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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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TRENT ALVAREZ, on behalf of  
himself and all others  
similarly situated,

NO. CIV. 2:10-2373 WBS GGH

ORDER

Plaintiff,

v.

T-MOBILE USA, INC., and Does 1  
through 10,

Defendant.

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This matter came on for hearing on July 5, 2011, on plaintiff's motion for leave to conduct arbitration-related discovery. (Docket No. 30.) Federal Rule of Civil Procedure 26 does not require a party to seek leave of court to engage in discovery, but instead allows a party objecting to a discovery request to make an appropriate motion. See Fed. R. Civ. P. 26(c); Diversified Metal Prods. v. T-Bow Co. Trust, No. CV 93-405, 1994 WL 744422, at \*4-5 (D. Idaho Oct. 25, 1994) (adopting Magistrate Judge's report and recommendation).

1           If the parties have not yet conferred as required by  
2 Rule 26(f), which generally must take place before a party may  
3 seek discovery, see Fed. R. Civ. P. 26(d), nothing prevents the  
4 parties from so conferring. See Scott v. Graphic Commc'ns Int'l  
5 Union, 92 F. App'x 896, 901-02 (3d Cir. 2004) ("The  
6 responsibility for arranging this conference and initiating  
7 discovery is placed squarely on the shoulders of the attorneys of  
8 record and not on the district court.").

9           Plaintiff is therefore free to initiate discovery, and  
10 defendant is free to object to any specific discovery requests  
11 which it deems improper under the Rules. The parties should  
12 recognize, however, that discovery in this context should be  
13 speedy and limited. See Bell v. Koch Foods of Miss., LLC, 358 F.  
14 App'x 498, 501 (5th Cir. 2009). Any disputes that arise from  
15 discovery requests shall be heard by the assigned Magistrate  
16 Judge pursuant to Local Rules 251 and 302(c)(1).

17           IT IS SO ORDERED.

18 DATED: July 6, 2011

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20 WILLIAM B. SHUBB  
21 UNITED STATES DISTRICT JUDGE  
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