

1 Local Rule 251 provides, in part, that:

2 [A] motion made pursuant to Fed. R. Civ. P. 26 through 37,
3 including any motion to exceed discovery limitations or motion for
4 protective order, shall not be heard unless (1) the parties have
5 conferred and attempted to resolve their differences, and (2) the
6 parties have set forth differences and the bases therefor in a Joint
7 Statement re Discovery Disagreement. Counsel for all interested
8 parties shall confer in advance of the filing of the motion or in
advance of the hearing of the motion in a good faith effort to
resolve the differences that are the subject of the motion. Counsel
for the moving party or prospective moving party shall be
responsible for arranging the conference, which shall be held at a
time and place and in a manner mutually convenient to counsel.

9 E.D. Cal. L.R. 251(b). Local Rule 251(c) sets forth the specific requirements for the contents of
10 the parties' joint statement. Local Rule 251(d) provides that "[r]efusal of any counsel to
11 participate in a discovery conference, or refusal without good cause to execute the required joint
12 statement, shall be grounds, in the discretion of the Court, for entry of an order adverse to the
13 party represented by counsel so refusing or adverse to counsel." The court's Local Rules further
14 provide that "[a]ny individual representing himself or herself without an attorney is bound by the
15 Federal Rules of Civil or Criminal Procedure, these Rules, and all other applicable law. All
16 obligations placed on "counsel" by these Rules apply to individuals appearing in propria persona.
17 Failure to comply therewith may be ground for dismissal, judgment by default, or any other
18 sanction appropriate under these Rules." E.D. Cal. L.R. 183(a).

19 In light of the above, plaintiffs are hereby ordered to meet and confer in good faith with
20 defendant Nevada County with respect to defendant's motions to compel. The parties' meet-and-
21 confer efforts shall include at least one personal meet-and-confer session, which may be
22 conducted by telephone. If the parties are ultimately unable to resolve their dispute informally,
23 the parties shall work together to prepare and file a joint statement regarding their discovery
24 disagreement in accordance with Local Rule 251.¹ Apart from appropriate declarations setting
25 forth necessary facts for purposes of adjudicating the discovery dispute, the court will not

26 _____
27 ¹ Because there is significant overlap between the interrogatories propounded on the various
28 plaintiffs and the issues raised by plaintiffs' responses, the parties may file a single joint
statement addressing all five motions to compel, grouping the various interrogatories/issues as
appropriate.

1 consider any briefing or legal argument submitted other than what is contained in the parties'
2 joint statement.

3 *Plaintiffs are cautioned that failure to cooperate in good faith in the meet-and-confer*
4 *process; failure to cooperate with the preparation and filing of the joint statement regarding the*
5 *discovery disagreement; or failure to otherwise comply with their obligations under Local Rule*
6 *251, the Federal Rules of Civil Procedure, and this order, will result in the imposition of*
7 *sanctions pursuant to Rules 37 and 41(b) of the Federal Rules of Civil Procedure, potentially*
8 *including a summary grant of defendant's motion to compel, monetary sanctions, and/or*
9 *dismissal of the action with prejudice.*

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Plaintiffs shall meet and confer in good faith with defendant Nevada County with
12 respect to defendant's motions to compel. The parties' meet-and-confer efforts shall
13 include at least one personal meet-and-confer session, which may be conducted by
14 telephone.
- 15 2. If the parties are unable to resolve their dispute informally, the parties shall prepare
16 and file a joint statement regarding their discovery disagreement in accordance with
17 Local Rule 251 and this order no later than **September 6, 2013**. The court will not
18 consider any additional legal argument or briefing.
- 19 3. Plaintiffs are cautioned that failure to cooperate in good faith in the meet-and-confer
20 process; failure to cooperate with the preparation and filing of the joint statement
21 regarding the discovery disagreement; or failure to otherwise comply with their
22 obligations under Local Rule 251, the Federal Rules of Civil Procedure, and this order,
23 will result in the imposition of sanctions pursuant to Rules 37 and 41(b) of the Federal
24 Rules of Civil Procedure, potentially including a summary grant of defendant's motion
25 to compel, monetary sanctions, and/or dismissal of the action with prejudice.

26 IT IS SO ORDERED.

27 Dated: August 9, 2013

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE