

Motions to Compel



Judge Brailsford does not generally refer discovery disputes or non-dispositive motions to a magistrate judge. It is the Judge's preference that these motions remain on her docket.

Judge Brailsford requires the parties to strictly comply with the meet and confer requirements of Local Rule 37.1. Although emails or letters may, in some rare cases, satisfy the meet and confer requirement depending upon the complexity of the dispute, an in-person, telephonic, or video conference is almost always necessary to satisfy the Rule.

If a dispute remains after the parties have met and conferred, Judge Brailsford will not entertain any written discovery motions until the Court has been provided with an opportunity to informally mediate the parties' dispute. To facilitate that mediation, the attorneys must first contact the law clerk assigned to the case. The law clerk will outline a procedure whereby the parties can provide the Court with a brief written summary of the dispute and their respective positions. The law clerk will then conduct an informal telephone conference with counsel where the law clerk may be able to offer suggestions that will resolve the dispute without the need for the Judge's involvement.

If necessary, an off-the-record telephonic conference with Judge Brailsford will then be scheduled as soon as possible. The Judge will seek to resolve the dispute during that conference and may enter appropriate orders on the basis of the conference. Judge Brailsford will not entertain any discovery motion and written briefing unless the parties are unable to resolve the dispute during the conference. And, prior to filing any written discovery motions, counsel must certify, not only that they have complied with Local Rule 37.1, but that they have complied with all of the foregoing procedures.

If mediation efforts are unsuccessful, and the parties are permitted to file a written discovery motion, the motion will be handled with very limited briefing and on an expedited schedule. The Judge's goal is to have all discovery disputes resolved, by mediation or written decision, within 7 days after the dispute arises.