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

JAVIER ARIAS,  
Plaintiff,  
v.  
RUAN TRANSPORT CORPORATION,  
Defendant.

Case No. 1:16-cv-00280-SAB  
ORDER DENYING WITHOUT PREJUDICE  
PLAINTIFF’S MOTION TO QUASH  
ORDER VACATING APRIL 19, 2017  
HEARING  
(ECF No. 31)

On March 22, 2017, Plaintiff filed a notice of motion to quash subpoenas that Defendant had served on third party medical providers. (ECF No. 31.) On March 23, 2017, the Court set the hearing for the motion to quash for April 19, 2017, at 10:00 a.m. (ECF No. 33.) On March 29, 2017, a hearing was held on Defendant’s motion to continue the scheduling deadlines in this action during which the Court informed the parties that they were required to comply with Local Rule 251 in bringing a discovery motion, including the motion to quash. On April 5, 2017, Defendant filed an opposition to Plaintiff’s motion to quash. (ECF No. 44.)

On April 7, 2017, the Court issued an order requiring the parties to meet and confer and file a joint statement of discovery disagreement in compliance with Local Rule 251. (ECF No. 46.) The Court also stated that it would disregard the argument in Plaintiff’s motion and Defendant’s opposition. The parties have not filed a joint statement re discovery disagreement or an affidavit pursuant to Local Rule 251(d).

1 The Local Rules provide that a party may file a motion to compel and serve a noticed  
2 motion scheduling the hearing date twenty-one days from the date the motion is served. L.R.  
3 251(a). The parties may also file the notice of motion and motion concurrently with the joint  
4 statement scheduling the hearing date seven days from the date of filing. L.R. 251(a). To  
5 comply with Local Rule 251, the parties are required to file a joint statement of the discovery  
6 dispute or an affidavit pursuant to Rule 251(d) at least seven days prior to the hearing date. L.R.  
7 251(a). “The hearing may be dropped from the calendar without prejudice if the Joint Statement  
8 re Discovery Disagreement or an affidavit as set forth below is not filed at least seven (7) days  
9 before the scheduled hearing date.” L.R. 251(a).

10 Here, the parties have not filed a joint statement re discovery disagreement or an affidavit  
11 pursuant to Local Rule 251(d). The Court does not find that the exception in Local Rule 251(e)  
12 applies here. Therefore, the parties have not complied with Local Rule 251. Thus, the hearing  
13 on Plaintiff’s motion to quash is vacated and Plaintiff’s motion to quash is denied without  
14 prejudice.

15 Counsel are reminded that they must work together on this case. The Court expects that  
16 counsel will be familiar with the Federal Rules of Civil Procedure, this Court’s Local Rules, and  
17 other applicable laws and rules. Counsel are strongly encouraged to resolve their disputes  
18 independently.

19 There are two manners in which to have discovery disputes resolved. The first is by a  
20 noticed motion as described in Local Rule 251. Secondly, the parties may agree to participate in  
21 the informal discovery dispute process which can be found at the United States District Court for  
22 the Eastern District of California’s website (<http://www.caed.uscourts.gov>) under Judges; United  
23 States Magistrate Judge Stanley A. Boone (SAB). In the area entitled “Case Management  
24 Procedures,” there is a link to “Discovery Dispute Procedures.”

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