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

HAT WORLD, INC., d/b/a LIDS TEAM
SPORTS,

Plaintiff,

No. 2:12-cv-1591-LKK-EFB

vs.

KEVIN KELLY,

Defendant.

ORDER

On June 27, 2012, the undersigned granted plaintiff's application for an order shortening time on a motion to permit targeted discovery before the Rule 26(f) conference in this case, and set the motion for expedited discovery to be heard on Monday, July 2, 2012, at 2:00 p.m. Dckt. No. 21; *see also* Dckt. Nos. 17, 19. The parties were "reminded of the necessity of meeting and conferring in good faith, and attempting to resolve their discovery dispute prior to the court's hearing regarding the dispute," and were directed to meet and confer regarding the motion for expedited discovery on or before 5:00 p.m. on Thursday, June 28, 2012. Dckt. No. 21 at 3. The order provided that if the parties were unable to resolve the dispute through the meet and confer process, defendant was to file a response to plaintiff's motion for expedited discovery at or before 11:00 a.m. on Friday, June 29, 2012. *Id.*

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1 On June 29, 2012, defendant filed an opposition to the motion for expedited discovery.
2 Dckt. No. 25. In the opposition, defendant indicates that the parties attempted to meet and
3 confer via email and via a telephone conference on June 28, 2012 but were unable to reach an
4 agreement. *Id.* at 4; Thompson Decl., Dckt. No. 26, ¶¶ 2-4. However, a review of defendant’s
5 opposition and the email exchanges between the parties reveals that the parties may be able to
6 reach a resolution on some or all of the expedited discovery at issue, but were unable to reach
7 such a resolution primarily because of the tight schedule that was set for hearing the motion.
8 Thompson Decl., Exs. A, B. The opposition and email exchanges also reveal that the parties
9 primarily focused on the timing of discovery and the preliminary injunction hearing, as opposed
10 to the specific discovery requests at issue. *Id.*

11 Although plaintiff initially requested a hearing on the motion for expedited discovery on
12 or before July 2, 2012, and the court initially granted that request, the meet and confer process is
13 an important component of the discovery process and is required by both the Federal Rules of
14 Civil Procedure and this court’s Local Rules. *See* E.D. Cal. L.R. 251(b) (providing that a
15 discovery motion will not be heard unless “the parties have conferred and attempted to resolve
16 their differences” and that “[c]ounsel for all interested parties shall confer in advance of the
17 filing of the motion or in advance of the hearing of the motion in a good faith effort to resolve
18 the differences that are the subject of the motion.”); Fed. R. Civ. P. 37(a)(1) (providing that a
19 motion to compel discovery “must include a certification that the movant has in good faith
20 conferred or attempted to confer with the person or party failing to make disclosure or discovery
21 in an effort to obtain it without court action.”). In order to permit the parties to engage in a
22 proper and thorough meet and confer process, the hearing on the motion for expedited discovery
23 will be continued.¹

24
25 ¹ The court notes that defendant Kelly avers that he did not even receive plaintiff’s
26 discovery requests until June 23, 2012, and did not receive the order setting a hearing on
plaintiff’s motion for expedited discovery until June 28, 2012. Kelly Decl., Dckt. No. 27, ¶¶ 3-5.
Kelly also did not obtain counsel until June 27, 2012, who then learned of the hearing on the

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The hearing on plaintiff's motion for expedited discovery, Dckt. No. 17, is continued
3 to Monday, July 9, 2012 at 3:00 p.m. in Courtroom No. 24.

4 2. On or before Thursday, July 5, 2012, the parties shall further meet and confer in good
5 faith in an attempt to resolve their discovery dispute prior to the court's hearing regarding the
6 dispute. Failure of any party to do so will be cause for sanctions.

7 3. If the parties are able to resolve the dispute without court intervention, plaintiff's
8 counsel shall withdraw the motion as soon as possible.

9 4. If the parties are unable to resolve the dispute through the further meet and confer
10 process, on or before 12:00 p.m. on Friday, July 6, 2012, the parties shall file a joint statement
11 regarding the discovery disagreement, in accordance with Local Rule 251.

12 SO ORDERED.

13 DATED: June 29, 2012.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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motion for discovery later that day. Thompson Decl. ¶ 2.