

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

## SCOTT JOHNSON.

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

Plaintiff,

V.

## ORDER

BASIL T. KEHOE III, et al.,

## Defendants.

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

Because defendants have responded to at least some of the discovery requests at issue in plaintiff's motion, and because plaintiff's motion does not seek only the imposition of sanctions, the motion is not automatically exempt from the joint statement requirement pursuant to Local Rule 251(e). Additionally, the court disfavors hearing discovery motions concerning issues about which the parties have not conferred in person, or at the very least, by telephone. Accordingly, the court continues the hearing, and directs the parties to conduct a proper meet-and-confer 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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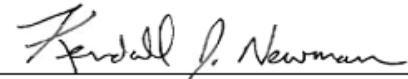
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1           6. Failure to cooperate in the scheduling of the above-mentioned meet-and-confer  
2           session, failure to meaningfully participate in that session, and/or failure to participate  
3           in the drafting of any joint statement may result in the imposition of appropriate  
4           sanctions.

5           IT IS SO ORDERED.

6           Dated: December 29, 2014

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8           KENDALL J. NEWMAN  
9           UNITED STATES MAGISTRATE JUDGE

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