

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

JAMES McKINNON

v.

JOSE DELGADO, et al.

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PRISONER  
Case No. 3:03CV71 (JGM)

RULING AND ORDER

Pending are four motions filed by plaintiff and one motion filed by defendants.

I. Motion for Copy [Dkt. #88]

Plaintiff seeks a copy of his third amended complaint. Plaintiff's motion [dkt. #88] is granted. The Clerk is directed to send plaintiff a copy of the third amended complaint with this ruling.

II. Motion for Settlement Conference [Dkt. #93]

Plaintiff asks the court to schedule a settlement conference in this case. Counsel for defendants has informed the court that a settlement conference would be beneficial. Accordingly, plaintiff's motion [dkt. #93] is granted. The parties will be informed of the date of the conference when it is scheduled.

III. Motion to Compel [Dkt. #102]

Plaintiff moves to compel defendants to respond to outstanding discovery requests. Rule 37, D. Conn. L. Civ. R., provides in relevant part:

No motion pursuant to Rules 26 through 37, Fed. R. Civ. P.,

shall be filed unless counsel making the motion has conferred with opposing counsel and discussed the discovery issues between them in detail in a good faith effort to eliminate or reduce the area of controversy, and to arrive at a mutually satisfactory resolution.

The purpose of this rule is to encourage the parties to make a good faith effort to resolve the dispute without the intervention of the court. See Getschmann v. James River Paper Co., Inc., 5:92 CV 163 (WWE), at 2 (D. Conn. January 14, 1993)(court should not “become unnecessarily involved in disputes that can and should be resolved by the parties.”). In addition, Local Rule 37(a)3 requires that any discovery motion be accompanied by a memorandum of law “contain[ing] a concise statement of the nature of the case and a specific verbatim listing of each of the items of discovery sought or opposed, and immediately following each specification shall set forth the reason why the item should be allowed or disallowed.” Copies of the discovery requests must be included as exhibits.

In his motion, plaintiff states: “Plaintiff has contacted defendants’ counsel and made a good faith effort to obtain responses to the discovery request.” Although he references an attached letter, he did not attach any letter to his motion or memorandum or further describe his attempted resolution of this matter. Without more information, the court cannot determine whether plaintiff has made a good faith effort to resolve this dispute. In addition, plaintiff has not attached a copy of his discovery request or indicated the relevance of each disputed item as required by Local Rule 37(a)3. Thus, his motion and memorandum are deficient. Accordingly, his motion [dkt. #102] is denied. Even if plaintiff’s motion were in proper form, the motion would be denied at this time. Defendants state that they have requested copies of the outstanding

discovery requests from plaintiff and the court has afforded them additional time to comply with the requests.

IV. Motion for Entry of Default [Dkt. #108]

Plaintiff asks the court to enter the default of defendants for failure to file their answer to the amended complaint within the time specified by the court. On September 6, 2005, the court denied plaintiff's motions for default and default judgment without prejudice to renewal if defendants did not file their answer by September 29, 2005. (See Dkt. #87.) Defendants filed their answer on September 13, 2005. (See Dkt. #90.) Thus, defendants have complied with the court's order. Plaintiff's motion for entry of default [dkt. #108] is denied.

V. Motion for Extension of Time [Dkt. #103]

Defendants seek an extension of time, until December 23, 2005, to file their response to plaintiff's motion for summary judgment and an extension, *nunc pro tunc*, of three weeks to respond to discovery requests. Defendants state that Assistant Attorney General Henri Alexandre currently is in settlement negotiations concerning all of plaintiff's cases. In light of the information provided by defendants, and the fact that the court has granted plaintiff's motion for settlement conference, defendants' motion [dkt. #103] is granted over plaintiff's objection.

IV. Conclusion

Plaintiff's motions for a copy of the third amended complaint [dkt. #88] and to schedule a settlement conference [dkt. #93] are **GRANTED**. Plaintiff's motions to compel [dkt. #102] and for entry of default [dkt. #108] are **DENIED**. Defendants'

motion for extension of time [dkt. #103] is **GRANTED**. The Clerk is directed to send plaintiff a copy of his third amended complaint with this ruling.

**SO ORDERED** this 23rd day of November, 2005, at New Haven, Connecticut.

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JOAN G. MARGOLIS  
UNITED STATES MAGISTRATE JUDGE