

State of Vermont
Superior Court – Environmental Division

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ENTRY REGARDING MOTION

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In re Roystan Ridge Extraction Permit
(Appeal from Town of Newbury DRB)

Docket No. 121-7-10 Vtec

Title: Motion to Compel Discovery (Filing No. 7)

Filed: November 26, 2012

Filed By: Appellant Sandra J. Soseos

Response filed on January 14, 2013 by Applicants James B. Roystan and Alma Roystan

Granted Denied Other

This Court may only grant a motion to compel discovery after the moving party has shown that they have served a specific discovery request upon another party, that the other party has refused to satisfy the specific discovery request, and that the moving party has “attempted to confer [with the other party] about the discovery issues between them in detail in a good faith effort to eliminate or reduce the area of controversy, and to arrive at a mutually satisfactory resolution.” V.R.C.P. 26(h).

We are unaware of whether Appellant Soseos has taken any of these steps, since we have no certifications from her. Rule 26 contemplates that parties will first make good faith efforts to resolve discovery disputes before asking that a court intervene or order conformance with a specific discovery request. Id. Without any representations that Appellant Soseos has complied with Rule 26, we must **DENY** her motion.

Thomas S. Durkin, Judge

February 6, 2013
Date

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Date copies sent: _____

Clerk's Initials: _____

Copies sent to:

- Attorney Colin Robinson for Appellees James B. Roystan and Alma Roystan
- Appellant Sandra J. Soseos
- Attorney Gavin A. Reid for Interested Person Town of Newbury