

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEBRA LONDON, an individual,  
  
Plaintiff,  
  
v.  
  
WELLS FARGO BANK, N.A.; and DOES  
1 through 10 inclusive,  
  
Defendants.

No. 2:17-cv-00687 KJM AC

ORDER

Pending before the court is plaintiff’s motion to compel. ECF No. 43. The motion is currently set for hearing on September 19, 2018 before the undersigned. This discovery matter was referred to the undersigned pursuant to E.D. Cal. R. (“Local Rule”) 302(c)(1).

Local Rule 251(b) establishes requirements for any party bringing a motion pursuant to Federal Rules of Civil Procedure 26 through 37, including the requirement that the parties meet and confer and file a joint discovery statement. Here, no joint discovery statement has been filed. Additionally, other than a stipulation between the parties to extend discovery deadlines, ECF No. 45, there is no indication that the parties have met and conferred regarding the instant dispute. Because plaintiff, the moving party, did not satisfy Local Rule 251(b)’s meet and confer requirement and the joint discovery statement requirement, the motion to compel discovery will be denied without prejudice. See e.g., U.S. v. Molen, 2012 WL 5940383, at \*1 (E.D.Cal. Nov.

1 27, 2012) (where a party fails to comply with Local Rule 251, discovery motions are denied  
2 without prejudice to re-filing).

3 For the reasons state above, IT IS HEREBY ORDERED that:

- 4 1. The September 19, 2018 hearing on plaintiff's motion to compel is VACATED; and  
5 2. Plaintiff's motion to compel, ECF No. 43, is DENIED without prejudice.

6 IT IS SO ORDERED.

7 DATE: September 17, 2018

8   
9 ALLISON CLAIRE  
10 UNITED STATES MAGISTRATE JUDGE  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28