

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

WILLIAM E. LANCELLOTTI :  
 :  
 v. : C.A. No. 13-029S  
 :  
 GENERAL GROWTH :  
 PROPERTIES, et al. :

**DISCOVERY MANAGEMENT ORDER**

This is a straight-forward slip and fall case filed in early 2013. After a Rule 16 Conference held on May 13, 2013, the Court entered a Scheduling Order providing the parties with six months to complete fact discovery. Shortly before the close of fact discovery, Plaintiff filed four Motions to Strike Objections and Compel Discovery Responses from Defendants. (Document No. 24-27). Defendants filed timely Objections. (Document Nos. 29-30, 32-33). Plaintiff has also moved for a ninety-day extension of the fact discovery deadline. (Document No. 28). Plaintiff has not yet conducted any depositions. Id. at p. 2.

In the Motions to Compel, Plaintiff’s counsel summarily certifies that he made a “good faith effort” to resolve these disputes without Court intervention. (See, e.g., Document No. 26 at p. 18). In response, Defendant AlliedBarton asserts that the timing of Plaintiff’s Motions to Compel are “wholly inappropriate,” in part, because “Plaintiff’s counsel did not make a reasonable attempt to confer with [Defendant’s counsel] to resolve this matter prior to serving his motions.” (Document Nos. 32 and 33 at p. 2).

Other than boilerplate certification of compliance, Plaintiff’s counsel does not describe his efforts to resolve these discovery disputes in any way i.e., were the efforts by phone? Email? Face

to face? How much time was spent? Was anything actually resolved? etc. This is a straightforward slip and fall case, and this Court seriously doubts that this is the first premises liability case of this nature handled by the experienced litigators involved on both sides of this case. Since litigating discovery disputes contributes significantly to delay and increased litigation expenses, the parties are better served by taking a reasonable and cooperative approach to discovery and resorting to motion practice as a last resort. Further, the Court suspects that Plaintiff's Motions were triggered primarily by the approach of the fact discovery deadline and not by the exhaustion of good faith efforts to resolve the disputes without Court intervention as required by Fed. R. Civ. P. 37(a)(1). Pursuant to the Court's inherent authority under Fed. R. Civ. P. 16, 26 and 37(a)(1), Plaintiff's counsel and Defendants' counsel are ordered to meet face-to-face and to confer in good faith in an effort to resolve all of the disputes presented in these pending discovery Motions. This meeting shall be held within fourteen (14) days of the date of this Order or at any other mutually agreeable date. Within seven (7) days following this meeting, counsel are directed to submit a joint report (not exceeding five pages) to the Court summarizing the efforts to resolve the disputes presented in the pending Motions and advising the Court as to the remaining items (if any) in dispute after the meeting. After reviewing the report, the Court will take the matter under advisement and take further action on the Motions as deemed appropriate.

SO ORDERED

/s/ Lincoln D. Almond  
LINCOLN D. ALMOND  
United States Magistrate Judge  
November 20, 2013