

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Melissa Jenks, Individually  
and as g/n/f of Roderick Jenks

v.

Civil No. 09-cv-205-JD

New Hampshire Motor Speedway, Inc.,  
Breann M. Thompson, and Textron, Inc.

v.

Textron Financial Corp. and  
A.B.L., Inc.

O R D E R

Melissa Jenks, as the guardian and next friend of her husband, Roderick Jenks, and on her own behalf, sued New Hampshire Motor Speedway, Breann Thompson, and Textron, Inc., alleging negligence claims against Thompson and the Speedway and product liability claims against Textron. Jenks moves to compel Textron to provide documents that were requested on April 1, 2011, and to respond to interrogatories propounded on September 2, 2011. Textron did not file a response to the motion within the time allowed.

Under the local rules of this district, "[a]ny party filing a motion other than a dispositive motion shall certify to the court that a good faith attempt has been made to obtain concurrence in the relief sought." LR 7.1(c). Jenks's motion to

compel is not a dispositive motion and does not include a certification that she made a good faith attempt to obtain Textron's concurrence in the relief she is seeking. Because discovery disputes, if possible, should be resolved by counsel before resorting to the court, counsel are expected to confer before a motion is filed. Even when the parties have repeatedly disagreed about a matter, the certification required by LR 7.1(c) requires a last attempt to reach agreement before a motion is filed.

Conclusion

For the foregoing reasons, the plaintiff's motion to compel (document no. 135) is denied without prejudice to refile a motion to compel if that is necessary after counsel confer about the issues raised in this motion. If counsel are unable to resolve this dispute, any motion to compel must include a certification as required by LR 7.1(c).

SO ORDERED.

  
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Joseph A. DiClerico, Jr.  
United States District Judge

January 18, 2012

cc: R. Matthew Cairns, Esquire  
James M. Campbell, Esquire  
R. Peter Decato, Esquire  
Dona Feeney, Esquire  
Mark V. Franco, Esquire  
Neil A. Goldberg, Esquire  
John A.K. Grunert, Esquire  
Daniel R. Mawhinney, Esquire  
David S. Osterman, Esquire  
Christopher B. Parkerson, Esquire  
Michael D. Shalhoub, Esquire