

Guidelines for Discovery Meet and Confer Requirements

Before filing any motion related to discovery, counsel for the moving party shall confer with counsel for the opposing party in a good faith effort to resolve by agreement the issues raised and shall file with the Court at the time of filing the motion a statement certifying that counsel has so conferred with opposing counsel and that counsel have been unable to resolve this dispute (“Certification”).

- (1) The requirement for the moving party to “confer” within the meaning of Local Rule 7026-1(d) requires such party to, at a minimum, afford counsel for the non-moving party twenty-four hours to respond, absent extraordinary circumstances. Counsel for the moving party must make at least two attempts to contact the non-moving party, with a minimum of one telephonic attempt, before filing a motion without having actually conferred. In such an event, the Certification shall identify each attempt to reach the non-moving party, identifying the time of the attempt and the means employed for each attempt, as well as any applicable extraordinary circumstances.
- (2) As a general rule, exchanges of email or other correspondence alone do not constitute a proper conferral within the meaning of this rule.
- (3) The failure of a moving party to properly confer prior to filing a discovery motion pursuant to this rule may subject the filer to sanctions.
- (4) The refusal of a non-moving party to engage in a conferral, when the moving party has attempted to confer in good faith, may subject the non-moving party to sanctions in the form of fees and costs incurred in filing the motion.