

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

LUCILLE WARMSLEY

CIVIL ACTION

VERSUS

NUMBER 10-700-RET-DLD

STATE FARM FIRE AND CASUALTY
COMPANY

ORDER

This matter is before the court on a referral from the district court on defendant's motion to compel discovery responses and initial rule 26 disclosures (rec. doc. 9), filed herein on April 26, 2011. Defendant stated that it propounded discovery to plaintiff on October 25, 2010, and plaintiff stated that she provided discovery responses on May 17, 2011.

In reviewing the motion, the court first notes that the discovery was propounded before the parties conferred as required by F.R.C.P. Rule 26(f). See *also*, Local Rule 26.2. Under F.R.C.P. 26(d), a party may not seek discovery from any source before the parties have conferred as required by Rule 26(f);¹ thus, defendant's discovery request was premature. Also, as plaintiff has responded to the discovery requests, the motion is also moot.

Accordingly,

IT IS ORDERED that the motion to compel (rec. doc.) be **DISMISSED as moot**.

Signed in Baton Rouge, Louisiana, on May 31, 2011.



MAGISTRATE JUDGE DOCIA L. DALBY

¹ Rule 26(d) and Local Rule 26.2 allow exceptions to the requirements of Rule 26(f), but those exceptions are not applicable to this matter.