## 1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 MERRICK JOSE MOORE, Case No. 1:13-cv-01820-DAD-BAM (PC) 12 Plaintiff. ORDER REGARDING DEFENDANTS' MOTION TO COMPEL, AND DIRECTING 13 THE PARTIES TO MEET AND CONFER v. 14 GIPSON, et al., (ECF No. 43) 15 Defendants. ORDER VACATING DEADLINE FOR PLAINTIFF'S OPPOSITION TO 16 DEFENDANTS' MOTION TO COMPEL 17 Plaintiff Merrick Jose Moore ("Plaintiff") is a state prisoner proceeding pro se and in 18 19 forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. 20 On August 8, 2017, Defendants filed a motion to compel pursuant to Federal Rule of Civil 21 Procedure 37(a)(3)(B). (ECF No. 43.) On October 3, 2017, the Court granted in part Plaintiff's 22 second motion for extension of time to file an opposition to Defendants' motion to compel. (ECF No. 47.) Plaintiff's opposition is currently due on or before November 6, 2017. 23 24 Under this court's discovery and scheduling order, the parties are relieved of the requirement in Federal Rules of Civil Procedure 26 and 37, and Local Rule 251, to attempt to 25 26 confer in good faith to resolve a discovery dispute prior to filing any motion to compel. 27 Voluntary compliance is encouraged, but not required. The court's order further provides that the 28 meet and confer requirement may be reimposed in any case that the court deems it appropriate.

Upon review of the motion to compel referenced above, the court finds it appropriate to require the parties to engage in a meet and confer conference regarding their discovery dispute. Defense counsel is directed to contact Plaintiff by telephone, or to set-up an in-person meeting, regarding the parties' discovery dispute within **twenty-one** (21) days of the date of this order. Briefing on the motion to compel is stayed during the meet and confer process, and Plaintiff is relieved of his obligation to respond to the motion until further order of the court.

In conducting the meet and confer conference, the parties are reminded that they are required to act in good faith during the course of discovery. Complete, accurate, and truthful discovery responses are required. False or incomplete responses violate the Federal Rules of Civil Procedure and subject an offending party and/or counsel to sanctions. Boilerplate objections will not be tolerated and will be summarily overruled. Privileges are narrowly construed and are generally disfavored. Information not properly disclosed may be excluded from use at a hearing, motion, or trial.

Within **seven** (7) **days** of the parties' conference, defense counsel shall file a Joint Statement regarding the meet and confer conference. All parties shall participate in the preparation of the Joint Statement, and must sign the Joint Statement. Electronic signatures are acceptable; a wet signature is not required.

The Joint Statement shall set forth the following:

- (a) a statement that the parties met and conferred in good faith regarding the dispute, by phone or in-person, including the date(s) of the conference(s);
- (b) a statement explaining whether the motion to compel was resolved in full or in part through the meet and confer process; and
- (c) if any issues from the motion remain unresolved, a statement referring the court to each specific discovery request that is still at issue.

Upon review of the Joint Statement, the court shall issue a further order regarding the motion to compel. No additional filings may be made regarding the motion to compel unless and until ordered by the court.

1	Accordingly, IT IS HEREBY ORDERED that:
2	1. The parties are ordered to meet and confer regarding Defendants' motion to
3	compel, (ECF No. 43), as outlined above;
4	2. The deadline for Plaintiff's opposition to Defendants' motion to compel is
5	VACATED, and Plaintiff is relieved of his obligation to respond to the motion to compel until
6	further order of the court;
7	3. Within <b>thirty</b> (30) <b>days</b> of the date of service of this order, a Joint Statement shall
8	be filed in this matter as outlined above; and
9	4. The parties are warned that the failure to meet and confer in good faith as set
10	forth in this order, or to comply with any of its terms, will result in the imposition of
11	sanctions.
12	IT IC CO ODDEDED
13	IT IS SO ORDERED.
14	Dated: October 4, 2017 /s/ Barbara A. McAuliffe
15	UNITED STATES MAGISTRATE JUDGE
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