine days later, or 10 days after Mr. Thompson's counsel sent the letter with the proposed motion to compel, Planters's counsel sent a

second letter in which Planters's counsel supplemented certain responses to discovery requests, explained other responses, and opted to stand on its objections to certain other discovery requests, attempting to address the specific issues raised by Mr. Thompson's counsel (Dkt. No. 11-3). Planters believes that its two letters eliminated, or reduced the majority of, the concerns listed in Mr. Thompson's proposed motion to compel.

Planters states that no other communication transpired prior to Mr. Thompson's filing his motion to compel over two weeks later, noting that Mr. Thompson made no modification to his initial proposed motion to compel prior to filing. Indeed, Mr. Thompson's motion to compel makes no mention of any of the communications identified by Planters's counsel. Mr. Thompson has not filed a reply or otherwise challenged Planters's statements in its response or taken issue with the sufficiency of the documents and letters Planters's counsel sent to address the issues Mr. Thompson's counsel raised.

In view of Mr. Thompson's failure to comply with Rule 37(a)(1) of the Federal Rules of Civil Procedure and Local Rule 7.2(g), and because Mr. Thompson has not addressed the sufficiency of Planters's letter responses to the discovery issues Mr. Thompson raised, the Court denies Mr. Thompson's motion to compel without prejudice (Dkt. No. 10). To the extent discovery issues persist, the parties may so inform the Court through separate motion.

SO ORDERED this the 7th day of July, 2014.



---

Kristine G. Baker  
United States District Judge