

U.S. Magistrate Judge Allison Claire
United States District Court, Eastern District of California
501 I Street, Courtroom #26, 8th Floor
Sacramento, California 95914

Informal Telephonic Conferences re Discovery Disputes

Upon order of the court in an appropriate case, or by agreement of the parties, Judge Claire will resolve discovery disputes outside the formal Local Rule 251 procedures by conducting an informal telephonic conference. Parties wishing to avail themselves of this option should follow the procedure outlined below.

A party with a discovery dispute shall first confer with the opposing party in a good faith effort to resolve the dispute without court action. **The parties must meet and confer in person or via telephone or video conferencing.** If such efforts fail, the prospective moving party may contact the courtroom deputy, Jonathan Anderson, at janderson@caed.uscourts.gov or (916) 930-4199 to request an informal telephonic conference with Judge Claire. The prospective moving party, after having conferred with the opposing party and secured agreement to pursue informal resolution, shall advise the court of the dates and times in the next 3-14 days when all concerned parties are available for a telephonic conference. The court will then issue a minute order advising counsel of the time and date of the telephonic conference. The parties shall promptly provide the courtroom deputy with landline numbers where they can be reached at the time of the telephonic conference.

At least 24 hours before the telephonic conference, unless a different deadline is set in the minute order, the parties shall file a **joint letter** briefly explaining what meet and confer efforts they have undertaken and providing a **synopsis** of the discovery dispute. The joint letter brief shall be no more than 2 pages in length, including any exhibits or attachments (which are discouraged), and shall be in at least 12-point type. Pages exceeding this limit will not be

considered. The letter shall be emailed to acorders@caed.uscourts.gov. No paper courtesy copy is required, and the letter should not be filed on the docket.

After the telephonic conference, the court may issue a minute order ruling on the issues presented. Alternatively, if it is determined that further briefing is needed to satisfactorily resolve the dispute, the court may order the parties to file formal briefing pursuant to Local Rule 251. This informal process is **not** a prerequisite to the filing of a motion. Rather, it is intended to offer an alternative method of discovery dispute resolution for relatively narrow disputes. Counsel should request this informal process only for disputes that in counsel's view are amenable to resolution on the basis of a letter brief and telephonic conference, without the need for a further record. Should the court or any party conclude during the conference that a fully briefed motion is preferable, no ruling will issue and a motion may be brought subject to the operative case scheduling order.

Informal telephonic conferences, as described above, will not be held on the record. However, parties are cautioned that the court will maintain the power to issue monetary and other sanctions during such conferences, including for failures to meet and confer in good faith or abuses of the discovery process. Implementation of these telephonic conferences will under no circumstances give the parties a "free pass" to gain the court's audience on every minor discovery disagreement that may arise. If the telephonic conferences are abused, sanctions will issue.