

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

STEVEN ADRIEN OUANDJI,)
)
Plaintiff,)
)
v.)
)
VINCENT HEDGLEN and the)
UNITED STATES OF AMERICA,)
ex rel. UNITED STATES POSTAL)
SERVICE,)
)
Defendants.)

Case No. CIV-16-1303-C

MEMORANDUM OPINION AND ORDER

Now before the Court is Plaintiff’s Motion to Compel Discovery Responses. (Dkt. No. 21.) Defendant United States has responded at the Motion is now at issue.

Defendant states the parties failed to meet and confer prior to Plaintiff filing this motion to compel, in violation of Fed. R. Civ. P. 73(a)(1) and LCvR37.1 which states:

[w]ith respect to all motions or objections relating to discovery . . ., 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.

LCvR37.1. Plaintiff mischaracterizes emails regarding scheduling as a “good faith attempt to meet and confer.” (Pl.’s Mot. to Compel, Dkt. No. 21, p. 3.) The local rule does not allow for mere good faith attempts. The Court finds this unacceptable, especially when the parties met and conferred regarding Defendant’s discovery concerns only three business days after Plaintiff filed the present Motion.

Even if the issues were to be considered on their merits, Plaintiff offers no substantive arguments and Defendant shows at least two responses to interrogatories Plaintiff seeks to compel have been produced and are now moot. The Court cannot rule on the Motion as it stands. Accordingly, Plaintiff's Motion is stricken from the docket. If discovery issues remain, the parties shall meet and confer in person prior to filing a motion with the Court.

CONCLUSION

For the reasons stated, Plaintiff's Motion to Compel Discovery Responses (Dkt. No. 21) is STRICKEN.

IT IS SO ORDERED this 17th day of November, 2017.



ROBIN J. CAUTHRON
United States District Judge