

1 The defendants' certification does not establish that they conferred or attempted to confer
2 with Timmons post-deposition to resolve that dispute without court intervention. Instead, the
3 defendants explain their efforts to contact Timmons before the deposition and argue that given
4 his lack of response, post-deposition efforts to resolve the issue without court intervention would
5 have been futile. ECF No. 54. The Rule contemplates that despite a non-appearance, there will
6 be a post-deposition attempt to resolve the dispute. The defendants' pre-deposition efforts
7 therefore do not relieve them of their obligation to attempt to resolve the dispute post-deposition.

8 If the defendants want me to consider their request for sanctions, they must in good faith
9 confer or attempt to confer with Timmons to address his failure to appear at his deposition. The
10 defendants shall file a status report by October 22, 2020 regarding what efforts (if any) they have
11 made to contact Timmons to resolve this issue and the results of those efforts.

12 I THEREFORE ORDER the defendants to file a status report by October 22, 2020.
13 Failure to comply will result in the denial of the defendants' sanction request.

14 DATED this 8th day of October, 2020.

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17 ANDREW P. GORDON
18 UNITED STATES DISTRICT JUDGE
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