

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHWESTERN DIVISION**

DANIEL W. MARTIN, )  
Plaintiff, )  
v. )  
ROGER L. GALLA, et al., )  
Defendants. )  
No. 22-05007-CV-SW-DPR

## **ORDER**

Before the Court is Plaintiff's Motion to Compel. (Doc. 286.) Plaintiff moves for an order compelling Defendants Schneider National Carriers, Inc. and Loggins Logistics, Inc. to produce camera footage and ESI from the relevant timeframe of the collision at issue.

Pursuant to Local Rule 37.1(a)(1), before filing a written discovery motion, counsel must confer or attempt to confer “by telephone or in person with opposing counsel” about the dispute. An email does not satisfy this requirement. Local Rule 37.1(a)(2) further provides that if the matter remains unresolved after conferring, the parties must submit to a telephone conference with the judge. The local rule specifically prohibits the filing of a written discovery motion until after a telephone conference is held. Here, Plaintiff’s motion shows no compliance with L.R. 37.1.

Accordingly, the Motion to Compel is **DENIED** without prejudice for failure to comply with Local Rule 37.1.

## IT IS SO ORDERED.

/s/ David P. Rush  
DAVID P. RUSH  
UNITED STATES MAGISTRATE JUDGE

DATE: November 13, 2023