

1 Pursuant to Local Rule 251(a), motions regarding discovery disagreements may be heard
2 by filing a notice of motion and motion scheduling the motion for hearing at least twenty-one
3 days therefrom. Local Rule 251(b) provides that a discovery motion “shall not be heard unless []
4 the parties have conferred and attempted to resolve their differences[.]” In this regard, “[c]ounsel
5 for all interested parties shall confer in advance of the filing of the motion or in advance of the
6 hearing of the motion in a good faith effort to resolve the differences that are the subject of the
7 motion.” (Id.) If, after meeting and conferring, the moving party remains dissatisfied, that party
8 shall draft and file a “Joint Statement re Discovery Disagreement.” Local Rule 251(c). The
9 failure to file a Joint Statement may result in the hearing being dropped from calendar. Local
10 Rule 251(a).

11 Moreover, pursuant to the undersigned’s Standard Information, “[w]ritten correspondence
12 between the parties . . . is insufficient to satisfy the parties’ meet and confer obligations under
13 Local Rule 251(b).” See [http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-
14 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). And parties must meet and confer in
15 person—distance permitting—prior to the filing of a discovery motion and “must again confer in
16 person or via telephone or video conferencing” prior to the filing of the Joint Statement. Id.

17 If, after attempting to meet and confer in person or via telephone or video conferencing,
18 both prior to filing the motion and again prior to the filing of the Joint Statement, counsel for the
19 moving party was unable, after a good faith effort, to secure the opposing party’s cooperation in
20 meeting and conferring or in preparing the Joint Statement, counsel for the moving party may file
21 an affidavit so stating. Local Rule 251(d). Here, however, after plaintiff’s original motion was
22 dropped from calendar, plaintiff simply sent two emails to defense counsel. Receiving no
23 response plaintiff filed an amended motion to compel, and took no further action. That course of
24 conduct fails to satisfy the requirements under the Local Rules and the undersigned’s Standard
25 Information.

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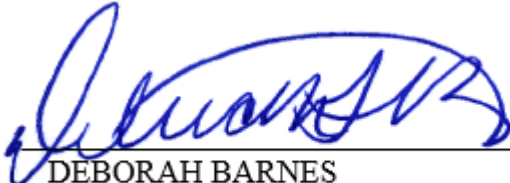
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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's January 30, 2019 amended motion to compel (ECF No. 34) is denied without prejudice to renewal¹; and
2. The February 22, 2019 hearing of plaintiff's motion is vacated.

Dated: February 19, 2019



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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¹ If plaintiff elects to bring a renewed motion to compel, the parties' briefing shall also address whether discovery in this action should be re-opened, for how long, and how that might impact future dates in this action.