

U.S. Magistrate Judge Deborah Barnes
United States District Court, Eastern District of California
501 I Street, Courtroom #27, 8th Floor
Sacramento, California 95814

Informal Telephonic Conferences re Discovery Disputes

Upon order of the court in an appropriate case, or by agreement of the parties, Judge Barnes 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 (i.e. in voice to voice dialogue; other forms of communication are not sufficient). If such efforts fail, the prospective moving party may contact the undersigned's courtroom deputy, Pete Buzo, at pbuzo@caed.uscourts.gov or (916) 930-4128 to request an informal telephonic conference with Judge Barnes. 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, as well instruction on how to connect to the conference line.

At least 48 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 dborders@caed.uscourts.gov. No paper courtesy copy is required.

After the telephonic conference, the court may issue an 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.

Informal telephonic conferences, as described above, will not necessarily be 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.