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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

XUAN THI PHAN,
Plaintiff,
v.
JETBLUE AIRWAYS CORPORATION, a
Delaware Corporation,
Defendant.

No. 2:16-cv-2328 WBS DB

ORDER

On November 3, 2017, plaintiff filed a motion to compel discovery. (ECF No. 37.) Plaintiff’s motion is noticed for hearing before the undersigned on December 1, 2017, pursuant to Local Rule 302(c)(1). However, the parties have not filed the required joint statement.

In this regard, Local Rule 251(a) provides that at least seven days prior to the hearing of a discovery motion, a “Joint Statement re Discovery Disagreement” shall be filed. “All arguments and briefing that would otherwise be included in a memorandum of points and authorities supporting or opposing the motion shall be included in this joint statement, and no separate briefing shall be filed.” Local Rule 251(c). If counsel for the moving party is unable, “after a good faith effort, to secure the cooperation of counsel for the opposing party in . . . preparing and executing the required joint statement, counsel for the moving party may file and serve an affidavit so stating” Local Rule 251(d).

1 Here, no joint statement has been filed. Instead, on November 22, 2017, plaintiff emailed
2 to the undersigned’s courtroom deputy “Plaintiff’s portion of the Joint Letter for Plaintiff’s
3 Motion to Compel set for December 1, 2017.”¹ Local Rule 134(a) explains that “[e]mailing a
4 document to the . . . Court . . . shall not constitute ‘filing’ of the document.” Moreover, the
5 purported partial joint statement constitutes 38 pages. Joint statements filed before the
6 undersigned shall not exceed twenty-five pages, excluding exhibits, as explained in the
7 undersigned’s Standard Information re discovery disputes set forth on the court’s web page. See
8 [http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-](http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-deborah-barnes-db)
9 [judge-deborah-barnes-db](http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-deborah-barnes-db)

10 The hearing of a discovery dispute “may be dropped from the calendar without prejudice
11 if the Joint Statement re Discovery Disagreement” is not filed at least seven days prior to the
12 noticed hearing date. Local Rule 251(a). In light of the parties’ failure to cooperate on, and
13 timely file, a joint statement the undersigned will continue the hearing of plaintiff’s motion to
14 compel.

15 Accordingly, IT IS HEREBY ORDERED that:

16 1. The December 1, 2017 hearing of plaintiff’s motion to compel (ECF No. 37) is
17 continued to **Friday, December 22, 2017, at 10:00 a.m.**, at the United States District Court, 501 I
18 Street, Sacramento, California, in Courtroom No. 27, before the undersigned; and

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26 ¹ Due to the unavailability of the Clerk’s Office on November 24, 2017, the deadline for the
27 parties’ to file their joint statement was November 27, 2017, pursuant to Rule 6 of the Federal
28 Rules of Civil Procedure. “Filings via CM/ECF may be made twenty-four hours a day” pursuant
to Local Rule 134(b).

1 2. On or before December 15, 2017, the parties shall file a joint statement that complies
2 with the Local Rules and the undersigned's Standard Information.²

3 Dated: November 28, 2017

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6 DEBORAH BARNES
7 UNITED STATES MAGISTRATE JUDGE
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26 ² The parties are advised that the undersigned's Standard Information also provides that: (1) a
27 courtesy copy of the joint statement, with declarations, exhibits and other attachments tabbed, is
28 mandatory and should be delivered to the Clerk of Court at least seven (7) days before the
hearing; and (2) the undersigned strictly enforces meet and confer requirements. See
[http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-
judge-deborah-barnes-db](http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-deborah-barnes-db)