

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

JOHN FERNANDEZ,  
Plaintiff,

v.

CAPTAIN DOUGHERTY, ET AL.,  
Defendants.

No. 3:17cv414 (VAB)

**RULING ON PENDING MOTIONS**

John Fernandez (“Plaintiff”), is currently confined at Carl Robinson Correctional Institution. He has filed a motion to compel and a motion for extension of time. For the reasons set forth below, the motion to compel is **DENIED** and the motion for extension of time is **GRANTED**.

**I. Motion to Compel**

Mr. Fernandez moves to compel Captain Dougherty to respond to his December 11, 2017 request for production of documents. In response to the motion, Counsel for Defendant Dougherty (“Counsel”) states that he did not receive the request for production of documents from Mr. Fernandez until Mr. Fernandez filed the motion to compel and attached a copy of the request to the motion. *See* Obj. Mot. Compel, ECF No. 23. Counsel indicates that, as of February 28, 2018, he had produced documents in response to the request, but was still in the process of finalizing redactions to an incident report to be produced to Mr. Fernandez. *See id.* & n.1.

The motion to compel is deficient in three ways. First, under this Court’s Chambers’ Practices, parties should first request a discovery conference if there is a dispute. Only following

the discovery conference should a party seek to compel.

Second, a party may seek the assistance of the Court with regard to a discovery matter, only after he has complied with the provisions of Rule 37(a) of the Federal Rules of Civil Procedure. Under this rule, a motion to compel must include a certification that the party has made an attempt to confer “with the person or party failing to make disclosure” in a good faith effort to resolve the discovery dispute without the intervention of the court. Fed. R. Civ. P. 37(a)(1). Mr. Fernandez did not attach a certification indicating that he attempted to contact counsel and resolve this discovery dispute before filing the motion to compel.

Third, Local Rule 37(b)(1) of the District of Connecticut’s Local Civil Rules requires that any motion to compel filed with the court be accompanied by copies of the discovery requests in dispute and a detailed memorandum of law containing the specific items of discovery sought or opposed and an explanation of why each item should be permitted or not permitted. Although Mr. Fernandez attaches a copy of the request for production to the motion to compel, he has not filed a memorandum in support of the motion. Accordingly, the motion does not comply with Local Rule 37(b)(1).

For all of the reasons above, the motion to compel is denied.<sup>1</sup>

## **II. MOTION FOR EXTENSION OF TIME**

Mr. Fernandez also requests an extension of the deadline for completion of discovery to serve interrogatories on Captain Dougherty. The most recent discovery deadline was February

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<sup>1</sup> The court notes that Mr. Fernandez has filed a reply to the objection to the motion to compel in which he “objects” to some of the responses to the request for production of documents. To the extent that Mr. Fernandez is not satisfied with the responses to his request for production of documents, he must, as required by Fed. R. Civ. P. 37(a)(1), attempt to communicate with Counsel in a good faith effort to resolve any disputes and to obtain the documents he has requested before seeking the Court’s intervention in the matter.

15, 2018, and the deadline for filing summary judgment motions was March 14, 2018. *See* Order, ECF No. 18. Neither party has moved to extend the deadline

Mr. Fernandez claims that he could not draft the interrogatories until he received a response to his request for production of documents. As indicated above, counsel served Mr. Fernandez with the responses to the production request on or shortly after February 28, 2018. Counsel has not filed an objection to the motion for extension of time.

Accordingly, the Court will extend the deadlines *sua sponte* in this case as follows:

- Responses to outstanding discovery requests due by September 28, 2018.
- Completion of Discovery due by November 2, 2018.
- The Court will hold a telephonic status conference on November 8, 2018 at 11:30 a.m. Once all counsel are on the line, please call Chambers at (203) 579-5562.
- Dispositive motions, if any, due by January 18, 2019.

### **III. CONCLUSION**

The Motion to Compel, **ECF No. 19**, is **DENIED**. The Motion for Extension of Time ECF No. 25 seeking to extend the deadline to complete discovery in order to permit Mr. Fernandez to serve interrogatories on Captain Dougherty is **GRANTED**. The Court adopts the schedule stated above.

**SO ORDERED** at Bridgeport, Connecticut, this 17th day of August, 2018.

/s/ Victor A. Bolden  
VICTOR A. BOLDEN  
UNITED STATES DISTRICT JUDGE