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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UL LLC,

 Plaintiff,

 v.

STURGEON SERVICES
INTERNATIONAL, INC., et al.,

 Defendants.

Case No. 1:16-cv-01389-TLN-SAB

ORDER DENYING WITHOUT PREJUDICE
PLAINTIFF’S MOTION TO COMPEL

ORDER VACATING SEPTEMBER 6, 2017
HEARING

(ECF Nos. 46, 48)

On August 16, 2017, Plaintiff filed a notice of motion and motion to compel responses to Plaintiff’s request for production of documents and interrogatories. (ECF No. 46.) On August 17, 2017, Plaintiff was instructed to re-file the document using the correct event in CM/ECF. (ECF No. 47.) On August 17, 2017, Plaintiff refiled its notice of motion and motion to compel responses to Plaintiff’s request for production of documents and interrogatories, setting the hearing for September 6, 2017, at 10:00 a.m. before the undersigned. (ECF No. 48.) In the motion to compel, Plaintiff noted that the parties’ joint statement regarding discovery disagreement would be filed with the Court on or before August 30, 2017.

The parties have not filed a joint statement re discovery disagreement or an affidavit pursuant to Local Rule 251(d).

The Local Rules provide that a party may file a motion to compel and serve a noticed motion scheduling the hearing date twenty-one days from the date the motion is served. L.R.

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

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

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

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

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Accordingly, it is HEREBY ORDERED that:

1. The September 6, 2017 hearing on Plaintiff's motion to compel is vacated; and
2. Plaintiff's motion to compel is denied without prejudice.

IT IS SO ORDERED.

Dated: August 31, 2017



UNITED STATES MAGISTRATE JUDGE