

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION, et al.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	2:03-CV-237-PRC
	)	
U.S. BELL CORPORATION, et al.	)	
	)	
	)	
Defendants.	)	
_____	)	

ORDER

This matter is before the Court on Plaintiff Equal Employment Opportunity Commission's Motion to Compel Defendants' Responses to Fourth Request for Production of Documents [DE 65], filed by the Plaintiff EEOC on November 8, 2004.

The EEOC represents that on September 15, 2004, the EEOC served upon Defendants its Fourth Request for Production of Documents. On October 28, 2004, counsel for the EEOC sent a letter to Defendants' counsel inquiring about Defendants' response. As of the filing of the motion, counsel for the Defendants had not received a response to that letter.

Federal Rule of Civil Procedure 37(2)(B) provides in relevant part:

If . . . a party, in response to a request for inspection submitted under Rule 34, fails to respond that inspection will be permitted as requested or fails to permit inspection as requested, the discovering party may move for an order compelling an answer, or a designation, or an order compelling inspection in accordance with the request. The motion must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make the discovery in an effort to secure the information or material without court action.

Fed. R. Civ. P. 37. Additionally, Local Rule 37.1 provides:

Any certification required to be made under Fed. R. Civ. P. 26(c), 37(a)(2)(A), 37(a)(2)(B), and 37(d) shall recite, in addition to the information required under the appropriate Federal Rule, the date, time, and place of the conference or attempted conference and the names of all persons participating therein.

Local Rule 37.1(a).

Although the Plaintiff sent one letter to counsel for the Defendants regarding the Fourth Request for Documents and then waited approximately one week prior to filing the Motion to Compel, the Court finds that the Plaintiff has not made a sufficient attempt to resolve this discovery dispute informally before requesting the intervention of the Court.

Accordingly, the Court now **DENIES without prejudice** the Plaintiff Equal Employment Opportunity Commission's Motion to Compel Defendants' Responses to Fourth Request for Production of Documents [DE 65].

So ORDERED this 9th day of November, 2004.

s/ Paul R. Cherry \_\_\_\_\_  
MAGISTRATE JUDGE PAUL R. CHERRY  
UNITED STATES DISTRICT COURT

cc: All counsel of record