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OCT 10 PM 3:51

CLERK OF DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SARAH MENDEZ, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

OPTIO SOLUTIONS, LLC, dba
QUALIA COLLECTION SERVICES

Defendant.

Case No.: 3:16-cv-01882-AJB-KSC

**ORDER DENYING JOINT MOTION
WITHOUT PREJUDICE [Doc. No. 47]**

**ORDER DENYING MOTION TO
FILE DOCUMENTS UNDER SEAL
AS MOOT [Doc. No. 45]**

Before the Court is the parties' Joint Motion for Determination of Discovery Dispute and Motion to File Documents Under Seal. [Doc. Nos. 47, 45]. For the reasons discussed in greater detail below, the Court **DENIES** the parties' Joint Motion for failure to abide by Local Rules and this Court's Prior Order. Plaintiff's Motion to File Exhibit Under Seal is now **MOOT**.

DISCUSSION

The Scheduling Order in this case states in part as follows: "All discovery motions must be filed . . . only after counsel have met and conferred and have reached an impasse with regard to the particular issue." [Doc. No. 44, at p. 2.] Local Rule 26.1(a) also states that: "The court will entertain no motion pursuant to Rules 26 through 37, Fed. R. Civ.

1 P., unless counsel will have previously met and conferred concerning all disputed issues.”
2 CivLR 26.1(a). Finally, this Court’s Chambers’ Rules require the parties include the
3 “exact response to the request by the responding party.” Chambers’ Rules V(D).

4 Here, the parties did not abide by any of the aforementioned rules. Plaintiff merely
5 states: “Plaintiff still maintains these [supplemental responses plaintiff received on
6 September 25] that change objections are deficient. On September 27, 2017, Defendant
7 provided for the first time a privilege log and a redaction log. Again, Plaintiff maintains
8 these are deficient.” [Doc. No. 47-1, at p. 1]. The parties have not met and conferred to
9 discuss whether defendant’s supplemental responses are sufficient and would obviate the
10 need to file the instant Motion.

11 The parties also did not follow this Court’s Chamber’s Rule V(D) by failing to
12 provide the Court with all responses defendants made to the contested requests.
13 Moreover, purely from a practical standpoint, the Court cannot now determine the
14 parties’ dispute without the defendant’s supplemental responses. [Doc. No. 47, at p. 1].

15 Therefore, the Court **DENIES** the Motion **WITHOUT PREJUDICE**.
16 Accordingly, plaintiff’s Motion to File Documents Under Seal is **MOOT**. The Parties
17 have **five (5)** days to meet and confer, and refile their Motion with the Court on or before
18 **October 16, 2017**. Failure to meet and confer in this regard will result in a waiver of
19 plaintiff’s objections.

20 **IT IS SO ORDERED.**

21 Dated: October 10, 2017



Hon. Karen S. Crawford
United States Magistrate Judge