

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

| | | |
|------------------------|---|---------------------------|
| CANDACE WOOSLEY, |) | |
| STEVEN W. WOOSLEY SR., |) | |
| |) | |
| Plaintiffs, |) | |
| vs. |) | NO. 1:11-cv-01558-WTL-MJD |
| |) | |
| C.R. ENGLAND, INC., |) | |
| |) | |
| Defendant. |) | |

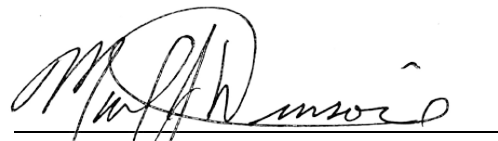
**ORDER ON PLAINTIFF'S MOTION SEEKING LEAVE TO
PROPOUND LIMITED DISCOVERY**

This matter comes before the Court on Plaintiff's Motion Seeking Leave to Propound Limited Discovery Upon Defendant C.R. England, Inc. [Dkt. 55]. First, the Court fails to see any purpose to this motion. Discovery in this matter has been open since the Rule 26(f) conference was conducted. Fed. R. Civ. P. 26(d)(1). The Rule 26(f) conference must, by definition, have been conducted prior to the submission of the parties' proposed Case Management Plan on February 10, 2012. Therefore, Plaintiff has been free to serve discovery since at least early February and no leave to serve discovery on another party is required.

Other than requesting leave to serve the discovery in question, the only other relief sought in Plaintiff's motion is a request to limit the time for Defendant to respond to that discovery to 21 days after the discovery is served. [Dkt. 55 at 3.] No explanation for that request was provided and, in the absence of the specific requests in question, Defendant could not

properly respond and the Court could not properly evaluate such a request. Furthermore, Local Rule 37-1 mandates a conference of attorneys prior to involving the Court in any discovery dispute and further requires the submission of a statement setting forth the efforts to resolve such dispute by negotiation prior to involving the Court. S.D. Ind. L.R. 37-1. No such statement was included in Plaintiff's motion. Additionally, the approved Case Management Plan requires the parties to request a telephonic conference with the Court prior to the filing of a discovery motion if the Local Rule 37-1 conference was unsuccessful. [Dkt. 48 at 5.] Given the nature of Plaintiff's motion, compliance with these requirements would likely have avoided the need for the motion entirely. Accordingly, Plaintiff's Motion Seeking Leave to Propound Limited Discovery Upon Defendant C.R. England, Inc. [Dkt. 55] is **DENIED**.

Dated: 03/29/2012



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

Distribution:

All Electrically Registered Counsel