

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**KRISTY FORBES, on Behalf of Herself
and All Others Similarly Situated,
*Plaintiff***

v.

**SAN GABRIEL RECOVERY
RANCH, LLC,
*Defendant***

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CIVIL NO. A-21-CV-851-LY

ORDER

Before the Court are Plaintiff’s Motion for a Discovery Conference (Dkt. 10), filed March 21, 2022, and Defendant’s Notice Concerning Plaintiff’s Request for a Discovery Conference (Dkt. 14), filed March 29, 2022. On March 24, 2022, the District Court referred all pending and future discovery motions and related motions in this case to the undersigned Magistrate Judge for resolution, pursuant to 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72, and Rule 1(c) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, as amended (“Local Rules”).

In Defendant San Gabriel Recovery Ranch, LLC’s Notice Concerning Plaintiff’s Request for a Discovery Conference, Defendant states that it “does not oppose the discovery conference.” Dkt. 14 at 1. Accordingly, Plaintiff’s Motion for a Discovery Conference (Dkt. 10) is **DISMISSED** as **MOOT**.

The Court further orders the parties to fully comply with Local Rule CV-7(g) by conferring “in a good-faith attempt to resolve the matter by agreement” before filing any future nondispositive motion. Plaintiff’s Motion includes a Certificate of Conference, but it falls short of the requirement of Local Rule CV-7(g) to certify “the specific reason that no agreement could be made.” Here, as “[i]n many instances, letters or emails alone may not be sufficient to demonstrate that a good-faith

effort was made to resolve the open issues.” *Patel v. Shipper Servs. Express*, No. 5:20-cv-00267-OLG, 2020 WL 10056291, at *1 (W.D. Tex. Oct. 19, 2020) (Garcia, C.J.). The parties are admonished that to “confer” requires the two-way communication necessary to genuinely discuss any discovery issues and avoid intervention by the Court. *Compass Bank v. Shamgochian*, 287 F.R.D. 397, 399 (S.D. Tex. 2012).

SIGNED on May 8, 2022.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE