

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

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States,)	No. CV 11-00698-PHX-FJM
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
James Leslie Reading, et al.,)	
)	
Defendants.)	
)	

We have before us defendants' corrected motion to compel discovery (doc. 44) and plaintiff's response (doc. 49). Defendants seek an order compelling plaintiff to respond to discovery requests and extending the dispositive motion deadline to May 26, 2012.

April 11, 2012 was the deadline for the completion of all discovery. (Doc. 22 ¶ 6). Plaintiff responded to defendants' interrogatories on March 2. Defendants contend the responses were insufficient, but waited until March 29 to file their first motion to compel discovery. A motion which complied with the page limit set forth in our scheduling order was filed April 4. The discovery completion date expired before plaintiff's response to the motion was due. Plaintiff filed a response which failed to comply with our scheduling order. Defendants' reply also failed to comply with our scheduling order. We ordered plaintiff to file a two-page response by April 30 and gave the defendants seven days from plaintiff's filing to reply in two pages. Defendants did not reply.

Defendants failed to include a certification pursuant to Rule 37(a)(1), Fed. R. Civ. P.,

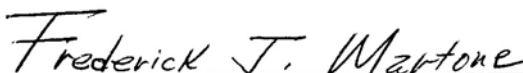
1 that they attempted in good faith to confer with plaintiff. They also failed to comply with
2 LRCiv 7.2(j), which states that no discovery motion will be considered unless moving
3 counsel attaches a statement certifying that after personal consultation and sincere efforts,
4 counsel have been unable to successfully resolve the matter.

5 Defendants also failed to comply with LRCiv 37.1. When a motion to compel is filed
6 based on a party's failure to answer an interrogatory, the movant must set forth the
7 interrogatory submitted, the response received, and the reasons why the response is deficient.
8 This information was not included in defendants' motion to compel or in a separate statement.
9 While the interrogatories and answers were attached, defendants do not provide reasons why
10 they consider responses deficient. Plaintiff objected to all interrogatories, but submitted
11 documents it claimed were responsive to the questions. Because there was not a "complete
12 and total failure to respond," LRCiv 37.1(b) is inapplicable and the foregoing information
13 is required.

14 A pretrial scheduling order may be modified only for good cause. Rule 16(b)(4), Fed.
15 R. Civ. P.; Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 608 (9th Cir. 1992). Our
16 Rule 16 scheduling order cautioned the parties that the deadlines in the order would be
17 strictly enforced. Defendants have not demonstrated good cause to amend the Rule 16 order.

18 **IT IS ORDERED DENYING** defendants' motion to compel (doc. 44).

19 DATED this 10th day of May, 2012.

20
21 
22 _____
23 Frederick J. Martone
24 United States District Judge
25
26
27
28