

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ADAM ASHLOCK, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:13CV1534 CDP
)	
BNSF RAILWAY COMPANY, et al.,)	
)	
Defendants.)	

ORDER AND MEMORANDUM

Plaintiffs have filed a motion to compel production of documents and for a hearing, and defendant has filed a motion for more time to respond. It appears to me that the parties have insufficiently conferred on this discovery dispute.


Defendant responded to plaintiffs' document requests by saying that the documents "would be made available for copying and inspection at a time and location mutually convenient to the parties." Plaintiffs say the documents have not been produced, and seeks an order compelling production. Plaintiff is thus seeking an order from me compelling defendant to do what defendant has already agreed to do. Plaintiff sought a prompt hearing, but the court was waiting for defendant's response to understand why a hearing was necessary if defendant had already agreed to produce the documents. But instead of responding, defendant sought more time to respond, because the lead counsel on this matter has left the firm.

Defendant fails to respond at all to plaintiffs' very valid point that this delay is jeopardizing the parties' ability to comply with the schedule they themselves proposed.

I will deny the motions and will order counsel to meet and confer about these issues, either in person or on the telephone. If no agreement can be reached, the parties must file a joint request for a telephone conference so that we can quickly resolve what appears to be an unnecessary argument. If counsel believe a modification to the schedule is required, they should file an appropriate motion, but only after consultation with one another. Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motions to compel and for a hearing [#17, 18] and defendant's motion for more time [#21] are denied.

IT IS FURTHER ORDERED that counsel must meet and confer on this matter no later than **Tuesday, March 11, 2014.** If they are unable to resolve the matter, they must file a joint request for a telephone conference.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of March, 2014.