


1 Judges in this District have previously held that “personal consultation” means the movant must
2 “personally engage in two-way communication with the nonresponding party to meaningfully discuss
3 each contested discovery dispute in a genuine effort to avoid judicial intervention.” *ShuffleMaster, Inc.*
4 *v. Progressive Games, Inc.*, 170 F.R.D. 166, 171 (D. Nev. 1996). The consultation obligation
5 “promote[s] a frank exchange between counsel to resolve issues by agreement or to at least narrow and
6 focus matters in controversy before judicial resolution is sought.” *Nevada Power v. Monsanto*, 151
7 F.R.D. 118, 120 (D.Nev.1993). To meet this obligation, parties must “treat the informal negotiation
8 process as a substitute for, and not simply a formal prerequisite to, judicial review of discovery
9 disputes.” *Id.* This is done when the parties “present to each other the merits of their respective
10 positions with the same candor, specificity, and support during the informal negotiations as during the
11 briefing of discovery motions.” *Id.* To ensure that parties comply with these requirements, movants
12 must file certifications that “accurately and *specifically* convey to the court who, where, how, and when
13 the respective parties attempted to personally resolve the discovery dispute.” *ShuffleMaster*, 170 F.R.D.
14 at 170 (emphasis added). The Court may look beyond the certification made to determine whether a
15 sufficient meet-and-confer actually took place. *See, e.g., F.D.I.C. v. 26 Flamingo, LLC*, 2013 WL
16 2558219, *1 (D. Nev. June 10, 2013) (quoting *De Leon v. CIT Small Business Lending Corp.*, 2013 WL
17 1907786 (D. Nev. May 7, 2013)).

18 Plaintiff provides no certification, or information at all, regarding meet and confer efforts. *See*
19 Docket No. 109. Plaintiff has, therefore, failed to meet her requirement to “accurately and specifically
20 convey to the court who, where, how, and when the respective parties attempted to personally resolve
21 the discovery dispute.” *ShuffleMaster*, 170 F.R.D. at 170.

22 Accordingly, for the reasons stated above, Plaintiff’s motion, Docket No. 109, is hereby
23 **DENIED** without prejudice.

24 IT IS SO ORDERED.

25 DATED: April 4, 2016.

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NANCY J. KOPPE
United States Magistrate Judge