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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FREDERICK MARCELES COOLEY,

Plaintiff,

v.

CITY OF VALLEJO, et al.,

Defendants.

No. 2:14-cv-620 TLN KJN PS

ORDER

Presently pending before the court is plaintiff's motion to compel various discovery responses from defendants. (ECF No. 45.) After reviewing the papers in support of the motion, it is readily apparent that the parties have not yet engaged in a good faith effort to informally resolve their discovery issues. Although plaintiff claims that defendants' discovery responses, served on December 1, 2014, are overdue, he also attaches an e-mail from defendants' counsel indicating that she is in the middle of preparing for a trial starting on January 26, 2015, but that she had mailed the responses and that plaintiff should receive them soon. Given these circumstances, the court denies plaintiff's motion without prejudice as premature.

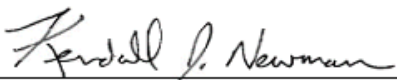
In the future, the court expects all parties to be more diligent in timely requesting extensions of time to respond to discovery, if necessary. By the same token, the court will look with disfavor on any party who unreasonably refuses to grant an extension of time in appropriate

1 circumstances, such as when an opposing party is ill or in trial. Prior to filing any discovery
2 motion, the parties shall personally meet and confer regarding the disputed discovery issues,
3 either in person or, at a minimum, by telephone. The mere exchange of letters or e-mails alone
4 shall be insufficient.

5 The court also denies without prejudice as premature plaintiff's corollary motion
6 requesting that his "legal assistant" Frederic Marc Cooley be included as a person with whom
7 plaintiff may share discovery if a protective order is needed. (ECF No. 47.) The court declines to
8 issue an essentially advisory opinion regarding such matters at this juncture.

9 Accordingly, for the reasons outlined above, IT IS HEREBY ORDERED that plaintiff's
10 discovery-related motions (ECF Nos. 45, 47) are DENIED WITHOUT PREJUDICE as
11 premature.

12 Dated: January 27, 2015

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15 KENDALL J. NEWMAN
16 UNITED STATES MAGISTRATE JUDGE
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