

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TERRACE ELLIS,  
Plaintiff,

v.

PHILLIPS AND COHEN  
ASSOCIATES, LTD.,  
Defendant.

Case No. [14-cv-05539 EJD](#) (NC)

**ORDER RE: DEFENDANT’S  
DISCOVERY STATEMENT AND  
DECLARATION IN SUPPORT**

Re: Dkt. No. 113

In this unlawful debt collection action, defendant Phillips and Cohen (Phillips) moves to depose plaintiff Terrace Ellis on July 28, 2016, after the discovery cutoff in the case. Dkt. No. 113. Phillips has filed a discovery statement and declaration explaining why it has good cause to depose a witness after the discovery cut off ordered by the district court. *Id.* at 3. Taking the discovery statement as a motion asking this Court to order the deposition of Ellis on July 28, 2016, the Court DENIES the motion without prejudice and orders the parties to meet and confer and file a joint discovery letter if they cannot reach a resolution.

This Court’s civil standing order requires that for all discovery disputes, “the parties must meet and confer to attempt to resolve their dispute. The meet and confer must be in person or by telephone. A mere exchange of letters, emails, or messages does not satisfy the requirement to meet and confer. If the parties are unable to reach a resolution, they must file a joint statement of five pages or less that: (1) describes each unresolved issue;

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and (2) states each party’s proposed compromise with respect to each unresolved issue.”

Therefore, Phillips’ motion is denied without prejudice. The parties are ordered to meet and confer and submit a joint letter brief that complies with the Court’s standing order by July 25, 2016. When the Court receives the joint letter brief it will either decide the dispute without a hearing under Local Rule 7-6 or will set the matter for hearing.

**IT IS SO ORDERED.**

Dated: July 19, 2016

  
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NATHANAEL M. COUSINS  
United States Magistrate Judge