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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRYON ANDERSON,
Plaintiff,
v.
MCM CONSTRUCTION, INC.,
Defendant.

No. 2:10-cv-2833 LKK GGH PS
ORDER

By order of September 25, 2013, the parties were directed to meet and confer with respect to plaintiff's motion to compel and to file a joint statement by October 10, 2013. A joint statement has not been filed; however, plaintiff has filed a letter indicating that he tried to schedule a meet and confer but was told it was unnecessary.¹ (ECF No. 50.) Defendant has not filed a response to this letter.

Accordingly, IT IS ORDERED that:

1. Within seven days of this order, defendant file shall file a response to plaintiff's October 11, 2013 letter explaining the reasons for the failure to meet and confer and file a joint statement. Failure to file a response will result in sanctions.

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¹ To the extent that this letter requests summary judgment, it is denied as improperly noticed and briefed. See E.D. Local Rule 260.

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2. Plaintiff's motion for summary judgment, filed October 11, 2013, (ECF No. 50), is denied without prejudice as defectively filed.

Dated: October 17, 2013

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

GGH:076/Anderson2833.ord