

1 THE HONORABLE RICHARD A. JONES

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

10 ELECTRIC MIRROR, LLC,

11 Plaintiff,

Case No. 16-0665-RAJ

12 v.

13 AVALON GLASS AND MIRROR CO.  
and GLASSWERKS LA, INC.,

**ORDER**

14 Defendants.

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16 This comes before the Court on Plaintiff's Motion to Compel. Dkt. # 96.  
17 Defendants oppose the Motion. Dkt. # 100. Federal Rule of Civil Procedure 37(a)(1)  
18 and LCR 37(a)(1) require the parties to meet and confer prior to filing a motion for an  
19 order compelling discovery. The former provides, "[t]he motion must include a  
20 certification that the movant has in good faith conferred or attempted to confer with the  
21 person or party failing to make disclosure or discovery in an effort to obtain it without  
22 court action." Fed. R. Civ. P. 37(a)(1). The latter provides:

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24 (1) *Meet and Confer Requirement.* Any motion for an order  
25 compelling disclosure or discovery must include a certification,  
26 in the motion or in a declaration or affidavit, that the movant  
27 has in good faith conferred or attempted to confer with the  
person or party failing to make disclosure or discovery in an  
effort to resolve the dispute without court action. The  
certification must list the date, manner, and participants to the  
conference. If the movant fails to include such a certification,

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1 the court may deny the motion without addressing the merits of  
2 the dispute. A good faith effort to confer with a party or person  
3 not making a disclosure or discovery requires a face-to-face  
meeting or a telephone conference.

4 W.D. Wash. Local Civ. R. 37(a)(1). This Court's Standing Order also requires that  
5 counsel contemplating the filing of a motion "shall first contact opposing counsel to  
6 discuss *thoroughly*, preferably in person, the *substance* of the contemplated motion *and*  
7 *any potential resolution*."

8 The Court and Federal and Local Rules have this requirement to minimize waste  
9 of judicial time and resources on issues that could be resolved amongst the parties. After  
10 reviewing the parties' submissions, it is clear that the issues between the parties are  
11 exactly the type of issues that the meet-and-confer requirement is tailored to address.  
12 There is no indication that the parties discussed the substance of the contemplated motion  
13 or any potential resolution. There is also no indication that the parties attempted in good  
14 faith to resolve the dispute without court action. As the parties have failed to meet and  
15 confer prior to the filing of this Motion, Plaintiff's Motion to Compel is **DENIED**.  
16 Dkt. # 96. Further, the Court has low tolerance for gamesmanship in discovery matters  
17 and finds that the sanction of attorney fees in this matter is unnecessary at this time, but  
18 may be inclined to do so in the future. Defendants' request for attorney's fees associated  
19 with responding to this Motion is **DENIED**.

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21 Dated this 14th of August, 2018.

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25 The Honorable Richard A. Jones  
26 United States District Judge  
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