

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

**TRIVENSKEY ODOM**

**CIVIL ACTION**

**VERSUS**

**NO. 16-748-SDD-EWD**

**JUAN SMITH, ET AL.**

**NOTICE AND ORDER REGARDING PLAINTIFF'S  
MOTION TO COMPEL DISCOVERY**

Before the Court is a Motion for to Compel Discovery (the "Motion"), filed by plaintiff Trivenskey Odom.<sup>1</sup> In the Motion, Plaintiff seeks to compel defendants to respond to certain interrogatories and requests for production. As of the date of this Notice and Order, Defendants have not filed an opposition to the Motion. The Motion 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.

While the Motion states that, "A Rule 37.1 conference was held on June 6, 2017, which did not resolve the discovery disputes. Defendants maintain a joint protective agreement should be executed prior to the production of these documents,"<sup>2</sup> 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. 25.

<sup>2</sup> R. Doc. 25-1 at 1. See also, R. Doc. 25-3.

Accordingly

**IT IS ORDERED** that Plaintiff and Defendants must confer regarding the Motion 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 Motion on or before **Friday, June 23, 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 Motion, Plaintiff shall file a Motion to Withdraw the Motion no later than **June 23, 2017**.

**IT IS FURTHER ORDERED** that if the conference required by this Notice and Order does not resolve the Motion, Defendants must file any memorandum in opposition no later than **June 27, 2017**.

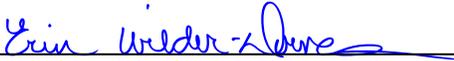
Plaintiff and Defendants are hereby **NOTIFIED** that the Court will not consider the Motion until the required certification is filed into the record. Failure to timely file the additional certification will result in dismissal of the Motion without further notice. Notwithstanding the fact the parties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

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

conference will enable the parties to resolve many, if not all, of the issues raised in the Motion.

Signed in Baton Rouge, Louisiana, on June 11, 2017.

  
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**ERIN WILDER-DOOMES**  
**UNITED STATES MAGISTRATE JUDGE**