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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD L. PARENTEAU, JR.,

Plaintiff,

v.

DR. BENJAMIN SANDERS,

Defendant.

Case No. 2:17-cv-888-MJP-BAT

**ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL**

Plaintiff Richard L. Parenteau moves the Court to compel the deposition on written questions of Defendant Benjamin Sanders pursuant to Rule 31 of the Federal Rules of Civil Procedure. Dkt. 16. The motion is denied without prejudice for the following reasons.

First, the motion is premature as plaintiff has failed to send notice and any written questions to defendant. Thus, there is nothing for the Court to compel. Second, before the Court will intervene in a parties' discovery dispute, the parties must first attempt to resolve the dispute. If the parties cannot agree, a party may apply to the court for an order compelling discovery after providing notice to the other parties, but the motion must also include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make the discovery in an effort to secure the information or material without court intervention. *See* Fed. R. Civ. P. 37(a)(1) and LCR 37(a)(1) Fed. R. Civ. P. 37(a)(2)(B).

Accordingly, it is **ORDERED:**

1 (1) Plaintiff's motion to compel defendant's deposition on written questions (Dkt. 17)
2 is **denied without prejudice**. If plaintiff wishes to proceed with a deposition on written
3 questions, he must first comply with the requirements of Fed. R. Civ. P. 31 and confer with
4 counsel for defendant if any dispute arises thereafter.

5 (2) The Clerk shall send a copy of this Order to Plaintiff and counsel for Defendants.

6 DATED this 15th day of December, 2017.

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9 BRIAN A. TSUCHIDA
10 United States Magistrate Judge
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