

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

WAL-MART STORES, INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:14CV1805 RLW
	)	
PDX. INC. et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff’s Motion to Compel, for Sanctions, and in the Alternative to Extend Discovery for the Purpose of Taking Noticed Deposition (“Motion”; ECF No. 146). Plaintiff’s Motion, however, fails to comply with E.D.Mo. L.R. 3.04(A), which provides:

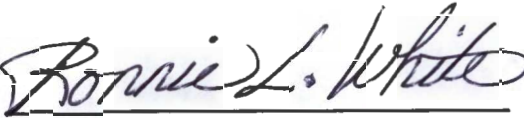
The Court will not consider any motion relating to discovery and disclosure unless it contains a statement that movant’s counsel has conferred in person or by telephone with the opposing counsel in good faith or has made reasonable efforts to do so, but that after sincere efforts to resolve their dispute, counsel are unable to reach an accord. This statement also shall recite the date, time and manner of such conference, and the names of the individuals participating therein, or shall state with specificity the efforts made to confer with opposing counsel.

*See Cotton v. AT&T Operations, Inc.*, No. 4:06-CV-438 CAS, 2007 WL 465625, at \*1 (E.D. Mo. Feb. 8, 2007). Based upon the failure to comply with this Court’s procedures and the premature filing of this discovery motion, the Court denies Plaintiff’s Motion, without prejudice. Plaintiff may refile this Motion, if necessary, once it has properly discussed this issue with opposing counsel.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Motion to Compel, for Sanctions, and in the Alternative to Extend Discovery for the Purpose of Taking Noticed Deposition (ECF No. 146) is **DENIED** without prejudice.

Dated this 20th day of December, 2016.

  
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RONNIE L. WHITE  
UNITED STATES DISTRICT JUDGE