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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-0620 TLN KJN PS

ORDER

Pending before the court is plaintiff’s motion to amend the first amended complaint, presently noticed for hearing on April 30, 2015. (ECF No. 49.) That motion was filed with insufficient notice pursuant to Local Rule 230(b), which requires the motion to be noticed for hearing not less than 28 days after service and filing of the motion. Therefore, plaintiff will be required to re-file the motion in accordance with Local Rule 230(b).

The court notes that plaintiff has already filed a “second amended complaint.” (ECF No. 50.) Because the court has not yet granted plaintiff further leave to amend, that purported second amended complaint is stricken. If plaintiff elects to re-file his motion to amend the first amended complaint, he may attach as an exhibit to that motion a “Proposed Second Amended Complaint.” However, such a proposed second amended complaint does not become an operative pleading unless and until the court grants further leave to amend.

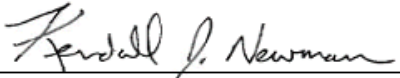
1 Additionally, plaintiff has filed two discovery motions (a motion to compel discovery and
2 a related motion concerning a protective order). (ECF Nos. 51, 52.) Because those motions
3 plainly do not comply with the meet-and-confer and joint statement requirements of Local Rule
4 251, they are denied without prejudice. Before refiling any discovery motion, plaintiff shall
5 meaningfully meet and confer with defendants’ counsel, either in person or by telephone, at a date
6 and time mutually agreeable to the parties. Plaintiff himself shall initiate such meet and confer
7 efforts with defendants, and defendants are not required to meet and confer with or via plaintiff’s
8 father. Meet and confer by e-mail and letter shall not be sufficient. Thereafter, if any discovery
9 disagreements remain, plaintiff may file a proper notice of motion and, together with defendants,
10 shall prepare a joint statement regarding any such remaining discovery issues in accordance with
11 Local Rule 251. In addition to any requirements contained in Local Rule 251, the joint statement
12 shall include a section specifically outlining when the parties met and conferred, for how long
13 they met and conferred, what subject matter was discussed, and how their disagreements were
14 narrowed by the meet-and-confer session(s). Failure to comply with these requirements will
15 result in summary denial of any discovery motion.

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. The April 30, 2015 hearing on plaintiff’s motions is vacated.
- 18 2. Plaintiff’s motion to amend (ECF No. 49) and discovery motions (ECF Nos. 51, 52)
19 are denied without prejudice.
- 20 3. The purported second amended complaint (ECF No. 50) is stricken.

21 IT IS SO ORDERED.

22 Dated: April 8, 2015

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24 KENDALL J. NEWMAN
25 UNITED STATES MAGISTRATE JUDGE
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