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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RALPH B. NEAL,  
Plaintiff,  
v.  
SELECT PORTFOLIO SERVICING, INC.,  
et al.,  
Defendants.

Case No.16-cv-04923-EJD (HRL)

**ORDER DENYING MOTION TO  
COMPEL RESPONSES TO  
DISCOVERY**

Re: Dkt. No. 47

United States District Court  
Northern District of California

Pro se plaintiff Ralph Neal (“Plaintiff”) requests that the court compel Defendant U.S. Bank N.A. (“Defendant”) to respond to interrogatories served upon it in November 2016. Plaintiff asserts that the Rule 26(f) conference has occurred, that discovery is open, and that Defendant’s responses are overdue. Dkt. No. 47. Defendant responds that the parties have not participated in a Rule 26(f) conference and requests that the court deny Plaintiff’s motion. Dkt. No. 48.

In arguing that the Rule 26(f) conference has occurred, Plaintiff points to the parties’ separate Case Management Conference (“CMC”) Statements and references e-mailed “meet and confer communications” leading up to the CMC originally set for April 6, 2017. Dkt. No. 47. Plaintiff’s CMC Statement asserts that the parties had not yet exchanged initial disclosures and mentions the interrogatories at issue in this motion, but does not discuss a discovery plan. *Id.*, Ex. A. The court vacated the CMC set for April 6 on March 31, 2017. Dkt. No. 40.

Absent a stipulation or order to the contrary, discovery is not permitted before the parties participate in a Rule 26(f) conference. Fed. R. Civ. P. 26(d)(1). Rule 26(f) requires parties to confer at least 21 days before a scheduling conference is to be held. Fed. R. Civ. P. 26(f)(1).

The court is not persuaded that the Rule 26(f) conference has occurred. There is no indication that the communications referenced by Plaintiff constituted a Rule 26(f) conference.

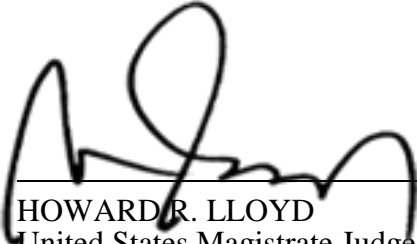
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For example, it does not appear that the parties arranged for initial disclosures or developed a discovery plan. As such, discovery is premature and the court denies Plaintiff's motion to compel.

Plaintiff is further advised that the present motion does not comply with the undersigned's Standing Order Re: Civil Discovery Disputes.<sup>1</sup> The Standing Order prohibits the filing of noticed discovery motions and instead requires the parties to file discovery dispute joint reports. Additionally, the Standing Order describes the meet-and-confer efforts that are required before the parties seek judicial intervention. The undersigned will not consider future discovery disputes that do not comply with the Standing Order.

**IT IS SO ORDERED.**

Dated: 7/18/2017



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HOWARD R. LLOYD  
United States Magistrate Judge

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<sup>1</sup> The Standing Order is available on the court's website: <http://www.cand.uscourts.gov/hrlorders>.