

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

GARRY BOYD, BOYD MEDICAL, INC.,)	
CHARLES WETHERILL, and)	
ADDISON MEDICAL, INC.,)	
)	
Plaintiffs,)	
)	
v.)	Civil No. 07-751-MJR
)	
TORNIER, INC.,)	
NEXA ORTHOPEDICS, INC.,)	
ARCHWAY MEDICAL, INC.,)	
and JAMES O'DAY,)	
)	
Defendants.)	

ORDER

PROUD, Magistrate Judge:

Before the court is plaintiffs' Motion to Compel and to Extend the Discovery Cut-Off Date. (**Doc. 58**).

The court ruled on the request to extend the discovery deadline on October 10, 2008. **See, Doc. 61.** The court now turns to the part of the motion that seeks an order compelling defendants to produce certain documents which they assert are responsive to their first set of requests to produce documents.

Defendants filed a response to the motion at **Doc. 62.** In addition to raising substantive points, defendants state that plaintiffs did not confer with them in an attempt to resolve the issues before filing the motion. **See, Doc. 62, p. 1; Declaration of Deborah A. Ellingboe, attached to Doc. 62, ¶¶ 5, 6.**

The Motion to Compel does not contain a certificate of attempt to resolve, as required by

Fed.R.Civ.P. 37. In their reply, plaintiffs state “Contrary to defendants’ baseless assertions, plaintiffs brought their Motion to Compel with warning, with merit and only after participating in the required meet and confer.” **Doc. 67, p.1.** However, plaintiffs offer no detail on this alleged conference, either in their motion or in their reply.

The court takes seriously the requirement that the parties confer in a good faith effort to resolve discovery disputes before filing motions to compel. At most, plaintiffs refer to the fact that they made demands on defendants to produce certain documents. However, a good faith effort to resolve a dispute consists of more than simply demanding that the other party give up the documents.

Because plaintiffs have failed to include the certification required by **Rule 37**, their Motion to Compel (**Doc. 58**) is **DENIED**.

IT IS SO ORDERED.

DATE: October 29, 2008.

s/ Clifford J. Proud
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE