

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

MELINDA B. KOJANCIE,)	
)	
Plaintiff)	
)	
vs.)	Civ. No. 09-104E
)	
KIM GABRIEL et al. ,)	
)	
Defendants,)	
)	

MEMORANDUM OPINION AND ORDER

Pending before this Court are Defendants' Motions to Compel Responses to First Request for Production of Documents and Request for Admission [Doc. ##33 and 35].

Defendants filed the discovery Motion docketed at Doc. #33 on October 21, 2010. Upon review of this Motion, it was determined by the Court that the Motion did not comply with Fed.R.Civ.P. 37(a)(1) which states:

Rule 37. Failure to Make Disclosures or to Cooperate in Discovery; Sanctions

(a) Motion for an Order Compelling Disclosure or Discovery.

(1) In General. On notice to other parties and all affected persons, a party may move for an order compelling disclosure or discovery. The 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.

Id. Specifically, the motion did include a certification as mandated by Rule 37(a)(1).

The Court's chambers contacted defense counsel and informed him that the necessary certification had not been included in the motion. Defendants then filed the discovery Motion docketed at Doc. #35. Upon review of this Motion, the Motion still does not include

a certification as mandated by Fed.R.Civ.P. 37(a)(1). Accordingly, Defendants' Motions to Compel Responses to First Request for Production of Documents and Request for Admission are denied. Said denial is without prejudice to Defendants to refile their discovery motion if it includes a certification as mandated by Fed.R.Civ.P. 37(a)(1).

AND NOW, this 26th day of October, 2010, it is hereby ORDERED, ADJUDGED, AND DECREED that Defendants' Motions to Compel Responses to First Request for Production of Documents and Request for Admission [Doc. ##33 and 35] are DENIED WITHOUT PREJUDICE.

Maurice B. Cohill, Jr.
Maurice B. Cohill, Jr.
Senior District Court Judge