

## PRE-TRIAL DISCOVERY CONFERENCE

### Dept. 10 Hon. Julia Campins

Dept. 10 entertains requests for a Pre-Trial Discovery Conference (“PDC”) in order to resolve discovery disputes without the need for a formal motion. The goal is to informally resolve discovery disputes within 30 days without the need for formal motion briefing or a formal motion hearing.

Counsel requesting a PDC shall review the following guidance prior to requesting a PDC:

- A PDC can arise in one of two ways:
  - The parties request a PDC prior to the filing of a Motion to Compel
    - In this scenario the parties shall stipulate that the time to file a formal motion is tolled from the period the stipulation requesting a PDC is submitted to the time the PDC is held or the request for a PDC is denied, whichever is earlier.
  - The Court notes that multiple Motions to Compel have been filed in a single case and contacts the parties to see if they will agree to a PDC.
    - In this scenario, if the parties jointly agree to a PDC, the Court will vacate the hearing date. If the issues do not resolve at the PDC, the Court will re-calendar the hearing with preference, giving sufficient time to the responding party to file an opposition but with a goal not to prejudice the filing party as to the hearing date.
- The Court will only conduct a PDC for the following types of disputes:
  - Disputes over the adequacy of responses or the completeness of responses (i.e., disputes that would give rise to motions to compel further responses to interrogatories or further responses to production of documents, etc.).
  - Disputes relating to protective orders.
  - Disputes relating to issues of privilege.
  - Disputes relating to depositions subpoenas such as whom the subpoena is directed at or the scope of the deposition.
  - Disputes relating to independent medical examinations.
- The Court will not conduct a PDC:
  - If one or more of the parties to the dispute is self-represented.
  - If the dispute involves a motion to compel where no discovery responses were timely served (“straight motions to compel”).
- Upon submission of a stipulation jointly requesting a PDC, the parties must set forth the following:
  - A description in detail of all meet and confer efforts including any narrowing of the issues or resolutions reached via these efforts. If the parties have not participated in an actual face-to-face meeting, video remote conference, and/or telephone call, the Court does not consider that a sufficient meet and confer. In other words, the mere exchange of letters and emails are not sufficient.
  - A brief summary of the dispute, including the facts and legal arguments at issue.
  - If the dispute involves a privilege issue, the parties shall submit a privilege log from the party asserting the privilege.
  - No other pleadings, exhibits, declarations or other attachments should be attached or included.

- If the Court determines that a PDC would be helpful, the Court will contact the parties and schedule a PDC within 30 days.
  - The parties should continue their meet and confer efforts in order to narrow the issues to be discussed at the PDC.
  - Five court days before the PDC, the parties shall submit a joint letter brief (not to exceed five pages) setting forth the remaining issues and the parties' positions.
  - The Court will hold the PDC in chambers with just the attorneys, without a court reporter. Attorneys with authority to resolve the issue(s) are ordered to be in-person.
  - At the conclusion of the PDC, the attorneys will have three options:
    - The parties agree to resolve the discovery dispute(s).
    - The parties agree not to object to an order of the Court and the matter will be resolved.
    - There is no resolution and one or more of the parties may file a formal discovery motion.
  - The results of the PDC will be set forth in a minute order by the clerk of the Court.
  - If the matter is resolved at the PDC, sanctions will not be awarded. If the matter proceeds to a formal discovery motion, the parties may request the time spent preparing for and participating in the PDC in any request for a monetary sanction that accompanies a formal discovery motion.