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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 SCOTT JOHNSON,

12 Plaintiff,

13 v.

14 BASIL T. KEHOE III, et al.,

15 Defendants.
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No. 2:14-cv-0449-TLN-KJN

ORDER

17 Pending before the court is plaintiff's motion to compel both initial and supplemental
18 responses to discovery requests and for discovery sanctions, presently set for hearing on January
19 8, 2015. (ECF No. 10.) Plaintiff asserts that he is proceeding without filing a joint statement in
20 light of defendants' complete failure to respond to some discovery requests and defendants'
21 failure to meaningfully meet and confer with plaintiff. (Id.)

22 Because defendants have responded to at least some of the discovery requests at issue in
23 plaintiff's motion, and because plaintiff's motion does not seek only the imposition of sanctions,
24 the motion is not automatically exempt from the joint statement requirement pursuant to Local
25 Rule 251(e). Additionally, the court disfavors hearing discovery motions concerning issues about
26 which the parties have not conferred in person, or at the very least, by telephone. Accordingly,
27 the court continues the hearing, and directs the parties to conduct a proper meet-and-confer
28 session. If any discovery issues remain after good-faith meet-and-confer efforts are exhausted,

1 the parties shall then prepare and file a joint statement regarding their discovery disagreements.
2 Defendants are cautioned that failure to cooperate in the scheduling of the above-mentioned meet-
3 and-confer session, failure to meaningfully participate in that session, and/or failure to participate
4 in the drafting of any joint statement may result in the imposition of appropriate sanctions.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The January 8, 2015 hearing on plaintiff's motion to compel (ECF No. 10) is
7 VACATED and CONTINUED to January 29, 2015, at 10:00 a.m., in Courtroom No.
8 25 before the undersigned.
- 9 2. Within fourteen (14) days of this order, the parties shall conduct a good-faith meet-
10 and-confer session—either in person, or at a minimum, by telephone. The mere
11 exchange of letters or e-mails is insufficient.
- 12 3. If the parties are able to informally resolve their discovery disagreements during the
13 meet-and-confer session, plaintiff shall file a notice of withdrawal of the motion no
14 later than January 22, 2015.
- 15 4. If any discovery issues remain after good-faith meet-and-confer efforts are exhausted,
16 the parties shall then prepare and file a joint statement regarding their discovery
17 disagreements no later than January 22, 2015. The joint statement shall specifically
18 outline the parties' meet-and-confer efforts, and explain how the remaining issues
19 have been narrowed by such meet-and-confer efforts.
- 20 5. Alternatively, and in lieu of filing a joint statement regarding their discovery
21 disagreements, the parties may agree to conduct an early settlement conference before
22 the undersigned (with an appropriate waiver of disqualification) or another magistrate
23 judge. Any stipulation in that regard shall be filed no later than January 22, 2015.

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6. Failure to cooperate in the scheduling of the above-mentioned meet-and-confer session, failure to meaningfully participate in that session, and/or failure to participate in the drafting of any joint statement may result in the imposition of appropriate sanctions.

IT IS SO ORDERED.

Dated: December 29, 2014


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE