

CIVIL RULE 37.1

~~DISCOVERY DISPUTES -- MEET AND~~ DEFINITION OF CONFER ~~REQUIREMENT~~

~~Unless otherwise ordered, the Court will not entertain any discovery motion, except those brought pursuant to Federal Rule of Civil Procedure 26(e) by a person who is not a party, unless the moving party through counsel or the self-represented litigant, files with the Court, at the time of filing the motion, a statement showing that the party making the motion has made a reasonable effort to reach agreement with opposing attorneys or self-represented litigant on the matters set forth in the motion.~~

To confer means to speak directly with opposing counsel or a self-represented litigant in person or by telephone, to identify and discuss disputed issues and to make a reasonable effort to resolve the disputed issues. The sending of an electronic or voice-mail communication does not satisfy the requirement to “confer.”

In cases involving pro se prisoners, written communication satisfies the confer requirement.

RELATED AUTHORITY

Fed. R. Civ. P. 26(f), 37(a)(~~B~~)1

Advisory Committee Notes

This rule does not prevent or prohibit the use of written communication to resolve disputes. However, if disputes are not resolved via written communication, counsel or self-represented litigants (except pro se prisoners) must attempt to confer in person or by telephone prior to a motion to compel being filed.

Counsel or self-represented litigants have a duty to respond on a reasonable amount of time to a request to confer and to be reasonably available to confer.