

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

AUTO P.I. USED CAR INSPECTION,)	
LLC,)	
)	
Plaintiff,)	
v.)	Case No. CV411-288
)	
STEVE CLAUS, <i>d/b/a</i> Automotive P.I.,)	
)	
Defendant.)	

ORDER

Plaintiff Auto P.I. Used Car Inspections, LLC has filed a unilateral Rule 26(f) report, stating that no Rule 26(f) conference was held because of defendant's failure to participate.

Rule 26(f) contemplates that the report be prepared *after* the parties have conferred, and the rule places on the "attorneys of record and all *unrepresented parties* that have appeared in the case" the joint responsibility of arranging the conference and submitting the written report outlining a proposed discovery plan. Fed. R. Civ. P. 26(f)(emphasis added). Unilateral reports from one party are not allowed.

Our local practice requires that the conference be held within 20 days after the filing of the last answer but no later than 45 days after the first responsive pleading.

Unless the defendant is in state or federal custody¹ he is required to participate in the Rule 26(f) conference. If defendant or any other party refuses to do so, then upon proper notice of the other parties to the case the Court will either dismiss the case for lack of prosecution or strike the answer of the uncooperative party. The parties who are prepared to conduct the Rule 26(f) conference and file the report may advise the Court of their inability to do so because of the noncooperating party, but they may not file a unilateral Rule 26(f) report. Defendant is directed to show cause within 14 days why the Court should not impose sanctions against him because of his failure to participate in the Rule 26(f) conference.

SO ORDERED this 15th day of February, 2012.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA

¹Pro se prisoner actions are not subject to the Rule 26(f) conference requirement. See Fed. R. Civ. P. 26(f) (exempting cases not subject to the initial disclosure requirements including pro se prisoner actions per Rule 26(a)(1)(E)(iii)).