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

JOHN MADRID,  
Plaintiff,  
v.  
P. PEASE, et al.,  
Defendants.

Case No.: 1:15-cv-00770-LJO-BAM (PC)  
ORDER REGARDING PLAINTIFF'S  
MOTION TO COMPEL, AND DIRECTING  
THE PARTIES TO MEET AND CONFER  
(ECF No. 40)

Plaintiff John Madrid is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's second amended complaint against Defendants Pease, Mendez, Burnes, Thatcher, Aguerralde, and Saucedo for excessive force in violation of the Eighth Amendment. (ECF No. 17.)

On March 26, 2018, Plaintiff filed a motion to compel regarding certain disputed discovery. (ECF No. 40)

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 confer in good faith to resolve a discovery dispute prior to filing any motion to compel. Voluntary compliance is encouraged, but not required. The court's order further provides that the meet and confer requirement may be reimposed in any case that the court deems it appropriate.

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

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

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

18           The Joint Statement shall set forth the following:

19           (a) a statement that the parties met and conferred in good faith regarding the dispute, by  
20 phone or in-person, including the date(s) of the conference(s);

21           (b) a statement explaining whether the motion to compel was resolved in full or in part  
22 through the meet and confer process; and

23           (c) if any issues from the motion remain unresolved, a statement referring the court to  
24 each specific discovery request that is still at issue.

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

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The parties are ordered to meet and confer regarding Plaintiff's motion to compel,  
3 as outlined above;

4 2. Defendants are relieved of their obligation to respond to the motion to compel  
5 until further order of the court;

6 3. Within twenty-eight (28) days of the date of service of this order, a Joint  
7 Statement shall be filed in this matter as outlined above; and

8 4. **The parties are warned that the failure to meet and confer in good faith as  
9 set forth in this order, or to comply with any of its terms, will result in the imposition of  
10 sanctions.**

11 IT IS SO ORDERED.

12 Dated: March 27, 2018

13 /s/ Barbara A. McAuliffe  
14 UNITED STATES MAGISTRATE JUDGE