

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOAN RICKERT,)	
)	
Plaintiff,)	8:07CV334
)	
v.)	
)	
MIDLAND LUTHERAN COLLEGE,)	MEMORANDUM AND ORDER
)	
Defendant.)	
<hr/>)	

Plaintiff has moved to compel responses to her request for production of documents, specifically request 16, which requests "True and correct copies of all reports, correspondence, emails, or related records concerning the budget of the athletics and activities departments of Defendant for calendar years 2003 through 2006."

NECivR 7.1(i) states:

(i) Discovery Motions. To curtail undue delay in the administration of justice, this court only considers a discovery motion in which counsel for the moving party, in the written motion, shows that after personal consultation with counsel for opposing parties and sincere attempts to resolve differences, counsel cannot reach an accord. This showing must also state the date, time, and place of the communications and the names of all participating persons. As used in this rule, "counsel" includes pro se parties.

(1) "Personal Consultation" Defined. "Personal consultation" means person-to-person conversation, either in person or on the telephone. An exchange of letters, faxes, voice mail messages, or e-mails among counsel is also personal consultation for purposes of this rule upon a showing that person-to-person conversation was attempted by the moving party and thwarted by the nonmoving party.

There has been no showing of compliance with the local rule. While it may be that there were conversations between counsel in this matter prior to the correspondence exchanged between them, there is no showing to that effect.

Moreover, the dispute here appears to be well suited to a discussion that would resolve it without further involvement of the court. I shall rely on counsel to do that, but if it cannot be resolved, to file another motion setting out specifically the items being disputed and the parties' positions with respect to each.

IT THEREFORE HEREBY IS ORDERED,

The motion to compel, filing no. [50](#), is denied.

DATED this 6th day of April, 2009.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge