

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Dr. Denise Gates, :  
 :  
Plaintiff : Civil Action 2:08-cv-00027  
 :  
v. : Judge Frost  
 :  
Ohio University, et al., : Magistrate Judge Abel  
 :  
Defendants :

**ORDER**

Several pending motions are before the Magistrate Judge.

Plaintiff's Motion for an Order Compelling Disclosure/Discovery. Rule 37.1 of  
the Southern District of Ohio Civil Rules states:

CONSULTATION AMONG COUNSEL; INFORMAL DISCOVERY  
DISPUTE CONFERENCE. Objections, motions, applications, and requests  
relating to discovery shall not be filed in this Court, under any provision  
in Fed. R. Civ. P. 26 or 37 unless counsel have first exhausted among  
themselves all extrajudicial means for resolving the differences. After  
extrajudicial means for the resolution of differences about discovery have  
been exhausted, then in lieu of immediately filing a motion under Fed. R.  
Civ. P. 26 or 37 and S. D. Ohio Civ. R. 37.2, any party may first seek an  
informal telephone conference with the judicial officer assigned to  
supervise discovery in the case.

S.D. Oh. Civ. R. 37.1. Rule 37.2 of the Southern District of Ohio Civil Rules states:

DISCOVERY MOTIONS. To the extent that extrajudicial means of  
resolution of differences have not disposed of the matter, parties seeking  
discovery or a protective order may then move for a protective order or a  
motion to compel discovery pursuant to Fed. R. Civ. P. 26(c) or 37(a). *Such  
motion shall be accompanied by a supporting memorandum and by a certification  
of counsel setting forth the extrajudicial means which have been attempted to*

*resolve differences.* Only those specific portions of the discovery documents reasonably necessary to a resolution of the motion shall be included as an attachment to it.

S.D. Oh. Civ. R. 37.2. Because plaintiff failed to comply with Rules 37.1 and 37.2, her April 14, 2009 motion for an Order to compel defendants to respond to interrogatories (doc. 77) is DENIED.

Plaintiff's Motion for Order Compelling Defendants to Produce Documents via Pacer. Only those discovery documents necessary for the Court to rule on a motion or offered into evidence at a proceeding should be filed on Pacer. *See* S.D. Oh. Civ. R. 5.4. Plaintiff's April 14, 2009 motion for an Order compelling to produce documents via Pacer (doc. 78) is DENIED.

Defendants' Motion to Compel Discovery and/or for Sanctions and/or for extension of Discovery Cutoff. The Clerk of Court is DIRECTED to terminate defendants' April 16, 2009 motion to compel Discovery and/or for sanctions and/or for extension of discovery cutoff (doc. 80). Defendants' motion was granted in part in the May 4, 2009 Order. *See* doc. 89.

Plaintiff's Motion Regarding Discovery. Plaintiff's April 24, 2009 motion regarding discovery (doc. 84) is MOOT.

Plaintiff's Motion to Compel Discovery from Defendant Gloria Parish. Because Dr. Gates failed to comply with Rules 37.1 and 37.2, her April 24, 2009 motion to compel discovery from defendant Gloria Parish (doc. 85) is DENIED.

Motion to Set Aside Order to Deny Continuance of Depositions due to Illness.

Plaintiff's April 27, 2009 motion to set aside Order to deny continuance due to illness (doc. 87) is MOOT. Counsel for defendants has indicated that the deposition has been re-scheduled.

Motion to Compel Discovery from Gary Lockwook and Defendant Parish and/or Sanctions. Because plaintiff failed to comply with Rules 37.1 and 37.2, her May 15, 2009 motion to compel discovery from Lockwook and defendant Parish and/or sanctions (doc. 101) is DENIED.

Motion for Change of Location and Day for Deposition. Plaintiff's May 18, 2009 motion for change of location and day for deposition (doc. 104) is MOOT. Counsel for defendants have informed the Court that the deposition has been rescheduled and will take place at the Courthouse on June 10, 2009.

s/Mark R. Abel  
United States Magistrate Judge