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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

FRANCISCO ARRIETA,

Plaintiff,

v.

**COUNTY OF KERN, DEPUTY ENRIQUE
BRAVO, DEPUTY BRANDON
RUTLEDGE, and DOES 1 to 100, Inclusive,**

Defendants.

LEAD CASE 1:14-cv-00400-LJO-JLT

MEMBER CASE: 1:14-cv-00401-LJO-JLT

MEMBER CASE: 1:14-cv-00402-LJO-JLT

MEMBER CASE: 1:14-cv-00403-LJO-JLT

MEMBER CASE: 1:14-cv-00404-LJO-JLT

MEMBER CASE: 1:14-cv-00717-LJO-JLT

MEMBER CASE: 1:15-cv-00706-LJO-JLT

ORDER TO MEET AND CONFER

12 Plaintiffs in the seven (7) above-captioned cases claim to have witnessed and/or videotaped a
13 violent encounter on or about May 7, 2013 between unnamed Kern County Sheriff's (KCS) Deputies
14 and a man unrelated to Plaintiffs. Plaintiffs claim to have been subjected to unlawful treatment when
15 Defendants attempted to retrieve the cellular telephones on which videos had been recorded.

16 Now before the Court is Defendants' Motion for Summary Judgment. Defs.' Mot. For Summ. J.
17 ("MSJ"), Doc. 59. Plaintiffs filed an Opposition. Pls.' Opp'n to Defs.' Mot. For Summ. J.
18 ("Opposition"), Doc. 60. Defendants timely replied. Reply by Defs. ("Reply"), Doc. 62.

19 Magistrate Judge Thurston's scheduling order provides that a party moving for summary
20 judgment must meet and confer with the non-moving party "**at least 21 days before**" filing a motion.
21 Doc. 39 at 5 (emphasis in original). The purposes of the meeting are to:

- 22 1) avoid filing motions for summary judgment where a question of fact
23 exists; 2) determine whether the respondent agrees that the motion has
24 merit in whole or in part; 3) discuss whether issues can be resolved
25 without the necessity of briefing; 4) narrow the issues for review by the
court; 5) explore the possibility of settlement before the parties incur the
expense of briefing a summary judgment motion; 6) to arrive at a joint
statement of undisputed facts.

1 *Id.* at 5-6.

2 The moving party “shall certify that the parties have met and conferred as ordered above, or set
3 forth a statement of good cause for the failure to meet and confer” in their notice of motion. *Id.* at 6.
4 Plaintiffs argue that Defendants’ motion should be denied as procedurally defective because they did not
5 attempt to meet and confer with them prior to filing the MSJ. Opposition at 12. Defendants do not
6 address this issue in their Reply. However, their Notice of Motion does not “certify that the parties have
7 met and conferred as ordered above, or set forth a statement of good cause for the failure” to do so.

8 To remedy this defect, the Court ORDERS the parties to meet and confer immediately as to
9 whether they can resolve any of the issues raised in the MSJ. Additionally, the Court ORDERS the
10 parties to file a joint status report indicating whether any aspects of the MSJ are withdrawn or amended.
11 The status report is due as soon as possible, but no later than Thursday, January 28, 2016. The Court will
12 entertain requests for leave to file additional briefing, if necessary, related to any withdrawn or amended
13 arguments.

14 The procedural posture of this case reflects that this is not the first time the parties have failed to
15 comply with court orders. The parties are warned that any future failure to comply with the rules or
16 orders of this Court will be met with sua sponte sanctions.

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18 IT IS SO ORDERED.

19 Dated: January 22, 2016

/s/ Lawrence J. O’Neill
UNITED STATES DISTRICT JUDGE