

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JOINT TECHNOLOGY, INC. d/b/a)
REVERT SYSTEMS, an Oklahoma)
Corporation,)
)
Plaintiff-Counter Defendant,)

v.)

Case No. CIV-11-846-M

GARY KENT WEAVER, JR.,)
)
Defendant-Counter Claimant,)

GARY KENT WEAVER, JR.,)
)
Third-Party Plaintiff,)

v.)

JIM PATTON,)
)
Third-Party Defendant,)

WEAVER MEDICAL GROUP, INC.,)
)
Intervenor.)

ORDER

Before the Court is plaintiff Joint Technology, Inc. d/b/a Revert Systems’ (“Joint”) Application for Order in Aid of Discovery and Sanctions, filed December 26, 2012. On January 9, 2013, defendant Gary Kent Weaver, Jr. (“Weaver”) and Intervenor Weaver Medical Group, Inc. (“Weaver Medical”) filed their response. Based upon the parties’ submissions, the Court makes its determination.

Local Rule 37.1 provides, in pertinent part:

With respect to all motions or objections relating to discovery pursuant to Fed. R. Civ. P. 26 through 37 and 45, this Court shall refuse to hear any such motion or objection unless counsel for movant

first advises the Court in writing that counsel personally have met and conferred in good faith and, after a sincere attempt to resolve differences, have been unable to reach an accord. However, no personal conference shall be required where the movant's counsel represents to the Court in writing that movant's counsel has conferred with opposing counsel by telephone and (1) the motion or objection arises from failure to timely make a discovery response, or (2) distance between counsels' offices renders a personal conference infeasible.

In the case at bar, Joint has not advised the Court in writing that it has conferred with counsel for Weaver and Weaver Medical in good faith to resolve the discover dispute. Furthermore, Weaver and Weaver Medical contend that Joint has not conferred with Weaver and Weaver Medical's counsel. Accordingly, the Court DENIES Joint's Application for Order in Aid of Discovery and Sanctions [docket no. 84] as premature.

IT IS SO ORDERED this 30th day of January, 2013.


VICKI MILES-LGRANGE
CHIEF UNITED STATES DISTRICT JUDGE