

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SERINA MOORE, :

Plaintiff, :

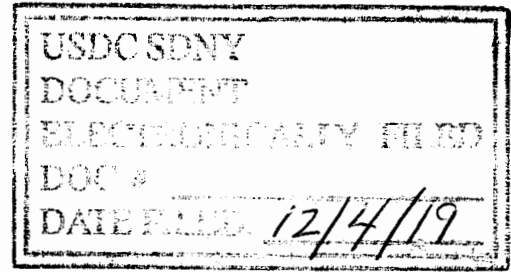
-against- :

AYMAN A. SHAHINE M.D., :

Defendant. :

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KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE



MEMORANDUM and ORDER

18-CV-463 (AT)(KNF)

Plaintiff Serina Moore (“Moore”), proceeding pro se, filed a document styled Motion to Compel, Docket Entry No. 53. The defendant opposed the motion through an affirmation submitted by his counsel, Martin B. Adams, with exhibits.

A motion to compel is made pursuant to Rule 37 of the Federal Rules of Civil Procedure. In this judicial district, no motion made pursuant to Rule 37 shall be heard unless the movant has first requested an informal conference with the Court, via a letter motion, seeking a pre-motion discovery conference and the request has either been denied or the discovery dispute has been resolved through the conference convened by the Court. See Local Civil Rule 37.2 of this court. Moore did not make an application, via letter motion, for an informal conference with the Court before filing her “Motion to Compel.”

In this judicial district, all motions must contain a: (1) notice of motion specifying the applicable rule(s) or statute(s) pursuant to which the motion is brought; and (2) memorandum of law setting forth the cases and other authorities relied upon in support of the motion. The

memorandum of law must be divided under appropriate headings into as many parts as there are issues to be determined. Supporting affidavits with exhibits thereto containing any factual information or portions of the record necessary for the decision of the motion must also be filed with the court. See Local Civil Rule 7.1(a) of this court. All oppositions to a motion must contain a memorandum of law and any supporting affidavit(s), with exhibits containing the factual information and portions of the record upon which the party opposing the motion relies. See Local Civil Rule 7.1(b) of this court. Moore did not file a notice of motion, a memorandum of law or an affidavit with any relevant exhibits, as required by Local Civil Rule 7.1 of this court.

A Fed. R. Civ. P. 37 “motion must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.” Fed. R. Civ. P. 37(a)(1). Moore failed to include the requisite certification with her motion. Moore’s failure to comply with Local Civil Rules 37.2 and 7.1 of this court and Fed. R. Civ. P. 37(a)(1) renders her motion procedurally defective. The Court is mindful that Moore is proceeding pro se in this action; however, “even *pro se* parties must adhere to the rules governing all civil proceedings.” Baker v. Ace Advertisers’ Service, Inc., 134 F.R.D. 65, 72 (S.D.N.Y. 1991).

The Court notes that the defendant’s opposition to the motion does not include a memorandum of law as required by Local Civil Rule 7.1(b) of this court. Instead, the defendant made, improperly, citation to caselaw and legal arguments through his counsel’s affirmation, a document that should contain factual information only. Therefore, the defendant’s opposition to Moore’s motion was also procedurally defective.

Owing to the procedural deficiencies in Moore's "Motion to Compel," granting Moore the relief she seeks, through that document, is not warranted. Therefore, Moore's "Motion to Compel," Docket Entry No. 53, is denied.

Dated: New York, New York
December 4, 2019

SO ORDERED:

Mailed copy to:

Serina Moore



KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE