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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 KENNETH FLEMING, *et al.*,

11 Plaintiffs,

12 v.

13 THE CORPORATION OF THE
14 PRESIDENT OF THE CHURCH OF JESUS
CHRIST OF LATTER DAY SAINTS, *et al.*,

15 Defendants.

CASE NO. C04-2338RSM

ORDER STRIKING PLAINTIFFS'
MOTION TO COMPEL

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17 This matter comes before the Court on plaintiffs' Motion to Compel. (Dkt. #50).
18 Plaintiffs essentially argue that defendants' witnesses have been refusing to answer questions
19 during deposition based on clergy-penitent privilege, which does not apply to their testimony.
20 Defendants have opposed the motion for several reasons, including the improper filing of an
21 overlength brief, and a failure to meet and confer as required by the Federal Rules of Civil
22 Procedure. (Dkt. #55).

23 Having reviewed the motion, defendants' response, plaintiffs' reply, and the remainder of
24 the record, the Court hereby finds and ORDERS:

25 (1) Plaintiffs' Motion to Compel (Dkt. #50) is STRICKEN from the record as improper.
26 This Court's Local Rules allow 12 pages for a motion of this type. Local Rule CR 7(e)(4).

ORDER GRANTING MOTION TO AMEND
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1 Plaintiffs' motion is 18 pages in length, and plaintiffs did not request permission to file such
2 overlength brief. Furthermore, plaintiffs have failed to demonstrate to the Court that they
3 actually made a good faith effort to resolve this discovery dispute prior to filing their motion to
4 compel. Defendants assert that many of the issues raised in the motion could have been resolved
5 if they had been specifically discussed prior to filing the motion, and noting that issues
6 concerning the depositions of Bishops Johansen and Coleman were never brought to their
7 attention.

8 (2) Nothing in this Order prevents plaintiffs from refileing a motion to compel of the
9 correct length, and supported by an adequate certification that a good faith effort to meet and
10 confer with opposing counsel occurred prior to refileing.

11 (3) The Clerk shall forward a copy of this Order to all counsel of record.

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14 DATED this 10th day of November, 2005.

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18 RICARDO S. MARTINEZ
19 UNITED STATES DISTRICT JUDGE
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