

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

| | | |
|----------------------------|---|------------------|
| RHONDA MORTON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 3:04-CV-278 |
| |) | (JORDAN/SHIRLEY) |
| ADVANCE PCS, INC., et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by Order [Doc. 35] of the Honorable Leon Jordan, United States District Judge, for disposition of Plaintiff's Motion for an Order Compelling Discovery and Other Appropriate Sanctions [Doc. 31]. The Court held a hearing on this motion on February 13, 2006. Present on behalf of the plaintiff was attorney David Hamilton. Present on behalf of the defendants were attorneys Keith Frazier and Kathryn Caudle.

The plaintiff's motion fails to include a certification that she has in good faith conferred or attempted to confer in good faith with the defendants in an effort to resolve their discovery disputes without court action, see Fed. R. Civ. P. 37(a)(2)(B), and the Court finds that the parties have failed to adequately confer on these issues. Accordingly, Plaintiff's Motion for an Order Compelling Discovery and Other Appropriate Sanctions [Doc. 31] is **DENIED**. The parties are hereby **DIRECTED** to confer with each other in good faith in an effort to resolve their discovery

disputes without further court action. The plaintiff shall have leave to re-file her motion if the parties are unable in good faith to resolve their differences.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge