

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

| | | |
|----|------------|--|
| | Plaintiff, | |
| v. | | |
| | Defendant. | |

ORDER

Informal Telephonic Conferences re Discovery Disputes

Upon order of the court in an appropriate case, or by agreement of the parties, Judge Newman will resolve discovery disputes outside the formal Local Rule 251 procedures by conducting an informal telephonic conference.

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. If such efforts fail, the prospective moving party may contact the undersigned’s courtroom deputy, Alexandra Waldrop, at awaldrop@caed.uscourts.gov or (916) 930-4187 to request an informal telephonic conference with Judge Newman. The prospective moving party, after having conferred with the opposing party, 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

1 telephonic conference. The parties shall promptly provide the courtroom deputy with landline
2 numbers where they can be reached at the time of the telephonic conference.

3 Unless a different deadline is set in the minute order, the parties shall file a joint letter
4 briefly explaining what meet and confer efforts they have undertaken and providing a synopsis of
5 the discovery dispute no later than 24 hours prior to the telephonic conference. The joint letter
6 brief shall be no more than 2 pages in length, including any exhibits or attachments, and shall be
7 in at least 12-point type. Pages exceeding this limit will not be considered.

8 After the telephonic conference, the court may issue an order ruling on the issues
9 presented. Alternatively, if it is determined that further briefing is need to satisfactorily resolve
10 certain issues, the court may order the parties to file formal briefing as to those issues pursuant to
11 Local Rule 251.

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

18
19
20
21
22
23
24
25
26
27
28