

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON.

No. 2:14-cv-0696-MCE-KJN

Plaintiff,

ORDER

SAEED ZARAKANI, et al.,

Defendants.

Pending before the court is plaintiff's motion to compel various discovery responses, presently set for hearing on July 2, 2015. (ECF No. 42.) However, upon review of the briefing submitted, it appears that the remaining defendant, Mardan, Inc., which is represented by counsel, did not participate in the drafting of the joint statement regarding the discovery disagreement required by Local Rule 251. Defendant's failure to respond to plaintiff's contentions as contemplated by Local Rule 251 significantly hampers the court's ability to resolve the motion on the merits and is potentially sanctionable absent a satisfactory showing of good cause for the failure. Nevertheless, in light of the court's concern discussed below, the court defers consideration of the motion and any potential sanctions, and vacates the July 2, 2015 hearing, subject to potential rescheduling.

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1 The court's record does not reveal that the parties have yet engaged in any meaningful
2 settlement discussions. Therefore, in an attempt to avoid the accumulation of attorneys' fees
3 through potentially unnecessary motion practice and hearings, the court orders the parties to first
4 meet and confer to explore settlement.

5 Accordingly, IT IS HEREBY ORDERED that:

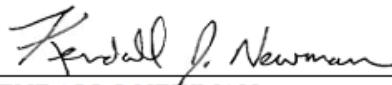
6 1. By no later than July 14, 2015, the parties shall meet and confer, at a minimum *by*
7 *telephone*, to explore potential settlement options and shall file a joint status report
8 outlining: (a) when and where the meet-and-confer session took place; (b) who was
9 present; (c) whether a settlement conference before the undersigned (with a waiver of
10 disqualification by all parties) or another magistrate judge should be scheduled; and
11 (d) any other information the parties deem pertinent.

12 2. The July 2, 2015 hearing is vacated.

13 3. Upon review of the parties' joint status report, the court will further schedule any
14 settlement proceedings and/or motion practice.

15 IT IS SO ORDERED.

16 Dated: June 24, 2015

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18 KENDALL J. NEWMAN
19 UNITED STATES MAGISTRATE JUDGE

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