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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD MARTEL,

Plaintiff,

No. CIV S-11-509 JAM EFB PS

vs.

FRANK CADJEW and JULIE CADJEW,

Defendants.

ORDER

_____/

Currently noticed for hearing on February 1, 2012 is plaintiff’s motion to compel defendants to produce documents and respond to plaintiff’s requests for admission and special interrogatories. Dckt. No. 33. Defendants oppose the motion, arguing *inter alia* that plaintiff failed to meet and confer with defendants prior to filing his motion to compel. Dckt. No. 34.

Local Rule 251(b) provides that a discovery motion will not be heard unless “the parties have conferred and attempted to resolve their differences.” E.D. Cal. L.R. 251(b). The Rule further provides that “[c]ounsel for all interested 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.” *Id.* Additionally, Federal Rule of Civil

1 Procedure 37(a)(1) provides that a motion to compel discovery “must include a certification that
2 the movant has in good faith conferred or attempted to confer with the person or party failing to
3 make disclosure or discovery in an effort to obtain it without court action.”

4 Upon review of plaintiff’s motion, defendants’ opposition thereto, and plaintiff’s reply, it
5 is apparent that the parties have not adequately met and conferred regarding the discovery issues
6 at hand. The parties also have not filed a Joint Statement Re Discovery Disagreement, as
7 required by Local Rule 251(c).¹ The court believes that much of the dispute between the parties
8 might have been resolved prior to the filing of the present motion to compel had the parties had a
9 meaningful discussion either in person or telephonically regarding the discovery requests at
10 issue.

11 Accordingly, plaintiff’s motion to compel is denied without prejudice, and the February
12 1, 2012 hearing thereon is vacated. *See* E.D. Cal. L.R. 251(b). The parties are directed to meet
13 and confer either telephonically or in person in an effort to resolve this dispute without court
14 intervention. If such meet and confer efforts do not resolve the discovery dispute, plaintiff may
15 re-notice the motion to compel for hearing.

16 SO ORDERED.

17 DATED: January 30, 2012.

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19 EDMUND F. BRENNAN
20 UNITED STATES MAGISTRATE JUDGE
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26 ¹ Nor have defendants completely failed to respond to plaintiff’s discovery, and plaintiff
is not just seeking sanctions in his motion to compel. E.D. Cal. L.R. 251(e).