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8   **IN THE UNITED STATES DISTRICT COURT**

9   **FOR THE EASTERN DISTRICT OF CALIFORNIA**

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11   H. BRAD DORKEN,   No. 2:15-cv-1628-TLN-CMK

12   Plaintiff,

13   vs.   ORDER

14   DEMILEC, INC., et al.,

15   Defendants.

16   _____/

17   Pending before the court is Plaintiff's motion for discovery, to deem requests for

18   admissions admitted (Doc. 53). Plaintiff filed the motion on February 14, 2017, setting the

19   motion for hearing before the undersigned on March 8, 2014. Defendant then filed an opposition

20   to the motion.

21   Eastern District of California Local Rule 251 governs motions dealing with

22   discovery matters. Rule 251 specifically provides for the parties to the discovery dispute meet

23   and confer and, if unable to resolve their differences, file a joint statement setting forth their

24   differences and the bases therefor. The only exceptions from filing the required joint statement is

25   where there is a complete and total failure to respond to the discovery requests or where the only

26   relief sought is the imposition of sanctions. L.R. 251(e). If the parties were unable to cooperate

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1 sufficiently to prepare and execute the required joint statement, counsel for the moving party may

2 file and serve an affidavit so stating, setting forth the efforts extended to obtain the joint

3 statement, and the issues to be determined at the hearing. L.R. 251(d).

4   Here, these procedures were not followed by the parties. There has been no joint

5 statement filed, no affidavit setting forth any reason why a joint statement could not be filed, and

6 neither of the exceptions appears to be relevant. As the parties failed to follow the Local Rules,

7 the motion and hearing will be stricken. If the parties are unable to resolve their issues, the

8 motion may be renoticed for hearing following the proper procedures.

9   Accordingly, IT IS HEREBY ORDERED that the motion for discovery (Doc. 53)

10 and the opposition thereto (Doc. 54) are stricken as improperly filed and the hearing set for

11 March 8, 2017, is taken off calendar.

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13 DATED: March 2, 2017

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                                          CRAIG M. KELLISON
15   UNITED STATES MAGISTRATE JUDGE

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