

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:17-CV-525-FDW-DCK**

LISA A BOWEN,

Plaintiff,

v.

TSI HEALTHCARE, INC.,

Defendant.

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ORDER

THIS MATTER IS BEFORE THE COURT on “Defendant’s Motion To Compel Discovery” (Document No. 13) filed March 7, 2018. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion, the record, and applicable authority, the undersigned will deny the motion.

By the instant motion, Defendant seeks to compel Plaintiff to respond to discovery requests served on February 1, 2018. (Document No. 13, p.1). Defendant contends that responses were due on or before March 6, 2018. Id.

First, the undersigned observes that the “Case Management Order” requires parties to confer in good faith to attempt to resolve discovery disputes without Court intervention, and then to request an informal telephonic conference if they fail. See (Document No. 12, pp.4-5). Here, there has been no request for a telephone conference.

Next, the undersigned notes that the “Case Management Order” was filed on March 6, 2018, one day before the instant motion, and on the same date Defendant contends discovery

responses were due. It appears, therefore, that Defendant's motion and discovery requests may be premature. The Local Rules of this Court state in part:

official Court-enforceable discovery does not commence until issuance of the Scheduling Order. While parties are encouraged to engage in consensual discovery before such period and up to trial, the Court will only enforce discovery that is conducted within the context of the Scheduling Order or where leave is granted in accordance with LCvR 16.1(f).

Local Rule 26.1.

Based on the foregoing, the instant motion will be denied. The undersigned respectfully suggests that Defendant re-serve its discovery requests now that a Scheduling Order has been entered by the Court. See (Document No. 12; Local Rules 16.1 and 26.1). Counsel for Defendant is further advised to carefully review the Local Rules of this Court and the "Case Management Order" (Document No. 12) for this case.

IT IS, THEREFORE, ORDERED that "Defendant's Motion To Compel Discovery" (Document No. 13) is **DENIED**.

Signed: March 8, 2018



David C. Keesler
United States Magistrate Judge

