

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

**KIMBERLY HORTON**

**CIVIL ACTION**

**VERSUS**

**NO. 16-544-JJB-EWD**

**G4S SECURE SOLUTIONS (USA), INC. ET AL.**

**NOTICE AND ORDER**

Before the Court is Plaintiff's Amended Motion to Compel Discovery Responses and Motion to Extend Discovery Deadline ("Amended Motion to Compel"),<sup>1</sup> filed by Kimberly Horton. The Amended Motion to Compel has been referred to the undersigned for disposition.

Federal Rule of Civil Procedure 37(a)(1) provides:

On notice to other parties and all affected persons, a party may move for an order compelling disclosure or discovery. The motion must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure of discovery in an effort to obtain it without court action.

Although the Amended Motion to Compel includes a Rule 37 Certificate,<sup>2</sup> the Certificate does not indicate that the parties ever met and conferred, or even attempted to meet and confer, as required by Rule 37(a)(1), prior to the filing of the Amended Motion to Compel. Based on the foregoing, the Court finds that a supplemental certification is necessary to meet the requirements of Federal Rule of Civil Procedure 37(a)(1).

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<sup>1</sup> R. Doc. 43. Plaintiff's Motion to Compel Discovery Responses and Motion to Extend Discovery Deadline was filed on the same day as the Amended Motion to Compel, but the original Motion to Compel does not include a certification, as required by Fed. R. Civ. P. 37(a)(1). See, R. Doc. 42.

<sup>2</sup> R. Doc. 43-1.

Accordingly,

**IT IS ORDERED** that Plaintiff and defendant G4S Secure Solutions (USA), Inc. (“G4S”) must confer regarding the Amended Motion to Compel as required by Federal Rule 37(a)(1).<sup>3</sup>

**IT IS FURTHER ORDERED** that Plaintiff shall file into the record in this matter a certification for the Amended Motion to Compel on or before **Tuesday, October 3, 2017**. The certification shall specifically set forth (1) how the conference required by this Notice and Order was scheduled and agreed upon, (2) who participated in the conference, (3) when the conference took place, (4) whether the conference was conducted by phone or in person, (5) the duration of the conference, (6) the specific, itemized topics that were addressed at the conference, and (7) whether any issues were resolved by the parties, and, if so, the terms of the resolution.

**IT IS FURTHER ORDERED** that if the conference required by this Notice and Order completely resolves the Amended Motion to Compel, Plaintiff shall file a Motion to Withdraw the Amended Motion to Compel no later than **October 3, 2017**.

**IT IS FURTHER ORDERED** that if the conference required by this Notice and Order does not resolve the Amended Motion to Compel, G4S must file any memorandum in opposition no later than **October 9, 2017**.

Plaintiff and G4S are hereby **NOTIFIED** that the Court will not consider the Amended Motion to Compel until the required certification is filed into the record. Failure to timely file the additional certification will result in dismissal of the Amended Motion to Compel without further notice. Notwithstanding the fact the parties have sought court intervention, the Court remains confident that an additional conference will enable the parties to resolve many, if not all, of the

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<sup>3</sup> To the extent counsel have conferred prior to filing the Amended Motion to Compel, this Notice and Order requires an additional conference.

issues raised in the Amended Motion to Compel.

Signed in Baton Rouge, Louisiana, on September 19, 2017.

Erin Wilder-Doomes  
**ERIN WILDER-DOOMES**  
**UNITED STATES MAGISTRATE JUDGE**