

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

WILLIAM JAY WILKINSON, *et al.*,

Plaintiffs,

v.

MATTHEW SHEETS,

Defendant.

CASE NO. 3:19-CV-902-RLM-MGG

OPINION AND ORDER

Before the Court is Defendant's Motion for Extension of Time to File Joint Status Report or, alternatively, Motion to Submit Defendant's Status Report filed on April 29, 2021. That same day, Plaintiffs filed their Status Report and Response to Defendant's Motion. Both filings represent unsuccessful attempts to comply with this Court's Order dated April 6, 2021, which set seven pending discovery-related motions for a one-hour telephonic motion hearing on May 6, 2021. [[DE 112](#)].

In preparation for that hearing, the Court ordered the parties "to meet and confer then file a status report on or before **April 29, 2021**, informing the Court of specific issues that have been resolved and the scope of any remaining issues [and] propose amendments to the Court's Rule 16(b) Scheduling Order." [[DE 112 at 2](#) (emphasis in original)]. After all, considerable discovery no doubt ensued since the motions were originally filed and briefed. [See [DE 121 at 2-4](#)]. Therefore, the Court sought confirmation from the parties that they had pursued all reasonable efforts to resolve their discovery disputes before tapping the Court's limited judicial resources for their

benefit. *Cf. Centurion Indus., Inc. v. Harrington Benefit Seros., Inc.*, 2012 WL 271606, at *1 (N.D. Ind. Jan. 30, 2012). Indeed, “discovery is supposed to be a cooperative endeavor, requiring minimal judicial intervention.” *Id.* at *2 (quoting *C.A. v. Amlis at Riverbend LP*, No. 1:06-cv-1736-SEB-JMS, 2008 WL 1995451, at *2 (S.D. Ind. May 7, 2008) (citing *Airtex Corp. v. Shelley Radiant Ceiling Co.*, 536 F.2d 145, 155 (7th Cir. 1976))).

In successful meet and confer efforts, counsel for the parties converse, confer, compare views, consult, and deliberate about the status of the discovery disputes. *Cf. Teton Homes Europe v. Forks RV*, No. 1:10-CV-33, 2010 WL 3998194, at *1 (N.D. Ind. Oct. 12, 2010). In other words, the meet and confer requirement expects “a moving party [to] personally engage in two-way communication with the non-moving party to meaningfully discuss each contested discovery dispute in a genuine effort to avoid judicial intervention.” *Vukadinovich v. Hanover Cmty. Sch. Corp.*, 2:13-CV-144-PPS-PRC, 2014 WL 667830 (N.D. Ind. Feb. 20, 2014) (quoting *Shuffle Master, Inc. v. Progressive Games, Inc.*, 170 F.R.D. 166, 171 (D.Nev.1966)). For whatever reasons, the parties in this case have not engaged in a two-way dialogue about the pending motions in preparation for the upcoming hearing. And this Court will not proceed with a hearing on the pending discovery motions absent an additional effort by the parties to resolve—at least in part—the issues that led to their numerous discovery-related motions.

Therefore, the Court **DENIES** Defendant’s instant Motion. [\[DE 120\]](#). Furthermore, the Court **VACATES** the telephonic motion hearing set for May 6, 2021. 112]. The Court now **SETS** a video motion hearing via Zoom in this action for **Tuesday, May 25, 2021, at 1:30 p.m. (E.D.T.)**. The parties shall come to the hearing prepared to

discuss all pending discovery-related motions. [[DE 67](#), [DE 70](#), [DE 72](#), [DE 75](#), [DE 86](#), [DE 96](#), [DE 104](#)]. Two hours have been set aside for the hearing. All counsel listed on the docket sheet will receive a Zoom invitation link via email from chambers at least 24 hours prior to the hearing.

Lastly, the Court **AFFORDS** the parties additional time to meet and confer and submit a *joint* status report as follows. The parties shall meet and confer on or before **May 14, 2021**, to (1) engage in a good faith effort to resolve any or all of the issues raised in the relevant discovery-motions without judicial intervention; and (2) create a roadmap to resolution of any remaining discovery issues. The parties shall then file a *joint* status report on or before **May 18, 2021**, outlining the results of the meet and confer and prioritizing issues for consideration at the hearing where time will be limited. Failure to comply with this Order could result in the imposition of sanctions.

SO ORDERED this 30th day of April 2021.

s/Michael G. Gotsch, Sr.
Michael G. Gotsch, Sr.
United States Magistrate Judge