

**nIN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MARVIN CHRISMAN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 5:16-cv-06144-DGK
)	
RMH FRANCHISE HOLDINGS, INC.,)	
)	
Defendant.)	

ORDER DENYING WITHOUT PREJUDICE MOTION TO COMPEL

This lawsuit arises from a slip-and-fall accident at an Applebee’s restaurant in St. Joseph, Missouri. Now before the Court is the Plaintiff’s Motion to Compel Documents (Doc. 48). Plaintiff moves the Court to enter an order compelling Defendant to respond and produce all documents relevant to Plaintiff’s second request for production of documents.

The motion is DENIED WITHOUT PREJUDICE for failure to follow Local Rule 37.1.

In relevant part, the rule states:

37.1 DISCOVERY MOTIONS

(a) Attorneys Must Attempt to Resolve Discovery Disputes on Their Own before Requesting Court Intervention. Unless the Court orders otherwise, no party may file a discovery motion until:

1. An attorney for the prospective moving party has, in good faith, conferred or attempted to confer by telephone or in person with opposing counsel concerning the matter. The attorney must do more than merely write a demand letter.
2. If the issues remain unresolved after the attorney has satisfied Rule 37.1(a)(1), the attorney must arrange with the Court for an immediate telephone conference with the judge and opposing counsel. When communicating with the Court, the attorney for the prospective moving party must certify compliance with this

Rule. *The attorney may not file a written discovery motion until after this telephone conference.*

L.R. 37.1 (emphasis added). Plaintiff's counsel has already conferred with counsel by telephone. The next step is to contact the Court's courtroom deputy, Ms. Strodtman, and arrange for a telephone conference with the Court and opposing counsel.

IT IS SO ORDERED.

Date: December 4, 2017

/s/ Greg Kays
GREG KAYS, CHIEF JUDGE
UNITED STATES DISTRICT COURT